



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2829

Introduced 1/20/2006, by Sen. Kimberly A. Lightford

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.12	from Ch. 122, par. 2-3.12
105 ILCS 5/2-3.25d	from Ch. 122, par. 2-3.25d
105 ILCS 5/2-3.25f	from Ch. 122, par. 2-3.25f
105 ILCS 5/2-3.25g	from Ch. 122, par. 2-3.25g
105 ILCS 5/2-3.59	from Ch. 122, par. 2-3.59
105 ILCS 5/2-3.63	from Ch. 122, par. 2-3.63
105 ILCS 5/2-3.64	from Ch. 122, par. 2-3.64
105 ILCS 5/10-17	from Ch. 122, par. 10-17
105 ILCS 5/10-21.9	from Ch. 122, par. 10-21.9
105 ILCS 5/17-1.5	
105 ILCS 5/18-8.05	
105 ILCS 5/24-2	from Ch. 122, par. 24-2
105 ILCS 5/27-1	from Ch. 122, par. 27-1
105 ILCS 5/29-5	from Ch. 122, par. 29-5
105 ILCS 5/34-18.5	from Ch. 122, par. 34-18.5
105 ILCS 5/2-3.11b rep.	
105 ILCS 5/2-3.25e rep.	
30 ILCS 805/8.30 new	

Amends the School Code. Makes changes concerning the school building code, school and district improvement plans, the waiver and modification of mandates, staff development plans, local learning objectives and assessments, statements of affairs, criminal history records checks of school district employees, the limitation on administrative costs, the State aid formula, school holidays, and transportation reimbursement claims. Repeals a Section concerning latch key reports and a Section concerning school and district improvement panels. Amends the State Mandates Act to require implementation without reimbursement. Effective July 1, 2006.

LRB094 16378 NHT 53311 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 Sections
5 2-3.12, 2-3.25d, 2-3.25f, 2-3.25g, 2-3.59, 2-3.63, 2-3.64,
6 10-17, 10-21.9, 17-1.5, 18-8.05, 24-2, 27-1, 29-5, and 34-18.5
7 as follows:

8 (105 ILCS 5/2-3.12) (from Ch. 122, par. 2-3.12)

9 Sec. 2-3.12. School building code.

10 (a) To prepare for school boards with the advice of the
11 Department of Public Health, the Capital Development Board, and
12 the State Fire Marshal a school building code that will
13 conserve the health and safety and general welfare of the
14 pupils and school personnel and others who use public school
15 facilities.

16 ~~The document known as "Efficient and Adequate Standards for~~
17 ~~the Construction of Schools" applies only to temporary school~~
18 ~~facilities, new school buildings, and additions to existing~~
19 ~~schools whose construction contracts are awarded after July 1,~~
20 ~~1965. On or before July 1, 1967, each school board shall have~~
21 ~~its school district buildings that were constructed prior to~~
22 ~~January 1, 1955, surveyed by an architect or engineer licensed~~
23 ~~in the State of Illinois as to minimum standards necessary to~~
24 ~~conserve the health and safety of the pupils enrolled in the~~
25 ~~school buildings of the district. Buildings constructed~~
26 ~~between January 1, 1955 and July 1, 1965, not owned by the~~
27 ~~State of Illinois, shall be surveyed by an architect or~~
28 ~~engineer licensed in the State of Illinois beginning 10 years~~
29 ~~after acceptance of the completed building by the school board.~~
30 ~~Buildings constructed between January 1, 1955 and July 1, 1955~~
31 ~~and previously exempt under the provisions of Section 35-27~~
32 ~~shall be surveyed prior to July 1, 1977 by an architect or~~

1 ~~engineer licensed in the State of Illinois. The architect or~~
2 ~~engineer, using the document known as "Building Specifications~~
3 ~~for Health and Safety in Public Schools" as a guide, shall make~~
4 ~~a report of the findings of the survey to the school board,~~
5 ~~giving priority in that report to fire safety problems and~~
6 ~~recommendations thereon if any such problems exist. The school~~
7 ~~board of each district so surveyed and receiving a report of~~
8 ~~needed recommendations to be made to improve standards of~~
9 ~~safety and health of the pupils enrolled has until July 1,~~
10 ~~1970, or in case of buildings not owned by the State of~~
11 ~~Illinois and completed between January 1, 1955 and July 1, 1965~~
12 ~~or in the case of buildings previously exempt under the~~
13 ~~provisions of Section 35-27 has a period of 3 years after the~~
14 ~~survey is commenced, to effectuate those recommendations,~~
15 ~~giving first attention to the recommendations in the survey~~
16 ~~report having priority status, and is authorized to levy the~~
17 ~~tax provided for in Section 17-2.11, according to the~~
18 ~~provisions of that Section, to make such improvements. School~~
19 ~~boards unable to effectuate those recommendations prior to July~~
20 ~~1, 1970, on July 1, 1980 in the case of buildings previously~~
21 ~~exempt under the provisions of Section 35-27, may petition the~~
22 ~~State Superintendent of Education upon the recommendation of~~
23 ~~the Regional Superintendent for an extension of time. The~~
24 ~~extension of time may be granted by the State Superintendent of~~
25 ~~Education for a period of one year, but may be extended from~~
26 ~~year to year provided substantial progress, in the opinion of~~
27 ~~the State Superintendent of Education, is being made toward~~
28 ~~compliance. For routine inspections, the State Fire Marshal or~~
29 ~~a qualified fire official to whom the State Fire Marshal has~~
30 ~~delegated his or her authority shall notify the Regional~~
31 ~~Superintendent, the district superintendent, and the principal~~
32 ~~of the school in advance to schedule a mutually agreed upon~~
33 ~~time for the fire safety check. However, no more than 2 routine~~
34 ~~inspections may be made in a calendar year.~~

35 (b) Within 2 years after September 23, ~~the effective date~~
36 ~~of this amendatory Act of 1983, and every 10 years thereafter,~~

1 or at such other times as the State Board of Education deems
2 necessary or the regional superintendent so orders, each school
3 board subject to the provisions of this Section shall again
4 survey its school buildings and effectuate any recommendations
5 in accordance with the procedures set forth herein.

6 (1) An architect or engineer licensed in the State of
7 Illinois is required to conduct the surveys under the
8 provisions of this Section and shall make a report of the
9 findings of the survey titled "safety survey report" to the
10 school board.

11 (2) The school board shall approve the safety survey
12 report, including any recommendations to effectuate
13 compliance with the code, and submit it to the Regional
14 Superintendent.

15 (3) The Regional Superintendent shall render a
16 decision regarding approval or denial and submit the safety
17 survey report to the State Superintendent of Education.

18 (4) The State Superintendent of Education shall
19 approve or deny the report including recommendations to
20 effectuate compliance with the code and, if approved, issue
21 a certificate of approval.

22 (5) Upon receipt of the certificate of approval, the
23 Regional Superintendent shall issue an order to effect any
24 approved recommendations included in the report. The
25 report shall meet all of the following requirements:

26 (A) Items in the report shall be prioritized.

27 (B) Urgent items shall be considered as those items
28 related to life safety problems that present an
29 immediate hazard to the safety of students.

30 (C) Required items shall be considered as those
31 items that are necessary for a safe environment but
32 present less of an immediate hazard to the safety of
33 students.

34 (D) Urgent and required items shall reference a
35 specific rule in the code authorized by this Section
36 that is currently being violated or will be violated

1 within the next 12 months if the violation is not
2 remedied.

3 (6) The school board of each district so surveyed and
4 receiving a report of needed recommendations to be made to
5 maintain standards of safety and health of the pupils
6 enrolled shall effectuate the correction of urgent items as
7 soon as achievable to ensure the safety of the students,
8 but in no case more than one year after the date of the
9 State Superintendent of Education's approval of the
10 recommendation.

11 (7) Required items shall be corrected in a timely
12 manner, but in no case more than 5 years from the date of
13 the State Superintendent of Education's approval of the
14 recommendation.

15 (8) Once each year the school board shall submit a
16 report of progress on completion of any recommendations to
17 effectuate compliance with the code. ~~For each year that the~~
18 ~~school board does not effectuate any or all approved~~
19 ~~recommendations, it shall petition the Regional~~
20 ~~Superintendent and the State Superintendent of Education~~
21 ~~detailing what work was completed in the previous year and~~
22 ~~a work plan for completion of the remaining work. If in the~~
23 ~~judgement of the Regional Superintendent and the State~~
24 ~~Superintendent of Education substantial progress has been~~
25 ~~made and just cause has been shown by the school board, the~~
26 ~~petition for a one year extension of time may be approved.~~

27 (c) As soon as practicable, but not later than 2 years
28 after January 1, 1993 ~~the effective date of this amendatory Act~~
29 ~~of 1992,~~ the State Board of Education shall combine the
30 document known as "Efficient and Adequate Standards for the
31 Construction of Schools" with the document known as "Building
32 Specifications for Health and Safety in Public Schools"
33 together with any modifications or additions that may be deemed
34 necessary. The combined document shall be known as the
35 "Health/Life Safety Code for Public Schools" and shall be the
36 governing code for all facilities that house public school

1 students or are otherwise used for public school purposes,
2 whether such facilities are permanent or temporary and whether
3 they are owned, leased, rented, or otherwise used by the
4 district. Facilities owned by a school district but that are
5 not used to house public school students or are not used for
6 public school purposes shall be governed by separate provisions
7 within the code authorized by this Section.

8 (d) The 10 year survey cycle specified in this Section
9 shall continue to apply based upon the standards contained in
10 the "Health/Life Safety Code for Public Schools", which shall
11 specify building standards for buildings that are constructed
12 prior to January 1, 1993 ~~the effective date of this amendatory~~
13 ~~Act of 1992~~ and for buildings that are constructed after that
14 date.

15 (e) The "Health/Life Safety Code for Public Schools" shall
16 be the governing code for public schools; however, the
17 provisions of this Section shall not preclude inspection of
18 school premises and buildings pursuant to Section 9 of the Fire
19 Investigation Act, provided that the provisions of the
20 "Health/Life Safety Code for Public Schools", or such
21 predecessor document authorized by this Section as may be
22 applicable are used, and provided that those inspections are
23 coordinated with the Regional Superintendent having
24 jurisdiction over the public school facility.

25 (f) Nothing in this Section shall be construed to prohibit
26 the State Fire Marshal or a qualified fire official to whom the
27 State Fire Marshal has delegated his or her authority from
28 conducting a fire safety check in a public school.

29 (g) The Regional Superintendent shall address any
30 violations that are not corrected in a timely manner pursuant
31 to subsection (b) of Section 3-14.21 of this Code.

32 (h) Any agency having jurisdiction beyond the scope of the
33 applicable document authorized by this Section may issue a
34 lawful order to a school board to effectuate recommendations,
35 and the school board receiving the order shall certify to the
36 Regional Superintendent and the State Superintendent of

1 Education when it has complied with the order.

2 (i) The State Board of Education is authorized to adopt any
3 rules that are necessary relating to the administration and
4 enforcement of the provisions of this Section.

5 (j) The code authorized by this Section shall apply only to
6 those school districts having a population of less than 500,000
7 inhabitants.

8 (k) In this Section, a "qualified fire official" means an
9 individual that meets the requirements of rules adopted by the
10 State Fire Marshal in cooperation with the State Board of
11 Education to administer this Section. These rules shall be
12 based on recommendations made by the task force established
13 under Section 2-3.137 of this Code.

14 (Source: P.A. 94-225, eff. 7-14-05.)

15 (105 ILCS 5/2-3.25d) (from Ch. 122, par. 2-3.25d)

16 Sec. 2-3.25d. Academic early warning and watch status.

17 (a) Beginning with the 2005-2006 school year, unless the
18 federal government formally disapproves of such policy through
19 the submission and review process for the Illinois
20 Accountability Workbook, those schools that do not meet
21 adequate yearly progress criteria for 2 consecutive annual
22 calculations in the same subgroup and in the same subject or in
23 their participation rate, attendance rate, or graduation rate
24 shall be placed on academic early warning status for the next
25 school year. Schools on academic early warning status that do
26 not meet adequate yearly progress criteria for a third annual
27 calculation in the same subgroup and in the same subject or in
28 their participation rate, attendance rate, or graduation rate
29 shall remain on academic early warning status. Schools on
30 academic early warning status that do not meet adequate yearly
31 progress criteria for a fourth annual calculation in the same
32 subgroup and in the same subject or in their participation
33 rate, attendance rate, or graduation rate shall be placed on
34 initial academic watch status. Schools on academic watch status
35 that do not meet adequate yearly progress criteria for a fifth

1 or subsequent annual calculation in the same subgroup and in
2 the same subject or in their participation rate, attendance
3 rate, or graduation rate shall remain on academic watch status.
4 Schools on academic early warning or academic watch status that
5 meet adequate yearly progress criteria for one annual
6 calculation shall be considered as having met expectations and
7 shall be removed from any status designation.

8 The school district of a school placed on either academic
9 early warning status or academic watch status may appeal the
10 status to the State Board of Education in accordance with
11 Section 2-3.25m of this Code.

12 A school district that has one or more schools on academic
13 early warning or academic watch status shall prepare a revised
14 School Improvement Plan or amendments thereto setting forth the
15 district's expectations for removing each school from academic
16 early warning or academic watch status and for improving
17 student performance in the affected school or schools.
18 Districts operating under Article 34 of this Code may prepare
19 the School Improvement Plan required under Section 34-2.4 of
20 this Code.

21 The revised School Improvement Plan for a school that is
22 initially placed on academic early warning status or that
23 remains on academic early warning status after a third annual
24 calculation must be approved by the school board (and by the
25 school's local school council in a district operating under
26 Article 34 of this Code, unless the school is on probation
27 pursuant to subsection (c) of Section 34-8.3 of this Code).

28 The revised School Improvement Plan for a school that is
29 initially placed on ~~initial~~ academic watch status after a
30 fourth annual calculation must be approved by the school board
31 (and by the school's local school council in a district
32 operating under Article 34 of this Code, unless the school is
33 on probation pursuant to subsection (c) of Section 34-8.3 of
34 this Code) ~~and the State Superintendent of Education.~~

35 The revised School Improvement Plan for a school that
36 remains on academic watch status after a fifth annual

1 calculation must be approved by the school board (and by the
2 school's local school council in a district operating under
3 Article 34 of this Code, unless the school is on probation
4 pursuant to subsection (c) of Section 34-8.3 of this Code) ~~and~~
5 ~~the State Superintendent of Education~~. In addition, the
6 district must develop a school restructuring plan for the
7 school that must be approved by the school board (and by the
8 school's local school council in a district operating under
9 Article 34 of this Code) ~~and subsequently approved by the State~~
10 ~~Superintendent of Education~~.

11 A school on academic watch status that does not meet
12 adequate yearly progress criteria for a sixth annual
13 calculation shall implement its approved school restructuring
14 plan beginning with the next school year, subject to the State
15 interventions specified in Section 2-3.25f of this Code.

16 (b) Beginning with the 2005-2006 school year, unless the
17 federal government formally disapproves of such policy through
18 the submission and review process for the Illinois
19 Accountability Workbook, those school districts that do not
20 meet adequate yearly progress criteria for 2 consecutive annual
21 calculations in the same subgroup and in the same subject or in
22 their participation rate, attendance rate, or graduation rate
23 shall be placed on academic early warning status for the next
24 school year. Districts on academic early warning status that do
25 not meet adequate yearly progress criteria for a third annual
26 calculation in the same subgroup and in the same subject or in
27 their participation rate, attendance rate, or graduation rate
28 shall remain on academic early warning status. Districts on
29 academic early warning status that do not meet adequate yearly
30 progress criteria for a fourth annual calculation in the same
31 subgroup and in the same subject or in their participation
32 rate, attendance rate, or graduation rate shall be placed on
33 initial academic watch status. Districts on academic watch
34 status that do not meet adequate yearly progress criteria for a
35 fifth or subsequent annual calculation in the same subgroup and
36 in the same subject or in their participation rate, attendance

1 rate, or graduation rate shall remain on academic watch status.
2 Districts on academic early warning or academic watch status
3 that meet adequate yearly progress criteria for one annual
4 calculation shall be considered as having met expectations and
5 shall be removed from any status designation.

6 A district placed on either academic early warning status
7 or academic watch status may appeal the status to the State
8 Board of Education in accordance with Section 2-3.25m of this
9 Code.

10 Districts on academic early warning or academic watch
11 status shall prepare a District Improvement Plan or amendments
12 thereto setting forth the district's expectations for removing
13 the district from academic early warning or academic watch
14 status and for improving student performance in the district.

15 All ~~The District Improvement Plans~~ Plan for a district that
16 ~~is initially placed on academic early warning status~~ must be
17 approved by the school board.

18 ~~The revised District Improvement Plan for a district that~~
19 ~~remains on academic early warning status after a third annual~~
20 ~~calculation must be approved by the school board.~~

21 ~~The revised District Improvement Plan for a district on~~
22 ~~initial academic watch status after a fourth annual calculation~~
23 ~~must be approved by the school board and the State~~
24 ~~Superintendent of Education.~~

25 ~~The revised District Improvement Plan for a district that~~
26 ~~remains on academic watch status after a fifth annual~~
27 ~~calculation must be approved by the school board and the State~~
28 ~~Superintendent of Education. In addition, the district must~~
29 ~~develop a district restructuring plan that must be approved by~~
30 ~~the school board and the State Superintendent of Education.~~

31 ~~A district on academic watch status that does not meet~~
32 ~~adequate yearly progress criteria for a sixth annual~~
33 ~~calculation shall implement its approved district~~
34 ~~restructuring plan beginning with the next school year, subject~~
35 ~~to the State interventions specified in Section 2-3.25f of this~~
36 ~~Code.~~

1 (c) All revised School and District Improvement Plans shall
2 be developed in collaboration with parents, staff in the
3 affected school or school district, and outside experts. All
4 revised School and District Improvement Plans shall be
5 developed, submitted, and monitored ~~approved~~ pursuant to rules
6 adopted by the State Board of Education. The revised
7 Improvement Plan shall address measurable outcomes for
8 improving student performance so that such performance meets
9 adequate yearly progress criteria as specified by the State
10 Board of Education. All school districts required to revise a
11 School Improvement Plan in accordance with this Section shall
12 establish a peer review process for the evaluation of School
13 Improvement Plans.

