

1 AMENDMENT TO HOUSE BILL 3673

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3673, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The School Code is amended by changing  
6 Sections 18-9 and 18-12 as follows:

7 (105 ILCS 5/18-9) (from Ch. 122, par. 18-9)

8 Sec. 18-9. Requirement--for--special--equalization--and  
9 Supplementary State aid in cases of bankruptcy.

10 (a) (Blank). Any----school---district---claiming---an  
11 equalization-quota-may--not--increase--its--annual--net--cash  
12 balance-in-the-educational-fund-for-the-fiscal-school-year-by  
13 failing--to--expend-for-educational-purposes-the-total-of-(1)  
14 the-general-grant,-(2)-the-equalization-quota,-and--(3)--the  
15 amount--determined--by--applying--the--qualifying-rate-to-the  
16 equalized-assessed-valuation-of-the-district.---Any--district  
17 which--increases--such--annual-net-cash-balance-by-failing-to  
18 expend-the-amount-received-from-the-sum-of--(1)--the--general  
19 grant,-(2)--the--equalization--quota,-and--(3)--the--amount  
20 determined--by--applying-the-qualifying-rate-to-the-equalized  
21 assessed-valuation-of-the-district,-shall-have-its-next-claim  
22 for-an-equalization-quota-reduced-in-an-amount-equal--to--the

1 difference--between-its-expenditures-for-educational-purposes  
2 and-that-sum.

3 Current-expenditures-made-in-any-district-receiving-a  
4 special-equalization-quota-and-governed-by-a-board-of  
5 directors-must-be-approved-in-advance-by-the-regional  
6 superintendent.

7 If, as-a-result-of-tax-objections-based-on-inequities-of  
8 assessment, a-final-decision-of-any-court, entered-not-more  
9 than-one-year-before-or-3-years-after-August-26, 1963,  
10 reduces-the-taxes-received-by-the-educational-fund-of-a  
11 school-district, for-any-given-year, in-an-amount-equal-to-or  
12 more-than-3%--of--the--total--amount--of--taxes-extended-for  
13 educational-purposes-of-the-district, that-district-may-amend  
14 its-claim-for-equalization-aid-for-that-year-by-adding  
15 thereto-an-amount-determined-by-multiplying-the-deficiency-in  
16 tax--receipts--by--a--percentage-computed-by-dividing-the-tax  
17 rate-required-in-Section--18-8--to--receive--an--equalization  
18 quota--by--the--tax--rate-originally-extended-for-educational  
19 purposes.--The-amended-claim-including-any-additional--monies  
20 to--which--the-district-may-be-entitled-shall-be-filed-within  
21 three-years-of-the-date-of-such-decision-and--the--additional  
22 amount-paid-as-supplementary-state-equalization-aid.

23 (b) Any--elementary, high-school-or-unit-district-which  
24 for-the-year-1971, as--compared--to--the--year--1970,--has--a  
25 decrease--of--more--than--40%--in--the--value--of--all--its--taxable  
26 property-as--equalized--or--assessed--by--the--Department--of  
27 Revenue,--shall-be-entitled-to-file-a-claim-for-supplementary  
28 State-aid-with-the-Office--of--the--State--Superintendent--of  
29 Education.---The--amount--of--such-aid-shall-be-determined-by  
30 multiplying-the-amount-of-the-decrease-in-the--value--of--the  
31 district's--taxable--property-times-the-total-of-the-1972-tax  
32 rates-for-school-purposes-less--the--sum--of--the--district's  
33 qualifying--tax--rates--for--educational--and--transportation  
34 purposes--extended--by--such--district.--Such-claims-shall-be

1 filed on forms prescribed by the Superintendent, and the  
 2 Superintendent upon receipt of such claims shall adjust the  
 3 claim of each such district in accordance with the provisions  
 4 of this Section.

5 Where property comprising an aggregate assessed valuation  
 6 equal to 3% or more of the total assessed valuation of all  
 7 taxable property in a school the district is owned by a  
 8 person or corporation who is the subject of bankruptcy  
 9 proceedings or has been adjudged a bankrupt and, as a result  
 10 thereof, has not paid taxes on that property for 2 or more  
 11 years, that district may amend its general State aid claim  
 12 (i) back to the inception of such bankruptcy, not to exceed 6  
 13 years, in which time such taxes were not paid and (ii) for  
 14 each succeeding year that such taxes remain unpaid, by adding  
 15 to that claim an amount determined by multiplying the  
 16 assessed valuation of the property on which taxes have not  
 17 been paid due to the bankruptcy by the tax rate required in  
 18 Section 18-8 to receive an equalization quota or after July  
 19 17, 1973, by the applicable district's operating tax rate used  
 20 in calculating the district's general State aid under  
 21 paragraph (3) of subsection (D) of Section 18-8.05 of this  
 22 Code for general state aid purposes. If at any time a  
 23 district which receives additional State aid under the  
 24 provisions of this Section paragraph receives tax revenue  
 25 from such property for the years that taxes were not paid,  
 26 its next claim for State aid shall be reduced in an amount  
 27 equal to the taxes paid on such property, not to exceed the  
 28 additional State aid received under the provisions of this  
 29 Section paragraph. The Such claims made under this Section  
 30 shall be filed on forms prescribed by the State  
 31 Superintendent of Education, and the State Superintendent  
 32 upon receipt of such claims shall adjust the claims claim of  
 33 each such district in accordance with the provisions of this  
 34 Section paragraph. The supplementary State aid for each

1 succeeding year shall be paid beginning with the first  
2 general State aid claim paid after the district has filed a  
3 completed claim in accordance with this Section.

