



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB3525

Introduced 2/14/2014, by Sen. Dale A. Righter

SYNOPSIS AS INTRODUCED:

105 ILCS 5/1C-1
105 ILCS 5/14-7.02b
105 ILCS 5/14-7.05
105 ILCS 5/18-8.05
105 ILCS 5/22-62 new
105 ILCS 5/Art. 1D rep.

Amends the School Code. Removes language that provides that the Block Grants Article does not apply to the Chicago school district. Repeals the Block Grants for Chicago Article; makes related changes. In the State aid formula provisions, makes changes concerning supplemental general State aid. Provides that school districts need not comply with and may discharge any mandate or requirement placed on school districts by the Code or by administrative rules adopted by the State Board of Education that is unfunded; with exceptions. Provides that before a school district may lawfully discharge an unfunded mandate, it must hold a public hearing on the matter; sets forth requirements concerning the hearing. Effective July 1, 2016.

LRB098 20218 NHT 55567 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 Sections
5 1C-1, 14-7.02b, 14-7.05, and 18-8.05 and by adding Section
6 22-62 as follows:

7 (105 ILCS 5/1C-1)

8 Sec. 1C-1. Purpose. The purpose of this Article is to
9 permit greater flexibility and efficiency in the distribution
10 and use of certain State funds available to local education
11 agencies for the improvement of the quality of educational
12 services pursuant to locally established priorities.

13 ~~This Article does not apply to school districts having a~~
14 ~~population in excess of 500,000 inhabitants.~~

15 (Source: P.A. 88-555, eff. 7-27-94; 89-15, eff. 5-30-95;
16 89-397, eff. 8-20-95; 89-626, eff. 8-9-96.)

17 (105 ILCS 5/14-7.02b)

18 Sec. 14-7.02b. Funding for children requiring special
19 education services. Payments to school districts for children
20 requiring special education services documented in their
21 individualized education program regardless of the program
22 from which these services are received, excluding children

1 claimed under Sections 14-7.02 and 14-7.03 of this Code, shall
2 be made in accordance with this Section. Funds received under
3 this Section may be used only for the provision of special
4 educational facilities and services as defined in Section
5 14-1.08 of this Code.

6 The appropriation for fiscal year 2005 and thereafter shall
7 be based upon the IDEA child count of all students in the
8 State, excluding students claimed under Sections 14-7.02 and
9 14-7.03 of this Code, on December 1 of the fiscal year 2 years
10 preceding, multiplied by 17.5% of the general State aid
11 foundation level of support established for that fiscal year
12 under Section 18-8.05 of this Code.

13 Beginning with fiscal year 2005 and through fiscal year
14 2007, individual school districts shall not receive payments
15 under this Section totaling less than they received under the
16 funding authorized under Section 14-7.02a of this Code during
17 fiscal year 2004, pursuant to the provisions of Section
18 14-7.02a as they were in effect before the effective date of
19 this amendatory Act of the 93rd General Assembly. This base
20 level funding shall be computed first.

21 Beginning with fiscal year 2008 and each fiscal year
22 thereafter, individual school districts must not receive
23 payments under this Section totaling less than they received in
24 fiscal year 2007. This funding shall be computed last and shall
25 be a separate calculation from any other calculation set forth
26 in this Section. ~~This amount is exempt from the requirements of~~

1 ~~Section 1D-1 of this Code.~~

2 An amount equal to 85% of the funds remaining in the
3 appropriation shall be allocated to school districts based upon
4 the district's average daily attendance reported for purposes
5 of Section 18-8.05 of this Code for the preceding school year.
6 Fifteen percent of the funds remaining in the appropriation
7 shall be allocated to school districts based upon the
8 district's low income eligible pupil count used in the
9 calculation of general State aid under Section 18-8.05 of this
10 Code for the same fiscal year. One hundred percent of the funds
11 computed and allocated to districts under this Section shall be
12 distributed and paid to school districts.

13 For individual students with disabilities whose program
14 costs exceed 4 times the district's per capita tuition rate as
15 calculated under Section 10-20.12a of this Code, the costs in
16 excess of 4 times the district's per capita tuition rate shall
17 be paid by the State Board of Education from unexpended IDEA
18 discretionary funds originally designated for room and board
19 reimbursement pursuant to Section 14-8.01 of this Code. The
20 amount of tuition for these children shall be determined by the
21 actual cost of maintaining classes for these children, using
22 the per capita cost formula set forth in Section 14-7.01 of
23 this Code, with the program and cost being pre-approved by the
24 State Superintendent of Education. Reimbursement for
25 individual students with disabilities whose program costs
26 exceed 4 times the district's per capita tuition rate shall be

1 claimed beginning with costs encumbered for the 2004-2005
2 school year and thereafter.

3 The State Board of Education shall prepare vouchers equal
4 to one-fourth the amount allocated to districts, for
5 transmittal to the State Comptroller on the 30th day of
6 September, December, and March, respectively, and the final
7 voucher, no later than June 20. The Comptroller shall make
8 payments pursuant to this Section to school districts as soon
9 as possible after receipt of vouchers. If the money
10 appropriated from the General Assembly for such purposes for
11 any year is insufficient, it shall be apportioned on the basis
12 of the payments due to school districts.

13 Nothing in this Section shall be construed ~~to decrease or~~
14 ~~increase the percentage of all special education funds that are~~
15 ~~allocated annually under Article 1D of this Code or~~ to alter
16 the requirement that a school district provide special
17 education services.

18 Nothing in this amendatory Act of the 93rd General Assembly
19 shall eliminate any reimbursement obligation owed as of the
20 effective date of this amendatory Act of the 93rd General
21 Assembly to a school district with in excess of 500,000
22 inhabitants.

23 (Source: P.A. 93-1022, eff. 8-24-08; 95-705, eff. 1-8-08.)

24 (105 ILCS 5/14-7.05)

25 Sec. 14-7.05. Placement in residential facility; payment

1 of educational costs. For any student with a disability in a
2 residential facility placement made or paid for by an Illinois
3 public State agency or made by any court in this State, the
4 school district of residence as determined pursuant to this
5 Article is responsible for the costs of educating the child and
6 shall be reimbursed for those costs in accordance with this
7 Code. Subject to this Section and relevant State appropriation,
8 the resident district's financial responsibility and
9 reimbursement must be calculated in accordance with the
10 provisions of Section 14-7.02 of this Code. ~~In those instances~~
11 ~~in which a district receives a block grant pursuant to Article~~
12 ~~1D of this Code, the district's financial responsibility is~~
13 ~~limited to the actual educational costs of the placement, which~~
14 ~~must be paid by the district from its block grant~~
15 ~~appropriation.~~ Resident district financial responsibility and
16 reimbursement applies for both residential facilities that are
17 approved by the State Board of Education and non-approved
18 facilities, subject to the requirements of this Section. The
19 Illinois placing agency or court remains responsible for
20 funding the residential portion of the placement and for
21 notifying the resident district prior to the placement, except
22 in emergency situations. The residential facility in which the
23 student is placed shall notify the resident district of the
24 student's enrollment as soon as practicable after the
25 placement. Failure of the placing agency or court to notify the
26 resident district prior to the placement does not absolve the

1 resident district of financial responsibility for the
2 educational costs of the placement; however, the resident
3 district shall not become financially responsible unless and
4 until it receives written notice of the placement by either the
5 placing agency, court, or residential facility. The placing
6 agency or parent shall request an individualized education
7 program (IEP) meeting from the resident district if the
8 placement would entail additional educational services beyond
9 the student's current IEP. The district of residence shall
10 retain control of the IEP process, and any changes to the IEP
11 must be done in compliance with the federal Individuals with
12 Disabilities Education Act.

