

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 Civil Administrative Code of Illinois is
5 amended by changing Sections 5-15 and 5-20 and adding Section
6 5-338 as follows:

7 (20 ILCS 5/5-15) (was 20 ILCS 5/3)

8 Sec. 5-15. Departments of State government. The
9 Departments of State government are created as follows:

10 The Department on Aging.

11 The Department of Agriculture.

12 The Department of Central Management Services.

13 The Department of Children and Family Services.

14 The Department of Commerce and Community Affairs.

15 The Department of Corrections.

16 The Department of Education.

17 The Department of Employment Security.

18 The Department of Financial Institutions.

19 The Department of Human Rights.

20 The Department of Human Services.

21 The Department of Insurance.

22 The Department of Labor.

23 The Department of the Lottery.

24 The Department of Natural Resources.

25 The Department of Nuclear Safety.

26 The Department of Professional Regulation.

27 The Department of Public Aid.

28 The Department of Public Health.

29 The Department of Revenue.

30 The Department of State Police.

31 The Department of Transportation.

1 The Department of Veterans' Affairs.

2 (Source: P.A. 91-239, eff. 1-1-00.)

3 (20 ILCS 5/5-20) (was 20 ILCS 5/4)

4 Sec. 5-20. Heads of departments. Each department shall
5 have an officer as its head who shall be known as director or
6 secretary and who shall, subject to the provisions of the
7 Civil Administrative Code of Illinois, execute the powers and
8 discharge the duties vested by law in his or her respective
9 department.

10 The following officers are hereby created:

11 Director of Aging, for the Department on Aging.

12 Director of Agriculture, for the Department of
13 Agriculture.

14 Director of Central Management Services, for the
15 Department of Central Management Services.

16 Director of Children and Family Services, for the
17 Department of Children and Family Services.

18 Director of Commerce and Community Affairs, for the
19 Department of Commerce and Community Affairs.

20 Director of Corrections, for the Department of
21 Corrections.

22 Secretary of Education, for the Department of Education.

23 Director of Employment Security, for the Department of
24 Employment Security.

25 Director of Financial Institutions, for the Department of
26 Financial Institutions.

27 Director of Human Rights, for the Department of Human
28 Rights.

29 Secretary of Human Services, for the Department of Human
30 Services.

31 Director of Insurance, for the Department of Insurance.

32 Director of Labor, for the Department of Labor.

33 Director of the Lottery, for the Department of the

1 Lottery.

2 Director of Natural Resources, for the Department of
3 Natural Resources.

4 Director of Nuclear Safety, for the Department of Nuclear
5 Safety.

6 Director of Professional Regulation, for the Department
7 of Professional Regulation.

8 Director of Public Aid, for the Department of Public Aid.

9 Director of Public Health, for the Department of Public
10 Health.

11 Director of Revenue, for the Department of Revenue.

12 Director of State Police, for the Department of State
13 Police.

14 Secretary of Transportation, for the Department of
15 Transportation.

16 Director of Veterans' Affairs, for the Department of
17 Veterans' Affairs.

18 (Source: P.A. 91-239, eff. 1-1-00.)

19 (20 ILCS 5/5-338 new)

20 Sec. 5-338. In the Department of Education. The
21 Secretary of Education shall receive an annual salary as set
22 by the Governor from time to time or as set by the
23 Compensation Review Board, whichever is greater.

24 Section 10. The School Code is amended by adding Section
25 1A-0.01 and changing Section 1A-4 as follows:

26 (105 ILCS 5/1A-0.01 new)

27 Sec. 1A-0.01. Former State Board of Education and State
28 Superintendent of Education.

29 (a) On the effective date of this amendatory Act of the
30 93rd General Assembly, all powers and duties of the State
31 Board of Education shall be transferred to the Department of

1 Education and all powers and duties of the State
2 Superintendent of Education shall be transferred to the
3 Secretary of Education.

4 (b) References in this Code or any other law to the
5 State Board of Education shall be deemed to refer to the
6 Department of Education. References in this Code or any other
7 law to the State Superintendent of Education shall be deemed
8 to refer to the Secretary of Education.

9 (c) All rules, standards, and procedures adopted by the
10 State Board of Education shall continue in effect as the
11 rules, standards, and procedures of the Department of
12 Education, until they are modified or abolished by the
13 Department. All rules, standards, and procedures adopted by
14 the State Superintendent of Education shall continue in
15 effect as the rules, standards, and procedures of the
16 Secretary of Education, until they are modified or abolished
17 by the Secretary.

18 (d) All books, records, funds, and other property of any
19 kind or nature belonging or in any way appertaining to the
20 State Board of Education shall be transferred and paid over
21 to the Department of Education. All books, records, funds,
22 and other property of any kind or nature belonging or in any
23 way appertaining to the State Superintendent of Education
24 shall be transferred and paid over to the Secretary of
25 Education.

