



Rep. Robert Rita

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09500HB1466ham003

LRB095 08544 RAS 35917 a

1 AMENDMENT TO HOUSE BILL 1466

2 AMENDMENT NO. _____. Amend House Bill 1466, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The School Code is amended by adding Section
6 1A-12 as follows:

7 (105 ILCS 5/1A-12 new)

8 Sec. 1A-12. Powers of the State Board in assisting schools
9 and districts deemed in management difficulties.

10 (a) In this Section:

11 "Board" means a local board of education.

12 "Chairperson" means the Chairperson of the Panel
13 appointed pursuant to this Section.

14 "District" does not include a school district
15 organized under Article 34 of this Code.

16 "Management Oversight Panel" or "Panel" means a

1 Management Oversight Panel created under this Section.

2 "State Board" means the State Board of Education.

3 "State Superintendent" means the State Superintendent
4 of Education.

5 (b) To promote the managerial integrity of school
6 districts, the State Board shall have the necessary powers to
7 promote sound management of Illinois public schools. The State
8 Board, after the State Board's proper investigation of a school
9 district's condition, may certify that a district is in
10 management difficulty if the district has been engaged in a
11 continuing and repeated pattern of documented and
12 substantiated mismanagement, which includes any instance where
13 the school or district has been engaged in documented and
14 substantiated acts of mismanagement in regard to hiring
15 practices, including without limitation the hiring of persons
16 who do not meet minimal certification requirements for the
17 positions being filled whether due to the submission of
18 falsified credentials or simply a lack of credentials, that has
19 placed the academic integrity of the school or district in
20 question or has placed students in physical danger and that is
21 determined to be in need of intervention by the State Board,
22 but does not include the hiring of persons without the specific
23 qualifications for a position due to the unavailability of
24 persons possessing those specific qualifications, such as in
25 areas of teacher shortages.

26 (c) A district must not be certified to be in management

1 difficulty if the sole basis for mismanagement is the failure
2 of the county to make a distribution of property tax money due
3 to the district at the time the distribution is due.

4 (d) When a district is first certified to be in management
5 difficulty, the State Board may do each of the following:

6 (1) Require the school district to develop, adopt, and
7 submit a district management improvement plan within 45
8 days after certification. The plan must be developed to
9 address the acts of mismanagement that caused the district
10 to be certified in management difficulty. Within 14 days
11 after certifying a district to be in management difficulty,
12 the State Superintendent shall provide the board a summary
13 of management issues to be addressed in the plan. The plan
14 must be approved by the State Superintendent.

15 (2) Advise the district on recommended or suggested
16 methods of improving managerial success consistent with
17 the district's management improvement plan approved by the
18 State Board.

19 A district certified to be in management difficulty shall
20 report to the State Board, at such times and in such manner as
21 the State Superintendent may direct, concerning the district's
22 compliance with its approved management plan. The State Board
23 may review the district's operations and may obtain or require
24 the district to produce reports or any other information in the
25 possession of the district that it deems relevant. A district
26 shall remain certified in management difficulty until the

1 district clearly demonstrates to the satisfaction of the State
2 Board that the circumstances leading to the certification no
3 longer exist; or, if the State Board determines that a district
4 has failed to comply with its management plan, the State Board
5 may rescind approval of the plan and appoint a Management
6 Oversight Panel for the district. This action shall be taken
7 only after the district has been given notice and an
8 opportunity to appear before the State Board to discuss its
9 failure to comply with its management plan.

10 (e) Within 10 days after the State Board has placed a
11 district under a Management Oversight Panel, the State
12 Superintendent shall approve the appointment of 5 members to
13 serve at the State Superintendent's pleasure. One member shall
14 be appointed by the union representing a plurality of the
15 district's employees; in the absence of a plurality, the union
16 appointment shall be filled by the State Superintendent. Two
17 members shall be appointed by the State Superintendent, one of
18 whom must be an attorney. Two members shall be appointed by the
19 Regional Superintendent of Schools with jurisdiction over the
20 district, both of whom must live in the school district. The
21 State Superintendent shall designate one of the members of the
22 Panel to serve as its Chairperson. In the event of vacancy or
23 resignation, the State Superintendent shall appoint a
24 successor within 10 days after receiving notice of the vacancy
25 or resignation.

