

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, 27-1, 29-5, and 34-18.5 as follows:

7 (105 ILCS 5/2-3.12) (from Ch. 122, par. 2-3.12)
8 Sec. 2-3.12. School building code.

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

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

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

34 (b) Within 2 years after September 23, ~~the effective date~~
35 ~~of this amendatory Act of 1983, and every 10 years thereafter,~~
36 or at such other times as the State Board of Education deems

1 necessary or the regional superintendent so orders, each school
2 board subject to the provisions of this Section shall again
3 survey its school buildings and effectuate any recommendations
4 in accordance with the procedures set forth herein.

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

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

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

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

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

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

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

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

33 (D) Urgent and required items shall reference a
34 specific rule in the code authorized by this Section
35 that is currently being violated or will be violated
36 within the next 12 months if the violation is not

1 remedied.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (105 ILCS 5/2-3.25d) (from Ch. 122, par. 2-3.25d)

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

16 (a) 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 schools that do not meet
20 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. Schools 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. Schools 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. Schools on academic watch status
34 that do not meet adequate yearly progress criteria for a fifth
35 or subsequent annual calculation in the same subgroup and in

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

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

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

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

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

34 The revised School Improvement Plan for a school that
35 remains on academic watch status after a fifth annual
36 calculation must be approved by the school board (and by the

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

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

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

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

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

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

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

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

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

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

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

36 (c) All revised School and District Improvement Plans shall

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

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

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

30 (105 ILCS 5/2-3.25f) (from Ch. 122, par. 2-3.25f)

31 Sec. 2-3.25f. State interventions.

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

1 implementation of School and District Improvement Plans ~~the~~
2 ~~improvement plan.~~

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

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

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

28 (2) The State Board of Education may (A) change the
29 recognition status of the school district or school to
30 nonrecognized, or (B) authorize the State Superintendent
31 of Education to direct the reassignment of pupils or direct
32 the reassignment or replacement of school district
33 personnel who are relevant to the failure to meet adequate
34 yearly progress criteria. If a school district is
35 nonrecognized in its entirety, it shall automatically be
36 dissolved on July 1 following that nonrecognition and its

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

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

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

10 (105 ILCS 5/2-3.25g) (from Ch. 122, par. 2-3.25g)

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

13 (a) In this Section:

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

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

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

22 (b) Notwithstanding any other provisions of this School
23 Code or any other law of this State to the contrary, eligible
24 applicants may petition the State Board of Education for the
25 waiver or modification of the mandates of this School Code or
26 of the administrative rules and regulations promulgated by the
27 State Board of Education. Waivers or modifications of
28 administrative rules and regulations and modifications of
29 mandates of this School Code may be requested when an eligible
30 applicant demonstrates that it can address the intent of the
31 rule or mandate in a more effective, efficient, or economical
32 manner or when necessary to stimulate innovation or improve
33 student performance. Waivers of mandates of the School Code may
34 be requested when the waivers are necessary to stimulate
35 innovation or improve student performance. Waivers may not be

1 requested from laws, rules, and regulations pertaining to
2 special education, teacher certification, teacher tenure and
3 seniority, or Section 5-2.1 of this Code or from compliance
4 with the No Child Left Behind Act of 2001 (Public Law 107-110).

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

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

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

1 educational practices, endangers the health or safety of
2 students or staff, compromises equal opportunities for
3 learning, or fails to demonstrate that the intent of the rule
4 or mandate can be addressed in a more effective, efficient, or
5 economical manner or have improved student performance as a
6 primary goal. Any request disapproved by the State Board may be
7 appealed to the General Assembly by the eligible applicant as
8 outlined in this Section.

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

35 (e) An approved waiver or modification may remain in effect
36 for a period not to exceed 5 school years and may be renewed

1 upon application by the eligible applicant. However, such
2 waiver or modification may be changed within that 5-year period
3 by a board or regional superintendent of schools applying on
4 behalf of schools or programs operated by the regional office
5 of education following the procedure as set forth in this
6 Section for the initial waiver or modification request. If
7 neither the State Board of Education nor the General Assembly
8 disapproves, the change is deemed granted.

