



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5246

Introduced 2/8/2012, by Rep. Cynthia Soto

SYNOPSIS AS INTRODUCED:

105 ILCS 5/1A-4

from Ch. 122, par. 1A-4

Amends the School Code. Makes a technical change in a Section concerning the powers and duties of the State Board of Education.

LRB097 19522 NHT 64776 b

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section
5 1A-4 as follows:

6 (105 ILCS 5/1A-4) (from Ch. 122, par. 1A-4)

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

8 A. (Blank).

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

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

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

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

1 shall recommend the passage and the legislation necessary to
2 determine the appropriate relationship between the Board and
3 local boards of education and the various State agencies and
4 shall recommend desirable modifications in the laws which
5 affect schools.

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

1 reimbursement under this Act. On the effective date of this
2 amendatory Act of the 95th General Assembly, the Joint
3 Education Committee is abolished.

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

11 Using the most recently available data, the Board shall
12 prepare and submit to the General Assembly and the Governor on
13 or before January 14, 1976 and annually thereafter a report or
14 reports of its findings and recommendations. Such annual report
15 shall contain a separate section which provides a critique and
16 analysis of the status of education in Illinois and which
17 identifies its specific problems and recommends express
18 solutions therefor. Such annual report also shall contain the
19 following information for the preceding year ending on June 30:
20 each act or omission of a school district of which the State
21 Board of Education has knowledge as a consequence of scheduled,
22 approved visits and which constituted a failure by the district
23 to comply with applicable State or federal laws or regulations
24 relating to public education, the name of such district, the
25 date or dates on which the State Board of Education notified
26 the school district of such act or omission, and what action,

1 if any, the school district took with respect thereto after
2 being notified thereof by the State Board of Education. The
3 report shall also include the statewide high school dropout
4 rate by grade level, sex and race and the annual student
5 dropout rate of and the number of students who graduate from,
6 transfer from or otherwise leave bilingual programs. The
7 Auditor General shall annually perform a compliance audit of
8 the State Board of Education's performance of the reporting
9 duty imposed by this amendatory Act of 1986. A regular system
10 of communication with other directly related State agencies
11 shall be implemented.

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

22 F. Upon appointment of the 7 new Board members who were
23 appointed to fill seats of members whose terms were terminated
24 on the effective date of this amendatory Act of the 93rd
25 General Assembly, the Board shall review all of its current
26 rules in an effort to streamline procedures, improve

1 efficiency, and eliminate unnecessary forms and paperwork.

2 (Source: P.A. 95-626, eff. 6-1-08; 95-793, eff. 1-1-09.)