26 Members of the Panel shall be selected on the basis of

1 their experience and education in areas identified as needed. A
2 member of the Panel may not have a direct financial interest in
3 the district for which the Panel is constituted, nor may a
4 member be a board member or employee of that district, except
5 that a member who is appointed by or as a representative of a
6 union representing district employees may be an employee of the
7 district.

8 Panel members shall serve without compensation, but may be
9 reimbursed for travel and other necessary expenses incurred in
10 the performance of their official duties by the State Board.
11 The amount reimbursed to Panel members for their expenses shall
12 be charged to the school district.

13 The first meeting of the Panel shall be held at the call of
14 the Chairperson. The Panel may elect such other officers as it
15 deems appropriate. The Panel shall prescribe the times and
16 places for its meetings and the manner in which regular and
17 special meetings may be called and shall comply with the Open
18 Meetings Act. Three members of the Panel shall constitute a
19 quorum, and the affirmative vote of 3 members shall be
20 necessary for any decision or action to be taken by the Panel.

21 The Panel and the State Superintendent shall cooperate with
22 each other in the exercise of their respective powers. The
23 Panel shall report not later than September 1 annually to the
24 State Superintendent with respect to its activities and the
25 condition of the school district for the previous school year.

26 The Panel may exercise veto power over board decisions

1 concerning the district, in an effort to ensure that the
2 district management improvement plan is implemented as needed.

3 The purposes of the Panel shall be to exercise control over
4 the district and to furnish management assistance so that the
5 district can provide public education within the district's
6 jurisdiction while permitting the district to meet its
7 obligations for sound management practice. Except as expressly
8 limited by this Section, the Panel shall have those powers
9 necessary to meet its responsibilities and to carry out its
10 purposes and the purposes of this Section, including without
11 limitation all of the following powers, provided that the Panel
12 shall have no power to violate any statutory provision, to
13 impair any contract or obligation of the district, including
14 collective bargaining agreements, or to terminate any employee
15 without following the statutory procedures for such
16 terminations set forth in this Code, the relevant rules of the
17 State Board, and the procedures of the collective bargaining
18 agreement covering the employee:

19 (1) To sue and to be sued.

20 (2) To make and execute contracts, leases, subleases,
21 and all other instruments or agreements necessary or
22 convenient for the exercise of the powers and functions
23 granted by this Section.

24 (3) To purchase real or personal property necessary or
25 convenient for its purposes; to execute and deliver deeds
26 for real property held in its own name; and to sell, lease,

1 or otherwise dispose of such of its property as, in the
2 judgment of the Panel, is no longer necessary for its
3 purposes.

4 (4) To appoint officers, agents, and employees of the
5 Panel, including all of the following, to administer and
6 manage, under the direction of the Panel, the operations
7 and educational programs of the district, in accordance
8 with this Section and all other provisions of this Code; to
9 define their duties and qualifications; and to fix their
10 compensation and employee benefits.

11 (A) Chief executive officer. The Panel may appoint
12 a chief executive officer who, under the direction of
13 the Panel, shall supervise the Panel's staff,
14 including the chief educational officer and the chief
15 fiscal officer, and shall have ultimate responsibility
16 for implementing the policies, procedures, directives,
17 and decisions of the Panel.

18 (B) Chief educational officer. The Panel may at a
19 regular or special meeting find that cause exists to
20 cancel the contract of the school district's
21 superintendent who is serving at the time the Panel is
22 established. If there is no superintendent, then the
23 Panel shall, following consultation with the district,
24 employ a chief educational officer for the district,
25 who shall have all of the powers and duties of a school
26 district superintendent under this Code and such other

1 duties as may be assigned by the Panel in accordance
2 with this Code. The chief educational officer shall
3 report to the Panel or the chief executive officer
4 appointed by the Panel. The district shall not employ a
5 superintendent during the period that a chief
6 educational officer is serving in the district. The
7 chief educational officer shall hold a certificate
8 with a superintendent's endorsement issued pursuant to
9 Article 21 of this Code.

10 (C) Chief fiscal officer. The Panel may appoint a
11 chief fiscal officer who, under the direction of the
12 Panel, shall have all of the powers and duties of the
13 district's chief school business official and any
14 other duties regarding budgeting, accounting, and
15 other financial matters that are assigned by the Panel,
16 in accordance with this Code. The district may not
17 employ a chief school business official during the
18 period that the chief fiscal officer is serving in the
19 district. The chief fiscal officer may, but is not
20 required to, hold a certificate with a chief school
21 business official's endorsement issued under Article
22 21 of this Code.

