



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5140

Introduced 1/29/2010, by Rep. Roger L. Eddy

SYNOPSIS AS INTRODUCED:

105 ILCS 5/18-12

from Ch. 122, par. 18-12

Amends the School Code. Provides that if a school district closed one or more recognized school buildings in the 2009-2010 school year due to the influenza strain H1N1 prior to providing any instruction, then the school district's State aid claim may use the prior year's average daily attendance, adjusted for enrollment, for the days the school buildings are closed. Effective immediately.

LRB096 16432 MJR 31699 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 18-12 as follows:

6 (105 ILCS 5/18-12) (from Ch. 122, par. 18-12)

7 Sec. 18-12. Dates for filing State aid claims. The school
8 board of each school district shall require teachers,
9 principals, or superintendents to furnish from records kept by
10 them such data as it needs in preparing and certifying to the
11 regional superintendent its school district report of claims
12 provided in Sections 18-8.05 through 18-9 as required by the
13 State Superintendent of Education. The district claim shall be
14 based on the latest available equalized assessed valuation and
15 tax rates, as provided in Section 18-8.05 and shall use the
16 average daily attendance as determined by the method outlined
17 in Section 18-8.05 and shall be certified and filed with the
18 regional superintendent by June 21 for districts with an
19 official school calendar end date before June 15 or within 2
20 weeks following the official school calendar end date for
21 districts with a school year end date of June 15 or later. The
22 regional superintendent shall certify and file with the State
23 Superintendent of Education district State aid claims by July 1

1 for districts with an official school calendar end date before
2 June 15 or no later than July 15 for districts with an official
3 school calendar end date of June 15 or later. Failure to so
4 file by these deadlines constitutes a forfeiture of the right
5 to receive payment by the State until such claim is filed and
6 vouchered for payment. The regional superintendent of schools
7 shall certify the county report of claims by July 15; and the
8 State Superintendent of Education shall voucher for payment
9 those claims to the State Comptroller as provided in Section
10 18-11.

11 Except as otherwise provided in this Section, if any school
12 district fails to provide the minimum school term specified in
13 Section 10-19, the State aid claim for that year shall be
14 reduced by the State Superintendent of Education in an amount
15 equivalent to $1/176$ or .56818% for each day less than the
16 number of days required by this Code.

17 If the State Superintendent of Education determines that
18 the failure to provide the minimum school term was occasioned
19 by an act or acts of God, or was occasioned by conditions
20 beyond the control of the school district which posed a
21 hazardous threat to the health and safety of pupils, the State
22 aid claim need not be reduced.

23 If a school district is precluded from providing the
24 minimum hours of instruction required for a full day of
25 attendance due to an adverse weather condition or a condition
26 beyond the control of the school district that poses a

1 hazardous threat to the health and safety of students, then the
2 partial day of attendance may be counted if (i) the school
3 district has provided at least one hour of instruction prior to
4 the closure of the school district, (ii) a school building has
5 provided at least one hour of instruction prior to the closure
6 of the school building, or (iii) the normal start time of the
7 school district is delayed.

8 If, prior to providing any instruction, a school district
9 must close one or more but not all school buildings after
10 consultation with a local emergency response agency or due to a
11 condition beyond the control of the school district, then the
12 school district may claim attendance for up to 2 school days
13 based on the average attendance of the 3 school days
14 immediately preceding the closure of the affected school
15 building. The partial or no day of attendance described in this
16 Section and the reasons therefore shall be certified within a
17 month of the closing or delayed start by the school district
18 superintendent to the regional superintendent of schools for
19 forwarding to the State Superintendent of Education for
20 approval.

21 No exception to the requirement of providing a minimum
22 school term may be approved by the State Superintendent of
23 Education pursuant to this Section unless a school district has
24 first used all emergency days provided for in its regular
25 calendar.

26 If the State Superintendent of Education declares that an

1 energy shortage exists during any part of the school year for
2 the State or a designated portion of the State, a district may
3 operate the school attendance centers within the district 4
4 days of the week during the time of the shortage by extending
5 each existing school day by one clock hour of school work, and
6 the State aid claim shall not be reduced, nor shall the
7 employees of that district suffer any reduction in salary or
8 benefits as a result thereof. A district may operate all
9 attendance centers on this revised schedule, or may apply the
10 schedule to selected attendance centers, taking into
11 consideration such factors as pupil transportation schedules
12 and patterns and sources of energy for individual attendance
13 centers.

14 Electronically submitted State aid claims shall be
15 submitted by duly authorized district or regional individuals
16 over a secure network that is password protected. The
17 electronic submission of a State aid claim must be accompanied
18 with an affirmation that all of the provisions of Sections
19 18-8.05 through 18-9, 10-22.5, and 24-4 of this Code are met in
20 all respects.

21 If a school district closed one or more recognized school
22 buildings in the 2009-2010 school year due to the influenza
23 strain H1N1 prior to providing any instruction, then the school
24 district's State aid claim may use the prior year's average
25 daily attendance, adjusted for enrollment, for the days the
26 school buildings are closed.

1 (Source: P.A. 95-152, eff. 8-14-07; 95-811, eff. 8-13-08;
2 95-876, eff. 8-21-08; 96-734, eff. 8-25-09.)

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