



Elementary Secondary Education Committee

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09500HB4232ham001

LRB095 15648 NHT 46675 a

1 AMENDMENT TO HOUSE BILL 4232

2 AMENDMENT NO. _____. Amend House Bill 4232 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. Anything submitted by
10 the State Board of Education to the Governor or the Governor's
11 Office of Management and Budget under this Act must also be
12 submitted simultaneously to the General Assembly by filing a
13 copy with the Secretary of the Senate and the Clerk of the
14 House of Representatives.

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

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

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

19 Section 5. The School Code is amended by changing Sections
20 1A-1, 1A-2, 1A-2.1, and 1A-4 and by adding Sections 1A-12 and
21 1A-13 as follows:

22 (105 ILCS 5/1A-1) (from Ch. 122, par. 1A-1)

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

24 (a) (Blank).

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

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

23 (b) The State Board of Education shall consist of 8 members
24 and a chairperson, who shall be appointed, with the advice and
25 consent of the Senate, by the Governor with the assistance of a
26 Nomination Panel or by a Nomination Panel if the Governor does

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

22 The members of the State Board of Education initially
23 appointed under this amendatory Act of the 95th General
24 Assembly shall serve for the following terms:

25 (1) The member of the State Board of Education from
26 Cook County who is not a resident of the City of Chicago

1 shall serve for a term that expires on the second Wednesday
2 of January, 2010 and until his or her successor is
3 appointed and has qualified.

4 (2) One of the members of the State Board of Education
5 from a county other than Cook County and the 5 counties
6 continuous to Cook County, as determined by lot, shall
7 serve for a term that expires on the second Wednesday of
8 January, 2010 and until his or her successor is appointed
9 and has qualified.

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

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

18 (5) One of the members of the State Board of Education
19 from any one of the 5 counties of the State that are
20 contiguous to Cook County, as determined by lot, shall
21 serve for a term that expires on the second Wednesday of
22 January, 2012 and until his or her successor is appointed
23 and has qualified.

24 (6) The other member-at-large who is not the
25 chairperson shall serve for a term that expires on the
26 second Wednesday of January, 2012 and until his or her

1 successor is appointed and has qualified.

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

7 (8) The other member of the State Board of Education
8 who is from any one of the 5 counties of the State that are
9 contiguous to Cook County shall serve for a term that
10 expires on the second Wednesday of January, 2014 and until
11 his or her successor is appointed and has qualified.

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

16 ~~The term of each member of the State Board of Education~~
17 ~~whose term expires on January 12, 2005 shall instead terminate~~
18 ~~on the effective date of this amendatory Act of the 93rd~~
19 ~~General Assembly. Of these 3 seats, (i) the member initially~~
20 ~~appointed pursuant to this amendatory Act of the 93rd General~~
21 ~~Assembly whose seat was vacant on April 27, 2004 shall serve~~
22 ~~until the second Wednesday of January, 2009 and (ii) the other~~
23 ~~2 members initially appointed pursuant to this amendatory Act~~
24 ~~of the 93rd General Assembly shall serve until the second~~
25 ~~Wednesday of January, 2007.~~

26 ~~The term of the member of the State Board of Education~~

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

8 ~~The term of the member of the State Board of Education~~
9 ~~whose seat was vacant on May 28, 2004 but after April 27, 2004~~
10 ~~and 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 other member of the State Board of~~
17 ~~Education whose term expires on January 10, 2007 shall instead~~
18 ~~terminate on the effective date of this amendatory Act of the~~
19 ~~93rd General Assembly. The member initially appointed pursuant~~
20 ~~to this amendatory Act of the 93rd General Assembly to fill~~
21 ~~this seat shall serve until the second Wednesday of January,~~
22 ~~2007.~~

23 ~~The term of the member of the State Board of Education~~
24 ~~whose term expires on January 14, 2009 and who was selected~~
25 ~~from among the 5 counties of the State that are contiguous to~~
26 ~~Cook County and is a resident of Lake County shall instead~~

1 ~~terminate on the effective date of this amendatory Act of the~~
2 ~~93rd General Assembly. The member initially appointed pursuant~~
3 ~~to this amendatory Act of the 93rd General Assembly to fill~~
4 ~~this seat shall serve until the second Wednesday of January,~~
5 ~~2009.~~

6 Upon expiration of the terms of the members initially
7 appointed under this amendatory Act of the 95th ~~93rd~~ General
8 Assembly ~~and members whose terms were not terminated by this~~
9 ~~amendatory Act of the 93rd General Assembly,~~ their respective
10 successors shall be appointed for terms of 6 ~~4~~ years, from the
11 second Wednesday in January ~~of each odd numbered year~~ and until
12 their respective successors are appointed and qualified.

