

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 3. The Governor's Office of Management and Budget  
5 Act is amended by changing Section 6 as follows:

6 (20 ILCS 3005/6) (from Ch. 127, par. 416)

7 Sec. 6. In performing its responsibility under Section 2.1,  
8 to assist the Governor in submitting a recommended budget, the  
9 Office shall:

10 (a) Distribute to all state agencies the proper blanks  
11 necessary to the preparation of budget estimates, which blanks  
12 shall be in such form as shall be prescribed by the Director,  
13 to procure, among other things, information as to the revenues  
14 and expenditures for the preceding fiscal year, the  
15 appropriations made by the General Assembly for the preceding  
16 fiscal year, the expenditures therefrom, obligations incurred  
17 thereon, and the amounts unobligated and unexpended, an  
18 estimate of the revenues and expenditures of the current fiscal  
19 year, and an estimate of the revenues and amounts needed for  
20 the respective departments and offices for the next succeeding  
21 fiscal year.

22 (b) Require from each state agency its estimate of receipts  
23 and expenditures for the succeeding fiscal year, accompanied by

1 a statement in writing giving facts and explanation of reasons  
2 for each item of expenditure requested. Anything submitted by  
3 the State Board of Education to the Governor or the Governor's  
4 Office of Management and Budget under this Act must also be  
5 submitted simultaneously to the General Assembly by filing a  
6 copy with the Secretary of the Senate and the Clerk of the  
7 House of Representatives.

8 (c) Make, at the discretion of the Director, further  
9 inquiries and investigations as to any item desired.

10 (d) Approve, disapprove or alter the estimates.

11 (Source: P.A. 93-25, eff. 6-20-03.)

12 Section 5. The School Code is amended by changing Sections  
13 1A-1, 1A-2, 1A-2.1, and 1A-4 and by adding Sections 1A-12 and  
14 1A-13 as follows:

15 (105 ILCS 5/1A-1) (from Ch. 122, par. 1A-1)

16 Sec. 1A-1. Members and terms.

17 (a) (Blank).

18 (a-5) In this Section, "ex parte communication" means any  
19 written or oral communication by any person that imparts or  
20 requests material information or makes a material argument  
21 regarding potential action concerning regulatory, quasi  
22 regulatory, investment, or licensing matters pending before or  
23 under consideration by the State Board of Education. "Ex parte  
24 communication" does not include (i) statements by a person

1 publicly made in a public forum, (ii) statements regarding  
2 matters of procedure and practice, such as format, the number  
3 of copies required, the manner of filing, and the status of a  
4 matter, and (iii) statements made by an employee of the State  
5 Board of Education to the agency head of the State Board of  
6 Education or to other employees of the State Board of  
7 Education.

8 (a-10) The term of each member of the State Board of  
9 Education who is in office on the effective date of this  
10 amendatory Act of the 95th General Assembly shall terminate  
11 when all of the new members initially to be appointed under  
12 this amendatory Act of the 95th General Assembly have taken  
13 office. Persons whose terms are terminated under this  
14 subsection (a-10) may be reappointed to serve on the State  
15 Board of Education under subsection (b) of this Section.

16 (b) The State Board of Education shall consist of 8 members  
17 and a chairperson, who shall be appointed, with the advice and  
18 consent of the Senate, by the Governor with the assistance of a  
19 Nomination Panel or by a Nomination Panel if the Governor does  
20 not act within the 30 days allotted, as provided in subsection  
21 (c-5) of this Section, ~~with the advice and consent of the~~  
22 ~~Senate~~ from a pattern of regional representation as follows: 2  
23 appointees shall be selected from among those counties of the  
24 State other than Cook County and the 5 counties contiguous to  
25 Cook County; 2 appointees shall be selected from Cook County,  
26 one of whom shall be a resident of the City of Chicago and one

1 of whom shall be a resident of that part of Cook County which  
2 lies outside the city limits of Chicago; 2 appointees shall be  
3 selected from among the 5 counties of the State that are  
4 contiguous to Cook County; and 3 members shall be selected as  
5 members-at-large (one of which shall be the chairperson). With  
6 respect to these appointments, one member of the State Board of  
7 Education must be a former school board member, one member must  
8 be a former district superintendent, one member must be a  
9 former teacher, and one member must have significant business  
10 experience. The Governor who takes office on the second Monday  
11 of January after his or her election shall be the person who  
12 appoints ~~nominates~~ members ~~to fill vacancies~~ whose terms begin  
13 after that date ~~and before the term of the next Governor~~  
14 ~~begins.~~

15 The members of the State Board of Education initially  
16 appointed under this amendatory Act of the 95th General  
17 Assembly shall serve for the following terms:

18 (1) The member of the State Board of Education from  
19 Cook County who is not a resident of the City of Chicago  
20 shall serve for a term that expires on the second Wednesday  
21 of January, 2010 and until his or her successor is  
22 appointed and has qualified.

