



## 98TH GENERAL ASSEMBLY

### State of Illinois

### 2013 and 2014

### HB0016

Introduced 1/9/2013, by Rep. Mary E. Flowers

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.9a	from Ch. 122, par. 10-20.9a
105 ILCS 5/10-20.55 new	
105 ILCS 5/14-6.01	from Ch. 122, par. 14-6.01
105 ILCS 5/34-18.48 new	

Amends the School Code. Provides that a school board may create a committee on the retention of students, consisting of the district superintendent or his or her designee, a district administrator who directs student instruction and curriculum, a principal, and a teacher. Provides that prior to retention in a grade, a school may submit, by a date as set by the committee, the names of all students determined by the school to not qualify for promotion to the next higher grade and the reason for that determination. Requires the committee to review the school's decision to retain with respect to each student and make a final decision regarding whether or not to retain a particular student. Requires the committee to take into consideration the performance evaluation of the student's teacher or teachers. Provides that the committee may vote to prohibit the school district from retaining the student if the committee determines that the student is being retained due to inadequate instruction, resources, or facilities provided by the school district or due to the student having an undiagnosed learning disability. Amends the Children with Disabilities Article to provide that a child with a learning disability must not be denied promotion, graduation, or a general diploma on the basis of failing a minimal competency test when such failure can be directly related to the disabling condition of the student. Effective immediately.

LRB098 00160 NHT 30161 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 Sections  
5 10-20.9a and 14-6.01 and by adding Sections 10-20.55 and  
6 34-18.48 as follows:

7 (105 ILCS 5/10-20.9a) (from Ch. 122, par. 10-20.9a)  
8 Sec. 10-20.9a. Final Grade; Promotion.

9 (a) Teachers shall administer the approved marking system  
10 or other approved means of evaluating pupil progress. The  
11 teacher shall maintain the responsibility and right to  
12 determine grades and other evaluations of students within the  
13 grading policies of the district based upon his or her  
14 professional judgment of available criteria pertinent to any  
15 given subject area or activity for which he or she is  
16 responsible. District policy shall provide the procedure and  
17 reasons by and for which a grade may be changed; provided that  
18 no grade or evaluation shall be changed without notification to  
19 the teacher concerning the nature and reasons for such change.  
20 If such a change is made, the person making the change shall  
21 assume such responsibility for determining the grade or  
22 evaluation, and shall initial such change.

23 (b) School districts shall not promote students to the next

1 higher grade level based upon age or any other social reasons  
2 not related to the academic performance of the students. On or  
3 before September 1, 1998, school boards shall adopt and enforce  
4 a policy on promotion as they deem necessary to ensure that  
5 students meet local goals and objectives and can perform at the  
6 expected grade level prior to promotion. Decisions to promote  
7 or retain students in any classes shall be based on successful  
8 completion of the curriculum, attendance, performance based on  
9 Illinois Goals and Assessment Program tests, the Iowa Test of  
10 Basic Skills, or other testing or any other criteria  
11 established by the school board. Students determined by the  
12 local district to not qualify for promotion to the next higher  
13 grade shall be provided remedial assistance, which may include,  
14 but shall not be limited to, a summer bridge program of no less  
15 than 90 hours, tutorial sessions, increased or concentrated  
16 instructional time, modifications to instructional materials,  
17 and retention in grade, subject to Section 10-20.53 of this  
18 Code.

19 (Source: P.A. 89-610, eff. 8-6-96; 90-548, eff. 1-1-98.)

20 (105 ILCS 5/10-20.55 new)

21 Sec. 10-20.55. Committee on the retention of students.

22 (a) A school board may create a committee on the retention  
23 of students. The committee shall consist of the district  
24 superintendent or his or her designee, a district administrator  
25 who directs student instruction and curriculum, a principal

1 from a school of the district, and a teacher from a school of  
2 the district.

3 (b) Prior to retention in a grade, a school may submit, by  
4 a date as set by the committee on the retention of students,  
5 the names of all students determined by the school to not  
6 qualify for promotion to the next higher grade and the reason  
7 for that determination. The committee shall review the school's  
8 decision to retain with respect to each student and shall make  
9 a final decision regarding whether or not to retain a  
10 particular student. The committee shall take into  
11 consideration the performance evaluation of the student's  
12 teacher or teachers pursuant to Article 24A of this Code. The  
13 committee may vote to prohibit the school district from  
14 retaining the student if the committee determines that the  
15 student is being retained due to inadequate instruction,  
16 resources, or facilities provided by the school district or due  
17 to the student having an undiagnosed learning disability.