13 (c) ~~At~~ Of ~~the 4 members, excluding the chairperson, whose~~
14 ~~terms expire on the second Wednesday of January, 2007 and every~~
15 ~~4 years thereafter, one of those members must be an at large~~
16 ~~member and at no time may more than 5~~ 2 ~~of those members~~ of the
17 State Board of Education be from one political party. ~~Of the 4~~
18 ~~members whose terms expire on the second Wednesday of January,~~
19 ~~2009 and every 4 years thereafter, one of those members must be~~
20 ~~an at-large member and at no time may more than 2 of those~~
21 ~~members be from one political party.~~ Party membership is
22 defined as having voted in the primary of the party in the last
23 primary before appointment.

24 (c-5) The Nomination Panel is established to provide a list
25 of nominees to the Governor for appointment to the State Board
26 of Education. Members of the Nomination Panel must be appointed

1 by majority vote of the following appointing authorities: the
2 Governor, the Attorney General, and the Secretary of State.
3 Each member of the Nomination Panel shall serve for a term that
4 expires on January 15 of each even-numbered year and until his
5 or her successor is appointed and has qualified. The appointing
6 authorities may hold as many public or non-public meetings as
7 is required to fulfill their duties and may utilize their
8 respective staff and budget in carrying out their duties,
9 provided that the final vote on appointees to the Nomination
10 Panel shall take place in a meeting governed by the Open
11 Meetings Act. Any ex parte communications regarding the
12 Nomination Panel must be made a part of the record at the next
13 public meeting and part of a written record. The appointing
14 authorities shall file a list of members of the Nomination
15 Panel with the Secretary of State within 30 days after the
16 effective date of this amendatory Act of the 95th General
17 Assembly. Thereafter, the appointing authorities shall file a
18 list of members of the Nomination Panel with the Secretary of
19 State within 30 days after January 15 of each even-numbered
20 year. Members of the Nomination Panel may be reappointed. A
21 vacancy on the Nomination Panel due to disqualification or
22 resignation must be filled within 30 days after the vacancy,
23 and the appointing authorities must file the name of the new
24 appointee with the Secretary of State.

25 The Nomination Panel shall consist of the following 7
26 members:

1 (1) Two members must be former district
2 superintendents.

3 (2) One member must be a former elementary school
4 teacher.

5 (3) One member must be a former secondary school
6 teacher.

7 (4) Two members must be former State legislators with
8 significant experience and involvement in the elementary
9 and secondary education appropriation process.

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

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

26 At no time may more than 4 members of the Nomination Panel

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

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

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

20 Once an application is submitted to the Nomination Panel
21 and until (i) the candidate is rejected by the Nomination
22 Panel, (ii) the candidate is rejected by the Governor, (iii)
23 the candidate is rejected by the Senate, or (iv) the candidate
24 is confirmed by the Senate, whichever is applicable, a
25 candidate may not engage in ex parte communications.

26 Within 60 days after the Nomination Panel is established,

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

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

21 After reviewing the nominations, the Governor may select 9
22 nominees, including the chairperson, for appointment to the
23 State Board of Education, to be confirmed by the Senate. The
24 Governor shall file the names of his or her appointments with
25 the Senate and the Secretary of State. The Secretary of State
26 shall indicate the date and time of filing.

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

10 Appointments by the Governor or Nomination Panel must be
11 confirmed by the Senate by two-thirds of its members by record
12 vote. Any appointment not acted upon within 30 calendar days
13 after the date of filing the names of appointments with the
14 Secretary of State shall be deemed to have received the advice
15 and consent of the Senate.

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

1 State, or an employee of the legislative branch of this State.

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

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

21 The Nomination Panel must nominate at least 3 candidates
22 for the vacancy within 60 days after that vacancy occurs.
23 Within 30 days after that, the Governor shall appoint one of
24 those nominees to fill the vacancy for the remainder of the
25 unexpired term. If the Governor does not fill the vacancy
26 within the 30 days, the Nomination Panel may make the

1 appointment. Vacancies shall be confirmed by the Senate in the
2 same manner as full-term appointments under subsection (c-5) of
3 this Section. Vacancies in terms shall be filled by appointment
4 by the Governor with the advice and consent of the Senate for
5 the extent of the unexpired term. If a vacancy in membership
6 occurs at a time when the Senate is not in session, the
7 Governor shall make a temporary appointment until the next
8 meeting of the Senate, when the Governor shall appoint a person
9 to fill that membership for the remainder of its term. If the
10 Senate is not in session when appointments for a full term are
11 made, the appointments shall be made as in the case of
12 vacancies.