23 (2) One of the members of the State Board of Education  
24 from a county other than Cook County and the 5 counties  
25 contiguous to Cook County, as determined by lot, shall  
26 serve for a term that expires on the second Wednesday of

1 January, 2010 and until his or her successor is appointed  
2 and has qualified.

3 (3) One of the members-at-large who is not the  
4 chairperson, as determined by lot, shall serve for a term  
5 that expires on the second Wednesday of January, 2010 and  
6 until his or her successor is appointed and has qualified.

7 (4) The member of the State Board of Education who is a  
8 resident of the City of Chicago shall serve for a term that  
9 expires on the second Wednesday of January, 2012 and until  
10 his or her successor is appointed and has qualified.

11 (5) One of the members of the State Board of Education  
12 from any one of the 5 counties of the State that are  
13 contiguous to Cook County, as determined by lot, shall  
14 serve for a term that expires on the second Wednesday of  
15 January, 2012 and until his or her successor is appointed  
16 and has qualified.

17 (6) The other member-at-large who is not the  
18 chairperson shall serve for a term that expires on the  
19 second Wednesday of January, 2012 and until his or her  
20 successor is appointed and has qualified.

21 (7) The other member of the State Board of Education  
22 who is from a county other than Cook County and the 5  
23 counties contiguous to Cook County shall serve for a term  
24 that expires on the second Wednesday of January, 2014 and  
25 until his or her successor is appointed and has qualified.

26 (8) The other member of the State Board of Education

1 who is from any one of the 5 counties of the State that are  
2 contiguous to Cook County shall serve for a term that  
3 expires on the second Wednesday of January, 2014 and until  
4 his or her successor is appointed and has qualified.

5 (9) The member of the State Board of Education who is  
6 the chairperson shall serve for a term that expires on the  
7 second Wednesday of January, 2014 and until his or her  
8 successor is appointed and has qualified.

9 ~~The term of each member of the State Board of Education~~  
10 ~~whose term expires on January 12, 2005 shall instead terminate~~  
11 ~~on the effective date of this amendatory Act of the 93rd~~  
12 ~~General Assembly. Of these 3 seats, (i) the member initially~~  
13 ~~appointed pursuant to this amendatory Act of the 93rd General~~  
14 ~~Assembly whose seat was vacant on April 27, 2004 shall serve~~  
15 ~~until the second Wednesday of January, 2009 and (ii) the other~~  
16 ~~2 members initially appointed pursuant to this amendatory Act~~  
17 ~~of the 93rd General Assembly shall serve until the second~~  
18 ~~Wednesday of January, 2007.~~

19 ~~The term of the member of the State Board of Education~~  
20 ~~whose seat was vacant on April 27, 2004 and whose term expires~~  
21 ~~on January 10, 2007 shall instead terminate on the effective~~  
22 ~~date of this amendatory Act of the 93rd General Assembly. The~~  
23 ~~member initially appointed pursuant to this amendatory Act of~~  
24 ~~the 93rd General Assembly to fill this seat shall be the~~  
25 ~~chairperson and shall serve until the second Wednesday of~~  
26 ~~January, 2007.~~

1       ~~The term of the member of the State Board of Education~~  
2 ~~whose seat was vacant on May 28, 2004 but after April 27, 2004~~  
3 ~~and whose term expires on January 10, 2007 shall instead~~  
4 ~~terminate on the effective date of this amendatory Act of the~~  
5 ~~93rd General Assembly. The member initially appointed pursuant~~  
6 ~~to this amendatory Act of the 93rd General Assembly to fill~~  
7 ~~this seat shall serve until the second Wednesday of January,~~  
8 ~~2007.~~

9       ~~The term of the other member of the State Board of~~  
10 ~~Education whose term expires on January 10, 2007 shall instead~~  
11 ~~terminate on the effective date of this amendatory Act of the~~  
12 ~~93rd General Assembly. The member initially appointed pursuant~~  
13 ~~to this amendatory Act of the 93rd General Assembly to fill~~  
14 ~~this seat shall serve until the second Wednesday of January,~~  
15 ~~2007.~~

16       ~~The term of the member of the State Board of Education~~  
17 ~~whose term expires on January 14, 2009 and who was selected~~  
18 ~~from among the 5 counties of the State that are contiguous to~~  
19 ~~Cook County and is a resident of Lake County shall instead~~  
20 ~~terminate on the effective date of this amendatory Act of the~~  
21 ~~93rd General Assembly. The member initially appointed pursuant~~  
22 ~~to this amendatory Act of the 93rd General Assembly to fill~~  
23 ~~this seat shall serve until the second Wednesday of January,~~  
24 ~~2009.~~

25       Upon expiration of the terms of the members initially  
26 appointed under this amendatory Act of the 95th ~~93rd~~ General

1 ~~Assembly and members whose terms were not terminated by this~~  
2 ~~amendatory Act of the 93rd General Assembly,~~ their respective  
3 successors shall be appointed for terms of 6 4 years, from the  
4 second Wednesday in January ~~of each odd numbered year~~ and until  
5 their respective successors are appointed and qualified.

