



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3239

Introduced 2/11/2020, by Sen. Sue Rezin

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-21.4

from Ch. 122, par. 10-21.4

Amends the School Code. Provides that a school board shall, upon passage of a referendum after submission of a petition signed by no less than 8% of the school district's voters in the last consolidated election, or may, by resolution, enter into a joint agreement with other school boards to share the services of a superintendent or other administrator. Provides that any savings realized by sharing services must be divided equally between classroom needs and property tax relief. Provides that a school district wishing to withdraw from the joint agreement shall obtain from its school board a written resolution approving the withdrawal and shall present a petition for withdrawal to the other member school districts within the timelines designated by the joint agreement if the school district entered into the joint agreement by resolution. Provides that a school district wishing to withdraw from the joint agreement shall submit to the voters of the district the question of whether the school district shall withdraw from the joint agreement if the school district entered into the joint agreement by a referendum vote (also provides for a referendum upon submission of a petition).

LRB101 19767 CMG 69277 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing Section
5 10-21.4 as follows:

6 (105 ILCS 5/10-21.4) (from Ch. 122, par. 10-21.4)

7 Sec. 10-21.4. Superintendent - Duties; shared
8 administrators.

9 (a) Except in districts in which there is only one school
10 with fewer than 4 teachers, to employ a superintendent or share
11 the services of a superintendent as otherwise provided in this
12 Section, who shall have charge of the administration of the
13 schools under the direction of the board of education. However,
14 in any school district that has boundaries that lie in 3
15 counties, one county of which has a population exceeding
16 1,000,000 inhabitants, that has an enrollment of more than
17 35,000 students, and that has on staff properly licensed
18 assistant superintendents or directors in the areas of
19 instruction, finance, special education, assessments, and
20 career and technology education, the school board may instead,
21 by a vote of a majority of its full membership, appoint a chief
22 executive officer to serve as its superintendent, who shall be
23 a person of recognized administrative ability and management

1 experience, hold a master's degree, have been employed with the
2 school district for a minimum of 5 years in an administrative
3 capacity, be responsible for the management of the district,
4 and have all other powers and duties of a superintendent as set
5 forth in this Code, but who shall be exempt from the provisions
6 and requirements of Section 21B-15 of this Code for a period of
7 5 years.

8 (b) Except for a principal or assistant principal, a school
9 board shall, upon passage of a referendum as provided in
10 subsection (c) after submission of a petition signed by no less
11 than 8% of registered voters in the school district in the last
12 consolidated election, or may, by resolution, enter into a
13 joint agreement with other school boards to share the services
14 of a superintendent or other administrator, including, but not
15 limited to, an assistant superintendent, associate
16 superintendent, chief school business official, assistant
17 school business official, special education director or
18 supervisor, assistant special education director or
19 supervisor, general administrator, general supervisor,
20 director or dean, supervisory dean, athletic director,
21 curriculum director, assistant athletic director, or assistant
22 curriculum director. Each school board involved in the joint
23 agreement must agree to the joint agreement by resolution or by
24 passage of a referendum, but not both. A school board is not
25 required to enter into a joint agreement in the same manner as
26 the other school boards in the agreement, as long as the school

1 board agrees to the joint agreement by resolution or by passage
2 of a referendum. The joint agreement must include the amount
3 that each school board shall contribute to the salary of the
4 superintendent or other administrator. The superintendent or
5 other administrator may be employed by one school board, which
6 shall be reimbursed on a mutually agreed-to basis with other
7 school boards that are parties to the joint agreement. The
8 joint agreement must contain clear and equitable funding
9 formulas covering each school district's obligations. The
10 joint agreement may be amended at any time as provided in the
11 joint agreement or, if the joint agreement does not so provide,
12 the agreement may be amended at any time upon the adoption of a
13 resolution (if the original joint agreement was entered into
14 upon adoption of a resolution) or the passage of a referendum
15 (if the original joint agreement was entered into upon passage
16 of a referendum) in all member school districts. A fully
17 executed copy of the joint agreement shall be filed with the
18 State Board of Education and each applicable regional office of
19 education. The State Board of Education must provide technical
20 support as requested by the school districts or a regional
21 office of education. In the event 3 or more school boards
22 decide to enter into a joint agreement and at least one school
23 board submits a referendum under subsection (c) that does not
24 pass, the agreement between the remaining school boards is
25 still valid.

26 Any savings realized by sharing services under this

1 subsection must be divided equally between classroom needs and
2 property tax relief for the school district's residents.

3 Notwithstanding any other provision of this Section,
4 shared administrator services may not alter an individual
5 school board's authority to make decisions on behalf of a
6 school district.

7 (c) A petition to enter into a joint agreement under
8 subsection (b) shall be filed with the school board's secretary
9 no more than 92 days prior to the election at which the
10 question is to be submitted to the voters. The school board's
11 secretary shall certify the question, and the proper election
12 authority or authorities shall submit the question to the
13 voters. This referendum shall be subject to all other general
14 election law requirements. The proposition shall be in
15 substantially the following form:

16 Shall the (school district) enter into a joint
17 agreement with (other school district or districts) to
18 share the services of a (superintendent or other
19 administrator)?