13 Payments shall be made by the resident district to the
14 entity providing the educational services, whether the entity
15 is the residential facility or the school district wherein the
16 facility is located, no less than once per quarter unless
17 otherwise agreed to in writing by the parties.

18 A residential facility providing educational services
19 within the facility, but not approved by the State Board of
20 Education, is required to demonstrate proof to the State Board
21 of (i) appropriate certification of teachers for the student
22 population, (ii) age-appropriate curriculum, (iii) enrollment
23 and attendance data, and (iv) the ability to implement the
24 child's IEP. A school district is under no obligation to pay
25 such a residential facility unless and until such proof is
26 provided to the State Board's satisfaction.

1 When a dispute arises over the determination of the
2 district of residence under this Section, any person or entity,
3 including without limitation a school district or residential
4 facility, may make a written request for a residency decision
5 to the State Superintendent of Education, who, upon review of
6 materials submitted and any other items of information he or
7 she may request for submission, shall issue his or her decision
8 in writing. The decision of the State Superintendent of
9 Education is final.

10 (Source: P.A. 95-844, eff. 8-15-08; 95-938, eff. 8-29-08.)

11 (105 ILCS 5/18-8.05)

12 Sec. 18-8.05. Basis for apportionment of general State
13 financial aid and supplemental general State aid to the common
14 schools for the 1998-1999 and subsequent school years.

15 (A) General Provisions.

16 (1) The provisions of this Section apply to the 1998-1999
17 and subsequent school years. The system of general State
18 financial aid provided for in this Section is designed to
19 assure that, through a combination of State financial aid and
20 required local resources, the financial support provided each
21 pupil in Average Daily Attendance equals or exceeds a
22 prescribed per pupil Foundation Level. This formula approach
23 imputes a level of per pupil Available Local Resources and
24 provides for the basis to calculate a per pupil level of

1 general State financial aid that, when added to Available Local
2 Resources, equals or exceeds the Foundation Level. The amount
3 of per pupil general State financial aid for school districts,
4 in general, varies in inverse relation to Available Local
5 Resources. Per pupil amounts are based upon each school
6 district's Average Daily Attendance as that term is defined in
7 this Section.

8 (2) In addition to general State financial aid, school
9 districts with specified levels or concentrations of pupils
10 from low income households are eligible to receive supplemental
11 general State financial aid grants as provided pursuant to
12 subsection (H). The supplemental State aid grants provided for
13 school districts under subsection (H) shall be appropriated for
14 distribution to school districts as part of the same line item
15 in which the general State financial aid of school districts is
16 appropriated under this Section.

17 (3) To receive financial assistance under this Section,
18 school districts are required to file claims with the State
19 Board of Education, subject to the following requirements:

20 (a) Any school district which fails for any given
21 school year to maintain school as required by law, or to
22 maintain a recognized school is not eligible to file for
23 such school year any claim upon the Common School Fund. In
24 case of nonrecognition of one or more attendance centers in
25 a school district otherwise operating recognized schools,
26 the claim of the district shall be reduced in the

1 proportion which the Average Daily Attendance in the
2 attendance center or centers bear to the Average Daily
3 Attendance in the school district. A "recognized school"
4 means any public school which meets the standards as
5 established for recognition by the State Board of
6 Education. A school district or attendance center not
7 having recognition status at the end of a school term is
8 entitled to receive State aid payments due upon a legal
9 claim which was filed while it was recognized.

10 (b) School district claims filed under this Section are
11 subject to Sections 18-9 and 18-12, except as otherwise
12 provided in this Section.

13 (c) If a school district operates a full year school
14 under Section 10-19.1, the general State aid to the school
15 district shall be determined by the State Board of
16 Education in accordance with this Section as near as may be
17 applicable.

18 (d) (Blank).

19 (4) Except as provided in subsections (H) and (L), the
20 board of any district receiving any of the grants provided for
21 in this Section may apply those funds to any fund so received
22 for which that board is authorized to make expenditures by law.

23 School districts are not required to exert a minimum
24 Operating Tax Rate in order to qualify for assistance under
25 this Section.

26 (5) As used in this Section the following terms, when

1 capitalized, shall have the meaning ascribed herein:

2 (a) "Average Daily Attendance": A count of pupil
3 attendance in school, averaged as provided for in
4 subsection (C) and utilized in deriving per pupil financial
5 support levels.

6 (b) "Available Local Resources": A computation of
7 local financial support, calculated on the basis of Average
8 Daily Attendance and derived as provided pursuant to
9 subsection (D).

10 (c) "Corporate Personal Property Replacement Taxes":
11 Funds paid to local school districts pursuant to "An Act in
12 relation to the abolition of ad valorem personal property
13 tax and the replacement of revenues lost thereby, and
14 amending and repealing certain Acts and parts of Acts in
15 connection therewith", certified August 14, 1979, as
16 amended (Public Act 81-1st S.S.-1).

17 (d) "Foundation Level": A prescribed level of per pupil
18 financial support as provided for in subsection (B).

19 (e) "Operating Tax Rate": All school district property
20 taxes extended for all purposes, except Bond and Interest,
21 Summer School, Rent, Capital Improvement, and Vocational
22 Education Building purposes.

23 (B) Foundation Level.

24 (1) The Foundation Level is a figure established by the
25 State representing the minimum level of per pupil financial

1 support that should be available to provide for the basic
2 education of each pupil in Average Daily Attendance. As set
3 forth in this Section, each school district is assumed to exert
4 a sufficient local taxing effort such that, in combination with
5 the aggregate of general State financial aid provided the
6 district, an aggregate of State and local resources are
7 available to meet the basic education needs of pupils in the
8 district.

9 (2) For the 1998-1999 school year, the Foundation Level of
10 support is \$4,225. For the 1999-2000 school year, the
11 Foundation Level of support is \$4,325. For the 2000-2001 school
12 year, the Foundation Level of support is \$4,425. For the
13 2001-2002 school year and 2002-2003 school year, the Foundation
14 Level of support is \$4,560. For the 2003-2004 school year, the
15 Foundation Level of support is \$4,810. For the 2004-2005 school
16 year, the Foundation Level of support is \$4,964. For the
17 2005-2006 school year, the Foundation Level of support is
18 \$5,164. For the 2006-2007 school year, the Foundation Level of
19 support is \$5,334. For the 2007-2008 school year, the
20 Foundation Level of support is \$5,734. For the 2008-2009 school
21 year, the Foundation Level of support is \$5,959.

22 (3) For the 2009-2010 school year and each school year
23 thereafter, the Foundation Level of support is \$6,119 or such
24 greater amount as may be established by law by the General
25 Assembly.

1 (C) Average Daily Attendance.

2 (1) For purposes of calculating general State aid pursuant
3 to subsection (E), an Average Daily Attendance figure shall be
4 utilized. The Average Daily Attendance figure for formula
5 calculation purposes shall be the monthly average of the actual
6 number of pupils in attendance of each school district, as
7 further averaged for the best 3 months of pupil attendance for
8 each school district. In compiling the figures for the number
9 of pupils in attendance, school districts and the State Board
10 of Education shall, for purposes of general State aid funding,
11 conform attendance figures to the requirements of subsection
12 (F).

13 (2) The Average Daily Attendance figures utilized in
14 subsection (E) shall be the requisite attendance data for the
15 school year immediately preceding the school year for which
16 general State aid is being calculated or the average of the
17 attendance data for the 3 preceding school years, whichever is
18 greater. The Average Daily Attendance figures utilized in
19 subsection (H) shall be the requisite attendance data for the
20 school year immediately preceding the school year for which
21 general State aid is being calculated.

