



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/05/04, by Jay C. Hoffman, Calvin L. Giles,
 Michael K. Smith, Renee Kosel, Jerry L. Mitchell

SYNOPSIS AS INTRODUCED:

New Act	
20 ILCS 5/5-15	was 20 ILCS 5/3
20 ILCS 5/5-20	was 20 ILCS 5/4
20 ILCS 5/5-338 new	
30 ILCS 5/3-1	from Ch. 15, par. 303-1
40 ILCS 5/16-106	from Ch. 108 1/2, par. 16-106
40 ILCS 5/16-163	from Ch. 108 1/2, par. 16-163
40 ILCS 5/16-164	from Ch. 108 1/2, par. 16-164
105 ILCS 5/Art. 1A heading	
105 ILCS 5/1A-0.01 new	
105 ILCS 5/1A-4	from Ch. 122, par. 1A-4

Creates the Department of Education Act and amends the Civil Administrative Code of Illinois, the Illinois State Auditing Act, the Illinois Pension Code, and the School Code. Creates the Department of Education, with a Secretary of Education as its head. Provides that all of the rights, powers, duties, and functions vested by law in the State Board of Education or the State Superintendent of Education (except the State Board of Education's duty under the Illinois Constitution to appoint a chief State educational officer) are transferred to the Department of Education on July 1, 2005. Provides for the transfer of personnel and property. Requires the Auditor General to conduct a financial audit of the State Board of Education. Provides that the State Board of Education's powers and duties are limited by law, as provided in the Illinois Constitution, to only the following: (i) the State Board of Education shall research current educational best practices and policies and shall report its findings to the Department of Education, (ii) the State Board of Education shall provide suggestions to the Department of Education as to the long-range implications of the practices and policies, and (iii) the State Board of Education shall consult with the Department of Education on all matters related to education-related topics. Makes other changes. Certain provisions effective July 1, 2004; other provisions effective July 1, 2005.

LRB093 21058 NHT 47084 b

FISCAL NOTE ACT
 MAY APPLY

PENSION IMPACT
 NOTE ACT MAY
 APPLY

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 1. Short title. This Act may be cited as the
5 Department of Education Act.

6 Section 5. Department defined. In this Act "Department"
7 means the Department of Education.

8 Section 10. General powers and duties.

9 (a) The Department shall begin operation on July 1, 2005.
10 The Department shall exercise the rights, powers, duties, and
11 functions provided by law, including without limitation the
12 rights, powers, duties, and functions transferred to the
13 Department under Section 15 of this Act.

14 (b) The Department may provide facilities, contract for
15 goods and services, and adopt rules as necessary to carry out
16 its functions and purposes, all in accordance with applicable
17 law.

18 (c) The Department, from appropriations specifically for
19 these purposes, shall pay the expenses, including any salaries,
20 of the State Board of Education and the State Superintendent of
21 Education and provide office space, supplies, and any necessary
22 staff assistance to the State Board of Education and the State
23 Superintendent of Education.

24 Section 15. Transfer of powers. Except as otherwise
25 provided in subsection (b) of Section 2 of Article X of the
26 Constitution of the State of Illinois and subsection B of
27 Section 1A-4 of the School Code, all of the rights, powers,
28 duties, and functions vested by law in the State Board of
29 Education or the State Superintendent of Education or in any
30 office, council, committee, division, or bureau of the State

1 Board of Education or the State Superintendent of Education are
2 transferred to the Department on July 1, 2005.

3 Section 20. Transfer of personnel.

4 (a) Personnel employed by the State Board of Education or
5 the State Superintendent of Education on June 30, 2005 are
6 transferred to the Department on July 1, 2005.

