



Sen. Miguel del Valle

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LRB093 19896 LRD 51241 a

1 AMENDMENT TO SENATE BILL 3000

2 AMENDMENT NO. _____. Amend Senate Bill 3000 by replacing
3 the title with the following:

4 "AN ACT concerning education, which may be referred to as
5 the Education Reform and Accountability Act of 2004."; and

6 by replacing the everything after the enacting clause with the
7 following:

8 "Section 1. Short title. This Act may be cited as the
9 School Employee Benefit Act.

10 Section 5. Purpose. The purpose of this Act is to require
11 the Department of Central Management Services to establish and
12 administer a prescription drug benefit program that will enable
13 eligible school employees access to affordable prescription
14 drugs.

15 Section 10. Definitions.

16 "Annuitant" means a retired school district employee
17 entitled to receive retirement benefits, as defined by the
18 school district.

19 "Department" means the Department of Central Management
20 Services.

21 "Dependent" means a school district employee's dependent
22 as defined by the school district.

1 "Director" means the Director of Central Management
2 Services.

3 "Employee" means a school district employee who is entitled
4 to benefits as defined by the school district.

5 "Rules" includes rules adopted and forms prescribed by the
6 Department.

7 "School district" means a public school district in this
8 State.

9 Section 15. Prescription drug benefits; contract.

10 (a) The Director shall, by contract, self-insurance, or
11 otherwise, make available a voluntary program of prescription
12 drug benefits for school districts under Section 15 of this
13 Act. The contract or other arrangement for the provision of the
14 prescription drug benefits shall be on terms deemed by the
15 Director to be in the best interest of the State of Illinois
16 and school districts based on criteria set by the Department,
17 which must include without limitation administrative cost,
18 service capabilities of the carrier or other contractors, and
19 premiums, fees, or charges as related to the costs of the
20 benefits.

21 (b) The term of a contract under this Section may not
22 extend beyond 5 fiscal years. The Director may exercise renewal
23 options of the same contract for up to a period of 5 years. Any
24 increases in premiums, fees, or charges requested by a
25 contractor whose contract may be renewed pursuant to a renewal
26 option contained in the contract must be justified on the basis
27 of (1) audited experience data, (2) increases in the costs of
28 prescription drug coverage provided under the contract, (3)
29 contractor performance, (4) increases in contractor
30 responsibilities, or (5) any combination of these bases.

31 (c) A contractor shall agree to abide by all requirements
32 and rules of the prescription drug benefit program, to submit
33 such information and data as may from time to time be deemed

1 necessary by the Director for effective administration of the
2 program, and to fully cooperate in any audit.

3 Section 20. Prescription drug benefits; program.

4 (a) Beginning July 1, 2005, the Department shall be
5 responsible for administering the prescription drug benefit
6 program established under this Act for employees, annuitants,
7 and dependents on a non-insured basis.

8 (b) For each program year, the Department shall set a date
9 by which school districts must notify the Department of their
10 election to participate in the prescription drug benefit
11 program. The Department shall provide notification of the
12 election date to school districts at least 45 days prior to the
13 election date.

14 (c) Any school district may apply to the Director to have
15 employees, annuitants, and dependents be provided a
16 prescription drug benefit program under this Act. To
17 participate, a school district must agree to enroll all of its
18 employees. A participating school district is not required to
19 enroll a full-time employee who has waived coverage under the
20 district's health plan.

21 (d) The Director shall determine the insurance rates and
22 premiums for those employees, annuitants, and dependents
23 participating in the prescription drug benefit program. Rates
24 and premiums may be based in part on age and eligibility for
25 federal Medicare coverage.

26 A school district must remit the entire cost of providing
27 prescription drug coverage under this Section.

28 (e) All revenues arising from the administration of the
29 prescription drug benefit program shall be deposited into
30 general revenue funds.

31 (f) It is the intention of the General Assembly that the
32 prescription drug benefit program be maintained on an on-going,
33 affordable basis. The prescription drug benefit program may be

1 changed by the State and is not intended to be a pension or
2 retirement benefit subject to protection under Section 5 of
3 Article XIII of the Illinois Constitution.

