



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/6/2004, by Tom Cross

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.

LRB093 19953 NHT 45697 b

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. Upon the appointment of new Board members as provided in
9 subsection (b) of Section 1A-1 of this Code and every 2 years
10 thereafter, the chairperson of the Board shall be selected by
11 the Governor, with the advice and consent of the Senate, from
12 the membership of the Board to serve as chairperson for 2
13 years.

14 B. The Board shall determine the qualifications of and
15 appoint a chief education officer to be known as the State
16 Superintendent of Education who shall serve at the pleasure of
17 the Board and pursuant to a performance-based contract linked
18 to statewide student performance and academic improvement
19 within Illinois schools. No performance-based contract issued
20 for the employment of the State Superintendent of Education
21 shall be for a term longer than 3 years and no contract shall
22 be extended or renewed prior to its scheduled expiration unless
23 the performance and improvement goals contained in the contract
24 have been met. The State Superintendent of Education shall not
25 serve as a member of the State Board of Education. The Board
26 shall set the compensation of the State Superintendent of
27 Education who shall serve as the Board's chief executive
28 officer. The Board shall also establish the duties, powers and
29 responsibilities of the State Superintendent, which shall be
30 included in the State Superintendent's performance-based
31 contract along with the goals and indicators of student
32 performance and academic improvement used to measure the

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

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

29 D. Two members of the Board shall be appointed by the
30 chairperson to serve on a standing joint Education Committee, 2
31 others shall be appointed from the Board of Higher Education, 2
32 others shall be appointed by the chairperson of the Illinois
33 Community College Board, and 2 others shall be appointed by the
34 chairperson of the Human Resource Investment Council. The
35 Committee shall be responsible for making recommendations
36 concerning the submission of any workforce development plan or

1 workforce training program required by federal law or under any
2 block grant authority. The Committee will be responsible for
3 developing policy on matters of mutual concern to elementary,
4 secondary and higher education such as Occupational and Career
5 Education, Teacher Preparation and Certification, Educational
6 Finance, Articulation between Elementary, Secondary and Higher
7 Education and Research and Planning. The joint Education
8 Committee shall meet at least quarterly and submit an annual
9 report of its findings, conclusions, and recommendations to the
10 State Board of Education, the Board of Higher Education, the
11 Illinois Community College Board, the Human Resource
12 Investment Council, the Governor, and the General Assembly. All
13 meetings of this Committee shall be official meetings for
14 reimbursement under this Act.

15 E. Five members of the Board shall constitute a quorum. A
16 majority vote of the members appointed, confirmed and serving
17 on the Board is required to approve any action.

18 The Board shall prepare and submit to the General Assembly
19 and the Governor on or before January 14, 1976 and annually
20 thereafter a report or reports of its findings and
21 recommendations. Such annual report shall contain a separate
22 section which provides a critique and analysis of the status of
23 education in Illinois and which identifies its specific
24 problems and recommends express solutions therefor. Such
25 annual report also shall contain the following information for
26 the preceding year ending on June 30: each act or omission of a
27 school district of which the State Board of Education has
28 knowledge as a consequence of scheduled, approved visits and
29 which constituted a failure by the district to comply with
30 applicable State or federal laws or regulations relating to
31 public education, the name of such district, the date or dates
32 on which the State Board of Education notified the school
33 district of such act or omission, and what action, if any, the
34 school district took with respect thereto after being notified
35 thereof by the State Board of Education. The report shall also
36 include the statewide high school dropout rate by grade level,

1 sex and race and the annual student dropout rate of and the
2 number of students who graduate from, transfer from or
3 otherwise leave bilingual programs. The Auditor General shall
4 annually perform a compliance audit of the State Board of
5 Education's performance of the reporting duty imposed by this
6 amendatory Act of 1986. A regular system of communication with
7 other directly related State agencies shall be implemented.

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

18 (Source: P.A. 89-430, eff. 12-15-95; 89-610, eff. 8-6-96;
19 89-698, eff. 1-14-97; 90-548, eff. 1-1-98.)