7 (b) The Department shall continue in effect all collective
8 bargaining agreements in existence on June 30, 2005 between the
9 State Board of Education and labor organizations representing
10 personnel of the State Board of Education, and the Department
11 shall continue to recognize these labor organizations as the
12 exclusive bargaining representatives for the personnel,
13 pursuant to the Illinois Educational Labor Relations Act. Under
14 Section 1A-0.01 of the School Code, the transition team
15 designated by the Governor must conduct negotiations with these
16 bargaining representatives for collective bargaining
17 agreements between the bargaining representatives and the
18 Department of Education, to be effective beginning on July 1,
19 2005.

20 (c) The rights of State employees, the State, and its
21 agencies under the Personnel Code and applicable collective
22 bargaining agreements and retirement plans (except as
23 otherwise provided in Article 16 of the Illinois Pension Code)
24 are not affected by this Act.

25 Section 25. Transfer of property. All books, records,
26 documents, property (real and personal), unexpended
27 appropriations, including both obligated and unobligated
28 appropriations, and pending business pertaining to the rights,
29 powers, duties, and functions transferred to the Department
30 under this Act shall be transferred and delivered to the
31 Department on July 1, 2005, unless otherwise directed by the
32 Governor. The Department is the successor agency of the State
33 Board of Education and the State Superintendent of Education
34 for purposes of Section 9b of the State Finance Act and the

1 Successor Agency Act.

2 Section 30. Rules, standards, and procedures.

3 (a) The rules, standards, and procedures of the State Board
4 of Education or the State Superintendent of Education that are
5 in effect on June 30, 2005 and pertain to the rights, powers,
6 duties, and functions transferred to the Department under this
7 Act shall become the rules, standards, and procedures of the
8 Department on July 1, 2005 and shall continue in effect until
9 amended or repealed by the Department.

10 (b) Any rules pertaining to the rights, powers, duties, and
11 functions transferred to the Department under this Act that
12 have been proposed by the State Board of Education or the State
13 Superintendent of Education but have not taken effect or been
14 finally adopted before July 1, 2005 shall become proposed rules
15 of the Department on July 1, 2005, and any rulemaking
16 procedures that have already been completed by the State Board
17 of Education or the State Superintendent of Education for those
18 proposed rules need not be repeated.

19 Section 35. Savings provisions.

20 (a) The rights, powers, duties, and functions transferred
21 to the Department by this Act shall be vested in and exercised
22 by the Department subject to the provisions of this Act. An act
23 done by the Department or an officer, employee, or agent of the
24 Department in the exercise of the transferred rights, powers,
25 duties, or functions shall have the same legal effect as if
26 done by the State Board of Education or an officer, employee,
27 or agent of the State Board of Education.

28 (b) The transfer of rights, powers, duties, and functions
29 to the Department under this Act does not invalidate any
30 previous actions taken by or in respect to the State Board of
31 Education or its officers, employees, or agents. Except as
32 otherwise provided in Section 1A-0.01 of the School Code, on
33 July 1, 2005, references to the State Board of Education or its
34 officers, employees, or agents in any document, contract,

1 agreement, or law (other than this Act and Section 16-106 of
2 the Illinois Pension Code) shall, in appropriate contexts, be
3 deemed to refer to the Department or its officers, employees,
4 or agents.

5 (c) The transfer of rights, powers, duties, and functions
6 to the Department under this Act does not affect any person's
7 rights, obligations, or duties, including any civil or criminal
8 penalties applicable thereto, arising out of those transferred
9 rights, powers, duties, and functions.

10 Section 40. Financial audit of State Board of Education.
11 The Auditor General must conduct a financial audit of the State
12 Board of Education for the time frame from the last audit
13 period to July 1, 2005.