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

14 (105 ILCS 5/1A-2) (from Ch. 122, par. 1A-2)

15 Sec. 1A-2. Qualifications. The members of the State Board
16 of Education shall be citizens of the United States and
17 residents of the State of Illinois and shall be selected as far
18 as may be practicable on the basis of their knowledge of, or
19 interest and experience in, problems of public education. No
20 member of the State Board of Education shall be gainfully
21 employed or administratively connected with any school system,
22 nor have any interest in or benefit from funds provided by the
23 State Board of Education to an institution of higher learning,
24 public or private, within Illinois, nor shall they be members
25 of a school board or board of school trustees of a public or

1 nonpublic school, college, university or technical institution
2 within Illinois. No member shall be appointed to more than 2
3 full-year ~~six-year~~ terms. Members shall be reimbursed for all
4 ordinary and necessary expenses incurred in performing their
5 duties as members of the Board. Expenses shall be approved by
6 the Board and be consistent with the laws, policies, and
7 requirements of the State of Illinois regarding such
8 expenditures, plus any member may include in his claim for
9 expenses \$50 per day for meeting days.

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

11 (105 ILCS 5/1A-2.1) (from Ch. 122, par. 1A-2.1)

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

- 20 1. A member dies.
- 21 2. A member files a written resignation with the Governor.
- 22 3. A member is adjudicated to be a person under legal
23 disability under the Probate Act of 1975 or a person subject to
24 involuntary admission under the Mental Health and
25 Developmental Disabilities Code.

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

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

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

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

9 (105 ILCS 5/1A-4) (from Ch. 122, par. 1A-4)

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

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

12 A. (Blank).

13 B. The Board shall determine the qualifications of and
14 appoint a chief education officer, to be known as the State
15 Superintendent of Education, ~~who may be proposed by the~~
16 ~~Governor and~~ who shall serve at the pleasure of the Board and
17 pursuant to a performance-based contract linked to statewide
18 student performance and academic improvement within Illinois
19 schools. Upon expiration or buyout of the contract of the State
20 Superintendent of Education in office on the effective date of
21 this amendatory Act of the 95th ~~93rd~~ General Assembly, a new
22 State Superintendent of Education may ~~shall~~ be appointed by a
23 State Board of Education that consists of all of the new
24 members initially to be appointed under this amendatory Act of
25 the 95th General Assembly ~~includes the 7 new Board members who~~

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

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

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

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

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

1 State Board of Education, the Board of Higher Education, the
2 Illinois Community College Board, the Human Resource
3 Investment Council, the Governor, and the General Assembly. All
4 meetings of this Committee shall be official meetings for
5 reimbursement under this Act.

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

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

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

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

1 Library Act.

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

10 G. The Board shall provide the General Assembly with an
11 "ideal world" budget that shows what is needed to fully fund
12 everything. This budget must be filed with the Secretary of the
13 Senate and the Clerk of the House of Representatives at the
14 same time that the information required to be submitted to the
15 General Assembly under subdivision (b) of Section 6 of the
16 Governor's Office of Management and Budget Act is filed with
17 the Secretary of the Senate and the Clerk of the House of
18 Representatives.

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

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

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

22 A. (Blank).

23 B. The Board shall determine the qualifications of and
24 appoint a chief education officer, to be known as the State
25 Superintendent of Education, ~~who may be proposed by the~~

