



Sen. Andy Manar

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1 AMENDMENT TO SENATE BILL 1

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. This Act may be referred to as the  
5 Evidence-Based Funding for Student Success Act.

6 Section 5. The Economic Development Area Tax Increment  
7 Allocation Act is amended by changing Section 7 as follows:

8 (20 ILCS 620/7) (from Ch. 67 1/2, par. 1007)

9 Sec. 7. Creation of special tax allocation fund. If a  
10 municipality has adopted tax increment allocation financing  
11 for an economic development project area by ordinance, the  
12 county clerk has thereafter certified the "total initial  
13 equalized assessed value" of the taxable real property within  
14 such economic development project area in the manner provided  
15 in Section 6 of this Act, and the Department has approved and

1 certified the economic development project area, each year  
2 after the date of the certification by the county clerk of the  
3 "total initial equalized assessed value" until economic  
4 development project costs and all municipal obligations  
5 financing economic development project costs have been paid,  
6 the ad valorem taxes, if any, arising from the levies upon the  
7 taxable real property in the economic development project area  
8 by taxing districts and tax rates determined in the manner  
9 provided in subsection (b) of Section 6 of this Act shall be  
10 divided as follows:

11 (1) That portion of the taxes levied upon each taxable lot,  
12 block, tract or parcel of real property which is attributable  
13 to the lower of the current equalized assessed value or the  
14 initial equalized assessed value of each such taxable lot,  
15 block, tract, or parcel of real property existing at the time  
16 tax increment allocation financing was adopted, shall be  
17 allocated to and when collected shall be paid by the county  
18 collector to the respective affected taxing districts in the  
19 manner required by law in the absence of the adoption of tax  
20 increment allocation financing.

21 (2) That portion, if any, of those taxes which is  
22 attributable to the increase in the current equalized assessed  
23 valuation of each taxable lot, block, tract, or parcel of real  
24 property in the economic development project area, over and  
25 above the initial equalized assessed value of each property  
26 existing at the time tax increment allocation financing was

1 adopted, shall be allocated to and when collected shall be paid  
2 to the municipal treasurer, who shall deposit those taxes into  
3 a special fund called the special tax allocation fund of the  
4 municipality for the purpose of paying economic development  
5 project costs and obligations incurred in the payment thereof.

6 The municipality, by an ordinance adopting tax increment  
7 allocation financing, may pledge the funds in and to be  
8 deposited in the special tax allocation fund for the payment of  
9 obligations issued under this Act and for the payment of  
10 economic development project costs. No part of the current  
11 equalized assessed valuation of each property in the economic  
12 development project area attributable to any increase above the  
13 total initial equalized assessed value, of such properties  
14 shall be used in calculating the general State school aid  
15 formula, provided for in Section 18-8 of the School Code, or  
16 the evidence-based funding formula, provided for in Section  
17 18-8.15 of the School Code, until such time as all economic  
18 development projects costs have been paid as provided for in  
19 this Section.

20 When the economic development project costs, including  
21 without limitation all municipal obligations financing  
22 economic development project costs incurred under this Act,  
23 have been paid, all surplus funds then remaining in the special  
24 tax allocation fund shall be distributed by being paid by the  
25 municipal treasurer to the county collector, who shall  
26 immediately thereafter pay those funds to the taxing districts

1 having taxable property in the economic development project  
2 area in the same manner and proportion as the most recent  
3 distribution by the county collector to those taxing districts  
4 of real property taxes from real property in the economic  
5 development project area.

6 Upon the payment of all economic development project costs,  
7 retirement of obligations and the distribution of any excess  
8 monies pursuant to this Section the municipality shall adopt an  
9 ordinance dissolving the special tax allocation fund for the  
10 economic development project area, terminating the economic  
11 development project area, and terminating the use of tax  
12 increment allocation financing for the economic development  
13 project area. Thereafter the rates of the taxing districts  
14 shall be extended and taxes levied, collected and distributed  
15 in the manner applicable in the absence of the adoption of tax  
16 increment allocation financing.

17 Nothing in this Section shall be construed as relieving  
18 property in economic development project areas from being  
19 assessed as provided in the Property Tax Code, or as relieving  
20 owners of that property from paying a uniform rate of taxes, as  
21 required by Section 4 of Article IX of the Illinois  
22 Constitution.

23 (Source: P.A. 98-463, eff. 8-16-13.)

24 Section 10. The State Finance Act is amended by changing  
25 Section 13.2 as follows:

1 (30 ILCS 105/13.2) (from Ch. 127, par. 149.2)

2 Sec. 13.2. Transfers among line item appropriations.

3 (a) Transfers among line item appropriations from the same  
4 treasury fund for the objects specified in this Section may be  
5 made in the manner provided in this Section when the balance  
6 remaining in one or more such line item appropriations is  
7 insufficient for the purpose for which the appropriation was  
8 made.

9 (a-1) No transfers may be made from one agency to another  
10 agency, nor may transfers be made from one institution of  
11 higher education to another institution of higher education  
12 except as provided by subsection (a-4).

13 (a-2) Except as otherwise provided in this Section,  
14 transfers may be made only among the objects of expenditure  
15 enumerated in this Section, except that no funds may be  
16 transferred from any appropriation for personal services, from  
17 any appropriation for State contributions to the State  
18 Employees' Retirement System, from any separate appropriation  
19 for employee retirement contributions paid by the employer, nor  
20 from any appropriation for State contribution for employee  
21 group insurance. During State fiscal year 2005, an agency may  
22 transfer amounts among its appropriations within the same  
23 treasury fund for personal services, employee retirement  
24 contributions paid by employer, and State Contributions to  
25 retirement systems; notwithstanding and in addition to the

1 transfers authorized in subsection (c) of this Section, the  
2 fiscal year 2005 transfers authorized in this sentence may be  
3 made in an amount not to exceed 2% of the aggregate amount  
4 appropriated to an agency within the same treasury fund. During  
5 State fiscal year 2007, the Departments of Children and Family  
6 Services, Corrections, Human Services, and Juvenile Justice  
7 may transfer amounts among their respective appropriations  
8 within the same treasury fund for personal services, employee  
9 retirement contributions paid by employer, and State  
10 contributions to retirement systems. During State fiscal year  
11 2010, the Department of Transportation may transfer amounts  
12 among their respective appropriations within the same treasury  
13 fund for personal services, employee retirement contributions  
14 paid by employer, and State contributions to retirement  
15 systems. During State fiscal years 2010 and 2014 only, an  
16 agency may transfer amounts among its respective  
17 appropriations within the same treasury fund for personal  
18 services, employee retirement contributions paid by employer,  
19 and State contributions to retirement systems.  
20 Notwithstanding, and in addition to, the transfers authorized  
21 in subsection (c) of this Section, these transfers may be made  
22 in an amount not to exceed 2% of the aggregate amount  
23 appropriated to an agency within the same treasury fund.

24 (a-2.5) During State fiscal year 2015 only, the State's  
25 Attorneys Appellate Prosecutor may transfer amounts among its  
26 respective appropriations contained in operational line items

1 within the same treasury fund. Notwithstanding, and in addition  
2 to, the transfers authorized in subsection (c) of this Section,  
3 these transfers may be made in an amount not to exceed 4% of  
4 the aggregate amount appropriated to the State's Attorneys  
5 Appellate Prosecutor within the same treasury fund.

6 (a-3) Further, if an agency receives a separate  
7 appropriation for employee retirement contributions paid by  
8 the employer, any transfer by that agency into an appropriation  
9 for personal services must be accompanied by a corresponding  
10 transfer into the appropriation for employee retirement  
11 contributions paid by the employer, in an amount sufficient to  
12 meet the employer share of the employee contributions required  
13 to be remitted to the retirement system.

14 (a-4) Long-Term Care Rebalancing. The Governor may  
15 designate amounts set aside for institutional services  
16 appropriated from the General Revenue Fund or any other State  
17 fund that receives monies for long-term care services to be  
18 transferred to all State agencies responsible for the  
19 administration of community-based long-term care programs,  
20 including, but not limited to, community-based long-term care  
21 programs administered by the Department of Healthcare and  
22 Family Services, the Department of Human Services, and the  
23 Department on Aging, provided that the Director of Healthcare  
24 and Family Services first certifies that the amounts being  
25 transferred are necessary for the purpose of assisting persons  
26 in or at risk of being in institutional care to transition to

1 community-based settings, including the financial data needed  
2 to prove the need for the transfer of funds. The total amounts  
3 transferred shall not exceed 4% in total of the amounts  
4 appropriated from the General Revenue Fund or any other State  
5 fund that receives monies for long-term care services for each  
6 fiscal year. A notice of the fund transfer must be made to the  
7 General Assembly and posted at a minimum on the Department of  
8 Healthcare and Family Services website, the Governor's Office  
9 of Management and Budget website, and any other website the  
10 Governor sees fit. These postings shall serve as notice to the  
11 General Assembly of the amounts to be transferred. Notice shall  
12 be given at least 30 days prior to transfer.

13 (b) In addition to the general transfer authority provided  
14 under subsection (c), the following agencies have the specific  
15 transfer authority granted in this subsection:

16 The Department of Healthcare and Family Services is  
17 authorized to make transfers representing savings attributable  
18 to not increasing grants due to the births of additional  
19 children from line items for payments of cash grants to line  
20 items for payments for employment and social services for the  
21 purposes outlined in subsection (f) of Section 4-2 of the  
22 Illinois Public Aid Code.

23 The Department of Children and Family Services is  
24 authorized to make transfers not exceeding 2% of the aggregate  
25 amount appropriated to it within the same treasury fund for the  
26 following line items among these same line items: Foster Home

1 and Specialized Foster Care and Prevention, Institutions and  
2 Group Homes and Prevention, and Purchase of Adoption and  
3 Guardianship Services.

4 The Department on Aging is authorized to make transfers not  
5 exceeding 2% of the aggregate amount appropriated to it within  
6 the same treasury fund for the following Community Care Program  
7 line items among these same line items: purchase of services  
8 covered by the Community Care Program and Comprehensive Case  
9 Coordination.

10 The State Treasurer is authorized to make transfers among  
11 line item appropriations from the Capital Litigation Trust  
12 Fund, with respect to costs incurred in fiscal years 2002 and  
13 2003 only, when the balance remaining in one or more such line  
14 item appropriations is insufficient for the purpose for which  
15 the appropriation was made, provided that no such transfer may  
16 be made unless the amount transferred is no longer required for  
17 the purpose for which that appropriation was made.

18 The State Board of Education is authorized to make  
19 transfers from line item appropriations within the same  
20 treasury fund for General State Aid, ~~and~~ General State Aid -  
21 Hold Harmless, Evidence-Based Funding, provided that no such  
22 transfer may be made unless the amount transferred is no longer  
23 required for the purpose for which that appropriation was made,  
24 to the line item appropriation for Transitional Assistance when  
25 the balance remaining in such line item appropriation is  
26 insufficient for the purpose for which the appropriation was

1 made.

2 The State Board of Education is authorized to make  
3 transfers between the following line item appropriations  
4 within the same treasury fund: Disabled Student  
5 Services/Materials (Section 14-13.01 of the School Code),  
6 Disabled Student Transportation Reimbursement (Section  
7 14-13.01 of the School Code), Disabled Student Tuition -  
8 Private Tuition (Section 14-7.02 of the School Code),  
9 Extraordinary Special Education (Section 14-7.02b of the  
10 School Code), Reimbursement for Free Lunch/Breakfast Program,  
11 Summer School Payments (Section 18-4.3 of the School Code), and  
12 Transportation - Regular/Vocational Reimbursement (Section  
13 29-5 of the School Code). Such transfers shall be made only  
14 when the balance remaining in one or more such line item  
15 appropriations is insufficient for the purpose for which the  
16 appropriation was made and provided that no such transfer may  
17 be made unless the amount transferred is no longer required for  
18 the purpose for which that appropriation was made.

19 The Department of Healthcare and Family Services is  
20 authorized to make transfers not exceeding 4% of the aggregate  
21 amount appropriated to it, within the same treasury fund, among  
22 the various line items appropriated for Medical Assistance.

23 (c) The sum of such transfers for an agency in a fiscal  
24 year shall not exceed 2% of the aggregate amount appropriated  
25 to it within the same treasury fund for the following objects:  
26 Personal Services; Extra Help; Student and Inmate

1 Compensation; State Contributions to Retirement Systems; State  
2 Contributions to Social Security; State Contribution for  
3 Employee Group Insurance; Contractual Services; Travel;  
4 Commodities; Printing; Equipment; Electronic Data Processing;  
5 Operation of Automotive Equipment; Telecommunications  
6 Services; Travel and Allowance for Committed, Paroled and  
7 Discharged Prisoners; Library Books; Federal Matching Grants  
8 for Student Loans; Refunds; Workers' Compensation,  
9 Occupational Disease, and Tort Claims; and, in appropriations  
10 to institutions of higher education, Awards and Grants.  
11 Notwithstanding the above, any amounts appropriated for  
12 payment of workers' compensation claims to an agency to which  
13 the authority to evaluate, administer and pay such claims has  
14 been delegated by the Department of Central Management Services  
15 may be transferred to any other expenditure object where such  
16 amounts exceed the amount necessary for the payment of such  
17 claims.

18 (c-1) Special provisions for State fiscal year 2003.  
19 Notwithstanding any other provision of this Section to the  
20 contrary, for State fiscal year 2003 only, transfers among line  
21 item appropriations to an agency from the same treasury fund  
22 may be made provided that the sum of such transfers for an  
23 agency in State fiscal year 2003 shall not exceed 3% of the  
24 aggregate amount appropriated to that State agency for State  
25 fiscal year 2003 for the following objects: personal services,  
26 except that no transfer may be approved which reduces the

1 aggregate appropriations for personal services within an  
2 agency; extra help; student and inmate compensation; State  
3 contributions to retirement systems; State contributions to  
4 social security; State contributions for employee group  
5 insurance; contractual services; travel; commodities;  
6 printing; equipment; electronic data processing; operation of  
7 automotive equipment; telecommunications services; travel and  
8 allowance for committed, paroled, and discharged prisoners;  
9 library books; federal matching grants for student loans;  
10 refunds; workers' compensation, occupational disease, and tort  
11 claims; and, in appropriations to institutions of higher  
12 education, awards and grants.

13 (c-2) Special provisions for State fiscal year 2005.  
14 Notwithstanding subsections (a), (a-2), and (c), for State  
15 fiscal year 2005 only, transfers may be made among any line  
16 item appropriations from the same or any other treasury fund  
17 for any objects or purposes, without limitation, when the  
18 balance remaining in one or more such line item appropriations  
19 is insufficient for the purpose for which the appropriation was  
20 made, provided that the sum of those transfers by a State  
21 agency shall not exceed 4% of the aggregate amount appropriated  
22 to that State agency for fiscal year 2005.

23 (c-3) Special provisions for State fiscal year 2015.  
24 Notwithstanding any other provision of this Section, for State  
25 fiscal year 2015, transfers among line item appropriations to a  
26 State agency from the same State treasury fund may be made for

1 operational or lump sum expenses only, provided that the sum of  
2 such transfers for a State agency in State fiscal year 2015  
3 shall not exceed 4% of the aggregate amount appropriated to  
4 that State agency for operational or lump sum expenses for  
5 State fiscal year 2015. For the purpose of this subsection,  
6 "operational or lump sum expenses" includes the following  
7 objects: personal services; extra help; student and inmate  
8 compensation; State contributions to retirement systems; State  
9 contributions to social security; State contributions for  
10 employee group insurance; contractual services; travel;  
11 commodities; printing; equipment; electronic data processing;  
12 operation of automotive equipment; telecommunications  
13 services; travel and allowance for committed, paroled, and  
14 discharged prisoners; library books; federal matching grants  
15 for student loans; refunds; workers' compensation,  
16 occupational disease, and tort claims; lump sum and other  
17 purposes; and lump sum operations. For the purpose of this  
18 subsection (c-3), "State agency" does not include the Attorney  
19 General, the Secretary of State, the Comptroller, the  
20 Treasurer, or the legislative or judicial branches.

21 (d) Transfers among appropriations made to agencies of the  
22 Legislative and Judicial departments and to the  
23 constitutionally elected officers in the Executive branch  
24 require the approval of the officer authorized in Section 10 of  
25 this Act to approve and certify vouchers. Transfers among  
26 appropriations made to the University of Illinois, Southern

1 Illinois University, Chicago State University, Eastern  
2 Illinois University, Governors State University, Illinois  
3 State University, Northeastern Illinois University, Northern  
4 Illinois University, Western Illinois University, the Illinois  
5 Mathematics and Science Academy and the Board of Higher  
6 Education require the approval of the Board of Higher Education  
7 and the Governor. Transfers among appropriations to all other  
8 agencies require the approval of the Governor.

9 The officer responsible for approval shall certify that the  
10 transfer is necessary to carry out the programs and purposes  
11 for which the appropriations were made by the General Assembly  
12 and shall transmit to the State Comptroller a certified copy of  
13 the approval which shall set forth the specific amounts  
14 transferred so that the Comptroller may change his records  
15 accordingly. The Comptroller shall furnish the Governor with  
16 information copies of all transfers approved for agencies of  
17 the Legislative and Judicial departments and transfers  
18 approved by the constitutionally elected officials of the  
19 Executive branch other than the Governor, showing the amounts  
20 transferred and indicating the dates such changes were entered  
21 on the Comptroller's records.

22 (e) The State Board of Education, in consultation with the  
23 State Comptroller, may transfer line item appropriations for  
24 General State Aid or Evidence-Based Funding between the Common  
25 School Fund and the Education Assistance Fund. With the advice  
26 and consent of the Governor's Office of Management and Budget,

1 the State Board of Education, in consultation with the State  
2 Comptroller, may transfer line item appropriations between the  
3 General Revenue Fund and the Education Assistance Fund for the  
4 following programs:

5 (1) Disabled Student Personnel Reimbursement (Section  
6 14-13.01 of the School Code);

7 (2) Disabled Student Transportation Reimbursement  
8 (subsection (b) of Section 14-13.01 of the School Code);

9 (3) Disabled Student Tuition - Private Tuition  
10 (Section 14-7.02 of the School Code);

11 (4) Extraordinary Special Education (Section 14-7.02b  
12 of the School Code);

13 (5) Reimbursement for Free Lunch/Breakfast Programs;

14 (6) Summer School Payments (Section 18-4.3 of the  
15 School Code);

16 (7) Transportation - Regular/Vocational Reimbursement  
17 (Section 29-5 of the School Code);

18 (8) Regular Education Reimbursement (Section 18-3 of  
19 the School Code); and

20 (9) Special Education Reimbursement (Section 14-7.03  
21 of the School Code).

22 (Source: P.A. 98-24, eff. 6-19-13; 98-674, eff. 6-30-14; 99-2,  
23 eff. 3-26-15.)

24 Section 15. The Property Tax Code is amended by changing  
25 Sections 18-200 and 18-249 as follows:

1 (35 ILCS 200/18-200)

2 Sec. 18-200. School Code. A school district's State aid  
3 shall not be reduced under the computation under subsections  
4 5(a) through 5(h) of Part A of Section 18-8 of the School Code  
5 or under Section 18-8.15 of the School Code due to the  
6 operating tax rate falling from above the minimum requirement  
7 of that Section of the School Code to below the minimum  
8 requirement of that Section of the School Code due to the  
9 operation of this Law.

10 (Source: P.A. 87-17; 88-455.)

11 (35 ILCS 200/18-249)

12 Sec. 18-249. Miscellaneous provisions.

13 (a) Certification of new property. For the 1994 levy year,  
14 the chief county assessment officer shall certify to the county  
15 clerk, after all changes by the board of review or board of  
16 appeals, as the case may be, the assessed value of new property  
17 by taxing district for the 1994 levy year under rules  
18 promulgated by the Department.

19 (b) School Code. A school district's State aid shall not be  
20 reduced under the computation under subsections 5(a) through  
21 5(h) of Part A of Section 18-8 of the School Code or under  
22 Section 18-8.15 of the School Code due to the operating tax  
23 rate falling from above the minimum requirement of that Section  
24 of the School Code to below the minimum requirement of that

1 Section of the School Code due to the operation of this Law.

2 (c) Rules. The Department shall make and promulgate  
3 reasonable rules relating to the administration of the purposes  
4 and provisions of Sections 18-246 through 18-249 as may be  
5 necessary or appropriate.

6 (Source: P.A. 89-1, eff. 2-12-95.)

7 Section 17. The Illinois Pension Code is amended by  
8 changing Sections 16-158 and 17-127 as follows:

9 (40 ILCS 5/16-158) (from Ch. 108 1/2, par. 16-158)

10 (Text of Section WITHOUT the changes made by P.A. 98-599,  
11 which has been held unconstitutional)

12 Sec. 16-158. Contributions by State and other employing  
13 units.

14 (a) The State shall make contributions to the System by  
15 means of appropriations from the Common School Fund and other  
16 State funds of amounts which, together with other employer  
17 contributions, employee contributions, investment income, and  
18 other income, will be sufficient to meet the cost of  
19 maintaining and administering the System on a 90% funded basis  
20 in accordance with actuarial recommendations.

21 The Board shall determine the amount of State contributions  
22 required for each fiscal year on the basis of the actuarial  
23 tables and other assumptions adopted by the Board and the  
24 recommendations of the actuary, using the formula in subsection

1 (b-3).

2 (a-1) Annually, on or before November 15 until November 15,  
3 2011, the Board shall certify to the Governor the amount of the  
4 required State contribution for the coming fiscal year. The  
5 certification under this subsection (a-1) shall include a copy  
6 of the actuarial recommendations upon which it is based and  
7 shall specifically identify the System's projected State  
8 normal cost for that fiscal year.

9 On or before May 1, 2004, the Board shall recalculate and  
10 recertify to the Governor the amount of the required State  
11 contribution to the System for State fiscal year 2005, taking  
12 into account the amounts appropriated to and received by the  
13 System under subsection (d) of Section 7.2 of the General  
14 Obligation Bond Act.

15 On or before July 1, 2005, the Board shall recalculate and  
16 recertify to the Governor the amount of the required State  
17 contribution to the System for State fiscal year 2006, taking  
18 into account the changes in required State contributions made  
19 by this amendatory Act of the 94th General Assembly.

20 On or before April 1, 2011, the Board shall recalculate and  
21 recertify to the Governor the amount of the required State  
22 contribution to the System for State fiscal year 2011, applying  
23 the changes made by Public Act 96-889 to the System's assets  
24 and liabilities as of June 30, 2009 as though Public Act 96-889  
25 was approved on that date.

26 (a-5) On or before November 1 of each year, beginning

1 November 1, 2012, the Board shall submit to the State Actuary,  
2 the Governor, and the General Assembly a proposed certification  
3 of the amount of the required State contribution to the System  
4 for the next fiscal year, along with all of the actuarial  
5 assumptions, calculations, and data upon which that proposed  
6 certification is based. On or before January 1 of each year,  
7 beginning January 1, 2013, the State Actuary shall issue a  
8 preliminary report concerning the proposed certification and  
9 identifying, if necessary, recommended changes in actuarial  
10 assumptions that the Board must consider before finalizing its  
11 certification of the required State contributions. On or before  
12 January 15, 2013 and each January 15 thereafter, the Board  
13 shall certify to the Governor and the General Assembly the  
14 amount of the required State contribution for the next fiscal  
15 year. The Board's certification must note any deviations from  
16 the State Actuary's recommended changes, the reason or reasons  
17 for not following the State Actuary's recommended changes, and  
18 the fiscal impact of not following the State Actuary's  
19 recommended changes on the required State contribution.

20 (b) Through State fiscal year 1995, the State contributions  
21 shall be paid to the System in accordance with Section 18-7 of  
22 the School Code.

23 (b-1) Beginning in State fiscal year 1996, on the 15th day  
24 of each month, or as soon thereafter as may be practicable, the  
25 Board shall submit vouchers for payment of State contributions  
26 to the System, in a total monthly amount of one-twelfth of the

1 required annual State contribution certified under subsection  
2 (a-1). From the effective date of this amendatory Act of the  
3 93rd General Assembly through June 30, 2004, the Board shall  
4 not submit vouchers for the remainder of fiscal year 2004 in  
5 excess of the fiscal year 2004 certified contribution amount  
6 determined under this Section after taking into consideration  
7 the transfer to the System under subsection (a) of Section  
8 6z-61 of the State Finance Act. These vouchers shall be paid by  
9 the State Comptroller and Treasurer by warrants drawn on the  
10 funds appropriated to the System for that fiscal year.

11 If in any month the amount remaining unexpended from all  
12 other appropriations to the System for the applicable fiscal  
13 year (including the appropriations to the System under Section  
14 8.12 of the State Finance Act and Section 1 of the State  
15 Pension Funds Continuing Appropriation Act) is less than the  
16 amount lawfully vouchered under this subsection, the  
17 difference shall be paid from the Common School Fund under the  
18 continuing appropriation authority provided in Section 1.1 of  
19 the State Pension Funds Continuing Appropriation Act.

20 (b-2) Allocations from the Common School Fund apportioned  
21 to school districts not coming under this System shall not be  
22 diminished or affected by the provisions of this Article.

23 (b-3) For State fiscal years 2012 through 2045, the minimum  
24 contribution to the System to be made by the State for each  
25 fiscal year shall be an amount determined by the System to be  
26 sufficient to bring the total assets of the System up to 90% of

1 the total actuarial liabilities of the System by the end of  
2 State fiscal year 2045. In making these determinations, the  
3 required State contribution shall be calculated each year as a  
4 level percentage of payroll over the years remaining to and  
5 including fiscal year 2045 and shall be determined under the  
6 projected unit credit actuarial cost method.

7 For State fiscal years 1996 through 2005, the State  
8 contribution to the System, as a percentage of the applicable  
9 employee payroll, shall be increased in equal annual increments  
10 so that by State fiscal year 2011, the State is contributing at  
11 the rate required under this Section; except that in the  
12 following specified State fiscal years, the State contribution  
13 to the System shall not be less than the following indicated  
14 percentages of the applicable employee payroll, even if the  
15 indicated percentage will produce a State contribution in  
16 excess of the amount otherwise required under this subsection  
17 and subsection (a), and notwithstanding any contrary  
18 certification made under subsection (a-1) before the effective  
19 date of this amendatory Act of 1998: 10.02% in FY 1999; 10.77%  
20 in FY 2000; 11.47% in FY 2001; 12.16% in FY 2002; 12.86% in FY  
21 2003; and 13.56% in FY 2004.

22 Notwithstanding any other provision of this Article, the  
23 total required State contribution for State fiscal year 2006 is  
24 \$534,627,700.

25 Notwithstanding any other provision of this Article, the  
26 total required State contribution for State fiscal year 2007 is

1 \$738,014,500.

2 For each of State fiscal years 2008 through 2009, the State  
3 contribution to the System, as a percentage of the applicable  
4 employee payroll, shall be increased in equal annual increments  
5 from the required State contribution for State fiscal year  
6 2007, so that by State fiscal year 2011, the State is  
7 contributing at the rate otherwise required under this Section.

8 Notwithstanding any other provision of this Article, the  
9 total required State contribution for State fiscal year 2010 is  
10 \$2,089,268,000 and shall be made from the proceeds of bonds  
11 sold in fiscal year 2010 pursuant to Section 7.2 of the General  
12 Obligation Bond Act, less (i) the pro rata share of bond sale  
13 expenses determined by the System's share of total bond  
14 proceeds, (ii) any amounts received from the Common School Fund  
15 in fiscal year 2010, and (iii) any reduction in bond proceeds  
16 due to the issuance of discounted bonds, if applicable.

17 Notwithstanding any other provision of this Article, the  
18 total required State contribution for State fiscal year 2011 is  
19 the amount recertified by the System on or before April 1, 2011  
20 pursuant to subsection (a-1) of this Section and shall be made  
21 from the proceeds of bonds sold in fiscal year 2011 pursuant to  
22 Section 7.2 of the General Obligation Bond Act, less (i) the  
23 pro rata share of bond sale expenses determined by the System's  
24 share of total bond proceeds, (ii) any amounts received from  
25 the Common School Fund in fiscal year 2011, and (iii) any  
26 reduction in bond proceeds due to the issuance of discounted

1 bonds, if applicable. This amount shall include, in addition to  
2 the amount certified by the System, an amount necessary to meet  
3 employer contributions required by the State as an employer  
4 under paragraph (e) of this Section, which may also be used by  
5 the System for contributions required by paragraph (a) of  
6 Section 16-127.

7 Beginning in State fiscal year 2046, the minimum State  
8 contribution for each fiscal year shall be the amount needed to  
9 maintain the total assets of the System at 90% of the total  
10 actuarial liabilities of the System.

11 Amounts received by the System pursuant to Section 25 of  
12 the Budget Stabilization Act or Section 8.12 of the State  
13 Finance Act in any fiscal year do not reduce and do not  
14 constitute payment of any portion of the minimum State  
15 contribution required under this Article in that fiscal year.  
16 Such amounts shall not reduce, and shall not be included in the  
17 calculation of, the required State contributions under this  
18 Article in any future year until the System has reached a  
19 funding ratio of at least 90%. A reference in this Article to  
20 the "required State contribution" or any substantially similar  
21 term does not include or apply to any amounts payable to the  
22 System under Section 25 of the Budget Stabilization Act.

23 Notwithstanding any other provision of this Section, the  
24 required State contribution for State fiscal year 2005 and for  
25 fiscal year 2008 and each fiscal year thereafter, as calculated  
26 under this Section and certified under subsection (a-1), shall

1 not exceed an amount equal to (i) the amount of the required  
2 State contribution that would have been calculated under this  
3 Section for that fiscal year if the System had not received any  
4 payments under subsection (d) of Section 7.2 of the General  
5 Obligation Bond Act, minus (ii) the portion of the State's  
6 total debt service payments for that fiscal year on the bonds  
7 issued in fiscal year 2003 for the purposes of that Section  
8 7.2, as determined and certified by the Comptroller, that is  
9 the same as the System's portion of the total moneys  
10 distributed under subsection (d) of Section 7.2 of the General  
11 Obligation Bond Act. In determining this maximum for State  
12 fiscal years 2008 through 2010, however, the amount referred to  
13 in item (i) shall be increased, as a percentage of the  
14 applicable employee payroll, in equal increments calculated  
15 from the sum of the required State contribution for State  
16 fiscal year 2007 plus the applicable portion of the State's  
17 total debt service payments for fiscal year 2007 on the bonds  
18 issued in fiscal year 2003 for the purposes of Section 7.2 of  
19 the General Obligation Bond Act, so that, by State fiscal year  
20 2011, the State is contributing at the rate otherwise required  
21 under this Section.

22 (c) Payment of the required State contributions and of all  
23 pensions, retirement annuities, death benefits, refunds, and  
24 other benefits granted under or assumed by this System, and all  
25 expenses in connection with the administration and operation  
26 thereof, are obligations of the State.

1           If members are paid from special trust or federal funds  
2 which are administered by the employing unit, whether school  
3 district or other unit, the employing unit shall pay to the  
4 System from such funds the full accruing retirement costs based  
5 upon that service, which, beginning July 1, 2018 ~~2014~~, shall be  
6 at a rate, expressed as a percentage of salary, equal to the  
7 total employer's ~~minimum contribution to the System to be made~~  
8 ~~by the State for that fiscal year, including both~~ normal cost  
9 ~~and unfunded liability components~~, expressed as a percentage of  
10 payroll, as determined by the System ~~under subsection (b-3) of~~  
11 ~~this Section~~. Employer contributions, based on salary paid to  
12 members from federal funds, may be forwarded by the  
13 distributing agency of the State of Illinois to the System  
14 prior to allocation, in an amount determined in accordance with  
15 guidelines established by such agency and the System. Any  
16 contribution for fiscal year 2015 collected as a result of the  
17 change made by this amendatory Act of the 98th General Assembly  
18 shall be considered a State contribution under subsection (b-3)  
19 of this Section.

20           (d) Effective July 1, 1986, any employer of a teacher as  
21 defined in paragraph (8) of Section 16-106 shall pay the  
22 employer's normal cost of benefits based upon the teacher's  
23 service, in addition to employee contributions, as determined  
24 by the System. Such employer contributions shall be forwarded  
25 monthly in accordance with guidelines established by the  
26 System.

1           However, with respect to benefits granted under Section  
2 16-133.4 or 16-133.5 to a teacher as defined in paragraph (8)  
3 of Section 16-106, the employer's contribution shall be 12%  
4 (rather than 20%) of the member's highest annual salary rate  
5 for each year of creditable service granted, and the employer  
6 shall also pay the required employee contribution on behalf of  
7 the teacher. For the purposes of Sections 16-133.4 and  
8 16-133.5, a teacher as defined in paragraph (8) of Section  
9 16-106 who is serving in that capacity while on leave of  
10 absence from another employer under this Article shall not be  
11 considered an employee of the employer from which the teacher  
12 is on leave.

13           (e) Beginning July 1, 1998, every employer of a teacher  
14 shall pay to the System an employer contribution computed as  
15 follows:

16           (1) Beginning July 1, 1998 through June 30, 1999, the  
17 employer contribution shall be equal to 0.3% of each  
18 teacher's salary.

19           (2) Beginning July 1, 1999 and thereafter, the employer  
20 contribution shall be equal to 0.58% of each teacher's  
21 salary.

22           The school district or other employing unit may pay these  
23 employer contributions out of any source of funding available  
24 for that purpose and shall forward the contributions to the  
25 System on the schedule established for the payment of member  
26 contributions.

1           These employer contributions are intended to offset a  
2 portion of the cost to the System of the increases in  
3 retirement benefits resulting from this amendatory Act of 1998.

4           Each employer of teachers is entitled to a credit against  
5 the contributions required under this subsection (e) with  
6 respect to salaries paid to teachers for the period January 1,  
7 2002 through June 30, 2003, equal to the amount paid by that  
8 employer under subsection (a-5) of Section 6.6 of the State  
9 Employees Group Insurance Act of 1971 with respect to salaries  
10 paid to teachers for that period.

11           The additional 1% employee contribution required under  
12 Section 16-152 by this amendatory Act of 1998 is the  
13 responsibility of the teacher and not the teacher's employer,  
14 unless the employer agrees, through collective bargaining or  
15 otherwise, to make the contribution on behalf of the teacher.

16           If an employer is required by a contract in effect on May  
17 1, 1998 between the employer and an employee organization to  
18 pay, on behalf of all its full-time employees covered by this  
19 Article, all mandatory employee contributions required under  
20 this Article, then the employer shall be excused from paying  
21 the employer contribution required under this subsection (e)  
22 for the balance of the term of that contract. The employer and  
23 the employee organization shall jointly certify to the System  
24 the existence of the contractual requirement, in such form as  
25 the System may prescribe. This exclusion shall cease upon the  
26 termination, extension, or renewal of the contract at any time

1 after May 1, 1998.

2 (f) If the amount of a teacher's salary for any school year  
3 used to determine final average salary exceeds the member's  
4 annual full-time salary rate with the same employer for the  
5 previous school year by more than 6%, the teacher's employer  
6 shall pay to the System, in addition to all other payments  
7 required under this Section and in accordance with guidelines  
8 established by the System, the present value of the increase in  
9 benefits resulting from the portion of the increase in salary  
10 that is in excess of 6%. This present value shall be computed  
11 by the System on the basis of the actuarial assumptions and  
12 tables used in the most recent actuarial valuation of the  
13 System that is available at the time of the computation. If a  
14 teacher's salary for the 2005-2006 school year is used to  
15 determine final average salary under this subsection (f), then  
16 the changes made to this subsection (f) by Public Act 94-1057  
17 shall apply in calculating whether the increase in his or her  
18 salary is in excess of 6%. For the purposes of this Section,  
19 change in employment under Section 10-21.12 of the School Code  
20 on or after June 1, 2005 shall constitute a change in employer.  
21 The System may require the employer to provide any pertinent  
22 information or documentation. The changes made to this  
23 subsection (f) by this amendatory Act of the 94th General  
24 Assembly apply without regard to whether the teacher was in  
25 service on or after its effective date.

26 Whenever it determines that a payment is or may be required

1 under this subsection, the System shall calculate the amount of  
2 the payment and bill the employer for that amount. The bill  
3 shall specify the calculations used to determine the amount  
4 due. If the employer disputes the amount of the bill, it may,  
5 within 30 days after receipt of the bill, apply to the System  
6 in writing for a recalculation. The application must specify in  
7 detail the grounds of the dispute and, if the employer asserts  
8 that the calculation is subject to subsection (g) or (h) of  
9 this Section, must include an affidavit setting forth and  
10 attesting to all facts within the employer's knowledge that are  
11 pertinent to the applicability of that subsection. Upon  
12 receiving a timely application for recalculation, the System  
13 shall review the application and, if appropriate, recalculate  
14 the amount due.

15 The employer contributions required under this subsection  
16 (f) may be paid in the form of a lump sum within 90 days after  
17 receipt of the bill. If the employer contributions are not paid  
18 within 90 days after receipt of the bill, then interest will be  
19 charged at a rate equal to the System's annual actuarially  
20 assumed rate of return on investment compounded annually from  
21 the 91st day after receipt of the bill. Payments must be  
22 concluded within 3 years after the employer's receipt of the  
23 bill.

24 (g) This subsection (g) applies only to payments made or  
25 salary increases given on or after June 1, 2005 but before July  
26 1, 2011. The changes made by Public Act 94-1057 shall not

1 require the System to refund any payments received before July  
2 31, 2006 (the effective date of Public Act 94-1057).

3 When assessing payment for any amount due under subsection  
4 (f), the System shall exclude salary increases paid to teachers  
5 under contracts or collective bargaining agreements entered  
6 into, amended, or renewed before June 1, 2005.

7 When assessing payment for any amount due under subsection  
8 (f), the System shall exclude salary increases paid to a  
9 teacher at a time when the teacher is 10 or more years from  
10 retirement eligibility under Section 16-132 or 16-133.2.

11 When assessing payment for any amount due under subsection  
12 (f), the System shall exclude salary increases resulting from  
13 overload work, including summer school, when the school  
14 district has certified to the System, and the System has  
15 approved the certification, that (i) the overload work is for  
16 the sole purpose of classroom instruction in excess of the  
17 standard number of classes for a full-time teacher in a school  
18 district during a school year and (ii) the salary increases are  
19 equal to or less than the rate of pay for classroom instruction  
20 computed on the teacher's current salary and work schedule.

21 When assessing payment for any amount due under subsection  
22 (f), the System shall exclude a salary increase resulting from  
23 a promotion (i) for which the employee is required to hold a  
24 certificate or supervisory endorsement issued by the State  
25 Teacher Certification Board that is a different certification  
26 or supervisory endorsement than is required for the teacher's

1 previous position and (ii) to a position that has existed and  
2 been filled by a member for no less than one complete academic  
3 year and the salary increase from the promotion is an increase  
4 that results in an amount no greater than the lesser of the  
5 average salary paid for other similar positions in the district  
6 requiring the same certification or the amount stipulated in  
7 the collective bargaining agreement for a similar position  
8 requiring the same certification.

9 When assessing payment for any amount due under subsection  
10 (f), the System shall exclude any payment to the teacher from  
11 the State of Illinois or the State Board of Education over  
12 which the employer does not have discretion, notwithstanding  
13 that the payment is included in the computation of final  
14 average salary.

15 (h) When assessing payment for any amount due under  
16 subsection (f), the System shall exclude any salary increase  
17 described in subsection (g) of this Section given on or after  
18 July 1, 2011 but before July 1, 2014 under a contract or  
19 collective bargaining agreement entered into, amended, or  
20 renewed on or after June 1, 2005 but before July 1, 2011.  
21 Notwithstanding any other provision of this Section, any  
22 payments made or salary increases given after June 30, 2014  
23 shall be used in assessing payment for any amount due under  
24 subsection (f) of this Section.

25 (i) The System shall prepare a report and file copies of  
26 the report with the Governor and the General Assembly by

1 January 1, 2007 that contains all of the following information:

2 (1) The number of recalculations required by the  
3 changes made to this Section by Public Act 94-1057 for each  
4 employer.

5 (2) The dollar amount by which each employer's  
6 contribution to the System was changed due to  
7 recalculations required by Public Act 94-1057.

8 (3) The total amount the System received from each  
9 employer as a result of the changes made to this Section by  
10 Public Act 94-4.

11 (4) The increase in the required State contribution  
12 resulting from the changes made to this Section by Public  
13 Act 94-1057.

14 (j) For purposes of determining the required State  
15 contribution to the System, the value of the System's assets  
16 shall be equal to the actuarial value of the System's assets,  
17 which shall be calculated as follows:

18 As of June 30, 2008, the actuarial value of the System's  
19 assets shall be equal to the market value of the assets as of  
20 that date. In determining the actuarial value of the System's  
21 assets for fiscal years after June 30, 2008, any actuarial  
22 gains or losses from investment return incurred in a fiscal  
23 year shall be recognized in equal annual amounts over the  
24 5-year period following that fiscal year.

25 (k) For purposes of determining the required State  
26 contribution to the system for a particular year, the actuarial

1 value of assets shall be assumed to earn a rate of return equal  
2 to the system's actuarially assumed rate of return.

3 (Source: P.A. 96-43, eff. 7-15-09; 96-1497, eff. 1-14-11;  
4 96-1511, eff. 1-27-11; 96-1554, eff. 3-18-11; 97-694, eff.  
5 6-18-12; 97-813, eff. 7-13-12; 98-674, eff. 6-30-14.)

6 (40 ILCS 5/17-127) (from Ch. 108 1/2, par. 17-127)

7 Sec. 17-127. Financing; revenues for the Fund.

8 (a) The revenues for the Fund shall consist of: (1) amounts  
9 paid into the Fund by contributors thereto and from employer  
10 contributions and State appropriations in accordance with this  
11 Article; (2) amounts contributed to the Fund by an Employer;  
12 (3) amounts contributed to the Fund pursuant to any law now in  
13 force or hereafter to be enacted; (4) contributions from any  
14 other source; and (5) the earnings on investments.

15 (b) The General Assembly finds that for many years the  
16 State has contributed to the Fund an annual amount that is  
17 between 20% and 30% of the amount of the annual State  
18 contribution to the Article 16 retirement system, and the  
19 General Assembly declares that it is its goal and intention to  
20 continue this level of contribution to the Fund in the future.

21 (c) Beginning in State fiscal year 1999, the State shall  
22 include in its annual contribution to the Fund an additional  
23 amount equal to 0.544% of the Fund's total teacher payroll;  
24 except that this additional contribution need not be made in a  
25 fiscal year if the Board has certified in the previous fiscal

1 year that the Fund is at least 90% funded, based on actuarial  
2 determinations. These additional State contributions are  
3 intended to offset a portion of the cost to the Fund of the  
4 increases in retirement benefits resulting from this  
5 amendatory Act of 1998.

6 (d) In addition to any other contribution required under  
7 this Article, including the contribution required under  
8 subsection (c), the State shall contribute to the Fund the  
9 following amounts:

10 (1) For State fiscal year 2017, the State shall  
11 contribute \$215,200,000.

12 (2) For State fiscal year 2018, the State shall  
13 contribute \$221,300,000.

14 (3) Beginning in State fiscal year 2019, the State  
15 shall contribute for each fiscal year an amount to be  
16 determined by the Fund, equal to the employer normal cost  
17 for that fiscal year, plus the amount allowed pursuant to  
18 paragraph (3) of Section 17-142.1, to defray health  
19 insurance costs.

20 (e) The Board shall determine the amount of State  
21 contributions required for each fiscal year on the basis of the  
22 actuarial tables and other assumptions adopted by the Board and  
23 the recommendations of the actuary. On or before November 1 of  
24 each year, beginning November 1, 2017, the Board shall submit  
25 to the State Actuary, the Governor, and the General Assembly a  
26 proposed certification of the amount of the required State

1 contribution to the Fund for the next fiscal year, along with  
2 all of the actuarial assumptions, calculations, and data upon  
3 which that proposed certification is based.

4 On or before January 1 of each year, beginning January 1,  
5 2018, the State Actuary shall issue a preliminary report  
6 concerning the proposed certification and identifying, if  
7 necessary, recommended changes in actuarial assumptions that  
8 the Board must consider before finalizing its certification of  
9 the required State contributions.

10 (f) On or before January 15, 2018 and each January 15  
11 thereafter, the Board shall certify to the Governor and the  
12 General Assembly the amount of the required State contribution  
13 for the next fiscal year. The certification shall include a  
14 copy of the actuarial recommendations upon which it is based  
15 and shall specifically identify the Fund's projected employer  
16 normal cost for that fiscal year. The Board's certification  
17 must note any deviations from the State Actuary's recommended  
18 changes, the reason or reasons for not following the State  
19 Actuary's recommended changes, and the fiscal impact of not  
20 following the State Actuary's recommended changes on the  
21 required State contribution.

22 For the purposes of this Article, including issuing  
23 vouchers, and for the purposes of subsection (h) of Section 1.1  
24 of the State Pension Funds Continuing Appropriation Act, the  
25 State contribution specified for State fiscal years 2017 and  
26 2018 shall be deemed to have been certified, by operation of

1 law and without official action by the Board or the State  
2 Actuary, in the amount provided in subsection (d) of this  
3 Section.

4 (g) Beginning in State fiscal year 2017, on the 15th day of  
5 each month, or as soon thereafter as may be practicable, the  
6 Board shall submit vouchers for payment of State contributions  
7 to the Fund, in a total monthly amount of one-twelfth of the  
8 required annual State contribution under subsection (d). These  
9 vouchers shall be paid by the State Comptroller and Treasurer  
10 by warrants drawn on the funds appropriated to the Fund for  
11 that fiscal year. If in any month the amount remaining  
12 unexpended from all other State appropriations to the Fund for  
13 the applicable fiscal year is less than the amount lawfully  
14 vouchered under this subsection, the difference shall be paid  
15 from the Common School Fund under the continuing appropriation  
16 authority provided in Section 1.1 of the State Pension Funds  
17 Continuing Appropriation Act.

18 (Source: P.A. 90-548, eff. 12-4-97; 90-566, eff. 1-2-98;  
19 90-582, eff. 5-27-98; 90-655, eff. 7-30-98.)

20 Section 18. The State Pension Funds Continuing  
21 Appropriation Act is amended by changing Section 1.1 as  
22 follows:

23 (40 ILCS 15/1.1)

24 Sec. 1.1. Appropriations to certain retirement systems.

1           (a) There is hereby appropriated from the General Revenue  
2 Fund to the General Assembly Retirement System, on a continuing  
3 monthly basis, the amount, if any, by which the total available  
4 amount of all other appropriations to that retirement system  
5 for the payment of State contributions is less than the total  
6 amount of the vouchers for required State contributions  
7 lawfully submitted by the retirement system for that month  
8 under Section 2-134 of the Illinois Pension Code.

9           (b) There is hereby appropriated from the General Revenue  
10 Fund to the State Universities Retirement System, on a  
11 continuing monthly basis, the amount, if any, by which the  
12 total available amount of all other appropriations to that  
13 retirement system for the payment of State contributions,  
14 including any deficiency in the required contributions of the  
15 optional retirement program established under Section 15-158.2  
16 of the Illinois Pension Code, is less than the total amount of  
17 the vouchers for required State contributions lawfully  
18 submitted by the retirement system for that month under Section  
19 15-165 of the Illinois Pension Code.

20           (c) There is hereby appropriated from the Common School  
21 Fund to the Teachers' Retirement System of the State of  
22 Illinois, on a continuing monthly basis, the amount, if any, by  
23 which the total available amount of all other appropriations to  
24 that retirement system for the payment of State contributions  
25 is less than the total amount of the vouchers for required  
26 State contributions lawfully submitted by the retirement

1 system for that month under Section 16-158 of the Illinois  
2 Pension Code.

3 (d) There is hereby appropriated from the General Revenue  
4 Fund to the Judges Retirement System of Illinois, on a  
5 continuing monthly basis, the amount, if any, by which the  
6 total available amount of all other appropriations to that  
7 retirement system for the payment of State contributions is  
8 less than the total amount of the vouchers for required State  
9 contributions lawfully submitted by the retirement system for  
10 that month under Section 18-140 of the Illinois Pension Code.

11 (e) The continuing appropriations provided by subsections  
12 (a), (b), (c), and (d) of this Section shall first be available  
13 in State fiscal year 1996. The continuing appropriations  
14 provided by subsection (h) of this Section shall first be  
15 available as provided in that subsection (h).

16 (f) For State fiscal year 2010 only, the continuing  
17 appropriations provided by this Section are equal to the amount  
18 certified by each System on or before December 31, 2008, less  
19 (i) the gross proceeds of the bonds sold in fiscal year 2010  
20 under the authorization contained in subsection (a) of Section  
21 7.2 of the General Obligation Bond Act and (ii) any amounts  
22 received from the State Pensions Fund.

23 (g) For State fiscal year 2011 only, the continuing  
24 appropriations provided by this Section are equal to the amount  
25 certified by each System on or before April 1, 2011, less (i)  
26 the gross proceeds of the bonds sold in fiscal year 2011 under

1 the authorization contained in subsection (a) of Section 7.2 of  
2 the General Obligation Bond Act and (ii) any amounts received  
3 from the State Pensions Fund.

4 (h) There is hereby appropriated from the Common School  
5 Fund to the Public School Teachers' Pension and Retirement Fund  
6 of Chicago, on a continuing monthly basis, the amount, if any,  
7 by which the total available amount of all other State  
8 appropriations to that Retirement Fund for the payment of State  
9 contributions under subsection (d) of Section 17-127 of the  
10 Illinois Pension Code is less than the total amount of the  
11 vouchers for required State contributions lawfully submitted  
12 by the Retirement Fund for that month under that Section  
13 17-127.

14 (Source: P.A. 96-43, eff. 7-15-09; 96-1497, eff. 1-14-11;  
15 96-1511, eff. 1-27-11.)

16 Section 20. The Innovation Development and Economy Act is  
17 amended by changing Section 33 as follows:

18 (50 ILCS 470/33)

19 Sec. 33. STAR Bonds School Improvement and Operations Trust  
20 Fund.

21 (a) The STAR Bonds School Improvement and Operations Trust  
22 Fund is created as a trust fund in the State treasury. Deposits  
23 into the Trust Fund shall be made as provided under this  
24 Section. Moneys in the Trust Fund shall be used by the

1 Department of Revenue only for the purpose of making payments  
2 to school districts in educational service regions that include  
3 or are adjacent to the STAR bond district. Moneys in the Trust  
4 Fund are not subject to appropriation and shall be used solely  
5 as provided in this Section. All deposits into the Trust Fund  
6 shall be held in the Trust Fund by the State Treasurer as ex  
7 officio custodian separate and apart from all public moneys or  
8 funds of this State and shall be administered by the Department  
9 exclusively for the purposes set forth in this Section. All  
10 moneys in the Trust Fund shall be invested and reinvested by  
11 the State Treasurer. All interest accruing from these  
12 investments shall be deposited in the Trust Fund.

13 (b) Upon approval of a STAR bond district, the political  
14 subdivision shall immediately transmit to the county clerk of  
15 the county in which the district is located a certified copy of  
16 the ordinance creating the district, a legal description of the  
17 district, a map of the district, identification of the year  
18 that the county clerk shall use for determining the total  
19 initial equalized assessed value of the district consistent  
20 with subsection (c), and a list of the parcel or tax  
21 identification number of each parcel of property included in  
22 the district.

23 (c) Upon approval of a STAR bond district, the county clerk  
24 immediately thereafter shall determine (i) the most recently  
25 ascertained equalized assessed value of each lot, block, tract,  
26 or parcel of real property within the STAR bond district, from

1 which shall be deducted the homestead exemptions under Article  
2 15 of the Property Tax Code, which value shall be the initial  
3 equalized assessed value of each such piece of property, and  
4 (ii) the total equalized assessed value of all taxable real  
5 property within the district by adding together the most  
6 recently ascertained equalized assessed value of each taxable  
7 lot, block, tract, or parcel of real property within the  
8 district, from which shall be deducted the homestead exemptions  
9 under Article 15 of the Property Tax Code, and shall certify  
10 that amount as the total initial equalized assessed value of  
11 the taxable real property within the STAR bond district.

12 (d) In reference to any STAR bond district created within  
13 any political subdivision, and in respect to which the county  
14 clerk has certified the total initial equalized assessed value  
15 of the property in the area, the political subdivision may  
16 thereafter request the clerk in writing to adjust the initial  
17 equalized value of all taxable real property within the STAR  
18 bond district by deducting therefrom the exemptions under  
19 Article 15 of the Property Tax Code applicable to each lot,  
20 block, tract, or parcel of real property within the STAR bond  
21 district. The county clerk shall immediately, after the written  
22 request to adjust the total initial equalized value is  
23 received, determine the total homestead exemptions in the STAR  
24 bond district as provided under Article 15 of the Property Tax  
25 Code by adding together the homestead exemptions provided by  
26 said Article on each lot, block, tract, or parcel of real

1 property within the STAR bond district and then shall deduct  
2 the total of said exemptions from the total initial equalized  
3 assessed value. The county clerk shall then promptly certify  
4 that amount as the total initial equalized assessed value as  
5 adjusted of the taxable real property within the STAR bond  
6 district.

7 (e) The county clerk or other person authorized by law  
8 shall compute the tax rates for each taxing district with all  
9 or a portion of its equalized assessed value located in the  
10 STAR bond district. The rate per cent of tax determined shall  
11 be extended to the current equalized assessed value of all  
12 property in the district in the same manner as the rate per  
13 cent of tax is extended to all other taxable property in the  
14 taxing district.

15 (f) Beginning with the assessment year in which the first  
16 destination user in the first STAR bond project in a STAR bond  
17 district makes its first retail sales and for each assessment  
18 year thereafter until final maturity of the last STAR bonds  
19 issued in the district, the county clerk or other person  
20 authorized by law shall determine the increase in equalized  
21 assessed value of all real property within the STAR bond  
22 district by subtracting the initial equalized assessed value of  
23 all property in the district certified under subsection (c)  
24 from the current equalized assessed value of all property in  
25 the district. Each year, the property taxes arising from the  
26 increase in equalized assessed value in the STAR bond district

1 shall be determined for each taxing district and shall be  
2 certified to the county collector.

3 (g) Beginning with the year in which taxes are collected  
4 based on the assessment year in which the first destination  
5 user in the first STAR bond project in a STAR bond district  
6 makes its first retail sales and for each year thereafter until  
7 final maturity of the last STAR bonds issued in the district,  
8 the county collector shall, within 30 days after receipt of  
9 property taxes, transmit to the Department to be deposited into  
10 the STAR Bonds School Improvement and Operations Trust Fund 15%  
11 of property taxes attributable to the increase in equalized  
12 assessed value within the STAR bond district from each taxing  
13 district as certified in subsection (f).

14 (h) The Department shall pay to the regional superintendent  
15 of schools whose educational service region includes Franklin  
16 and Williamson Counties, for each year for which money is  
17 remitted to the Department and paid into the STAR Bonds School  
18 Improvement and Operations Trust Fund, the money in the Fund as  
19 provided in this Section. The amount paid to each school  
20 district shall be allocated proportionately, based on each  
21 qualifying school district's fall enrollment for the  
22 then-current school year, such that the school district with  
23 the largest fall enrollment receives the largest proportionate  
24 share of money paid out of the Fund or by any other method or  
25 formula that the regional superintendent of schools deems fit,  
26 equitable, and in the public interest. The regional

1 superintendent may allocate moneys to school districts that are  
2 outside of his or her educational service region or to other  
3 regional superintendents.

4 The Department shall determine the distributions under  
5 this Section using its best judgment and information. The  
6 Department shall be held harmless for the distributions made  
7 under this Section and all distributions shall be final.

8 (i) In any year that an assessment appeal is filed, the  
9 extension of taxes on any assessment so appealed shall not be  
10 delayed. In the case of an assessment that is altered, any  
11 taxes extended upon the unauthorized assessment or part thereof  
12 shall be abated, or, if already paid, shall be refunded with  
13 interest as provided in Section 23-20 of the Property Tax Code.  
14 In the case of an assessment appeal, the county collector shall  
15 notify the Department that an assessment appeal has been filed  
16 and the amount of the tax that would have been deposited in the  
17 STAR Bonds School Improvement and Operations Trust Fund. The  
18 county collector shall hold that amount in a separate fund  
19 until the appeal process is final. After the appeal process is  
20 finalized, the county collector shall transmit to the  
21 Department the amount of tax that remains, if any, after all  
22 required refunds are made. The Department shall pay any amount  
23 deposited into the Trust Fund under this Section in the same  
24 proportion as determined for payments for that taxable year  
25 under subsection (h).

26 (j) In any year that ad valorem taxes are allocated to the

1 STAR Bonds School Improvement and Operations Trust Fund, that  
2 allocation shall not reduce or otherwise impact the school aid  
3 provided to any school district under the general State school  
4 aid formula provided for in Section 18-8.05 of the School Code  
5 or the evidence-based funding formula provided for in Section  
6 18-8.15 of the School Code.

7 (Source: P.A. 96-939, eff. 6-24-10.)

8 Section 25. The County Economic Development Project Area  
9 Property Tax Allocation Act is amended by changing Section 7 as  
10 follows:

11 (55 ILCS 85/7) (from Ch. 34, par. 7007)

12 Sec. 7. Creation of special tax allocation fund. If a  
13 county has adopted property tax allocation financing by  
14 ordinance for an economic development project area, the  
15 Department has approved and certified the economic development  
16 project area, and the county clerk has thereafter certified the  
17 "total initial equalized value" of the taxable real property  
18 within such economic development project area in the manner  
19 provided in subsection (b) of Section 6 of this Act, each year  
20 after the date of the certification by the county clerk of the  
21 "initial equalized assessed value" until economic development  
22 project costs and all county obligations financing economic  
23 development project costs have been paid, the ad valorem taxes,  
24 if any, arising from the levies upon the taxable real property

1 in the economic development project area by taxing districts  
2 and tax rates determined in the manner provided in subsection  
3 (b) of Section 6 of this Act shall be divided as follows:

4 (1) That portion of the taxes levied upon each taxable  
5 lot, block, tract or parcel of real property which is  
6 attributable to the lower of the current equalized assessed  
7 value or the initial equalized assessed value of each such  
8 taxable lot, block, tract, or parcel of real property  
9 existing at the time property tax allocation financing was  
10 adopted shall be allocated and when collected shall be paid  
11 by the county collector to the respective affected taxing  
12 districts in the manner required by the law in the absence  
13 of the adoption of property tax allocation financing.

14 (2) That portion, if any, of those taxes which is  
15 attributable to the increase in the current equalized  
16 assessed valuation of each taxable lot, block, tract, or  
17 parcel of real property in the economic development project  
18 are, over and above the initial equalized assessed value of  
19 each property existing at the time property tax allocation  
20 financing was adopted shall be allocated to and when  
21 collected shall be paid to the county treasurer, who shall  
22 deposit those taxes into a special fund called the special  
23 tax allocation fund of the county for the purpose of paying  
24 economic development project costs and obligations  
25 incurred in the payment thereof.

26 The county, by an ordinance adopting property tax

1 allocation financing, may pledge the funds in and to be  
2 deposited in the special tax allocation fund for the payment of  
3 obligations issued under this Act and for the payment of  
4 economic development project costs. No part of the current  
5 equalized assessed valuation of each property in the economic  
6 development project area attributable to any increase above the  
7 total initial equalized assessed value of such properties shall  
8 be used in calculating the general State school aid formula,  
9 provided for in Section 18-8 of the School Code, or the  
10 evidence-based funding formula, provided for in Section  
11 18-8.15 of the School Code, until such time as all economic  
12 development projects costs have been paid as provided for in  
13 this Section.

14 Whenever a county issues bonds for the purpose of financing  
15 economic development project costs, the county may provide by  
16 ordinance for the appointment of a trustee, which may be any  
17 trust company within the State, and for the establishment of  
18 the funds or accounts to be maintained by such trustee as the  
19 county shall deem necessary to provide for the security and  
20 payment of the bonds. If the county provides for the  
21 appointment of a trustee, the trustee shall be considered the  
22 assignee of any payments assigned by the county pursuant to the  
23 ordinance and this Section. Any amounts paid to the trustee as  
24 assignee shall be deposited in the funds or accounts  
25 established pursuant to the trust agreement, and shall be held  
26 by the trustee in trust for the benefit of the holders of the

1 bonds, and the holders shall have a lien on and a security  
2 interest in those bonds or accounts so long as the bonds remain  
3 outstanding and unpaid. Upon retirement of the bonds, the  
4 trustee shall pay over any excess amounts held to the county  
5 for deposit in the special tax allocation fund.

6 When the economic development project costs, including  
7 without limitation all county obligations financing economic  
8 development project costs incurred under this Act, have been  
9 paid, all surplus funds then remaining in the special tax  
10 allocation funds shall be distributed by being paid by the  
11 county treasurer to the county collector, who shall immediately  
12 thereafter pay those funds to the taxing districts having  
13 taxable property in the economic development project area in  
14 the same manner and proportion as the most recent distribution  
15 by the county collector to those taxing districts of real  
16 property taxes from real property in the economic development  
17 project area.

18 Upon the payment of all economic development project costs,  
19 retirement of obligations and the distribution of any excess  
20 monies pursuant to this Section and not later than 23 years  
21 from the date of adoption of the ordinance adopting property  
22 tax allocation financing, the county shall adopt an ordinance  
23 dissolving the special tax allocation fund for the economic  
24 development project area and terminating the designation of the  
25 economic development project area as an economic development  
26 project area; however, in relation to one or more contiguous

1 parcels not exceeding a total area of 120 acres within which an  
2 electric generating facility is intended to be constructed, and  
3 with respect to which the owner of that proposed electric  
4 generating facility has entered into a redevelopment agreement  
5 with Grundy County on or before July 25, 2017, the ordinance of  
6 the county required in this paragraph shall not dissolve the  
7 special tax allocation fund for the existing economic  
8 development project area and shall only terminate the  
9 designation of the economic development project area as to  
10 those portions of the economic development project area  
11 excluding the area covered by the redevelopment agreement  
12 between the owner of the proposed electric generating facility  
13 and Grundy County; the county shall adopt an ordinance  
14 dissolving the special tax allocation fund for the economic  
15 development project area and terminating the designation of the  
16 economic development project area as an economic development  
17 project area with regard to the electric generating facility  
18 property not later than 35 years from the date of adoption of  
19 the ordinance adopting property tax allocation financing.  
20 Thereafter the rates of the taxing districts shall be extended  
21 and taxes levied, collected and distributed in the manner  
22 applicable in the absence of the adoption of property tax  
23 allocation financing.

24 Nothing in this Section shall be construed as relieving  
25 property in economic development project areas from being  
26 assessed as provided in the Property Tax Code or as relieving

1 owners of that property from paying a uniform rate of taxes, as  
2 required by Section 4 of Article IX of the Illinois  
3 Constitution of 1970.

4 (Source: P.A. 98-463, eff. 8-16-13; 99-513, eff. 6-30-16.)

5 Section 30. The County Economic Development Project Area  
6 Tax Increment Allocation Act of 1991 is amended by changing  
7 Section 50 as follows:

8 (55 ILCS 90/50) (from Ch. 34, par. 8050)

9 Sec. 50. Special tax allocation fund.

10 (a) If a county clerk has certified the "total initial  
11 equalized assessed value" of the taxable real property within  
12 an economic development project area in the manner provided in  
13 Section 45, each year after the date of the certification by  
14 the county clerk of the "total initial equalized assessed  
15 value", until economic development project costs and all county  
16 obligations financing economic development project costs have  
17 been paid, the ad valorem taxes, if any, arising from the  
18 levies upon the taxable real property in the economic  
19 development project area by taxing districts and tax rates  
20 determined in the manner provided in subsection (b) of Section  
21 45 shall be divided as follows:

22 (1) That portion of the taxes levied upon each taxable  
23 lot, block, tract, or parcel of real property that is  
24 attributable to the lower of the current equalized assessed

1 value or the initial equalized assessed value of each  
2 taxable lot, block, tract, or parcel of real property  
3 existing at the time tax increment financing was adopted  
4 shall be allocated to (and when collected shall be paid by  
5 the county collector to) the respective affected taxing  
6 districts in the manner required by law in the absence of  
7 the adoption of tax increment allocation financing.

8 (2) That portion, if any, of the taxes that is  
9 attributable to the increase in the current equalized  
10 assessed valuation of each taxable lot, block, tract, or  
11 parcel of real property in the economic development project  
12 area, over and above the initial equalized assessed value  
13 of each property existing at the time tax increment  
14 financing was adopted, shall be allocated to (and when  
15 collected shall be paid to) the county treasurer, who shall  
16 deposit the taxes into a special fund (called the special  
17 tax allocation fund of the county) for the purpose of  
18 paying economic development project costs and obligations  
19 incurred in the payment of those costs.

20 (b) The county, by an ordinance adopting tax increment  
21 allocation financing, may pledge the monies in and to be  
22 deposited into the special tax allocation fund for the payment  
23 of obligations issued under this Act and for the payment of  
24 economic development project costs. No part of the current  
25 equalized assessed valuation of each property in the economic  
26 development project area attributable to any increase above the

1 total initial equalized assessed value of those properties  
2 shall be used in calculating the general State ~~school~~ aid  
3 formula under Section 18-8 of the School Code or the  
4 evidence-based funding formula under Section 18-8.15 of the  
5 School Code until all economic development projects costs have  
6 been paid as provided for in this Section.

7 (c) When the economic development projects costs,  
8 including without limitation all county obligations financing  
9 economic development project costs incurred under this Act,  
10 have been paid, all surplus monies then remaining in the  
11 special tax allocation fund shall be distributed by being paid  
12 by the county treasurer to the county collector, who shall  
13 immediately pay the monies to the taxing districts having  
14 taxable property in the economic development project area in  
15 the same manner and proportion as the most recent distribution  
16 by the county collector to those taxing districts of real  
17 property taxes from real property in the economic development  
18 project area.

19 (d) Upon the payment of all economic development project  
20 costs, retirement of obligations, and distribution of any  
21 excess monies under this Section, the county shall adopt an  
22 ordinance dissolving the special tax allocation fund for the  
23 economic development project area and terminating the  
24 designation of the economic development project area as an  
25 economic development project area. Thereafter, the rates of the  
26 taxing districts shall be extended and taxes shall be levied,

1 collected, and distributed in the manner applicable in the  
2 absence of the adoption of tax increment allocation financing.

3 (e) Nothing in this Section shall be construed as relieving  
4 property in the economic development project areas from being  
5 assessed as provided in the Property Tax Code or as relieving  
6 owners of that property from paying a uniform rate of taxes as  
7 required by Section 4 of Article IX of the Illinois  
8 Constitution.

9 (Source: P.A. 98-463, eff. 8-16-13.)

10 Section 35. The Illinois Municipal Code is amended by  
11 changing Sections 11-74.4-3, 11-74.4-8, and 11-74.6-35 as  
12 follows:

13 (65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)

14 Sec. 11-74.4-3. Definitions. The following terms, wherever  
15 used or referred to in this Division 74.4 shall have the  
16 following respective meanings, unless in any case a different  
17 meaning clearly appears from the context.

18 (a) For any redevelopment project area that has been  
19 designated pursuant to this Section by an ordinance adopted  
20 prior to November 1, 1999 (the effective date of Public Act  
21 91-478), "blighted area" shall have the meaning set forth in  
22 this Section prior to that date.

23 On and after November 1, 1999, "blighted area" means any  
24 improved or vacant area within the boundaries of a

1 redevelopment project area located within the territorial  
2 limits of the municipality where:

3 (1) If improved, industrial, commercial, and  
4 residential buildings or improvements are detrimental to  
5 the public safety, health, or welfare because of a  
6 combination of 5 or more of the following factors, each of  
7 which is (i) present, with that presence documented, to a  
8 meaningful extent so that a municipality may reasonably  
9 find that the factor is clearly present within the intent  
10 of the Act and (ii) reasonably distributed throughout the  
11 improved part of the redevelopment project area:

12 (A) Dilapidation. An advanced state of disrepair  
13 or neglect of necessary repairs to the primary  
14 structural components of buildings or improvements in  
15 such a combination that a documented building  
16 condition analysis determines that major repair is  
17 required or the defects are so serious and so extensive  
18 that the buildings must be removed.

19 (B) Obsolescence. The condition or process of  
20 falling into disuse. Structures have become ill-suited  
21 for the original use.

22 (C) Deterioration. With respect to buildings,  
23 defects including, but not limited to, major defects in  
24 the secondary building components such as doors,  
25 windows, porches, gutters and downspouts, and fascia.  
26 With respect to surface improvements, that the

1 condition of roadways, alleys, curbs, gutters,  
2 sidewalks, off-street parking, and surface storage  
3 areas evidence deterioration, including, but not  
4 limited to, surface cracking, crumbling, potholes,  
5 depressions, loose paving material, and weeds  
6 protruding through paved surfaces.

7 (D) Presence of structures below minimum code  
8 standards. All structures that do not meet the  
9 standards of zoning, subdivision, building, fire, and  
10 other governmental codes applicable to property, but  
11 not including housing and property maintenance codes.

12 (E) Illegal use of individual structures. The use  
13 of structures in violation of applicable federal,  
14 State, or local laws, exclusive of those applicable to  
15 the presence of structures below minimum code  
16 standards.

17 (F) Excessive vacancies. The presence of buildings  
18 that are unoccupied or under-utilized and that  
19 represent an adverse influence on the area because of  
20 the frequency, extent, or duration of the vacancies.

21 (G) Lack of ventilation, light, or sanitary  
22 facilities. The absence of adequate ventilation for  
23 light or air circulation in spaces or rooms without  
24 windows, or that require the removal of dust, odor,  
25 gas, smoke, or other noxious airborne materials.  
26 Inadequate natural light and ventilation means the

1 absence of skylights or windows for interior spaces or  
2 rooms and improper window sizes and amounts by room  
3 area to window area ratios. Inadequate sanitary  
4 facilities refers to the absence or inadequacy of  
5 garbage storage and enclosure, bathroom facilities,  
6 hot water and kitchens, and structural inadequacies  
7 preventing ingress and egress to and from all rooms and  
8 units within a building.

9 (H) Inadequate utilities. Underground and overhead  
10 utilities such as storm sewers and storm drainage,  
11 sanitary sewers, water lines, and gas, telephone, and  
12 electrical services that are shown to be inadequate.  
13 Inadequate utilities are those that are: (i) of  
14 insufficient capacity to serve the uses in the  
15 redevelopment project area, (ii) deteriorated,  
16 antiquated, obsolete, or in disrepair, or (iii)  
17 lacking within the redevelopment project area.

18 (I) Excessive land coverage and overcrowding of  
19 structures and community facilities. The  
20 over-intensive use of property and the crowding of  
21 buildings and accessory facilities onto a site.  
22 Examples of problem conditions warranting the  
23 designation of an area as one exhibiting excessive land  
24 coverage are: (i) the presence of buildings either  
25 improperly situated on parcels or located on parcels of  
26 inadequate size and shape in relation to present-day

1 standards of development for health and safety and (ii)  
2 the presence of multiple buildings on a single parcel.  
3 For there to be a finding of excessive land coverage,  
4 these parcels must exhibit one or more of the following  
5 conditions: insufficient provision for light and air  
6 within or around buildings, increased threat of spread  
7 of fire due to the close proximity of buildings, lack  
8 of adequate or proper access to a public right-of-way,  
9 lack of reasonably required off-street parking, or  
10 inadequate provision for loading and service.

11 (J) Deleterious land use or layout. The existence  
12 of incompatible land-use relationships, buildings  
13 occupied by inappropriate mixed-uses, or uses  
14 considered to be noxious, offensive, or unsuitable for  
15 the surrounding area.

16 (K) Environmental clean-up. The proposed  
17 redevelopment project area has incurred Illinois  
18 Environmental Protection Agency or United States  
19 Environmental Protection Agency remediation costs for,  
20 or a study conducted by an independent consultant  
21 recognized as having expertise in environmental  
22 remediation has determined a need for, the clean-up of  
23 hazardous waste, hazardous substances, or underground  
24 storage tanks required by State or federal law,  
25 provided that the remediation costs constitute a  
26 material impediment to the development or

1 redevelopment of the redevelopment project area.

2 (L) Lack of community planning. The proposed  
3 redevelopment project area was developed prior to or  
4 without the benefit or guidance of a community plan.  
5 This means that the development occurred prior to the  
6 adoption by the municipality of a comprehensive or  
7 other community plan or that the plan was not followed  
8 at the time of the area's development. This factor must  
9 be documented by evidence of adverse or incompatible  
10 land-use relationships, inadequate street layout,  
11 improper subdivision, parcels of inadequate shape and  
12 size to meet contemporary development standards, or  
13 other evidence demonstrating an absence of effective  
14 community planning.

15 (M) The total equalized assessed value of the  
16 proposed redevelopment project area has declined for 3  
17 of the last 5 calendar years prior to the year in which  
18 the redevelopment project area is designated or is  
19 increasing at an annual rate that is less than the  
20 balance of the municipality for 3 of the last 5  
21 calendar years for which information is available or is  
22 increasing at an annual rate that is less than the  
23 Consumer Price Index for All Urban Consumers published  
24 by the United States Department of Labor or successor  
25 agency for 3 of the last 5 calendar years prior to the  
26 year in which the redevelopment project area is

1 designated.

2 (2) If vacant, the sound growth of the redevelopment  
3 project area is impaired by a combination of 2 or more of  
4 the following factors, each of which is (i) present, with  
5 that presence documented, to a meaningful extent so that a  
6 municipality may reasonably find that the factor is clearly  
7 present within the intent of the Act and (ii) reasonably  
8 distributed throughout the vacant part of the  
9 redevelopment project area to which it pertains:

10 (A) Obsolete platting of vacant land that results  
11 in parcels of limited or narrow size or configurations  
12 of parcels of irregular size or shape that would be  
13 difficult to develop on a planned basis and in a manner  
14 compatible with contemporary standards and  
15 requirements, or platting that failed to create  
16 rights-of-ways for streets or alleys or that created  
17 inadequate right-of-way widths for streets, alleys, or  
18 other public rights-of-way or that omitted easements  
19 for public utilities.

20 (B) Diversity of ownership of parcels of vacant  
21 land sufficient in number to retard or impede the  
22 ability to assemble the land for development.

23 (C) Tax and special assessment delinquencies exist  
24 or the property has been the subject of tax sales under  
25 the Property Tax Code within the last 5 years.

26 (D) Deterioration of structures or site

1 improvements in neighboring areas adjacent to the  
2 vacant land.

3 (E) The area has incurred Illinois Environmental  
4 Protection Agency or United States Environmental  
5 Protection Agency remediation costs for, or a study  
6 conducted by an independent consultant recognized as  
7 having expertise in environmental remediation has  
8 determined a need for, the clean-up of hazardous waste,  
9 hazardous substances, or underground storage tanks  
10 required by State or federal law, provided that the  
11 remediation costs constitute a material impediment to  
12 the development or redevelopment of the redevelopment  
13 project area.

14 (F) The total equalized assessed value of the  
15 proposed redevelopment project area has declined for 3  
16 of the last 5 calendar years prior to the year in which  
17 the redevelopment project area is designated or is  
18 increasing at an annual rate that is less than the  
19 balance of the municipality for 3 of the last 5  
20 calendar years for which information is available or is  
21 increasing at an annual rate that is less than the  
22 Consumer Price Index for All Urban Consumers published  
23 by the United States Department of Labor or successor  
24 agency for 3 of the last 5 calendar years prior to the  
25 year in which the redevelopment project area is  
26 designated.

1           (3) If vacant, the sound growth of the redevelopment  
2 project area is impaired by one of the following factors  
3 that (i) is present, with that presence documented, to a  
4 meaningful extent so that a municipality may reasonably  
5 find that the factor is clearly present within the intent  
6 of the Act and (ii) is reasonably distributed throughout  
7 the vacant part of the redevelopment project area to which  
8 it pertains:

9           (A) The area consists of one or more unused  
10 quarries, mines, or strip mine ponds.

11           (B) The area consists of unused rail yards, rail  
12 tracks, or railroad rights-of-way.

13           (C) The area, prior to its designation, is subject  
14 to (i) chronic flooding that adversely impacts on real  
15 property in the area as certified by a registered  
16 professional engineer or appropriate regulatory agency  
17 or (ii) surface water that discharges from all or a  
18 part of the area and contributes to flooding within the  
19 same watershed, but only if the redevelopment project  
20 provides for facilities or improvements to contribute  
21 to the alleviation of all or part of the flooding.