6 (c) ~~At~~ ~~Of the 4 members, excluding the chairperson, whose~~  
7 ~~terms expire on the second Wednesday of January, 2007 and every~~  
8 ~~4 years thereafter, one of those members must be an at large~~  
9 ~~member and at no time may more than 5 2 of those members of the~~  
10 State Board of Education be from one political party. ~~Of the 4~~  
11 ~~members whose terms expire on the second Wednesday of January,~~  
12 ~~2009 and every 4 years thereafter, one of those members must be~~  
13 ~~an at large member and at no time may more than 2 of those~~  
14 ~~members be from one political party.~~ Party membership is  
15 defined as having voted in the primary of the party in the last  
16 primary before appointment.

17 (c-5) The Nomination Panel is established to provide a list  
18 of nominees to the Governor for appointment to the State Board  
19 of Education. Members of the Nomination Panel must be appointed  
20 by majority vote of the following appointing authorities: the  
21 Governor, the Attorney General, and the Secretary of State.  
22 Each member of the Nomination Panel shall serve for a term that  
23 expires on January 15 of each even-numbered year and until his  
24 or her successor is appointed and has qualified. The appointing  
25 authorities may hold as many public or non-public meetings as  
26 is required to fulfill their duties and may utilize their



1 respective staff and budget in carrying out their duties,  
2 provided that the final vote on appointees to the Nomination  
3 Panel shall take place in a meeting governed by the Open  
4 Meetings Act. Any ex parte communications regarding the  
5 Nomination Panel must be made a part of the record at the next  
6 public meeting and part of a written record. The appointing  
7 authorities shall file a list of members of the Nomination  
8 Panel with the Secretary of State within 30 days after the  
9 effective date of this amendatory Act of the 95th General  
10 Assembly. Thereafter, the appointing authorities shall file a  
11 list of members of the Nomination Panel with the Secretary of  
12 State within 30 days after January 15 of each even-numbered  
13 year. Members of the Nomination Panel may be reappointed. A  
14 vacancy on the Nomination Panel due to disqualification or  
15 resignation must be filled within 30 days after the vacancy,  
16 and the appointing authorities must file the name of the new  
17 appointee with the Secretary of State.

18 The Nomination Panel shall consist of the following 7  
19 members:

20 (1) Two members must be former district  
21 superintendents.

22 (2) One member must be a former elementary school  
23 teacher.

24 (3) One member must be a former secondary school  
25 teacher.

26 (4) Two members must be former State legislators with

1 significant experience and involvement in the elementary  
2 and secondary education appropriation process.

3 (5) One member must have at least 5 years of experience  
4 with a nonprofit agency in this State that is committed to  
5 education advocacy and has an interest in education reform.

6 The appointing authorities shall solicit recommendations  
7 from the Illinois Education Association, the Illinois  
8 Federation of Teachers, the Illinois Statewide School  
9 Management Alliance, ED-RED, the Illinois Association of  
10 Regional Superintendents of Schools, the Metropolitan Planning  
11 Council, the Illinois PTA, the Civic Committee of the  
12 Commercial Club of Chicago, Voices for Illinois Children,  
13 Action for Children, the Legislative Education Network of  
14 DuPage County (LEND), the South Cooperative Organization for  
15 Public Education (SCOPE), A+ Illinois, the Ounce of Prevention  
16 Fund, the Illinois Business Roundtable, and any other source  
17 deemed appropriate. Each member of the Nomination Panel shall  
18 receive \$300 for each day the Nomination Panel meets.

19 At no time may more than 4 members of the Nomination Panel  
20 be from one political party. Party membership is defined as  
21 having voted in the primary of the party in the last primary  
22 before appointment.

23 Candidates for nomination to the State Board of Education  
24 may apply or be nominated. The Nomination Panel has 30 days  
25 after it is established to accept applications and nominations.  
26 All candidates must fill out a written application and submit

1 to a background investigation to be eligible for consideration.  
2 The written application must include a sworn statement signed  
3 by the candidate disclosing any communications relating to the  
4 regulation of elementary and secondary education that the  
5 applicant has engaged in within the last year with a  
6 constitutional officer, a member of the General Assembly, an  
7 officer or other employee of the executive branch of this  
8 State, or an employee of the legislative branch of this State.

9 A person who provides false or misleading information on  
10 the application or fails to disclose a communication required  
11 to be disclosed in the sworn statement under this Section is  
12 guilty of a Class 3 felony.

13 Once an application is submitted to the Nomination Panel  
14 and until (i) the candidate is rejected by the Nomination  
15 Panel, (ii) the candidate is rejected by the Governor, (iii)  
16 the candidate is rejected by the Senate, or (iv) the candidate  
17 is confirmed by the Senate, whichever is applicable, a  
18 candidate may not engage in ex parte communications.

