



Sen. John J. Cullerton

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09700SB2185sam001

LRB097 10195 NHT 55079 a

1 AMENDMENT TO SENATE BILL 2185

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2185 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. The State Treasurer Act is amended by changing  
5 Section 16.5 as follows:

6 (15 ILCS 505/16.5)

7 Sec. 16.5. College Savings Pool. The State Treasurer may  
8 establish and administer a College Savings Pool to supplement  
9 and enhance the investment opportunities otherwise available  
10 to persons seeking to finance the costs of higher education.  
11 The State Treasurer, in administering the College Savings Pool,  
12 may receive moneys paid into the pool by a participant and may  
13 serve as the fiscal agent of that participant for the purpose  
14 of holding and investing those moneys.

15 "Participant", as used in this Section, means any person  
16 who has authority to withdraw funds, change the designated

1 beneficiary, or otherwise exercise control over an account.  
2 "Donor", as used in this Section, means any person who makes  
3 investments in the pool. "Designated beneficiary", as used in  
4 this Section, means any person on whose behalf an account is  
5 established in the College Savings Pool by a participant. Both  
6 in-state and out-of-state persons may be participants, donors,  
7 and designated beneficiaries in the College Savings Pool. The  
8 College Savings Pool must be available to any individual with a  
9 valid social security number or taxpayer identification number  
10 for the benefit of any individual with a valid social security  
11 number or taxpayer identification number, unless a contract in  
12 effect on the effective date of this amendatory Act of the 97th  
13 General Assembly does not allow for taxpayer identification  
14 numbers, in which case taxpayer identification numbers must be  
15 allowed upon the expiration of the contract.

16 New accounts in the College Savings Pool may be processed  
17 through participating financial institutions. "Participating  
18 financial institution", as used in this Section, means any  
19 financial institution insured by the Federal Deposit Insurance  
20 Corporation and lawfully doing business in the State of  
21 Illinois and any credit union approved by the State Treasurer  
22 and lawfully doing business in the State of Illinois that  
23 agrees to process new accounts in the College Savings Pool.  
24 Participating financial institutions may charge a processing  
25 fee to participants to open an account in the pool that shall  
26 not exceed \$30 until the year 2001. Beginning in 2001 and every

1 year thereafter, the maximum fee limit shall be adjusted by the  
2 Treasurer based on the Consumer Price Index for the North  
3 Central Region as published by the United States Department of  
4 Labor, Bureau of Labor Statistics for the immediately preceding  
5 calendar year. Every contribution received by a financial  
6 institution for investment in the College Savings Pool shall be  
7 transferred from the financial institution to a location  
8 selected by the State Treasurer within one business day  
9 following the day that the funds must be made available in  
10 accordance with federal law. All communications from the State  
11 Treasurer to participants and donors shall reference the  
12 participating financial institution at which the account was  
13 processed.

14 The Treasurer may invest the moneys in the College Savings  
15 Pool in the same manner and in the same types of investments  
16 provided for the investment of moneys by the Illinois State  
17 Board of Investment. To enhance the safety and liquidity of the  
18 College Savings Pool, to ensure the diversification of the  
19 investment portfolio of the pool, and in an effort to keep  
20 investment dollars in the State of Illinois, the State  
21 Treasurer may make a percentage of each account available for  
22 investment in participating financial institutions doing  
23 business in the State. The State Treasurer may deposit with the  
24 participating financial institution at which the account was  
25 processed the following percentage of each account at a  
26 prevailing rate offered by the institution, provided that the

1 deposit is federally insured or fully collateralized and the  
2 institution accepts the deposit: 10% of the total amount of  
3 each account for which the current age of the beneficiary is  
4 less than 7 years of age, 20% of the total amount of each  
5 account for which the beneficiary is at least 7 years of age  
6 and less than 12 years of age, and 50% of the total amount of  
7 each account for which the current age of the beneficiary is at  
8 least 12 years of age. The Treasurer shall develop, publish,  
9 and implement an investment policy covering the investment of  
10 the moneys in the College Savings Pool. The policy shall be  
11 published (i) at least once each year in at least one newspaper  
12 of general circulation in both Springfield and Chicago and (ii)  
13 each year as part of the audit of the College Savings Pool by  
14 the Auditor General, which shall be distributed to all  
15 participants. The Treasurer shall notify all participants in  
16 writing, and the Treasurer shall publish in a newspaper of  
17 general circulation in both Chicago and Springfield, any  
18 changes to the previously published investment policy at least  
19 30 calendar days before implementing the policy. Any investment  
20 policy adopted by the Treasurer shall be reviewed and updated  
21 if necessary within 90 days following the date that the State  
22 Treasurer takes office.

23 Participants shall be required to use moneys distributed  
24 from the College Savings Pool for qualified expenses at  
25 eligible educational institutions. "Qualified expenses", as  
26 used in this Section, means the following: (i) tuition, fees,

1 and the costs of books, supplies, and equipment required for  
2 enrollment or attendance at an eligible educational  
3 institution and (ii) certain room and board expenses incurred  
4 while attending an eligible educational institution at least  
5 half-time. "Eligible educational institutions", as used in  
6 this Section, means public and private colleges, junior  
7 colleges, graduate schools, and certain vocational  
8 institutions that are described in Section 481 of the Higher  
9 Education Act of 1965 (20 U.S.C. 1088) and that are eligible to  
10 participate in Department of Education student aid programs. A  
11 student shall be considered to be enrolled at least half-time  
12 if the student is enrolled for at least half the full-time  
13 academic work load for the course of study the student is  
14 pursuing as determined under the standards of the institution  
15 at which the student is enrolled. Distributions made from the  
16 pool for qualified expenses shall be made directly to the  
17 eligible educational institution, directly to a vendor, or in  
18 the form of a check payable to both the beneficiary and the  
19 institution or vendor. Any moneys that are distributed in any  
20 other manner or that are used for expenses other than qualified  
21 expenses at an eligible educational institution shall be  
22 subject to a penalty of 10% of the earnings unless the  
23 beneficiary dies, becomes disabled, or receives a scholarship  
24 that equals or exceeds the distribution. Penalties shall be  
25 withheld at the time the distribution is made.