14 Section 80. The Civil Administrative Code of Illinois is
15 amended by changing Sections 5-15 and 5-20 and adding Section
16 5-338 as follows:

17 (20 ILCS 5/5-15) (was 20 ILCS 5/3)

18 Sec. 5-15. Departments of State government. The
19 Departments of State government are created as follows:

20 The Department on Aging.

21 The Department of Agriculture.

22 The Department of Central Management Services.

23 The Department of Children and Family Services.

24 The Department of Commerce and Economic Opportunity.

25 The Department of Corrections.

26 The Department of Education.

27 The Department of Employment Security.

28 The Department of Financial Institutions.

29 The Department of Human Rights.

30 The Department of Human Services.

31 The Department of Insurance.

32 The Department of Labor.

33 The Department of the Lottery.

1 The Department of Natural Resources.
2 The Department of Nuclear Safety.
3 The Department of Professional Regulation.
4 The Department of Public Aid.
5 The Department of Public Health.
6 The Department of Revenue.
7 The Department of State Police.
8 The Department of Transportation.
9 The Department of Veterans' Affairs.

10 (Source: P.A. 93-25, eff. 6-20-03.)

11 (20 ILCS 5/5-20) (was 20 ILCS 5/4)

12 Sec. 5-20. Heads of departments. Each department shall have
13 an officer as its head who shall be known as director or
14 secretary and who shall, subject to the provisions of the Civil
15 Administrative Code of Illinois, execute the powers and
16 discharge the duties vested by law in his or her respective
17 department.

18 The following officers are hereby created:

19 Director of Aging, for the Department on Aging.

20 Director of Agriculture, for the Department of
21 Agriculture.

22 Director of Central Management Services, for the
23 Department of Central Management Services.

24 Director of Children and Family Services, for the
25 Department of Children and Family Services.

26 Director of Commerce and Economic Opportunity, for the
27 Department of Commerce and Economic Opportunity.

28 Director of Corrections, for the Department of
29 Corrections.

30 Secretary of Education, for the Department of Education.

31 Director of Employment Security, for the Department of
32 Employment Security.

33 Director of Financial Institutions, for the Department of
34 Financial Institutions.

35 Director of Human Rights, for the Department of Human

1 Rights.

2 Secretary of Human Services, for the Department of Human
3 Services.

4 Director of Insurance, for the Department of Insurance.

5 Director of Labor, for the Department of Labor.

6 Director of the Lottery, for the Department of the Lottery.

7 Director of Natural Resources, for the Department of
8 Natural Resources.

9 Director of Nuclear Safety, for the Department of Nuclear
10 Safety.

11 Director of Professional Regulation, for the Department of
12 Professional Regulation.

13 Director of Public Aid, for the Department of Public Aid.

14 Director of Public Health, for the Department of Public
15 Health.

16 Director of Revenue, for the Department of Revenue.

17 Director of State Police, for the Department of State
18 Police.

19 Secretary of Transportation, for the Department of
20 Transportation.

21 Director of Veterans' Affairs, for the Department of
22 Veterans' Affairs.

23 (Source: P.A. 93-25, eff. 6-20-03.)

24 (20 ILCS 5/5-338 new)

25 Sec. 5-338. In the Department of Education. The Secretary
26 of Education shall receive an annual salary as set by the
27 Governor from time to time or as set by the Compensation Review
28 Board, whichever is greater.

29 Section 85. The Illinois State Auditing Act is amended by
30 changing Section 3-1 as follows:

31 (30 ILCS 5/3-1) (from Ch. 15, par. 303-1)

32 Sec. 3-1. Jurisdiction of Auditor General. The Auditor
33 General has jurisdiction over all State agencies to make post

1 audits and investigations authorized by or under this Act or
2 the Constitution.

3 The Auditor General has jurisdiction over local government
4 agencies and private agencies only:

5 (a) to make such post audits authorized by or under
6 this Act as are necessary and incidental to a post audit of
7 a State agency or of a program administered by a State
8 agency involving public funds of the State, but this
9 jurisdiction does not include any authority to review local
10 governmental agencies in the obligation, receipt,
11 expenditure or use of public funds of the State that are
12 granted without limitation or condition imposed by law,
13 other than the general limitation that such funds be used
14 for public purposes;

15 (b) to make investigations authorized by or under this
16 Act or the Constitution; and

17 (c) to make audits of the records of local government
18 agencies to verify actual costs of state-mandated programs
19 when directed to do so by the Legislative Audit Commission
20 at the request of the State Board of Appeals under the
21 State Mandates Act.

