

# HB4760



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

**HB4760**

Introduced 1/27/2022, by Rep. La Shawn K. Ford

### 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 25537 CMG 34828 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.)