26 The Treasurer shall limit the contributions that may be

1 made on behalf of a designated beneficiary based on the  
2 limitations established by the Internal Revenue Service. The  
3 contributions made on behalf of a beneficiary who is also a  
4 beneficiary under the Illinois Prepaid Tuition Program shall be  
5 further restricted to ensure that the contributions in both  
6 programs combined do not exceed the limit established for the  
7 College Savings Pool. The Treasurer shall provide the Illinois  
8 Student Assistance Commission each year at a time designated by  
9 the Commission, an electronic report of all participant  
10 accounts in the Treasurer's College Savings Pool, listing total  
11 contributions and disbursements from each individual account  
12 during the previous calendar year. As soon thereafter as is  
13 possible following receipt of the Treasurer's report, the  
14 Illinois Student Assistance Commission shall, in turn, provide  
15 the Treasurer with an electronic report listing those College  
16 Savings Pool participants who also participate in the State's  
17 prepaid tuition program, administered by the Commission. The  
18 Commission shall be responsible for filing any combined tax  
19 reports regarding State qualified savings programs required by  
20 the United States Internal Revenue Service. The Treasurer shall  
21 work with the Illinois Student Assistance Commission to  
22 coordinate the marketing of the College Savings Pool and the  
23 Illinois Prepaid Tuition Program when considered beneficial by  
24 the Treasurer and the Director of the Illinois Student  
25 Assistance Commission. The Treasurer's office shall not  
26 publicize or otherwise market the College Savings Pool or

1 accept any moneys into the College Savings Pool prior to March  
2 1, 2000. The Treasurer shall provide a separate accounting for  
3 each designated beneficiary to each participant, the Illinois  
4 Student Assistance Commission, and the participating financial  
5 institution at which the account was processed. No interest in  
6 the program may be pledged as security for a loan. Moneys held  
7 in an account invested in the Illinois College Savings Pool  
8 shall be exempt from all claims of the creditors of the  
9 participant, donor, or designated beneficiary of that account,  
10 except for the non-exempt College Savings Pool transfers to or  
11 from the account as defined under subsection (j) of Section  
12 12-1001 of the Code of Civil Procedure (735 ILCS 5/12-1001(j)).

13 The assets of the College Savings Pool and its income and  
14 operation shall be exempt from all taxation by the State of  
15 Illinois and any of its subdivisions. The accrued earnings on  
16 investments in the Pool once disbursed on behalf of a  
17 designated beneficiary shall be similarly exempt from all  
18 taxation by the State of Illinois and its subdivisions, so long  
19 as they are used for qualified expenses. Contributions to a  
20 College Savings Pool account during the taxable year may be  
21 deducted from adjusted gross income as provided in Section 203  
22 of the Illinois Income Tax Act. The provisions of this  
23 paragraph are exempt from Section 250 of the Illinois Income  
24 Tax Act.

25 The Treasurer shall adopt rules he or she considers  
26 necessary for the efficient administration of the College

1 Savings Pool. The rules shall provide whatever additional  
2 parameters and restrictions are necessary to ensure that the  
3 College Savings Pool meets all of the requirements for a  
4 qualified state tuition program under Section 529 of the  
5 Internal Revenue Code (26 U.S.C. 529). The rules shall provide  
6 for the administration expenses of the pool to be paid from its  
7 earnings and for the investment earnings in excess of the  
8 expenses and all moneys collected as penalties to be credited  
9 or paid monthly to the several participants in the pool in a  
10 manner which equitably reflects the differing amounts of their  
11 respective investments in the pool and the differing periods of  
12 time for which those amounts were in the custody of the pool.  
13 Also, the rules shall require the maintenance of records that  
14 enable the Treasurer's office to produce a report for each  
15 account in the pool at least annually that documents the  
16 account balance and investment earnings. Notice of any proposed  
17 amendments to the rules and regulations shall be provided to  
18 all participants prior to adoption. Amendments to rules and  
19 regulations shall apply only to contributions made after the  
20 adoption of the amendment.

21 Upon creating the College Savings Pool, the State Treasurer  
22 shall give bond with 2 or more sufficient sureties, payable to  
23 and for the benefit of the participants in the College Savings  
24 Pool, in the penal sum of \$1,000,000, conditioned upon the  
25 faithful discharge of his or her duties in relation to the  
26 College Savings Pool.



1 (Source: P.A. 95-23, eff. 8-3-07; 95-306, eff. 1-1-08; 95-521,  
2 eff. 8-28-07; 95-876, eff. 8-21-08.)

3 Section 3. The School Code is amended by changing Section  
4 21-25 as follows:

5 (105 ILCS 5/21-25) (from Ch. 122, par. 21-25)

6 Sec. 21-25. School service personnel certificate.

7 (a) For purposes of this Section, "school service  
8 personnel" means persons employed and performing appropriate  
9 services in an Illinois public or State-operated elementary  
10 school, secondary school, or cooperative or joint agreement  
11 with a governing body or board of control or a charter school  
12 operating in compliance with the Charter Schools Law in a  
13 position requiring a school service personnel certificate.