19 Within 60 days after the Nomination Panel is established,  
20 the Nomination Panel must review written applications,  
21 determine eligibility for oral interviews, confirm  
22 satisfactory background investigations, and hold public  
23 hearings on qualifications of candidates. Initial interviews  
24 of candidates need not be held in meetings subject to the Open  
25 Meetings Act; members or staff may arrange for informal  
26 interviews. Prior to recommendation, however, the Nomination

1 Panel must question candidates under oath in a meeting subject  
2 to the Open Meetings Act.

3 The Nomination Panel must recommend 27 nominees for  
4 appointment to the State Board of Education within 60 days  
5 after the Nomination Panel is established. The Governor may  
6 choose only from these nominations. The Nomination Panel shall  
7 deliver a list of the nominees, including a memorandum  
8 detailing the nominees' qualifications, to the Governor. After  
9 submitting the list to the Governor, the Nomination Panel shall  
10 file a copy along with a statement confirming delivery of the  
11 list and memorandum to the Governor with the Secretary of  
12 State. The Secretary of State shall indicate the date and time  
13 of filing.

14 After reviewing the nominations, the Governor may select 9  
15 nominees, including the chairperson, for appointment to the  
16 State Board of Education, to be confirmed by the Senate. The  
17 Governor shall file the names of his or her appointments with  
18 the Senate and the Secretary of State. The Secretary of State  
19 shall indicate the date and time of filing.

20 The Governor has 30 days from the date the Nomination Panel  
21 files its list of nominees with the Secretary of State to make  
22 appointments to be confirmed by the Senate. If the Governor  
23 does not select all appointees within this 30 days, the  
24 Nomination Panel may appoint those members not yet selected for  
25 appointment by the Governor. The Nomination Panel shall file  
26 the names of its appointments with the Senate and the Secretary

1 of State. The Secretary of State shall indicate the date and  
2 time of filing.

3 Appointments by the Governor or Nomination Panel must be  
4 confirmed by the Senate by two-thirds of its members by record  
5 vote. Any appointment not acted upon within 30 calendar days  
6 after the date of filing the names of appointments with the  
7 Secretary of State shall be deemed to have received the advice  
8 and consent of the Senate.

9 (d) When a vacancy occurs on the State Board of Education,  
10 the Nomination Panel shall accept applications and nominations  
11 of candidates for 30 days from the date the vacancy occurred.  
12 All candidates must fill out a written application and submit  
13 to a background investigation to be eligible for consideration.  
14 The written application must include a sworn statement signed  
15 by the candidate disclosing any communications relating to the  
16 regulation of elementary and secondary education that the  
17 applicant has engaged in within the last year with a  
18 constitutional officer, a member of the General Assembly, an  
19 officer or other employee of the executive branch of this  
20 State, or an employee of the legislative branch of this State.

21 A person who provides false or misleading information on  
22 the application or fails to disclose a communication required  
23 to be disclosed in the sworn statement under this Section is  
24 guilty of a Class 3 felony. Once an application is submitted to  
25 the Nomination Panel and until (i) the candidate is rejected by  
26 the Nomination Panel, (ii) the candidate is rejected by the

1 Governor, (iii) the candidate is rejected by the Senate, or  
2 (iv) the candidate is confirmed by the Senate, whichever is  
3 applicable, a candidate may not engage in ex parte  
4 communications.

5 The Nomination Panel must review written applications,  
6 determine eligibility for oral interviews, confirm  
7 satisfactory background investigations, and hold public  
8 hearings on qualifications of candidates. Initial interviews  
9 of candidates need not be held in meetings subject to the Open  
10 Meetings Act; members or staff may arrange for informal  
11 interviews. Prior to recommendation, however, the Nomination  
12 Panel must question candidates under oath in a meeting subject  
13 to the Open Meetings Act.

14 The Nomination Panel must nominate at least 3 candidates  
15 for the vacancy within 60 days after that vacancy occurs.  
16 Within 30 days after that, the Governor shall appoint one of  
17 those nominees to fill the vacancy for the remainder of the  
18 unexpired term. If the Governor does not fill the vacancy  
19 within the 30 days, the Nomination Panel may make the  
20 appointment. Vacancies shall be confirmed by the Senate in the  
21 same manner as full-term appointments under subsection (c-5) of  
22 this Section. ~~Vacancies in terms shall be filled by appointment~~  
23 ~~by the Governor with the advice and consent of the Senate for~~  
24 ~~the extent of the unexpired term. If a vacancy in membership~~  
25 ~~occurs at a time when the Senate is not in session, the~~  
26 ~~Governor shall make a temporary appointment until the next~~

1 ~~meeting of the Senate, when the Governor shall appoint a person~~  
2 ~~to fill that membership for the remainder of its term. If the~~  
3 ~~Senate is not in session when appointments for a full term are~~  
4 ~~made, the appointments shall be made as in the case of~~  
5 ~~vacancies.~~

6 (Source: P.A. 93-1036, eff. 9-14-04.)

7 (105 ILCS 5/1A-2) (from Ch. 122, par. 1A-2)

8 Sec. 1A-2. Qualifications. The members of the State Board  
9 of Education shall be citizens of the United States and  
10 residents of the State of Illinois and shall be selected as far  
11 as may be practicable on the basis of their knowledge of, or  
12 interest and experience in, problems of public education. No  
13 member of the State Board of Education shall be gainfully  
14 employed or administratively connected with any school system,  
15 nor have any interest in or benefit from funds provided by the  
16 State Board of Education to an institution of higher learning,  
17 public or private, within Illinois, nor shall they be members  
18 of a school board or board of school trustees of a public or  
19 nonpublic school, college, university or technical institution  
20 within Illinois. No member shall be appointed to more than 2  
21 full-year ~~six-year~~ terms. Members shall be reimbursed for all  
22 ordinary and necessary expenses incurred in performing their  
23 duties as members of the Board. Expenses shall be approved by  
24 the Board and be consistent with the laws, policies, and  
25 requirements of the State of Illinois regarding such

1 expenditures, plus any member may include in his claim for  
2 expenses \$50 per day for meeting days.

