

HB1158



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1158

Introduced 2/17/2021, by Rep. Emanuel Chris Welch

SYNOPSIS AS INTRODUCED:

105 ILCS 5/1A-4

from Ch. 122, par. 1A-4

Amends the School Code. Makes a technical change in a Section concerning the powers and duties of the State Board of Education.

LRB102 03174 CMG 13187 b

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section
5 1A-4 as follows:

6 (105 ILCS 5/1A-4) (from Ch. 122, par. 1A-4)

7 Sec. 1A-4. Powers and duties of the Board.

8 A. (Blank).

9 B. The ~~The~~ Board shall determine the qualifications of and
10 appoint a chief education officer, to be known as the State
11 Superintendent of Education, who may be proposed by the
12 Governor and who shall serve at the pleasure of the Board and
13 pursuant to a performance-based contract linked to statewide
14 student performance and academic improvement within Illinois
15 schools. Upon expiration or buyout of the contract of the
16 State Superintendent of Education in office on the effective
17 date of this amendatory Act of the 93rd General Assembly, a
18 State Superintendent of Education shall be appointed by a
19 State Board of Education that includes the 7 new Board members
20 who were appointed to fill seats of members whose terms were
21 terminated on the effective date of this amendatory Act of the
22 93rd General Assembly. Thereafter, a State Superintendent of
23 Education must, at a minimum, be appointed at the beginning of

1 each term of a Governor after that Governor has made
2 appointments to the Board. A performance-based contract issued
3 for the employment of a State Superintendent of Education
4 entered into on or after the effective date of this amendatory
5 Act of the 93rd General Assembly must expire no later than
6 February 1, 2007, and subsequent contracts must expire no
7 later than February 1 each 4 years thereafter. No contract
8 shall be extended or renewed beyond February 1, 2007 and
9 February 1 each 4 years thereafter, but a State Superintendent
10 of Education shall serve until his or her successor is
11 appointed. Each contract entered into on or before January 8,
12 2007 with a State Superintendent of Education must provide
13 that the State Board of Education may terminate the contract
14 for cause, and the State Board of Education shall not
15 thereafter be liable for further payments under the contract.
16 With regard to this amendatory Act of the 93rd General
17 Assembly, it is the intent of the General Assembly that,
18 beginning with the Governor who takes office on the second
19 Monday of January, 2007, a State Superintendent of Education
20 be appointed at the beginning of each term of a Governor after
21 that Governor has made appointments to the Board. The State
22 Superintendent of Education shall not serve as a member of the
23 State Board of Education. The Board shall set the compensation
24 of the State Superintendent of Education who shall serve as
25 the Board's chief executive officer. The Board shall also
26 establish the duties, powers and responsibilities of the State

1 Superintendent, which shall be included in the State
2 Superintendent's performance-based contract along with the
3 goals and indicators of student performance and academic
4 improvement used to measure the performance and effectiveness
5 of the State Superintendent. The State Board of Education may
6 delegate to the State Superintendent of Education the
7 authority to act on the Board's behalf, provided such
8 delegation is made pursuant to adopted board policy or the
9 powers delegated are ministerial in nature. The State Board
10 may not delegate authority under this Section to the State
11 Superintendent to (1) nonrecognize school districts, (2)
12 withhold State payments as a penalty, or (3) make final
13 decisions under the contested case provisions of the Illinois
14 Administrative Procedure Act unless otherwise provided by law.

15 C. The powers and duties of the State Board of Education
16 shall encompass all duties delegated to the Office of
17 Superintendent of Public Instruction on January 12, 1975,
18 except as the law providing for such powers and duties is
19 thereafter amended, and such other powers and duties as the
20 General Assembly shall designate. The Board shall be
21 responsible for the educational policies and guidelines for
22 public schools, pre-school through grade 12 and Vocational
23 Education in the State of Illinois. The Board shall analyze
24 the present and future aims, needs, and requirements of
25 education in the State of Illinois and recommend to the
26 General Assembly the powers which should be exercised by the

1 Board. The Board shall recommend the passage and the
2 legislation necessary to determine the appropriate
3 relationship between the Board and local boards of education
4 and the various State agencies and shall recommend desirable
5 modifications in the laws which affect schools.

