



Elementary Secondary Education Committee

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09600HB0080ham001

LRB096 03719 NHT 21460 a

1 AMENDMENT TO HOUSE BILL 80

2 AMENDMENT NO. _____. Amend House Bill 80 by replacing
3 everything after the enacting clause with the following:

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

1 thereon, and the amounts unobligated and unexpended, an
2 estimate of the revenues and expenditures of the current fiscal
3 year, and an estimate of the revenues and amounts needed for
4 the respective departments and offices for the next succeeding
5 fiscal year.

6 (b) Require from each state agency its estimate of receipts
7 and expenditures for the succeeding fiscal year, accompanied by
8 a statement in writing giving facts and explanation of reasons
9 for each item of expenditure requested. With respect to the
10 State Board of Education, after adopting the annual budget
11 recommendation, the State Board of Education shall also submit
12 a report with all of the following information to the General
13 Assembly:

14 (1) The number of public budget hearings conducted
15 around this State.

16 (2) A list of the individuals and organizations that
17 participated in the public budget hearings and their
18 requested budget allocation.

19 (3) A summary of the Finance and Audit Committee's
20 discussions at the December and January State Board of
21 Education meetings.

22 (4) The rationale for requested budget increases.

23 (5) The number of additional State Board of Education
24 staff required to implement the budget.

25 (6) Any additional information that would provide
26 information on the budget-making process.

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

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

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

5 Section 5. The School Code is amended by changing Sections
6 1A-1, 1A-2, 1A-2.1, and 1A-4 as follows:

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

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

9 (a) (Blank).

10 (a-5) In this Section, "ex parte communication" means any
11 written or oral communication by any person that imparts or
12 requests material information or makes a material argument
13 regarding potential action concerning regulatory, quasi
14 regulatory, investment, or licensing matters pending before or
15 under consideration by the State Board of Education. "Ex parte
16 communication" does not include (i) statements by a person
17 publicly made in a public forum, (ii) statements regarding
18 matters of procedure and practice, such as format, the number
19 of copies required, the manner of filing, and the status of a
20 matter, and (iii) statements made by an employee of the State
21 Board of Education to the agency head of the State Board of
22 Education or to other employees of the State Board of
23 Education.

24 (b) The State Board of Education shall consist of 8 members

1 and a chairperson, who shall be appointed, with the advice and
2 consent of the Senate, by the Governor with the assistance of a
3 Nomination Panel or by a Nomination Panel if the Governor does
4 not act within the 30 days allotted, as provided in subsection
5 (c-5) of this Section, ~~with the advice and consent of the~~
6 ~~Senate~~ from a pattern of regional representation as follows: 2
7 appointees shall be selected from among those counties of the
8 State other than Cook County and the 5 counties contiguous to
9 Cook County; 2 appointees shall be selected from Cook County,
10 one of whom shall be a resident of the City of Chicago and one
11 of whom shall be a resident of that part of Cook County which
12 lies outside the city limits of Chicago; 2 appointees shall be
13 selected from among the 5 counties of the State that are
14 contiguous to Cook County; and 3 members shall be selected as
15 members-at-large (one of which shall be the chairperson). With
16 respect to these appointments, one member of the State Board of
17 Education must be a former school board member, one member must
18 be a former district superintendent, one member must be a
19 former teacher, and one member must have significant business
20 experience. The Governor who takes office on the second Monday
21 of January after his or her election shall be the person who
22 appoints ~~nominates~~ members ~~to fill vacancies~~ whose terms begin
23 after that date ~~and before the term of the next Governor~~
24 ~~begins.~~

25 (b-5) The members of the State Board of Education shall be
26 appointed to serve for the following terms:

1 (1) The members in office on the effective date of this
2 amendatory Act of the 96th General Assembly shall serve
3 until their terms expire in January of 2011 or January of
4 2013, whichever is applicable, and their successors are
5 appointed and have qualified.