22 In addition to the foregoing, the Auditor General may
23 conduct an audit of the Metropolitan Pier and Exposition
24 Authority, the Regional Transportation Authority, the Suburban
25 Bus Division, the Commuter Rail Division and the Chicago
26 Transit Authority and any other subsidized carrier when
27 authorized by the Legislative Audit Commission. Such audit may
28 be a financial, management or program audit, or any combination
29 thereof.

30 The audit shall determine whether they are operating in
31 accordance with all applicable laws and regulations. Subject to
32 the limitations of this Act, the Legislative Audit Commission
33 may by resolution specify additional determinations to be
34 included in the scope of the audit.

35 In addition to the foregoing, the Auditor General must also
36 conduct a financial audit of the Illinois Sports Facilities

1 Authority's expenditures of public funds in connection with the
2 reconstruction, renovation, remodeling, extension, or
3 improvement of all or substantially all of any existing
4 "facility", as that term is defined in the Illinois Sports
5 Facilities Authority Act.

6 The Auditor General may also conduct an audit, when
7 authorized by the Legislative Audit Commission, of any hospital
8 which receives 10% or more of its gross revenues from payments
9 from the State of Illinois, Department of Public Aid, Medical
10 Assistance Program.

11 The Auditor General is authorized to conduct financial and
12 compliance audits of the Illinois Distance Learning Foundation
13 and the Illinois Conservation Foundation.

14 As soon as practical after the effective date of this
15 amendatory Act of 1995, the Auditor General shall conduct a
16 compliance and management audit of the City of Chicago and any
17 other entity with regard to the operation of Chicago O'Hare
18 International Airport, Chicago Midway Airport and Merrill C.
19 Meigs Field. The audit shall include, but not be limited to, an
20 examination of revenues, expenses, and transfers of funds;
21 purchasing and contracting policies and practices; staffing
22 levels; and hiring practices and procedures. When completed,
23 the audit required by this paragraph shall be distributed in
24 accordance with Section 3-14.

25 The Auditor General shall conduct a financial and
26 compliance and program audit of distributions from the
27 Municipal Economic Development Fund during the immediately
28 preceding calendar year pursuant to Section 8-403.1 of the
29 Public Utilities Act at no cost to the city, village, or
30 incorporated town that received the distributions.

31 The Auditor General must conduct an audit of the Health
32 Facilities Planning Board pursuant to Section 19.5 of the
33 Illinois Health Facilities Planning Act.

34 The Auditor General of the State of Illinois shall annually
35 conduct or cause to be conducted a financial and compliance
36 audit of the books and records of any county water commission

1 organized pursuant to the Water Commission Act of 1985 and
2 shall file a copy of the report of that audit with the Governor
3 and the Legislative Audit Commission. The filed audit shall be
4 open to the public for inspection. The cost of the audit shall
5 be charged to the county water commission in accordance with
6 Section 6z-27 of the State Finance Act. The county water
7 commission shall make available to the Auditor General its
8 books and records and any other documentation, whether in the
9 possession of its trustees or other parties, necessary to
10 conduct the audit required. These audit requirements apply only
11 through July 1, 2007.

12 The Auditor General must conduct audits of the Rend Lake
13 Conservancy District as provided in Section 25.5 of the River
14 Conservancy Districts Act.

15 The Auditor General must conduct a financial audit in
16 accordance with Section 40 of the Department of Education Act.

17 (Source: P.A. 93-226, eff. 7-22-03; 93-259, eff. 7-22-03;
18 93-275, eff. 7-22-03; revised 8-25-03.)