6 D. Two members of the Board shall be appointed by the
7 chairperson to serve on a standing joint Education Committee,
8 2 others shall be appointed from the Board of Higher
9 Education, 2 others shall be appointed by the chairperson of
10 the Illinois Community College Board, and 2 others shall be
11 appointed by the chairperson of the Human Resource Investment
12 Council. The Committee shall be responsible for making
13 recommendations concerning the submission of any workforce
14 development plan or workforce training program required by
15 federal law or under any block grant authority. The Committee
16 will be responsible for developing policy on matters of mutual
17 concern to elementary, secondary and higher education such as
18 Occupational and Career Education, Teacher Preparation and
19 Certification, Educational Finance, Articulation between
20 Elementary, Secondary and Higher Education and Research and
21 Planning. The joint Education Committee shall meet at least
22 quarterly and submit an annual report of its findings,
23 conclusions, and recommendations to the State Board of
24 Education, the Board of Higher Education, the Illinois
25 Community College Board, the Human Resource Investment
26 Council, the Governor, and the General Assembly. All meetings

1 of this Committee shall be official meetings for reimbursement
2 under this Act. On the effective date of this amendatory Act of
3 the 95th General Assembly, the Joint Education Committee is
4 abolished.

5 E. Five members of the Board shall constitute a quorum. A
6 majority vote of the members appointed, confirmed and serving
7 on the Board is required to approve any action, except that the
8 7 new Board members who were appointed to fill seats of members
9 whose terms were terminated on the effective date of this
10 amendatory act of the 93rd General Assembly may vote to
11 approve actions when appointed and serving.

12 Using the most recently available data, the Board shall
13 prepare and submit to the General Assembly and the Governor on
14 or before January 14, 1976 and annually thereafter a report or
15 reports of its findings and recommendations. Such annual
16 report shall contain a separate section which provides a
17 critique and analysis of the status of education in Illinois
18 and which identifies its specific problems and recommends
19 express solutions therefor. Such annual report also shall
20 contain the following information for the preceding year
21 ending on June 30: each act or omission of a school district of
22 which the State Board of Education has knowledge as a
23 consequence of scheduled, approved visits and which
24 constituted a failure by the district to comply with
25 applicable State or federal laws or regulations relating to
26 public education, the name of such district, the date or dates

1 on which the State Board of Education notified the school
2 district of such act or omission, and what action, if any, the
3 school district took with respect thereto after being notified
4 thereof by the State Board of Education. The report shall also
5 include the statewide high school dropout rate by grade level,
6 sex and race and the annual student dropout rate of and the
7 number of students who graduate from, transfer from or
8 otherwise leave bilingual programs. The Auditor General shall
9 annually perform a compliance audit of the State Board of
10 Education's performance of the reporting duty imposed by this
11 amendatory Act of 1986. A regular system of communication with
12 other directly related State agencies shall be implemented.

13 The requirement for reporting to the General Assembly
14 shall be satisfied by filing copies of the report with the
15 Speaker, the Minority Leader and the Clerk of the House of
16 Representatives and the President, the Minority Leader and the
17 Secretary of the Senate and the Legislative Council, as
18 required by Section 3.1 of the General Assembly Organization
19 Act, and filing such additional copies with the State
20 Government Report Distribution Center for the General Assembly
21 as is required under paragraph (t) of Section 7 of the State
22 Library Act.

23 F. Upon appointment of the 7 new Board members who were
24 appointed to fill seats of members whose terms were terminated
25 on the effective date of this amendatory Act of the 93rd
26 General Assembly, the Board shall review all of its current

1 rules in an effort to streamline procedures, improve
2 efficiency, and eliminate unnecessary forms and paperwork.

3 (Source: P.A. 95-626, eff. 6-1-08; 95-793, eff. 1-1-09.)