

Illinois State Board of Education

Governmental Relations Committee of the Whole

January 13, 2010

10:15 a.m.

All open meetings will be audio cast on the Internet at: www.isbe.net

AGENDA (*timeframes are estimated for planning purposes*)

- I. Roll Call
- II. Board Member Participation by Other Means
- III. Public Participation (*15 minutes maximum*)
- IV. Minutes of the December Governmental Relations Committee of the Whole Meeting (**pp. 24**)
- V. *Legislative Proposals (*Nicole Wills, Cynthia Riseman, Darren Reisberg*) 10:30 – 11:15 a.m. (**pp. 5-43**)
- VI. *Recommended Denials of District Requests for Waivers or Modifications 11:15 – 11:35 a.m.
(*Robin Lisboa, Don Evans, Winnie Tuthill, Darren Reisberg*)
 - A. Arlington Heights School District 25 (**pp. 44-49**)
 - B. School District #46 (Elgin) (**pp. 50-56**)
 - C. Kildeer Countryside Community Consolidated School District #96 (**pp. 57-69**)
- VII. *Spring Mandate Waiver Report (*Winnie Tuthill, Shelley Helton*) 11:35 – 11:45 a.m. (**pp. 70-75**)
- VIII. Committee Agenda Planning/Additional Items
- IX. Committee Wrap-up – as needed (*Superintendent Koch*)
- X. Adjourn

* Items listed with an asterisk (*) will be discussed in committee and Board action may be taken in the plenary session.

GOVERNMENTAL RELATIONS COMMITTEE OF THE WHOLE

Thursday, December 17th, 2009

Springfield, Illinois

Á
Á

Committee Members Present

Ms. Lanita Koster, Chair
Ms. Andrea Brown
Dr. David Fields
Dr. Vinni Hall
Ms. Joyce Karon
Ms. Lanita Koster
Dr. Chris Ward

Committee Members Absent

Mr. Jesse Ruiz

Staff Present

Superintendent Chris Koch
Cynthia Riseman
Nicole Wills
Connie Wise
Beth Hanselman
Linda Tomlinson
Jean Ladage
Marsha Moffett

.
.

I. Roll Call: See above.

Á

II. Board Member Participation by Other Means: None.

Á

III. Public Participation: None

Á

IV. Minutes of the October Committee Meeting

Board member David Fields made a motion to approve the October Committee meeting minutes and Chris Ward seconded the motion. The minutes were approved with a unanimous voice vote.

V. Cumulative Waiver Report

ISBE staff member Winnie Tuthill presented the 30th Waiver Report that must be submitted to the General Assembly by February 1. The report contains a summary of applications for modifications of ISBE rules that the State Board acted upon, as well as waiver applications that are subject to the review of the General Assembly.

Á
Committee members discussed the proposed staff recommendations for statutory change to the driver's education fee. Board member David Fields made a motion and Vinnie Hall seconded to approve, in Plenary Session, the Superintendent's Recommendation of transmitting to the General Assembly the recommendation to eliminate the fee limit of \$50 in Section 27-24.2 of the School Code, thus allowing districts to establish the fee in response to local conditions.

Á
The motion was unanimously approved in plenary session and the February Cumulative Waiver Report will include a recommendation to the General Assembly to address the driver's education fee issue.

Á

VI. ISBE Legislative Agenda Update

Government relations staff updated the Committee on upcoming General Assembly Session schedule including a session on January 12-14, and the Governor's State of the State address on January 12.

Á
Staff also provided an update on the potential legislative proposals that were discussed during the August Board retreat and in subsequent Board meetings, specifically:

Nicole Wills discussed the urgency to move forward with the following three initiatives as a means to strengthen the State's application for Race to the Top:

- Performance Evaluation Act
 - Currently, looking at changes within Article 24A specifically tying teacher and principal evaluations to student performance.
 - Legislative change includes state support for implementing district evaluation changes.
- Underperforming School Incentives
 - Currently examining the idea of teacher relocation, fast track tenure, and pension/retirement changes as incentives.
 - Looking at ways to provide flexibility while noting the fiscal condition of the state.
- Alternative Certification
 - Utilizing not-for-profits, acting independently of institutions of higher education, to offer and expand alternative teacher certification programs.
 - Programs must adhere to standards and requirements currently required by the State Board of Education.

The Board discussed the implications of moving these reform initiatives in a fast track fashion, the implications on schools, teachers, and other stakeholders, as well as the need to carefully implement reforms.

Superintendent Koch reported that should the State receive Race to the Top funding, allocations from the state portion will be made to assist districts in the implementation of reform measures.

Government Relations staff reported on Anti-Bullying legislative proposal, specifically the importance of the legislation in response to the information received by the Board in the Work Study during the previous day. According to the Youth Risk Behavior Survey results, bullying has been shown to be on the rise and the impact has been shown to be widespread. The Illinois Safe Schools Alliance has been assisting us with legislation to better address bullying.

Specifically, the components of the legislation include:

- An expansion of the mandate currently on schools to submit a policy to the State Board, however, with careful consideration of impact on local districts;
- Greater structure to provide relief to school entities that need help;
- Examination of the legislative work of Florida, Massachusetts and other states;
- A definition of bullying that builds upon previous General Assembly action with careful consideration of student utilization of technology, school district reporting, student consequences, as well as district action.

Board members recommended that ISBE involve relevant state agency and community partners to stem the issue of bullying.

The Committee agreed that staff would bring the following proposals back to the committee in January with further information:

- Certification/Reorganization of Article 21
 - Goal is to clean-up and restructure the Code;
 - Create a “one license” system with varying endorsements;
 - Discussions of restructured Teacher Certification Board and creation of a new Professional Practice Board;
 - Careful examination of implementation timelines.
- Financial Oversight Panel/School Finance Authority (FOP/SFA) Legislation
 - Provides an alternative avenue for ISBE staff to work in coordination with districts facing financial difficulty;
 - Stakeholder groups have been engaged in discussions of draft proposal.
- Pending budget action in January, staff will work on related budget legislation (e.g. Hold Harmless, Chicago Block Grant, etc.)

IX. Committee Agenda Planning/Additional Items: Not discussed

X. Committee Wrap-up: Not needed

XI. Adjourn

The Governmental Relations Committee adjourned at 9:50 a.m. A motion was made by Dave Fields and was seconded by Vinni Hall.

ILLINOIS STATE BOARD OF EDUCATION MEETING
January 13-14, 2010

TO: Governmental Relations Committee of the Whole

FROM: Christopher A. Koch, Ed.D., State Superintendent of Education
Darren Reisberg, Deputy Superintendent/General Counsel 

Agenda Topic: Legislative Proposals

Materials: Attachment A: Obsolete, Duplicative and Streamlining proposal
Attachment B: Financial Oversight Panels/School Finance Authorities proposal

Staff Contact(s): Cynthia Riseman, Liaison, Governmental Relations
Nicole Wills, Liaison, Governmental Relations

Purpose of Agenda Item

The purpose of the agenda item is to continue discussing the legislative proposals the Board has been considering over the last several months. Proposals would be submitted for the spring 2010 legislative session.

The Superintendent is recommending the Board vote to formally approve three legislative initiatives during the January Board meeting with the caveat that Governmental Relations staff can continue to work with education stakeholders to appropriately amend the proposals moving forward.

Superintendent's Recommendation

The State Superintendent recommends that the State Board of Education adopt the following motion:

The State Board of Education hereby authorizes the following legislative proposals to move forward as agency initiated proposals for the spring 2010 legislative session:

- Obsolete, Duplicative and Streamlining language proposal
- Financial Oversight Panels/School Finance Authorities (FOP/SFA) Consolidation
- Re-write of Article 21

Next Steps

Staff will move forward with drafting all approved legislative proposals and will proceed with securing legislative sponsors for the spring 2010 legislative session.

LEGISLATIVE PROPOSAL

Obsolete, Duplicative and Streamlining Language Proposal

Give a narrative description of the changes you are proposing.

This proposal will a) combine statutory suggestions from all divisions within the agency for programs and functions that are no longer necessary and need to be repealed, b) revise and update current statutory provisions, and c) streamline current processes and procedures.

Explain the reasons for the legislation and what you hope to accomplish with the proposal. Detail any incidents demonstrating the need for the requested change.

These changes clear up confusion for the benefit of both ISBE staff and the field. In addition, a number of changes are proposed as a result of audit findings.

Provide a detailed analysis of the proposal's fiscal implications for ISBE, local school districts, regional offices or education, and other state agencies.

None.

List the anticipated proponents and opponents of the proposal and other barriers to its enactment.

This proposal is still in the development process. In the past, ISBE staff have worked to review proposed amendments with a group of stakeholders to address questions and concerns and to draft what we hope will be an "agreed to" bill.

Preferred effective date: July 1, 2010

Clean-up Bill Overview

| Statute | Proposed Statutory Changes | Reason | Division |
|----------------------|--|---|---------------------------------|
| 30 ILCS 105/13.2 (e) | Currently allows transfer from Common Schools Fund to Education Assistance Fund; change would allow transfers both ways. | Comptroller would like additional flexibility to pay General State Aid in the most flexible way possible. | Budget and Financial Management |

(30 ILCS 105/13.2) (from Ch. 127, par. 149.2)

Sec. 13.2. Transfers among line item appropriations.

(e) The State Board of Education, in consultation with the State Comptroller, may transfer line item appropriations for General State Aid ~~from~~ **between** the Common School Fund to the Education Assistance Fund.

(Source: P.A. 95-707, eff. 1-11-08; 96-37, eff. 7-13-09; 96-820, eff. 11-18-09.)

| Statute | Proposed Statutory Changes | Reason | Division |
|---------------------|--|---|---------------------------------|
| 105 ILCS 5/3-2.5(a) | Currently authorizes payment of regional superintendents and assistant superintendents salaries from the Common School Fund; removes designation of any particular fund. | Allows for these payments to be made from any General Fund (GRF, EAF, or CSF) | Budget and Financial Management |

(105 ILCS 5/3-2.5)

Sec. 3-2.5. Salaries.

The salaries provided in this Section for regional superintendents and assistant regional superintendents are payable monthly. ~~from the Common School Fund.~~ The State Comptroller in making his or her warrant to any county for the amount due it ~~from the Common School Fund~~ shall deduct from it the several amounts for which warrants have been issued to the regional superintendent, and any assistant regional superintendent, of the educational service region encompassing the county since the preceding apportionment of the Common School Fund.

| Statute | Proposed Statutory Changes | Reason | Division |
|-----------------------|---|--|---------------------------------|
| 105 ILCS 5/ 24A-5 (g) | Currently requires the State Board of Education to supply a state consulting teacher list; change would allow implementation of current practice of ROE generation. | While statute currently requires ISBE to provide the list of consulting teachers; the ROE's actually generate. | Educator and School Development |

(105 ILCS 5/24A-5)

(g) participation in the remediation plan by the teacher rated "unsatisfactory", a district administrator qualified under Section 24A 3 (or in a school district having a population exceeding 500,000 an administrator qualified under Section 24A 3 or an assistant principal under the supervision of an administrator qualified under Section 24A 3), and a consulting teacher, selected by the participating

administrator or by the principal, or in school districts having a population exceeding 500,000 by an administrator qualified under Section 24A 3 or by an assistant principal under the supervision of an administrator qualified under Section 24A 3, of the teacher who was rated "unsatisfactory", which consulting teacher is an educational employee as defined in the Educational Labor Relations Act, has at least 5 years' teaching experience and a reasonable familiarity with the assignment of the teacher being evaluated, and who received an "excellent" rating on his or her most recent evaluation. Where no teachers who meet these criteria are available within the district, the district shall request and the ~~State Board of Education~~ **Regional Office of Education** shall supply, to participate in the remediation process, an individual who meets these criteria.

| Statute | Proposed Statutory Changes | Reason | Division |
|-------------------------|---|---|----------------|
| 5 ILCS 120/2 (c) (11) | FOIA and Open Meetings Act- change language to exempt internal audit reports if they are discussed in a public meeting of a State agency board. | Allows uniformity of FOIA and OMA regarding internal audit reports. | Internal Audit |

(5 ILCS 120/2) (from Ch. 102, par. 42)
 Sec. 2. Open meetings.

(c) Exceptions. A public body may hold closed meetings to consider the following subjects:
 New (25) Internal Agency Audit Reports discussed in a public meeting of a State Agency Board.

| Statute | Proposed Statutory Changes | Reason | Division |
|--------------------|---|----------------------|---------------------------|
| 105 ILCS 230/5-200 | Clarification of PA 96-37- language should read..."district in a city with a population over 500,00 rather than school district with a population of 500,000" | Legislative clean-up | Legal / Rules and Waivers |

(105 ILCS 230/5-200)

Sec. 5-200. School energy efficiency grants.

(a) The State Board of Education is authorized to make grants to school districts, without regard to enrollment, for school energy efficiency projects. These grants shall be paid out of moneys appropriated for that purpose from the School Infrastructure Fund. No grant under this Section for one fiscal year shall exceed \$250,000, but a school district may receive grants for more than one project during one fiscal year. A school district must provide local matching funds in an amount equal to the amount of the grant under this Section. A school district has no entitlement to a grant under this Section.