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

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

21 (105 ILCS 5/2-3.59) (from Ch. 122, par. 2-3.59)

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

1 ~~organizations to conduct such programs.~~

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

3 (105 ILCS 5/2-3.63) (from Ch. 122, par. 2-3.63)

4 Sec. 2-3.63. Local learning objectives and assessment.
5 ~~Each~~ The State Board of Education shall require each school
6 district may ~~to~~ set student learning objectives which meet or
7 exceed goals established by the State and to also establish
8 local goals for excellence in education. If established, such
9 ~~Such~~ objectives and goals shall be disseminated to the public
10 along with information on the degree to which they are being
11 achieved, and if not, what appropriate actions are being taken.
12 As part of its local assessment system each district shall
13 identify the grade levels used to document progress to parents,
14 the community, and the State in all the fundamental learning
15 areas described in Section 27-1. ~~There shall be at least 2~~
16 ~~grade levels in each fundamental learning area before high~~
17 ~~school and at least one grade level during high school. The~~
18 ~~grades identified for each learning area shall be defined in~~
19 ~~the district's school improvement plan by June 30, 1993, and~~
20 ~~may be changed only upon approval by the State Superintendent~~
21 ~~of Education. The State Board of Education shall establish a~~
22 ~~process for approving local objectives mentioned in this~~
23 ~~Section; for approving local plans for improvement; for~~
24 ~~approving public reporting procedures; and for recognition and~~
25 ~~commendation of top achieving districts. To the extent that a~~
26 ~~local plan for improvement or school improvement plan required~~
27 ~~by the State Board of Education includes developing either~~
28 ~~individual school plans for improvement or individual school~~
29 ~~improvement plans, a school in a district operating under~~
30 ~~Article 34 of the School Code may submit the school improvement~~
31 ~~plan required under Section 34-2.4 and this plan shall address~~
32 ~~and meet improvement plan requirements set forth both by the~~
33 ~~State Board of Education and by Section 32-2.4.~~

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

1 (105 ILCS 5/2-3.64) (from Ch. 122, par. 2-3.64)

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

3 (a) Beginning in the 1998-1999 school year, the State Board
4 of Education shall establish standards and periodically, in
5 collaboration with local school districts, conduct studies of
6 student performance in the learning areas of fine arts and
7 physical development/health.

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

27 Beginning no later than the 2005-2006 school year, the
28 State Board of Education shall annually test: (i) all pupils
29 enrolled in the 3rd, 4th, 5th, 6th, 7th, and 8th grades in
30 reading and mathematics and (ii) all pupils enrolled in the 4th
31 and 7th grades in the biological and physical sciences. In
32 addition, the State Board of Education shall test (1) all
33 pupils enrolled in the 5th and 8th grades in writing during the
34 2006-2007 school year; (2) all pupils enrolled in the 5th, 6th,
35 and 8th grades in writing during the 2007-2008 school year; and
36 (3) all pupils enrolled in the 3rd, 5th, 6th, and 8th grades in

1 writing during the 2008-2009 school year and each school year
2 thereafter. After the addition of grades and change in subjects
3 as delineated in this paragraph and including whatever other
4 tests that may be approved from time to time no later than the
5 2005-2006 school year, the maximum time allowed for all State
6 testing in grades 3 through 8 shall not exceed 38 hours across
7 those grades.

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

15 The State Board of Education shall establish the academic
16 standards that are to be applicable to pupils who are subject
17 to State tests under this Section beginning with the 1998-1999
18 school year. However, the State Board of Education shall not
19 establish any such standards in final form without first
20 providing opportunities for public participation and local
21 input in the development of the final academic standards. Those
22 opportunities shall include a well-publicized period of public
23 comment, public hearings throughout the State, and
24 opportunities to file written comments. Beginning with the
25 1998-99 school year and thereafter, the State tests will
26 identify pupils in the 3rd grade or 5th grade who do not meet
27 the State standards.

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

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

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

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

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

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

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

36 The State Board of Education shall monitor the use of short

1 answer questions in the math and reading assessments or in
2 other assessments in order to demonstrate that the use of short
3 answer questions results in a statistically significant
4 improvement in student achievement as measured on the State
5 assessments for math and reading or on other State assessments
6 and is justifiable in terms of cost and student performance.

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

36 (c) Beginning with the 2000-2001 school year, each school

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

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

35 (d) Beginning with the 2002-2003 school year, all schools
36 in this State that are part of the sample drawn by the National

1 Center for Education Statistics, in collaboration with their
2 school districts and the State Board of Education, shall
3 administer the biennial State academic assessments of 4th and
4 8th grade reading and mathematics under the National Assessment
5 of Educational Progress carried out under Section m11(b) (2) of
6 the National Education Statistics Act of 1994 (20 U.S.C. 9010)
7 if the Secretary of Education pays the costs of administering
8 the assessments.

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

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

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

32 (105 ILCS 5/10-17) (from Ch. 122, par. 10-17)

33 Sec. 10-17. Statement of affairs.

34 (a) In Class I or Class II county school units the school
35 board may use either a cash basis or accrual system of

1 accounting; however, any board so electing to use the accrual
2 system may not change to a cash basis without the permission of
3 the State Board of Education.