14 Subject to the provisions of Section 21-1a, a school  
15 service personnel certificate shall be issued to those  
16 applicants of good character, good health, a citizen of the  
17 United States and at least 19 years of age who have a  
18 Bachelor's degree with not fewer than 120 semester hours from a  
19 regionally accredited institution of higher learning and who  
20 meets the requirements established by the State Superintendent  
21 of Education in consultation with the State Teacher  
22 Certification Board. A school service personnel certificate  
23 with a school nurse endorsement may be issued to a person who  
24 holds a bachelor of science degree from an institution of

1 higher learning accredited by the North Central Association or  
2 other comparable regional accrediting association. Persons  
3 seeking any other endorsement on the school service personnel  
4 certificate shall be recommended for the endorsement by a  
5 recognized teacher education institution as having completed a  
6 program of preparation approved by the State Superintendent of  
7 Education in consultation with the State Teacher Certification  
8 Board.

9 (b) Until August 30, 2002, a school service personnel  
10 certificate endorsed for school social work may be issued to a  
11 student who has completed a school social work program that has  
12 not been approved by the State Superintendent of Education,  
13 provided that each of the following conditions is met:

14 (1) The program was offered by a recognized, public  
15 teacher education institution that first enrolled students  
16 in its master's degree program in social work in 1998;

17 (2) The student applying for the school service  
18 personnel certificate was enrolled in the institution's  
19 master's degree program in social work on or after May 11,  
20 1998;

21 (3) The State Superintendent verifies that the student  
22 has completed coursework that is substantially similar to  
23 that required in approved school social work programs,  
24 including (i) not fewer than 600 clock hours of a  
25 supervised internship in a school setting or (ii) if the  
26 student has completed part of a supervised internship in a

1 school setting prior to the effective date of this  
2 amendatory Act of the 92nd General Assembly and receives  
3 the prior approval of the State Superintendent, not fewer  
4 than 300 additional clock hours of supervised work in a  
5 public school setting under the supervision of a certified  
6 school social worker who certifies that the supervised work  
7 was completed in a satisfactory manner; and

8 (4) The student has passed a test of basic skills and  
9 the test of subject matter knowledge required by Section  
10 21-1a.

11 This subsection (b) does not apply after August 29, 2002.

12 (c) A school service personnel certificate shall be  
13 endorsed with the area of Service as determined by the State  
14 Superintendent of Education in consultation with the State  
15 Teacher Certification Board.

16 The holder of such certificate shall be entitled to all of  
17 the rights and privileges granted holders of a valid teaching  
18 certificate, including teacher benefits, compensation and  
19 working conditions.

20 When the holder of such certificate has earned a master's  
21 degree, including 8 semester hours of graduate professional  
22 education from a recognized institution of higher learning, and  
23 has at least 2 years of successful school experience while  
24 holding such certificate, the certificate may be endorsed for  
25 supervision.

26 (d) Persons who have successfully achieved National Board

1 certification through the National Board for Professional  
2 Teaching Standards shall be issued a Master School Service  
3 Personnel Certificate, valid for 10 years and renewable  
4 thereafter every 10 years through compliance with requirements  
5 set forth by the State Board of Education, in consultation with  
6 the State Teacher Certification Board. However, each holder of  
7 a Master School Service Personnel Certificate shall be eligible  
8 for a corresponding position in this State in the areas for  
9 which he or she holds a Master Certificate without satisfying  
10 any other requirements of this Code, except for those  
11 requirements pertaining to criminal background checks.

12 (e) School service personnel certificates are renewable  
13 every 5 years and may be renewed as provided in this Section.  
14 Requests for renewals must be submitted, in a format prescribed  
15 by the State Board of Education, to the regional office of  
16 education responsible for the school where the holder is  
17 employed.

18 Upon completion of at least 80 hours of continuing  
19 professional development as provided in this subsection (e), a  
20 person who holds a valid school service personnel certificate  
21 shall have his or her certificate renewed for a period of 5  
22 years. A person who (i) holds an active license issued by the  
23 State as a clinical professional counselor, a professional  
24 counselor, a clinical social worker, a social worker, or a  
25 speech-language pathologist; (ii) holds national certification  
26 as a Nationally Certified School Psychologist from the National

1 School Psychology Certification Board; (iii) is nationally  
2 certified as a National Certified School Nurse from the  
3 National Board for Certification of School Nurses; (iv) is  
4 nationally certified as a National Certified Counselor or  
5 National Certified School Counselor from the National Board for  
6 Certified Counselors; or (v) holds a Certificate of Clinical  
7 Competence from the American Speech-Language-Hearing  
8 Association shall be deemed to have satisfied the continuing  
9 professional development requirements established by the State  
10 Board of Education and the State Teacher Certification Board to  
11 renew a school service personnel certificate.

12 School service personnel certificates may be renewed by the  
13 State Teacher Certification Board based upon proof of  
14 continuing professional development. The State Board of  
15 Education shall (i) establish a procedure for renewing school  
16 service personnel certificates, which shall include without  
17 limitation annual timelines for the renewal process and the  
18 components set forth in this Section; (ii) approve or  
19 disapprove the providers of continuing professional  
20 development activities; and (iii) provide, on a timely basis to  
21 all school service personnel certificate holders, regional  
22 superintendents of schools, school districts, and others with  
23 an interest in continuing professional development,  
24 information about the standards and requirements established  
25 pursuant to this subsection (e).