(b) The State Board of Education shall adopt rules to implement this Section. These rules need not be the same as the rules for school construction project grants or school maintenance project grants. The rules may specify:

- (1) the manner of applying for grants;
- (2) project eligibility requirements;
- (3) restrictions on the use of grant moneys;
- (4) the manner in which school districts must account for the use of grant moneys; and
- (5) any other provision that the State Board determines to be necessary or useful for the administration of this Section.

(c) In each school year in which school energy efficiency project grants are awarded, 20% of the total amount awarded shall be awarded to a school district **in a city** with a population of more than 500,000, provided that the school district complies with the requirements of this Section and the rules adopted under this Section.

(Source: P.A. 96-37, eff. 7-13-09.)

| Statute | Proposed Statutory Changes | Reason | Division |
|------------------|---|---|---------------------------|
| 105 ILCS 5/14C-1 | Administrative funds request for the state bilingual line | Provides flexibility for Division to utilize funds for administration | English Language Learning |

(105 ILCS 5/14C-1) (from Ch. 122, par. 14C-1)

Sec. 14C-1. The General Assembly finds that there are large numbers of children in this State who come from environments where the primary language is other than English. Experience has shown that public school classes in which instruction is given only in English are often inadequate for the education of children whose native tongue is another language. The General Assembly believes that a program of transitional bilingual education can meet the needs of these children and facilitate their integration into the regular public school curriculum. Therefore, pursuant to the policy of this State to insure equal educational opportunity to every child, and in recognition of the educational needs of children of limited English-speaking ability, it is the purpose of this Act to provide for the establishment of transitional bilingual education programs in the public schools, to provide supplemental financial assistance to help local school districts meet the extra costs of such programs, **and to allow the state to provide technical assistance and professional development to support transitional bilingual education programs statewide.**

(Source: P.A. 94-1105, eff. 6-1-07.)

| Statute | Proposed Statutory Changes | Reason | Division |
|--------------------|--|--|---|
| 105 ILCS 5/2-3.11d | Change due date of report from August 1 to October 1 | Allows for the collection and use of most recent data. | School Support Services/ Educator Certification |

105 ILCS 5/2-3.11d)

Sec. 2-3.11d. Data on tests required for teacher preparation and certification. Beginning with the effective date of this amendatory Act of the 94th General Assembly, to collect and maintain all of the following data for each institution of higher education engaged in teacher preparation in this State:

- (1) The number of individuals taking the test of basic skills under Section 21-1a of this Code.
- (2) The number of individuals passing the test of basic skills under Section 21-1a of this Code.
- (3) The total number of subject-matter tests attempted under Section 21-1a of this Code.
- (4) The total number of subject-matter tests passed under Section 21-1a of this Code.

The data regarding subject-matter tests shall be reported in sum, rather than by separately listing each subject, in order to better protect the identity of the test-takers.

On or before August 1, 2007, the State Board of Education shall file with the General Assembly and the Governor and shall make available to the public a report listing the institutions of higher education engaged

in teacher preparation in this State, along with the data listed in items (1) and (2) of this Section pertinent to each institution.

On or before ~~August 1, 2009~~ **October 1, 2012** and every 3 years thereafter, the State Board of Education shall file with the General Assembly and the Governor and shall make available to the public a report listing the institutions of higher education engaged in teacher preparation in this State, along with the data listed in items (1) through (4) of this Section pertinent to each institution.

(Source: P.A. 94-935, eff. 6-26-06.)

| Statute | Proposed Statutory Changes | Reason | Division |
|--------------------|---|---|------------|
| 105 ILCS 5/27-12.1 | Removed requirement for ISBE to generate and provide, and schools to implement, the consumer education proficiency test | Very low passage rate and cost to the state of about \$120,000 a year | Assessment |

(105 ILCS 5/27-12.1) (from Ch. 122, par. 27-12.1)

Sec. 27-12.1. Consumer education.

~~(b) Prior to the commencement of the 1986-1987 school year and prior to the commencement of each school year thereafter, the State Board of Education shall devise, develop and furnish to each school district within the State a uniform Annual Consumer Education Proficiency Test to be administered by each school district to those pupils of the district in grades 9 through 12 who elect to take the same, provided that no pupil shall be permitted to take the test more than once in any school year. Each year the State Board of Education shall by rule prescribe the date or dates during the school year on which school districts shall administer the test devised and developed for that school year, together with the uniform standards which all districts shall apply in scoring that test. The test shall be devised and developed by the State Board of Education each year in a standardized manner to allow any pupil who takes the same and who achieves a score thereon which is not less than the minimum score established by the State Board of Education for the test so taken to thereby demonstrate sufficient proficiency in the area of consumer education as shall excuse such pupil from the necessity of receiving, as a prerequisite to graduation from high school and receipt of a high school diploma, the minimum amount of instruction in a consumer education curriculum otherwise required by subsection (a) and the rules or regulations promulgated thereunder. For purposes of this subsection, "proficiency" is defined to mean that a pupil is competent in and has a well advanced knowledge of consumer education so that study of the course of instruction required by this Section would not be substantially educationally beneficial as determined by the State Board of Education when developing the uniform standards and minimum score requirements of this Section.~~

(Source: P.A. 94-929, eff. 6-26-06; 95-863, eff. 1-1-09.)

LEGISLATIVE PROPOSAL

FOP/SFA

Give a narrative description of the changes you are proposing.

The proposed legislation would provide consolidation provisions for Financial Oversight Panels and the School Finance Authorities and allow for the eventual repeal of Articles 1E and 1F.

Explain the reasons for the legislation and what you hope to accomplish with the proposal. Detail any incidents demonstrating the need for the requested change.

Facing ever increasing challenges to school district financial solvency, ISBE staff propose that legislation be introduced to allow the State Board the flexibility to intervene in difficult financial situations and to do so in the most meaningful way.

Currently, the School Code contains one article related to Financial Oversight Panels and two articles related to School Finance Authorities. SFAs have more latitude to rectify financial issues in school districts than do FOPs. From the perspective of ISBE staff, it would be far more efficient for the School Code to establish one type of financial oversight body (for purposes of this summary, the "Panel"), which would have the authority that SFAs currently possess. The Panel would consist of a five member board. School districts under current FOPs and SFAs would continue to operate as they have been while in existence, but any future FOPs would be under the new statute and old SFAs and FOPs would be repealed when there were no longer any in existence.

This legislation is similar to HB 2676 proposed by the Board last year with the following changes:

40 ILCS 5/7-105: Adds the Chief Executive Officer, Chief Fiscal Officer, Chief Educational Officer or other employees of the Panel to the pension Code.

105 ILCS 5/1A-8: The addition of language in 1A-8(iv) and 1A-8(5) has been done to allow for certification in the event that a district cannot meet payroll.

105 ILCS 5/1H-25: Amends the general powers section of the new FOP to specifically prohibit an FOP from incurring any debt to buy, lease or build school buildings without a front door referendum

105 ILCS 5/1H-43 NEW: This is a new Section that adds provisions concerning school treasurers. Specifically, paragraph (a) deals with all counties outside of Cook and those areas in Cook that have withdrawn from the school trustees. It states that the Panel *may* remove the treasurer of the school district and appoint a new treasurer. If there is an instance where a school board member is serving as a board member and treasurer, the member would be removed as treasurer but would retain his or her seat on the board. Paragraph (b) deals with Cook County where districts are under the jurisdiction of the school trustees. These provisions give the new FOP the power to remove the district from the township treasurer, which is currently only done via referendum or legislation.

105 ILCS 5/1H-60: Specifically states that any systems developed or required to be developed or reorganized by the Panel shall be done in accordance with ISBE adopted rules.

105 ILCS 5/1H-135: These changes delete this section as it had been previously drafted and replace it with language that not only includes tax anticipation warrants, but also includes tax anticipation notes, revenue anticipation certificates or notes, GSA anticipation certificates and lines of credit. The Panel would have the ability to act as a school district in order to obtain those. This language was updated to include all the other options because they exist for school districts and the FOP should have that flexibility as well.

105 ILCS 5/1H-140: Adds language to make it clear that the report the Panel is required to submit must be audited and prepared in compliance with auditing standards.

105 ILCS 5/1H-170: This section has just been restructured to flow more clearly and be consistent with the way the process works.

105 ILCS 5/8-6: These changes also arose out of issues surrounding Lemont-Bromberek. The changes would require the school treasurer to keep separate accounting for each fund. The treasurer would have to reconcile the balances with the district's bookkeeping department, and would need to do so in conformity with a template developed by ISBE. Moreover, the district would have to submit the reconciliation to ISBE within 30 days of receipt from the treasurer. This change would apply to all school districts.

105 ILCS 5/10-16.9 NEW: This section would require that along with the changes to Section 8-6, the school board would have to provide reconciliation reports to ISBE in conformity with a template developed by us.

105 ILCS 5/17-1: This amends a section of the Code dealing with annual budgets for all districts, except Chicago. If the district AFR shows a deficit (i.e. an unbalanced budget), then the district would need to submit a deficit reduction plan to ISBE within 30 days after the board has accepted the plan.

Explain any changes in program or agency policy that would be affected by the change.

None

List the anticipated proponents and opponents of the proposal and other barriers to its enactment.

Local school districts facing financial difficulty should support this proposal as it gives the State Board greater flexibility to intervene and correct the situation.

Preferred effective date: Effective Upon Becoming Law.

AN ACT concerning education.

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

Section 5. The Property Tax Code is amended by changing Sections 18-50.1, 18-92, and 18-241 as follows:

(35 ILCS 200/18-50.1)

Sec. 18-50.1. School Finance Authority and Financial Oversight Panel levies. Notwithstanding any other law to the contrary, any levy adopted by a School Finance Authority created under Article 1F of the School Code or a Financial Oversight Panel established under Article 1H of the School Code is valid and shall be extended by the county clerk if it is certified to the county clerk by the Authority or Panel in sufficient time to allow the county clerk to include the levy in the extension for the taxable year.

(Source: P.A. 92-855, eff. 12-6-02.)

(35 ILCS 200/18-92)

Sec. 18-92. Downstate School Finance Authority for Elementary Districts Law and Financial Oversight Panel Law. The provisions of the Truth in Taxation Law are subject to the Downstate School Finance Authority for Elementary Districts Law and the Financial Oversight Panel Law of the School Code.

(Source: P.A. 95-331, eff. 8-21-07.)

(35 ILCS 200/18-241)

Sec. 18-241. School Finance Authority and Financial Oversight Panel.

(a) A School Finance Authority established under Article 1E or 1F of the School Code shall not be a taxing district for purposes of this Law. A Financial Oversight Panel established under Article 1H of the School Code shall not be a taxing district for purposes of this Law.

(b) This Law shall not apply to the extension of taxes for a school district for the levy year in which a School Finance Authority for the district is created pursuant to Article 1E or 1F of the School Code. This Law shall not apply to the extension of taxes for a school district for the levy year in which a Financial Oversight Panel for the district is created pursuant to Article 1H of the School Code.

(Source: P.A. 92-547, eff. 6-13-02; 93-501, eff. 8-11-03.)

“Section 10. The Pension Code is amended by changing Sections 7-105 and 7-109 as follows:

(40 ILCS 5/7-105) (from Ch. 108 1/2, par. 7-105)

Sec. 7-105. "Municipality": A city, village, incorporated town, county, township; financial oversight panel established pursuant to Article 1H of the school code; and any school, park, sanitary, road forest preserve, water, fire protection, public health, river conservancy, mosquito abatement, tuberculosis sanitarium, public community college district, or other local district with general continuous power to levy taxes on the property within such district; now existing or hereafter created within the State; and, for the purposes of providing annuities and benefits to its employees, the fund itself.

(Source: P.A. 84-1308.)

(40 ILCS 5/7-109) (from Ch. 108 1/2, par. 7-109)

Sec. 7-109. Employee.

(1) "Employee" means any person who:

(a) 1. Receives earnings as payment for the performance of personal services or official duties out of the general fund of a municipality, or out of any special fund or funds controlled by a municipality, or by an instrumentality thereof, or a participating instrumentality, including, in counties, the fees or earnings of any county fee office; and

2. Under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee with a municipality, or any instrumentality thereof, or a participating instrumentality, including aldermen, county supervisors and other persons (excepting those employed as independent contractors) who are paid compensation, fees, allowances or other emolument for official duties, and, in counties, the several county fee offices.

(b) Serves as a township treasurer appointed under the School Code, as heretofore or hereafter amended, and who receives for such services regular compensation as distinguished from per diem compensation, and any regular employee in the office of any township treasurer whether or not his earnings are paid from the income of the permanent township fund or from funds subject to distribution to the several school districts and parts of school districts as provided in the School Code, or from both such sources; and any chief executive officer, chief educational officer, chief fiscal officer, or other employee of a financial oversight panel established pursuant to Article 1H of the school code other than a superintendent or certified school business official .

(c) Holds an elective office in a municipality, instrumentality thereof or participating instrumentality.

(2) "Employee" does not include persons who:

(a) Are eligible for inclusion under any of the following laws:

1. "An Act in relation to an Illinois State Teachers' Pension and Retirement Fund", approved May 27, 1915, as amended;

2. Articles 15 and 16 of this Code.

However, such persons shall be included as employees to the extent of earnings that are not eligible for inclusion under the foregoing laws for services not of an instructional nature of any kind.