4 (Source: P.A. 81-1509.)

5 (105 ILCS 5/18-12) (from Ch. 122, par. 18-12)

6 Sec. 18-12. Dates for filing State aid claims.} The  
7 school board of each school district shall require teachers,  
8 principals, or superintendents to furnish from records kept  
9 by them such data as it needs in preparing and certifying  
10 under oath or affirmation to the regional superintendent its  
11 school district report of claims provided in Sections 18-8  
12 through 18-10 on blanks to be provided by the State  
13 Superintendent of Education. The district claim shall be  
14 based on the latest available equalized assessed valuation  
15 and tax rates, as provided in Section 18-8.05 18-8 and shall  
16 use the average daily attendance as determined by the method  
17 outlined in Section 18-8.05 18-8 and shall be certified and  
18 filed with the regional superintendent by July 1. Failure to  
19 so file by July 1 constitutes a forfeiture of the right to  
20 receive payment by the State until such claim is filed and  
21 vouchered for payment. The regional superintendent of  
22 schools shall certify the county report of claims by July 15;  
23 and the State Superintendent of Education shall voucher for  
24 payment those claims to the State Comptroller as provided in  
25 Section 18-11.

26 Except as otherwise provided in this Section, if any  
27 school district fails to provide the minimum school term  
28 specified in Section 10-19, the State aid claim for that year  
29 shall be reduced by the State Superintendent of Education in  
30 an amount equivalent to .56818% for each day less than the  
31 number of days required by this Code Act. However,

32 If the State Superintendent of Education determines that  
33 the such failure to provide the minimum school term was

1 occasioned by an act or acts of God, or was occasioned by  
2 conditions beyond the control of the school district which  
3 posed a hazardous threat to the health and safety of pupils,  
4 the State aid claim need not be reduced.

5 If the State Superintendent of Education determines that  
6 the failure to provide the minimum school term was due to a  
7 school being closed on or after September 11, 2001 for more  
8 than one-half day of attendance due to a bioterrorism or  
9 terrorism threat that was investigated by a law enforcement  
10 agency, the State aid claim shall not be reduced.

11 If, during any school day, (i) a school district has  
12 provided at least one clock hour of instruction but must  
13 close the schools due to adverse weather conditions or due to  
14 a condition beyond the control of the school district that  
15 poses a hazardous threat to the health and safety of pupils  
16 prior to providing the minimum hours of instruction required  
17 for a full day of attendance, or (ii) the school district  
18 must delay the start of the school day due to adverse weather  
19 conditions and this delay prevents the district from  
20 providing the minimum hours of instruction required for a  
21 full day of attendance, the partial day of attendance may be  
22 counted as a full day of attendance. The partial day of  
23 attendance and the reasons therefor shall be certified in  
24 writing within a month of the closing or delayed start by the  
25 local school district superintendent to the Regional  
26 Superintendent of Schools for forwarding to the State  
27 Superintendent of Education for approval.

28 If a school building is ordered to be closed by the  
29 school board, in consultation with a local emergency response  
30 agency, due to a condition that poses a hazardous threat to  
31 the health and safety of pupils, then the school district  
32 shall have a grace period of 4 days in which the general  
33 State aid claim shall not be reduced so that alternative  
34 housing of the pupils may be located.

1           No exception to the requirement of providing a minimum  
2 school term may be approved by the State Superintendent of  
3 Education pursuant to this Section unless a school district  
4 has first used all emergency days provided for in its regular  
5 calendar.

6           If the State Superintendent of Education declares that an  
7 energy shortage exists during any part of the school year for  
8 the State or a designated portion of the State, a district  
9 may operate the school attendance centers within the district  
10 4 days of the week during the time of the shortage by  
11 extending each existing school day by one clock hour of  
12 school work, and the State aid claim shall not be reduced,  
13 nor shall the employees of that district suffer any reduction  
14 in salary or benefits as a result thereof. A district may  
15 operate all attendance centers on this revised schedule, or  
16 may apply the schedule to selected attendance centers, taking  
17 into consideration such factors as pupil transportation  
18 schedules and patterns and sources of energy for individual  
19 attendance centers.

20           No State aid claim may be filed for any district unless  
21 the clerk or secretary of the school board executes and files  
22 with the State Superintendent of Education, on forms  
23 prescribed by the Superintendent, a sworn statement that the  
24 district has complied with the requirements of Section  
25 10-22.5 in regard to the nonsegregation of pupils on account  
26 of color, creed, race, sex or nationality.

27           No State aid claim may be filed for any district unless  
28 the clerk or secretary of the school board executes and files  
29 with the State Superintendent of Education, on forms  
30 prescribed by the Superintendent, a sworn statement that to  
31 the best of his or her knowledge or belief the employing or  
32 assigning personnel have complied with Section 24-4 in all  
33 respects.

34           (Source: P.A. 90-98, eff. 7-11-97.)

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.".