



Sen. Susan Garrett

Filed: 3/14/2011

09700SB2134sam001

LRB097 05804 NHT 52548 a

1 AMENDMENT TO SENATE BILL 2134

2 AMENDMENT NO. _____. Amend Senate Bill 2134 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections
5 2-3.62, 3-1, 3-1.1, 3-2, 3-2.5, 3-6, 3-15.6, 3-15.8, 3-15.14,
6 3A-4, 3A-5, and 3A-6 and by adding Section 17-1.10 as follows:

7 (105 ILCS 5/2-3.62) (from Ch. 122, par. 2-3.62)

8 Sec. 2-3.62. Educational Service Centers.

9 (a) A regional network of educational service centers shall
10 be established by the State Board of Education to coordinate
11 and combine existing services in a manner which is practical
12 and efficient and to provide new services to schools as
13 provided in this Section. Services to be made available by such
14 centers shall include the planning, implementation and
15 evaluation of:

16 (1) (blank);

1 (2) computer technology education;

2 (3) mathematics, science and reading resources for
3 teachers including continuing education, inservice
4 training and staff development.

5 The centers may provide training, technical assistance,
6 coordination and planning in other program areas such as school
7 improvement, school accountability, financial planning,
8 consultation, and services, career guidance, early childhood
9 education, alcohol/drug education and prevention, family life
10 - sex education, electronic transmission of data from school
11 districts to the State, alternative education and regional
12 special education, and telecommunications systems that provide
13 distance learning. Such telecommunications systems may be
14 obtained through the Department of Central Management Services
15 pursuant to Section 405-270 of the Department of Central
16 Management Services Law (20 ILCS 405/405-270). The programs and
17 services of educational service centers may be offered to
18 private school teachers and private school students within each
19 service center area provided public schools have already been
20 afforded adequate access to such programs and services.

21 Upon the abolition of the office, removal from office,
22 disqualification for office, resignation from office, or
23 expiration of the current term of office of the regional
24 superintendent of schools, whichever is earlier, centers
25 serving that portion of a Class II county school unit outside
26 of a city of 500,000 or more inhabitants shall have and

1 exercise, in and with respect to each educational service
2 region having a population of 2,000,000 or more inhabitants and
3 in and with respect to each school district located in any such
4 educational service region, all of the rights, powers, duties,
5 and responsibilities theretofore vested by law in and exercised
6 and performed by the regional superintendent of schools for
7 that area under the provisions of this Code or any other laws
8 of this State.

9 On or before June 1, 2012, with consideration given to any
10 recommendation received from the governing board for each
11 educational service center serving that portion of a Class II
12 county school unit outside of a city of 500,000 or more
13 inhabitants and from the State Superintendent of Education, the
14 State Board of Education shall appoint an executive director
15 for each educational service center serving that portion of a
16 Class II county school unit outside of a city of 500,000 or
17 more inhabitants, who shall enter upon the discharge of his or
18 her duties on July 1, 2012. Each executive director appointed
19 pursuant to this paragraph shall serve a term of either 2, 3,
20 or 4 years, as established by the State Board of Education.
21 Thereafter, prior to the expiration of the term of each
22 executive director, the State Board of Education shall appoint
23 or re-appoint an executive director for each educational
24 service center serving that portion of a Class II county school
25 unit outside of a city of 500,000 or more inhabitants to serve
26 for a 4-year term.

1 Executive directors for educational service centers
2 serving that portion of a Class II county school unit outside
3 of a city of 500,000 or more inhabitants shall serve under a
4 performance-based contract with the State Board of Education
5 that provides funding for the salary of the executive director
6 and other staff necessary to provide core services and for
7 other expenses necessary to provide core services, as such core
8 services are defined by the State Board of Education in the
9 performance-based contract. The performance-based contract
10 shall include a regional plan to improve academic performance
11 within the region served by the educational service center,
12 improve fiscal efficiency of school districts as determined
13 pursuant to Section 17-1.10 of this Code, eliminate duplication
14 of services and duplicative expenditures of resources both
15 within the educational service region and across educational
16 service regions, provide for joint purchasing, and consolidate
17 overlapping regional service delivery systems. Performance
18 metrics for the executive director and the educational service
19 center shall include, but are not limited to, metrics based on
20 progress toward attaining the goals and objectives in the
21 regional plan, adherence to accreditation standards adopted by
22 the State Board of Education for educational service centers,
23 program service evaluations, indicators of district academic
24 performance, and indicators of district fiscal efficiency.

25 In addition to core services defined in the
26 performance-based contract, educational service centers may

1 provide other services funded through public or private grants
2 or delivered to school districts on a fee-for-service basis.

3 The State Board of Education may terminate the appointment
4 of an executive director, terminate the performance-based
5 contract for the educational service center, or withhold or
6 reduce funding to the educational service center for cause,
7 including failure to achieve satisfactory performance. The
8 contract is subject to termination in the event of
9 consolidation of the educational service region with another
10 educational service region pursuant to Section 3A-4 of this
11 Code.

12 In the event of resignation or removal of an executive
13 director prior to the expiration of his or her term, the State
14 Board of Education shall appoint an interim executive director
15 to serve for the remainder of the term.