6 (2) The successor of one of the members whose term
7 expires in January of 2011 and who was selected from among
8 those counties of the State other than Cook County and the
9 5 counties contiguous to Cook County shall serve for a term
10 that expires on the second Wednesday of January, 2017 and
11 until his or her successor is appointed and has qualified.

12 (3) The successor of the member whose term expires in
13 January of 2011 and who was selected from Cook County and
14 is a resident of the City of Chicago shall serve for a term
15 that expires on the second Wednesday of January, 2017 and
16 until his or her successor is appointed and has qualified.

17 (4) The successor of the member whose term expires in
18 January of 2011 and who was selected as a member-at-large
19 and is the chairperson shall serve for a term that expires
20 on the second Wednesday of January, 2017 and until his or
21 her successor is appointed and has qualified.

22 (5) The successor of the other member whose term
23 expires in January of 2011 and who was selected from among
24 those counties of the State other than Cook County and the
25 5 counties contiguous to Cook County shall serve for a term
26 that expires on the second Wednesday of January, 2013 and

1 until his or her successor is appointed and has qualified.
2 The successor to this member (who may be reappointed) shall
3 serve for a term that expires on the second Wednesday of
4 January, 2019 and until his or her successor is appointed
5 and has qualified.

6 (6) The successor of the member whose term expires in
7 January of 2011 and who was selected as a member-at-large
8 and is not the chairperson shall serve for a term that
9 expires on the second Wednesday of January, 2013 and until
10 his or her successor is appointed and has qualified. The
11 successor to this member (who may be reappointed) shall
12 serve for a term that expires on the second Wednesday of
13 January, 2019 and until his or her successor is appointed
14 and has qualified.

15 (7) The successor of the member whose term expires in
16 January of 2013 and who was selected from Cook County and
17 is a resident of that part of Cook County that lies outside
18 the city limits of Chicago shall serve for a term that
19 expires on the second Wednesday of January, 2015 and until
20 his or her successor is appointed and has qualified. The
21 successor to this member shall serve for a term that
22 expires on the second Wednesday of January, 2021 and until
23 his or her successor is appointed and has qualified.

24 (8) The successor of one of the members whose term
25 expires in January of 2013 and who was selected from among
26 the 5 counties of the State contiguous to Cook County shall

1 serve for a term that expires on the second Wednesday of
2 January, 2015 and until his or her successor is appointed
3 and has qualified. The successor to this member shall serve
4 for a term that expires on the second Wednesday of January,
5 2021 and until his or her successor is appointed and has
6 qualified.

7 (9) The successor of the member whose term expires in
8 January of 2013 and who was selected as a member-at-large
9 and is not the chairperson shall serve for a term that
10 expires on the second Wednesday of January, 2015 and until
11 his or her successor is appointed and has qualified. The
12 successor to this member shall serve for a term that
13 expires on the second Wednesday of January, 2021 and until
14 his or her successor is appointed and has qualified.

15 (10) The successor of the other member whose term
16 expires in January of 2013 and who was selected from among
17 the 5 counties of the State contiguous to Cook County shall
18 serve for a term that expires on the second Wednesday of
19 January, 2019 and until his or her successor is appointed
20 and has qualified.

21 ~~The term of each member of the State Board of Education~~
22 ~~whose term expires on January 12, 2005 shall instead terminate~~
23 ~~on the effective date of this amendatory Act of the 93rd~~
24 ~~General Assembly. Of these 3 seats, (i) the member initially~~
25 ~~appointed pursuant to this amendatory Act of the 93rd General~~
26 ~~Assembly whose seat was vacant on April 27, 2004 shall serve~~

1 ~~until the second Wednesday of January, 2009 and (ii) the other~~
2 ~~2 members initially appointed pursuant to this amendatory Act~~
3 ~~of the 93rd General Assembly shall serve until the second~~
4 ~~Wednesday of January, 2007.~~

5 ~~The term of the member of the State Board of Education~~
6 ~~whose seat was vacant on April 27, 2004 and whose term expires~~
7 ~~on January 10, 2007 shall instead terminate on the effective~~
8 ~~date of this amendatory Act of the 93rd General Assembly. The~~
9 ~~member initially appointed pursuant to this amendatory Act of~~
10 ~~the 93rd General Assembly to fill this seat shall be the~~
11 ~~chairperson and shall serve until the second Wednesday of~~
12 ~~January, 2007.~~