4 School Boards using either a cash basis or accrual system
5 of accounting shall maintain records showing the assets,
6 liabilities and fund balances in such minimum forms as may be
7 prescribed by the State Board of Education. Such boards shall
8 make available to the public ~~publish~~ a statement of the affairs
9 of the district prior to December 1 annually by submitting the
10 statement of affairs in such form as may be prescribed by the
11 State Board of Education for posting on the State Board of
12 Education's Internet website, by having copies of the statement
13 of affairs available in the main administrative office of the
14 district, and by publishing in a newspaper of general
15 circulation published in the school district an annual
16 statement of affairs summary containing at a minimum all of the
17 following information:

18 (1) A summary statement of operations for all funds of
19 the district, as excerpted from the statement of affairs
20 filed with the State Board of Education. The summary
21 statement must include a listing of all moneys received by
22 the district, indicating the total amounts, in the
23 aggregate, each fund of the district received, with a
24 general statement concerning the source of receipts.

25 (2) Except as provided in subdivision (3) of this
26 subsection (a), a listing of all moneys paid out by the
27 district where the total amount paid during the fiscal year
28 exceeds \$2,500 in the aggregate per person, giving the name
29 of each person to whom moneys were paid and the total paid
30 to each person.

31 (3) A listing of all personnel, by name, with an annual
32 fiscal year gross payment in the categories set forth in
33 subdivisions 1 and 2 of subsection (c) of this Section.

34 In this Section, "newspaper of general circulation" means a
35 newspaper of general circulation published in the school
36 district, or, if no newspaper is published in the school

1 district, a newspaper published in the county where the school
2 district is located or, if no newspaper is published in the
3 county, a newspaper published in the educational service region
4 where the regional superintendent of schools has supervision
5 and control of the school district. The submission to the State
6 Board of Education shall include an assurance that the
7 statement of affairs has been made available in the main
8 administrative office of the school district and that the
9 required notice has been published in accordance with this
10 Section.

11 After December 15 annually, upon 10 days prior written
12 notice to the school district, the State Board of Education may
13 discontinue the processing of payments to the State
14 Comptroller's office on behalf of any school district that is
15 not in compliance with the requirements imposed by this
16 Section. The State Board of Education shall resume the
17 processing of payments to the State Comptroller's Office on
18 behalf of the school district once the district is in
19 compliance with the requirements imposed by this Section.

20 The State Board of Education must post, on or before
21 January 15, all statements of affairs timely received from
22 school districts. ~~in a newspaper of general circulation~~
23 ~~published in the respective school districts and if no~~
24 ~~newspaper is published in the district then in a newspaper~~
25 ~~published in the county in which the school district is located~~
26 ~~and if no newspaper is published in the county then in a~~
27 ~~newspaper published in the educational service region in which~~
28 ~~the regional superintendent has supervision and control of such~~
29 ~~school district in such form as may be prescribed by the State~~
30 ~~Board of Education. Not later than December 15 annually the~~
31 ~~clerk shall file with the regional superintendent a certified~~
32 ~~statement that the publication has been made together with a~~
33 ~~copy of the newspaper containing it. After December 15 annually~~
34 ~~the regional superintendent of schools shall withhold from each~~
35 ~~treasurer any public moneys due to be distributed to the~~
36 ~~treasurer until the duties required under this Section have~~

1 ~~been complied with.~~

2 **(b)** When any school district is the administrative district
3 for several school districts operating under a joint agreement
4 as authorized by this Code Act, no receipts or disbursements
5 accruing, received or paid out by that school district as such
6 an administrative district shall be included in the statement
7 of affairs of the district required by this Section. However,
8 that district shall have prepared and made available to the
9 public, in accordance with subsection (a) of this Section
10 ~~published~~, in the same manner and subject to the same
11 requirements as are provided in this Section for the statement
12 of affairs of that district, a statement showing the cash
13 receipts and disbursements by funds (or the revenue, expenses
14 and financial position, if the accrual system of accounting is
15 used) of the district as such administrative district, in the
16 form prescribed by the State Board of Education. The costs of
17 publishing the notice and summary of this separate statement
18 prepared by such an administrative district shall be
19 apportioned among and paid by the participating districts in
20 the same manner as other costs and expenses accruing to those
21 districts jointly.

22 School districts on a cash basis shall have prepared and
23 made available to the public, in accordance with subsection (a)
24 of this Section, publish a statement showing the cash receipts
25 and disbursements by funds in the form prescribed by the State
26 Board of Education.