However, any member of the armed forces who is employed as a teacher of subjects in the Reserve Officers Training Corps of any school and who is not certified under the law governing the certification of teachers shall be included as an employee.

(b) Are designated by the governing body of a municipality in which a pension fund is required by law to be established for policemen or firemen, respectively, as performing police or fire protection duties, except that when such persons are the heads of the police or fire department and are not eligible to be included within any such pension fund, they shall be included within this Article; provided, that such persons shall not be excluded to the extent of concurrent service and earnings not designated as being for police or fire protection duties. However, (i) any head of a police department who was a participant under this Article immediately before October 1, 1977 and did not elect, under Section 3-109 of this Act, to participate in a police pension fund shall be an "employee", and (ii) any chief of police who elects to participate in this Fund under Section 3-109.1 of this Code, regardless of whether such person continues to be employed as chief of police or is employed in some other rank or capacity within the police department, shall be an employee under this Article for so long as such person is employed to perform police duties by a participating municipality and has not lawfully rescinded that election.

(3) All persons, including, without limitation, public defenders and probation officers, who receive earnings from general or special funds of a county for performance of personal services or official duties within the territorial limits of the county, are employees of the county (unless excluded by subsection (2) of this Section) notwithstanding that they may be appointed by and are subject to the direction of a person or persons other than a county board or a county officer. It is hereby established that an employer-employee relationship under the usual common law rules exists between such employees and the county paying their salaries by reason of the fact that the county boards fix their rates of compensation, appropriate funds for payment of their earnings and otherwise exercise control over them. This finding and this amendatory Act shall apply to all such employees from the date of appointment whether such date is prior to or after the effective date of this amendatory Act and is intended to clarify existing law pertaining to their status as participating employees in the Fund.

(Source: P.A. 90-460, eff. 8-17-97.)

“Section 15. The School Code is amended by changing Sections 1A-8, 1B-8, 8-6, and 17-1; adding Section 10-16.9; and adding Article 1H as follows:

(105 ILCS 5/1A-8)

Sec. 1A-8. Powers of the Board in Assisting Districts Deemed in Financial Difficulties. To promote the financial integrity of school districts, the State Board of Education shall be provided the necessary powers to promote sound financial management and continue operation of the public schools.

The State Superintendent of Education may require a school district, including any district subject to Article 34A of this Code, to share financial information relevant to a proper investigation of the district's financial condition and the delivery of appropriate State financial, technical, and consulting services to the district if the district (i) has been designated, through the State Board of Education's School District Financial Profile System, as on financial warning or financial watch status, (ii) has failed to file an annual financial report, annual budget, deficit reduction plan, or other financial information as required by law, ~~or~~ (iii) has been identified, through the district's annual audit or other financial and management information, as in serious financial difficulty in the current or next school year, or, (iv) is determined to be likely to fail to fully meet any or all payroll expenses when due or any debt service payments when due or both. In addition to financial, technical, and consulting services provided by the State Board of Education, at the request of a school district, the State Superintendent may provide for an independent financial consultant to assist the district review its financial condition and options.

The State Board of Education, after proper investigation of a district's financial condition, may certify that a district, including any district subject to Article 34A, is in financial difficulty when any of the following conditions occur:

(1) The district has issued school or teacher orders for wages as permitted in Sections 8-16, 32-7.2 and 34-76 of this Code;

(2) The district has issued tax anticipation warrants or tax anticipation notes in anticipation of a second year's taxes when warrants or notes in anticipation of current year taxes are still outstanding, as authorized by Sections 17-16, 34-23, 34-59 and 34-63 of this Code, or has issued short-term debt against 2 future revenue sources, such as, but not limited to, tax anticipation warrants and general State Aid certificates or tax anticipation warrants and revenue anticipation notes;

(3) The district has for 2 consecutive years shown an excess of expenditures and other financing uses over revenues and other financing sources and beginning fund balances on its annual financial report for the aggregate totals of the Educational, Operations and Maintenance, Transportation, and Working Cash Funds;

(4) The district refuses to provide financial information or cooperate with the State Superintendent in an investigation of the district's financial condition.

(5) The district is likely to fail to fully meet any or all payroll expenses when due or any debt service payments when due or both.

No school district shall be certified by the State Board of Education to be in financial difficulty solely by reason of any of the above circumstances arising as a result of (i) the failure of the county to make any distribution of property tax money due the district at the time such distribution is due or (ii) the failure of this State to make timely payments of general State aid or any of the mandated categorical; or if the district clearly demonstrates to the satisfaction of the State Board of Education at the time of its determination that such condition no longer exists. If the State Board of Education certifies that a district in a city with 500,000 inhabitants or more is in financial difficulty, the State Board shall so notify the Governor and the Mayor of the city in which the district is located. The State Board of Education may require school districts certified in financial difficulty, except those districts subject to Article 34A, to develop, adopt and submit a financial plan within 45 days after certification of financial difficulty. The financial plan shall be developed according to guidelines presented to the district by the State Board of Education within 14 days of certification. Such guidelines shall address the specific nature of each district's financial difficulties. Any proposed budget of the district shall be consistent with the financial plan submitted to and approved by the State Board of Education.

A district certified to be in financial difficulty, other than a district subject to Article 34A, shall report to the State Board of Education at such times and in such manner as the State Board may direct, concerning the district's compliance with each financial plan. The State Board may review the district's operations, obtain budgetary data and financial statements, require the district to produce reports, and have access to any other information in the possession of the district that it deems relevant. The State Board may issue recommendations or directives within its powers to the district to assist in compliance with the financial plan. The district shall produce such budgetary data, financial statements, reports and other information and comply with such directives. If the State Board of Education determines that a district has failed to comply with its financial plan, the State Board of Education may rescind approval of the plan and appoint a Financial Oversight Panel for the district as provided in Section 1B-4. This action

shall be taken only after the district has been given notice and an opportunity to appear before the State Board of Education to discuss its failure to comply with its financial plan.

No bonds, notes, teachers orders, tax anticipation warrants or other evidences of indebtedness shall be issued or sold by a school district or be legally binding upon or enforceable against a local board of education of a district certified to be in financial difficulty unless and until the financial plan required under this Section has been approved by the State Board of Education.

Any financial profile compiled and distributed by the State Board of Education in Fiscal Year 2009 or any fiscal year thereafter shall incorporate such adjustments as may be needed in the profile scores to reflect the financial effects of the inability or refusal of the State of Illinois to make timely disbursements of any general State aid or mandated categorical aid payments due school districts or to fully reimburse school districts for mandated categorical programs pursuant to reimbursement formulas provided in this School Code.

(Source: P.A. 96-668, eff. 8-25-09.)

105 ILCS 5/1B-8

Sec. 1B-8. There is created in the State Treasury a special fund to be known as the School District Emergency Financial Assistance Fund (the "Fund"). The School District Emergency Financial Assistance Fund shall consist of appropriations, loan repayments, grants from the federal government, and donations from any public or private source. Moneys in the Fund may be appropriated only to the Illinois Finance Authority and the State Board for those purposes authorized under this Article and Articles Article 1F and 1H of this Code. The appropriation may be allocated and expended by the State Board for contractual services as grants to provide technical assistance and consultation consulting services to school districts to assess their financial condition and to Financial Oversight Panels that petition for emergency financial assistance grants. The and by the Illinois Finance Authority may provide as loans to school districts which are the subject of an approved petition for emergency financial assistance under Section 1B-4, or 1F-62, or 1H-65 of this Code. Neither the State Board of Education nor the Illinois Finance Authority may collect any fees for providing these services.

From the amount allocated to each such school district under this Article the State Board shall identify a sum sufficient to cover all approved costs of the Financial Oversight Panel established for the respective school district. If the State Board and State Superintendent of Education have not approved emergency financial assistance in conjunction with the appointment of a Financial Oversight Panel, the Panel's approved costs shall be paid from deductions from the district's general State aid.

The Financial Oversight Panel may prepare and file with the State Superintendent a proposal for emergency financial assistance for the school district and for its operations budget. No expenditures shall be authorized by the State Superintendent until he or she has approved the proposal of the Panel, either as submitted or in such lesser amount determined by the State Superintendent.

The maximum amount of an emergency financial assistance loan which may be allocated to any school district under this Article, including moneys necessary for the operations of the Panel, shall not exceed \$4,000 times the number of pupils enrolled in the school district during the school year ending June 30 prior to the date of approval by the State Board of the petition for emergency financial assistance, as certified to the local board and the Panel by the State Superintendent. An emergency financial assistance grant shall not exceed \$1,000 times the number of such pupils. A district may receive both a loan and a grant. The payment of an emergency State financial assistance grant or loan shall be subject to appropriation by the General Assembly. Emergency State financial assistance allocated and paid to a school district under this Article may be applied to any fund or funds from which the local board of education of that district is authorized to make expenditures by law.

Any emergency financial assistance proposed by the Financial Oversight Panel and approved by the State Superintendent may be paid in its entirety during the initial year of the Panel's existence or spread in equal or declining amounts over a period of years not to exceed the period of the Panel's existence. All loan payments made from the School District Emergency Financial Assistance Fund for a school district shall be required to be repaid, with simple interest over the term of the loan at a rate equal to 50% of the one-year Constant Maturity Treasury (CMT) yield as last published by the Board of Governors of the Federal Reserve System before the date on which the district's loan is approved by the State Board of Education, not later than the date the Financial Oversight Panel ceases to exist. The Panel shall establish and the Illinois Finance Authority shall approve the terms and conditions, including the schedule, of repayments. The schedule shall provide for repayments commencing July 1 of each year or upon each fiscal year's receipt of moneys from a tax levy for emergency financial assistance. Repayment shall be incorporated into the annual budget of the school district and may be made from any fund or funds of the district in which there are moneys available. Default on repayment is subject to the Illinois Grant Funds Recovery Act. When moneys are repaid as provided herein they shall not be made available to the local board for further use as emergency financial assistance under this Article at any time thereafter. All repayments required to be made by a school district shall be received by the State Board and deposited in the School District Emergency Financial Assistance Fund.

In establishing the terms and conditions for the repayment obligation of the school district the Panel shall annually determine whether a separate local property tax levy is required. The board of any school district with a tax rate for educational purposes for the prior year of less than 120% of the maximum rate for educational purposes authorized by Section 17-2 shall provide for a separate tax levy for emergency financial assistance repayment purposes. Such tax levy shall not be subject to referendum approval. The amount of the levy shall be equal to the amount necessary to meet the annual repayment obligations of the district as established by the Panel, or 20% of the amount levied for educational purposes for the prior year, whichever is less. However, no district shall be required to levy the tax if the district's operating tax rate as determined under Section 18-8 or 18-8.05 exceeds 200% of the district's tax rate for educational purposes for the prior year.

(Source: P.A. 94-234, eff. 7-1-06.)

(105 ILCS 5/Art. 1H heading new)

ARTICLE 1H. FINANCIAL OVERSIGHT PANELS

(105 ILCS 5/1H-1 new)

Sec. 1H-1. Short title. This Article may be cited as the Financial Oversight Panel Law.

(105 ILCS 5/1H-5 new)

Sec. 1H-5. Findings; purpose; intent.

(a) The General Assembly finds all of the following:

(1) A fundamental goal of the people of this State, as expressed in Section 1 of Article X of the Illinois Constitution, is the educational development of all persons to the limits of their capacities. When a board of education faces financial difficulties, continued operation of the public school system is threatened.

(2) A sound financial structure is essential to the continued operation of any school system. It is vital to commercial, educational, and cultural interests that public schools remain in operation. To achieve that goal, public school systems must have effective access to the private market to borrow short and long term funds.

(3) To promote the financial integrity of districts, as defined in this Article, it is necessary to provide for the creation of financial oversight panels with the powers necessary to promote sound financial management and to ensure the continued operation of the public schools.

(b) It is the purpose of this Article to provide a secure financial basis for the continued operation of public schools. The intention of the General Assembly, in creating this Article, is to establish procedures, provide powers, and impose restrictions to ensure the financial and educational integrity of the public schools, while leaving principal responsibility for the educational policies of public schools to the boards of education within the State, consistent with the requirements for satisfying the public policy and purpose set forth in this Article.

(105 ILCS 5/1H-10 new)

Sec. 1H-10. Definitions. As used in this Article:

"Bonds" means bonds authorized to be issued by the Panel under Section 1H-70 of this Code.

"Budget" means the annual budget of the district required under Section 17-1 of this Code, as in effect from time to time.

"Chairperson" means the Chairperson of the Panel.

"District" means any school district having a population of not more than 500,000 inhabitants. ~~that has had a Financial Oversight Panel established under this Article.~~

"Financial plan" means the financial plan of the district to be developed pursuant to this Article, as in effect from time to time.

"Fiscal year" means the fiscal year of the district.

"Obligations" means bonds and notes of the Panel.

"Panel" means a Financial Oversight Panel created under this Article.

"State Board" means the State Board of Education.

"State Superintendent" means the State Superintendent of Education.

(105 ILCS 5/1H-15 new)

Sec. 1H-15. Establishment of Financial Oversight Panels; duties of district.