16 The State Board of Education shall promulgate rules and
17 regulations necessary to implement this Section. The rules
18 shall include detailed standards which delineate the scope and
19 specific content of programs to be provided by each Educational
20 Service Center, as well as the specific planning,
21 implementation and evaluation services to be provided by each
22 Center relative to its programs. The Board shall also provide
23 the standards by which it will evaluate the programs provided
24 by each Center.

25 (b) Centers serving Class 1 county school units shall be
26 governed by an 11-member board, 3 members of which shall be

1 public school teachers nominated by the local bargaining
2 representatives to the appropriate regional superintendent for
3 appointment and no more than 3 members of which shall be from
4 each of the following categories, including but not limited to
5 superintendents, regional superintendents, school board
6 members and a representative of an institution of higher
7 education. The members of the board shall be appointed by the
8 regional superintendents whose school districts are served by
9 the educational service center. The composition of the board
10 will reflect the revisions of this amendatory Act of 1989 as
11 the terms of office of current members expire.

12 (c) The centers shall be of sufficient size and number to
13 assure delivery of services to all local school districts in
14 the State.

15 (d) From monies appropriated for this program the State
16 Board of Education shall provide grants to qualifying
17 Educational Service Centers applying for such grants in
18 accordance with rules and regulations promulgated by the State
19 Board of Education to implement this Section.

20 (e) The governing authority of each of the 18 regional
21 educational service centers shall appoint a family life - sex
22 education advisory board consisting of 2 parents, 2 teachers, 2
23 school administrators, 2 school board members, 2 health care
24 professionals, one library system representative, and the
25 director of the regional educational service center who shall
26 serve as chairperson of the advisory board so appointed.

1 Members of the family life - sex education advisory boards
2 shall serve without compensation. Each of the advisory boards
3 appointed pursuant to this subsection shall develop a plan for
4 regional teacher-parent family life - sex education training
5 sessions and shall file a written report of such plan with the
6 governing board of their regional educational service center.
7 The directors of each of the regional educational service
8 centers shall thereupon meet, review each of the reports
9 submitted by the advisory boards and combine those reports into
10 a single written report which they shall file with the Citizens
11 Council on School Problems prior to the end of the regular
12 school term of the 1987-1988 school year.

13 (f) The 14 educational service centers serving Class I
14 county school units shall be disbanded on the first Monday of
15 August, 1995, and their statutory responsibilities and
16 programs shall be assumed by the regional offices of education,
17 subject to rules and regulations developed by the State Board
18 of Education. The regional superintendents of schools elected
19 by the voters residing in all Class I counties shall serve as
20 the chief administrators for these programs and services. By
21 rule of the State Board of Education, the 10 educational
22 service regions of lowest population shall provide such
23 services under cooperative agreements with larger regions.

24 (Source: P.A. 96-893, eff. 7-1-10.)

1 Sec. 3-1. Appointment; performance-based contracts
2 ~~Election; eligibility~~. Quadrennially there shall be elected in
3 every county, except those which have been consolidated into a
4 multicounty educational service region under Article 3A and
5 except those having a population of 2,000,000 or more
6 inhabitants, a regional superintendent of schools, who shall
7 enter upon the discharge of his duties on the first Monday of
8 August next after his election; provided, however, that the
9 term of office of each regional superintendent of schools in
10 office on the effective date of this amendatory Act of the 97th
11 General Assembly June 30, 2003 is terminated on July 1, 2012
12 2003, except that an incumbent regional superintendent of
13 schools shall continue to serve until his successor is
14 appointed pursuant to this Section. ~~elected and qualified, and~~
15 ~~each regional superintendent of schools elected at the general~~
16 ~~election in 2002 and every four years thereafter shall assume~~
17 ~~office on the first day of July next after his election. No one~~
18 ~~is eligible to file his petition at any primary election for~~
19 ~~the nomination as candidate for the office of regional~~
20 ~~superintendent of schools nor to enter upon the duties of such~~
21 ~~office either by election or appointment unless he possesses~~
22 ~~the following qualifications: (1) he is of good character, (2)~~
23 ~~he has a master's degree, (3) he has earned at least 20~~
24 ~~semester hours of credit in professional education at the~~
25 ~~graduate level, (4) he holds a valid all grade supervisory~~
26 ~~certificate or a valid state limited supervisory certificate,~~

1 ~~or a valid state life supervisory certificate, or a valid~~
2 ~~administrative certificate, (5) he has had at least 4 years~~
3 ~~experience in teaching, and (6) he was engaged for at least 2~~
4 ~~years of the 4 previous years in full time teaching or~~
5 ~~supervising in the common public schools or serving as a county~~
6 ~~superintendent of schools or regional superintendent of~~
7 ~~schools for an educational service region in the State of~~
8 ~~Illinois.~~

9 On or before June 1, 2012, with consideration given to any
10 recommendation received from the advisory board for each
11 regional office of education established pursuant to Section
12 3A-16 of this Code and from the State Superintendent of
13 Education, the State Board of Education shall appoint a
14 regional superintendent of schools in every educational
15 service region, including a multi-county educational service
16 region under Article 3A of this Code, except those having a
17 population of 2,000,000 or more inhabitants, who shall enter
18 upon the discharge of his or her duties on July 1, 2012. Each
19 regional superintendent appointed on or before June 1, 2012
20 shall serve a term of either 2, 3, or 4 years, as established
21 by the State Board of Education. Thereafter, prior to the
22 expiration of the term of each regional superintendent, the
23 State Board of Education shall appoint or re-appoint a regional
24 superintendent of schools in every educational service region,
25 including a multi-county educational service region under
26 Article 3A of this Code, except those having a population of

1 2,000,000 or more inhabitants, to serve for a 4-year term.