27 School districts using the accrual system of accounting
28 shall have prepared and made available to the public, in
29 accordance with subsection (a) of this Section, publish a
30 statement of revenue and expenses and a statement of financial
31 position in the form prescribed by the State Board of
32 Education.

33 In Class II county school units such statement shall be
34 prepared and made available to the public, in accordance with
35 subsection (a) of this Section, published by the township
36 treasurer of the unit within which such districts are located,

1 except with respect to the school board of any school district
2 that no longer is subject to the jurisdiction and authority of
3 a township treasurer or trustees of schools of a township
4 because the district has withdrawn from the jurisdiction and
5 authority of the township treasurer and trustees of schools of
6 the township or because those offices have been abolished as
7 provided in subsection (b) or (c) of Section 5-1, and as to
8 each such school district the statement required by this
9 Section shall be prepared and made available to the public, in
10 accordance with subsection (a) of this Section, ~~published~~ by
11 the school board of such district in the same manner as
12 required for school boards of school districts situated in
13 Class I county school units.

14 (c) The statement of affairs required pursuant to this
15 Section shall contain ~~In Class I and Class II counties the~~
16 ~~statement of school districts on either a cash or accrual basis~~
17 ~~shall show~~ such ~~other~~ information as may be required by the
18 State Board of Education, including:

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

22 (a) Under \$25,000 ~~\$15,000~~

23 (b) \$25,000 to \$39,999 ~~\$15,000 to \$24,999~~

24 (c) \$40,000 to \$59,999 ~~\$25,000 to \$39,999~~

25 (d) \$60,000 to \$89,999 ~~\$40,000 and over~~

26 (e) \$90,000 and over

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

30 (a) Under \$25,000 ~~\$15,000~~

31 (b) \$25,000 to \$39,999 ~~\$15,000 to \$24,999~~

32 (c) \$40,000 to \$59,999 ~~\$25,000 to \$39,999~~

33 (d) \$60,000 and over ~~\$40,000 and over~~

34 3. In addition to wages and salaries all other moneys in
35 the aggregate paid to recipients of \$1,000 or more, giving the
36 name of the person, firm or corporation and the total amount

1 received by each.

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

3 5. Number of school attendance centers.

4 6. Numbers of employees as follows:

5 (a) Full-time certificated employees;

6 (b) Part-time certificated employees;

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

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

9 7. Numbers of pupils as follows:

10 (a) Enrolled by grades;

11 (b) Total enrolled;

12 (c) Average daily attendance.

13 8. Assessed valuation as follows:

14 (a) Total of the district;

15 (b) Per pupil in average daily attendance.

16 9. Tax rate for each district fund.

17 10. District financial obligation at the close of the
18 fiscal year as follows:

19 (a) Teachers' orders outstanding;

20 (b) Anticipation warrants outstanding for each fund.

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

22 12. Percent of bonding power obligated currently.

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

24 (a) Land;

25 (b) Buildings;

26 (c) Equipment.

27 14. Total amount of investments each fund.

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

30 In addition to the above report, a report of expenditures
31 in the aggregate paid on behalf of recipients of \$500 or more,
32 giving the name of the person, firm or corporation and the
33 total amount received by each shall be available in the school
34 district office for public inspection. This listing shall
35 include all wages, salaries and expenditures over \$500 expended
36 from any revolving fund maintained by the district. Any

1 resident of the school district may receive a copy of this
2 report, upon request, by paying a reasonable charge to defray
3 the costs of preparing such copy.

4 This Section does not apply to cities having a population
5 exceeding 500,000.

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

7 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

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

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

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

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

31 (b) Any information concerning the record of convictions
32 obtained by the president of the school board or the regional
33 superintendent shall be confidential and may only be
34 transmitted to the superintendent of the school district or his
35 designee, the appropriate regional superintendent if the check
36 was requested by the school district, the presidents of the

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

1 under the laws of this State and evidencing that as of the date
2 that the regional superintendent conducted a check of the
3 Statewide Sex Offender Database, the applicant has not been
4 identified in the Database as a sex offender. The school board
5 of any school district ~~located in the educational service~~
6 ~~region served by the regional superintendent who issues such a~~
7 ~~certificate to an applicant for employment as a substitute~~
8 ~~teacher in more than one such district~~ may rely on the
9 certificate issued by any the regional superintendent to that
10 substitute teacher, concurrent part-time teacher, or
11 concurrent educational support personnel employee applicant,
12 or may initiate its own criminal history records check of the
13 applicant through the Department of State Police and its own
14 check of the Statewide Sex Offender Database as provided in
15 subsection (a). Any person who releases any confidential
16 information concerning any criminal convictions of an
17 applicant for employment shall be guilty of a Class A
18 misdemeanor, unless the release of such information is
19 authorized by this Section.