14 (d) All federal requirements apply to schools and school
15 districts utilizing federal funds under Title I, Part A of the
16 federal Elementary and Secondary Education Act of 1965.

17 (e) The State Board of Education, from any moneys it may
18 have available for this purpose, must implement and administer
19 a grant program that provides 2-year grants to school districts
20 on the academic watch list and other school districts that have
21 the lowest achieving students, as determined by the State Board
22 of Education, to be used to improve student achievement. In
23 order to receive a grant under this program, a school district
24 must establish an accountability program. The accountability
25 program must involve the use of statewide testing standards and
26 local evaluation measures. A grant shall be automatically
27 renewed when achievement goals are met. The Board may adopt any
28 rules necessary to implement and administer this grant program.
29 (Source: P.A. 93-470, eff. 8-8-03; 93-890, eff. 8-9-04; 94-666,
30 eff. 8-23-05.)

31 (105 ILCS 5/2-3.25f) (from Ch. 122, par. 2-3.25f)

32 Sec. 2-3.25f. State interventions.

33 ~~(a) A school or school district must submit the required~~
34 ~~revised Improvement Plan pursuant to rules adopted by the State~~
35 ~~Board of Education.~~ The State Board of Education shall provide

1 technical assistance to assist with the development and
2 implementation of School and District Improvement Plans ~~the~~
3 ~~improvement plan~~.

4 Schools or school districts that fail to make reasonable
5 efforts to implement an approved Improvement Plan may suffer
6 loss of State funds by school district, attendance center, or
7 program as the State Board of Education deems appropriate.

8 (b) In addition, if after 3 years following its placement
9 on academic watch status a school district or school remains on
10 academic watch status, the State Board of Education shall take
11 one of the following actions for the district or school:

12 (1) The State Board of Education may authorize the
13 State Superintendent of Education to direct the regional
14 superintendent of schools to remove school board members
15 pursuant to Section 3-14.28 of this Code. Prior to such
16 direction the State Board of Education shall permit members
17 of the local board of education to present written and oral
18 comments to the State Board of Education. The State Board
19 of Education may direct the State Superintendent of
20 Education to appoint an Independent Authority that shall
21 exercise such powers and duties as may be necessary to
22 operate a school or school district for purposes of
23 improving pupil performance and school improvement. The
24 State Superintendent of Education shall designate one
25 member of the Independent Authority to serve as chairman.
26 The Independent Authority shall serve for a period of time
27 specified by the State Board of Education upon the
28 recommendation of the State Superintendent of Education.

29 (2) The State Board of Education may (A) change the
30 recognition status of the school district or school to
31 nonrecognized, or (B) authorize the State Superintendent
32 of Education to direct the reassignment of pupils or direct
33 the reassignment or replacement of school district
34 personnel who are relevant to the failure to meet adequate
35 yearly progress criteria. If a school district is
36 nonrecognized in its entirety, it shall automatically be

1 dissolved on July 1 following that nonrecognition and its
2 territory realigned with another school district or
3 districts by the regional board of school trustees in
4 accordance with the procedures set forth in Section 7-11 of
5 the School Code. The effective date of the nonrecognition
6 of a school shall be July 1 following the nonrecognition.

7 (c) All federal requirements apply to schools and school
8 districts utilizing federal funds under Title I, Part A of the
9 federal Elementary and Secondary Education Act of 1965.

10 (Source: P.A. 93-470, eff. 8-8-03.)

11 (105 ILCS 5/2-3.25g) (from Ch. 122, par. 2-3.25g)

12 Sec. 2-3.25g. Waiver or modification of mandates within the
13 School Code and administrative rules and regulations.

14 (a) In this Section:

15 "Board" means a school board or the governing board or
16 administrative district, as the case may be, for a joint
17 agreement.

18 "Eligible applicant" means a school district, joint
19 agreement made up of school districts, or regional
20 superintendent of schools on behalf of schools and programs
21 operated by the regional office of education.

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

23 (b) Notwithstanding any other provisions of this School
24 Code or any other law of this State to the contrary, eligible
25 applicants may petition the State Board of Education for the
26 waiver or modification of the mandates of this School Code or
27 of the administrative rules and regulations promulgated by the
28 State Board of Education. Waivers or modifications of
29 administrative rules and regulations and modifications of
30 mandates of this School Code may be requested when an eligible
31 applicant demonstrates that it can address the intent of the
32 rule or mandate in a more effective, efficient, or economical
33 manner or when necessary to stimulate innovation or improve
34 student performance. Waivers of mandates of the School Code may
35 be requested when the waivers are necessary to stimulate

1 innovation or improve student performance. Waivers may not be
2 requested from laws, rules, and regulations pertaining to
3 special education, teacher certification, teacher tenure and
4 seniority, or Section 5-2.1 of this Code or from compliance
5 with the No Child Left Behind Act of 2001 (Public Law 107-110).

6 (c) Eligible applicants, as a matter of inherent managerial
7 policy, and any Independent Authority established under
8 Section 2-3.25f may submit an application for a waiver or
9 modification authorized under this Section. Each application
10 must include a written request by the eligible applicant or
11 Independent Authority and must demonstrate that the intent of
12 the mandate can be addressed in a more effective, efficient, or
13 economical manner or be based upon a specific plan for improved
14 student performance and school improvement. Any eligible
15 applicant requesting a waiver or modification for the reason
16 that intent of the mandate can be addressed in a more
17 economical manner shall include in the application a fiscal
18 analysis showing current expenditures on the mandate and
19 projected savings resulting from the waiver or modification.
20 Applications and plans developed by eligible applicants must be
21 approved by the board or regional superintendent of schools
22 applying on behalf of schools or programs operated by the
23 regional office of education following a public hearing on the
24 application and plan and the opportunity for the board or
25 regional superintendent to hear testimony from staff ~~educators~~
26 directly involved in its implementation, parents, and
27 students. The time period for such testimony shall be separate
28 from the time period established by the eligible applicant for
29 public comment on other matters. ~~If the applicant is a school~~
30 ~~district or joint agreement, the public hearing shall be held~~
31 ~~on a day other than the day on which a regular meeting of the~~
32 ~~board is held.~~ If the applicant is a school district, the
33 public hearing must be preceded by at least one published
34 notice occurring at least 7 days prior to the hearing in a
35 newspaper of general circulation within the school district
36 that sets forth the time, date, place, and general subject

1 matter of the hearing. If the applicant is a joint agreement or
2 regional superintendent, the public hearing must be preceded by
3 at least one published notice (setting forth the time, date,
4 place, and general subject matter of the hearing) occurring at
5 least 7 days prior to the hearing in a newspaper of general
6 circulation in each school district that is a member of the
7 joint agreement or that is served by the educational service
8 region, provided that a notice appearing in a newspaper
9 generally circulated in more than one school district shall be
10 deemed to fulfill this requirement with respect to all of the
11 affected districts. The eligible applicant must notify in
12 writing the affected exclusive collective bargaining agent and
13 those State legislators representing the eligible applicant's
14 territory of its intent to seek approval of a waiver or
15 modification and of the hearing to be held to take testimony
16 from staff ~~educators~~. The affected exclusive collective
17 bargaining agents shall be notified of such public hearing at
18 least 7 days prior to the date of the hearing and shall be
19 allowed to attend such public hearing. The eligible applicant
20 shall attest to compliance with all of the notification and
21 procedural requirements set forth in this Section.

22 (d) A request for a waiver or modification of
23 administrative rules and regulations or for a modification of
24 mandates contained in this School Code shall be submitted to
25 the State Board of Education within 15 days after approval by
26 the board or regional superintendent of schools. The
27 application as submitted to the State Board of Education shall
28 include a description of the public hearing. Following receipt
29 of the request, the State Board shall have 45 days to review
30 the application and request. If the State Board fails to
31 disapprove the application within that 45 day period, the
32 waiver or modification shall be deemed granted. The State Board
33 may disapprove any request if it is not based upon sound
34 educational practices, endangers the health or safety of
35 students or staff, compromises equal opportunities for
36 learning, or fails to demonstrate that the intent of the rule

1 or mandate can be addressed in a more effective, efficient, or
2 economical manner or have improved student performance as a
3 primary goal. Any request disapproved by the State Board may be
4 appealed to the General Assembly by the eligible applicant as
5 outlined in this Section.

6 A request for a waiver from mandates contained in this
7 School Code shall be submitted to the State Board within 15
8 days after approval by the board or regional superintendent of
9 schools. The application as submitted to the State Board of
10 Education shall include a description of the public hearing.
11 The description shall include, but need not be limited to, the
12 means of notice, the number of people in attendance, the number
13 of people who spoke as proponents or opponents of the waiver, a
14 brief description of their comments, and whether there were any
15 written statements submitted. The State Board shall review the
16 applications and requests for completeness and shall compile
17 the requests in reports to be filed with the General Assembly.
18 The State Board shall file reports outlining the waivers
19 requested by eligible applicants and appeals by eligible
20 applicants of requests disapproved by the State Board with the
21 Senate and the House of Representatives before each March 1 and
22 October 1. The General Assembly may disapprove the report of
23 the State Board in whole or in part within 60 calendar days
24 after each house of the General Assembly next convenes after
25 the report is filed by adoption of a resolution by a record
26 vote of the majority of members elected in each house. If the
27 General Assembly fails to disapprove any waiver request or
28 appealed request within such 60 day period, the waiver or
29 modification shall be deemed granted. Any resolution adopted by
30 the General Assembly disapproving a report of the State Board
31 in whole or in part shall be binding on the State Board.

32 (e) An approved waiver or modification may remain in effect
33 for a period not to exceed 5 school years and may be renewed
34 upon application by the eligible applicant. However, such
35 waiver or modification may be changed within that 5-year period
36 by a board or regional superintendent of schools applying on

1 behalf of schools or programs operated by the regional office
2 of education following the procedure as set forth in this
3 Section for the initial waiver or modification request. If
4 neither the State Board of Education nor the General Assembly
5 disapproves, the change is deemed granted.

6 (f) On or before February 1, 1998, and each year
7 thereafter, the State Board of Education shall submit a
8 cumulative report summarizing all types of waivers of mandates
9 and modifications of mandates granted by the State Board or the
10 General Assembly. The report shall identify the topic of the
11 waiver along with the number and percentage of eligible
12 applicants for which the waiver has been granted. The report
13 shall also include any recommendations from the State Board
14 regarding the repeal or modification of waived mandates.

15 (Source: P.A. 93-470, eff. 8-8-03; 93-557, eff. 8-20-03;
16 93-707, eff. 7-9-04; 94-198, eff. 1-1-06; 94-432, eff. 8-2-05;
17 revised 8-19-05.)

18 (105 ILCS 5/2-3.59) (from Ch. 122, par. 2-3.59)

19 Sec. 2-3.59. Staff development programs. School districts,
20 cooperatives or joint agreements with a governing board or
21 board of control, administrative agents for educational
22 service centers, and regional superintendents acting on behalf
23 of such entities shall conduct staff development programs and
24 may contract with not-for-profit organizations to conduct
25 summer staff development program institutes which specify
26 outcome goals, including the improvement of specific
27 instructional competencies, and which conform to locally
28 developed plans. ~~The State Board of Education shall approve all~~
29 ~~staff development plans developed under this Section.~~
30 ~~Following approval of such plans, the State Board of Education~~
31 ~~shall provide State funds, appropriated for this purpose, to~~
32 ~~aid in conducting and contracting with not for profit~~
33 ~~organizations to conduct such programs.~~

34 (Source: P.A. 84-1220; 84-1283; 84-1438.)

1 (105 ILCS 5/2-3.63) (from Ch. 122, par. 2-3.63)

2 Sec. 2-3.63. Local learning objectives and assessment.

3 ~~Each The State Board of Education shall require each school~~
4 ~~district may ~~to~~ set student learning objectives which meet or~~
5 ~~exceed goals established by the State and to also establish~~
6 ~~local goals for excellence in education. If established, such~~
7 ~~Such~~ objectives and goals shall be disseminated to the public
8 along with information on the degree to which they are being
9 achieved, and if not, what appropriate actions are being taken.
10 As part of its local assessment system each district shall
11 identify the grade levels used to document progress to parents,
12 the community, and the State in all the fundamental learning
13 areas described in Section 27-1. ~~There shall be at least 2~~
14 ~~grade levels in each fundamental learning area before high~~
15 ~~school and at least one grade level during high school. The~~
16 ~~grades identified for each learning area shall be defined in~~
17 ~~the district's school improvement plan by June 30, 1993, and~~
18 ~~may be changed only upon approval by the State Superintendent~~
19 ~~of Education. The State Board of Education shall establish a~~
20 ~~process for approving local objectives mentioned in this~~
21 ~~Section; for approving local plans for improvement; for~~
22 ~~approving public reporting procedures; and for recognition and~~
23 ~~commendation of top-achieving districts. To the extent that a~~
24 ~~local plan for improvement or school improvement plan required~~
25 ~~by the State Board of Education includes developing either~~
26 ~~individual school plans for improvement or individual school~~
27 ~~improvement plans, a school in a district operating under~~
28 ~~Article 34 of the School Code may submit the school improvement~~
29 ~~plan required under Section 34-2.4 and this plan shall address~~
30 ~~and meet improvement plan requirements set forth both by the~~
31 ~~State Board of Education and by Section 32-2.4.~~

32 (Source: P.A. 87-934; 88-686, eff. 1-24-95.)

33 (105 ILCS 5/2-3.64) (from Ch. 122, par. 2-3.64)

34 Sec. 2-3.64. State goals and assessment.

35 (a) Beginning in the 1998-1999 school year, the State Board

1 of Education shall establish standards and periodically, in
2 collaboration with local school districts, conduct studies of
3 student performance in the learning areas of fine arts and
4 physical development/health.

5 Beginning with the 1998-1999 school year until the
6 2004-2005 school year, the State Board of Education shall
7 annually test: (i) all pupils enrolled in the 3rd, 5th, and 8th
8 grades in English language arts (reading, writing, and English
9 grammar) and mathematics; and (ii) all pupils enrolled in the
10 4th and 7th grades in the biological and physical sciences and
11 the social sciences (history, geography, civics, economics,
12 and government). Unless the testing required to be implemented
13 no later than the 2005-2006 school year under this subsection
14 (a) is implemented for the 2004-2005 school year, for the
15 2004-2005 school year, the State Board of Education shall test:
16 (i) all pupils enrolled in the 3rd, 5th, and 8th grades in
17 English language arts (reading and English grammar) and
18 mathematics and (ii) all pupils enrolled in the 4th and 7th
19 grades in the biological and physical sciences. The maximum
20 time allowed for all actual testing required under this
21 paragraph shall not exceed 25 hours, as allocated among the
22 required tests by the State Board of Education, across all
23 grades tested.

24 Beginning no later than the 2005-2006 school year, the
25 State Board of Education shall annually test: (i) all pupils
26 enrolled in the 3rd, 4th, 5th, 6th, 7th, and 8th grades in
27 reading and mathematics and (ii) all pupils enrolled in the 4th
28 and 7th grades in the biological and physical sciences. In
29 addition, the State Board of Education shall test (1) all
30 pupils enrolled in the 5th and 8th grades in writing during the
31 2006-2007 school year; (2) all pupils enrolled in the 5th, 6th,
32 and 8th grades in writing during the 2007-2008 school year; and
33 (3) all pupils enrolled in the 3rd, 5th, 6th, and 8th grades in
34 writing during the 2008-2009 school year and each school year
35 thereafter. After the addition of grades and change in subjects
36 as delineated in this paragraph and including whatever other

1 tests that may be approved from time to time no later than the
2 2005-2006 school year, the maximum time allowed for all State
3 testing in grades 3 through 8 shall not exceed 38 hours across
4 those grades.

5 Beginning with the 2004-2005 school year, the State Board
6 of Education shall not test pupils under this subsection (a) in
7 physical development and health, fine arts, and the social
8 sciences (history, geography, civics, economics, and
9 government). The State Board of Education shall not test pupils
10 under this subsection (a) in writing during the 2005-2006
11 school year.

12 The State Board of Education shall establish the academic
13 standards that are to be applicable to pupils who are subject
14 to State tests under this Section beginning with the 1998-1999
15 school year. However, the State Board of Education shall not
16 establish any such standards in final form without first
17 providing opportunities for public participation and local
18 input in the development of the final academic standards. Those
19 opportunities shall include a well-publicized period of public
20 comment, public hearings throughout the State, and
21 opportunities to file written comments. Beginning with the
22 1998-99 school year and thereafter, the State tests will
23 identify pupils in the 3rd grade or 5th grade who do not meet
24 the State standards.

25 If, by performance on the State tests or local assessments
26 or by teacher judgment, a student's performance is determined
27 to be 2 or more grades below current placement, the student
28 shall be provided a remediation program developed by the
29 district in consultation with a parent or guardian. Such
30 remediation programs may include, but shall not be limited to,
31 increased or concentrated instructional time, a remedial
32 summer school program of not less than 90 hours, improved
33 instructional approaches, tutorial sessions, retention in
34 grade, and modifications to instructional materials. Each
35 pupil for whom a remediation program is developed under this
36 subsection shall be required to enroll in and attend whatever

1 program the district determines is appropriate for the pupil.
2 Districts may combine students in remediation programs where
3 appropriate and may cooperate with other districts in the
4 design and delivery of those programs. The parent or guardian
5 of a student required to attend a remediation program under
6 this Section shall be given written notice of that requirement
7 by the school district a reasonable time prior to commencement
8 of the remediation program that the student is to attend. The
9 State shall be responsible for providing school districts with
10 the new and additional funding, under Section 2-3.51.5 or by
11 other or additional means, that is required to enable the
12 districts to operate remediation programs for the pupils who
13 are required to enroll in and attend those programs under this
14 Section. Every individualized educational program as described
15 in Article 14 shall identify if the State test or components
16 thereof are appropriate for that student. The State Board of
17 Education shall develop rules and regulations governing the
18 administration of alternative tests prescribed within each
19 student's individualized educational program which are
20 appropriate to the disability of each student.