22 (D) Available Local Resources.

23 (1) For purposes of calculating general State aid pursuant
24 to subsection (E), a representation of Available Local
25 Resources per pupil, as that term is defined and determined in

1 this subsection, shall be utilized. Available Local Resources
2 per pupil shall include a calculated dollar amount representing
3 local school district revenues from local property taxes and
4 from Corporate Personal Property Replacement Taxes, expressed
5 on the basis of pupils in Average Daily Attendance. Calculation
6 of Available Local Resources shall exclude any tax amnesty
7 funds received as a result of Public Act 93-26.

8 (2) In determining a school district's revenue from local
9 property taxes, the State Board of Education shall utilize the
10 equalized assessed valuation of all taxable property of each
11 school district as of September 30 of the previous year. The
12 equalized assessed valuation utilized shall be obtained and
13 determined as provided in subsection (G).

14 (3) For school districts maintaining grades kindergarten
15 through 12, local property tax revenues per pupil shall be
16 calculated as the product of the applicable equalized assessed
17 valuation for the district multiplied by 3.00%, and divided by
18 the district's Average Daily Attendance figure. For school
19 districts maintaining grades kindergarten through 8, local
20 property tax revenues per pupil shall be calculated as the
21 product of the applicable equalized assessed valuation for the
22 district multiplied by 2.30%, and divided by the district's
23 Average Daily Attendance figure. For school districts
24 maintaining grades 9 through 12, local property tax revenues
25 per pupil shall be the applicable equalized assessed valuation
26 of the district multiplied by 1.05%, and divided by the

1 district's Average Daily Attendance figure.

2 For partial elementary unit districts created pursuant to
3 Article 11E of this Code, local property tax revenues per pupil
4 shall be calculated as the product of the equalized assessed
5 valuation for property within the partial elementary unit
6 district for elementary purposes, as defined in Article 11E of
7 this Code, multiplied by 2.06% and divided by the district's
8 Average Daily Attendance figure, plus the product of the
9 equalized assessed valuation for property within the partial
10 elementary unit district for high school purposes, as defined
11 in Article 11E of this Code, multiplied by 0.94% and divided by
12 the district's Average Daily Attendance figure.

13 (4) The Corporate Personal Property Replacement Taxes paid
14 to each school district during the calendar year one year
15 before the calendar year in which a school year begins, divided
16 by the Average Daily Attendance figure for that district, shall
17 be added to the local property tax revenues per pupil as
18 derived by the application of the immediately preceding
19 paragraph (3). The sum of these per pupil figures for each
20 school district shall constitute Available Local Resources as
21 that term is utilized in subsection (E) in the calculation of
22 general State aid.

23 (E) Computation of General State Aid.

24 (1) For each school year, the amount of general State aid
25 allotted to a school district shall be computed by the State

1 Board of Education as provided in this subsection.

2 (2) For any school district for which Available Local
3 Resources per pupil is less than the product of 0.93 times the
4 Foundation Level, general State aid for that district shall be
5 calculated as an amount equal to the Foundation Level minus
6 Available Local Resources, multiplied by the Average Daily
7 Attendance of the school district.

8 (3) For any school district for which Available Local
9 Resources per pupil is equal to or greater than the product of
10 0.93 times the Foundation Level and less than the product of
11 1.75 times the Foundation Level, the general State aid per
12 pupil shall be a decimal proportion of the Foundation Level
13 derived using a linear algorithm. Under this linear algorithm,
14 the calculated general State aid per pupil shall decline in
15 direct linear fashion from 0.07 times the Foundation Level for
16 a school district with Available Local Resources equal to the
17 product of 0.93 times the Foundation Level, to 0.05 times the
18 Foundation Level for a school district with Available Local
19 Resources equal to the product of 1.75 times the Foundation
20 Level. The allocation of general State aid for school districts
21 subject to this paragraph 3 shall be the calculated general
22 State aid per pupil figure multiplied by the Average Daily
23 Attendance of the school district.

24 (4) For any school district for which Available Local
25 Resources per pupil equals or exceeds the product of 1.75 times
26 the Foundation Level, the general State aid for the school

1 district shall be calculated as the product of \$218 multiplied
2 by the Average Daily Attendance of the school district.

3 (5) The amount of general State aid allocated to a school
4 district for the 1999-2000 school year meeting the requirements
5 set forth in paragraph (4) of subsection (G) shall be increased
6 by an amount equal to the general State aid that would have
7 been received by the district for the 1998-1999 school year by
8 utilizing the Extension Limitation Equalized Assessed
9 Valuation as calculated in paragraph (4) of subsection (G) less
10 the general State aid allotted for the 1998-1999 school year.
11 This amount shall be deemed a one time increase, and shall not
12 affect any future general State aid allocations.

13 (F) Compilation of Average Daily Attendance.

14 (1) Each school district shall, by July 1 of each year,
15 submit to the State Board of Education, on forms prescribed by
16 the State Board of Education, attendance figures for the school
17 year that began in the preceding calendar year. The attendance
18 information so transmitted shall identify the average daily
19 attendance figures for each month of the school year. Beginning
20 with the general State aid claim form for the 2002-2003 school
21 year, districts shall calculate Average Daily Attendance as
22 provided in subdivisions (a), (b), and (c) of this paragraph
23 (1).

24 (a) In districts that do not hold year-round classes,
25 days of attendance in August shall be added to the month of

1 September and any days of attendance in June shall be added
2 to the month of May.

3 (b) In districts in which all buildings hold year-round
4 classes, days of attendance in July and August shall be
5 added to the month of September and any days of attendance
6 in June shall be added to the month of May.

7 (c) In districts in which some buildings, but not all,
8 hold year-round classes, for the non-year-round buildings,
9 days of attendance in August shall be added to the month of
10 September and any days of attendance in June shall be added
11 to the month of May. The average daily attendance for the
12 year-round buildings shall be computed as provided in
13 subdivision (b) of this paragraph (1). To calculate the
14 Average Daily Attendance for the district, the average
15 daily attendance for the year-round buildings shall be
16 multiplied by the days in session for the non-year-round
17 buildings for each month and added to the monthly
18 attendance of the non-year-round buildings.

19 Except as otherwise provided in this Section, days of
20 attendance by pupils shall be counted only for sessions of not
21 less than 5 clock hours of school work per day under direct
22 supervision of: (i) teachers, or (ii) non-teaching personnel or
23 volunteer personnel when engaging in non-teaching duties and
24 supervising in those instances specified in subsection (a) of
25 Section 10-22.34 and paragraph 10 of Section 34-18, with pupils
26 of legal school age and in kindergarten and grades 1 through

1 12.

2 Days of attendance by tuition pupils shall be accredited
3 only to the districts that pay the tuition to a recognized
4 school.

5 (2) Days of attendance by pupils of less than 5 clock hours
6 of school shall be subject to the following provisions in the
7 compilation of Average Daily Attendance.

8 (a) Pupils regularly enrolled in a public school for
9 only a part of the school day may be counted on the basis
10 of 1/6 day for every class hour of instruction of 40
11 minutes or more attended pursuant to such enrollment,
12 unless a pupil is enrolled in a block-schedule format of 80
13 minutes or more of instruction, in which case the pupil may
14 be counted on the basis of the proportion of minutes of
15 school work completed each day to the minimum number of
16 minutes that school work is required to be held that day.

17 (b) (Blank).

18 (c) A session of 4 or more clock hours may be counted
19 as a day of attendance upon certification by the regional
20 superintendent, and approved by the State Superintendent
21 of Education to the extent that the district has been
22 forced to use daily multiple sessions.

