

1 AN ACT relating to education.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The School Code is amended by changing
5 Sections 1A-1 and 1A-4 as follows:

6 (105 ILCS 5/1A-1) (from Ch. 122, par. 1A-1)

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

8 (a) (Blank). ~~The term of each member of the State Board~~
9 ~~of Education who is in office on the effective date of this~~
10 ~~amendatory Act of 1996 shall terminate on January 1, 1997 or~~
11 ~~when all of the new members initially to be appointed under~~
12 ~~this amendatory Act of 1996 are appointed by the Governor as~~
13 ~~provided in subsection (b), whichever last occurs.~~

14 (b) ~~Beginning on January 1, 1997 or when all of the new~~
15 ~~members initially to be appointed under this subsection are~~
16 ~~appointed by the Governor, whichever last occurs, and~~
17 thereafter, The State Board of Education shall consist of 11
18 9 members, who shall be appointed by the Governor with the
19 advice and consent of the Senate from a pattern of regional
20 representation as follows: 4 2 appointees shall be selected
21 from among those counties of the State other than Cook County
22 and the 5 counties contiguous to Cook County, with at least
23 one appointee selected from among those counties that
24 comprise the Fifth Judicial District, as defined under the
25 Judicial Districts Act; 2 appointees shall be selected from
26 Cook County, one of whom shall be a resident of the City of
27 Chicago and one of whom shall be a resident of that part of
28 Cook County which lies outside the city limits of Chicago; 2
29 appointees shall be selected from among the 5 counties of the
30 State that are contiguous to Cook County; and 3 members shall
31 be selected as members-at-large. At no time may more than 6

1 5 members of the Board be from one political party. Party
2 membership is defined as having voted in the primary of the
3 party in the last primary before appointment. The 9 members
4 initially appointed pursuant to Public Act 89-610 this
5 ~~amendatory--Act--of--1996~~ shall draw lots to determine 3 of
6 their number who shall serve until the second Wednesday of
7 January, 2003, 3 of their number who shall serve until the
8 second Wednesday of January, 2001, and 3 of their number who
9 shall serve until the second Wednesday of January, 1999. Of
10 the 2 additional members appointed pursuant to this
11 amendatory Act of the 92nd General Assembly, one shall be
12 designated at the time of his or her appointment to serve
13 until the second Wednesday of January, 2007 and the other
14 shall be designated at the time of his or her appointment to
15 serve until the second Wednesday of January, 2005, with each
16 to serve until his or her successor is appointed and
17 qualified. In the event the Senate is not in session at the
18 time the 2 additional members are appointed pursuant to this
19 amendatory Act of the 92nd General Assembly, the Governor
20 shall make those appointments as temporary appointments until
21 the next meeting of the Senate when the Governor shall
22 appoint, by and with the advice and consent of the Senate, 2
23 persons to fill those memberships for their unexpired terms.
24 Upon expiration of the terms of the members initially
25 appointed under Public Act 89-610 or under this amendatory
26 Act of the 92nd General Assembly ~~this-amendatory-Act-of-1996~~,
27 their respective successors shall be appointed for terms of 6
28 years, from the second Wednesday in January of each odd
29 numbered year and until their respective successors are
30 appointed and qualified. Vacancies in terms shall be
31 filled by appointment by the Governor with the advice and
32 consent of the Senate for the extent of the unexpired term.
33 If a vacancy in membership occurs at a time when the Senate
34 is not in session, the Governor shall make a temporary

1 appointment until the next meeting of the Senate, when the
2 Governor shall appoint a person to fill that membership for
3 the remainder of its term. If the Senate is not in session
4 when appointments for a full term are made, the appointments
5 shall be made as in the case of vacancies.

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

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

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

9 A. Upon the appointment of the initial new Board members
10 as provided under Public Act 89-610 ~~in subsection (b) of~~
11 ~~Section 1A-1~~ and every 2 years thereafter, the chairperson of
12 the Board shall be selected by the Governor, with the advice
13 and consent of the Senate, from the membership of the Board
14 to serve as chairperson for 2 years.