19 Section 90. The Illinois Pension Code is amended by
20 changing Sections 16-106, 16-163, and 16-164 as follows:

21 (40 ILCS 5/16-106) (from Ch. 108 1/2, par. 16-106)

22 Sec. 16-106. Teacher. "Teacher": The following
23 individuals, provided that, for employment prior to July 1,
24 1990, they are employed on a full-time basis, or if not
25 full-time, on a permanent and continuous basis in a position in
26 which services are expected to be rendered for at least one
27 school term:

28 (1) Any educational, administrative, professional or
29 other staff employed in the public common schools included
30 within this system in a position requiring certification
31 under the law governing the certification of teachers;

32 (2) Any educational, administrative, professional or
33 other staff employed in any facility of the Department of
34 Children and Family Services or the Department of Human

1 Services, in a position requiring certification under the
2 law governing the certification of teachers, and any person
3 who (i) works in such a position for the Department of
4 Corrections, (ii) was a member of this System on May 31,
5 1987, and (iii) did not elect to become a member of the
6 State Employees' Retirement System pursuant to Section
7 14-108.2 of this Code; except that "teacher" does not
8 include any person who (A) becomes a security employee of
9 the Department of Human Services, as defined in Section
10 14-110, after June 28, 2001 (the effective date of Public
11 Act 92-14), or (B) becomes a member of the State Employees'
12 Retirement System pursuant to Section 14-108.2c of this
13 Code;

14 (3) Any regional superintendent of schools; any
15 assistant regional superintendent of schools; the State
16 Superintendent of Education in office on June 30, 2005 or
17 who is appointed by the State Board of Education on or
18 after July 1, 2005; the Secretary of Education; any person
19 employed by the State Board of Education as an executive on
20 June 30, 2005 or who is transferred to the Department of
21 Education as an executive on or after July 1, 2005; any
22 person employed by the Department of Education as an
23 executive on or after July 1, 2005; any executive of the
24 boards engaged in the service of public common school
25 education in school districts covered under this system of
26 which the State Superintendent of Education (or Secretary
27 of Education beginning on July 1, 2005) is an ex-officio
28 member if the executive is in office on or after June 30,
29 2005;

30 (4) Any employee of a school board association
31 operating in compliance with Article 23 of the School Code
32 who is certificated under the law governing the
33 certification of teachers;

34 (5) Any person employed by the retirement system who:

35 (i) was an employee of and a participant in the
36 system on August 17, 2001 (the effective date of Public

1 Act 92-416), or

2 (ii) becomes an employee of the system on or after
3 August 17, 2001;

4 (6) Any educational, administrative, professional or
5 other staff employed by and under the supervision and
6 control of a regional superintendent of schools, provided
7 such employment position requires the person to be
8 certificated under the law governing the certification of
9 teachers and is in an educational program serving 2 or more
10 districts in accordance with a joint agreement authorized
11 by the School Code or by federal legislation;

12 (7) Any educational, administrative, professional or
13 other staff employed in an educational program serving 2 or
14 more school districts in accordance with a joint agreement
15 authorized by the School Code or by federal legislation and
16 in a position requiring certification under the laws
17 governing the certification of teachers;

18 (8) Any officer or employee of a statewide teacher
19 organization or officer of a national teacher organization
20 who is certified under the law governing certification of
21 teachers, provided: (i) the individual had previously
22 established creditable service under this Article, (ii)
23 the individual files with the system an irrevocable
24 election to become a member, and (iii) the individual does
25 not receive credit for such service under any other Article
26 of this Code;

27 (9) Any educational, administrative, professional, or
28 other staff employed in a charter school operating in
29 compliance with the Charter Schools Law who is certificated
30 under the law governing the certification of teachers.

31 An annuitant receiving a retirement annuity under this
32 Article or under Article 17 of this Code who is employed by a
33 board of education or other employer as permitted under Section
34 16-118 or 16-150.1 is not a "teacher" for purposes of this
35 Article. A person who has received a single-sum retirement
36 benefit under Section 16-136.4 of this Article is not a

1 "teacher" for purposes of this Article.