20 (c) No school board shall knowingly employ a person who has
21 been convicted for committing attempted first degree murder or
22 for committing or attempting to commit first degree murder or a
23 Class X felony or any one or more of the following offenses:
24 (i) those defined in Sections 11-6, 11-9, 11-14, 11-15,
25 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20,
26 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the
27 Criminal Code of 1961; (ii) those defined in the Cannabis
28 Control Act except those defined in Sections 4(a), 4(b) and
29 5(a) of that Act; (iii) those defined in the Illinois
30 Controlled Substances Act; (iv) those defined in the
31 Methamphetamine Control and Community Protection Act; and (v)
32 any offense committed or attempted in any other state or
33 against the laws of the United States, which if committed or
34 attempted in this State, would have been punishable as one or
35 more of the foregoing offenses. Further, no school board shall
36 knowingly employ a person who has been found to be the

1 perpetrator of sexual or physical abuse of any minor under 18
2 years of age pursuant to proceedings under Article II of the
3 Juvenile Court Act of 1987.

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

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

14 (f) After January 1, 1990 the provisions of this Section
15 shall apply to all employees of persons or firms holding
16 contracts with any school district including, but not limited
17 to, food service workers, school bus drivers and other
18 transportation employees, who have direct, daily contact with
19 the pupils of any school in such district. For purposes of
20 criminal history records checks and checks of the Statewide Sex
21 Offender Database on employees of persons or firms holding
22 contracts with more than one school district and assigned to
23 more than one school district, the regional superintendent of
24 the educational service region in which the contracting school
25 districts are located may, at the request of any such school
26 district, be responsible for receiving the authorization for a
27 criminal history records check prepared by each such employee
28 and submitting the same to the Department of State Police and
29 for conducting a check of the Statewide Sex Offender Database
30 for each employee. Any information concerning the record of
31 conviction and identification as a sex offender of any such
32 employee obtained by the regional superintendent shall be
33 promptly reported to the president of the appropriate school
34 board or school boards.

35 (Source: P.A. 93-418, eff. 1-1-04; 93-909, eff. 8-12-04;
36 94-219, eff. 7-14-05; 94-556, eff. 9-11-05; revised 8-19-05.)

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

2 Sec. 27-1. Areas of education taught - discrimination on
3 account of sex. The State of Illinois, having the
4 responsibility of defining requirements for elementary and
5 secondary education, establishes that the primary purpose of
6 schooling is the transmission of knowledge and culture through
7 which children learn in areas necessary to their continuing
8 development and entry into the world of work. Such areas
9 include the language arts, mathematics, the biological,
10 physical and social sciences, the fine arts and physical
11 development and health.

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

15 The State Board of Education shall establish goals and
16 learning standards consistent with the above purposes and
17 define the knowledge and skills which the State expects
18 students to master and apply as a consequence of their
19 education.

20 Each school district shall establish learning objectives
21 consistent with the State Board of Education's goals and
22 learning standards for the areas referred to in this Section
23 ~~primary purpose of schooling~~, shall develop appropriate
24 testing and assessment systems for determining the degree to
25 which students are achieving the objectives, and shall develop
26 reporting systems to apprise the community and State of the
27 assessment results.

28 ~~Each school district shall submit upon request its~~
29 ~~objectives and assessment results, plans for improvement, and~~
30 ~~reporting systems to the State Board of Education, which shall~~
31 ~~promulgate rules and regulations for the approval of the~~
32 ~~objectives and systems.~~ Each school district shall make
33 available to all students academic and vocational courses for
34 the attainment of learning objectives.

35 No student shall be refused admission into or be excluded

1 from any course of instruction offered in the common schools by
2 reason of that person's sex. No student shall, solely by reason
3 of that person's sex, be denied equal access to physical
4 education and interscholastic athletic programs or comparable
5 programs supported from school district funds. This Section is
6 violated when a high school subject to this Act participates in
7 the post-season basketball tournament of any organization or
8 association that does not conduct post-season high school
9 basketball tournaments for both boys and girls, which
10 tournaments are identically structured. Conducting identically
11 structured tournaments includes having the same number of
12 girls' teams as boys' teams playing, in their respective
13 tournaments, at any common location chosen for the final series
14 of games in a tournament; provided, that nothing in this
15 paragraph shall be deemed to prohibit the selection for the
16 final series of games in the girls' tournaments of a common
17 location that is different than the common location selected
18 for the final series of games in the boys' tournaments. Except
19 as specifically stated in this Section, equal access to
20 programs supported by school district funds and comparable
21 programs will be defined in rules promulgated by the State
22 Board of Education in consultation with the Illinois High
23 School Association.