4 Section 85. The State Finance Act is amended by changing
5 Section 13.5 as follows:

6 (30 ILCS 105/13.5)

7 Sec. 13.5. Appropriations for ~~higher~~ education.

8 (a) State appropriations to the State Board of Education,
9 the Board of Trustees of Southern Illinois University, the
10 Board of Trustees of the University of Illinois, the Board of
11 Trustees of Chicago State University, the Board of Trustees of
12 Eastern Illinois University, the Board of Trustees of Illinois
13 State University, the Board of Trustees of Governors State
14 University, the Board of Trustees of Northeastern Illinois
15 University, the Board of Trustees of Northern Illinois
16 University, and the Board of Trustees of Western Illinois
17 University for operations shall identify the amounts
18 appropriated for personal services, State contributions to
19 social security for Medicare, contractual services, travel,
20 commodities, equipment, operation of automotive equipment,
21 telecommunications, awards and grants, and permanent
22 improvements.

23 (b) Within 120 days after the conclusion of each fiscal
24 year, each State-supported institution of higher learning must
25 provide, through the Illinois Board of Higher Education, a
26 financial report to the Governor and General Assembly
27 documenting the institution's revenues and expenditures of
28 funds for that fiscal year ending June 30 for all funds.

29 (Source: P.A. 93-229, eff. 7-22-03.)

30 Section 90. The School Code is amended by changing Sections
31 1A-1, 1A-2.1, 1A-4, 3-15.1, and 10-20.21 and adding Section

1 2-3.135 and Article 28A as follows:

2 (105 ILCS 5/1A-1) (from Ch. 122, par. 1A-1)

3 Sec. 1A-1. Members and terms.

4 (a) The term of each member of the State Board of Education
5 who is in office on June 30, 2004 ~~the effective date of this~~
6 ~~amendatory Act of 1996~~ shall terminate on July 1, 2004 ~~January~~
7 ~~1, 1997~~ or when all of the new members initially to be
8 appointed under this amendatory Act of the 93rd General
9 Assembly of 1996 are appointed by the Governor as provided in
10 subsection (b), whichever last occurs.

11 (b) Beginning on July 1, 2004 ~~January 1, 1997~~ or when all
12 of the new members initially to be appointed under this
13 subsection are appointed by the Governor, whichever last
14 occurs, and thereafter, the State Board of Education shall
15 consist of 9 members, who shall be appointed by the Governor
16 with the advice and consent of the Senate from a pattern of
17 regional representation as follows: 2 appointees shall be
18 selected from among those counties of the State other than Cook
19 County and the 5 counties contiguous to Cook County; 2
20 appointees shall be selected from Cook County, one of whom
21 shall be a resident of the City of Chicago and one of whom
22 shall be a resident of that part of Cook County which lies
23 outside the city limits of Chicago; 2 appointees shall be
24 selected from among the 5 counties of the State that are
25 contiguous to Cook County; and 3 members shall be selected as
26 members-at-large. At no time may more than 5 members of the
27 Board be from one political party. Party membership is defined
28 as having voted in the primary of the party in the last primary
29 before appointment. Five of the ~~The~~ 9 members initially
30 appointed pursuant to this amendatory Act of the 93rd General
31 Assembly 1996 shall draw lots to determine 3 of their number
32 ~~who~~ shall serve until the second Wednesday of January, 2007, as
33 designated by the Governor, and the other 4 shall serve until

1 the second Wednesday of January, 2009, as designated by the
2 Governor 2003, 3 of their number who shall serve until the
3 second Wednesday of January, 2001, and 3 of their number who
4 shall serve until the second Wednesday of January, 1999. Upon
5 expiration of the terms of ~~the~~ members ~~initially appointed~~
6 ~~under this amendatory Act of 1996,~~ their respective successors
7 shall be appointed for terms of 4 ~~6~~ years, from the second
8 Wednesday in January of each odd numbered year and until their
9 respective successors are appointed and qualified. Vacancies
10 in terms shall be filled by appointment by the Governor with
11 the advice and consent of the Senate for the extent of the
12 unexpired term. If a vacancy in membership occurs at a time
13 when the Senate is not in session, the Governor shall make a
14 temporary appointment until the next meeting of the Senate,
15 when the Governor shall appoint a person to fill that
16 membership for the remainder of its term. If the Senate is not
17 in session when appointments for a full term are made, the
18 appointments shall be made as in the case of vacancies.

19 (Source: P.A. 89-610, eff. 8-6-96.)