2 (Source: P.A. 92-14, eff. 6-28-01; 92-416, eff. 8-17-01;
3 92-651, eff. 7-11-02; 93-320, eff. 7-23-03.)

4 (40 ILCS 5/16-163) (from Ch. 108 1/2, par. 16-163)

5 Sec. 16-163. Board created. A board of 11 members
6 constitutes a board of trustees authorized to carry out the
7 provisions of this Article and is responsible for the general
8 administration of the System. The board is known as the Board
9 of Trustees of the Teachers' Retirement System of the State of
10 Illinois. The board is composed of ~~the Superintendent of~~
11 ~~Education, ex officio, who shall be the president of the board,~~
12 5 4 persons, not members of the System, to be appointed by the
13 Governor (with one designated by the Governor to be president
14 of the board), who shall hold no elected State office; 4
15 teachers, as defined in Section 16-106, elected by the
16 contributing members; and 2 annuitant members elected by the
17 annuitants of the System, as provided in Section 16-165.

18 (Source: P.A. 90-511, eff. 8-22-97; 91-941, eff. 2-6-01.)

19 (40 ILCS 5/16-164) (from Ch. 108 1/2, par. 16-164)

20 Sec. 16-164. Board - appointed members - vacancies. Terms
21 of office for 4 of the appointed members shall begin on July 15
22 of an even-numbered year. The Governor shall appoint 2 of these
23 4 members as trustees in each even-numbered year who shall hold
24 office for a term of 4 years. The term of office for the 5th
25 appointed member shall begin on July 1 of an odd-numbered year,
26 and he or she shall hold office for a term of 4 years. Each such
27 appointee shall reside in and be a taxpayer in the territory
28 covered by this system, shall be interested in public school
29 welfare, and experienced and competent in financial and
30 business management. A vacancy in the term of an appointed
31 trustee shall be filled for the unexpired term by appointment
32 of the Governor.

33 (Source: P.A. 83-1440.)

1 Section 95. The School Code is amended by changing the
2 heading of Article 1A, by adding Section 1A-0.01, and by
3 changing Section 1A-4 as follows:

4 (105 ILCS 5/Art. 1A heading)

5 ARTICLE 1A. DEPARTMENT OF EDUCATION AND STATE BOARD OF
6 EDUCATION

7 (105 ILCS 5/1A-0.01 new)

8 Sec. 1A-0.01. Transition team; references to former State
9 Board of Education and State Superintendent of Education.

10 (a) A transition team designated by the Governor must
11 commence negotiations on or before May 1, 2005 with the
12 exclusive bargaining representatives for personnel of the
13 State Board of Education for collective bargaining agreements
14 between the bargaining representatives and the Department of
15 Education, to be effective beginning on July 1, 2005. The
16 negotiations shall be conducted in accordance with the
17 provisions of the Illinois Educational Labor Relations Act.

18 (b) Beginning on July 1, 2004 and until the transition from
19 the State Board of Education to the Department of Education is
20 completed, the State Board of Education and the chief education
21 officer must consult with the transition team regarding and
22 make available to the transition team all proposed federal and
23 State grant expenditures, rules, proposals, all employee
24 hires, transfers, or dismissals, bargaining unit contract
25 changes, budget recommendations, policy or program changes,
26 agency operation changes, chief education officer contract
27 changes, State Board of Education meeting agendas and
28 schedules, and documents for public distribution.

29 (c) Except for references in this Section and Sections
30 1A-1, 1A-2, 1A-2.1, and 1A-4, beginning on July 1, 2005,
31 references in this Code to the State Board of Education or
32 State Superintendent of Education shall, in appropriate
33 contexts, be deemed to refer to the Department of Education.