2 Regional superintendents shall serve under a
3 performance-based contract with the State Board of Education
4 that provides funding for the salary of the regional
5 superintendent, any assistant regional superintendents, and
6 other staff necessary to provide core services and for other
7 expenses necessary to provide core services, as such core
8 services are defined by the State Board of Education in the
9 performance-based contract. The performance-based contract
10 shall include a regional plan to improve academic performance
11 within the educational service region, improve fiscal
12 efficiency of school districts as determined pursuant to
13 Section 17-1.10 of this Code, eliminate duplication of services
14 and duplicative expenditures of resources both within the
15 educational service region and across educational service
16 regions, provide for joint purchasing, and consolidate
17 overlapping regional service delivery systems. Performance
18 metrics for the regional superintendent and the regional office
19 of education shall include, but are not limited to, metrics
20 based on progress toward attaining the goals and objectives in
21 the regional plan, adherence to accreditation standards
22 adopted by the State Board of Education for regional offices of
23 education, program service evaluations, indicators of district
24 academic performance, and indicators of district fiscal
25 efficiency.

26 In addition to core services defined in the

1 performance-based contract, regional offices of education may
2 provide other services funded through public or private grants
3 or delivered to school districts on a fee-for-service basis.

4 The State Board of Education may terminate the appointment
5 of a regional superintendent, terminate the performance-based
6 contract for the regional office of education, or withhold or
7 reduce funding to the regional office of education for cause,
8 including failure to achieve satisfactory performance. The
9 contract is subject to termination in the event of
10 consolidation of the educational service region with another
11 educational service region pursuant to Section 3A-4 of this
12 Code.

13 In the event of resignation or removal of a regional
14 superintendent prior to the expiration of his or her term, the
15 State Board of Education shall appoint an interim regional
16 superintendent to serve for the remainder of the term.

17 ~~No petition of any candidate for nomination for the office~~
18 ~~of regional superintendent of schools may be filed and no such~~
19 ~~candidate's name may be placed on a primary or general election~~
20 ~~ballot, unless such candidate files as part of his petition a~~
21 ~~certificate from the State Board of Education certifying that~~
22 ~~from the records of its office such candidate has the~~
23 ~~qualifications required by this Section; however, any~~
24 ~~incumbent filing his petition for nomination for a succeeding~~
25 ~~term of office shall not be required to attach such certificate~~
26 ~~to his petition of candidacy.~~

1 ~~Nomination papers filed under this Section are not valid~~
2 ~~unless the candidate named therein files with the county clerk~~
3 ~~or State Board of Elections a statement of economic interests~~
4 ~~as required by the Illinois Governmental Ethics Act. Such~~
5 ~~receipt shall be so filed either previously during the calendar~~
6 ~~year in which his nomination papers were filed or within the~~
7 ~~period for the filing of nomination papers in accordance with~~
8 ~~the general election law.~~

9 ~~The changes in qualifications made by Public Act 76-1563 do~~
10 ~~not affect the right of an incumbent to seek reelection.~~

11 On and after July 1, 1994, the provisions of this Section
12 shall have no application in any educational service region
13 having a population of 2,000,000 or more inhabitants; provided
14 further that no election shall be held in November of 1994 or
15 at any other time after July 1, 1992 for the office of regional
16 superintendent of schools in any county or educational service
17 region having a population of 2,000,000 or more inhabitants.

18 (Source: P.A. 96-893, eff. 7-1-10.)

19 (105 ILCS 5/3-1.1) (from Ch. 122, par. 3-1.1)

20 (Section scheduled to be repealed on July 1, 2012)

21 Sec. 3-1.1. Eligible voters. Whenever a unit school
22 district is located in more than one educational service
23 region, a qualified elector residing in that unit school
24 district but outside of the educational service region
25 administered by the regional superintendent of schools having

1 supervision and control over that unit school district shall be
2 eligible to vote in any election held to elect the regional
3 superintendent of schools of the educational service region
4 that is administered by the regional superintendent of schools
5 who has supervision and control over that unit school district,
6 but the elector shall not also be eligible to vote in the
7 election held to elect the regional superintendent of schools
8 of the educational service region in which the elector resides.

9 Not less than 100 days before each general primary
10 election, the regional superintendent of schools shall certify
11 to the State Board of Elections a list of each unit school
12 district under his or her supervision and control and each
13 county in which all or any part of each of those districts is
14 located. The State Board of Elections shall certify each of
15 those unit school districts and counties to the appropriate
16 election authorities within 20 days after receiving the list
17 certified by the regional superintendent of schools.

18 The election authority in a single county educational
19 service region whose regional superintendent of schools
20 exercises supervision and control over a unit school district
21 that is located in that single county educational service
22 region and in one or more other educational service regions
23 shall certify to the election authority of each of those other
24 educational service regions in which the unit school district
25 is located the candidates for the office of the regional
26 superintendent of schools exercising supervision and control

1 over that unit school district.