21 All pupils who are in a State approved transitional
22 bilingual education program or transitional program of
23 instruction shall participate in the State tests. The time
24 allotted to take the State tests, however, may be extended as
25 determined by the State Board of Education by rule. Any student
26 who has been enrolled in a State approved bilingual education
27 program less than 3 cumulative academic years may take an
28 accommodated Limited English Proficient student academic
29 content assessment, as determined by the State Board of
30 Education, if the student's lack of English as determined by an
31 English language proficiency test would keep the student from
32 understanding the regular State test. If the school district
33 determines, on a case-by-case individual basis, that a Limited
34 English Proficient student academic content assessment would
35 likely yield more accurate and reliable information on what the
36 student knows and can do, the school district may make a

1 determination to assess the student using a Limited English
2 Proficient student academic content assessment for a period
3 that does not exceed 2 additional consecutive years, provided
4 that the student has not yet reached a level of English
5 language proficiency sufficient to yield valid and reliable
6 information on what the student knows and can do on the regular
7 State test.

8 Reasonable accommodations as prescribed by the State Board
9 of Education shall be provided for individual students in the
10 testing procedure. All test procedures prescribed by the State
11 Board of Education shall require: (i) that each test used for
12 State and local student testing under this Section identify by
13 name the pupil taking the test; (ii) that the name of the pupil
14 taking the test be placed on the test at the time the test is
15 taken; (iii) that the results or scores of each test taken
16 under this Section by a pupil of the school district be
17 reported to that district and identify by name the pupil who
18 received the reported results or scores; and (iv) that the
19 results or scores of each test taken under this Section be made
20 available to the parents of the pupil. In addition, in each
21 school year the highest scores attained by a student on the
22 Prairie State Achievement Examination administered under
23 subsection (c) of this Section and any Prairie State
24 Achievement Awards received by the student shall become part of
25 the student's permanent record and shall be entered on the
26 student's transcript pursuant to regulations that the State
27 Board of Education shall promulgate for that purpose in
28 accordance with Section 3 and subsection (e) of Section 2 of
29 the Illinois School Student Records Act. Beginning with the
30 1998-1999 school year and in every school year thereafter,
31 scores received by students on the State assessment tests
32 administered in grades 3 through 8 shall be placed into
33 students' temporary records.

34 The State Board of Education shall establish a period of
35 time, to be referred to as the State test window, in each
36 school year for which State testing shall occur to meet the

1 objectives of this Section. However, if the schools of a
2 district are closed and classes are not scheduled during any
3 week that is established by the State Board of Education as the
4 State test window, the school district may (at the discretion
5 of the State Board of Education) move its State test window one
6 week earlier or one week later than the established State test
7 window, so long as the school district gives the State Board of
8 Education written notice of its intention to deviate from the
9 established schedule by December 1 of the school year in which
10 falls the State test window established by the State Board of
11 Education for the testing.

12 (a-5) All tests administered pursuant to this Section shall
13 be academically based. For the purposes of this Section
14 "academically based tests" shall mean tests consisting of
15 questions and answers that are measurable and quantifiable to
16 measure the knowledge, skill, and ability of students in the
17 subject matters covered by tests. The scoring of academically
18 based tests shall be reliable, valid, unbiased and shall meet
19 the guidelines for test development and use prescribed by the
20 American Psychological Association, the National Council of
21 Measurement and Evaluation, and the American Educational
22 Research Association. Academically based tests shall not
23 include assessments or evaluations of attitudes, values, or
24 beliefs, or testing of personality, self-esteem, or
25 self-concept. Nothing in this amendatory Act is intended, nor
26 shall it be construed, to nullify, supersede, or contradict the
27 legislative intent on academic testing expressed during the
28 passage of HB 1005/P.A. 90-296. Nothing in this Section is
29 intended, nor shall it be construed, to nullify, supersede, or
30 contradict the legislative intent on academic testing
31 expressed in the preamble of this amendatory Act of the 93rd
32 General Assembly.

33 The State Board of Education shall monitor the use of short
34 answer questions in the math and reading assessments or in
35 other assessments in order to demonstrate that the use of short
36 answer questions results in a statistically significant

1 improvement in student achievement as measured on the State
2 assessments for math and reading or on other State assessments
3 and is justifiable in terms of cost and student performance.

4 (b) It shall be the policy of the State to encourage school
5 districts to continuously test pupil proficiency in the
6 fundamental learning areas in order to: (i) provide timely
7 information on individual students' performance relative to
8 State standards that is adequate to guide instructional
9 strategies; (ii) improve future instruction; and (iii)
10 complement the information provided by the State testing system
11 described in this Section. ~~Each district's school improvement
12 plan must address specific activities the district intends to
13 implement to assist pupils who by teacher judgment and test
14 results as prescribed in subsection (a) of this Section
15 demonstrate that they are not meeting State standards or local
16 objectives. Such activities may include, but shall not be
17 limited to, summer school, extended school day, special
18 homework, tutorial sessions, modified instructional materials,
19 other modifications in the instructional program, reduced
20 class size or retention in grade.~~ To assist school districts in
21 testing pupil proficiency in reading in the primary grades, the
22 State Board shall make optional reading inventories for
23 diagnostic purposes available to each school district that
24 requests such assistance. Districts that administer the
25 reading inventories may develop remediation programs for
26 students who perform in the bottom half of the student
27 population. Those remediation programs may be funded by moneys
28 provided under the School Safety and Educational Improvement
29 Block Grant Program established under Section 2-3.51.5.
30 ~~Nothing in this Section shall prevent school districts from
31 implementing testing and remediation policies for grades not
32 required under this Section.~~

33 (c) Beginning with the 2000-2001 school year, each school
34 district that operates a high school program for students in
35 grades 9 through 12 shall annually administer the Prairie State
36 Achievement Examination established under this subsection to

1 its students as set forth below. The Prairie State Achievement
2 Examination shall be developed by the State Board of Education
3 to measure student performance in the academic areas of
4 reading, writing, mathematics, science, and social sciences.
5 Beginning with the 2004-2005 school year, however, the State
6 Board of Education shall not test a student in the social
7 sciences (history, geography, civics, economics, and
8 government) as part of the Prairie State Achievement
9 Examination unless the student is retaking the Prairie State
10 Achievement Examination in the fall of 2004. In addition, the
11 State Board of Education shall not test a student in writing as
12 part of the Prairie State Achievement Examination during the
13 2005-2006 school year. The State Board of Education shall
14 establish the academic standards that are to apply in measuring
15 student performance on the Prairie State Achievement
16 Examination including the minimum examination score in each
17 area that will qualify a student to receive a Prairie State
18 Achievement Award from the State in recognition of the
19 student's excellent performance. Each school district that is
20 subject to the requirements of this subsection (c) shall afford
21 all students 2 opportunities to take the Prairie State
22 Achievement Examination beginning as late as practical during
23 the second semester of grade 11, but in no event before March
24 1. The State Board of Education shall annually notify districts
25 of the weeks during which these test administrations shall be
26 required to occur. Every individualized educational program as
27 described in Article 14 shall identify if the Prairie State
28 Achievement Examination or components thereof are appropriate
29 for that student. Each student, exclusive of a student whose
30 individualized educational program developed under Article 14
31 identifies the Prairie State Achievement Examination as
32 inappropriate for the student, shall be required to take the
33 examination in grade 11. For each academic area the State Board
34 of Education shall establish the score that qualifies for the
35 Prairie State Achievement Award on that portion of the
36 examination. Any student who fails to earn a qualifying score

1 for a Prairie State Achievement Award in any one or more of the
2 academic areas on the initial test administration or who wishes
3 to improve his or her score on any portion of the examination
4 shall be permitted to retake such portion or portions of the
5 examination during grade 12. Districts shall inform their
6 students of the timelines and procedures applicable to their
7 participation in every yearly administration of the Prairie
8 State Achievement Examination. Students receiving special
9 education services whose individualized educational programs
10 identify the Prairie State Achievement Examination as
11 inappropriate for them nevertheless shall have the option of
12 taking the examination, which shall be administered to those
13 students in accordance with standards adopted by the State
14 Board of Education to accommodate the respective disabilities
15 of those students. A student who successfully completes all
16 other applicable high school graduation requirements but fails
17 to receive a score on the Prairie State Achievement Examination
18 that qualifies the student for receipt of a Prairie State
19 Achievement Award shall nevertheless qualify for the receipt of
20 a regular high school diploma. In no case, however, shall a
21 student receive a regular high school diploma without taking
22 the Prairie State Achievement Examination, unless the student
23 is exempted from taking the Prairie State Achievement
24 Examination under this subsection (c) because (i) the student's
25 individualized educational program developed under Article 14
26 of this Code identifies the Prairie State Achievement
27 Examination as inappropriate for the student, (ii) the student
28 is exempt due to the student's lack of English language
29 proficiency under subsection (a) of this Section, or (iii) the
30 student is enrolled in a program of Adult and Continuing
31 Education as defined in the Adult Education Act.

32 (d) Beginning with the 2002-2003 school year, all schools
33 in this State that are part of the sample drawn by the National
34 Center for Education Statistics, in collaboration with their
35 school districts and the State Board of Education, shall
36 administer the biennial State academic assessments of 4th and

1 8th grade reading and mathematics under the National Assessment
2 of Educational Progress carried out under Section m11(b) (2) of
3 the National Education Statistics Act of 1994 (20 U.S.C. 9010)
4 if the Secretary of Education pays the costs of administering
5 the assessments.

6 (e) Beginning no later than the 2005-2006 school year,
7 subject to available federal funds to this State for the
8 purpose of student assessment, the State Board of Education
9 shall provide additional tests and assessment resources that
10 may be used by school districts for local diagnostic purposes.
11 These tests and resources shall include without limitation
12 additional high school writing, physical development and
13 health, and fine arts assessments. The State Board of Education
14 shall annually distribute a listing of these additional tests
15 and resources, using funds available from appropriations made
16 for student assessment purposes.

17 (f) For the assessment and accountability purposes of this
18 Section, "all pupils" includes those pupils enrolled in a
19 public or State-operated elementary school, secondary school,
20 or cooperative or joint agreement with a governing body or
21 board of control, a charter school operating in compliance with
22 the Charter Schools Law, a school operated by a regional office
23 of education under Section 13A-3 of this Code, or a public
24 school administered by a local public agency or the Department
25 of Human Services.

26 (Source: P.A. 93-426, eff. 8-5-03; 93-838, eff. 7-30-04;
27 93-857, eff. 8-3-04; 94-69, eff. 7-1-05; 94-642, eff. 1-1-06;
28 revised 10-11-05.)

29 (105 ILCS 5/10-17) (from Ch. 122, par. 10-17)

30 Sec. 10-17. Statement of affairs. In Class I or Class II
31 county school units the school board may use either a cash
32 basis or accrual system of accounting; however, any board so
33 electing to use the accrual system may not change to a cash
34 basis without the permission of the State Board of Education.

35 School Boards using either a cash basis or accrual system

1 of accounting shall maintain records showing the assets,
2 liabilities and fund balances in such minimum forms as may be
3 prescribed by the State Board of Education. Such boards shall
4 make available to the public ~~publish~~ a statement of the affairs
5 of the district prior to December 1 annually by submitting the
6 statement of affairs in such form as may be prescribed by the
7 State Board of Education for posting on the State Board of
8 Education's Internet web site and by having copies of the
9 statement of affairs available in the main administrative
10 office of the district. The State Board of Education shall
11 notify the regional superintendent of schools of any district
12 that fails to submit its statement of affairs as required by
13 this Section. in a newspaper of general circulation published
14 ~~in the respective school districts and if no newspaper is~~
15 ~~published in the district then in a newspaper published in the~~
16 ~~county in which the school district is located and if no~~
17 ~~newspaper is published in the county then in a newspaper~~
18 ~~published in the educational service region in which the~~
19 ~~regional superintendent has supervision and control of such~~
20 ~~school district in such form as may be prescribed by the State~~
21 ~~Board of Education. Not later than December 15 annually the~~
22 ~~clerk shall file with the regional superintendent a certified~~
23 ~~statement that the publication has been made together with a~~
24 ~~copy of the newspaper containing it.~~ After December 15 annually
25 the regional superintendent of schools shall withhold from each
26 treasurer any public moneys due to be distributed to the
27 treasurer until the duties required under this Section have
28 been complied with.

29 When any school district is the administrative district for
30 several school districts operating under a joint agreement as
31 authorized by this Code Act, no receipts or disbursements
32 accruing, received or paid out by that school district as such
33 an administrative district shall be included in the statement
34 of affairs of the district required by this Section. However,
35 that district shall have prepared and made available to the
36 public ~~published~~, in the same manner and subject to the same

1 requirements as are provided in this Section for the statement
2 of affairs of that district, a statement showing the cash
3 receipts and disbursements by funds (or the revenue, expenses
4 and financial position, if the accrual system of accounting is
5 used) of the district as such administrative district, in the
6 form prescribed by the State Board of Education. ~~The costs of
7 publishing this separate statement prepared by such an
8 administrative district shall be apportioned among and paid by
9 the participating districts in the same manner as other costs
10 and expenses accruing to those districts jointly.~~

11 School districts on a cash basis shall have prepared and
12 made available to the public ~~publish~~ a statement showing the
13 cash receipts and disbursements by funds in the form prescribed
14 by the State Board of Education.

15 School districts using the accrual system of accounting
16 shall have prepared and made available to the public ~~publish~~ a
17 statement of revenue and expenses and a statement of financial
18 position in the form prescribed by the State Board of
19 Education.

20 In Class II county school units such statement shall be
21 prepared and made available to the public ~~published~~ by the
22 township treasurer of the unit within which such districts are
23 located, except with respect to the school board of any school
24 district that no longer is subject to the jurisdiction and
25 authority of a township treasurer or trustees of schools of a
26 township because the district has withdrawn from the
27 jurisdiction and authority of the township treasurer and
28 trustees of schools of the township or because those offices
29 have been abolished as provided in subsection (b) or (c) of
30 Section 5-1, and as to each such school district the statement
31 required by this Section shall be prepared and made available
32 to the public ~~published~~ by the school board of such district in
33 the same manner as required for school boards of school
34 districts situated in Class I county school units.

35 In Class I and Class II counties the statement of school
36 districts on either a cash or accrual basis shall show such

1 other information as may be required by the State Board of
2 Education, including:

3 1. Annual fiscal year gross payment for certificated
4 personnel to be shown by name, listing each employee in one of
5 the following categories:

6 (a) Under \$15,000

7 (b) \$15,000 to \$24,999

8 (c) \$25,000 to \$39,999

9 (d) \$40,000 and over

10 2. Annual fiscal year payment for non-certificated
11 personnel to be shown by name, listing each employee in one of
12 the following categories:

13 (a) Under \$15,000

14 (b) \$15,000 to \$24,999

15 (c) \$25,000 to \$39,999

16 (d) \$40,000 and over

17 3. In addition to wages and salaries all other moneys in
18 the aggregate paid to recipients of \$1,000 or more, giving the
19 name of the person, firm or corporation and the total amount
20 received by each.

21 4. Approximate size of school district in square miles.

22 5. Number of school attendance centers.

23 6. Numbers of employees as follows:

24 (a) Full-time certificated employees;

25 (b) Part-time certificated employees;

26 (c) Full-time non-certificated employees;

27 (d) Part-time non-certificated employees.

28 7. Numbers of pupils as follows:

29 (a) Enrolled by grades;

30 (b) Total enrolled;

31 (c) Average daily attendance.

32 8. Assessed valuation as follows:

33 (a) Total of the district;

34 (b) Per pupil in average daily attendance.

35 9. Tax rate for each district fund.

36 10. District financial obligation at the close of the

1 fiscal year as follows:

2 (a) Teachers' orders outstanding;

3 (b) Anticipation warrants outstanding for each fund.

4 11. Total bonded debt at the close of the fiscal year.

5 12. Percent of bonding power obligated currently.

6 13. Value of capital assets of the district including:

7 (a) Land;

8 (b) Buildings;

9 (c) Equipment.

10 14. Total amount of investments each fund.

11 15. Change in net cash position from the previous report
12 period for each district fund.

13 In addition to the above report, a report of expenditures
14 in the aggregate paid on behalf of recipients of \$500 or more,
15 giving the name of the person, firm or corporation and the
16 total amount received by each shall be available in the school
17 district office for public inspection. This listing shall
18 include all wages, salaries and expenditures over \$500 expended
19 from any revolving fund maintained by the district. Any
20 resident of the school district may receive a copy of this
21 report, upon request, by paying a reasonable charge to defray
22 the costs of preparing such copy.

23 This Section does not apply to cities having a population
24 exceeding 500,000.

25 (Source: P.A. 86-96; 86-1441; 87-191; 87-473; 87-895.)