1 ~~Governor and~~ who shall serve at the pleasure of the Board and
2 pursuant to a performance-based contract linked to statewide
3 student performance and academic improvement within Illinois
4 schools. Upon expiration or buyout of the contract of the State
5 Superintendent of Education in office on the effective date of
6 this amendatory Act of the 95th ~~93rd~~ General Assembly, a new
7 State Superintendent of Education may ~~shall~~ be appointed by a
8 State Board of Education that consists of all of the new
9 members initially to be appointed under this amendatory Act of
10 the 95th General Assembly ~~includes the 7 new Board members who~~
11 ~~were appointed to fill seats of members whose terms were~~
12 ~~terminated on the effective date of this amendatory Act of the~~
13 ~~93rd General Assembly. Thereafter, a State Superintendent of~~
14 ~~Education must, at a minimum, be appointed at the beginning of~~
15 ~~each term of a Governor after that Governor has made~~
16 ~~appointments to the Board. A performance-based contract issued~~
17 ~~for the employment of a State Superintendent of Education~~ must
18 be for 4 years. A ~~entered into on or after the effective date~~
19 ~~of this amendatory Act of the 93rd General Assembly must expire~~
20 ~~no later than February 1, 2007, and subsequent contracts must~~
21 ~~expire no later than February 1 each 4 years thereafter. No~~
22 ~~contract shall be extended or renewed beyond February 1, 2007~~
23 ~~and February 1 each 4 years thereafter, but a State~~
24 Superintendent of Education shall serve until his or her
25 successor is appointed. Each contract entered into ~~on or before~~
26 ~~January 8, 2007~~ with a State Superintendent of Education must

1 provide that the State Board of Education may terminate the
2 contract for cause, and the State Board of Education shall not
3 thereafter be liable for further payments under the contract.
4 ~~With regard to this amendatory Act of the 93rd General~~
5 ~~Assembly, it is the intent of the General Assembly that,~~
6 ~~beginning with the Governor who takes office on the second~~
7 ~~Monday of January, 2007, a State Superintendent of Education be~~
8 ~~appointed at the beginning of each term of a Governor after~~
9 ~~that Governor has made appointments to the Board.~~ The State
10 Superintendent of Education shall not serve as a member of the
11 State Board of Education. The Board shall set the compensation
12 of the State Superintendent of Education who shall serve as the
13 Board's chief executive officer. The Board shall also establish
14 the duties, powers and responsibilities of the State
15 Superintendent, which shall be included in the State
16 Superintendent's performance-based contract along with the
17 goals and indicators of student performance and academic
18 improvement used to measure the performance and effectiveness
19 of the State Superintendent. The State Board of Education may
20 delegate to the State Superintendent of Education the authority
21 to act on the Board's behalf, provided such delegation is made
22 pursuant to adopted board policy or the powers delegated are
23 ministerial in nature. The State Board may not delegate
24 authority under this Section to the State Superintendent to (1)
25 nonrecognize school districts, (2) withhold State payments as a
26 penalty, or (3) make final decisions under the contested case

1 provisions of the Illinois Administrative Procedure Act unless
2 otherwise provided by law.

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

20 D. Two members of the Board shall be appointed by the
21 chairperson to serve on a standing joint Education Committee, 2
22 others shall be appointed from the Board of Higher Education, 2
23 others shall be appointed by the chairperson of the Illinois
24 Community College Board, and 2 others shall be appointed by the
25 chairperson of the Human Resource Investment Council. The
26 Committee shall be responsible for making recommendations

1 concerning the submission of any workforce development plan or
2 workforce training program required by federal law or under any
3 block grant authority. The Committee will be responsible for
4 developing policy on matters of mutual concern to elementary,
5 secondary and higher education such as Occupational and Career
6 Education, Teacher Preparation and Certification, Educational
7 Finance, Articulation between Elementary, Secondary and Higher
8 Education and Research and Planning. The joint Education
9 Committee shall meet at least quarterly and submit an annual
10 report of its findings, conclusions, and recommendations to the
11 State Board of Education, the Board of Higher Education, the
12 Illinois Community College Board, the Human Resource
13 Investment Council, the Governor, and the General Assembly. All
14 meetings of this Committee shall be official meetings for
15 reimbursement under this Act. On the effective date of this
16 amendatory Act of the 95th General Assembly, the Joint
17 Education Committee is abolished.

18 E. Five members of the Board shall constitute a quorum. A
19 majority vote of the members appointed, confirmed and serving
20 on the Board is required to approve any action, ~~except that the~~
21 ~~7 new Board members who were appointed to fill seats of members~~
22 ~~whose terms were terminated on the effective date of this~~
23 ~~amendatory act of the 93rd General Assembly may vote to approve~~
24 ~~actions when appointed and serving.~~