20 (105 ILCS 5/1A-2.1) (from Ch. 122, par. 1A-2.1)

21 Sec. 1A-2.1. Vacancies. A vacancy exists on the State Board
22 of Education when one or more of the following events occur:

- 23 1. A ~~a~~ member dies.†
- 24 2. A ~~a~~ member files a written resignation with the
25 Governor.†
- 26 3. A ~~a~~ member is adjudicated to be a person under legal
27 disability under the Probate Act of 1975, ~~as amended,~~ or a
28 person subject to involuntary admission under the Mental Health
29 and Developmental Disabilities Code.†
- 30 4. A ~~a~~ member ceases to be a resident of the region
31 ~~judicial district~~ from which he or she was appointed.†
- 32 5. A ~~a~~ member is convicted of an infamous crime~~,~~ or of any
33 offense involving a violation of his or her duties under this

1 Code. Act.

2 6. A ~~a~~ member fails to maintain the qualifications stated
3 in Section 1A-2 of this Code Act.

4 7. A member is removed at the discretion of the Governor
5 for incompetence, neglect of duty, or malfeasance in office.

6 (Source: P.A. 83-706.)

7 (105 ILCS 5/1A-4) (from Ch. 122, par. 1A-4)

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

9 A. Upon the appointment of new State Board of Education
10 ~~Board~~ members as provided in subsection (b) of Section 1A-1 and
11 every 2 years thereafter, the chairperson of the Board shall be
12 selected by the Governor, with the advice and consent of the
13 Senate, from the membership of the Board to serve as
14 chairperson for 2 years.

15 Five members of the State Board of Education shall
16 constitute a quorum. A majority vote of appointed members is
17 required to approve any action.

18 B. The State Board of Education ~~Board~~ shall determine the
19 qualifications of and appoint a chief education officer, to be
20 known as the State Superintendent of Education, who may be
21 proposed by the Governor and who shall serve at the pleasure of
22 the Board and pursuant to a performance-based contract linked
23 to statewide student performance and academic improvement
24 within Illinois schools. No performance-based contract issued
25 for the employment of the State Superintendent of Education
26 shall be for a term longer than 2 3 years and no contract shall
27 be extended or renewed prior to its scheduled expiration unless
28 the performance and improvement goals contained in the contract
29 have been met. The State Superintendent of Education shall not
30 serve as a member of the State Board of Education, but. ~~The~~
31 ~~Board shall set the compensation of the State Superintendent of~~
32 ~~Education who~~ shall serve as the Board's chief executive
33 officer. The State Superintendent of Education shall receive an

1 annual salary as set by the State Board of Education from time
2 to time or as set by the Compensation Review Board, whichever
3 is greater. The State Board of Education shall ~~also~~ establish
4 the duties, powers and responsibilities of the State
5 Superintendent in accordance with this Code, which shall be
6 included in the State Superintendent's performance-based
7 contract along with the goals and indicators of student
8 performance and academic improvement used to measure the
9 performance and effectiveness of the State Superintendent. The
10 State Board of Education may delegate to the State
11 Superintendent of Education the authority to act on the Board's
12 behalf, provided such delegation is made pursuant to adopted
13 board policy or the powers delegated are ministerial in nature.
14 The State Board may not delegate authority under this Section
15 to the State Superintendent to (1) nonrecognize school
16 districts, (2) withhold State payments as a penalty, or (3)
17 make final decisions under the contested case provisions of the
18 Illinois Administrative Procedure Act unless otherwise
19 provided by law.

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

1 shall recommend desirable modifications in the laws which
2 affect schools.

3 D. Two members of the State Board of Education shall be
4 appointed by the chairperson to serve on a standing joint
5 Education Committee, 2 others shall be appointed from the Board
6 of Higher Education, 2 others shall be appointed by the
7 chairperson of the Illinois Community College Board, and 2
8 others shall be appointed by the chairperson of the Human
9 Resource Investment Council. The Committee shall be
10 responsible for making recommendations concerning the
11 submission of any workforce development plan or workforce
12 training program required by federal law or under any block
13 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 State Board of Education, the Board of Higher Education, the
22 Illinois Community College Board, the Human Resource
23 Investment Council, the Governor, and the General Assembly. All
24 meetings of this Committee shall be official meetings for
25 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 State Board
29 of Education shall prepare and submit to the General Assembly
30 and the Governor on or before January 14, 1976 and annually
31 thereafter a report or reports of its findings and
32 recommendations. Such annual report shall contain a separate
33 section which provides a critique and analysis of the status of
34 education in Illinois and which identifies its specific

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

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

31 (Source: P.A. 89-430, eff. 12-15-95; 89-610, eff. 8-6-96;
32 89-698, eff. 1-14-97; 90-548, eff. 1-1-98.)