26 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

27 Sec. 10-21.9. Criminal history records checks and checks of
28 the Statewide Sex Offender Database.

29 (a) Certified and noncertified applicants for employment
30 with a school district, except school bus driver applicants,
31 are required as a condition of employment to authorize a
32 fingerprint-based criminal history records check to determine
33 if such applicants have been convicted of any of the enumerated
34 criminal or drug offenses in subsection (c) of this Section or
35 have been convicted, within 7 years of the application for

1 employment with the school district, of any other felony under
2 the laws of this State or of any offense committed or attempted
3 in any other state or against the laws of the United States
4 that, if committed or attempted in this State, would have been
5 punishable as a felony under the laws of this State.
6 Authorization for the check shall be furnished by the applicant
7 to the school district, except that if the applicant is a
8 substitute teacher seeking employment in more than one school
9 district, a teacher seeking concurrent part-time employment
10 positions with more than one school district (as a reading
11 specialist, special education teacher or otherwise), or an
12 educational support personnel employee seeking employment
13 positions with more than one district, any such district may
14 require the applicant to furnish authorization for the check to
15 the regional superintendent of the educational service region
16 in which are located the school districts in which the
17 applicant is seeking employment as a substitute or concurrent
18 part-time teacher or concurrent educational support personnel
19 employee. Upon receipt of this authorization, the school
20 district or the appropriate regional superintendent, as the
21 case may be, shall submit the applicant's name, sex, race, date
22 of birth, social security number, fingerprint images, and other
23 identifiers, as prescribed by the Department of State Police,
24 to the Department. The regional superintendent submitting the
25 requisite information to the Department of State Police shall
26 promptly notify the school districts in which the applicant is
27 seeking employment as a substitute or concurrent part-time
28 teacher or concurrent educational support personnel employee
29 that the check of the applicant has been requested. The
30 Department of State Police and the Federal Bureau of
31 Investigation shall furnish, pursuant to a fingerprint-based
32 criminal history records check, records of convictions, until
33 expunged, to the president of the school board for the school
34 district that requested the check, or to the regional
35 superintendent who requested the check. The Department shall
36 charge the school district or the appropriate regional

1 superintendent a fee for conducting such check, which fee shall
2 be deposited in the State Police Services Fund and shall not
3 exceed the cost of the inquiry; and the applicant shall not be
4 charged a fee for such check by the school district or by the
5 regional superintendent. Subject to appropriations for these
6 purposes, the State Superintendent of Education shall
7 reimburse school districts and regional superintendents for
8 fees paid to obtain criminal history records checks under this
9 Section.

10 (a-5) The school district or regional superintendent shall
11 further perform a check of the Statewide Sex Offender Database,
12 as authorized by the Sex Offender and Child Murderer Community
13 Notification Law, for each applicant.

14 (b) Any information concerning the record of convictions
15 obtained by the president of the school board or the regional
16 superintendent shall be confidential and may only be
17 transmitted to the superintendent of the school district or his
18 designee, the appropriate regional superintendent if the check
19 was requested by the school district, the presidents of the
20 appropriate school boards if the check was requested from the
21 Department of State Police by the regional superintendent, the
22 State Superintendent of Education, the State Teacher
23 Certification Board or any other person necessary to the
24 decision of hiring the applicant for employment. A copy of the
25 record of convictions obtained from the Department of State
26 Police shall be provided to the applicant for employment. Upon
27 the check of the Statewide Sex Offender Database, the school
28 district or regional superintendent shall notify an applicant
29 as to whether or not the applicant has been identified in the
30 Database as a sex offender. If a check of an applicant for
31 employment as a substitute or concurrent part-time teacher or
32 concurrent educational support personnel employee in more than
33 one school district was requested by the regional
34 superintendent, and the Department of State Police upon a check
35 ascertains that the applicant has not been convicted of any of
36 the enumerated criminal or drug offenses in subsection (c) or

1 has not been convicted, within 7 years of the application for
2 employment with the school district, of any other felony under
3 the laws of this State or of any offense committed or attempted
4 in any other state or against the laws of the United States
5 that, if committed or attempted in this State, would have been
6 punishable as a felony under the laws of this State and so
7 notifies the regional superintendent and if the regional
8 superintendent upon a check ascertains that the applicant has
9 not been identified in the Sex Offender Database as a sex
10 offender, then the regional superintendent shall issue to the
11 applicant a certificate evidencing that as of the date
12 specified by the Department of State Police the applicant has
13 not been convicted of any of the enumerated criminal or drug
14 offenses in subsection (c) or has not been convicted, within 7
15 years of the application for employment with the school
16 district, of any other felony under the laws of this State or
17 of any offense committed or attempted in any other state or
18 against the laws of the United States that, if committed or
19 attempted in this State, would have been punishable as a felony
20 under the laws of this State and evidencing that as of the date
21 that the regional superintendent conducted a check of the
22 Statewide Sex Offender Database, the applicant has not been
23 identified in the Database as a sex offender. The school board
24 of any school district ~~located in the educational service~~
25 ~~region served by the regional superintendent who issues such a~~
26 ~~certificate to an applicant for employment as a substitute~~
27 ~~teacher in more than one such district~~ may rely on the
28 certificate issued by any ~~the~~ regional superintendent to that
29 substitute teacher, concurrent part-time teacher, or
30 concurrent educational support personnel employee applicant,
31 or may initiate its own criminal history records check of the
32 applicant through the Department of State Police and its own
33 check of the Statewide Sex Offender Database as provided in
34 subsection (a). Any person who releases any confidential
35 information concerning any criminal convictions of an
36 applicant for employment shall be guilty of a Class A

1 misdemeanor, unless the release of such information is
2 authorized by this Section.

3 (c) No school board shall knowingly employ a person who has
4 been convicted for committing attempted first degree murder or
5 for committing or attempting to commit first degree murder or a
6 Class X felony or any one or more of the following offenses:
7 (i) those defined in Sections 11-6, 11-9, 11-9.1, 11-14, 11-15,
8 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20,
9 11-20.1, 11-21, 12-4.4, 12-4.7, 12-4.9, 12-13, 12-14, 12-14.1,
10 12-15, ~~and~~ 12-16, 12-16.2, and 12-32 of the Criminal Code of
11 1961; (ii) those defined in the Cannabis Control Act except
12 those defined in Sections 4(a), 4(b) and 5(a) of that Act;
13 (iii) those defined in the Illinois Controlled Substances Act;
14 (iv) those defined in the Methamphetamine Control and Community
15 Protection Act; and (v) any offense committed or attempted in
16 any other state or against the laws of the United States, which
17 if committed or attempted in this State, would have been
18 punishable as one or more of the foregoing offenses. Further,
19 no school board shall knowingly employ a person who has been
20 found to be the perpetrator of sexual or physical abuse of any
21 minor under 18 years of age pursuant to proceedings under
22 Article II of the Juvenile Court Act of 1987.

23 (d) No school board shall knowingly employ a person for
24 whom a criminal history records check and a Statewide Sex
25 Offender Database check has not been initiated.

26 (e) Upon receipt of the record of a conviction of or a
27 finding of child abuse by a holder of any certificate issued
28 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School
29 Code, the appropriate regional superintendent of schools or the
30 State Superintendent of Education shall initiate the
31 certificate suspension and revocation proceedings authorized
32 by law.

33 (f) After January 1, 1990 the provisions of this Section
34 shall apply to all employees of persons or firms holding
35 contracts with any school district including, but not limited
36 to, food service workers, school bus drivers and other

1 transportation employees, who have direct, daily contact with
2 the pupils of any school in such district. For purposes of
3 criminal history records checks and checks of the Statewide Sex
4 Offender Database on employees of persons or firms holding
5 contracts with more than one school district and assigned to
6 more than one school district, the regional superintendent of
7 the educational service region in which the contracting school
8 districts are located may, at the request of any such school
9 district, be responsible for receiving the authorization for a
10 criminal history records check prepared by each such employee
11 and submitting the same to the Department of State Police and
12 for conducting a check of the Statewide Sex Offender Database
13 for each employee. Any information concerning the record of
14 conviction and identification as a sex offender of any such
15 employee obtained by the regional superintendent shall be
16 promptly reported to the president of the appropriate school
17 board or school boards.

18 (Source: P.A. 93-418, eff. 1-1-04; 93-909, eff. 8-12-04;
19 94-219, eff. 7-14-05; 94-556, eff. 9-11-05; revised 8-19-05.)

20 (105 ILCS 5/17-1.5)

21 Sec. 17-1.5. Limitation of administrative costs.

22 (a) It is the purpose of this Section to establish
23 limitations on the growth of administrative salaries
24 ~~expenditures~~ in order to maximize the proportion of school
25 district resources available for the instructional program,
26 building maintenance, and safety services for the students of
27 each district.

28 (b) Definitions. For the purposes of this Section:

29 "Administrative salaries ~~expenditures~~" mean the annual
30 expenditures of school districts for any compensation or
31 benefit and properly attributable to objects 100 and 200 within
32 the expenditure functions defined by the rules of the State
33 Board of Education as: 2320 (Executive Administration
34 Services); 2330 (Special Area Administration Services); 2490
35 (Other Support Services - School Administration); 2510

1 (Direction of Business Support Services); 2570 (Internal
2 Services); and 2610 (Direction of Central Support Services);
3 provided, however, that "administrative salaries expenditures"
4 shall not include early retirement or other pension system
5 obligations required by State law.

6 "School district" means all school districts having a
7 population of less than 500,000.

8 (c) ~~Each For the 1998-99 school year and each school year~~
9 ~~thereafter, each~~ school district shall undertake budgetary and
10 expenditure control actions so that the increase in
11 administrative salaries expenditures for that school year over
12 the prior school year does not exceed 5%. School districts with
13 administrative salaries expenditures per pupil in the 25th
14 percentile and below for all districts of the same type, as
15 defined by the State Board of Education, may waive the
16 limitation imposed under this Section for any year following a
17 public hearing and with the affirmative vote of at least
18 two-thirds of the members of the school board of the district.
19 Any district waiving the limitation shall notify the State
20 Board within 45 days of such action.

21 (d) School districts that exceed the 5% limitation for
22 administrative salaries shall file with the State Board of
23 Education by ~~November 15, 1998 and by~~ each November 15th
24 ~~thereafter~~ a one-page report that lists (i) the actual
25 administrative salaries expenditures for the prior year from
26 the district's audited Annual Financial Report, and (ii) the
27 projected administrative salaries expenditures for the current
28 year from the budget adopted by the school board pursuant to
29 Section 17-1 of this Code.

30 If a school district that is ineligible to waive the
31 limitation imposed by subsection (c) of this Section by board
32 action exceeds the limitation due to (i) a full-time
33 administrator following a part-time or interim administrator,
34 (ii) more than one administrator being in the same position for
35 a short period of time to ease the transition between
36 administrators, (iii) a change in accounting for

1 administrative salaries to better align expenditures to rules
2 of the State Board of Education, or (iv) increases in benefit
3 costs that are applicable to all employees in the district,
4 then the district may request an exemption from the limitation
5 from the State Board of Education. Approval of an exemption by
6 the State Board of Education may only be granted after the
7 district supplies adequate documentation to back up the request
8 for an exemption.

9 If a school district that is ineligible to waive the
10 limitation imposed by subsection (c) of this Section by board
11 action exceeds the limitation solely because of circumstances
12 beyond the control of the district and the district has
13 exhausted all available and reasonable remedies to comply with
14 the limitation, the district may request a waiver pursuant to
15 Section 2-3.25g. The waiver application shall specify the
16 amount, nature, and reason for the relief requested, as well as
17 all remedies the district has exhausted to comply with the
18 limitation. Any emergency relief so requested shall apply only
19 to the specific school year for which the request is made. The
20 State Board of Education shall analyze all such waivers
21 submitted and shall recommend that the General Assembly
22 disapprove any such waiver requested that is not due solely to
23 circumstances beyond the control of the district and for which
24 the district has not exhausted all available and reasonable
25 remedies to comply with the limitation. The State
26 Superintendent shall have no authority to impose any sanctions
27 pursuant to this Section for any expenditures for which a
28 waiver has been requested until such waiver has been reviewed
29 by the General Assembly.

30 If the report and information required under this
31 subsection (d) are not provided by the school district in a
32 timely manner, or are subsequently determined by the State
33 Superintendent of Education to be incomplete or inaccurate, the
34 State Superintendent shall notify the district in writing of
35 reporting deficiencies. The school district shall, within 60
36 days of the notice, address the reporting deficiencies

1 identified.

2 (e) If the State Superintendent determines that a school
3 district has failed to comply with the administrative salary
4 ~~expenditure~~ limitation imposed in subsection (c) of this
5 Section, the State Superintendent shall notify the district of
6 the violation and direct the district to undertake corrective
7 action to bring the district's budget into compliance with the
8 administrative salary ~~expenditure~~ limitation. The district
9 shall, within 60 days of the notice, provide adequate assurance
10 to the State Superintendent that appropriate corrective
11 actions have been or will be taken. If the district fails to
12 provide adequate assurance or fails to undertake the necessary
13 corrective actions, the State Superintendent may impose
14 progressive sanctions against the district that may culminate
15 in withholding all subsequent payments of general State aid due
16 the district under Section 18-8.05 of this Code until the
17 assurance is provided or the corrective actions taken.

18 (f) The State Superintendent shall publish a list each year
19 of the school districts that violate the limitation imposed by
20 subsection (c) of this Section and a list of the districts that
21 waive the limitation by board action as provided in subsection
22 (c) of this Section.

23 (Source: P.A. 90-548, eff. 1-1-98; 90-653, eff. 7-29-98.)

24 (105 ILCS 5/18-8.05)

25 Sec. 18-8.05. Basis for apportionment of general State
26 financial aid and supplemental general State aid to the common
27 schools for the 1998-1999 and subsequent school years.

28 (A) General Provisions.

29 (1) The provisions of this Section apply to the 1998-1999
30 and subsequent school years. The system of general State
31 financial aid provided for in this Section is designed to
32 assure that, through a combination of State financial aid and
33 required local resources, the financial support provided each
34 pupil in Average Daily Attendance equals or exceeds a

1 prescribed per pupil Foundation Level. This formula approach
2 imputes a level of per pupil Available Local Resources and
3 provides for the basis to calculate a per pupil level of
4 general State financial aid that, when added to Available Local
5 Resources, equals or exceeds the Foundation Level. The amount
6 of per pupil general State financial aid for school districts,
7 in general, varies in inverse relation to Available Local
8 Resources. Per pupil amounts are based upon each school
9 district's Average Daily Attendance as that term is defined in
10 this Section.

11 (2) In addition to general State financial aid, school
12 districts with specified levels or concentrations of pupils
13 from low income households are eligible to receive supplemental
14 general State financial aid grants as provided pursuant to
15 subsection (H). The supplemental State aid grants provided for
16 school districts under subsection (H) shall be appropriated for
17 distribution to school districts as part of the same line item
18 in which the general State financial aid of school districts is
19 appropriated under this Section.

20 (3) To receive financial assistance under this Section,
21 school districts are required to file claims with the State
22 Board of Education, subject to the following requirements:

23 (a) Any school district which fails for any given
24 school year to maintain school as required by law, or to
25 maintain a recognized school is not eligible to file for
26 such school year any claim upon the Common School Fund. In
27 case of nonrecognition of one or more attendance centers in
28 a school district otherwise operating recognized schools,
29 the claim of the district shall be reduced in the
30 proportion which the Average Daily Attendance in the
31 attendance center or centers bear to the Average Daily
32 Attendance in the school district. A "recognized school"
33 means any public school which meets the standards as
34 established for recognition by the State Board of
35 Education. A school district or attendance center not
36 having recognition status at the end of a school term is

1 entitled to receive State aid payments due upon a legal
2 claim which was filed while it was recognized.

3 (b) School district claims filed under this Section are
4 subject to Sections 18-9, 18-10, and 18-12, except as
5 otherwise provided in this Section.

6 (c) If a school district operates a full year school
7 under Section 10-19.1, the general State aid to the school
8 district shall be determined by the State Board of
9 Education in accordance with this Section as near as may be
10 applicable.

11 (d) (Blank).

12 (4) Except as provided in subsections (H) and (L), the
13 board of any district receiving any of the grants provided for
14 in this Section may apply those funds to any fund so received
15 for which that board is authorized to make expenditures by law.

16 School districts are not required to exert a minimum
17 Operating Tax Rate in order to qualify for assistance under
18 this Section.

19 (5) As used in this Section the following terms, when
20 capitalized, shall have the meaning ascribed herein:

21 (a) "Average Daily Attendance": A count of pupil
22 attendance in school, averaged as provided for in
23 subsection (C) and utilized in deriving per pupil financial
24 support levels.

25 (b) "Available Local Resources": A computation of
26 local financial support, calculated on the basis of Average
27 Daily Attendance and derived as provided pursuant to
28 subsection (D).

29 (c) "Corporate Personal Property Replacement Taxes":
30 Funds paid to local school districts pursuant to "An Act in
31 relation to the abolition of ad valorem personal property
32 tax and the replacement of revenues lost thereby, and
33 amending and repealing certain Acts and parts of Acts in
34 connection therewith", certified August 14, 1979, as
35 amended (Public Act 81-1st S.S.-1).

36 (d) "Foundation Level": A prescribed level of per pupil

1 financial support as provided for in subsection (B).

2 (e) "Operating Tax Rate": All school district property
3 taxes extended for all purposes, except Bond and Interest,
4 Summer School, Rent, Capital Improvement, and Vocational
5 Education Building purposes.

6 (B) Foundation Level.

7 (1) The Foundation Level is a figure established by the
8 State representing the minimum level of per pupil financial
9 support that should be available to provide for the basic
10 education of each pupil in Average Daily Attendance. As set
11 forth in this Section, each school district is assumed to exert
12 a sufficient local taxing effort such that, in combination with
13 the aggregate of general State financial aid provided the
14 district, an aggregate of State and local resources are
15 available to meet the basic education needs of pupils in the
16 district.

17 (2) For the 1998-1999 school year, the Foundation Level of
18 support is \$4,225. For the 1999-2000 school year, the
19 Foundation Level of support is \$4,325. For the 2000-2001 school
20 year, the Foundation Level of support is \$4,425. For the
21 2001-2002 school year and 2002-2003 school year, the Foundation
22 Level of support is \$4,560. For the 2003-2004 school year, the
23 Foundation Level of support is \$4,810. For the 2004-2005 school
24 year, the Foundation Level of support is \$4,964.