(a) A school district may petition the State Board for the establishment of a Financial Oversight Panel for the district. The petition shall cite the reasons why the creation of a Financial Oversight Panel for the district is necessary. The State Board may grant the petition upon determining that the approval of the petition is in the best educational and financial interests of the district. The State Board may establish a Financial Oversight Panel without a petition for a school district deemed in financial difficulty pursuant to Section 1A-8 of this Code. ~~from a district if the State Board determines that such action is in the best educational and financial interests of the district.~~ (b) Upon establishment of a Financial Oversight Panel, all of the following shall occur:

(1) There is established a body both corporate and politic to be known as the "(Name of School District) Financial Oversight Panel", which in this name shall exercise all authority vested in a Panel by this Article.

(2) The duties and obligations of the districts under Financial Oversight Panels established pursuant to this Article shall be the same duties and obligations ~~owed by the district to the~~ of districts under Financial Oversight Panels established under Article 1B of this Code.

(c) In the event of a conflict between the provisions of this Article and the provisions of Article 1B of this Code, the provisions of this Article control.

(d) Any school district having a Financial Oversight Panel established under Article 1B of this Code or any Financial Oversight Panel established under Article 1B may petition the State Board for the establishment of a Financial Oversight Panel under this Article and concurrent dissolution of the Article

1B Panel. All records, papers, books, funds, or other assets or liabilities belonging to the dissolving Financial Oversight Panel shall be transferred to the newly established Financial Oversight Panel.

(105 ILCS 5/1H-20 new)

Sec. 1H-20. Members of Panel; meetings.

(a) Upon establishment of a Financial Oversight Panel under Section 1H-15 of this Code, the State Superintendent shall within 15 working days thereafter appoint 5 members to serve on a Financial Oversight Panel for the district. Members appointed to the Panel shall serve at the pleasure of the State Superintendent. The State Superintendent shall designate one of the members of the Panel to serve as its Chairperson. In the event of vacancy or resignation, the State Superintendent shall, within 10 working days after receiving notice, appoint a successor to serve out that member's term. The State Superintendent may remove a member for incompetence, malfeasance, neglect of duty, or other just cause.

(b) Members of the Panel shall be selected primarily on the basis of their experience and education in financial management, with consideration given to persons knowledgeable in education finance. Two members of the Panel shall be residents of the school district that the Panel serves. A member of the Panel may not be a member of the district's school board or an employee of the district nor may a member have a direct financial interest in the district.

(c) Panel members may be reimbursed by the State Board for travel and other necessary expenses incurred in the performance of their official duties. Unless paid from bonds issued under Section 1H-70 of this Code, the amount reimbursed members for their expenses shall be charged to the school district as part of any emergency financial assistance and incorporated as a part of the terms and conditions for repayment of the assistance or shall be deducted from the district's general State aid as provided in Section 1H-65 of this Code.

(d) With the exception of the chairperson, who shall be designated as provided in subsection (a) of this Section, the Panel may elect such officers as it deems appropriate.

(e) The first meeting of the Panel shall be held at the call of the Chairperson. The Panel shall prescribe the times and places for its meetings and the manner in which regular and special meetings may be called and shall comply with the Open Meetings Act.

(f) Three members of the Panel shall constitute a quorum. ~~When a vote is taken upon any measure before the Panel, a quorum being present, a majority of the votes of the members voting on the measure shall determine the outcome.~~ A majority of members present is required to pass a measure.

(105 ILCS 5/1H-25 new)

Sec. 1H-25. General powers. The purposes of the Panel shall be to exercise financial control over the district and to furnish financial assistance so that the district can provide public education within the district's jurisdiction while permitting the district to meet its obligations to its creditors and the holders of its debt. Except as expressly limited by this Article, the Panel shall have all powers granted to a voluntary or involuntary Financial Oversight Panel and to a Financial Administrator under Article 1B of this Code and all other powers necessary to meet its responsibilities and to carry out its purposes and the purposes of this Article, including without limitation all of the following powers, provided that the Panel shall have no power to terminate any employee without following the statutory procedures for such terminations, nor to incur debt nor otherwise take action to lease, buy, or build or otherwise acquire additional school buildings or grounds without front door referenda approval under the provisions of Sections 19-2 through 19-7 of this Code. ~~set forth in this Code.~~

(1) To sue and to be sued.

(2) To make, cancel, modify, and execute contracts, leases, subleases, and all other instruments or agreements necessary or convenient for the exercise of the powers and functions granted by this Article, subject to Section 1H-45 of this Code. The Panel may at a regular or special meeting find that the district has insufficient or inadequate funds with respect to any contract; provided, however, final collective bargaining agreements may not be cancelled or modified without the express written consent of the exclusive bargaining representative, the district and the Panel. ~~other than collective bargaining agreements.~~

(3) To purchase real or personal property necessary or convenient for its purposes; to execute and deliver deeds for real property held in its own name; and to sell, lease, or otherwise dispose of such of its property as, in the judgment of the Panel, is no longer necessary for its purposes.

~~(4) To appoint officers, agents, and employees of the Panel, including a chief executive officer, a chief fiscal officer, and a chief educational officer; to define their duties and qualifications; and to fix their compensation and employee benefits.~~ To employ officers, agents and employees of the Panel; to define their duties and qualifications; and to fix their compensation and benefits.

(5) To transfer to the district such sums of money as are not required for other purposes.

(6) To borrow money, including without limitation accepting State loans, and to issue obligations pursuant to this Article; to fund, refund, or advance refund the same; to provide for the rights of the holders of its obligations; and to repay any advances.

(7) To levy all property tax levies that otherwise could be levied by the district, and to make levies pursuant to Section 1H-65 of this Code. This levy or levies shall be exempt from the Truth in Taxation Law.

(8) Subject to the provisions of any contract with or for the benefit of the holders of its obligations, to purchase or redeem its obligations.

(9) To procure all necessary goods and services for the Panel in compliance with the purchasing laws and requirements applicable to the district.

(10) To do any and all things necessary or convenient to carry out its purposes and exercise the powers given to it by this Article.

(11) To recommend any type of reorganization of the district, in whole or in part, pursuant to Article 7 or 11E of this Code or Section 10-22.22b or 10-22.22c of this Code, to the State Board if in the Panels judgment the circumstances so require. ~~annexation, consolidation, dissolution, or reorganization of the district, in whole or in part, to the State Board if in the Panel's judgment the circumstances so require.~~ No such proposal for ~~annexation, consolidation, dissolution, or reorganization~~ shall occur unless the Panel and the school boards of all other districts directly affected by the ~~annexation, consolidation, dissolution, or reorganization~~ have each approved by majority vote the ~~annexation, consolidation, dissolution, or reorganization.~~ Notwithstanding Upon approval by the Panel and notwithstanding any other law to the contrary, upon approval of the proposal by the State Board, by a majority vote, the State Board and all other affected entities shall forthwith implement the proposal in accordance with the applicable provisions of this Code. ~~When a dissolution and annexation becomes effective for purposes of administration and attendance, the positions of teachers in contractual continued service in the district being dissolved shall be transferred to the annexing district or districts, pursuant to the provisions of Section 24-12 of this Code. In the event that the territory is added to 2 or more districts, the decision on which positions shall be transferred to which annexing districts shall be made by giving consideration to the proportionate percentage of pupils transferred and the annexing districts' staffing needs, and the transfer of teachers in contractual continued service into positions shall be based upon the request of those teachers in contractual continued service in order of seniority in the dissolving district. The status of all teachers in contractual continued service transferred to an annexing district shall not be lost, and the board of the annexing district is subject to this Code with respect to teachers in contractual continued service who are transferred in the same manner as if the person were the annexing district's employee and had been its employee during the time the person was actually employed by the board of the dissolving district from which the position was transferred.~~

(105 ILCS 5/1H-30 new)

Sec. 1H-30. Chief executive officer. The Panel may appoint a chief executive officer who, under the direction of the Panel, shall supervise the Panel's staff, including the chief educational officer and the chief fiscal officer, and shall have ultimate responsibility for implementing the policies, procedures, directives, and decisions of the Panel. The chief executive officer shall have the authority to determine the agenda and order of business at school board meetings, as needed in order to carry forward and implement the objectives and priorities of the school board and Financial Oversight Panel in the administration and management of the district. The chief executive officer is not required to hold any certificate issued under Article 21 of this Code. The chief executive officer shall have the powers and duties as assigned by the Panel in accordance with this Code.

(105 ILCS 5/1H-35 new)

Sec. 1H-35. Chief educational officer. The Panel may at a regular or special meeting find that cause exists to cancel the contract of the school district's superintendent who is serving at the time the Panel is established for the same reasons and in the same manner as the school board may cancel the contract. If there is no superintendent, then the Panel may appoint a chief educational officer for the district, who shall have all of the powers and duties of a school district superintendent under this Code and such other duties as may be assigned by the Panel in accordance with this Code. The chief educational officer shall report to the Panel or the chief executive officer ~~appointed~~ employed by the Panel. The district shall not thereafter employ a superintendent during the period that a chief educational officer is serving in the district. The chief educational officer is not required to hold any certificate issued under Article 21 of this Code.

(105 ILCS 5/1H-40 new)

Sec. 1H-40. Chief fiscal officer. The Panel may ~~appoint~~ employ a chief fiscal officer who, under the direction of the Panel or the chief executive officer ~~appointed~~ employed by the Panel, shall have all of the powers and duties of the district's chief school business official and any other duties regarding budgeting, accounting, and other financial matters that are assigned by the Panel, in accordance with this Code. The district may not employ a chief school business official during the period that the chief fiscal officer is serving in the district. The chief fiscal officer is not required to hold a certificate issued under Article 21 of this Code.

(105 ILCS 5/1H-41 new)

Sec. 1H-41. Superintendent. The Panel may employ a superintendent who, under the direction of the Panel or the chief executive officer ~~appointed~~ employed by the Panel, shall have all of the powers and duties of a school district superintendent under this Code assigned by the Panel and such other duties as may be assigned by the Panel in accordance with this Code. The superintendent shall report to the Panel or the chief executive officer ~~appointed~~ employed by the Panel. The superintendent shall hold a certificate with a superintendent endorsement issued under Article 21 of this Code.

(105 ILCS 5/1H-42 new)

Sec. 1H-42. Chief school business official. The Panel may employ a chief school business official who, under the direction of the Panel or the chief executive officer ~~appointed~~ employed by the Panel, shall have all of the powers and duties of a chief school business official under this Code assigned by the Panel and such other duties as may be assigned by the Panel in accordance with this Code. The chief school business official shall report to the Panel or the chief executive officer ~~appointed~~ employed by the Panel. The chief school business official shall hold a certificate with a chief school business official endorsement issued under Article 21 of this Code.

Sec. 1H-43 School Treasurer.

(a) In Class I county school units, and in each school district which forms part of a Class II county school unit but which has withdrawn from the jurisdiction and authority of the trustees of schools of the township in which such school district is located and from the jurisdiction and authority of the township treasurer in such Class II county school unit, the Panel may, in its discretion, remove the treasurer appointed or elected by the school board of said district and appoint a new treasurer to succeed such removed treasurer as provided in Section 8-19 of this Code.

(b) In the case of a school district located in a Class II county school unit where such school district is subject to the jurisdiction and authority of township trustees and the jurisdiction and authority of a township treasurer, the Panel may, in its discretion, withdraw such district from the jurisdiction and authority of the township trustees and the jurisdiction and authority of the township treasurer, any provision of Section 8-1 excepting sub-section 8-1(f) to the contrary notwithstanding; and appoint or elect a school treasurer for said school district. Sub-section 8-1(f) shall govern the transfer from the township treasurer to the school treasurer.

(c) All school treasurers appointed or elected pursuant to this Section shall be subject to the provisions of Sections 8-2 through 8-20 and other applicable provisions of the School Code.

(105 ILCS 5/1H-45 new)

Sec. 1H-45. Collective bargaining agreements. The Panel shall have the power to negotiate collective bargaining agreements with the district's employees in lieu of and on behalf of the district. Upon concluding bargaining, the district and the Panel shall execute the agreements negotiated by the Panel, and the district shall be bound by and shall administer the agreements in all respects as if the agreements had been negotiated by the district itself.

(105 ILCS 5/1H-50 new)

Sec. 1H-50. Deposits and investments.

(a) The Panel shall have the power to establish checking and whatever other banking accounts it may deem appropriate for conducting its affairs.

(b) Subject to the provisions of any contract with or for the benefit of the holders of its obligations, the Panel may invest any funds not required for immediate use or disbursement, as provided in the Public Funds Investment Act.

(105 ILCS 5/1H-55 new)

Sec. 1H-55. Cash accounts and bank accounts.

(a) The Panel shall require the district or any officer of the district, including the district's treasurer, to establish and maintain separate cash accounts and separate bank accounts in accordance with such rules, standards, and procedures as the Panel may prescribe.

(b) The Panel shall have the power to assume exclusive administration of the cash accounts and bank accounts of the district, to establish and maintain whatever new cash accounts and bank accounts it may deem appropriate, and to withdraw funds from these accounts for the lawful expenditures of the district.

(105 ILCS 5/1H-60 new)

Sec. 1H-60. Financial, management, and budgetary structure. Upon direction of the Panel, the district shall reorganize the financial accounts, management, and budgetary systems of the district in whatever manner consistent with the rules adopted by the State Board of Education regarding accounting, budgeting, financial reporting, and auditing as

the Panel deems appropriate to achieve greater financial responsibility and to reduce financial inefficiency.

(105 ILCS 5/1H-65 new)

Sec. 1H-65. School District Emergency Financial Assistance Fund; grants and loans.