15 B. The Board shall determine the qualifications of and
16 appoint a chief education officer to be known as the State
17 Superintendent of Education who shall serve at the pleasure
18 of the Board and pursuant to a performance-based contract
19 linked to statewide student performance and academic
20 improvement within Illinois schools. No performance-based
21 contract issued for the employment of the State
22 Superintendent of Education shall be for a term longer than 3
23 years and no contract shall be extended or renewed prior to
24 its scheduled expiration unless the performance and
25 improvement goals contained in the contract have been met.
26 The State Superintendent of Education shall not serve as a
27 member of the State Board of Education. The Board shall set
28 the compensation of the State Superintendent of Education who
29 shall serve as the Board's chief executive officer. The Board
30 shall also establish the duties, powers and responsibilities
31 of the State Superintendent, which shall be included in the
32 State Superintendent's performance-based contract along with
33 the goals and indicators of student performance and academic

1 improvement used to measure the performance and effectiveness
2 of the State Superintendent. The State Board of Education may
3 delegate to the State Superintendent of Education the
4 authority to act on the Board's behalf, provided such
5 delegation is made pursuant to adopted board policy or the
6 powers delegated are ministerial in nature. The State Board
7 may not delegate authority under this Section to the State
8 Superintendent to (1) nonrecognize school districts, (2)
9 withhold State payments as a penalty, or (3) make final
10 decisions under the contested case provisions of the Illinois
11 Administrative Procedure Act unless otherwise provided by
12 law.

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

30 D. Two members of the Board shall be appointed by the
31 chairperson to serve on a standing joint Education Committee,
32 2 others shall be appointed from the Board of Higher
33 Education, 2 others shall be appointed by the chairperson of
34 the Illinois Community College Board, and 2 others shall be

1 appointed by the chairperson of the Human Resource Investment
2 Council. The Committee shall be responsible for making
3 recommendations concerning the submission of any workforce
4 development plan or workforce training program required by
5 federal law or under any block grant authority. The
6 Committee will be responsible for developing policy on
7 matters of mutual concern to elementary, secondary and higher
8 education such as Occupational and Career Education, Teacher
9 Preparation and Certification, Educational Finance,
10 Articulation between Elementary, Secondary and Higher
11 Education and Research and Planning. The joint Education
12 Committee shall meet at least quarterly and submit an annual
13 report of its findings, conclusions, and recommendations to
14 the State Board of Education, the Board of Higher Education,
15 the Illinois Community College Board, the Human Resource
16 Investment Council, the Governor, and the General Assembly.
17 All meetings of this Committee shall be official meetings for
18 reimbursement under this Act.

19 E. Six Five members of the Board shall constitute a
20 quorum. A majority vote of the members appointed, confirmed
21 and serving on the Board is required to approve any action.

22 The Board shall prepare and submit to the General
23 Assembly and the Governor on or before January 14, 1976 and
24 annually thereafter a report or reports of its findings and
25 recommendations. Such annual report shall contain a separate
26 section which provides a critique and analysis of the status
27 of education in Illinois and which identifies its specific
28 problems and recommends express solutions therefor. Such
29 annual report also shall contain the following information
30 for the preceding year ending on June 30: each act or
31 omission of a school district of which the State Board of
32 Education has knowledge as a consequence of scheduled,
33 approved visits and which constituted a failure by the
34 district to comply with applicable State or federal laws or

1 regulations relating to public education, the name of such
2 district, the date or dates on which the State Board of
3 Education notified the school district of such act or
4 omission, and what action, if any, the school district took
5 with respect thereto after being notified thereof by the
6 State Board of Education. The report shall also include the
7 statewide high school dropout rate by grade level, sex and
8 race and the annual student dropout rate of and the number of
9 students who graduate from, transfer from or otherwise leave
10 bilingual programs. The Auditor General shall annually
11 perform a compliance audit of the State Board of Education's
12 performance of the reporting duty imposed by this amendatory
13 Act of 1986. A regular system of communication with other
14 directly related State agencies shall be implemented.

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

25 (Source: P.A. 89-430, eff. 12-15-95; 89-610, eff. 8-6-96;
26 89-698, eff. 1-14-97; 90-548, eff. 1-1-98.)

27 Section 99. Effective date. This Act takes effect July
28 1, 2001.