13 ~~The term of the member of the State Board of Education~~
14 ~~whose seat was vacant on May 28, 2004 but after April 27, 2004~~
15 ~~and whose term expires on January 10, 2007 shall instead~~
16 ~~terminate on the effective date of this amendatory Act of the~~
17 ~~93rd General Assembly. The member initially appointed pursuant~~
18 ~~to this amendatory Act of the 93rd General Assembly to fill~~
19 ~~this seat shall serve until the second Wednesday of January,~~
20 ~~2007.~~

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

1 ~~2007.~~

2 ~~The term of the member of the State Board of Education~~
3 ~~whose term expires on January 14, 2009 and who was selected~~
4 ~~from among the 5 counties of the State that are contiguous to~~
5 ~~Cook County and is a resident of Lake County shall instead~~
6 ~~terminate on the effective date of this amendatory Act of the~~
7 ~~93rd General Assembly. The member initially appointed pursuant~~
8 ~~to this amendatory Act of the 93rd General Assembly to fill~~
9 ~~this seat shall serve until the second Wednesday of January,~~
10 ~~2009.~~

11 (b-10) Upon expiration of the terms of the members as set
12 forth in subsection (b-5) of this Section ~~initially appointed~~
13 ~~under this amendatory Act of the 93rd General Assembly and~~
14 ~~members whose terms were not terminated by this amendatory Act~~
15 ~~of the 93rd General Assembly,~~ their respective successors shall
16 be appointed for terms of 6 ~~4~~ years, from the second Wednesday
17 in January ~~of each odd numbered year~~ and until their respective
18 successors are appointed and have qualified.

19 (c) At ~~Of the 4 members, excluding the chairperson, whose~~
20 ~~terms expire on the second Wednesday of January, 2007 and every~~
21 ~~4 years thereafter, one of those members must be an at-large~~
22 ~~member and at no time may more than 5~~ 2 ~~of those members~~ of the
23 State Board of Education be from one political party. ~~Of the 4~~
24 ~~members whose terms expire on the second Wednesday of January,~~
25 ~~2009 and every 4 years thereafter, one of those members must be~~
26 ~~an at-large member and at no time may more than 2 of those~~

1 ~~members be from one political party.~~ Party membership is
2 defined as having voted in the primary of the party in the last
3 primary before appointment.

4 (c-5) The Nomination Panel is established to provide a list
5 of nominees to the Governor for appointment to the State Board
6 of Education. Members of the Nomination Panel must be appointed
7 by majority vote of the following appointing authorities: the
8 Governor, the Attorney General, and the Secretary of State.
9 Each member of the Nomination Panel shall serve for a term that
10 expires on January 15 of each even-numbered year and until his
11 or her successor is appointed and has qualified. The appointing
12 authorities may hold as many public or non-public meetings as
13 is required to fulfill their duties and may utilize their
14 respective staff and budget in carrying out their duties,
15 provided that the final vote on appointees to the Nomination
16 Panel shall take place in a meeting governed by the Open
17 Meetings Act. Any ex parte communications regarding the
18 Nomination Panel must be made a part of the record at the next
19 public meeting and part of a written record. The appointing
20 authorities shall file a list of members of the Nomination
21 Panel with the Secretary of State within 30 days after the
22 effective date of this amendatory Act of the 96th General
23 Assembly. Thereafter, the appointing authorities shall file a
24 list of members of the Nomination Panel with the Secretary of
25 State within 30 days after January 15 of each even-numbered
26 year. Members of the Nomination Panel may be reappointed. A

1 vacancy on the Nomination Panel due to disqualification or
2 resignation must be filled within 30 days after the vacancy,
3 and the appointing authorities must file the name of the new
4 appointee with the Secretary of State.

5 The Nomination Panel shall consist of the following 7
6 members:

7 (1) Two members must be former district
8 superintendents.