(a) Moneys in the School District Emergency Financial Assistance Fund established under Section 1B-8 of this Code may be allocated and expended by the State Board for contractual services to provide technical assistance and consultation to school districts to assess their financial condition or to Panels that petition for emergency financial assistance grants and by the Illinois Finance Authority as loans to school districts that are the subject of an approved petition for emergency financial assistance under Section 1B-4, 1F-62, or 1H-65 of this Code. Neither the State Board of Education nor the Illinois Finance Authority may collect any fees for providing these services. From the amount allocated to each such school district, the State Board shall identify a sum sufficient to cover all approved costs of the Panel established for the respective school district. If the State Board and State Superintendent of Education have not approved emergency financial assistance in conjunction with the appointment of a Panel, the Panel's approved costs shall be paid from deductions from the district's general State aid. An emergency financial assistance loan to a Panel or borrowing from sources other than the State shall not be considered as part of the calculation of a district's debt for purposes of the limitation specified in Section 19-1 of this Code.

(b) The Panel may prepare and file with the State Superintendent a proposal for emergency financial assistance for the school district and for its operations budget. The State Superintendent may not authorize any expenditures until he or she has approved the proposal of the Panel, either as submitted or in such lesser amount as determined by the State Superintendent. A district may receive both a loan and a grant. State emergency financial assistance allocated and paid to a panel under this Article may be applied to any fund or funds from which the Panel is authorized to make expenditures by law. Any State emergency financial assistance proposed by the Panel and approved by the State Superintendent may be paid in its entirety during the initial year of the Panel's existence or spread in equal or variable amounts over a period of years not to exceed the period of the Panel's existence. No expenditures shall

~~be authorized by the State Superintendent until he or she has approved the proposal of the Panel, either as submitted or in such lesser amount determined by the State Superintendent~~

(c) The amount of an emergency financial assistance grant that may be allocated to a Panel under this Article must not exceed \$1,000 times the number of pupils enrolled in the district during the school year ending June 30 prior to the date of approval of the petition for emergency financial assistance by the State Board. The payment of a State emergency financial assistance grant is subject to appropriation by the General Assembly.

(d) The amount of an emergency financial assistance loan that may be allocated to a Panel under this Article, including (i) moneys necessary for the operations of the Panel and (ii) borrowing from sources other than the State shall not exceed, in the aggregate, \$4,000 times the number of pupils enrolled in the district during the school year ending June 30 prior to the date of approval of the petition for emergency financial assistance by the State Board. However, this limitation does not apply to borrowing by the district secured by amounts levied by the district prior to establishment of the Panel. ~~An emergency financial assistance grant shall not exceed \$1,000 times the number of such pupils. A district may receive both a loan and a grant.~~ The State Superintendent may not approve any loan to the Panel unless the Panel has been unable to borrow sufficient funds to operate the district.

All loan payments made from the School District Emergency Financial Assistance Fund to a Panel must be required to be repaid not later than the date the Panel ceases to exist, with simple interest over the term of the loan at a rate equal to 50% of the one-year Constant Maturity Treasury (CMT) yield as last published by the Board of Governance of the Federal Reserve System before the date on which the Financial Oversight Panel's loan is approved by the State Superintendent.

~~(d) The payment of a State emergency financial assistance grant or loan is subject to appropriation by the General Assembly. State emergency financial assistance allocated and paid to a Panel under this Article may be applied to any fund or funds from which the Panel is authorized to make expenditures by law.~~

~~(e) Any State emergency financial assistance proposed by the Panel and approved by the State Superintendent may be paid in its entirety during the initial year of the Panel's existence or spread in equal or variable amounts over a period of years not to exceed the period of the Panel's existence. The State Superintendent shall not approve any loan to the Panel unless the Panel has been unable to borrow sufficient funds to operate the district.~~

~~(f) All loan payments made from the School District Emergency Financial Assistance Fund to a Panel shall be required to be repaid not later than the date the Panel ceases to exist, with simple interest over the term of the loan at a rate equal to 50% of the one-year Constant Maturity Treasury (CMT) yield as last published by the Board of Governors of the Federal Reserve System before the date on which the Financial Oversight Panel's loan is approved by the State Superintendent.~~

~~(g)~~The Panel shall establish and the Illinois Finance Authority shall approve the terms and conditions of the loan, including the schedule of repayments. The schedule shall provide for repayments commencing July 1 of each year or upon each fiscal year's receipt of moneys from a tax levy for emergency financial assistance. Repayment shall be incorporated into the annual budget of the district and may be made from any fund or funds of the district in which there are moneys available. Default on repayment is subject to the Illinois Grant Funds Recovery Act. When moneys are repaid as provided in this Section, they ~~shall~~ must not be made available to the Panel for further use as emergency financial assistance under this Article at any time thereafter. All repayments required to be made by a Panel shall be deposited into the School District Emergency Financial Assistance Fund.

~~(h)~~In establishing the terms and conditions for the repayment obligation of the Panel, the Panel shall annually determine whether a separate local property tax levy is required to meet that obligation. The Financial Oversight Panel shall provide for a separate tax levy for emergency financial assistance repayment purposes. This tax levy shall not be subject to referendum approval. The amount of the levy ~~shall~~ must not exceed the amount necessary to meet the annual emergency financial repayment obligations of the district, including principal and interest, as established by the Panel, and shall not be subject to the provisions of the Property Tax Extension Limitation Law.

(105 ILCS 5/1H-70 new)

Sec. 1H-70. Power to issue bonds.

(a) The Panel may incur indebtedness by the issuance of negotiable full faith and credit general obligation bonds of the Panel in an outstanding amount not to exceed at any time, including existing indebtedness, 15% of the district's most recent equalized assessed valuation, excluding Bonds of the Panel that have been refunded, for (i) the purpose of providing the district with moneys for ordinary and necessary expenditures and other operational needs of the district; (ii) payment or refunding of outstanding debt obligations or tax anticipation warrants of the district, the proceeds of which were used to provide financing for the district; (iii) payment of fees for arrangements as provided in subsection (b) of Section 1H-75 of this Code; (iv) payment of interest on Bonds; (v) establishment of reserves to secure Bonds; (vi) the payment of costs of issuance of Bonds; (vii) payment of principal of or interest or redemption premium on any Bonds or notes of the Panel; and (viii) all other expenditures of the Panel incidental to and necessary or convenient for carrying out its corporate purposes and powers.

(b) The Panel may from time to time (i) issue Bonds to refund any outstanding Bonds or notes of the Panel, whether the Bonds or notes to be refunded have or have not matured or become redeemable, and (ii) issue Bonds partly to refund Bonds or notes then outstanding and partly for any other purpose set forth in this Section.

(c) Bonds issued in accordance with subsection (a) of this Section are not subject to any other statutory limitation as to debt, including without limitation that established by the Local Government Debt Limitation Act, and may be issued without referendum.

(105 ILCS 5/1H-75 new)

Sec. 1H-75. Terms of bonds.

(a) Whenever the Panel desires or is required to issue Bonds as provided in this Article, it shall adopt a resolution designating the amount of the Bonds to be issued, the purposes for which the proceeds of the Bonds are to be used, and the manner in which the proceeds shall be held pending the application thereof. The Bonds shall be issued in the corporate name of the Panel and shall bear such date or dates and shall mature at such time or times, not exceeding 20 years from their date, as the resolution may provide. The Bonds may be issued as serial bonds payable in installments, as term bonds with sinking fund installments, or as a combination of these as the Panel may determine in the resolution. The Bonds shall be in such denominations as the Panel may determine. The Bonds shall be in such form, carry such registration privileges, be executed in such manner, be payable at such place or places, and be subject to such terms of redemption at such redemption prices, including premium, as the resolution may provide. The Bonds shall be sold by the Panel at public or private sale, as determined by the Panel.

(b) In connection with the issuance of its Bonds, the Panel may enter into arrangements to provide additional security and liquidity for the Bonds. These may include without limitation municipal bond insurance, letters of credit, lines of credit by which the Panel may borrow funds to pay or redeem its Bonds, and purchase or remarketing arrangements for ensuring the ability of owners of the Panel's Bonds to sell their Bonds or to have their Bonds redeemed. The Panel may enter into contracts and may agree to pay fees to persons providing the arrangements, including from Bond proceeds, but only under circumstances in which the total interest paid or to be paid on the Bonds, together with the fees for the arrangements (being treated as if interest), would not, taken together, cause the Bonds to bear interest, calculated to their absolute maturity, at a rate in excess of the maximum rate allowed by law.

The resolution of the Panel authorizing the issuance of its Bonds may provide that interest rates may vary from time to time depending upon criteria established by the Panel, which may include without limitation a variation in interest rates as may be necessary to cause the Bonds to be remarketable from time to time at a price equal to their principal amount, and may provide for appointment of a national banking association, bank, trust company, investment banker, or other financial institution to serve as a remarketing agent in that connection.

The resolution of the Panel authorizing the issuance of its Bonds may provide that alternative interest rates or provisions shall apply during such times as the Bonds are held by a person providing a letter of credit or other credit enhancement arrangement for those Bonds.

(105 ILCS 5/1H-80 new)

Sec. 1H-80. Tax levy.

(a) Before or at the time of issuing any Bonds, the Panel shall provide by resolution for the levy and collection of a direct annual tax upon all the taxable property located within the district, without limit as to rate or amount, sufficient to pay and discharge the principal thereof at maturity or on sinking fund installment dates and to pay the interest thereon as it falls due. The taxes as levied shall also include additional amounts to the extent that the collections in the prior years were insufficient to pay and

discharge the principal thereof at maturity, sinking fund installments, if any, and interest thereon as it fell due, and the amount so collected shall be placed in the debt service reserve fund. The tax shall be in addition to and exclusive of the maximum of all taxes that the Panel or the district is authorized by law to levy for any and all school purposes. The resolution shall be in force upon its adoption.

(b) The levy shall be for the sole benefit of the holders of the Bonds, and the holders of the Bonds shall have a security interest in and lien upon all rights, claims, and interests of the Panel arising pursuant to the levy and all present and future proceeds of the levy until the principal of and sinking fund installments and interest on the Bonds are paid in full. All proceeds from the levy shall be deposited by each county collector directly into the debt service fund established pursuant to Section 1H-85 of this Code, shall be applied solely for the payment of principal of and sinking fund installments and interest on the Bonds, and shall not be used for any other purpose.

(c) Upon the filing in the office of the county clerk of each county where the school district is located of a duly certified copy of the resolution, it shall be the duty of each county clerk to extend the tax provided for in the resolution, including an amount determined by the Panel to cover loss and cost of collection and also deferred collections and abatements in the amount of the taxes as extended on the collectors' books. The tax shall be separate and apart from all other taxes of the Panel or the district and shall be separately identified by the collectors.

(105 ILCS 5/1H-85 new)

Sec. 1H-85. Debt service fund. The Panel shall establish a debt service fund for the Bonds, to be maintained by a paying agent, escrow agent, depository, or corporate trustee, which may be any trust company or bank having the power of a trust company within this State, separate and segregated from all other funds and accounts of the Panel and the district. All moneys on deposit in the debt service fund shall be held in trust in the debt service fund for the benefit of the holders of the Bonds, shall be applied solely for the payment of the principal of and sinking fund installment, redemption premium, if any, and interest on the Bonds, and shall not be used for any other purpose. The holders of the Bonds shall have a security interest in and lien upon all such moneys.

(105 ILCS 5/1H-90 new)

Sec. 1H-90. Debt service reserve fund.

(a) The Panel may create and establish a debt service reserve fund to be maintained by a paying agent, escrow agent, depository, or corporate trustee, which may be any trust company or bank having the power of a trust company within the State, separate and segregated from all other funds and accounts of the Panel. The Panel may pay the following into the debt service reserve fund:

(1) any proceeds from the sale of Bonds to the extent provided in the resolution authorizing the issuance of the Bonds; and

(2) any other moneys that may be available to the Panel for the purpose of the fund.

(b) The amount to be accumulated in the debt service reserve fund shall be determined by the Panel, but shall not exceed the maximum amount of interest, principal, and sinking fund installments due in any succeeding calendar year.

(c) All moneys on deposit in the debt service reserve fund shall be held in trust for the benefit of the holders of the Bonds, shall be applied solely for the payment of principal of and sinking fund installments and interest on the Bonds to the extent not paid from the debt service fund, and shall not be used for any other purpose.

(d) Any moneys in the debt service reserve fund in excess of the amount determined by the Panel pursuant to a resolution authorizing the issuance of Bonds may be withdrawn by the Panel and used for any of its lawful purposes.

(e) In computing the amount of the debt service reserve fund, investments shall be valued as the Panel provides in the resolution authorizing the issuance of the Bonds.

(105 ILCS 5/1H-95 new)

Sec. 1H-95. Bond anticipation notes.

(a) After the issuance of Bonds has been authorized, the Panel shall have power to issue from time to time, pursuant to a resolution or resolutions of the Panel, negotiable bond anticipation notes of the Panel in anticipation of the issuance of Bonds.

(b) Bond anticipation notes shall mature not later than 2 years after the date of issuance, may be made redeemable prior to their maturity, and may be sold in such manner, in such denominations, and at such price or prices and shall bear interest at such rate or rates not to exceed the maximum annual rate authorized by law as a resolution authorizing the issuance of the bond anticipation notes may provide.