23 (d) A session of 3 or more clock hours may be counted
24 as a day of attendance (1) when the remainder of the school
25 day or at least 2 hours in the evening of that day is
26 utilized for an in-service training program for teachers,

1 up to a maximum of 5 days per school year, provided a
2 district conducts an in-service training program for
3 teachers in accordance with Section 10-22.39 of this Code;
4 or, in lieu of 4 such days, 2 full days may be used, in
5 which event each such day may be counted as a day required
6 for a legal school calendar pursuant to Section 10-19 of
7 this Code; (1.5) when, of the 5 days allowed under item
8 (1), a maximum of 4 days are used for parent-teacher
9 conferences, or, in lieu of 4 such days, 2 full days are
10 used, in which case each such day may be counted as a
11 calendar day required under Section 10-19 of this Code,
12 provided that the full-day, parent-teacher conference
13 consists of (i) a minimum of 5 clock hours of
14 parent-teacher conferences, (ii) both a minimum of 2 clock
15 hours of parent-teacher conferences held in the evening
16 following a full day of student attendance, as specified in
17 subsection (F)(1)(c), and a minimum of 3 clock hours of
18 parent-teacher conferences held on the day immediately
19 following evening parent-teacher conferences, or (iii)
20 multiple parent-teacher conferences held in the evenings
21 following full days of student attendance, as specified in
22 subsection (F)(1)(c), in which the time used for the
23 parent-teacher conferences is equivalent to a minimum of 5
24 clock hours; and (2) when days in addition to those
25 provided in items (1) and (1.5) are scheduled by a school
26 pursuant to its school improvement plan adopted under

1 Article 34 or its revised or amended school improvement
2 plan adopted under Article 2, provided that (i) such
3 sessions of 3 or more clock hours are scheduled to occur at
4 regular intervals, (ii) the remainder of the school days in
5 which such sessions occur are utilized for in-service
6 training programs or other staff development activities
7 for teachers, and (iii) a sufficient number of minutes of
8 school work under the direct supervision of teachers are
9 added to the school days between such regularly scheduled
10 sessions to accumulate not less than the number of minutes
11 by which such sessions of 3 or more clock hours fall short
12 of 5 clock hours. Any full days used for the purposes of
13 this paragraph shall not be considered for computing
14 average daily attendance. Days scheduled for in-service
15 training programs, staff development activities, or
16 parent-teacher conferences may be scheduled separately for
17 different grade levels and different attendance centers of
18 the district.

19 (e) A session of not less than one clock hour of
20 teaching hospitalized or homebound pupils on-site or by
21 telephone to the classroom may be counted as 1/2 day of
22 attendance, however these pupils must receive 4 or more
23 clock hours of instruction to be counted for a full day of
24 attendance.

25 (f) A session of at least 4 clock hours may be counted
26 as a day of attendance for first grade pupils, and pupils

1 in full day kindergartens, and a session of 2 or more hours
2 may be counted as 1/2 day of attendance by pupils in
3 kindergartens which provide only 1/2 day of attendance.

4 (g) For children with disabilities who are below the
5 age of 6 years and who cannot attend 2 or more clock hours
6 because of their disability or immaturity, a session of not
7 less than one clock hour may be counted as 1/2 day of
8 attendance; however for such children whose educational
9 needs so require a session of 4 or more clock hours may be
10 counted as a full day of attendance.

11 (h) A recognized kindergarten which provides for only
12 1/2 day of attendance by each pupil shall not have more
13 than 1/2 day of attendance counted in any one day. However,
14 kindergartens may count 2 1/2 days of attendance in any 5
15 consecutive school days. When a pupil attends such a
16 kindergarten for 2 half days on any one school day, the
17 pupil shall have the following day as a day absent from
18 school, unless the school district obtains permission in
19 writing from the State Superintendent of Education.
20 Attendance at kindergartens which provide for a full day of
21 attendance by each pupil shall be counted the same as
22 attendance by first grade pupils. Only the first year of
23 attendance in one kindergarten shall be counted, except in
24 case of children who entered the kindergarten in their
25 fifth year whose educational development requires a second
26 year of kindergarten as determined under the rules and

1 regulations of the State Board of Education.

2 (i) On the days when the Prairie State Achievement
3 Examination is administered under subsection (c) of
4 Section 2-3.64 of this Code, the day of attendance for a
5 pupil whose school day must be shortened to accommodate
6 required testing procedures may be less than 5 clock hours
7 and shall be counted towards the 176 days of actual pupil
8 attendance required under Section 10-19 of this Code,
9 provided that a sufficient number of minutes of school work
10 in excess of 5 clock hours are first completed on other
11 school days to compensate for the loss of school work on
12 the examination days.

13 (j) Pupils enrolled in a remote educational program
14 established under Section 10-29 of this Code may be counted
15 on the basis of one-fifth day of attendance for every clock
16 hour of instruction attended in the remote educational
17 program, provided that, in any month, the school district
18 may not claim for a student enrolled in a remote
19 educational program more days of attendance than the
20 maximum number of days of attendance the district can claim

21 (i) for students enrolled in a building holding year-round
22 classes if the student is classified as participating in
23 the remote educational program on a year-round schedule or
24 (ii) for students enrolled in a building not holding
25 year-round classes if the student is not classified as
26 participating in the remote educational program on a

1 year-round schedule.

2 (G) Equalized Assessed Valuation Data.

3 (1) For purposes of the calculation of Available Local
4 Resources required pursuant to subsection (D), the State Board
5 of Education shall secure from the Department of Revenue the
6 value as equalized or assessed by the Department of Revenue of
7 all taxable property of every school district, together with
8 (i) the applicable tax rate used in extending taxes for the
9 funds of the district as of September 30 of the previous year
10 and (ii) the limiting rate for all school districts subject to
11 property tax extension limitations as imposed under the
12 Property Tax Extension Limitation Law.

13 The Department of Revenue shall add to the equalized
14 assessed value of all taxable property of each school district
15 situated entirely or partially within a county that is or was
16 subject to the provisions of Section 15-176 or 15-177 of the
17 Property Tax Code (a) an amount equal to the total amount by
18 which the homestead exemption allowed under Section 15-176 or
19 15-177 of the Property Tax Code for real property situated in
20 that school district exceeds the total amount that would have
21 been allowed in that school district if the maximum reduction
22 under Section 15-176 was (i) \$4,500 in Cook County or \$3,500 in
23 all other counties in tax year 2003 or (ii) \$5,000 in all
24 counties in tax year 2004 and thereafter and (b) an amount
25 equal to the aggregate amount for the taxable year of all

1 additional exemptions under Section 15-175 of the Property Tax
2 Code for owners with a household income of \$30,000 or less. The
3 county clerk of any county that is or was subject to the
4 provisions of Section 15-176 or 15-177 of the Property Tax Code
5 shall annually calculate and certify to the Department of
6 Revenue for each school district all homestead exemption
7 amounts under Section 15-176 or 15-177 of the Property Tax Code
8 and all amounts of additional exemptions under Section 15-175
9 of the Property Tax Code for owners with a household income of
10 \$30,000 or less. It is the intent of this paragraph that if the
11 general homestead exemption for a parcel of property is
12 determined under Section 15-176 or 15-177 of the Property Tax
13 Code rather than Section 15-175, then the calculation of
14 Available Local Resources shall not be affected by the
15 difference, if any, between the amount of the general homestead
16 exemption allowed for that parcel of property under Section
17 15-176 or 15-177 of the Property Tax Code and the amount that
18 would have been allowed had the general homestead exemption for
19 that parcel of property been determined under Section 15-175 of
20 the Property Tax Code. It is further the intent of this
21 paragraph that if additional exemptions are allowed under
22 Section 15-175 of the Property Tax Code for owners with a
23 household income of less than \$30,000, then the calculation of
24 Available Local Resources shall not be affected by the
25 difference, if any, because of those additional exemptions.