25 E-5. The Board shall prepare and submit to the General
26 Assembly and the Governor on or before January 14, 1976 and

1 annually thereafter a report or reports of its findings and
2 recommendations. Such annual report shall contain a separate
3 section which provides a critique and analysis of the status of
4 education in Illinois and which identifies its specific
5 problems and recommends express solutions therefor. Such
6 annual report also shall contain the following information for
7 the preceding year ending on June 30: each act or omission of a
8 school district of which the State Board of Education has
9 knowledge as a consequence of scheduled, approved visits and
10 which constituted a failure by the district to comply with
11 applicable State or federal laws or regulations relating to
12 public education, the name of such district, the date or dates
13 on which the State Board of Education notified the school
14 district of such act or omission, and what action, if any, the
15 school district took with respect thereto after being notified
16 thereof by the State Board of Education. The report shall also
17 include the statewide high school dropout rate by grade level,
18 sex and race and the annual student dropout rate of and the
19 number of students who graduate from, transfer from or
20 otherwise leave bilingual programs. The annual report shall
21 include any recommended legislation that the Board considers
22 appropriate for the educational needs of this State and how far
23 behind the federal government is on No Child Left Behind Act
24 funding for this State. The Auditor General shall annually
25 perform a compliance audit of the State Board of Education's
26 performance of the reporting duty imposed by this subsection

1 ~~E-5 amendatory Act of 1986~~. A regular system of communication
2 with other directly related State agencies shall be
3 implemented.

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

14 F. Upon all of the new members initially to be appointed
15 under this amendatory Act of the 95th General Assembly taking
16 office ~~appointment of the 7 new Board members who were~~
17 ~~appointed to fill seats of members whose terms were terminated~~
18 ~~on the effective date of this amendatory Act of the 93rd~~
19 ~~General Assembly~~, the Board shall review all of its current
20 rules in an effort to streamline procedures, improve
21 efficiency, and eliminate unnecessary forms and paperwork.

22 G. The Board shall provide the General Assembly with an
23 "ideal world" budget that shows what is needed to fully fund
24 everything. This budget must be filed with the Secretary of the
25 Senate and the Clerk of the House of Representatives at the
26 same time that the information required to be submitted to the

1 General Assembly under subdivision (b) of Section 6 of the
2 Governor's Office of Management and Budget Act is filed with
3 the Secretary of the Senate and the Clerk of the House of
4 Representatives.

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

6 (105 ILCS 5/1A-12 new)

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

8 (a) There is created the State Board of Education Advisory
9 Board composed of 8 members who are appointed, 2 each, by the
10 President of the Senate, the Minority Leader of the Senate, the
11 Speaker of the House of Representatives, and the Minority
12 Leader of the House of Representatives.

13 (b) Members of the Advisory Board shall serve for 2 years.
14 Vacancies shall be filled by appointment for the unexpired term
15 in the same manner as original appointments are made. The
16 Advisory Board shall elect 2 co-chairpersons from among its
17 members, one appointed by a House member from one party and one
18 appointed by a Senate member from another party.

19 (c) Members of the Advisory Board shall serve without
20 compensation, but may be reimbursed for necessary expenses in
21 connection with the performance of the Advisory Board's duties.

22 (d) The Advisory Board (i) shall meet quarterly or as
23 needed, (ii) shall produce and request any reports it deems
24 necessary, (iii) shall provide advisory oversight of the State
25 Board of Education, and (iv) shall work with the State Board of

1 Education in an advisory capacity to implement the State
2 Board's powers and duties.

3 (105 ILCS 5/1A-13 new)

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

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

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

20 (c) An ex parte communication received by the State Board
21 of Education, the State Superintendent of Education, or other
22 State Board employee from the Governor or his or her official
23 representative, employee, or attorney shall promptly be
24 memorialized and made a part of the record. The ex parte
25 communication shall promptly be filed with the Executive Ethics

1 Commission, including all written communications, all written
2 responses to the communications, and a memorandum stating the
3 nature and substance of all oral communications, the identity
4 and job title of the person to whom each communication was
5 made, all responses made, the identity and job title of the
6 person making each response, the identity of each person from
7 whom the written or oral ex parte communication was received,
8 the individual or entity represented by that person, any action
9 the person requested or recommended, and any other pertinent
10 information. This disclosure shall also contain the date of any
11 ex parte communication.

12 (d) Ex parte communications filed with the Executive Ethics
13 Commission under this Section must be open to public
14 inspection.

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

20 Section 95. No acceleration or delay. Where this Act makes
21 changes in a statute that is represented in this Act by text
22 that is not yet or no longer in effect (for example, a Section
23 represented by multiple versions), the use of that text does
24 not accelerate or delay the taking effect of (i) the changes
25 made by this Act or (ii) provisions derived from any other

1 Public Act.

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

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.".