25 (3) For the 2005-2006 school year and each school year
26 thereafter, the Foundation Level of support is \$5,164 or such
27 greater amount as may be established by law by the General
28 Assembly.

29 (C) Average Daily Attendance.

30 (1) For purposes of calculating general State aid pursuant
31 to subsection (E), an Average Daily Attendance figure shall be
32 utilized. The Average Daily Attendance figure for formula
33 calculation purposes shall be the monthly average of the actual
34 number of pupils in attendance of each school district, as

1 further averaged for the best 3 months of pupil attendance for
2 each school district. In compiling the figures for the number
3 of pupils in attendance, school districts and the State Board
4 of Education shall, for purposes of general State aid funding,
5 conform attendance figures to the requirements of subsection
6 (F).

7 (2) The Average Daily Attendance figures utilized in
8 subsection (E) shall be the requisite attendance data for the
9 school year immediately preceding the school year for which
10 general State aid is being calculated or the average of the
11 attendance data for the 3 preceding school years, whichever is
12 greater. The Average Daily Attendance figures utilized in
13 subsection (H) shall be the requisite attendance data for the
14 school year immediately preceding the school year for which
15 general State aid is being calculated.

16 (D) Available Local Resources.

17 (1) For purposes of calculating general State aid pursuant
18 to subsection (E), a representation of Available Local
19 Resources per pupil, as that term is defined and determined in
20 this subsection, shall be utilized. Available Local Resources
21 per pupil shall include a calculated dollar amount representing
22 local school district revenues from local property taxes and
23 from Corporate Personal Property Replacement Taxes, expressed
24 on the basis of pupils in Average Daily Attendance. Calculation
25 of Available Local Resources shall exclude any tax amnesty
26 funds received as a result of Public Act 93-26.

27 (2) In determining a school district's revenue from local
28 property taxes, the State Board of Education shall utilize the
29 equalized assessed valuation of all taxable property of each
30 school district as of September 30 of the previous year. The
31 equalized assessed valuation utilized shall be obtained and
32 determined as provided in subsection (G).

33 (3) For school districts maintaining grades kindergarten
34 through 12, local property tax revenues per pupil shall be
35 calculated as the product of the applicable equalized assessed

1 valuation for the district multiplied by 3.00%, and divided by
2 the district's Average Daily Attendance figure. For school
3 districts maintaining grades kindergarten through 8, local
4 property tax revenues per pupil shall be calculated as the
5 product of the applicable equalized assessed valuation for the
6 district multiplied by 2.30%, and divided by the district's
7 Average Daily Attendance figure. For school districts
8 maintaining grades 9 through 12, local property tax revenues
9 per pupil shall be the applicable equalized assessed valuation
10 of the district multiplied by 1.05%, and divided by the
11 district's Average Daily Attendance figure.

12 (4) The Corporate Personal Property Replacement Taxes paid
13 to each school district during the calendar year 2 years before
14 the calendar year in which a school year begins, divided by the
15 Average Daily Attendance figure for that district, shall be
16 added to the local property tax revenues per pupil as derived
17 by the application of the immediately preceding paragraph (3).
18 The sum of these per pupil figures for each school district
19 shall constitute Available Local Resources as that term is
20 utilized in subsection (E) in the calculation of general State
21 aid.

22 (E) Computation of General State Aid.

23 (1) For each school year, the amount of general State aid
24 allotted to a school district shall be computed by the State
25 Board of Education as provided in this subsection.

26 (2) For any school district for which Available Local
27 Resources per pupil is less than the product of 0.93 times the
28 Foundation Level, general State aid for that district shall be
29 calculated as an amount equal to the Foundation Level minus
30 Available Local Resources, multiplied by the Average Daily
31 Attendance of the school district.

32 (3) For any school district for which Available Local
33 Resources per pupil is equal to or greater than the product of
34 0.93 times the Foundation Level and less than the product of
35 1.75 times the Foundation Level, the general State aid per

1 pupil shall be a decimal proportion of the Foundation Level
2 derived using a linear algorithm. Under this linear algorithm,
3 the calculated general State aid per pupil shall decline in
4 direct linear fashion from 0.07 times the Foundation Level for
5 a school district with Available Local Resources equal to the
6 product of 0.93 times the Foundation Level, to 0.05 times the
7 Foundation Level for a school district with Available Local
8 Resources equal to the product of 1.75 times the Foundation
9 Level. The allocation of general State aid for school districts
10 subject to this paragraph 3 shall be the calculated general
11 State aid per pupil figure multiplied by the Average Daily
12 Attendance of the school district.

13 (4) For any school district for which Available Local
14 Resources per pupil equals or exceeds the product of 1.75 times
15 the Foundation Level, the general State aid for the school
16 district shall be calculated as the product of \$218 multiplied
17 by the Average Daily Attendance of the school district.

18 (5) The amount of general State aid allocated to a school
19 district for the 1999-2000 school year meeting the requirements
20 set forth in paragraph (4) of subsection (G) shall be increased
21 by an amount equal to the general State aid that would have
22 been received by the district for the 1998-1999 school year by
23 utilizing the Extension Limitation Equalized Assessed
24 Valuation as calculated in paragraph (4) of subsection (G) less
25 the general State aid allotted for the 1998-1999 school year.
26 This amount shall be deemed a one time increase, and shall not
27 affect any future general State aid allocations.

28 (F) Compilation of Average Daily Attendance.

29 (1) Each school district shall, by July 1 of each year,
30 submit to the State Board of Education, on forms prescribed by
31 the State Board of Education, attendance figures for the school
32 year that began in the preceding calendar year. The attendance
33 information so transmitted shall identify the average daily
34 attendance figures for each month of the school year. Beginning
35 with the general State aid claim form for the 2002-2003 school

1 year, districts shall calculate Average Daily Attendance as
2 provided in subdivisions (a), (b), and (c) of this paragraph
3 (1).

4 (a) In districts that do not hold year-round classes,
5 days of attendance in August shall be added to the month of
6 September and any days of attendance in June shall be added
7 to the month of May.

8 (b) In districts in which all buildings hold year-round
9 classes, days of attendance in July and August shall be
10 added to the month of September and any days of attendance
11 in June shall be added to the month of May.

12 (c) In districts in which some buildings, but not all,
13 hold year-round classes, for the non-year-round buildings,
14 days of attendance in August shall be added to the month of
15 September and any days of attendance in June shall be added
16 to the month of May. The average daily attendance for the
17 year-round buildings shall be computed as provided in
18 subdivision (b) of this paragraph (1). To calculate the
19 Average Daily Attendance for the district, the average
20 daily attendance for the year-round buildings shall be
21 multiplied by the days in session for the non-year-round
22 buildings for each month and added to the monthly
23 attendance of the non-year-round buildings.

24 Except as otherwise provided in this Section, days of
25 attendance by pupils shall be counted only for sessions of not
26 less than 5 clock hours of school work per day under direct
27 supervision of: (i) teachers, or (ii) non-teaching personnel or
28 volunteer personnel when engaging in non-teaching duties and
29 supervising in those instances specified in subsection (a) of
30 Section 10-22.34 and paragraph 10 of Section 34-18, with pupils
31 of legal school age and in kindergarten and grades 1 through
32 12.

33 Days of attendance by tuition pupils shall be accredited
34 only to the districts that pay the tuition to a recognized
35 school.

36 (2) Days of attendance by pupils of less than 5 clock hours

1 of school shall be subject to the following provisions in the
2 compilation of Average Daily Attendance.

3 (a) Pupils regularly enrolled in a public school for
4 only a part of the school day may be counted on the basis
5 of 1/6 day for every class hour of instruction of 40
6 minutes or more attended pursuant to such enrollment,
7 unless a pupil is enrolled in a block-schedule format of 80
8 minutes or more of instruction, in which case the pupil may
9 be counted on the basis of the proportion of minutes of
10 school work completed each day to the minimum number of
11 minutes that school work is required to be held that day.

12 (b) Days of attendance may be less than 5 clock hours
13 on the opening and closing of the school term, and upon the
14 first day of pupil attendance, if preceded by a day or days
15 utilized as an institute or teachers' workshop.

16 (c) A session of 4 or more clock hours may be counted
17 as a day of attendance upon certification by the regional
18 superintendent, and approved by the State Superintendent
19 of Education to the extent that the district has been
20 forced to use daily multiple sessions.

21 (d) A session of 3 or more clock hours may be counted
22 as a day of attendance (1) when the remainder of the school
23 day or at least 2 hours in the evening of that day is
24 utilized for an in-service training program for teachers,
25 up to a maximum of 5 days per school year of which a
26 maximum of 4 days of such 5 days may be used for
27 parent-teacher conferences, provided a district conducts
28 an in-service training program for teachers which has been
29 approved by the State Superintendent of Education; or, in
30 lieu of 4 such days, 2 full days may be used, in which
31 event each such day may be counted as a day of attendance;
32 and (2) when days in addition to those provided in item (1)
33 are scheduled by a school pursuant to its school
34 improvement plan adopted under Article 34 or its revised or
35 amended school improvement plan adopted under Article 2,
36 provided that (i) such sessions of 3 or more clock hours

1 are scheduled to occur at regular intervals, (ii) the
2 remainder of the school days in which such sessions occur
3 are utilized for in-service training programs or other
4 staff development activities for teachers, and (iii) a
5 sufficient number of minutes of school work under the
6 direct supervision of teachers are added to the school days
7 between such regularly scheduled sessions to accumulate
8 not less than the number of minutes by which such sessions
9 of 3 or more clock hours fall short of 5 clock hours. Any
10 full days used for the purposes of this paragraph shall not
11 be considered for computing average daily attendance. Days
12 scheduled for in-service training programs, staff
13 development activities, or parent-teacher conferences may
14 be scheduled separately for different grade levels and
15 different attendance centers of the district.

16 (e) A session of not less than one clock hour of
17 teaching hospitalized or homebound pupils on-site or by
18 telephone to the classroom may be counted as 1/2 day of
19 attendance, however these pupils must receive 4 or more
20 clock hours of instruction to be counted for a full day of
21 attendance.

22 (f) A session of at least 4 clock hours may be counted
23 as a day of attendance for first grade pupils, and pupils
24 in full day kindergartens, and a session of 2 or more hours
25 may be counted as 1/2 day of attendance by pupils in
26 kindergartens which provide only 1/2 day of attendance.

27 (g) For children with disabilities who are below the
28 age of 6 years and who cannot attend 2 or more clock hours
29 because of their disability or immaturity, a session of not
30 less than one clock hour may be counted as 1/2 day of
31 attendance; however for such children whose educational
32 needs so require a session of 4 or more clock hours may be
33 counted as a full day of attendance.

34 (h) A recognized kindergarten which provides for only
35 1/2 day of attendance by each pupil shall not have more
36 than 1/2 day of attendance counted in any one day. However,

1 kindergartens may count 2 1/2 days of attendance in any 5
2 consecutive school days. When a pupil attends such a
3 kindergarten for 2 half days on any one school day, the
4 pupil shall have the following day as a day absent from
5 school, unless the school district obtains permission in
6 writing from the State Superintendent of Education.
7 Attendance at kindergartens which provide for a full day of
8 attendance by each pupil shall be counted the same as
9 attendance by first grade pupils. Only the first year of
10 attendance in one kindergarten shall be counted, except in
11 case of children who entered the kindergarten in their
12 fifth year whose educational development requires a second
13 year of kindergarten as determined under the rules and
14 regulations of the State Board of Education.

15 (i) On the days when the Prairie State Achievement
16 Examination is administered under subsection (c) of
17 Section 2-3.64 of this Code, the day of attendance for a
18 pupil whose school day must be shortened to accommodate
19 required testing procedures may be less than 5 clock hours
20 and shall be counted towards the 176 days of actual pupil
21 attendance required under Section 10-19 of this Code,
22 provided that a sufficient number of minutes of school work
23 in excess of 5 clock hours are first completed on other
24 school days to compensate for the loss of school work on
25 the examination days.

26 (G) Equalized Assessed Valuation Data.

27 (1) For purposes of the calculation of Available Local
28 Resources required pursuant to subsection (D), the State Board
29 of Education shall secure from the Department of Revenue the
30 value as equalized or assessed by the Department of Revenue of
31 all taxable property of every school district, together with
32 (i) the applicable tax rate used in extending taxes for the
33 funds of the district as of September 30 of the previous year
34 and (ii) the limiting rate for all school districts subject to
35 property tax extension limitations as imposed under the

1 Property Tax Extension Limitation Law.

2 The Department of Revenue shall add to the equalized
3 assessed value of all taxable property of each school district
4 situated entirely or partially within a county that is or was
5 subject to the alternative general homestead exemption
6 provisions of Section 15-176 of the Property Tax Code (a) an
7 amount equal to the total amount by which the homestead
8 exemption allowed under Section 15-176 of the Property Tax Code
9 for real property situated in that school district exceeds the
10 total amount that would have been allowed in that school
11 district if the maximum reduction under Section 15-176 was (i)
12 \$4,500 in Cook County or \$3,500 in all other counties in tax
13 year 2003 or (ii) \$5,000 in all counties in tax year 2004 and
14 thereafter and (b) an amount equal to the aggregate amount for
15 the taxable year of all additional exemptions under Section
16 15-175 of the Property Tax Code for owners with a household
17 income of \$30,000 or less. The county clerk of any county that
18 is or was subject to the alternative general homestead
19 exemption provisions of Section 15-176 of the Property Tax Code
20 shall annually calculate and certify to the Department of
21 Revenue for each school district all homestead exemption
22 amounts under Section 15-176 of the Property Tax Code and all
23 amounts of additional exemptions under Section 15-175 of the
24 Property Tax Code for owners with a household income of \$30,000
25 or less. It is the intent of this paragraph that if the general
26 homestead exemption for a parcel of property is determined
27 under Section 15-176 of the Property Tax Code rather than
28 Section 15-175, then the calculation of Available Local
29 Resources shall not be affected by the difference, if any,
30 between the amount of the general homestead exemption allowed
31 for that parcel of property under Section 15-176 of the
32 Property Tax Code and the amount that would have been allowed
33 had the general homestead exemption for that parcel of property
34 been determined under Section 15-175 of the Property Tax Code.
35 It is further the intent of this paragraph that if additional
36 exemptions are allowed under Section 15-175 of the Property Tax

1 Code for owners with a household income of less than \$30,000,
2 then the calculation of Available Local Resources shall not be
3 affected by the difference, if any, because of those additional
4 exemptions.

5 This equalized assessed valuation, as adjusted further by
6 the requirements of this subsection, shall be utilized in the
7 calculation of Available Local Resources.

8 (2) The equalized assessed valuation in paragraph (1) shall
9 be adjusted, as applicable, in the following manner:

10 (a) For the purposes of calculating State aid under
11 this Section, with respect to any part of a school district
12 within a redevelopment project area in respect to which a
13 municipality has adopted tax increment allocation
14 financing pursuant to the Tax Increment Allocation
15 Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11
16 of the Illinois Municipal Code or the Industrial Jobs
17 Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the
18 Illinois Municipal Code, no part of the current equalized
19 assessed valuation of real property located in any such
20 project area which is attributable to an increase above the
21 total initial equalized assessed valuation of such
22 property shall be used as part of the equalized assessed
23 valuation of the district, until such time as all
24 redevelopment project costs have been paid, as provided in
25 Section 11-74.4-8 of the Tax Increment Allocation
26 Redevelopment Act or in Section 11-74.6-35 of the
27 Industrial Jobs Recovery Law. For the purpose of the
28 equalized assessed valuation of the district, the total
29 initial equalized assessed valuation or the current
30 equalized assessed valuation, whichever is lower, shall be
31 used until such time as all redevelopment project costs
32 have been paid.

33 (b) The real property equalized assessed valuation for
34 a school district shall be adjusted by subtracting from the
35 real property value as equalized or assessed by the
36 Department of Revenue for the district an amount computed

1 by dividing the amount of any abatement of taxes under
2 Section 18-170 of the Property Tax Code by 3.00% for a
3 district maintaining grades kindergarten through 12, by
4 2.30% for a district maintaining grades kindergarten
5 through 8, or by 1.05% for a district maintaining grades 9
6 through 12 and adjusted by an amount computed by dividing
7 the amount of any abatement of taxes under subsection (a)
8 of Section 18-165 of the Property Tax Code by the same
9 percentage rates for district type as specified in this
10 subparagraph (b).

11 (3) For the 1999-2000 school year and each school year
12 thereafter, if a school district meets all of the criteria of
13 this subsection (G) (3), the school district's Available Local
14 Resources shall be calculated under subsection (D) using the
15 district's Extension Limitation Equalized Assessed Valuation
16 as calculated under this subsection (G) (3).

17 For purposes of this subsection (G) (3) the following terms
18 shall have the following meanings:

19 "Budget Year": The school year for which general State
20 aid is calculated and awarded under subsection (E).

21 "Base Tax Year": The property tax levy year used to
22 calculate the Budget Year allocation of general State aid.

23 "Preceding Tax Year": The property tax levy year
24 immediately preceding the Base Tax Year.

25 "Base Tax Year's Tax Extension": The product of the
26 equalized assessed valuation utilized by the County Clerk
27 in the Base Tax Year multiplied by the limiting rate as
28 calculated by the County Clerk and defined in the Property
29 Tax Extension Limitation Law.

30 "Preceding Tax Year's Tax Extension": The product of
31 the equalized assessed valuation utilized by the County
32 Clerk in the Preceding Tax Year multiplied by the Operating
33 Tax Rate as defined in subsection (A).

34 "Extension Limitation Ratio": A numerical ratio,
35 certified by the County Clerk, in which the numerator is
36 the Base Tax Year's Tax Extension and the denominator is

1 the Preceding Tax Year's Tax Extension.