1 (105 ILCS 5/1A-4) (from Ch. 122, par. 1A-4)

2 Sec. 1A-4. Powers and duties of the Board and Department.

3 A. Upon the appointment of new State Board of Education
4 ~~Board~~ members as provided in subsection (b) of Section 1A-1 and
5 every 2 years thereafter, the chairperson of the Board shall be
6 selected by the Governor, with the advice and consent of the
7 Senate, from the membership of the Board to serve as
8 chairperson for 2 years.

9 Five members of the State Board of Education shall
10 constitute a quorum. A majority vote of the members appointed,
11 confirmed, and serving on the Board is required to approve any
12 action.

13 B. The State Board of Education ~~Board~~ shall determine the
14 qualifications of and appoint a chief education officer to be
15 known as the State Superintendent of Education who shall serve
16 at the pleasure of the Board ~~and pursuant to a~~
17 ~~performance based contract linked to statewide student~~
18 ~~performance and academic improvement within Illinois schools.~~
19 ~~No performance based contract issued for the employment of the~~
20 ~~State Superintendent of Education shall be for a term longer~~
21 ~~than 3 years and no contract shall be extended or renewed prior~~
22 ~~to its scheduled expiration unless the performance and~~
23 ~~improvement goals contained in the contract have been met.~~ The
24 State Superintendent of Education shall not serve as a member
25 of the State Board of Education, but. ~~The Board shall set the~~
26 ~~compensation of the State Superintendent of Education who shall~~
27 serve as the Board's chief executive officer. The State
28 Superintendent of Education shall receive an annual salary as
29 set by the Governor from time to time or as set by the
30 Compensation Review Board, whichever is greater. ~~The Board~~
31 ~~shall also establish the duties, powers and responsibilities of~~
32 ~~the State Superintendent, which shall be included in the State~~
33 ~~Superintendent's performance based contract along with the~~
34 ~~goals and indicators of student performance and academic~~
35 ~~improvement used to measure the performance and effectiveness~~
36 ~~of the State Superintendent.~~ The State Board of Education may

1 delegate to the State Superintendent of Education the authority
2 to act on the Board's behalf, provided such delegation is made
3 pursuant to adopted board policy or the powers delegated are
4 ministerial in nature. ~~The State Board may not delegate~~
5 ~~authority under this Section to the State Superintendent to (1)~~
6 ~~nonrecognize school districts, (2) withhold State payments as a~~
7 ~~penalty, or (3) make final decisions under the contested case~~
8 ~~provisions of the Illinois Administrative Procedure Act unless~~
9 ~~otherwise provided by law.~~

10 The State Board of Education's powers and duties are
11 limited by law, as provided in Section 2 of Article X of the
12 Illinois Constitution, to only the following:

13 (1) The State Board of Education shall research current
14 educational best practices and policies and shall report
15 its findings to the Department of Education.

16 (2) The State Board of Education shall provide
17 suggestions to the Department of Education as to the
18 long-range implications of the practices and policies.

19 (3) The State Board of Education shall consult with the
20 Department of Education on all matters related to
21 education-related topics.

22 C. The powers and duties of the Department ~~State Board~~ of
23 Education shall encompass all duties delegated to the Office of
24 Superintendent of Public Instruction on January 12, 1975,
25 except as the law providing for such powers and duties is
26 thereafter amended, and such other powers and duties as the
27 General Assembly shall designate. The Department ~~Board~~ shall be
28 responsible for the educational policies and guidelines for
29 public schools, pre-school through grade 12 and Vocational
30 Education in the State of Illinois. The Department ~~Board~~ shall
31 analyze the present and future aims, needs, and requirements of
32 education in the State of Illinois and recommend to the General
33 Assembly the powers which should be exercised by the Department
34 ~~Board~~. The Department ~~Board~~ shall recommend the passage and the
35 legislation necessary to determine the appropriate
36 relationship between the Department ~~Board~~ and local boards of

1 education and the various State agencies and shall recommend
2 desirable modifications in the laws which affect schools.

