



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0242

by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

New Act

105 ILCS 5/10-17a

from Ch. 122, par. 10-17a

105 ILCS 5/34-18.24

Creates the Lead in Schools Reporting Act. Provides that on an annual basis the Department of Public Health, in coordination with local departments of public health serving the City of Chicago, shall conduct specified lead testing at public school facilities within the City. Provides that the results from such testing shall be transmitted to the State Board of Education. Provides that the Department shall notify the Board if a detected lead level meets a level that the Department deems unsafe. Amends the School Code. Provides that school report cards for cities with populations in excess of 500,000 shall include lead testing results and that students in such districts may transfer from one attendance center to another attendance center within or outside of the district if any lead levels at his or her current attendance center meets a level that the Department deems unsafe. Makes other changes to provisions concerning transfers to specified attendance centers.

LRB101 04724 CPF 49733 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Lead
5 in Schools Reporting Act.

6 Section 5. Definitions. As used in this Act:

7 "Department" means the Department of Public Health.

8 "Lead inspector" means an individual who has been trained
9 by a Department-approved training program and is licensed by
10 the Department to conduct lead inspections; to sample for the
11 presence of lead in paint, dust, soil, and water; and to
12 conduct compliance investigations.

13 Section 10. Lead testing and reporting. On an annual basis,
14 the Department of Public Health, in coordination with local
15 departments of public health serving the City of Chicago, shall
16 employ lead inspectors to test all public school facilities
17 within the City of Chicago for the presence of lead in paint,
18 dust, soil, and water. The results of this lead testing shall
19 be transmitted to the State Board of Education for the purpose
20 of inclusion in school report cards. The Department shall
21 notify the State Board of Education if a lead level detected in
22 the paint, dust, soil, or water at a public school facility in

1 the City of Chicago meets a level that the Department deems
2 unsafe, including, but not limited to, the current State or
3 federal action levels for lead in drinking water at the time
4 results are transmitted by the Department to the State Board of
5 Education.

6 Section 15. The School Code is amended by changing Sections
7 10-17a and 34-18.24 as follows:

8 (105 ILCS 5/10-17a) (from Ch. 122, par. 10-17a)

9 (Text of Section before amendment by P.A. 100-448)

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

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

20 (2) In addition to any information required by federal law,
21 the State Superintendent shall determine the indicators and
22 presentation of the school report card, which must include, at
23 a minimum, the most current data collected and maintained by
24 the State Board of Education related to the following:

1 (A) school characteristics and student demographics,
2 including average class size, average teaching experience,
3 student racial/ethnic breakdown, and the percentage of
4 students classified as low-income; the percentage of
5 students classified as English learners; the percentage of
6 students who have individualized education plans or 504
7 plans that provide for special education services; the
8 number and percentage of all students who have been
9 assessed for placement in a gifted education or advanced
10 academic program and, of those students: (i) the racial and
11 ethnic breakdown, (ii) the percentage who are classified as
12 low-income, and (iii) the number and percentage of students
13 who received direct instruction from a teacher who holds a
14 gifted education endorsement and, of those students, the
15 percentage who are classified as low-income; the
16 percentage of students scoring at the "exceeds
17 expectations" level on the assessments required under
18 Section 2-3.64a-5 of this Code; the percentage of students
19 who annually transferred in or out of the school district;
20 the per-pupil operating expenditure of the school
21 district; and the per-pupil State average operating
22 expenditure for the district type (elementary, high
23 school, or unit);

24 (B) curriculum information, including, where
25 applicable, Advanced Placement, International
26 Baccalaureate or equivalent courses, dual enrollment

1 courses, foreign language classes, school personnel
2 resources (including Career Technical Education teachers),
3 before and after school programs, extracurricular
4 activities, subjects in which elective classes are
5 offered, health and wellness initiatives (including the
6 average number of days of Physical Education per week per
7 student), approved programs of study, awards received,
8 community partnerships, and special programs such as
9 programming for the gifted and talented, students with
10 disabilities, and work-study students;