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

25 (105 ILCS 5/29-5) (from Ch. 122, par. 29-5)

26 Sec. 29-5. Reimbursement by State for transportation. Any
27 school district, maintaining a school, transporting resident
28 pupils to another school district's vocational program,
29 offered through a joint agreement approved by the State Board
30 of Education, as provided in Section 10-22.22 or transporting
31 its resident pupils to a school which meets the standards for
32 recognition as established by the State Board of Education
33 which provides transportation meeting the standards of safety,
34 comfort, convenience, efficiency and operation prescribed by
35 the State Board of Education for resident pupils in

1 kindergarten or any of grades 1 through 12 who: (a) reside at
2 least 1 1/2 miles as measured by the customary route of travel,
3 from the school attended; or (b) reside in areas where
4 conditions are such that walking constitutes a hazard to the
5 safety of the child when determined under Section 29-3; and (c)
6 are transported to the school attended from pick-up points at
7 the beginning of the school day and back again at the close of
8 the school day or transported to and from their assigned
9 attendance centers during the school day, shall be reimbursed
10 by the State as hereinafter provided in this Section.

11 The State will pay the cost of transporting eligible pupils
12 less the assessed valuation in a dual school district
13 maintaining secondary grades 9 to 12 inclusive times a
14 qualifying rate of .05%; in elementary school districts
15 maintaining grades K to 8 times a qualifying rate of .06%; in
16 unit districts maintaining grades K to 12 times a qualifying
17 rate of .07%. To be eligible to receive reimbursement in excess
18 of 4/5 of the cost to transport eligible pupils, a school
19 district shall have a Transportation Fund tax rate of at least
20 .12%. If a school district does not have a .12% Transportation
21 Fund tax rate, the amount of its claim in excess of 4/5 of the
22 cost of transporting pupils shall be reduced by the sum arrived
23 at by subtracting the Transportation Fund tax rate from .12%
24 and multiplying that amount by the districts equalized or
25 assessed valuation, provided, that in no case shall said
26 reduction result in reimbursement of less than 4/5 of the cost
27 to transport eligible pupils.

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

30 Any such district transporting resident pupils during the
31 school day to an area vocational school or another school
32 district's vocational program more than 1 1/2 miles from the
33 school attended, as provided in Sections 10-22.20a and
34 10-22.22, shall be reimbursed by the State for 4/5 of the cost
35 of transporting eligible pupils.

36 School day means that period of time which the pupil is

1 required to be in attendance for instructional purposes.

2 If a pupil is at a location within the school district
3 other than his residence for child care purposes at the time
4 for transportation to school, that location may be considered
5 for purposes of determining the 1 1/2 miles from the school
6 attended.

7 Claims for reimbursement that include children who attend
8 any school other than a public school shall show the number of
9 such children transported.

10 Claims for reimbursement under this Section shall not be
11 paid for the transportation of pupils for whom transportation
12 costs are claimed for payment under other Sections of this Act.

13 The allowable direct cost of transporting pupils for
14 regular, vocational, and special education pupil
15 transportation shall be limited to the sum of the cost of
16 physical examinations required for employment as a school bus
17 driver; the salaries of full or part-time drivers and school
18 bus maintenance personnel; employee benefits excluding
19 Illinois municipal retirement payments, social security
20 payments, unemployment insurance payments and workers'
21 compensation insurance premiums; expenditures to independent
22 carriers who operate school buses; payments to other school
23 districts for pupil transportation services; pre-approved
24 contractual expenditures for computerized bus scheduling; the
25 cost of gasoline, oil, tires, and other supplies necessary for
26 the operation of school buses; the cost of converting buses'
27 gasoline engines to more fuel efficient engines or to engines
28 which use alternative energy sources; the cost of travel to
29 meetings and workshops conducted by the regional
30 superintendent or the State Superintendent of Education
31 pursuant to the standards established by the Secretary of State
32 under Section 6-106 of the Illinois Vehicle Code to improve the
33 driving skills of school bus drivers; the cost of maintenance
34 of school buses including parts and materials used;
35 expenditures for leasing transportation vehicles, except
36 interest and service charges; the cost of insurance and

1 licenses for transportation vehicles; expenditures for the
2 rental of transportation equipment; plus a depreciation
3 allowance of 20% for 5 years for school buses and vehicles
4 approved for transporting pupils to and from school and a
5 depreciation allowance of 10% for 10 years for other
6 transportation equipment so used. Each school year, if a school
7 district has made expenditures to the Regional Transportation
8 Authority or any of its service boards, a mass transit
9 district, or an urban transportation district under an
10 intergovernmental agreement with the district to provide for
11 the transportation of pupils and if the public transit carrier
12 received direct payment for services or passes from a school
13 district within its service area during the 2000-2001 school
14 year, then the allowable direct cost of transporting pupils for
15 regular, vocational, and special education pupil
16 transportation shall also include the expenditures that the
17 district has made to the public transit carrier. In addition to
18 the above allowable costs school districts shall also claim all
19 transportation supervisory salary costs, including Illinois
20 municipal retirement payments, and all transportation related
21 building and building maintenance costs without limitation.