18 (105 ILCS 5/14-6.01) (from Ch. 122, par. 14-6.01)

19 Sec. 14-6.01. Powers and duties of school boards. School  
20 boards of one or more school districts establishing and  
21 maintaining any of the educational facilities described in this  
22 Article shall, in connection therewith, exercise similar  
23 powers and duties as are prescribed by law for the  
24 establishment, maintenance and management of other recognized  
25 educational facilities. Such school boards shall include only

1 eligible children in the program and shall comply with all the  
2 requirements of this Article and all rules and regulations  
3 established by the State Board of Education. Such school boards  
4 shall accept in part-time attendance children with  
5 disabilities of the types described in Sections 14-1.02 through  
6 14-1.07 who are enrolled in nonpublic schools. A request for  
7 part-time attendance must be submitted by a parent or guardian  
8 of the disabled child and may be made only to those public  
9 schools located in the district where the child attending the  
10 nonpublic school resides; however, nothing in this Section  
11 shall be construed as prohibiting an agreement between the  
12 district where the child resides and another public school  
13 district to provide special educational services if such an  
14 arrangement is deemed more convenient and economical. Special  
15 educational services shall be provided to such students as soon  
16 as possible after the identification, evaluation and placement  
17 procedures provided in Section 14-8.02, but no later than the  
18 beginning of the next school semester following the completion  
19 of such procedures. Transportation for students in part time  
20 attendance shall be provided only if required in the child's  
21 individualized educational program on the basis of the child's  
22 disabling condition or as the special education program  
23 location may require.

24 A school board shall publish a public notice in its  
25 newsletter of general circulation or in the newsletter of  
26 another governmental entity of general circulation in the

1 district or if neither is available in the district, then in a  
2 newspaper of general circulation in the district, the right of  
3 all children with disabilities to a free appropriate public  
4 education as provided under this Code. Such notice shall  
5 identify the location and phone number of the office or agent  
6 of the school district to whom inquiries should be directed  
7 regarding the identification, assessment and placement of such  
8 children.

9 School boards shall immediately provide upon request by any  
10 person written materials and other information that indicates  
11 the specific policies, procedures, rules and regulations  
12 regarding the identification, evaluation or educational  
13 placement of children with disabilities under Section 14-8.02  
14 of the School Code. Such information shall include information  
15 regarding all rights and entitlements of such children under  
16 this Code, and of the opportunity to present complaints with  
17 respect to any matter relating to educational placement of the  
18 student, or the provision of a free appropriate public  
19 education and to have an impartial due process hearing on the  
20 complaint. The notice shall inform the parents or guardian in  
21 the parents' or guardian's native language, unless it is  
22 clearly not feasible to do so, of their rights and all  
23 procedures available pursuant to this Act and federal Public  
24 Law 94-142; it shall be the responsibility of the State  
25 Superintendent to develop uniform notices setting forth the  
26 procedures available under this Act and federal Public Law

1 94-142, as amended, to be used by all school boards. The notice  
2 shall also inform the parents or guardian of the availability  
3 upon request of a list of free or low-cost legal and other  
4 relevant services available locally to assist parents or  
5 guardians in exercising rights or entitlements under this Code.

6 Any parent or guardian who is deaf, or does not normally  
7 communicate using spoken English, who participates in a meeting  
8 with a representative of a local educational agency for the  
9 purposes of developing an individualized educational program  
10 shall be entitled to the services of an interpreter.

11 No disabled student or child with a learning disability may  
12 be denied promotion, graduation or a general diploma on the  
13 basis of failing a minimal competency test when such failure  
14 can be directly related to the disabling condition of the  
15 student. For the purpose of this Act, "minimal competency  
16 testing" is defined as tests which are constructed to measure  
17 the acquisition of skills to or beyond a certain defined  
18 standard.

19 Effective July 1, 1966, high school districts are  
20 financially responsible for the education of pupils with  
21 disabilities who are residents in their districts when such  
22 pupils have reached age 15 but may admit children with  
23 disabilities into special educational facilities without  
24 regard to graduation from the eighth grade after such pupils  
25 have reached the age of 14 1/2 years. Upon a disabled pupil's  
26 attaining the age of 14 1/2 years, it shall be the duty of the

1 elementary school district in which the pupil resides to notify  
2 the high school district in which the pupil resides of the  
3 pupil's current eligibility for special education services, of  
4 the pupil's current program, and of all evaluation data upon  
5 which the current program is based. After an examination of  
6 that information the high school district may accept the  
7 current placement and all subsequent timelines shall be  
8 governed by the current individualized educational program; or  
9 the high school district may elect to conduct its own  
10 evaluation and multidisciplinary staff conference and  
11 formulate its own individualized educational program, in which  
12 case the procedures and timelines contained in Section 14-8.02  
13 shall apply.

14 (Source: P.A. 89-397, eff. 8-20-95.)

15 (105 ILCS 5/34-18.48 new)

16 Sec. 34-18.48. Committee on the retention of students.

17 (a) The board may create a committee on the retention of  
18 students. The committee shall consist of the general  
19 superintendent of schools or his or her designee, a district  
20 administrator who directs student instruction and curriculum,  
21 a principal from a school of the district, and a teacher from a  
22 school of the district.

23 (b) Prior to retention in a grade, a school may submit, by  
24 a date as set by the committee on the retention of students,  
25 the names of all students determined by the school to not



1 qualify for promotion to the next higher grade and the reason  
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7 teacher or teachers pursuant to Article 24A of this Code. The  
8 committee may vote to prohibit the school district from  
9 retaining the student if the committee determines that the  
10 student is being retained due to inadequate instruction,  
11 resources, or facilities provided by the school district or due  
12 to the student having an undiagnosed learning disability.

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.