2 "Operating Tax Rate": The operating tax rate as defined
3 in subsection (A).

4 If a school district is subject to property tax extension
5 limitations as imposed under the Property Tax Extension
6 Limitation Law, the State Board of Education shall calculate
7 the Extension Limitation Equalized Assessed Valuation of that
8 district. For the 1999-2000 school year, the Extension
9 Limitation Equalized Assessed Valuation of a school district as
10 calculated by the State Board of Education shall be equal to
11 the product of the district's 1996 Equalized Assessed Valuation
12 and the district's Extension Limitation Ratio. For the
13 2000-2001 school year and each school year thereafter, the
14 Extension Limitation Equalized Assessed Valuation of a school
15 district as calculated by the State Board of Education shall be
16 equal to the product of the Equalized Assessed Valuation last
17 used in the calculation of general State aid and the district's
18 Extension Limitation Ratio. If the Extension Limitation
19 Equalized Assessed Valuation of a school district as calculated
20 under this subsection (G)(3) is less than the district's
21 equalized assessed valuation as calculated pursuant to
22 subsections (G)(1) and (G)(2), then for purposes of calculating
23 the district's general State aid for the Budget Year pursuant
24 to subsection (E), that Extension Limitation Equalized
25 Assessed Valuation shall be utilized to calculate the
26 district's Available Local Resources under subsection (D).

27 (4) For the purposes of calculating general State aid for
28 the 1999-2000 school year only, if a school district
29 experienced a triennial reassessment on the equalized assessed
30 valuation used in calculating its general State financial aid
31 apportionment for the 1998-1999 school year, the State Board of
32 Education shall calculate the Extension Limitation Equalized
33 Assessed Valuation that would have been used to calculate the
34 district's 1998-1999 general State aid. This amount shall equal
35 the product of the equalized assessed valuation used to
36 calculate general State aid for the 1997-1998 school year and

1 the district's Extension Limitation Ratio. If the Extension
2 Limitation Equalized Assessed Valuation of the school district
3 as calculated under this paragraph (4) is less than the
4 district's equalized assessed valuation utilized in
5 calculating the district's 1998-1999 general State aid
6 allocation, then for purposes of calculating the district's
7 general State aid pursuant to paragraph (5) of subsection (E),
8 that Extension Limitation Equalized Assessed Valuation shall
9 be utilized to calculate the district's Available Local
10 Resources.

11 (5) For school districts having a majority of their
12 equalized assessed valuation in any county except Cook, DuPage,
13 Kane, Lake, McHenry, or Will, if the amount of general State
14 aid allocated to the school district for the 1999-2000 school
15 year under the provisions of subsection (E), (H), and (J) of
16 this Section is less than the amount of general State aid
17 allocated to the district for the 1998-1999 school year under
18 these subsections, then the general State aid of the district
19 for the 1999-2000 school year only shall be increased by the
20 difference between these amounts. The total payments made under
21 this paragraph (5) shall not exceed \$14,000,000. Claims shall
22 be prorated if they exceed \$14,000,000.

23 (H) Supplemental General State Aid.

24 (1) In addition to the general State aid a school district
25 is allotted pursuant to subsection (E), qualifying school
26 districts shall receive a grant, paid in conjunction with a
27 district's payments of general State aid, for supplemental
28 general State aid based upon the concentration level of
29 children from low-income households within the school
30 district. Supplemental State aid grants provided for school
31 districts under this subsection shall be appropriated for
32 distribution to school districts as part of the same line item
33 in which the general State financial aid of school districts is
34 appropriated under this Section. If the appropriation in any
35 fiscal year for general State aid and supplemental general

1 State aid is insufficient to pay the amounts required under the
2 general State aid and supplemental general State aid
3 calculations, then the State Board of Education shall ensure
4 that each school district receives the full amount due for
5 general State aid and the remainder of the appropriation shall
6 be used for supplemental general State aid, which the State
7 Board of Education shall calculate and pay to eligible
8 districts on a prorated basis.

9 (1.5) This paragraph (1.5) applies only to those school
10 years preceding the 2003-2004 school year. For purposes of this
11 subsection (H), the term "Low-Income Concentration Level"
12 shall be the low-income eligible pupil count from the most
13 recently available federal census divided by the Average Daily
14 Attendance of the school district. If, however, (i) the
15 percentage decrease from the 2 most recent federal censuses in
16 the low-income eligible pupil count of a high school district
17 with fewer than 400 students exceeds by 75% or more the
18 percentage change in the total low-income eligible pupil count
19 of contiguous elementary school districts, whose boundaries
20 are coterminous with the high school district, or (ii) a high
21 school district within 2 counties and serving 5 elementary
22 school districts, whose boundaries are coterminous with the
23 high school district, has a percentage decrease from the 2 most
24 recent federal censuses in the low-income eligible pupil count
25 and there is a percentage increase in the total low-income
26 eligible pupil count of a majority of the elementary school
27 districts in excess of 50% from the 2 most recent federal
28 censuses, then the high school district's low-income eligible
29 pupil count from the earlier federal census shall be the number
30 used as the low-income eligible pupil count for the high school
31 district, for purposes of this subsection (H). The changes made
32 to this paragraph (1) by Public Act 92-28 shall apply to
33 supplemental general State aid grants for school years
34 preceding the 2003-2004 school year that are paid in fiscal
35 year 1999 or thereafter and to any State aid payments made in
36 fiscal year 1994 through fiscal year 1998 pursuant to

1 subsection 1(n) of Section 18-8 of this Code (which was
2 repealed on July 1, 1998), and any high school district that is
3 affected by Public Act 92-28 is entitled to a recomputation of
4 its supplemental general State aid grant or State aid paid in
5 any of those fiscal years. This recomputation shall not be
6 affected by any other funding.

7 (1.10) This paragraph (1.10) applies to the 2003-2004
8 school year and each school year thereafter. For purposes of
9 this subsection (H), the term "Low-Income Concentration Level"
10 shall, for each fiscal year, be the low-income eligible pupil
11 count as of July 1 of the immediately preceding fiscal year (as
12 determined by the Department of Human Services based on the
13 number of pupils who are eligible for at least one of the
14 following low income programs: Medicaid, KidCare, TANF, or Food
15 Stamps, excluding pupils who are eligible for services provided
16 by the Department of Children and Family Services, averaged
17 over the 2 immediately preceding fiscal years for fiscal year
18 2004 and over the 3 immediately preceding fiscal years for each
19 fiscal year thereafter) divided by the Average Daily Attendance
20 of the school district.

21 (2) Supplemental general State aid pursuant to this
22 subsection (H) shall be provided as follows for the 1998-1999,
23 1999-2000, and 2000-2001 school years only:

24 (a) For any school district with a Low Income
25 Concentration Level of at least 20% and less than 35%, the
26 grant for any school year shall be \$800 multiplied by the
27 low income eligible pupil count.

28 (b) For any school district with a Low Income
29 Concentration Level of at least 35% and less than 50%, the
30 grant for the 1998-1999 school year shall be \$1,100
31 multiplied by the low income eligible pupil count.

32 (c) For any school district with a Low Income
33 Concentration Level of at least 50% and less than 60%, the
34 grant for the 1998-99 school year shall be \$1,500
35 multiplied by the low income eligible pupil count.

36 (d) For any school district with a Low Income

1 Concentration Level of 60% or more, the grant for the
2 1998-99 school year shall be \$1,900 multiplied by the low
3 income eligible pupil count.

4 (e) For the 1999-2000 school year, the per pupil amount
5 specified in subparagraphs (b), (c), and (d) immediately
6 above shall be increased to \$1,243, \$1,600, and \$2,000,
7 respectively.

8 (f) For the 2000-2001 school year, the per pupil
9 amounts specified in subparagraphs (b), (c), and (d)
10 immediately above shall be \$1,273, \$1,640, and \$2,050,
11 respectively.

12 (2.5) Supplemental general State aid pursuant to this
13 subsection (H) shall be provided as follows for the 2002-2003
14 school year:

15 (a) For any school district with a Low Income
16 Concentration Level of less than 10%, the grant for each
17 school year shall be \$355 multiplied by the low income
18 eligible pupil count.

19 (b) For any school district with a Low Income
20 Concentration Level of at least 10% and less than 20%, the
21 grant for each school year shall be \$675 multiplied by the
22 low income eligible pupil count.

23 (c) For any school district with a Low Income
24 Concentration Level of at least 20% and less than 35%, the
25 grant for each school year shall be \$1,330 multiplied by
26 the low income eligible pupil count.

27 (d) For any school district with a Low Income
28 Concentration Level of at least 35% and less than 50%, the
29 grant for each school year shall be \$1,362 multiplied by
30 the low income eligible pupil count.

31 (e) For any school district with a Low Income
32 Concentration Level of at least 50% and less than 60%, the
33 grant for each school year shall be \$1,680 multiplied by
34 the low income eligible pupil count.

35 (f) For any school district with a Low Income
36 Concentration Level of 60% or more, the grant for each

1 school year shall be \$2,080 multiplied by the low income
2 eligible pupil count.

3 (2.10) Except as otherwise provided, supplemental general
4 State aid pursuant to this subsection (H) shall be provided as
5 follows for the 2003-2004 school year and each school year
6 thereafter:

7 (a) For any school district with a Low Income
8 Concentration Level of 15% or less, the grant for each
9 school year shall be \$355 multiplied by the low income
10 eligible pupil count.

11 (b) For any school district with a Low Income
12 Concentration Level greater than 15%, the grant for each
13 school year shall be \$294.25 added to the product of \$2,700
14 and the square of the Low Income Concentration Level, all
15 multiplied by the low income eligible pupil count.

16 For the 2003-2004 school year, 2004-2005 school year, and
17 2005-2006 school year only, the grant shall be no less than the
18 grant for the 2002-2003 school year. For the 2006-2007 school
19 year only, the grant shall be no less than the grant for the
20 2002-2003 school year multiplied by 0.66. For the 2007-2008
21 school year only, the grant shall be no less than the grant for
22 the 2002-2003 school year multiplied by 0.33. Notwithstanding
23 the provisions of this paragraph to the contrary, if for any
24 school year supplemental general State aid grants are prorated
25 as provided in paragraph (1) of this subsection (H), then the
26 grants under this paragraph shall be prorated.

27 For the 2003-2004 school year only, the grant shall be no
28 greater than the grant received during the 2002-2003 school
29 year added to the product of 0.25 multiplied by the difference
30 between the grant amount calculated under subsection (a) or (b)
31 of this paragraph (2.10), whichever is applicable, and the
32 grant received during the 2002-2003 school year. For the
33 2004-2005 school year only, the grant shall be no greater than
34 the grant received during the 2002-2003 school year added to
35 the product of 0.50 multiplied by the difference between the
36 grant amount calculated under subsection (a) or (b) of this

1 paragraph (2.10), whichever is applicable, and the grant
2 received during the 2002-2003 school year. For the 2005-2006
3 school year only, the grant shall be no greater than the grant
4 received during the 2002-2003 school year added to the product
5 of 0.75 multiplied by the difference between the grant amount
6 calculated under subsection (a) or (b) of this paragraph
7 (2.10), whichever is applicable, and the grant received during
8 the 2002-2003 school year.

9 (3) (Blank). ~~School districts with an Average Daily~~
10 ~~Attendance of more than 1,000 and less than 50,000 that qualify~~
11 ~~for supplemental general State aid pursuant to this subsection~~
12 ~~shall submit a plan to the State Board of Education prior to~~
13 ~~October 30 of each year for the use of the funds resulting from~~
14 ~~this grant of supplemental general State aid for the~~
15 ~~improvement of instruction in which priority is given to~~
16 ~~meeting the education needs of disadvantaged children. Such~~
17 ~~plan shall be submitted in accordance with rules and~~
18 ~~regulations promulgated by the State Board of Education.~~

19 (4) School districts with an Average Daily Attendance of
20 50,000 or more that qualify for supplemental general State aid
21 pursuant to this subsection shall be required to distribute
22 from funds available pursuant to this Section, no less than
23 \$261,000,000 in accordance with the following requirements:

24 (a) The required amounts shall be distributed to the
25 attendance centers within the district in proportion to the
26 number of pupils enrolled at each attendance center who are
27 eligible to receive free or reduced-price lunches or
28 breakfasts under the federal Child Nutrition Act of 1966
29 and under the National School Lunch Act during the
30 immediately preceding school year.

31 (b) The distribution of these portions of supplemental
32 and general State aid among attendance centers according to
33 these requirements shall not be compensated for or
34 contravened by adjustments of the total of other funds
35 appropriated to any attendance centers, and the Board of
36 Education shall utilize funding from one or several sources

1 in order to fully implement this provision annually prior
2 to the opening of school.

3 (c) Each attendance center shall be provided by the
4 school district a distribution of noncategorical funds and
5 other categorical funds to which an attendance center is
6 entitled under law in order that the general State aid and
7 supplemental general State aid provided by application of
8 this subsection supplements rather than supplants the
9 noncategorical funds and other categorical funds provided
10 by the school district to the attendance centers.

11 (d) Any funds made available under this subsection that
12 by reason of the provisions of this subsection are not
13 required to be allocated and provided to attendance centers
14 may be used and appropriated by the board of the district
15 for any lawful school purpose.

16 (e) Funds received by an attendance center pursuant to
17 this subsection shall be used by the attendance center at
18 the discretion of the principal and local school council
19 for programs to improve educational opportunities at
20 qualifying schools through the following programs and
21 services: early childhood education, reduced class size or
22 improved adult to student classroom ratio, enrichment
23 programs, remedial assistance, attendance improvement, and
24 other educationally beneficial expenditures which
25 supplement the regular and basic programs as determined by
26 the State Board of Education. Funds provided shall not be
27 expended for any political or lobbying purposes as defined
28 by board rule.

29 (f) Each district subject to the provisions of this
30 subdivision (H) (4) shall submit an acceptable plan to meet
31 the educational needs of disadvantaged children, in
32 compliance with the requirements of this paragraph, to the
33 State Board of Education prior to July 15 of each year.
34 This plan shall be consistent with the decisions of local
35 school councils concerning the school expenditure plans
36 developed in accordance with part 4 of Section 34-2.3. The

1 State Board shall approve or reject the plan within 60 days
2 after its submission. If the plan is rejected, the district
3 shall give written notice of intent to modify the plan
4 within 15 days of the notification of rejection and then
5 submit a modified plan within 30 days after the date of the
6 written notice of intent to modify. Districts may amend
7 approved plans pursuant to rules promulgated by the State
8 Board of Education.

9 Upon notification by the State Board of Education that
10 the district has not submitted a plan prior to July 15 or a
11 modified plan within the time period specified herein, the
12 State aid funds affected by that plan or modified plan
13 shall be withheld by the State Board of Education until a
14 plan or modified plan is submitted.

15 If the district fails to distribute State aid to
16 attendance centers in accordance with an approved plan, the
17 plan for the following year shall allocate funds, in
18 addition to the funds otherwise required by this
19 subsection, to those attendance centers which were
20 underfunded during the previous year in amounts equal to
21 such underfunding.

22 For purposes of determining compliance with this
23 subsection in relation to the requirements of attendance
24 center funding, each district subject to the provisions of
25 this subsection shall submit as a separate document by
26 December 1 of each year a report of expenditure data for
27 the prior year in addition to any modification of its
28 current plan. If it is determined that there has been a
29 failure to comply with the expenditure provisions of this
30 subsection regarding contravention or supplanting, the
31 State Superintendent of Education shall, within 60 days of
32 receipt of the report, notify the district and any affected
33 local school council. The district shall within 45 days of
34 receipt of that notification inform the State
35 Superintendent of Education of the remedial or corrective
36 action to be taken, whether by amendment of the current

1 plan, if feasible, or by adjustment in the plan for the
2 following year. Failure to provide the expenditure report
3 or the notification of remedial or corrective action in a
4 timely manner shall result in a withholding of the affected
5 funds.

6 The State Board of Education shall promulgate rules and
7 regulations to implement the provisions of this
8 subsection. No funds shall be released under this
9 subdivision (H) (4) to any district that has not submitted a
10 plan that has been approved by the State Board of
11 Education.

12 (I) General State Aid for Newly Configured School Districts.

13 (1) For a new school district formed by combining property
14 included totally within 2 or more previously existing school
15 districts, for its first year of existence the general State
16 aid and supplemental general State aid calculated under this
17 Section shall be computed for the new district and for the
18 previously existing districts for which property is totally
19 included within the new district. If the computation on the
20 basis of the previously existing districts is greater, a
21 supplementary payment equal to the difference shall be made for
22 the first 4 years of existence of the new district.

23 (2) For a school district which annexes all of the
24 territory of one or more entire other school districts, for the
25 first year during which the change of boundaries attributable
26 to such annexation becomes effective for all purposes as
27 determined under Section 7-9 or 7A-8, the general State aid and
28 supplemental general State aid calculated under this Section
29 shall be computed for the annexing district as constituted
30 after the annexation and for the annexing and each annexed
31 district as constituted prior to the annexation; and if the
32 computation on the basis of the annexing and annexed districts
33 as constituted prior to the annexation is greater, a
34 supplementary payment equal to the difference shall be made for
35 the first 4 years of existence of the annexing school district

1 as constituted upon such annexation.