2 This Section is repealed on July 1, 2012.

3 (Source: P.A. 87-328; 88-535.)

4 (105 ILCS 5/3-2) (from Ch. 122, par. 3-2)

5 (Section scheduled to be repealed on July 1, 2012)

6 Sec. 3-2. Oath of office - Bond - Salary. Before entering
7 upon his or her duties a regional superintendent of schools
8 shall take and subscribe the oath prescribed by the
9 Constitution and execute a bond payable to the People of the
10 State of Illinois with 2 or more responsible persons having an
11 interest in real estate as sureties (or, if the county is
12 self-insured, the county through its self-insurance program
13 may provide bonding), to be approved by the county board in a
14 penalty of not less than \$100,000, conditioned upon the
15 faithful discharge of his or her duties and upon the delivery
16 to his or her successor in office of all monies, books, papers
17 and property in his or her custody as such regional
18 superintendent of schools.

19 This bond shall be filed in the office of the county clerk,
20 and action upon it may be maintained by any corporate body
21 interested, for the benefit of any township or fund injured by
22 any breach of its condition.

23 If any vacancy in the office of regional superintendent of
24 schools occurs, such vacancy shall be filled in the manner
25 provided by Section 3A-6.

1 Regional Superintendents of Schools shall receive the
2 salary provided by Section 3-2.5.

3 On and after July 1, 1994, the provisions of this Section
4 shall have no application in any educational service region
5 having a population of 2,000,000 or more inhabitants.

6 This Section is repealed on July 1, 2012.

7 (Source: P.A. 88-387; 89-233, eff. 1-1-96.)

8 (105 ILCS 5/3-2.5)

9 Sec. 3-2.5. Salaries.

10 (a) Except as otherwise provided in this Section, the
11 regional superintendents of schools shall receive for their
12 services an annual salary according to the population, as
13 determined by the last preceding federal census, of the region
14 they serve, as set out in the following schedule:

15 SALARIES OF REGIONAL SUPERINTENDENTS OF
16 SCHOOLS

17 POPULATION OF REGION	ANNUAL SALARY
18 Less than 48,000	\$73,500
19 48,000 to 99,999	\$78,000
20 100,000 to 999,999	\$81,500
21 1,000,000 and over	\$83,500

22 The changes made by Public Act 86-98 in the annual salary
23 that the regional superintendents of schools shall receive for
24 their services shall apply to the annual salary received by the
25 regional superintendents of schools during each of their

1 elected terms of office that commence after July 26, 1989 and
2 before the first Monday of August, 1995.

3 The changes made by Public Act 89-225 in the annual salary
4 that regional superintendents of schools shall receive for
5 their services shall apply to the annual salary received by the
6 regional superintendents of schools during their elected terms
7 of office that commence after August 4, 1995 and end on August
8 1, 1999.

9 The changes made by this amendatory Act of the 91st General
10 Assembly in the annual salary that the regional superintendents
11 of schools shall receive for their services shall apply to the
12 annual salary received by the regional superintendents of
13 schools during each of their elected terms of office that
14 commence on or after August 2, 1999.

15 Beginning July 1, 2000, the salary that the regional
16 superintendent of schools receives for his or her services
17 shall be adjusted annually to reflect the percentage increase,
18 if any, in the most recent Consumer Price Index, as defined and
19 officially reported by the United States Department of Labor,
20 Bureau of Labor Statistics, except that no annual increment may
21 exceed 2.9%. If the percentage of change in the Consumer Price
22 Index is a percentage decrease, the salary that the regional
23 superintendent of schools receives shall not be adjusted for
24 that year.

25 When regional superintendents are authorized by the School
26 Code to appoint assistant regional superintendents, the

1 assistant regional superintendent shall receive an annual
 2 salary based on his or her qualifications and computed as a
 3 percentage of the salary of the regional superintendent to whom
 4 he or she is assistant, as set out in the following schedule:

5 SALARIES OF ASSISTANT REGIONAL
 6 SUPERINTENDENTS

7 QUALIFICATIONS OF	PERCENTAGE OF SALARY
8 ASSISTANT REGIONAL	OF REGIONAL
9 SUPERINTENDENT	SUPERINTENDENT

10 No Bachelor's degree, but State	
11 certificate valid for teaching	
12 and supervising.	70%

13 Bachelor's degree plus	
14 State certificate valid	
15 for supervising.	75%

16 Master's degree plus	
17 State certificate valid	
18 for supervising.	90%

19 However, in any region in which the appointment of more
 20 than one assistant regional superintendent is authorized,
 21 whether by Section 3-15.10 of this Code or otherwise, not more
 22 than one assistant may be compensated at the 90% rate and any
 23 other assistant shall be paid at not exceeding the 75% rate, in
 24 each case depending on the qualifications of the assistant.

25 The salaries provided in this Section for regional
 26 superintendents and assistant regional superintendents are

1 payable monthly. The State Comptroller in making his or her
2 warrant to any county for the amount due it shall deduct from
3 it the several amounts for which warrants have been issued to
4 the regional superintendent, and any assistant regional
5 superintendent, of the educational service region encompassing
6 the county since the preceding apportionment.