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

25 (D) student progress, including, where applicable, the
26 percentage of students in the ninth grade who have earned 5

1 credits or more without failing more than one core class, a
2 measure of students entering kindergarten ready to learn, a
3 measure of growth, and the percentage of students who enter
4 high school on track for college and career readiness;

5 (E) the school environment, including, where
6 applicable, the percentage of students with less than 10
7 absences in a school year, the percentage of teachers with
8 less than 10 absences in a school year for reasons other
9 than professional development, leaves taken pursuant to
10 the federal Family Medical Leave Act of 1993, long-term
11 disability, or parental leaves, the 3-year average of the
12 percentage of teachers returning to the school from the
13 previous year, the number of different principals at the
14 school in the last 6 years, the number of teachers who hold
15 a gifted education endorsement, the process and criteria
16 used by the district to determine whether a student is
17 eligible for participation in a gifted education program or
18 advanced academic program and the manner in which parents
19 and guardians are made aware of the process and criteria, 2
20 or more indicators from any school climate survey selected
21 or approved by the State and administered pursuant to
22 Section 2-3.153 of this Code, with the same or similar
23 indicators included on school report cards for all surveys
24 selected or approved by the State pursuant to Section
25 2-3.153 of this Code, and the combined percentage of
26 teachers rated as proficient or excellent in their most

1 recent evaluation;

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

5 (G) the total and per pupil normal cost amount the
6 State contributed to the Teachers' Retirement System of the
7 State of Illinois in the prior fiscal year for the school's
8 employees, which shall be reported to the State Board of
9 Education by the Teachers' Retirement System of the State
10 of Illinois;

11 (H) for a school district organized under Article 34 of
12 this Code only, State contributions to the Public School
13 Teachers' Pension and Retirement Fund of Chicago and State
14 contributions for health care for employees of that school
15 district;

16 (I) 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 (J) 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;

22 (K) 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; ~~and~~

1 (L) a school district's administrative costs;~~;~~
2 (M) ~~(I)~~ whether or not the school has participated in
3 the Illinois Youth Survey. In this paragraph (M) ~~(I)~~,
4 "Illinois Youth Survey" means a self-report survey,
5 administered in school settings every 2 years, designed to
6 gather information about health and social indicators,
7 including substance abuse patterns and the attitudes of
8 students in grades 8, 10, and 12; ~~and~~

9 (N) for a school district organized under Article 34 of
10 this Code, the lead levels at each individual school as
11 reported to the State Board of Education under the Lead in
12 Schools Reporting Act, including whether any lead levels
13 meet a level the Department of Public Health deems unsafe.

14 The school report card shall also provide information that
15 allows for comparing the current outcome, progress, and
16 environment data to the State average, to the school data from
17 the past 5 years, and to the outcomes, progress, and
18 environment of similar schools based on the type of school and
19 enrollment of low-income students, special education students,
20 and English learners.

21 As used in this subsection (2):

22 "Administrative costs" means costs associated with
23 executive, administrative, or managerial functions within the
24 school district that involve planning, organizing, managing,
25 or directing the school district.

26 "Advanced academic program" means a course of study to

1 which students are assigned based on advanced cognitive ability
2 or advanced academic achievement compared to local age peers
3 and in which the curriculum is substantially differentiated
4 from the general curriculum to provide appropriate challenge
5 and pace.

6 "Gifted education" means educational services, including
7 differentiated curricula and instructional methods, designed
8 to meet the needs of gifted children as defined in Article 14A
9 of this Code.