22           (D) The area consists of an unused or illegal  
23 disposal site containing earth, stone, building  
24 debris, or similar materials that were removed from  
25 construction, demolition, excavation, or dredge sites.

26           (E) Prior to November 1, 1999, the area is not less

1           than 50 nor more than 100 acres and 75% of which is  
2           vacant (notwithstanding that the area has been used for  
3           commercial agricultural purposes within 5 years prior  
4           to the designation of the redevelopment project area),  
5           and the area meets at least one of the factors itemized  
6           in paragraph (1) of this subsection, the area has been  
7           designated as a town or village center by ordinance or  
8           comprehensive plan adopted prior to January 1, 1982,  
9           and the area has not been developed for that designated  
10          purpose.

11           (F) The area qualified as a blighted improved area  
12          immediately prior to becoming vacant, unless there has  
13          been substantial private investment in the immediately  
14          surrounding area.

15          (b) For any redevelopment project area that has been  
16          designated pursuant to this Section by an ordinance adopted  
17          prior to November 1, 1999 (the effective date of Public Act  
18          91-478), "conservation area" shall have the meaning set forth  
19          in this Section prior to that date.

20          On and after November 1, 1999, "conservation area" means  
21          any improved area within the boundaries of a redevelopment  
22          project area located within the territorial limits of the  
23          municipality in which 50% or more of the structures in the area  
24          have an age of 35 years or more. Such an area is not yet a  
25          blighted area but because of a combination of 3 or more of the  
26          following factors is detrimental to the public safety, health,

1 morals or welfare and such an area may become a blighted area:

2 (1) Dilapidation. An advanced state of disrepair or  
3 neglect of necessary repairs to the primary structural  
4 components of buildings or improvements in such a  
5 combination that a documented building condition analysis  
6 determines that major repair is required or the defects are  
7 so serious and so extensive that the buildings must be  
8 removed.

9 (2) Obsolescence. The condition or process of falling  
10 into disuse. Structures have become ill-suited for the  
11 original use.

12 (3) Deterioration. With respect to buildings, defects  
13 including, but not limited to, major defects in the  
14 secondary building components such as doors, windows,  
15 porches, gutters and downspouts, and fascia. With respect  
16 to surface improvements, that the condition of roadways,  
17 alleys, curbs, gutters, sidewalks, off-street parking, and  
18 surface storage areas evidence deterioration, including,  
19 but not limited to, surface cracking, crumbling, potholes,  
20 depressions, loose paving material, and weeds protruding  
21 through paved surfaces.

22 (4) Presence of structures below minimum code  
23 standards. All structures that do not meet the standards of  
24 zoning, subdivision, building, fire, and other  
25 governmental codes applicable to property, but not  
26 including housing and property maintenance codes.

1           (5) Illegal use of individual structures. The use of  
2 structures in violation of applicable federal, State, or  
3 local laws, exclusive of those applicable to the presence  
4 of structures below minimum code standards.

5           (6) Excessive vacancies. The presence of buildings  
6 that are unoccupied or under-utilized and that represent an  
7 adverse influence on the area because of the frequency,  
8 extent, or duration of the vacancies.

9           (7) Lack of ventilation, light, or sanitary  
10 facilities. The absence of adequate ventilation for light  
11 or air circulation in spaces or rooms without windows, or  
12 that require the removal of dust, odor, gas, smoke, or  
13 other noxious airborne materials. Inadequate natural light  
14 and ventilation means the absence or inadequacy of  
15 skylights or windows for interior spaces or rooms and  
16 improper window sizes and amounts by room area to window  
17 area ratios. Inadequate sanitary facilities refers to the  
18 absence or inadequacy of garbage storage and enclosure,  
19 bathroom facilities, hot water and kitchens, and  
20 structural inadequacies preventing ingress and egress to  
21 and from all rooms and units within a building.

22           (8) Inadequate utilities. Underground and overhead  
23 utilities such as storm sewers and storm drainage, sanitary  
24 sewers, water lines, and gas, telephone, and electrical  
25 services that are shown to be inadequate. Inadequate  
26 utilities are those that are: (i) of insufficient capacity

1 to serve the uses in the redevelopment project area, (ii)  
2 deteriorated, antiquated, obsolete, or in disrepair, or  
3 (iii) lacking within the redevelopment project area.

4 (9) Excessive land coverage and overcrowding of  
5 structures and community facilities. The over-intensive  
6 use of property and the crowding of buildings and accessory  
7 facilities onto a site. Examples of problem conditions  
8 warranting the designation of an area as one exhibiting  
9 excessive land coverage are: the presence of buildings  
10 either improperly situated on parcels or located on parcels  
11 of inadequate size and shape in relation to present-day  
12 standards of development for health and safety and the  
13 presence of multiple buildings on a single parcel. For  
14 there to be a finding of excessive land coverage, these  
15 parcels must exhibit one or more of the following  
16 conditions: insufficient provision for light and air  
17 within or around buildings, increased threat of spread of  
18 fire due to the close proximity of buildings, lack of  
19 adequate or proper access to a public right-of-way, lack of  
20 reasonably required off-street parking, or inadequate  
21 provision for loading and service.

22 (10) Deleterious land use or layout. The existence of  
23 incompatible land-use relationships, buildings occupied by  
24 inappropriate mixed-uses, or uses considered to be  
25 noxious, offensive, or unsuitable for the surrounding  
26 area.

1           (11) Lack of community planning. The proposed  
2 redevelopment project area was developed prior to or  
3 without the benefit or guidance of a community plan. This  
4 means that the development occurred prior to the adoption  
5 by the municipality of a comprehensive or other community  
6 plan or that the plan was not followed at the time of the  
7 area's development. This factor must be documented by  
8 evidence of adverse or incompatible land-use  
9 relationships, inadequate street layout, improper  
10 subdivision, parcels of inadequate shape and size to meet  
11 contemporary development standards, or other evidence  
12 demonstrating an absence of effective community planning.

13           (12) The area has incurred Illinois Environmental  
14 Protection Agency or United States Environmental  
15 Protection Agency remediation costs for, or a study  
16 conducted by an independent consultant recognized as  
17 having expertise in environmental remediation has  
18 determined a need for, the clean-up of hazardous waste,  
19 hazardous substances, or underground storage tanks  
20 required by State or federal law, provided that the  
21 remediation costs constitute a material impediment to the  
22 development or redevelopment of the redevelopment project  
23 area.

24           (13) The total equalized assessed value of the proposed  
25 redevelopment project area has declined for 3 of the last 5  
26 calendar years for which information is available or is

1 increasing at an annual rate that is less than the balance  
2 of the municipality for 3 of the last 5 calendar years for  
3 which information is available or is increasing at an  
4 annual rate that is less than the Consumer Price Index for  
5 All Urban Consumers published by the United States  
6 Department of Labor or successor agency for 3 of the last 5  
7 calendar years for which information is available.

8 (c) "Industrial park" means an area in a blighted or  
9 conservation area suitable for use by any manufacturing,  
10 industrial, research or transportation enterprise, of  
11 facilities to include but not be limited to factories, mills,  
12 processing plants, assembly plants, packing plants,  
13 fabricating plants, industrial distribution centers,  
14 warehouses, repair overhaul or service facilities, freight  
15 terminals, research facilities, test facilities or railroad  
16 facilities.

17 (d) "Industrial park conservation area" means an area  
18 within the boundaries of a redevelopment project area located  
19 within the territorial limits of a municipality that is a labor  
20 surplus municipality or within 1 1/2 miles of the territorial  
21 limits of a municipality that is a labor surplus municipality  
22 if the area is annexed to the municipality; which area is zoned  
23 as industrial no later than at the time the municipality by  
24 ordinance designates the redevelopment project area, and which  
25 area includes both vacant land suitable for use as an  
26 industrial park and a blighted area or conservation area

1 contiguous to such vacant land.

2 (e) "Labor surplus municipality" means a municipality in  
3 which, at any time during the 6 months before the municipality  
4 by ordinance designates an industrial park conservation area,  
5 the unemployment rate was over 6% and was also 100% or more of  
6 the national average unemployment rate for that same time as  
7 published in the United States Department of Labor Bureau of  
8 Labor Statistics publication entitled "The Employment  
9 Situation" or its successor publication. For the purpose of  
10 this subsection, if unemployment rate statistics for the  
11 municipality are not available, the unemployment rate in the  
12 municipality shall be deemed to be the same as the unemployment  
13 rate in the principal county in which the municipality is  
14 located.

15 (f) "Municipality" shall mean a city, village,  
16 incorporated town, or a township that is located in the  
17 unincorporated portion of a county with 3 million or more  
18 inhabitants, if the county adopted an ordinance that approved  
19 the township's redevelopment plan.

20 (g) "Initial Sales Tax Amounts" means the amount of taxes  
21 paid under the Retailers' Occupation Tax Act, Use Tax Act,  
22 Service Use Tax Act, the Service Occupation Tax Act, the  
23 Municipal Retailers' Occupation Tax Act, and the Municipal  
24 Service Occupation Tax Act by retailers and servicemen on  
25 transactions at places located in a State Sales Tax Boundary  
26 during the calendar year 1985.

1 (g-1) "Revised Initial Sales Tax Amounts" means the amount  
2 of taxes paid under the Retailers' Occupation Tax Act, Use Tax  
3 Act, Service Use Tax Act, the Service Occupation Tax Act, the  
4 Municipal Retailers' Occupation Tax Act, and the Municipal  
5 Service Occupation Tax Act by retailers and servicemen on  
6 transactions at places located within the State Sales Tax  
7 Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

8 (h) "Municipal Sales Tax Increment" means an amount equal  
9 to the increase in the aggregate amount of taxes paid to a  
10 municipality from the Local Government Tax Fund arising from  
11 sales by retailers and servicemen within the redevelopment  
12 project area or State Sales Tax Boundary, as the case may be,  
13 for as long as the redevelopment project area or State Sales  
14 Tax Boundary, as the case may be, exist over and above the  
15 aggregate amount of taxes as certified by the Illinois  
16 Department of Revenue and paid under the Municipal Retailers'  
17 Occupation Tax Act and the Municipal Service Occupation Tax Act  
18 by retailers and servicemen, on transactions at places of  
19 business located in the redevelopment project area or State  
20 Sales Tax Boundary, as the case may be, during the base year  
21 which shall be the calendar year immediately prior to the year  
22 in which the municipality adopted tax increment allocation  
23 financing. For purposes of computing the aggregate amount of  
24 such taxes for base years occurring prior to 1985, the  
25 Department of Revenue shall determine the Initial Sales Tax  
26 Amounts for such taxes and deduct therefrom an amount equal to

1 4% of the aggregate amount of taxes per year for each year the  
2 base year is prior to 1985, but not to exceed a total deduction  
3 of 12%. The amount so determined shall be known as the  
4 "Adjusted Initial Sales Tax Amounts". For purposes of  
5 determining the Municipal Sales Tax Increment, the Department  
6 of Revenue shall for each period subtract from the amount paid  
7 to the municipality from the Local Government Tax Fund arising  
8 from sales by retailers and servicemen on transactions located  
9 in the redevelopment project area or the State Sales Tax  
10 Boundary, as the case may be, the certified Initial Sales Tax  
11 Amounts, the Adjusted Initial Sales Tax Amounts or the Revised  
12 Initial Sales Tax Amounts for the Municipal Retailers'  
13 Occupation Tax Act and the Municipal Service Occupation Tax  
14 Act. For the State Fiscal Year 1989, this calculation shall be  
15 made by utilizing the calendar year 1987 to determine the tax  
16 amounts received. For the State Fiscal Year 1990, this  
17 calculation shall be made by utilizing the period from January  
18 1, 1988, until September 30, 1988, to determine the tax amounts  
19 received from retailers and servicemen pursuant to the  
20 Municipal Retailers' Occupation Tax and the Municipal Service  
21 Occupation Tax Act, which shall have deducted therefrom  
22 nine-twelfths of the certified Initial Sales Tax Amounts, the  
23 Adjusted Initial Sales Tax Amounts or the Revised Initial Sales  
24 Tax Amounts as appropriate. For the State Fiscal Year 1991,  
25 this calculation shall be made by utilizing the period from  
26 October 1, 1988, to June 30, 1989, to determine the tax amounts

1 received from retailers and servicemen pursuant to the  
2 Municipal Retailers' Occupation Tax and the Municipal Service  
3 Occupation Tax Act which shall have deducted therefrom  
4 nine-twelfths of the certified Initial Sales Tax Amounts,  
5 Adjusted Initial Sales Tax Amounts or the Revised Initial Sales  
6 Tax Amounts as appropriate. For every State Fiscal Year  
7 thereafter, the applicable period shall be the 12 months  
8 beginning July 1 and ending June 30 to determine the tax  
9 amounts received which shall have deducted therefrom the  
10 certified Initial Sales Tax Amounts, the Adjusted Initial Sales  
11 Tax Amounts or the Revised Initial Sales Tax Amounts, as the  
12 case may be.

13 (i) "Net State Sales Tax Increment" means the sum of the  
14 following: (a) 80% of the first \$100,000 of State Sales Tax  
15 Increment annually generated within a State Sales Tax Boundary;  
16 (b) 60% of the amount in excess of \$100,000 but not exceeding  
17 \$500,000 of State Sales Tax Increment annually generated within  
18 a State Sales Tax Boundary; and (c) 40% of all amounts in  
19 excess of \$500,000 of State Sales Tax Increment annually  
20 generated within a State Sales Tax Boundary. If, however, a  
21 municipality established a tax increment financing district in  
22 a county with a population in excess of 3,000,000 before  
23 January 1, 1986, and the municipality entered into a contract  
24 or issued bonds after January 1, 1986, but before December 31,  
25 1986, to finance redevelopment project costs within a State  
26 Sales Tax Boundary, then the Net State Sales Tax Increment

1 means, for the fiscal years beginning July 1, 1990, and July 1,  
2 1991, 100% of the State Sales Tax Increment annually generated  
3 within a State Sales Tax Boundary; and notwithstanding any  
4 other provision of this Act, for those fiscal years the  
5 Department of Revenue shall distribute to those municipalities  
6 100% of their Net State Sales Tax Increment before any  
7 distribution to any other municipality and regardless of  
8 whether or not those other municipalities will receive 100% of  
9 their Net State Sales Tax Increment. For Fiscal Year 1999, and  
10 every year thereafter until the year 2007, for any municipality  
11 that has not entered into a contract or has not issued bonds  
12 prior to June 1, 1988 to finance redevelopment project costs  
13 within a State Sales Tax Boundary, the Net State Sales Tax  
14 Increment shall be calculated as follows: By multiplying the  
15 Net State Sales Tax Increment by 90% in the State Fiscal Year  
16 1999; 80% in the State Fiscal Year 2000; 70% in the State  
17 Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the  
18 State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30%  
19 in the State Fiscal Year 2005; 20% in the State Fiscal Year  
20 2006; and 10% in the State Fiscal Year 2007. No payment shall  
21 be made for State Fiscal Year 2008 and thereafter.

22 Municipalities that issued bonds in connection with a  
23 redevelopment project in a redevelopment project area within  
24 the State Sales Tax Boundary prior to July 29, 1991, or that  
25 entered into contracts in connection with a redevelopment  
26 project in a redevelopment project area before June 1, 1988,

1 shall continue to receive their proportional share of the  
2 Illinois Tax Increment Fund distribution until the date on  
3 which the redevelopment project is completed or terminated. If,  
4 however, a municipality that issued bonds in connection with a  
5 redevelopment project in a redevelopment project area within  
6 the State Sales Tax Boundary prior to July 29, 1991 retires the  
7 bonds prior to June 30, 2007 or a municipality that entered  
8 into contracts in connection with a redevelopment project in a  
9 redevelopment project area before June 1, 1988 completes the  
10 contracts prior to June 30, 2007, then so long as the  
11 redevelopment project is not completed or is not terminated,  
12 the Net State Sales Tax Increment shall be calculated,  
13 beginning on the date on which the bonds are retired or the  
14 contracts are completed, as follows: By multiplying the Net  
15 State Sales Tax Increment by 60% in the State Fiscal Year 2002;  
16 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year  
17 2004; 30% in the State Fiscal Year 2005; 20% in the State  
18 Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No  
19 payment shall be made for State Fiscal Year 2008 and  
20 thereafter. Refunding of any bonds issued prior to July 29,  
21 1991, shall not alter the Net State Sales Tax Increment.

22 (j) "State Utility Tax Increment Amount" means an amount  
23 equal to the aggregate increase in State electric and gas tax  
24 charges imposed on owners and tenants, other than residential  
25 customers, of properties located within the redevelopment  
26 project area under Section 9-222 of the Public Utilities Act,

1 over and above the aggregate of such charges as certified by  
2 the Department of Revenue and paid by owners and tenants, other  
3 than residential customers, of properties within the  
4 redevelopment project area during the base year, which shall be  
5 the calendar year immediately prior to the year of the adoption  
6 of the ordinance authorizing tax increment allocation  
7 financing.

8 (k) "Net State Utility Tax Increment" means the sum of the  
9 following: (a) 80% of the first \$100,000 of State Utility Tax  
10 Increment annually generated by a redevelopment project area;  
11 (b) 60% of the amount in excess of \$100,000 but not exceeding  
12 \$500,000 of the State Utility Tax Increment annually generated  
13 by a redevelopment project area; and (c) 40% of all amounts in  
14 excess of \$500,000 of State Utility Tax Increment annually  
15 generated by a redevelopment project area. For the State Fiscal  
16 Year 1999, and every year thereafter until the year 2007, for  
17 any municipality that has not entered into a contract or has  
18 not issued bonds prior to June 1, 1988 to finance redevelopment  
19 project costs within a redevelopment project area, the Net  
20 State Utility Tax Increment shall be calculated as follows: By  
21 multiplying the Net State Utility Tax Increment by 90% in the  
22 State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70%  
23 in the State Fiscal Year 2001; 60% in the State Fiscal Year  
24 2002; 50% in the State Fiscal Year 2003; 40% in the State  
25 Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the  
26 State Fiscal Year 2006; and 10% in the State Fiscal Year 2007.

1 No payment shall be made for the State Fiscal Year 2008 and  
2 thereafter.

3 Municipalities that issue bonds in connection with the  
4 redevelopment project during the period from June 1, 1988 until  
5 3 years after the effective date of this Amendatory Act of 1988  
6 shall receive the Net State Utility Tax Increment, subject to  
7 appropriation, for 15 State Fiscal Years after the issuance of  
8 such bonds. For the 16th through the 20th State Fiscal Years  
9 after issuance of the bonds, the Net State Utility Tax  
10 Increment shall be calculated as follows: By multiplying the  
11 Net State Utility Tax Increment by 90% in year 16; 80% in year  
12 17; 70% in year 18; 60% in year 19; and 50% in year 20.  
13 Refunding of any bonds issued prior to June 1, 1988, shall not  
14 alter the revised Net State Utility Tax Increment payments set  
15 forth above.

16 (l) "Obligations" mean bonds, loans, debentures, notes,  
17 special certificates or other evidence of indebtedness issued  
18 by the municipality to carry out a redevelopment project or to  
19 refund outstanding obligations.

20 (m) "Payment in lieu of taxes" means those estimated tax  
21 revenues from real property in a redevelopment project area  
22 derived from real property that has been acquired by a  
23 municipality which according to the redevelopment project or  
24 plan is to be used for a private use which taxing districts  
25 would have received had a municipality not acquired the real  
26 property and adopted tax increment allocation financing and

1 which would result from levies made after the time of the  
2 adoption of tax increment allocation financing to the time the  
3 current equalized value of real property in the redevelopment  
4 project area exceeds the total initial equalized value of real  
5 property in said area.

6 (n) "Redevelopment plan" means the comprehensive program  
7 of the municipality for development or redevelopment intended  
8 by the payment of redevelopment project costs to reduce or  
9 eliminate those conditions the existence of which qualified the  
10 redevelopment project area as a "blighted area" or  
11 "conservation area" or combination thereof or "industrial park  
12 conservation area," and thereby to enhance the tax bases of the  
13 taxing districts which extend into the redevelopment project  
14 area, provided that, with respect to redevelopment project  
15 areas described in subsections (p-1) and (p-2), "redevelopment  
16 plan" means the comprehensive program of the affected  
17 municipality for the development of qualifying transit  
18 facilities. On and after November 1, 1999 (the effective date  
19 of Public Act 91-478), no redevelopment plan may be approved or  
20 amended that includes the development of vacant land (i) with a  
21 golf course and related clubhouse and other facilities or (ii)  
22 designated by federal, State, county, or municipal government  
23 as public land for outdoor recreational activities or for  
24 nature preserves and used for that purpose within 5 years prior  
25 to the adoption of the redevelopment plan. For the purpose of  
26 this subsection, "recreational activities" is limited to mean

1 camping and hunting. Each redevelopment plan shall set forth in  
2 writing the program to be undertaken to accomplish the  
3 objectives and shall include but not be limited to:

4 (A) an itemized list of estimated redevelopment  
5 project costs;

6 (B) evidence indicating that the redevelopment project  
7 area on the whole has not been subject to growth and  
8 development through investment by private enterprise,  
9 provided that such evidence shall not be required for any  
10 redevelopment project area located within a transit  
11 facility improvement area established pursuant to Section  
12 11-74.4-3.3;

13 (C) an assessment of any financial impact of the  
14 redevelopment project area on or any increased demand for  
15 services from any taxing district affected by the plan and  
16 any program to address such financial impact or increased  
17 demand;

18 (D) the sources of funds to pay costs;

19 (E) the nature and term of the obligations to be  
20 issued;

21 (F) the most recent equalized assessed valuation of the  
22 redevelopment project area;

23 (G) an estimate as to the equalized assessed valuation  
24 after redevelopment and the general land uses to apply in  
25 the redevelopment project area;

26 (H) a commitment to fair employment practices and an

1 affirmative action plan;

2 (I) if it concerns an industrial park conservation  
3 area, the plan shall also include a general description of  
4 any proposed developer, user and tenant of any property, a  
5 description of the type, structure and general character of  
6 the facilities to be developed, a description of the type,  
7 class and number of new employees to be employed in the  
8 operation of the facilities to be developed; and

9 (J) if property is to be annexed to the municipality,  
10 the plan shall include the terms of the annexation  
11 agreement.

12 The provisions of items (B) and (C) of this subsection (n)  
13 shall not apply to a municipality that before March 14, 1994  
14 (the effective date of Public Act 88-537) had fixed, either by  
15 its corporate authorities or by a commission designated under  
16 subsection (k) of Section 11-74.4-4, a time and place for a  
17 public hearing as required by subsection (a) of Section  
18 11-74.4-5. No redevelopment plan shall be adopted unless a  
19 municipality complies with all of the following requirements:

20 (1) The municipality finds that the redevelopment  
21 project area on the whole has not been subject to growth  
22 and development through investment by private enterprise  
23 and would not reasonably be anticipated to be developed  
24 without the adoption of the redevelopment plan, provided,  
25 however, that such a finding shall not be required with  
26 respect to any redevelopment project area located within a

1 transit facility improvement area established pursuant to  
2 Section 11-74.4-3.3.

3 (2) The municipality finds that the redevelopment plan  
4 and project conform to the comprehensive plan for the  
5 development of the municipality as a whole, or, for  
6 municipalities with a population of 100,000 or more,  
7 regardless of when the redevelopment plan and project was  
8 adopted, the redevelopment plan and project either: (i)  
9 conforms to the strategic economic development or  
10 redevelopment plan issued by the designated planning  
11 authority of the municipality, or (ii) includes land uses  
12 that have been approved by the planning commission of the  
13 municipality.

14 (3) The redevelopment plan establishes the estimated  
15 dates of completion of the redevelopment project and  
16 retirement of obligations issued to finance redevelopment  
17 project costs. Those dates may not be later than the dates  
18 set forth under Section 11-74.4-3.5.

19 A municipality may by municipal ordinance amend an  
20 existing redevelopment plan to conform to this paragraph  
21 (3) as amended by Public Act 91-478, which municipal  
22 ordinance may be adopted without further hearing or notice  
23 and without complying with the procedures provided in this  
24 Act pertaining to an amendment to or the initial approval  
25 of a redevelopment plan and project and designation of a  
26 redevelopment project area.

1           (3.5) The municipality finds, in the case of an  
2 industrial park conservation area, also that the  
3 municipality is a labor surplus municipality and that the  
4 implementation of the redevelopment plan will reduce  
5 unemployment, create new jobs and by the provision of new  
6 facilities enhance the tax base of the taxing districts  
7 that extend into the redevelopment project area.

8           (4) If any incremental revenues are being utilized  
9 under Section 8(a)(1) or 8(a)(2) of this Act in  
10 redevelopment project areas approved by ordinance after  
11 January 1, 1986, the municipality finds: (a) that the  
12 redevelopment project area would not reasonably be  
13 developed without the use of such incremental revenues, and  
14 (b) that such incremental revenues will be exclusively  
15 utilized for the development of the redevelopment project  
16 area.

17           (5) If: (a) the redevelopment plan will not result in  
18 displacement of residents from 10 or more inhabited  
19 residential units, and the municipality certifies in the  
20 plan that such displacement will not result from the plan;  
21 or (b) the redevelopment plan is for a redevelopment  
22 project area located within a transit facility improvement  
23 area established pursuant to Section 11-74.4-3.3, and the  
24 applicable project is subject to the process for evaluation  
25 of environmental effects under the National Environmental  
26 Policy Act of 1969, 42 U.S.C. § 4321 et seq., then a

1 housing impact study need not be performed. If, however,  
2 the redevelopment plan would result in the displacement of  
3 residents from 10 or more inhabited residential units, or  
4 if the redevelopment project area contains 75 or more  
5 inhabited residential units and no certification is made,  
6 then the municipality shall prepare, as part of the  
7 separate feasibility report required by subsection (a) of  
8 Section 11-74.4-5, a housing impact study.

9 Part I of the housing impact study shall include (i)  
10 data as to whether the residential units are single family  
11 or multi-family units, (ii) the number and type of rooms  
12 within the units, if that information is available, (iii)  
13 whether the units are inhabited or uninhabited, as  
14 determined not less than 45 days before the date that the  
15 ordinance or resolution required by subsection (a) of  
16 Section 11-74.4-5 is passed, and (iv) data as to the racial  
17 and ethnic composition of the residents in the inhabited  
18 residential units. The data requirement as to the racial  
19 and ethnic composition of the residents in the inhabited  
20 residential units shall be deemed to be fully satisfied by  
21 data from the most recent federal census.

22 Part II of the housing impact study shall identify the  
23 inhabited residential units in the proposed redevelopment  
24 project area that are to be or may be removed. If inhabited  
25 residential units are to be removed, then the housing  
26 impact study shall identify (i) the number and location of

1 those units that will or may be removed, (ii) the  
2 municipality's plans for relocation assistance for those  
3 residents in the proposed redevelopment project area whose  
4 residences are to be removed, (iii) the availability of  
5 replacement housing for those residents whose residences  
6 are to be removed, and shall identify the type, location,  
7 and cost of the housing, and (iv) the type and extent of  
8 relocation assistance to be provided.

9 (6) On and after November 1, 1999, the housing impact  
10 study required by paragraph (5) shall be incorporated in  
11 the redevelopment plan for the redevelopment project area.

12 (7) On and after November 1, 1999, no redevelopment  
13 plan shall be adopted, nor an existing plan amended, nor  
14 shall residential housing that is occupied by households of  
15 low-income and very low-income persons in currently  
16 existing redevelopment project areas be removed after  
17 November 1, 1999 unless the redevelopment plan provides,  
18 with respect to inhabited housing units that are to be  
19 removed for households of low-income and very low-income  
20 persons, affordable housing and relocation assistance not  
21 less than that which would be provided under the federal  
22 Uniform Relocation Assistance and Real Property  
23 Acquisition Policies Act of 1970 and the regulations under  
24 that Act, including the eligibility criteria. Affordable  
25 housing may be either existing or newly constructed  
26 housing. For purposes of this paragraph (7), "low-income

1 households", "very low-income households", and "affordable  
2 housing" have the meanings set forth in the Illinois  
3 Affordable Housing Act. The municipality shall make a good  
4 faith effort to ensure that this affordable housing is  
5 located in or near the redevelopment project area within  
6 the municipality.

7 (8) On and after November 1, 1999, if, after the  
8 adoption of the redevelopment plan for the redevelopment  
9 project area, any municipality desires to amend its  
10 redevelopment plan to remove more inhabited residential  
11 units than specified in its original redevelopment plan,  
12 that change shall be made in accordance with the procedures  
13 in subsection (c) of Section 11-74.4-5.

14 (9) For redevelopment project areas designated prior  
15 to November 1, 1999, the redevelopment plan may be amended  
16 without further joint review board meeting or hearing,  
17 provided that the municipality shall give notice of any  
18 such changes by mail to each affected taxing district and  
19 registrant on the interested party registry, to authorize  
20 the municipality to expend tax increment revenues for  
21 redevelopment project costs defined by paragraphs (5) and  
22 (7.5), subparagraphs (E) and (F) of paragraph (11), and  
23 paragraph (11.5) of subsection (q) of Section 11-74.4-3, so  
24 long as the changes do not increase the total estimated  
25 redevelopment project costs set out in the redevelopment  
26 plan by more than 5% after adjustment for inflation from

1 the date the plan was adopted.

2 (o) "Redevelopment project" means any public and private  
3 development project in furtherance of the objectives of a  
4 redevelopment plan. On and after November 1, 1999 (the  
5 effective date of Public Act 91-478), no redevelopment plan may  
6 be approved or amended that includes the development of vacant  
7 land (i) with a golf course and related clubhouse and other  
8 facilities or (ii) designated by federal, State, county, or  
9 municipal government as public land for outdoor recreational  
10 activities or for nature preserves and used for that purpose  
11 within 5 years prior to the adoption of the redevelopment plan.  
12 For the purpose of this subsection, "recreational activities"  
13 is limited to mean camping and hunting.

14 (p) "Redevelopment project area" means an area designated  
15 by the municipality, which is not less in the aggregate than 1  
16 1/2 acres and in respect to which the municipality has made a  
17 finding that there exist conditions which cause the area to be  
18 classified as an industrial park conservation area or a  
19 blighted area or a conservation area, or a combination of both  
20 blighted areas and conservation areas.

21 (p-1) Notwithstanding any provision of this Act to the  
22 contrary, on and after August 25, 2009 (the effective date of  
23 Public Act 96-680), a redevelopment project area may include  
24 areas within a one-half mile radius of an existing or proposed  
25 Regional Transportation Authority Suburban Transit Access  
26 Route (STAR Line) station without a finding that the area is

1 classified as an industrial park conservation area, a blighted  
2 area, a conservation area, or a combination thereof, but only  
3 if the municipality receives unanimous consent from the joint  
4 review board created to review the proposed redevelopment  
5 project area.

6 (p-2) Notwithstanding any provision of this Act to the  
7 contrary, on and after the effective date of this amendatory  
8 Act of the 99th General Assembly, a redevelopment project area  
9 may include areas within a transit facility improvement area  
10 that has been established pursuant to Section 11-74.4-3.3  
11 without a finding that the area is classified as an industrial  
12 park conservation area, a blighted area, a conservation area,  
13 or any combination thereof.

14 (q) "Redevelopment project costs", except for  
15 redevelopment project areas created pursuant to subsection  
16 ~~subsections~~ (p-1) or (p-2), means and includes the sum total of  
17 all reasonable or necessary costs incurred or estimated to be  
18 incurred, and any such costs incidental to a redevelopment plan  
19 and a redevelopment project. Such costs include, without  
20 limitation, the following:

21 (1) Costs of studies, surveys, development of plans,  
22 and specifications, implementation and administration of  
23 the redevelopment plan including but not limited to staff  
24 and professional service costs for architectural,  
25 engineering, legal, financial, planning or other services,  
26 provided however that no charges for professional services

1 may be based on a percentage of the tax increment  
2 collected; except that on and after November 1, 1999 (the  
3 effective date of Public Act 91-478), no contracts for  
4 professional services, excluding architectural and  
5 engineering services, may be entered into if the terms of  
6 the contract extend beyond a period of 3 years. In  
7 addition, "redevelopment project costs" shall not include  
8 lobbying expenses. After consultation with the  
9 municipality, each tax increment consultant or advisor to a  
10 municipality that plans to designate or has designated a  
11 redevelopment project area shall inform the municipality  
12 in writing of any contracts that the consultant or advisor  
13 has entered into with entities or individuals that have  
14 received, or are receiving, payments financed by tax  
15 increment revenues produced by the redevelopment project  
16 area with respect to which the consultant or advisor has  
17 performed, or will be performing, service for the  
18 municipality. This requirement shall be satisfied by the  
19 consultant or advisor before the commencement of services  
20 for the municipality and thereafter whenever any other  
21 contracts with those individuals or entities are executed  
22 by the consultant or advisor;

23 (1.5) After July 1, 1999, annual administrative costs  
24 shall not include general overhead or administrative costs  
25 of the municipality that would still have been incurred by  
26 the municipality if the municipality had not designated a

1 redevelopment project area or approved a redevelopment  
2 plan;

3 (1.6) The cost of marketing sites within the  
4 redevelopment project area to prospective businesses,  
5 developers, and investors;

6 (2) Property assembly costs, including but not limited  
7 to acquisition of land and other property, real or  
8 personal, or rights or interests therein, demolition of  
9 buildings, site preparation, site improvements that serve  
10 as an engineered barrier addressing ground level or below  
11 ground environmental contamination, including, but not  
12 limited to parking lots and other concrete or asphalt  
13 barriers, and the clearing and grading of land;

14 (3) Costs of rehabilitation, reconstruction or repair  
15 or remodeling of existing public or private buildings,  
16 fixtures, and leasehold improvements; and the cost of  
17 replacing an existing public building if pursuant to the  
18 implementation of a redevelopment project the existing  
19 public building is to be demolished to use the site for  
20 private investment or devoted to a different use requiring  
21 private investment; including any direct or indirect costs  
22 relating to Green Globes or LEED certified construction  
23 elements or construction elements with an equivalent  
24 certification;

25 (4) Costs of the construction of public works or  
26 improvements, including any direct or indirect costs

1 relating to Green Globes or LEED certified construction  
2 elements or construction elements with an equivalent  
3 certification, except that on and after November 1, 1999,  
4 redevelopment project costs shall not include the cost of  
5 constructing a new municipal public building principally  
6 used to provide offices, storage space, or conference  
7 facilities or vehicle storage, maintenance, or repair for  
8 administrative, public safety, or public works personnel  
9 and that is not intended to replace an existing public  
10 building as provided under paragraph (3) of subsection (q)  
11 of Section 11-74.4-3 unless either (i) the construction of  
12 the new municipal building implements a redevelopment  
13 project that was included in a redevelopment plan that was  
14 adopted by the municipality prior to November 1, 1999, (ii)  
15 the municipality makes a reasonable determination in the  
16 redevelopment plan, supported by information that provides  
17 the basis for that determination, that the new municipal  
18 building is required to meet an increase in the need for  
19 public safety purposes anticipated to result from the  
20 implementation of the redevelopment plan, or (iii) the new  
21 municipal public building is for the storage, maintenance,  
22 or repair of transit vehicles and is located in a transit  
23 facility improvement area that has been established  
24 pursuant to Section 11-74.4-3.3;

25 (5) Costs of job training and retraining projects,  
26 including the cost of "welfare to work" programs

1 implemented by businesses located within the redevelopment  
2 project area;

3 (6) Financing costs, including but not limited to all  
4 necessary and incidental expenses related to the issuance  
5 of obligations and which may include payment of interest on  
6 any obligations issued hereunder including interest  
7 accruing during the estimated period of construction of any  
8 redevelopment project for which such obligations are  
9 issued and for not exceeding 36 months thereafter and  
10 including reasonable reserves related thereto;

11 (7) To the extent the municipality by written agreement  
12 accepts and approves the same, all or a portion of a taxing  
13 district's capital costs resulting from the redevelopment  
14 project necessarily incurred or to be incurred within a  
15 taxing district in furtherance of the objectives of the  
16 redevelopment plan and project;~~;~~

17 (7.5) For redevelopment project areas designated (or  
18 redevelopment project areas amended to add or increase the  
19 number of tax-increment-financing assisted housing units)  
20 on or after November 1, 1999, an elementary, secondary, or  
21 unit school district's increased costs attributable to  
22 assisted housing units located within the redevelopment  
23 project area for which the developer or redeveloper  
24 receives financial assistance through an agreement with  
25 the municipality or because the municipality incurs the  
26 cost of necessary infrastructure improvements within the

1 boundaries of the assisted housing sites necessary for the  
2 completion of that housing as authorized by this Act, and  
3 which costs shall be paid by the municipality from the  
4 Special Tax Allocation Fund when the tax increment revenue  
5 is received as a result of the assisted housing units and  
6 shall be calculated annually as follows:

7 (A) for foundation districts, excluding any school  
8 district in a municipality with a population in excess  
9 of 1,000,000, by multiplying the district's increase  
10 in attendance resulting from the net increase in new  
11 students enrolled in that school district who reside in  
12 housing units within the redevelopment project area  
13 that have received financial assistance through an  
14 agreement with the municipality or because the  
15 municipality incurs the cost of necessary  
16 infrastructure improvements within the boundaries of  
17 the housing sites necessary for the completion of that  
18 housing as authorized by this Act since the designation  
19 of the redevelopment project area by the most recently  
20 available per capita tuition cost as defined in Section  
21 10-20.12a of the School Code less any increase in  
22 general State aid as defined in Section 18-8.05 of the  
23 School Code or evidence-based funding as defined in  
24 Section 18-8.15 of the School Code attributable to  
25 these added new students subject to the following  
26 annual limitations:

1           (i) for unit school districts with a district  
2 average 1995-96 Per Capita Tuition Charge of less  
3 than \$5,900, no more than 25% of the total amount  
4 of property tax increment revenue produced by  
5 those housing units that have received tax  
6 increment finance assistance under this Act;

7           (ii) for elementary school districts with a  
8 district average 1995-96 Per Capita Tuition Charge  
9 of less than \$5,900, no more than 17% of the total  
10 amount of property tax increment revenue produced  
11 by those housing units that have received tax  
12 increment finance assistance under this Act; and

13           (iii) for secondary school districts with a  
14 district average 1995-96 Per Capita Tuition Charge  
15 of less than \$5,900, no more than 8% of the total  
16 amount of property tax increment revenue produced  
17 by those housing units that have received tax  
18 increment finance assistance under this Act.

19           (B) For alternate method districts, flat grant  
20 districts, and foundation districts with a district  
21 average 1995-96 Per Capita Tuition Charge equal to or  
22 more than \$5,900, excluding any school district with a  
23 population in excess of 1,000,000, by multiplying the  
24 district's increase in attendance resulting from the  
25 net increase in new students enrolled in that school  
26 district who reside in housing units within the

1 redevelopment project area that have received  
2 financial assistance through an agreement with the  
3 municipality or because the municipality incurs the  
4 cost of necessary infrastructure improvements within  
5 the boundaries of the housing sites necessary for the  
6 completion of that housing as authorized by this Act  
7 since the designation of the redevelopment project  
8 area by the most recently available per capita tuition  
9 cost as defined in Section 10-20.12a of the School Code  
10 less any increase in general state aid as defined in  
11 Section 18-8.05 of the School Code or evidence-based  
12 funding as defined in Section 18-8.15 of the School  
13 Code attributable to these added new students subject  
14 to the following annual limitations:

15 (i) for unit school districts, no more than 40%  
16 of the total amount of property tax increment  
17 revenue produced by those housing units that have  
18 received tax increment finance assistance under  
19 this Act;

20 (ii) for elementary school districts, no more  
21 than 27% of the total amount of property tax  
22 increment revenue produced by those housing units  
23 that have received tax increment finance  
24 assistance under this Act; and

25 (iii) for secondary school districts, no more  
26 than 13% of the total amount of property tax

1           increment revenue produced by those housing units  
2           that have received tax increment finance  
3           assistance under this Act.

4           (C) For any school district in a municipality with  
5           a population in excess of 1,000,000, the following  
6           restrictions shall apply to the reimbursement of  
7           increased costs under this paragraph (7.5):

8                   (i) no increased costs shall be reimbursed  
9                   unless the school district certifies that each of  
10                  the schools affected by the assisted housing  
11                  project is at or over its student capacity;

12                   (ii) the amount reimbursable shall be reduced  
13                  by the value of any land donated to the school  
14                  district by the municipality or developer, and by  
15                  the value of any physical improvements made to the  
16                  schools by the municipality or developer; and

17                   (iii) the amount reimbursed may not affect  
18                  amounts otherwise obligated by the terms of any  
19                  bonds, notes, or other funding instruments, or the  
20                  terms of any redevelopment agreement.

21           Any school district seeking payment under this  
22           paragraph (7.5) shall, after July 1 and before  
23           September 30 of each year, provide the municipality  
24           with reasonable evidence to support its claim for  
25           reimbursement before the municipality shall be  
26           required to approve or make the payment to the school

1 district. If the school district fails to provide the  
2 information during this period in any year, it shall  
3 forfeit any claim to reimbursement for that year.  
4 School districts may adopt a resolution waiving the  
5 right to all or a portion of the reimbursement  
6 otherwise required by this paragraph (7.5). By  
7 acceptance of this reimbursement the school district  
8 waives the right to directly or indirectly set aside,  
9 modify, or contest in any manner the establishment of  
10 the redevelopment project area or projects;

11 (7.7) For redevelopment project areas designated (or  
12 redevelopment project areas amended to add or increase the  
13 number of tax-increment-financing assisted housing units)  
14 on or after January 1, 2005 (the effective date of Public  
15 Act 93-961), a public library district's increased costs  
16 attributable to assisted housing units located within the  
17 redevelopment project area for which the developer or  
18 redeveloper receives financial assistance through an  
19 agreement with the municipality or because the  
20 municipality incurs the cost of necessary infrastructure  
21 improvements within the boundaries of the assisted housing  
22 sites necessary for the completion of that housing as  
23 authorized by this Act shall be paid to the library  
24 district by the municipality from the Special Tax  
25 Allocation Fund when the tax increment revenue is received  
26 as a result of the assisted housing units. This paragraph

1 (7.7) applies only if (i) the library district is located  
2 in a county that is subject to the Property Tax Extension  
3 Limitation Law or (ii) the library district is not located  
4 in a county that is subject to the Property Tax Extension  
5 Limitation Law but the district is prohibited by any other  
6 law from increasing its tax levy rate without a prior voter  
7 referendum.

8 The amount paid to a library district under this  
9 paragraph (7.7) shall be calculated by multiplying (i) the  
10 net increase in the number of persons eligible to obtain a  
11 library card in that district who reside in housing units  
12 within the redevelopment project area that have received  
13 financial assistance through an agreement with the  
14 municipality or because the municipality incurs the cost of  
15 necessary infrastructure improvements within the  
16 boundaries of the housing sites necessary for the  
17 completion of that housing as authorized by this Act since  
18 the designation of the redevelopment project area by (ii)  
19 the per-patron cost of providing library services so long  
20 as it does not exceed \$120. The per-patron cost shall be  
21 the Total Operating Expenditures Per Capita for the library  
22 in the previous fiscal year. The municipality may deduct  
23 from the amount that it must pay to a library district  
24 under this paragraph any amount that it has voluntarily  
25 paid to the library district from the tax increment  
26 revenue. The amount paid to a library district under this

1 paragraph (7.7) shall be no more than 2% of the amount  
2 produced by the assisted housing units and deposited into  
3 the Special Tax Allocation Fund.

4 A library district is not eligible for any payment  
5 under this paragraph (7.7) unless the library district has  
6 experienced an increase in the number of patrons from the  
7 municipality that created the tax-increment-financing  
8 district since the designation of the redevelopment  
9 project area.

10 Any library district seeking payment under this  
11 paragraph (7.7) shall, after July 1 and before September 30  
12 of each year, provide the municipality with convincing  
13 evidence to support its claim for reimbursement before the  
14 municipality shall be required to approve or make the  
15 payment to the library district. If the library district  
16 fails to provide the information during this period in any  
17 year, it shall forfeit any claim to reimbursement for that  
18 year. Library districts may adopt a resolution waiving the  
19 right to all or a portion of the reimbursement otherwise  
20 required by this paragraph (7.7). By acceptance of such  
21 reimbursement, the library district shall forfeit any  
22 right to directly or indirectly set aside, modify, or  
23 contest in any manner whatsoever the establishment of the  
24 redevelopment project area or projects;

25 (8) Relocation costs to the extent that a municipality  
26 determines that relocation costs shall be paid or is

1 required to make payment of relocation costs by federal or  
2 State law or in order to satisfy subparagraph (7) of  
3 subsection (n);

4 (9) Payment in lieu of taxes;

5 (10) Costs of job training, retraining, advanced  
6 vocational education or career education, including but  
7 not limited to courses in occupational, semi-technical or  
8 technical fields leading directly to employment, incurred  
9 by one or more taxing districts, provided that such costs  
10 (i) are related to the establishment and maintenance of  
11 additional job training, advanced vocational education or  
12 career education programs for persons employed or to be  
13 employed by employers located in a redevelopment project  
14 area; and (ii) when incurred by a taxing district or taxing  
15 districts other than the municipality, are set forth in a  
16 written agreement by or among the municipality and the  
17 taxing district or taxing districts, which agreement  
18 describes the program to be undertaken, including but not  
19 limited to the number of employees to be trained, a  
20 description of the training and services to be provided,  
21 the number and type of positions available or to be  
22 available, itemized costs of the program and sources of  
23 funds to pay for the same, and the term of the agreement.  
24 Such costs include, specifically, the payment by community  
25 college districts of costs pursuant to Sections 3-37, 3-38,  
26 3-40 and 3-40.1 of the Public Community College Act and by

1 school districts of costs pursuant to Sections 10-22.20a  
2 and 10-23.3a of the ~~The~~ School Code;

3 (11) Interest cost incurred by a redeveloper related to  
4 the construction, renovation or rehabilitation of a  
5 redevelopment project provided that:

6 (A) such costs are to be paid directly from the  
7 special tax allocation fund established pursuant to  
8 this Act;

9 (B) such payments in any one year may not exceed  
10 30% of the annual interest costs incurred by the  
11 redeveloper with regard to the redevelopment project  
12 during that year;

13 (C) if there are not sufficient funds available in  
14 the special tax allocation fund to make the payment  
15 pursuant to this paragraph (11) then the amounts so due  
16 shall accrue and be payable when sufficient funds are  
17 available in the special tax allocation fund;

18 (D) the total of such interest payments paid  
19 pursuant to this Act may not exceed 30% of the total  
20 (i) cost paid or incurred by the redeveloper for the  
21 redevelopment project plus (ii) redevelopment project  
22 costs excluding any property assembly costs and any  
23 relocation costs incurred by a municipality pursuant  
24 to this Act; ~~and~~

25 (E) the cost limits set forth in subparagraphs (B)  
26 and (D) of paragraph (11) shall be modified for the

1 financing of rehabilitated or new housing units for  
2 low-income households and very low-income households,  
3 as defined in Section 3 of the Illinois Affordable  
4 Housing Act. The percentage of 75% shall be substituted  
5 for 30% in subparagraphs (B) and (D) of paragraph (11);  
6 and.

7 (F) instead ~~instead~~ of the eligible costs provided  
8 by subparagraphs (B) and (D) of paragraph (11), as  
9 modified by this subparagraph, and notwithstanding any  
10 other provisions of this Act to the contrary, the  
11 municipality may pay from tax increment revenues up to  
12 50% of the cost of construction of new housing units to  
13 be occupied by low-income households and very  
14 low-income households as defined in Section 3 of the  
15 Illinois Affordable Housing Act. The cost of  
16 construction of those units may be derived from the  
17 proceeds of bonds issued by the municipality under this  
18 Act or other constitutional or statutory authority or  
19 from other sources of municipal revenue that may be  
20 reimbursed from tax increment revenues or the proceeds  
21 of bonds issued to finance the construction of that  
22 housing.

23 The eligible costs provided under this  
24 subparagraph (F) of paragraph (11) shall be an eligible  
25 cost for the construction, renovation, and  
26 rehabilitation of all low and very low-income housing

1 units, as defined in Section 3 of the Illinois  
2 Affordable Housing Act, within the redevelopment  
3 project area. If the low and very low-income units are  
4 part of a residential redevelopment project that  
5 includes units not affordable to low and very  
6 low-income households, only the low and very  
7 low-income units shall be eligible for benefits under  
8 this subparagraph (F) of paragraph (11). The standards  
9 for maintaining the occupancy by low-income households  
10 and very low-income households, as defined in Section 3  
11 of the Illinois Affordable Housing Act, of those units  
12 constructed with eligible costs made available under  
13 the provisions of this subparagraph (F) of paragraph  
14 (11) shall be established by guidelines adopted by the  
15 municipality. The responsibility for annually  
16 documenting the initial occupancy of the units by  
17 low-income households and very low-income households,  
18 as defined in Section 3 of the Illinois Affordable  
19 Housing Act, shall be that of the then current owner of  
20 the property. For ownership units, the guidelines will  
21 provide, at a minimum, for a reasonable recapture of  
22 funds, or other appropriate methods designed to  
23 preserve the original affordability of the ownership  
24 units. For rental units, the guidelines will provide,  
25 at a minimum, for the affordability of rent to low and  
26 very low-income households. As units become available,

1           they shall be rented to income-eligible tenants. The  
2           municipality may modify these guidelines from time to  
3           time; the guidelines, however, shall be in effect for  
4           as long as tax increment revenue is being used to pay  
5           for costs associated with the units or for the  
6           retirement of bonds issued to finance the units or for  
7           the life of the redevelopment project area, whichever  
8           is later;~~;~~

9           (11.5) If the redevelopment project area is located  
10          within a municipality with a population of more than  
11          100,000, the cost of day care services for children of  
12          employees from low-income families working for businesses  
13          located within the redevelopment project area and all or a  
14          portion of the cost of operation of day care centers  
15          established by redevelopment project area businesses to  
16          serve employees from low-income families working in  
17          businesses located in the redevelopment project area. For  
18          the purposes of this paragraph, "low-income families"  
19          means families whose annual income does not exceed 80% of  
20          the municipal, county, or regional median income, adjusted  
21          for family size, as the annual income and municipal,  
22          county, or regional median income are determined from time  
23          to time by the United States Department of Housing and  
24          Urban Development.

25          ~~(12)~~ Unless explicitly stated herein the cost of  
26          construction of new privately-owned buildings shall not be an

1 eligible redevelopment project cost.

2 ~~(13)~~ After November 1, 1999 (the effective date of Public  
3 Act 91-478), none of the redevelopment project costs enumerated  
4 in this subsection shall be eligible redevelopment project  
5 costs if those costs would provide direct financial support to  
6 a retail entity initiating operations in the redevelopment  
7 project area while terminating operations at another Illinois  
8 location within 10 miles of the redevelopment project area but  
9 outside the boundaries of the redevelopment project area  
10 municipality. For purposes of this paragraph, termination  
11 means a closing of a retail operation that is directly related  
12 to the opening of the same operation or like retail entity  
13 owned or operated by more than 50% of the original ownership in  
14 a redevelopment project area, but it does not mean closing an  
15 operation for reasons beyond the control of the retail entity,  
16 as documented by the retail entity, subject to a reasonable  
17 finding by the municipality that the current location contained  
18 inadequate space, had become economically obsolete, or was no  
19 longer a viable location for the retailer or serviceman.

20 ~~(14)~~ No cost shall be a redevelopment project cost in a  
21 redevelopment project area if used to demolish, remove, or  
22 substantially modify a historic resource, after August 26, 2008  
23 (the effective date of Public Act 95-934), unless no prudent  
24 and feasible alternative exists. "Historic resource" for the  
25 purpose of this paragraph ~~item (14)~~ means (i) a place or  
26 structure that is included or eligible for inclusion on the

1 National Register of Historic Places or (ii) a contributing  
2 structure in a district on the National Register of Historic  
3 Places. This paragraph ~~item (14)~~ does not apply to a place or  
4 structure for which demolition, removal, or modification is  
5 subject to review by the preservation agency of a Certified  
6 Local Government designated as such by the National Park  
7 Service of the United States Department of the Interior.

8 If a special service area has been established pursuant to  
9 the Special Service Area Tax Act or Special Service Area Tax  
10 Law, then any tax increment revenues derived from the tax  
11 imposed pursuant to the Special Service Area Tax Act or Special  
12 Service Area Tax Law may be used within the redevelopment  
13 project area for the purposes permitted by that Act or Law as  
14 well as the purposes permitted by this Act.

15 (q-1) For redevelopment project areas created pursuant to  
16 subsection (p-1), redevelopment project costs are limited to  
17 those costs in paragraph (q) that are related to the existing  
18 or proposed Regional Transportation Authority Suburban Transit  
19 Access Route (STAR Line) station.

20 (q-2) For a redevelopment project area located within a  
21 transit facility improvement area established pursuant to  
22 Section 11-74.4-3.3, redevelopment project costs means those  
23 costs described in subsection (q) that are related to the  
24 construction, reconstruction, rehabilitation, remodeling, or  
25 repair of any existing or proposed transit facility.

26 (r) "State Sales Tax Boundary" means the redevelopment

1 project area or the amended redevelopment project area  
2 boundaries which are determined pursuant to subsection (9) of  
3 Section 11-74.4-8a of this Act. The Department of Revenue shall  
4 certify pursuant to subsection (9) of Section 11-74.4-8a the  
5 appropriate boundaries eligible for the determination of State  
6 Sales Tax Increment.

7 (s) "State Sales Tax Increment" means an amount equal to  
8 the increase in the aggregate amount of taxes paid by retailers  
9 and servicemen, other than retailers and servicemen subject to  
10 the Public Utilities Act, on transactions at places of business  
11 located within a State Sales Tax Boundary pursuant to the  
12 Retailers' Occupation Tax Act, the Use Tax Act, the Service Use  
13 Tax Act, and the Service Occupation Tax Act, except such  
14 portion of such increase that is paid into the State and Local  
15 Sales Tax Reform Fund, the Local Government Distributive Fund,  
16 the Local Government Tax Fund and the County and Mass Transit  
17 District Fund, for as long as State participation exists, over  
18 and above the Initial Sales Tax Amounts, Adjusted Initial Sales  
19 Tax Amounts or the Revised Initial Sales Tax Amounts for such  
20 taxes as certified by the Department of Revenue and paid under  
21 those Acts by retailers and servicemen on transactions at  
22 places of business located within the State Sales Tax Boundary  
23 during the base year which shall be the calendar year  
24 immediately prior to the year in which the municipality adopted  
25 tax increment allocation financing, less 3.0% of such amounts  
26 generated under the Retailers' Occupation Tax Act, Use Tax Act

1 and Service Use Tax Act and the Service Occupation Tax Act,  
2 which sum shall be appropriated to the Department of Revenue to  
3 cover its costs of administering and enforcing this Section.  
4 For purposes of computing the aggregate amount of such taxes  
5 for base years occurring prior to 1985, the Department of  
6 Revenue shall compute the Initial Sales Tax Amount for such  
7 taxes and deduct therefrom an amount equal to 4% of the  
8 aggregate amount of taxes per year for each year the base year  
9 is prior to 1985, but not to exceed a total deduction of 12%.  
10 The amount so determined shall be known as the "Adjusted  
11 Initial Sales Tax Amount". For purposes of determining the  
12 State Sales Tax Increment the Department of Revenue shall for  
13 each period subtract from the tax amounts received from  
14 retailers and servicemen on transactions located in the State  
15 Sales Tax Boundary, the certified Initial Sales Tax Amounts,  
16 Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax  
17 Amounts for the Retailers' Occupation Tax Act, the Use Tax Act,  
18 the Service Use Tax Act and the Service Occupation Tax Act. For  
19 the State Fiscal Year 1989 this calculation shall be made by  
20 utilizing the calendar year 1987 to determine the tax amounts  
21 received. For the State Fiscal Year 1990, this calculation  
22 shall be made by utilizing the period from January 1, 1988,  
23 until September 30, 1988, to determine the tax amounts received  
24 from retailers and servicemen, which shall have deducted  
25 therefrom nine-twelfths of the certified Initial Sales Tax  
26 Amounts, Adjusted Initial Sales Tax Amounts or the Revised

1 Initial Sales Tax Amounts as appropriate. For the State Fiscal  
2 Year 1991, this calculation shall be made by utilizing the  
3 period from October 1, 1988, until June 30, 1989, to determine  
4 the tax amounts received from retailers and servicemen, which  
5 shall have deducted therefrom nine-twelfths of the certified  
6 Initial State Sales Tax Amounts, Adjusted Initial Sales Tax  
7 Amounts or the Revised Initial Sales Tax Amounts as  
8 appropriate. For every State Fiscal Year thereafter, the  
9 applicable period shall be the 12 months beginning July 1 and  
10 ending on June 30, to determine the tax amounts received which  
11 shall have deducted therefrom the certified Initial Sales Tax  
12 Amounts, Adjusted Initial Sales Tax Amounts or the Revised  
13 Initial Sales Tax Amounts. Municipalities intending to receive  
14 a distribution of State Sales Tax Increment must report a list  
15 of retailers to the Department of Revenue by October 31, 1988  
16 and by July 31, of each year thereafter.

17 (t) "Taxing districts" means counties, townships, cities  
18 and incorporated towns and villages, school, road, park,  
19 sanitary, mosquito abatement, forest preserve, public health,  
20 fire protection, river conservancy, tuberculosis sanitarium  
21 and any other municipal corporations or districts with the  
22 power to levy taxes.

23 (u) "Taxing districts' capital costs" means those costs of  
24 taxing districts for capital improvements that are found by the  
25 municipal corporate authorities to be necessary and directly  
26 result from the redevelopment project.

1 (v) As used in subsection (a) of Section 11-74.4-3 of this  
2 Act, "vacant land" means any parcel or combination of parcels  
3 of real property without industrial, commercial, and  
4 residential buildings which has not been used for commercial  
5 agricultural purposes within 5 years prior to the designation  
6 of the redevelopment project area, unless the parcel is  
7 included in an industrial park conservation area or the parcel  
8 has been subdivided; provided that if the parcel was part of a  
9 larger tract that has been divided into 3 or more smaller  
10 tracts that were accepted for recording during the period from  
11 1950 to 1990, then the parcel shall be deemed to have been  
12 subdivided, and all proceedings and actions of the municipality  
13 taken in that connection with respect to any previously  
14 approved or designated redevelopment project area or amended  
15 redevelopment project area are hereby validated and hereby  
16 declared to be legally sufficient for all purposes of this Act.  
17 For purposes of this Section and only for land subject to the  
18 subdivision requirements of the Plat Act, land is subdivided  
19 when the original plat of the proposed Redevelopment Project  
20 Area or relevant portion thereof has been properly certified,  
21 acknowledged, approved, and recorded or filed in accordance  
22 with the Plat Act and a preliminary plat, if any, for any  
23 subsequent phases of the proposed Redevelopment Project Area or  
24 relevant portion thereof has been properly approved and filed  
25 in accordance with the applicable ordinance of the  
26 municipality.

1           (w) "Annual Total Increment" means the sum of each  
2 municipality's annual Net Sales Tax Increment and each  
3 municipality's annual Net Utility Tax Increment. The ratio of  
4 the Annual Total Increment of each municipality to the Annual  
5 Total Increment for all municipalities, as most recently  
6 calculated by the Department, shall determine the proportional  
7 shares of the Illinois Tax Increment Fund to be distributed to  
8 each municipality.

9           (x) "LEED certified" means any certification level of  
10 construction elements by a qualified Leadership in Energy and  
11 Environmental Design Accredited Professional as determined by  
12 the U.S. Green Building Council.

13           (y) "Green Globes certified" means any certification level  
14 of construction elements by a qualified Green Globes  
15 Professional as determined by the Green Building Initiative.

16           (Source: P.A. 99-792, eff. 8-12-16; revised 10-31-16.)

17           (65 ILCS 5/11-74.4-8)   (from Ch. 24, par. 11-74.4-8)

18           Sec. 11-74.4-8. Tax increment allocation financing. A  
19 municipality may not adopt tax increment financing in a  
20 redevelopment project area after the effective date of this  
21 amendatory Act of 1997 that will encompass an area that is  
22 currently included in an enterprise zone created under the  
23 Illinois Enterprise Zone Act unless that municipality,  
24 pursuant to Section 5.4 of the Illinois Enterprise Zone Act,  
25 amends the enterprise zone designating ordinance to limit the

1 eligibility for tax abatements as provided in Section 5.4.1 of  
2 the Illinois Enterprise Zone Act. A municipality, at the time a  
3 redevelopment project area is designated, may adopt tax  
4 increment allocation financing by passing an ordinance  
5 providing that the ad valorem taxes, if any, arising from the  
6 levies upon taxable real property in such redevelopment project  
7 area by taxing districts and tax rates determined in the manner  
8 provided in paragraph (c) of Section 11-74.4-9 each year after  
9 the effective date of the ordinance until redevelopment project  
10 costs and all municipal obligations financing redevelopment  
11 project costs incurred under this Division have been paid shall  
12 be divided as follows, provided, however, that with respect to  
13 any redevelopment project area located within a transit  
14 facility improvement area established pursuant to Section  
15 11-74.4-3.3 in a municipality with a population of 1,000,000 or  
16 more, ad valorem taxes, if any, arising from the levies upon  
17 taxable real property in such redevelopment project area shall  
18 be allocated as specifically provided in this Section:

19 (a) That portion of taxes levied upon each taxable lot,  
20 block, tract or parcel of real property which is  
21 attributable to the lower of the current equalized assessed  
22 value or the initial equalized assessed value of each such  
23 taxable lot, block, tract or parcel of real property in the  
24 redevelopment project area shall be allocated to and when  
25 collected shall be paid by the county collector to the  
26 respective affected taxing districts in the manner

1 required by law in the absence of the adoption of tax  
2 increment allocation financing.

3 (b) Except from a tax levied by a township to retire  
4 bonds issued to satisfy court-ordered damages, that  
5 portion, if any, of such taxes which is attributable to the  
6 increase in the current equalized assessed valuation of  
7 each taxable lot, block, tract or parcel of real property  
8 in the redevelopment project area over and above the  
9 initial equalized assessed value of each property in the  
10 project area shall be allocated to and when collected shall  
11 be paid to the municipal treasurer who shall deposit said  
12 taxes into a special fund called the special tax allocation  
13 fund of the municipality for the purpose of paying  
14 redevelopment project costs and obligations incurred in  
15 the payment thereof. In any county with a population of  
16 3,000,000 or more that has adopted a procedure for  
17 collecting taxes that provides for one or more of the  
18 installments of the taxes to be billed and collected on an  
19 estimated basis, the municipal treasurer shall be paid for  
20 deposit in the special tax allocation fund of the  
21 municipality, from the taxes collected from estimated  
22 bills issued for property in the redevelopment project  
23 area, the difference between the amount actually collected  
24 from each taxable lot, block, tract, or parcel of real  
25 property within the redevelopment project area and an  
26 amount determined by multiplying the rate at which taxes

1           were last extended against the taxable lot, block, track,  
2           or parcel of real property in the manner provided in  
3           subsection (c) of Section 11-74.4-9 by the initial  
4           equalized assessed value of the property divided by the  
5           number of installments in which real estate taxes are  
6           billed and collected within the county; provided that the  
7           payments on or before December 31, 1999 to a municipal  
8           treasurer shall be made only if each of the following  
9           conditions are met:

10           (1) The total equalized assessed value of the  
11           redevelopment project area as last determined was not  
12           less than 175% of the total initial equalized assessed  
13           value.

14           (2) Not more than 50% of the total equalized assessed  
15           value of the redevelopment project area as last  
16           determined is attributable to a piece of property  
17           assigned a single real estate index number.

18           (3) The municipal clerk has certified to the county  
19           clerk that the municipality has issued its obligations  
20           to which there has been pledged the incremental  
21           property taxes of the redevelopment project area or  
22           taxes levied and collected on any or all property in  
23           the municipality or the full faith and credit of the  
24           municipality to pay or secure payment for all or a  
25           portion of the redevelopment project costs. The  
26           certification shall be filed annually no later than

1           September 1 for the estimated taxes to be distributed  
2           in the following year; however, for the year 1992 the  
3           certification shall be made at any time on or before  
4           March 31, 1992.

5           (4) The municipality has not requested that the total  
6           initial equalized assessed value of real property be  
7           adjusted as provided in subsection (b) of Section  
8           11-74.4-9.

9           The conditions of paragraphs (1) through (4) do not  
10          apply after December 31, 1999 to payments to a municipal  
11          treasurer made by a county with 3,000,000 or more  
12          inhabitants that has adopted an estimated billing  
13          procedure for collecting taxes. If a county that has  
14          adopted the estimated billing procedure makes an erroneous  
15          overpayment of tax revenue to the municipal treasurer, then  
16          the county may seek a refund of that overpayment. The  
17          county shall send the municipal treasurer a notice of  
18          liability for the overpayment on or before the mailing date  
19          of the next real estate tax bill within the county. The  
20          refund shall be limited to the amount of the overpayment.

21          It is the intent of this Division that after the  
22          effective date of this amendatory Act of 1988 a  
23          municipality's own ad valorem tax arising from levies on  
24          taxable real property be included in the determination of  
25          incremental revenue in the manner provided in paragraph (c)  
26          of Section 11-74.4-9. If the municipality does not extend

1 such a tax, it shall annually deposit in the municipality's  
2 Special Tax Increment Fund an amount equal to 10% of the  
3 total contributions to the fund from all other taxing  
4 districts in that year. The annual 10% deposit required by  
5 this paragraph shall be limited to the actual amount of  
6 municipally produced incremental tax revenues available to  
7 the municipality from taxpayers located in the  
8 redevelopment project area in that year if: (a) the plan  
9 for the area restricts the use of the property primarily to  
10 industrial purposes, (b) the municipality establishing the  
11 redevelopment project area is a home-rule community with a  
12 1990 population of between 25,000 and 50,000, (c) the  
13 municipality is wholly located within a county with a 1990  
14 population of over 750,000 and (d) the redevelopment  
15 project area was established by the municipality prior to  
16 June 1, 1990. This payment shall be in lieu of a  
17 contribution of ad valorem taxes on real property. If no  
18 such payment is made, any redevelopment project area of the  
19 municipality shall be dissolved.

20 If a municipality has adopted tax increment allocation  
21 financing by ordinance and the County Clerk thereafter  
22 certifies the "total initial equalized assessed value as  
23 adjusted" of the taxable real property within such  
24 redevelopment project area in the manner provided in  
25 paragraph (b) of Section 11-74.4-9, each year after the  
26 date of the certification of the total initial equalized

1 assessed value as adjusted until redevelopment project  
2 costs and all municipal obligations financing  
3 redevelopment project costs have been paid the ad valorem  
4 taxes, if any, arising from the levies upon the taxable  
5 real property in such redevelopment project area by taxing  
6 districts and tax rates determined in the manner provided  
7 in paragraph (c) of Section 11-74.4-9 shall be divided as  
8 follows, provided, however, that with respect to any  
9 redevelopment project area located within a transit  
10 facility improvement area established pursuant to Section  
11 11-74.4-3.3 in a municipality with a population of  
12 1,000,000 or more, ad valorem taxes, if any, arising from  
13 the levies upon the taxable real property in such  
14 redevelopment project area shall be allocated as  
15 specifically provided in this Section:

16 (1) That portion of the taxes levied upon each taxable  
17 lot, block, tract or parcel of real property which is  
18 attributable to the lower of the current equalized  
19 assessed value or "current equalized assessed value as  
20 adjusted" or the initial equalized assessed value of  
21 each such taxable lot, block, tract, or parcel of real  
22 property existing at the time tax increment financing  
23 was adopted, minus the total current homestead  
24 exemptions under Article 15 of the Property Tax Code in  
25 the redevelopment project area shall be allocated to  
26 and when collected shall be paid by the county

1 collector to the respective affected taxing districts  
2 in the manner required by law in the absence of the  
3 adoption of tax increment allocation financing.

4 (2) That portion, if any, of such taxes which is  
5 attributable to the increase in the current equalized  
6 assessed valuation of each taxable lot, block, tract,  
7 or parcel of real property in the redevelopment project  
8 area, over and above the initial equalized assessed  
9 value of each property existing at the time tax  
10 increment financing was adopted, minus the total  
11 current homestead exemptions pertaining to each piece  
12 of property provided by Article 15 of the Property Tax  
13 Code in the redevelopment project area, shall be  
14 allocated to and when collected shall be paid to the  
15 municipal Treasurer, who shall deposit said taxes into  
16 a special fund called the special tax allocation fund  
17 of the municipality for the purpose of paying  
18 redevelopment project costs and obligations incurred  
19 in the payment thereof.

20 The municipality may pledge in the ordinance the funds  
21 in and to be deposited in the special tax allocation fund  
22 for the payment of such costs and obligations. No part of  
23 the current equalized assessed valuation of each property  
24 in the redevelopment project area attributable to any  
25 increase above the total initial equalized assessed value,  
26 or the total initial equalized assessed value as adjusted,

1 of such properties shall be used in calculating the general  
2 State ~~school~~ aid formula, provided for in Section 18-8 of  
3 the School Code, or the evidence-based funding formula,  
4 provided for in Section 18-8.15 of the School Code, until  
5 such time as all redevelopment project costs have been paid  
6 as provided for in this Section.

7 Whenever a municipality issues bonds for the purpose of  
8 financing redevelopment project costs, such municipality  
9 may provide by ordinance for the appointment of a trustee,  
10 which may be any trust company within the State, and for  
11 the establishment of such funds or accounts to be  
12 maintained by such trustee as the municipality shall deem  
13 necessary to provide for the security and payment of the  
14 bonds. If such municipality provides for the appointment of  
15 a trustee, such trustee shall be considered the assignee of  
16 any payments assigned by the municipality pursuant to such  
17 ordinance and this Section. Any amounts paid to such  
18 trustee as assignee shall be deposited in the funds or  
19 accounts established pursuant to such trust agreement, and  
20 shall be held by such trustee in trust for the benefit of  
21 the holders of the bonds, and such holders shall have a  
22 lien on and a security interest in such funds or accounts  
23 so long as the bonds remain outstanding and unpaid. Upon  
24 retirement of the bonds, the trustee shall pay over any  
25 excess amounts held to the municipality for deposit in the  
26 special tax allocation fund.

1           When such redevelopment projects costs, including  
2           without limitation all municipal obligations financing  
3           redevelopment project costs incurred under this Division,  
4           have been paid, all surplus funds then remaining in the  
5           special tax allocation fund shall be distributed by being  
6           paid by the municipal treasurer to the Department of  
7           Revenue, the municipality and the county collector; first  
8           to the Department of Revenue and the municipality in direct  
9           proportion to the tax incremental revenue received from the  
10          State and the municipality, but not to exceed the total  
11          incremental revenue received from the State or the  
12          municipality less any annual surplus distribution of  
13          incremental revenue previously made; with any remaining  
14          funds to be paid to the County Collector who shall  
15          immediately thereafter pay said funds to the taxing  
16          districts in the redevelopment project area in the same  
17          manner and proportion as the most recent distribution by  
18          the county collector to the affected districts of real  
19          property taxes from real property in the redevelopment  
20          project area.

21          Upon the payment of all redevelopment project costs,  
22          the retirement of obligations, the distribution of any  
23          excess monies pursuant to this Section, and final closing  
24          of the books and records of the redevelopment project area,  
25          the municipality shall adopt an ordinance dissolving the  
26          special tax allocation fund for the redevelopment project

1 area and terminating the designation of the redevelopment  
2 project area as a redevelopment project area. Title to real  
3 or personal property and public improvements acquired by or  
4 for the municipality as a result of the redevelopment  
5 project and plan shall vest in the municipality when  
6 acquired and shall continue to be held by the municipality  
7 after the redevelopment project area has been terminated.  
8 Municipalities shall notify affected taxing districts  
9 prior to November 1 if the redevelopment project area is to  
10 be terminated by December 31 of that same year. If a  
11 municipality extends estimated dates of completion of a  
12 redevelopment project and retirement of obligations to  
13 finance a redevelopment project, as allowed by this  
14 amendatory Act of 1993, that extension shall not extend the  
15 property tax increment allocation financing authorized by  
16 this Section. Thereafter the rates of the taxing districts  
17 shall be extended and taxes levied, collected and  
18 distributed in the manner applicable in the absence of the  
19 adoption of tax increment allocation financing.

20 If a municipality with a population of 1,000,000 or  
21 more has adopted by ordinance tax increment allocation  
22 financing for a redevelopment project area located in a  
23 transit facility improvement area established pursuant to  
24 Section 11-74.4-3.3, for each year after the effective date  
25 of the ordinance until redevelopment project costs and all  
26 municipal obligations financing redevelopment project

1 costs have been paid, the ad valorem taxes, if any, arising  
2 from the levies upon the taxable real property in that  
3 redevelopment project area by taxing districts and tax  
4 rates determined in the manner provided in paragraph (c) of  
5 Section 11-74.4-9 shall be divided as follows:

6 (1) That portion of the taxes levied upon each  
7 taxable lot, block, tract or parcel of real property  
8 which is attributable to the lower of (i) the current  
9 equalized assessed value or "current equalized  
10 assessed value as adjusted" or (ii) the initial  
11 equalized assessed value of each such taxable lot,  
12 block, tract, or parcel of real property existing at  
13 the time tax increment financing was adopted, minus the  
14 total current homestead exemptions under Article 15 of  
15 the Property Tax Code in the redevelopment project area  
16 shall be allocated to and when collected shall be paid  
17 by the county collector to the respective affected  
18 taxing districts in the manner required by law in the  
19 absence of the adoption of tax increment allocation  
20 financing.

21 (2) That portion, if any, of such taxes which is  
22 attributable to the increase in the current equalized  
23 assessed valuation of each taxable lot, block, tract,  
24 or parcel of real property in the redevelopment project  
25 area, over and above the initial equalized assessed  
26 value of each property existing at the time tax

1 increment financing was adopted, minus the total  
2 current homestead exemptions pertaining to each piece  
3 of property provided by Article 15 of the Property Tax  
4 Code in the redevelopment project area, shall be  
5 allocated to and when collected shall be paid by the  
6 county collector as follows:

7 (A) First, that portion which would be payable  
8 to a school district whose boundaries are  
9 coterminous with such municipality in the absence  
10 of the adoption of tax increment allocation  
11 financing, shall be paid to such school district in  
12 the manner required by law in the absence of the  
13 adoption of tax increment allocation financing;  
14 then

15 (B) 80% of the remaining portion shall be paid  
16 to the municipal Treasurer, who shall deposit said  
17 taxes into a special fund called the special tax  
18 allocation fund of the municipality for the  
19 purpose of paying redevelopment project costs and  
20 obligations incurred in the payment thereof; and  
21 then

22 (C) 20% of the remaining portion shall be paid  
23 to the respective affected taxing districts, other  
24 than the school district described in clause (a)  
25 above, in the manner required by law in the absence  
26 of the adoption of tax increment allocation

1 financing.

2 Nothing in this Section shall be construed as relieving  
3 property in such redevelopment project areas from being  
4 assessed as provided in the Property Tax Code or as relieving  
5 owners of such property from paying a uniform rate of taxes, as  
6 required by Section 4 of Article IX of the Illinois  
7 Constitution.

8 (Source: P.A. 98-463, eff. 8-16-13; 99-792, eff. 8-12-16.)

9 (65 ILCS 5/11-74.6-35)

10 Sec. 11-74.6-35. Ordinance for tax increment allocation  
11 financing.

12 (a) A municipality, at the time a redevelopment project  
13 area is designated, may adopt tax increment allocation  
14 financing by passing an ordinance providing that the ad valorem  
15 taxes, if any, arising from the levies upon taxable real  
16 property within the redevelopment project area by taxing  
17 districts and tax rates determined in the manner provided in  
18 subsection (b) of Section 11-74.6-40 each year after the  
19 effective date of the ordinance until redevelopment project  
20 costs and all municipal obligations financing redevelopment  
21 project costs incurred under this Act have been paid shall be  
22 divided as follows:

23 (1) That portion of the taxes levied upon each taxable  
24 lot, block, tract or parcel of real property that is  
25 attributable to the lower of the current equalized assessed

1 value or the initial equalized assessed value or the  
2 updated initial equalized assessed value of each taxable  
3 lot, block, tract or parcel of real property in the  
4 redevelopment project area shall be allocated to and when  
5 collected shall be paid by the county collector to the  
6 respective affected taxing districts in the manner  
7 required by law without regard to the adoption of tax  
8 increment allocation financing.