7 County boards may provide for additional compensation for
8 the regional superintendent or the assistant regional
9 superintendents, or for each of them, to be paid quarterly from
10 the county treasury.

11 This subsection (a) applies only until July 1, 2012.

12 (b) Upon abolition of the office of regional superintendent
13 of schools in educational service regions containing 2,000,000
14 or more inhabitants as provided in Section 3-0.01 of this Code,
15 the funds provided under subsection (a) of this Section shall
16 continue to be appropriated and reallocated, as provided for
17 pursuant to subsection (b) of Section 3-0.01 of this Code, to
18 the educational service centers established pursuant to
19 Section 2-3.62 of this Code for an educational service region
20 containing 2,000,000 or more inhabitants.

21 This subsection (b) applies only until July 1, 2012.

22 (c) If the State pays all or any portion of the employee
23 contributions required under Section 16-152 of the Illinois
24 Pension Code for employees of the State Board of Education, it
25 shall also pay the employee contributions required of regional
26 superintendents of schools and assistant regional

1 superintendents of schools on the same basis, but excluding any
2 contributions based on compensation that is paid by the county
3 rather than the State.

4 This subsection (c) applies to contributions based on
5 payments of salary earned after the effective date of this
6 amendatory Act of the 91st General Assembly, except that in the
7 case of an elected regional superintendent of schools, this
8 subsection does not apply to contributions based on payments of
9 salary earned during a term of office that commenced before the
10 effective date of this amendatory Act.

11 (Source: P.A. 96-893, eff. 7-1-10; 96-1086, eff. 7-16-10;
12 revised 7-22-10.)

13 (105 ILCS 5/3-6) (from Ch. 122, par. 3-6)

14 Sec. 3-6. Financial report - Presentation of books and
15 vouchers for inspection. The regional superintendent shall
16 report, in writing, to the county board and the State Board of
17 Education, on or before January 1 of each year, stating, (1)
18 the balance on hand at the time of the last report, and all
19 receipts since that date, with the sources from which they were
20 derived; (2) the amount distributed to each of the school
21 treasurers in his county; (3) any balance on hand. At the same
22 time he shall present for inspection his books and vouchers for
23 all expenditures, and submit in writing a statement of the
24 condition of the institute fund and of any other funds in his
25 care, custody or control.

1 (Source: P.A. 81-624.)

2 (105 ILCS 5/3-15.6) (from Ch. 122, par. 3-15.6)

3 Sec. 3-15.6. Additional employees. To employ, ~~with the~~
4 ~~approval of the county board,~~ such additional employees as are
5 needed for the discharge of the duties of the office, subject
6 to the terms of a performance-based contract with the State
7 Board of Education. The non-clerical employees shall be persons
8 versed in the principles and methods of education, familiar
9 with public school work, competent to visit schools and
10 certificated pursuant to this Code if their duties are
11 comparable to those for which certification is required by this
12 Code.

13 On and after July 1, 1994, the provisions of this Section
14 shall have no application in any educational service region
15 having a population of 2,000,000 or more inhabitants.

16 (Source: P.A. 86-361; 87-654; 87-1251.)

17 (105 ILCS 5/3-15.8) (from Ch. 122, par. 3-15.8)

18 Sec. 3-15.8. Report to State Board of Education. On or
19 before November 15, annually, to present to the State Board of
20 Education such information relating to schools in his region as
21 the State Board of Education may require. The regional
22 superintendent shall provide such other reports as are required
23 under a performance-based contract with the State Board of
24 Education.

1 (Source: P.A. 82-143.)

2 (105 ILCS 5/3-15.14) (from Ch. 122, par. 3-15.14)

3 Sec. 3-15.14. Cooperative Educational and Operational
4 Programs. To administer and direct a cooperative or joint
5 educational or operational program or project when 2 or more
6 districts request and authorize him to provide and administer
7 these services. Each regional superintendent of schools shall,
8 on an annual basis, develop proposed joint educational or
9 operational programs and solicit school district participation
10 in such programs. The regional superintendent ~~He~~ may provide
11 and contract for the staff, space, necessary materials,
12 supplies, books and apparatus for such agreements. The school
13 boards of the respective districts shall pay to the regional
14 superintendent the pro rata share of the expenses of the
15 operation of such programs, and the regional superintendent
16 shall use such funds in payment of such operational expenses.
17 The regional superintendent shall collect and remit the
18 required pension contributions from the participating
19 districts if the board of control of the program participates
20 in Article 7 of the Illinois Pension Code.

21 A board of control composed of one member from each
22 cooperating district and one member from the office of the
23 regional superintendent will set policy for the cooperative.
24 The agreement establishing the cooperative may provide that the
25 cooperative shall act as its own administrative district and

1 shall be an entity separate and apart from the Educational
2 Service Region.

3 Each regional superintendent that is the administrator of a
4 joint agreement shall cause an annual financial statement to be
5 submitted on forms prescribed by the State Board of Education
6 exhibiting the financial condition of the program established
7 pursuant to the joint agreement for the fiscal year ending on
8 the immediately preceding June 30.