1 Sec. 2-3.135. Shared service centers. The State Board of
2 Education, in partnership with regional superintendents, may
3 create shared service centers, providing optional shared
4 services for districts.

5 (105 ILCS 5/3-15.1) (from Ch. 122, par. 3-15.1)

6 Sec. 3-15.1. Reports. To require the appointed school
7 treasurer in Class II counties, in each school district which
8 forms a part of a Class II county school unit but which is not
9 subject to the jurisdiction of the trustees of schools of any
10 township in which such district is located, and in each school
11 district of the Class I counties to prepare and forward to his
12 office on or before October 15, annually, and at such other
13 times as may be required by him or by the State Board of
14 Education a statement exhibiting the financial condition of the
15 school for the preceding year commencing on July 1 and ending
16 June 30.

17 In Class I county school units, and in each school district
18 which forms a part of a Class II county school unit but which
19 is not subject to the jurisdiction of the trustees of schools
20 of any township in which such school district is located, the
21 statement shall in the case of districts on the accrual basis
22 show the assets, liabilities and fund balance of the funds as
23 of the end of the fiscal year. The statement shall show the
24 operation of the funds for the fiscal year with a
25 reconciliation and analysis of changes in the funds at the end
26 of the period. For districts on a cash basis the statement
27 shall show the receipts and disbursements by funds including
28 the source of receipts and purpose for which the disbursements
29 were made together with the balance at the end of the fiscal
30 year. Each school district that is the administrator of a joint
31 agreement shall cause an Annual Financial Statement to be
32 submitted on forms prescribed by the State Board of Education
33 exhibiting the financial condition of the program established

1 pursuant to the joint agreement, for the fiscal year ending on
2 the immediately preceding June 30.

3 The regional superintendent shall send all required
4 reports to the State Board of Education on or before November
5 15, annually.

6 For all districts the statements shall show bonded debt,
7 tax warrants, taxes received and receivable by funds and such
8 other information as may be required by the State Board of
9 Education. The statement (i) shall provide education
10 purchasing information in a manner determined by the State
11 Board and (ii) shall provide a certified statement from a
12 certified public accountant on whether or not a school district
13 is complying with the requirements and intent of Section
14 10-20.21 of this Code. Any district from which such report is
15 not so received when required shall have its portion of the
16 distributive fund withheld for the next ensuing year until such
17 report is filed.

18 If a district is divided by a county line or lines the
19 foregoing required statement shall be forwarded to the regional
20 superintendent of schools having supervision and control of the
21 district.

22 (Source: P.A. 86-1441; 87-473.)

23 (105 ILCS 5/10-20.21) (from Ch. 122, par. 10-20.21)

24 Sec. 10-20.21. Contracts.

25 (a) To award all contracts for purchase of supplies,
26 materials or work or contracts with private carriers for
27 transportation of pupils involving an expenditure in excess of
28 \$10,000 to the lowest responsible bidder, considering
29 conformity with specifications, terms of delivery, quality and
30 serviceability, after due advertisement, except the following:
31 (i) contracts for the services of individuals possessing a high
32 degree of professional skill where the ability or fitness of
33 the individual plays an important part; (ii) contracts for the

1 printing of finance committee reports and departmental
2 reports; (iii) contracts for the printing or engraving of
3 bonds, tax warrants and other evidences of indebtedness; (iv)
4 contracts for the purchase of perishable foods and perishable
5 beverages; (v) contracts for materials and work which have been
6 awarded to the lowest responsible bidder after due
7 advertisement, but due to unforeseen revisions, not the fault
8 of the contractor for materials and work, must be revised
9 causing expenditures not in excess of 10% of the contract
10 price; (vi) contracts for the maintenance or servicing of, or
11 provision of repair parts for, equipment which are made with
12 the manufacturer or authorized service agent of that equipment
13 where the provision of parts, maintenance, or servicing can
14 best be performed by the manufacturer or authorized service
15 agent; (vii) purchases and contracts for the use, purchase,
16 delivery, movement, or installation of data processing
17 equipment, software, or services and telecommunications and
18 interconnect equipment, software, and services; (viii)
19 contracts for duplicating machines and supplies; (ix)
20 contracts for the purchase of natural gas when the cost is less
21 than that offered by a public utility; (x) purchases of
22 equipment previously owned by some entity other than the
23 district itself; (xi) contracts for repair, maintenance,
24 remodeling, renovation, or construction, or a single project
25 involving an expenditure not to exceed \$20,000 and not
26 involving a change or increase in the size, type, or extent of
27 an existing facility; (xii) contracts for goods or services
28 procured from another governmental agency; (xiii) contracts
29 for goods or services which are economically procurable from
30 only one source, such as for the purchase of magazines, books,
31 periodicals, pamphlets and reports, and for utility services
32 such as water, light, heat, telephone or telegraph; and (xiv)
33 where funds are expended in an emergency and such emergency
34 expenditure is approved by 3/4 of the members of the board.