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

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

23 (5) Annually, no more than 30 calendar days after receipt
24 of the school district and school report cards from the State
25 Superintendent of Education, each school district, including
26 special charter districts and districts subject to the

1 provisions of Article 34, shall present such report cards at a
2 regular school board meeting subject to applicable notice
3 requirements, post the report cards on the school district's
4 Internet web site, if the district maintains an Internet web
5 site, make the report cards available to a newspaper of general
6 circulation serving the district, and, upon request, send the
7 report cards home to a parent (unless the district does not
8 maintain an Internet web site, in which case the report card
9 shall be sent home to parents without request). If the district
10 posts the report card on its Internet web site, the district
11 shall send a written notice home to parents stating (i) that
12 the report card is available on the web site, (ii) the address
13 of the web site, (iii) that a printed copy of the report card
14 will be sent to parents upon request, and (iv) the telephone
15 number that parents may call to request a printed copy of the
16 report card.

17 (6) Nothing contained in Public Act 98-648 repeals,
18 supersedes, invalidates, or nullifies final decisions in
19 lawsuits pending on July 1, 2014 (the effective date of Public
20 Act 98-648) in Illinois courts involving the interpretation of
21 Public Act 97-8.

22 (Source: P.A. 99-30, eff. 7-10-15; 99-193, eff. 7-30-15;
23 99-642, eff. 7-28-16; 100-227, eff. 8-18-17; 100-364, eff.
24 1-1-18; 100-465, eff. 8-31-17; 100-807, eff. 8-10-18; 100-863,
25 eff. 8-14-18; 100-1121, eff. 1-1-19; revised 12-19-18.)

1 (Text of Section after amendment by P.A. 100-448)

2 Sec. 10-17a. State, school district, and school report
3 cards.

4 (1) By October 31, 2013 and October 31 of each subsequent
5 school year, the State Board of Education, through the State
6 Superintendent of Education, shall prepare a State report card,
7 school district report cards, and school report cards, and
8 shall by the most economic means provide to each school
9 district in this State, including special charter districts and
10 districts subject to the provisions of Article 34, the report
11 cards for the school district and each of its schools.

12 (2) In addition to any information required by federal law,
13 the State Superintendent shall determine the indicators and
14 presentation of the school report card, which must include, at
15 a minimum, the most current data collected and maintained by
16 the State Board of Education related to the following:

17 (A) school characteristics and student demographics,
18 including average class size, average teaching experience,
19 student racial/ethnic breakdown, and the percentage of
20 students classified as low-income; the percentage of
21 students classified as English learners; the percentage of
22 students who have individualized education plans or 504
23 plans that provide for special education services; the
24 number and percentage of all students who have been
25 assessed for placement in a gifted education or advanced
26 academic program and, of those students: (i) the racial and

1 ethnic breakdown, (ii) the percentage who are classified as
2 low-income, and (iii) the number and percentage of students
3 who received direct instruction from a teacher who holds a
4 gifted education endorsement and, of those students, the
5 percentage who are classified as low-income; the
6 percentage of students scoring at the "exceeds
7 expectations" level on the assessments required under
8 Section 2-3.64a-5 of this Code; the percentage of students
9 who annually transferred in or out of the school district;
10 average daily attendance; the per-pupil operating
11 expenditure of the school district; and the per-pupil State
12 average operating expenditure for the district type
13 (elementary, high school, or unit);

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

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

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

21 (E) the school environment, including, where
22 applicable, the percentage of students with less than 10
23 absences in a school year, the percentage of teachers with
24 less than 10 absences in a school year for reasons other
25 than professional development, leaves taken pursuant to
26 the federal Family Medical Leave Act of 1993, long-term

1 disability, or parental leaves, the 3-year average of the
2 percentage of teachers returning to the school from the
3 previous year, the number of different principals at the
4 school in the last 6 years, the number of teachers who hold
5 a gifted education endorsement, the process and criteria
6 used by the district to determine whether a student is
7 eligible for participation in a gifted education program or
8 advanced academic program and the manner in which parents
9 and guardians are made aware of the process and criteria, 2
10 or more indicators from any school climate survey selected
11 or approved by the State and administered pursuant to
12 Section 2-3.153 of this Code, with the same or similar
13 indicators included on school report cards for all surveys
14 selected or approved by the State pursuant to Section
15 2-3.153 of this Code, and the combined percentage of
16 teachers rated as proficient or excellent in their most
17 recent evaluation;