26 Any school service personnel certificate held by an

1 individual employed and performing services in an Illinois  
2 public or State-operated elementary school, secondary school,  
3 or cooperative or joint agreement with a governing body or  
4 board of control in a certificated school service personnel  
5 position or in a charter school in compliance with the Charter  
6 Schools Law must be maintained Valid and Active through  
7 certificate renewal activities specified in the certificate  
8 renewal procedure established pursuant to this Section,  
9 provided that a holder of a Valid and Active certificate who is  
10 only employed on either a part-time basis or day-to-day basis  
11 as a substitute shall pay only the required registration fee to  
12 renew his or her certificate and maintain it as Valid and  
13 Active. All other school service personnel certificates held  
14 may be maintained as Valid and Exempt through the registration  
15 process provided for in the certificate renewal procedure  
16 established pursuant to Section 21-14 of this Code. A Valid and  
17 Exempt certificate must be immediately activated, through  
18 procedures developed by the State Board of Education upon the  
19 certificate holder becoming employed and performing services  
20 in an Illinois public or State-operated elementary school,  
21 secondary school, or cooperative or joint agreement with a  
22 governing body or board of control in a certificated school  
23 service personnel position or in a charter school operating in  
24 compliance with the Charter Schools Law. A holder of a Valid  
25 and Exempt certificate may activate his or her certificate  
26 through procedures provided for in the certificate renewal

1 procedure established pursuant to this Section.

2 A school service personnel certificate that has been  
3 maintained as Valid and Active for the 5 years of the  
4 certificate's validity shall be renewed as Valid and Active  
5 upon the certificate holder (i) completing the National Board  
6 for Professional Teaching Standards process in an area of  
7 concentration comparable to the holder's school service  
8 personnel certificate of endorsement or (ii) earning 80  
9 continuing professional development units as described in this  
10 Section. If, however, the certificate holder has maintained the  
11 certificate as Valid and Exempt for a portion of the 5-year  
12 period of validity, the number of continuing professional  
13 development units needed to renew the certificate as Valid and  
14 Active must be proportionately reduced by the amount of time  
15 the certificate was Valid and Exempt. If a certificate holder  
16 is employed and performs services requiring the holder's school  
17 service personnel certificate on a part-time basis for all or a  
18 portion of the certificate's 5-year period of validity, the  
19 number of continuing professional development units needed to  
20 renew the certificate as Valid and Active shall be reduced by  
21 50% for the amount of time the certificate holder has been  
22 employed and performing such services on a part-time basis.  
23 "Part-time" means less than 50% of the school day or school  
24 term.

25 Beginning July 1, 2008, in order to satisfy the  
26 requirements for continuing professional development provided

1 for in this Section, each Valid and Active school service  
2 personnel certificate holder shall complete professional  
3 development activities that address the certificate or those  
4 certificates that are required of his or her certificated  
5 position, if the certificate holder is employed and performing  
6 services in an Illinois public or State operated elementary  
7 school, secondary school, or cooperative or joint agreement  
8 with a governing body or board of control, or that certificate  
9 or those certificates most closely related to his or her  
10 teaching position, if the certificate holder is employed in a  
11 charter school. Except as otherwise provided in this subsection  
12 (e), the certificate holder's activities must address and must  
13 reflect the following continuing professional development  
14 purposes:

15 (1) Advance both the certificate holder's knowledge  
16 and skills consistent with the Illinois Standards for the  
17 service area in which the certificate is endorsed in order  
18 to keep the certificate holder current in that area.

19 (2) Develop the certificate holder's knowledge and  
20 skills in areas determined by the State Board of Education  
21 to be critical for all school service personnel.

22 (3) Address the knowledge, skills, and goals of the  
23 certificate holder's local school improvement plan, if the  
24 certificate holder is employed in an Illinois public or  
25 State-operated elementary school, secondary school, or  
26 cooperative or joint agreement with a governing body or



1 board of control.

2 (4) Address the needs of serving students with  
3 disabilities, including adapting and modifying clinical or  
4 professional practices to meet the needs of students with  
5 disabilities and serving such students in the least  
6 restrictive environment.

7 (5) Address the needs of serving students who are the  
8 children of immigrants, including, if the certificate  
9 holder is employed as a counselor in an Illinois public or  
10 State-operated secondary school, opportunities for higher  
11 education for students who are undocumented immigrants.

12 The coursework or continuing professional development  
13 units ("CPDU") required under this subsection (e) must total 80  
14 CPDUs or the equivalent and must address 4 ~~3~~ of the 5 ~~4~~  
15 purposes described in items (1) through (5) ~~(4)~~ of this  
16 subsection (e). Holders of school service personnel  
17 certificates may fulfill this obligation with any combination  
18 of semester hours or CPDUs as follows:

19 (A) Collaboration and partnership activities related  
20 to improving the school service personnel certificate  
21 holder's knowledge and skills, including (i) participating  
22 on collaborative planning and professional improvement  
23 teams and committees; (ii) peer review and coaching; (iii)  
24 mentoring in a formal mentoring program, including service  
25 as a consulting teacher participating in a remediation  
26 process formulated under Section 24A-5 of this Code; (iv)

1 participating in site-based management or decision-making  
2 teams, relevant committees, boards, or task forces  
3 directly related to school improvement plans; (v)  
4 coordinating community resources in schools, if the  
5 project is a specific goal of the school improvement plan;  
6 (vi) facilitating parent education programs for a school,  
7 school district, or regional office of education directly  
8 related to student achievement or school improvement  
9 plans; (vii) participating in business, school, or  
10 community partnerships directly related to student  
11 achievement or school improvement plans; or (viii)  
12 supervising a student teacher (student services personnel)  
13 or teacher education candidate in clinical supervision,  
14 provided that the supervision may be counted only once  
15 during the course of 5 years.

16 (B) Coursework from a regionally accredited  
17 institution of higher learning related to one of the  
18 purposes listed in items (1) through (4) of this subsection  
19 (e), which shall apply at the rate of 15 continuing  
20 professional development units per semester hour of credit  
21 earned during the previous 5-year period when the status of  
22 the holder's school service personnel certificate was  
23 Valid and Active. Proportionate reductions shall apply  
24 when the holder's status was Valid and Active for less than  
25 the 5-year period preceding the renewal.

26 (C) Teaching college or university courses in areas

1 relevant to the certificate area being renewed, provided  
2 that the teaching may be counted only once during the  
3 course of 5 years.