1 All competitive bids for contracts involving an
2 expenditure in excess of \$10,000 must be sealed by the bidder
3 and must be opened by a member or employee of the school board
4 at a public bid opening at which the contents of the bids must
5 be announced. Each bidder must receive at least 3 days' notice
6 of the time and place of the bid opening. For purposes of this
7 Section due advertisement includes, but is not limited to, at
8 least one public notice at least 10 days before the bid date in
9 a newspaper published in the district, or if no newspaper is
10 published in the district, in a newspaper of general
11 circulation in the area of the district. State master contracts
12 and certified education purchasing contracts, as defined in
13 Article 28A of this Code, are not subject to the requirements
14 of this paragraph.

15 (b) To require, as a condition of any contract for goods
16 and services, that persons bidding for and awarded a contract
17 and all affiliates of the person collect and remit Illinois Use
18 Tax on all sales of tangible personal property into the State
19 of Illinois in accordance with the provisions of the Illinois
20 Use Tax Act regardless of whether the person or affiliate is a
21 "retailer maintaining a place of business within this State" as
22 defined in Section 2 of the Use Tax Act. For purposes of this
23 Section, the term "affiliate" means any entity that (1)
24 directly, indirectly, or constructively controls another
25 entity, (2) is directly, indirectly, or constructively
26 controlled by another entity, or (3) is subject to the control
27 of a common entity. For purposes of this subsection (b), an
28 entity controls another entity if it owns, directly or
29 individually, more than 10% of the voting securities of that
30 entity. As used in this subsection (b), the term "voting
31 security" means a security that (1) confers upon the holder the
32 right to vote for the election of members of the board of
33 directors or similar governing body of the business or (2) is
34 convertible into, or entitles the holder to receive upon its

1 exercise, a security that confers such a right to vote. A
2 general partnership interest is a voting security.

3 To require that bids and contracts include a certification
4 by the bidder or contractor that the bidder or contractor is
5 not barred from bidding for or entering into a contract under
6 this Section and that the bidder or contractor acknowledges
7 that the school board may declare the contract void if the
8 certification completed pursuant to this subsection (b) is
9 false.

10 (c) If the State education purchasing entity creates a
11 master contract as defined in Article 28A of this Code, then
12 the State education purchasing entity shall notify school
13 districts of the existence of the master contract. The State
14 purchasing entity shall also notify school districts of the
15 date by which the school districts must elect whether or not to
16 participate in the master contract, leaving adequate time for
17 the school district to solicit competing bids. The State
18 purchasing entity shall send to school districts no more than 4
19 notifications of master contracts per year, although each
20 notification may include more than one master contract. Once a
21 school district has received notice of the existence of a
22 master contract, the school district shall do one of the
23 following:

24 (1) Publicly elect to participate in the master
25 contract without engaging in the competitive bidding
26 required by subsections (a) and (b) of this Section.

27 (2) Publicly elect to not participate in the master
28 contract on the ground that the supplies, materials,
29 equipment, or services available in the master contract are
30 not needed.

31 (3) Solicit bids in accordance with subsections (a) and
32 (b) of this Section, and then, after bids have been
33 received, vote at a public meeting to (A) participate in
34 the master contract, (B) award a contract to a bidding

1 vendor who agrees to provide the supplies, materials,
2 equipment, or services on the same terms as the master
3 contract, (C) award a contract to a bidding vendor on terms
4 more favorable than those in the master contract, or (D)
5 not award a contract.