26 This equalized assessed valuation, as adjusted further by

1 the requirements of this subsection, shall be utilized in the
2 calculation of Available Local Resources.

3 (2) The equalized assessed valuation in paragraph (1) shall
4 be adjusted, as applicable, in the following manner:

5 (a) For the purposes of calculating State aid under
6 this Section, with respect to any part of a school district
7 within a redevelopment project area in respect to which a
8 municipality has adopted tax increment allocation
9 financing pursuant to the Tax Increment Allocation
10 Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11
11 of the Illinois Municipal Code or the Industrial Jobs
12 Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the
13 Illinois Municipal Code, no part of the current equalized
14 assessed valuation of real property located in any such
15 project area which is attributable to an increase above the
16 total initial equalized assessed valuation of such
17 property shall be used as part of the equalized assessed
18 valuation of the district, until such time as all
19 redevelopment project costs have been paid, as provided in
20 Section 11-74.4-8 of the Tax Increment Allocation
21 Redevelopment Act or in Section 11-74.6-35 of the
22 Industrial Jobs Recovery Law. For the purpose of the
23 equalized assessed valuation of the district, the total
24 initial equalized assessed valuation or the current
25 equalized assessed valuation, whichever is lower, shall be
26 used until such time as all redevelopment project costs

1 have been paid.

2 (b) The real property equalized assessed valuation for
3 a school district shall be adjusted by subtracting from the
4 real property value as equalized or assessed by the
5 Department of Revenue for the district an amount computed
6 by dividing the amount of any abatement of taxes under
7 Section 18-170 of the Property Tax Code by 3.00% for a
8 district maintaining grades kindergarten through 12, by
9 2.30% for a district maintaining grades kindergarten
10 through 8, or by 1.05% for a district maintaining grades 9
11 through 12 and adjusted by an amount computed by dividing
12 the amount of any abatement of taxes under subsection (a)
13 of Section 18-165 of the Property Tax Code by the same
14 percentage rates for district type as specified in this
15 subparagraph (b).

16 (3) For the 1999-2000 school year and each school year
17 thereafter, if a school district meets all of the criteria of
18 this subsection (G) (3), the school district's Available Local
19 Resources shall be calculated under subsection (D) using the
20 district's Extension Limitation Equalized Assessed Valuation
21 as calculated under this subsection (G) (3).

22 For purposes of this subsection (G) (3) the following terms
23 shall have the following meanings:

24 "Budget Year": The school year for which general State
25 aid is calculated and awarded under subsection (E).

26 "Base Tax Year": The property tax levy year used to

1 calculate the Budget Year allocation of general State aid.

2 "Preceding Tax Year": The property tax levy year
3 immediately preceding the Base Tax Year.

4 "Base Tax Year's Tax Extension": The product of the
5 equalized assessed valuation utilized by the County Clerk
6 in the Base Tax Year multiplied by the limiting rate as
7 calculated by the County Clerk and defined in the Property
8 Tax Extension Limitation Law.

9 "Preceding Tax Year's Tax Extension": The product of
10 the equalized assessed valuation utilized by the County
11 Clerk in the Preceding Tax Year multiplied by the Operating
12 Tax Rate as defined in subsection (A).

13 "Extension Limitation Ratio": A numerical ratio,
14 certified by the County Clerk, in which the numerator is
15 the Base Tax Year's Tax Extension and the denominator is
16 the Preceding Tax Year's Tax Extension.

17 "Operating Tax Rate": The operating tax rate as defined
18 in subsection (A).

19 If a school district is subject to property tax extension
20 limitations as imposed under the Property Tax Extension
21 Limitation Law, the State Board of Education shall calculate
22 the Extension Limitation Equalized Assessed Valuation of that
23 district. For the 1999-2000 school year, the Extension
24 Limitation Equalized Assessed Valuation of a school district as
25 calculated by the State Board of Education shall be equal to
26 the product of the district's 1996 Equalized Assessed Valuation

1 and the district's Extension Limitation Ratio. Except as
2 otherwise provided in this paragraph for a school district that
3 has approved or does approve an increase in its limiting rate,
4 for the 2000-2001 school year and each school year thereafter,
5 the Extension Limitation Equalized Assessed Valuation of a
6 school district as calculated by the State Board of Education
7 shall be equal to the product of the Equalized Assessed
8 Valuation last used in the calculation of general State aid and
9 the district's Extension Limitation Ratio. If the Extension
10 Limitation Equalized Assessed Valuation of a school district as
11 calculated under this subsection (G)(3) is less than the
12 district's equalized assessed valuation as calculated pursuant
13 to subsections (G)(1) and (G)(2), then for purposes of
14 calculating the district's general State aid for the Budget
15 Year pursuant to subsection (E), that Extension Limitation
16 Equalized Assessed Valuation shall be utilized to calculate the
17 district's Available Local Resources under subsection (D). For
18 the 2009-2010 school year and each school year thereafter, if a
19 school district has approved or does approve an increase in its
20 limiting rate, pursuant to Section 18-190 of the Property Tax
21 Code, affecting the Base Tax Year, the Extension Limitation
22 Equalized Assessed Valuation of the school district, as
23 calculated by the State Board of Education, shall be equal to
24 the product of the Equalized Assessed Valuation last used in
25 the calculation of general State aid times an amount equal to
26 one plus the percentage increase, if any, in the Consumer Price

1 Index for all Urban Consumers for all items published by the
2 United States Department of Labor for the 12-month calendar
3 year preceding the Base Tax Year, plus the Equalized Assessed
4 Valuation of new property, annexed property, and recovered tax
5 increment value and minus the Equalized Assessed Valuation of
6 disconnected property. New property and recovered tax
7 increment value shall have the meanings set forth in the
8 Property Tax Extension Limitation Law.

9 Partial elementary unit districts created in accordance
10 with Article 11E of this Code shall not be eligible for the
11 adjustment in this subsection (G)(3) until the fifth year
12 following the effective date of the reorganization.

13 (3.5) For the 2010-2011 school year and each school year
14 thereafter, if a school district's boundaries span multiple
15 counties, then the Department of Revenue shall send to the
16 State Board of Education, for the purpose of calculating
17 general State aid, the limiting rate and individual rates by
18 purpose for the county that contains the majority of the school
19 district's Equalized Assessed Valuation.

20 (4) For the purposes of calculating general State aid for
21 the 1999-2000 school year only, if a school district
22 experienced a triennial reassessment on the equalized assessed
23 valuation used in calculating its general State financial aid
24 apportionment for the 1998-1999 school year, the State Board of
25 Education shall calculate the Extension Limitation Equalized
26 Assessed Valuation that would have been used to calculate the

1 district's 1998-1999 general State aid. This amount shall equal
2 the product of the equalized assessed valuation used to
3 calculate general State aid for the 1997-1998 school year and
4 the district's Extension Limitation Ratio. If the Extension
5 Limitation Equalized Assessed Valuation of the school district
6 as calculated under this paragraph (4) is less than the
7 district's equalized assessed valuation utilized in
8 calculating the district's 1998-1999 general State aid
9 allocation, then for purposes of calculating the district's
10 general State aid pursuant to paragraph (5) of subsection (E),
11 that Extension Limitation Equalized Assessed Valuation shall
12 be utilized to calculate the district's Available Local
13 Resources.

