



Rep. Linda Chapa LaVia

Filed: 4/13/2005

09400HB2005ham001

LRB094 02833 NHT 43844 a

1 AMENDMENT TO HOUSE BILL 2005

2 AMENDMENT NO. _____. Amend House Bill 2005 by replacing
3 everything after the enacting clause with the following:

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 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
24 each term of a Governor after that Governor has made

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

1 authority under this Section to the State Superintendent to (1)
2 nonrecognize school districts, (2) withhold State payments as a
3 penalty, or (3) make final decisions under the contested case
4 provisions of the Illinois Administrative Procedure Act unless
5 otherwise provided by law.

6 C. The powers and duties of the State Board of Education
7 shall encompass all duties delegated to the Office of
8 Superintendent of Public Instruction on January 12, 1975,
9 except as the law providing for such powers and duties is
10 thereafter amended, and such other powers and duties as the
11 General Assembly shall designate. The Board shall be
12 responsible for the educational policies and guidelines for
13 public schools, pre-school through grade 12 and Vocational
14 Education in the State of Illinois. The Board shall analyze the
15 present and future aims, needs, and requirements of education
16 in the State of Illinois and recommend to the General Assembly
17 the powers which should be exercised by the Board. The Board
18 shall recommend the passage and the legislation necessary to
19 determine the appropriate relationship between the Board and
20 local boards of education and the various State agencies and
21 shall recommend desirable modifications in the laws which
22 affect schools.

23 D. Two members of the Board shall be appointed by the
24 chairperson to serve on a standing joint Education Committee, 2
25 others shall be appointed from the Board of Higher Education, 2
26 others shall be appointed by the chairperson of the Illinois
27 Community College Board, and 2 others shall be appointed by the
28 chairperson of the Human Resource Investment Council. The chief
29 administrative officer of the Illinois Mathematics and Science
30 Academy shall also be a member of the Committee. The Committee
31 shall be responsible for making recommendations concerning the
32 submission of any workforce development plan or workforce
33 training program required by federal law or under any block
34 grant authority. The Committee will be responsible for

1 developing policy on matters of mutual concern to elementary,
2 secondary and higher education such as Occupational and Career
3 Education, Teacher Preparation and Certification, Educational
4 Finance, Articulation between Elementary, Secondary and Higher
5 Education and Research and Planning. The joint Education
6 Committee shall meet at least quarterly and submit an annual
7 report of its findings, conclusions, and recommendations to the
8 State Board of Education, the Board of Higher Education, the
9 Illinois Community College Board, the Human Resource
10 Investment Council, the Governor, and the General Assembly. All
11 meetings of this Committee shall be official meetings for
12 reimbursement under this Act.

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

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

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

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