22 Special education allowable costs shall also include
23 expenditures for the salaries of attendants or aides for that
24 portion of the time they assist special education pupils while
25 in transit and expenditures for parents and public carriers for
26 transporting special education pupils when pre-approved by the
27 State Superintendent of Education.

28 Indirect costs shall be included in the reimbursement claim
29 for districts which own and operate their own school buses.
30 Such indirect costs shall include administrative costs, or any
31 costs attributable to transporting pupils from their
32 attendance centers to another school building for
33 instructional purposes. No school district which owns and
34 operates its own school buses may claim reimbursement for
35 indirect costs which exceed 5% of the total allowable direct
36 costs for pupil transportation.

1 The State Board of Education shall prescribe uniform
2 regulations for determining the above standards and shall
3 prescribe forms of cost accounting and standards of determining
4 reasonable depreciation. Such depreciation shall include the
5 cost of equipping school buses with the safety features
6 required by law or by the rules, regulations and standards
7 promulgated by the State Board of Education, and the Department
8 of Transportation for the safety and construction of school
9 buses provided, however, any equipment cost reimbursed by the
10 Department of Transportation for equipping school buses with
11 such safety equipment shall be deducted from the allowable cost
12 in the computation of reimbursement under this Section in the
13 same percentage as the cost of the equipment is depreciated.

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

31 If the amount appropriated for transportation
32 reimbursement is insufficient to fund total claims for any
33 fiscal year, the State Board of Education shall reduce each
34 school district's allowable costs and flat grant amount
35 proportionately to make total adjusted claims equal the total
36 amount appropriated.

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

7 All reimbursements received from the State shall be
8 deposited into the district's transportation fund or into the
9 fund from which the allowable expenditures were made.

10 Notwithstanding any other provision of law, any school
11 district receiving a payment under this Section or under
12 Section 14-7.02, 14-7.02b, or 14-13.01 of this Code may
13 classify all or a portion of the funds that it receives in a
14 particular fiscal year or from general State aid pursuant to
15 Section 18-8.05 of this Code as funds received in connection
16 with any funding program for which it is entitled to receive
17 funds from the State in that fiscal year (including, without
18 limitation, any funding program referenced in this Section),
19 regardless of the source or timing of the receipt. The district
20 may not classify more funds as funds received in connection
21 with the funding program than the district is entitled to
22 receive in that fiscal year for that program. Any
23 classification by a district must be made by a resolution of
24 its board of education. The resolution must identify the amount
25 of any payments or general State aid to be classified under
26 this paragraph and must specify the funding program to which
27 the funds are to be treated as received in connection
28 therewith. This resolution is controlling as to the
29 classification of funds referenced therein. A certified copy of
30 the resolution must be sent to the State Superintendent of
31 Education. The resolution shall still take effect even though a
32 copy of the resolution has not been sent to the State
33 Superintendent of Education in a timely manner. No
34 classification under this paragraph by a district shall affect
35 the total amount or timing of money the district is entitled to
36 receive under this Code. No classification under this paragraph

1 by a district shall in any way relieve the district from or
2 affect any requirements that otherwise would apply with respect
3 to that funding program, including any accounting of funds by
4 source, reporting expenditures by original source and purpose,
5 reporting requirements, or requirements of providing services.

6 Any school district with a population of not more than
7 500,000 must deposit all funds received under this Article into
8 the transportation fund and use those funds for the provision
9 of transportation services.

10 (Source: P.A. 92-568, eff. 6-26-02; 93-166, eff. 7-10-03;
11 93-663, eff. 2-17-04; 93-1022, eff. 8-24-04.)