(c) The bond anticipation notes may be made payable as to both principal and interest from the proceeds of the Bonds. The Panel may provide for payment of interest on the bond anticipation notes from direct annual taxes upon all of the taxable property located within the district that are authorized to be levied annually for that purpose, without limit as to rate or amount, sufficient to pay the interest as it falls due, in the manner, subject to the security interest and lien, and with the effect provided in Section 1H-80 of this Code.

(d) The Panel is authorized to issue renewal notes in the event it is unable to issue Bonds to pay outstanding bond anticipation notes, on terms the Panel deems reasonable.

(e) A debt service fund shall be established in the manner provided in Section 1H-85 of this Code by the Panel for the bond anticipation notes, and the proceeds of any tax levy made pursuant to this Section shall be deposited into the fund upon receipt.

(105 ILCS 5/1H-100 new)

Sec. 1H-100. Vesting powers in trustee or other authorized agent. The resolution authorizing issuance of the Bonds shall vest in a trustee, paying agent, escrow agent, or depository such rights, powers, and duties in trust as the Panel may determine and may contain such provisions for protecting and enforcing the rights and remedies of the holders of the Bonds and limiting such rights and remedies as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Panel in relation to the exercise of its corporate powers and the custody, safeguarding, and application of all moneys. The resolution shall provide for the manner in which moneys in the various funds and accounts of the Panel may be invested and the disposition of the earnings on the investments.

(105 ILCS 5/1H-105 new)

Sec. 1H-105. Discharge of bonds.

(a) If the Panel pays or causes to be paid to the holders of all Bonds then outstanding the principal, redemption price, if any, and interest to become due on the Bonds, at the times and in the manner stipulated therein and in the resolution authorizing the issuance of the Bonds, then the covenants, agreements, and other obligations of the Panel to the Bondholders shall be discharged and satisfied.

(b) Bonds or interest installments for the payment or redemption of which moneys have been set aside and held in trust by the trustee or other authorized agent provided for in Section 1H-100 of this Code, through deposit by the Panel of funds for the payment, redemption, or otherwise, at the maturity or redemption date, are deemed to have been paid within the meaning and with the effect expressed in subsection (a) of this Section. All outstanding Bonds of any series, prior to the maturity or redemption date, are deemed to have been paid within the meaning and with the effect expressed in subsection (a) of this Section if (1) there has been deposited with the trustee or other authorized agent either (A) moneys in an amount that is sufficient or (B) direct obligations of the United States of America the principal of and the interest on which, when due, will provide moneys that, together with the moneys, if any, deposited with the trustee or other authorized agent at the same time, are sufficient to pay, when due, the principal, sinking fund installment, or redemption price, if applicable, of and interest due and to become due on the Bonds on and prior to the redemption date, sinking fund installment date, or maturity date, as the case may be, and (2) the Panel has given the trustee or other authorized agent, in form satisfactory to it, irrevocable instructions to give notice to the effect and in accordance with the procedures provided in the resolution authorizing the issuance of the Bonds. Neither direct obligations of the United States of America, moneys deposited with the trustee or other authorized agent, or principal or interest payments on the securities shall be withdrawn or used for any purpose other than, and shall be held in trust for, the payment of the principal or redemption price, if applicable, and interest on the Bonds.

(105 ILCS 5/1H-110 new)

Sec. 1H-110. Pledge of the State. The State of Illinois pledges to and agrees with the holders of Bonds that the State will not limit or alter the rights and powers vested in the Panel by this Article with respect to the issuance of obligations so as to impair the terms of any contract made by the Panel with these

holders or in any way impair the rights and remedies of these holders until the Bonds, together with interest on the Bonds, interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of these holders, are fully met and discharged or provisions made for their payment. The Panel is authorized to include this pledge and agreement of the State in any resolution or contract with the holders of Bonds.

(105 ILCS 5/1H-115 new)

Sec. 1H-115. Statutory lien. Any pledge, assignment, lien, or security interest for the benefit of the holders of Bonds or bond anticipation notes, if any, created pursuant to this Article are valid and binding from the time the Bonds are issued, without any physical delivery or further act, and are valid and binding as against and prior to any claims of all other parties having claims of any kind in tort, contract, or otherwise against the State, the Panel, the district, or any other person, irrespective of whether the other parties have notice.

(105 ILCS 5/1H-120 new)

Sec. 1H-120. State or district not liable on obligations.

Obligations shall not be deemed to constitute (i) a debt or liability of the State, the district, or any political subdivision of the State or district other than the Panel or (ii) a pledge of the full faith and credit of the State, the district, or any political subdivision of the State or district other than the Panel but shall be payable solely from the funds and revenues provided for in this Article. The issuance of obligations shall not directly, indirectly, or contingently obligate the State, the district, or any political subdivision of the State or district other than the Panel to levy any form of taxation therefor or to make any appropriation for their payment. Nothing in this Section shall prevent or be construed to prevent the Panel from pledging its full faith and credit to the payment of obligations. Nothing in this Article shall be construed to authorize the Panel to create a debt of the State or the district within the meaning of the Constitution or laws of Illinois, and all obligations issued by the Panel pursuant to the provisions of this Article are payable and shall state that they are payable solely from the funds and revenues pledged for their payment in accordance with the resolution authorizing their issuance or any trust indenture executed as security therefor. The State or the district shall not in any event be liable for the payment of the principal of or interest on any obligations of the Panel or for the performance of any pledge, obligation, or agreement of any kind whatsoever that may be undertaken by the Panel. No breach of any such pledge, obligation, or agreement may impose any liability upon the State or the district or any charge upon their general credit or against their taxing power.

(105 ILCS 5/1H-125 new)

Sec. 1H-125. Obligations as legal investments. The obligations issued under the provisions of this Article are hereby made securities in which all public officers and bodies of this State, all political subdivisions of this State, all persons carrying on an insurance business, all banks, bankers, trust companies, savings

banks, and savings associations (including savings and loan associations, building and loan associations, investment companies, and other persons carrying on a banking business), and all credit unions, pension funds, administrators, and guardians who are or may be authorized to invest in bonds or in other obligations of the State may properly and legally invest funds, including capital, in their control or belonging to them. The obligations are also hereby made securities that may be deposited with and may be received by all public officers and bodies of the State, all political subdivisions of the State, and public corporations for any purpose for which the deposit of bonds or other obligations of the State is authorized.

(105 ILCS 5/1H-130 new)

Sec. 1H-130. Complete authority. This Article, without reference to any other law, shall be deemed full and complete authority for the issuance of Bonds and bond anticipation notes as provided in this Article.

~~(105 ILCS 5/1H-135 new)~~

~~Sec. 1H-135. Tax anticipation warrants. A Panel shall have the same power to issue tax anticipation warrants as a school board under Section 17-16 of this Code. Tax anticipation warrants are considered borrowing from sources other than the State and are subject to Section 1H-65 of this Code.~~

Sec. 1H-135. Tax anticipation warrants, tax anticipation notes, revenue anticipation certificates or notes, general state aid anticipation certificates and lines of credit. A Panel shall have the same power as a school district to:

(1) issue tax anticipation warrants under the provisions of Section 17-16 of this Code;

(2) issue tax anticipation notes under the provisions of the Tax Anticipation Note Act [40 ILCS 420];

(3) issue revenue anticipation certificates or notes under the provisions of the Revenue Anticipation Act [40 ILCS 425];

(4) issue general state aid anticipation certificates under the provisions of Section 18-18 of this Code;and

(5) establish and utilize lines of credit under the provisions of Section 17-17 of this Code

Tax anticipation warrants, tax anticipation notes, revenue anticipation certificates or notes, general state aid anticipation certificates, and lines of credit are considered borrowing from sources other than the State and are subject to Section 1H-65.

(105 ILCS 5/1H-140 new)

Sec. 1H-140. Reports.

(a) The Panel, upon taking office and annually thereafter, shall prepare and submit to the Governor, General Assembly, and State Superintendent a report that includes the audited financial statement for the preceding fiscal year [prepared and audited in compliance with the provisions of Sections 3-7 and 3-15.1 of this Code](#) an approved financial plan, and a statement of the major steps necessary to accomplish the objectives of the financial plan.

(b) Annual reports must be submitted on or before March 1 of each year.

(c) The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report as provided in Section 3.1 of the General Assembly Organization Act and by filing additional copies with the State Government Report Distribution Center for the General Assembly as required under subdivision (t) of Section 7 of the State Library Act.

(105 ILCS 5/1H-145 new)

Sec. 1H-145. Audit of Panel. The State Superintendent may require a separate audit of the Panel, otherwise the activities of the Panel must be included in the scope of the audit of the school district. A copy of the audit report covering the Panel must be submitted to the State Superintendent.

(105 ILCS 5/1H-150 new)

Sec. 1H-150. Assistance by State agencies, units of local government, and school districts. The district shall render such services to and permit the use of its facilities and resources by the Panel at no charge as may be requested by the Panel. Any State agency, unit of local government, or school district may, within its lawful powers and duties, render such services to the Panel as may be requested by the Panel. Upon request of the Panel, any State agency, unit of local government, or school district is authorized and empowered to loan to the Panel such officers and employees as the Panel may deem necessary in carrying out its functions and duties. Officers and employees so transferred shall not lose or forfeit their employment status or rights.

(105 ILCS 5/1H-155 new)

Sec. 1H-155. Property of Panel exempt from taxation. The property of the Panel is exempt from taxation.

(105 ILCS 5/1H-160 new)

Sec. 1H-160. Sanctions.

(a) No member, officer, employee, or agent of the district may commit the district to any contract or other obligation or incur any liability on behalf of the district for any purpose if the amount of the

contract, obligation, or liability is in excess of the amount authorized for that purpose then available under the financial plan and budget then in effect.

(b) No member, officer, employee, or agent of the district may commit the district to any contract or other obligation on behalf of the district for the payment of money for any purpose required to be approved by the Panel unless the contract or other obligation has been approved by the Panel.

(c) No member, officer, employee, or agent of the district may take any action in violation of any valid order of the Panel, may fail or refuse to take any action required by any such order, may prepare, present, certify, or report any information, including any projections or estimates, for the Panel or any of its agents that is false or misleading, or, upon learning that any such information is false or misleading, may fail promptly to advise the Panel or its agents.

(d) In addition to any penalty or liability under any other law, any member, officer, employee, or agent of the district who violates subsection (a), (b), or (c) of this Section is subject to appropriate administrative discipline as may be imposed by the Panel, including, if warranted, suspension from duty without pay, removal from office, or termination of employment.

(105 ILCS 5/1H-165 new)

Sec. 1H-165. Abolition of Panel. The Panel shall be abolished 10 years after its creation or one year after all its obligations issued under the provisions of this Article have been fully paid and discharged, whichever comes later. However, the State Board, upon recommendation of the Panel and if no obligations are outstanding, may abolish the Panel at any time after the Panel has been in existence for 3 years. Upon the abolition of the Panel, all of its records shall be transferred to the State Board and any property of the Panel shall pass to and be vested in the State Board.

(105 ILCS 5/1H-170 new)

Sec. 1 H-170. Indemnification, legal representation; limitations of actions after abolition.

~~Sec. 1H-170. Limitations of actions after abolition; indemnification; legal representation.~~

(a) The Panel may indemnify any member, officer, employee, or agent who was or is a party or is threatened to be made a party to any threatened, pending, or completed action, suit, or proceeding, whether civil, criminal, administrative, or investigative, by reason of the fact that he or she was a member, officer, employee, or agent of the Panel, against expenses (including attorney's fees, judgments, fines, and amounts paid in settlement actually and reasonably incurred by him or her in connection with the action, suit, or proceeding) if he or she acted in good faith and in a manner that he or she reasonably believed to be in or not opposed to the best interests of the Panel and, with respect to any criminal action or proceeding, had no reasonable cause to believe his or her conduct was unlawful. The termination of any action, suit, or proceeding by judgment, order, settlement, or

conviction or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith in a manner that he or she reasonably believed to be in or not opposed to the best interests of the Panel and, with respect to any criminal action or proceeding, had reasonable cause to believe that his or her conduct was unlawful.

To the extent that a member, officer, employee, or agent of the Panel has been successful, on the merits or otherwise, in the defense of any such action, suit, or proceeding referred to in this subsection (b) or in defense of any claim, issue, or matter therein, he or she shall be indemnified against expenses, including attorney's fees, actually and reasonably incurred by him or her in connection therewith. Any such indemnification shall be made by the Panel only as authorized in the specific case, upon a determination that indemnification of the member, officer, employee, or agent is proper in the circumstances because he or she has met the applicable standard of conduct. The determination shall be made (i) by the Panel by a majority vote of a quorum consisting of members who are not parties to the action, suit, or proceeding or (ii) if such a quorum is not obtainable or, even if obtainable, a quorum of disinterested members so directs, by independent legal counsel in a written opinion.

Reasonable expenses incurred in defending an action, suit, or proceeding shall be paid by the Panel in advance of the final disposition of the action, suit, or proceeding, as authorized by the Panel in the specific case, upon receipt of an undertaking by or on behalf of the member, officer, employee, or agent to repay the amount, unless it is ultimately determined that he or she is entitled to be indemnified by the Panel as authorized in this Section.