9 (2) That portion, if any, of those taxes that is  
10 attributable to the increase in the current equalized  
11 assessed value of each taxable lot, block, tract or parcel  
12 of real property in the redevelopment project area, over  
13 and above the initial equalized assessed value or the  
14 updated initial equalized assessed value of each property  
15 in the project area, shall be allocated to and when  
16 collected shall be paid by the county collector to the  
17 municipal treasurer who shall deposit that portion of those  
18 taxes into a special fund called the special tax allocation  
19 fund of the municipality for the purpose of paying  
20 redevelopment project costs and obligations incurred in  
21 the payment of those costs and obligations. In any county  
22 with a population of 3,000,000 or more that has adopted a  
23 procedure for collecting taxes that provides for one or  
24 more of the installments of the taxes to be billed and  
25 collected on an estimated basis, the municipal treasurer  
26 shall be paid for deposit in the special tax allocation

1 fund of the municipality, from the taxes collected from  
2 estimated bills issued for property in the redevelopment  
3 project area, the difference between the amount actually  
4 collected from each taxable lot, block, tract, or parcel of  
5 real property within the redevelopment project area and an  
6 amount determined by multiplying the rate at which taxes  
7 were last extended against the taxable lot, block, track,  
8 or parcel of real property in the manner provided in  
9 subsection (b) of Section 11-74.6-40 by the initial  
10 equalized assessed value or the updated initial equalized  
11 assessed value of the property divided by the number of  
12 installments in which real estate taxes are billed and  
13 collected within the county, provided that the payments on  
14 or before December 31, 1999 to a municipal treasurer shall  
15 be made only if each of the following conditions are met:

16 (A) The total equalized assessed value of the  
17 redevelopment project area as last determined was not  
18 less than 175% of the total initial equalized assessed  
19 value.

20 (B) Not more than 50% of the total equalized  
21 assessed value of the redevelopment project area as  
22 last determined is attributable to a piece of property  
23 assigned a single real estate index number.

24 (C) The municipal clerk has certified to the county  
25 clerk that the municipality has issued its obligations  
26 to which there has been pledged the incremental

1 property taxes of the redevelopment project area or  
2 taxes levied and collected on any or all property in  
3 the municipality or the full faith and credit of the  
4 municipality to pay or secure payment for all or a  
5 portion of the redevelopment project costs. The  
6 certification shall be filed annually no later than  
7 September 1 for the estimated taxes to be distributed  
8 in the following year.

9 The conditions of paragraphs (A) through (C) do not apply  
10 after December 31, 1999 to payments to a municipal treasurer  
11 made by a county with 3,000,000 or more inhabitants that has  
12 adopted an estimated billing procedure for collecting taxes. If  
13 a county that has adopted the estimated billing procedure makes  
14 an erroneous overpayment of tax revenue to the municipal  
15 treasurer, then the county may seek a refund of that  
16 overpayment. The county shall send the municipal treasurer a  
17 notice of liability for the overpayment on or before the  
18 mailing date of the next real estate tax bill within the  
19 county. The refund shall be limited to the amount of the  
20 overpayment.

21 (b) It is the intent of this Act that a municipality's own  
22 ad valorem tax arising from levies on taxable real property be  
23 included in the determination of incremental revenue in the  
24 manner provided in paragraph (b) of Section 11-74.6-40.

25 (c) If a municipality has adopted tax increment allocation  
26 financing for a redevelopment project area by ordinance and the

1 county clerk thereafter certifies the total initial equalized  
2 assessed value or the total updated initial equalized assessed  
3 value of the taxable real property within such redevelopment  
4 project area in the manner provided in paragraph (a) or (b) of  
5 Section 11-74.6-40, each year after the date of the  
6 certification of the total initial equalized assessed value or  
7 the total updated initial equalized assessed value until  
8 redevelopment project costs and all municipal obligations  
9 financing redevelopment project costs have been paid, the ad  
10 valorem taxes, if any, arising from the levies upon the taxable  
11 real property in the redevelopment project area by taxing  
12 districts and tax rates determined in the manner provided in  
13 paragraph (b) of Section 11-74.6-40 shall be divided as  
14 follows:

15 (1) That portion of the taxes levied upon each taxable  
16 lot, block, tract or parcel of real property that is  
17 attributable to the lower of the current equalized assessed  
18 value or the initial equalized assessed value, or the  
19 updated initial equalized assessed value of each parcel if  
20 the updated initial equalized assessed value of that parcel  
21 has been certified in accordance with Section 11-74.6-40,  
22 whichever has been most recently certified, of each taxable  
23 lot, block, tract, or parcel of real property existing at  
24 the time tax increment allocation financing was adopted in  
25 the redevelopment project area, shall be allocated to and  
26 when collected shall be paid by the county collector to the

1        respective affected taxing districts in the manner  
2        required by law without regard to the adoption of tax  
3        increment allocation financing.

4            (2) That portion, if any, of those taxes that is  
5        attributable to the increase in the current equalized  
6        assessed value of each taxable lot, block, tract, or parcel  
7        of real property in the redevelopment project area, over  
8        and above the initial equalized assessed value of each  
9        property existing at the time tax increment allocation  
10       financing was adopted in the redevelopment project area, or  
11       the updated initial equalized assessed value of each parcel  
12       if the updated initial equalized assessed value of that  
13       parcel has been certified in accordance with Section  
14       11-74.6-40, shall be allocated to and when collected shall  
15       be paid to the municipal treasurer, who shall deposit those  
16       taxes into a special fund called the special tax allocation  
17       fund of the municipality for the purpose of paying  
18       redevelopment project costs and obligations incurred in  
19       the payment thereof.

20            (d) The municipality may pledge in the ordinance the funds  
21       in and to be deposited in the special tax allocation fund for  
22       the payment of redevelopment project costs and obligations. No  
23       part of the current equalized assessed value of each property  
24       in the redevelopment project area attributable to any increase  
25       above the total initial equalized assessed value or the total  
26       initial updated equalized assessed value of the property, shall

1 be used in calculating the general ~~General~~ State aid formula  
2 ~~School Aid Formula~~, provided for in Section 18-8 of the School  
3 Code, or the evidence-based funding formula, provided for in  
4 Section 18-8.15 of the School Code, until all redevelopment  
5 project costs have been paid as provided for in this Section.

6 Whenever a municipality issues bonds for the purpose of  
7 financing redevelopment project costs, that municipality may  
8 provide by ordinance for the appointment of a trustee, which  
9 may be any trust company within the State, and for the  
10 establishment of any funds or accounts to be maintained by that  
11 trustee, as the municipality deems necessary to provide for the  
12 security and payment of the bonds. If the municipality provides  
13 for the appointment of a trustee, the trustee shall be  
14 considered the assignee of any payments assigned by the  
15 municipality under that ordinance and this Section. Any amounts  
16 paid to the trustee as assignee shall be deposited into the  
17 funds or accounts established under the trust agreement, and  
18 shall be held by the trustee in trust for the benefit of the  
19 holders of the bonds. The holders of those bonds shall have a  
20 lien on and a security interest in those funds or accounts  
21 while the bonds remain outstanding and unpaid. Upon retirement  
22 of the bonds, the trustee shall pay over any excess amounts  
23 held to the municipality for deposit in the special tax  
24 allocation fund.

25 When the redevelopment projects costs, including without  
26 limitation all municipal obligations financing redevelopment

1 project costs incurred under this Law, have been paid, all  
2 surplus funds then remaining in the special tax allocation fund  
3 shall be distributed by being paid by the municipal treasurer  
4 to the municipality and the county collector; first to the  
5 municipality in direct proportion to the tax incremental  
6 revenue received from the municipality, but not to exceed the  
7 total incremental revenue received from the municipality,  
8 minus any annual surplus distribution of incremental revenue  
9 previously made. Any remaining funds shall be paid to the  
10 county collector who shall immediately distribute that payment  
11 to the taxing districts in the redevelopment project area in  
12 the same manner and proportion as the most recent distribution  
13 by the county collector to the affected districts of real  
14 property taxes from real property situated in the redevelopment  
15 project area.

16 Upon the payment of all redevelopment project costs,  
17 retirement of obligations and the distribution of any excess  
18 moneys under this Section, the municipality shall adopt an  
19 ordinance dissolving the special tax allocation fund for the  
20 redevelopment project area and terminating the designation of  
21 the redevelopment project area as a redevelopment project area.  
22 Thereafter the tax levies of taxing districts shall be  
23 extended, collected and distributed in the same manner  
24 applicable before the adoption of tax increment allocation  
25 financing. Municipality shall notify affected taxing districts  
26 prior to November if the redevelopment project area is to be

1 terminated by December 31 of that same year.

2 Nothing in this Section shall be construed as relieving  
3 property in a redevelopment project area from being assessed as  
4 provided in the Property Tax Code or as relieving owners of  
5 that property from paying a uniform rate of taxes, as required  
6 by Section 4 of Article IX of the Illinois Constitution.

7 (Source: P.A. 91-474, eff. 11-1-99.)

8 Section 40. The Economic Development Project Area Tax  
9 Increment Allocation Act of 1995 is amended by changing Section  
10 50 as follows:

11 (65 ILCS 110/50)

12 Sec. 50. Special tax allocation fund.

13 (a) If a county clerk has certified the "total initial  
14 equalized assessed value" of the taxable real property within  
15 an economic development project area in the manner provided in  
16 Section 45, each year after the date of the certification by  
17 the county clerk of the "total initial equalized assessed  
18 value", until economic development project costs and all  
19 municipal obligations financing economic development project  
20 costs have been paid, the ad valorem taxes, if any, arising  
21 from the levies upon the taxable real property in the economic  
22 development project area by taxing districts and tax rates  
23 determined in the manner provided in subsection (b) of Section  
24 45 shall be divided as follows:

1           (1) That portion of the taxes levied upon each taxable  
2 lot, block, tract, or parcel of real property that is  
3 attributable to the lower of the current equalized assessed  
4 value or the initial equalized assessed value of each  
5 taxable lot, block, tract, or parcel of real property  
6 existing at the time tax increment financing was adopted  
7 shall be allocated to (and when collected shall be paid by  
8 the county collector to) the respective affected taxing  
9 districts in the manner required by law in the absence of  
10 the adoption of tax increment allocation financing.

11           (2) That portion, if any, of the taxes that is  
12 attributable to the increase in the current equalized  
13 assessed valuation of each taxable lot, block, tract, or  
14 parcel of real property in the economic development project  
15 area, over and above the initial equalized assessed value  
16 of each property existing at the time tax increment  
17 financing was adopted, shall be allocated to (and when  
18 collected shall be paid to) the municipal treasurer, who  
19 shall deposit the taxes into a special fund (called the  
20 special tax allocation fund of the municipality) for the  
21 purpose of paying economic development project costs and  
22 obligations incurred in the payment of those costs.

23           (b) The municipality, by an ordinance adopting tax  
24 increment allocation financing, may pledge the monies in and to  
25 be deposited into the special tax allocation fund for the  
26 payment of obligations issued under this Act and for the

1 payment of economic development project costs. No part of the  
2 current equalized assessed valuation of each property in the  
3 economic development project area attributable to any increase  
4 above the total initial equalized assessed value of those  
5 properties shall be used in calculating the general State  
6 ~~school~~ aid formula under Section 18-8 of the School Code or the  
7 evidence-based funding formula under Section 18-8.15 of the  
8 School Code, until all economic development projects costs have  
9 been paid as provided for in this Section.

10 (c) When the economic development projects costs,  
11 including without limitation all municipal obligations  
12 financing economic development project costs incurred under  
13 this Act, have been paid, all surplus monies then remaining in  
14 the special tax allocation fund shall be distributed by being  
15 paid by the municipal treasurer to the county collector, who  
16 shall immediately pay the monies to the taxing districts having  
17 taxable property in the economic development project area in  
18 the same manner and proportion as the most recent distribution  
19 by the county collector to those taxing districts of real  
20 property taxes from real property in the economic development  
21 project area.

22 (d) Upon the payment of all economic development project  
23 costs, retirement of obligations, and distribution of any  
24 excess monies under this Section and not later than 23 years  
25 from the date of the adoption of the ordinance establishing the  
26 economic development project area, the municipality shall

1 adopt an ordinance dissolving the special tax allocation fund  
2 for the economic development project area and terminating the  
3 designation of the economic development project area as an  
4 economic development project area. Thereafter, the rates of the  
5 taxing districts shall be extended and taxes shall be levied,  
6 collected, and distributed in the manner applicable in the  
7 absence of the adoption of tax increment allocation financing.

8 (e) Nothing in this Section shall be construed as relieving  
9 property in the economic development project areas from being  
10 assessed as provided in the Property Tax Code or as relieving  
11 owners or lessees of that property from paying a uniform rate  
12 of taxes as required by Section 4 of Article IX of the Illinois  
13 Constitution.

14 (Source: P.A. 98-463, eff. 8-16-13.)

15 Section 45. The School Code is amended by changing Sections  
16 1A-8, 1B-5, 1B-6, 1B-7, 1B-8, 1C-1, 1C-2, 1D-1, 1E-20, 1F-20,  
17 1F-62, 1H-20, 1H-70, 2-3.33, 2-3.51.5, 2-3.62, 2-3.66,  
18 2-3.66b, 2-3.80, 2-3.84, 2-3.109a, 3-14.21, 7-14A, 10-17a,  
19 10-19, 10-22.5a, 10-22.20, 10-29, 11E-135, 13A-8, 13B-20.20,  
20 13B-45, 13B-50, 13B-50.10, 13B-50.15, 14-7.02, 14-7.02b,  
21 14-7.03, 14-13.01, 14C-1, 14C-12, 17-1, 17-1.2, 17-1.5,  
22 17-2.11, 17-2A, 18-4.3, 18-8.05, 18-8.10, 18-9, 18-12, 26-16,  
23 27-8.1, 27A-9, 27A-11, 29-5, 34-2.3, 34-18, 34-18.30, and  
24 34-43.1 and by adding Sections 17-3.6 and 18-8.15 as follows:

1 (105 ILCS 5/1A-8) (from Ch. 122, par. 1A-8)

2 Sec. 1A-8. Powers of the Board in Assisting Districts  
3 Deemed in Financial Difficulties. To promote the financial  
4 integrity of school districts, the State Board of Education  
5 shall be provided the necessary powers to promote sound  
6 financial management and continue operation of the public  
7 schools.

8 (a) The State Superintendent of Education may require a  
9 school district, including any district subject to Article 34A  
10 of this Code, to share financial information relevant to a  
11 proper investigation of the district's financial condition and  
12 the delivery of appropriate State financial, technical, and  
13 consulting services to the district if the district (i) has  
14 been designated, through the State Board of Education's School  
15 District Financial Profile System, as on financial warning or  
16 financial watch status, (ii) has failed to file an annual  
17 financial report, annual budget, deficit reduction plan, or  
18 other financial information as required by law, (iii) has been  
19 identified, through the district's annual audit or other  
20 financial and management information, as in serious financial  
21 difficulty in the current or next school year, or (iv) is  
22 determined to be likely to fail to fully meet any regularly  
23 scheduled, payroll-period obligations when due or any debt  
24 service payments when due or both. In addition to financial,  
25 technical, and consulting services provided by the State Board  
26 of Education, at the request of a school district, the State

1 Superintendent may provide for an independent financial  
2 consultant to assist the district review its financial  
3 condition and options.

4 (b) The State Board of Education, after proper  
5 investigation of a district's financial condition, may certify  
6 that a district, including any district subject to Article 34A,  
7 is in financial difficulty when any of the following conditions  
8 occur:

9 (1) The district has issued school or teacher orders  
10 for wages as permitted in Sections 8-16, 32-7.2 and 34-76  
11 of this Code.

12 (2) The district has issued tax anticipation warrants  
13 or tax anticipation notes in anticipation of a second  
14 year's taxes when warrants or notes in anticipation of  
15 current year taxes are still outstanding, as authorized by  
16 Sections 17-16, 34-23, 34-59 and 34-63 of this Code, or has  
17 issued short-term debt against 2 future revenue sources,  
18 such as, but not limited to, tax anticipation warrants and  
19 general State aid or evidence-based funding ~~Aid~~  
20 certificates or tax anticipation warrants and revenue  
21 anticipation notes.

22 (3) The district has for 2 consecutive years shown an  
23 excess of expenditures and other financing uses over  
24 revenues and other financing sources and beginning fund  
25 balances on its annual financial report for the aggregate  
26 totals of the Educational, Operations and Maintenance,

1           Transportation, and Working Cash Funds.

2           (4) The district refuses to provide financial  
3 information or cooperate with the State Superintendent in  
4 an investigation of the district's financial condition.

5           (5) The district is likely to fail to fully meet any  
6 regularly scheduled, payroll-period obligations when due  
7 or any debt service payments when due or both.

8           No school district shall be certified by the State Board of  
9 Education to be in financial difficulty solely by reason of any  
10 of the above circumstances arising as a result of (i) the  
11 failure of the county to make any distribution of property tax  
12 money due the district at the time such distribution is due or  
13 (ii) the failure of this State to make timely payments of  
14 general State aid, evidence-based funding, or any of the  
15 mandated categoricals; or if the district clearly demonstrates  
16 to the satisfaction of the State Board of Education at the time  
17 of its determination that such condition no longer exists. If  
18 the State Board of Education certifies that a district in a  
19 city with 500,000 inhabitants or more is in financial  
20 difficulty, the State Board shall so notify the Governor and  
21 the Mayor of the city in which the district is located. The  
22 State Board of Education may require school districts certified  
23 in financial difficulty, except those districts subject to  
24 Article 34A, to develop, adopt and submit a financial plan  
25 within 45 days after certification of financial difficulty. The  
26 financial plan shall be developed according to guidelines

1 presented to the district by the State Board of Education  
2 within 14 days of certification. Such guidelines shall address  
3 the specific nature of each district's financial difficulties.  
4 Any proposed budget of the district shall be consistent with  
5 the financial plan submitted to and approved by the State Board  
6 of Education.

7 A district certified to be in financial difficulty, other  
8 than a district subject to Article 34A, shall report to the  
9 State Board of Education at such times and in such manner as  
10 the State Board may direct, concerning the district's  
11 compliance with each financial plan. The State Board may review  
12 the district's operations, obtain budgetary data and financial  
13 statements, require the district to produce reports, and have  
14 access to any other information in the possession of the  
15 district that it deems relevant. The State Board may issue  
16 recommendations or directives within its powers to the district  
17 to assist in compliance with the financial plan. The district  
18 shall produce such budgetary data, financial statements,  
19 reports and other information and comply with such directives.  
20 If the State Board of Education determines that a district has  
21 failed to comply with its financial plan, the State Board of  
22 Education may rescind approval of the plan and appoint a  
23 Financial Oversight Panel for the district as provided in  
24 Section 1B-4. This action shall be taken only after the  
25 district has been given notice and an opportunity to appear  
26 before the State Board of Education to discuss its failure to

1 comply with its financial plan.

2 No bonds, notes, teachers orders, tax anticipation  
3 warrants or other evidences of indebtedness shall be issued or  
4 sold by a school district or be legally binding upon or  
5 enforceable against a local board of education of a district  
6 certified to be in financial difficulty unless and until the  
7 financial plan required under this Section has been approved by  
8 the State Board of Education.

9 Any financial profile compiled and distributed by the State  
10 Board of Education in Fiscal Year 2009 or any fiscal year  
11 thereafter shall incorporate such adjustments as may be needed  
12 in the profile scores to reflect the financial effects of the  
13 inability or refusal of the State of Illinois to make timely  
14 disbursements of any general State aid, evidence-based  
15 funding, or mandated categorical aid payments due school  
16 districts or to fully reimburse school districts for mandated  
17 categorical programs pursuant to reimbursement formulas  
18 provided in this School Code.

19 (Source: P.A. 96-668, eff. 8-25-09; 96-1423, eff. 8-3-10;  
20 97-429, eff. 8-16-11.)

21 (105 ILCS 5/1B-5) (from Ch. 122, par. 1B-5)

22 Sec. 1B-5. When a petition for emergency financial  
23 assistance for a school district is allowed by the State Board  
24 under Section 1B-4, the State Superintendent shall within 10  
25 days thereafter appoint 3 members to serve at the State

1 Superintendent's pleasure on a Financial Oversight Panel for  
2 the district. The State Superintendent shall designate one of  
3 the members of the Panel to serve as its Chairman. In the event  
4 of vacancy or resignation the State Superintendent shall  
5 appoint a successor within 10 days of receiving notice thereof.

6 Members of the Panel shall be selected primarily on the  
7 basis of their experience and education in financial  
8 management, with consideration given to persons knowledgeable  
9 in education finance. A member of the Panel may not be a board  
10 member or employee of the district for which the Panel is  
11 constituted, nor may a member have a direct financial interest  
12 in that district.

13 Panel members shall serve without compensation, but may be  
14 reimbursed for travel and other necessary expenses incurred in  
15 the performance of their official duties by the State Board.  
16 The amount reimbursed Panel members for their expenses shall be  
17 charged to the school district as part of any emergency  
18 financial assistance and incorporated as a part of the terms  
19 and conditions for repayment of such assistance or shall be  
20 deducted from the district's general State aid or  
21 evidence-based funding as provided in Section 1B-8.

22 The first meeting of the Panel shall be held at the call of  
23 the Chairman. The Panel may elect such other officers as it  
24 deems appropriate. The Panel shall prescribe the times and  
25 places for its meetings and the manner in which regular and  
26 special meetings may be called, and shall comply with the Open

1 Meetings Act.

2 Two members of the Panel shall constitute a quorum, and the  
3 affirmative vote of 2 members shall be necessary for any  
4 decision or action to be taken by the Panel.

5 The Panel and the State Superintendent shall cooperate with  
6 each other in the exercise of their respective powers. The  
7 Panel shall report not later than September 1 annually to the  
8 State Board and the State Superintendent with respect to its  
9 activities and the condition of the school district for the  
10 previous fiscal year.

11 Any Financial Oversight Panel established under this  
12 Article shall remain in existence for not less than 3 years nor  
13 more than 10 years from the date the State Board grants the  
14 petition under Section 1B-4. If after 3 years the school  
15 district has repaid all of its obligations resulting from  
16 emergency State financial assistance provided under this  
17 Article and has improved its financial situation, the board of  
18 education may, not more frequently than once in any 12 month  
19 period, petition the State Board to dissolve the Financial  
20 Oversight Panel, terminate the oversight responsibility, and  
21 remove the district's certification under Section 1A-8 as a  
22 district in financial difficulty. In acting on such a petition  
23 the State Board shall give additional weight to the  
24 recommendations of the State Superintendent and the Financial  
25 Oversight Panel.

26 (Source: P.A. 88-618, eff. 9-9-94.)

1 (105 ILCS 5/1B-6) (from Ch. 122, par. 1B-6)

2 Sec. 1B-6. General powers. The purpose of the Financial  
3 Oversight Panel shall be to exercise financial control over the  
4 board of education, and, when approved by the State Board and  
5 the State Superintendent of Education, to furnish financial  
6 assistance so that the board can provide public education  
7 within the board's jurisdiction while permitting the board to  
8 meet its obligations to its creditors and the holders of its  
9 notes and bonds. Except as expressly limited by this Article,  
10 the Panel shall have all powers necessary to meet its  
11 responsibilities and to carry out its purposes and the purposes  
12 of this Article, including, but not limited to, the following  
13 powers:

14 (a) to sue and be sued;

15 (b) to provide for its organization and internal  
16 management;

17 (c) to appoint a Financial Administrator to serve as the  
18 chief executive officer of the Panel. The Financial  
19 Administrator may be an individual, partnership, corporation,  
20 including an accounting firm, or other entity determined by the  
21 Panel to be qualified to serve; and to appoint other officers,  
22 agents, and employees of the Panel, define their duties and  
23 qualifications and fix their compensation and employee  
24 benefits;

25 (d) to approve the local board of education appointments to

1 the positions of treasurer in a Class I county school unit and  
2 in each school district which forms a part of a Class II county  
3 school unit but which no longer is subject to the jurisdiction  
4 and authority of a township treasurer or trustees of schools of  
5 a township because the district has withdrawn from the  
6 jurisdiction and authority of the township treasurer and the  
7 trustees of schools of the township or because those offices  
8 have been abolished as provided in subsection (b) or (c) of  
9 Section 5-1, and chief school business official, if such  
10 official is not the superintendent of the district. Either the  
11 board or the Panel may remove such treasurer or chief school  
12 business official;

13 (e) to approve any and all bonds, notes, teachers orders,  
14 tax anticipation warrants, and other evidences of indebtedness  
15 prior to issuance or sale by the school district; and  
16 notwithstanding any other provision of The School Code, as now  
17 or hereafter amended, no bonds, notes, teachers orders, tax  
18 anticipation warrants or other evidences of indebtedness shall  
19 be issued or sold by the school district or be legally binding  
20 upon or enforceable against the local board of education unless  
21 and until the approval of the Panel has been received;

22 (f) to approve all property tax levies of the school  
23 district and require adjustments thereto as the Panel deems  
24 necessary or advisable;

25 (g) to require and approve a school district financial  
26 plan;

1           (h) to approve and require revisions of the school district  
2 budget;

3           (i) to approve all contracts and other obligations as the  
4 Panel deems necessary and appropriate;

5           (j) to authorize emergency State financial assistance,  
6 including requirements regarding the terms and conditions of  
7 repayment of such assistance, and to require the board of  
8 education to levy a separate local property tax, subject to the  
9 limitations of Section 1B-8, sufficient to repay such  
10 assistance consistent with the terms and conditions of  
11 repayment and the district's approved financial plan and  
12 budget;

13           (k) to request the regional superintendent to make  
14 appointments to fill all vacancies on the local school board as  
15 provided in Section 10-10;

16           (l) to recommend dissolution or reorganization of the  
17 school district to the General Assembly if in the Panel's  
18 judgment the circumstances so require;

19           (m) to direct a phased reduction in the oversight  
20 responsibilities of the Financial Administrator and of the  
21 Panel as the circumstances permit;

22           (n) to determine the amount of emergency State financial  
23 assistance to be made available to the school district, and to  
24 establish an operating budget for the Panel to be supported by  
25 funds available from such assistance, with the assistance and  
26 the budget required to be approved by the State Superintendent;

1 (o) to procure insurance against any loss in such amounts  
2 and from such insurers as it deems necessary;

3 (p) to engage the services of consultants for rendering  
4 professional and technical assistance and advice on matters  
5 within the Panel's power;

6 (q) to contract for and to accept any gifts, grants or  
7 loans of funds or property or financial or other aid in any  
8 form from the federal government, State government, unit of  
9 local government, school district or any agency or  
10 instrumentality thereof, or from any other private or public  
11 source, and to comply with the terms and conditions thereof;

12 (r) to pay the expenses of its operations based on the  
13 Panel's budget as approved by the State Superintendent from  
14 emergency financial assistance funds available to the district  
15 or from deductions from the district's general State aid or  
16 evidence-based funding;

17 (s) to do any and all things necessary or convenient to  
18 carry out its purposes and exercise the powers given to the  
19 Panel by this Article; and

20 (t) to recommend the creation of a school finance authority  
21 pursuant to Article 1F of this Code.

22 (Source: P.A. 91-357, eff. 7-29-99; 92-855, eff. 12-6-02.)

23 (105 ILCS 5/1B-7) (from Ch. 122, par. 1B-7)

24 Sec. 1B-7. Financial Administrator; Powers and Duties. The  
25 Financial Administrator appointed by the Financial Oversight

1 Panel shall serve as the Panel's chief executive officer. The  
2 Financial Administrator shall exercise the powers and duties  
3 required by the Panel, including but not limited to the  
4 following:

5 (a) to provide guidance and recommendations to the local  
6 board and officials of the school district in developing the  
7 district's financial plan and budget prior to board action;

8 (b) to direct the local board to reorganize its financial  
9 accounts, budgetary systems, and internal accounting and  
10 financial controls, in whatever manner the Panel deems  
11 appropriate to achieve greater financial responsibility and to  
12 reduce financial inefficiency, and to provide technical  
13 assistance to aid the district in accomplishing the  
14 reorganization;

15 (c) to make recommendations to the Financial Oversight  
16 Panel concerning the school district's financial plan and  
17 budget, and all other matters within the scope of the Panel's  
18 authority;

19 (d) to prepare and recommend to the Panel a proposal for  
20 emergency State financial assistance for the district,  
21 including recommended terms and conditions of repayment, and an  
22 operations budget for the Panel to be funded from the emergency  
23 assistance or from deductions from the district's general State  
24 aid or evidence-based funding;

25 (e) to require the local board to prepare and submit  
26 preliminary staffing and budgetary analyses annually prior to

1 February 1 in such manner and form as the Financial  
2 Administrator shall prescribe; and

3 (f) subject to the direction of the Panel, to do all other  
4 things necessary or convenient to carry out its purposes and  
5 exercise the powers given to the Panel under this Article.

6 (Source: P.A. 88-618, eff. 9-9-94.)

7 (105 ILCS 5/1B-8) (from Ch. 122, par. 1B-8)

8 Sec. 1B-8. There is created in the State Treasury a special  
9 fund to be known as the School District Emergency Financial  
10 Assistance Fund (the "Fund"). The School District Emergency  
11 Financial Assistance Fund shall consist of appropriations,  
12 loan repayments, grants from the federal government, and  
13 donations from any public or private source. Moneys in the Fund  
14 may be appropriated only to the Illinois Finance Authority and  
15 the State Board for those purposes authorized under this  
16 Article and Articles 1F and 1H of this Code. The appropriation  
17 may be allocated and expended by the State Board for  
18 contractual services to provide technical assistance or  
19 consultation to school districts to assess their financial  
20 condition and to Financial Oversight Panels that petition for  
21 emergency financial assistance grants. The Illinois Finance  
22 Authority may provide loans to school districts which are the  
23 subject of an approved petition for emergency financial  
24 assistance under Section 1B-4, 1F-62, or 1H-65 of this Code.  
25 Neither the State Board of Education nor the Illinois Finance

1 Authority may collect any fees for providing these services.

2 From the amount allocated to each such school district  
3 under this Article the State Board shall identify a sum  
4 sufficient to cover all approved costs of the Financial  
5 Oversight Panel established for the respective school  
6 district. If the State Board and State Superintendent of  
7 Education have not approved emergency financial assistance in  
8 conjunction with the appointment of a Financial Oversight  
9 Panel, the Panel's approved costs shall be paid from deductions  
10 from the district's general State aid or evidence-based  
11 funding.

12 The Financial Oversight Panel may prepare and file with the  
13 State Superintendent a proposal for emergency financial  
14 assistance for the school district and for its operations  
15 budget. No expenditures from the Fund shall be authorized by  
16 the State Superintendent until he or she has approved the  
17 request of the Panel, either as submitted or in such lesser  
18 amount determined by the State Superintendent.

19 The maximum amount of an emergency financial assistance  
20 loan which may be allocated to any school district under this  
21 Article, including moneys necessary for the operations of the  
22 Panel, shall not exceed \$4,000 times the number of pupils  
23 enrolled in the school district during the school year ending  
24 June 30 prior to the date of approval by the State Board of the  
25 petition for emergency financial assistance, as certified to  
26 the local board and the Panel by the State Superintendent. An

1 emergency financial assistance grant shall not exceed \$1,000  
2 times the number of such pupils. A district may receive both a  
3 loan and a grant.

4 The payment of an emergency State financial assistance  
5 grant or loan shall be subject to appropriation by the General  
6 Assembly. Payment of the emergency State financial assistance  
7 loan is subject to the applicable provisions of the Illinois  
8 Finance Authority Act. Emergency State financial assistance  
9 allocated and paid to a school district under this Article may  
10 be applied to any fund or funds from which the local board of  
11 education of that district is authorized to make expenditures  
12 by law.

13 Any emergency financial assistance grant proposed by the  
14 Financial Oversight Panel and approved by the State  
15 Superintendent may be paid in its entirety during the initial  
16 year of the Panel's existence or spread in equal or declining  
17 amounts over a period of years not to exceed the period of the  
18 Panel's existence. An emergency financial assistance loan  
19 proposed by the Financial Oversight Panel and approved by the  
20 Illinois Finance Authority may be paid in its entirety during  
21 the initial year of the Panel's existence or spread in equal or  
22 declining amounts over a period of years not to exceed the  
23 period of the Panel's existence. All loans made by the Illinois  
24 Finance Authority for a school district shall be required to be  
25 repaid, with simple interest over the term of the loan at a  
26 rate equal to 50% of the one-year Constant Maturity Treasury

1 (CMT) yield as last published by the Board of Governors of the  
2 Federal Reserve System before the date on which the district's  
3 loan is approved by the Illinois Finance Authority, not later  
4 than the date the Financial Oversight Panel ceases to exist.  
5 The Panel shall establish and the Illinois Finance Authority  
6 shall approve the terms and conditions, including the schedule,  
7 of repayments. The schedule shall provide for repayments  
8 commencing July 1 of each year or upon each fiscal year's  
9 receipt of moneys from a tax levy for emergency financial  
10 assistance. Repayment shall be incorporated into the annual  
11 budget of the school district and may be made from any fund or  
12 funds of the district in which there are moneys available. An  
13 emergency financial assistance loan to the Panel or district  
14 shall not be considered part of the calculation of a district's  
15 debt for purposes of the limitation specified in Section 19-1  
16 of this Code. Default on repayment is subject to the Illinois  
17 Grant Funds Recovery Act. When moneys are repaid as provided  
18 herein they shall not be made available to the local board for  
19 further use as emergency financial assistance under this  
20 Article at any time thereafter. All repayments required to be  
21 made by a school district shall be received by the State Board  
22 and deposited in the School District Emergency Financial  
23 Assistance Fund.

24 In establishing the terms and conditions for the repayment  
25 obligation of the school district the Panel shall annually  
26 determine whether a separate local property tax levy is

1 required. The board of any school district with a tax rate for  
2 educational purposes for the prior year of less than 120% of  
3 the maximum rate for educational purposes authorized by Section  
4 17-2 shall provide for a separate tax levy for emergency  
5 financial assistance repayment purposes. Such tax levy shall  
6 not be subject to referendum approval. The amount of the levy  
7 shall be equal to the amount necessary to meet the annual  
8 repayment obligations of the district as established by the  
9 Panel, or 20% of the amount levied for educational purposes for  
10 the prior year, whichever is less. However, no district shall  
11 be required to levy the tax if the district's operating tax  
12 rate as determined under Section 18-8, ~~or 18-8.05,~~ or 18-8.15  
13 exceeds 200% of the district's tax rate for educational  
14 purposes for the prior year.

15 (Source: P.A. 97-429, eff. 8-16-11.)

16 (105 ILCS 5/1C-1)

17 Sec. 1C-1. Purpose. The purpose of this Article is to  
18 permit greater flexibility and efficiency in the distribution  
19 and use of certain State funds available to local education  
20 agencies for the improvement of the quality of educational  
21 services pursuant to locally established priorities.

22 Through fiscal year 2017, this ~~This~~ Article does not apply  
23 to school districts having a population in excess of 500,000  
24 inhabitants.

25 (Source: P.A. 88-555, eff. 7-27-94; 89-15, eff. 5-30-95;

1 89-397, eff. 8-20-95; 89-626, eff. 8-9-96.)

2 (105 ILCS 5/1C-2)

3 Sec. 1C-2. Block grants.

4 (a) For fiscal year 1999, and each fiscal year thereafter,  
5 the State Board of Education shall award to school districts  
6 block grants as described in subsection (c). The State Board of  
7 Education may adopt rules and regulations necessary to  
8 implement this Section. In accordance with Section 2-3.32, all  
9 state block grants are subject to an audit. Therefore, block  
10 grant receipts and block grant expenditures shall be recorded  
11 to the appropriate fund code.

12 (b) (Blank).

13 (c) An Early Childhood Education Block Grant shall be  
14 created by combining the following programs: Preschool  
15 Education, Parental Training and Prevention Initiative. These  
16 funds shall be distributed to school districts and other  
17 entities on a competitive basis, except that the State Board of  
18 Education shall award to a school district having a population  
19 exceeding 500,000 inhabitants 37% of the funds in each fiscal  
20 year. Not less than 14% of the Early Childhood Education Block  
21 Grant allocation of funds shall be used to fund programs for  
22 children ages 0-3. Beginning in Fiscal Year 2016, at least 25%  
23 of any additional Early Childhood Education Block Grant funding  
24 over and above the previous fiscal year's allocation shall be  
25 used to fund programs for children ages 0-3. Once the

1 percentage of Early Childhood Education Block Grant funding  
2 allocated to programs for children ages 0-3 reaches 20% of the  
3 overall Early Childhood Education Block Grant allocation for a  
4 full fiscal year, thereafter in subsequent fiscal years the  
5 percentage of Early Childhood Education Block Grant funding  
6 allocated to programs for children ages 0-3 each fiscal year  
7 shall remain at least 20% of the overall Early Childhood  
8 Education Block Grant allocation. However, if, in a given  
9 fiscal year, the amount appropriated for the Early Childhood  
10 Education Block Grant is insufficient to increase the  
11 percentage of the grant to fund programs for children ages 0-3  
12 without reducing the amount of the grant for existing providers  
13 of preschool education programs, then the percentage of the  
14 grant to fund programs for children ages 0-3 may be held steady  
15 instead of increased.

16 (Source: P.A. 98-645, eff. 7-1-14; 99-589, eff. 7-21-16.)

17 (105 ILCS 5/1D-1)

18 Sec. 1D-1. Block grant funding.

19 (a) For fiscal year 1996 through fiscal year 2017 ~~and each~~  
20 ~~fiscal year thereafter~~, the State Board of Education shall  
21 award to a school district having a population exceeding  
22 500,000 inhabitants a general education block grant and an  
23 educational services block grant, determined as provided in  
24 this Section, in lieu of distributing to the district separate  
25 State funding for the programs described in subsections (b) and

1 (c). The provisions of this Section, however, do not apply to  
2 any federal funds that the district is entitled to receive. In  
3 accordance with Section 2-3.32, all block grants are subject to  
4 an audit. Therefore, block grant receipts and block grant  
5 expenditures shall be recorded to the appropriate fund code for  
6 the designated block grant.

7 (b) The general education block grant shall include the  
8 following programs: REI Initiative, Summer Bridges, Preschool  
9 At Risk, K-6 Comprehensive Arts, School Improvement Support,  
10 Urban Education, Scientific Literacy, Substance Abuse  
11 Prevention, Second Language Planning, Staff Development,  
12 Outcomes and Assessment, K-6 Reading Improvement, 7-12  
13 Continued Reading Improvement, Truants' Optional Education,  
14 Hispanic Programs, Agriculture Education, Parental Education,  
15 Prevention Initiative, Report Cards, and Criminal Background  
16 Investigations. Notwithstanding any other provision of law,  
17 all amounts paid under the general education block grant from  
18 State appropriations to a school district in a city having a  
19 population exceeding 500,000 inhabitants shall be appropriated  
20 and expended by the board of that district for any of the  
21 programs included in the block grant or any of the board's  
22 lawful purposes.

23 (c) The educational services block grant shall include the  
24 following programs: Regular and Vocational Transportation,  
25 State Lunch and Free Breakfast Program, Special Education  
26 (Personnel, Transportation, Orphanage, Private Tuition),

1 funding for children requiring special education services,  
2 Summer School, Educational Service Centers, and  
3 Administrator's Academy. This subsection (c) does not relieve  
4 the district of its obligation to provide the services required  
5 under a program that is included within the educational  
6 services block grant. It is the intention of the General  
7 Assembly in enacting the provisions of this subsection (c) to  
8 relieve the district of the administrative burdens that impede  
9 efficiency and accompany single-program funding. The General  
10 Assembly encourages the board to pursue mandate waivers  
11 pursuant to Section 2-3.25g.

12 The funding program included in the educational services  
13 block grant for funding for children requiring special  
14 education services in each fiscal year shall be treated in that  
15 fiscal year as a payment to the school district in respect of  
16 services provided or costs incurred in the prior fiscal year,  
17 calculated in each case as provided in this Section. Nothing in  
18 this Section shall change the nature of payments for any  
19 program that, apart from this Section, would be or, prior to  
20 adoption or amendment of this Section, was on the basis of a  
21 payment in a fiscal year in respect of services provided or  
22 costs incurred in the prior fiscal year, calculated in each  
23 case as provided in this Section.

24 (d) For fiscal year 1996 through fiscal year 2017 ~~and each~~  
25 ~~fiscal year thereafter~~, the amount of the district's block  
26 grants shall be determined as follows: (i) with respect to each

1 program that is included within each block grant, the district  
2 shall receive an amount equal to the same percentage of the  
3 current fiscal year appropriation made for that program as the  
4 percentage of the appropriation received by the district from  
5 the 1995 fiscal year appropriation made for that program, and  
6 (ii) the total amount that is due the district under the block  
7 grant shall be the aggregate of the amounts that the district  
8 is entitled to receive for the fiscal year with respect to each  
9 program that is included within the block grant that the State  
10 Board of Education shall award the district under this Section  
11 for that fiscal year. In the case of the Summer Bridges  
12 program, the amount of the district's block grant shall be  
13 equal to 44% of the amount of the current fiscal year  
14 appropriation made for that program.

15 (e) The district is not required to file any application or  
16 other claim in order to receive the block grants to which it is  
17 entitled under this Section. The State Board of Education shall  
18 make payments to the district of amounts due under the  
19 district's block grants on a schedule determined by the State  
20 Board of Education.

21 (f) A school district to which this Section applies shall  
22 report to the State Board of Education on its use of the block  
23 grants in such form and detail as the State Board of Education  
24 may specify. In addition, the report must include the following  
25 description for the district, which must also be reported to  
26 the General Assembly: block grant allocation and expenditures

1 by program; population and service levels by program; and  
2 administrative expenditures by program. The State Board of  
3 Education shall ensure that the reporting requirements for the  
4 district are the same as for all other school districts in this  
5 State.

6 (g) Through fiscal year 2017, this ~~This~~ paragraph provides  
7 for the treatment of block grants under Article 1C for purposes  
8 of calculating the amount of block grants for a district under  
9 this Section. Those block grants under Article 1C are, for this  
10 purpose, treated as included in the amount of appropriation for  
11 the various programs set forth in paragraph (b) above. The  
12 appropriation in each current fiscal year for each block grant  
13 under Article 1C shall be treated for these purposes as  
14 appropriations for the individual program included in that  
15 block grant. The proportion of each block grant so allocated to  
16 each such program included in it shall be the proportion which  
17 the appropriation for that program was of all appropriations  
18 for such purposes now in that block grant, in fiscal 1995.

19 Payments to the school district under this Section with  
20 respect to each program for which payments to school districts  
21 generally, as of the date of this amendatory Act of the 92nd  
22 General Assembly, are on a reimbursement basis shall continue  
23 to be made to the district on a reimbursement basis, pursuant  
24 to the provisions of this Code governing those programs.

25 (h) Notwithstanding any other provision of law, any school  
26 district receiving a block grant under this Section may

1 classify all or a portion of the funds that it receives in a  
2 particular fiscal year from any block grant authorized under  
3 this Code or from general State aid pursuant to Section 18-8.05  
4 of this Code (other than supplemental general State aid) as  
5 funds received in connection with any funding program for which  
6 it is entitled to receive funds from the State in that fiscal  
7 year (including, without limitation, any funding program  
8 referred to in subsection (c) of this Section), regardless of  
9 the source or timing of the receipt. The district may not  
10 classify more funds as funds received in connection with the  
11 funding program than the district is entitled to receive in  
12 that fiscal year for that program. Any classification by a  
13 district must be made by a resolution of its board of  
14 education. The resolution must identify the amount of any block  
15 grant or general State aid to be classified under this  
16 subsection (h) and must specify the funding program to which  
17 the funds are to be treated as received in connection  
18 therewith. This resolution is controlling as to the  
19 classification of funds referenced therein. A certified copy of  
20 the resolution must be sent to the State Superintendent of  
21 Education. The resolution shall still take effect even though a  
22 copy of the resolution has not been sent to the State  
23 Superintendent of Education in a timely manner. No  
24 classification under this subsection (h) by a district shall  
25 affect the total amount or timing of money the district is  
26 entitled to receive under this Code. No classification under

1 this subsection (h) by a district shall in any way relieve the  
2 district from or affect any requirements that otherwise would  
3 apply with respect to the block grant as provided in this  
4 Section, including any accounting of funds by source, reporting  
5 expenditures by original source and purpose, reporting  
6 requirements, or requirements of provision of services.

7 (Source: P.A. 97-238, eff. 8-2-11; 97-324, eff. 8-12-11;  
8 97-813, eff. 7-13-12.)

9 (105 ILCS 5/1E-20)

10 (This Section scheduled to be repealed in accordance with  
11 105 ILCS 5/1E-165)

12 Sec. 1E-20. Members of Authority; meetings.

13 (a) When a petition for a School Finance Authority is  
14 allowed by the State Board under Section 1E-15 of this Code,  
15 the State Superintendent shall within 10 days thereafter  
16 appoint 5 members to serve on a School Finance Authority for  
17 the district. Of the initial members, 2 shall be appointed to  
18 serve a term of 2 years and 3 shall be appointed to serve a term  
19 of 3 years. Thereafter, each member shall serve for a term of 3  
20 years and until his or her successor has been appointed. The  
21 State Superintendent shall designate one of the members of the  
22 Authority to serve as its Chairperson. In the event of vacancy  
23 or resignation, the State Superintendent shall, within 10 days  
24 after receiving notice, appoint a successor to serve out that  
25 member's term. The State Superintendent may remove a member for

1 incompetence, malfeasance, neglect of duty, or other just  
2 cause.

3 Members of the Authority shall be selected primarily on the  
4 basis of their experience and education in financial  
5 management, with consideration given to persons knowledgeable  
6 in education finance. Two members of the Authority shall be  
7 residents of the school district that the Authority serves. A  
8 member of the Authority may not be a member of the district's  
9 school board or an employee of the district nor may a member  
10 have a direct financial interest in the district.

11 Authority members shall serve without compensation, but  
12 may be reimbursed by the State Board for travel and other  
13 necessary expenses incurred in the performance of their  
14 official duties. Unless paid from bonds issued under Section  
15 1E-65 of this Code, the amount reimbursed members for their  
16 expenses shall be charged to the school district as part of any  
17 emergency financial assistance and incorporated as a part of  
18 the terms and conditions for repayment of the assistance or  
19 shall be deducted from the district's general State aid or  
20 evidence-based funding as provided in Section 1B-8 of this  
21 Code.

22 The Authority may elect such officers as it deems  
23 appropriate.

24 (b) The first meeting of the Authority shall be held at the  
25 call of the Chairperson. The Authority shall prescribe the  
26 times and places for its meetings and the manner in which

1 regular and special meetings may be called and shall comply  
2 with the Open Meetings Act.

3 Three members of the Authority shall constitute a quorum.  
4 When a vote is taken upon any measure before the Authority, a  
5 quorum being present, a majority of the votes of the members  
6 voting on the measure shall determine the outcome.

7 (Source: P.A. 92-547, eff. 6-13-02.)

8 (105 ILCS 5/1F-20)

9 (This Section scheduled to be repealed in accordance with 105  
10 ILCS 5/1F-165)

11 Sec. 1F-20. Members of Authority; meetings.

12 (a) Upon establishment of a School Finance Authority under  
13 Section 1F-15 of this Code, the State Superintendent shall  
14 within 15 days thereafter appoint 5 members to serve on a  
15 School Finance Authority for the district. Of the initial  
16 members, 2 shall be appointed to serve a term of 2 years and 3  
17 shall be appointed to serve a term of 3 years. Thereafter, each  
18 member shall serve for a term of 3 years and until his or her  
19 successor has been appointed. The State Superintendent shall  
20 designate one of the members of the Authority to serve as its  
21 Chairperson. In the event of vacancy or resignation, the State  
22 Superintendent shall, within 10 days after receiving notice,  
23 appoint a successor to serve out that member's term. The State  
24 Superintendent may remove a member for incompetence,  
25 malfeasance, neglect of duty, or other just cause.

1           Members of the Authority shall be selected primarily on the  
2 basis of their experience and education in financial  
3 management, with consideration given to persons knowledgeable  
4 in education finance. Two members of the Authority shall be  
5 residents of the school district that the Authority serves. A  
6 member of the Authority may not be a member of the district's  
7 school board or an employee of the district nor may a member  
8 have a direct financial interest in the district.

9           Authority members shall be paid a stipend approved by the  
10 State Superintendent of not more than \$100 per meeting and may  
11 be reimbursed by the State Board for travel and other necessary  
12 expenses incurred in the performance of their official duties.  
13 Unless paid from bonds issued under Section 1F-65 of this Code,  
14 the amount reimbursed members for their expenses shall be  
15 charged to the school district as part of any emergency  
16 financial assistance and incorporated as a part of the terms  
17 and conditions for repayment of the assistance or shall be  
18 deducted from the district's general State aid or  
19 evidence-based funding as provided in Section 1B-8 of this  
20 Code.

21           The Authority may elect such officers as it deems  
22 appropriate.

23           (b) The first meeting of the Authority shall be held at the  
24 call of the Chairperson. The Authority shall prescribe the  
25 times and places for its meetings and the manner in which  
26 regular and special meetings may be called and shall comply

1 with the Open Meetings Act.

2 Three members of the Authority shall constitute a quorum.  
3 When a vote is taken upon any measure before the Authority, a  
4 quorum being present, a majority of the votes of the members  
5 voting on the measure shall determine the outcome.

6 (Source: P.A. 94-234, eff. 7-1-06.)

7 (105 ILCS 5/1F-62)

8 (This Section scheduled to be repealed in accordance with 105  
9 ILCS 5/1F-165)

10 Sec. 1F-62. School District Emergency Financial Assistance  
11 Fund; grants and loans.

12 (a) Moneys in the School District Emergency Financial  
13 Assistance Fund established under Section 1B-8 of this Code may  
14 be allocated and expended by the State Board as grants to  
15 provide technical and consulting services to school districts  
16 to assess their financial condition and by the Illinois Finance  
17 Authority for emergency financial assistance loans to a School  
18 Finance Authority that petitions for emergency financial  
19 assistance. An emergency financial assistance loan to a School  
20 Finance Authority or borrowing from sources other than the  
21 State shall not be considered as part of the calculation of a  
22 district's debt for purposes of the limitation specified in  
23 Section 19-1 of this Code. From the amount allocated to each  
24 School Finance Authority, the State Board shall identify a sum  
25 sufficient to cover all approved costs of the School Finance

1 Authority. If the State Board and State Superintendent have not  
2 approved emergency financial assistance in conjunction with  
3 the appointment of a School Finance Authority, the Authority's  
4 approved costs shall be paid from deductions from the  
5 district's general State aid or evidence-based funding.

6 The School Finance Authority may prepare and file with the  
7 State Superintendent a proposal for emergency financial  
8 assistance for the school district and for its operations  
9 budget. No expenditures shall be authorized by the State  
10 Superintendent until he or she has approved the proposal of the  
11 School Finance Authority, either as submitted or in such lesser  
12 amount determined by the State Superintendent.

13 (b) The amount of an emergency financial assistance loan  
14 that may be allocated to a School Finance Authority under this  
15 Article, including moneys necessary for the operations of the  
16 School Finance Authority, and borrowing from sources other than  
17 the State shall not exceed, in the aggregate, \$4,000 times the  
18 number of pupils enrolled in the district during the school  
19 year ending June 30 prior to the date of approval by the State  
20 Board of the petition for emergency financial assistance, as  
21 certified to the school board and the School Finance Authority  
22 by the State Superintendent. However, this limitation does not  
23 apply to borrowing by the district secured by amounts levied by  
24 the district prior to establishment of the School Finance  
25 Authority. An emergency financial assistance grant shall not  
26 exceed \$1,000 times the number of such pupils. A district may

1 receive both a loan and a grant.

2 (c) The payment of a State emergency financial assistance  
3 grant or loan shall be subject to appropriation by the General  
4 Assembly. State emergency financial assistance allocated and  
5 paid to a School Finance Authority under this Article may be  
6 applied to any fund or funds from which the School Finance  
7 Authority is authorized to make expenditures by law.

8 (d) Any State emergency financial assistance proposed by  
9 the School Finance Authority and approved by the State  
10 Superintendent may be paid in its entirety during the initial  
11 year of the School Finance Authority's existence or spread in  
12 equal or declining amounts over a period of years not to exceed  
13 the period of the School Finance Authority's existence. The  
14 State Superintendent shall not approve any loan to the School  
15 Finance Authority unless the School Finance Authority has been  
16 unable to borrow sufficient funds to operate the district.

17 All loan payments made from the School District Emergency  
18 Financial Assistance Fund to a School Finance Authority shall  
19 be required to be repaid not later than the date the School  
20 Finance Authority ceases to exist, with simple interest over  
21 the term of the loan at a rate equal to 50% of the one-year  
22 Constant Maturity Treasury (CMT) yield as last published by the  
23 Board of Governors of the Federal Reserve System before the  
24 date on which the School Finance Authority's loan is approved  
25 by the State Board.

26 The School Finance Authority shall establish and the

1 Illinois Finance Authority shall approve the terms and  
2 conditions of the loan, including the schedule of repayments.  
3 The schedule shall provide for repayments commencing July 1 of  
4 each year or upon each fiscal year's receipt of moneys from a  
5 tax levy for emergency financial assistance. Repayment shall be  
6 incorporated into the annual budget of the district and may be  
7 made from any fund or funds of the district in which there are  
8 moneys available. Default on repayment is subject to the  
9 Illinois Grant Funds Recovery Act. When moneys are repaid as  
10 provided in this Section, they shall not be made available to  
11 the School Finance Authority for further use as emergency  
12 financial assistance under this Article at any time thereafter.  
13 All repayments required to be made by a School Finance  
14 Authority shall be received by the State Board and deposited in  
15 the School District Emergency Financial Assistance Fund.

16 In establishing the terms and conditions for the repayment  
17 obligation of the School Finance Authority, the School Finance  
18 Authority shall annually determine whether a separate local  
19 property tax levy is required to meet that obligation. The  
20 School Finance Authority shall provide for a separate tax levy  
21 for emergency financial assistance repayment purposes. This  
22 tax levy shall not be subject to referendum approval. The  
23 amount of the levy shall not exceed the amount necessary to  
24 meet the annual emergency financial repayment obligations of  
25 the district, including principal and interest, as established  
26 by the School Finance Authority.

1 (Source: P.A. 94-234, eff. 7-1-06.)

2 (105 ILCS 5/1H-20)

3 Sec. 1H-20. Members of Panel; meetings.

4 (a) Upon establishment of a Financial Oversight Panel under  
5 Section 1H-15 of this Code, the State Superintendent shall  
6 within 15 working days thereafter appoint 5 members to serve on  
7 a Financial Oversight Panel for the district. Members appointed  
8 to the Panel shall serve at the pleasure of the State  
9 Superintendent. The State Superintendent shall designate one  
10 of the members of the Panel to serve as its Chairperson. In the  
11 event of vacancy or resignation, the State Superintendent  
12 shall, within 10 days after receiving notice, appoint a  
13 successor to serve out that member's term.

14 (b) Members of the Panel shall be selected primarily on the  
15 basis of their experience and education in financial  
16 management, with consideration given to persons knowledgeable  
17 in education finance. Two members of the Panel shall be  
18 residents of the school district that the Panel serves. A  
19 member of the Panel may not be a member of the district's  
20 school board or an employee of the district nor may a member  
21 have a direct financial interest in the district.

22 (c) Panel members may be reimbursed by the State Board for  
23 travel and other necessary expenses incurred in the performance  
24 of their official duties. The amount reimbursed members for  
25 their expenses shall be charged to the school district as part

1 of any emergency financial assistance and incorporated as a  
2 part of the terms and conditions for repayment of the  
3 assistance or shall be deducted from the district's general  
4 State aid or evidence-based funding as provided in Section  
5 1H-65 of this Code.

6 (d) With the exception of the chairperson, who shall be  
7 designated as provided in subsection (a) of this Section, the  
8 Panel may elect such officers as it deems appropriate.

9 (e) The first meeting of the Panel shall be held at the  
10 call of the Chairperson. The Panel shall prescribe the times  
11 and places for its meetings and the manner in which regular and  
12 special meetings may be called and shall comply with the Open  
13 Meetings Act. The Panel shall also comply with the Freedom of  
14 Information Act.

15 (f) Three members of the Panel shall constitute a quorum. A  
16 majority of members present is required to pass a measure.

17 (Source: P.A. 97-429, eff. 8-16-11.)

18 (105 ILCS 5/1H-70)

19 Sec. 1H-70. Tax anticipation warrants, tax anticipation  
20 notes, revenue anticipation certificates or notes, general  
21 State aid or evidence-based funding anticipation certificates,  
22 and lines of credit. With the approval of the State  
23 Superintendent and provided that the district is unable to  
24 secure short-term financing after 3 attempts, a Panel shall  
25 have the same power as a district to do the following:

1           (1) issue tax anticipation warrants under the  
2 provisions of Section 17-16 of this Code against taxes  
3 levied by either the school board or the Panel pursuant to  
4 Section 1H-25 of this Code;

5           (2) issue tax anticipation notes under the provisions  
6 of the Tax Anticipation Note Act against taxes levied by  
7 either the school board or the Panel pursuant to Section  
8 1H-25 of this Code;

9           (3) issue revenue anticipation certificates or notes  
10 under the provisions of the Revenue Anticipation Act;

11           (4) issue general State aid or evidence-based funding  
12 anticipation certificates under the provisions of Section  
13 18-18 of this Code; and

14           (5) establish and utilize lines of credit under the  
15 provisions of Section 17-17 of this Code.

16 Tax anticipation warrants, tax anticipation notes, revenue  
17 anticipation certificates or notes, general State aid or  
18 evidence-based funding anticipation certificates, and lines of  
19 credit are considered borrowing from sources other than the  
20 State and are subject to Section 1H-65 of this Code.

21 (Source: P.A. 97-429, eff. 8-16-11.)

22 (105 ILCS 5/2-3.33) (from Ch. 122, par. 2-3.33)

23 Sec. 2-3.33. Recomputation of claims. To recompute within  
24 3 years from the final date for filing of a claim any claim for  
25 general State aid reimbursement to any school district and one

1 year from the final date for filing of a claim for  
2 evidence-based funding if the claim has been found to be  
3 incorrect and to adjust subsequent claims accordingly, and to  
4 recompute and adjust any such claims within 6 years from the  
5 final date for filing when there has been an adverse court or  
6 administrative agency decision on the merits affecting the tax  
7 revenues of the school district. However, no such adjustment  
8 shall be made regarding equalized assessed valuation unless the  
9 district's equalized assessed valuation is changed by greater  
10 than \$250,000 or 2%. Any adjustments for claims recomputed for  
11 the 2016-2017 school year and prior school years shall be  
12 applied to the apportionment of evidence-based funding in  
13 Section 18-8.15 of this Code beginning in the 2017-2018 school  
14 year and thereafter. However, the recomputation of a claim for  
15 evidence-based funding for a school district shall not require  
16 the recomputation of claims for all districts, and the State  
17 Board of Education shall only make recomputations of  
18 evidence-based funding for those districts where an adjustment  
19 is required.

20 Except in the case of an adverse court or administrative  
21 agency decision, no recomputation of a State aid claim shall be  
22 made pursuant to this Section as a result of a reduction in the  
23 assessed valuation of a school district from the assessed  
24 valuation of the district reported to the State Board of  
25 Education by the Department of Revenue under Section 18-8.05 or  
26 18-8.15 of this Code unless the requirements of Section 16-15

1 of the Property Tax Code and Section 2-3.84 of this Code are  
2 complied with in all respects.

3 This paragraph applies to all requests for recomputation of  
4 a general State aid or evidence-based funding claim received  
5 after June 30, 2003. In recomputing a general State aid or  
6 evidence-based funding claim that was originally calculated  
7 using an extension limitation equalized assessed valuation  
8 under paragraph (3) of subsection (G) of Section 18-8.05 of  
9 this Code or Section 18-8.15 of this Code, a qualifying  
10 reduction in equalized assessed valuation shall be deducted  
11 from the extension limitation equalized assessed valuation  
12 that was used in calculating the original claim.

13 From the total amount of general State aid or  
14 evidence-based funding to be provided to districts,  
15 adjustments as a result of recomputation under this Section  
16 together with adjustments under Section 2-3.84 must not exceed  
17 \$25 million, in the aggregate for all districts under both  
18 Sections combined, of the general State aid or evidence-based  
19 funding appropriation in any fiscal year; if necessary, amounts  
20 shall be prorated among districts. If it is necessary to  
21 prorate claims under this paragraph, then that portion of each  
22 prorated claim that is approved but not paid in the current  
23 fiscal year may be resubmitted as a valid claim in the  
24 following fiscal year.

25 (Source: P.A. 93-845, eff. 7-30-04.)

1 (105 ILCS 5/2-3.51.5)

2 Sec. 2-3.51.5. School Safety and Educational Improvement  
3 Block Grant Program. To improve the level of education and  
4 safety of students from kindergarten through grade 12 in school  
5 districts and State-recognized, non-public schools. The State  
6 Board of Education is authorized to fund a School Safety and  
7 Educational Improvement Block Grant Program.

8 (1) For school districts, the program shall provide funding  
9 for school safety, textbooks and software, electronic  
10 textbooks and the technological equipment necessary to gain  
11 access to and use electronic textbooks, teacher training and  
12 curriculum development, school improvements, school report  
13 cards under Section 10-17a, and criminal history records checks  
14 under Sections 10-21.9 and 34-18.5. For State-recognized,  
15 non-public schools, the program shall provide funding for  
16 secular textbooks and software, criminal history records  
17 checks, and health and safety mandates to the extent that the  
18 funds are expended for purely secular purposes. A school  
19 district or laboratory school as defined in Section 18-8, ~~or~~  
20 18-8.05, or 18-8.15 is not required to file an application in  
21 order to receive the categorical funding to which it is  
22 entitled under this Section. Funds for the School Safety and  
23 Educational Improvement Block Grant Program shall be  
24 distributed to school districts and laboratory schools based on  
25 the prior year's best 3 months average daily attendance. Funds  
26 for the School Safety and Educational Improvement Block Grant

1 Program shall be distributed to State-recognized, non-public  
2 schools based on the average daily attendance figure for the  
3 previous school year provided to the State Board of Education.  
4 The State Board of Education shall develop an application that  
5 requires State-recognized, non-public schools to submit  
6 average daily attendance figures. A State-recognized,  
7 non-public school must submit the application and average daily  
8 attendance figure prior to receiving funds under this Section.  
9 The State Board of Education shall promulgate rules and  
10 regulations necessary for the implementation of this program.

11 (2) Distribution of moneys to school districts and  
12 State-recognized, non-public schools shall be made in 2  
13 semi-annual installments, one payment on or before October 30,  
14 and one payment prior to April 30, of each fiscal year.

15 (3) Grants under the School Safety and Educational  
16 Improvement Block Grant Program shall be awarded provided there  
17 is an appropriation for the program, and funding levels for  
18 each district shall be prorated according to the amount of the  
19 appropriation.

20 (4) The provisions of this Section are in the public  
21 interest, are for the public benefit, and serve secular public  
22 purposes.

23 (Source: P.A. 98-972, eff. 8-15-14.)

24 (105 ILCS 5/2-3.62) (from Ch. 122, par. 2-3.62)

25 Sec. 2-3.62. Educational service centers.

1 (a) A regional network of educational service centers shall  
2 be established by the State Board of Education to coordinate  
3 and combine existing services in a manner which is practical  
4 and efficient and to provide new services to schools as  
5 provided in this Section. Services to be made available by such  
6 centers shall include the planning, implementation and  
7 evaluation of:

8 (1) (blank);

9 (2) computer technology education;

10 (3) mathematics, science and reading resources for  
11 teachers including continuing education, inservice  
12 training and staff development.

13 The centers may provide training, technical assistance,  
14 coordination and planning in other program areas such as school  
15 improvement, school accountability, financial planning,  
16 consultation, and services, career guidance, early childhood  
17 education, alcohol/drug education and prevention, family life  
18 - sex education, electronic transmission of data from school  
19 districts to the State, alternative education and regional  
20 special education, and telecommunications systems that provide  
21 distance learning. Such telecommunications systems may be  
22 obtained through the Department of Central Management Services  
23 pursuant to Section 405-270 of the Department of Central  
24 Management Services Law (20 ILCS 405/405-270). The programs and  
25 services of educational service centers may be offered to  
26 private school teachers and private school students within each

1 service center area provided public schools have already been  
2 afforded adequate access to such programs and services.

3 Upon the abolition of the office, removal from office,  
4 disqualification for office, resignation from office, or  
5 expiration of the current term of office of the regional  
6 superintendent of schools, whichever is earlier, the chief  
7 administrative officer of the centers serving that portion of a  
8 Class II county school unit outside of a city of 500,000 or  
9 more inhabitants shall have and exercise, in and with respect  
10 to each educational service region having a population of  
11 2,000,000 or more inhabitants and in and with respect to each  
12 school district located in any such educational service region,  
13 all of the rights, powers, duties, and responsibilities  
14 theretofore vested by law in and exercised and performed by the  
15 regional superintendent of schools for that area under the  
16 provisions of this Code or any other laws of this State.

17 The State Board of Education shall promulgate rules and  
18 regulations necessary to implement this Section. The rules  
19 shall include detailed standards which delineate the scope and  
20 specific content of programs to be provided by each Educational  
21 Service Center, as well as the specific planning,  
22 implementation and evaluation services to be provided by each  
23 Center relative to its programs. The Board shall also provide  
24 the standards by which it will evaluate the programs provided  
25 by each Center.

26 (b) Centers serving Class 1 county school units shall be

1 governed by an 11-member board, 3 members of which shall be  
2 public school teachers nominated by the local bargaining  
3 representatives to the appropriate regional superintendent for  
4 appointment and no more than 3 members of which shall be from  
5 each of the following categories, including but not limited to  
6 superintendents, regional superintendents, school board  
7 members and a representative of an institution of higher  
8 education. The members of the board shall be appointed by the  
9 regional superintendents whose school districts are served by  
10 the educational service center. The composition of the board  
11 will reflect the revisions of this amendatory Act of 1989 as  
12 the terms of office of current members expire.

13 (c) The centers shall be of sufficient size and number to  
14 assure delivery of services to all local school districts in  
15 the State.

16 (d) From monies appropriated for this program the State  
17 Board of Education shall provide grants paid from the Personal  
18 Property Tax Replacement Fund to qualifying Educational  
19 Service Centers applying for such grants in accordance with  
20 rules and regulations promulgated by the State Board of  
21 Education to implement this Section.

22 Notwithstanding anything to the contrary contained in this  
23 Section, the State Board of Education shall award to a school  
24 district having a population exceeding 500,000 inhabitants  
25 14.9% of the funds appropriated by the General Assembly for any  
26 fiscal year for purposes of payment of claims under this

1 Section.

2 (e) The governing authority of each of the 18 regional  
3 educational service centers shall appoint a family life - sex  
4 education advisory board consisting of 2 parents, 2 teachers, 2  
5 school administrators, 2 school board members, 2 health care  
6 professionals, one library system representative, and the  
7 director of the regional educational service center who shall  
8 serve as chairperson of the advisory board so appointed.  
9 Members of the family life - sex education advisory boards  
10 shall serve without compensation. Each of the advisory boards  
11 appointed pursuant to this subsection shall develop a plan for  
12 regional teacher-parent family life - sex education training  
13 sessions and shall file a written report of such plan with the  
14 governing board of their regional educational service center.  
15 The directors of each of the regional educational service  
16 centers shall thereupon meet, review each of the reports  
17 submitted by the advisory boards and combine those reports into  
18 a single written report which they shall file with the Citizens  
19 Council on School Problems prior to the end of the regular  
20 school term of the 1987-1988 school year.

21 (f) The 14 educational service centers serving Class I  
22 county school units shall be disbanded on the first Monday of  
23 August, 1995, and their statutory responsibilities and  
24 programs shall be assumed by the regional offices of education,  
25 subject to rules and regulations developed by the State Board  
26 of Education. The regional superintendents of schools elected

1 by the voters residing in all Class I counties shall serve as  
2 the chief administrators for these programs and services.

3 (Source: P.A. 98-24, eff. 6-19-13; 98-647, eff. 6-13-14; 99-30,  
4 eff. 7-10-15.)

5 (105 ILCS 5/2-3.66) (from Ch. 122, par. 2-3.66)

6 Sec. 2-3.66. Truants' alternative and optional education  
7 programs. To establish projects to offer modified  
8 instructional programs or other services designed to prevent  
9 students from dropping out of school, including programs  
10 pursuant to Section 2-3.41, and to serve as a part time or full  
11 time option in lieu of regular school attendance and to award  
12 grants to local school districts, educational service regions  
13 or community college districts from appropriated funds to  
14 assist districts in establishing such projects. The education  
15 agency may operate its own program or enter into a contract  
16 with another not-for-profit entity to implement the program.  
17 The projects shall allow dropouts, up to and including age 21,  
18 potential dropouts, including truants, uninvolved, unmotivated  
19 and disaffected students, as defined by State Board of  
20 Education rules and regulations, to enroll, as an alternative  
21 to regular school attendance, in an optional education program  
22 which may be established by school board policy and is in  
23 conformance with rules adopted by the State Board of Education.  
24 Truants' Alternative and Optional Education programs funded  
25 pursuant to this Section shall be planned by a student, the

1 student's parents or legal guardians, unless the student is 18  
2 years or older, and school officials and shall culminate in an  
3 individualized optional education plan. Such plan shall focus  
4 on academic or vocational skills, or both, and may include, but  
5 not be limited to, evening school, summer school, community  
6 college courses, adult education, preparation courses for high  
7 school equivalency testing, vocational training, work  
8 experience, programs to enhance self concept and parenting  
9 courses. School districts which are awarded grants pursuant to  
10 this Section shall be authorized to provide day care services  
11 to children of students who are eligible and desire to enroll  
12 in programs established and funded under this Section, but only  
13 if and to the extent that such day care is necessary to enable  
14 those eligible students to attend and participate in the  
15 programs and courses which are conducted pursuant to this  
16 Section. School districts and regional offices of education may  
17 claim general State aid under Section 18-8.05 or evidence-based  
18 funding under Section 18-8.15 for students enrolled in truants'  
19 alternative and optional education programs, provided that  
20 such students are receiving services that are supplemental to a  
21 program leading to a high school diploma and are otherwise  
22 eligible to be claimed for general State aid under Section  
23 18-8.05 or evidence-based funding under Section 18-8.15, as  
24 applicable.

25 Notwithstanding anything to the contrary contained in this  
26 Section, the State Board of Education shall award to a school

1 district having a population exceeding 500,000 inhabitants  
2 26.8% of the funds appropriated by the General Assembly for any  
3 fiscal year for purposes of payment of claims under this  
4 Section.

5 (Source: P.A. 98-718, eff. 1-1-15.)

6 (105 ILCS 5/2-3.66b)

7 Sec. 2-3.66b. IHOPE Program.

8 (a) There is established the Illinois Hope and Opportunity  
9 Pathways through Education (IHOPE) Program. The State Board of  
10 Education shall implement and administer the IHOPE Program. The  
11 goal of the IHOPE Program is to develop a comprehensive system  
12 in this State to re-enroll significant numbers of high school  
13 dropouts in programs that will enable them to earn their high  
14 school diploma.

15 (b) The IHOPE Program shall award grants, subject to  
16 appropriation for this purpose, to educational service regions  
17 and a school district organized under Article 34 of this Code  
18 from appropriated funds to assist in establishing  
19 instructional programs and other services designed to  
20 re-enroll high school dropouts. From any funds appropriated for  
21 the IHOPE Program, the State Board of Education may use up to  
22 5% for administrative costs, including the performance of a  
23 program evaluation and the hiring of staff to implement and  
24 administer the program.

25 The IHOPE Program shall provide incentive grant funds for

1 regional offices of education and a school district organized  
2 under Article 34 of this Code to develop partnerships with  
3 school districts, public community colleges, and community  
4 groups to build comprehensive plans to re-enroll high school  
5 dropouts in their regions or districts.

6 Programs funded through the IHOPE Program shall allow high  
7 school dropouts, up to and including age 21 notwithstanding  
8 Section 26-2 of this Code, to re-enroll in an educational  
9 program in conformance with rules adopted by the State Board of  
10 Education. Programs may include without limitation  
11 comprehensive year-round programming, evening school, summer  
12 school, community college courses, adult education, vocational  
13 training, work experience, programs to enhance self-concept,  
14 and parenting courses. Any student in the IHOPE Program who  
15 wishes to earn a high school diploma must meet the  
16 prerequisites to receiving a high school diploma specified in  
17 Section 27-22 of this Code and any other graduation  
18 requirements of the student's district of residence. Any  
19 student who successfully completes the requirements for his or  
20 her graduation shall receive a diploma identifying the student  
21 as graduating from his or her district of residence.

22 (c) In order to be eligible for funding under the IHOPE  
23 Program, an interested regional office of education or a school  
24 district organized under Article 34 of this Code shall develop  
25 an IHOPE Plan to be approved by the State Board of Education.  
26 The State Board of Education shall develop rules for the IHOPE

1 Program that shall set forth the requirements for the  
2 development of the IHOPE Plan. Each Plan shall involve school  
3 districts, public community colleges, and key community  
4 programs that work with high school dropouts located in an  
5 educational service region or the City of Chicago before the  
6 Plan is sent to the State Board for approval. No funds may be  
7 distributed to a regional office of education or a school  
8 district organized under Article 34 of this Code until the  
9 State Board has approved the Plan.

10 (d) A regional office of education or a school district  
11 organized under Article 34 of this Code may operate its own  
12 program funded by the IHOPE Program or enter into a contract  
13 with other not-for-profit entities, including school  
14 districts, public community colleges, and not-for-profit  
15 community-based organizations, to operate a program.

16 A regional office of education or a school district  
17 organized under Article 34 of this Code that receives an IHOPE  
18 grant from the State Board of Education may provide funds under  
19 a sub-grant, as specified in the IHOPE Plan, to other  
20 not-for-profit entities to provide services according to the  
21 IHOPE Plan that was developed. These other entities may include  
22 school districts, public community colleges, or not-for-profit  
23 community-based organizations or a cooperative partnership  
24 among these entities.

25 (e) In order to distribute funding based upon the need to  
26 ensure delivery of programs that will have the greatest impact,

1 IHOPE Program funding must be distributed based upon the  
2 proportion of dropouts in the educational service region or  
3 school district, in the case of a school district organized  
4 under Article 34 of this Code, to the total number of dropouts  
5 in this State. This formula shall employ the dropout data  
6 provided by school districts to the State Board of Education.

7 A regional office of education or a school district  
8 organized under Article 34 of this Code may claim State aid  
9 under Section 18-8.05 or 18-8.15 of this Code for students  
10 enrolled in a program funded by the IHOPE Program, provided  
11 that the State Board of Education has approved the IHOPE Plan  
12 and that these students are receiving services that are meeting  
13 the requirements of Section 27-22 of this Code for receipt of a  
14 high school diploma and are otherwise eligible to be claimed  
15 for general State aid under Section 18-8.05 of this Code or  
16 evidence-based funding under Section 18-8.15 of this Code,  
17 including provisions related to the minimum number of days of  
18 pupil attendance pursuant to Section 10-19 of this Code and the  
19 minimum number of daily hours of school work and any exceptions  
20 thereto as defined by the State Board of Education in rules.

21 (f) IHOPE categories of programming may include the  
22 following:

23 (1) Full-time programs that are comprehensive,  
24 year-round programs.

25 (2) Part-time programs combining work and study  
26 scheduled at various times that are flexible to the needs

1 of students.

2 (3) Online programs and courses in which students take  
3 courses and complete on-site, supervised tests that  
4 measure the student's mastery of a specific course needed  
5 for graduation. Students may take courses online and earn  
6 credit or students may prepare to take supervised tests for  
7 specific courses for credit leading to receipt of a high  
8 school diploma.

9 (4) Dual enrollment in which students attend high  
10 school classes in combination with community college  
11 classes or students attend community college classes while  
12 simultaneously earning high school credit and eventually a  
13 high school diploma.