3 (Source: P.A. 90-548, eff. 1-1-98.)

4 (105 ILCS 5/1A-2.1) (from Ch. 122, par. 1A-2.1)

5 Sec. 1A-2.1. Vacancies. In addition to the authority of the  
6 Governor to remove a person from office under Section 10 of  
7 Article V of the Constitution of the State of Illinois, the  
8 State Board of Education ~~The Governor~~ may remove for  
9 incompetence, neglect of duty, or malfeasance in office any  
10 member of the State Board of Education by a two-thirds vote in  
11 favor of removal. A vacancy also exists on the State Board of  
12 Education when one or more of the following events occur:

13 1. A member dies.

14 2. A member files a written resignation with the Governor.

15 3. A member is adjudicated to be a person under legal  
16 disability under the Probate Act of 1975 or a person subject to  
17 involuntary admission under the Mental Health and  
18 Developmental Disabilities Code.

19 4. A member ceases to be a resident of the region from  
20 which he or she was appointed.

21 5. A member is convicted of an infamous crime or of any  
22 offense involving a violation of his or her duties under this  
23 Code.

24 6. A member fails to maintain the qualifications stated in  
25 Section 1A-2 of this Code.



1 (Source: P.A. 93-1036, eff. 9-14-04.)

2 (105 ILCS 5/1A-4) (from Ch. 122, par. 1A-4)

3 (Text of Section before amendment by P.A. 95-626)

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

5 A. (Blank).

6 B. The Board shall determine the qualifications of and  
7 appoint a chief education officer, to be known as the State  
8 Superintendent of Education, ~~who may be proposed by the~~  
9 ~~Governor and~~ who shall serve at the pleasure of the Board and  
10 pursuant to a performance-based contract linked to statewide  
11 student performance and academic improvement within Illinois  
12 schools. Upon expiration or buyout of the contract of the State  
13 Superintendent of Education in office on the effective date of  
14 this amendatory Act of the 95th ~~93rd~~ General Assembly, a new  
15 State Superintendent of Education may ~~shall~~ be appointed by a  
16 State Board of Education that consists of all of the new  
17 members initially to be appointed under this amendatory Act of  
18 the 95th General Assembly ~~includes the 7 new Board members who~~  
19 ~~were appointed to fill seats of members whose terms were~~  
20 ~~terminated on the effective date of this amendatory Act of the~~  
21 ~~93rd General Assembly. Thereafter, a State Superintendent of~~  
22 ~~Education must, at a minimum, be appointed at the beginning of~~  
23 ~~each term of a Governor after that Governor has made~~  
24 ~~appointments to the Board.~~ A performance-based contract issued  
25 for the employment of a State Superintendent of Education must

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

1 improvement used to measure the performance and effectiveness  
2 of the State Superintendent. The State Board of Education may  
3 delegate to the State Superintendent of Education the authority  
4 to act on the Board's behalf, provided such delegation is made  
5 pursuant to adopted board policy or the powers delegated are  
6 ministerial in nature. The State Board may not delegate  
7 authority under this Section to the State Superintendent to (1)  
8 nonrecognize school districts, (2) withhold State payments as a  
9 penalty, or (3) make final decisions under the contested case  
10 provisions of the Illinois Administrative Procedure Act unless  
11 otherwise 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. Every year  
24 the ~~The~~ Board shall recommend the passage and the legislation  
25 necessary to determine the appropriate relationship between  
26 the Board and local boards of education and the various State

1 agencies and shall recommend desirable modifications in the  
2 laws which affect schools.

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

25 E. Five members of the Board shall constitute a quorum. A  
26 majority vote of the members appointed, confirmed and serving

1 on the Board is required to approve any action, ~~except that the~~  
2 ~~7 new Board members who were appointed to fill seats of members~~  
3 ~~whose terms were terminated on the effective date of this~~  
4 ~~amendatory act of the 93rd General Assembly may vote to approve~~  
5 ~~actions when appointed and serving.~~

6 E-5. The Board shall prepare and submit to the General  
7 Assembly and the Governor on or before January 14, 1976 and  
8 annually thereafter a report or reports of its findings and  
9 recommendations. Such annual report shall contain a separate  
10 section which provides a critique and analysis of the status of  
11 education in Illinois and which identifies its specific  
12 problems and recommends express solutions therefor. Such  
13 annual report also shall contain the following information for  
14 the preceding year ending on June 30: each act or omission of a  
15 school district of which the State Board of Education has  
16 knowledge as a consequence of scheduled, approved visits and  
17 which constituted a failure by the district to comply with  
18 applicable State or federal laws or regulations relating to  
19 public education, the name of such district, the date or dates  
20 on which the State Board of Education notified the school  
21 district of such act or omission, and what action, if any, the  
22 school district took with respect thereto after being notified  
23 thereof by the State Board of Education. The report shall also  
24 include the statewide high school dropout rate by grade level,  
25 sex and race and the annual student dropout rate of and the  
26 number of students who graduate from, transfer from or