Any member, officer, employee, or agent against whom any action, suit, or proceeding is brought may employ his or her own attorney to appear on his or her behalf.

The right to indemnification accorded by this Section shall not limit any other right to indemnification to which the member, officer, employee, or agent may be entitled. Any rights under this Section shall inure to the benefit of the heirs, executors, and administrators of any member, officer, employee, or agent of the Panel.

The Panel may purchase and maintain insurance on behalf of any person who is or was a member, officer, employee, or agent of the Panel against any liability asserted against him or her and incurred by him or her in any such capacity or arising out of his or her status as such, whether or not the Panel could have the power to indemnify him or her against liability under the provisions of this Section.

(b) The Panel shall be considered a State agency for purposes of receiving representation by the Attorney General. Members, officers, employees, and agents of the Panel shall be entitled to representation and indemnification under the State Employee Indemnification Act.

(c) Abolition of the Panel pursuant to Section 1H-165 of this Code shall bar any remedy available against the Panel, its members, employees, or agents for any right or claim existing or any liability incurred prior to the abolition, unless the action or other proceeding is commenced prior to the expiration of 2 years after the date of the abolition.

(105 ILCS 5/8-6)

Sec. 8-6. Custody of school funds.

The school treasurer shall have custody of the school funds and shall keep in a cash book separate cash balances. In the cash book he shall enter in separate accounts the balance, total of all moneys received in each fund, and the total of the orders countersigned or checks signed with respect to each fund, and extend the balances and the aggregate cash balance for all funds at least monthly. The treasurer and shall reconcile such balances with the accounting or bookkeeping department of the district in conformity with a template provided by the State Board of Education monthly, and a copy of such reconciliation shall be submitted by the school board to the State Board of Education within 30 days of receipt from the Treasurer.

(105 ILCS 5/10-16.9 New)

Sec. 10 -16.9 Bank Reconciliation Reports.

Within 30 days of receipt of the bank reconciliation reports from the school treasurer as required pursuant to section 8-6 of this Code, the school board shall submit to the State Board of Education a reconciliation report in conformity with the template provided by the State Board of Education.

(105 ILCS 5/17-1)

Sec. 17-1. Annual Budget. The board of education of each school district under 500,000 inhabitants shall, within or before the first quarter of each fiscal year, adopt and file with the State Board of Education an annual balanced budget which it deems necessary to defray all necessary expenses and liabilities of the district, and in such annual budget shall specify the objects and purposes of each item and amount needed for each object or purpose.

The budget shall be entered upon a School District Budget form prepared and provided by the State Board of Education and therein shall contain a statement of the cash on hand at the beginning of the fiscal year, an estimate of the cash expected to be received during such fiscal year from all sources, an estimate of the expenditures contemplated for such fiscal year, and a statement of the estimated cash expected to be on hand at the end of such year. The estimate of taxes to be received may be based upon the amount of actual cash receipts that may reasonably be expected by the district during such fiscal year, estimated from the experience of the district in prior years and with due regard for other circumstances that may substantially affect such receipts. Nothing in this Section shall be construed as requiring any district to change or preventing any district from changing from a cash basis of financing to a surplus or deficit basis of financing; or as requiring any district to change or preventing any district from changing its system of accounting.

To the extent that a school district's budget is not balanced, the district shall also adopt and file with the State Board of Education a deficit reduction plan to balance the district's budget within 3 years.

The deficit reduction plan must be filed at the same time as the budget, but the State Superintendent of Education may extend this deadline if the situation warrants.

If, as the result of an audit performed in compliance with Section 3-7 of this Code, the resulting Annual Financial Report required to be submitted pursuant to Section 3-15.1 of this Code reflects a deficit as defined for purposes of the preceding paragraph; then the district shall within 30 days of acceptance of such audit report submit as deficit reduction plan.

The board of education of each district shall fix a fiscal year therefor. If the beginning of the fiscal year of a district is subsequent to the time that the tax levy due to be made in such fiscal year shall be made, then such annual budget shall be adopted prior to the time such tax levy shall be made. The failure by a board of education of any district to adopt an annual budget, or to comply in any respect with the provisions of this Section, shall not affect the validity of any tax levy of the district otherwise in conformity with the law. With respect to taxes levied either before, on, or after the effective date of this amendatory Act of the 91st General Assembly, (i) a tax levy is made for the fiscal year in which the levy is due to be made regardless of which fiscal year the proceeds of the levy are expended or are intended to be expended, and (ii) except as otherwise provided by law, a board of education's adoption of an annual budget in conformity with this Section is not a prerequisite to the adoption of a valid tax levy and is not a limit on the amount of the levy.

Such budget shall be prepared in tentative form by some person or persons designated by the board, and in such tentative form shall be made conveniently available to public inspection for at least 30 days prior to final action thereon. At least 1 public hearing shall be held as to such budget prior to final action thereon. Notice of availability for public inspection and of such public hearing shall be given by publication in a newspaper published in such district, at least 30 days prior to the time of such hearing. If there is no newspaper published in such district, notice of such public hearing shall be given by posting notices thereof in 5 of the most public places in such district. It shall be the duty of the secretary of such board to make such tentative budget available to public inspection, and to arrange for such public hearing. The board may from time to time make transfers between the various items in any fund not exceeding in the aggregate 10% of the total of such fund as set forth in the budget. The board may from time to time amend such budget by the same procedure as is herein provided for its original adoption.

Beginning July 1, 1976, the board of education, or regional superintendent, or governing board responsible for the administration of a joint agreement shall, by September 1 of each fiscal year thereafter, adopt an annual budget for the joint agreement in the same manner and subject to the same requirements as are provided in this Section.

The State Board of Education shall exercise powers and duties relating to budgets as provided in Section 2-3.27 of this Code and shall require school districts to submit their annual budgets, deficit reduction plans, and other financial information, including revenue and expenditure reports and

borrowing and interfund transfer plans, in such form and within the timelines designated by the State Board of Education.

By fiscal year 1982 all school districts shall use the Program Budget Accounting System.

In the case of a school district receiving emergency State financial assistance under Article 1B, the school board shall also be subject to the requirements established under Article 1B with respect to the annual budget.

(Source: P.A. 94-234, eff. 7-1-06.)

(115 ILCS 5/2) (from Ch. 48, par. 1702)

Sec. 2. Definitions. As used in this Act:

(a) "Educational employer" or "employer" means the governing body of a public school district, including the governing body of a charter school established under Article 27A of the School Code or of a contract school or contract turnaround school established under paragraph 30 of Section 34-18 of the School Code, combination of public school districts, including the governing body of joint agreements of any type formed by 2 or more school districts, public community college district or State college or university, a subcontractor of instructional services of a school district (other than a school district organized under Article 34 of the School Code), combination of school districts, charter school established under Article 27A of the School Code, or contract school or contract turnaround school established under paragraph 30 of Section 34-18 of the School Code, and any State agency whose major function is providing educational services. "Educational employer" or "employer" does not include (1) a Financial Oversight Panel created pursuant to Section 1A-8 of the School Code due to a district violating a financial plan or (2) an approved nonpublic special education facility that contracts with a school district or combination of school districts to provide special education services pursuant to Section 14-7.02 of the School Code, but does include a School Finance Authority created under Article 1E or 1F of the School Code and a Financial Oversight Panel created under Article 1B or 1H of the School Code. The change made by this amendatory Act of the 96th General Assembly to this paragraph (a) to make clear that the governing body of a charter school is an "educational employer" is declaratory of existing law.

(b) "Educational employee" or "employee" means any individual, excluding supervisors, managerial, confidential, short term employees, student, and part-time academic employees of community colleges employed full or part time by an educational employer, but shall not include elected officials and appointees of the Governor with the advice and consent of the Senate, firefighters as defined by subsection (g-1) of Section 3 of the Illinois Public Labor Relations Act, and peace officers employed by a State university. For the purposes of this Act, part-time academic employees of community colleges shall be defined as those employees who provide less than 3 credit hours of instruction per academic semester. In this subsection (b), the term "student" includes graduate students who are research assistants primarily performing duties that involve research or graduate assistants primarily performing duties that are pre-professional, but excludes graduate students who are teaching assistants primarily performing duties that involve the delivery and support of instruction and all other graduate assistants.

(c) "Employee organization" or "labor organization" means an organization of any kind in which membership includes educational employees, and which exists for the purpose, in whole or in part, of

dealing with employers concerning grievances, employee-employer disputes, wages, rates of pay, hours of employment, or conditions of work, but shall not include any organization which practices discrimination in membership because of race, color, creed, age, gender, national origin or political affiliation.

(d) "Exclusive representative" means the labor organization which has been designated by the Illinois Educational Labor Relations Board as the representative of the majority of educational employees in an appropriate unit, or recognized by an educational employer prior to January 1, 1984 as the exclusive representative of the employees in an appropriate unit or, after January 1, 1984, recognized by an employer upon evidence that the employee organization has been designated as the exclusive representative by a majority of the employees in an appropriate unit.

(e) "Board" means the Illinois Educational Labor Relations Board.

(f) "Regional Superintendent" means the regional superintendent of schools provided for in Articles 3 and 3A of The School Code.

(g) "Supervisor" means any individual having authority in the interests of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, reward or discipline other employees within the appropriate bargaining unit and adjust their grievances, or to effectively recommend such action if the exercise of such authority is not of a merely routine or clerical nature but requires the use of independent judgment. The term "supervisor" includes only those individuals who devote a preponderance of their employment time to such exercising authority.

(h) "Unfair labor practice" or "unfair practice" means any practice prohibited by Section 14 of this Act.

(i) "Person" includes an individual, educational employee, educational employer, legal representative, or employee organization.

(j) "Wages" means salaries or other forms of compensation for services rendered.

(k) "Professional employee" means, in the case of a public community college, State college or university, State agency whose major function is providing educational services, the Illinois School for the Deaf, and the Illinois School for the Visually Impaired, (1) any employee engaged in work (i) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work; (ii) involving the consistent exercise of discretion and judgment in its performance; (iii) of such character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and (iv) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual, or physical processes; or (2) any employee, who (i) has completed the courses of specialized intellectual instruction and study described in clause (iv) of paragraph (1) of this subsection, and (ii) is performing related work under the supervision of a professional person to qualify himself or herself to become a professional as defined in paragraph (l).

(l) "Professional employee" means, in the case of any public school district, or combination of school districts pursuant to joint agreement, any employee who has a certificate issued under Article 21 or Section 34-83 of the School Code, as now or hereafter amended.

(m) "Unit" or "bargaining unit" means any group of employees for which an exclusive representative is selected.

(n) "Confidential employee" means an employee, who (i) in the regular course of his or her duties, assists and acts in a confidential capacity to persons who formulate, determine and effectuate management policies with regard to labor relations or who (ii) in the regular course of his or her duties has access to information relating to the effectuation or review of the employer's collective bargaining

policies.

(o) "Managerial employee" means an individual who is engaged predominantly in executive and management functions and is charged with the responsibility of directing the effectuation of such management policies and practices.

(p) "Craft employee" means a skilled journeyman, craft person, and his or her apprentice or helper.



(q) "Short-term employee" is an employee who is employed for less than 2 consecutive calendar quarters during a calendar year and who does not have a reasonable expectation that he or she will be rehired by the same employer for the same service in a subsequent calendar year. Nothing in this subsection shall affect the employee status of individuals who were covered by a collective bargaining agreement on the effective date of this amendatory Act of 1991.

(Source: P.A. 95-331, eff. 8-21-07; 96-104, eff. 1-1-10.)

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

ILLINOIS STATE BOARD OF EDUCATION MEETING
January 13-14, 2010

TO: Illinois State Board of Education

FROM: Christopher A. Koch, Ed.D., State Superintendent of Education 
Donald W. Evans, Director of Human Resources 

Agenda Topic: Arlington Heights School District 25: Request for Waiver of Transitional Bilingual Education/Transitional Program of Instruction Program Director Qualification Requirements

Materials: Waiver Request; Part 228.30 of the Illinois Administrative Code

Staff Contact(s): Robin M. Lisboa, Division Administrator for English Language Learning

Purpose of Agenda Item

The purpose of this agenda item is to present for Board consideration the Arlington Heights School District 25 request for a five year (from 2010/11 school year through 2014/15 school year) waiver from the Transitional Bilingual Education (TBE) and Transitional Program of Instruction (TPI) program director qualification requirements included in Section 228.30 (c)(1) and (2).

Relationship to/Implications for the State Board's Strategic Plan

GOAL 2: Every student will be supported by highly prepared and effective teachers and school leaders.

The District requests a waiver of the TBE/TPI program director qualification requirements. Requiring the District to hire a program director who meets the requirements stipulated in state rules would further the purpose of Goal 2 in the State Board's Strategic Plan.

Expected Outcome(s) of Agenda Item

The Board will deny the request from Arlington Heights School District 25 to waive the TBE/TPI program director qualifications requirements included in Section 228.30 (c)(1) and (2) of the Illinois Administrative Code.

Background information on waiver requests

The State Board has 45 days to act to deny a request after that request has been received, otherwise the request is "deemed" approved. In considering denial of a request deemed to be a modification of a School Code mandate or a waiver or modification of agency rules, the State Board reviews whether the request meets the criteria for disapproval stipulated in the law, which includes the following:

- The request is not based upon sound educational practices.
- The requested action would endanger the health or safety of students or staff.
- The requested action would compromise equal opportunities for learning.