14 (5) For school districts having a majority of their
15 equalized assessed valuation in any county except Cook, DuPage,
16 Kane, Lake, McHenry, or Will, if the amount of general State
17 aid allocated to the school district for the 1999-2000 school
18 year under the provisions of subsection (E), (H), and (J) of
19 this Section is less than the amount of general State aid
20 allocated to the district for the 1998-1999 school year under
21 these subsections, then the general State aid of the district
22 for the 1999-2000 school year only shall be increased by the
23 difference between these amounts. The total payments made under
24 this paragraph (5) shall not exceed \$14,000,000. Claims shall
25 be prorated if they exceed \$14,000,000.

1 (H) Supplemental General State Aid.

2 (1) In addition to the general State aid a school district
3 is allotted pursuant to subsection (E), qualifying school
4 districts shall receive a grant, paid in conjunction with a
5 district's payments of general State aid, for supplemental
6 general State aid based upon the concentration level of
7 children from low-income households within the school
8 district. Supplemental State aid grants provided for school
9 districts under this subsection shall be appropriated for
10 distribution to school districts as part of the same line item
11 in which the general State financial aid of school districts is
12 appropriated under this Section.

13 (1.5) This paragraph (1.5) applies only to those school
14 years preceding the 2003-2004 school year. For purposes of this
15 subsection (H), the term "Low-Income Concentration Level"
16 shall be the low-income eligible pupil count from the most
17 recently available federal census divided by the Average Daily
18 Attendance of the school district. If, however, (i) the
19 percentage decrease from the 2 most recent federal censuses in
20 the low-income eligible pupil count of a high school district
21 with fewer than 400 students exceeds by 75% or more the
22 percentage change in the total low-income eligible pupil count
23 of contiguous elementary school districts, whose boundaries
24 are coterminous with the high school district, or (ii) a high
25 school district within 2 counties and serving 5 elementary
26 school districts, whose boundaries are coterminous with the

1 high school district, has a percentage decrease from the 2 most
2 recent federal censuses in the low-income eligible pupil count
3 and there is a percentage increase in the total low-income
4 eligible pupil count of a majority of the elementary school
5 districts in excess of 50% from the 2 most recent federal
6 censuses, then the high school district's low-income eligible
7 pupil count from the earlier federal census shall be the number
8 used as the low-income eligible pupil count for the high school
9 district, for purposes of this subsection (H). The changes made
10 to this paragraph (1) by Public Act 92-28 shall apply to
11 supplemental general State aid grants for school years
12 preceding the 2003-2004 school year that are paid in fiscal
13 year 1999 or thereafter and to any State aid payments made in
14 fiscal year 1994 through fiscal year 1998 pursuant to
15 subsection 1(n) of Section 18-8 of this Code (which was
16 repealed on July 1, 1998), and any high school district that is
17 affected by Public Act 92-28 is entitled to a recomputation of
18 its supplemental general State aid grant or State aid paid in
19 any of those fiscal years. This recomputation shall not be
20 affected by any other funding.

21 (1.10) This paragraph (1.10) applies to the 2003-2004
22 school year and each school year thereafter. For purposes of
23 this subsection (H), the term "Low-Income Concentration Level"
24 shall, for each fiscal year, be the low-income eligible pupil
25 count as of July 1 of the immediately preceding fiscal year (as
26 determined by the Department of Human Services based on the

1 number of pupils whose family's income does not exceed 100% of
2 the poverty guidelines updated periodically in the Federal
3 Register by the U.S. Department of Health and Human Services
4 under the authority of 42 U.S.C. 9902(2) and who are eligible
5 for at least one of the following low income programs:
6 Medicaid, the Children's Health Insurance Program, TANF, or
7 Food Stamps, excluding pupils who are eligible for services
8 provided by the Department of Children and Family Services,
9 averaged over the 2 immediately preceding fiscal years for
10 fiscal year 2004 and over the 3 immediately preceding fiscal
11 years for each fiscal year thereafter) divided by the Average
12 Daily Attendance of the school district.

13 (2) Supplemental general State aid pursuant to this
14 subsection (H) shall be provided as follows for the 1998-1999,
15 1999-2000, and 2000-2001 school years only:

16 (a) For any school district with a Low Income
17 Concentration Level of at least 20% and less than 35%, the
18 grant for any school year shall be \$800 multiplied by the
19 low income eligible pupil count.

20 (b) For any school district with a Low Income
21 Concentration Level of at least 35% and less than 50%, the
22 grant for the 1998-1999 school year shall be \$1,100
23 multiplied by the low income eligible pupil count.

24 (c) For any school district with a Low Income
25 Concentration Level of at least 50% and less than 60%, the
26 grant for the 1998-99 school year shall be \$1,500

1 multiplied by the low income eligible pupil count.

2 (d) For any school district with a Low Income
3 Concentration Level of 60% or more, the grant for the
4 1998-99 school year shall be \$1,900 multiplied by the low
5 income eligible pupil count.

6 (e) For the 1999-2000 school year, the per pupil amount
7 specified in subparagraphs (b), (c), and (d) immediately
8 above shall be increased to \$1,243, \$1,600, and \$2,000,
9 respectively.

10 (f) For the 2000-2001 school year, the per pupil
11 amounts specified in subparagraphs (b), (c), and (d)
12 immediately above shall be \$1,273, \$1,640, and \$2,050,
13 respectively.

14 (2.5) Supplemental general State aid pursuant to this
15 subsection (H) shall be provided as follows for the 2002-2003
16 school year:

17 (a) For any school district with a Low Income
18 Concentration Level of less than 10%, the grant for each
19 school year shall be \$355 multiplied by the low income
20 eligible pupil count.

21 (b) For any school district with a Low Income
22 Concentration Level of at least 10% and less than 20%, the
23 grant for each school year shall be \$675 multiplied by the
24 low income eligible pupil count.

25 (c) For any school district with a Low Income
26 Concentration Level of at least 20% and less than 35%, the

1 grant for each school year shall be \$1,330 multiplied by
2 the low income eligible pupil count.

3 (d) For any school district with a Low Income
4 Concentration Level of at least 35% and less than 50%, the
5 grant for each school year shall be \$1,362 multiplied by
6 the low income eligible pupil count.

7 (e) For any school district with a Low Income
8 Concentration Level of at least 50% and less than 60%, the
9 grant for each school year shall be \$1,680 multiplied by
10 the low income eligible pupil count.

11 (f) For any school district with a Low Income
12 Concentration Level of 60% or more, the grant for each
13 school year shall be \$2,080 multiplied by the low income
14 eligible pupil count.

15 (2.10) Except as otherwise provided, supplemental general
16 State aid pursuant to this subsection (H) shall be provided as
17 follows for the 2003-2004 school year and each school year
18 thereafter:

19 (a) For any school district with a Low Income
20 Concentration Level of 15% or less, the grant for each
21 school year shall be \$355 multiplied by the low income
22 eligible pupil count.

23 (b) For any school district with a Low Income
24 Concentration Level greater than 15%, the grant for each
25 school year shall be \$294.25 added to the product of \$2,700
26 and the square of the Low Income Concentration Level, all

1 multiplied by the low income eligible pupil count.

2 For the 2003-2004 school year and each school year
3 thereafter through the 2008-2009 school year only, the grant
4 shall be no less than the grant for the 2002-2003 school year.
5 For the 2009-2010 school year only, the grant shall be no less
6 than the grant for the 2002-2003 school year multiplied by
7 0.66. For the 2010-2011 school year only, the grant shall be no
8 less than the grant for the 2002-2003 school year multiplied by
9 0.33. Notwithstanding the provisions of this paragraph to the
10 contrary, if for any school year supplemental general State aid
11 grants are prorated as provided in paragraph (1) of this
12 subsection (H), then the grants under this paragraph shall be
13 prorated.