3 D. Two employees ~~members~~ of the Department of Education
4 ~~Board~~ shall be appointed by the Secretary of Education
5 ~~chairperson~~ to serve on a standing joint Education Committee, 2
6 others shall be appointed from the Board of Higher Education, 2
7 others shall be appointed by the chairperson of the Illinois
8 Community College Board, and 2 others shall be appointed by the
9 chairperson of the Human Resource Investment Council. The
10 Committee shall be responsible for making recommendations
11 concerning the submission of any workforce development plan or
12 workforce training program required by federal law or under any
13 block grant authority. The Committee will be responsible for
14 developing policy on matters of mutual concern to elementary,
15 secondary and higher education such as Occupational and Career
16 Education, Teacher Preparation and Certification, Educational
17 Finance, Articulation between Elementary, Secondary and Higher
18 Education and Research and Planning. The joint Education
19 Committee shall meet at least quarterly and submit an annual
20 report of its findings, conclusions, and recommendations to the
21 Department ~~State Board~~ of Education, the Board of Higher
22 Education, the Illinois Community College Board, the Human
23 Resource Investment Council, the Governor, and the General
24 Assembly. All meetings of this Committee shall be official
25 meetings for reimbursement under this Act.

26 E. ~~Five members of the Board shall constitute a quorum. A~~
27 ~~majority vote of the members appointed, confirmed and serving~~
28 ~~on the Board is required to approve any action.~~ The Department
29 of Education shall prepare and submit to the General Assembly
30 and the Governor on or before January 14, 2006 an interim
31 report on the status of the transition from the State Board of
32 Education to the Department of Education. The Department of
33 Education ~~Board~~ shall prepare and submit to the General
34 Assembly and the Governor on or before January 14, 2007 ~~1976~~
35 and annually thereafter a report or reports of its findings and
36 recommendations. Such annual report shall contain a separate

1 section which provides a critique and analysis of the status of
2 education in Illinois and which identifies its specific
3 problems and recommends express solutions therefor. Such
4 annual report also shall contain the following information for
5 the preceding year ending on June 30: each act or omission of a
6 school district of which the Department ~~State Board~~ of
7 Education has knowledge as a consequence of scheduled, approved
8 visits and which constituted a failure by the district to
9 comply with applicable State or federal laws or regulations
10 relating to public education, the name of such district, the
11 date or dates on which the Department ~~State Board~~ of Education
12 notified the school district of such act or omission, and what
13 action, if any, the school district took with respect thereto
14 after being notified thereof by the Department ~~State Board~~ of
15 Education. The report shall also include the statewide high
16 school dropout rate by grade level, sex and race and the annual
17 student dropout rate of and the number of students who graduate
18 from, transfer from or otherwise leave bilingual programs. The
19 Auditor General shall annually perform a compliance audit of
20 the Department ~~State Board~~ of Education's performance of the
21 reporting duty imposed by this amendatory Act of 1986. A
22 regular system of communication with other directly related
23 State agencies shall be implemented.

24 The requirement for reporting to the General Assembly shall
25 be satisfied by filing copies of the report with the Speaker,
26 the Minority Leader and the Clerk of the House of
27 Representatives and the President, the Minority Leader and the
28 Secretary of the Senate and the Legislative Council, as
29 required by Section 3.1 of the General Assembly Organization
30 Act, and filing such additional copies with the State
31 Government Report Distribution Center for the General Assembly
32 as is required under paragraph (t) of Section 7 of the State
33 Library Act.

34 (Source: P.A. 89-430, eff. 12-15-95; 89-610, eff. 8-6-96;
35 89-698, eff. 1-14-97; 90-548, eff. 1-1-98.)

1 Section 97. Severability. The provisions of this Act are
2 severable under Section 1.31 of the Statute on Statutes.

3 Section 99. Effective date. This Section and the provisions
4 adding Section 1A-0.01 of the School Code take effect on July
5 1, 2004. The rest of this Act takes effect on July 1, 2005.