4 (D) Conferences, workshops, institutes, seminars, or  
5 symposiums designed to improve the certificate holder's  
6 knowledge and skills in the service area and applicable to  
7 the purposes listed in items (1) through (5) ~~(4)~~ of this  
8 subsection (e). One CPDU shall be awarded for each hour of  
9 attendance. No one shall receive credit for conferences,  
10 workshops, institutes, seminars, or symposiums that are  
11 designed for entertainment, promotional, or commercial  
12 purposes or that are solely inspirational or motivational.  
13 The State Superintendent of Education and regional  
14 superintendents of schools are authorized to review the  
15 activities and events provided or to be provided under this  
16 subdivision (D) and to investigate complaints regarding  
17 those activities and events. Either the State  
18 Superintendent of Education or a regional superintendent  
19 of schools may recommend that the State Board of Education  
20 disapprove those activities and events considered to be  
21 inconsistent with this subdivision (D).

22 (E) Completing non-university credit directly related  
23 to student achievement, school improvement plans, or State  
24 priorities.

25 (F) Participating in or presenting at workshops,  
26 seminars, conferences, institutes, or symposiums.

1           (G) Training as external reviewers for quality  
2 assurance.

3           (H) Training as reviewers of university teacher  
4 preparation programs.

5           (I) Other educational experiences related to improving  
6 the school service personnel's knowledge and skills as a  
7 teacher, including (i) participating in action research  
8 and inquiry projects; (ii) traveling related to one's  
9 assignment and directly related to school service  
10 personnel achievement or school improvement plans and  
11 approved by the regional superintendent of schools or his  
12 or her designee at least 30 days prior to the travel  
13 experience, provided that the traveling shall not include  
14 time spent commuting to destinations where the learning  
15 experience will occur; (iii) participating in study groups  
16 related to student achievement or school improvement  
17 plans; (iv) serving on a statewide education-related  
18 committee, including without limitation the State Teacher  
19 Certification Board, State Board of Education strategic  
20 agenda teams, or the State Advisory Council on Education of  
21 Children with Disabilities; (v) participating in  
22 work/learn programs or internships; or (vi) developing a  
23 portfolio of student and teacher work.

24           (J) Professional leadership experiences related to  
25 improving the teacher's knowledge and skills as a teacher,  
26 including (i) participating in curriculum development or

1 assessment activities at the school, school district,  
2 regional office of education, State, or national level;  
3 (ii) participating in team or department leadership in a  
4 school or school district; (iii) participating on external  
5 or internal school or school district review teams; (iv)  
6 publishing educational articles, columns, or books  
7 relevant to the certificate area being renewed; or (v)  
8 participating in non-strike-related professional  
9 association or labor organization service or activities  
10 related to professional development.

11 (Source: P.A. 94-105, eff. 7-1-05; 95-592, eff. 7-1-08.)

12 Section 5. The Higher Education Student Assistance Act is  
13 amended by adding Section 67 and by changing Section 75 as  
14 follows:

15 (110 ILCS 947/67 new)

16 Sec. 67. Illinois DREAM Fund Commission.

17 (a) The Illinois Student Assistance Commission shall  
18 establish an Illinois DREAM Fund Commission. The Governor shall  
19 appoint, with the advice and consent of the Senate, members to  
20 the Illinois DREAM Fund Commission, which shall be comprised of  
21 9 members representing the geographic and ethnic diversity of  
22 this State, including students, college and university  
23 administrators and faculty, and other individuals committed to  
24 advancing the educational opportunities of the children of

1 immigrants.

2 (b) The Illinois DREAM Fund Commission is charged with all  
3 of the following responsibilities:

4 (1) Administering this Section and raising funds for  
5 the Illinois DREAM Fund.

6 (2) Establishing a not-for-profit entity charged with  
7 raising funds for the administration of this Section, any  
8 educational or training programs the Commission is tasked  
9 with administering, and funding scholarships to students  
10 who are the children of immigrants to the United States.

11 (3) Publicizing the availability of scholarships from  
12 the Illinois DREAM Fund.

13 (4) Selecting the recipients of scholarships funded  
14 through the Illinois DREAM Fund.

15 (5) Researching issues pertaining to the availability  
16 of assistance with the costs of higher education for the  
17 children of immigrants and other issues regarding access  
18 for and the performance of the children of immigrants  
19 within higher education.

20 (6) Overseeing implementation of the other provisions  
21 of this amendatory Act of the 97th General Assembly.

22 (7) Establishing and administering training programs  
23 for high school counselors and counselors, admissions  
24 officers, and financial aid officers of public  
25 institutions of higher education. The training programs  
26 shall instruct participants on the educational

1 opportunities available to college-bound students who are  
2 the children of immigrants, including, but not limited to,  
3 in-state tuition and scholarship programs. The Illinois  
4 DREAM Fund Commission may also establish a public awareness  
5 campaign regarding educational opportunities available to  
6 college bound students who are the children of immigrants.

7 The Illinois DREAM Fund Commission shall establish, by  
8 rule, procedures for accepting and evaluating applications for  
9 scholarships from the children of immigrants and issuing  
10 scholarships to selected student applicants.

11 (c) To receive a scholarship under this Section, a student  
12 must meet all of the following qualifications:

13 (1) Have resided with his or her parents or guardian  
14 while attending a public or private high school in this  
15 State.

16 (2) Have graduated from a public or private high school  
17 or received the equivalent of a high school diploma in this  
18 State.

19 (3) Have attended school in this State for at least 3  
20 years as of the date he or she graduated from high school  
21 or received the equivalent of a high school diploma.

22 (4) Have at least one parent who immigrated to the  
23 United States.

24 (d) The Illinois Student Assistance Commission shall  
25 establish an Illinois DREAM Fund to provide scholarships under  
26 this Section. The Illinois DREAM Fund shall be funded entirely

1 from private contributions.