2 (3) For 2 or more school districts which annex all of the
3 territory of one or more entire other school districts, and for
4 2 or more community unit districts which result upon the
5 division (pursuant to petition under Section 11A-2) of one or
6 more other unit school districts into 2 or more parts and which
7 together include all of the parts into which such other unit
8 school district or districts are so divided, for the first year
9 during which the change of boundaries attributable to such
10 annexation or division becomes effective for all purposes as
11 determined under Section 7-9 or 11A-10, as the case may be, the
12 general State aid and supplemental general State aid calculated
13 under this Section shall be computed for each annexing or
14 resulting district as constituted after the annexation or
15 division and for each annexing and annexed district, or for
16 each resulting and divided district, as constituted prior to
17 the annexation or division; and if the aggregate of the general
18 State aid and supplemental general State aid as so computed for
19 the annexing or resulting districts as constituted after the
20 annexation or division is less than the aggregate of the
21 general State aid and supplemental general State aid as so
22 computed for the annexing and annexed districts, or for the
23 resulting and divided districts, as constituted prior to the
24 annexation or division, then a supplementary payment equal to
25 the difference shall be made and allocated between or among the
26 annexing or resulting districts, as constituted upon such
27 annexation or division, for the first 4 years of their
28 existence. The total difference payment shall be allocated
29 between or among the annexing or resulting districts in the
30 same ratio as the pupil enrollment from that portion of the
31 annexed or divided district or districts which is annexed to or
32 included in each such annexing or resulting district bears to
33 the total pupil enrollment from the entire annexed or divided
34 district or districts, as such pupil enrollment is determined
35 for the school year last ending prior to the date when the
36 change of boundaries attributable to the annexation or division

1 becomes effective for all purposes. The amount of the total
2 difference payment and the amount thereof to be allocated to
3 the annexing or resulting districts shall be computed by the
4 State Board of Education on the basis of pupil enrollment and
5 other data which shall be certified to the State Board of
6 Education, on forms which it shall provide for that purpose, by
7 the regional superintendent of schools for each educational
8 service region in which the annexing and annexed districts, or
9 resulting and divided districts are located.

10 (3.5) Claims for financial assistance under this
11 subsection (I) shall not be recomputed except as expressly
12 provided under this Section.

13 (4) Any supplementary payment made under this subsection
14 (I) shall be treated as separate from all other payments made
15 pursuant to this Section.

16 (J) Supplementary Grants in Aid.

17 (1) Notwithstanding any other provisions of this Section,
18 the amount of the aggregate general State aid in combination
19 with supplemental general State aid under this Section for
20 which each school district is eligible shall be no less than
21 the amount of the aggregate general State aid entitlement that
22 was received by the district under Section 18-8 (exclusive of
23 amounts received under subsections 5(p) and 5(p-5) of that
24 Section) for the 1997-98 school year, pursuant to the
25 provisions of that Section as it was then in effect. If a
26 school district qualifies to receive a supplementary payment
27 made under this subsection (J), the amount of the aggregate
28 general State aid in combination with supplemental general
29 State aid under this Section which that district is eligible to
30 receive for each school year shall be no less than the amount
31 of the aggregate general State aid entitlement that was
32 received by the district under Section 18-8 (exclusive of
33 amounts received under subsections 5(p) and 5(p-5) of that
34 Section) for the 1997-1998 school year, pursuant to the
35 provisions of that Section as it was then in effect.

1 (2) If, as provided in paragraph (1) of this subsection
2 (J), a school district is to receive aggregate general State
3 aid in combination with supplemental general State aid under
4 this Section for the 1998-99 school year and any subsequent
5 school year that in any such school year is less than the
6 amount of the aggregate general State aid entitlement that the
7 district received for the 1997-98 school year, the school
8 district shall also receive, from a separate appropriation made
9 for purposes of this subsection (J), a supplementary payment
10 that is equal to the amount of the difference in the aggregate
11 State aid figures as described in paragraph (1).

12 (3) (Blank).

13 (K) Grants to Laboratory and Alternative Schools.

14 In calculating the amount to be paid to the governing board
15 of a public university that operates a laboratory school under
16 this Section or to any alternative school that is operated by a
17 regional superintendent of schools, the State Board of
18 Education shall require by rule such reporting requirements as
19 it deems necessary.

20 As used in this Section, "laboratory school" means a public
21 school which is created and operated by a public university and
22 approved by the State Board of Education. The governing board
23 of a public university which receives funds from the State
24 Board under this subsection (K) may not increase the number of
25 students enrolled in its laboratory school from a single
26 district, if that district is already sending 50 or more
27 students, except under a mutual agreement between the school
28 board of a student's district of residence and the university
29 which operates the laboratory school. A laboratory school may
30 not have more than 1,000 students, excluding students with
31 disabilities in a special education program.

32 As used in this Section, "alternative school" means a
33 public school which is created and operated by a Regional
34 Superintendent of Schools and approved by the State Board of
35 Education. Such alternative schools may offer courses of

1 instruction for which credit is given in regular school
2 programs, courses to prepare students for the high school
3 equivalency testing program or vocational and occupational
4 training. A regional superintendent of schools may contract
5 with a school district or a public community college district
6 to operate an alternative school. An alternative school serving
7 more than one educational service region may be established by
8 the regional superintendents of schools of the affected
9 educational service regions. An alternative school serving
10 more than one educational service region may be operated under
11 such terms as the regional superintendents of schools of those
12 educational service regions may agree.

13 Each laboratory and alternative school shall file, on forms
14 provided by the State Superintendent of Education, an annual
15 State aid claim which states the Average Daily Attendance of
16 the school's students by month. The best 3 months' Average
17 Daily Attendance shall be computed for each school. The general
18 State aid entitlement shall be computed by multiplying the
19 applicable Average Daily Attendance by the Foundation Level as
20 determined under this Section.

21 (L) Payments, Additional Grants in Aid and Other Requirements.

22 (1) For a school district operating under the financial
23 supervision of an Authority created under Article 34A, the
24 general State aid otherwise payable to that district under this
25 Section, but not the supplemental general State aid, shall be
26 reduced by an amount equal to the budget for the operations of
27 the Authority as certified by the Authority to the State Board
28 of Education, and an amount equal to such reduction shall be
29 paid to the Authority created for such district for its
30 operating expenses in the manner provided in Section 18-11. The
31 remainder of general State school aid for any such district
32 shall be paid in accordance with Article 34A when that Article
33 provides for a disposition other than that provided by this
34 Article.

35 (2) (Blank).

1 (3) Summer school. Summer school payments shall be made as
2 provided in Section 18-4.3.

3 (M) Education Funding Advisory Board.

4 The Education Funding Advisory Board, hereinafter in this
5 subsection (M) referred to as the "Board", is hereby created.
6 The Board shall consist of 5 members who are appointed by the
7 Governor, by and with the advice and consent of the Senate. The
8 members appointed shall include representatives of education,
9 business, and the general public. One of the members so
10 appointed shall be designated by the Governor at the time the
11 appointment is made as the chairperson of the Board. The
12 initial members of the Board may be appointed any time after
13 the effective date of this amendatory Act of 1997. The regular
14 term of each member of the Board shall be for 4 years from the
15 third Monday of January of the year in which the term of the
16 member's appointment is to commence, except that of the 5
17 initial members appointed to serve on the Board, the member who
18 is appointed as the chairperson shall serve for a term that
19 commences on the date of his or her appointment and expires on
20 the third Monday of January, 2002, and the remaining 4 members,
21 by lots drawn at the first meeting of the Board that is held
22 after all 5 members are appointed, shall determine 2 of their
23 number to serve for terms that commence on the date of their
24 respective appointments and expire on the third Monday of
25 January, 2001, and 2 of their number to serve for terms that
26 commence on the date of their respective appointments and
27 expire on the third Monday of January, 2000. All members
28 appointed to serve on the Board shall serve until their
29 respective successors are appointed and confirmed. Vacancies
30 shall be filled in the same manner as original appointments. If
31 a vacancy in membership occurs at a time when the Senate is not
32 in session, the Governor shall make a temporary appointment
33 until the next meeting of the Senate, when he or she shall
34 appoint, by and with the advice and consent of the Senate, a
35 person to fill that membership for the unexpired term. If the

1 Senate is not in session when the initial appointments are
2 made, those appointments shall be made as in the case of
3 vacancies.

4 The Education Funding Advisory Board shall be deemed
5 established, and the initial members appointed by the Governor
6 to serve as members of the Board shall take office, on the date
7 that the Governor makes his or her appointment of the fifth
8 initial member of the Board, whether those initial members are
9 then serving pursuant to appointment and confirmation or
10 pursuant to temporary appointments that are made by the
11 Governor as in the case of vacancies.

12 The State Board of Education shall provide such staff
13 assistance to the Education Funding Advisory Board as is
14 reasonably required for the proper performance by the Board of
15 its responsibilities.

16 For school years after the 2000-2001 school year, the
17 Education Funding Advisory Board, in consultation with the
18 State Board of Education, shall make recommendations as
19 provided in this subsection (M) to the General Assembly for the
20 foundation level under subdivision (B)(3) of this Section and
21 for the supplemental general State aid grant level under
22 subsection (H) of this Section for districts with high
23 concentrations of children from poverty. The recommended
24 foundation level shall be determined based on a methodology
25 which incorporates the basic education expenditures of
26 low-spending schools exhibiting high academic performance. The
27 Education Funding Advisory Board shall make such
28 recommendations to the General Assembly on January 1 of odd
29 numbered years, beginning January 1, 2001.

30 (N) (Blank).

31 (O) References.

32 (1) References in other laws to the various subdivisions of
33 Section 18-8 as that Section existed before its repeal and
34 replacement by this Section 18-8.05 shall be deemed to refer to

1 the corresponding provisions of this Section 18-8.05, to the
2 extent that those references remain applicable.

3 (2) References in other laws to State Chapter 1 funds shall
4 be deemed to refer to the supplemental general State aid
5 provided under subsection (H) of this Section.

6 (P) Public Act 93-838 and Public Act 93-808 make inconsistent
7 changes to this Section. Under Section 6 of the Statute on
8 Statutes there is an irreconcilable conflict between Public Act
9 93-808 and Public Act 93-838. Public Act 93-838, being the last
10 acted upon, is controlling. The text of Public Act 93-838 is
11 the law regardless of the text of Public Act 93-808.

12 (Source: P.A. 93-21, eff. 7-1-03; 93-715, eff. 7-12-04; 93-808,
13 eff. 7-26-04; 93-838, eff. 7-30-04; 93-875, eff. 8-6-04; 94-69,
14 eff. 7-1-05; 94-438, eff. 8-4-05; revised 8-22-05.)

15 (105 ILCS 5/24-2) (from Ch. 122, par. 24-2)

16 Sec. 24-2. Holidays.

17 (a) Teachers shall not be required to teach on Saturdays;
18 nor, except as provided in subsection (b) of this Section,
19 shall teachers or other school employees, other than
20 noncertificated school employees whose presence is necessary
21 because of an emergency or for the continued operation and
22 maintenance of school facilities or property, be required to
23 work on legal school holidays, which are January 1, New Year's
24 Day; the third Monday in January, the birthday ~~Birthday~~ of Dr.
25 Martin Luther King, Jr.; February 12, the birthday ~~Birthday~~ of
26 President Abraham Lincoln; the first Monday in March (to be
27 known as Casimir Pulaski's birthday); ~~Good Friday~~; the day
28 designated as Memorial Day by federal law; July 4, Independence
29 Day; the first Monday in September, Labor Day; the second
30 Monday in October, Columbus Day; November 11, Veterans'
31 ~~Veteran's~~ Day; the Thursday in November commonly called
32 Thanksgiving Day; and December 25, Christmas Day. School boards
33 may grant special holidays whenever in their judgment such
34 action is advisable, except that no school board or board of

1 education may designate or observe as a special holiday on
2 which teachers or other school employees are not required to
3 work the days on which general elections for members of the
4 Illinois House of Representatives are held. No deduction shall
5 be made from the time or compensation of a school employee on
6 account of any legal or special holiday.

7 (b) School boards and other entities eligible to apply for
8 waivers and modifications under Section 2-3.25g of this Code
9 are authorized to hold school on the following legal holidays
10 or to use the holiday for a teachers' institute, parent-teacher
11 conferences, staff development, or other purposes: the third
12 Monday in January, the birthday of Dr. Martin Luther King, Jr.;
13 February 12, the birthday of President Abraham Lincoln; the
14 first Monday in March, the birthday of Casimir Pulaski; the
15 second Monday in October, Columbus Day; and November 11,
16 Veterans' Day; if all of the following conditions are met:

17 (1) The person or persons honored by the holiday are
18 recognized through instructional activities conducted on
19 that day or the first school day preceding or following
20 that day.

21 (2) The exclusive bargaining representative, if any,
22 of the school board's or other entity's employees agrees in
23 writing, either as a term of the collective bargaining
24 agreement or through a separate agreement, to make the day
25 a work day.

26 (3) The school board or other entity has satisfied the
27 public hearing and notification requirements set forth in
28 Section 2-3.25g of this Code prior to entering into the
29 agreement with the exclusive bargaining representative to
30 work on that day and prior to any renewal of the agreement.

31 (c) Commemorative holidays, which recognize specified
32 patriotic, civic, cultural or historical persons, activities,
33 or events, are regular school days. Commemorative holidays are:
34 January 28 (to be known as Christa McAuliffe Day and observed
35 as a commemoration of space exploration), February 15 (the
36 birthday of Susan B. Anthony), March 29 (Viet Nam War Veterans'

1 ~~Veterans~~ Day), September 11 (September 11th Day of
2 Remembrance), the school day immediately preceding Veterans'
3 ~~Veteran's~~ Day (Korean War Veterans' ~~Veterans~~ Day), October 1
4 (Recycling Day), December 7 (Pearl Harbor Veterans' ~~Veterans~~
5 Day) and any day so appointed by the President or Governor.
6 School boards may establish commemorative holidays whenever in
7 their judgment such action is advisable. School boards shall
8 include instruction relative to commemorated persons,
9 activities, or events on the commemorative holiday or at any
10 other time during the school year and at any point in the
11 curriculum when such instruction may be deemed appropriate. The
12 State Board of Education shall prepare and make available to
13 school boards instructional materials relative to commemorated
14 persons, activities, or events which may be used by school
15 boards in conjunction with any instruction provided pursuant to
16 this subsection (c) ~~paragraph~~.

17 (d) City of Chicago School District 299 shall observe March
18 4 of each year as a commemorative holiday. This holiday shall
19 be known as Mayors' Day which shall be a day to commemorate and
20 be reminded of the past Chief Executive Officers of the City of
21 Chicago, and in particular the late Mayor Richard J. Daley and
22 the late Mayor Harold Washington. If March 4 falls on a
23 Saturday or Sunday, Mayors' Day shall be observed on the
24 following Monday.

25 (Source: P.A. 92-704, eff. 7-19-02.)

26 (105 ILCS 5/27-1) (from Ch. 122, par. 27-1)

27 Sec. 27-1. Areas of education taught - discrimination on
28 account of sex. The State of Illinois, having the
29 responsibility of defining requirements for elementary and
30 secondary education, establishes that the primary purpose of
31 schooling is the transmission of knowledge and culture through
32 which children learn in areas necessary to their continuing
33 development and entry into the world of work. Such areas
34 include the language arts, mathematics, the biological,
35 physical and social sciences, the fine arts and physical

1 development and health.

2 Each school district shall give priority in the allocation
3 of resources, including funds, time allocation, personnel, and
4 facilities, to fulfilling the primary purpose of schooling.

5 The State Board of Education shall establish goals and
6 learning standards consistent with the above purposes and
7 define the knowledge and skills which the State expects
8 students to master and apply as a consequence of their
9 education.

10 Each school district shall establish learning objectives
11 consistent with the State Board of Education's goals and
12 learning standards for the areas referred to in this Section
13 ~~primary purpose of schooling,~~ shall develop appropriate
14 testing and assessment systems for determining the degree to
15 which students are achieving the objectives, and shall develop
16 reporting systems to apprise the community and State of the
17 assessment results.

18 ~~Each school district shall submit upon request its~~
19 ~~objectives and assessment results, plans for improvement, and~~
20 ~~reporting systems to the State Board of Education, which shall~~
21 ~~promulgate rules and regulations for the approval of the~~
22 ~~objectives and systems.~~ Each school district shall make
23 available to all students academic and vocational courses for
24 the attainment of learning objectives.

25 No student shall be refused admission into or be excluded
26 from any course of instruction offered in the common schools by
27 reason of that person's sex. No student shall, solely by reason
28 of that person's sex, be denied equal access to physical
29 education and interscholastic athletic programs or comparable
30 programs supported from school district funds. This Section is
31 violated when a high school subject to this Act participates in
32 the post-season basketball tournament of any organization or
33 association that does not conduct post-season high school
34 basketball tournaments for both boys and girls, which
35 tournaments are identically structured. Conducting identically
36 structured tournaments includes having the same number of

1 girls' teams as boys' teams playing, in their respective
2 tournaments, at any common location chosen for the final series
3 of games in a tournament; provided, that nothing in this
4 paragraph shall be deemed to prohibit the selection for the
5 final series of games in the girls' tournaments of a common
6 location that is different than the common location selected
7 for the final series of games in the boys' tournaments. Except
8 as specifically stated in this Section, equal access to
9 programs supported by school district funds and comparable
10 programs will be defined in rules promulgated by the State
11 Board of Education in consultation with the Illinois High
12 School Association.

13 (Source: P.A. 87-934; 87-1215; 88-45.)

14 (105 ILCS 5/29-5) (from Ch. 122, par. 29-5)

15 Sec. 29-5. Reimbursement by State for transportation. Any
16 school district, maintaining a school, transporting resident
17 pupils to another school district's vocational program,
18 offered through a joint agreement approved by the State Board
19 of Education, as provided in Section 10-22.22 or transporting
20 its resident pupils to a school which meets the standards for
21 recognition as established by the State Board of Education
22 which provides transportation meeting the standards of safety,
23 comfort, convenience, efficiency and operation prescribed by
24 the State Board of Education for resident pupils in
25 kindergarten or any of grades 1 through 12 who: (a) reside at
26 least 1 1/2 miles as measured by the customary route of travel,
27 from the school attended; or (b) reside in areas where
28 conditions are such that walking constitutes a hazard to the
29 safety of the child when determined under Section 29-3; and (c)
30 are transported to the school attended from pick-up points at
31 the beginning of the school day and back again at the close of
32 the school day or transported to and from their assigned
33 attendance centers during the school day, shall be reimbursed
34 by the State as hereinafter provided in this Section.