9 The regional superintendent may also administer, direct
10 and account for educational or operational programs of single
11 or multi-county educational service region, or of
12 multi-regional design which are sponsored and financed by State
13 or federal educational agencies, or by both such agencies. In
14 cases where funding for any such approved program is delayed,
15 the regional superintendent may borrow the funds required to
16 begin operation of the program in accordance with the terms of
17 the grant; and the principal amount so borrowed, together with
18 the interest due thereon, shall be paid from the grant moneys
19 when received.

20 (Source: P.A. 83-815; 86-1332.)

21 (105 ILCS 5/3A-4) (from Ch. 122, par. 3A-4)

22 Sec. 3A-4. Mandatory consolidation of educational service
23 regions.

24 (a) After October 15, 1993, each region must contain at
25 least 43,000 inhabitants. Regions may be consolidated

1 voluntarily under Section 3A-3 or by joint resolution of the
2 county boards of regions seeking to join a voluntary
3 consolidation to meet these population requirements. The
4 boundaries of regions already meeting these population
5 requirements on the effective date of this amendatory Act of
6 1993 may not be changed except to consolidate with another
7 region or a whole county portion of another region which does
8 not meet these population requirements. If locally determined
9 consolidation decisions result in more than 45 regions of
10 population greater than 43,000 each, the State Board of
11 Education shall direct further consolidation, beginning with
12 the region of lowest population, until the number of 45 regions
13 is achieved.

14 (b) (Blank).

15 (c) If any region does not meet the population requirements
16 of this Section the State Board of Education, within 15 days
17 after the above said dates, shall direct such consolidation of
18 that region with another region or regions to which it is
19 contiguous as will result in a region conforming to these
20 population requirements.

21 (d) All population determinations shall be based on the
22 most recent federal census.

23 (e) The State Board of Education may direct the
24 consolidation of educational service regions to:

25 (1) create greater efficiency across regions; or

26 (2) in the event a regional office of education fails

1 to achieve performance metrics set forth in its
2 performance-based contract, deliver improved services to
3 school districts within the educational service region.

4 The direction shall include a date upon which the terms of
5 office of the regional superintendents of schools included
6 within the consolidation shall expire. Prior to any such
7 direction, the State Board of Education shall solicit comments
8 on the consolidation from stakeholders within the affected
9 educational service regions and hold a public hearing on the
10 consolidation in one of the affected educational service
11 regions.

12 (Source: P.A. 88-89; 89-608, eff. 8-2-96.)

13 (105 ILCS 5/3A-5) (from Ch. 122, par. 3A-5)

14 Sec. 3A-5. Effective date of consolidation. Any
15 consolidation of regions, whether under Section 3A-3 or 3A-4,
16 shall take effect at the expiration of the terms of office of
17 the regional superintendents in office at the time the
18 consolidation is approved under Section 3A-3 or directed under
19 Section 3A-4, provided that a consolidation under subsection
20 (e) of Section 3A-4 shall take effect on the date established
21 by the State Board of Education in its direction to
22 consolidate. However, at the regular election immediately
23 preceding the effective date of the consolidation at which
24 regional superintendents are to be elected in accordance with
25 the general election law, regional superintendents shall not be

1 ~~elected from each of the regions comprising the consolidated~~
2 ~~region, but one regional superintendent shall be elected to~~
3 ~~take office on the effective date of the consolidation.~~

4 (Source: P.A. 88-89.)

5 (105 ILCS 5/3A-6) (from Ch. 122, par. 3A-6)

6 (Section scheduled to be repealed on July 1, 2012)

7 Sec. 3A-6. Election of Superintendent for consolidated
8 region - Bond - Vacancies in any educational service region.

9 (a) The regional superintendent to be elected under Section
10 3A-5 shall be elected at the time provided in the general
11 election law and must possess the qualifications described in
12 Section 3-1 of this Act.

13 (b) The bond required under Section 3-2 shall be filed in
14 the office of the county clerk in the county where the regional
15 office is situated, and a certified copy of that bond shall be
16 filed in the office of the county clerk in each of the other
17 counties in the region.

18 (c) When a vacancy occurs in the office of regional
19 superintendent of schools of any educational service region
20 which is not located in a county which is a home rule unit,
21 such vacancy shall be filled within 60 days (i) by appointment
22 of the chairman of the county board, with the advice and
23 consent of the county board, when such vacancy occurs in a
24 single county educational service region; or (ii) by
25 appointment of a committee composed of the chairmen of the

1 county boards of those counties comprising the affected
2 educational service region when such vacancy occurs in a
3 multicounty educational service region, each committeeman to
4 be entitled to one vote for each vote that was received in the
5 county represented by such committeeman on the committee by the
6 regional superintendent of schools whose office is vacant at
7 the last election at which a regional superintendent was
8 elected to such office, and the person receiving the highest
9 number of affirmative votes from the committeemen for such
10 vacant office to be deemed the person appointed by such
11 committee to fill the vacancy. The appointee shall be a member
12 of the same political party as the regional superintendent of
13 schools the appointee succeeds was at the time such regional
14 superintendent of schools last was elected. The appointee shall
15 serve for the remainder of the term. However, if more than 28
16 months remain in that term, the appointment shall be until the
17 next general election, at which time the vacated office shall
18 be filled by election for the remainder of the term.
19 Nominations shall be made and any vacancy in nomination shall
20 be filled as follows:

21 (1) If the vacancy in office occurs before the first
22 date provided in Section 7-12 of the Election Code for
23 filing nomination papers for county offices for the primary
24 in the next even-numbered year following commencement of
25 the term of office in which the vacancy occurs, nominations
26 for the election for filling the vacancy shall be made

1 pursuant to Article 7 of the Election Code.