2 (110 ILCS 947/75)

3 Sec. 75. College savings programs.

4 (a) Purpose. The General Assembly finds and hereby declares  
5 that for the benefit of the people of the State of Illinois,  
6 the conduct and increase of their commerce, the protection and  
7 enhancement of their welfare, the development of continued  
8 prosperity and the improvement of their health and living  
9 conditions, it is essential that all citizens with the  
10 intellectual ability and motivation be able to obtain a higher  
11 education. The General Assembly further finds that rising  
12 tuition costs, increasingly restrictive eligibility criteria  
13 for existing federal and State student aid programs and other  
14 trends in higher education finance have impeded access to a  
15 higher education for many middle-income families; and that to  
16 remedy these concerns, it is of utmost importance that families  
17 be provided with investment alternatives to enhance their  
18 financial access to institutions of higher education. It is the  
19 intent of this Section to establish College Savings Programs  
20 appropriate for families from various income groups, to  
21 encourage Illinois families to save and invest in anticipation  
22 of their children's education, and to encourage enrollment in  
23 institutions of higher education, all in execution of the  
24 public policy set forth above and elsewhere in this Act.  
25 College Savings Programs established under this Section must be



1 available to any individual with a valid social security number  
2 or taxpayer identification number for the benefit of any  
3 individual with a valid social security number or taxpayer  
4 identification number.

5 (b) The Commission is authorized to develop and provide a  
6 program of college savings instruments to qualifying Illinois  
7 residents ~~citizens~~. The program shall be structured to  
8 encourage parents to plan ahead for the college education of  
9 their children and to permit the long-term accumulation of  
10 savings which can be used to finance the family's share of the  
11 cost of a higher education. Income, up to \$2,000 annually per  
12 account, which is derived by individuals from investments made  
13 in accordance with College Savings Programs established under  
14 this Section shall be free from all taxation by the State and  
15 its political subdivisions, except for estate, transfer, and  
16 inheritance taxes.

17 (c) The Commission is authorized to contract with private  
18 financial institutions and other businesses, individuals, and  
19 other appropriate parties to establish and operate the College  
20 Savings Programs. The Commission may negotiate contracts with  
21 private financial and investment companies, establish College  
22 Savings Programs, and monitor the vendors administering the  
23 programs in whichever manner the Commission determines is best  
24 suited to accomplish the purposes of this Section. The Auditor  
25 General shall periodically review the operation of the College  
26 Savings Programs and shall advise the Commission and the

1 General Assembly of his findings.

2 (d) In determining the type of instruments to be offered,  
3 the Commission shall consult with, and receive the assistance  
4 of, the Illinois Board of Higher Education, the Governor's  
5 Office of Management and Budget, the State Board of  
6 Investments, the Governor, and other appropriate State  
7 agencies and private parties.

8 (e) The Commission shall market and promote the College  
9 Savings Programs to the citizens of Illinois.

10 (f) The Commission shall assist the State Comptroller and  
11 State Treasurer in establishing a payroll deduction plan  
12 through which State employees may participate in the College  
13 Savings Programs. The Department of Labor, Department of  
14 Employment Security, Department of Revenue, and other  
15 appropriate agencies shall assist the Commission in educating  
16 Illinois employers about the College Savings Programs, and  
17 shall assist the Commission in securing employers'  
18 participation in a payroll deduction plan and other initiatives  
19 which maximize participation in the College Savings Programs.

20 (g) The Commission shall examine means by which the State,  
21 through a series of matching contributions or other incentives,  
22 may most effectively encourage Illinois families to  
23 participate in the College Savings Programs. The Commission  
24 shall report its conclusions and recommendations to the  
25 Governor and General Assembly no later than February 15, 1990.

26 (h) The College Savings Programs established pursuant to

1 this Section shall not be subject to the provisions of the  
2 Illinois Administrative Procedure Act. The Commission shall  
3 provide that appropriate disclosures are provided to all  
4 citizens who participate in the College Savings Programs.

5 (Source: P.A. 94-793, eff. 5-19-06.)

6 Section 10. The Illinois Prepaid Tuition Act is amended by  
7 changing Section 45 as follows:

8 (110 ILCS 979/45)

9 Sec. 45. Illinois prepaid tuition contracts.

10 (a) The Commission may enter into an Illinois prepaid  
11 tuition contract with a purchaser under which the Commission  
12 contracts on behalf of the State to pay full tuition and  
13 mandatory fees at an Illinois public university or Illinois  
14 community college for a qualified beneficiary to attend the  
15 eligible institution to which the qualified beneficiary is  
16 admitted. Each contract shall contain terms, conditions, and  
17 provisions that the Commission determines to be necessary for  
18 ensuring the educational objectives and sustainable financial  
19 viability of the Illinois prepaid tuition program.

20 (b) Each contract shall have one designated purchaser and  
21 one designated qualified beneficiary. Unless otherwise  
22 specified in the contract, the purchaser owns the contract and  
23 retains any tax liability for its assets only until the first  
24 distribution of benefits. Contracts shall be purchased in units

1 of 15 credit hours.

2 (c) Without exception, benefits may be received by a  
3 qualified beneficiary of an Illinois prepaid tuition contract  
4 no earlier than 3 years from the date the contract is  
5 purchased.

6 (d) A prepaid tuition contract shall contain, but is not  
7 limited to, provisions for (i) refunds or withdrawals in  
8 certain circumstances, with or without interest or penalties;  
9 (ii) conversion of the contract at the time of distribution  
10 from accrued prepayment value at one type of eligible  
11 institution to the accrued prepayment value at a different type  
12 of eligible institution; (iii) portability of the accrued value  
13 of the prepayment value for use at an eligible institution  
14 located outside this State; (iv) transferability of the  
15 contract benefits within the qualified beneficiary's immediate  
16 family; and (v) a specified benefit period during which the  
17 contract may be redeemed.