35 The State will pay the cost of transporting eligible pupils

1 less the assessed valuation in a dual school district
2 maintaining secondary grades 9 to 12 inclusive times a
3 qualifying rate of .05%; in elementary school districts
4 maintaining grades K to 8 times a qualifying rate of .06%; in
5 unit districts maintaining grades K to 12 times a qualifying
6 rate of .07%. To be eligible to receive reimbursement in excess
7 of 4/5 of the cost to transport eligible pupils, a school
8 district shall have a Transportation Fund tax rate of at least
9 .12%. If a school district does not have a .12% Transportation
10 Fund tax rate, the amount of its claim in excess of 4/5 of the
11 cost of transporting pupils shall be reduced by the sum arrived
12 at by subtracting the Transportation Fund tax rate from .12%
13 and multiplying that amount by the districts equalized or
14 assessed valuation, provided, that in no case shall said
15 reduction result in reimbursement of less than 4/5 of the cost
16 to transport eligible pupils.

17 The minimum amount to be received by a district is \$16
18 times the number of eligible pupils transported.

19 Any such district transporting resident pupils during the
20 school day to an area vocational school or another school
21 district's vocational program more than 1 1/2 miles from the
22 school attended, as provided in Sections 10-22.20a and
23 10-22.22, shall be reimbursed by the State for 4/5 of the cost
24 of transporting eligible pupils.

25 School day means that period of time which the pupil is
26 required to be in attendance for instructional purposes.

27 If a pupil is at a location within the school district
28 other than his residence for child care purposes at the time
29 for transportation to school, that location may be considered
30 for purposes of determining the 1 1/2 miles from the school
31 attended.

32 Claims for reimbursement that include children who attend
33 any school other than a public school shall show the number of
34 such children transported.

35 Claims for reimbursement under this Section shall not be
36 paid for the transportation of pupils for whom transportation

1 costs are claimed for payment under other Sections of this Act.

2 The allowable direct cost of transporting pupils for
3 regular, vocational, and special education pupil
4 transportation shall be limited to the sum of the cost of
5 physical examinations required for employment as a school bus
6 driver; the salaries of full or part-time drivers and school
7 bus maintenance personnel; employee benefits excluding
8 Illinois municipal retirement payments, social security
9 payments, unemployment insurance payments and workers'
10 compensation insurance premiums; expenditures to independent
11 carriers who operate school buses; payments to other school
12 districts for pupil transportation services; pre-approved
13 contractual expenditures for computerized bus scheduling; the
14 cost of gasoline, oil, tires, and other supplies necessary for
15 the operation of school buses; the cost of converting buses'
16 gasoline engines to more fuel efficient engines or to engines
17 which use alternative energy sources; the cost of travel to
18 meetings and workshops conducted by the regional
19 superintendent or the State Superintendent of Education
20 pursuant to the standards established by the Secretary of State
21 under Section 6-106 of the Illinois Vehicle Code to improve the
22 driving skills of school bus drivers; the cost of maintenance
23 of school buses including parts and materials used;
24 expenditures for leasing transportation vehicles, except
25 interest and service charges; the cost of insurance and
26 licenses for transportation vehicles; expenditures for the
27 rental of transportation equipment; plus a depreciation
28 allowance of 20% for 5 years for school buses and vehicles
29 approved for transporting pupils to and from school and a
30 depreciation allowance of 10% for 10 years for other
31 transportation equipment so used. Each school year, if a school
32 district has made expenditures to the Regional Transportation
33 Authority or any of its service boards, a mass transit
34 district, or an urban transportation district under an
35 intergovernmental agreement with the district to provide for
36 the transportation of pupils and if the public transit carrier

1 received direct payment for services or passes from a school
2 district within its service area during the 2000-2001 school
3 year, then the allowable direct cost of transporting pupils for
4 regular, vocational, and special education pupil
5 transportation shall also include the expenditures that the
6 district has made to the public transit carrier. In addition to
7 the above allowable costs school districts shall also claim all
8 transportation supervisory salary costs, including Illinois
9 municipal retirement payments, and all transportation related
10 building and building maintenance costs without limitation.

11 Special education allowable costs shall also include
12 expenditures for the salaries of attendants or aides for that
13 portion of the time they assist special education pupils while
14 in transit and expenditures for parents and public carriers for
15 transporting special education pupils when pre-approved by the
16 State Superintendent of Education.

17 Indirect costs shall be included in the reimbursement claim
18 for districts which own and operate their own school buses.
19 Such indirect costs shall include administrative costs, or any
20 costs attributable to transporting pupils from their
21 attendance centers to another school building for
22 instructional purposes. No school district which owns and
23 operates its own school buses may claim reimbursement for
24 indirect costs which exceed 5% of the total allowable direct
25 costs for pupil transportation.

26 The State Board of Education shall prescribe uniform
27 regulations for determining the above standards and shall
28 prescribe forms of cost accounting and standards of determining
29 reasonable depreciation. Such depreciation shall include the
30 cost of equipping school buses with the safety features
31 required by law or by the rules, regulations and standards
32 promulgated by the State Board of Education, and the Department
33 of Transportation for the safety and construction of school
34 buses provided, however, any equipment cost reimbursed by the
35 Department of Transportation for equipping school buses with
36 such safety equipment shall be deducted from the allowable cost

1 in the computation of reimbursement under this Section in the
2 same percentage as the cost of the equipment is depreciated.

3 On or before August 15 ~~July 10~~, annually, the chief school
4 administrator for the district shall certify to the ~~regional~~
5 ~~superintendent of schools upon forms prescribed by the~~ State
6 Superintendent of Education the district's claim for
7 reimbursement for the school year ending ~~ended~~ on June 30 next
8 preceding. ~~The regional superintendent of schools shall check~~
9 ~~all transportation claims to ascertain compliance with the~~
10 ~~prescribed standards and upon his approval shall certify not~~
11 ~~later than July 25 to the State Superintendent of Education the~~
12 ~~regional report of claims for reimbursements.~~ The State
13 Superintendent of Education shall check and approve the claims
14 and prepare the vouchers showing the amounts due for district
15 reimbursement claims. Each ~~Beginning with the 1977~~ fiscal year,
16 the State Superintendent of Education shall prepare and
17 transmit the first 3 vouchers to the Comptroller on the 30th
18 day of September, December and March, respectively, and the
19 final voucher, no later than June 20 ~~June 15~~.

20 If the amount appropriated for transportation
21 reimbursement is insufficient to fund total claims for any
22 fiscal year, the State Board of Education shall reduce each
23 school district's allowable costs and flat grant amount
24 proportionately to make total adjusted claims equal the total
25 amount appropriated.

26 For purposes of calculating claims for reimbursement under
27 this Section for any school year beginning July 1, 1998, or
28 thereafter, the equalized assessed valuation for a school
29 district used to compute reimbursement shall be computed in the
30 same manner as it is computed under paragraph (2) of subsection
31 (G) of Section 18-8.05.

32 All reimbursements received from the State shall be
33 deposited into the district's transportation fund or into the
34 fund from which the allowable expenditures were made.

35 Notwithstanding any other provision of law, any school
36 district receiving a payment under this Section or under

1 Section 14-7.02, 14-7.02b, or 14-13.01 of this Code may
2 classify all or a portion of the funds that it receives in a
3 particular fiscal year or from general State aid pursuant to
4 Section 18-8.05 of this Code as funds received in connection
5 with any funding program for which it is entitled to receive
6 funds from the State in that fiscal year (including, without
7 limitation, any funding program referenced in this Section),
8 regardless of the source or timing of the receipt. The district
9 may not classify more funds as funds received in connection
10 with the funding program than the district is entitled to
11 receive in that fiscal year for that program. Any
12 classification by a district must be made by a resolution of
13 its board of education. The resolution must identify the amount
14 of any payments or general State aid to be classified under
15 this paragraph and must specify the funding program to which
16 the funds are to be treated as received in connection
17 therewith. This resolution is controlling as to the
18 classification of funds referenced therein. A certified copy of
19 the resolution must be sent to the State Superintendent of
20 Education. The resolution shall still take effect even though a
21 copy of the resolution has not been sent to the State
22 Superintendent of Education in a timely manner. No
23 classification under this paragraph by a district shall affect
24 the total amount or timing of money the district is entitled to
25 receive under this Code. No classification under this paragraph
26 by a district shall in any way relieve the district from or
27 affect any requirements that otherwise would apply with respect
28 to that funding program, including any accounting of funds by
29 source, reporting expenditures by original source and purpose,
30 reporting requirements, or requirements of providing services.

31 Any school district with a population of not more than
32 500,000 must deposit all funds received under this Article into
33 the transportation fund and use those funds for the provision
34 of transportation services.

35 (Source: P.A. 92-568, eff. 6-26-02; 93-166, eff. 7-10-03;
36 93-663, eff. 2-17-04; 93-1022, eff. 8-24-04.)

1 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

2 Sec. 34-18.5. Criminal history records checks and checks of
3 the Statewide Sex Offender Database.

4 (a) Certified and noncertified applicants for employment
5 with the school district are required as a condition of
6 employment to authorize a fingerprint-based criminal history
7 records check to determine if such applicants have been
8 convicted of any of the enumerated criminal or drug offenses in
9 subsection (c) of this Section or have been convicted, within 7
10 years of the application for employment with the school
11 district, of any other felony under the laws of this State or
12 of any offense committed or attempted in any other state or
13 against the laws of the United States that, if committed or
14 attempted in this State, would have been punishable as a felony
15 under the laws of this State. Authorization for the check shall
16 be furnished by the applicant to the school district, except
17 that if the applicant is a substitute teacher seeking
18 employment in more than one school district, or a teacher
19 seeking concurrent part-time employment positions with more
20 than one school district (as a reading specialist, special
21 education teacher or otherwise), or an educational support
22 personnel employee seeking employment positions with more than
23 one district, any such district may require the applicant to
24 furnish authorization for the check to the regional
25 superintendent of the educational service region in which are
26 located the school districts in which the applicant is seeking
27 employment as a substitute or concurrent part-time teacher or
28 concurrent educational support personnel employee. Upon
29 receipt of this authorization, the school district or the
30 appropriate regional superintendent, as the case may be, shall
31 submit the applicant's name, sex, race, date of birth, social
32 security number, fingerprint images, and other identifiers, as
33 prescribed by the Department of State Police, to the
34 Department. The regional superintendent submitting the
35 requisite information to the Department of State Police shall

1 promptly notify the school districts in which the applicant is
2 seeking employment as a substitute or concurrent part-time
3 teacher or concurrent educational support personnel employee
4 that the check of the applicant has been requested. The
5 Department of State Police and the Federal Bureau of
6 Investigation shall furnish, pursuant to a fingerprint-based
7 criminal history records check, records of convictions, until
8 expunged, to the president of the school board for the school
9 district that requested the check, or to the regional
10 superintendent who requested the check. The Department shall
11 charge the school district or the appropriate regional
12 superintendent a fee for conducting such check, which fee shall
13 be deposited in the State Police Services Fund and shall not
14 exceed the cost of the inquiry; and the applicant shall not be
15 charged a fee for such check by the school district or by the
16 regional superintendent. Subject to appropriations for these
17 purposes, the State Superintendent of Education shall
18 reimburse the school district and regional superintendent for
19 fees paid to obtain criminal history records checks under this
20 Section.

21 (a-5) The school district or regional superintendent shall
22 further perform a check of the Statewide Sex Offender Database,
23 as authorized by the Sex Offender and Child Murderer Community
24 Notification Law, for each applicant.

25 (b) Any information concerning the record of convictions
26 obtained by the president of the board of education or the
27 regional superintendent shall be confidential and may only be
28 transmitted to the general superintendent of the school
29 district or his designee, the appropriate regional
30 superintendent if the check was requested by the board of
31 education for the school district, the presidents of the
32 appropriate board of education or school boards if the check
33 was requested from the Department of State Police by the
34 regional superintendent, the State Superintendent of
35 Education, the State Teacher Certification Board or any other
36 person necessary to the decision of hiring the applicant for

1 employment. A copy of the record of convictions obtained from
2 the Department of State Police shall be provided to the
3 applicant for employment. Upon the check of the Statewide Sex
4 Offender Database, the school district or regional
5 superintendent shall notify an applicant as to whether or not
6 the applicant has been identified in the Database as a sex
7 offender. If a check of an applicant for employment as a
8 substitute or concurrent part-time teacher or concurrent
9 educational support personnel employee in more than one school
10 district was requested by the regional superintendent, and the
11 Department of State Police upon a check ascertains that the
12 applicant has not been convicted of any of the enumerated
13 criminal or drug offenses in subsection (c) or has not been
14 convicted, within 7 years of the application for employment
15 with the school district, of any other felony under the laws of
16 this State or of any offense committed or attempted in any
17 other state or against the laws of the United States that, if
18 committed or attempted in this State, would have been
19 punishable as a felony under the laws of this State and so
20 notifies the regional superintendent and if the regional
21 superintendent upon a check ascertains that the applicant has
22 not been identified in the Sex Offender Database as a sex
23 offender, then the regional superintendent shall issue to the
24 applicant a certificate evidencing that as of the date
25 specified by the Department of State Police the applicant has
26 not been convicted of any of the enumerated criminal or drug
27 offenses in subsection (c) or has not been convicted, within 7
28 years of the application for employment with the school
29 district, of any other felony under the laws of this State or
30 of any offense committed or attempted in any other state or
31 against the laws of the United States that, if committed or
32 attempted in this State, would have been punishable as a felony
33 under the laws of this State and evidencing that as of the date
34 that the regional superintendent conducted a check of the
35 Statewide Sex Offender Database, the applicant has not been
36 identified in the Database as a sex offender. The school board

1 of any school district located ~~in the educational service~~
2 ~~region served by the regional superintendent who issues such a~~
3 ~~certificate to an applicant for employment as a substitute or~~
4 ~~concurrent part-time teacher or concurrent educational support~~
5 ~~personnel employee in more than one such district~~ may rely on
6 the certificate issued by any ~~the~~ regional superintendent to
7 that substitute teacher, concurrent part-time teacher, or
8 concurrent educational support personnel employee applicant,
9 or may initiate its own criminal history records check of the
10 applicant through the Department of State Police and its own
11 check of the Statewide Sex Offender Database as provided in
12 subsection (a). Any person who releases any confidential
13 information concerning any criminal convictions of an
14 applicant for employment shall be guilty of a Class A
15 misdemeanor, unless the release of such information is
16 authorized by this Section.

17 (c) The board of education shall not knowingly employ a
18 person who has been convicted for committing attempted first
19 degree murder or for committing or attempting to commit first
20 degree murder or a Class X felony or any one or more of the
21 following offenses: (i) those defined in Sections 11-6, 11-9,
22 11-9.1, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19,
23 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-4.4, 12-4.7,
24 12-4.9, 12-13, 12-14, 12-14.1, 12-15, ~~and~~ 12-16, 12-16.2, and
25 12-32 of the Criminal Code of 1961; (ii) those defined in the
26 Cannabis Control Act, except those defined in Sections 4(a),
27 4(b) and 5(a) of that Act; (iii) those defined in the Illinois
28 Controlled Substances Act; (iv) those defined in the
29 Methamphetamine Control and Community Protection Act; and (v)
30 any offense committed or attempted in any other state or
31 against the laws of the United States, which if committed or
32 attempted in this State, would have been punishable as one or
33 more of the foregoing offenses. Further, the board of education
34 shall not knowingly employ a person who has been found to be
35 the perpetrator of sexual or physical abuse of any minor under
36 18 years of age pursuant to proceedings under Article II of the

1 Juvenile Court Act of 1987.

2 (d) The board of education shall not knowingly employ a
3 person for whom a criminal history records check and a
4 Statewide Sex Offender Database check has not been initiated.

5 (e) Upon receipt of the record of a conviction of or a
6 finding of child abuse by a holder of any certificate issued
7 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School
8 Code, the board of education or the State Superintendent of
9 Education shall initiate the certificate suspension and
10 revocation proceedings authorized by law.

11 (f) After March 19, 1990, the provisions of this Section
12 shall apply to all employees of persons or firms holding
13 contracts with any school district including, but not limited
14 to, food service workers, school bus drivers and other
15 transportation employees, who have direct, daily contact with
16 the pupils of any school in such district. For purposes of
17 criminal history records checks and checks of the Statewide Sex
18 Offender Database on employees of persons or firms holding
19 contracts with more than one school district and assigned to
20 more than one school district, the regional superintendent of
21 the educational service region in which the contracting school
22 districts are located may, at the request of any such school
23 district, be responsible for receiving the authorization for a
24 criminal history records check prepared by each such employee
25 and submitting the same to the Department of State Police and
26 for conducting a check of the Statewide Sex Offender Database
27 for each employee. Any information concerning the record of
28 conviction and identification as a sex offender of any such
29 employee obtained by the regional superintendent shall be
30 promptly reported to the president of the appropriate school
31 board or school boards.

32 (Source: P.A. 93-418, eff. 1-1-04; 93-909, eff. 8-12-04;
33 94-219, eff. 7-14-05; 94-556, eff. 9-11-05; revised 8-19-05.)

34 (105 ILCS 5/2-3.11b rep.)

35 (105 ILCS 5/2-3.25e rep.)

1 Section 10. The School Code is amended by repealing
2 Sections 2-3.11b and 2-3.25e.

3 Section 90. The State Mandates Act is amended by adding
4 Section 8.30 as follows:

5 (30 ILCS 805/8.30 new)

6 Sec. 8.30. Exempt mandate. Notwithstanding Sections 6 and 8
7 of this Act, no reimbursement by the State is required for the
8 implementation of any mandate created by this amendatory Act of
9 the 94th General Assembly.

10 Section 99. Effective date. This Act takes effect July 1,
11 2006.