26 (105 ILCS 5/1A-4) (from Ch. 122, par. 1A-4)

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

28 A. (Blank). ~~Upon the appointment of new Board members as~~
29 ~~provided in subsection (b) of Section 1A-1 and every 2 years~~
30 ~~thereafter, the chairperson of the Board shall be selected by~~
31 ~~the Governor, with the advice and consent of the Senate, from~~
32 ~~the membership of the Board to serve as chairperson for 2~~
33 ~~years.~~

1 B. (Blank). The Board shall determine the qualifications
2 of and appoint a chief education officer to be known as the
3 State Superintendent of Education who shall serve at the
4 pleasure of the Board and pursuant to a performance-based
5 contract linked to statewide student performance and academic
6 improvement within Illinois schools. No performance-based
7 contract issued for the employment of the State
8 Superintendent of Education shall be for a term longer than 3
9 years and no contract shall be extended or renewed prior to
10 its scheduled expiration unless the performance and
11 improvement goals contained in the contract have been met.
12 The State Superintendent of Education shall not serve as a
13 member of the State Board of Education. The Board shall set
14 the compensation of the State Superintendent of Education who
15 shall serve as the Board's chief executive officer. The Board
16 shall also establish the duties, powers and responsibilities
17 of the State Superintendent, which shall be included in the
18 State Superintendent's performance-based contract along with
19 the goals and indicators of student performance and academic
20 improvement used to measure the performance and effectiveness
21 of the State Superintendent. The State Board of Education may
22 delegate to the State Superintendent of Education the
23 authority to act on the Board's behalf, provided such
24 delegation is made pursuant to adopted board policy or the
25 powers delegated are ministerial in nature. The State Board
26 may not delegate authority under this Section to the State
27 Superintendent to (1) nonrecognize school districts, (2)
28 withhold State payments as a penalty, or (3) make final
29 decisions under the contested case provisions of the Illinois
30 Administrative Procedure Act unless otherwise provided by
31 law.

32 C. The powers and duties of the State Board of Education
33 shall encompass all duties delegated to the Office of
34 Superintendent of Public Instruction on January 12, 1975,

1 except as the law providing for such powers and duties is
2 thereafter amended, and such other powers and duties as the
3 General Assembly shall designate. The Board shall be
4 responsible for the educational policies and guidelines for
5 public schools, pre-school through grade 12 and Vocational
6 Education in the State of Illinois. The Board shall analyze
7 the present and future aims, needs, and requirements of
8 education in the State of Illinois and recommend to the
9 General Assembly the powers which should be exercised by the
10 Board. The Board shall recommend the passage and the
11 legislation necessary to determine the appropriate
12 relationship between the Board and local boards of education
13 and the various State agencies and shall recommend desirable
14 modifications in the laws which affect schools.

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

1 Investment Council, the Governor, and the General Assembly.
2 All meetings of this Committee shall be official meetings for
3 reimbursement under this Act.

4 ~~E. Five members of the Board shall constitute a quorum.~~
5 ~~A majority vote of the members appointed, confirmed and~~
6 ~~serving on the Board is required to approve any action.~~ The
7 Board shall prepare and submit to the General Assembly and
8 the Governor on or before January 14, 1976 and annually
9 thereafter a report or reports of its findings and
10 recommendations. Such annual report shall contain a separate
11 section which provides a critique and analysis of the status
12 of education in Illinois and which identifies its specific
13 problems and recommends express solutions therefor. Such
14 annual report also shall contain the following information
15 for the preceding year ending on June 30: each act or
16 omission of a school district of which the State Board of
17 Education has knowledge as a consequence of scheduled,
18 approved visits and which constituted a failure by the
19 district to comply with applicable State or federal laws or
20 regulations relating to public education, the name of such
21 district, the date or dates on which the State Board of
22 Education notified the school district of such act or
23 omission, and what action, if any, the school district took
24 with respect thereto after being notified thereof by the
25 State Board of Education. The report shall also include the
26 statewide high school dropout rate by grade level, sex and
27 race and the annual student dropout rate of and the number of
28 students who graduate from, transfer from or otherwise leave
29 bilingual programs. The Auditor General shall annually
30 perform a compliance audit of the State Board of Education's
31 performance of the reporting duty imposed by this amendatory
32 Act of 1986. A regular system of communication with other
33 directly related State agencies shall be implemented.

34 The requirement for reporting to the General Assembly

1 shall be satisfied by filing copies of the report with the
2 Speaker, the Minority Leader and the Clerk of the House of
3 Representatives and the President, the Minority Leader and
4 the Secretary of the Senate and the Legislative Council, as
5 required by Section 3.1 of the General Assembly Organization
6 Act, and filing such additional copies with the State
7 Government Report Distribution Center for the General
8 Assembly as is required under paragraph (t) of Section 7 of
9 the State Library Act.

10 (Source: P.A. 89-430, eff. 12-15-95; 89-610, eff. 8-6-96;
11 89-698, eff. 1-14-97; 90-548, eff. 1-1-98.)

12 (105 ILCS 5/1A-1 rep.)

13 (105 ILCS 5/1A-2 rep.)

14 (105 ILCS 5/1A-2.1 rep.)

15 Section 15. The School Code is amended by repealing
16 Sections 1A-1, 1A-2, and 1A-2.1.