14 (g) In order to have successful comprehensive programs  
15 re-enrolling and graduating low-skilled high school dropouts,  
16 programs funded through the IHOPE Program shall include all of  
17 the following components:

18 (1) Small programs (70 to 100 students) at a separate  
19 school site with a distinct identity. Programs may be  
20 larger with specific need and justification, keeping in  
21 mind that it is crucial to keep programs small to be  
22 effective.

23 (2) Specific performance-based goals and outcomes and  
24 measures of enrollment, attendance, skills, credits,  
25 graduation, and the transition to college, training, and  
26 employment.

1           (3) Strong, experienced leadership and teaching staff  
2 who are provided with ongoing professional development.

3           (4) Voluntary enrollment.

4           (5) High standards for student learning, integrating  
5 work experience, and education, including during the  
6 school year and after school, and summer school programs  
7 that link internships, work, and learning.

8           (6) Comprehensive programs providing extensive support  
9 services.

10          (7) Small teams of students supported by full-time paid  
11 mentors who work to retain and help those students  
12 graduate.

13          (8) A comprehensive technology learning center with  
14 Internet access and broad-based curriculum focusing on  
15 academic and career subject areas.

16          (9) Learning opportunities that incorporate action  
17 into study.

18          (h) Programs funded through the IHOPE Program must report  
19 data to the State Board of Education as requested. This  
20 information shall include, but is not limited to, student  
21 enrollment figures, attendance information, course completion  
22 data, graduation information, and post-graduation information,  
23 as available.

24          (i) Rules must be developed by the State Board of Education  
25 to set forth the fund distribution process to regional offices  
26 of education and a school district organized under Article 34

1 of this Code, the planning and the conditions upon which an  
2 IHOPE Plan would be approved by State Board, and other rules to  
3 develop the IHOPE Program.

4 (Source: P.A. 96-106, eff. 7-30-09.)

5 (105 ILCS 5/2-3.80) (from Ch. 122, par. 2-3.80)

6 Sec. 2-3.80. (a) The General Assembly recognizes that  
7 agriculture is the most basic and singularly important industry  
8 in the State, that agriculture is of central importance to the  
9 welfare and economic stability of the State, and that the  
10 maintenance of this vital industry requires a continued source  
11 of trained and qualified individuals for employment in  
12 agriculture and agribusiness. The General Assembly hereby  
13 declares that it is in the best interests of the people of the  
14 State of Illinois that a comprehensive education program in  
15 agriculture be created and maintained by the State's public  
16 school system in order to ensure an adequate supply of trained  
17 and skilled individuals and to ensure appropriate  
18 representation of racial and ethnic groups in all phases of the  
19 industry. It is the intent of the General Assembly that a State  
20 program for agricultural education shall be a part of the  
21 curriculum of the public school system K through adult, and  
22 made readily available to all school districts which may, at  
23 their option, include programs in education in agriculture as a  
24 part of the curriculum of that district.

25 (b) The State Board of Education shall adopt such rules and

1 regulations as are necessary to implement the provisions of  
2 this Section. The rules and regulations shall not create any  
3 new State mandates on school districts as a condition of  
4 receiving federal, State, and local funds by those entities. It  
5 is in the intent of the General Assembly that, although this  
6 Section does not create any new mandates, school districts are  
7 strongly advised to follow the guidelines set forth in this  
8 Section.

9 (c) The State Superintendent of Education shall assume  
10 responsibility for the administration of the State program  
11 adopted under this Section throughout the public school system  
12 as well as the articulation of the State program to the  
13 requirements and mandates of federally assisted education.  
14 There is currently within the State Board of Education an  
15 agricultural education unit to assist school districts in the  
16 establishment and maintenance of educational programs pursuant  
17 to the provisions of this Section. The staffing of the unit  
18 shall at all times be comprised of an appropriate number of  
19 full-time employees who shall serve as program consultants in  
20 agricultural education and shall be available to provide  
21 assistance to school districts. At least one consultant shall  
22 be responsible for the coordination of the State program, as  
23 Head Consultant. At least one consultant shall be responsible  
24 for the coordination of the activities of student and  
25 agricultural organizations and associations.

26 (d) A committee of 13 agriculturalists representative of

1 the various and diverse areas of the agricultural industry in  
2 Illinois shall be established to at least develop a curriculum  
3 and overview the implementation of the Build Illinois through  
4 Quality Agricultural Education plans of the Illinois  
5 Leadership Council for Agricultural Education and to advise the  
6 State Board of Education on vocational agricultural education.  
7 The Committee shall be composed of the following: (6)  
8 agriculturalists representing the Illinois Leadership Council  
9 for Agricultural Education; (2) Secondary Agriculture  
10 Teachers; (1) "Ag In The Classroom" Teacher; (1) Community  
11 College Agriculture Teacher; (1) Adult Agriculture Education  
12 Teacher; (1) University Agriculture Teacher Educator; and (1)  
13 FFA Representative. All members of the Committee shall be  
14 appointed by the Governor by and with the advice and consent of  
15 the Senate. The terms of all members so appointed shall be for  
16 3 years, except that of the members initially appointed, 5  
17 shall be appointed to serve for terms of 1 year, 4 shall be  
18 appointed to serve for terms of 2 years and 4 shall be  
19 appointed to serve for terms of 3 years. All members of the  
20 Committee shall serve until their successors are appointed and  
21 qualified. Vacancies in terms shall be filled by appointment of  
22 the Governor with the advice and consent of the Senate for the  
23 extent of the unexpired term. The State Board of Education  
24 shall implement a Build Illinois through Quality Agricultural  
25 Education plan following receipt of these recommendations  
26 which shall be made available on or before March 31, 1987.

1 Recommendations shall include, but not be limited to, the  
2 development of a curriculum and a strategy for the purpose of  
3 establishing a source of trained and qualified individuals in  
4 agriculture, a strategy for articulating the State program in  
5 agricultural education throughout the public school system,  
6 and a consumer education outreach strategy regarding the  
7 importance of agriculture in Illinois. The committee of  
8 agriculturalists shall serve without compensation.

9 (e) A school district that offers a secondary agricultural  
10 education program that is approved for State and federal  
11 funding must ensure that, at a minimum, all of the following  
12 are available to its secondary agricultural education  
13 students:

14 (1) An instructional sequence of courses approved by  
15 the State Board of Education.

16 (2) A State and nationally affiliated FFA (Future  
17 Farmers of America) chapter that is integral to instruction  
18 and is not treated solely as an extracurricular activity.

19 (3) A mechanism for ensuring the involvement of all  
20 secondary agricultural education students in formal,  
21 supervised, agricultural-experience activities and  
22 programs.

23 Notwithstanding anything to the contrary contained in this  
24 Section, the State Board of Education shall award to a school  
25 district having a population exceeding 500,000 inhabitants  
26 1.1% of the funds appropriated by the General Assembly for any

1 fiscal year for purposes of payment of claims under this  
2 Section.

3 (f) Nothing in this Section may prevent those secondary  
4 agricultural education programs that are in operation before  
5 the effective date of this amendatory Act of the 94th General  
6 Assembly and that do not have an active State and nationally  
7 affiliated FFA chapter from continuing to operate or from  
8 continuing to receive funding from the State Board of  
9 Education.

10 (Source: P.A. 94-855, eff. 1-1-07.)

11 (105 ILCS 5/2-3.84) (from Ch. 122, par. 2-3.84)

12 Sec. 2-3.84. In calculating the amount of State aid to be  
13 apportioned to the various school districts in this State, the  
14 State Board of Education shall incorporate and deduct the total  
15 aggregate adjustments to assessments made by the State Property  
16 Tax Appeal Board or Cook County Board of Appeals, as reported  
17 pursuant to Section 16-15 of the Property Tax Code or Section  
18 129.1 of the Revenue Act of 1939 by the Department of Revenue,  
19 from the equalized assessed valuation that is otherwise to be  
20 utilized in the initial calculation.

21 From the total amount of general State aid or  
22 evidence-based funding to be provided to districts,  
23 adjustments under this Section together with adjustments as a  
24 result of recomputation under Section 2-3.33 must not exceed  
25 \$25 million, in the aggregate for all districts under both

1 Sections combined, of the general State aid or evidence-based  
2 funding appropriation in any fiscal year; if necessary, amounts  
3 shall be prorated among districts. If it is necessary to  
4 prorate claims under this paragraph, then that portion of each  
5 prorated claim that is approved but not paid in the current  
6 fiscal year may be resubmitted as a valid claim in the  
7 following fiscal year.

8 (Source: P.A. 93-845, eff. 7-30-04.)

9 (105 ILCS 5/2-3.109a)

10 Sec. 2-3.109a. Laboratory schools grant eligibility. A  
11 laboratory school as defined in Section 18-8 or 18-8.15 may  
12 apply for and be eligible to receive, subject to the same  
13 restrictions applicable to school districts, any grant  
14 administered by the State Board of Education that is available  
15 for school districts.

16 (Source: P.A. 90-566, eff. 1-2-98.)

17 (105 ILCS 5/3-14.21) (from Ch. 122, par. 3-14.21)

18 Sec. 3-14.21. Inspection of schools.

19 (a) The regional superintendent shall inspect and survey  
20 all public schools under his or her supervision and notify the  
21 board of education, or the trustees of schools in a district  
22 with trustees, in writing before July 30, whether or not the  
23 several schools in their district have been kept as required by  
24 law, using forms provided by the State Board of Education which

1 are based on the Health/Life Safety Code for Public Schools  
2 adopted under Section 2-3.12. The regional superintendent  
3 shall report his or her findings to the State Board of  
4 Education on forms provided by the State Board of Education.

5 (b) If the regional superintendent determines that a school  
6 board has failed in a timely manner to correct urgent items  
7 identified in a previous life-safety report completed under  
8 Section 2-3.12 or as otherwise previously ordered by the  
9 regional superintendent, the regional superintendent shall  
10 order the school board to adopt and submit to the regional  
11 superintendent a plan for the immediate correction of the  
12 building violations. This plan shall be adopted following a  
13 public hearing that is conducted by the school board on the  
14 violations and the plan and that is preceded by at least 7  
15 days' prior notice of the hearing published in a newspaper of  
16 general circulation within the school district. If the regional  
17 superintendent determines in the next annual inspection that  
18 the plan has not been completed and that the violations have  
19 not been corrected, the regional superintendent shall submit a  
20 report to the State Board of Education with a recommendation  
21 that the State Board withhold from payments of general State  
22 aid or evidence-based funding due to the district an amount  
23 necessary to correct the outstanding violations. The State  
24 Board, upon notice to the school board and to the regional  
25 superintendent, shall consider the report at a meeting of the  
26 State Board, and may order that a sufficient amount of general

1 State aid or evidence-based funding be withheld from payments  
2 due to the district to correct the violations. This amount  
3 shall be paid to the regional superintendent who shall contract  
4 on behalf of the school board for the correction of the  
5 outstanding violations.

6 (c) The Office of the State Fire Marshal or a qualified  
7 fire official, as defined in Section 2-3.12 of this Code, to  
8 whom the State Fire Marshal has delegated his or her authority  
9 shall conduct an annual fire safety inspection of each school  
10 building in this State. The State Fire Marshal or the fire  
11 official shall coordinate its inspections with the regional  
12 superintendent. The inspection shall be based on the fire  
13 safety code authorized in Section 2-3.12 of this Code. Any  
14 violations shall be reported in writing to the regional  
15 superintendent and shall reference the specific code sections  
16 where a discrepancy has been identified within 15 days after  
17 the inspection has been conducted. The regional superintendent  
18 shall address those violations that are not corrected in a  
19 timely manner pursuant to subsection (b) of this Section. The  
20 inspection must be at no cost to the school district.

21 (d) If a municipality or, in the case of an unincorporated  
22 area, a county or, if applicable, a fire protection district  
23 wishes to perform new construction inspections under the  
24 jurisdiction of a regional superintendent, then the entity must  
25 register this wish with the regional superintendent. These  
26 inspections must be based on the building code authorized in

1 Section 2-3.12 of this Code. The inspections must be at no cost  
2 to the school district.

3 (Source: P.A. 96-734, eff. 8-25-09.)

4 (105 ILCS 5/7-14A) (from Ch. 122, par. 7-14A)

5 Sec. 7-14A. Annexation compensation. There shall be no  
6 accounting made after a mere change in boundaries when no new  
7 district is created, except that those districts whose  
8 enrollment increases by 90% or more as a result of annexing  
9 territory detached from another district pursuant to this  
10 Article are eligible for supplementary State aid payments in  
11 accordance with Section 11E-135 of this Code. Eligible annexing  
12 districts shall apply to the State Board of Education for  
13 supplementary State aid payments by submitting enrollment  
14 figures for the year immediately preceding and the year  
15 immediately following the effective date of the boundary change  
16 for both the district gaining territory and the district losing  
17 territory. Copies of any intergovernmental agreements between  
18 the district gaining territory and the district losing  
19 territory detailing any transfer of fund balances and staff  
20 must also be submitted. In all instances of changes in  
21 boundaries, the district losing territory shall not count the  
22 average daily attendance of pupils living in the territory  
23 during the year preceding the effective date of the boundary  
24 change in its claim for reimbursement under Section 18-8.05 or  
25 18-8.15 of this Code for the school year following the

1 effective date of the change in boundaries and the district  
2 receiving the territory shall count the average daily  
3 attendance of pupils living in the territory during the year  
4 preceding the effective date of the boundary change in its  
5 claim for reimbursement under Section 18-8.05 or 18-8.15 of  
6 this Code for the school year following the effective date of  
7 the change in boundaries. The changes to this Section made by  
8 this amendatory Act of the 95th General Assembly are intended  
9 to be retroactive and applicable to any annexation taking  
10 effect on or after July 1, 2004.

11 (Source: P.A. 99-657, eff. 7-28-16.)

12 (105 ILCS 5/10-17a) (from Ch. 122, par. 10-17a)

13 Sec. 10-17a. State, school district, and school report  
14 cards.

15 (1) By October 31, 2013 and October 31 of each subsequent  
16 school year, the State Board of Education, through the State  
17 Superintendent of Education, shall prepare a State report card,  
18 school district report cards, and school report cards, and  
19 shall by the most economic means provide to each school  
20 district in this State, including special charter districts and  
21 districts subject to the provisions of Article 34, the report  
22 cards for the school district and each of its schools.

23 (2) In addition to any information required by federal law,  
24 the State Superintendent shall determine the indicators and  
25 presentation of the school report card, which must include, at

1 a minimum, the most current data possessed by the State Board  
2 of Education related to the following:

3 (A) school characteristics and student demographics,  
4 including average class size, average teaching experience,  
5 student racial/ethnic breakdown, and the percentage of  
6 students classified as low-income; the percentage of  
7 students classified as English learners; the percentage of  
8 students who have individualized education plans or 504  
9 plans that provide for special education services; the  
10 percentage of students who annually transferred in or out  
11 of the school district; the per-pupil operating  
12 expenditure of the school district; and the per-pupil State  
13 average operating expenditure for the district type  
14 (elementary, high school, or unit);

15 (B) curriculum information, including, where  
16 applicable, Advanced Placement, International  
17 Baccalaureate or equivalent courses, dual enrollment  
18 courses, foreign language classes, school personnel  
19 resources (including Career Technical Education teachers),  
20 before and after school programs, extracurricular  
21 activities, subjects in which elective classes are  
22 offered, health and wellness initiatives (including the  
23 average number of days of Physical Education per week per  
24 student), approved programs of study, awards received,  
25 community partnerships, and special programs such as  
26 programming for the gifted and talented, students with

1 disabilities, and work-study students;

2 (C) student outcomes, including, where applicable, the  
3 percentage of students deemed proficient on assessments of  
4 State standards, the percentage of students in the eighth  
5 grade who pass Algebra, the percentage of students enrolled  
6 in post-secondary institutions (including colleges,  
7 universities, community colleges, trade/vocational  
8 schools, and training programs leading to career  
9 certification within 2 semesters of high school  
10 graduation), the percentage of students graduating from  
11 high school who are college and career ready, and the  
12 percentage of graduates enrolled in community colleges,  
13 colleges, and universities who are in one or more courses  
14 that the community college, college, or university  
15 identifies as a developmental course;

16 (D) student progress, including, where applicable, the  
17 percentage of students in the ninth grade who have earned 5  
18 credits or more without failing more than one core class, a  
19 measure of students entering kindergarten ready to learn, a  
20 measure of growth, and the percentage of students who enter  
21 high school on track for college and career readiness;

22 (E) the school environment, including, where  
23 applicable, the percentage of students with less than 10  
24 absences in a school year, the percentage of teachers with  
25 less than 10 absences in a school year for reasons other  
26 than professional development, leaves taken pursuant to

1 the federal Family Medical Leave Act of 1993, long-term  
2 disability, or parental leaves, the 3-year average of the  
3 percentage of teachers returning to the school from the  
4 previous year, the number of different principals at the  
5 school in the last 6 years, 2 or more indicators from any  
6 school climate survey selected or approved by the State and  
7 administered pursuant to Section 2-3.153 of this Code, with  
8 the same or similar indicators included on school report  
9 cards for all surveys selected or approved by the State  
10 pursuant to Section 2-3.153 of this Code, and the combined  
11 percentage of teachers rated as proficient or excellent in  
12 their most recent evaluation; ~~and~~

13 (F) a school district's and its individual schools'  
14 balanced accountability measure, in accordance with  
15 Section 2-3.25a of this Code; ~~-~~

16 (G) a school district's Final Percent of Adequacy, as  
17 defined in paragraph (4) of subsection (f) of Section  
18 18-8.15 of this Code;

19 (H) a school district's Local Capacity Target, as  
20 defined in paragraph (2) of subsection (c) of Section  
21 18-8.15 of this Code, displayed as a percentage amount; and

22 (I) a school district's Real Receipts, as defined in  
23 paragraph (1) of subsection (d) of Section 18-8.15 of this  
24 Code, divided by a school district's Adequacy Target, as  
25 defined in paragraph (1) of subsection (b) of Section  
26 18-8.15 of this Code, displayed as a percentage amount.

1           The school report card shall also provide information that  
2 allows for comparing the current outcome, progress, and  
3 environment data to the State average, to the school data from  
4 the past 5 years, and to the outcomes, progress, and  
5 environment of similar schools based on the type of school and  
6 enrollment of low-income students, special education students,  
7 and English learners.

8           (3) At the discretion of the State Superintendent, the  
9 school district report card shall include a subset of the  
10 information identified in paragraphs (A) through (E) of  
11 subsection (2) of this Section, as well as information relating  
12 to the operating expense per pupil and other finances of the  
13 school district, and the State report card shall include a  
14 subset of the information identified in paragraphs (A) through  
15 (E) of subsection (2) of this Section.

16           (4) Notwithstanding anything to the contrary in this  
17 Section, in consultation with key education stakeholders, the  
18 State Superintendent shall at any time have the discretion to  
19 amend or update any and all metrics on the school, district, or  
20 State report card.

21           (5) Annually, no more than 30 calendar days after receipt  
22 of the school district and school report cards from the State  
23 Superintendent of Education, each school district, including  
24 special charter districts and districts subject to the  
25 provisions of Article 34, shall present such report cards at a  
26 regular school board meeting subject to applicable notice

1 requirements, post the report cards on the school district's  
2 Internet web site, if the district maintains an Internet web  
3 site, make the report cards available to a newspaper of general  
4 circulation serving the district, and, upon request, send the  
5 report cards home to a parent (unless the district does not  
6 maintain an Internet web site, in which case the report card  
7 shall be sent home to parents without request). If the district  
8 posts the report card on its Internet web site, the district  
9 shall send a written notice home to parents stating (i) that  
10 the report card is available on the web site, (ii) the address  
11 of the web site, (iii) that a printed copy of the report card  
12 will be sent to parents upon request, and (iv) the telephone  
13 number that parents may call to request a printed copy of the  
14 report card.

15 (6) Nothing contained in this amendatory Act of the 98th  
16 General Assembly repeals, supersedes, invalidates, or  
17 nullifies final decisions in lawsuits pending on the effective  
18 date of this amendatory Act of the 98th General Assembly in  
19 Illinois courts involving the interpretation of Public Act  
20 97-8.

21 (Source: P.A. 98-463, eff. 8-16-13; 98-648, eff. 7-1-14; 99-30,  
22 eff. 7-10-15; 99-193, eff. 7-30-15; 99-642, eff. 7-28-16.)

23 (105 ILCS 5/10-19) (from Ch. 122, par. 10-19)

24 Sec. 10-19. Length of school term - experimental programs.  
25 Each school board shall annually prepare a calendar for the

1 school term, specifying the opening and closing dates and  
2 providing a minimum term of at least 185 days to insure 176  
3 days of actual pupil attendance, computable under Section  
4 18-8.05 or 18-8.15, except that for the 1980-1981 school year  
5 only 175 days of actual pupil attendance shall be required  
6 because of the closing of schools pursuant to Section 24-2 on  
7 January 29, 1981 upon the appointment by the President of that  
8 day as a day of thanksgiving for the freedom of the Americans  
9 who had been held hostage in Iran. Any days allowed by law for  
10 teachers' institutes but not used as such or used as parental  
11 institutes as provided in Section 10-22.18d shall increase the  
12 minimum term by the school days not so used. Except as provided  
13 in Section 10-19.1, the board may not extend the school term  
14 beyond such closing date unless that extension of term is  
15 necessary to provide the minimum number of computable days. In  
16 case of such necessary extension school employees shall be paid  
17 for such additional time on the basis of their regular  
18 contracts. A school board may specify a closing date earlier  
19 than that set on the annual calendar when the schools of the  
20 district have provided the minimum number of computable days  
21 under this Section. Nothing in this Section prevents the board  
22 from employing superintendents of schools, principals and  
23 other nonteaching personnel for a period of 12 months, or in  
24 the case of superintendents for a period in accordance with  
25 Section 10-23.8, or prevents the board from employing other  
26 personnel before or after the regular school term with payment

1 of salary proportionate to that received for comparable work  
2 during the school term.

3 A school board may make such changes in its calendar for  
4 the school term as may be required by any changes in the legal  
5 school holidays prescribed in Section 24-2. A school board may  
6 make changes in its calendar for the school term as may be  
7 necessary to reflect the utilization of teachers' institute  
8 days as parental institute days as provided in Section  
9 10-22.18d.

10 The calendar for the school term and any changes must be  
11 submitted to and approved by the regional superintendent of  
12 schools before the calendar or changes may take effect.

13 With the prior approval of the State Board of Education and  
14 subject to review by the State Board of Education every 3  
15 years, any school board may, by resolution of its board and in  
16 agreement with affected exclusive collective bargaining  
17 agents, establish experimental educational programs, including  
18 but not limited to programs for e-learning days as authorized  
19 under Section 10-20.56 of this Code, self-directed learning, or  
20 outside of formal class periods, which programs when so  
21 approved shall be considered to comply with the requirements of  
22 this Section as respects numbers of days of actual pupil  
23 attendance and with the other requirements of this Act as  
24 respects courses of instruction.

25 (Source: P.A. 98-756, eff. 7-16-14; 99-194, eff. 7-30-15.)

1 (105 ILCS 5/10-22.5a) (from Ch. 122, par. 10-22.5a)

2 Sec. 10-22.5a. Attendance by dependents of United States  
3 military personnel, foreign exchange students, and certain  
4 nonresident pupils.

5 (a) To enter into written agreements with cultural exchange  
6 organizations, or with nationally recognized eleemosynary  
7 institutions that promote excellence in the arts, mathematics,  
8 or science. The written agreements may provide for tuition free  
9 attendance at the local district school by foreign exchange  
10 students, or by nonresident pupils of eleemosynary  
11 institutions. The local board of education, as part of the  
12 agreement, may require that the cultural exchange program or  
13 the eleemosynary institutions provide services to the district  
14 in exchange for the waiver of nonresident tuition.

15 To enter into written agreements with adjacent school  
16 districts to provide for tuition free attendance by a student  
17 of the adjacent district when requested for the student's  
18 health and safety by the student or parent and both districts  
19 determine that the student's health or safety will be served by  
20 such attendance. Districts shall not be required to enter into  
21 such agreements nor be required to alter existing  
22 transportation services due to the attendance of such  
23 non-resident pupils.

24 (a-5) If, at the time of enrollment, a dependent of United  
25 States military personnel is housed in temporary housing  
26 located outside of a school district, but will be living within

1 the district within 60 days after the time of initial  
2 enrollment, the dependent must be allowed to enroll, subject to  
3 the requirements of this subsection (a-5), and must not be  
4 charged tuition. Any United States military personnel  
5 attempting to enroll a dependent under this subsection (a-5)  
6 shall provide proof that the dependent will be living within  
7 the district within 60 days after the time of initial  
8 enrollment. Proof of residency may include, but is not limited  
9 to, postmarked mail addressed to the military personnel and  
10 sent to an address located within the district, a lease  
11 agreement for occupancy of a residence located within the  
12 district, or proof of ownership of a residence located within  
13 the district.

14 (b) Nonresident pupils and foreign exchange students  
15 attending school on a tuition free basis under such agreements  
16 and nonresident dependents of United States military personnel  
17 attending school on a tuition free basis may be counted for the  
18 purposes of determining the apportionment of State aid provided  
19 under Section 18-8.05 or 18-8.15 of this Code. No organization  
20 or institution participating in agreements authorized under  
21 this Section may exclude any individual for participation in  
22 its program on account of the person's race, color, sex,  
23 religion or nationality.

24 (Source: P.A. 98-739, eff. 7-16-14.)

1           Sec. 10-22.20. Classes for adults and youths whose  
2 schooling has been interrupted; conditions for State  
3 reimbursement; use of child care facilities.

4           (a) To establish special classes for the instruction (1) of  
5 persons of age 21 years or over and (2) of persons less than  
6 age 21 and not otherwise in attendance in public school, for  
7 the purpose of providing adults in the community and youths  
8 whose schooling has been interrupted with such additional basic  
9 education, vocational skill training, and other instruction as  
10 may be necessary to increase their qualifications for  
11 employment or other means of self-support and their ability to  
12 meet their responsibilities as citizens, including courses of  
13 instruction regularly accepted for graduation from elementary  
14 or high schools and for Americanization and high school  
15 equivalency testing review classes.

16           The board shall pay the necessary expenses of such classes  
17 out of school funds of the district, including costs of student  
18 transportation and such facilities or provision for child-care  
19 as may be necessary in the judgment of the board to permit  
20 maximum utilization of the courses by students with children,  
21 and other special needs of the students directly related to  
22 such instruction. The expenses thus incurred shall be subject  
23 to State reimbursement, as provided in this Section. The board  
24 may make a tuition charge for persons taking instruction who  
25 are not subject to State reimbursement, such tuition charge not  
26 to exceed the per capita cost of such classes.

1           The cost of such instruction, including the additional  
2 expenses herein authorized, incurred for recipients of  
3 financial aid under the Illinois Public Aid Code, or for  
4 persons for whom education and training aid has been authorized  
5 under Section 9-8 of that Code, shall be assumed in its  
6 entirety from funds appropriated by the State to the Illinois  
7 Community College Board.

8           (b) The Illinois Community College Board shall establish  
9 the standards for the courses of instruction reimbursed under  
10 this Section. The Illinois Community College Board shall  
11 supervise the administration of the programs. The Illinois  
12 Community College Board shall determine the cost of instruction  
13 in accordance with standards established by the Illinois  
14 Community College Board, including therein other incidental  
15 costs as herein authorized, which shall serve as the basis of  
16 State reimbursement in accordance with the provisions of this  
17 Section. In the approval of programs and the determination of  
18 the cost of instruction, the Illinois Community College Board  
19 shall provide for the maximum utilization of federal funds for  
20 such programs. The Illinois Community College Board shall also  
21 provide for:

22           (1) the development of an index of need for program  
23 planning and for area funding allocations, as defined by  
24 the Illinois Community College Board;

25           (2) the method for calculating hours of instruction, as  
26 defined by the Illinois Community College Board, claimable

1 for reimbursement and a method to phase in the calculation  
2 and for adjusting the calculations in cases where the  
3 services of a program are interrupted due to circumstances  
4 beyond the control of the program provider;

5 (3) a plan for the reallocation of funds to increase  
6 the amount allocated for grants based upon program  
7 performance as set forth in subsection (d) below; and

8 (4) the development of standards for determining  
9 grants based upon performance as set forth in subsection  
10 (d) below and a plan for the phased-in implementation of  
11 those standards.

12 For instruction provided by school districts and community  
13 college districts beginning July 1, 1996 and thereafter,  
14 reimbursement provided by the Illinois Community College Board  
15 for classes authorized by this Section shall be provided from  
16 funds appropriated for the reimbursement criteria set forth in  
17 subsection (c) below.

18 (c) Upon the annual approval of the Illinois Community  
19 College Board, reimbursement shall be first provided for  
20 transportation, child care services, and other special needs of  
21 the students directly related to instruction and then from the  
22 funds remaining an amount equal to the product of the total  
23 credit hours or units of instruction approved by the Illinois  
24 Community College Board, multiplied by the following:

25 (1) For adult basic education, the maximum  
26 reimbursement per credit hour or per unit of instruction

1 shall be equal to (i) through fiscal year 2017, the general  
2 state aid per pupil foundation level established in  
3 subsection (B) of Section 18-8.05, divided by 60, or (ii)  
4 in fiscal year 2018 and thereafter, the prior fiscal year  
5 reimbursement level multiplied by the Consumer Price Index  
6 for All Urban Consumers for all items published by the  
7 United States Department of Labor;

8 (2) The maximum reimbursement per credit hour or per  
9 unit of instruction in subparagraph (1) above shall be  
10 weighted for students enrolled in classes defined as  
11 vocational skills and approved by the Illinois Community  
12 College Board by 1.25;

13 (3) The maximum reimbursement per credit hour or per  
14 unit of instruction in subparagraph (1) above shall be  
15 multiplied by .90 for students enrolled in classes defined  
16 as adult secondary education programs and approved by the  
17 Illinois Community College Board;

18 (4) (Blank); and

19 (5) Funding for program years after 1999-2000 shall be  
20 determined by the Illinois Community College Board.

21 (d) Upon its annual approval, the Illinois Community  
22 College Board shall provide grants to eligible programs for  
23 supplemental activities to improve or expand services under the  
24 Adult Education Act. Eligible programs shall be determined  
25 based upon performance outcomes of students in the programs as  
26 set by the Illinois Community College Board.

1 (e) Reimbursement under this Section shall not exceed the  
2 actual costs of the approved program.

3 If the amount appropriated to the Illinois Community  
4 College Board for reimbursement under this Section is less than  
5 the amount required under this Act, the apportionment shall be  
6 proportionately reduced.

7 School districts and community college districts may  
8 assess students up to \$3.00 per credit hour, for classes other  
9 than Adult Basic Education level programs, if needed to meet  
10 program costs.

11 (f) An education plan shall be established for each adult  
12 or youth whose schooling has been interrupted and who is  
13 participating in the instructional programs provided under  
14 this Section.

15 Each school board and community college shall keep an  
16 accurate and detailed account of the students assigned to and  
17 receiving instruction under this Section who are subject to  
18 State reimbursement and shall submit reports of services  
19 provided commencing with fiscal year 1997 as required by the  
20 Illinois Community College Board.

21 For classes authorized under this Section, a credit hour or  
22 unit of instruction is equal to 15 hours of direct instruction  
23 for students enrolled in approved adult education programs at  
24 midterm and making satisfactory progress, in accordance with  
25 standards established by the Illinois Community College Board.

26 (g) Upon proof submitted to the Illinois Department of

1 Human Services of the payment of all claims submitted under  
2 this Section, that Department shall apply for federal funds  
3 made available therefor and any federal funds so received shall  
4 be paid into the General Revenue Fund in the State Treasury.

5 School districts or community colleges providing classes  
6 under this Section shall submit applications to the Illinois  
7 Community College Board for preapproval in accordance with the  
8 standards established by the Illinois Community College Board.  
9 Payments shall be made by the Illinois Community College Board  
10 based upon approved programs. Interim expenditure reports may  
11 be required by the Illinois Community College Board. Final  
12 claims for the school year shall be submitted to the regional  
13 superintendents for transmittal to the Illinois Community  
14 College Board. Final adjusted payments shall be made by  
15 September 30.

16 If a school district or community college district fails to  
17 provide, or is providing unsatisfactory or insufficient  
18 classes under this Section, the Illinois Community College  
19 Board may enter into agreements with public or private  
20 educational or other agencies other than the public schools for  
21 the establishment of such classes.

22 (h) If a school district or community college district  
23 establishes child-care facilities for the children of  
24 participants in classes established under this Section, it may  
25 extend the use of these facilities to students who have  
26 obtained employment and to other persons in the community whose

1 children require care and supervision while the parent or other  
2 person in charge of the children is employed or otherwise  
3 absent from the home during all or part of the day. It may make  
4 the facilities available before and after as well as during  
5 regular school hours to school age and preschool age children  
6 who may benefit thereby, including children who require care  
7 and supervision pending the return of their parent or other  
8 person in charge of their care from employment or other  
9 activity requiring absence from the home.

10 The Illinois Community College Board shall pay to the board  
11 the cost of care in the facilities for any child who is a  
12 recipient of financial aid under the Illinois Public Aid Code.

13 The board may charge for care of children for whom it  
14 cannot make claim under the provisions of this Section. The  
15 charge shall not exceed per capita cost, and to the extent  
16 feasible, shall be fixed at a level which will permit  
17 utilization by employed parents of low or moderate income. It  
18 may also permit any other State or local governmental agency or  
19 private agency providing care for children to purchase care.

20 After July 1, 1970 when the provisions of Section 10-20.20  
21 become operative in the district, children in a child-care  
22 facility shall be transferred to the kindergarten established  
23 under that Section for such portion of the day as may be  
24 required for the kindergarten program, and only the prorated  
25 costs of care and training provided in the Center for the  
26 remaining period shall be charged to the Illinois Department of

1 Human Services or other persons or agencies paying for such  
2 care.

3 (i) The provisions of this Section shall also apply to  
4 school districts having a population exceeding 500,000.

5 (j) In addition to claiming reimbursement under this  
6 Section, a school district may claim general State aid under  
7 Section 18-8.05 or evidence-based funding under Section  
8 18-8.15 for any student under age 21 who is enrolled in courses  
9 accepted for graduation from elementary or high school and who  
10 otherwise meets the requirements of Section 18-8.05 or 18-8.15,  
11 as applicable.

12 (Source: P.A. 98-718, eff. 1-1-15.)

13 (105 ILCS 5/10-29)

14 Sec. 10-29. Remote educational programs.

15 (a) For purposes of this Section, "remote educational  
16 program" means an educational program delivered to students in  
17 the home or other location outside of a school building that  
18 meets all of the following criteria:

19 (1) A student may participate in the program only after  
20 the school district, pursuant to adopted school board  
21 policy, and a person authorized to enroll the student under  
22 Section 10-20.12b of this Code determine that a remote  
23 educational program will best serve the student's  
24 individual learning needs. The adopted school board policy  
25 shall include, but not be limited to, all of the following:

1           (A) Criteria for determining that a remote  
2 educational program will best serve a student's  
3 individual learning needs. The criteria must include  
4 consideration of, at a minimum, a student's prior  
5 attendance, disciplinary record, and academic history.

6           (B) Any limitations on the number of students or  
7 grade levels that may participate in a remote  
8 educational program.

9           (C) A description of the process that the school  
10 district will use to approve participation in the  
11 remote educational program. The process must include  
12 without limitation a requirement that, for any student  
13 who qualifies to receive services pursuant to the  
14 federal Individuals with Disabilities Education  
15 Improvement Act of 2004, the student's participation  
16 in a remote educational program receive prior approval  
17 from the student's individualized education program  
18 team.

19           (D) A description of the process the school  
20 district will use to develop and approve a written  
21 remote educational plan that meets the requirements of  
22 subdivision (5) of this subsection (a).

23           (E) A description of the system the school district  
24 will establish to calculate the number of clock hours a  
25 student is participating in instruction in accordance  
26 with the remote educational program.

1 (F) A description of the process for renewing a  
2 remote educational program at the expiration of its  
3 term.

4 (G) Such other terms and provisions as the school  
5 district deems necessary to provide for the  
6 establishment and delivery of a remote educational  
7 program.

8 (2) The school district has determined that the remote  
9 educational program's curriculum is aligned to State  
10 learning standards and that the program offers instruction  
11 and educational experiences consistent with those given to  
12 students at the same grade level in the district.

13 (3) The remote educational program is delivered by  
14 instructors that meet the following qualifications:

15 (A) they are certificated under Article 21 of this  
16 Code;

17 (B) they meet applicable highly qualified criteria  
18 under the federal No Child Left Behind Act of 2001; and

19 (C) they have responsibility for all of the  
20 following elements of the program: planning  
21 instruction, diagnosing learning needs, prescribing  
22 content delivery through class activities, assessing  
23 learning, reporting outcomes to administrators and  
24 parents and guardians, and evaluating the effects of  
25 instruction.

26 (4) During the period of time from and including the

1 opening date to the closing date of the regular school term  
2 of the school district established pursuant to Section  
3 10-19 of this Code, participation in a remote educational  
4 program may be claimed for general State aid purposes under  
5 Section 18-8.05 of this Code or evidence-based funding  
6 purposes under Section 18-8.15 of this Code on any calendar  
7 day, notwithstanding whether the day is a day of pupil  
8 attendance or institute day on the school district's  
9 calendar or any other provision of law restricting  
10 instruction on that day. If the district holds year-round  
11 classes in some buildings, the district shall classify each  
12 student's participation in a remote educational program as  
13 either on a year-round or a non-year-round schedule for  
14 purposes of claiming general State aid or evidence-based  
15 funding. Outside of the regular school term of the  
16 district, the remote educational program may be offered as  
17 part of any summer school program authorized by this Code.

18 (5) Each student participating in a remote educational  
19 program must have a written remote educational plan that  
20 has been approved by the school district and a person  
21 authorized to enroll the student under Section 10-20.12b of  
22 this Code. The school district and a person authorized to  
23 enroll the student under Section 10-20.12b of this Code  
24 must approve any amendment to a remote educational plan.  
25 The remote educational plan must include, but is not  
26 limited to, all of the following:

1           (A) Specific achievement goals for the student  
2 aligned to State learning standards.

3           (B) A description of all assessments that will be  
4 used to measure student progress, which description  
5 shall indicate the assessments that will be  
6 administered at an attendance center within the school  
7 district.

8           (C) A description of the progress reports that will  
9 be provided to the school district and the person or  
10 persons authorized to enroll the student under Section  
11 10-20.12b of this Code.

12           (D) Expectations, processes, and schedules for  
13 interaction between a teacher and student.

14           (E) A description of the specific responsibilities  
15 of the student's family and the school district with  
16 respect to equipment, materials, phone and Internet  
17 service, and any other requirements applicable to the  
18 home or other location outside of a school building  
19 necessary for the delivery of the remote educational  
20 program.

21           (F) If applicable, a description of how the remote  
22 educational program will be delivered in a manner  
23 consistent with the student's individualized education  
24 program required by Section 614(d) of the federal  
25 Individuals with Disabilities Education Improvement  
26 Act of 2004 or plan to ensure compliance with Section

1 504 of the federal Rehabilitation Act of 1973.

2 (G) A description of the procedures and  
3 opportunities for participation in academic and  
4 extra-curricular activities and programs within the  
5 school district.

6 (H) The identification of a parent, guardian, or  
7 other responsible adult who will provide direct  
8 supervision of the program. The plan must include an  
9 acknowledgment by the parent, guardian, or other  
10 responsible adult that he or she may engage only in  
11 non-teaching duties not requiring instructional  
12 judgment or the evaluation of a student. The plan shall  
13 designate the parent, guardian, or other responsible  
14 adult as non-teaching personnel or volunteer personnel  
15 under subsection (a) of Section 10-22.34 of this Code.

16 (I) The identification of a school district  
17 administrator who will oversee the remote educational  
18 program on behalf of the school district and who may be  
19 contacted by the student's parents with respect to any  
20 issues or concerns with the program.

21 (J) The term of the student's participation in the  
22 remote educational program, which may not extend for  
23 longer than 12 months, unless the term is renewed by  
24 the district in accordance with subdivision (7) of this  
25 subsection (a).

26 (K) A description of the specific location or

1 locations in which the program will be delivered. If  
2 the remote educational program is to be delivered to a  
3 student in any location other than the student's home,  
4 the plan must include a written determination by the  
5 school district that the location will provide a  
6 learning environment appropriate for the delivery of  
7 the program. The location or locations in which the  
8 program will be delivered shall be deemed a long  
9 distance teaching reception area under subsection (a)  
10 of Section 10-22.34 of this Code.

11 (L) Certification by the school district that the  
12 plan meets all other requirements of this Section.

13 (6) Students participating in a remote educational  
14 program must be enrolled in a school district attendance  
15 center pursuant to the school district's enrollment policy  
16 or policies. A student participating in a remote  
17 educational program must be tested as part of all  
18 assessments administered by the school district pursuant  
19 to Section 2-3.64a-5 of this Code at the attendance center  
20 in which the student is enrolled and in accordance with the  
21 attendance center's assessment policies and schedule. The  
22 student must be included within all accountability  
23 determinations for the school district and attendance  
24 center under State and federal law.

25 (7) The term of a student's participation in a remote  
26 educational program may not extend for longer than 12

1 months, unless the term is renewed by the school district.  
2 The district may only renew a student's participation in a  
3 remote educational program following an evaluation of the  
4 student's progress in the program, a determination that the  
5 student's continuation in the program will best serve the  
6 student's individual learning needs, and an amendment to  
7 the student's written remote educational plan addressing  
8 any changes for the upcoming term of the program.

9 For purposes of this Section, a remote educational program  
10 does not include instruction delivered to students through an  
11 e-learning program approved under Section 10-20.56 of this  
12 Code.

13 (b) A school district may, by resolution of its school  
14 board, establish a remote educational program.

15 (c) Clock hours of instruction by students in a remote  
16 educational program meeting the requirements of this Section  
17 may be claimed by the school district and shall be counted as  
18 school work for general State aid purposes in accordance with  
19 and subject to the limitations of Section 18-8.05 of this Code  
20 or evidence-based funding purposes in accordance with and  
21 subject to the limitations of Section 18-8.15 of this Code.

22 (d) The impact of remote educational programs on wages,  
23 hours, and terms and conditions of employment of educational  
24 employees within the school district shall be subject to local  
25 collective bargaining agreements.

26 (e) The use of a home or other location outside of a school

1 building for a remote educational program shall not cause the  
2 home or other location to be deemed a public school facility.

3 (f) A remote educational program may be used, but is not  
4 required, for instruction delivered to a student in the home or  
5 other location outside of a school building that is not claimed  
6 for general State aid purposes under Section 18-8.05 of this  
7 Code or evidence-based funding purposes under Section 18-8.15  
8 of this Code.

9 (g) School districts that, pursuant to this Section, adopt  
10 a policy for a remote educational program must submit to the  
11 State Board of Education a copy of the policy and any  
12 amendments thereto, as well as data on student participation in  
13 a format specified by the State Board of Education. The State  
14 Board of Education may perform or contract with an outside  
15 entity to perform an evaluation of remote educational programs  
16 in this State.

17 (h) The State Board of Education may adopt any rules  
18 necessary to ensure compliance by remote educational programs  
19 with the requirements of this Section and other applicable  
20 legal requirements.

21 (Source: P.A. 98-972, eff. 8-15-14; 99-193, eff. 7-30-15;  
22 99-194, eff. 7-30-15; 99-642, eff. 7-28-16.)

23 (105 ILCS 5/11E-135)

24 Sec. 11E-135. Incentives. For districts reorganizing under  
25 this Article and for a district or districts that annex all of

1 the territory of one or more entire other school districts in  
2 accordance with Article 7 of this Code, the following payments  
3 shall be made from appropriations made for these purposes:

4 (a) (1) For a combined school district, as defined in  
5 Section 11E-20 of this Code, or for a unit district, as defined  
6 in Section 11E-25 of this Code, for its first year of  
7 existence, the general State aid and supplemental general State  
8 aid calculated under Section 18-8.05 of this Code or the  
9 evidence-based funding calculated under Section 18-8.15 of  
10 this Code, as applicable, shall be computed for the new  
11 district and for the previously existing districts for which  
12 property is totally included within the new district. If the  
13 computation on the basis of the previously existing districts  
14 is greater, a supplementary payment equal to the difference  
15 shall be made for the first 4 years of existence of the new  
16 district.

17 (2) For a school district that annexes all of the territory  
18 of one or more entire other school districts as defined in  
19 Article 7 of this Code, for the first year during which the  
20 change of boundaries attributable to the annexation becomes  
21 effective for all purposes, as determined under Section 7-9 of  
22 this Code, the general State aid and supplemental general State  
23 aid calculated under Section 18-8.05 of this Code or the  
24 evidence-based funding calculated under Section 18-8.15 of  
25 this Code, as applicable, shall be computed for the annexing  
26 district as constituted after the annexation and for the

1 annexing and each annexed district as constituted prior to the  
2 annexation; and if the computation on the basis of the annexing  
3 and annexed districts as constituted prior to the annexation is  
4 greater, then a supplementary payment equal to the difference  
5 shall be made for the first 4 years of existence of the  
6 annexing school district as constituted upon the annexation.

7 (3) For 2 or more school districts that annex all of the  
8 territory of one or more entire other school districts, as  
9 defined in Article 7 of this Code, for the first year during  
10 which the change of boundaries attributable to the annexation  
11 becomes effective for all purposes, as determined under Section  
12 7-9 of this Code, the general State aid and supplemental  
13 general State aid calculated under Section 18-8.05 of this Code  
14 or the evidence-based funding calculated under Section 18-8.15  
15 of this Code, as applicable, shall be computed for each  
16 annexing district as constituted after the annexation and for  
17 each annexing and annexed district as constituted prior to the  
18 annexation; and if the aggregate of the general State aid and  
19 supplemental general State aid or evidence-based funding, as  
20 applicable, as so computed for the annexing districts as  
21 constituted after the annexation is less than the aggregate of  
22 the general State aid and supplemental general State aid or  
23 evidence-based funding, as applicable, as so computed for the  
24 annexing and annexed districts, as constituted prior to the  
25 annexation, then a supplementary payment equal to the  
26 difference shall be made and allocated between or among the

1 annexing districts, as constituted upon the annexation, for the  
2 first 4 years of their existence. The total difference payment  
3 shall be allocated between or among the annexing districts in  
4 the same ratio as the pupil enrollment from that portion of the  
5 annexed district or districts that is annexed to each annexing  
6 district bears to the total pupil enrollment from the entire  
7 annexed district or districts, as such pupil enrollment is  
8 determined for the school year last ending prior to the date  
9 when the change of boundaries attributable to the annexation  
10 becomes effective for all purposes. The amount of the total  
11 difference payment and the amount thereof to be allocated to  
12 the annexing districts shall be computed by the State Board of  
13 Education on the basis of pupil enrollment and other data that  
14 shall be certified to the State Board of Education, on forms  
15 that it shall provide for that purpose, by the regional  
16 superintendent of schools for each educational service region  
17 in which the annexing and annexed districts are located.

18 (4) For a school district conversion, as defined in Section  
19 11E-15 of this Code, or a multi-unit conversion, as defined in  
20 subsection (b) of Section 11E-30 of this Code, if in their  
21 first year of existence the newly created elementary districts  
22 and the newly created high school district, from a school  
23 district conversion, or the newly created elementary district  
24 or districts and newly created combined high school - unit  
25 district, from a multi-unit conversion, qualify for less  
26 general State aid under Section 18-8.05 of this Code or

1 evidence-based funding under Section 18-8.15 of this Code than  
2 would have been payable under Section 18-8.05 or 18-8.15, as  
3 applicable, for that same year to the previously existing  
4 districts, then a supplementary payment equal to that  
5 difference shall be made for the first 4 years of existence of  
6 the newly created districts. The aggregate amount of each  
7 supplementary payment shall be allocated among the newly  
8 created districts in the proportion that the deemed pupil  
9 enrollment in each district during its first year of existence  
10 bears to the actual aggregate pupil enrollment in all of the  
11 districts during their first year of existence. For purposes of  
12 each allocation:

13 (A) the deemed pupil enrollment of the newly created  
14 high school district from a school district conversion  
15 shall be an amount equal to its actual pupil enrollment for  
16 its first year of existence multiplied by 1.25;

17 (B) the deemed pupil enrollment of each newly created  
18 elementary district from a school district conversion  
19 shall be an amount equal to its actual pupil enrollment for  
20 its first year of existence reduced by an amount equal to  
21 the product obtained when the amount by which the newly  
22 created high school district's deemed pupil enrollment  
23 exceeds its actual pupil enrollment for its first year of  
24 existence is multiplied by a fraction, the numerator of  
25 which is the actual pupil enrollment of the newly created  
26 elementary district for its first year of existence and the

1 denominator of which is the actual aggregate pupil  
2 enrollment of all of the newly created elementary districts  
3 for their first year of existence;

4 (C) the deemed high school pupil enrollment of the  
5 newly created combined high school - unit district from a  
6 multi-unit conversion shall be an amount equal to its  
7 actual grades 9 through 12 pupil enrollment for its first  
8 year of existence multiplied by 1.25; and

9 (D) the deemed elementary pupil enrollment of each  
10 newly created district from a multi-unit conversion shall  
11 be an amount equal to each district's actual grade K  
12 through 8 pupil enrollment for its first year of existence,  
13 reduced by an amount equal to the product obtained when the  
14 amount by which the newly created combined high school -  
15 unit district's deemed high school pupil enrollment  
16 exceeds its actual grade 9 through 12 pupil enrollment for  
17 its first year of existence is multiplied by a fraction,  
18 the numerator of which is the actual grade K through 8  
19 pupil enrollment of each newly created district for its  
20 first year of existence and the denominator of which is the  
21 actual aggregate grade K through 8 pupil enrollment of all  
22 such newly created districts for their first year of  
23 existence.

24 The aggregate amount of each supplementary payment under  
25 this subdivision (4) and the amount thereof to be allocated to  
26 the newly created districts shall be computed by the State

1 Board of Education on the basis of pupil enrollment and other  
2 data, which shall be certified to the State Board of Education,  
3 on forms that it shall provide for that purpose, by the  
4 regional superintendent of schools for each educational  
5 service region in which the newly created districts are  
6 located.

7 (5) For a partial elementary unit district, as defined in  
8 subsection (a) or (c) of Section 11E-30 of this Code, if, in  
9 the first year of existence, the newly created partial  
10 elementary unit district qualifies for less general State aid  
11 and supplemental general State aid under Section 18-8.05 of  
12 this Code or less evidence-based funding under Section 18-8.15  
13 of this Code, as applicable, than would have been payable under  
14 those Sections ~~that Section~~ for that same year to the  
15 previously existing districts that formed the partial  
16 elementary unit district, then a supplementary payment equal to  
17 that difference shall be made to the partial elementary unit  
18 district for the first 4 years of existence of that newly  
19 created district.

20 (6) For an elementary opt-in, as described in subsection  
21 (d) of Section 11E-30 of this Code, the general State aid or  
22 evidence-based funding difference shall be computed in  
23 accordance with paragraph (5) of this subsection (a) as if the  
24 elementary opt-in was included in an optional elementary unit  
25 district at the optional elementary unit district's original  
26 effective date. If the calculation in this paragraph (6) is

1 less than that calculated in paragraph (5) of this subsection  
2 (a) at the optional elementary unit district's original  
3 effective date, then no adjustments may be made. If the  
4 calculation in this paragraph (6) is more than that calculated  
5 in paragraph (5) of this subsection (a) at the optional  
6 elementary unit district's original effective date, then the  
7 excess must be paid as follows:

8 (A) If the effective date for the elementary opt-in is  
9 one year after the effective date for the optional  
10 elementary unit district, 100% of the calculated excess  
11 shall be paid to the optional elementary unit district in  
12 each of the first 4 years after the effective date of the  
13 elementary opt-in.

14 (B) If the effective date for the elementary opt-in is  
15 2 years after the effective date for the optional  
16 elementary unit district, 75% of the calculated excess  
17 shall be paid to the optional elementary unit district in  
18 each of the first 4 years after the effective date of the  
19 elementary opt-in.

20 (C) If the effective date for the elementary opt-in is  
21 3 years after the effective date for the optional  
22 elementary unit district, 50% of the calculated excess  
23 shall be paid to the optional elementary unit district in  
24 each of the first 4 years after the effective date of the  
25 elementary opt-in.

26 (D) If the effective date for the elementary opt-in is

1 4 years after the effective date for the optional  
2 elementary unit district, 25% of the calculated excess  
3 shall be paid to the optional elementary unit district in  
4 each of the first 4 years after the effective date of the  
5 elementary opt-in.

6 (E) If the effective date for the elementary opt-in is  
7 5 years after the effective date for the optional  
8 elementary unit district, the optional elementary unit  
9 district is not eligible for any additional incentives due  
10 to the elementary opt-in.

11 (6.5) For a school district that annexes territory detached  
12 from another school district whereby the enrollment of the  
13 annexing district increases by 90% or more as a result of the  
14 annexation, for the first year during which the change of  
15 boundaries attributable to the annexation becomes effective  
16 for all purposes as determined under Section 7-9 of this Code,  
17 the general State aid and supplemental general State aid or  
18 evidence-based funding, as applicable, calculated under this  
19 Section shall be computed for the district gaining territory  
20 and the district losing territory as constituted after the  
21 annexation and for the same districts as constituted prior to  
22 the annexation; and if the aggregate of the general State aid  
23 and supplemental general State aid or evidence-based funding,  
24 as applicable, as so computed for the district gaining  
25 territory and the district losing territory as constituted  
26 after the annexation is less than the aggregate of the general

1 State aid and supplemental general State aid or evidence-based  
2 funding, as applicable, as so computed for the district gaining  
3 territory and the district losing territory as constituted  
4 prior to the annexation, then a supplementary payment shall be  
5 made to the annexing district for the first 4 years of  
6 existence after the annexation, equal to the difference  
7 multiplied by the ratio of student enrollment in the territory  
8 detached to the total student enrollment in the district losing  
9 territory for the year prior to the effective date of the  
10 annexation. The amount of the total difference and the  
11 proportion paid to the annexing district shall be computed by  
12 the State Board of Education on the basis of pupil enrollment  
13 and other data that must be submitted to the State Board of  
14 Education in accordance with Section 7-14A of this Code. The  
15 changes to this Section made by Public Act 95-707 are intended  
16 to be retroactive and applicable to any annexation taking  
17 effect on or after July 1, 2004. For annexations that are  
18 eligible for payments under this paragraph (6.5) and that are  
19 effective on or after July 1, 2004, but before January 11, 2008  
20 (the effective date of Public Act 95-707), the first required  
21 yearly payment under this paragraph (6.5) shall be paid in the  
22 fiscal year of January 11, 2008 (the effective date of Public  
23 Act 95-707). Subsequent required yearly payments shall be paid  
24 in subsequent fiscal years until the payment obligation under  
25 this paragraph (6.5) is complete.

26 (7) Claims for financial assistance under this subsection

1 (a) may not be recomputed except as expressly provided under  
2 Section 18-8.05 or 18-8.15 of this Code.

3 (8) Any supplementary payment made under this subsection  
4 (a) must be treated as separate from all other payments made  
5 pursuant to Section 18-8.05 or 18-8.15 of this Code.

6 (b) (1) After the formation of a combined school district,  
7 as defined in Section 11E-20 of this Code, or a unit district,  
8 as defined in Section 11E-25 of this Code, a computation shall  
9 be made to determine the difference between the salaries  
10 effective in each of the previously existing districts on June  
11 30, prior to the creation of the new district. For the first 4  
12 years after the formation of the new district, a supplementary  
13 State aid reimbursement shall be paid to the new district equal  
14 to the difference between the sum of the salaries earned by  
15 each of the certificated members of the new district, while  
16 employed in one of the previously existing districts during the  
17 year immediately preceding the formation of the new district,  
18 and the sum of the salaries those certificated members would  
19 have been paid during the year immediately prior to the  
20 formation of the new district if placed on the salary schedule  
21 of the previously existing district with the highest salary  
22 schedule.

23 (2) After the territory of one or more school districts is  
24 annexed by one or more other school districts as defined in  
25 Article 7 of this Code, a computation shall be made to  
26 determine the difference between the salaries effective in each

1 annexed district and in the annexing district or districts as  
2 they were each constituted on June 30 preceding the date when  
3 the change of boundaries attributable to the annexation became  
4 effective for all purposes, as determined under Section 7-9 of  
5 this Code. For the first 4 years after the annexation, a  
6 supplementary State aid reimbursement shall be paid to each  
7 annexing district as constituted after the annexation equal to  
8 the difference between the sum of the salaries earned by each  
9 of the certificated members of the annexing district as  
10 constituted after the annexation, while employed in an annexed  
11 or annexing district during the year immediately preceding the  
12 annexation, and the sum of the salaries those certificated  
13 members would have been paid during the immediately preceding  
14 year if placed on the salary schedule of whichever of the  
15 annexing or annexed districts had the highest salary schedule  
16 during the immediately preceding year.

17 (3) For each new high school district formed under a school  
18 district conversion, as defined in Section 11E-15 of this Code,  
19 the State shall make a supplementary payment for 4 years equal  
20 to the difference between the sum of the salaries earned by  
21 each certified member of the new high school district, while  
22 employed in one of the previously existing districts, and the  
23 sum of the salaries those certified members would have been  
24 paid if placed on the salary schedule of the previously  
25 existing district with the highest salary schedule.

26 (4) For each newly created partial elementary unit

1 district, the State shall make a supplementary payment for 4  
2 years equal to the difference between the sum of the salaries  
3 earned by each certified member of the newly created partial  
4 elementary unit district, while employed in one of the  
5 previously existing districts that formed the partial  
6 elementary unit district, and the sum of the salaries those  
7 certified members would have been paid if placed on the salary  
8 schedule of the previously existing district with the highest  
9 salary schedule. The salary schedules used in the calculation  
10 shall be those in effect in the previously existing districts  
11 for the school year prior to the creation of the new partial  
12 elementary unit district.

13 (5) For an elementary district opt-in, as described in  
14 subsection (d) of Section 11E-30 of this Code, the salary  
15 difference incentive shall be computed in accordance with  
16 paragraph (4) of this subsection (b) as if the opted-in  
17 elementary district was included in the optional elementary  
18 unit district at the optional elementary unit district's  
19 original effective date. If the calculation in this paragraph  
20 (5) is less than that calculated in paragraph (4) of this  
21 subsection (b) at the optional elementary unit district's  
22 original effective date, then no adjustments may be made. If  
23 the calculation in this paragraph (5) is more than that  
24 calculated in paragraph (4) of this subsection (b) at the  
25 optional elementary unit district's original effective date,  
26 then the excess must be paid as follows:

1 (A) If the effective date for the elementary opt-in is  
2 one year after the effective date for the optional  
3 elementary unit district, 100% of the calculated excess  
4 shall be paid to the optional elementary unit district in  
5 each of the first 4 years after the effective date of the  
6 elementary opt-in.

7 (B) If the effective date for the elementary opt-in is  
8 2 years after the effective date for the optional  
9 elementary unit district, 75% of the calculated excess  
10 shall be paid to the optional elementary unit district in  
11 each of the first 4 years after the effective date of the  
12 elementary opt-in.

13 (C) If the effective date for the elementary opt-in is  
14 3 years after the effective date for the optional  
15 elementary unit district, 50% of the calculated excess  
16 shall be paid to the optional elementary unit district in  
17 each of the first 4 years after the effective date of the  
18 elementary opt-in.

19 (D) If the effective date for the elementary opt-in is  
20 4 years after the effective date for the partial elementary  
21 unit district, 25% of the calculated excess shall be paid  
22 to the optional elementary unit district in each of the  
23 first 4 years after the effective date of the elementary  
24 opt-in.

25 (E) If the effective date for the elementary opt-in is  
26 5 years after the effective date for the optional

1 elementary unit district, the optional elementary unit  
2 district is not eligible for any additional incentives due  
3 to the elementary opt-in.

4 (5.5) After the formation of a cooperative high school by 2  
5 or more school districts under Section 10-22.22c of this Code,  
6 a computation shall be made to determine the difference between  
7 the salaries effective in each of the previously existing high  
8 schools on June 30 prior to the formation of the cooperative  
9 high school. For the first 4 years after the formation of the  
10 cooperative high school, a supplementary State aid  
11 reimbursement shall be paid to the cooperative high school  
12 equal to the difference between the sum of the salaries earned  
13 by each of the certificated members of the cooperative high  
14 school while employed in one of the previously existing high  
15 schools during the year immediately preceding the formation of  
16 the cooperative high school and the sum of the salaries those  
17 certificated members would have been paid during the year  
18 immediately prior to the formation of the cooperative high  
19 school if placed on the salary schedule of the previously  
20 existing high school with the highest salary schedule.

21 (5.10) After the annexation of territory detached from  
22 another school district whereby the enrollment of the annexing  
23 district increases by 90% or more as a result of the  
24 annexation, a computation shall be made to determine the  
25 difference between the salaries effective in the district  
26 gaining territory and the district losing territory as they

1 each were constituted on June 30 preceding the date when the  
2 change of boundaries attributable to the annexation became  
3 effective for all purposes as determined under Section 7-9 of  
4 this Code. For the first 4 years after the annexation, a  
5 supplementary State aid reimbursement shall be paid to the  
6 annexing district equal to the difference between the sum of  
7 the salaries earned by each of the certificated members of the  
8 annexing district as constituted after the annexation while  
9 employed in the district gaining territory or the district  
10 losing territory during the year immediately preceding the  
11 annexation and the sum of the salaries those certificated  
12 members would have been paid during such immediately preceding  
13 year if placed on the salary schedule of whichever of the  
14 district gaining territory or district losing territory had the  
15 highest salary schedule during the immediately preceding year.  
16 To be eligible for supplementary State aid reimbursement under  
17 this Section, the intergovernmental agreement to be submitted  
18 pursuant to Section 7-14A of this Code must show that staff  
19 members were transferred from the control of the district  
20 losing territory to the control of the district gaining  
21 territory in the annexation. The changes to this Section made  
22 by Public Act 95-707 are intended to be retroactive and  
23 applicable to any annexation taking effect on or after July 1,  
24 2004. For annexations that are eligible for payments under this  
25 paragraph (5.10) and that are effective on or after July 1,  
26 2004, but before January 11, 2008 (the effective date of Public

1 Act 95-707), the first required yearly payment under this  
2 paragraph (5.10) shall be paid in the fiscal year of January  
3 11, 2008 (the effective date of Public Act 95-707). Subsequent  
4 required yearly payments shall be paid in subsequent fiscal  
5 years until the payment obligation under this paragraph (5.10)  
6 is complete.

7 (5.15) After the deactivation of a school facility in  
8 accordance with Section 10-22.22b of this Code, a computation  
9 shall be made to determine the difference between the salaries  
10 effective in the sending school district and each receiving  
11 school district on June 30 prior to the deactivation of the  
12 school facility. For the lesser of the first 4 years after the  
13 deactivation of the school facility or the length of the  
14 deactivation agreement, including any renewals of the original  
15 deactivation agreement, a supplementary State aid  
16 reimbursement shall be paid to each receiving district equal to  
17 the difference between the sum of the salaries earned by each  
18 of the certificated members transferred to that receiving  
19 district as a result of the deactivation while employed in the  
20 sending district during the year immediately preceding the  
21 deactivation and the sum of the salaries those certificated  
22 members would have been paid during the year immediately  
23 preceding the deactivation if placed on the salary schedule of  
24 the sending or receiving district with the highest salary  
25 schedule.

26 (6) The supplementary State aid reimbursement under this

1 subsection (b) shall be treated as separate from all other  
2 payments made pursuant to Section 18-8.05 of this Code. In the  
3 case of the formation of a new district or cooperative high  
4 school or a deactivation, reimbursement shall begin during the  
5 first year of operation of the new district or cooperative high  
6 school or the first year of the deactivation, and in the case  
7 of an annexation of the territory of one or more school  
8 districts by one or more other school districts or the  
9 annexation of territory detached from a school district whereby  
10 the enrollment of the annexing district increases by 90% or  
11 more as a result of the annexation, reimbursement shall begin  
12 during the first year when the change in boundaries  
13 attributable to the annexation becomes effective for all  
14 purposes as determined pursuant to Section 7-9 of this Code,  
15 except that for an annexation of territory detached from a  
16 school district that is effective on or after July 1, 2004, but  
17 before January 11, 2008 (the effective date of Public Act  
18 95-707), whereby the enrollment of the annexing district  
19 increases by 90% or more as a result of the annexation,  
20 reimbursement shall begin during the fiscal year of January 11,  
21 2008 (the effective date of Public Act 95-707). Each year that  
22 the new, annexing, or receiving district or cooperative high  
23 school, as the case may be, is entitled to receive  
24 reimbursement, the number of eligible certified members who are  
25 employed on October 1 in the district or cooperative high  
26 school shall be certified to the State Board of Education on

1 prescribed forms by October 15 and payment shall be made on or  
2 before November 15 of that year.

3 (c) (1) For the first year after the formation of a combined  
4 school district, as defined in Section 11E-20 of this Code or a  
5 unit district, as defined in Section 11E-25 of this Code, a  
6 computation shall be made totaling each previously existing  
7 district's audited fund balances in the educational fund,  
8 working cash fund, operations and maintenance fund, and  
9 transportation fund for the year ending June 30 prior to the  
10 referendum for the creation of the new district. The new  
11 district shall be paid supplementary State aid equal to the sum  
12 of the differences between the deficit of the previously  
13 existing district with the smallest deficit and the deficits of  
14 each of the other previously existing districts.

15 (2) For the first year after the annexation of all of the  
16 territory of one or more entire school districts by another  
17 school district, as defined in Article 7 of this Code,  
18 computations shall be made, for the year ending June 30 prior  
19 to the date that the change of boundaries attributable to the  
20 annexation is allowed by the affirmative decision issued by the  
21 regional board of school trustees under Section 7-6 of this  
22 Code, notwithstanding any effort to seek administrative review  
23 of the decision, totaling the annexing district's and totaling  
24 each annexed district's audited fund balances in their  
25 respective educational, working cash, operations and  
26 maintenance, and transportation funds. The annexing district

1 as constituted after the annexation shall be paid supplementary  
2 State aid equal to the sum of the differences between the  
3 deficit of whichever of the annexing or annexed districts as  
4 constituted prior to the annexation had the smallest deficit  
5 and the deficits of each of the other districts as constituted  
6 prior to the annexation.

7 (3) For the first year after the annexation of all of the  
8 territory of one or more entire school districts by 2 or more  
9 other school districts, as defined by Article 7 of this Code,  
10 computations shall be made, for the year ending June 30 prior  
11 to the date that the change of boundaries attributable to the  
12 annexation is allowed by the affirmative decision of the  
13 regional board of school trustees under Section 7-6 of this  
14 Code, notwithstanding any action for administrative review of  
15 the decision, totaling each annexing and annexed district's  
16 audited fund balances in their respective educational, working  
17 cash, operations and maintenance, and transportation funds.  
18 The annexing districts as constituted after the annexation  
19 shall be paid supplementary State aid, allocated as provided in  
20 this paragraph (3), in an aggregate amount equal to the sum of  
21 the differences between the deficit of whichever of the  
22 annexing or annexed districts as constituted prior to the  
23 annexation had the smallest deficit and the deficits of each of  
24 the other districts as constituted prior to the annexation. The  
25 aggregate amount of the supplementary State aid payable under  
26 this paragraph (3) shall be allocated between or among the

1 annexing districts as follows:

2 (A) the regional superintendent of schools for each  
3 educational service region in which an annexed district is  
4 located prior to the annexation shall certify to the State  
5 Board of Education, on forms that it shall provide for that  
6 purpose, the value of all taxable property in each annexed  
7 district, as last equalized or assessed by the Department  
8 of Revenue prior to the annexation, and the equalized  
9 assessed value of each part of the annexed district that  
10 was annexed to or included as a part of an annexing  
11 district;

12 (B) using equalized assessed values as certified by the  
13 regional superintendent of schools under clause (A) of this  
14 paragraph (3), the combined audited fund balance deficit of  
15 each annexed district as determined under this Section  
16 shall be apportioned between or among the annexing  
17 districts in the same ratio as the equalized assessed value  
18 of that part of the annexed district that was annexed to or  
19 included as a part of an annexing district bears to the  
20 total equalized assessed value of the annexed district; and

21 (C) the aggregate supplementary State aid payment  
22 under this paragraph (3) shall be allocated between or  
23 among, and shall be paid to, the annexing districts in the  
24 same ratio as the sum of the combined audited fund balance  
25 deficit of each annexing district as constituted prior to  
26 the annexation, plus all combined audited fund balance

1 deficit amounts apportioned to that annexing district  
2 under clause (B) of this subsection, bears to the aggregate  
3 of the combined audited fund balance deficits of all of the  
4 annexing and annexed districts as constituted prior to the  
5 annexation.

6 (4) For the new elementary districts and new high school  
7 district formed through a school district conversion, as  
8 defined in Section 11E-15 of this Code or the new elementary  
9 district or districts and new combined high school - unit  
10 district formed through a multi-unit conversion, as defined in  
11 subsection (b) of Section 11E-30 of this Code, a computation  
12 shall be made totaling each previously existing district's  
13 audited fund balances in the educational fund, working cash  
14 fund, operations and maintenance fund, and transportation fund  
15 for the year ending June 30 prior to the referendum  
16 establishing the new districts. In the first year of the new  
17 districts, the State shall make a one-time supplementary  
18 payment equal to the sum of the differences between the deficit  
19 of the previously existing district with the smallest deficit  
20 and the deficits of each of the other previously existing  
21 districts. A district with a combined balance among the 4 funds  
22 that is positive shall be considered to have a deficit of zero.  
23 The supplementary payment shall be allocated among the newly  
24 formed high school and elementary districts in the manner  
25 provided by the petition for the formation of the districts, in  
26 the form in which the petition is approved by the regional

1 superintendent of schools or State Superintendent of Education  
2 under Section 11E-50 of this Code.

3 (5) For each newly created partial elementary unit  
4 district, as defined in subsection (a) or (c) of Section 11E-30  
5 of this Code, a computation shall be made totaling the audited  
6 fund balances of each previously existing district that formed  
7 the new partial elementary unit district in the educational  
8 fund, working cash fund, operations and maintenance fund, and  
9 transportation fund for the year ending June 30 prior to the  
10 referendum for the formation of the partial elementary unit  
11 district. In the first year of the new partial elementary unit  
12 district, the State shall make a one-time supplementary payment  
13 to the new district equal to the sum of the differences between  
14 the deficit of the previously existing district with the  
15 smallest deficit and the deficits of each of the other  
16 previously existing districts. A district with a combined  
17 balance among the 4 funds that is positive shall be considered  
18 to have a deficit of zero.

19 (6) For an elementary opt-in as defined in subsection (d)  
20 of Section 11E-30 of this Code, the deficit fund balance  
21 incentive shall be computed in accordance with paragraph (5) of  
22 this subsection (c) as if the opted-in elementary was included  
23 in the optional elementary unit district at the optional  
24 elementary unit district's original effective date. If the  
25 calculation in this paragraph (6) is less than that calculated  
26 in paragraph (5) of this subsection (c) at the optional

1 elementary unit district's original effective date, then no  
2 adjustments may be made. If the calculation in this paragraph  
3 (6) is more than that calculated in paragraph (5) of this  
4 subsection (c) at the optional elementary unit district's  
5 original effective date, then the excess must be paid as  
6 follows:

7 (A) If the effective date for the elementary opt-in is  
8 one year after the effective date for the optional  
9 elementary unit district, 100% of the calculated excess  
10 shall be paid to the optional elementary unit district in  
11 the first year after the effective date of the elementary  
12 opt-in.

13 (B) If the effective date for the elementary opt-in is  
14 2 years after the effective date for the optional  
15 elementary unit district, 75% of the calculated excess  
16 shall be paid to the optional elementary unit district in  
17 the first year after the effective date of the elementary  
18 opt-in.

19 (C) If the effective date for the elementary opt-in is  
20 3 years after the effective date for the optional  
21 elementary unit district, 50% of the calculated excess  
22 shall be paid to the optional elementary unit district in  
23 the first year after the effective date of the elementary  
24 opt-in.

25 (D) If the effective date for the elementary opt-in is  
26 4 years after the effective date for the optional

1 elementary unit district, 25% of the calculated excess  
2 shall be paid to the optional elementary unit district in  
3 the first year after the effective date of the elementary  
4 opt-in.

5 (E) If the effective date for the elementary opt-in is  
6 5 years after the effective date for the optional  
7 elementary unit district, the optional elementary unit  
8 district is not eligible for any additional incentives due  
9 to the elementary opt-in.

10 (6.5) For the first year after the annexation of territory  
11 detached from another school district whereby the enrollment of  
12 the annexing district increases by 90% or more as a result of  
13 the annexation, a computation shall be made totaling the  
14 audited fund balances of the district gaining territory and the  
15 audited fund balances of the district losing territory in the  
16 educational fund, working cash fund, operations and  
17 maintenance fund, and transportation fund for the year ending  
18 June 30 prior to the date that the change of boundaries  
19 attributable to the annexation is allowed by the affirmative  
20 decision of the regional board of school trustees under Section  
21 7-6 of this Code, notwithstanding any action for administrative  
22 review of the decision. The annexing district as constituted  
23 after the annexation shall be paid supplementary State aid  
24 equal to the difference between the deficit of whichever  
25 district included in this calculation as constituted prior to  
26 the annexation had the smallest deficit and the deficit of each

1 other district included in this calculation as constituted  
2 prior to the annexation, multiplied by the ratio of equalized  
3 assessed value of the territory detached to the total equalized  
4 assessed value of the district losing territory. The regional  
5 superintendent of schools for the educational service region in  
6 which a district losing territory is located prior to the  
7 annexation shall certify to the State Board of Education the  
8 value of all taxable property in the district losing territory  
9 and the value of all taxable property in the territory being  
10 detached, as last equalized or assessed by the Department of  
11 Revenue prior to the annexation. To be eligible for  
12 supplementary State aid reimbursement under this Section, the  
13 intergovernmental agreement to be submitted pursuant to  
14 Section 7-14A of this Code must show that fund balances were  
15 transferred from the district losing territory to the district  
16 gaining territory in the annexation. The changes to this  
17 Section made by Public Act 95-707 are intended to be  
18 retroactive and applicable to any annexation taking effect on  
19 or after July 1, 2004. For annexations that are eligible for  
20 payments under this paragraph (6.5) and that are effective on  
21 or after July 1, 2004, but before January 11, 2008 (the  
22 effective date of Public Act 95-707), the required payment  
23 under this paragraph (6.5) shall be paid in the fiscal year of  
24 January 11, 2008 (the effective date of Public Act 95-707).

25 (7) For purposes of any calculation required under  
26 paragraph (1), (2), (3), (4), (5), (6), or (6.5) of this

1 subsection (c), a district with a combined fund balance that is  
2 positive shall be considered to have a deficit of zero. For  
3 purposes of determining each district's audited fund balances  
4 in its educational fund, working cash fund, operations and  
5 maintenance fund, and transportation fund for the specified  
6 year ending June 30, as provided in paragraphs (1), (2), (3),  
7 (4), (5), (6), and (6.5) of this subsection (c), the balance of  
8 each fund shall be deemed decreased by an amount equal to the  
9 amount of the annual property tax theretofore levied in the  
10 fund by the district for collection and payment to the district  
11 during the calendar year in which the June 30 fell, but only to  
12 the extent that the tax so levied in the fund actually was  
13 received by the district on or before or comprised a part of  
14 the fund on such June 30. For purposes of determining each  
15 district's audited fund balances, a calculation shall be made  
16 for each fund to determine the average for the 3 years prior to  
17 the specified year ending June 30, as provided in paragraphs  
18 (1), (2), (3), (4), (5), (6), and (6.5) of this subsection (c),  
19 of the district's expenditures in the categories "purchased  
20 services", "supplies and materials", and "capital outlay", as  
21 those categories are defined in rules of the State Board of  
22 Education. If this 3-year average is less than the district's  
23 expenditures in these categories for the specified year ending  
24 June 30, as provided in paragraphs (1), (2), (3), (4), (5),  
25 (6), and (6.5) of this subsection (c), then the 3-year average  
26 shall be used in calculating the amounts payable under this

1 Section in place of the amounts shown in these categories for  
2 the specified year ending June 30, as provided in paragraphs  
3 (1), (2), (3), (4), (5), (6), and (6.5) of this subsection (c).  
4 Any deficit because of State aid not yet received may not be  
5 considered in determining the June 30 deficits. The same basis  
6 of accounting shall be used by all previously existing  
7 districts and by all annexing or annexed districts, as  
8 constituted prior to the annexation, in making any computation  
9 required under paragraphs (1), (2), (3), (4), (5), (6), and  
10 (6.5) of this subsection (c).