2 (2) If the vacancy in office occurs during the time
3 provided in Section 7-12 of the Election Code for filing
4 nomination papers for county offices for the primary in the
5 next even-numbered year following commencement of the term
6 of office in which the vacancy occurs, the time for filing
7 nomination papers for the primary shall not be more than 91
8 days nor less than 85 days prior to the date of the
9 primary.

10 (3) If the vacancy in office occurs after the last day
11 provided in Section 7-12 of the Election Code for filing
12 nomination papers for county offices for the primary in the
13 next even-numbered year following commencement of the term
14 of office in which the vacancy occurs, a vacancy in
15 nomination shall be deemed to have occurred and the county
16 central committee of each established political party (if
17 the vacancy occurs in a single county educational service
18 region) or the multi-county educational service region
19 committee of each established political party (if the
20 vacancy occurs in a multi-county educational service
21 region) shall nominate, by resolution, a candidate to fill
22 the vacancy in nomination for election to the office at the
23 general election. In the nomination proceedings to fill the
24 vacancy in nomination, each member of the county central
25 committee or the multi-county educational service region
26 committee, whichever applies, shall have the voting

1 strength as set forth in Section 7-8 or 7-8.02 of the
2 Election Code, respectively. The name of the candidate so
3 nominated shall not appear on the ballot at the general
4 primary election. The vacancy in nomination shall be filled
5 prior to the date of certification of candidates for the
6 general election.

7 (4) The resolution to fill the vacancy shall be duly
8 acknowledged before an officer qualified to take
9 acknowledgments of deeds and shall include, upon its face,
10 the following information: (A) the name of the original
11 nominee and the office vacated; (B) the date on which the
12 vacancy occurred; and (C) the name and address of the
13 nominee selected to fill the vacancy and the date of
14 selection. The resolution to fill the vacancy shall be
15 accompanied by a statement of candidacy, as prescribed in
16 Section 7-10 of the Election Code, completed by the
17 selected nominee, a certificate from the State Board of
18 Education, as prescribed in Section 3-1 of this Code, and a
19 receipt indicating that the nominee has filed a statement
20 of economic interests as required by the Illinois
21 Governmental Ethics Act.

22 The provisions of Sections 10-8 through 10-10.1 of the Election
23 Code relating to objections to nomination papers, hearings on
24 objections, and judicial review shall also apply to and govern
25 objections to nomination papers and resolutions for filling
26 vacancies in nomination filed pursuant to this Section. Unless

1 otherwise specified in this Section, the nomination and
2 election provided for in this Section is governed by the
3 general election law.

4 Except as otherwise provided by applicable county
5 ordinance or by law, if a vacancy occurs in the office of
6 regional superintendent of schools of an educational service
7 region that is located in a county that is a home rule unit and
8 that has a population of less than 2,000,000 inhabitants, that
9 vacancy shall be filled by the county board of such home rule
10 county.

11 Any person appointed to fill a vacancy in the office of
12 regional superintendent of schools of any educational service
13 region must possess the qualifications required to be elected
14 to the position of regional superintendent of schools, and
15 shall obtain a certificate of eligibility from the State
16 Superintendent of Education and file same with the county clerk
17 of the county in which the regional superintendent's office is
18 located.

19 If the regional superintendent of schools is called into
20 the active military service of the United States, his office
21 shall not be deemed to be vacant, but a temporary appointment
22 shall be made as in the case of a vacancy. The appointee shall
23 perform all the duties of the regional superintendent of
24 schools during the time the regional superintendent of schools
25 is in the active military service of the United States, and
26 shall be paid the same compensation apportioned as to the time

1 of service, and such appointment and all authority thereunder
2 shall cease upon the discharge of the regional superintendent
3 of schools from such active military service. The appointee
4 shall give the same bond as is required of a regularly elected
5 regional superintendent of schools.

6 This Section is repealed on July 1, 2012.

7 (Source: P.A. 96-893, eff. 7-1-10.)

8 (105 ILCS 5/17-1.10 new)

9 Sec. 17-1.10. Fiscal efficiency.

10 (a) By no later than December 31, 2011, the State Board of
11 Education shall establish criteria and metrics for determining
12 the fiscal efficiency of school districts and for identifying
13 districts that are fiscally inefficient and highly fiscally
14 efficient. The criteria and metrics shall include, but are not
15 limited to, consideration of expenditures per pupil, resources
16 available for the district's instructional program,
17 expenditures for administrative expenditures as defined in
18 Section 17-1.5 of this Code, and the extent of cooperative and
19 shared services arrangements utilized by the school district.