6 (d) In purchasing supplies, materials, equipment, or
7 services that are not subject to subsection (c) of this
8 Section, before a school district solicits bids or awards a
9 contract, the district must review and consider as a bid under
10 subsection (a) of this Section certified education purchasing
11 contracts that are already available through the State
12 education purchasing entity. If a certified education
13 purchasing contract is responsive to a request for bids, then
14 the school district must state publicly its reasons for not
15 participating in the certified education purchasing contract.

16 (e) A school district may annually adopt a resolution
17 establishing a local preference or a preference for businesses
18 certified under the Business Enterprise for Minorities,
19 Females, and Persons with Disabilities Act or both for any
20 contract entered into pursuant to subsections (c) and (d) of
21 this Section. The resolution must be adopted within 30 days
22 after the commencement of each fiscal year. The resolution
23 shall provide for specific criteria by which a preference may
24 be given to a bidder whose principal place of business is
25 located within the boundaries of the school district or for
26 certified businesses owned by females, minorities, or persons
27 with disabilities located within the State or both. If a
28 contract is awarded pursuant to such a preference, then the
29 school district must adopt a resolution stating that it
30 approves the use of the preference in awarding the contract. A
31 school district may not adopt a resolution stating that any
32 specific number or dollar amount of contracts must be awarded
33 through a preference authorized by this Section. No preference
34 authorized by this Section may result in the awarding of a

1 contract to a bidder whose bid is 10% or more greater than the
2 price specified in a master contract or certified education
3 purchasing contract. The school district is solely responsible
4 for ensuring that any preference granted pursuant to this
5 Section complies with all of the requirements of the United
6 States Constitution and the Illinois Constitution.

7 (f) If a school district does not comply with the
8 requirements and intent of subsections (c) and (d) of this
9 Section, then the school district is subject to a penalty as
10 determined by the State Board of Education.

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

12 (105 ILCS 5/Art. 28A heading new)

13 ARTICLE 28A. Education Purchasing Program.

14 (105 ILCS 5/28A-5 new)

15 Sec. 28A-5. Definitions. In this Article:

16 "State Board" means the State Board of Education.

17 "Education purchasing contract" means a contract
18 negotiated by the State Board, a local, State, or federal
19 governmental entity, or a not-for-profit, for-profit, or
20 cooperative entity that is certified under Section 28A-15 of
21 this Code and made available to school districts.

22 "Master contract" means a contract designated as a
23 statewide education master contract under Section 28A-15 of
24 this Code.

25 "Program" means the education purchasing program created
26 under this Article.

27 (105 ILCS 5/28A-10 new)

28 Sec. 28A-10. Program created. The State Board shall create
29 an education purchasing program. Under the program, the State
30 Board shall designate itself or another entity to act as a
31 State education purchasing entity to form and designate

1 statewide education master contracts and to certify education
2 purchasing contracts for key categories identified and defined
3 by the State Board. The State education purchasing entity shall
4 provide master contract and education purchasing contract
5 information and pricing to school districts.

6 (105 ILCS 5/28A-15 new)

7 Sec. 28A-15. Powers of State education purchasing entity.
8 The State education purchasing entity shall have all of the
9 following powers:

10 (1) To select vendors and form contracts in accordance
11 with the State's purchasing laws.

12 (2) To designate a contract as a statewide education
13 master contract for purposes of subsection (c) of Section
14 10-20.21 of this Code.

15 (3) To certify an education purchasing contract,
16 provided that the contract was entered into according to
17 procedures and conditions that conform to applicable State
18 purchasing laws, for purposes of subsection (d) of Section
19 10-20.21 of this Code.

20 (4) To facilitate the inter-district sale or transfer
21 of excess inventory or equipment.

22 (5) To select and subsidize e-procurement tools to be
23 implemented within school districts.

24 (105 ILCS 5/28A-20 new)

25 Sec. 28A-20. Rules. The State Board or other State agency
26 designated by the State Board may adopt rules to implement,
27 administer, and enforce the program.

28 Section 95. The State Mandates Act is amended by adding
29 Section 8.28 as follows:

30 (30 ILCS 805/8.28 new)

1 Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8
2 of this Act, no reimbursement by the State is required for the
3 implementation of any mandate created by this amendatory Act of
4 the 93rd General Assembly.

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

7 Section 99. Effective date. This Act takes effect July 1,
8 2004, except that the provisions changing Sections 3-15.1 and
9 10-20.21 of the School Code take effect on July 1, 2005."