23 (5) To transfer to the district such sums of money as
24 are not required for other purposes.

25 (6) To procure all necessary goods and services for the
26 Panel in compliance with the purchasing laws and

1 requirements applicable to the district.

2 (7) To take action on behalf of the district, as the
3 Panel deems necessary and in accordance with this Section
4 and all other provisions of this Code, based on the
5 recommendation of, if applicable, the chief executive
6 officer, chief educational officer, or chief fiscal
7 officer; the district shall be bound by such action in all
8 respects as if the action had been approved by the district
9 itself.

10 (8) To do any and all things necessary or convenient to
11 carry out its purposes and exercise the powers given to it
12 by this Section.

13 (9) To provide for its organization and internal
14 management.

15 (10) To require and approve a school district financial
16 plan and academic plan, if the Panel deems it necessary,
17 and to monitor the school district's compliance with these
18 plans.

19 (11) To approve and require revisions of the school
20 district budget.

21 (12) To approve all contracts and other obligations, as
22 the Panel deems necessary and appropriate.

23 (13) To request that the Regional Superintendent of
24 Schools make appointments to fill all vacancies on the
25 board, as provided in Section 10-10 of this Code.

26 (14) To engage the services of consultants for

1 rendering professional and technical assistance and advice
2 on matters within the Panel's power.

3 (15) To contract for and to accept any gifts, grants,
4 or loans of funds or property or financial or other aid in
5 any form from the federal government, State government, a
6 unit of local government, a school district, or any agency
7 or instrumentality thereof or from any other private or
8 public source and to comply with the terms and conditions
9 thereof.

10 (16) To pay the expenses of its operations based on the
11 Panel's budget as approved by the State Superintendent from
12 the district's general State aid.

13 (17) To require a board member training plan, in
14 conjunction with one or more statewide school management
15 organizations.

16 (18) To require the development of a district
17 management improvement plan or revision of an existing
18 district management improvement plan if the Panel deems it
19 necessary and to monitor the district's compliance with the
20 management improvement plan.

21 (19) To provide assistance to the district with
22 developing a staffing needs analysis and plan, in
23 cooperation with the board, that can address (i)
24 performance of an analysis of critical staffing needs
25 within the district to support any district improvement
26 plans, (ii) development of a strategy for attracting

1 candidates and posting positions to meet the district's
2 critical staffing needs, and (iii) approving and
3 monitoring of the school district's policies and
4 procedures for conducting hiring.

5 (20) To develop a plan for maintenance, repair, and
6 improvement of district facilities (including, but not
7 limited to, buildings used for instructional and
8 administrative functions, indoor and outdoor recreational
9 facilities, landscaping, parking, and infrastructure
10 related to traffic circulation) and the correction of any
11 violations of the Health/Life Safety Code for existing
12 facilities.

13 (f) If the State Board has appointed a Financial Oversight
14 Panel to a school district and subsequently places the same
15 district under a Management Oversight Panel or if the State
16 Board has appointed a Management Oversight Panel for a district
17 and subsequently places the same district under a Financial
18 Oversight Panel, the State Superintendent shall create a new
19 Panel and appoint 5 members to serve at the State
20 Superintendent's pleasure. The Panel shall accrue all the
21 necessary powers and duties of a Financial Oversight Panel and
22 a Management Oversight Panel. The State Superintendent shall
23 designate one of the members of the Panel to serve as its
24 chairperson. In the event of vacancy or resignation, the State
25 Superintendent shall appoint a successor within 10 days after
26 receiving notice of the vacancy or resignation. Members of the

1 Panel shall be selected on the basis of their experience and
2 education in areas identified as needed. A member of the Panel
3 may not have a direct financial interest in the district for
4 which the Panel is constituted, nor may a member be a board
5 member or employee of that district, except that a member who
6 is appointed as a representative of a union representing
7 district employees may be an employee of the district.

8 Section 90. The State Mandates Act is amended by adding
9 Section 8.31 as follows:

10 (30 ILCS 805/8.31 new)

11 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8
12 of this Act, no reimbursement by the State is required for the
13 implementation of any mandate created by this amendatory Act of
14 the 95th General Assembly."