18 (e) Each Illinois prepaid tuition contract also shall  
19 contain, at minimum, all of the following:

20 (1) The amount of payment or payments and the number of  
21 payments required from a purchaser on behalf of a qualified  
22 beneficiary.

23 (2) The terms and conditions under which purchasers  
24 shall remit payments, including, but not limited to, the  
25 date or dates upon which each payment shall be due.

26 (3) Provisions for late payment charges and for

1 default.

2 (4) Provisions for penalty fees payable incident to an  
3 authorized withdrawal.

4 (5) The name, date of birth, and social security number  
5 or taxpayer identification number of the qualified  
6 beneficiary on whose behalf the contract is drawn and the  
7 terms and conditions under which the contract may be  
8 transferred to another qualified beneficiary.

9 (6) The name and social security number or taxpayer  
10 identification number of any person who may terminate the  
11 contract, together with terms that specify whether the  
12 contract may be terminated by the purchaser, the qualified  
13 beneficiary, a specific designated person, or any  
14 combination of these persons.

15 (7) The terms and conditions under which a contract may  
16 be terminated, the name and social security number or  
17 taxpayer identification number of the person entitled to  
18 any refund due as a result of the termination of the  
19 contract pursuant to those terms and conditions, and the  
20 method for determining the amount of a refund.

21 (8) The time limitations, if any, within which the  
22 qualified beneficiary must claim his or her benefits  
23 through the program.

24 (9) Other terms and conditions determined by the  
25 Commission to be appropriate.

26 (f) In addition to the contract provisions set forth in

1 subsection (e), each Illinois prepaid tuition contract shall  
2 include:

3 (1) The number of credit hours contracted by the  
4 purchaser.

5 (2) The type of eligible institution and the prepaid  
6 tuition plan toward which the credit hours shall be  
7 applied.

8 (3) The explicit contractual obligation of the  
9 Commission to the qualified beneficiary to provide a  
10 specific number of credit hours of undergraduate  
11 instruction at an eligible institution, not to exceed the  
12 maximum number of credit hours required for the conference  
13 of a degree that corresponds to the plan purchased on  
14 behalf of the qualified beneficiary.

15 (g) The Commission shall indicate by rule the conditions  
16 under which refunds are payable to a contract purchaser.  
17 Generally, no refund shall exceed the amount paid into the  
18 Illinois Prepaid Tuition Trust Fund by the purchaser. In the  
19 event that a contract is converted from a Public University  
20 Plan described in subsection (j) of this Section to a Community  
21 College Plan described in subsection (k) of this Section, the  
22 refund amount shall be reduced by the amount transferred to the  
23 Illinois community college on behalf of the qualified  
24 beneficiary. Except where the Commission may otherwise rule,  
25 refunds may exceed the amount paid into the Illinois Prepaid  
26 Tuition Trust Fund only under the following circumstances:

1           (1) If the qualified beneficiary is awarded a grant or  
2 scholarship at a public institution of higher education,  
3 the terms of which duplicate the benefits included in the  
4 Illinois prepaid tuition contract, then moneys paid for the  
5 purchase of the contract shall be returned to the  
6 purchaser, upon request, in semester installments that  
7 coincide with the matriculation by the qualified  
8 beneficiary, in an amount equal to the current cost of  
9 tuition and mandatory fees at the public institution of  
10 higher education where the qualified beneficiary is  
11 enrolled.

12           (1.5) If the qualified beneficiary is awarded a grant  
13 or scholarship while enrolled at either an eligible  
14 nonpublic institution of higher education or an eligible  
15 public or private out-of-state higher education  
16 institution, the terms of which duplicate the benefits  
17 included in the Illinois prepaid tuition contract, then  
18 money paid for the purchase of the contract shall be  
19 returned to the purchaser, upon request, in semester  
20 installments that coincide with the matriculation by the  
21 qualified beneficiary. The amount paid shall not exceed the  
22 current average mean-weighted credit hour value of the  
23 registration fees purchased under the contract.

24           (2) In the event of the death or total disability of  
25 the qualified beneficiary, moneys paid for the purchase of  
26 the Illinois prepaid tuition contract shall be returned to

1 the purchaser together with all accrued earnings.

2 (3) If an Illinois prepaid tuition contract is  
3 converted from a Public University Plan to a Community  
4 College Plan, then the amount refunded shall be the value  
5 of the original Illinois prepaid tuition contract minus the  
6 value of the contract after conversion.

7 No refund shall be authorized under an Illinois prepaid  
8 tuition contract for any semester partially attended but not  
9 completed.

10 The Commission, by rule, shall set forth specific  
11 procedures for making contract payments in conjunction with  
12 grants and scholarships awarded to contract beneficiaries.

13 Moneys paid into or out of the Illinois Prepaid Tuition  
14 Trust Fund by or on behalf of the purchaser or the qualified  
15 beneficiary of an Illinois prepaid tuition contract are exempt  
16 from all claims of creditors of the purchaser or beneficiary,  
17 so long as the contract has not been terminated.

18 The State or any State agency, county, municipality, or  
19 other political subdivision, by contract or collective  
20 bargaining agreement, may agree with any employee to remit  
21 payments toward the purchase of Illinois prepaid tuition  
22 contracts through payroll deductions made by the appropriate  
23 officer or officers of the entity making the payments. Such  
24 payments shall be held and administered in accordance with this  
25 Act.

26 (h) Nothing in this Act shall be construed as a promise or



1 guarantee that a qualified beneficiary will be admitted to an  
2 eligible institution or to a particular eligible institution,  
3 will be allowed to continue enrollment at an eligible  
4 institution after admission, or will be graduated from an  
5 eligible institution.