1 otherwise leave bilingual programs. The annual report shall  
2 include any recommended legislation that the Board considers  
3 appropriate for the educational needs of this State and how far  
4 behind the federal government is on No Child Left Behind Act  
5 funding for this State. The Auditor General shall annually  
6 perform a compliance audit of the State Board of Education's  
7 performance of the reporting duty imposed by this subsection  
8 E-5 amendatory Act of 1986. A regular system of communication  
9 with other directly related State agencies shall be  
10 implemented.

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

21 F. Upon all of the new members initially to be appointed  
22 under this amendatory Act of the 95th General Assembly taking  
23 office ~~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 G. The Board shall provide the General Assembly with a  
4 separate budget that shows what is needed to fully fund all  
5 State mandates and to meet the educational needs of this State.  
6 This budget must be filed with the Secretary of the Senate and  
7 the Clerk of the House of Representatives at the same time that  
8 the information required to be submitted to the General  
9 Assembly under subdivision (b) of Section 6 of the Governor's  
10 Office of Management and Budget Act is filed with the Secretary  
11 of the Senate and the Clerk of the House of Representatives.

12 H. Notwithstanding any other rulemaking authority that may  
13 exist, neither the Governor nor any agency or agency head under  
14 the jurisdiction of the Governor has any authority to make or  
15 promulgate rules to implement or enforce the provisions of this  
16 amendatory Act of the 95th General Assembly. If, however, the  
17 Governor believes that rules are necessary to implement or  
18 enforce the provisions of this amendatory Act of the 95th  
19 General Assembly, the Governor may suggest rules to the General  
20 Assembly by filing them with the Clerk of the House and the  
21 Secretary of the Senate and by requesting that the General  
22 Assembly authorize such rulemaking by law, enact those  
23 suggested rules into law, or take any other appropriate action  
24 in the General Assembly's discretion. Nothing contained in this  
25 amendatory Act of the 95th General Assembly shall be  
26 interpreted to grant rulemaking authority under any other

1 Illinois statute where such authority is not otherwise  
2 explicitly given. For the purposes of this amendatory Act of  
3 the 95th General Assembly, "rules" is given the meaning  
4 contained in Section 1-70 of the Illinois Administrative  
5 Procedure Act, and "agency" and "agency head" are given the  
6 meanings contained in Sections 1-20 and 1-25 of the Illinois  
7 Administrative Procedure Act to the extent that such  
8 definitions apply to agencies or agency heads under the  
9 jurisdiction of the Governor.

10 (Source: P.A. 93-1036, eff. 9-14-04.)

11 (Text of Section after amendment by P.A. 95-626)

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

13 A. (Blank).

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 may be proposed by the~~  
17 ~~Governor and~~ who shall serve at the pleasure of the Board and  
18 pursuant to a performance-based contract linked to statewide  
19 student performance and academic improvement within Illinois  
20 schools. Upon expiration or buyout of the contract of the State  
21 Superintendent of Education in office on the effective date of  
22 this amendatory Act of the 95th ~~93rd~~ General Assembly, a new  
23 State Superintendent of Education may ~~shall~~ be appointed by a  
24 State Board of Education that consists of all of the new  
25 members initially to be appointed under this amendatory Act of



1 ~~the 95th General Assembly includes the 7 new Board members who~~  
2 ~~were appointed to fill seats of members whose terms were~~  
3 ~~terminated on the effective date of this amendatory Act of the~~  
4 ~~93rd General Assembly. Thereafter, a State Superintendent of~~  
5 ~~Education must, at a minimum, be appointed at the beginning of~~  
6 ~~each term of a Governor after that Governor has made~~  
7 ~~appointments to the Board.~~ A performance-based contract issued  
8 for the employment of a State Superintendent of Education must  
9 be for 4 years. ~~A entered into on or after the effective date~~  
10 ~~of this amendatory Act of the 93rd General Assembly must expire~~  
11 ~~no later than February 1, 2007, and subsequent contracts must~~  
12 ~~expire no later than February 1 each 4 years thereafter. No~~  
13 ~~contract shall be extended or renewed beyond February 1, 2007~~  
14 ~~and February 1 each 4 years thereafter, but a State~~  
15 Superintendent of Education shall serve until his or her  
16 successor is appointed. Each contract entered into ~~on or before~~  
17 ~~January 8, 2007~~ with a State Superintendent of Education must  
18 provide that the State Board of Education may terminate the  
19 contract for cause, and the State Board of Education shall not  
20 thereafter be liable for further payments under the contract.  
21 ~~With regard to this amendatory Act of the 93rd General~~  
22 ~~Assembly, it is the intent of the General Assembly that,~~  
23 ~~beginning with the Governor who takes office on the second~~  
24 ~~Monday of January, 2007, a State Superintendent of Education be~~  
25 ~~appointed at the beginning of each term of a Governor after~~  
26 ~~that Governor has made appointments to the Board.~~ The State