20 (b) Using the criteria and metrics for fiscal efficiency
21 established by the State Board of Education pursuant to
22 subsection (a) of this Section, each regional superintendent of
23 schools and executive director of an educational service center
24 serving that portion of a Class II county school unit outside
25 of a city of 500,000 or more inhabitants may review the fiscal

1 efficiency of school districts served by the regional
2 superintendent or executive director. The review shall
3 consider services and functions performed by the school
4 district that may be shared or consolidated with other school
5 districts, including, but not limited to, bidding and
6 purchasing, back-office functions such as payroll and
7 accounting, information technology, professional development,
8 grant writing, food service management, administrative
9 positions, and educational functions. The State Board of
10 Education shall adopt administrative rules for the schedule,
11 process, and reporting of the reviews performed in accordance
12 with this subsection (b).

13 (c) For school districts determined by a regional
14 superintendent or executive director of an educational service
15 center to be fiscally inefficient, the regional superintendent
16 or executive director and school district shall jointly prepare
17 a plan that addresses and considers actions that may improve
18 the district's fiscal efficiency, including, but not limited
19 to, the sharing of services, the establishment of cooperative
20 educational or operational programs pursuant to Section
21 3-15.14 of this Code, and school district consolidation or
22 reorganization. The plan must be approved by the school board
23 and published on the Internet website for the school district,
24 if any.

25 (d) Any school district may submit a plan to the regional
26 superintendent or executive director of an educational service

1 center serving the school district demonstrating that the
2 school district is highly fiscally efficient or has established
3 plans and a timeline for becoming highly fiscally efficient.
4 The regional superintendent or executive director of an
5 educational service center shall review the plan and
6 independently determine whether the school district is highly
7 fiscally efficient or has established plans and a timeline for
8 becoming highly fiscally efficient.

9 (e) The State Board of Education shall establish sanctions
10 for fiscally inefficient districts that fail to adopt or make
11 adequate progress on implementing a plan to improve fiscal
12 efficiency. Sanctions may include, but are not limited to, any
13 one or more of the following:

14 (1) ineligibility or a lower priority for any
15 discretionary grant program administered by the State
16 Board of Education, unless the State Board of Education is
17 prohibited by law from considering fiscal efficiency as
18 part of the program;

19 (2) a requirement that the district's fiscal
20 efficiency plan be developed or modified in consultation
21 with and with the approval of a designee of the State Board
22 of Education;

23 (3) a requirement that the school district's annual
24 budget for each fiscal year required by Section 17-1 of
25 this Code be approved by a designee of the State Board of
26 Education;

1 (4) a requirement that the school district undertake a
2 school district reorganization study; or

3 (5) after more than 3 years of failure to improve
4 fiscal efficiency, nonrecognition of the school district.

5 If a school district is nonrecognized in its entirety, it
6 shall automatically be dissolved on July 1 following that
7 nonrecognition and its territory realigned with another
8 school district or districts by the regional board of
9 school trustees in accordance with the procedures set forth
10 in Section 7-11 of this Code.

11 (f) The State Board of Education shall establish incentives
12 for highly fiscally efficient school districts. Incentives may
13 include, but are not limited to, a higher priority for any
14 discretionary grant program administered by the State Board of
15 Education, unless the State Board of Education is prohibited by
16 law from considering fiscal efficiency as part of the program.

17 (g) The State Board of Education is authorized to
18 administer a Fiscal Efficiency Revolving Loan Program from
19 funds appropriated from the Fiscal Efficiency Revolving Loan
20 Fund for the purpose of financing cooperative educational or
21 operational programs that improve fiscal efficiency. Fiscal
22 efficiency loans shall be made available to the fiscal agent of
23 a cooperative educational or operational program established
24 pursuant to Section 3-15.14 of this Code or a fiscal agent
25 established by intergovernmental agreement of 2 or more school
26 districts.

1 The State Board of Education shall determine the interest
2 rate the loans shall bear, which shall not be greater than 50%
3 of the rate for the most recent date shown in the 20 G.O. Bonds
4 Index of average municipal bond yields as published in the most
5 recent edition of The Bond Buyer, published in New York, New
6 York. The repayment period for fiscal efficiency loans shall
7 not exceed 7 years.

8 The State Board of Education shall have the authority to
9 adopt all rules necessary for the implementation and
10 administration of the Fiscal Efficiency Revolving Loan
11 Program, including, but not limited to, rules defining
12 application procedures, requiring appropriate local
13 commitments, prescribing a mechanism for disbursing loan funds
14 in the event requests exceed available funds, specifying
15 collateral, and prescribing actions necessary to protect the
16 State's interest in the event of default, foreclosure, or
17 noncompliance with the terms and conditions of the loans.

18 (h) There is created in the State treasury the Fiscal
19 Efficiency Revolving Loan Fund. The State Board of Education
20 shall have the authority to make expenditures from the Fund
21 pursuant to appropriations made for the purposes of this
22 Section, including refunds. Amounts shall be deposited into the
23 Fund, including, but not limited to, the following:

24 (1) all receipts, including principal and interest
25 payments, from any loan made from the Fund;

26 (2) all proceeds of assets of whatever nature received

1 by the State Board as a result of default or delinquency
2 with respect to loans made from the Fund;

3 (3) any appropriations, grants, or gifts made to the
4 Fund; and

5 (4) any income received from interest on investments of
6 money in the Fund.

7 Section 10. The State Finance Act is amended by adding
8 Section 5.786 as follows:

9 (30 ILCS 105/5.786 new)

10 Sec. 5.786. The Fiscal Efficiency Revolving Loan Fund."