11 (8) The supplementary State aid payments under this  
12 subsection (c) shall be treated as separate from all other  
13 payments made pursuant to Section 18-8.05 of this Code.

14 (d)(1) Following the formation of a combined school  
15 district, as defined in Section 11E-20 of this Code, a new unit  
16 district, as defined in Section 11E-25 of this Code, a new  
17 elementary district or districts and a new high school district  
18 formed through a school district conversion, as defined in  
19 Section 11E-15 of this Code, a new partial elementary unit  
20 district, as defined in Section 11E-30 of this Code, or a new  
21 elementary district or districts formed through a multi-unit  
22 conversion, as defined in subsection (b) of Section 11E-30 of  
23 this Code, or the annexation of all of the territory of one or  
24 more entire school districts by one or more other school  
25 districts, as defined in Article 7 of this Code, a  
26 supplementary State aid reimbursement shall be paid for the

1 number of school years determined under the following table to  
 2 each new or annexing district equal to the sum of \$4,000 for  
 3 each certified employee who is employed by the district on a  
 4 full-time basis for the regular term of the school year:

5 6 7 8 9	Reorganized District's Rank by type of district (unit, high school, elementary) in Equalized Assessed Value Per Pupil by Quintile	Reorganized District's Rank in Average Daily Attendance By Quintile		
10		3rd, 4th,		
11		1st	2nd	or 5th
12		Quintile	Quintile	Quintile
13	1st Quintile	1 year	1 year	1 year
14	2nd Quintile	1 year	2 years	2 years
15	3rd Quintile	2 years	3 years	3 years
16	4th Quintile	2 years	3 years	3 years
17	5th Quintile	2 years	3 years	3 years

18 The State Board of Education shall make a one-time calculation  
 19 of a reorganized district's quintile ranks. The average daily  
 20 attendance used in this calculation shall be the best 3 months'  
 21 average daily attendance for the district's first year. The  
 22 equalized assessed value per pupil shall be the district's real  
 23 property equalized assessed value used in calculating the  
 24 district's first-year general State aid claim, under Section

1 18-8.05 of this Code, or first-year evidence-based funding  
2 claim, under Section 18-8.15 of this Code, as applicable,  
3 divided by the best 3 months' average daily attendance.

4 No annexing or resulting school district shall be entitled  
5 to supplementary State aid under this subsection (d) unless the  
6 district acquires at least 30% of the average daily attendance  
7 of the district from which the territory is being detached or  
8 divided.

9 If a district results from multiple reorganizations that  
10 would otherwise qualify the district for multiple payments  
11 under this subsection (d) in any year, then the district shall  
12 receive a single payment only for that year based solely on the  
13 most recent reorganization.

14 (2) For an elementary opt-in, as defined in subsection (d)  
15 of Section 11E-30 of this Code, the full-time certified staff  
16 incentive shall be computed in accordance with paragraph (1) of  
17 this subsection (d), equal to the sum of \$4,000 for each  
18 certified employee of the elementary district that opts-in who  
19 is employed by the optional elementary unit district on a  
20 full-time basis for the regular term of the school year. The  
21 calculation from this paragraph (2) must be paid as follows:

22 (A) If the effective date for the elementary opt-in is  
23 one year after the effective date for the optional  
24 elementary unit district, 100% of the amount calculated in  
25 this paragraph (2) shall be paid to the optional elementary  
26 unit district for the number of years calculated in

1 paragraph (1) of this subsection (d) at the optional  
2 elementary unit district's original effective date,  
3 starting in the second year after the effective date of the  
4 elementary opt-in.

5 (B) If the effective date for the elementary opt-in is  
6 2 years after the effective date for the optional  
7 elementary unit district, 75% of the amount calculated in  
8 this paragraph (2) shall be paid to the optional elementary  
9 unit district for the number of years calculated in  
10 paragraph (1) of this subsection (d) at the optional  
11 elementary unit district's original effective date,  
12 starting in the second year after the effective date of the  
13 elementary opt-in.

14 (C) If the effective date for the elementary opt-in is  
15 3 years after the effective date for the optional  
16 elementary unit district, 50% of the amount calculated in  
17 this paragraph (2) shall be paid to the optional elementary  
18 unit district for the number of years calculated in  
19 paragraph (1) of this subsection (d) at the optional  
20 elementary unit district's original effective date,  
21 starting in the second year after the effective date of the  
22 elementary opt-in.

23 (D) If the effective date for the elementary opt-in is  
24 4 years after the effective date for the optional  
25 elementary unit district, 25% of the amount calculated in  
26 this paragraph (2) shall be paid to the optional elementary

1 unit district for the number of years calculated in  
2 paragraph (1) of this subsection (d) at the optional  
3 elementary unit district's original effective date,  
4 starting in the second year after the effective date of the  
5 elementary opt-in.

6 (E) If the effective date for the elementary opt-in is  
7 5 years after the effective date for the optional  
8 elementary unit district, the optional elementary unit  
9 district is not eligible for any additional incentives due  
10 to the elementary opt-in.

11 (2.5) Following the formation of a cooperative high school  
12 by 2 or more school districts under Section 10-22.22c of this  
13 Code, a supplementary State aid reimbursement shall be paid for  
14 3 school years to the cooperative high school equal to the sum  
15 of \$4,000 for each certified employee who is employed by the  
16 cooperative high school on a full-time basis for the regular  
17 term of any such school year. If a cooperative high school  
18 results from multiple agreements that would otherwise qualify  
19 the cooperative high school for multiple payments under this  
20 Section in any year, the cooperative high school shall receive  
21 a single payment for that year based solely on the most recent  
22 agreement.

23 (2.10) Following the annexation of territory detached from  
24 another school district whereby the enrollment of the annexing  
25 district increases 90% or more as a result of the annexation, a  
26 supplementary State aid reimbursement shall be paid to the

1 annexing district equal to the sum of \$4,000 for each certified  
2 employee who is employed by the annexing district on a  
3 full-time basis and shall be calculated in accordance with  
4 subsection (a) of this Section. To be eligible for  
5 supplementary State aid reimbursement under this Section, the  
6 intergovernmental agreement to be submitted pursuant to  
7 Section 7-14A of this Code must show that certified staff  
8 members were transferred from the control of the district  
9 losing territory to the control of the district gaining  
10 territory in the annexation. The changes to this Section made  
11 by Public Act 95-707 are intended to be retroactive and  
12 applicable to any annexation taking effect on or after July 1,  
13 2004. For annexations that are eligible for payments under this  
14 paragraph (2.10) and that are effective on or after July 1,  
15 2004, but before January 11, 2008 (the effective date of Public  
16 Act 95-707), the first required yearly payment under this  
17 paragraph (2.10) shall be paid in the second fiscal year after  
18 January 11, 2008 (the effective date of Public Act 95-707). Any  
19 subsequent required yearly payments shall be paid in subsequent  
20 fiscal years until the payment obligation under this paragraph  
21 (2.10) is complete.

22 (2.15) Following the deactivation of a school facility in  
23 accordance with Section 10-22.22b of this Code, a supplementary  
24 State aid reimbursement shall be paid for the lesser of 3  
25 school years or the length of the deactivation agreement,  
26 including any renewals of the original deactivation agreement,

1 to each receiving school district equal to the sum of \$4,000  
2 for each certified employee who is employed by that receiving  
3 district on a full-time basis for the regular term of any such  
4 school year who was originally transferred to the control of  
5 that receiving district as a result of the deactivation.  
6 Receiving districts are eligible for payments under this  
7 paragraph (2.15) based on the certified employees transferred  
8 to that receiving district as a result of the deactivation and  
9 are not required to receive at least 30% of the deactivating  
10 district's average daily attendance as required under  
11 paragraph (1) of this subsection (d) to be eligible for  
12 payments.

13 (3) The supplementary State aid reimbursement payable  
14 under this subsection (d) shall be separate from and in  
15 addition to all other payments made to the district pursuant to  
16 any other Section of this Article.

17 (4) During May of each school year for which a  
18 supplementary State aid reimbursement is to be paid to a new,  
19 annexing, or receiving school district or cooperative high  
20 school pursuant to this subsection (d), the school board or  
21 governing board shall certify to the State Board of Education,  
22 on forms furnished to the school board or governing board by  
23 the State Board of Education for purposes of this subsection  
24 (d), the number of certified employees for which the district  
25 or cooperative high school is entitled to reimbursement under  
26 this Section, together with the names, certificate numbers, and

1 positions held by the certified employees.

2 (5) Upon certification by the State Board of Education to  
3 the State Comptroller of the amount of the supplementary State  
4 aid reimbursement to which a school district or cooperative  
5 high school is entitled under this subsection (d), the State  
6 Comptroller shall draw his or her warrant upon the State  
7 Treasurer for the payment thereof to the school district or  
8 cooperative high school and shall promptly transmit the payment  
9 to the school district or cooperative high school through the  
10 appropriate school treasurer.

11 (Source: P.A. 95-331, eff. 8-21-07; 95-707, eff. 1-11-08;  
12 95-903, eff. 8-25-08; 96-328, eff. 8-11-09.)

13 (105 ILCS 5/13A-8)

14 Sec. 13A-8. Funding.

15 (a) The State of Illinois shall provide funding for the  
16 alternative school programs within each educational service  
17 region and within the Chicago public school system by line item  
18 appropriation made to the State Board of Education for that  
19 purpose. This money, when appropriated, shall be provided to  
20 the regional superintendent and to the Chicago Board of  
21 Education, who shall establish a budget, including salaries,  
22 for their alternative school programs. Each program shall  
23 receive funding in the amount of \$30,000 plus an amount based  
24 on the ratio of the region's or Chicago's best 3 months'  
25 average daily attendance in grades pre-kindergarten through 12

1 to the statewide totals of these amounts. For purposes of this  
2 calculation, the best 3 months' average daily attendance for  
3 each region or Chicago shall be calculated by adding to the  
4 best 3 months' average daily attendance the number of  
5 low-income students identified in the most recently available  
6 federal census multiplied by one-half times the percentage of  
7 the region's or Chicago's low-income students to the State's  
8 total low-income students. The State Board of Education shall  
9 retain up to 1.1% of the appropriation to be used to provide  
10 technical assistance, professional development, and  
11 evaluations for the programs.

12 (a-5) Notwithstanding any other provisions of this  
13 Section, for the 1998-1999 fiscal year, the total amount  
14 distributed under subsection (a) for an alternative school  
15 program shall be not less than the total amount that was  
16 distributed under that subsection for that alternative school  
17 program for the 1997-1998 fiscal year. If an alternative school  
18 program is to receive a total distribution under subsection (a)  
19 for the 1998-1999 fiscal year that is less than the total  
20 distribution that the program received under that subsection  
21 for the 1997-1998 fiscal year, that alternative school program  
22 shall also receive, from a separate appropriation made for  
23 purposes of this subsection (a-5), a supplementary payment  
24 equal to the amount by which its total distribution under  
25 subsection (a) for the 1997-1998 fiscal year exceeds the amount  
26 of the total distribution that the alternative school program

1 receives under that subsection for the 1998-1999 fiscal year.  
2 If the amount appropriated for supplementary payments to  
3 alternative school programs under this subsection (a-5) is  
4 insufficient for that purpose, those supplementary payments  
5 shall be prorated among the alternative school programs  
6 entitled to receive those supplementary payments according to  
7 the aggregate amount of the appropriation made for purposes of  
8 this subsection (a-5).

9 (b) An alternative school program shall be entitled to  
10 receive general State aid as calculated in subsection (K) of  
11 Section 18-8.05 or evidence-based funding as calculated in  
12 subsection (g) of Section 18-8.15 upon filing a claim as  
13 provided therein. Any time that a student who is enrolled in an  
14 alternative school program spends in work-based learning,  
15 community service, or a similar alternative educational  
16 setting shall be included in determining the student's minimum  
17 number of clock hours of daily school work that constitute a  
18 day of attendance for purposes of calculating general State aid  
19 or evidence-based funding.

20 (c) An alternative school program may receive additional  
21 funding from its school districts in such amount as may be  
22 agreed upon by the parties and necessary to support the  
23 program. In addition, an alternative school program is  
24 authorized to accept and expend gifts, legacies, and grants,  
25 including but not limited to federal grants, from any source  
26 for purposes directly related to the conduct and operation of

1 the program.

2 (Source: P.A. 89-383, eff. 8-18-95; 89-629, eff. 8-9-96;  
3 89-636, eff. 8-9-96; 90-14, eff. 7-1-97; 90-283, eff. 7-31-97;  
4 90-802, eff. 12-15-98.)

5 (105 ILCS 5/13B-20.20)

6 Sec. 13B-20.20. Enrollment in other programs. High school  
7 equivalency testing preparation programs are not eligible for  
8 funding under this Article. A student may enroll in a program  
9 approved under Section 18-8.05 or 18-8.15 of this Code, as  
10 appropriate, or attend both the alternative learning  
11 opportunities program and the regular school program to enhance  
12 student performance and facilitate on-time graduation.

13 (Source: P.A. 98-718, eff. 1-1-15.)

14 (105 ILCS 5/13B-45)

15 Sec. 13B-45. Days and hours of attendance. An alternative  
16 learning opportunities program shall provide students with at  
17 least the minimum number of days of pupil attendance required  
18 under Section 10-19 of this Code and the minimum number of  
19 daily hours of school work required under Section 18-8.05 or  
20 18-8.15 of this Code, provided that the State Board may approve  
21 exceptions to these requirements if the program meets all of  
22 the following conditions:

23 (1) The district plan submitted under Section  
24 13B-25.15 of this Code establishes that a program providing

1 the required minimum number of days of attendance or daily  
2 hours of school work would not serve the needs of the  
3 program's students.

4 (2) Each day of attendance shall provide no fewer than  
5 3 clock hours of school work, as defined under paragraph  
6 (1) of subsection (F) of Section 18-8.05 of this Code.

7 (3) Each day of attendance that provides fewer than 5  
8 clock hours of school work shall also provide supplementary  
9 services, including without limitation work-based  
10 learning, student assistance programs, counseling, case  
11 management, health and fitness programs, or life-skills or  
12 conflict resolution training, in order to provide a total  
13 daily program to the student of 5 clock hours. A program  
14 may claim general State aid or evidence-based funding for  
15 up to 2 hours of the time each day that a student is  
16 receiving supplementary services.

17 (4) Each program shall provide no fewer than 174 days  
18 of actual pupil attendance during the school term; however,  
19 approved evening programs that meet the requirements of  
20 Section 13B-45 of this Code may offer less than 174 days of  
21 actual pupil attendance during the school term.

22 (Source: P.A. 92-42, eff. 1-1-02.)

23 (105 ILCS 5/13B-50)

24 Sec. 13B-50. Eligibility to receive general State aid or  
25 evidence-based funding. In order to receive general State aid

1 or evidence-based funding, alternative learning opportunities  
2 programs must meet the requirements for claiming general State  
3 aid as specified in Section 18-8.05 of this Code or  
4 evidence-based funding as specified in Section 18-8.15 of this  
5 Code, as applicable, with the exception of the length of the  
6 instructional day, which may be less than 5 hours of school  
7 work if the program meets the criteria set forth under Sections  
8 13B-50.5 and 13B-50.10 of this Code and if the program is  
9 approved by the State Board.

10 (Source: P.A. 92-42, eff. 1-1-02.)

11 (105 ILCS 5/13B-50.10)

12 Sec. 13B-50.10. Additional criteria for general State aid  
13 or evidence-based funding. In order to claim general State aid  
14 or evidence-based funding, an alternative learning  
15 opportunities program must meet the following criteria:

16 (1) Teacher professional development plans should include  
17 education in the instruction of at-risk students.

18 (2) Facilities must meet the health, life, and safety  
19 requirements in this Code.

20 (3) The program must comply with all other State and  
21 federal laws applicable to education providers.

22 (Source: P.A. 92-42, eff. 1-1-02.)

23 (105 ILCS 5/13B-50.15)

24 Sec. 13B-50.15. Level of funding. Approved alternative

1 learning opportunities programs are entitled to claim general  
2 State aid or evidence-based funding, subject to Sections  
3 13B-50, 13B-50.5, and 13B-50.10 of this Code. Approved programs  
4 operated by regional offices of education are entitled to  
5 receive general State aid at the foundation level of support. A  
6 school district or consortium must ensure that an approved  
7 program receives supplemental general State aid,  
8 transportation reimbursements, and special education  
9 resources, if appropriate, for students enrolled in the  
10 program.

11 (Source: P.A. 92-42, eff. 1-1-02.)

12 (105 ILCS 5/14-7.02) (from Ch. 122, par. 14-7.02)

13 Sec. 14-7.02. Children attending private schools, public  
14 out-of-state schools, public school residential facilities or  
15 private special education facilities. The General Assembly  
16 recognizes that non-public schools or special education  
17 facilities provide an important service in the educational  
18 system in Illinois.

19 If because of his or her disability the special education  
20 program of a district is unable to meet the needs of a child  
21 and the child attends a non-public school or special education  
22 facility, a public out-of-state school or a special education  
23 facility owned and operated by a county government unit that  
24 provides special educational services required by the child and  
25 is in compliance with the appropriate rules and regulations of

1 the State Superintendent of Education, the school district in  
2 which the child is a resident shall pay the actual cost of  
3 tuition for special education and related services provided  
4 during the regular school term and during the summer school  
5 term if the child's educational needs so require, excluding  
6 room, board and transportation costs charged the child by that  
7 non-public school or special education facility, public  
8 out-of-state school or county special education facility, or  
9 \$4,500 per year, whichever is less, and shall provide him any  
10 necessary transportation. "Nonpublic special education  
11 facility" shall include a residential facility, within or  
12 without the State of Illinois, which provides special education  
13 and related services to meet the needs of the child by  
14 utilizing private schools or public schools, whether located on  
15 the site or off the site of the residential facility.

16 The State Board of Education shall promulgate rules and  
17 regulations for determining when placement in a private special  
18 education facility is appropriate. Such rules and regulations  
19 shall take into account the various types of services needed by  
20 a child and the availability of such services to the particular  
21 child in the public school. In developing these rules and  
22 regulations the State Board of Education shall consult with the  
23 Advisory Council on Education of Children with Disabilities and  
24 hold public hearings to secure recommendations from parents,  
25 school personnel, and others concerned about this matter.

26 The State Board of Education shall also promulgate rules

1 and regulations for transportation to and from a residential  
2 school. Transportation to and from home to a residential school  
3 more than once each school term shall be subject to prior  
4 approval by the State Superintendent in accordance with the  
5 rules and regulations of the State Board.

6 A school district making tuition payments pursuant to this  
7 Section is eligible for reimbursement from the State for the  
8 amount of such payments actually made in excess of the district  
9 per capita tuition charge for students not receiving special  
10 education services. Such reimbursement shall be approved in  
11 accordance with Section 14-12.01 and each district shall file  
12 its claims, computed in accordance with rules prescribed by the  
13 State Board of Education, on forms prescribed by the State  
14 Superintendent of Education. Data used as a basis of  
15 reimbursement claims shall be for the preceding regular school  
16 term and summer school term. Each school district shall  
17 transmit its claims to the State Board of Education on or  
18 before August 15. The State Board of Education, before  
19 approving any such claims, shall determine their accuracy and  
20 whether they are based upon services and facilities provided  
21 under approved programs. Upon approval the State Board shall  
22 cause vouchers to be prepared showing the amount due for  
23 payment of reimbursement claims to school districts, for  
24 transmittal to the State Comptroller on the 30th day of  
25 September, December, and March, respectively, and the final  
26 voucher, no later than June 20. If the money appropriated by

1 the General Assembly for such purpose for any year is  
2 insufficient, it shall be apportioned on the basis of the  
3 claims approved.

4 No child shall be placed in a special education program  
5 pursuant to this Section if the tuition cost for special  
6 education and related services increases more than 10 percent  
7 over the tuition cost for the previous school year or exceeds  
8 \$4,500 per year unless such costs have been approved by the  
9 Illinois Purchased Care Review Board. The Illinois Purchased  
10 Care Review Board shall consist of the following persons, or  
11 their designees: the Directors of Children and Family Services,  
12 Public Health, Public Aid, and the Governor's Office of  
13 Management and Budget; the Secretary of Human Services; the  
14 State Superintendent of Education; and such other persons as  
15 the Governor may designate. The Review Board shall also consist  
16 of one non-voting member who is an administrator of a private,  
17 nonpublic, special education school. The Review Board shall  
18 establish rules and regulations for its determination of  
19 allowable costs and payments made by local school districts for  
20 special education, room and board, and other related services  
21 provided by non-public schools or special education facilities  
22 and shall establish uniform standards and criteria which it  
23 shall follow. The Review Board shall approve the usual and  
24 customary rate or rates of a special education program that (i)  
25 is offered by an out-of-state, non-public provider of  
26 integrated autism specific educational and autism specific

1 residential services, (ii) offers 2 or more levels of  
2 residential care, including at least one locked facility, and  
3 (iii) serves 12 or fewer Illinois students.

4 The Review Board shall establish uniform definitions and  
5 criteria for accounting separately by special education, room  
6 and board and other related services costs. The Board shall  
7 also establish guidelines for the coordination of services and  
8 financial assistance provided by all State agencies to assure  
9 that no otherwise qualified child with a disability receiving  
10 services under Article 14 shall be excluded from participation  
11 in, be denied the benefits of or be subjected to discrimination  
12 under any program or activity provided by any State agency.

13 The Review Board shall review the costs for special  
14 education and related services provided by non-public schools  
15 or special education facilities and shall approve or disapprove  
16 such facilities in accordance with the rules and regulations  
17 established by it with respect to allowable costs.

18 The State Board of Education shall provide administrative  
19 and staff support for the Review Board as deemed reasonable by  
20 the State Superintendent of Education. This support shall not  
21 include travel expenses or other compensation for any Review  
22 Board member other than the State Superintendent of Education.

23 The Review Board shall seek the advice of the Advisory  
24 Council on Education of Children with Disabilities on the rules  
25 and regulations to be promulgated by it relative to providing  
26 special education services.

1           If a child has been placed in a program in which the actual  
2 per pupil costs of tuition for special education and related  
3 services based on program enrollment, excluding room, board and  
4 transportation costs, exceed \$4,500 and such costs have been  
5 approved by the Review Board, the district shall pay such total  
6 costs which exceed \$4,500. A district making such tuition  
7 payments in excess of \$4,500 pursuant to this Section shall be  
8 responsible for an amount in excess of \$4,500 equal to the  
9 district per capita tuition charge and shall be eligible for  
10 reimbursement from the State for the amount of such payments  
11 actually made in excess of the districts per capita tuition  
12 charge for students not receiving special education services.

13           If a child has been placed in an approved individual  
14 program and the tuition costs including room and board costs  
15 have been approved by the Review Board, then such room and  
16 board costs shall be paid by the appropriate State agency  
17 subject to the provisions of Section 14-8.01 of this Act. Room  
18 and board costs not provided by a State agency other than the  
19 State Board of Education shall be provided by the State Board  
20 of Education on a current basis. In no event, however, shall  
21 the State's liability for funding of these tuition costs begin  
22 until after the legal obligations of third party payors have  
23 been subtracted from such costs. If the money appropriated by  
24 the General Assembly for such purpose for any year is  
25 insufficient, it shall be apportioned on the basis of the  
26 claims approved. Each district shall submit estimated claims to

1 the State Superintendent of Education. Upon approval of such  
2 claims, the State Superintendent of Education shall direct the  
3 State Comptroller to make payments on a monthly basis. The  
4 frequency for submitting estimated claims and the method of  
5 determining payment shall be prescribed in rules and  
6 regulations adopted by the State Board of Education. Such  
7 current state reimbursement shall be reduced by an amount equal  
8 to the proceeds which the child or child's parents are eligible  
9 to receive under any public or private insurance or assistance  
10 program. Nothing in this Section shall be construed as  
11 relieving an insurer or similar third party from an otherwise  
12 valid obligation to provide or to pay for services provided to  
13 a child with a disability.

14 If it otherwise qualifies, a school district is eligible  
15 for the transportation reimbursement under Section 14-13.01  
16 and for the reimbursement of tuition payments under this  
17 Section whether the non-public school or special education  
18 facility, public out-of-state school or county special  
19 education facility, attended by a child who resides in that  
20 district and requires special educational services, is within  
21 or outside of the State of Illinois. However, a district is not  
22 eligible to claim transportation reimbursement under this  
23 Section unless the district certifies to the State  
24 Superintendent of Education that the district is unable to  
25 provide special educational services required by the child for  
26 the current school year.

1           Nothing in this Section authorizes the reimbursement of a  
2 school district for the amount paid for tuition of a child  
3 attending a non-public school or special education facility,  
4 public out-of-state school or county special education  
5 facility unless the school district certifies to the State  
6 Superintendent of Education that the special education program  
7 of that district is unable to meet the needs of that child  
8 because of his disability and the State Superintendent of  
9 Education finds that the school district is in substantial  
10 compliance with Section 14-4.01. However, if a child is  
11 unilaterally placed by a State agency or any court in a  
12 non-public school or special education facility, public  
13 out-of-state school, or county special education facility, a  
14 school district shall not be required to certify to the State  
15 Superintendent of Education, for the purpose of tuition  
16 reimbursement, that the special education program of that  
17 district is unable to meet the needs of a child because of his  
18 or her disability.

19           Any educational or related services provided, pursuant to  
20 this Section in a non-public school or special education  
21 facility or a special education facility owned and operated by  
22 a county government unit shall be at no cost to the parent or  
23 guardian of the child. However, current law and practices  
24 relative to contributions by parents or guardians for costs  
25 other than educational or related services are not affected by  
26 this amendatory Act of 1978.

1 Reimbursement for children attending public school  
2 residential facilities shall be made in accordance with the  
3 provisions of this Section.

4 Notwithstanding any other provision of law, any school  
5 district receiving a payment under this Section or under  
6 Section 14-7.02b, 14-13.01, or 29-5 of this Code may classify  
7 all or a portion of the funds that it receives in a particular  
8 fiscal year or from general State aid pursuant to Section  
9 18-8.05 of this Code as funds received in connection with any  
10 funding program for which it is entitled to receive funds from  
11 the State in that fiscal year (including, without limitation,  
12 any funding program referenced in this Section), regardless of  
13 the source or timing of the receipt. The district may not  
14 classify more funds as funds received in connection with the  
15 funding program than the district is entitled to receive in  
16 that fiscal year for that program. Any classification by a  
17 district must be made by a resolution of its board of  
18 education. The resolution must identify the amount of any  
19 payments or general State aid to be classified under this  
20 paragraph and must specify the funding program to which the  
21 funds are to be treated as received in connection therewith.  
22 This resolution is controlling as to the classification of  
23 funds referenced therein. A certified copy of the resolution  
24 must be sent to the State Superintendent of Education. The  
25 resolution shall still take effect even though a copy of the  
26 resolution has not been sent to the State Superintendent of

1 Education in a timely manner. No classification under this  
2 paragraph by a district shall affect the total amount or timing  
3 of money the district is entitled to receive under this Code.  
4 No classification under this paragraph by a district shall in  
5 any way relieve the district from or affect any requirements  
6 that otherwise would apply with respect to that funding  
7 program, including any accounting of funds by source, reporting  
8 expenditures by original source and purpose, reporting  
9 requirements, or requirements of providing services.

10 Notwithstanding anything to the contrary contained in this  
11 Section, the State Board of Education shall award to a school  
12 district having a population exceeding 500,000 inhabitants  
13 48.4% of the funds appropriated by the General Assembly for any  
14 fiscal year for purposes of payments to school districts under  
15 this Section.

16 (Source: P.A. 98-636, eff. 6-6-14; 98-1008, eff. 1-1-15; 99-78,  
17 eff. 7-20-15; 99-143, eff. 7-27-15.)

18 (105 ILCS 5/14-7.02b)

19 Sec. 14-7.02b. Funding for children requiring special  
20 education services. Payments to school districts for children  
21 requiring special education services documented in their  
22 individualized education program regardless of the program  
23 from which these services are received, excluding children  
24 claimed under Sections 14-7.02 and 14-7.03 of this Code, shall  
25 be made in accordance with this Section. Funds received under

1 this Section may be used only for the provision of special  
2 educational facilities and services as defined in Section  
3 14-1.08 of this Code.

4 The appropriation for fiscal year 2005 through fiscal year  
5 2017 ~~and thereafter~~ shall be based upon the IDEA child count of  
6 all students in the State, excluding students claimed under  
7 Sections 14-7.02 and 14-7.03 of this Code, on December 1 of the  
8 fiscal year 2 years preceding, multiplied by 17.5% of the  
9 general State aid foundation level of support established for  
10 that fiscal year under Section 18-8.05 of this Code.

11 Beginning with fiscal year 2005 and through fiscal year  
12 2007, individual school districts shall not receive payments  
13 under this Section totaling less than they received under the  
14 funding authorized under Section 14-7.02a of this Code during  
15 fiscal year 2004, pursuant to the provisions of Section  
16 14-7.02a as they were in effect before the effective date of  
17 this amendatory Act of the 93rd General Assembly. This base  
18 level funding shall be computed first.

19 Beginning with fiscal year 2008 through fiscal year 2017  
20 ~~and each fiscal year thereafter~~, individual school districts  
21 must not receive payments under this Section totaling less than  
22 they received in fiscal year 2007. This funding shall be  
23 computed last and shall be a separate calculation from any  
24 other calculation set forth in this Section. This amount is  
25 exempt from the requirements of Section 1D-1 of this Code.

26 Through fiscal year 2017, an ~~An~~ amount equal to 85% of the

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

12 For individual students with disabilities whose program  
13 costs exceed 4 times the district's per capita tuition rate as  
14 calculated under Section 10-20.12a of this Code, the costs in  
15 excess of 4 times the district's per capita tuition rate shall  
16 be paid by the State Board of Education from unexpended IDEA  
17 discretionary funds originally designated for room and board  
18 reimbursement pursuant to Section 14-8.01 of this Code. The  
19 amount of tuition for these children shall be determined by the  
20 actual cost of maintaining classes for these children, using  
21 the per capita cost formula set forth in Section 14-7.01 of  
22 this Code, with the program and cost being pre-approved by the  
23 State Superintendent of Education. Reimbursement for  
24 individual students with disabilities whose program costs  
25 exceed 4 times the district's per capita tuition rate shall be  
26 claimed beginning with costs encumbered for the 2004-2005

1 school year and thereafter.

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

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

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

22 Except for reimbursement for individual students with  
23 disabilities whose program costs exceed 4 times the district's  
24 per capita tuition rate, no funding shall be provided to school  
25 districts under this Section after fiscal year 2017.

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

1 (105 ILCS 5/14-7.03) (from Ch. 122, par. 14-7.03)

2 Sec. 14-7.03. Special Education Classes for Children from  
3 Orphanages, Foster Family Homes, Children's Homes, or in State  
4 Housing Units. If a school district maintains special education  
5 classes on the site of orphanages and children's homes, or if  
6 children from the orphanages, children's homes, foster family  
7 homes, other State agencies, or State residential units for  
8 children attend classes for children with disabilities in which  
9 the school district is a participating member of a joint  
10 agreement, or if the children from the orphanages, children's  
11 homes, foster family homes, other State agencies, or State  
12 residential units attend classes for the children with  
13 disabilities maintained by the school district, then  
14 reimbursement shall be paid to eligible districts in accordance  
15 with the provisions of this Section by the Comptroller as  
16 directed by the State Superintendent of Education.

17 The amount of tuition for such children shall be determined  
18 by the actual cost of maintaining such classes, using the per  
19 capita cost formula set forth in Section 14-7.01, such program  
20 and cost to be pre-approved by the State Superintendent of  
21 Education.

22 If a school district makes a claim for reimbursement under  
23 Section 18-3 or 18-4 of this Act it shall not include in any  
24 claim filed under this Section a claim for such children.  
25 Payments authorized by law, including State or federal grants

1 for education of children included in this Section, shall be  
2 deducted in determining the tuition amount.

3 Nothing in this Act shall be construed so as to prohibit  
4 reimbursement for the tuition of children placed in for profit  
5 facilities. Private facilities shall provide adequate space at  
6 the facility for special education classes provided by a school  
7 district or joint agreement for children with disabilities who  
8 are residents of the facility at no cost to the school district  
9 or joint agreement upon request of the school district or joint  
10 agreement. If such a private facility provides space at no cost  
11 to the district or joint agreement for special education  
12 classes provided to children with disabilities who are  
13 residents of the facility, the district or joint agreement  
14 shall not include any costs for the use of those facilities in  
15 its claim for reimbursement.

16 Reimbursement for tuition may include the cost of providing  
17 summer school programs for children with severe and profound  
18 disabilities served under this Section. Claims for that  
19 reimbursement shall be filed by November 1 and shall be paid on  
20 or before December 15 from appropriations made for the purposes  
21 of this Section.

22 The State Board of Education shall establish such rules and  
23 regulations as may be necessary to implement the provisions of  
24 this Section.

25 Claims filed on behalf of programs operated under this  
26 Section housed in a jail, detention center, or county-owned

1 shelter care facility shall be on an individual student basis  
2 only for eligible students with disabilities. These claims  
3 shall be in accordance with applicable rules.

4 Each district claiming reimbursement for a program  
5 operated as a group program shall have an approved budget on  
6 file with the State Board of Education prior to the initiation  
7 of the program's operation. On September 30, December 31, and  
8 March 31, the State Board of Education shall voucher payments  
9 to group programs based upon the approved budget during the  
10 year of operation. Final claims for group payments shall be  
11 filed on or before July 15. Final claims for group programs  
12 received at the State Board of Education on or before June 15  
13 shall be vouchered by June 30. Final claims received at the  
14 State Board of Education between June 16 and July 15 shall be  
15 vouchered by August 30. Claims for group programs received  
16 after July 15 shall not be honored.

17 Each district claiming reimbursement for individual  
18 students shall have the eligibility of those students verified  
19 by the State Board of Education. On September 30, December 31,  
20 and March 31, the State Board of Education shall voucher  
21 payments for individual students based upon an estimated cost  
22 calculated from the prior year's claim. Final claims for  
23 individual students for the regular school term must be  
24 received at the State Board of Education by July 15. Claims for  
25 individual students received after July 15 shall not be  
26 honored. Final claims for individual students shall be

1 vouchered by August 30.

2 Reimbursement shall be made based upon approved group  
3 programs or individual students. The State Superintendent of  
4 Education shall direct the Comptroller to pay a specified  
5 amount to the district by the 30th day of September, December,  
6 March, June, or August, respectively. However, notwithstanding  
7 any other provisions of this Section or the School Code,  
8 beginning with fiscal year 1994 and each fiscal year  
9 thereafter, if the amount appropriated for any fiscal year is  
10 less than the amount required for purposes of this Section, the  
11 amount required to eliminate any insufficient reimbursement  
12 for each district claim under this Section shall be reimbursed  
13 on August 30 of the next fiscal year. Payments required to  
14 eliminate any insufficiency for prior fiscal year claims shall  
15 be made before any claims are paid for the current fiscal year.

16 The claim of a school district otherwise eligible to be  
17 reimbursed in accordance with Section 14-12.01 for the 1976-77  
18 school year but for this amendatory Act of 1977 shall not be  
19 paid unless the district ceases to maintain such classes for  
20 one entire school year.

21 If a school district's current reimbursement payment for  
22 the 1977-78 school year only is less than the prior year's  
23 reimbursement payment owed, the district shall be paid the  
24 amount of the difference between the payments in addition to  
25 the current reimbursement payment, and the amount so paid shall  
26 be subtracted from the amount of prior year's reimbursement

1 payment owed to the district.

2 Regional superintendents may operate special education  
3 classes for children from orphanages, foster family homes,  
4 children's homes or State housing units located within the  
5 educational services region upon consent of the school board  
6 otherwise so obligated. In electing to assume the powers and  
7 duties of a school district in providing and maintaining such a  
8 special education program, the regional superintendent may  
9 enter into joint agreements with other districts and may  
10 contract with public or private schools or the orphanage,  
11 foster family home, children's home or State housing unit for  
12 provision of the special education program. The regional  
13 superintendent exercising the powers granted under this  
14 Section shall claim the reimbursement authorized by this  
15 Section directly from the State Board of Education.

16 Any child who is not a resident of Illinois who is placed  
17 in a child welfare institution, private facility, foster family  
18 home, State operated program, orphanage or children's home  
19 shall have the payment for his educational tuition and any  
20 related services assured by the placing agent.

21 For each student with a disability who is placed in a  
22 residential facility by an Illinois public agency or by any  
23 court in this State, the costs for educating the student are  
24 eligible for reimbursement under this Section.

25 The district of residence of the student with a disability  
26 as defined in Section 14-1.11a is responsible for the actual

1 costs of the student's special education program and is  
2 eligible for reimbursement under this Section when placement is  
3 made by a State agency or the courts.

4 When a dispute arises over the determination of the  
5 district of residence under this Section, the district or  
6 districts may appeal the decision in writing to the State  
7 Superintendent of Education, who, upon review of materials  
8 submitted and any other items or information he or she may  
9 request for submission, shall issue a written decision on the  
10 matter. The decision of the State Superintendent of Education  
11 shall be final.

12 In the event a district does not make a tuition payment to  
13 another district that is providing the special education  
14 program and services, the State Board of Education shall  
15 immediately withhold 125% of the then remaining annual tuition  
16 cost from the State aid or categorical aid payment due to the  
17 school district that is determined to be the resident school  
18 district. All funds withheld by the State Board of Education  
19 shall immediately be forwarded to the school district where the  
20 student is being served.

21 When a child eligible for services under this Section  
22 14-7.03 must be placed in a nonpublic facility, that facility  
23 shall meet the programmatic requirements of Section 14-7.02 and  
24 its regulations, and the educational services shall be funded  
25 only in accordance with this Section 14-7.03.

26 Notwithstanding anything to the contrary contained in this

1 Section, the State Board of Education shall award to a school  
2 district having a population exceeding 500,000 inhabitants  
3 35.8% of the funds appropriated by the General Assembly for any  
4 fiscal year for purposes of payment of claims of special  
5 education orphanage tuition under this Section.

6 (Source: P.A. 98-739, eff. 7-16-14; 99-143, eff. 7-27-15.)

7 (105 ILCS 5/14-13.01) (from Ch. 122, par. 14-13.01)

8 Sec. 14-13.01. Reimbursement payable by State; amounts for  
9 personnel and transportation.

10 (a) Through fiscal year 2017, for ~~For~~ staff working on  
11 behalf of children who have not been identified as eligible for  
12 special education and for eligible children with physical  
13 disabilities, including all eligible children whose placement  
14 has been determined under Section 14-8.02 in hospital or home  
15 instruction, 1/2 of the teacher's salary but not more than  
16 \$1,000 annually per child or \$9,000 per teacher, whichever is  
17 less.

18 (a-5) A child qualifies for home or hospital instruction if  
19 it is anticipated that, due to a medical condition, the child  
20 will be unable to attend school, and instead must be instructed  
21 at home or in the hospital, for a period of 2 or more  
22 consecutive weeks or on an ongoing intermittent basis. For  
23 purposes of this Section, "ongoing intermittent basis" means  
24 that the child's medical condition is of such a nature or  
25 severity that it is anticipated that the child will be absent

1 from school due to the medical condition for periods of at  
2 least 2 days at a time multiple times during the school year  
3 totaling at least 10 days or more of absences. There shall be  
4 no requirement that a child be absent from school a minimum  
5 number of days before the child qualifies for home or hospital  
6 instruction. In order to establish eligibility for home or  
7 hospital services, a student's parent or guardian must submit  
8 to the child's school district of residence a written statement  
9 from a physician licensed to practice medicine in all of its  
10 branches stating the existence of such medical condition, the  
11 impact on the child's ability to participate in education, and  
12 the anticipated duration or nature of the child's absence from  
13 school. Home or hospital instruction may commence upon receipt  
14 of a written physician's statement in accordance with this  
15 Section, but instruction shall commence not later than 5 school  
16 days after the school district receives the physician's  
17 statement. Special education and related services required by  
18 the child's IEP or services and accommodations required by the  
19 child's federal Section 504 plan must be implemented as part of  
20 the child's home or hospital instruction, unless the IEP team  
21 or federal Section 504 plan team determines that modifications  
22 are necessary during the home or hospital instruction due to  
23 the child's condition.

24 (a-10) Through fiscal year 2017, eligible ~~Eligible~~  
25 children to be included in any reimbursement under this  
26 paragraph must regularly receive a minimum of one hour of

1 instruction each school day, or in lieu thereof of a minimum of  
2 5 hours of instruction in each school week in order to qualify  
3 for full reimbursement under this Section. If the attending  
4 physician for such a child has certified that the child should  
5 not receive as many as 5 hours of instruction in a school week,  
6 however, reimbursement under this paragraph on account of that  
7 child shall be computed proportionate to the actual hours of  
8 instruction per week for that child divided by 5.

9 (a-15) The State Board of Education shall establish rules  
10 governing the required qualifications of staff providing home  
11 or hospital instruction.

12 (b) For children described in Section 14-1.02, 80% of the  
13 cost of transportation approved as a related service in the  
14 Individualized Education Program for each student in order to  
15 take advantage of special educational facilities.  
16 Transportation costs shall be determined in the same fashion as  
17 provided in Section 29-5 of this Code, provided that,  
18 notwithstanding anything to the contrary contained in this  
19 subsection (b) or Section 29-5 of this Code, the State Board of  
20 Education shall award to a school district having a population  
21 exceeding 500,000 inhabitants 30.7% of the funds appropriated  
22 by the General Assembly for any fiscal year for purposes of  
23 payment of transportation cost claims under this subsection  
24 (b). For purposes of this subsection (b), the dates for  
25 processing claims specified in Section 29-5 shall apply.

26 (c) Through fiscal year 2017, for ~~For~~ each qualified

1 worker, the annual sum of \$9,000.

2 (d) Through fiscal year 2017, for ~~For~~ one full time  
3 qualified director of the special education program of each  
4 school district which maintains a fully approved program of  
5 special education the annual sum of \$9,000. Districts  
6 participating in a joint agreement special education program  
7 shall not receive such reimbursement if reimbursement is made  
8 for a director of the joint agreement program.

9 (e) (Blank).

10 (f) (Blank).

11 (g) Through fiscal year 2017, for ~~For~~ readers, working with  
12 blind or partially seeing children 1/2 of their salary but not  
13 more than \$400 annually per child. Readers may be employed to  
14 assist such children and shall not be required to be certified  
15 but prior to employment shall meet standards set up by the  
16 State Board of Education.

17 (h) Through fiscal year 2017, for ~~For~~ non-certified  
18 employees, as defined by rules promulgated by the State Board  
19 of Education, who deliver services to students with IEPs, 1/2  
20 of the salary paid or \$3,500 per employee, whichever is less.

21 (i) The State Board of Education shall set standards and  
22 prescribe rules for determining the allocation of  
23 reimbursement under this section on less than a full time basis  
24 and for less than a school year.

25 When any school district eligible for reimbursement under  
26 this Section operates a school or program approved by the State

1 Superintendent of Education for a number of days in excess of  
2 the adopted school calendar but not to exceed 235 school days,  
3 such reimbursement shall be increased by 1/180 of the amount or  
4 rate paid hereunder for each day such school is operated in  
5 excess of 180 days per calendar year.

6 Notwithstanding any other provision of law, any school  
7 district receiving a payment under this Section or under  
8 Section 14-7.02, 14-7.02b, or 29-5 of this Code may classify  
9 all or a portion of the funds that it receives in a particular  
10 fiscal year or from evidence-based funding ~~general State aid~~  
11 pursuant to Section 18-8.15 ~~18-8.05~~ of this Code as funds  
12 received in connection with any funding program for which it is  
13 entitled to receive funds from the State in that fiscal year  
14 (including, without limitation, any funding program referenced  
15 in this Section), regardless of the source or timing of the  
16 receipt. The district may not classify more funds as funds  
17 received in connection with the funding program than the  
18 district is entitled to receive in that fiscal year for that  
19 program. Any classification by a district must be made by a  
20 resolution of its board of education. The resolution must  
21 identify the amount of any payments or evidence-based funding  
22 ~~general State aid~~ to be classified under this paragraph and  
23 must specify the funding program to which the funds are to be  
24 treated as received in connection therewith. This resolution is  
25 controlling as to the classification of funds referenced  
26 therein. A certified copy of the resolution must be sent to the

1 State Superintendent of Education. The resolution shall still  
2 take effect even though a copy of the resolution has not been  
3 sent to the State Superintendent of Education in a timely  
4 manner. No classification under this paragraph by a district  
5 shall affect the total amount or timing of money the district  
6 is entitled to receive under this Code. No classification under  
7 this paragraph by a district shall in any way relieve the  
8 district from or affect any requirements that otherwise would  
9 apply with respect to that funding program, including any  
10 accounting of funds by source, reporting expenditures by  
11 original source and purpose, reporting requirements, or  
12 requirements of providing services.

13 (Source: P.A. 96-257, eff. 8-11-09; 97-123, eff. 7-14-11.)

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

15 Sec. 14C-1. The General Assembly finds that there are large  
16 numbers of children in this State who come from environments  
17 where the primary language is other than English. Experience  
18 has shown that public school classes in which instruction is  
19 given only in English are often inadequate for the education of  
20 children whose native tongue is another language. The General  
21 Assembly believes that a program of transitional bilingual  
22 education can meet the needs of these children and facilitate  
23 their integration into the regular public school curriculum.  
24 Therefore, pursuant to the policy of this State to ensure equal  
25 educational opportunity to every child, and in recognition of

1 the educational needs of English learners, it is the purpose of  
2 this Act to provide for the establishment of transitional  
3 bilingual education programs in the public schools, to provide  
4 supplemental financial assistance through fiscal year 2017 to  
5 help local school districts meet the extra costs of such  
6 programs, and to allow this State through the State Board of  
7 Education to directly or indirectly provide technical  
8 assistance and professional development to support  
9 transitional bilingual education or a transitional program of  
10 instruction programs statewide through contractual services by  
11 a not-for-profit entity for technical assistance, professional  
12 development, and other support to school districts and  
13 educators for services for English learner pupils. In no case  
14 may aggregate funding for contractual services by a  
15 not-for-profit entity for support to school districts and  
16 educators for services for English learner pupils be less than  
17 the aggregate amount expended for such purposes in Fiscal Year  
18 2017. Not-for-profit entities providing support to school  
19 districts and educators for services for English learner pupils  
20 must have experience providing those services in a school  
21 district having a population exceeding 500,000; one or more  
22 school districts in any of the counties of Lake, McHenry,  
23 DuPage, Kane, and Will; and one or more school districts  
24 elsewhere in this State. Funding for not-for-profit entities  
25 providing support to school districts and educators for  
26 services for English learner pupils may be increased subject to

1 an agreement with the State Board of Education. Funding for  
2 not-for-profit entities providing support to school districts  
3 and educators for services for English learner pupils shall  
4 come from funds allocated pursuant to Section 18-8.15 of this  
5 Code.

6 (Source: P.A. 99-30, eff. 7-10-15.)

7 (105 ILCS 5/14C-12) (from Ch. 122, par. 14C-12)

8 Sec. 14C-12. Account of expenditures; Cost report;  
9 Reimbursement. Each school district with at least one English  
10 learner shall keep an accurate, detailed and separate account  
11 of all monies paid out by it for the programs in transitional  
12 bilingual education required or permitted by this Article,  
13 including transportation costs, and shall annually report  
14 thereon for the school year ending June 30 indicating the  
15 average per pupil expenditure. Through fiscal year 2017, each  
16 ~~Each~~ school district shall be reimbursed for the amount by  
17 which such costs exceed the average per pupil expenditure by  
18 such school district for the education of children of  
19 comparable age who are not in any special education program. No  
20 funding shall be provided to school districts under this  
21 Section after fiscal year 2017. In fiscal year 2018 and each  
22 fiscal year thereafter, all funding received by a school  
23 district from the State pursuant to Section 18-8.15 of this  
24 Code that is attributable to instructions, supports, and  
25 interventions for English learner pupils must be used for

1 programs and services authorized under this Article. At least  
2 60% of transitional bilingual education funding received from  
3 the State must be used for the instructional costs of programs  
4 and services authorized under this Article ~~transitional~~  
5 ~~bilingual education.~~

6 Applications for preapproval ~~for reimbursement~~ for costs  
7 of transitional bilingual education programs must be submitted  
8 to the State Superintendent of Education at least 60 days  
9 before a transitional bilingual education program is started,  
10 unless a justifiable exception is granted by the State  
11 Superintendent of Education. Applications shall set forth a  
12 plan for transitional bilingual education established and  
13 maintained in accordance with this Article.

14 Through fiscal year 2017, reimbursement ~~Reimbursement~~  
15 claims for transitional bilingual education programs shall be  
16 made as follows:

17 Each school district shall claim reimbursement on a current  
18 basis for the first 3 quarters of the fiscal year and file a  
19 final adjusted claim for the school year ended June 30  
20 preceding computed in accordance with rules prescribed by the  
21 State Superintendent's Office. The State Superintendent of  
22 Education before approving any such claims shall determine  
23 their accuracy and whether they are based upon services and  
24 facilities provided under approved programs. Upon approval he  
25 shall transmit to the Comptroller the vouchers showing the  
26 amounts due for school district reimbursement claims. Upon

1 receipt of the final adjusted claims the State Superintendent  
2 of Education shall make a final determination of the accuracy  
3 of such claims. If the money appropriated by the General  
4 Assembly for such purpose for any year is insufficient, it  
5 shall be apportioned on the basis of the claims approved.

6 Failure on the part of the school district to prepare and  
7 certify the final adjusted claims due under this Section may  
8 constitute a forfeiture by the school district of its right to  
9 be reimbursed by the State under this Section.

10 (Source: P.A. 96-1170, eff. 1-1-11.)

11 (105 ILCS 5/17-1) (from Ch. 122, par. 17-1)

12 Sec. 17-1. Annual Budget. The board of education of each  
13 school district under 500,000 inhabitants shall, within or  
14 before the first quarter of each fiscal year, adopt and file  
15 with the State Board of Education an annual balanced budget  
16 which it deems necessary to defray all necessary expenses and  
17 liabilities of the district, and in such annual budget shall  
18 specify the objects and purposes of each item and amount needed  
19 for each object or purpose.

20 The budget shall be entered upon a School District Budget  
21 form prepared and provided by the State Board of Education and  
22 therein shall contain a statement of the cash on hand at the  
23 beginning of the fiscal year, an estimate of the cash expected  
24 to be received during such fiscal year from all sources, an  
25 estimate of the expenditures contemplated for such fiscal year,

1 and a statement of the estimated cash expected to be on hand at  
2 the end of such year. The estimate of taxes to be received may  
3 be based upon the amount of actual cash receipts that may  
4 reasonably be expected by the district during such fiscal year,  
5 estimated from the experience of the district in prior years  
6 and with due regard for other circumstances that may  
7 substantially affect such receipts. Nothing in this Section  
8 shall be construed as requiring any district to change or  
9 preventing any district from changing from a cash basis of  
10 financing to a surplus or deficit basis of financing; or as  
11 requiring any district to change or preventing any district  
12 from changing its system of accounting. The budget shall  
13 conform to the requirements adopted by the State Board of  
14 Education pursuant to Section 2-3.28 of this Code.

15 To the extent that a school district's budget is not  
16 balanced, the district shall also adopt and file with the State  
17 Board of Education a deficit reduction plan to balance the  
18 district's budget within 3 years. The deficit reduction plan  
19 must be filed at the same time as the budget, but the State  
20 Superintendent of Education may extend this deadline if the  
21 situation warrants.

22 If, as the result of an audit performed in compliance with  
23 Section 3-7 of this Code, the resulting Annual Financial Report  
24 required to be submitted pursuant to Section 3-15.1 of this  
25 Code reflects a deficit as defined for purposes of the  
26 preceding paragraph, then the district shall, within 30 days

1 after acceptance of such audit report, submit a deficit  
2 reduction plan.

3 The board of education of each district shall fix a fiscal  
4 year therefor. If the beginning of the fiscal year of a  
5 district is subsequent to the time that the tax levy due to be  
6 made in such fiscal year shall be made, then such annual budget  
7 shall be adopted prior to the time such tax levy shall be made.  
8 The failure by a board of education of any district to adopt an  
9 annual budget, or to comply in any respect with the provisions  
10 of this Section, shall not affect the validity of any tax levy  
11 of the district otherwise in conformity with the law. With  
12 respect to taxes levied either before, on, or after the  
13 effective date of this amendatory Act of the 91st General  
14 Assembly, (i) a tax levy is made for the fiscal year in which  
15 the levy is due to be made regardless of which fiscal year the  
16 proceeds of the levy are expended or are intended to be  
17 expended, and (ii) except as otherwise provided by law, a board  
18 of education's adoption of an annual budget in conformity with  
19 this Section is not a prerequisite to the adoption of a valid  
20 tax levy and is not a limit on the amount of the levy.

21 Such budget shall be prepared in tentative form by some  
22 person or persons designated by the board, and in such  
23 tentative form shall be made conveniently available to public  
24 inspection for at least 30 days prior to final action thereon.  
25 At least 1 public hearing shall be held as to such budget prior  
26 to final action thereon. Notice of availability for public

1 inspection and of such public hearing shall be given by  
2 publication in a newspaper published in such district, at least  
3 30 days prior to the time of such hearing. If there is no  
4 newspaper published in such district, notice of such public  
5 hearing shall be given by posting notices thereof in 5 of the  
6 most public places in such district. It shall be the duty of  
7 the secretary of such board to make such tentative budget  
8 available to public inspection, and to arrange for such public  
9 hearing. The board may from time to time make transfers between  
10 the various items in any fund not exceeding in the aggregate  
11 10% of the total of such fund as set forth in the budget. The  
12 board may from time to time amend such budget by the same  
13 procedure as is herein provided for its original adoption.

14 Beginning July 1, 1976, the board of education, or regional  
15 superintendent, or governing board responsible for the  
16 administration of a joint agreement shall, by September 1 of  
17 each fiscal year thereafter, adopt an annual budget for the  
18 joint agreement in the same manner and subject to the same  
19 requirements as are provided in this Section.

20 The State Board of Education shall exercise powers and  
21 duties relating to budgets as provided in Section 2-3.27 of  
22 this Code and shall require school districts to submit their  
23 annual budgets, deficit reduction plans, and other financial  
24 information, including revenue and expenditure reports and  
25 borrowing and interfund transfer plans, in such form and within  
26 the timelines designated by the State Board of Education.

1 By fiscal year 1982 all school districts shall use the  
2 Program Budget Accounting System.

3 In the case of a school district receiving emergency State  
4 financial assistance under Article 1B, the school board shall  
5 also be subject to the requirements established under Article  
6 1B with respect to the annual budget.

7 (Source: P.A. 97-429, eff. 8-16-11.)

8 (105 ILCS 5/17-1.2)

9 Sec. 17-1.2. Post annual budget on web site. If a school  
10 district has an Internet web site, the school district shall  
11 post its current annual budget, itemized by receipts and  
12 expenditures, on the district's Internet web site. The budget  
13 shall include information conforming to the rules adopted by  
14 the State Board of Education pursuant to Section 2-3.28 of this  
15 Code. The school district shall notify the parents or guardians  
16 of its students that the budget has been posted on the  
17 district's web site and what the web site's address is.

18 (Source: P.A. 92-438, eff. 1-1-02.)

19 (105 ILCS 5/17-1.5)

20 Sec. 17-1.5. Limitation of administrative costs.

21 (a) It is the purpose of this Section to establish  
22 limitations on the growth of administrative expenditures in  
23 order to maximize the proportion of school district resources  
24 available for the instructional program, building maintenance,

1 and safety services for the students of each district.

2 (b) Definitions. For the purposes of this Section:

3 "Administrative expenditures" mean the annual expenditures  
4 of school districts properly attributable to expenditure  
5 functions defined by the rules of the State Board of Education  
6 as: 2320 (Executive Administration Services); 2330 (Special  
7 Area Administration Services); 2490 (Other Support Services -  
8 School Administration); 2510 (Direction of Business Support  
9 Services); 2570 (Internal Services); and 2610 (Direction of  
10 Central Support Services); provided, however, that  
11 "administrative expenditures" shall not include early  
12 retirement or other pension system obligations required by  
13 State law.

14 "School district" means all school districts having a  
15 population of less than 500,000.

16 (c) For the 1998-99 school year and each school year  
17 thereafter, each school district shall undertake budgetary and  
18 expenditure control actions so that the increase in  
19 administrative expenditures for that school year over the prior  
20 school year does not exceed 5%. School districts with  
21 administrative expenditures per pupil in the 25th percentile  
22 and below for all districts of the same type, as defined by the  
23 State Board of Education, may waive the limitation imposed  
24 under this Section for any year following a public hearing and  
25 with the affirmative vote of at least two-thirds of the members  
26 of the school board of the district. Any district waiving the

1 limitation shall notify the State Board within 45 days of such  
2 action.

3 (d) School districts shall file with the State Board of  
4 Education by November 15, 1998 and by each November 15th  
5 thereafter a one-page report that lists (i) the actual  
6 administrative expenditures for the prior year from the  
7 district's audited Annual Financial Report, and (ii) the  
8 projected administrative expenditures for the current year  
9 from the budget adopted by the school board pursuant to Section  
10 17-1 of this Code.

11 If a school district that is ineligible to waive the  
12 limitation imposed by subsection (c) of this Section by board  
13 action exceeds the limitation solely because of circumstances  
14 beyond the control of the district and the district has  
15 exhausted all available and reasonable remedies to comply with  
16 the limitation, the district may request a waiver pursuant to  
17 Section 2-3.25g. The waiver application shall specify the  
18 amount, nature, and reason for the relief requested, as well as  
19 all remedies the district has exhausted to comply with the  
20 limitation. Any emergency relief so requested shall apply only  
21 to the specific school year for which the request is made. The  
22 State Board of Education shall analyze all such waivers  
23 submitted and shall recommend that the General Assembly  
24 disapprove any such waiver requested that is not due solely to  
25 circumstances beyond the control of the district and for which  
26 the district has not exhausted all available and reasonable

1 remedies to comply with the limitation. The State  
2 Superintendent shall have no authority to impose any sanctions  
3 pursuant to this Section for any expenditures for which a  
4 waiver has been requested until such waiver has been reviewed  
5 by the General Assembly.

6 If the report and information required under this  
7 subsection (d) are not provided by the school district in a  
8 timely manner, or are subsequently determined by the State  
9 Superintendent of Education to be incomplete or inaccurate, the  
10 State Superintendent shall notify the district in writing of  
11 reporting deficiencies. The school district shall, within 60  
12 days of the notice, address the reporting deficiencies  
13 identified.

14 (e) If the State Superintendent determines that a school  
15 district has failed to comply with the administrative  
16 expenditure limitation imposed in subsection (c) of this  
17 Section, the State Superintendent shall notify the district of  
18 the violation and direct the district to undertake corrective  
19 action to bring the district's budget into compliance with the  
20 administrative expenditure limitation. The district shall,  
21 within 60 days of the notice, provide adequate assurance to the  
22 State Superintendent that appropriate corrective actions have  
23 been or will be taken. If the district fails to provide  
24 adequate assurance or fails to undertake the necessary  
25 corrective actions, the State Superintendent may impose  
26 progressive sanctions against the district that may culminate

1 in withholding all subsequent payments of general State aid due  
2 the district under Section 18-8.05 of this Code or  
3 evidence-based funding due the district under Section 18-8.15  
4 of this Code until the assurance is provided or the corrective  
5 actions taken.

6 (f) The State Superintendent shall publish a list each year  
7 of the school districts that violate the limitation imposed by  
8 subsection (c) of this Section and a list of the districts that  
9 waive the limitation by board action as provided in subsection  
10 (c) of this Section.

11 (Source: P.A. 90-548, eff. 1-1-98; 90-653, eff. 7-29-98.)

12 (105 ILCS 5/17-2.11) (from Ch. 122, par. 17-2.11)

13 Sec. 17-2.11. School board power to levy a tax or to borrow  
14 money and issue bonds for fire prevention, safety, energy  
15 conservation, accessibility, school security, and specified  
16 repair purposes.

17 (a) Whenever, as a result of any lawful order of any  
18 agency, other than a school board, having authority to enforce  
19 any school building code applicable to any facility that houses  
20 students, or any law or regulation for the protection and  
21 safety of the environment, pursuant to the Environmental  
22 Protection Act, any school district having a population of less  
23 than 500,000 inhabitants is required to alter or reconstruct  
24 any school building or permanent, fixed equipment; the district  
25 may, by proper resolution, levy a tax for the purpose of making

1 such alteration or reconstruction, based on a survey report by  
2 an architect or engineer licensed in this State, upon all of  
3 the taxable property of the district at the value as assessed  
4 by the Department of Revenue and at a rate not to exceed 0.05%  
5 per year for a period sufficient to finance such alteration or  
6 reconstruction, upon the following conditions:

7 (1) When there are not sufficient funds available in  
8 the operations and maintenance fund of the school district,  
9 the school facility occupation tax fund of the district, or  
10 the fire prevention and safety fund of the district, as  
11 determined by the district on the basis of rules adopted by  
12 the State Board of Education, to make such alteration or  
13 reconstruction or to purchase and install such permanent,  
14 fixed equipment so ordered or determined as necessary.  
15 Appropriate school district records must be made available  
16 to the State Superintendent of Education, upon request, to  
17 confirm this insufficiency.

18 (2) When a certified estimate of an architect or  
19 engineer licensed in this State stating the estimated  
20 amount necessary to make the alteration or reconstruction  
21 or to purchase and install the equipment so ordered has  
22 been secured by the school district, and the estimate has  
23 been approved by the regional superintendent of schools  
24 having jurisdiction over the district and the State  
25 Superintendent of Education. Approval must not be granted  
26 for any work that has already started without the prior

1           express authorization of the State Superintendent of  
2           Education. If the estimate is not approved or is denied  
3           approval by the regional superintendent of schools within 3  
4           months after the date on which it is submitted to him or  
5           her, the school board of the district may submit the  
6           estimate directly to the State Superintendent of Education  
7           for approval or denial.

8           In the case of an emergency situation, where the estimated  
9           cost to effectuate emergency repairs is less than the amount  
10          specified in Section 10-20.21 of this Code, the school district  
11          may proceed with such repairs prior to approval by the State  
12          Superintendent of Education, but shall comply with the  
13          provisions of subdivision (2) of this subsection (a) as soon  
14          thereafter as may be as well as Section 10-20.21 of this Code.  
15          If the estimated cost to effectuate emergency repairs is  
16          greater than the amount specified in Section 10-20.21 of this  
17          Code, then the school district shall proceed in conformity with  
18          Section 10-20.21 of this Code and with rules established by the  
19          State Board of Education to address such situations. The rules  
20          adopted by the State Board of Education to deal with these  
21          situations shall stipulate that emergency situations must be  
22          expedited and given priority consideration. For purposes of  
23          this paragraph, an emergency is a situation that presents an  
24          imminent and continuing threat to the health and safety of  
25          students or other occupants of a facility, requires complete or  
26          partial evacuation of a building or part of a building, or

1 consumes one or more of the 5 emergency days built into the  
2 adopted calendar of the school or schools or would otherwise be  
3 expected to cause such school or schools to fall short of the  
4 minimum school calendar requirements.

5 (b) Whenever any such district determines that it is  
6 necessary for energy conservation purposes that any school  
7 building or permanent, fixed equipment should be altered or  
8 reconstructed and that such alterations or reconstruction will  
9 be made with funds not necessary for the completion of approved  
10 and recommended projects contained in any safety survey report  
11 or amendments thereto authorized by Section 2-3.12 of this Act;  
12 the district may levy a tax or issue bonds as provided in  
13 subsection (a) of this Section.

14 (c) Whenever any such district determines that it is  
15 necessary for accessibility purposes and to comply with the  
16 school building code that any school building or equipment  
17 should be altered or reconstructed and that such alterations or  
18 reconstruction will be made with funds not necessary for the  
19 completion of approved and recommended projects contained in  
20 any safety survey report or amendments thereto authorized under  
21 Section 2-3.12 of this Act, the district may levy a tax or  
22 issue bonds as provided in subsection (a) of this Section.

23 (d) Whenever any such district determines that it is  
24 necessary for school security purposes and the related  
25 protection and safety of pupils and school personnel that any  
26 school building or property should be altered or reconstructed

1 or that security systems and equipment (including but not  
2 limited to intercom, early detection and warning, access  
3 control and television monitoring systems) should be purchased  
4 and installed, and that such alterations, reconstruction or  
5 purchase and installation of equipment will be made with funds  
6 not necessary for the completion of approved and recommended  
7 projects contained in any safety survey report or amendment  
8 thereto authorized by Section 2-3.12 of this Act and will deter  
9 and prevent unauthorized entry or activities upon school  
10 property by unknown or dangerous persons, assure early  
11 detection and advance warning of any such actual or attempted  
12 unauthorized entry or activities and help assure the continued  
13 safety of pupils and school staff if any such unauthorized  
14 entry or activity is attempted or occurs; the district may levy  
15 a tax or issue bonds as provided in subsection (a) of this  
16 Section.

17 (e) If a school district does not need funds for other fire  
18 prevention and safety projects, including the completion of  
19 approved and recommended projects contained in any safety  
20 survey report or amendments thereto authorized by Section  
21 2-3.12 of this Act, and it is determined after a public hearing  
22 (which is preceded by at least one published notice (i)  
23 occurring at least 7 days prior to the hearing in a newspaper  
24 of general circulation within the school district and (ii)  
25 setting forth the time, date, place, and general subject matter  
26 of the hearing) that there is a substantial, immediate, and

1 otherwise unavoidable threat to the health, safety, or welfare  
2 of pupils due to disrepair of school sidewalks, playgrounds,  
3 parking lots, or school bus turnarounds and repairs must be  
4 made; then the district may levy a tax or issue bonds as  
5 provided in subsection (a) of this Section.

6 (f) For purposes of this Section a school district may  
7 replace a school building or build additions to replace  
8 portions of a building when it is determined that the  
9 effectuation of the recommendations for the existing building  
10 will cost more than the replacement costs. Such determination  
11 shall be based on a comparison of estimated costs made by an  
12 architect or engineer licensed in the State of Illinois. The  
13 new building or addition shall be equivalent in area (square  
14 feet) and comparable in purpose and grades served and may be on  
15 the same site or another site. Such replacement may only be  
16 done upon order of the regional superintendent of schools and  
17 the approval of the State Superintendent of Education.

18 (g) The filing of a certified copy of the resolution  
19 levying the tax when accompanied by the certificates of the  
20 regional superintendent of schools and State Superintendent of  
21 Education shall be the authority of the county clerk to extend  
22 such tax.

23 (h) The county clerk of the county in which any school  
24 district levying a tax under the authority of this Section is  
25 located, in reducing raised levies, shall not consider any such  
26 tax as a part of the general levy for school purposes and shall

1 not include the same in the limitation of any other tax rate  
2 which may be extended.

3 Such tax shall be levied and collected in like manner as  
4 all other taxes of school districts, subject to the provisions  
5 contained in this Section.

6 (i) The tax rate limit specified in this Section may be  
7 increased to .10% upon the approval of a proposition to effect  
8 such increase by a majority of the electors voting on that  
9 proposition at a regular scheduled election. Such proposition  
10 may be initiated by resolution of the school board and shall be  
11 certified by the secretary to the proper election authorities  
12 for submission in accordance with the general election law.

13 (j) When taxes are levied by any school district for fire  
14 prevention, safety, energy conservation, and school security  
15 purposes as specified in this Section, and the purposes for  
16 which the taxes have been levied are accomplished and paid in  
17 full, and there remain funds on hand in the Fire Prevention and  
18 Safety Fund from the proceeds of the taxes levied, including  
19 interest earnings thereon, the school board by resolution shall  
20 use such excess and other board restricted funds, excluding  
21 bond proceeds and earnings from such proceeds, as follows:

22 (1) for other authorized fire prevention, safety,  
23 energy conservation, required safety inspections, school  
24 security purposes, sampling for lead in drinking water in  
25 schools, and for repair and mitigation due to lead levels  
26 in the drinking water supply; or

1           (2) for transfer to the Operations and Maintenance Fund  
2           for the purpose of abating an equal amount of operations  
3           and maintenance purposes taxes.

4           Notwithstanding subdivision (2) of this subsection (j) and  
5           subsection (k) of this Section, through June 30, 2020 ~~2019~~, the  
6           school board may, by proper resolution following a public  
7           hearing set by the school board or the president of the school  
8           board (that is preceded (i) by at least one published notice  
9           over the name of the clerk or secretary of the board, occurring  
10          at least 7 days and not more than 30 days prior to the hearing,  
11          in a newspaper of general circulation within the school  
12          district and (ii) by posted notice over the name of the clerk  
13          or secretary of the board, at least 48 hours before the  
14          hearing, at the principal office of the school board or at the  
15          building where the hearing is to be held if a principal office  
16          does not exist, with both notices setting forth the time, date,  
17          place, and subject matter of the hearing), transfer surplus  
18          life safety taxes and interest earnings thereon to the  
19          Operations and Maintenance Fund for building repair work.

20          (k) If any transfer is made to the Operation and  
21          Maintenance Fund, the secretary of the school board shall  
22          within 30 days notify the county clerk of the amount of that  
23          transfer and direct the clerk to abate the taxes to be extended  
24          for the purposes of operations and maintenance authorized under  
25          Section 17-2 of this Act by an amount equal to such transfer.

26          (l) If the proceeds from the tax levy authorized by this

1 Section are insufficient to complete the work approved under  
2 this Section, the school board is authorized to sell bonds  
3 without referendum under the provisions of this Section in an  
4 amount that, when added to the proceeds of the tax levy  
5 authorized by this Section, will allow completion of the  
6 approved work.

7 (m) Any bonds issued pursuant to this Section shall bear  
8 interest at a rate not to exceed the maximum rate authorized by  
9 law at the time of the making of the contract, shall mature  
10 within 20 years from date, and shall be signed by the president  
11 of the school board and the treasurer of the school district.

12 (n) In order to authorize and issue such bonds, the school  
13 board shall adopt a resolution fixing the amount of bonds, the  
14 date thereof, the maturities thereof, rates of interest  
15 thereof, place of payment and denomination, which shall be in  
16 denominations of not less than \$100 and not more than \$5,000,  
17 and provide for the levy and collection of a direct annual tax  
18 upon all the taxable property in the school district sufficient  
19 to pay the principal and interest on such bonds to maturity.  
20 Upon the filing in the office of the county clerk of the county  
21 in which the school district is located of a certified copy of  
22 the resolution, it is the duty of the county clerk to extend  
23 the tax therefor in addition to and in excess of all other  
24 taxes heretofore or hereafter authorized to be levied by such  
25 school district.

26 (o) After the time such bonds are issued as provided for by

1 this Section, if additional alterations or reconstructions are  
2 required to be made because of surveys conducted by an  
3 architect or engineer licensed in the State of Illinois, the  
4 district may levy a tax at a rate not to exceed .05% per year  
5 upon all the taxable property of the district or issue  
6 additional bonds, whichever action shall be the most feasible.

7 (p) This Section is cumulative and constitutes complete  
8 authority for the issuance of bonds as provided in this Section  
9 notwithstanding any other statute or law to the contrary.

10 (q) With respect to instruments for the payment of money  
11 issued under this Section either before, on, or after the  
12 effective date of Public Act 86-004 (June 6, 1989), it is, and  
13 always has been, the intention of the General Assembly (i) that  
14 the Omnibus Bond Acts are, and always have been, supplementary  
15 grants of power to issue instruments in accordance with the  
16 Omnibus Bond Acts, regardless of any provision of this Act that  
17 may appear to be or to have been more restrictive than those  
18 Acts, (ii) that the provisions of this Section are not a  
19 limitation on the supplementary authority granted by the  
20 Omnibus Bond Acts, and (iii) that instruments issued under this  
21 Section within the supplementary authority granted by the  
22 Omnibus Bond Acts are not invalid because of any provision of  
23 this Act that may appear to be or to have been more restrictive  
24 than those Acts.

25 (r) When the purposes for which the bonds are issued have  
26 been accomplished and paid for in full and there remain funds

1 on hand from the proceeds of the bond sale and interest  
2 earnings therefrom, the board shall, by resolution, use such  
3 excess funds in accordance with the provisions of Section  
4 10-22.14 of this Act.

5 (s) Whenever any tax is levied or bonds issued for fire  
6 prevention, safety, energy conservation, and school security  
7 purposes, such proceeds shall be deposited and accounted for  
8 separately within the Fire Prevention and Safety Fund.

9 (Source: P.A. 98-26, eff. 6-21-13; 98-1066, eff. 8-26-14;  
10 99-143, eff. 7-27-15; 99-713, eff. 8-5-16; 99-922, eff.  
11 1-17-17.)

12 (105 ILCS 5/17-2A) (from Ch. 122, par. 17-2A)

13 Sec. 17-2A. Interfund transfers.

14 (a) The school board of any district having a population of  
15 less than 500,000 inhabitants may, by proper resolution  
16 following a public hearing set by the school board or the  
17 president of the school board (that is preceded (i) by at least  
18 one published notice over the name of the clerk or secretary of  
19 the board, occurring at least 7 days and not more than 30 days  
20 prior to the hearing, in a newspaper of general circulation  
21 within the school district and (ii) by posted notice over the  
22 name of the clerk or secretary of the board, at least 48 hours  
23 before the hearing, at the principal office of the school board  
24 or at the building where the hearing is to be held if a  
25 principal office does not exist, with both notices setting

1     forth the time, date, place, and subject matter of the  
2     hearing), transfer money from (1) the Educational Fund to the  
3     Operations and Maintenance Fund or the Transportation Fund, (2)  
4     the Operations and Maintenance Fund to the Educational Fund or  
5     the Transportation Fund, (3) the Transportation Fund to the  
6     Educational Fund or the Operations and Maintenance Fund, or (4)  
7     the Tort Immunity Fund to the Operations and Maintenance Fund  
8     of said district, provided that, except during the period from  
9     July 1, 2003 through June 30, 2020 ~~2019~~, such transfer is made  
10    solely for the purpose of meeting one-time, non-recurring  
11    expenses. Except during the period from July 1, 2003 through  
12    June 30, 2020 ~~2019~~ and except as otherwise provided in  
13    subsection (b) of this Section, any other permanent interfund  
14    transfers authorized by any provision or judicial  
15    interpretation of this Code for which the transferee fund is  
16    not precisely and specifically set forth in the provision of  
17    this Code authorizing such transfer shall be made to the fund  
18    of the school district most in need of the funds being  
19    transferred, as determined by resolution of the school board.

20       (b) (Blank).

21       (c) Notwithstanding subsection (a) of this Section or any  
22    other provision of this Code to the contrary, the school board  
23    of any school district (i) that is subject to the Property Tax  
24    Extension Limitation Law, (ii) that is an elementary district  
25    servicing students in grades K through 8, (iii) whose territory  
26    is in one county, (iv) that is eligible for Section 7002

1 Federal Impact Aid, and (v) that has no more than \$81,000 in  
2 funds remaining from refinancing bonds that were refinanced a  
3 minimum of 5 years prior to January 20, 2017 (the effective  
4 date of Public Act 99-926) ~~this amendatory Act of the 99th~~  
5 ~~General Assembly~~ may make a one-time transfer of the funds  
6 remaining from the refinancing bonds to the Operations and  
7 Maintenance Fund of the district by proper resolution following  
8 a public hearing set by the school board or the president of  
9 the school board, with notice as provided in subsection (a) of  
10 this Section, so long as the district meets the qualifications  
11 set forth in this subsection (c) on January 20, 2017 (the  
12 effective date of Public Act 99-926) ~~this amendatory Act of the~~  
13 ~~99th General Assembly~~.

14 (Source: P.A. 98-26, eff. 6-21-13; 98-131, eff. 1-1-14; 99-713,  
15 eff. 8-5-16; 99-922, eff. 1-17-17; 99-926, eff. 1-20-17;  
16 revised 1-23-17.)