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

20 C. The powers and duties of the State Board of Education  
21 shall encompass all duties delegated to the Office of  
22 Superintendent of Public Instruction on January 12, 1975,  
23 except as the law providing for such powers and duties is  
24 thereafter amended, and such other powers and duties as the  
25 General Assembly shall designate. The Board shall be  
26 responsible for the educational policies and guidelines for

1 public schools, pre-school through grade 12 and Vocational  
2 Education in the State of Illinois. The Board shall analyze the  
3 present and future aims, needs, and requirements of education  
4 in the State of Illinois and recommend to the General Assembly  
5 the powers which should be exercised by the Board. Every year,  
6 the ~~The~~ Board shall recommend the passage and the legislation  
7 necessary to determine the appropriate relationship between  
8 the Board and local boards of education and the various State  
9 agencies and shall recommend desirable modifications in the  
10 laws which affect schools.

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

1 report of its findings, conclusions, and recommendations to the  
2 State Board of Education, the Board of Higher Education, the  
3 Illinois Community College Board, the Human Resource  
4 Investment Council, the Governor, and the General Assembly. All  
5 meetings of this Committee shall be official meetings for  
6 reimbursement under this Act. On the effective date of this  
7 amendatory Act of the 95th General Assembly, the Joint  
8 Education Committee is abolished.

9 E. Five members of the Board shall constitute a quorum. A  
10 majority vote of the members appointed, confirmed and serving  
11 on the Board is required to approve any action, ~~except that the~~  
12 ~~7 new Board members who were appointed to fill seats of members~~  
13 ~~whose terms were terminated on the effective date of this~~  
14 ~~amendatory act of the 93rd General Assembly may vote to approve~~  
15 ~~actions when appointed and serving.~~

16 E-5. The Board shall prepare and submit to the General  
17 Assembly and the Governor on or before January 14, 1976 and  
18 annually thereafter a report or reports of its findings and  
19 recommendations. Such annual report shall contain a separate  
20 section which provides a critique and analysis of the status of  
21 education in Illinois and which identifies its specific  
22 problems and recommends express solutions therefor. Such  
23 annual report also shall contain the following information for  
24 the preceding year ending on June 30: each act or omission of a  
25 school district of which the State Board of Education has  
26 knowledge as a consequence of scheduled, approved visits and

1 which constituted a failure by the district to comply with  
2 applicable State or federal laws or regulations relating to  
3 public education, the name of such district, the date or dates  
4 on which the State Board of Education notified the school  
5 district of such act or omission, and what action, if any, the  
6 school district took with respect thereto after being notified  
7 thereof by the State Board of Education. The report shall also  
8 include the statewide high school dropout rate by grade level,  
9 sex and race and the annual student dropout rate of and the  
10 number of students who graduate from, transfer from or  
11 otherwise leave bilingual programs. The annual report shall  
12 include any recommended legislation that the Board considers  
13 appropriate for the educational needs of this State and how far  
14 behind the federal government is on No Child Left Behind Act  
15 funding for this State. The Auditor General shall annually  
16 perform a compliance audit of the State Board of Education's  
17 performance of the reporting duty imposed by this subsection  
18 E-5 amandatory Act of 1986. A regular system of communication  
19 with other directly related State agencies shall be  
20 implemented.

21 The requirement for reporting to the General Assembly shall  
22 be satisfied by filing copies of the report with the Speaker,  
23 the Minority Leader and the Clerk of the House of  
24 Representatives and the President, the Minority Leader and the  
25 Secretary of the Senate and the Legislative Council, as  
26 required by Section 3.1 of the General Assembly Organization

1 Act, and filing such additional copies with the State  
2 Government Report Distribution Center for the General Assembly  
3 as is required under paragraph (t) of Section 7 of the State  
4 Library Act.

5 F. Upon all of the new members initially to be appointed  
6 under this amendatory Act of the 95th General Assembly taking  
7 office ~~appointment of the 7 new Board members who were~~  
8 ~~appointed to fill seats of members whose terms were terminated~~  
9 ~~on the effective date of this amendatory Act of the 93rd~~  
10 ~~General Assembly,~~ the Board shall review all of its current  
11 rules in an effort to streamline procedures, improve  
12 efficiency, and eliminate unnecessary forms and paperwork.

13 G. The Board shall provide the General Assembly with a  
14 separate budget that shows what is needed to fully fund all  
15 State mandates and to meet the educational needs of this State.  
16 This budget must be filed with the Secretary of the Senate and  
17 the Clerk of the House of Representatives at the same time that  
18 the information required to be submitted to the General  
19 Assembly under subdivision (b) of Section 6 of the Governor's  
20 Office of Management and Budget Act is filed with the Secretary  
21 of the Senate and the Clerk of the House of Representatives.