18 (F) a school district's and its individual schools'
19 balanced accountability measure, in accordance with
20 Section 2-3.25a of this Code;

21 (G) the total and per pupil normal cost amount the
22 State contributed to the Teachers' Retirement System of the
23 State of Illinois in the prior fiscal year for the school's
24 employees, which shall be reported to the State Board of
25 Education by the Teachers' Retirement System of the State
26 of Illinois;

1 (H) for a school district organized under Article 34 of
2 this Code only, State contributions to the Public School
3 Teachers' Pension and Retirement Fund of Chicago and State
4 contributions for health care for employees of that school
5 district;

6 (I) a school district's Final Percent of Adequacy, as
7 defined in paragraph (4) of subsection (f) of Section
8 18-8.15 of this Code;

9 (J) a school district's Local Capacity Target, as
10 defined in paragraph (2) of subsection (c) of Section
11 18-8.15 of this Code, displayed as a percentage amount;

12 (K) a school district's Real Receipts, as defined in
13 paragraph (1) of subsection (d) of Section 18-8.15 of this
14 Code, divided by a school district's Adequacy Target, as
15 defined in paragraph (1) of subsection (b) of Section
16 18-8.15 of this Code, displayed as a percentage amount; ~~and~~

17 (L) a school district's administrative costs; ~~and~~

18 (M) ~~(L)~~ whether or not the school has participated in
19 the Illinois Youth Survey. In this paragraph (M) ~~(L)~~,
20 "Illinois Youth Survey" means a self-report survey,
21 administered in school settings every 2 years, designed to
22 gather information about health and social indicators,
23 including substance abuse patterns and the attitudes of
24 students in grades 8, 10, and 12; ~~and~~

25 (N) for a school district organized under Article 34 of
26 this Code, the lead levels at each individual school as

1 reported to the State Board of Education under the Lead in
2 Schools Reporting Act, including whether any lead levels
3 meet a level the Department of Public Health deems unsafe.

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

11 As used in this subsection (2):

12 "Administrative costs" means costs associated with
13 executive, administrative, or managerial functions within the
14 school district that involve planning, organizing, managing,
15 or directing the school district.

16 "Advanced academic program" means a course of study to
17 which students are assigned based on advanced cognitive ability
18 or advanced academic achievement compared to local age peers
19 and in which the curriculum is substantially differentiated
20 from the general curriculum to provide appropriate challenge
21 and pace.

22 "Gifted education" means educational services, including
23 differentiated curricula and instructional methods, designed
24 to meet the needs of gifted children as defined in Article 14A
25 of this Code.

26 For the purposes of paragraph (A) of this subsection (2),

1 "average daily attendance" means the average of the actual
2 number of attendance days during the previous school year for
3 any enrolled student who is subject to compulsory attendance by
4 Section 26-1 of this Code at each school and charter school.

5 (3) At the discretion of the State Superintendent, the
6 school district report card shall include a subset of the
7 information identified in paragraphs (A) through (E) of
8 subsection (2) of this Section, as well as information relating
9 to the operating expense per pupil and other finances of the
10 school district, and the State report card shall include a
11 subset of the information identified in paragraphs (A) through
12 (E) of subsection (2) of this Section. The school district
13 report card shall include the average daily attendance, as that
14 term is defined in subsection (2) of this Section, of students
15 who have individualized education programs and students who
16 have 504 plans that provide for special education services
17 within the school district.