9 (2) One member must be a former elementary school
10 teacher.

11 (3) One member must be a former secondary school
12 teacher.

13 (4) Two members must be former State legislators with
14 significant experience and involvement in the elementary
15 and secondary education appropriation process.

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

19 The appointing authorities shall solicit recommendations
20 from the Illinois Education Association, the Illinois
21 Federation of Teachers, the Illinois Statewide School
22 Management Alliance, ED-RED, the Illinois Association of
23 Regional Superintendents of Schools, the Metropolitan Planning
24 Council, the Illinois PTA, the Civic Committee of the
25 Commercial Club of Chicago, Voices for Illinois Children,
26 Action for Children, the Legislative Education Network of

1 DuPage County (LEND), the South Cooperative Organization for
2 Public Education (SCOPE), A+ Illinois, the Ounce of Prevention
3 Fund, the Illinois Business Roundtable, and any other source
4 deemed appropriate. Each member of the Nomination Panel shall
5 receive \$300 for each day the Nomination Panel meets.

6 At no time may more than 4 members of the Nomination Panel
7 be from one political party. Party membership is defined as
8 having voted in the primary of the party in the last primary
9 before appointment.

10 Candidates for nomination to the State Board of Education
11 may apply or be nominated. The Nomination Panel has 30 days
12 after it is established to accept applications and nominations.
13 All candidates must fill out a written application and submit
14 to a background investigation to be eligible for consideration.
15 The written application must include a sworn statement signed
16 by the candidate disclosing any communications relating to the
17 regulation of elementary and secondary education that the
18 applicant has engaged in within the last year with a
19 constitutional officer, a member of the General Assembly, an
20 officer or other employee of the executive branch of this
21 State, or an employee of the legislative branch of this State.

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

26 Once an application is submitted to the Nomination Panel

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

6 Within 60 days after the Nomination Panel is established,
7 the Nomination Panel must review written applications,
8 determine eligibility for oral interviews, confirm
9 satisfactory background investigations, and hold public
10 hearings on qualifications of candidates. Initial interviews
11 of candidates need not be held in meetings subject to the Open
12 Meetings Act; members or staff may arrange for informal
13 interviews. Prior to recommendation, however, the Nomination
14 Panel must question candidates under oath in a meeting subject
15 to the Open Meetings Act.

16 The Nomination Panel must recommend 15 nominees for
17 appointment to the State Board of Education within 60 days
18 after the Nomination Panel is established. The Governor may
19 choose only from these nominations. The Nomination Panel shall
20 deliver a list of the nominees, including a memorandum
21 detailing the nominees' qualifications, to the Governor. After
22 submitting the list to the Governor, the Nomination Panel shall
23 file a copy along with a statement confirming delivery of the
24 list and memorandum to the Governor with the Secretary of
25 State. The Secretary of State shall indicate the date and time
26 of filing.

1 After reviewing the nominations, the Governor may select 5
2 nominees for appointment to the State Board of Education, to be
3 confirmed by the Senate. The Governor shall file the names of
4 his or her appointments with the Senate and the Secretary of
5 State. The Secretary of State shall indicate the date and time
6 of filing.

7 The Governor has 30 days from the date the Nomination Panel
8 files its list of nominees with the Secretary of State to make
9 appointments to be confirmed by the Senate. If the Governor
10 does not select all appointees within this 30 days, the
11 Nomination Panel may appoint those members not yet selected for
12 appointment by the Governor. The Nomination Panel shall file
13 the names of its appointments with the Senate and the Secretary
14 of State. The Secretary of State shall indicate the date and
15 time of filing.

16 Appointments by the Governor or Nomination Panel must be
17 confirmed by the Senate by two-thirds of its members by record
18 vote. Any appointment not acted upon within 30 calendar days
19 after the date of filing the names of appointments with the
20 Secretary of State shall be deemed to have received the advice
21 and consent of the Senate.

22 (d) When a vacancy occurs on the State Board of Education,
23 the Nomination Panel shall accept applications and nominations
24 of candidates for 30 days from the date the vacancy occurred.
25 All candidates must fill out a written application and submit
26 to a background investigation to be eligible for consideration.