20 Votes shall be recorded as "Yes" or "No".

21 If a majority of all votes cast on the proposition are in
22 favor of the proposition or the school board adopts a
23 resolution in all affected school districts, the school boards
24 shall enter into a joint agreement.

25 (d) If, within 6 months after passage of a referendum under
26 subsection (c) or adoption of a resolution under subsection

1 (b), the school boards who are parties to the joint agreement
2 are unable to reach an agreement on how they will share the
3 services of a superintendent or other administrator, the
4 regional office of education that has supervision and control
5 of the school districts that are sharing services or, if more
6 than one regional office of education has supervision and
7 control, the regional office of education that has supervision
8 and control of the largest portion of the affected school
9 districts must assist in the development of the joint
10 agreement.

11 (e) A school district wishing to withdraw from a joint
12 agreement under this Section shall obtain from its school board
13 a written resolution approving the withdrawal if the school
14 district entered into the joint agreement by resolution. The
15 withdrawing school district must present a written petition for
16 withdrawal from the joint agreement to the other member school
17 districts within the timelines designated by the joint
18 agreement. Upon approval of the petition by all of the
19 remaining member school districts, the petitioning school
20 district shall be withdrawn from the joint agreement effective
21 the following July 1 and shall provide the State Board of
22 Education written notification of the approved withdrawal.

23 (f) A school district wishing to withdraw from a joint
24 agreement under this Section shall submit to the voters of the
25 district at the next consolidated election the question of
26 whether the school district shall withdraw from the joint

1 agreement if the school district entered into the joint
2 agreement by a referendum vote. In addition, the question shall
3 be submitted to the voters of the district at the next
4 consolidated election upon submission of a petition signed by
5 no less than 8% of registered voters in the district in the
6 last consolidated election. The petition or other school board
7 action shall be filed with the school board's secretary no more
8 than 92 days prior to the election at which the question is to
9 be submitted to the voters. The school board's secretary shall
10 certify the question, and the proper election authority or
11 authorities shall submit the question to the voters. This
12 referendum shall be subject to all other general election law
13 requirements. The proposition shall be in substantially the
14 following form:

15 Shall the (school district) withdraw from the joint
16 agreement with (other school district or districts) and
17 cease sharing the services of a (superintendent or other
18 administrator)?

19 Votes shall be recorded as "Yes" or "No".

20 If a majority of all votes cast on the proposition are in
21 favor of the proposition, the school district shall be
22 withdrawn from the joint agreement effective the following July
23 1 and shall provide the State Board of Education written
24 notification of the approved withdrawal.

25 (g) In addition to the administrative duties, the
26 superintendent shall make recommendations to the board

1 concerning the budget, building plans, the locations of sites,
2 the selection, retention and dismissal of teachers and all
3 other employees, the selection of textbooks, instructional
4 material and courses of study. However, in districts under a
5 Financial Oversight Panel pursuant to Section 1A-8 for
6 violating a financial plan, the duties and responsibilities of
7 the superintendent in relation to the financial and business
8 operations of the district shall be approved by the Panel. In
9 the event the Board refuses or fails to follow a directive or
10 comply with an information request of the Panel, the
11 performance of those duties shall be subject to the direction
12 of the Panel. The superintendent shall also notify the State
13 Board of Education, the board and the chief administrative
14 official, other than the alleged perpetrator himself, in the
15 school where the alleged perpetrator serves, that any person
16 who is employed in a school or otherwise comes into frequent
17 contact with children in the school has been named as a
18 perpetrator in an indicated report filed pursuant to the Abused
19 and Neglected Child Reporting Act, approved June 26, 1975, as
20 amended. The superintendent shall keep or cause to be kept the
21 records and accounts as directed and required by the board, aid
22 in making reports required by the board, and perform such other
23 duties as the board may delegate to him.

24 In addition, each year at a time designated by the State
25 Superintendent of Education, each superintendent shall report
26 to the State Board of Education the number of high school

1 students in the district who are enrolled in accredited courses
2 (for which high school credit will be awarded upon successful
3 completion of the courses) at any community college, together
4 with the name and number of the course or courses which each
5 such student is taking.

6 (h) The provisions of this Section shall also apply to
7 board of director districts.

8 (i) Notice of intent not to renew a contract must be given
9 in writing stating the specific reason therefor by April 1 of
10 the contract year unless the contract specifically provides
11 otherwise. Failure to do so will automatically extend the
12 contract for an additional year. Within 10 days after receipt
13 of notice of intent not to renew a contract, the superintendent
14 may request a closed session hearing on the dismissal. At the
15 hearing the superintendent has the privilege of presenting
16 evidence, witnesses and defenses on the grounds for dismissal.
17 The provisions of this paragraph shall not apply to a district
18 under a Financial Oversight Panel pursuant to Section 1A-8 for
19 violating a financial plan.

20 (Source: P.A. 99-846, eff. 6-1-17.)