22 H. Notwithstanding any other rulemaking authority that may  
23 exist, neither the Governor nor any agency or agency head under  
24 the jurisdiction of the Governor has any authority to make or  
25 promulgate rules to implement or enforce the provisions of this  
26 amendatory Act of the 95th General Assembly. If, however, the

1 Governor believes that rules are necessary to implement or  
2 enforce the provisions of this amendatory Act of the 95th  
3 General Assembly, the Governor may suggest rules to the General  
4 Assembly by filing them with the Clerk of the House and the  
5 Secretary of the Senate and by requesting that the General  
6 Assembly authorize such rulemaking by law, enact those  
7 suggested rules into law, or take any other appropriate action  
8 in the General Assembly's discretion. Nothing contained in this  
9 amendatory Act of the 95th General Assembly shall be  
10 interpreted to grant rulemaking authority under any other  
11 Illinois statute where such authority is not otherwise  
12 explicitly given. For the purposes of this amendatory Act of  
13 the 95th General Assembly, "rules" is given the meaning  
14 contained in Section 1-70 of the Illinois Administrative  
15 Procedure Act, and "agency" and "agency head" are given the  
16 meanings contained in Sections 1-20 and 1-25 of the Illinois  
17 Administrative Procedure Act to the extent that such  
18 definitions apply to agencies or agency heads under the  
19 jurisdiction of the Governor.

20 (Source: P.A. 95-626, eff. 6-1-08.)

21 (105 ILCS 5/1A-12 new)

22 Sec. 1A-12. State Board of Education Advisory Board.

23 (a) There is created the State Board of Education Advisory  
24 Board composed of 8 members of the General Assembly who are  
25 appointed, 2 each, by the President of the Senate, the Minority

1 Leader of the Senate, the Speaker of the House of  
2 Representatives, and the Minority Leader of the House of  
3 Representatives.

4 (b) Members of the Advisory Board shall serve for 2 years.  
5 Vacancies shall be filled by appointment for the unexpired term  
6 in the same manner as original appointments are made. The  
7 Advisory Board shall elect 2 co-chairpersons from among its  
8 members, one a House member and one a Senate member. The 2  
9 co-chairpersons must represent different political parties.

10 (c) Members of the Advisory Board shall serve without  
11 compensation, but must be reimbursed by the State Board of  
12 Education, from funds appropriated for that purpose, for  
13 necessary expenses in connection with the performance of the  
14 Advisory Board's duties.

15 (d) The Advisory Board (i) shall meet quarterly or as  
16 needed, (ii) shall produce and request any reports it deems  
17 necessary, (iii) shall provide advisory oversight of the State  
18 Board of Education, and (iv) shall work with the State Board of  
19 Education in an advisory capacity to implement the State  
20 Board's powers and duties.

21 (105 ILCS 5/1A-13 new)

22 Sec. 1A-13. Ex parte communications.

23 (a) This Section applies to ex parte communications made to  
24 the State Board of Education.

25 (b) In this Section, "ex parte communication" means any



1 written or oral communication by any person that imparts or  
2 requests material information or makes a material argument  
3 regarding potential action concerning financial, budgetary, or  
4 investment matters pending before or under consideration by the  
5 State Board of Education. "Ex parte communication" does not  
6 include (i) statements by a person publicly made in a public  
7 forum, (ii) statements regarding matters of procedure and  
8 practice, such as format, the number of copies required, the  
9 manner of filing, and the status of a matter, and (iii)  
10 statements made by an employee of the State Board to the agency  
11 head of the State Board or to other employees of the State  
12 Board.

13 (c) An ex parte communication received by the State Board  
14 of Education, the State Superintendent of Education, or other  
15 State Board employee from the Governor or his or her official  
16 representative, employee, or attorney shall promptly be  
17 memorialized and made a part of the record. The ex parte  
18 communication shall promptly be filed with the Executive Ethics  
19 Commission, including all written communications, all written  
20 responses to the communications, and a memorandum stating the  
21 nature and substance of all oral communications, the identity  
22 and job title of the person to whom each communication was  
23 made, all responses made, the identity and job title of the  
24 person making each response, the identity of each person from  
25 whom the written or oral ex parte communication was received,  
26 the individual or entity represented by that person, any action

1 the person requested or recommended, and any other pertinent  
2 information. This disclosure shall also contain the date of any  
3 ex parte communication.

4 (d) Ex parte communications filed with the Executive Ethics  
5 Commission under this Section must be open to public  
6 inspection.

7 (e) Any person who fails to (i) report an ex parte  
8 communication, (ii) make information part of the record, or  
9 (iii) make a filing with the Executive Ethics Commission as  
10 required by this Section violates the State Officials and  
11 Employees Ethics Act.

12 Section 95. No acceleration or delay. Where this Act makes  
13 changes in a statute that is represented in this Act by text  
14 that is not yet or no longer in effect (for example, a Section  
15 represented by multiple versions), the use of that text does  
16 not accelerate or delay the taking effect of (i) the changes  
17 made by this Act or (ii) provisions derived from any other  
18 Public Act.

19 Section 97. Severability. The provisions of this Act are  
20 severable under Section 1.31 of the Statute on Statutes.

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.