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

23 (5) Annually, no more than 30 calendar days after receipt
24 of the school district and school report cards from the State
25 Superintendent of Education, each school district, including
26 special charter districts and districts subject to the

1 provisions of Article 34, shall present such report cards at a
2 regular school board meeting subject to applicable notice
3 requirements, post the report cards on the school district's
4 Internet web site, if the district maintains an Internet web
5 site, make the report cards available to a newspaper of general
6 circulation serving the district, and, upon request, send the
7 report cards home to a parent (unless the district does not
8 maintain an Internet web site, in which case the report card
9 shall be sent home to parents without request). If the district
10 posts the report card on its Internet web site, the district
11 shall send a written notice home to parents stating (i) that
12 the report card is available on the web site, (ii) the address
13 of the web site, (iii) that a printed copy of the report card
14 will be sent to parents upon request, and (iv) the telephone
15 number that parents may call to request a printed copy of the
16 report card.

17 (6) Nothing contained in Public Act 98-648 repeals,
18 supersedes, invalidates, or nullifies final decisions in
19 lawsuits pending on July 1, 2014 (the effective date of Public
20 Act 98-648) in Illinois courts involving the interpretation of
21 Public Act 97-8.

22 (Source: P.A. 99-30, eff. 7-10-15; 99-193, eff. 7-30-15;
23 99-642, eff. 7-28-16; 100-227, eff. 8-18-17; 100-364, eff.
24 1-1-18; 100-448, eff. 7-1-19; 100-465, eff. 8-31-17; 100-807,
25 eff. 8-10-18; 100-863, eff. 8-14-18; 100-1121, eff. 1-1-19;
26 revised 12-19-18.)

1 (105 ILCS 5/34-18.24)

2 Sec. 34-18.24. Transfer of students.

3 (a) The board shall establish and implement a policy
4 governing the transfer of a student from one attendance center
5 to another within the school district upon the request of the
6 student's parent or guardian. A student may not transfer to any
7 of the following attendance centers, except by change in
8 residence if the policy authorizes enrollment based on
9 residence in an attendance area, if subsection (e) applies, or
10 unless approved by the board on an individual basis:

11 (1) An attendance center that exceeds or as a result of
12 the transfer would exceed its attendance capacity.

13 (2) An attendance center for which the board has
14 established academic criteria for enrollment in compliance
15 with the federal Every Student Succeeds Act or the federal
16 Individuals with Disabilities Education Act if the student
17 does not meet the criteria.

18 (3) Any attendance center if the transfer would prevent
19 the school district from meeting its obligations under a
20 State or federal law, including the federal Individuals
21 with Disabilities Education Act; court order; ~~or~~ or consent
22 decree applicable to the school district.

23 (b) The board shall establish and implement a policy governing
24 the transfer of students within the school district from a
25 persistently dangerous attendance center to another attendance

1 center in that district that is not deemed to be persistently
2 dangerous. In order to be considered a persistently dangerous
3 attendance center, the attendance center must meet all of the
4 following criteria for 2 consecutive years:

5 (1) Have greater than 3% of the students enrolled in
6 the attendance center expelled for violence-related
7 conduct.

8 (2) Have one or more students expelled for bringing a
9 firearm to school as defined in 18 U.S.C. 921.

10 (3) Have at least 3% of the students enrolled in the
11 attendance center exercise the individual option to
12 transfer attendance centers pursuant to subsection (c) of
13 this Section.

14 (c) A student may transfer from one attendance center to
15 another attendance center within the district if the student is
16 a victim of a violent crime as defined in Section 3 of the
17 Rights of Crime Victims and Witnesses Act. The violent crime
18 must have occurred on school grounds during regular school
19 hours or during a school-sponsored event.

20 (d) (Blank).

21 (e) A student may transfer from one attendance center to
22 another attendance center within or outside of the district if
23 any lead levels at his or her current attendance center meet a
24 level the Department of Public Health deems unsafe.

25 (Source: P.A. 100-1046, eff. 8-23-18.)

1 Section 95. No acceleration or delay. Where this Act makes
2 changes in a statute that is represented in this Act by text
3 that is not yet or no longer in effect (for example, a Section
4 represented by multiple versions), the use of that text does
5 not accelerate or delay the taking effect of (i) the changes
6 made by this Act or (ii) provisions derived from any other
7 Public Act.