14 For the 2003-2004 school year only, the grant shall be no
15 greater than the grant received during the 2002-2003 school
16 year added to the product of 0.25 multiplied by the difference
17 between the grant amount calculated under subsection (a) or (b)
18 of this paragraph (2.10), whichever is applicable, and the
19 grant received during the 2002-2003 school year. For the
20 2004-2005 school year only, the grant shall be no greater than
21 the grant received during the 2002-2003 school year added to
22 the product of 0.50 multiplied by the difference between the
23 grant amount calculated under subsection (a) or (b) of this
24 paragraph (2.10), whichever is applicable, and the grant
25 received during the 2002-2003 school year. For the 2005-2006
26 school year only, the grant shall be no greater than the grant

1 received during the 2002-2003 school year added to the product
2 of 0.75 multiplied by the difference between the grant amount
3 calculated under subsection (a) or (b) of this paragraph
4 (2.10), whichever is applicable, and the grant received during
5 the 2002-2003 school year.

6 (2.15) Except as otherwise provided, supplemental general
7 State aid pursuant to this subsection (H) must be equally
8 distributed for the 2016-2017 school year and each school year
9 thereafter on a per capita basis, as determined in paragraph
10 (1.10) of this subsection (H).

11 (3) School districts with an Average Daily Attendance of
12 more than 1,000 and less than 50,000 that qualify for
13 supplemental general State aid pursuant to this subsection
14 shall submit a plan to the State Board of Education prior to
15 October 30 of each year for the use of the funds resulting from
16 this grant of supplemental general State aid for the
17 improvement of instruction in which priority is given to
18 meeting the education needs of disadvantaged children. Such
19 plan shall be submitted in accordance with rules and
20 regulations promulgated by the State Board of Education.

21 (4) School districts with an Average Daily Attendance of
22 50,000 or more that qualify for supplemental general State aid
23 pursuant to this subsection shall be required to distribute
24 from funds available pursuant to this Section, no less than
25 \$261,000,000 in accordance with the following requirements:

26 (a) The required amounts shall be distributed to the

1 attendance centers within the district in proportion to the
2 number of pupils enrolled at each attendance center who are
3 eligible to receive free or reduced-price lunches or
4 breakfasts under the federal Child Nutrition Act of 1966
5 and under the National School Lunch Act during the
6 immediately preceding school year.

7 (b) The distribution of these portions of supplemental
8 and general State aid among attendance centers according to
9 these requirements shall not be compensated for or
10 contravened by adjustments of the total of other funds
11 appropriated to any attendance centers, and the Board of
12 Education shall utilize funding from one or several sources
13 in order to fully implement this provision annually prior
14 to the opening of school.

15 (c) Each attendance center shall be provided by the
16 school district a distribution of noncategorical funds and
17 other categorical funds to which an attendance center is
18 entitled under law in order that the general State aid and
19 supplemental general State aid provided by application of
20 this subsection supplements rather than supplants the
21 noncategorical funds and other categorical funds provided
22 by the school district to the attendance centers.

23 (d) Any funds made available under this subsection that
24 by reason of the provisions of this subsection are not
25 required to be allocated and provided to attendance centers
26 may be used and appropriated by the board of the district

1 for any lawful school purpose.

2 (e) Funds received by an attendance center pursuant to
3 this subsection shall be used by the attendance center at
4 the discretion of the principal and local school council
5 for programs to improve educational opportunities at
6 qualifying schools through the following programs and
7 services: early childhood education, reduced class size or
8 improved adult to student classroom ratio, enrichment
9 programs, remedial assistance, attendance improvement, and
10 other educationally beneficial expenditures which
11 supplement the regular and basic programs as determined by
12 the State Board of Education. Funds provided shall not be
13 expended for any political or lobbying purposes as defined
14 by board rule.

15 (f) Each district subject to the provisions of this
16 subdivision (H) (4) shall submit an acceptable plan to meet
17 the educational needs of disadvantaged children, in
18 compliance with the requirements of this paragraph, to the
19 State Board of Education prior to July 15 of each year.
20 This plan shall be consistent with the decisions of local
21 school councils concerning the school expenditure plans
22 developed in accordance with part 4 of Section 34-2.3. The
23 State Board shall approve or reject the plan within 60 days
24 after its submission. If the plan is rejected, the district
25 shall give written notice of intent to modify the plan
26 within 15 days of the notification of rejection and then

1 submit a modified plan within 30 days after the date of the
2 written notice of intent to modify. Districts may amend
3 approved plans pursuant to rules promulgated by the State
4 Board of Education.

5 Upon notification by the State Board of Education that
6 the district has not submitted a plan prior to July 15 or a
7 modified plan within the time period specified herein, the
8 State aid funds affected by that plan or modified plan
9 shall be withheld by the State Board of Education until a
10 plan or modified plan is submitted.

11 If the district fails to distribute State aid to
12 attendance centers in accordance with an approved plan, the
13 plan for the following year shall allocate funds, in
14 addition to the funds otherwise required by this
15 subsection, to those attendance centers which were
16 underfunded during the previous year in amounts equal to
17 such underfunding.

18 For purposes of determining compliance with this
19 subsection in relation to the requirements of attendance
20 center funding, each district subject to the provisions of
21 this subsection shall submit as a separate document by
22 December 1 of each year a report of expenditure data for
23 the prior year in addition to any modification of its
24 current plan. If it is determined that there has been a
25 failure to comply with the expenditure provisions of this
26 subsection regarding contravention or supplanting, the

1 State Superintendent of Education shall, within 60 days of
2 receipt of the report, notify the district and any affected
3 local school council. The district shall within 45 days of
4 receipt of that notification inform the State
5 Superintendent of Education of the remedial or corrective
6 action to be taken, whether by amendment of the current
7 plan, if feasible, or by adjustment in the plan for the
8 following year. Failure to provide the expenditure report
9 or the notification of remedial or corrective action in a
10 timely manner shall result in a withholding of the affected
11 funds.

12 The State Board of Education shall promulgate rules and
13 regulations to implement the provisions of this
14 subsection. No funds shall be released under this
15 subdivision (H) (4) to any district that has not submitted a
16 plan that has been approved by the State Board of
17 Education.

18 (I) (Blank).

19 (J) (Blank).

20 (K) Grants to Laboratory and Alternative Schools.

21 In calculating the amount to be paid to the governing board
22 of a public university that operates a laboratory school under
23 this Section or to any alternative school that is operated by a

1 regional superintendent of schools, the State Board of
2 Education shall require by rule such reporting requirements as
3 it deems necessary.

4 As used in this Section, "laboratory school" means a public
5 school which is created and operated by a public university and
6 approved by the State Board of Education. The governing board
7 of a public university which receives funds from the State
8 Board under this subsection (K) may not increase the number of
9 students enrolled in its laboratory school from a single
10 district, if that district is already sending 50 or more
11 students, except under a mutual agreement between the school
12 board of a student's district of residence and the university
13 which operates the laboratory school. A laboratory school may
14 not have more than 1,000 students, excluding students with
15 disabilities in a special education program.

16 As used in this Section, "alternative school" means a
17 public school which is created and operated by a Regional
18 Superintendent of Schools and approved by the State Board of
19 Education. Such alternative schools may offer courses of
20 instruction for which credit is given in regular school
21 programs, courses to prepare students for the high school
22 equivalency testing program or vocational and occupational
23 training. A regional superintendent of schools may contract
24 with a school district or a public community college district
25 to operate an alternative school. An alternative school serving
26 more than one educational service region may be established by

1 the regional superintendents of schools of the affected
2 educational service regions. An alternative school serving
3 more than one educational service region may be operated under
4 such terms as the regional superintendents of schools of those
5 educational service regions may agree.