17 (105 ILCS 5/17-3.6 new)

18 Sec. 17-3.6. Educational purposes tax rate for school  
19 districts subject to Property Tax Extension Limitation Law.  
20 Notwithstanding the provisions, requirements, or limitations  
21 of this Code or any other law, any tax levied for educational  
22 purposes by a school district subject to the Property Tax  
23 Extension Limitation Law for the 2016 levy year or any  
24 subsequent levy year may be extended at a rate exceeding the  
25 rate established for educational purposes by referendum or this

1 Code, provided that the rate does not cause the school district  
2 to exceed the limiting rate applicable to the school district  
3 under the Property Tax Extension Limitation Law for that levy  
4 year.

5 (105 ILCS 5/18-4.3) (from Ch. 122, par. 18-4.3)

6 Sec. 18-4.3. Summer school grants. Through fiscal year  
7 2017, grants ~~Grants~~ shall be determined for pupil attendance in  
8 summer schools conducted under Sections 10-22.33A and 34-18 and  
9 approved under Section 2-3.25 in the following manner.

10 The amount of grant for each accredited summer school  
11 attendance pupil shall be obtained by dividing the total amount  
12 of apportionments determined under Section 18-8.05 by the  
13 actual number of pupils in average daily attendance used for  
14 such apportionments. The number of credited summer school  
15 attendance pupils shall be determined (a) by counting clock  
16 hours of class instruction by pupils enrolled in grades 1  
17 through 12 in approved courses conducted at least 60 clock  
18 hours in summer sessions; (b) by dividing such total of clock  
19 hours of class instruction by 4 to produce days of credited  
20 pupil attendance; (c) by dividing such days of credited pupil  
21 attendance by the actual number of days in the regular term as  
22 used in computation in the general apportionment in Section  
23 18-8.05; and (d) by multiplying by 1.25.

24 The amount of the grant for a summer school program  
25 approved by the State Superintendent of Education for children

1 with disabilities, as defined in Sections 14-1.02 through  
2 14-1.07, shall be determined in the manner contained above  
3 except that average daily membership shall be utilized in lieu  
4 of average daily attendance.

5 In the case of an apportionment based on summer school  
6 attendance or membership pupils, the claim therefor shall be  
7 presented as a separate claim for the particular school year in  
8 which such summer school session ends. On or before November 1  
9 of each year the superintendent of each eligible school  
10 district shall certify to the State Superintendent of Education  
11 the claim of the district for the summer session just ended.  
12 Failure on the part of the school board to so certify shall  
13 constitute a forfeiture of its right to such payment. The State  
14 Superintendent of Education shall transmit to the Comptroller  
15 no later than December 15th of each year vouchers for payment  
16 of amounts due school districts for summer school. The State  
17 Superintendent of Education shall direct the Comptroller to  
18 draw his warrants for payments thereof by the 30th day of  
19 December. If the money appropriated by the General Assembly for  
20 such purpose for any year is insufficient, it shall be  
21 apportioned on the basis of claims approved.

22 However, notwithstanding the foregoing provisions, for  
23 each fiscal year the money appropriated by the General Assembly  
24 for the purposes of this Section shall only be used for grants  
25 for approved summer school programs for those children with  
26 disabilities served pursuant to Section 14-7.02 or 14-7.02b of

1 this Code.

2 No funding shall be provided to school districts under this  
3 Section after fiscal year 2017.

4 (Source: P.A. 93-1022, eff. 8-24-04.)

5 (105 ILCS 5/18-8.05)

6 Sec. 18-8.05. Basis for apportionment of general State  
7 financial aid and supplemental general State aid to the common  
8 schools for the 1998-1999 through the 2016-2017 ~~and subsequent~~  
9 school years.

10 (A) General Provisions.

11 (1) The provisions of this Section relating to the  
12 calculation and apportionment of general State financial aid  
13 and supplemental general State aid apply to the 1998-1999  
14 through the 2016-2017 ~~and subsequent~~ school years. The system  
15 of general State financial aid provided for in this Section is  
16 designed to assure that, through a combination of State  
17 financial aid and required local resources, the financial  
18 support provided each pupil in Average Daily Attendance equals  
19 or exceeds a prescribed per pupil Foundation Level. This  
20 formula approach imputes a level of per pupil Available Local  
21 Resources and provides for the basis to calculate a per pupil  
22 level of general State financial aid that, when added to  
23 Available Local Resources, equals or exceeds the Foundation  
24 Level. The amount of per pupil general State financial aid for

1 school districts, in general, varies in inverse relation to  
2 Available Local Resources. Per pupil amounts are based upon  
3 each school district's Average Daily Attendance as that term is  
4 defined in this Section.

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

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

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

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

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

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

15 (d) (Blank).

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

20 School districts are not required to exert a minimum  
21 Operating Tax Rate in order to qualify for assistance under  
22 this Section.

23 (5) As used in this Section the following terms, when  
24 capitalized, shall have the meaning ascribed herein:

25 (a) "Average Daily Attendance": A count of pupil  
26 attendance in school, averaged as provided for in

1 subsection (C) and utilized in deriving per pupil financial  
2 support levels.

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

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

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

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

20 (B) Foundation Level.

21 (1) The Foundation Level is a figure established by the  
22 State representing the minimum level of per pupil financial  
23 support that should be available to provide for the basic  
24 education of each pupil in Average Daily Attendance. As set  
25 forth in this Section, each school district is assumed to exert

1 a sufficient local taxing effort such that, in combination with  
2 the aggregate of general State financial aid provided the  
3 district, an aggregate of State and local resources are  
4 available to meet the basic education needs of pupils in the  
5 district.

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

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

23 (C) Average Daily Attendance.

24 (1) For purposes of calculating general State aid pursuant  
25 to subsection (E), an Average Daily Attendance figure shall be

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

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

19 (D) Available Local Resources.

20 (1) For purposes of calculating general State aid pursuant  
21 to subsection (E), a representation of Available Local  
22 Resources per pupil, as that term is defined and determined in  
23 this subsection, shall be utilized. Available Local Resources  
24 per pupil shall include a calculated dollar amount representing  
25 local school district revenues from local property taxes and

1 from Corporate Personal Property Replacement Taxes, expressed  
2 on the basis of pupils in Average Daily Attendance. Calculation  
3 of Available Local Resources shall exclude any tax amnesty  
4 funds received as a result of Public Act 93-26.

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

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

25 For partial elementary unit districts created pursuant to  
26 Article 11E of this Code, local property tax revenues per pupil

1 shall be calculated as the product of the equalized assessed  
2 valuation for property within the partial elementary unit  
3 district for elementary purposes, as defined in Article 11E of  
4 this Code, multiplied by 2.06% and divided by the district's  
5 Average Daily Attendance figure, plus the product of the  
6 equalized assessed valuation for property within the partial  
7 elementary unit district for high school purposes, as defined  
8 in Article 11E of this Code, multiplied by 0.94% and divided by  
9 the district's Average Daily Attendance figure.

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

20 (E) Computation of General State Aid.

21 (1) For each school year, the amount of general State aid  
22 allotted to a school district shall be computed by the State  
23 Board of Education as provided in this subsection.

24 (2) For any school district for which Available Local  
25 Resources per pupil is less than the product of 0.93 times the

1 Foundation Level, general State aid for that district shall be  
2 calculated as an amount equal to the Foundation Level minus  
3 Available Local Resources, multiplied by the Average Daily  
4 Attendance of the school district.

5 (3) For any school district for which Available Local  
6 Resources per pupil is equal to or greater than the product of  
7 0.93 times the Foundation Level and less than the product of  
8 1.75 times the Foundation Level, the general State aid per  
9 pupil shall be a decimal proportion of the Foundation Level  
10 derived using a linear algorithm. Under this linear algorithm,  
11 the calculated general State aid per pupil shall decline in  
12 direct linear fashion from 0.07 times the Foundation Level for  
13 a school district with Available Local Resources equal to the  
14 product of 0.93 times the Foundation Level, to 0.05 times the  
15 Foundation Level for a school district with Available Local  
16 Resources equal to the product of 1.75 times the Foundation  
17 Level. The allocation of general State aid for school districts  
18 subject to this paragraph 3 shall be the calculated general  
19 State aid per pupil figure multiplied by the Average Daily  
20 Attendance of the school district.

21 (4) For any school district for which Available Local  
22 Resources per pupil equals or exceeds the product of 1.75 times  
23 the Foundation Level, the general State aid for the school  
24 district shall be calculated as the product of \$218 multiplied  
25 by the Average Daily Attendance of the school district.

26 (5) The amount of general State aid allocated to a school

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

10 (F) Compilation of Average Daily Attendance.

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

21 (a) In districts that do not hold year-round classes,  
22 days of attendance in August shall be added to the month of  
23 September and any days of attendance in June shall be added  
24 to the month of May.

25 (b) In districts in which all buildings hold year-round

1 classes, days of attendance in July and August shall be  
2 added to the month of September and any days of attendance  
3 in June shall be added to the month of May.

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

16 Except as otherwise provided in this Section, days of  
17 attendance by pupils shall be counted only for sessions of not  
18 less than 5 clock hours of school work per day under direct  
19 supervision of: (i) teachers, or (ii) non-teaching personnel or  
20 volunteer personnel when engaging in non-teaching duties and  
21 supervising in those instances specified in subsection (a) of  
22 Section 10-22.34 and paragraph 10 of Section 34-18, with pupils  
23 of legal school age and in kindergarten and grades 1 through  
24 12. Days of attendance by pupils through verified participation  
25 in an e-learning program approved by the State Board of  
26 Education under Section 10-20.56 of the Code shall be

1 considered as full days of attendance for purposes of this  
2 Section.

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

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

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

18 (b) (Blank).

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

24 (d) A session of 3 or more clock hours may be counted  
25 as a day of attendance (1) when the remainder of the school  
26 day or at least 2 hours in the evening of that day is

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

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

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

26           (f) A session of at least 4 clock hours may be counted

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

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

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

1 year of kindergarten as determined under the rules and  
2 regulations of the State Board of Education.

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

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

22 (i) for students enrolled in a building holding year-round  
23 classes if the student is classified as participating in  
24 the remote educational program on a year-round schedule or

25 (ii) for students enrolled in a building not holding  
26 year-round classes if the student is not classified as

1 participating in the remote educational program on a  
2 year-round schedule.

3 (G) Equalized Assessed Valuation Data.

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

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

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

1           This equalized assessed valuation, as adjusted further by  
2 the requirements of this subsection, shall be utilized in the  
3 calculation of Available Local Resources.

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

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

1 used until such time as all redevelopment project costs  
2 have been paid.

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

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

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

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

1           "Base Tax Year": The property tax levy year used to  
2 calculate the Budget Year allocation of general State aid.

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

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

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

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

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

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

1 the product of the district's 1996 Equalized Assessed Valuation  
2 and the district's Extension Limitation Ratio. Except as  
3 otherwise provided in this paragraph for a school district that  
4 has approved or does approve an increase in its limiting rate,  
5 for the 2000-2001 school year and each school year thereafter,  
6 the Extension Limitation Equalized Assessed Valuation of a  
7 school district as calculated by the State Board of Education  
8 shall be equal to the product of the Equalized Assessed  
9 Valuation last used in the calculation of general State aid and  
10 the district's Extension Limitation Ratio. If the Extension  
11 Limitation Equalized Assessed Valuation of a school district as  
12 calculated under this subsection (G)(3) is less than the  
13 district's equalized assessed valuation as calculated pursuant  
14 to subsections (G)(1) and (G)(2), then for purposes of  
15 calculating the district's general State aid for the Budget  
16 Year pursuant to subsection (E), that Extension Limitation  
17 Equalized Assessed Valuation shall be utilized to calculate the  
18 district's Available Local Resources under subsection (D). For  
19 the 2009-2010 school year and each school year thereafter, if a  
20 school district has approved or does approve an increase in its  
21 limiting rate, pursuant to Section 18-190 of the Property Tax  
22 Code, affecting the Base Tax Year, the Extension Limitation  
23 Equalized Assessed Valuation of the school district, as  
24 calculated by the State Board of Education, shall be equal to  
25 the product of the Equalized Assessed Valuation last used in  
26 the calculation of general State aid times an amount equal to

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

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

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

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

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

15 (5) For school districts having a majority of their  
16 equalized assessed valuation in any county except Cook, DuPage,  
17 Kane, Lake, McHenry, or Will, if the amount of general State  
18 aid allocated to the school district for the 1999-2000 school  
19 year under the provisions of subsection (E), (H), and (J) of  
20 this Section is less than the amount of general State aid  
21 allocated to the district for the 1998-1999 school year under  
22 these subsections, then the general State aid of the district  
23 for the 1999-2000 school year only shall be increased by the  
24 difference between these amounts. The total payments made under  
25 this paragraph (5) shall not exceed \$14,000,000. Claims shall  
26 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

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

22 (1.10) This paragraph (1.10) applies to the 2003-2004  
23 school year and each school year thereafter through the  
24 2016-2017 school year. For purposes of this subsection (H), the  
25 term "Low-Income Concentration Level" shall, for each fiscal  
26 year, be the low-income eligible pupil count as of July 1 of

1 the immediately preceding fiscal year (as determined by the  
2 Department of Human Services based on the number of pupils who  
3 are eligible for at least one of the following low income  
4 programs: Medicaid, the Children's Health Insurance Program,  
5 TANF, or Food Stamps, excluding pupils who are eligible for  
6 services provided by the Department of Children and Family  
7 Services, averaged over the 2 immediately preceding fiscal  
8 years for fiscal year 2004 and over the 3 immediately preceding  
9 fiscal years for each fiscal year thereafter) divided by the  
10 Average Daily Attendance of the school district.

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

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

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

22 (c) For any school district with a Low Income  
23 Concentration Level of at least 50% and less than 60%, the  
24 grant for the 1998-99 school year shall be \$1,500  
25 multiplied by the low income eligible pupil count.

26 (d) For any school district with a Low Income

1 Concentration Level of 60% or more, the grant for the  
2 1998-99 school year shall be \$1,900 multiplied by the low  
3 income eligible pupil count.

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

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

12 (2.5) Supplemental general State aid pursuant to this  
13 subsection (H) shall be provided as follows for the 2002-2003  
14 school year:

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

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

23 (c) For any school district with a Low Income  
24 Concentration Level of at least 20% and less than 35%, the  
25 grant for each school year shall be \$1,330 multiplied by  
26 the low income eligible pupil count.

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

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

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

13           (2.10) Except as otherwise provided, supplemental general  
14 State aid pursuant to this subsection (H) shall be provided as  
15 follows for the 2003-2004 school year and each school year  
16 thereafter:

17           (a) For any school district with a Low Income  
18 Concentration Level of 15% or less, 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 greater than 15%, the grant for each  
23 school year shall be \$294.25 added to the product of \$2,700  
24 and the square of the Low Income Concentration Level, all  
25 multiplied by the low income eligible pupil count.

26 For the 2003-2004 school year and each school year

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

12 For the 2003-2004 school year only, the grant shall be no  
13 greater than the grant received during the 2002-2003 school  
14 year added to the product of 0.25 multiplied by the difference  
15 between the grant amount calculated under subsection (a) or (b)  
16 of this paragraph (2.10), whichever is applicable, and the  
17 grant received during the 2002-2003 school year. For the  
18 2004-2005 school year only, the grant shall be no greater than  
19 the grant received during the 2002-2003 school year added to  
20 the product of 0.50 multiplied by the difference between the  
21 grant amount calculated under subsection (a) or (b) of this  
22 paragraph (2.10), whichever is applicable, and the grant  
23 received during the 2002-2003 school year. For the 2005-2006  
24 school year only, the grant shall be no greater than the grant  
25 received during the 2002-2003 school year added to the product  
26 of 0.75 multiplied by the difference between the grant amount

1 calculated under subsection (a) or (b) of this paragraph  
2 (2.10), whichever is applicable, and the grant received during  
3 the 2002-2003 school year.

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

14 (4) School districts with an Average Daily Attendance of  
15 50,000 or more that qualify for supplemental general State aid  
16 pursuant to this subsection shall be required to distribute  
17 from funds available pursuant to this Section, no less than  
18 \$261,000,000 in accordance with the following requirements:

19 (a) The required amounts shall be distributed to the  
20 attendance centers within the district in proportion to the  
21 number of pupils enrolled at each attendance center who are  
22 eligible to receive free or reduced-price lunches or  
23 breakfasts under the federal Child Nutrition Act of 1966  
24 and under the National School Lunch Act during the  
25 immediately preceding school year.

26 (b) The distribution of these portions of supplemental

1 and general State aid among attendance centers according to  
2 these requirements shall not be compensated for or  
3 contravened by adjustments of the total of other funds  
4 appropriated to any attendance centers, and the Board of  
5 Education shall utilize funding from one or several sources  
6 in order to fully implement this provision annually prior  
7 to the opening of school.

8 (c) Each attendance center shall be provided by the  
9 school district a distribution of noncategorical funds and  
10 other categorical funds to which an attendance center is  
11 entitled under law in order that the general State aid and  
12 supplemental general State aid provided by application of  
13 this subsection supplements rather than supplants the  
14 noncategorical funds and other categorical funds provided  
15 by the school district to the attendance centers.

16 (d) Any funds made available under this subsection that  
17 by reason of the provisions of this subsection are not  
18 required to be allocated and provided to attendance centers  
19 may be used and appropriated by the board of the district  
20 for any lawful school purpose.

21 (e) Funds received by an attendance center pursuant to  
22 this subsection shall be used by the attendance center at  
23 the discretion of the principal and local school council  
24 for programs to improve educational opportunities at  
25 qualifying schools through the following programs and  
26 services: early childhood education, reduced class size or

1 improved adult to student classroom ratio, enrichment  
2 programs, remedial assistance, attendance improvement, and  
3 other educationally beneficial expenditures which  
4 supplement the regular and basic programs as determined by  
5 the State Board of Education. Funds provided shall not be  
6 expended for any political or lobbying purposes as defined  
7 by board rule.

8 (f) Each district subject to the provisions of this  
9 subdivision (H) (4) shall submit an acceptable plan to meet  
10 the educational needs of disadvantaged children, in  
11 compliance with the requirements of this paragraph, to the  
12 State Board of Education prior to July 15 of each year.  
13 This plan shall be consistent with the decisions of local  
14 school councils concerning the school expenditure plans  
15 developed in accordance with part 4 of Section 34-2.3. The  
16 State Board shall approve or reject the plan within 60 days  
17 after its submission. If the plan is rejected, the district  
18 shall give written notice of intent to modify the plan  
19 within 15 days of the notification of rejection and then  
20 submit a modified plan within 30 days after the date of the  
21 written notice of intent to modify. Districts may amend  
22 approved plans pursuant to rules promulgated by the State  
23 Board of Education.

24 Upon notification by the State Board of Education that  
25 the district has not submitted a plan prior to July 15 or a  
26 modified plan within the time period specified herein, the

1 State aid funds affected by that plan or modified plan  
2 shall be withheld by the State Board of Education until a  
3 plan or modified plan is submitted.

4 If the district fails to distribute State aid to  
5 attendance centers in accordance with an approved plan, the  
6 plan for the following year shall allocate funds, in  
7 addition to the funds otherwise required by this  
8 subsection, to those attendance centers which were  
9 underfunded during the previous year in amounts equal to  
10 such underfunding.

11 For purposes of determining compliance with this  
12 subsection in relation to the requirements of attendance  
13 center funding, each district subject to the provisions of  
14 this subsection shall submit as a separate document by  
15 December 1 of each year a report of expenditure data for  
16 the prior year in addition to any modification of its  
17 current plan. If it is determined that there has been a  
18 failure to comply with the expenditure provisions of this  
19 subsection regarding contravention or supplanting, the  
20 State Superintendent of Education shall, within 60 days of  
21 receipt of the report, notify the district and any affected  
22 local school council. The district shall within 45 days of  
23 receipt of that notification inform the State  
24 Superintendent of Education of the remedial or corrective  
25 action to be taken, whether by amendment of the current  
26 plan, if feasible, or by adjustment in the plan for the

1 following year. Failure to provide the expenditure report  
2 or the notification of remedial or corrective action in a  
3 timely manner shall result in a withholding of the affected  
4 funds.

5 The State Board of Education shall promulgate rules and  
6 regulations to implement the provisions of this  
7 subsection. No funds shall be released under this  
8 subdivision (H) (4) to any district that has not submitted a  
9 plan that has been approved by the State Board of  
10 Education.

11 (I) (Blank).

12 (J) (Blank).

13 (K) Grants to Laboratory and Alternative Schools.

14 In calculating the amount to be paid to the governing board  
15 of a public university that operates a laboratory school under  
16 this Section or to any alternative school that is operated by a  
17 regional superintendent of schools, the State Board of  
18 Education shall require by rule such reporting requirements as  
19 it deems necessary.

20 As used in this Section, "laboratory school" means a public  
21 school which is created and operated by a public university and  
22 approved by the State Board of Education. The governing board  
23 of a public university which receives funds from the State

1 Board under this subsection (K) or subsection (g) of Section  
2 18-8.15 of this Code may not increase the number of students  
3 enrolled in its laboratory school from a single district, if  
4 that district is already sending 50 or more students, except  
5 under a mutual agreement between the school board of a  
6 student's district of residence and the university which  
7 operates the laboratory school. A laboratory school may not  
8 have more than 1,000 students, excluding students with  
9 disabilities in a special education program.

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

26 Each laboratory and alternative school shall file, on forms

1 provided by the State Superintendent of Education, an annual  
2 State aid claim which states the Average Daily Attendance of  
3 the school's students by month. The best 3 months' Average  
4 Daily Attendance shall be computed for each school. The general  
5 State aid entitlement shall be computed by multiplying the  
6 applicable Average Daily Attendance by the Foundation Level as  
7 determined under this Section.

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

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

22 (2) (Blank).

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

1 (M) (Blank). ~~Education Funding Advisory Board.~~

2 ~~The Education Funding Advisory Board, hereinafter in this~~  
3 ~~subsection (M) referred to as the "Board", is hereby created.~~  
4 ~~The Board shall consist of 5 members who are appointed by the~~  
5 ~~Governor, by and with the advice and consent of the Senate. The~~  
6 ~~members appointed shall include representatives of education,~~  
7 ~~business, and the general public. One of the members so~~  
8 ~~appointed shall be designated by the Governor at the time the~~  
9 ~~appointment is made as the chairperson of the Board. The~~  
10 ~~initial members of the Board may be appointed any time after~~  
11 ~~the effective date of this amendatory Act of 1997. The regular~~  
12 ~~term of each member of the Board shall be for 4 years from the~~  
13 ~~third Monday of January of the year in which the term of the~~  
14 ~~member's appointment is to commence, except that of the 5~~  
15 ~~initial members appointed to serve on the Board, the member who~~  
16 ~~is appointed as the chairperson shall serve for a term that~~  
17 ~~commences on the date of his or her appointment and expires on~~  
18 ~~the third Monday of January, 2002, and the remaining 4 members,~~  
19 ~~by lots drawn at the first meeting of the Board that is held~~  
20 ~~after all 5 members are appointed, shall determine 2 of their~~  
21 ~~number to serve for terms that commence on the date of their~~  
22 ~~respective appointments and expire on the third Monday of~~  
23 ~~January, 2001, and 2 of their number to serve for terms that~~  
24 ~~commence on the date of their respective appointments and~~  
25 ~~expire on the third Monday of January, 2000. All members~~  
26 ~~appointed to serve on the Board shall serve until their~~

1 ~~respective successors are appointed and confirmed. Vacancies~~  
2 ~~shall be filled in the same manner as original appointments. If~~  
3 ~~a vacancy in membership occurs at a time when the Senate is not~~  
4 ~~in session, the Governor shall make a temporary appointment~~  
5 ~~until the next meeting of the Senate, when he or she shall~~  
6 ~~appoint, by and with the advice and consent of the Senate, a~~  
7 ~~person to fill that membership for the unexpired term. If the~~  
8 ~~Senate is not in session when the initial appointments are~~  
9 ~~made, those appointments shall be made as in the case of~~  
10 ~~vacancies.~~

11 ~~The Education Funding Advisory Board shall be deemed~~  
12 ~~established, and the initial members appointed by the Governor~~  
13 ~~to serve as members of the Board shall take office, on the date~~  
14 ~~that the Governor makes his or her appointment of the fifth~~  
15 ~~initial member of the Board, whether those initial members are~~  
16 ~~then serving pursuant to appointment and confirmation or~~  
17 ~~pursuant to temporary appointments that are made by the~~  
18 ~~Governor as in the case of vacancies.~~

19 ~~The State Board of Education shall provide such staff~~  
20 ~~assistance to the Education Funding Advisory Board as is~~  
21 ~~reasonably required for the proper performance by the Board of~~  
22 ~~its responsibilities.~~

23 ~~For school years after the 2000-2001 school year, the~~  
24 ~~Education Funding Advisory Board, in consultation with the~~  
25 ~~State Board of Education, shall make recommendations as~~  
26 ~~provided in this subsection (M) to the General Assembly for the~~

1 ~~foundation level under subdivision (B) (3) of this Section and~~  
2 ~~for the supplemental general State aid grant level under~~  
3 ~~subsection (H) of this Section for districts with high~~  
4 ~~concentrations of children from poverty. The recommended~~  
5 ~~foundation level shall be determined based on a methodology~~  
6 ~~which incorporates the basic education expenditures of~~  
7 ~~low spending schools exhibiting high academic performance. The~~  
8 ~~Education Funding Advisory Board shall make such~~  
9 ~~recommendations to the General Assembly on January 1 of odd~~  
10 ~~numbered years, beginning January 1, 2001.~~

11 (N) (Blank).

12 (O) References.

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

18 (2) References in other laws to State Chapter 1 funds shall  
19 be deemed to refer to the supplemental general State aid  
20 provided under subsection (H) of this Section.

21 (P) Public Act 93-838 and Public Act 93-808 make inconsistent  
22 changes to this Section. Under Section 6 of the Statute on  
23 Statutes there is an irreconcilable conflict between Public Act

1 93-808 and Public Act 93-838. Public Act 93-838, being the last  
2 acted upon, is controlling. The text of Public Act 93-838 is  
3 the law regardless of the text of Public Act 93-808.

4 (Q) State Fiscal Year 2015 Payments.

5 For payments made for State fiscal year 2015, the State  
6 Board of Education shall, for each school district, calculate  
7 that district's pro-rata share of a minimum sum of \$13,600,000  
8 or additional amounts as needed from the total net General  
9 State Aid funding as calculated under this Section that shall  
10 be deemed attributable to the provision of special educational  
11 facilities and services, as defined in Section 14-1.08 of this  
12 Code, in a manner that ensures compliance with maintenance of  
13 State financial support requirements under the federal  
14 Individuals with Disabilities Education Act. Each school  
15 district must use such funds only for the provision of special  
16 educational facilities and services, as defined in Section  
17 14-1.08 of this Code, and must comply with any expenditure  
18 verification procedures adopted by the State Board of  
19 Education.

20 (R) State Fiscal Year 2016 Payments.

21 For payments made for State fiscal year 2016, the State  
22 Board of Education shall, for each school district, calculate  
23 that district's pro rata share of a minimum sum of \$1 or  
24 additional amounts as needed from the total net General State

1 Aid funding as calculated under this Section that shall be  
2 deemed attributable to the provision of special educational  
3 facilities and services, as defined in Section 14-1.08 of this  
4 Code, in a manner that ensures compliance with maintenance of  
5 State financial support requirements under the federal  
6 Individuals with Disabilities Education Act. Each school  
7 district must use such funds only for the provision of special  
8 educational facilities and services, as defined in Section  
9 14-1.08 of this Code, and must comply with any expenditure  
10 verification procedures adopted by the State Board of  
11 Education.

12 (Source: P.A. 98-972, eff. 8-15-14; 99-2, eff. 3-26-15; 99-194,  
13 eff. 7-30-15; 99-523, eff. 6-30-16.)

14 (105 ILCS 5/18-8.10)

15 Sec. 18-8.10. Fast growth grants.

16 (a) If there has been an increase in a school district's  
17 student population over the most recent 2 school years of (i)  
18 over 1.5% in a district with over 10,000 pupils in average  
19 daily attendance (as defined in Section 18-8.05 or 18-8.15 of  
20 this Code) or (ii) over 7.5% in any other district, then the  
21 district is eligible for a grant under this Section, subject to  
22 appropriation.

23 (b) The State Board of Education shall determine a per  
24 pupil grant amount for each school district. The total grant  
25 amount for a district for any given school year shall equal the

1 per pupil grant amount multiplied by the difference between the  
2 number of pupils in average daily attendance for the 2 most  
3 recent school years.

4 (c) Funds for grants under this Section must be  
5 appropriated to the State Board of Education in a separate line  
6 item for this purpose. If the amount appropriated in any fiscal  
7 year is insufficient to pay all grants for a school year, then  
8 the amount appropriated shall be prorated among eligible  
9 districts. As soon as possible after funds have been  
10 appropriated to the State Board of Education, the State Board  
11 of Education shall distribute the grants to eligible districts.

12 (d) If a school district intentionally reports incorrect  
13 average daily attendance numbers to receive a grant under this  
14 Section, then the district shall be denied State aid in the  
15 same manner as State aid is denied for intentional incorrect  
16 reporting of average daily attendance numbers under Section  
17 18-8.05 or 18-8.15 of this Code.

18 (Source: P.A. 93-1042, eff. 10-8-04.)

19 (105 ILCS 5/18-8.15 new)

20 Sec. 18-8.15. Evidence-based funding for student success  
21 for the 2017-2018 and subsequent school years.

22 (a) General provisions.

23 (1) The purpose of this Section is to ensure that, by June  
24 30, 2027 and beyond, this State has a kindergarten through  
25 grade 12 public education system with the capacity to ensure

1 the educational development of all persons to the limits of  
2 their capacities in accordance with Section 1 of Article X of  
3 the Constitution of the State of Illinois. To accomplish that  
4 objective, this Section creates a method of funding public  
5 education that is evidence-based; is sufficient to ensure every  
6 student receives a meaningful opportunity to learn  
7 irrespective of race, ethnicity, sexual orientation, gender,  
8 or community-income level; and is sustainable and predictable.  
9 When fully funded under this Section, every school shall have  
10 the resources, based on what the evidence indicates is needed,  
11 to:

12 (A) provide all students with a high quality education  
13 that offers the academic, enrichment, social and emotional  
14 support, technical, and career-focused programs that will  
15 allow them to become competitive workers, responsible  
16 parents, productive citizens of this State, and active  
17 members of our national democracy;

18 (B) ensure all students receive the education they need  
19 to graduate from high school with the skills required to  
20 pursue post-secondary education and training for a  
21 rewarding career;

22 (C) reduce, with a goal of eliminating, the achievement  
23 gap between at-risk and non-at-risk students by raising the  
24 performance of at-risk students and not by reducing  
25 standards; and

26 (D) ensure this State satisfies its obligation to

1 assume the primary responsibility to fund public education  
2 and simultaneously relieve the disproportionate burden  
3 placed on local property taxes to fund schools.

4 (2) The evidence-based funding formula under this Section  
5 shall be applied to all Organizational Units in this State. As  
6 further defined and described in this Section, there are 4  
7 major components of the evidence-based funding model:

8 (A) First, the model calculates a unique adequacy  
9 target for each Organizational Unit in this State that  
10 considers the costs to implement research-based  
11 activities, the unit's student demographics, and regional  
12 wage difference.

13 (B) Second, the model calculates each Organizational  
14 Unit's local capacity, or the amount each Organizational  
15 Unit is assumed to contribute towards its adequacy target  
16 from local resources.

17 (C) Third, the model calculates how much funding the  
18 State currently contributes to the Organizational Unit,  
19 and adds that to the unit's local capacity to determine the  
20 unit's overall current adequacy of funding.

21 (D) Finally, the model's distribution method allocates  
22 new State funding to those Organizational Units that are  
23 least well-funded, considering both local capacity and  
24 State funding, in relation to their adequacy target.

25 (3) An Organizational Unit receiving any funding under this  
26 Section may apply those funds to any fund so received for which

1 that Organizational Unit is authorized to make expenditures by  
2 law.

3 (4) As used in this Section, the following terms shall have  
4 the meanings ascribed in this paragraph (4):

5 "Adequacy Target" is defined in paragraph (1) of subsection  
6 (b) of this Section.

7 "Adjusted EAV" is defined in paragraph (4) of subsection  
8 (d) of this Section.

9 "Adjusted Local Capacity Target" is defined in paragraph  
10 (3) of subsection (c) of this Section.

11 "Allocation Rate" is defined in paragraph (3) of subsection  
12 (g) of this Section.

13 "Alternative School" means a public school that is created  
14 and operated by a regional superintendent of schools and  
15 approved by the State Board.

16 "Applicable Tax Rate" is defined in paragraph (1) of  
17 subsection (d) of this Section.

18 "Assessment" means any of those benchmark, progress  
19 monitoring, formative, diagnostic, and other assessments, in  
20 addition to the State accountability assessment, that assist  
21 teachers' needs in understanding the skills and meeting the  
22 needs of the students they serve.

23 "Assistant principal" means a school administrator duly  
24 endorsed to be employed as an assistant principal in this  
25 State.

26 "At-risk student" means a student who is at risk of not

1 meeting the Illinois Learning Standards or not graduating from  
2 elementary or high school and who demonstrates a need for  
3 vocational support or social services beyond that provided by  
4 the regular school program. All students included in an  
5 Organizational Unit's Low-Income Count, as well as all EL and  
6 disabled students attending the Organizational Unit, shall be  
7 considered at-risk students under this Section.

8 "Average Student Enrollment" or "ASE" means, for an  
9 Organizational Unit in a given school year, the greater of the  
10 average number of students (grades K through 12) reported to  
11 the State Board as enrolled in the Organizational Unit on  
12 October 1 and March 1, plus the special education  
13 pre-kindergarten students with services of at least more than 2  
14 hours a day as reported to the State Board on December 1, in  
15 the immediately preceding school year or the average number of  
16 students (grades K through 12) reported to the State Board as  
17 enrolled in the Organizational Unit on October 1 and March 1,  
18 plus the special education pre-kindergarten students with  
19 services of at least more than 2 hours a day as reported to the  
20 State Board on December 1, for each of the immediately  
21 preceding 3 school years. For the purposes of this definition,  
22 "enrolled in the Organizational Unit" means the number of  
23 students reported to the State Board who are enrolled in  
24 schools within the Organizational Unit that the student attends  
25 or would attend if not placed or transferred to another school  
26 or program to receive needed services. For the purposes of

1 calculating "ASE", all students, grades K through 12, including  
2 those attending kindergarten for a half day, shall be counted  
3 as 1.0. Special education pre-kindergarten students shall be  
4 counted as 0.5 each. If the State Board does not collect or has  
5 not collected both an October 1 and March 1 enrollment count by  
6 grade or a December 1 collection of special education  
7 pre-kindergarten students as of the effective date of this  
8 amendatory Act of the 100th General Assembly, it shall  
9 establish such collection for all future years. For any year  
10 where a count by grade level was collected only once, that  
11 count shall be used as the single count available for computing  
12 a 3-year average ASE. School districts shall submit the data  
13 for the ASE calculation to the State Board within 45 days of  
14 the dates required in this Section for submission of enrollment  
15 data in order for it to be included in the ASE calculation.

16 "Base Funding Guarantee" is defined in paragraph (7) of  
17 subsection (g) of this Section.

18 "Base Funding Minimum" is defined in subsection (e) of this  
19 Section.

20 "Base Tax Year" means the property tax levy year used to  
21 calculate the Budget Year allocation of primary State aid.

22 "Base Tax Year's Extension" means the product of the  
23 equalized assessed valuation utilized by the county clerk in  
24 the Base Tax Year multiplied by the limiting rate as calculated  
25 by the county clerk and defined in PTELL.

26 "Budget Year" means the school year for which primary State

1 aid is calculated and awarded under this Section.

2 "Central office" means individual administrators and  
3 support service personnel charged with managing the  
4 instructional programs, business and operations, and security  
5 of the Organizational Unit.

6 "Comparable Wage Index" or "CWI" means a regional cost  
7 differentiation metric that measures systemic, regional  
8 variations in the salaries of college graduates who are not  
9 educators. The CWI utilized for this Section shall, for the  
10 first 3 years of Evidence-Based Funding implementation, be the  
11 CWI initially developed by the National Center for Education  
12 Statistics, as most recently updated by Texas A & M University.  
13 In the fourth and subsequent years of Evidence-Based Funding  
14 implementation, the State Superintendent shall re-determine  
15 the CWI using a similar methodology to that identified in the  
16 Texas A & M University study, with adjustments made no less  
17 frequently than once every 5 years.

18 "Computer technology and equipment" means computers  
19 servers, notebooks, network equipment, copiers, printers,  
20 instructional software, security software, curriculum  
21 management courseware, and other similar materials and  
22 equipment.

23 "Core subject" means mathematics; science; reading,  
24 English, writing, and language arts; history and social  
25 studies; world languages; and subjects taught as Advanced  
26 Placement in high schools.

1       "Core teacher" means a regular classroom teacher in  
2 elementary schools and teachers of a core subject in middle and  
3 high schools.

4       "Core Intervention teacher (tutor)" means a licensed  
5 teacher providing one-on-one or small group tutoring to  
6 students struggling to meet proficiency in core subjects.

7       "CPPRT" means corporate personal property replacement tax  
8 funds paid to an Organizational Unit during the calendar year  
9 one year before the calendar year in which a school year  
10 begins, pursuant to "An Act in relation to the abolition of ad  
11 valorem personal property tax and the replacement of revenues  
12 lost thereby, and amending and repealing certain Acts and parts  
13 of Acts in connection therewith", certified August 14, 1979, as  
14 amended (Public Act 81-1st S.S.-1).

15       "EAV" means equalized assessed valuation as defined in  
16 paragraph (2) of subsection (d) of this Section and calculated  
17 in accordance with paragraph (3) of subsection (d) of this  
18 Section.

19       "ECI" means the Bureau of Labor Statistics' national  
20 employment cost index for civilian workers in educational  
21 services in elementary and secondary schools on a cumulative  
22 basis for the 12-month calendar year preceding the fiscal year  
23 of the Evidence-Based Funding calculation.

24       "EIS Data" means the employment information system data  
25 maintained by the State Board on educators within  
26 Organizational Units.

1       "Employee benefits" means health, dental, and vision  
2 insurance offered to employees of an Organizational Unit, the  
3 costs associated with statutorily required payment of the  
4 normal cost of the Organizational Unit's teacher pensions,  
5 Social Security employer contributions, and Illinois Municipal  
6 Retirement Fund employer contributions.

7       "English learner" or "EL" means a child included in the  
8 definition of "English learners" under Section 14C-2 of this  
9 Code participating in a program of transitional bilingual  
10 education or a transitional program of instruction meeting the  
11 requirements and program application procedures of Article 14C  
12 of this Code. For the purposes of collecting the number of EL  
13 students enrolled, the same collection and calculation  
14 methodology as defined above for "ASE" shall apply to English  
15 learners.

16       "Essential Elements" means those elements, resources, and  
17 educational programs that have been identified through  
18 academic research as necessary to improve student success,  
19 improve academic performance, close achievement gaps, and  
20 provide for other per student costs related to the delivery and  
21 leadership of the Organizational Unit, as well as the  
22 maintenance and operations of the unit, and which are specified  
23 in paragraph (2) of subsection (b) of this Section.

24       "Evidence-Based Funding" means State funding provided to  
25 an Organizational Unit pursuant to this Section.

26       "Extended day" means academic and enrichment programs

1 provided to students outside the regular school day before and  
2 after school or during non-instructional times during the  
3 school day.

4 "Extension Limitation Ratio" means a numerical ratio in  
5 which the numerator is the Base Tax Year's Extension and the  
6 denominator is the Preceding Tax Year's Extension.

7 "Final Percent of Adequacy" is defined in paragraph (4) of  
8 subsection (f) of this Section.

9 "Final Resources" is defined in paragraph (3) of subsection  
10 (f) of this Section.

11 "Full-time equivalent" or "FTE" means the full-time  
12 equivalency compensation for staffing the relevant position at  
13 an Organizational Unit.

14 "Funding Gap" is defined in paragraph (1) of subsection  
15 (g).

16 "Guidance counselor" means a licensed guidance counselor  
17 who provides guidance and counseling support for students  
18 within an Organizational Unit.

19 "Hybrid District" means a partial elementary unit district  
20 created pursuant to Article 11E of this Code.

21 "Instructional assistant" means a core or special  
22 education, non-licensed employee who assists a teacher in the  
23 classroom and provides academic support to students.

24 "Instructional facilitator" means a qualified teacher or  
25 licensed teacher leader who facilitates and coaches continuous  
26 improvement in classroom instruction; provides instructional

1 support to teachers in the elements of research-based  
2 instruction or demonstrates the alignment of instruction with  
3 curriculum standards and assessment tools; develops or  
4 coordinates instructional programs or strategies; develops and  
5 implements training; chooses standards-based instructional  
6 materials; provides teachers with an understanding of current  
7 research; serves as a mentor, site coach, curriculum  
8 specialist, or lead teacher; or otherwise works with fellow  
9 teachers, in collaboration, to use data to improve  
10 instructional practice or develop model lessons.

11 "Instructional materials" means relevant instructional  
12 materials for student instruction, including, but not limited  
13 to, textbooks, consumable workbooks, laboratory equipment,  
14 library books, and other similar materials.

15 "Laboratory School" means a public school that is created  
16 and operated by a public university and approved by the State  
17 Board.

18 "Librarian" means a teacher with an endorsement as a  
19 library information specialist or another individual whose  
20 primary responsibility is overseeing library resources within  
21 an Organizational Unit.

22 "Local Capacity" is defined in paragraph (1) of subsection  
23 (c) of this Section.

24 "Local Capacity Percentage" is defined in subparagraph (A)  
25 of paragraph (2) of subsection (c) of this Section.

26 "Local Capacity Ratio" is defined in subparagraph (B) of

1 paragraph (2) of subsection (c) of this Section.

2 "Local Capacity Target" is defined in paragraph (2) of  
3 subsection (c) of this Section.

4 "Low-Income Count" means, for an Organizational Unit in a  
5 fiscal year, the higher of the average number of students for  
6 the prior school year or the immediately preceding 3 school  
7 years who, as of July 1 of the immediately preceding fiscal  
8 year (as determined by the Department of Human Services), are  
9 eligible for at least one of the following low income programs:  
10 Medicaid, the Children's Health Insurance Program, TANF, or  
11 Food Stamps, excluding pupils who are eligible for services  
12 provided by the Department of Children and Family Services.  
13 Until such time that grade level low-income populations become  
14 available, grade level low-income populations shall be  
15 determined by applying the low-income percentage to total  
16 student enrollments by grade level. The low-income percentage  
17 is determined by dividing the Low-Income Count by the Average  
18 Student Enrollment.

19 "Maintenance and operations" means custodial services,  
20 facility and ground maintenance, facility operations, facility  
21 security, routine facility repairs, and other similar services  
22 and functions.

23 "Minimum Funding Level" is defined in paragraph (6) of  
24 subsection (g) of this Section.

25 "New State Funds" means, for a given school year, all State  
26 funds appropriated for Evidence-Based Funding in excess of the

1 amount needed to fund the Base Funding Minimum for all  
2 Organizational Units in that school year.

3 "Net State Contribution Target" means, for a given school  
4 year, the amount of State funds that would be necessary to  
5 fully meet the Adequacy Target of an Operational Unit minus the  
6 Preliminary Resources available to each unit.

7 "Nurse" means an individual licensed as a certified school  
8 nurse, in accordance with the rules established for nursing  
9 services by the State Board, who is an employee of and is  
10 available to provide health care-related services for students  
11 of an Organizational Unit.

12 "Operating Tax Rate" means the rate utilized in the  
13 previous year to extend property taxes for all purposes,  
14 except, Bond and Interest, Summer School, Rent, Capital  
15 Improvement, and Vocational Education Building purposes. For  
16 Hybrid Districts, the Operating Tax Rate shall be the combined  
17 elementary and high school rates utilized in the previous year  
18 to extend property taxes for all purposes, except, Bond and  
19 Interest, Summer School, Rent, Capital Improvement, and  
20 Vocational Education Building purposes. For all Organizational  
21 Units, the State Superintendent shall calculate and subtract  
22 from the Operating Tax Rate a transportation rate based on  
23 total expenses for transportation services under this Code, as  
24 reported on the most recent Annual Financial Report in Pupil  
25 Transportation Services, function 2550 in both the Education  
26 and Transportation funds and functions 4110 and 4120 in the

1 Transportation fund, less any corresponding fiscal year State  
2 of Illinois scheduled payments excluding net adjustments for  
3 prior years for regular, vocational, or special education  
4 transportation reimbursement pursuant to Section 29-5 or  
5 subsection (b) of Section 14-13.01 of this Code divided by the  
6 Adjusted EAV. If an Organizational Unit's corresponding fiscal  
7 year State of Illinois scheduled payments excluding net  
8 adjustments for prior years for regular, vocational, or special  
9 education transportation reimbursement pursuant to Section  
10 29-5 or subsection (b) of Section 14-13.01 of this Code exceed  
11 the total transportation expenses, as defined in this  
12 paragraph, no transportation rate shall be subtracted from the  
13 Operating Tax Rate.

14 "Organizational Unit" means a Laboratory School, an  
15 Alternative School, or any public school district that is  
16 recognized as such by the State Board and that contains  
17 elementary schools typically serving kindergarten through 5th  
18 grades, middle schools typically serving 6th through 8th  
19 grades, or high schools typically serving 9th through 12th  
20 grades. The General Assembly acknowledges that the actual grade  
21 levels served by a particular Organizational Unit may vary  
22 slightly from what is typical.

23 "Organizational Unit CWI" is determined by calculating the  
24 CWI in the region and original county in which an  
25 Organizational Unit's primary administrative office is located  
26 as set forth in this paragraph, provided that if the

1 Organizational Unit CWI as calculated in accordance with this  
2 paragraph is less than 0.9, the Organizational Unit CWI shall  
3 be increased to 0.9. Each county's current CWI value shall be  
4 adjusted based on the CWI value of that county's neighboring  
5 Illinois counties, to create a "weighted adjusted index value".  
6 This shall be calculated by summing the CWI values of all of a  
7 county's adjacent Illinois counties and dividing by the number  
8 of adjacent Illinois counties, then taking the weighted value  
9 of the original county's CWI value and the adjacent Illinois  
10 county average. To calculate this weighted value, if the number  
11 of adjacent Illinois counties is greater than 2, the original  
12 county's CWI value will be weighted at 0.25 and the adjacent  
13 Illinois county average will be weighted at 0.75. If the number  
14 of adjacent Illinois counties is 2, the original county's CWI  
15 value will be weighted at 0.33 and the adjacent Illinois county  
16 average will be weighted at 0.66. The greater of the county's  
17 current CWI value and its weighted adjusted index value shall  
18 be used as the Organizational Unit CWI.

19 "Preceding Tax Year" means the property tax levy year  
20 immediately preceding the Base Tax Year.

21 "Preceding Tax Year's Extension" means the product of the  
22 equalized assessed valuation utilized by the county clerk in  
23 the Preceding Tax Year multiplied by the Operating Tax Rate.

24 "Preliminary Percent of Adequacy" is defined in paragraph  
25 (2) of subsection (f) of this Section.

26 "Preliminary Resources" is defined in paragraph (2) of

1 subsection (f) of this Section.

2 "Principal" means a school administrator duly endorsed to  
3 be employed as a principal in this State.

4 "Professional development" means training programs for  
5 licensed staff in schools, including, but not limited to,  
6 programs that assist in implementing new curriculum programs,  
7 provide data focused or academic assessment data training to  
8 help staff identify a student's weaknesses and strengths,  
9 target interventions, improve instruction, encompass  
10 instructional strategies for EL, gifted, or at-risk students,  
11 address inclusivity, cultural sensitivity, or implicit bias,  
12 or otherwise provide professional support for licensed staff.

13 "Prototypical" means 450 special education  
14 pre-kindergarten and kindergarten through grade 5 students for  
15 an elementary school, 450 grade 6 through 8 students for a  
16 middle school, and 600 grade 9 through 12 students for a high  
17 school.

18 "PTELL" means the Property Tax Extension Limitation Law.

19 "PTELL EAV" is defined in paragraph (4) of subsection (d)  
20 of this Section.

21 "Pupil support staff" means a nurse, psychologist, social  
22 worker, family liaison personnel, or other staff member who  
23 provides support to at-risk or struggling students.

24 "Real Receipts" is defined in paragraph (1) of subsection  
25 (d) of this Section.

26 "Regionalization Factor" means, for a particular

1 Organizational Unit, the figure derived by dividing the  
2 Organizational Unit CWI by the Statewide Weighted CWI.

3 "School site staff" means the primary school secretary and  
4 any additional clerical personnel assigned to a school.

5 "Special education" means special educational facilities  
6 and services, as defined in Section 14-1.08 of this Code.

7 "Specialist teacher" means a teacher who provides  
8 instruction in subject areas not included in core subjects,  
9 including, but not limited to, art, music, physical education,  
10 health, driver education, career-technical education, and such  
11 other subject areas as may be mandated by State law or provided  
12 by an Organizational Unit.

13 "Specially Funded Unit" means an Alternative School, safe  
14 school, Department of Juvenile Justice school, special  
15 education cooperative or entity recognized by the State Board  
16 as a special education cooperative, State-approved charter  
17 school, or alternative learning opportunities program that  
18 received direct funding from the State Board during the  
19 2016-2017 school year through any of the funding sources  
20 included within the calculation of the Base Funding Minimum or  
21 Glenwood Academy.

22 "Supplemental Grant Funding" means supplemental general  
23 State aid funding received by an Organization Unit during the  
24 2016-2017 school year pursuant to subsection (H) of Section  
25 18-8.05 of this Code.

26 "State Adequacy Level" is the sum of the Adequacy Targets

1 of all Organizational Units.

2 "State Board" means the State Board of Education.

3 "State Superintendent" means the State Superintendent of  
4 Education.

5 "Statewide Weighted CWI" means a figure determined by  
6 multiplying each Organizational Unit CWI times the ASE for that  
7 Organizational Unit creating a weighted value, summing all  
8 Organizational Unit's weighted values, and dividing by the  
9 total ASE of all Organizational Units, thereby creating an  
10 average weighted index.

11 "Student activities" means non-credit producing  
12 after-school programs, including, but not limited to, clubs,  
13 bands, sports, and other activities authorized by the school  
14 board of the Organizational Unit.

15 "Substitute teacher" means an individual teacher or  
16 teaching assistant who is employed by an Organizational Unit  
17 and is temporarily serving the Organizational Unit on a per  
18 diem or per period-assignment basis replacing another staff  
19 member.

20 "Summer school" means academic and enrichment programs  
21 provided to students during the summer months outside of the  
22 regular school year.

23 "Supervisory aide" means a non-licensed staff member who  
24 helps in supervising students of an Organizational Unit, but  
25 does so outside of the classroom, in situations such as, but  
26 not limited to, monitoring hallways and playgrounds,

1 supervising lunchrooms, or supervising students when being  
2 transported in buses serving the Organizational Unit.

3 "Target Ratio" is defined in paragraph (4) of subsection  
4 (g).

5 "Tier 1", "Tier 2", "Tier 3", and "Tier 4" are defined in  
6 paragraph (2) of subsection (g).

7 "Tier 1 Aggregate Funding", "Tier 2 Aggregate Funding",  
8 "Tier 3 Aggregate Funding", and "Tier 4 Aggregate Funding" are  
9 defined in paragraph (1) of subsection (g).

10 (b) Adequacy Target calculation.

11 (1) Each Organizational Unit's Adequacy Target is the sum  
12 of the Organizational Unit's cost of providing Essential  
13 Elements, as calculated in accordance with this subsection (b),  
14 with the salary amounts in the Essential Elements multiplied by  
15 a Regionalization Factor calculated pursuant to paragraph (3)  
16 of this subsection (b).

17 (2) The Essential Elements are attributable on a pro-rata  
18 basis related to defined subgroups of the ASE of each  
19 Organizational Unit as specified in this paragraph (2), with  
20 investments and FTE positions pro-rata funded based on ASE  
21 counts in excess or less than the thresholds set forth in this  
22 paragraph (2). The method for calculating attributable  
23 pro-rata costs and the defined subgroups thereto are as  
24 follows:

25 (A) Core class size investments. Each Organizational  
26 Unit shall receive the funding required to support that

1 number of FTE core teacher positions as is needed to keep  
2 the respective class sizes of the Organizational Unit to  
3 the following maximum numbers:

4 (1) For grades kindergarten through 3, the  
5 Organizational Unit shall receive funding required to  
6 support one FTE core teacher position for every 15  
7 Low-Income Count students in those grades and one FTE  
8 core teacher position for every 20 non-Low-Income  
9 Count students in those grades.

10 (2) For grades 4 through 12, the Organizational  
11 Unit shall receive funding required to support one FTE  
12 core teacher position for every 20 Low-Income Count  
13 students in those grades and one FTE core teacher  
14 position for every 25 non-Low-Income Count students in  
15 those grades.

16 The number of non-Low-Income Count students in a grade  
17 shall be determined by subtracting the Low-Income students  
18 in that grade from the ASE of the Organizational Unit for  
19 that grade.

20 (B) Specialist teacher investments. Each  
21 Organizational Unit shall receive the funding needed to  
22 cover that number of FTE specialist teacher positions that  
23 correspond to the following percentages:

24 (i) if the Organizational Unit operates an  
25 elementary or middle school, then 20.00% of the number  
26 of the Organizational Unit's core teachers, as

1 determined under subparagraph (A) of this paragraph  
2 (2); and

3 (ii) if such Organizational Unit operates a high  
4 school, then 33.33% of the number of the Organizational  
5 Unit's core teachers.

6 (C) Instructional facilitator investments. Each  
7 Organizational Unit shall receive the funding needed to  
8 cover one FTE instructional facilitator position for every  
9 200 combined ASE of pre-kindergarten children with  
10 disabilities and all kindergarten through grade 12  
11 students of the Organizational Unit.

12 (D) Core intervention teacher (tutor) investments.  
13 Each Organizational Unit shall receive the funding needed  
14 to cover one FTE teacher position for each prototypical  
15 elementary, middle, and high school.

16 (E) Substitute teacher investments. Each  
17 Organizational Unit shall receive the funding needed to  
18 cover substitute teacher costs that is equal to 5.70% of  
19 the minimum pupil attendance days required under Section  
20 10-19 of this code for all full-time equivalent core,  
21 specialist, and intervention teachers, school nurses,  
22 special education teachers and instructional assistants,  
23 instructional facilitators, and summer school and  
24 extended-day teacher positions, as determined under this  
25 paragraph (2), at a salary rate of 33.33% of the average  
26 salary for grade K through 12 teachers and 33.33% of the

1 average salary of each instructional assistant position.

2 (F) Core guidance counselor investments. Each  
3 Organizational Unit shall receive the funding needed to  
4 cover one FTE guidance counselor for each 450 combined ASE  
5 of pre-kindergarten children with disabilities and all  
6 kindergarten through grade 5 students, plus one FTE  
7 guidance counselor for each 250 grades 6 through 8 ASE  
8 middle school students, plus one FTE guidance counselor for  
9 each 250 grades 9 through 12 ASE high school students.

10 (G) Nurse investments. Each Organizational Unit shall  
11 receive the funding needed to cover one FTE nurse for each  
12 750 combined ASE of pre-kindergarten children with  
13 disabilities and all kindergarten through grade 12  
14 students across all grade levels it serves.

15 (H) Supervisory aide investments. Each Organizational  
16 Unit shall receive the funding needed to cover one FTE for  
17 each 225 combined ASE of pre-kindergarten children with  
18 disabilities and all kindergarten through grade 5  
19 students, plus one FTE for each 225 ASE middle school  
20 students, plus one FTE for each 200 ASE high school  
21 students.

22 (I) Librarian investments. Each Organizational Unit  
23 shall receive the funding needed to cover one FTE librarian  
24 for each prototypical elementary school, middle school,  
25 and high school and one FTE aide or media technician for  
26 every 300 combined ASE of pre-kindergarten children with

1 disabilities and all kindergarten through grade 12  
2 students.

3 (J) Principal investments. Each Organizational Unit  
4 shall receive the funding needed to cover one FTE principal  
5 position for each prototypical elementary school, plus one  
6 FTE principal position for each prototypical middle  
7 school, plus one FTE principal position for each  
8 prototypical high school.

9 (K) Assistant principal investments. Each  
10 Organizational Unit shall receive the funding needed to  
11 cover one FTE assistant principal position for each  
12 prototypical elementary school, plus one FTE assistant  
13 principal position for each prototypical middle school,  
14 plus one FTE assistant principal position for each  
15 prototypical high school.

16 (L) School site staff investments. Each Organizational  
17 Unit shall receive the funding needed for one FTE position  
18 for each 225 ASE of pre-kindergarten children with  
19 disabilities and all kindergarten through grade 5  
20 students, plus one FTE position for each 225 ASE middle  
21 school students, plus one FTE position for each 200 ASE  
22 high school students.

23 (M) Gifted investments. Each Organizational Unit shall  
24 receive \$40 per kindergarten through grade 12 ASE.

25 (N) Professional development investments. Each  
26 Organizational Unit shall receive \$125 per student of the

1 combined ASE of pre-kindergarten children with  
2 disabilities and all kindergarten through grade 12  
3 students for trainers and other professional  
4 development-related expenses for supplies and materials.

5 (O) Instructional material investments. Each  
6 Organizational Unit shall receive \$190 per student of the  
7 combined ASE of pre-kindergarten children with  
8 disabilities and all kindergarten through grade 12  
9 students to cover instructional material costs.

10 (P) Assessment investments. Each Organizational Unit  
11 shall receive \$25 per student of the combined ASE of  
12 pre-kindergarten children with disabilities and all  
13 kindergarten through grade 12 students student to cover  
14 assessment costs.

15 (Q) Computer technology and equipment investments.  
16 Each Organizational Unit shall receive \$285.50 per student  
17 of the combined ASE of pre-kindergarten children with  
18 disabilities and all kindergarten through grade 12  
19 students to cover computer technology and equipment costs.  
20 For the 2018-2019 school year and subsequent school years,  
21 Tier 1 and Tier 2 Organizational Units selected by the  
22 State Board through a request for proposals process shall,  
23 upon the State Board's approval of an Organizational Unit's  
24 one-to-one computing technology plan, receive an  
25 additional \$285.50 per student of the combined ASE of  
26 pre-kindergarten children with disabilities and all

1 kindergarten through grade 12 students to cover computer  
2 technology and equipment costs. The State Board may  
3 establish additional requirements for Organizational Unit  
4 expenditures of funds received pursuant to this  
5 subparagraph (Q). It is the intent of this amendatory Act  
6 of the 100th General Assembly that all Tier 1 and Tier 2  
7 districts that apply for the technology grant receive the  
8 addition to their Adequacy Target, subject to compliance  
9 with the requirements of the State Board.

10 (R) Student activities investments. Each  
11 Organizational Unit shall receive the following funding  
12 amounts to cover student activities: \$100 per kindergarten  
13 through grade 5 ASE student in elementary school, plus \$200  
14 per ASE student in middle school, plus \$675 per ASE student  
15 in high school.

16 (S) Maintenance and operations investments. Each  
17 Organizational Unit shall receive \$1,038 per student of the  
18 combined ASE of pre-kindergarten children with  
19 disabilities and all kindergarten through grade 12 for  
20 day-to-day maintenance and operations expenditures,  
21 including salary, supplies, and materials, as well as  
22 purchased services, but excluding employee benefits. The  
23 proportion of salary for the application of a  
24 Regionalization Factor and the calculation of benefits is  
25 equal to \$352.92.

26 (T) Central office investments. Each Organizational

1 Unit shall receive \$742 per student of the combined ASE of  
2 pre-kindergarten children with disabilities and all  
3 kindergarten through grade 12 students to cover central  
4 office operations, including administrators and classified  
5 personnel charged with managing the instructional  
6 programs, business and operations of the school district,  
7 and security personnel. The proportion of salary for the  
8 application of a Regionalization Factor and the  
9 calculation of benefits is equal to \$368.48.

10 (U) Employee benefit investments. Each Organizational  
11 Unit shall receive 30% of the total of all  
12 salary-calculated elements of the Adequacy Target,  
13 excluding substitute teachers and student activities  
14 investments, to cover benefit costs. For central office and  
15 maintenance and operations investments, the benefit  
16 calculation shall be based upon the salary proportion of  
17 each investment. If at any time the responsibility for  
18 funding the employer normal cost of teacher pensions is  
19 assigned to school districts, then that amount certified by  
20 the Teachers' Retirement System of the State of Illinois to  
21 be paid by the Organizational Unit for the preceding school  
22 year shall be added to the benefit investment. For any  
23 fiscal year in which a school district organized under  
24 Article 34 of this Code is responsible for paying the  
25 employer normal cost of teacher pensions, then that amount  
26 of its employer normal cost as certified by the Public

1 School Teachers' Pension and Retirement Fund of Chicago to  
2 be paid by the school district for the preceding school  
3 year that is statutorily required to cover employer normal  
4 costs shall be added to the 30% specified in this  
5 subparagraph (U). The Public School Teachers' Pension and  
6 Retirement Fund of Chicago shall submit such information as  
7 the State Superintendent may require for the calculations  
8 set forth in this subparagraph (U).

9 (V) Additional investments in low-income students. In  
10 addition to and not in lieu of all other funding under this  
11 paragraph (2), each Organizational Unit shall receive  
12 funding based on the average teacher salary for grades K  
13 through 12 to cover the costs of: (i) one FTE intervention  
14 teacher (tutor) position for every 125 Low-Income Count  
15 students; (ii) one FTE pupil support staff position for  
16 every 125 Low-Income Count students; (iii) one FTE extended  
17 day teacher position for every 120 Low-Income Count  
18 students; and (iv) one FTE summer school teacher position  
19 for every 120 Low-Income Count students.

20 (W) Additional investments in EL students. In addition  
21 to and not in lieu of all other funding under this  
22 paragraph (2), each Organizational Unit shall receive  
23 funding based on the average teacher salary for grades K  
24 through 12 to cover the costs of:

25 (i) one FTE intervention teacher (tutor) position  
26 for every 125 EL students;

1           (ii) one FTE pupil support staff position for every  
2           125 EL students;

3           (iii) one FTE extended day teacher position for  
4           every 120 EL students;

5           (iv) one FTE summer school teacher position for  
6           every 120 EL students; and

7           (v) one FTE core teacher position for every 100 EL  
8           students.

9           (X) Special education investments. Each Organizational  
10          Unit shall receive funding based on the average teacher  
11          salary for grades K through 12 to cover special education  
12          as follows:

13           (i) one FTE teacher position for every 141 combined  
14           ASE of pre-kindergarten children with disabilities and  
15           all kindergarten through grade 12 students;

16           (ii) one FTE instructional assistant for every 141  
17           combined ASE of pre-kindergarten children with  
18           disabilities and all kindergarten through grade 12  
19           students; and

20           (iii) one FTE psychologist position for every  
21           1,000 combined ASE of pre-kindergarten children with  
22           disabilities and all kindergarten through grade 12  
23           students.

24          (3) For calculating the salaries included within the  
25          Essential Elements, the State Superintendent shall annually  
26          calculate average salaries to the nearest dollar using the

1 employment information system data maintained by the State  
2 Board, limited to public schools only and excluding special  
3 education and vocational cooperatives, schools operated by the  
4 Department of Juvenile Justice, and charter schools, for the  
5 following positions:

6 (A) Teacher for grades K through 8.

7 (B) Teacher for grades 9 through 12.

8 (C) Teacher for grades K through 12.

9 (D) Guidance counselor for grades K through 8.

10 (E) Guidance counselor for grades 9 through 12.

11 (F) Guidance counselor for grades K through 12.

12 (G) Social worker.

13 (H) Psychologist.

14 (I) Librarian.

15 (J) Nurse.

16 (K) Principal.

17 (L) Assistant principal.

18 For the purposes of this paragraph (3), "teacher" includes core  
19 teachers, specialist and elective teachers, instructional  
20 facilitators, tutors, special education teachers, pupil  
21 support staff teachers, English learner teachers, extended-day  
22 teachers, and summer school teachers. Where specific grade data  
23 is not required for the Essential Elements, the average salary  
24 for corresponding positions shall apply. For substitute  
25 teachers, the average teacher salary for grades K through 12  
26 shall apply.

1       For calculating the salaries included within the Essential  
2 Elements for positions not included within EIS Data, the  
3 following salaries shall be used in the first year of  
4 implementation of Evidence-Based Funding:

5           (i) school site staff, \$30,000; and

6           (ii) on-instructional assistant, instructional  
7 assistant, library aide, library media tech, or  
8 supervisory aide: \$25,000.

9       In the second and subsequent years of implementation of  
10 Evidence-Based Funding, the amounts in items (i) and (ii) of  
11 this paragraph (3) shall annually increase by the ECI.

12       The salary amounts for the Essential Elements determined  
13 pursuant to subparagraphs (A) through (L), (S) and (T), and (V)  
14 through (X) of paragraph (2) of subsection (b) of this Section  
15 shall be multiplied by a Regionalization Factor.

16       (c) Local capacity calculation.

17       (1) Each Organizational Unit's Local Capacity represents  
18 an amount of funding it is assumed to contribute toward its  
19 Adequacy Target for purposes of the Evidence-Based Funding  
20 formula calculation. "Local Capacity" means either (i) the  
21 Organizational Unit's Local Capacity Target as calculated in  
22 accordance with paragraph (2) of this subsection (c) if its  
23 Real Receipts are equal to or less than its Local Capacity  
24 Target or (ii) the Organizational Unit's Adjusted Local  
25 Capacity, as calculated in accordance with paragraph (3) of  
26 this subsection (c) if Real Receipts are more than its Local

1 Capacity Target.

2 (2) "Local Capacity Target" means, for an Organizational  
3 Unit, that dollar amount that is obtained by multiplying its  
4 Adequacy Target by its Local Capacity Percentage.

5 (A) An Organizational Unit's Local Capacity Percentage  
6 is the conversion of the Organizational Unit's Local  
7 Capacity Ratio, as such ratio is determined in accordance  
8 with subparagraph (B) of this paragraph (2), into a normal  
9 curve equivalent score to determine each Organizational  
10 Unit's relative position to all other Organizational Units  
11 in this State. The calculation of Local Capacity Percentage  
12 is described in subparagraph (C) of this paragraph (2).

13 (B) An Organizational Unit's Local Capacity Ratio in a  
14 given year is the percentage obtained by dividing its  
15 Adjusted EAV by its Adequacy Target, with the resulting  
16 ratio further adjusted as follows:

17 (i) for Organizational Units serving grades  
18 kindergarten through 12 and Hybrid Districts, no  
19 further adjustments shall be made;

20 (ii) for Organizational Units serving grades  
21 kindergarten through 8, the ratio shall be multiplied  
22 by 9/13;

23 (iii) for Organizational Units serving grades 9  
24 through 12, the Local Capacity Ratio shall be  
25 multiplied by 4/13; and

26 (iv) for an Organizational Unit with a different

1 grade configuration than those specified in items (i)  
2 through (iii) of this subparagraph (B), the State  
3 Superintendent shall determine a comparable adjustment  
4 based on the grades served.

5 (C) Local Capacity Percentage converts each  
6 Organizational Unit's Local Capacity Ratio to a normal  
7 curve equivalent score to determine each Organizational  
8 Unit's relative position to all other Organizational Units  
9 in this State. The Local Capacity Percentage normal curve  
10 equivalent score for each Organizational Unit shall be  
11 calculated using the standard normal distribution of the  
12 score in relation to the weighted mean and weighted  
13 standard deviation and Local Capacity Ratios of all  
14 Organizational Units. If the value assigned to any  
15 Organizational Unit is in excess of 90%, the value shall be  
16 adjusted to 90%. For Laboratory Schools, the Local Capacity  
17 Percentage shall be set at 10% in recognition of the  
18 absence of EAV and resources from the public university  
19 that are allocated to the Laboratory School. The weighted  
20 mean for the Local Capacity Percentage shall be determined  
21 by multiplying each Organizational Unit's Local Capacity  
22 Ratio times the ASE for the unit creating a weighted value,  
23 summing the weighted values of all Organizational Units,  
24 and dividing by the total ASE of all Organizational Units.  
25 The weighted standard deviation shall be determined by  
26 taking the square root of the weighted variance of all

1       Organizational Units' Local Capacity Ratio, where the  
2       variance is calculated by squaring the difference between  
3       each unit's Local Capacity Ratio and the weighted mean,  
4       then multiplying the variance for each unit times the ASE  
5       for the unit to create a weighted variance for each unit,  
6       then summing all units' weighted variance and dividing by  
7       the total ASE of all units.

8       (3) If an Organizational Unit's Real Receipts are more than  
9       its Local Capacity Target, then its Local Capacity shall equal  
10      an Adjusted Local Capacity Target as calculated in accordance  
11      with this paragraph (3). The Adjusted Local Capacity Target is  
12      calculated as the sum of the Organizational Unit's Local  
13      Capacity Target and its Real Receipts Adjustment. For  
14      Organizational Units with a Real Percent of Adequacy above 85%,  
15      the Real Receipts Adjustment equals the Organizational Unit's  
16      Real Receipts less its Local Capacity Target, with the  
17      resulting figure multiplied by the lesser of 100% or the  
18      difference between its Real Percent of Adequacy and 85%. For  
19      Organizational Units with a Real Percent of Adequacy of 85% or  
20      below, there is no Real Receipts Adjustment.

21       As used in this paragraph (3), "Real Percent of Adequacy"  
22       means the sum of an Organizational Unit's Real Receipts, CPPRT,  
23       and Base Funding Minimum, with the resulting figure divided by  
24       the Organizational Unit's Adequacy Target.

25       (d) Calculation of Real Receipts, EAV, and Adjusted EAV for  
26       purposes of the Local Capacity calculation.

1       (1) An Organizational Unit's Real Receipts are the product  
2 of its Applicable Tax Rate and its Adjusted EAV. An  
3 Organizational Unit's Applicable Tax Rate is its Operating Tax  
4 Rate for property within the Organizational Unit.

5       (2) The State Superintendent shall calculate the Equalized  
6 Assessed Valuation, or EAV, of all taxable property of each  
7 Organizational Unit as of September 30 of the previous year in  
8 accordance with paragraph (3) of this subsection (d). The State  
9 Superintendent shall then determine the Adjusted EAV of each  
10 Organizational Unit in accordance with paragraph (4) of this  
11 subsection (d), which Adjusted EAV figure shall be used for the  
12 purposes of calculating Local Capacity.

13       (3) To calculate Real Receipts and EAV, the Department of  
14 Revenue shall supply to the State Superintendent the value as  
15 equalized or assessed by the Department of Revenue of all  
16 taxable property of every Organizational Unit, together with  
17 (i) the applicable tax rate used in extending taxes for the  
18 funds of the Organizational Unit as of September 30 of the  
19 previous year and (ii) the limiting rate for all Organizational  
20 Units subject to property tax extension limitations as imposed  
21 under PTELL.

22       (A) The Department of Revenue shall add to the  
23 equalized assessed value of all taxable property of each  
24 Organizational Unit situated entirely or partially within  
25 a county that is or was subject to the provisions of  
26 Section 15-176 or 15-177 of the Property Tax Code (i) an

1 amount equal to the total amount by which the homestead  
2 exemption allowed under Section 15-176 or 15-177 of the  
3 Property Tax Code for real property situated in that  
4 Organizational Unit exceeds the total amount that would  
5 have been allowed in that Organizational Unit if the  
6 maximum reduction under Section 15-176 was (I) \$4,500 in  
7 Cook County or \$3,500 in all other counties in tax year  
8 2003 or (II) \$5,000 in all counties in tax year 2004 and  
9 thereafter and (ii) an amount equal to the aggregate amount  
10 for the taxable year of all additional exemptions under  
11 Section 15-175 of the Property Tax Code for owners with a  
12 household income of \$30,000 or less. The county clerk of  
13 any county that is or was subject to the provisions of  
14 Section 15-176 or 15-177 of the Property Tax Code shall  
15 annually calculate and certify to the Department of Revenue  
16 for each Organizational Unit all homestead exemption  
17 amounts under Section 15-176 or 15-177 of the Property Tax  
18 Code and all amounts of additional exemptions under Section  
19 15-175 of the Property Tax Code for owners with a household  
20 income of \$30,000 or less. It is the intent of this  
21 subparagraph (A) that if the general homestead exemption  
22 for a parcel of property is determined under Section 15-176  
23 or 15-177 of the Property Tax Code rather than Section  
24 15-175, then the calculation of EAV shall not be affected  
25 by the difference, if any, between the amount of the  
26 general homestead exemption allowed for that parcel of

1 property under Section 15-176 or 15-177 of the Property Tax  
2 Code and the amount that would have been allowed had the  
3 general homestead exemption for that parcel of property  
4 been determined under Section 15-175 of the Property Tax  
5 Code. It is further the intent of this subparagraph (A)  
6 that if additional exemptions are allowed under Section  
7 15-175 of the Property Tax Code for owners with a household  
8 income of less than \$30,000, then the calculation of EAV  
9 shall not be affected by the difference, if any, because of  
10 those additional exemptions.

11 (B) With respect to any part of an Organizational Unit  
12 within a redevelopment project area in respect to which a  
13 municipality has adopted tax increment allocation  
14 financing pursuant to the Tax Increment Allocation  
15 Redevelopment Act, Division 74.4 of the Illinois Municipal  
16 Code, or the Industrial Jobs Recovery Law, Division 74.6 of  
17 the Illinois Municipal Code, no part of the current EAV of  
18 real property located in any such project area which is  
19 attributable to an increase above the total initial EAV of  
20 such property shall be used as part of the EAV of the  
21 Organizational Unit, until such time as all redevelopment  
22 project costs have been paid, as provided in Section  
23 11-74.4-8 of the Tax Increment Allocation Redevelopment  
24 Act or in Section 11-74.6-35 of the Industrial Jobs  
25 Recovery Law. For the purpose of the EAV of the  
26 Organizational Unit, the total initial EAV or the current

1       EAV, whichever is lower, shall be used until such time as  
2       all redevelopment project costs have been paid.

3       (C) For Organizational Units that are Hybrid  
4       Districts, the State Superintendent shall use the lesser of  
5       the equalized assessed valuation for property within the  
6       partial elementary unit district for elementary purposes,  
7       as defined in Article 11E of this Code, or the equalized  
8       assessed valuation for property within the partial  
9       elementary unit district for high school purposes, as  
10      defined in Article 11E of this Code.

11      (4) An Organizational Unit's Adjusted EAV shall be the  
12      average of its EAV over the immediately preceding 3 years or  
13      its EAV in the immediately preceding year if the EAV in the  
14      immediately preceding year has declined by 10% or more compared  
15      to the 3-year average. In the event of Organizational Unit  
16      reorganization, consolidation, or annexation, the  
17      Organizational Unit's Adjusted EAV for the first 3 years after  
18      such change shall be as follows: the most current EAV shall be  
19      used in the first year, the average of a 2-year EAV or its EAV  
20      in the immediately preceding year if the EAV declines by 10% or  
21      more compared to the 2-year average for the second year, and a  
22      3-year average EAV or its EAV in the immediately preceding year  
23      if the adjusted EAV declines by 10% or more compared to the  
24      3-year average for the third year.

25      Notwithstanding anything to the contrary contained in this  
26      paragraph (4), if an Organizational Unit has a PTELL EAV less

1 than its Adjusted EAV as calculated in the remainder of this  
2 paragraph, the Organizational Unit's PTELL EAV shall serve as  
3 its Adjusted EAV.