12 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

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

15 (a) Certified and noncertified applicants for employment
16 with the school district are required as a condition of
17 employment to authorize a fingerprint-based criminal history
18 records check to determine if such applicants have been
19 convicted of any of the enumerated criminal or drug offenses in
20 subsection (c) of this Section or have been convicted, within 7
21 years of the application for employment with the school
22 district, of any other felony under the laws of this State or
23 of any offense committed or attempted in any other state or
24 against the laws of the United States that, if committed or
25 attempted in this State, would have been punishable as a felony
26 under the laws of this State. Authorization for the check shall
27 be furnished by the applicant to the school district, except
28 that if the applicant is a substitute teacher seeking
29 employment in more than one school district, or a teacher
30 seeking concurrent part-time employment positions with more
31 than one school district (as a reading specialist, special
32 education teacher or otherwise), or an educational support
33 personnel employee seeking employment positions with more than
34 one district, any such district may require the applicant to
35 furnish authorization for the check to the regional

1 superintendent of the educational service region in which are
2 located the school districts in which the applicant is seeking
3 employment as a substitute or concurrent part-time teacher or
4 concurrent educational support personnel employee. Upon
5 receipt of this authorization, the school district or the
6 appropriate regional superintendent, as the case may be, shall
7 submit the applicant's name, sex, race, date of birth, social
8 security number, fingerprint images, and other identifiers, as
9 prescribed by the Department of State Police, to the
10 Department. The regional superintendent submitting the
11 requisite information to the Department of State Police shall
12 promptly notify the school districts in which the applicant is
13 seeking employment as a substitute or concurrent part-time
14 teacher or concurrent educational support personnel employee
15 that the check of the applicant has been requested. The
16 Department of State Police and the Federal Bureau of
17 Investigation shall furnish, pursuant to a fingerprint-based
18 criminal history records check, records of convictions, until
19 expunged, to the president of the school board for the school
20 district that requested the check, or to the regional
21 superintendent who requested the check. The Department shall
22 charge the school district or the appropriate regional
23 superintendent a fee for conducting such check, which fee shall
24 be deposited in the State Police Services Fund and shall not
25 exceed the cost of the inquiry; and the applicant shall not be
26 charged a fee for such check by the school district or by the
27 regional superintendent. Subject to appropriations for these
28 purposes, the State Superintendent of Education shall
29 reimburse the school district and regional superintendent for
30 fees paid to obtain criminal history records checks under this
31 Section.

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

36 (b) Any information concerning the record of convictions

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

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

28 (c) The board of education shall not knowingly employ a
29 person who has been convicted for committing attempted first
30 degree murder or for committing or attempting to commit first
31 degree murder or a Class X felony or any one or more of the
32 following offenses: (i) those defined in Sections 11-6, 11-9,
33 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1,
34 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15
35 and 12-16 of the Criminal Code of 1961; (ii) those defined in
36 the Cannabis Control Act, except those defined in Sections

1 4(a), 4(b) and 5(a) of that Act; (iii) those defined in the
2 Illinois Controlled Substances Act; (iv) those defined in the
3 Methamphetamine Control and Community Protection Act; and (v)
4 any offense committed or attempted in any other state or
5 against the laws of the United States, which if committed or
6 attempted in this State, would have been punishable as one or
7 more of the foregoing offenses. Further, the board of education
8 shall not knowingly employ a person who has been found to be
9 the perpetrator of sexual or physical abuse of any minor under
10 18 years of age pursuant to proceedings under Article II of the
11 Juvenile Court Act of 1987.

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

15 (e) Upon receipt of the record of a conviction of or a
16 finding of child abuse by a holder of any certificate issued
17 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School
18 Code, the board of education or the State Superintendent of
19 Education shall initiate the certificate suspension and
20 revocation proceedings authorized by law.

21 (f) After March 19, 1990, the provisions of this Section
22 shall apply to all employees of persons or firms holding
23 contracts with any school district including, but not limited
24 to, food service workers, school bus drivers and other
25 transportation employees, who have direct, daily contact with
26 the pupils of any school in such district. For purposes of
27 criminal history records checks and checks of the Statewide Sex
28 Offender Database on employees of persons or firms holding
29 contracts with more than one school district and assigned to
30 more than one school district, the regional superintendent of
31 the educational service region in which the contracting school
32 districts are located may, at the request of any such school
33 district, be responsible for receiving the authorization for a
34 criminal history records check prepared by each such employee
35 and submitting the same to the Department of State Police and
36 for conducting a check of the Statewide Sex Offender Database

1 for each employee. Any information concerning the record of
2 conviction and identification as a sex offender of any such
3 employee obtained by the regional superintendent shall be
4 promptly reported to the president of the appropriate school
5 board or school boards.

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

8 (105 ILCS 5/2-3.11b rep.)

9 (105 ILCS 5/2-3.25e rep.)

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

12 Section 90. The State Mandates Act is amended by adding
13 Section 8.30 as follows:

14 (30 ILCS 805/8.30 new)

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

19 Section 99. Effective date. This Act takes effect July 1,
20 2006.