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

8 A person who provides false or misleading information on
9 the application or fails to disclose a communication required
10 to be disclosed in the sworn statement under this Section is
11 guilty of a Class 3 felony. Once an application is submitted to
12 the Nomination Panel and until (i) the candidate is rejected by
13 the Nomination Panel, (ii) the candidate is rejected by the
14 Governor, (iii) the candidate is rejected by the Senate, or
15 (iv) the candidate is confirmed by the Senate, whichever is
16 applicable, a candidate may not engage in ex parte
17 communications.

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

1 The Nomination Panel must nominate at least 3 candidates
2 for the vacancy within 60 days after that vacancy occurs.
3 Within 30 days after that, the Governor shall appoint one of
4 those nominees to fill the vacancy for the remainder of the
5 unexpired term. If the Governor does not fill the vacancy
6 within the 30 days, the Nomination Panel may make the
7 appointment. Vacancies shall be confirmed by the Senate in the
8 same manner as full-term appointments under subsection (c-5) of
9 this Section. ~~Vacancies in terms shall be filled by appointment~~
10 ~~by the Governor with the advice and consent of the Senate for~~
11 ~~the extent of the unexpired term. If a vacancy in membership~~
12 ~~occurs at a time when the Senate is not in session, the~~
13 ~~Governor shall make a temporary appointment until the next~~
14 ~~meeting of the Senate, when the Governor shall appoint a person~~
15 ~~to fill that membership for the remainder of its term. If the~~
16 ~~Senate is not in session when appointments for a full term are~~
17 ~~made, the appointments shall be made as in the case of~~
18 ~~vacancies.~~

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

20 (105 ILCS 5/1A-2) (from Ch. 122, par. 1A-2)

21 Sec. 1A-2. Qualifications. The members of the State Board
22 of Education shall be citizens of the United States and
23 residents of the State of Illinois and shall be selected as far
24 as may be practicable on the basis of their knowledge of, or
25 interest and experience in, problems of public education. No

1 member of the State Board of Education shall be gainfully
2 employed or administratively connected with any school system,
3 nor have any interest in or benefit from funds provided by the
4 State Board of Education to an institution of higher learning,
5 public or private, within Illinois, nor shall they be members
6 of a school board or board of school trustees of a public or
7 nonpublic school, college, university or technical institution
8 within Illinois. No member shall be appointed to more than 2
9 full-year ~~six-year~~ terms. Members shall be reimbursed for all
10 ordinary and necessary expenses incurred in performing their
11 duties as members of the Board. Expenses shall be approved by
12 the Board and be consistent with the laws, policies, and
13 requirements of the State of Illinois regarding such
14 expenditures, plus any member may include in his claim for
15 expenses \$50 per day for meeting days.

16 (Source: P.A. 90-548, eff. 1-1-98; revised 10-23-08.)

17 (105 ILCS 5/1A-2.1) (from Ch. 122, par. 1A-2.1)

18 Sec. 1A-2.1. Vacancies. In addition to the authority of the
19 Governor to remove a person from office under Section 10 of
20 Article V of the Constitution of the State of Illinois, the
21 State Board of Education ~~The Governor~~ may remove for
22 incompetence, neglect of duty, or malfeasance in office any
23 member of the State Board of Education by a two-thirds vote in
24 favor of removal. A vacancy also exists on the State Board of
25 Education when one or more of the following events occur:

1 1. A member dies.

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

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

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

9 5. A member is convicted of an infamous crime or of any
10 offense involving a violation of his or her duties under this
11 Code.