4 "PTELL EAV" means a figure calculated by the State Board  
5 for Organizational Units subject to PTELL as described in this  
6 paragraph (4). Except as otherwise provided in this paragraph  
7 (4), for an Organizational Unit that has approved or does  
8 approve an increase in its limiting rate, the PTELL EAV of an  
9 Organizational Unit shall be equal to the product of the  
10 equalized assessed valuation last used in the calculation of  
11 general State aid under Section 18-8.05 of this Code or  
12 Evidence-Based Funding under this Section and the  
13 Organizational Unit's Extension Limitation Ratio. If an  
14 Organizational Unit has approved or does approve an increase in  
15 its limiting rate, pursuant to Section 18-190 of the Property  
16 Tax Code, affecting the Base Tax Year, the PTELL EAV shall be  
17 equal to the product of the equalized assessed valuation last  
18 used in the calculation of general State aid under Section  
19 18-8.05 of this Code or Evidence-Based Funding under this  
20 Section multiplied by an amount equal to one plus the  
21 percentage increase, if any, in the Consumer Price Index for  
22 All Urban Consumers for all items published by the United  
23 States Department of Labor for the 12-month calendar year  
24 preceding the Base Tax Year, plus the equalized assessed  
25 valuation of new property, annexed property, and recovered tax  
26 increment value and minus the equalized assessed valuation of

1 disconnected property.

2 As used in this paragraph (4), "new property" and  
3 "recovered tax increment value" shall have the meanings set  
4 forth in the Property Tax Extension Limitation Law.

5 (e) Base Funding Minimum calculation.

6 (1) For the 2017-2018 school year, the Base Funding Minimum  
7 of an Organizational Unit, other than a Specially Funded Unit,  
8 shall be the amount of State funds distributed to the  
9 Organizational Unit during the 2016-2017 school year prior to  
10 any adjustments and specified appropriation amounts described  
11 in this paragraph (1) from the following Sections, as  
12 calculated by the State Superintendent: Section 18-8.05 of this  
13 Code (general State aid); Section 5 of Article 224 of Public  
14 Act 99-524 (equity grants); Section 14-7.02b of this Code  
15 (funding for children requiring special education services);  
16 Section 14-13.01 of this Code (special education facilities and  
17 staffing), except for reimbursement of the cost of  
18 transportation pursuant to Section 14-13.01; Section 14C-12 of  
19 this Code (English learners); and Section 18-4.3 of this Code  
20 (summer school), based on an appropriation level of  
21 \$13,121,600. For a school district organized under Article 34  
22 of this Code, the Base Funding Minimum also includes the funds  
23 allotted to the school district pursuant to Section 1D-1 of  
24 this Code attributable to funding programs authorized by the  
25 Sections of this Code listed in the preceding sentence. For  
26 Specially Funded Units, the Base Funding Minimum shall be the

1 total amount of State funds allotted to the Specially Funded  
2 Unit during the 2016-2017 school year. The Base Funding Minimum  
3 for Glenwood Academy shall be \$625,500.

4 (2) For the 2018-2019 and subsequent school years, the Base  
5 Funding Minimum of Organizational Units and Specially Funded  
6 Units shall be the sum of (i) the amount of Evidence-Based  
7 Funding for the prior school year and (ii) the Base Funding  
8 Minimum for the prior school year.

9 (f) Percent of Adequacy and Final Resources calculation.

10 (1) The Evidence-Based Funding formula establishes a  
11 Percent of Adequacy for each Organizational Unit in order to  
12 place such units into tiers for the purposes of the funding  
13 distribution system described in subsection (g) of this  
14 Section. Initially, an Organizational Unit's Preliminary  
15 Resources and Preliminary Percent of Adequacy are calculated  
16 pursuant to paragraph (2) of this subsection (f). Then, an  
17 Organizational Unit's Final Resources and Final Percent of  
18 Adequacy are calculated to account for the Organizational  
19 Unit's poverty concentration levels pursuant to paragraphs (3)  
20 and (4) of this subsection (f).

21 (2) An Organizational Unit's Preliminary Resources are  
22 equal to the sum of its Local Capacity Target, CPPRT, and Base  
23 Funding Minimum. An Organizational Unit's Preliminary Percent  
24 of Adequacy is the lesser of (i) its Preliminary Resources  
25 divided by its Adequacy Target or (ii) 100%.

26 (3) Except for Specially Funded Units, an Organizational

1 Unit's Final Resources are equal the sum of its Local Capacity,  
2 CPPRT, and Adjusted Base Funding Minimum. The Base Funding  
3 Minimum of each Specially Funded Unit shall serve as its Final  
4 Resources, except that the Base Funding Minimum for  
5 State-approved charter schools shall not include any portion of  
6 general State aid allocated in the prior year based on the per  
7 capita tuition charge times the charter school enrollment.

8 (4) An Organizational Unit's Final Percent of Adequacy is  
9 its Final Resources divided by its Adequacy Target. A  
10 Organizational Unit's Adjusted Base Funding Minimum is equal to  
11 its Base Funding Minimum less its Supplemental Grant Funding,  
12 with the resulting figure added to the product of its  
13 Supplemental Grant Funding and Preliminary Percent of  
14 Adequacy.

15 (g) Evidence-Based Funding formula distribution system.

16 (1) In each school year under the Evidence-Based Funding  
17 formula, each Organizational Unit receives funding equal to the  
18 sum of its Base Funding Minimum and the unit's allocation of  
19 New State Funds determined pursuant to this subsection (g). To  
20 allocate New State Funds, the Evidence-Based Funding formula  
21 distribution system first places all Organizational Units into  
22 one of 4 tiers in accordance with paragraph (3) of this  
23 subsection (g), based on the Organizational Unit's Final  
24 Percent of Adequacy. New State Funds are allocated to each of  
25 the 4 tiers as follows: Tier 1 Aggregate Funding equals 40% of  
26 all New State Funds, Tier 2 Aggregate Funding equals 59% of all

1 New State Funds, Tier 3 Aggregate Funding equals 0.9% of all  
2 New State Funds, and Tier 4 Aggregate Funding equals 0.1% of  
3 all New State Funds. Each Organizational Unit within Tier 1 or  
4 Tier 2 receives an allocation of New State Funds equal to its  
5 Tier Funding Gap, as defined in the following sentence,  
6 multiplied by the tier's Allocation Rate determined pursuant to  
7 paragraph (4) of this subsection (g). For Tier 1 and Tier 2, an  
8 Organizational Unit's Funding Gap equals the Tier's Target  
9 Ratio, as specified in paragraph (5) of this subsection (g),  
10 multiplied by the Organizational Unit's Adequacy Target, with  
11 the resulting amount reduced by the Organizational Unit's Final  
12 Resources and, for Tier 2 Organizational Units, its Tier 1  
13 funding allocation. Each Organizational Unit within Tier 3 or  
14 Tier 4 receives an allocation of New State Funds equal to the  
15 product of its Adequacy Target and the Tier's Allocation Rate,  
16 as specified in paragraph (4) of this subsection (g).

17 (2) To ensure equitable distribution of dollars for all  
18 Tier 2 Organizational Units, no Tier 2 Organizational Unit  
19 shall receive fewer dollars per ASE than any Tier 3  
20 Organizational Unit. Each Tier 2 and Tier 3 Organizational Unit  
21 shall have its funding allocation divided by its ASE. Any Tier  
22 2 Organizational Unit with a funding allocation per ASE below  
23 the greatest Tier 3 allocation per ASE shall get a funding  
24 allocation equal to the greatest Tier 3 funding allocation per  
25 ASE multiplied by the Organizational Unit's ASE. Each Tier 2  
26 Organizational Unit's Tier 2 funding allocation shall be

1 multiplied by the percentage calculated by dividing the  
2 original Tier 2 Aggregate Funding by the sum of all Tier 2  
3 Organizational Unit's Tier 2 funding allocation after  
4 adjusting districts' funding below Tier 3 levels.

5 (3) Organizational Units are placed into one of 4 tiers as  
6 follows:

7 (A) Tier 1 consists of all Organizational Units, except  
8 for Specially Funded Units, with a Percent of Adequacy less  
9 than the Tier 1 Target Ratio. The Tier 1 Target Ratio is  
10 the ratio level that allows for Tier 1 Aggregate Funding to  
11 be distributed, with the Tier 1 Allocation Rate determined  
12 pursuant to paragraph (4) of this subsection (g).

13 (B) Tier 2 consists of all Tier 1 Units and all other  
14 Organizational Units, except for Specially Funded Units,  
15 with a Percent of Adequacy of less than 0.90.

16 (C) Tier 3 consists of all Organizational Units, except  
17 for Specially Funded Units, with a Percent of Adequacy of  
18 at least 0.90 and less than 1.0.

19 (D) Tier 4 consists of all Organizational Units with a  
20 Percent of Adequacy of at least 1.0 and Specially Funded  
21 Units, excluding Glenwood Academy.

22 (4) The Allocation Rates for Tiers 1 through 4 is  
23 determined as follows:

24 (A) The Tier 1 Allocation Rate is 40%.

25 (B) The Tier 2 Allocation Rate is the result of the  
26 following equation: Tier 2 Aggregate Funding, divided by

1 the sum of the Funding Gaps for all Tier 2 Organizational  
2 Units, unless the result of such equation is higher than  
3 1.0. If the result of such equation is higher than 1.0,  
4 then the Tier 2 Allocation Rate is 1.0.

5 (C) The Tier 3 Allocation Rate is the result of the  
6 following equation: Tier 3 Aggregate Funding, divided by  
7 the sum of the Adequacy Targets of all Tier 3  
8 Organizational Units.

9 (D) The Tier 4 Allocation Rate is the result of the  
10 following equation: Tier 4 Aggregate Funding, divided by  
11 the sum of the Adequacy Targets of all Tier 4  
12 Organizational Units.

13 (5) A tier's Target Ratio is determined as follows:

14 (A) The Tier 1 Target Ratio is the ratio level that  
15 allows for Tier 1 Aggregate Funding to be distributed with  
16 the Tier 1 Allocation Rate.

17 (B) The Tier 2 Target Ratio is 0.90.

18 (C) The Tier 3 Target Ratio is 1.0.

19 (6) If, at any point, the Tier 1 Target Ratio is greater  
20 than 90%, than all Tier 1 funding shall be allocated to Tier 2  
21 and no Tier 1 Organizational Unit's funding may be identified.

22 (7) In the event that all Tier 2 Organizational Units  
23 receive funding at the Tier 2 Target Ratio level, any remaining  
24 New State Funds shall be allocated to Tier 3 and Tier 4  
25 Organizational Units.

26 (8) If any Specially Funded Units, excluding Glenwood

1 Academy, recognized by the State Board do not qualify for  
2 direct funding following the implementation of this amendatory  
3 Act of the 100th General Assembly from any of the funding  
4 sources included within the definition of Base Funding Minimum,  
5 the unqualified portion of the Base Funding Minimum shall be  
6 transferred to one or more appropriate Organizational Units as  
7 determined by the State Superintendent based on the prior year  
8 ASE of the Organizational Units.

9 (9) The Minimum Funding Level is intended to establish a  
10 target for State funding that will keep pace with inflation and  
11 continue to advance equity through the Evidence-Based Funding  
12 formula. The Minimum Funding Level is equal to: (i) the sum of  
13 1% of the State Adequacy Level, plus the ECI multiplied by the  
14 State Adequacy Level, less (ii) the total increase in Real  
15 Receipts from the prior school year to the current school year.  
16 The Minimum Funding Level may never be greater than the sum of  
17 the Preliminary Resources subtracted from the Adequacy Target  
18 for each Tier 1, Tier 2, and Tier 3 Organizational Unit. The  
19 General Assembly shall strive to provide sufficient  
20 appropriations to annually fund the Minimum Funding Level.

21 (10) In the event of a decrease in the amount of the  
22 appropriation for this Section in any fiscal year after  
23 implementation of this Section, the Organizational Units  
24 receiving Tier 1 and Tier 2 funding, as determined under  
25 paragraph (3) of this subsection (g), shall be held harmless by  
26 establishing a Base Funding Guarantee equal to the per pupil

1 kindergarten through grade 12 funding received in accordance  
2 with this Section in the prior fiscal year. Reductions shall be  
3 made to the Base Funding Minimum of Organizational Units in  
4 Tier 3 and Tier 4 on a per pupil basis equivalent to the total  
5 number of the ASE in Tier 3-funded and Tier 4-funded  
6 Organizational Units divided by the total reduction in State  
7 funding. The Base Funding Minimum as reduced shall continue to  
8 be applied to Tier 3 and Tier 4 Organizational Units and  
9 adjusted by the relative formula when increases in  
10 appropriations for this Section resume. In no event may State  
11 funding reductions to Organizational Units in Tier 3 or Tier 4  
12 exceed an amount that would be less than the Base Funding  
13 Minimum established in the first year of implementation of this  
14 Section. If additional reductions are required, all school  
15 districts shall receive a reduction by a per pupil amount equal  
16 to the aggregate additional appropriation reduction divided by  
17 the total ASE of all Organizational Units.

18 (11) The State Superintendent shall make minor adjustments  
19 to the distribution formulae set forth in this subsection (g)  
20 to account for the rounding of percentages to the nearest tenth  
21 of a percentage and dollar amounts to the nearest whole dollar.

22 (h) State Superintendent administration of funding and  
23 district submission requirements.

24 (1) The State Superintendent shall, in accordance with  
25 appropriations made by the General Assembly, meet the funding  
26 obligations created under this Section.

1       (2) The State Superintendent shall calculate the Adequacy  
2 Target for each Organizational Unit and Net State Contribution  
3 Target for each Organizational Unit under this Section. The  
4 State Superintendent shall also certify the actual amounts of  
5 the New State Funds payable for each eligible Organizational  
6 Unit based on the equitable distribution calculation to the  
7 unit's treasurer, as soon as possible after such amounts are  
8 calculated, including any applicable adjusted charge-off  
9 increase. No Evidence-Based Funding shall be distributed  
10 within an Organizational Unit without the approval of the  
11 unit's school board.

12       (3) Annually, the State Superintendent shall calculate and  
13 report to each Organizational Unit the unit's aggregate  
14 financial adequacy amount, which shall be the sum of the  
15 Adequacy Target for each Organizational Unit. The State  
16 Superintendent shall calculate and report separately for each  
17 Organizational Unit the unit's total State funds allocated for  
18 its students with disabilities. The State Superintendent shall  
19 calculate and report separately for each Organizational Unit  
20 the amount of funding and applicable FTE calculated for each  
21 Essential Element of the unit's Adequacy Target.

22       (4) Moneys distributed under this Section shall be  
23 calculated on a school year basis, but paid on a fiscal year  
24 basis, with payments beginning in August and extending through  
25 June. Unless otherwise provided, the moneys appropriated for  
26 each fiscal year shall be distributed in 22 equal payments at

1 least 2 times monthly to each Organizational Unit. The State  
2 Board shall publish a yearly distribution schedule at its  
3 meeting in June. If moneys appropriated for any fiscal year are  
4 distributed other than monthly, the distribution shall be on  
5 the same basis for each Organizational Unit.

6 (5) Any school district that fails, for any given school  
7 year, to maintain school as required by law or to maintain a  
8 recognized school is not eligible to receive Evidence-Based  
9 Funding. In case of non-recognition of one or more attendance  
10 centers in a school district otherwise operating recognized  
11 schools, the claim of the district shall be reduced in the  
12 proportion that the enrollment in the attendance center or  
13 centers bears to the enrollment of the school district.  
14 "Recognized school" means any public school that meets the  
15 standards for recognition by the State Board. A school district  
16 or attendance center not having recognition status at the end  
17 of a school term is entitled to receive State aid payments due  
18 upon a legal claim that was filed while it was recognized.

19 (6) School district claims filed under this Section are  
20 subject to Sections 18-9 and 18-12 of this Code, except as  
21 otherwise provided in this Section.

22 (7) Each fiscal year, the State Superintendent shall  
23 calculate for each Organizational Unit an amount of its Base  
24 Funding Minimum and Evidence-Based Funding that shall be deemed  
25 attributable to the provision of special educational  
26 facilities and services, as defined in Section 14-1.08 of this

1 Code, in a manner that ensures compliance with maintenance of  
2 State financial support requirements under the federal  
3 Individuals with Disabilities Education Act. An Organizational  
4 Unit must use such funds only for the provision of special  
5 educational facilities and services, as defined in Section  
6 14-1.08 of this Code, and must comply with any expenditure  
7 verification procedures adopted by the State Board.

8 (8) All Organizational Units in this State must submit  
9 annual spending plans by the end of September of each year to  
10 the State Board as part of the annual budget process, which  
11 shall describe how each Organizational Unit will utilize the  
12 Base Minimum Funding and Evidence-Based funding it receives  
13 from this State under this Section with specific identification  
14 of the intended utilization of Low-Income, EL, and special  
15 education resources. Additionally, the annual spending plans  
16 of each Organizational Unit shall describe how the  
17 Organizational Unit expects to achieve student growth and how  
18 the Organizational Unit will achieve State education goals, as  
19 defined by the State Board. The State Superintendent may, from  
20 time to time, identify additional requisites for  
21 Organizational Units to satisfy when compiling the annual  
22 spending plans required under this subsection (h). The format  
23 and scope of annual spending plans shall be developed by the  
24 State Superintendent in conjunction with the Professional  
25 Review Panel.

26 (9) No later than January 1, 2018, the State Superintendent

1 shall develop a 5-year strategic plan for all Organizational  
2 Units to help in planning for adequacy funding under this  
3 Section. The State Superintendent shall submit the plan to the  
4 Governor and the General Assembly, as provided in Section 3.1  
5 of the General Assembly Organization Act. The plan shall  
6 include recommendations for:

7 (A) a framework for collaborative, professional,  
8 innovative, and 21st century learning environments using  
9 the Evidence-Based Funding model;

10 (B) ways to prepare and support this State's educators  
11 for successful instructional careers;

12 (C) application and enhancement of the current  
13 financial accountability measures, the approved State plan  
14 to comply with the federal Every Student Succeeds Act, and  
15 the Illinois Balanced Accountability Measures in relation  
16 to student growth and elements of the Evidence-Based  
17 Funding model; and

18 (D) implementation of an effective school adequacy  
19 funding system based on projected and recommended funding  
20 levels from the General Assembly.

21 (i) Professional Review Panel.

22 (1) A Professional Review Panel is created to study and  
23 review the implementation and effect of the Evidence-Based  
24 Funding model under this Section and to recommend continual  
25 recalibration and future study topics and modifications to the  
26 Evidence-Based Funding model. The Panel shall elect a

1 chairperson and vice chairperson by a majority vote of the  
2 Panel and shall advance recommendations based on a majority  
3 vote of the Panel. A minority opinion may also accompany any  
4 recommendation of the majority of the Panel. The Panel shall be  
5 appointed by the State Superintendent, except as otherwise  
6 provided in paragraph (2) of this subsection (i) and include  
7 the following members:

8 (A) Two appointees that represent district  
9 superintendents, recommended by a statewide organization  
10 that represents district superintendents.

11 (B) Two appointees that represent school boards,  
12 recommended by a statewide organization that represents  
13 school boards.

14 (C) Two appointees from districts that represent  
15 school business officials, recommended by a statewide  
16 organization that represents school business officials.

17 (D) Two appointees that represent school principals,  
18 recommended by a statewide organization that represents  
19 school principals.

20 (E) Two appointees that represent teachers,  
21 recommended by a statewide organization that represents  
22 teachers.

23 (F) Two appointees that represent teachers,  
24 recommended by another statewide organization that  
25 represents teachers.

26 (G) Two appointees that represent regional

1 superintendents of schools, recommended by organizations  
2 that represent regional superintendents.

3 (H) Two independent experts selected solely by the  
4 State Superintendent.

5 (I) Two independent experts recommended by public  
6 universities in this State.

7 (J) One member recommended by a statewide organization  
8 that represents parents.

9 (K) Two representatives recommended by collective  
10 impact organizations that represent major metropolitan  
11 areas or geographic areas in Illinois.

12 (L) One member from a statewide organization focused on  
13 research-based education policy to support a school system  
14 that prepares all students for college, a career, and  
15 democratic citizenship.

16 (M) One representative from a school district  
17 organized under Article 34 of this Code.

18 The State Superintendent shall ensure that the membership of  
19 the Panel includes representatives from school districts and  
20 communities reflecting the geographic, socio-economic, racial,  
21 and ethnic diversity of this State. The State Superintendent  
22 shall additionally ensure that the membership of the Panel  
23 includes representatives with expertise in bilingual education  
24 and special education. Staff from the State Board shall staff  
25 the Panel.

26 (2) In addition to those Panel members appointed by the

1 State Superintendent, 4 members of the General Assembly shall  
2 be appointed as follows: one member of the House of  
3 Representatives appointed by the Speaker of the House of  
4 Representatives, one member of the Senate appointed by the  
5 President of the Senate, one member of the House of  
6 Representatives appointed by the Minority Leader of the House  
7 of Representatives, and one member of the Senate appointed by  
8 the Minority Leader of the Senate. There shall be one  
9 additional member appointed by the Governor. All members  
10 appointed by legislative leaders or the Governor shall be  
11 non-voting, ex officio members.

12 (3) On an annual basis, the State Superintendent shall  
13 recalibrate the following per pupil elements of the Adequacy  
14 Target and applied to the formulas, based on the Panel's study  
15 of average expenses as reported in the most recent annual  
16 financial report:

17 (A) gifted under subparagraph (M) of paragraph (2) of  
18 subsection (b) of this Section;

19 (B) instructional materials under subparagraph (O) of  
20 paragraph (2) of subsection (b) of this Section;

21 (C) assessment under subparagraph (P) of paragraph (2)  
22 of subsection (b) of this Section;

23 (D) student activities under subparagraph (R) of  
24 paragraph (2) of subsection (b) of this Section;

25 (E) maintenance and operations under subparagraph (S)  
26 of paragraph (2) of subsection (b) of this Section; and

1           (F) central office under subparagraph (T) of paragraph  
2           (2) of subsection (b) of this Section.

3           (4) On a periodic basis, the Panel shall study all the  
4           following elements and make recommendations to the State Board,  
5           the General Assembly, and the Governor for modification of this  
6           Section:

7           (A) The format and scope of annual spending plans  
8           referenced in subsection (h) paragraph (8) of this Section.

9           (B) The Comparable Wage Index under this Section, to be  
10           studied by the Panel and reestablished by the State  
11           Superintendent every 5 years.

12           (C) Maintenance and operations. Within 5 years after  
13           the implementation of this Section, the Panel shall make  
14           recommendations for the further study of maintenance and  
15           operations costs, including capital maintenance costs, and  
16           recommend any additional reporting data required from  
17           Organizational Units.

18           (D) "At-risk student" definition. Within 5 years after  
19           the implementation of this Section, the Panel shall make  
20           recommendations for the further study and determination of  
21           an "at-risk student" definition. Within 5 years after the  
22           implementation of this Section, the Panel shall evaluate  
23           and make recommendations regarding adequate funding for  
24           poverty concentration under the Evidence-Based Funding  
25           model.

26           (E) Benefits. Within 5 years after the implementation

1 of this Section, the Panel shall make recommendations for  
2 further study of benefit costs.

3 (F) Technology. The per pupil target for technology  
4 shall be reviewed every 3 years to determine whether  
5 current allocations are sufficient to develop 21st century  
6 learning in all classrooms in this State and supporting a  
7 one-to-one technological device program in each school.  
8 Recommendations shall be made no later than 3 years after  
9 the implementation of this Section.

10 (G) Local Capacity Target. Within 3 years after the  
11 implementation of this Section, the Panel shall make  
12 recommendations for any additional data desired to analyze  
13 possible modifications to the Local Capacity Target, to be  
14 based on measures in addition to solely EAV and to be  
15 completed within 5 years after implementation of this  
16 Section.

17 (H) Funding for Alternative Schools, Laboratory  
18 Schools, safe schools, and alternative learning  
19 opportunities programs. By the beginning of the 2021-2022  
20 school year, the Panel shall study and make recommendations  
21 regarding the funding levels for Alternative Schools,  
22 Laboratory Schools, safe schools, and alternative learning  
23 opportunities programs in this State.

24 (I) Funding for college and career acceleration  
25 strategies. By the beginning of the 2021-2022 school year,  
26 the Panel shall study and make recommendations regarding

1 funding levels to support college and career acceleration  
2 strategies in high school that have been demonstrated to  
3 result in improved secondary and postsecondary outcomes,  
4 including Advanced Placement, dual-credit opportunities,  
5 and college and career pathway systems.

6 (J) Special education investments. By the beginning of  
7 the 2021-2022 school year, the Panel shall study and make  
8 recommendations on whether and how to account for  
9 disability types within the special education funding  
10 category.

11 (K) Early childhood investments. In collaboration with  
12 the Illinois Early Learning Council, the Panel shall  
13 include an analysis of what level of Preschool for All  
14 Children funding would be necessary to serve all children  
15 ages 0 through 5 years in the highest-priority service  
16 tier, as specified in paragraph (4.5) of subsection (a) of  
17 Section 2-3.71 of this Code, and an analysis of the  
18 potential cost savings that that level of Preschool for All  
19 Children investment would have on the kindergarten through  
20 grade 12 system.

21 (5) Within 5 years after the implementation of this  
22 Section, the Panel shall complete an evaluative study of the  
23 entire Evidence-Based Funding model, including an assessment  
24 of whether or not the formula is achieving State goals. The  
25 Panel shall report to the State Board, the General Assembly,  
26 and the Governor on the findings of the study.

1       (6) Within 3 years after the implementation of this  
2 Section, the Panel shall evaluate and provide recommendations  
3 to the Governor and the General Assembly on the hold-harmless  
4 provisions of this Section found in the Base Funding Minimum.

5       (j) References. Beginning July 1, 2017, references in other  
6 laws to general State aid funds or calculations under Section  
7 18-8.05 of this Code shall be deemed to be references to  
8 evidence-based model formula funds or calculations under this  
9 Section.

10       (105 ILCS 5/18-9) (from Ch. 122, par. 18-9)

11       Sec. 18-9. Requirement for special equalization and  
12 supplementary State aid. If property comprising an aggregate  
13 assessed valuation equal to 6% or more of the total assessed  
14 valuation of all taxable property in a school district is owned  
15 by a person or corporation that is the subject of bankruptcy  
16 proceedings or that has been adjudged bankrupt and, as a result  
17 thereof, has not paid taxes on the property, then the district  
18 may amend its general State aid or evidence-based funding claim

19 (i) back to the inception of the bankruptcy, not to exceed 6  
20 years, in which time those taxes were not paid and (ii) for  
21 each succeeding year that those taxes remain unpaid, by adding  
22 to the claim an amount determined by multiplying the assessed  
23 valuation of the property on which taxes have not been paid due  
24 to the bankruptcy by the lesser of the total tax rate for the  
25 district for the tax year for which the taxes are unpaid or the

1 applicable rate used in calculating the district's general  
2 State aid under paragraph (3) of subsection (D) of Section  
3 18-8.05 of this Code or evidence-based funding under Section  
4 18-8.15 of this Code, as applicable. If at any time a district  
5 that receives additional State aid under this Section receives  
6 tax revenue from the property for the years that taxes were not  
7 paid, the district's next claim for State aid shall be reduced  
8 in an amount equal to the taxes paid on the property, not to  
9 exceed the additional State aid received under this Section.  
10 Claims under this Section shall be filed on forms prescribed by  
11 the State Superintendent of Education, and the State  
12 Superintendent of Education, upon receipt of a claim, shall  
13 adjust the claim in accordance with the provisions of this  
14 Section. Supplementary State aid for each succeeding year under  
15 this Section shall be paid beginning with the first general  
16 State aid or evidence-based funding claim paid after the  
17 district has filed a completed claim in accordance with this  
18 Section.

19 (Source: P.A. 95-496, eff. 8-28-07.)

20 (105 ILCS 5/18-12) (from Ch. 122, par. 18-12)

21 Sec. 18-12. Dates for filing State aid claims. The school  
22 board of each school district, a regional office of education,  
23 a laboratory school, or a State-authorized charter school shall  
24 require teachers, principals, or superintendents to furnish  
25 from records kept by them such data as it needs in preparing

1 and certifying to the State Superintendent of Education its  
2 report of claims provided in Section 18-8.05 of this Code. The  
3 claim shall be based on the latest available equalized assessed  
4 valuation and tax rates, as provided in Section 18-8.05 or  
5 18-8.15, shall use the average daily attendance as determined  
6 by the method outlined in Section 18-8.05 or 18-8.15, and shall  
7 be certified and filed with the State Superintendent of  
8 Education by June 21 for districts and State-authorized charter  
9 schools with an official school calendar end date before June  
10 15 or within 2 weeks following the official school calendar end  
11 date for districts, regional offices of education, laboratory  
12 schools, or State-authorized charter schools with a school year  
13 end date of June 15 or later. Failure to so file by these  
14 deadlines constitutes a forfeiture of the right to receive  
15 payment by the State until such claim is filed. The State  
16 Superintendent of Education shall voucher for payment those  
17 claims to the State Comptroller as provided in Section 18-11.

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

24 If the State Superintendent of Education determines that  
25 the failure to provide the minimum school term was occasioned  
26 by an act or acts of God, or was occasioned by conditions

1 beyond the control of the school district which posed a  
2 hazardous threat to the health and safety of pupils, the State  
3 aid claim need not be reduced.

4 If a school district is precluded from providing the  
5 minimum hours of instruction required for a full day of  
6 attendance due to an adverse weather condition or a condition  
7 beyond the control of the school district that poses a  
8 hazardous threat to the health and safety of students, then the  
9 partial day of attendance may be counted if (i) the school  
10 district has provided at least one hour of instruction prior to  
11 the closure of the school district, (ii) a school building has  
12 provided at least one hour of instruction prior to the closure  
13 of the school building, or (iii) the normal start time of the  
14 school district is delayed.

15 If, prior to providing any instruction, a school district  
16 must close one or more but not all school buildings after  
17 consultation with a local emergency response agency or due to a  
18 condition beyond the control of the school district, then the  
19 school district may claim attendance for up to 2 school days  
20 based on the average attendance of the 3 school days  
21 immediately preceding the closure of the affected school  
22 building or, if approved by the State Board of Education,  
23 utilize the provisions of an e-learning program for the  
24 affected school building as prescribed in Section 10-20.56 of  
25 this Code. The partial or no day of attendance described in  
26 this Section and the reasons therefore shall be certified

1 within a month of the closing or delayed start by the school  
2 district superintendent to the regional superintendent of  
3 schools for forwarding to the State Superintendent of Education  
4 for approval.

5 Other than the utilization of any e-learning days as  
6 prescribed in Section 10-20.56 of this Code, no exception to  
7 the requirement of providing a minimum school term may be  
8 approved by the State Superintendent of Education pursuant to  
9 this Section unless a school district has first used all  
10 emergency days provided for in its regular calendar.

11 If the State Superintendent of Education declares that an  
12 energy shortage exists during any part of the school year for  
13 the State or a designated portion of the State, a district may  
14 operate the school attendance centers within the district 4  
15 days of the week during the time of the shortage by extending  
16 each existing school day by one clock hour of school work, and  
17 the State aid claim shall not be reduced, nor shall the  
18 employees of that district suffer any reduction in salary or  
19 benefits as a result thereof. A district may operate all  
20 attendance centers on this revised schedule, or may apply the  
21 schedule to selected attendance centers, taking into  
22 consideration such factors as pupil transportation schedules  
23 and patterns and sources of energy for individual attendance  
24 centers.

25 Electronically submitted State aid claims shall be  
26 submitted by duly authorized district individuals over a secure

1 network that is password protected. The electronic submission  
2 of a State aid claim must be accompanied with an affirmation  
3 that all of the provisions of Sections 18-8.05, 10-22.5, and  
4 24-4 of this Code are met in all respects.

5 (Source: P.A. 99-194, eff. 7-30-15; 99-657, eff. 7-28-16.)

6 (105 ILCS 5/26-16)

7 Sec. 26-16. Graduation incentives program.

8 (a) The General Assembly finds that it is critical to  
9 provide options for children to succeed in school. The purpose  
10 of this Section is to provide incentives for and encourage all  
11 Illinois students who have experienced or are experiencing  
12 difficulty in the traditional education system to enroll in  
13 alternative programs.

14 (b) Any student who is below the age of 20 years is  
15 eligible to enroll in a graduation incentives program if he or  
16 she:

17 (1) is considered a dropout pursuant to Section 26-2a  
18 of this Code;

19 (2) has been suspended or expelled pursuant to Section  
20 10-22.6 or 34-19 of this Code;

21 (3) is pregnant or is a parent;

22 (4) has been assessed as chemically dependent; or

23 (5) is enrolled in a bilingual education or LEP  
24 program.

25 (c) The following programs qualify as graduation

1 incentives programs for students meeting the criteria  
2 established in this Section:

3 (1) Any public elementary or secondary education  
4 graduation incentives program established by a school  
5 district or by a regional office of education.

6 (2) Any alternative learning opportunities program  
7 established pursuant to Article 13B of this Code.

8 (3) Vocational or job training courses approved by the  
9 State Superintendent of Education that are available  
10 through the Illinois public community college system.  
11 Students may apply for reimbursement of 50% of tuition  
12 costs for one course per semester or a maximum of 3 courses  
13 per school year. Subject to available funds, students may  
14 apply for reimbursement of up to 100% of tuition costs upon  
15 a showing of employment within 6 months after completion of  
16 a vocational or job training program. The qualifications  
17 for reimbursement shall be established by the State  
18 Superintendent of Education by rule.

19 (4) Job and career programs approved by the State  
20 Superintendent of Education that are available through  
21 Illinois-accredited private business and vocational  
22 schools. Subject to available funds, pupils may apply for  
23 reimbursement of up to 100% of tuition costs upon a showing  
24 of employment within 6 months after completion of a job or  
25 career program. The State Superintendent of Education  
26 shall establish, by rule, the qualifications for

1 reimbursement, criteria for determining reimbursement  
2 amounts, and limits on reimbursement.

3 (5) Adult education courses that offer preparation for  
4 high school equivalency testing.

5 (d) Graduation incentives programs established by school  
6 districts are entitled to claim general State aid and  
7 evidence-based funding, subject to Sections 13B-50, 13B-50.5,  
8 and 13B-50.10 of this Code. Graduation incentives programs  
9 operated by regional offices of education are entitled to  
10 receive general State aid and evidence-based funding at the  
11 foundation level of support per pupil enrolled. A school  
12 district must ensure that its graduation incentives program  
13 receives supplemental general State aid, transportation  
14 reimbursements, and special education resources, if  
15 appropriate, for students enrolled in the program.

16 (Source: P.A. 98-718, eff. 1-1-15.)

17 (105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

18 (Text of Section before amendment by P.A. 99-927)

19 Sec. 27-8.1. Health examinations and immunizations.

20 (1) In compliance with rules and regulations which the  
21 Department of Public Health shall promulgate, and except as  
22 hereinafter provided, all children in Illinois shall have a  
23 health examination as follows: within one year prior to  
24 entering kindergarten or the first grade of any public,  
25 private, or parochial elementary school; upon entering the

1 sixth and ninth grades of any public, private, or parochial  
2 school; prior to entrance into any public, private, or  
3 parochial nursery school; and, irrespective of grade,  
4 immediately prior to or upon entrance into any public, private,  
5 or parochial school or nursery school, each child shall present  
6 proof of having been examined in accordance with this Section  
7 and the rules and regulations promulgated hereunder. Any child  
8 who received a health examination within one year prior to  
9 entering the fifth grade for the 2007-2008 school year is not  
10 required to receive an additional health examination in order  
11 to comply with the provisions of Public Act 95-422 when he or  
12 she attends school for the 2008-2009 school year, unless the  
13 child is attending school for the first time as provided in  
14 this paragraph.

15 A tuberculosis skin test screening shall be included as a  
16 required part of each health examination included under this  
17 Section if the child resides in an area designated by the  
18 Department of Public Health as having a high incidence of  
19 tuberculosis. Additional health examinations of pupils,  
20 including eye examinations, may be required when deemed  
21 necessary by school authorities. Parents are encouraged to have  
22 their children undergo eye examinations at the same points in  
23 time required for health examinations.

24 (1.5) In compliance with rules adopted by the Department of  
25 Public Health and except as otherwise provided in this Section,  
26 all children in kindergarten and the second and sixth grades of

1 any public, private, or parochial school shall have a dental  
2 examination. Each of these children shall present proof of  
3 having been examined by a dentist in accordance with this  
4 Section and rules adopted under this Section before May 15th of  
5 the school year. If a child in the second or sixth grade fails  
6 to present proof by May 15th, the school may hold the child's  
7 report card until one of the following occurs: (i) the child  
8 presents proof of a completed dental examination or (ii) the  
9 child presents proof that a dental examination will take place  
10 within 60 days after May 15th. The Department of Public Health  
11 shall establish, by rule, a waiver for children who show an  
12 undue burden or a lack of access to a dentist. Each public,  
13 private, and parochial school must give notice of this dental  
14 examination requirement to the parents and guardians of  
15 students at least 60 days before May 15th of each school year.

16 (1.10) Except as otherwise provided in this Section, all  
17 children enrolling in kindergarten in a public, private, or  
18 parochial school on or after the effective date of this  
19 amendatory Act of the 95th General Assembly and any student  
20 enrolling for the first time in a public, private, or parochial  
21 school on or after the effective date of this amendatory Act of  
22 the 95th General Assembly shall have an eye examination. Each  
23 of these children shall present proof of having been examined  
24 by a physician licensed to practice medicine in all of its  
25 branches or a licensed optometrist within the previous year, in  
26 accordance with this Section and rules adopted under this

1 Section, before October 15th of the school year. If the child  
2 fails to present proof by October 15th, the school may hold the  
3 child's report card until one of the following occurs: (i) the  
4 child presents proof of a completed eye examination or (ii) the  
5 child presents proof that an eye examination will take place  
6 within 60 days after October 15th. The Department of Public  
7 Health shall establish, by rule, a waiver for children who show  
8 an undue burden or a lack of access to a physician licensed to  
9 practice medicine in all of its branches who provides eye  
10 examinations or to a licensed optometrist. Each public,  
11 private, and parochial school must give notice of this eye  
12 examination requirement to the parents and guardians of  
13 students in compliance with rules of the Department of Public  
14 Health. Nothing in this Section shall be construed to allow a  
15 school to exclude a child from attending because of a parent's  
16 or guardian's failure to obtain an eye examination for the  
17 child.

18 (2) The Department of Public Health shall promulgate rules  
19 and regulations specifying the examinations and procedures  
20 that constitute a health examination, which shall include the  
21 collection of data relating to obesity (including at a minimum,  
22 date of birth, gender, height, weight, blood pressure, and date  
23 of exam), and a dental examination and may recommend by rule  
24 that certain additional examinations be performed. The rules  
25 and regulations of the Department of Public Health shall  
26 specify that a tuberculosis skin test screening shall be

1 included as a required part of each health examination included  
2 under this Section if the child resides in an area designated  
3 by the Department of Public Health as having a high incidence  
4 of tuberculosis. The Department of Public Health shall specify  
5 that a diabetes screening as defined by rule shall be included  
6 as a required part of each health examination. Diabetes testing  
7 is not required.

8 Physicians licensed to practice medicine in all of its  
9 branches, licensed advanced practice nurses, or licensed  
10 physician assistants shall be responsible for the performance  
11 of the health examinations, other than dental examinations, eye  
12 examinations, and vision and hearing screening, and shall sign  
13 all report forms required by subsection (4) of this Section  
14 that pertain to those portions of the health examination for  
15 which the physician, advanced practice nurse, or physician  
16 assistant is responsible. If a registered nurse performs any  
17 part of a health examination, then a physician licensed to  
18 practice medicine in all of its branches must review and sign  
19 all required report forms. Licensed dentists shall perform all  
20 dental examinations and shall sign all report forms required by  
21 subsection (4) of this Section that pertain to the dental  
22 examinations. Physicians licensed to practice medicine in all  
23 its branches or licensed optometrists shall perform all eye  
24 examinations required by this Section and shall sign all report  
25 forms required by subsection (4) of this Section that pertain  
26 to the eye examination. For purposes of this Section, an eye

1 examination shall at a minimum include history, visual acuity,  
2 subjective refraction to best visual acuity near and far,  
3 internal and external examination, and a glaucoma evaluation,  
4 as well as any other tests or observations that in the  
5 professional judgment of the doctor are necessary. Vision and  
6 hearing screening tests, which shall not be considered  
7 examinations as that term is used in this Section, shall be  
8 conducted in accordance with rules and regulations of the  
9 Department of Public Health, and by individuals whom the  
10 Department of Public Health has certified. In these rules and  
11 regulations, the Department of Public Health shall require that  
12 individuals conducting vision screening tests give a child's  
13 parent or guardian written notification, before the vision  
14 screening is conducted, that states, "Vision screening is not a  
15 substitute for a complete eye and vision evaluation by an eye  
16 doctor. Your child is not required to undergo this vision  
17 screening if an optometrist or ophthalmologist has completed  
18 and signed a report form indicating that an examination has  
19 been administered within the previous 12 months."

20 (3) Every child shall, at or about the same time as he or  
21 she receives a health examination required by subsection (1) of  
22 this Section, present to the local school proof of having  
23 received such immunizations against preventable communicable  
24 diseases as the Department of Public Health shall require by  
25 rules and regulations promulgated pursuant to this Section and  
26 the Communicable Disease Prevention Act.

1           (4) The individuals conducting the health examination,  
2 dental examination, or eye examination shall record the fact of  
3 having conducted the examination, and such additional  
4 information as required, including for a health examination  
5 data relating to obesity (including at a minimum, date of  
6 birth, gender, height, weight, blood pressure, and date of  
7 exam), on uniform forms which the Department of Public Health  
8 and the State Board of Education shall prescribe for statewide  
9 use. The examiner shall summarize on the report form any  
10 condition that he or she suspects indicates a need for special  
11 services, including for a health examination factors relating  
12 to obesity. The individuals confirming the administration of  
13 required immunizations shall record as indicated on the form  
14 that the immunizations were administered.

15           (5) If a child does not submit proof of having had either  
16 the health examination or the immunization as required, then  
17 the child shall be examined or receive the immunization, as the  
18 case may be, and present proof by October 15 of the current  
19 school year, or by an earlier date of the current school year  
20 established by a school district. To establish a date before  
21 October 15 of the current school year for the health  
22 examination or immunization as required, a school district must  
23 give notice of the requirements of this Section 60 days prior  
24 to the earlier established date. If for medical reasons one or  
25 more of the required immunizations must be given after October  
26 15 of the current school year, or after an earlier established

1 date of the current school year, then the child shall present,  
2 by October 15, or by the earlier established date, a schedule  
3 for the administration of the immunizations and a statement of  
4 the medical reasons causing the delay, both the schedule and  
5 the statement being issued by the physician, advanced practice  
6 nurse, physician assistant, registered nurse, or local health  
7 department that will be responsible for administration of the  
8 remaining required immunizations. If a child does not comply by  
9 October 15, or by the earlier established date of the current  
10 school year, with the requirements of this subsection, then the  
11 local school authority shall exclude that child from school  
12 until such time as the child presents proof of having had the  
13 health examination as required and presents proof of having  
14 received those required immunizations which are medically  
15 possible to receive immediately. During a child's exclusion  
16 from school for noncompliance with this subsection, the child's  
17 parents or legal guardian shall be considered in violation of  
18 Section 26-1 and subject to any penalty imposed by Section  
19 26-10. This subsection (5) does not apply to dental  
20 examinations and eye examinations. If the student is an  
21 out-of-state transfer student and does not have the proof  
22 required under this subsection (5) before October 15 of the  
23 current year or whatever date is set by the school district,  
24 then he or she may only attend classes (i) if he or she has  
25 proof that an appointment for the required vaccinations has  
26 been scheduled with a party authorized to submit proof of the

1 required vaccinations. If the proof of vaccination required  
2 under this subsection (5) is not submitted within 30 days after  
3 the student is permitted to attend classes, then the student is  
4 not to be permitted to attend classes until proof of the  
5 vaccinations has been properly submitted. No school district or  
6 employee of a school district shall be held liable for any  
7 injury or illness to another person that results from admitting  
8 an out-of-state transfer student to class that has an  
9 appointment scheduled pursuant to this subsection (5).

10 (6) Every school shall report to the State Board of  
11 Education by November 15, in the manner which that agency shall  
12 require, the number of children who have received the necessary  
13 immunizations and the health examination (other than a dental  
14 examination or eye examination) as required, indicating, of  
15 those who have not received the immunizations and examination  
16 as required, the number of children who are exempt from health  
17 examination and immunization requirements on religious or  
18 medical grounds as provided in subsection (8). On or before  
19 December 1 of each year, every public school district and  
20 registered nonpublic school shall make publicly available the  
21 immunization data they are required to submit to the State  
22 Board of Education by November 15. The immunization data made  
23 publicly available must be identical to the data the school  
24 district or school has reported to the State Board of  
25 Education.

26 Every school shall report to the State Board of Education

1 by June 30, in the manner that the State Board requires, the  
2 number of children who have received the required dental  
3 examination, indicating, of those who have not received the  
4 required dental examination, the number of children who are  
5 exempt from the dental examination on religious grounds as  
6 provided in subsection (8) of this Section and the number of  
7 children who have received a waiver under subsection (1.5) of  
8 this Section.

9 Every school shall report to the State Board of Education  
10 by June 30, in the manner that the State Board requires, the  
11 number of children who have received the required eye  
12 examination, indicating, of those who have not received the  
13 required eye examination, the number of children who are exempt  
14 from the eye examination as provided in subsection (8) of this  
15 Section, the number of children who have received a waiver  
16 under subsection (1.10) of this Section, and the total number  
17 of children in noncompliance with the eye examination  
18 requirement.

19 The reported information under this subsection (6) shall be  
20 provided to the Department of Public Health by the State Board  
21 of Education.

22 (7) Upon determining that the number of pupils who are  
23 required to be in compliance with subsection (5) of this  
24 Section is below 90% of the number of pupils enrolled in the  
25 school district, 10% of each State aid payment made pursuant to  
26 Section 18-8.05 or 18-8.15 to the school district for such year

1 may be withheld by the State Board of Education until the  
2 number of students in compliance with subsection (5) is the  
3 applicable specified percentage or higher.

4 (8) Children of parents or legal guardians who object to  
5 health, dental, or eye examinations or any part thereof, to  
6 immunizations, or to vision and hearing screening tests on  
7 religious grounds shall not be required to undergo the  
8 examinations, tests, or immunizations to which they so object  
9 if such parents or legal guardians present to the appropriate  
10 local school authority a signed Certificate of Religious  
11 Exemption detailing the grounds for objection and the specific  
12 immunizations, tests, or examinations to which they object. The  
13 grounds for objection must set forth the specific religious  
14 belief that conflicts with the examination, test,  
15 immunization, or other medical intervention. The signed  
16 certificate shall also reflect the parent's or legal guardian's  
17 understanding of the school's exclusion policies in the case of  
18 a vaccine-preventable disease outbreak or exposure. The  
19 certificate must also be signed by the authorized examining  
20 health care provider responsible for the performance of the  
21 child's health examination confirming that the provider  
22 provided education to the parent or legal guardian on the  
23 benefits of immunization and the health risks to the student  
24 and to the community of the communicable diseases for which  
25 immunization is required in this State. However, the health  
26 care provider's signature on the certificate reflects only that

1 education was provided and does not allow a health care  
2 provider grounds to determine a religious exemption. Those  
3 receiving immunizations required under this Code shall be  
4 provided with the relevant vaccine information statements that  
5 are required to be disseminated by the federal National  
6 Childhood Vaccine Injury Act of 1986, which may contain  
7 information on circumstances when a vaccine should not be  
8 administered, prior to administering a vaccine. A healthcare  
9 provider may consider including without limitation the  
10 nationally accepted recommendations from federal agencies such  
11 as the Advisory Committee on Immunization Practices, the  
12 information outlined in the relevant vaccine information  
13 statement, and vaccine package inserts, along with the  
14 healthcare provider's clinical judgment, to determine whether  
15 any child may be more susceptible to experiencing an adverse  
16 vaccine reaction than the general population, and, if so, the  
17 healthcare provider may exempt the child from an immunization  
18 or adopt an individualized immunization schedule. The  
19 Certificate of Religious Exemption shall be created by the  
20 Department of Public Health and shall be made available and  
21 used by parents and legal guardians by the beginning of the  
22 2015-2016 school year. Parents or legal guardians must submit  
23 the Certificate of Religious Exemption to their local school  
24 authority prior to entering kindergarten, sixth grade, and  
25 ninth grade for each child for which they are requesting an  
26 exemption. The religious objection stated need not be directed

1 by the tenets of an established religious organization.  
2 However, general philosophical or moral reluctance to allow  
3 physical examinations, eye examinations, immunizations, vision  
4 and hearing screenings, or dental examinations does not provide  
5 a sufficient basis for an exception to statutory requirements.  
6 The local school authority is responsible for determining if  
7 the content of the Certificate of Religious Exemption  
8 constitutes a valid religious objection. The local school  
9 authority shall inform the parent or legal guardian of  
10 exclusion procedures, in accordance with the Department's  
11 rules under Part 690 of Title 77 of the Illinois Administrative  
12 Code, at the time the objection is presented.

13 If the physical condition of the child is such that any one  
14 or more of the immunizing agents should not be administered,  
15 the examining physician, advanced practice nurse, or physician  
16 assistant responsible for the performance of the health  
17 examination shall endorse that fact upon the health examination  
18 form.

19 Exempting a child from the health, dental, or eye  
20 examination does not exempt the child from participation in the  
21 program of physical education training provided in Sections  
22 27-5 through 27-7 of this Code.

23 (9) For the purposes of this Section, "nursery schools"  
24 means those nursery schools operated by elementary school  
25 systems or secondary level school units or institutions of  
26 higher learning.

1 (Source: P.A. 98-673, eff. 6-30-14; 99-173, eff. 7-29-15;  
2 99-249, eff. 8-3-15; 99-642, eff. 7-28-16.)

3 (Text of Section after amendment by P.A. 99-927)

4 Sec. 27-8.1. Health examinations and immunizations.

5 (1) In compliance with rules and regulations which the  
6 Department of Public Health shall promulgate, and except as  
7 hereinafter provided, all children in Illinois shall have a  
8 health examination as follows: within one year prior to  
9 entering kindergarten or the first grade of any public,  
10 private, or parochial elementary school; upon entering the  
11 sixth and ninth grades of any public, private, or parochial  
12 school; prior to entrance into any public, private, or  
13 parochial nursery school; and, irrespective of grade,  
14 immediately prior to or upon entrance into any public, private,  
15 or parochial school or nursery school, each child shall present  
16 proof of having been examined in accordance with this Section  
17 and the rules and regulations promulgated hereunder. Any child  
18 who received a health examination within one year prior to  
19 entering the fifth grade for the 2007-2008 school year is not  
20 required to receive an additional health examination in order  
21 to comply with the provisions of Public Act 95-422 when he or  
22 she attends school for the 2008-2009 school year, unless the  
23 child is attending school for the first time as provided in  
24 this paragraph.

25 A tuberculosis skin test screening shall be included as a

1 required part of each health examination included under this  
2 Section if the child resides in an area designated by the  
3 Department of Public Health as having a high incidence of  
4 tuberculosis. Additional health examinations of pupils,  
5 including eye examinations, may be required when deemed  
6 necessary by school authorities. Parents are encouraged to have  
7 their children undergo eye examinations at the same points in  
8 time required for health examinations.

9 (1.5) In compliance with rules adopted by the Department of  
10 Public Health and except as otherwise provided in this Section,  
11 all children in kindergarten and the second and sixth grades of  
12 any public, private, or parochial school shall have a dental  
13 examination. Each of these children shall present proof of  
14 having been examined by a dentist in accordance with this  
15 Section and rules adopted under this Section before May 15th of  
16 the school year. If a child in the second or sixth grade fails  
17 to present proof by May 15th, the school may hold the child's  
18 report card until one of the following occurs: (i) the child  
19 presents proof of a completed dental examination or (ii) the  
20 child presents proof that a dental examination will take place  
21 within 60 days after May 15th. The Department of Public Health  
22 shall establish, by rule, a waiver for children who show an  
23 undue burden or a lack of access to a dentist. Each public,  
24 private, and parochial school must give notice of this dental  
25 examination requirement to the parents and guardians of  
26 students at least 60 days before May 15th of each school year.

1           (1.10) Except as otherwise provided in this Section, all  
2 children enrolling in kindergarten in a public, private, or  
3 parochial school on or after the effective date of this  
4 amendatory Act of the 95th General Assembly and any student  
5 enrolling for the first time in a public, private, or parochial  
6 school on or after the effective date of this amendatory Act of  
7 the 95th General Assembly shall have an eye examination. Each  
8 of these children shall present proof of having been examined  
9 by a physician licensed to practice medicine in all of its  
10 branches or a licensed optometrist within the previous year, in  
11 accordance with this Section and rules adopted under this  
12 Section, before October 15th of the school year. If the child  
13 fails to present proof by October 15th, the school may hold the  
14 child's report card until one of the following occurs: (i) the  
15 child presents proof of a completed eye examination or (ii) the  
16 child presents proof that an eye examination will take place  
17 within 60 days after October 15th. The Department of Public  
18 Health shall establish, by rule, a waiver for children who show  
19 an undue burden or a lack of access to a physician licensed to  
20 practice medicine in all of its branches who provides eye  
21 examinations or to a licensed optometrist. Each public,  
22 private, and parochial school must give notice of this eye  
23 examination requirement to the parents and guardians of  
24 students in compliance with rules of the Department of Public  
25 Health. Nothing in this Section shall be construed to allow a  
26 school to exclude a child from attending because of a parent's

1 or guardian's failure to obtain an eye examination for the  
2 child.

3 (2) The Department of Public Health shall promulgate rules  
4 and regulations specifying the examinations and procedures  
5 that constitute a health examination, which shall include an  
6 age-appropriate developmental screening, an age-appropriate  
7 social and emotional screening, and the collection of data  
8 relating to obesity (including at a minimum, date of birth,  
9 gender, height, weight, blood pressure, and date of exam), and  
10 a dental examination and may recommend by rule that certain  
11 additional examinations be performed. The rules and  
12 regulations of the Department of Public Health shall specify  
13 that a tuberculosis skin test screening shall be included as a  
14 required part of each health examination included under this  
15 Section if the child resides in an area designated by the  
16 Department of Public Health as having a high incidence of  
17 tuberculosis. With respect to the developmental screening and  
18 the social and emotional screening, the Department of Public  
19 Health must develop rules and appropriate revisions to the  
20 Child Health Examination form in conjunction with a statewide  
21 organization representing school boards; a statewide  
22 organization representing pediatricians; statewide  
23 organizations representing individuals holding Illinois  
24 educator licenses with school support personnel endorsements,  
25 including school social workers, school psychologists, and  
26 school nurses; a statewide organization representing

1 children's mental health experts; a statewide organization  
2 representing school principals; the Director of Healthcare and  
3 Family Services or his or her designee, the State  
4 Superintendent of Education or his or her designee; and  
5 representatives of other appropriate State agencies and, at a  
6 minimum, must recommend the use of validated screening tools  
7 appropriate to the child's age or grade, and, with regard to  
8 the social and emotional screening, require recording only  
9 whether or not the screening was completed. The rules shall  
10 take into consideration the screening recommendations of the  
11 American Academy of Pediatrics and must be consistent with the  
12 State Board of Education's social and emotional learning  
13 standards. The Department of Public Health shall specify that a  
14 diabetes screening as defined by rule shall be included as a  
15 required part of each health examination. Diabetes testing is  
16 not required.

17 Physicians licensed to practice medicine in all of its  
18 branches, licensed advanced practice nurses, or licensed  
19 physician assistants shall be responsible for the performance  
20 of the health examinations, other than dental examinations, eye  
21 examinations, and vision and hearing screening, and shall sign  
22 all report forms required by subsection (4) of this Section  
23 that pertain to those portions of the health examination for  
24 which the physician, advanced practice nurse, or physician  
25 assistant is responsible. If a registered nurse performs any  
26 part of a health examination, then a physician licensed to

1 practice medicine in all of its branches must review and sign  
2 all required report forms. Licensed dentists shall perform all  
3 dental examinations and shall sign all report forms required by  
4 subsection (4) of this Section that pertain to the dental  
5 examinations. Physicians licensed to practice medicine in all  
6 its branches or licensed optometrists shall perform all eye  
7 examinations required by this Section and shall sign all report  
8 forms required by subsection (4) of this Section that pertain  
9 to the eye examination. For purposes of this Section, an eye  
10 examination shall at a minimum include history, visual acuity,  
11 subjective refraction to best visual acuity near and far,  
12 internal and external examination, and a glaucoma evaluation,  
13 as well as any other tests or observations that in the  
14 professional judgment of the doctor are necessary. Vision and  
15 hearing screening tests, which shall not be considered  
16 examinations as that term is used in this Section, shall be  
17 conducted in accordance with rules and regulations of the  
18 Department of Public Health, and by individuals whom the  
19 Department of Public Health has certified. In these rules and  
20 regulations, the Department of Public Health shall require that  
21 individuals conducting vision screening tests give a child's  
22 parent or guardian written notification, before the vision  
23 screening is conducted, that states, "Vision screening is not a  
24 substitute for a complete eye and vision evaluation by an eye  
25 doctor. Your child is not required to undergo this vision  
26 screening if an optometrist or ophthalmologist has completed

1 and signed a report form indicating that an examination has  
2 been administered within the previous 12 months."

3 (2.5) With respect to the developmental screening and the  
4 social and emotional screening portion of the health  
5 examination, each child may present proof of having been  
6 screened in accordance with this Section and the rules adopted  
7 under this Section before October 15th of the school year. With  
8 regard to the social and emotional screening only, the  
9 examining health care provider shall only record whether or not  
10 the screening was completed. If the child fails to present  
11 proof of the developmental screening or the social and  
12 emotional screening portions of the health examination by  
13 October 15th of the school year, qualified school support  
14 personnel may, with a parent's or guardian's consent, offer the  
15 developmental screening or the social and emotional screening  
16 to the child. Each public, private, and parochial school must  
17 give notice of the developmental screening and social and  
18 emotional screening requirements to the parents and guardians  
19 of students in compliance with the rules of the Department of  
20 Public Health. Nothing in this Section shall be construed to  
21 allow a school to exclude a child from attending because of a  
22 parent's or guardian's failure to obtain a developmental  
23 screening or a social and emotional screening for the child.  
24 Once a developmental screening or a social and emotional  
25 screening is completed and proof has been presented to the  
26 school, the school may, with a parent's or guardian's consent,

1 make available appropriate school personnel to work with the  
2 parent or guardian, the child, and the provider who signed the  
3 screening form to obtain any appropriate evaluations and  
4 services as indicated on the form and in other information and  
5 documentation provided by the parents, guardians, or provider.

6 (3) Every child shall, at or about the same time as he or  
7 she receives a health examination required by subsection (1) of  
8 this Section, present to the local school proof of having  
9 received such immunizations against preventable communicable  
10 diseases as the Department of Public Health shall require by  
11 rules and regulations promulgated pursuant to this Section and  
12 the Communicable Disease Prevention Act.

13 (4) The individuals conducting the health examination,  
14 dental examination, or eye examination shall record the fact of  
15 having conducted the examination, and such additional  
16 information as required, including for a health examination  
17 data relating to obesity (including at a minimum, date of  
18 birth, gender, height, weight, blood pressure, and date of  
19 exam), on uniform forms which the Department of Public Health  
20 and the State Board of Education shall prescribe for statewide  
21 use. The examiner shall summarize on the report form any  
22 condition that he or she suspects indicates a need for special  
23 services, including for a health examination factors relating  
24 to obesity. The duty to summarize on the report form does not  
25 apply to social and emotional screenings. The confidentiality  
26 of the information and records relating to the developmental

1 screening and the social and emotional screening shall be  
2 determined by the statutes, rules, and professional ethics  
3 governing the type of provider conducting the screening. The  
4 individuals confirming the administration of required  
5 immunizations shall record as indicated on the form that the  
6 immunizations were administered.

7 (5) If a child does not submit proof of having had either  
8 the health examination or the immunization as required, then  
9 the child shall be examined or receive the immunization, as the  
10 case may be, and present proof by October 15 of the current  
11 school year, or by an earlier date of the current school year  
12 established by a school district. To establish a date before  
13 October 15 of the current school year for the health  
14 examination or immunization as required, a school district must  
15 give notice of the requirements of this Section 60 days prior  
16 to the earlier established date. If for medical reasons one or  
17 more of the required immunizations must be given after October  
18 15 of the current school year, or after an earlier established  
19 date of the current school year, then the child shall present,  
20 by October 15, or by the earlier established date, a schedule  
21 for the administration of the immunizations and a statement of  
22 the medical reasons causing the delay, both the schedule and  
23 the statement being issued by the physician, advanced practice  
24 nurse, physician assistant, registered nurse, or local health  
25 department that will be responsible for administration of the  
26 remaining required immunizations. If a child does not comply by

1 October 15, or by the earlier established date of the current  
2 school year, with the requirements of this subsection, then the  
3 local school authority shall exclude that child from school  
4 until such time as the child presents proof of having had the  
5 health examination as required and presents proof of having  
6 received those required immunizations which are medically  
7 possible to receive immediately. During a child's exclusion  
8 from school for noncompliance with this subsection, the child's  
9 parents or legal guardian shall be considered in violation of  
10 Section 26-1 and subject to any penalty imposed by Section  
11 26-10. This subsection (5) does not apply to dental  
12 examinations, eye examinations, and the developmental  
13 screening and the social and emotional screening portions of  
14 the health examination. If the student is an out-of-state  
15 transfer student and does not have the proof required under  
16 this subsection (5) before October 15 of the current year or  
17 whatever date is set by the school district, then he or she may  
18 only attend classes (i) if he or she has proof that an  
19 appointment for the required vaccinations has been scheduled  
20 with a party authorized to submit proof of the required  
21 vaccinations. If the proof of vaccination required under this  
22 subsection (5) is not submitted within 30 days after the  
23 student is permitted to attend classes, then the student is not  
24 to be permitted to attend classes until proof of the  
25 vaccinations has been properly submitted. No school district or  
26 employee of a school district shall be held liable for any

1 injury or illness to another person that results from admitting  
2 an out-of-state transfer student to class that has an  
3 appointment scheduled pursuant to this subsection (5).

4 (6) Every school shall report to the State Board of  
5 Education by November 15, in the manner which that agency shall  
6 require, the number of children who have received the necessary  
7 immunizations and the health examination (other than a dental  
8 examination or eye examination) as required, indicating, of  
9 those who have not received the immunizations and examination  
10 as required, the number of children who are exempt from health  
11 examination and immunization requirements on religious or  
12 medical grounds as provided in subsection (8). On or before  
13 December 1 of each year, every public school district and  
14 registered nonpublic school shall make publicly available the  
15 immunization data they are required to submit to the State  
16 Board of Education by November 15. The immunization data made  
17 publicly available must be identical to the data the school  
18 district or school has reported to the State Board of  
19 Education.

20 Every school shall report to the State Board of Education  
21 by June 30, in the manner that the State Board requires, the  
22 number of children who have received the required dental  
23 examination, indicating, of those who have not received the  
24 required dental examination, the number of children who are  
25 exempt from the dental examination on religious grounds as  
26 provided in subsection (8) of this Section and the number of

1 children who have received a waiver under subsection (1.5) of  
2 this Section.

3 Every school shall report to the State Board of Education  
4 by June 30, in the manner that the State Board requires, the  
5 number of children who have received the required eye  
6 examination, indicating, of those who have not received the  
7 required eye examination, the number of children who are exempt  
8 from the eye examination as provided in subsection (8) of this  
9 Section, the number of children who have received a waiver  
10 under subsection (1.10) of this Section, and the total number  
11 of children in noncompliance with the eye examination  
12 requirement.

13 The reported information under this subsection (6) shall be  
14 provided to the Department of Public Health by the State Board  
15 of Education.

16 (7) Upon determining that the number of pupils who are  
17 required to be in compliance with subsection (5) of this  
18 Section is below 90% of the number of pupils enrolled in the  
19 school district, 10% of each State aid payment made pursuant to  
20 Section 18-8.05 or 18-8.15 to the school district for such year  
21 may be withheld by the State Board of Education until the  
22 number of students in compliance with subsection (5) is the  
23 applicable specified percentage or higher.

24 (8) Children of parents or legal guardians who object to  
25 health, dental, or eye examinations or any part thereof, to  
26 immunizations, or to vision and hearing screening tests on

1 religious grounds shall not be required to undergo the  
2 examinations, tests, or immunizations to which they so object  
3 if such parents or legal guardians present to the appropriate  
4 local school authority a signed Certificate of Religious  
5 Exemption detailing the grounds for objection and the specific  
6 immunizations, tests, or examinations to which they object. The  
7 grounds for objection must set forth the specific religious  
8 belief that conflicts with the examination, test,  
9 immunization, or other medical intervention. The signed  
10 certificate shall also reflect the parent's or legal guardian's  
11 understanding of the school's exclusion policies in the case of  
12 a vaccine-preventable disease outbreak or exposure. The  
13 certificate must also be signed by the authorized examining  
14 health care provider responsible for the performance of the  
15 child's health examination confirming that the provider  
16 provided education to the parent or legal guardian on the  
17 benefits of immunization and the health risks to the student  
18 and to the community of the communicable diseases for which  
19 immunization is required in this State. However, the health  
20 care provider's signature on the certificate reflects only that  
21 education was provided and does not allow a health care  
22 provider grounds to determine a religious exemption. Those  
23 receiving immunizations required under this Code shall be  
24 provided with the relevant vaccine information statements that  
25 are required to be disseminated by the federal National  
26 Childhood Vaccine Injury Act of 1986, which may contain

1 information on circumstances when a vaccine should not be  
2 administered, prior to administering a vaccine. A healthcare  
3 provider may consider including without limitation the  
4 nationally accepted recommendations from federal agencies such  
5 as the Advisory Committee on Immunization Practices, the  
6 information outlined in the relevant vaccine information  
7 statement, and vaccine package inserts, along with the  
8 healthcare provider's clinical judgment, to determine whether  
9 any child may be more susceptible to experiencing an adverse  
10 vaccine reaction than the general population, and, if so, the  
11 healthcare provider may exempt the child from an immunization  
12 or adopt an individualized immunization schedule. The  
13 Certificate of Religious Exemption shall be created by the  
14 Department of Public Health and shall be made available and  
15 used by parents and legal guardians by the beginning of the  
16 2015-2016 school year. Parents or legal guardians must submit  
17 the Certificate of Religious Exemption to their local school  
18 authority prior to entering kindergarten, sixth grade, and  
19 ninth grade for each child for which they are requesting an  
20 exemption. The religious objection stated need not be directed  
21 by the tenets of an established religious organization.  
22 However, general philosophical or moral reluctance to allow  
23 physical examinations, eye examinations, immunizations, vision  
24 and hearing screenings, or dental examinations does not provide  
25 a sufficient basis for an exception to statutory requirements.  
26 The local school authority is responsible for determining if

1 the content of the Certificate of Religious Exemption  
2 constitutes a valid religious objection. The local school  
3 authority shall inform the parent or legal guardian of  
4 exclusion procedures, in accordance with the Department's  
5 rules under Part 690 of Title 77 of the Illinois Administrative  
6 Code, at the time the objection is presented.

7 If the physical condition of the child is such that any one  
8 or more of the immunizing agents should not be administered,  
9 the examining physician, advanced practice nurse, or physician  
10 assistant responsible for the performance of the health  
11 examination shall endorse that fact upon the health examination  
12 form.

13 Exempting a child from the health, dental, or eye  
14 examination does not exempt the child from participation in the  
15 program of physical education training provided in Sections  
16 27-5 through 27-7 of this Code.

17 (9) For the purposes of this Section, "nursery schools"  
18 means those nursery schools operated by elementary school  
19 systems or secondary level school units or institutions of  
20 higher learning.

21 (Source: P.A. 98-673, eff. 6-30-14; 99-173, eff. 7-29-15;  
22 99-249, eff. 8-3-15; 99-642, eff. 7-28-16; 99-927, eff.  
23 6-1-17.)

24 (105 ILCS 5/27A-9)

25 Sec. 27A-9. Term of charter; renewal.

1 (a) For charters granted before January 1, 2017 (the  
2 effective date of Public Act 99-840) ~~this amendatory Act of the~~  
3 ~~99th General Assembly~~, a charter may be granted for a period  
4 not less than 5 and not more than 10 school years. For charters  
5 granted on or after January 1, 2017 (the effective date of  
6 Public Act 99-840) ~~this amendatory Act of the 99th General~~  
7 ~~Assembly~~, a charter shall be granted for a period of 5 school  
8 years. For charters renewed before January 1, 2017 (the  
9 effective date of Public Act 99-840) ~~this amendatory Act of the~~  
10 ~~99th General Assembly~~, a charter may be renewed in incremental  
11 periods not to exceed 5 school years. For charters renewed on  
12 or after January 1, 2017 (the effective date of Public Act  
13 99-840) ~~this amendatory Act of the 99th General Assembly~~, a  
14 charter may be renewed in incremental periods not to exceed 10  
15 school years; however, the Commission may renew a charter only  
16 in incremental periods not to exceed 5 years. Authorizers shall  
17 ensure that every charter granted on or after January 1, 2017  
18 (the effective date of Public Act 99-840) ~~this amendatory Act~~  
19 ~~of the 99th General Assembly~~ includes standards and goals for  
20 academic, organizational, and financial performance. A charter  
21 must meet all standards and goals for academic, organizational,  
22 and financial performance set forth by the authorizer in order  
23 to be renewed for a term in excess of 5 years but not more than  
24 10 years. If an authorizer fails to establish standards and  
25 goals, a charter shall not be renewed for a term in excess of 5  
26 years. Nothing contained in this Section shall require an

1 authorizer to grant a full 10-year renewal term to any  
2 particular charter school, but an authorizer may award a full  
3 10-year renewal term to charter schools that have a  
4 demonstrated track record of improving student performance.

5 (b) A charter school renewal proposal submitted to the  
6 local school board or the Commission, as the chartering entity,  
7 shall contain:

8 (1) A report on the progress of the charter school in  
9 achieving the goals, objectives, pupil performance  
10 standards, content standards, and other terms of the  
11 initial approved charter proposal; and

12 (2) A financial statement that discloses the costs of  
13 administration, instruction, and other spending categories  
14 for the charter school that is understandable to the  
15 general public and that will allow comparison of those  
16 costs to other schools or other comparable organizations,  
17 in a format required by the State Board.

18 (c) A charter may be revoked or not renewed if the local  
19 school board or the Commission, as the chartering entity,  
20 clearly demonstrates that the charter school did any of the  
21 following, or otherwise failed to comply with the requirements  
22 of this law:

23 (1) Committed a material violation of any of the  
24 conditions, standards, or procedures set forth in the  
25 charter.

26 (2) Failed to meet or make reasonable progress toward

1 achievement of the content standards or pupil performance  
2 standards identified in the charter.

3 (3) Failed to meet generally accepted standards of  
4 fiscal management.

5 (4) Violated any provision of law from which the  
6 charter school was not exempted.

7 In the case of revocation, the local school board or the  
8 Commission, as the chartering entity, shall notify the charter  
9 school in writing of the reason why the charter is subject to  
10 revocation. The charter school shall submit a written plan to  
11 the local school board or the Commission, whichever is  
12 applicable, to rectify the problem. The plan shall include a  
13 timeline for implementation, which shall not exceed 2 years or  
14 the date of the charter's expiration, whichever is earlier. If  
15 the local school board or the Commission, as the chartering  
16 entity, finds that the charter school has failed to implement  
17 the plan of remediation and adhere to the timeline, then the  
18 chartering entity shall revoke the charter. Except in  
19 situations of an emergency where the health, safety, or  
20 education of the charter school's students is at risk, the  
21 revocation shall take place at the end of a school year.  
22 Nothing in Public Act 96-105 ~~this amendatory Act of the 96th~~  
23 ~~General Assembly~~ shall be construed to prohibit an  
24 implementation timetable that is less than 2 years in duration.

25 (d) (Blank).

26 (e) Notice of a local school board's decision to deny,

1     revoke, or not ~~to~~ renew a charter shall be provided to the  
2     Commission and the State Board. The Commission may reverse a  
3     local board's decision if the Commission finds that the charter  
4     school or charter school proposal (i) is in compliance with  
5     this Article, and (ii) is in the best interests of the students  
6     it is designed to serve. The Commission may condition the  
7     granting of an appeal on the acceptance by the charter school  
8     of funding in an amount less than that requested in the  
9     proposal submitted to the local school board. Final decisions  
10    of the Commission shall be subject to judicial review under the  
11    Administrative Review Law.

12         (f) Notwithstanding other provisions of this Article, if  
13    the Commission on appeal reverses a local board's decision or  
14    if a charter school is approved by referendum, the Commission  
15    shall act as the authorized chartering entity for the charter  
16    school. The Commission shall approve the charter and shall  
17    perform all functions under this Article otherwise performed by  
18    the local school board. The State Board shall determine whether  
19    the charter proposal approved by the Commission is consistent  
20    with the provisions of this Article and, if the approved  
21    proposal complies, certify the proposal pursuant to this  
22    Article. The State Board shall report the aggregate number of  
23    charter school pupils resident in a school district to that  
24    district and shall notify the district of the amount of funding  
25    to be paid by the State Board to the charter school enrolling  
26    such students. The Commission shall require the charter school

1 to maintain accurate records of daily attendance that shall be  
2 deemed sufficient to file claims under Section 18-8.05 or  
3 18-8.15 notwithstanding any other requirements of that Section  
4 regarding hours of instruction and teacher certification. The  
5 State Board shall withhold from funds otherwise due the  
6 district the funds authorized by this Article to be paid to the  
7 charter school and shall pay such amounts to the charter  
8 school.

9 (g) For charter schools authorized by the Commission, the  
10 Commission shall quarterly certify to the State Board the  
11 student enrollment for each of its charter schools.

12 (h) For charter schools authorized by the Commission, the  
13 State Board shall pay directly to a charter school any federal  
14 or State aid attributable to a student with a disability  
15 attending the school.

16 (Source: P.A. 98-739, eff. 7-16-14; 99-840, eff. 1-1-17;  
17 revised 10-27-16.)

18 (105 ILCS 5/27A-11)

19 Sec. 27A-11. Local financing.

20 (a) For purposes of the School Code, pupils enrolled in a  
21 charter school shall be included in the pupil enrollment of the  
22 school district within which the pupil resides. Each charter  
23 school (i) shall determine the school district in which each  
24 pupil who is enrolled in the charter school resides, (ii) shall  
25 report the aggregate number of pupils resident of a school

1 district who are enrolled in the charter school to the school  
2 district in which those pupils reside, and (iii) shall maintain  
3 accurate records of daily attendance that shall be deemed  
4 sufficient to file claims under Section 18-8 or 18-8.15  
5 notwithstanding any other requirements of that Section  
6 regarding hours of instruction and teacher certification.

7 (b) Except for a charter school established by referendum  
8 under Section 27A-6.5, as part of a charter school contract,  
9 the charter school and the local school board shall agree on  
10 funding and any services to be provided by the school district  
11 to the charter school. Agreed funding that a charter school is  
12 to receive from the local school board for a school year shall  
13 be paid in equal quarterly installments with the payment of the  
14 installment for the first quarter being made not later than  
15 July 1, unless the charter establishes a different payment  
16 schedule. However, if a charter school dismisses a pupil from  
17 the charter school after receiving a quarterly payment, the  
18 charter school shall return to the school district, on a  
19 quarterly basis, the prorated portion of public funding  
20 provided for the education of that pupil for the time the  
21 student is not enrolled at the charter school. Likewise, if a  
22 pupil transfers to a charter school between quarterly payments,  
23 the school district shall provide, on a quarterly basis, a  
24 prorated portion of the public funding to the charter school to  
25 provide for the education of that pupil.

26 All services centrally or otherwise provided by the school

1 district including, but not limited to, rent, food services,  
2 custodial services, maintenance, curriculum, media services,  
3 libraries, transportation, and warehousing shall be subject to  
4 negotiation between a charter school and the local school board  
5 and paid for out of the revenues negotiated pursuant to this  
6 subsection (b); provided that the local school board shall not  
7 attempt, by negotiation or otherwise, to obligate a charter  
8 school to provide pupil transportation for pupils for whom a  
9 district is not required to provide transportation under the  
10 criteria set forth in subsection (a) (13) of Section 27A-7.

11 In no event shall the funding be less than 75% or more than  
12 125% of the school district's per capita student tuition  
13 multiplied by the number of students residing in the district  
14 who are enrolled in the charter school. However, for charter  
15 agreements entered into on or after the effective date of this  
16 amendatory Act of the 100th General Assembly, in no event shall  
17 the funding be less than 97% or more than 103% of the school  
18 district's per capita student tuition multiplied by the number  
19 of students residing in the district who are enrolled in the  
20 charter school.