6 (i) The Commission shall develop and make prepaid tuition  
7 contracts available under a minimum of at least 2 independent  
8 plans to be known as the Public University Plan and the  
9 Community College Plan.

10 Contracts shall be purchased in units of 15 credit hours at  
11 either an Illinois public university or an Illinois community  
12 college. The minimum purchase amount per qualified beneficiary  
13 shall be one unit or 15 credit hours. The maximum purchase  
14 amount shall be 9 units (or 135 credit hours) for the Public  
15 University Plan and 4 units (or 60 credit hours) for the  
16 Community College Plan.

17 (j) Public University Plan. Through the Public University  
18 Plan, the Illinois prepaid tuition contract shall provide  
19 prepaid registration fees, which include full tuition costs as  
20 well as mandatory fees, for a specified number of undergraduate  
21 credit hours, not to exceed the maximum number of credit hours  
22 required for the conference of a baccalaureate degree. In  
23 determining the cost of participation in the Public University  
24 Plan, the Commission shall reference the combined  
25 mean-weighted current registration fees from Illinois public  
26 universities.

1           In the event that a qualified beneficiary for whatever  
2 reason chooses to attend an Illinois community college, the  
3 qualified beneficiary may convert the average number of credit  
4 hours required for the conference of an associate degree from  
5 the Public University Plan to the Community College Plan and  
6 may retain the remaining Public University Plan credit hours or  
7 may request a refund for prepaid credit hours in excess of  
8 those required for conference of an associate degree. In  
9 determining the amount of any refund, the Commission also shall  
10 recognize the current relative credit hour cost of the 2 plans  
11 when making any conversion.

12           Qualified beneficiaries shall bear the cost of any  
13 laboratory or other non-mandatory fees associated with  
14 enrollment in specific courses. Qualified beneficiaries who  
15 are not Illinois residents shall bear the difference in cost  
16 between in-state registration fees guaranteed by the prepaid  
17 tuition contract and tuition and other charges assessed upon  
18 out-of-state students by the eligible institution.

19           (k) Community College Plan. Through the Community College  
20 Plan, the Illinois prepaid tuition contract shall provide  
21 prepaid registration fees, which include full tuition costs as  
22 well as mandatory fees, for a specified number of undergraduate  
23 credit hours, not to exceed the maximum number of credit hours  
24 required for the conference of an associate degree. In  
25 determining the cost of participation in the Community College  
26 Plan, the Commission shall reference the combined

1 mean-weighted current registration fees from all Illinois  
2 community colleges.

3 In the event that a qualified beneficiary for whatever  
4 reason chooses to attend an Illinois public university, the  
5 qualified beneficiary's prepaid tuition contract shall be  
6 converted for use at that Illinois public university by  
7 referencing the current average mean-weighted credit hour  
8 value of registration fees at Illinois community colleges  
9 relative to the corresponding value of registration fees at  
10 Illinois public universities.

11 Qualified beneficiaries shall bear the cost of any  
12 laboratory or other non-mandatory fees associated with  
13 enrollment in specific courses. Qualified beneficiaries who  
14 are not Illinois residents shall bear the difference in cost  
15 between in-state registration fees guaranteed by the prepaid  
16 tuition contract and tuition and other charges assessed upon  
17 out-of-state students by the eligible institution.

18 (1) A qualified beneficiary may apply the benefits of any  
19 Illinois prepaid tuition contract toward a nonpublic  
20 institution of higher education. In the event that a qualified  
21 beneficiary for whatever reason chooses to attend a nonpublic  
22 institution of higher education, the qualified beneficiary's  
23 prepaid tuition contract shall be converted for use at that  
24 nonpublic institution of higher education by referencing the  
25 current average mean-weighted credit hour value of  
26 registration fees purchased under the contract. The Commission

1 shall transfer, or cause to have transferred, this amount, less  
2 a transfer fee, to the nonpublic institution on behalf of the  
3 beneficiary. In the event that the cost of registration charged  
4 to the beneficiary at the nonpublic institution of higher  
5 education is less than the aggregate value of the Illinois  
6 prepaid tuition contract, any remaining amount shall be  
7 transferred in subsequent semesters until the transfer value is  
8 fully depleted.

9 (m) A qualified beneficiary may apply the benefits of any  
10 Illinois prepaid tuition contract toward an eligible  
11 out-of-state college or university. Institutional eligibility  
12 for out-of-state colleges and universities shall be determined  
13 by the Commission according to standards substantially  
14 equivalent to those for an eligible institution located in this  
15 State, as described in the definition of "institution of higher  
16 learning" in Section 10 of the Higher Education Student  
17 Assistance Act. In the event that a qualified beneficiary for  
18 whatever reason chooses to attend an eligible out-of-state  
19 college or university, the qualified beneficiary's prepaid  
20 tuition contract shall be converted for use at that college or  
21 university by referencing the current average mean-weighted  
22 credit hour value of registration fees purchased under the  
23 contract. The Commission shall transfer, or cause to have  
24 transferred, this amount, less a transfer fee, to the college  
25 or university on behalf of the beneficiary. In the event that  
26 the cost of registration charged to the beneficiary at the

1 eligible out-of-state college or university is less than the  
2 aggregate value of the Illinois prepaid tuition contract, any  
3 remaining amount shall be transferred in subsequent semesters  
4 until the transfer value is fully depleted.

5 (n) Illinois prepaid tuition contracts may be purchased  
6 either by lump sum or by installments. No penalty shall be  
7 assessed for early payment of installment contracts.

8 (o) The Commission shall annually adjust the price of new  
9 contracts, in accordance with the annual changes in  
10 registration fees at Illinois public universities and  
11 community colleges.

12 (Source: P.A. 95-217, eff. 8-16-07; 96-1282, eff. 7-26-10.)

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law."