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

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

15 (105 ILCS 5/1A-4) (from Ch. 122, par. 1A-4)

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

17 A. (Blank).

18 B. The Board shall determine the qualifications of and
19 appoint a chief education officer, to be known as the State
20 Superintendent of Education, ~~who may be proposed by the~~
21 ~~Governor and~~ who shall serve at the pleasure of the Board and
22 pursuant to a performance-based contract linked to statewide
23 student performance and academic improvement within Illinois
24 schools. Upon expiration or buyout of the contract of the State
25 Superintendent of Education in office on the effective date of

1 this amendatory Act of the 96th ~~93rd~~ General Assembly, a new
2 State Superintendent of Education may ~~shall~~ be appointed by the
3 ~~a~~ State Board of Education ~~that includes the 7 new Board~~
4 ~~members who were appointed to fill seats of members whose terms~~
5 ~~were terminated on the effective date of this amendatory Act of~~
6 ~~the 93rd General Assembly. Thereafter, a State Superintendent~~
7 ~~of Education must, at a minimum, be appointed at the beginning~~
8 ~~of each term of a Governor after that Governor has made~~
9 ~~appointments to the Board. A performance-based contract issued~~
10 ~~for the employment of a State Superintendent of Education must~~
11 ~~be for 4 years. A entered into on or after the effective date~~
12 ~~of this amendatory Act of the 93rd General Assembly must expire~~
13 ~~no later than February 1, 2007, and subsequent contracts must~~
14 ~~expire no later than February 1 each 4 years thereafter. No~~
15 ~~contract shall be extended or renewed beyond February 1, 2007~~
16 ~~and February 1 each 4 years thereafter, but a State~~
17 Superintendent of Education shall serve until his or her
18 successor is appointed. Each contract entered into ~~on or before~~
19 ~~January 8, 2007~~ with a State Superintendent of Education must
20 provide that the State Board of Education may terminate the
21 contract for cause, and the State Board of Education shall not
22 thereafter be liable for further payments under the contract.
23 ~~With regard to this amendatory Act of the 93rd General~~
24 ~~Assembly, it is the intent of the General Assembly that,~~
25 ~~beginning with the Governor who takes office on the second~~
26 ~~Monday of January, 2007, a State Superintendent of Education be~~

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

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

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

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

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

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

18 E-5. Using the most recently available data, the Board
19 shall prepare and submit to the General Assembly and the
20 Governor on or before January 14, 1976 and annually thereafter
21 a report or reports of its findings and recommendations. Such
22 annual report shall contain a separate section which provides a
23 critique and analysis of the status of education in Illinois
24 and which identifies its specific problems and recommends
25 express solutions therefor. Such annual report also shall
26 contain the following information for the preceding year ending

1 on June 30: each act or omission of a school district of which
2 the State Board of Education has knowledge as a consequence of
3 scheduled, approved visits and which constituted a failure by
4 the district to comply with applicable State or federal laws or
5 regulations relating to public education, the name of such
6 district, the date or dates on which the State Board of
7 Education notified the school district of such act or omission,
8 and what action, if any, the school district took with respect
9 thereto after being notified thereof by the State Board of
10 Education. The report shall also include the statewide high
11 school dropout rate by grade level, sex and race and the annual
12 student dropout rate of and the number of students who graduate
13 from, transfer from or otherwise leave bilingual programs. The
14 annual report shall include any recommended legislation that
15 the Board considers appropriate for the educational needs of
16 this State and how far behind the federal government is on No
17 Child Left Behind Act funding for this State. The Auditor
18 General shall annually perform a compliance audit of the State
19 Board of Education's performance of the reporting duty imposed
20 by this subsection E-5 ~~amendatory Act of 1986~~. A regular system
21 of communication with other directly related State agencies
22 shall be implemented.

23 The requirement for reporting to the General Assembly shall
24 be satisfied by filing copies of the report with the Speaker,
25 the Minority Leader and the Clerk of the House of
26 Representatives and the President, the Minority Leader and the

1 Secretary of the Senate and the Legislative Council, as
2 required by Section 3.1 of the General Assembly Organization
3 Act, and filing such additional copies with the State
4 Government Report Distribution Center for the General Assembly
5 as is required under paragraph (t) of Section 7 of the State
6 Library Act.

7 F. ~~The Upon 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 (Source: P.A. 95-626, eff. 6-1-08; 95-793, eff. 1-1-09.)

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

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".