21 It is the intent of the General Assembly that funding and  
22 service agreements under this subsection (b) shall be neither a  
23 financial incentive nor a financial disincentive to the  
24 establishment of a charter school.

25 The charter school may set and collect reasonable fees.  
26 Fees collected from students enrolled at a charter school shall

1 be retained by the charter school.

2 (c) Notwithstanding subsection (b) of this Section, the  
3 proportionate share of State and federal resources generated by  
4 students with disabilities or staff serving them shall be  
5 directed to charter schools enrolling those students by their  
6 school districts or administrative units. The proportionate  
7 share of moneys generated under other federal or State  
8 categorical aid programs shall be directed to charter schools  
9 serving students eligible for that aid.

10 (d) The governing body of a charter school is authorized to  
11 accept gifts, donations, or grants of any kind made to the  
12 charter school and to expend or use gifts, donations, or grants  
13 in accordance with the conditions prescribed by the donor;  
14 however, a gift, donation, or grant may not be accepted by the  
15 governing body if it is subject to any condition contrary to  
16 applicable law or contrary to the terms of the contract between  
17 the charter school and the local school board. Charter schools  
18 shall be encouraged to solicit and utilize community volunteer  
19 speakers and other instructional resources when providing  
20 instruction on the Holocaust and other historical events.

21 (e) (Blank).

22 (f) The Commission shall provide technical assistance to  
23 persons and groups preparing or revising charter applications.

24 (g) At the non-renewal or revocation of its charter, each  
25 charter school shall refund to the local board of education all  
26 unspent funds.

1 (h) A charter school is authorized to incur temporary,  
2 short term debt to pay operating expenses in anticipation of  
3 receipt of funds from the local school board.

4 (Source: P.A. 98-640, eff. 6-9-14; 98-739, eff. 7-16-14; 99-78,  
5 eff. 7-20-15.)

6 (105 ILCS 5/29-5) (from Ch. 122, par. 29-5)

7 Sec. 29-5. Reimbursement by State for transportation. Any  
8 school district, maintaining a school, transporting resident  
9 pupils to another school district's vocational program,  
10 offered through a joint agreement approved by the State Board  
11 of Education, as provided in Section 10-22.22 or transporting  
12 its resident pupils to a school which meets the standards for  
13 recognition as established by the State Board of Education  
14 which provides transportation meeting the standards of safety,  
15 comfort, convenience, efficiency and operation prescribed by  
16 the State Board of Education for resident pupils in  
17 kindergarten or any of grades 1 through 12 who: (a) reside at  
18 least 1 1/2 miles as measured by the customary route of travel,  
19 from the school attended; or (b) reside in areas where  
20 conditions are such that walking constitutes a hazard to the  
21 safety of the child when determined under Section 29-3; and (c)  
22 are transported to the school attended from pick-up points at  
23 the beginning of the school day and back again at the close of  
24 the school day or transported to and from their assigned  
25 attendance centers during the school day, shall be reimbursed

1 by the State as hereinafter provided in this Section.

2 The State will pay the cost of transporting eligible pupils  
3 less the prior year assessed valuation in a dual school  
4 district maintaining secondary grades 9 to 12 inclusive times a  
5 qualifying rate of .05%; in elementary school districts  
6 maintaining grades K to 8 times a qualifying rate of .06%; and  
7 in unit districts maintaining grades K to 12, including  
8 optional elementary unit districts and combined high school -  
9 unit districts, times a qualifying rate of .07%; provided that  
10 for optional elementary unit districts and combined high school  
11 - unit districts, prior year assessed valuation for high school  
12 purposes, as defined in Article 11E of this Code, must be used.  
13 To be eligible to receive reimbursement in excess of 4/5 of the  
14 cost to transport eligible pupils, a school district shall have  
15 a Transportation Fund tax rate of at least .12%. If a school  
16 district does not have a .12% Transportation Fund tax rate, the  
17 amount of its claim in excess of 4/5 of the cost of  
18 transporting pupils shall be reduced by the sum arrived at by  
19 subtracting the Transportation Fund tax rate from .12% and  
20 multiplying that amount by the district's prior year ~~districts~~  
21 equalized or assessed valuation, provided, that in no case  
22 shall said reduction result in reimbursement of less than 4/5  
23 of the cost to transport eligible pupils.

24 The minimum amount to be received by a district is \$16  
25 times the number of eligible pupils transported.

26 When calculating the reimbursement for transportation

1 costs, the State Board of Education may not deduct the number  
2 of pupils enrolled in early education programs from the number  
3 of pupils eligible for reimbursement if the pupils enrolled in  
4 the early education programs are transported at the same time  
5 as other eligible pupils.

6 Any such district transporting resident pupils during the  
7 school day to an area vocational school or another school  
8 district's vocational program more than 1 1/2 miles from the  
9 school attended, as provided in Sections 10-22.20a and  
10 10-22.22, shall be reimbursed by the State for 4/5 of the cost  
11 of transporting eligible pupils.

12 School day means that period of time which the pupil is  
13 required to be in attendance for instructional purposes.

14 If a pupil is at a location within the school district  
15 other than his residence for child care purposes at the time  
16 for transportation to school, that location may be considered  
17 for purposes of determining the 1 1/2 miles from the school  
18 attended.

19 Claims for reimbursement that include children who attend  
20 any school other than a public school shall show the number of  
21 such children transported.

22 Claims for reimbursement under this Section shall not be  
23 paid for the transportation of pupils for whom transportation  
24 costs are claimed for payment under other Sections of this Act.

25 The allowable direct cost of transporting pupils for  
26 regular, vocational, and special education pupil

1 transportation shall be limited to the sum of the cost of  
2 physical examinations required for employment as a school bus  
3 driver; the salaries of full or part-time drivers and school  
4 bus maintenance personnel; employee benefits excluding  
5 Illinois municipal retirement payments, social security  
6 payments, unemployment insurance payments and workers'  
7 compensation insurance premiums; expenditures to independent  
8 carriers who operate school buses; payments to other school  
9 districts for pupil transportation services; pre-approved  
10 contractual expenditures for computerized bus scheduling; the  
11 cost of gasoline, oil, tires, and other supplies necessary for  
12 the operation of school buses; the cost of converting buses'  
13 gasoline engines to more fuel efficient engines or to engines  
14 which use alternative energy sources; the cost of travel to  
15 meetings and workshops conducted by the regional  
16 superintendent or the State Superintendent of Education  
17 pursuant to the standards established by the Secretary of State  
18 under Section 6-106 of the Illinois Vehicle Code to improve the  
19 driving skills of school bus drivers; the cost of maintenance  
20 of school buses including parts and materials used;  
21 expenditures for leasing transportation vehicles, except  
22 interest and service charges; the cost of insurance and  
23 licenses for transportation vehicles; expenditures for the  
24 rental of transportation equipment; plus a depreciation  
25 allowance of 20% for 5 years for school buses and vehicles  
26 approved for transporting pupils to and from school and a

1 depreciation allowance of 10% for 10 years for other  
2 transportation equipment so used. Each school year, if a school  
3 district has made expenditures to the Regional Transportation  
4 Authority or any of its service boards, a mass transit  
5 district, or an urban transportation district under an  
6 intergovernmental agreement with the district to provide for  
7 the transportation of pupils and if the public transit carrier  
8 received direct payment for services or passes from a school  
9 district within its service area during the 2000-2001 school  
10 year, then the allowable direct cost of transporting pupils for  
11 regular, vocational, and special education pupil  
12 transportation shall also include the expenditures that the  
13 district has made to the public transit carrier. In addition to  
14 the above allowable costs school districts shall also claim all  
15 transportation supervisory salary costs, including Illinois  
16 municipal retirement payments, and all transportation related  
17 building and building maintenance costs without limitation.

18 Special education allowable costs shall also include  
19 expenditures for the salaries of attendants or aides for that  
20 portion of the time they assist special education pupils while  
21 in transit and expenditures for parents and public carriers for  
22 transporting special education pupils when pre-approved by the  
23 State Superintendent of Education.

24 Indirect costs shall be included in the reimbursement claim  
25 for districts which own and operate their own school buses.  
26 Such indirect costs shall include administrative costs, or any

1 costs attributable to transporting pupils from their  
2 attendance centers to another school building for  
3 instructional purposes. No school district which owns and  
4 operates its own school buses may claim reimbursement for  
5 indirect costs which exceed 5% of the total allowable direct  
6 costs for pupil transportation.

7 The State Board of Education shall prescribe uniform  
8 regulations for determining the above standards and shall  
9 prescribe forms of cost accounting and standards of determining  
10 reasonable depreciation. Such depreciation shall include the  
11 cost of equipping school buses with the safety features  
12 required by law or by the rules, regulations and standards  
13 promulgated by the State Board of Education, and the Department  
14 of Transportation for the safety and construction of school  
15 buses provided, however, any equipment cost reimbursed by the  
16 Department of Transportation for equipping school buses with  
17 such safety equipment shall be deducted from the allowable cost  
18 in the computation of reimbursement under this Section in the  
19 same percentage as the cost of the equipment is depreciated.

20 On or before August 15, annually, the chief school  
21 administrator for the district shall certify to the State  
22 Superintendent of Education the district's claim for  
23 reimbursement for the school year ending on June 30 next  
24 preceding. The State Superintendent of Education shall check  
25 and approve the claims and prepare the vouchers showing the  
26 amounts due for district reimbursement claims. Each fiscal

1 year, the State Superintendent of Education shall prepare and  
2 transmit the first 3 vouchers to the Comptroller on the 30th  
3 day of September, December and March, respectively, and the  
4 final voucher, no later than June 20.

5 If the amount appropriated for transportation  
6 reimbursement is insufficient to fund total claims for any  
7 fiscal year, the State Board of Education shall reduce each  
8 school district's allowable costs and flat grant amount  
9 proportionately to make total adjusted claims equal the total  
10 amount appropriated.

11 For purposes of calculating claims for reimbursement under  
12 this Section for any school year beginning July 1, 1998, or  
13 thereafter, the equalized assessed valuation for a school  
14 district used to compute reimbursement shall be computed in the  
15 same manner as it is computed under paragraph (2) of subsection  
16 (G) of Section 18-8.05.

17 All reimbursements received from the State shall be  
18 deposited into the district's transportation fund or into the  
19 fund from which the allowable expenditures were made.

20 Notwithstanding any other provision of law, any school  
21 district receiving a payment under this Section or under  
22 Section 14-7.02, 14-7.02b, or 14-13.01 of this Code may  
23 classify all or a portion of the funds that it receives in a  
24 particular fiscal year or from general State aid pursuant to  
25 Section 18-8.05 of this Code as funds received in connection  
26 with any funding program for which it is entitled to receive

1 funds from the State in that fiscal year (including, without  
2 limitation, any funding program referenced in this Section),  
3 regardless of the source or timing of the receipt. The district  
4 may not classify more funds as funds received in connection  
5 with the funding program than the district is entitled to  
6 receive in that fiscal year for that program. Any  
7 classification by a district must be made by a resolution of  
8 its board of education. The resolution must identify the amount  
9 of any payments or general State aid to be classified under  
10 this paragraph and must specify the funding program to which  
11 the funds are to be treated as received in connection  
12 therewith. This resolution is controlling as to the  
13 classification of funds referenced therein. A certified copy of  
14 the resolution must be sent to the State Superintendent of  
15 Education. The resolution shall still take effect even though a  
16 copy of the resolution has not been sent to the State  
17 Superintendent of Education in a timely manner. No  
18 classification under this paragraph by a district shall affect  
19 the total amount or timing of money the district is entitled to  
20 receive under this Code. No classification under this paragraph  
21 by a district shall in any way relieve the district from or  
22 affect any requirements that otherwise would apply with respect  
23 to that funding program, including any accounting of funds by  
24 source, reporting expenditures by original source and purpose,  
25 reporting requirements, or requirements of providing services.

26 Any school district with a population of not more than

1 500,000 must deposit all funds received under this Article into  
2 the transportation fund and use those funds for the provision  
3 of transportation services.

4 Notwithstanding anything to the contrary contained in this  
5 Section, the State Board of Education shall award to a school  
6 district having a population exceeding 500,000 inhabitants  
7 3.9% of the funds appropriated by the General Assembly for any  
8 fiscal year for purposes of payments to school districts under  
9 this Section.

10 (Source: P.A. 95-903, eff. 8-25-08; 96-1264, eff. 1-1-11.)

11 (105 ILCS 5/34-2.3) (from Ch. 122, par. 34-2.3)

12 Sec. 34-2.3. Local school councils - Powers and duties.  
13 Each local school council shall have and exercise, consistent  
14 with the provisions of this Article and the powers and duties  
15 of the board of education, the following powers and duties:

16 1. (A) To annually evaluate the performance of the  
17 principal of the attendance center using a Board approved  
18 principal evaluation form, which shall include the evaluation  
19 of (i) student academic improvement, as defined by the school  
20 improvement plan, (ii) student absenteeism rates at the school,  
21 (iii) instructional leadership, (iv) the effective  
22 implementation of programs, policies, or strategies to improve  
23 student academic achievement, (v) school management, and (vi)  
24 any other factors deemed relevant by the local school council,  
25 including, without limitation, the principal's communication

1 skills and ability to create and maintain a student-centered  
2 learning environment, to develop opportunities for  
3 professional development, and to encourage parental  
4 involvement and community partnerships to achieve school  
5 improvement;

6 (B) to determine in the manner provided by subsection (c)  
7 of Section 34-2.2 and subdivision 1.5 of this Section whether  
8 the performance contract of the principal shall be renewed; and

9 (C) to directly select, in the manner provided by  
10 subsection (c) of Section 34-2.2, a new principal (including a  
11 new principal to fill a vacancy) -- without submitting any list  
12 of candidates for that position to the general superintendent  
13 as provided in paragraph 2 of this Section -- to serve under a  
14 4 year performance contract; provided that (i) the  
15 determination of whether the principal's performance contract  
16 is to be renewed, based upon the evaluation required by  
17 subdivision 1.5 of this Section, shall be made no later than  
18 150 days prior to the expiration of the current  
19 performance-based contract of the principal, (ii) in cases  
20 where such performance contract is not renewed -- a direct  
21 selection of a new principal -- to serve under a 4 year  
22 performance contract shall be made by the local school council  
23 no later than 45 days prior to the expiration of the current  
24 performance contract of the principal, and (iii) a selection by  
25 the local school council of a new principal to fill a vacancy  
26 under a 4 year performance contract shall be made within 90

1 days after the date such vacancy occurs. A Council shall be  
2 required, if requested by the principal, to provide in writing  
3 the reasons for the council's not renewing the principal's  
4 contract.

5 1.5. The local school council's determination of whether to  
6 renew the principal's contract shall be based on an evaluation  
7 to assess the educational and administrative progress made at  
8 the school during the principal's current performance-based  
9 contract. The local school council shall base its evaluation on  
10 (i) student academic improvement, as defined by the school  
11 improvement plan, (ii) student absenteeism rates at the school,  
12 (iii) instructional leadership, (iv) the effective  
13 implementation of programs, policies, or strategies to improve  
14 student academic achievement, (v) school management, and (vi)  
15 any other factors deemed relevant by the local school council,  
16 including, without limitation, the principal's communication  
17 skills and ability to create and maintain a student-centered  
18 learning environment, to develop opportunities for  
19 professional development, and to encourage parental  
20 involvement and community partnerships to achieve school  
21 improvement. If a local school council fails to renew the  
22 performance contract of a principal rated by the general  
23 superintendent, or his or her designee, in the previous years'  
24 evaluations as meeting or exceeding expectations, the  
25 principal, within 15 days after the local school council's  
26 decision not to renew the contract, may request a review of the

1 local school council's principal non-retention decision by a  
2 hearing officer appointed by the American Arbitration  
3 Association. A local school council member or members or the  
4 general superintendent may support the principal's request for  
5 review. During the period of the hearing officer's review of  
6 the local school council's decision on whether or not to retain  
7 the principal, the local school council shall maintain all  
8 authority to search for and contract with a person to serve as  
9 interim or acting principal, or as the principal of the  
10 attendance center under a 4-year performance contract,  
11 provided that any performance contract entered into by the  
12 local school council shall be voidable or modified in  
13 accordance with the decision of the hearing officer. The  
14 principal may request review only once while at that attendance  
15 center. If a local school council renews the contract of a  
16 principal who failed to obtain a rating of "meets" or "exceeds  
17 expectations" in the general superintendent's evaluation for  
18 the previous year, the general superintendent, within 15 days  
19 after the local school council's decision to renew the  
20 contract, may request a review of the local school council's  
21 principal retention decision by a hearing officer appointed by  
22 the American Arbitration Association. The general  
23 superintendent may request a review only once for that  
24 principal at that attendance center. All requests to review the  
25 retention or non-retention of a principal shall be submitted to  
26 the general superintendent, who shall, in turn, forward such

1 requests, within 14 days of receipt, to the American  
2 Arbitration Association. The general superintendent shall send  
3 a contemporaneous copy of the request that was forwarded to the  
4 American Arbitration Association to the principal and to each  
5 local school council member and shall inform the local school  
6 council of its rights and responsibilities under the  
7 arbitration process, including the local school council's  
8 right to representation and the manner and process by which the  
9 Board shall pay the costs of the council's representation. If  
10 the local school council retains the principal and the general  
11 superintendent requests a review of the retention decision, the  
12 local school council and the general superintendent shall be  
13 considered parties to the arbitration, a hearing officer shall  
14 be chosen between those 2 parties pursuant to procedures  
15 promulgated by the State Board of Education, and the principal  
16 may retain counsel and participate in the arbitration. If the  
17 local school council does not retain the principal and the  
18 principal requests a review of the retention decision, the  
19 local school council and the principal shall be considered  
20 parties to the arbitration and a hearing officer shall be  
21 chosen between those 2 parties pursuant to procedures  
22 promulgated by the State Board of Education. The hearing shall  
23 begin (i) within 45 days after the initial request for review  
24 is submitted by the principal to the general superintendent or  
25 (ii) if the initial request for review is made by the general  
26 superintendent, within 45 days after that request is mailed to

1 the American Arbitration Association. The hearing officer  
2 shall render a decision within 45 days after the hearing begins  
3 and within 90 days after the initial request for review. The  
4 Board shall contract with the American Arbitration Association  
5 for all of the hearing officer's reasonable and necessary  
6 costs. In addition, the Board shall pay any reasonable costs  
7 incurred by a local school council for representation before a  
8 hearing officer.

9 1.10. The hearing officer shall conduct a hearing, which  
10 shall include (i) a review of the principal's performance,  
11 evaluations, and other evidence of the principal's service at  
12 the school, (ii) reasons provided by the local school council  
13 for its decision, and (iii) documentation evidencing views of  
14 interested persons, including, without limitation, students,  
15 parents, local school council members, school faculty and  
16 staff, the principal, the general superintendent or his or her  
17 designee, and members of the community. The burden of proof in  
18 establishing that the local school council's decision was  
19 arbitrary and capricious shall be on the party requesting the  
20 arbitration, and this party shall sustain the burden by a  
21 preponderance of the evidence. The hearing officer shall set  
22 the local school council decision aside if that decision, in  
23 light of the record developed at the hearing, is arbitrary and  
24 capricious. The decision of the hearing officer may not be  
25 appealed to the Board or the State Board of Education. If the  
26 hearing officer decides that the principal shall be retained,

1 the retention period shall not exceed 2 years.

2 2. In the event (i) the local school council does not renew  
3 the performance contract of the principal, or the principal  
4 fails to receive a satisfactory rating as provided in  
5 subsection (h) of Section 34-8.3, or the principal is removed  
6 for cause during the term of his or her performance contract in  
7 the manner provided by Section 34-85, or a vacancy in the  
8 position of principal otherwise occurs prior to the expiration  
9 of the term of a principal's performance contract, and (ii) the  
10 local school council fails to directly select a new principal  
11 to serve under a 4 year performance contract, the local school  
12 council in such event shall submit to the general  
13 superintendent a list of 3 candidates -- listed in the local  
14 school council's order of preference -- for the position of  
15 principal, one of which shall be selected by the general  
16 superintendent to serve as principal of the attendance center.  
17 If the general superintendent fails or refuses to select one of  
18 the candidates on the list to serve as principal within 30 days  
19 after being furnished with the candidate list, the general  
20 superintendent shall select and place a principal on an interim  
21 basis (i) for a period not to exceed one year or (ii) until the  
22 local school council selects a new principal with 7 affirmative  
23 votes as provided in subsection (c) of Section 34-2.2,  
24 whichever occurs first. If the local school council fails or  
25 refuses to select and appoint a new principal, as specified by  
26 subsection (c) of Section 34-2.2, the general superintendent

1 may select and appoint a new principal on an interim basis for  
2 an additional year or until a new contract principal is  
3 selected by the local school council. There shall be no  
4 discrimination on the basis of race, sex, creed, color or  
5 disability unrelated to ability to perform in connection with  
6 the submission of candidates for, and the selection of a  
7 candidate to serve as principal of an attendance center. No  
8 person shall be directly selected, listed as a candidate for,  
9 or selected to serve as principal of an attendance center (i)  
10 if such person has been removed for cause from employment by  
11 the Board or (ii) if such person does not hold a valid  
12 administrative certificate issued or exchanged under Article  
13 21 and endorsed as required by that Article for the position of  
14 principal. A principal whose performance contract is not  
15 renewed as provided under subsection (c) of Section 34-2.2 may  
16 nevertheless, if otherwise qualified and certified as herein  
17 provided and if he or she has received a satisfactory rating as  
18 provided in subsection (h) of Section 34-8.3, be included by a  
19 local school council as one of the 3 candidates listed in order  
20 of preference on any candidate list from which one person is to  
21 be selected to serve as principal of the attendance center  
22 under a new performance contract. The initial candidate list  
23 required to be submitted by a local school council to the  
24 general superintendent in cases where the local school council  
25 does not renew the performance contract of its principal and  
26 does not directly select a new principal to serve under a 4

1 year performance contract shall be submitted not later than 30  
2 days prior to the expiration of the current performance  
3 contract. In cases where the local school council fails or  
4 refuses to submit the candidate list to the general  
5 superintendent no later than 30 days prior to the expiration of  
6 the incumbent principal's contract, the general superintendent  
7 may appoint a principal on an interim basis for a period not to  
8 exceed one year, during which time the local school council  
9 shall be able to select a new principal with 7 affirmative  
10 votes as provided in subsection (c) of Section 34-2.2. In cases  
11 where a principal is removed for cause or a vacancy otherwise  
12 occurs in the position of principal and the vacancy is not  
13 filled by direct selection by the local school council, the  
14 candidate list shall be submitted by the local school council  
15 to the general superintendent within 90 days after the date  
16 such removal or vacancy occurs. In cases where the local school  
17 council fails or refuses to submit the candidate list to the  
18 general superintendent within 90 days after the date of the  
19 vacancy, the general superintendent may appoint a principal on  
20 an interim basis for a period of one year, during which time  
21 the local school council shall be able to select a new  
22 principal with 7 affirmative votes as provided in subsection  
23 (c) of Section 34-2.2.

24 2.5. Whenever a vacancy in the office of a principal occurs  
25 for any reason, the vacancy shall be filled in the manner  
26 provided by this Section by the selection of a new principal to

1 serve under a 4 year performance contract.

2 3. To establish additional criteria to be included as part  
3 of the performance contract of its principal, provided that  
4 such additional criteria shall not discriminate on the basis of  
5 race, sex, creed, color or disability unrelated to ability to  
6 perform, and shall not be inconsistent with the uniform 4 year  
7 performance contract for principals developed by the board as  
8 provided in Section 34-8.1 of the School Code or with other  
9 provisions of this Article governing the authority and  
10 responsibility of principals.

11 4. To approve the expenditure plan prepared by the  
12 principal with respect to all funds allocated and distributed  
13 to the attendance center by the Board. The expenditure plan  
14 shall be administered by the principal. Notwithstanding any  
15 other provision of this Act or any other law, any expenditure  
16 plan approved and administered under this Section 34-2.3 shall  
17 be consistent with and subject to the terms of any contract for  
18 services with a third party entered into by the Chicago School  
19 Reform Board of Trustees or the board under this Act.

20 Via a supermajority vote of 7 members of the local school  
21 council or 8 members of a high school local school council, the  
22 Council may transfer allocations pursuant to Section 34-2.3  
23 within funds; provided that such a transfer is consistent with  
24 applicable law and collective bargaining agreements.

25 Beginning in fiscal year 1991 and in each fiscal year  
26 thereafter, the Board may reserve up to 1% of its total fiscal

1 year budget for distribution on a prioritized basis to schools  
2 throughout the school system in order to assure adequate  
3 programs to meet the needs of special student populations as  
4 determined by the Board. This distribution shall take into  
5 account the needs catalogued in the Systemwide Plan and the  
6 various local school improvement plans of the local school  
7 councils. Information about these centrally funded programs  
8 shall be distributed to the local school councils so that their  
9 subsequent planning and programming will account for these  
10 provisions.

11 Beginning in fiscal year 1991 and in each fiscal year  
12 thereafter, from other amounts available in the applicable  
13 fiscal year budget, the board shall allocate a lump sum amount  
14 to each local school based upon such formula as the board shall  
15 determine taking into account the special needs of the student  
16 body. The local school principal shall develop an expenditure  
17 plan in consultation with the local school council, the  
18 professional personnel leadership committee and with all other  
19 school personnel, which reflects the priorities and activities  
20 as described in the school's local school improvement plan and  
21 is consistent with applicable law and collective bargaining  
22 agreements and with board policies and standards; however, the  
23 local school council shall have the right to request waivers of  
24 board policy from the board of education and waivers of  
25 employee collective bargaining agreements pursuant to Section  
26 34-8.1a.

1           The expenditure plan developed by the principal with  
2           respect to amounts available from the fund for prioritized  
3           special needs programs and the allocated lump sum amount must  
4           be approved by the local school council.

5           The lump sum allocation shall take into account the  
6           following principles:

7           a. Teachers: Each school shall be allocated funds equal  
8           to the amount appropriated in the previous school year for  
9           compensation for teachers (regular grades kindergarten  
10          through 12th grade) plus whatever increases in  
11          compensation have been negotiated contractually or through  
12          longevity as provided in the negotiated agreement.  
13          Adjustments shall be made due to layoff or reduction in  
14          force, lack of funds or work, change in subject  
15          requirements, enrollment changes, or contracts with third  
16          parties for the performance of services or to rectify any  
17          inconsistencies with system-wide allocation formulas or  
18          for other legitimate reasons.

19          b. Other personnel: Funds for other teacher  
20          certificated and uncertificated personnel paid through  
21          non-categorical funds shall be provided according to  
22          system-wide formulas based on student enrollment and the  
23          special needs of the school as determined by the Board.

24          c. Non-compensation items: Appropriations for all  
25          non-compensation items shall be based on system-wide  
26          formulas based on student enrollment and on the special

1 needs of the school or factors related to the physical  
2 plant, including but not limited to textbooks, electronic  
3 textbooks and the technological equipment necessary to  
4 gain access to and use electronic textbooks, supplies,  
5 electricity, equipment, and routine maintenance.

6 d. Funds for categorical programs: Schools shall  
7 receive personnel and funds based on, and shall use such  
8 personnel and funds in accordance with State and Federal  
9 requirements applicable to each categorical program  
10 provided to meet the special needs of the student body  
11 (including but not limited to, Federal Chapter I,  
12 Bilingual, and Special Education).

13 d.1. Funds for State Title I: Each school shall receive  
14 funds based on State and Board requirements applicable to  
15 each State Title I pupil provided to meet the special needs  
16 of the student body. Each school shall receive the  
17 proportion of funds as provided in Section 18-8 or 18-8.15  
18 to which they are entitled. These funds shall be spent only  
19 with the budgetary approval of the Local School Council as  
20 provided in Section 34-2.3.

21 e. The Local School Council shall have the right to  
22 request the principal to close positions and open new ones  
23 consistent with the provisions of the local school  
24 improvement plan provided that these decisions are  
25 consistent with applicable law and collective bargaining  
26 agreements. If a position is closed, pursuant to this

1 paragraph, the local school shall have for its use the  
2 system-wide average compensation for the closed position.

3 f. Operating within existing laws and collective  
4 bargaining agreements, the local school council shall have  
5 the right to direct the principal to shift expenditures  
6 within funds.

7 g. (Blank).

8 Any funds unexpended at the end of the fiscal year shall be  
9 available to the board of education for use as part of its  
10 budget for the following fiscal year.

11 5. To make recommendations to the principal concerning  
12 textbook selection and concerning curriculum developed  
13 pursuant to the school improvement plan which is consistent  
14 with systemwide curriculum objectives in accordance with  
15 Sections 34-8 and 34-18 of the School Code and in conformity  
16 with the collective bargaining agreement.

17 6. To advise the principal concerning the attendance and  
18 disciplinary policies for the attendance center, subject to the  
19 provisions of this Article and Article 26, and consistent with  
20 the uniform system of discipline established by the board  
21 pursuant to Section 34-19.

22 7. To approve a school improvement plan developed as  
23 provided in Section 34-2.4. The process and schedule for plan  
24 development shall be publicized to the entire school community,  
25 and the community shall be afforded the opportunity to make  
26 recommendations concerning the plan. At least twice a year the

1 principal and local school council shall report publicly on  
2 progress and problems with respect to plan implementation.

3 8. To evaluate the allocation of teaching resources and  
4 other certificated and uncertificated staff to the attendance  
5 center to determine whether such allocation is consistent with  
6 and in furtherance of instructional objectives and school  
7 programs reflective of the school improvement plan adopted for  
8 the attendance center; and to make recommendations to the  
9 board, the general superintendent and the principal concerning  
10 any reallocation of teaching resources or other staff whenever  
11 the council determines that any such reallocation is  
12 appropriate because the qualifications of any existing staff at  
13 the attendance center do not adequately match or support  
14 instructional objectives or school programs which reflect the  
15 school improvement plan.

16 9. To make recommendations to the principal and the general  
17 superintendent concerning their respective appointments, after  
18 August 31, 1989, and in the manner provided by Section 34-8 and  
19 Section 34-8.1, of persons to fill any vacant, additional or  
20 newly created positions for teachers at the attendance center  
21 or at attendance centers which include the attendance center  
22 served by the local school council.

23 10. To request of the Board the manner in which training  
24 and assistance shall be provided to the local school council.  
25 Pursuant to Board guidelines a local school council is  
26 authorized to direct the Board of Education to contract with

1 personnel or not-for-profit organizations not associated with  
2 the school district to train or assist council members. If  
3 training or assistance is provided by contract with personnel  
4 or organizations not associated with the school district, the  
5 period of training or assistance shall not exceed 30 hours  
6 during a given school year; person shall not be employed on a  
7 continuous basis longer than said period and shall not have  
8 been employed by the Chicago Board of Education within the  
9 preceding six months. Council members shall receive training in  
10 at least the following areas:

11 1. school budgets;

12 2. educational theory pertinent to the attendance  
13 center's particular needs, including the development of  
14 the school improvement plan and the principal's  
15 performance contract; and

16 3. personnel selection.

17 Council members shall, to the greatest extent possible,  
18 complete such training within 90 days of election.

19 11. In accordance with systemwide guidelines contained in  
20 the System-Wide Educational Reform Goals and Objectives Plan,  
21 criteria for evaluation of performance shall be established for  
22 local school councils and local school council members. If a  
23 local school council persists in noncompliance with systemwide  
24 requirements, the Board may impose sanctions and take necessary  
25 corrective action, consistent with Section 34-8.3.

26 12. Each local school council shall comply with the Open

1 Meetings Act and the Freedom of Information Act. Each local  
2 school council shall issue and transmit to its school community  
3 a detailed annual report accounting for its activities  
4 programmatically and financially. Each local school council  
5 shall convene at least 2 well-publicized meetings annually with  
6 its entire school community. These meetings shall include  
7 presentation of the proposed local school improvement plan, of  
8 the proposed school expenditure plan, and the annual report,  
9 and shall provide an opportunity for public comment.

10 13. Each local school council is encouraged to involve  
11 additional non-voting members of the school community in  
12 facilitating the council's exercise of its responsibilities.

13 14. The local school council may adopt a school uniform or  
14 dress code policy that governs the attendance center and that  
15 is necessary to maintain the orderly process of a school  
16 function or prevent endangerment of student health or safety,  
17 consistent with the policies and rules of the Board of  
18 Education. A school uniform or dress code policy adopted by a  
19 local school council: (i) shall not be applied in such manner  
20 as to discipline or deny attendance to a transfer student or  
21 any other student for noncompliance with that policy during  
22 such period of time as is reasonably necessary to enable the  
23 student to acquire a school uniform or otherwise comply with  
24 the dress code policy that is in effect at the attendance  
25 center into which the student's enrollment is transferred; and  
26 (ii) shall include criteria and procedures under which the

1 local school council will accommodate the needs of or otherwise  
2 provide appropriate resources to assist a student from an  
3 indigent family in complying with an applicable school uniform  
4 or dress code policy. A student whose parents or legal  
5 guardians object on religious grounds to the student's  
6 compliance with an applicable school uniform or dress code  
7 policy shall not be required to comply with that policy if the  
8 student's parents or legal guardians present to the local  
9 school council a signed statement of objection detailing the  
10 grounds for the objection.

11 15. All decisions made and actions taken by the local  
12 school council in the exercise of its powers and duties shall  
13 comply with State and federal laws, all applicable collective  
14 bargaining agreements, court orders and rules properly  
15 promulgated by the Board.

16 15a. To grant, in accordance with board rules and policies,  
17 the use of assembly halls and classrooms when not otherwise  
18 needed, including lighting, heat, and attendants, for public  
19 lectures, concerts, and other educational and social  
20 activities.

21 15b. To approve, in accordance with board rules and  
22 policies, receipts and expenditures for all internal accounts  
23 of the attendance center, and to approve all fund-raising  
24 activities by nonschool organizations that use the school  
25 building.

26 16. (Blank).

1           17. Names and addresses of local school council members  
2 shall be a matter of public record.

3           (Source: P.A. 96-1403, eff. 7-29-10.)

4           (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

5           Sec. 34-18. Powers of the board. The board shall exercise  
6 general supervision and jurisdiction over the public education  
7 and the public school system of the city, and, except as  
8 otherwise provided by this Article, shall have power:

9           1. To make suitable provision for the establishment and  
10 maintenance throughout the year or for such portion thereof  
11 as it may direct, not less than 9 months, of schools of all  
12 grades and kinds, including normal schools, high schools,  
13 night schools, schools for defectives and delinquents,  
14 parental and truant schools, schools for the blind, the  
15 deaf and persons with physical disabilities, schools or  
16 classes in manual training, constructural and vocational  
17 teaching, domestic arts and physical culture, vocation and  
18 extension schools and lecture courses, and all other  
19 educational courses and facilities, including  
20 establishing, equipping, maintaining and operating  
21 playgrounds and recreational programs, when such programs  
22 are conducted in, adjacent to, or connected with any public  
23 school under the general supervision and jurisdiction of  
24 the board; provided that the calendar for the school term  
25 and any changes must be submitted to and approved by the

1 State Board of Education before the calendar or changes may  
2 take effect, and provided that in allocating funds from  
3 year to year for the operation of all attendance centers  
4 within the district, the board shall ensure that  
5 supplemental general State aid or supplemental grant funds  
6 are allocated and applied in accordance with Section 18-8,  
7 ~~or~~ 18-8.05, or 18-8.15. To admit to such schools without  
8 charge foreign exchange students who are participants in an  
9 organized exchange student program which is authorized by  
10 the board. The board shall permit all students to enroll in  
11 apprenticeship programs in trade schools operated by the  
12 board, whether those programs are union-sponsored or not.  
13 No student shall be refused admission into or be excluded  
14 from any course of instruction offered in the common  
15 schools by reason of that student's sex. No student shall  
16 be denied equal access to physical education and  
17 interscholastic athletic programs supported from school  
18 district funds or denied participation in comparable  
19 physical education and athletic programs solely by reason  
20 of the student's sex. Equal access to programs supported  
21 from school district funds and comparable programs will be  
22 defined in rules promulgated by the State Board of  
23 Education in consultation with the Illinois High School  
24 Association. Notwithstanding any other provision of this  
25 Article, neither the board of education nor any local  
26 school council or other school official shall recommend

1 that children with disabilities be placed into regular  
2 education classrooms unless those children with  
3 disabilities are provided with supplementary services to  
4 assist them so that they benefit from the regular classroom  
5 instruction and are included on the teacher's regular  
6 education class register;

7 2. To furnish lunches to pupils, to make a reasonable  
8 charge therefor, and to use school funds for the payment of  
9 such expenses as the board may determine are necessary in  
10 conducting the school lunch program;

11 3. To co-operate with the circuit court;

12 4. To make arrangements with the public or quasi-public  
13 libraries and museums for the use of their facilities by  
14 teachers and pupils of the public schools;

15 5. To employ dentists and prescribe their duties for  
16 the purpose of treating the pupils in the schools, but  
17 accepting such treatment shall be optional with parents or  
18 guardians;

19 6. To grant the use of assembly halls and classrooms  
20 when not otherwise needed, including light, heat, and  
21 attendants, for free public lectures, concerts, and other  
22 educational and social interests, free of charge, under  
23 such provisions and control as the principal of the  
24 affected attendance center may prescribe;

25 7. To apportion the pupils to the several schools;  
26 provided that no pupil shall be excluded from or segregated

1 in any such school on account of his color, race, sex, or  
2 nationality. The board shall take into consideration the  
3 prevention of segregation and the elimination of  
4 separation of children in public schools because of color,  
5 race, sex, or nationality. Except that children may be  
6 committed to or attend parental and social adjustment  
7 schools established and maintained either for boys or girls  
8 only. All records pertaining to the creation, alteration or  
9 revision of attendance areas shall be open to the public.  
10 Nothing herein shall limit the board's authority to  
11 establish multi-area attendance centers or other student  
12 assignment systems for desegregation purposes or  
13 otherwise, and to apportion the pupils to the several  
14 schools. Furthermore, beginning in school year 1994-95,  
15 pursuant to a board plan adopted by October 1, 1993, the  
16 board shall offer, commencing on a phased-in basis, the  
17 opportunity for families within the school district to  
18 apply for enrollment of their children in any attendance  
19 center within the school district which does not have  
20 selective admission requirements approved by the board.  
21 The appropriate geographical area in which such open  
22 enrollment may be exercised shall be determined by the  
23 board of education. Such children may be admitted to any  
24 such attendance center on a space available basis after all  
25 children residing within such attendance center's area  
26 have been accommodated. If the number of applicants from

1 outside the attendance area exceed the space available,  
2 then successful applicants shall be selected by lottery.  
3 The board of education's open enrollment plan must include  
4 provisions that allow low income students to have access to  
5 transportation needed to exercise school choice. Open  
6 enrollment shall be in compliance with the provisions of  
7 the Consent Decree and Desegregation Plan cited in Section  
8 34-1.01;

9 8. To approve programs and policies for providing  
10 transportation services to students. Nothing herein shall  
11 be construed to permit or empower the State Board of  
12 Education to order, mandate, or require busing or other  
13 transportation of pupils for the purpose of achieving  
14 racial balance in any school;

15 9. Subject to the limitations in this Article, to  
16 establish and approve system-wide curriculum objectives  
17 and standards, including graduation standards, which  
18 reflect the multi-cultural diversity in the city and are  
19 consistent with State law, provided that for all purposes  
20 of this Article courses or proficiency in American Sign  
21 Language shall be deemed to constitute courses or  
22 proficiency in a foreign language; and to employ principals  
23 and teachers, appointed as provided in this Article, and  
24 fix their compensation. The board shall prepare such  
25 reports related to minimal competency testing as may be  
26 requested by the State Board of Education, and in addition

1 shall monitor and approve special education and bilingual  
2 education programs and policies within the district to  
3 assure that appropriate services are provided in  
4 accordance with applicable State and federal laws to  
5 children requiring services and education in those areas;

6 10. To employ non-teaching personnel or utilize  
7 volunteer personnel for: (i) non-teaching duties not  
8 requiring instructional judgment or evaluation of pupils,  
9 including library duties; and (ii) supervising study  
10 halls, long distance teaching reception areas used  
11 incident to instructional programs transmitted by  
12 electronic media such as computers, video, and audio,  
13 detention and discipline areas, and school-sponsored  
14 extracurricular activities. The board may further utilize  
15 volunteer non-certificated personnel or employ  
16 non-certificated personnel to assist in the instruction of  
17 pupils under the immediate supervision of a teacher holding  
18 a valid certificate, directly engaged in teaching subject  
19 matter or conducting activities; provided that the teacher  
20 shall be continuously aware of the non-certificated  
21 persons' activities and shall be able to control or modify  
22 them. The general superintendent shall determine  
23 qualifications of such personnel and shall prescribe rules  
24 for determining the duties and activities to be assigned to  
25 such personnel;

26 10.5. To utilize volunteer personnel from a regional

1 School Crisis Assistance Team (S.C.A.T.), created as part  
2 of the Safe to Learn Program established pursuant to  
3 Section 25 of the Illinois Violence Prevention Act of 1995,  
4 to provide assistance to schools in times of violence or  
5 other traumatic incidents within a school community by  
6 providing crisis intervention services to lessen the  
7 effects of emotional trauma on individuals and the  
8 community; the School Crisis Assistance Team Steering  
9 Committee shall determine the qualifications for  
10 volunteers;

11 11. To provide television studio facilities in not to  
12 exceed one school building and to provide programs for  
13 educational purposes, provided, however, that the board  
14 shall not construct, acquire, operate, or maintain a  
15 television transmitter; to grant the use of its studio  
16 facilities to a licensed television station located in the  
17 school district; and to maintain and operate not to exceed  
18 one school radio transmitting station and provide programs  
19 for educational purposes;

20 12. To offer, if deemed appropriate, outdoor education  
21 courses, including field trips within the State of  
22 Illinois, or adjacent states, and to use school educational  
23 funds for the expense of the said outdoor educational  
24 programs, whether within the school district or not;

25 13. During that period of the calendar year not  
26 embraced within the regular school term, to provide and

1       conduct courses in subject matters normally embraced in the  
2       program of the schools during the regular school term and  
3       to give regular school credit for satisfactory completion  
4       by the student of such courses as may be approved for  
5       credit by the State Board of Education;

6           14. To insure against any loss or liability of the  
7       board, the former School Board Nominating Commission,  
8       Local School Councils, the Chicago Schools Academic  
9       Accountability Council, or the former Subdistrict Councils  
10      or of any member, officer, agent or employee thereof,  
11      resulting from alleged violations of civil rights arising  
12      from incidents occurring on or after September 5, 1967 or  
13      from the wrongful or negligent act or omission of any such  
14      person whether occurring within or without the school  
15      premises, provided the officer, agent or employee was, at  
16      the time of the alleged violation of civil rights or  
17      wrongful act or omission, acting within the scope of his  
18      employment or under direction of the board, the former  
19      School Board Nominating Commission, the Chicago Schools  
20      Academic Accountability Council, Local School Councils, or  
21      the former Subdistrict Councils; and to provide for or  
22      participate in insurance plans for its officers and  
23      employees, including but not limited to retirement  
24      annuities, medical, surgical and hospitalization benefits  
25      in such types and amounts as may be determined by the  
26      board; provided, however, that the board shall contract for

1 such insurance only with an insurance company authorized to  
2 do business in this State. Such insurance may include  
3 provision for employees who rely on treatment by prayer or  
4 spiritual means alone for healing, in accordance with the  
5 tenets and practice of a recognized religious  
6 denomination;

7 15. To contract with the corporate authorities of any  
8 municipality or the county board of any county, as the case  
9 may be, to provide for the regulation of traffic in parking  
10 areas of property used for school purposes, in such manner  
11 as is provided by Section 11-209 of The Illinois Vehicle  
12 Code, approved September 29, 1969, as amended;

13 16. (a) To provide, on an equal basis, access to a high  
14 school campus and student directory information to the  
15 official recruiting representatives of the armed forces of  
16 Illinois and the United States for the purposes of  
17 informing students of the educational and career  
18 opportunities available in the military if the board has  
19 provided such access to persons or groups whose purpose is  
20 to acquaint students with educational or occupational  
21 opportunities available to them. The board is not required  
22 to give greater notice regarding the right of access to  
23 recruiting representatives than is given to other persons  
24 and groups. In this paragraph 16, "directory information"  
25 means a high school student's name, address, and telephone  
26 number.

1           (b) If a student or his or her parent or guardian  
2 submits a signed, written request to the high school before  
3 the end of the student's sophomore year (or if the student  
4 is a transfer student, by another time set by the high  
5 school) that indicates that the student or his or her  
6 parent or guardian does not want the student's directory  
7 information to be provided to official recruiting  
8 representatives under subsection (a) of this Section, the  
9 high school may not provide access to the student's  
10 directory information to these recruiting representatives.  
11 The high school shall notify its students and their parents  
12 or guardians of the provisions of this subsection (b).

13           (c) A high school may require official recruiting  
14 representatives of the armed forces of Illinois and the  
15 United States to pay a fee for copying and mailing a  
16 student's directory information in an amount that is not  
17 more than the actual costs incurred by the high school.

18           (d) Information received by an official recruiting  
19 representative under this Section may be used only to  
20 provide information to students concerning educational and  
21 career opportunities available in the military and may not  
22 be released to a person who is not involved in recruiting  
23 students for the armed forces of Illinois or the United  
24 States;

25           17. (a) To sell or market any computer program  
26 developed by an employee of the school district, provided

1 that such employee developed the computer program as a  
2 direct result of his or her duties with the school district  
3 or through the utilization of the school district resources  
4 or facilities. The employee who developed the computer  
5 program shall be entitled to share in the proceeds of such  
6 sale or marketing of the computer program. The distribution  
7 of such proceeds between the employee and the school  
8 district shall be as agreed upon by the employee and the  
9 school district, except that neither the employee nor the  
10 school district may receive more than 90% of such proceeds.  
11 The negotiation for an employee who is represented by an  
12 exclusive bargaining representative may be conducted by  
13 such bargaining representative at the employee's request.

14 (b) For the purpose of this paragraph 17:

15 (1) "Computer" means an internally programmed,  
16 general purpose digital device capable of  
17 automatically accepting data, processing data and  
18 supplying the results of the operation.

19 (2) "Computer program" means a series of coded  
20 instructions or statements in a form acceptable to a  
21 computer, which causes the computer to process data in  
22 order to achieve a certain result.

23 (3) "Proceeds" means profits derived from  
24 marketing or sale of a product after deducting the  
25 expenses of developing and marketing such product;

26 18. To delegate to the general superintendent of

1 schools, by resolution, the authority to approve contracts  
2 and expenditures in amounts of \$10,000 or less;

3 19. Upon the written request of an employee, to  
4 withhold from the compensation of that employee any dues,  
5 payments or contributions payable by such employee to any  
6 labor organization as defined in the Illinois Educational  
7 Labor Relations Act. Under such arrangement, an amount  
8 shall be withheld from each regular payroll period which is  
9 equal to the pro rata share of the annual dues plus any  
10 payments or contributions, and the board shall transmit  
11 such withholdings to the specified labor organization  
12 within 10 working days from the time of the withholding;

13 19a. Upon receipt of notice from the comptroller of a  
14 municipality with a population of 500,000 or more, a county  
15 with a population of 3,000,000 or more, the Cook County  
16 Forest Preserve District, the Chicago Park District, the  
17 Metropolitan Water Reclamation District, the Chicago  
18 Transit Authority, or a housing authority of a municipality  
19 with a population of 500,000 or more that a debt is due and  
20 owing the municipality, the county, the Cook County Forest  
21 Preserve District, the Chicago Park District, the  
22 Metropolitan Water Reclamation District, the Chicago  
23 Transit Authority, or the housing authority by an employee  
24 of the Chicago Board of Education, to withhold, from the  
25 compensation of that employee, the amount of the debt that  
26 is due and owing and pay the amount withheld to the

1 municipality, the county, the Cook County Forest Preserve  
2 District, the Chicago Park District, the Metropolitan  
3 Water Reclamation District, the Chicago Transit Authority,  
4 or the housing authority; provided, however, that the  
5 amount deducted from any one salary or wage payment shall  
6 not exceed 25% of the net amount of the payment. Before the  
7 Board deducts any amount from any salary or wage of an  
8 employee under this paragraph, the municipality, the  
9 county, the Cook County Forest Preserve District, the  
10 Chicago Park District, the Metropolitan Water Reclamation  
11 District, the Chicago Transit Authority, or the housing  
12 authority shall certify that (i) the employee has been  
13 afforded an opportunity for a hearing to dispute the debt  
14 that is due and owing the municipality, the county, the  
15 Cook County Forest Preserve District, the Chicago Park  
16 District, the Metropolitan Water Reclamation District, the  
17 Chicago Transit Authority, or the housing authority and  
18 (ii) the employee has received notice of a wage deduction  
19 order and has been afforded an opportunity for a hearing to  
20 object to the order. For purposes of this paragraph, "net  
21 amount" means that part of the salary or wage payment  
22 remaining after the deduction of any amounts required by  
23 law to be deducted and "debt due and owing" means (i) a  
24 specified sum of money owed to the municipality, the  
25 county, the Cook County Forest Preserve District, the  
26 Chicago Park District, the Metropolitan Water Reclamation

1 District, the Chicago Transit Authority, or the housing  
2 authority for services, work, or goods, after the period  
3 granted for payment has expired, or (ii) a specified sum of  
4 money owed to the municipality, the county, the Cook County  
5 Forest Preserve District, the Chicago Park District, the  
6 Metropolitan Water Reclamation District, the Chicago  
7 Transit Authority, or the housing authority pursuant to a  
8 court order or order of an administrative hearing officer  
9 after the exhaustion of, or the failure to exhaust,  
10 judicial review;

11 20. The board is encouraged to employ a sufficient  
12 number of certified school counselors to maintain a  
13 student/counselor ratio of 250 to 1 by July 1, 1990. Each  
14 counselor shall spend at least 75% of his work time in  
15 direct contact with students and shall maintain a record of  
16 such time;

17 21. To make available to students vocational and career  
18 counseling and to establish 5 special career counseling  
19 days for students and parents. On these days  
20 representatives of local businesses and industries shall  
21 be invited to the school campus and shall inform students  
22 of career opportunities available to them in the various  
23 businesses and industries. Special consideration shall be  
24 given to counseling minority students as to career  
25 opportunities available to them in various fields. For the  
26 purposes of this paragraph, minority student means a person

1 who is any of the following:

2 (a) American Indian or Alaska Native (a person having  
3 origins in any of the original peoples of North and South  
4 America, including Central America, and who maintains  
5 tribal affiliation or community attachment).

6 (b) Asian (a person having origins in any of the  
7 original peoples of the Far East, Southeast Asia, or the  
8 Indian subcontinent, including, but not limited to,  
9 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,  
10 the Philippine Islands, Thailand, and Vietnam).

11 (c) Black or African American (a person having origins  
12 in any of the black racial groups of Africa). Terms such as  
13 "Haitian" or "Negro" can be used in addition to "Black or  
14 African American".

15 (d) Hispanic or Latino (a person of Cuban, Mexican,  
16 Puerto Rican, South or Central American, or other Spanish  
17 culture or origin, regardless of race).

18 (e) Native Hawaiian or Other Pacific Islander (a person  
19 having origins in any of the original peoples of Hawaii,  
20 Guam, Samoa, or other Pacific Islands).

21 Counseling days shall not be in lieu of regular school  
22 days;

23 22. To report to the State Board of Education the  
24 annual student dropout rate and number of students who  
25 graduate from, transfer from or otherwise leave bilingual  
26 programs;

1           23. Except as otherwise provided in the Abused and  
2 Neglected Child Reporting Act or other applicable State or  
3 federal law, to permit school officials to withhold, from  
4 any person, information on the whereabouts of any child  
5 removed from school premises when the child has been taken  
6 into protective custody as a victim of suspected child  
7 abuse. School officials shall direct such person to the  
8 Department of Children and Family Services, or to the local  
9 law enforcement agency if appropriate;

10           24. To develop a policy, based on the current state of  
11 existing school facilities, projected enrollment and  
12 efficient utilization of available resources, for capital  
13 improvement of schools and school buildings within the  
14 district, addressing in that policy both the relative  
15 priority for major repairs, renovations and additions to  
16 school facilities, and the advisability or necessity of  
17 building new school facilities or closing existing schools  
18 to meet current or projected demographic patterns within  
19 the district;

20           25. To make available to the students in every high  
21 school attendance center the ability to take all courses  
22 necessary to comply with the Board of Higher Education's  
23 college entrance criteria effective in 1993;

24           26. To encourage mid-career changes into the teaching  
25 profession, whereby qualified professionals become  
26 certified teachers, by allowing credit for professional

1 employment in related fields when determining point of  
2 entry on teacher pay scale;

3 27. To provide or contract out training programs for  
4 administrative personnel and principals with revised or  
5 expanded duties pursuant to this Act in order to assure  
6 they have the knowledge and skills to perform their duties;

7 28. To establish a fund for the prioritized special  
8 needs programs, and to allocate such funds and other lump  
9 sum amounts to each attendance center in a manner  
10 consistent with the provisions of part 4 of Section 34-2.3.  
11 Nothing in this paragraph shall be construed to require any  
12 additional appropriations of State funds for this purpose;

13 29. (Blank);

14 30. Notwithstanding any other provision of this Act or  
15 any other law to the contrary, to contract with third  
16 parties for services otherwise performed by employees,  
17 including those in a bargaining unit, and to layoff those  
18 employees upon 14 days written notice to the affected  
19 employees. Those contracts may be for a period not to  
20 exceed 5 years and may be awarded on a system-wide basis.  
21 The board may not operate more than 30 contract schools,  
22 provided that the board may operate an additional 5  
23 contract turnaround schools pursuant to item (5.5) of  
24 subsection (d) of Section 34-8.3 of this Code;

25 31. To promulgate rules establishing procedures  
26 governing the layoff or reduction in force of employees and

1 the recall of such employees, including, but not limited  
2 to, criteria for such layoffs, reductions in force or  
3 recall rights of such employees and the weight to be given  
4 to any particular criterion. Such criteria shall take into  
5 account factors including, but not be limited to,  
6 qualifications, certifications, experience, performance  
7 ratings or evaluations, and any other factors relating to  
8 an employee's job performance;

9 32. To develop a policy to prevent nepotism in the  
10 hiring of personnel or the selection of contractors;

11 33. To enter into a partnership agreement, as required  
12 by Section 34-3.5 of this Code, and, notwithstanding any  
13 other provision of law to the contrary, to promulgate  
14 policies, enter into contracts, and take any other action  
15 necessary to accomplish the objectives and implement the  
16 requirements of that agreement; and

17 34. To establish a Labor Management Council to the  
18 board comprised of representatives of the board, the chief  
19 executive officer, and those labor organizations that are  
20 the exclusive representatives of employees of the board and  
21 to promulgate policies and procedures for the operation of  
22 the Council.

23 The specifications of the powers herein granted are not to  
24 be construed as exclusive but the board shall also exercise all  
25 other powers that they may be requisite or proper for the  
26 maintenance and the development of a public school system, not

1 inconsistent with the other provisions of this Article or  
2 provisions of this Code which apply to all school districts.

3 In addition to the powers herein granted and authorized to  
4 be exercised by the board, it shall be the duty of the board to  
5 review or to direct independent reviews of special education  
6 expenditures and services. The board shall file a report of  
7 such review with the General Assembly on or before May 1, 1990.  
8 (Source: P.A. 99-143, eff. 7-27-15.)

9 (105 ILCS 5/34-18.30)

10 Sec. 34-18.30. Dependents of military personnel; no  
11 tuition charge. If, at the time of enrollment, a dependent of  
12 United States military personnel is housed in temporary housing  
13 located outside of the school district, but will be living  
14 within the district within 60 days after the time of initial  
15 enrollment, the dependent must be allowed to enroll, subject to  
16 the requirements of this Section, and must not be charged  
17 tuition. Any United States military personnel attempting to  
18 enroll a dependent under this Section shall provide proof that  
19 the dependent will be living within the district within 60 days  
20 after the time of initial enrollment. Proof of residency may  
21 include, but is not limited to, postmarked mail addressed to  
22 the military personnel and sent to an address located within  
23 the district, a lease agreement for occupancy of a residence  
24 located within the district, or proof of ownership of a  
25 residence located within the district. Non-resident dependents

1 of United States military personnel attending school on a  
2 tuition-free basis may be counted for the purposes of  
3 determining the apportionment of State aid provided under  
4 Section 18-8.05 or 18-8.15 of this Code.

5 (Source: P.A. 95-331, eff. 8-21-07.)

6 (105 ILCS 5/34-43.1) (from Ch. 122, par. 34-43.1)

7 Sec. 34-43.1. (A) Limitation of noninstructional costs. It  
8 is the purpose of this Section to establish for the Board of  
9 Education and the general superintendent of schools  
10 requirements and standards which maximize the proportion of  
11 school district resources in direct support of educational,  
12 program, and building maintenance and safety services for the  
13 pupils of the district, and which correspondingly minimize the  
14 amount and proportion of such resources associated with  
15 centralized administration, administrative support services,  
16 and other noninstructional services.

17 For the 1989-90 school year and for all subsequent school  
18 years, the Board of Education shall undertake budgetary and  
19 expenditure control actions which limit the administrative  
20 expenditures of the Board of Education to levels, as provided  
21 for in this Section, which represent an average of the  
22 administrative expenses of all school districts in this State  
23 not subject to Article 34.

24 (B) Certification of expenses by the State Superintendent  
25 of Education. The State Superintendent of Education shall

1 annually certify, on or before May 1, to the Board of Education  
2 and the School Finance Authority, for the applicable school  
3 year, the following information:

4 (1) the annual expenditures of all school districts of  
5 the State not subject to Article 34 properly attributable  
6 to expenditure functions defined by the rules and  
7 regulations of the State Board of Education as: 2210  
8 (Improvement of Instructional Services); 2300 (Support  
9 Services - General Administration) excluding, however,  
10 2320 (Executive Administrative Services); 2490 (Other  
11 Support Services - School Administration); 2500 (Support  
12 Services - Business); 2600 (Support Services - Central);

13 (2) the total annual expenditures of all school  
14 districts not subject to Article 34 attributable to the  
15 Education Fund, the Operations, Building and Maintenance  
16 Fund, the Transportation Fund and the Illinois Municipal  
17 Retirement Fund of the several districts, as defined by the  
18 rules and regulations of the State Board of Education; and

19 (3) a ratio, to be called the statewide average of  
20 administrative expenditures, derived by dividing the  
21 expenditures certified pursuant to paragraph (B)(1) by the  
22 expenditures certified pursuant to paragraph (B)(2).

23 For purposes of the annual certification of expenditures  
24 and ratios required by this Section, the "applicable year" of  
25 certification shall initially be the 1986-87 school year and,  
26 in sequent years, each succeeding school year.

1           The State Superintendent of Education shall consult with  
2 the Board of Education to ascertain whether particular  
3 expenditure items allocable to the administrative functions  
4 enumerated in paragraph (B)(1) are appropriately or  
5 necessarily higher in the applicable school district than in  
6 the rest of the State due to noncomparable factors. The State  
7 Superintendent shall also review the relevant cost proportions  
8 in other large urban school districts. The State Superintendent  
9 shall also review the expenditure categories in paragraph  
10 (B)(1) to ascertain whether they contain school-level  
11 expenses. If he or she finds that adjustments to the formula  
12 are appropriate or necessary to establish a more fair and  
13 comparable standard for administrative cost for the Board of  
14 Education or to exclude school-level expenses, the State  
15 Superintendent shall recommend to the School Finance Authority  
16 rules and regulations adjusting particular subcategories in  
17 this subsection (B) or adjusting certain costs in determining  
18 the budget and expenditure items properly attributable to the  
19 functions or otherwise adjust the formula.

20           (C) Administrative expenditure limitations. The annual  
21 budget of the Board of Education, as adopted and implemented,  
22 and the related annual expenditures for the school year, shall  
23 reflect a limitation on administrative outlays as required by  
24 the following provisions, taking into account any adjustments  
25 established by the State Superintendent of Education: (1) the  
26 budget and expenditures of the Board of Education for the

1 1989-90 school year shall reflect a ratio of administrative  
2 expenditures to total expenditures equal to or less than the  
3 statewide average of administrative expenditures for the  
4 1986-87 school year as certified by the State Superintendent of  
5 Education pursuant to paragraph (B)(3); (2) for the 1990-91  
6 school year and for all subsequent school years, the budget and  
7 expenditures of the Board of Education shall reflect a ratio of  
8 administrative expenditures to total expenditures equal to or  
9 less than the statewide average of administrative expenditures  
10 certified by the State Superintendent of Education for the  
11 applicable year pursuant to paragraph (B)(3); (3) if for any  
12 school year the budget of the Board of Education reflects a  
13 ratio of administrative expenditures to total expenditures  
14 which exceeds the applicable statewide average, the Board of  
15 Education shall reduce expenditure items allocable to the  
16 administrative functions enumerated in paragraph (B)(1) such  
17 that the Board of Education's ratio of administrative  
18 expenditures to total expenditures is equal to or less than the  
19 applicable statewide average ratio.

20 For purposes of this Section, the ratio of administrative  
21 expenditures to the total expenditures of the Board of  
22 Education, as applied to the budget of the Board of Education,  
23 shall mean: the budgeted expenditure items of the Board of  
24 Education properly attributable to the expenditure functions  
25 identified in paragraph (B)(1) divided by the total budgeted  
26 expenditures of the Board of Education properly attributable to

1 the Board of Education funds corresponding to those funds  
2 identified in paragraph (B)(2), exclusive of any monies  
3 budgeted for payment to the Public School Teachers' Pension and  
4 Retirement System, attributable to payments due from the  
5 General Funds of the State of Illinois.

6 The annual expenditure of the Board of Education for 2320  
7 (Executive Administrative Services) for the 1989-90 school  
8 year shall be no greater than the 2320 expenditure for the  
9 1988-89 school year. The annual expenditure of the Board of  
10 Education for 2320 for the 1990-91 school year and each  
11 subsequent school year shall be no greater than the 2320  
12 expenditure for the immediately preceding school year or the  
13 1988-89 school year, whichever is less. This annual expenditure  
14 limitation may be adjusted in each year in an amount not to  
15 exceed any change effective during the applicable school year  
16 in salary to be paid under the collective bargaining agreement  
17 with instructional personnel to which the Board is a party and  
18 in benefit costs either required by law or such collective  
19 bargaining agreement.

20 (D) Cost control measures. In undertaking actions to  
21 control or reduce expenditure items necessitated by the  
22 administrative expenditure limitations of this Section, the  
23 Board of Education shall give priority consideration to  
24 reductions or cost controls with the least effect upon direct  
25 services to students or instructional services for pupils, and  
26 upon the safety and well-being of pupils, and, as applicable,

1 with the particular costs or functions to which the Board of  
2 Education is higher than the statewide average.

3 For purposes of assuring that the cost control priorities  
4 of this subsection (D) are met, the State Superintendent of  
5 Education shall, with the assistance of the Board of Education,  
6 review the cost allocation practices of the Board of Education,  
7 and the State Superintendent of Education shall thereafter  
8 recommend to the School Finance Authority rules and regulations  
9 which define administrative areas which most impact upon the  
10 direct and instructional needs of students and upon the safety  
11 and well-being of the pupils of the district. No position  
12 closed shall be reopened using State or federal categorical  
13 funds.

14 (E) Report of Audited Information. For the 1988-89 school  
15 year and for all subsequent school years, the Board of  
16 Education shall file with the State Board of Education the  
17 Annual Financial Report and its audit, as required by the rules  
18 of the State Board of Education. Such reports shall be filed no  
19 later than February 15 following the end of the school year of  
20 the Board of Education, beginning with the report to be filed  
21 no later than February 15, 1990 for the 1988-89 school year.

22 As part of the required Annual Financial Report, the Board  
23 of Education shall provide a detailed accounting of the central  
24 level, district, bureau and department costs and personnel  
25 included within expenditure functions included in paragraph  
26 (B) (1). The nature and detail of the reporting required for

1 these functions shall be prescribed by the State Board of  
2 Education in rules and regulations. A copy of this detailed  
3 accounting shall also be provided annually to the School  
4 Finance Authority and the public. This report shall contain a  
5 reconciliation to the board of education's adopted budget for  
6 that fiscal year, specifically delineating administrative  
7 functions.

8 If the information required under this Section is not  
9 provided by the Board of Education in a timely manner, or is  
10 initially or subsequently determined by the State  
11 Superintendent of Education to be incomplete or inaccurate, the  
12 State Superintendent shall, in writing, notify the Board of  
13 Education of reporting deficiencies. The Board of Education  
14 shall, within 60 days of such notice, address the reporting  
15 deficiencies identified. If the State Superintendent of  
16 Education does not receive satisfactory response to these  
17 reporting deficiencies within 60 days, the next payment of  
18 general State aid or evidence-based funding due the Board of  
19 Education under Section 18-8 or Section 18-8.15, as applicable,  
20 and all subsequent payments, shall be withheld by the State  
21 Superintendent of Education until the enumerated deficiencies  
22 have been addressed.

23 Utilizing the Annual Financial Report, the State  
24 Superintendent of Education shall certify on or before May 1 to  
25 the School Finance Authority the Board of Education's ratio of  
26 administrative expenditures to total expenditures for the

1 1988-89 school year and for each succeeding school year. Such  
2 certification shall indicate the extent to which the  
3 administrative expenditure ratio of the Board of Education  
4 conformed to the limitations required in subsection (C) of this  
5 Section, taking into account any adjustments of the limitations  
6 which may have been recommended by the State Superintendent of  
7 Education to the School Finance Authority. In deriving the  
8 administrative expenditure ratio of the Chicago Board of  
9 Education, the State Superintendent of Education shall utilize  
10 the definition of this ratio prescribed in subsection (C) of  
11 this Section, except that the actual expenditures of the Board  
12 of Education shall be substituted for budgeted expenditure  
13 items.

14 (F) Approval and adjustments to administrative expenditure  
15 limitations. The School Finance Authority organized under  
16 Article 34A shall monitor the Board of Education's adherence to  
17 the requirements of this Section. As part of its responsibility  
18 the School Finance Authority shall determine whether the Board  
19 of Education's budget for the next school year, and the  
20 expenditures for a prior school year, comply with the  
21 limitation of administrative expenditures required by this  
22 Section. The Board of Education and the State Board of  
23 Education shall provide such information as is required by the  
24 School Finance Authority in order for the Authority to  
25 determine compliance with the provisions of this Section. If  
26 the Authority determines that the budget proposed by the Board

1 of Education does not meet the cost control requirements of  
2 this Section, the Board of Education shall undertake budgetary  
3 reductions, consistent with the requirements of this Section,  
4 to bring the proposed budget into compliance with such cost  
5 control limitations.

6 If, in formulating cost control and cost reduction  
7 alternatives, the Board of Education believes that meeting the  
8 cost control requirements of this Section related to the budget  
9 for the ensuing year would impair the education, safety, or  
10 well-being of the pupils of the school district, the Board of  
11 Education may request that the School Finance Authority make  
12 adjustments to the limitations required by this Section. The  
13 Board of Education shall specify the amount, nature, and  
14 reasons for the relief required and shall also identify cost  
15 reductions which can be made in expenditure functions not  
16 enumerated in paragraph (B) (1), which would serve the purposes  
17 of this Section.

18 The School Finance Authority shall consult with the State  
19 Superintendent of Education concerning the reasonableness from  
20 an educational administration perspective of the adjustments  
21 sought by the Board of Education. The School Finance Authority  
22 shall provide an opportunity for the public to comment upon the  
23 reasonableness of the Board's request. If, after such  
24 consultation, the School Finance Authority determines that all  
25 or a portion of the adjustments sought by the Board of  
26 Education are reasonably appropriate or necessary, the

1 Authority may grant such relief from the provisions of this  
2 Section which the Authority deems appropriate. Adjustments so  
3 granted apply only to the specific school year for which the  
4 request was made.

5 In the event that the School Finance Authority determines  
6 that the Board of Education has failed to achieve the required  
7 administrative expenditure limitations for a prior school  
8 year, or if the Authority determines that the Board of  
9 Education has not met the requirements of subsection (F), the  
10 Authority shall make recommendations to the Board of Education  
11 concerning appropriate corrective actions. If the Board of  
12 Education fails to provide adequate assurance to the Authority  
13 that appropriate corrective actions have been or will be taken,  
14 the Authority may, within 60 days thereafter, require the board  
15 to adjust its current budget to correct for the prior year's  
16 shortage or may recommend to the members of the General  
17 Assembly and the Governor such sanctions or remedial actions as  
18 will serve to deter any further such failures on the part of  
19 the Board of Education.

20 To assist the Authority in its monitoring  
21 responsibilities, the Board of Education shall provide such  
22 reports and information as are from time to time required by  
23 the Authority.

24 (G) Independent reviews of administrative expenditures.  
25 The School Finance Authority may direct independent reviews of  
26 the administrative and administrative support expenditures and

1 services and other non-instructional expenditure functions of  
2 the Board of Education. The Board of Education shall afford  
3 full cooperation to the School Finance Authority in such review  
4 activity. The purpose of such reviews shall be to verify  
5 specific targets for improved operating efficiencies of the  
6 Board of Education, to identify other areas of potential  
7 efficiencies, and to assure full and proper compliance by the  
8 Board of Education with all requirements of this Section.

9 In the conduct of reviews under this subsection, the  
10 Authority may request the assistance and consultation of the  
11 State Superintendent of Education with regard to questions of  
12 efficiency and effectiveness in educational administration.

13 (H) Reports to Governor and General Assembly. On or before  
14 May 1, 1991 and no less frequently than yearly thereafter, the  
15 School Finance Authority shall provide to the Governor, the  
16 State Board of Education, and the members of the General  
17 Assembly an annual report, as outlined in Section 34A-606,  
18 which includes the following information: (1) documenting the  
19 compliance or non-compliance of the Board of Education with the  
20 requirements of this Section; (2) summarizing the costs,  
21 findings, and recommendations of any reviews directed by the  
22 School Finance Authority, and the response to such  
23 recommendations made by the Board of Education; and (3)  
24 recommending sanctions or legislation necessary to fulfill the  
25 intent of this Section.

26 (Source: P.A. 86-124; 86-1477.)

1 Section 50. The Educational Opportunity for Military  
2 Children Act is amended by changing Section 25 as follows:

3 (105 ILCS 70/25)

4 Sec. 25. Tuition for children of active duty military  
5 personnel who are transfer students. If a student who is a  
6 child of active duty military personnel is (i) placed with a  
7 non-custodial parent and (ii) as a result of placement, must  
8 attend a non-resident school district, then the student must  
9 not be charged the tuition of the school that the student  
10 attends as a result of placement with the non-custodial parent  
11 and the student must be counted in the calculation of average  
12 daily attendance under Section 18-8.05 or 18-8.15 of the School  
13 Code.

14 (Source: P.A. 98-673, eff. 6-30-14.)

15 Section 60. The Childhood Hunger Relief Act is amended by  
16 changing Section 15 as follows:

17 (105 ILCS 126/15)

18 Sec. 15. School breakfast program.

19 (a) The board of education of each school district in this  
20 State shall implement and operate a school breakfast program in  
21 the next school year, if a breakfast program does not currently  
22 exist, in accordance with federal guidelines in each school

1 building within its district in which at least 40% or more of  
2 the students are eligible for free or reduced-price lunches  
3 based upon the current year's October claim (for those schools  
4 that participate in the National School Lunch Program) or in  
5 which at least 40% or more of the students are classified as  
6 low-income according to the Fall Housing Data from the previous  
7 year (for those schools that do not participate in the National  
8 School Lunch Program).

9 (b) School districts may charge students who do not meet  
10 federal criteria for free school meals for the breakfasts  
11 served to these students within the allowable limits set by  
12 federal regulations.

13 (c) School breakfast programs established under this  
14 Section shall be supported entirely by federal funds and  
15 commodities, charges to students and other participants, and  
16 other available State and local resources, including under the  
17 School Breakfast and Lunch Program Act. Allowable costs for  
18 reimbursement to school districts, in accordance with the  
19 United States Department of Agriculture, include compensation  
20 of employees for the time devoted and identified specifically  
21 to implement the school breakfast program; the cost of  
22 materials acquired, consumed, or expended specifically to  
23 implement the school breakfast program; equipment and other  
24 approved capital expenditures necessary to implement the  
25 school breakfast program; and transportation expenses incurred  
26 specifically to implement and operate the school breakfast

1 program.

2 Notwithstanding anything to the contrary contained in this  
3 Section, the State Board of Education shall award to a school  
4 district having a population exceeding 500,000 inhabitants  
5 50.7% of the funds appropriated by the General Assembly for any  
6 fiscal year for purposes of payment of claims under this  
7 Section.

8 (d) A school district shall be allowed to opt out a school  
9 or schools from the school breakfast program requirement of  
10 this Section if it is determined that, due to circumstances  
11 specific to that school district, the expense reimbursement  
12 would not fully cover the costs of implementing and operating a  
13 school breakfast program. The school district shall petition  
14 its regional superintendent of schools by February 15 of each  
15 year to request to be exempt from operating the school  
16 breakfast program in the school or schools in the next school  
17 year. The petition shall include all legitimate costs  
18 associated with implementing and operating a school breakfast  
19 program, the estimated reimbursement from State and federal  
20 sources, and any unique circumstances the school district can  
21 verify that exist that would cause the implementation and  
22 operation of such a program to be cost prohibitive.

23 The regional superintendent of schools shall review the  
24 petition. In accordance with the Open Meetings Act, he or she  
25 shall convene a public hearing to hear testimony from the  
26 school district and interested community members. The regional

1 superintendent shall, by March 15 of each year, inform the  
2 school district of his or her decision, along with the reasons  
3 why the exemption was granted or denied, in writing. The  
4 regional superintendent must also send notification to the  
5 State Board of Education detailing which schools requested an  
6 exemption and the results. If the regional superintendent  
7 grants an exemption to the school district, then the school  
8 district is relieved from the requirement to establish and  
9 implement a school breakfast program in the school or schools  
10 granted an exemption for the next school year.

11 If the regional superintendent of schools does not grant an  
12 exemption, then the school district shall implement and operate  
13 a school breakfast program in accordance with this Section by  
14 the first student attendance day of the next school year.  
15 However, the school district or a resident of the school  
16 district may by April 15 appeal the decision of the regional  
17 superintendent to the State Superintendent of Education. The  
18 State Superintendent shall hear appeals on the decisions of  
19 regional superintendents of schools no later than May 15 of  
20 each year. The State Superintendent shall make a final decision  
21 at the conclusion of the hearing on the school district's  
22 request for an exemption from the school breakfast program  
23 requirement. If the State Superintendent grants an exemption,  
24 then the school district is relieved from the requirement to  
25 implement and operate a school breakfast program in the school  
26 or schools granted an exemption for the next school year. If

1 the State Superintendent does not grant an exemption, then the  
2 school district shall implement and operate a school breakfast  
3 program in accordance with this Section by the first student  
4 attendance day of the next school year.

5 A school district may not attempt to opt out a school or  
6 schools from the school breakfast program requirement of this  
7 Section by requesting a waiver under Section 2-3.25g of the  
8 School Code.

9 (Source: P.A. 96-158, eff. 8-7-09.)

10 Section 95. No acceleration or delay. Where this Act makes  
11 changes in a statute that is represented in this Act by text  
12 that is not yet or no longer in effect (for example, a Section  
13 represented by multiple versions), the use of that text does  
14 not accelerate or delay the taking effect of (i) the changes  
15 made by this Act or (ii) provisions derived from any other  
16 Public Act.

17 Section 97. Savings clause. Any repeal or amendment made by  
18 this Act shall not affect or impair any of the following: suits  
19 pending or rights existing at the time this Act takes effect;  
20 any grant or conveyance made or right acquired or cause of  
21 action now existing under any Section, Article, or Act repealed  
22 or amended by this Act; the validity of any bonds or other  
23 obligations issued or sold and constituting valid obligations  
24 of the issuing authority at the time this Act takes effect; the

1 validity of any contract; the validity of any tax levied under  
2 any law in effect prior to the effective date of this Act; or  
3 any offense committed, act done, penalty, punishment, or  
4 forfeiture incurred or any claim, right, power, or remedy  
5 accrued under any law in effect prior to the effective date of  
6 this Act.

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.".