6 Each laboratory and alternative school shall file, on forms
7 provided by the State Superintendent of Education, an annual
8 State aid claim which states the Average Daily Attendance of
9 the school's students by month. The best 3 months' Average
10 Daily Attendance shall be computed for each school. The general
11 State aid entitlement shall be computed by multiplying the
12 applicable Average Daily Attendance by the Foundation Level as
13 determined under this Section.

14 (L) Payments, Additional Grants in Aid and Other Requirements.

15 (1) For a school district operating under the financial
16 supervision of an Authority created under Article 34A, the
17 general State aid otherwise payable to that district under this
18 Section, but not the supplemental general State aid, shall be
19 reduced by an amount equal to the budget for the operations of
20 the Authority as certified by the Authority to the State Board
21 of Education, and an amount equal to such reduction shall be
22 paid to the Authority created for such district for its
23 operating expenses in the manner provided in Section 18-11. The
24 remainder of general State school aid for any such district
25 shall be paid in accordance with Article 34A when that Article

1 provides for a disposition other than that provided by this
2 Article.

3 (2) (Blank).

4 (3) Summer school. Summer school payments shall be made as
5 provided in Section 18-4.3.

6 (M) Education Funding Advisory Board.

7 The Education Funding Advisory Board, hereinafter in this
8 subsection (M) referred to as the "Board", is hereby created.
9 The Board shall consist of 5 members who are appointed by the
10 Governor, by and with the advice and consent of the Senate. The
11 members appointed shall include representatives of education,
12 business, and the general public. One of the members so
13 appointed shall be designated by the Governor at the time the
14 appointment is made as the chairperson of the Board. The
15 initial members of the Board may be appointed any time after
16 the effective date of this amendatory Act of 1997. The regular
17 term of each member of the Board shall be for 4 years from the
18 third Monday of January of the year in which the term of the
19 member's appointment is to commence, except that of the 5
20 initial members appointed to serve on the Board, the member who
21 is appointed as the chairperson shall serve for a term that
22 commences on the date of his or her appointment and expires on
23 the third Monday of January, 2002, and the remaining 4 members,
24 by lots drawn at the first meeting of the Board that is held
25 after all 5 members are appointed, shall determine 2 of their

1 number to serve for terms that commence on the date of their
2 respective appointments and expire on the third Monday of
3 January, 2001, and 2 of their number to serve for terms that
4 commence on the date of their respective appointments and
5 expire on the third Monday of January, 2000. All members
6 appointed to serve on the Board shall serve until their
7 respective successors are appointed and confirmed. Vacancies
8 shall be filled in the same manner as original appointments. If
9 a vacancy in membership occurs at a time when the Senate is not
10 in session, the Governor shall make a temporary appointment
11 until the next meeting of the Senate, when he or she shall
12 appoint, by and with the advice and consent of the Senate, a
13 person to fill that membership for the unexpired term. If the
14 Senate is not in session when the initial appointments are
15 made, those appointments shall be made as in the case of
16 vacancies.

17 The Education Funding Advisory Board shall be deemed
18 established, and the initial members appointed by the Governor
19 to serve as members of the Board shall take office, on the date
20 that the Governor makes his or her appointment of the fifth
21 initial member of the Board, whether those initial members are
22 then serving pursuant to appointment and confirmation or
23 pursuant to temporary appointments that are made by the
24 Governor as in the case of vacancies.

25 The State Board of Education shall provide such staff
26 assistance to the Education Funding Advisory Board as is

1 reasonably required for the proper performance by the Board of
2 its responsibilities.

3 For school years after the 2000-2001 school year, the
4 Education Funding Advisory Board, in consultation with the
5 State Board of Education, shall make recommendations as
6 provided in this subsection (M) to the General Assembly for the
7 foundation level under subdivision (B)(3) of this Section and
8 for the supplemental general State aid grant level under
9 subsection (H) of this Section for districts with high
10 concentrations of children from poverty. The recommended
11 foundation level shall be determined based on a methodology
12 which incorporates the basic education expenditures of
13 low-spending schools exhibiting high academic performance. The
14 Education Funding Advisory Board shall make such
15 recommendations to the General Assembly on January 1 of odd
16 numbered years, beginning January 1, 2001.

17 (N) (Blank).

18 (O) References.

19 (1) References in other laws to the various subdivisions of
20 Section 18-8 as that Section existed before its repeal and
21 replacement by this Section 18-8.05 shall be deemed to refer to
22 the corresponding provisions of this Section 18-8.05, to the
23 extent that those references remain applicable.

24 (2) References in other laws to State Chapter 1 funds shall

1 be deemed to refer to the supplemental general State aid
2 provided under subsection (H) of this Section.

3 (P) Public Act 93-838 and Public Act 93-808 make inconsistent
4 changes to this Section. Under Section 6 of the Statute on
5 Statutes there is an irreconcilable conflict between Public Act
6 93-808 and Public Act 93-838. Public Act 93-838, being the last
7 acted upon, is controlling. The text of Public Act 93-838 is
8 the law regardless of the text of Public Act 93-808.

9 (Source: P.A. 96-45, eff. 7-15-09; 96-152, eff. 8-7-09; 96-300,
10 eff. 8-11-09; 96-328, eff. 8-11-09; 96-640, eff. 8-24-09;
11 96-959, eff. 7-1-10; 96-1000, eff. 7-2-10; 96-1480, eff.
12 11-18-10; 97-339, eff. 8-12-11; 97-351, eff. 8-12-11; 97-742,
13 eff. 6-30-13; 97-813, eff. 7-13-12.)

14 (105 ILCS 5/22-62 new)

15 Sec. 22-62. Discharge of unfunded mandates.

16 (a) School districts need not comply with and may discharge
17 any mandate or requirement placed on school districts by this
18 Code or by administrative rules adopted by the State Board of
19 Education that is unfunded.

20 (b) Subsection (a) of this Section does not apply to any of
21 the following:

22 (1) Laws and rules pertaining to special education,
23 teacher certification, teacher tenure and seniority, or
24 Section 5-2.1 of this Code.

1 (2) Compliance with the federal No Child Left Behind
2 Act of 2001 (Public Law 107-110).

3 (3) The requirements for (i) student performance data
4 to be a significant factor in teacher or principal
5 evaluations or (ii) teachers and principals to be rated
6 using the 4 categories of "excellent", "proficient",
7 "needs improvement", or "unsatisfactory".

8 (c) Before a school district may lawfully discharge an
9 unfunded mandate under subsection (a) of this Section, it must
10 hold a public hearing on the matter. The school district must
11 post information that sets forth the time, date, place, and
12 general subject matter of the public hearing on its Internet
13 website at least 14 days prior to the hearing. The school
14 district must publish a notice of the public hearing at least 7
15 days prior to the hearing in a newspaper of general circulation
16 within the school district that sets forth the time, date,
17 place, and general subject matter of the hearing. The school
18 district must notify, in writing, the affected exclusive
19 collective bargaining agent and those State legislators
20 representing the affected territory of its intent to discharge
21 an unfunded mandate and of the hearing to be held to take
22 testimony from staff. The affected exclusive collective
23 bargaining agent must be notified of the public hearing at
24 least 7 days prior to the date of the hearing and must be
25 allowed to attend the hearing. The school district shall attest
26 to compliance with the requirements of this subsection (c).

1 (105 ILCS 5/Art. 1D rep.)

2 Section 10. The School Code is amended by repealing Article
3 1D.

4 Section 99. Effective date. This Act takes effect July 1,
5 2016.