- The request does not address the intent of the rule or mandate in a more effective, efficient or economical manner.
- The request does not have improved student performance as a primary goal.

See 105 ILCS 5/2-3.25g (d).

Background Information

In 2006, in the interest of providing appropriate and high-quality services to students in bilingual education programs, the agency added through the rulemaking process a new requirement under Section 228.30(c) to ensure that, in districts with a TBE program and 200 or more TBE / TPI students, the program director must meet the following requirements: (1) hold an administrative certificate or supervisory endorsement and (2) hold a bilingual endorsement or approval or an English as a New Language (ENL) endorsement with a language designation.

Although this requirement was incorporated into the rules in 2006, districts were given until July 1, 2010, or approximately four years, to comply. Because Arlington Heights School District 25 has both a TBE and a TPI as well as more than 200 TBE/TPI students in the district, the district program director must meet the requirements under Section 228.30(c)(1) for TBE programs.

The District has had several years to come into compliance with the program director requirement. In 2006, districts were informed about the new requirement. They were given until July of 2010 to fully comply with this requirement for any administrator in the position prior to the rule change. Beginning in July 2008 any newly hired administrator was required to meet these requirements. Dist. 25 replaced the program director after the rule change in 2006 and should have considered the requirement when recruiting new staff, but instead, it chose to hire a program director that clearly did not meet the stated requirement.

The number of individuals with the required bilingual program director qualifications in Illinois far exceeds the number of districts that must employ a director who meets the requirements under Section 228.30. Currently 848 individuals with administrative certificates and bilingual endorsements or approvals or an ENL endorsement with a language designation are registered on the Educator Certification System. Only 99 districts that receive TBE/TPI funding from the State this year must comply with the program director qualifications discussed here.

In the time since this administrator was hired, the District has not ensured that he/she receives the proper training to qualify him/her for the position, willfully disregarding the requirement. Unlike districts in remote parts of the state, the District has access to at least some programs that offer the required training. For example, the Illinois Resource Center (IRC) offers the required program through National Lewis University and it is located approximately seven minutes or two miles from the District's offices.

The administrative rule for which the District is seeking a waiver is not arbitrary. ISBE has the responsibility to ensure that the requirements governing TBE and TPI are implemented and that quality education programs are established to meet the needs of English language learners (ELLs) and their parents. Transitional bilingual education is designed to help children build academic skills and knowledge with native language support while they acquire the English language skills necessary to succeed in the general education program. This model addresses the special learning needs that ELL students have due to their limited proficiency in the English language.

For effective program implementation it is important to have a program director with decision-making authority who is knowledgeable about the learning needs of ELL students, second language acquisition and bilingual education in order to direct the program curriculum, instructional methodologies, assessment, data management and materials selection. The program director's responsibilities include the following, but are not limited to:

- Determining educational standards and goals for ELL programs
- Ensuring that ELL programs comply with federal, state, and local laws
- Setting policies and procedures for ELL teachers and staff who are implementing those programs
- Supporting bilingual/ESL teachers and evaluating their performance in the areas of instructional strategies, subject matter knowledge and program effectiveness
- Coordinating and providing professional development for teachers in topics related to bilingual education, second language acquisition and best practices; and
- Working with parents of ELL students

Analysis and Implications for Policy, Budget, Legislative Action and Communications

Policy Implications: Denial of the waiver request will require the district to adhere to the rules.

Budget Implications: This action will not have budget implications.

Legislative Action: None is required.

Communication: The Board's decision must be communicated to the District.

Superintendent's Recommendation

I recommend that the following motion be adopted:

The State Board of Education hereby denies the request submitted by Arlington Heights School District 25 to waive the TBE/TPI program director requirements included in 228.30(c) (1) and (2).

Next Steps

The district will be informed of the Board's action and of its right to appeal the Board's decision to the Illinois General Assembly in accordance with Part 1.100(i) of the State Board's rules (Public Schools Evaluation, Recognition and Supervision; 23 Ill. Adm. Code 1.100(i)).



Arlington Heights School District 25

Administration Building • 1200 S. Dunton, Arlington Heights, IL 60005 • (847) 758-4913 • FAX (847) 758-4882
Renee Zoladz Ed.D, Assistant Superintendent for Personnel and Planning

December 1, 2009

Representative Mark Walker
2015 S. Arlington Heights Road
Unit 104
Arlington Heights, IL 60005

Dear Representative Walker,

As outlined by Public Act 93-0557, the Board of Education for Arlington Heights School District 25 will be holding a public hearing at 6:45 p.m. on Thursday, December 10, 2009. It will be held in the Commons at Olive-Mary Stitt School, 303 E. Olive Street, Arlington Heights, IL, 60004. The purpose of the hearing is to consider a waivers/modification request that will be sent to the Illinois State Board of Education. The request is summarized below.

23 Illinois Administrative Code 228.30

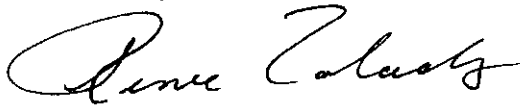
Effective July 1, 2010, 23 Illinois Administrative Code 228.30 requires that the person the school district designates to administer a TBE/TPI program must hold a valid administrative certificate or supervisory endorsement issued by the State Board of Education in accordance with applicable provisions of 23 Ill. Admin. Code 25 and must hold the bilingual or ESL approval or endorsement in addition to the administrative certificate. Currently Arlington Heights School District 25 employs thirteen ESL/Bilingual teachers and serves over 300 limited English proficient students in grades PreK – 8. Students enrolled in the district's program are meeting/exceeding state standards in reading and mathematics as evidenced on the school district's report card. On the 2009 School Report Card 84.6% of all LEP students met or exceeded standards in reading and 93.8% of all LEP students met or exceeded standards in mathematics demonstrating that the district is making Adequate Yearly Progress (AYP). These meet/exceed student scores are an increase over the 2007 and 2008 school report card data and District 25 LEP students consistently score above the state average in all content areas (reading, mathematics, and science).

Currently a person who holds a valid administrative certificate issued by the State Board of Education administers the district's TBE/TPI program. Although the intent of the new certification requirements is to ensure the administration of a quality TBE/TPI program, student data indicates that the additional administration certification requirement is not necessary for AHSD25 to offer a quality program to its community. The change we are requesting in the mandate would allow District 25 to continue to administer the current program without adding additional certification requirements for the administrator.

District 25 meets all of the other program requirements under 23 Illinois Administrative Code 228.30. In the past twelve months two of the current teaching staff have received accolades for quality instruction and programming under the current model. One of the district's ESL teachers, Michelle Mangold, received a Golden Apple Award in the spring of 2009 and another ESL teacher, Nancy Arias, received an Illinois Those Who Excel Award in the fall of 2009. The entire ESL/Bilingual team participates in regularly scheduled professional development and often participates in classes at the Illinois Resource Center located in Arlington Heights. These additional certification requirements would place an undue burden on the school district to hire an additional administrator when the current programming is considered exemplary as evidenced by student achievement and teacher awards.

We look forward to your support of this waiver/modification of State Board Rules and/or School Code Mandates. If I may be of assistance in clarifying these requests, please do not hesitate to contact me at (847) 758-4910.

Sincerely,

A handwritten signature in black ink, appearing to read "Renee Zoladz". The signature is fluid and cursive, with the first name "Renee" written in a larger, more prominent script than the last name "Zoladz".

Renee Zoladz, Ed.D.
Assistant Superintendent for Personnel & Planning

Cc: Dr. Sarah Jerome/Superintendent

DISTRICT OFFICE:
2015 S. ARLINGTON HEIGHTS ROAD
UNIT 104
ARLINGTON HEIGHTS, IL. 60005
(847) 640-8645
(847) 640-8690 FAX



SPRINGFIELD OFFICE:
266 - S STRATTON OFFICE BUILDING
SPRINGFIELD, IL 62706
(217) 782-3739
(217) 558-4537 FAX

MARK L. WALKER
STATE REPRESENTATIVE
66TH DISTRICT

RECEIVED

24
JAN 07 2010

State Superintendent of
Education

December 4, 2009

Dr. Christopher Koch
State Superintendent
Illinois State Board of Education

Dear Mr. Koch:

This letter is in support of a waiver/modification request that the Arlington Heights School District 25's Board of Education is seeking regarding **23 Illinois Administrative Code 228.30**.

The change that the Arlington Heights School District 25 is requesting would allow District 25 to administer their current program without adding additional certification requirements for the administrator. I strongly support their request because the current programs reflect consistent success in student performance as reflected in their scores. Also, the high quality of the ESL teachers is reflected in the recognition they have received from various organizations and in their commitment to professional development.

In this instance these additional certification requirements would place an undue burden on the school district to hire an additional administrator when the current programming is considered exemplary as evidenced by student achievement and teacher awards.

Feel free to contact me with any additional questions.

Sincerely,

Mark Walker
State Representative – 66th District

Cc: Renee Zoladz, ED.D,
Assistant Superintendent for Personnel & Planning
Arlington Heights School District 25

Dr. Sarah Jerome/ Superintendent
Arlington Heights School District 25

DEC 15 2009

ILLINOIS STATE BOARD OF EDUCATION
Rules and Waivers Unit
100 North First Street, S-493
Springfield, Illinois 62777-0001
Phone 217/782-5270

**APPLICATION FOR WAIVER OR MODIFICATION
OF STATE BOARD RULES AND/OR SCHOOL CODE MANDATES**

This application is to be used for seeking a waiver or modification of State Board of Education rules or of School Code mandates in accordance with Section 2-3.25g of the School Code [105 ILCS 5/2-3.25g]. The completed application must be submitted by certified mail, return receipt requested, to the above address. Please use the instructions on reverse side when completing this application. **Please note that action on incomplete applications will be delayed until all required documentation is received.**

1. The application is for: (Check appropriate box(es) below.)

- WAIVER OF SCHOOL CODE
- WAIVER OF ISBE RULE
- MODIFICATION OF SCHOOL CODE
- MODIFICATION OF ISBE RULE

2. APPLICANT'S NAME AND NUMBER

Arlington Heights School District 25

APPLICANT'S ADDRESS

1200 South Dunton Avenue
Arlington Heights, IL 60005

SUPERINTENDENT/EXECUTIVE DIRECTOR

Dr. Sarah Jerome

COUNTY

Cook

CONTACT PERSON

Renee Zoladz, Ed.D.

CONTACT PERSON'S TELEPHONE NUMBER/EXTENSION

(847) 758-4910

CONTACT FAX NUMBER

(847) 758-4882

E-MAIL ADDRESS OF CONTACT PERSON

rzoladz@sd25.org

Can we contact your e-mail address?

- Yes
- No

3. Provide citation or language of the rule(s) or School Code mandate(s) which are the subject of this application. If you are requesting a modification, display it here, using strike through or underlining.

See Attachment A

4. Attach a narrative identifying and justifying the specific request.

a. For proposed waivers and modifications of rules or modifications of School Code mandates that are based upon meeting the intent of the rule or mandate in a more effective, efficient or economical manner, a narrative description must provide all of the required information (see item 4(a) on the reverse side).

See Attachment

b. All proposed waivers/modifications requested to stimulate innovation or improve student performance, including all proposed waivers of School Code mandates, shall provide the specific plan for improved student performance and school improvement upon which the request is being based and how the applicant will determine success (see item 4(b) on the reverse side).

c. Applications requesting waivers from Section 17-1.5 of the School Code must include the amount, nature, and reason for the requested relief and all remedies that have been exhausted by the district to comply with the administrative expenditure limitation.

WM200-5270

5. **Public Testimony:** Attach a description of the testimony provided, to include the information enumerated in item 5 on the reverse side.

6. This application is for: INITIAL WAIVER/MODIFICATION RENEWAL OF PREVIOUSLY APPROVED WAIVER/MODIFICATION

This application requests waiver/modification for 5 years (from 2010-11 school year through 2014-15 school year).

(See item 6 on reverse side for limits on the duration of waivers/modifications.)

7. Attach a copy of each public notice required. Any request not meeting the requirements will be returned as ineligible for consideration.

8. Compliance with Notice and Hearing Requirements

I certify that a hearing concerning this application and any associated plan for improved student performance was held on December 10, 2009 and, for those applicants requesting waivers or modifications of the daily physical education requirement, that the regular board meeting(s) were held on _____ of that month.

I further certify that the applicant has met all the notification and hearing requirements enumerated in items A and B on reverse side and that the board of education/board of directors of the applicant identified above approved this application on December 10, 2009.

December 11, 2009

Date

Sarah Jerome
Signature of Applicant (i.e., District Superintendent/Executive Director/Regional Superintendent)

ARLINGTON HEIGHTS SCHOOL DISTRICT 25
1200 South Dunton Avenue
Arlington Heights, Illinois 60005

**APPLICATION FOR WAIVER OR MODIFICATION OF STATE BOARD
RULES AND/OR SCHOOL CODE MANDATES**

Attachment A

23 Illinois Administrative Code 228.30 Establishment of Programs

c) Administrators

Beginning July 1, 2008, each individual newly assigned to administer a program under this Part shall meet the applicable requirements of this subsection (c). Administrators first assigned on or before June 30, 2008, shall be subject to the applicable requirements of this subsection (c) as of July 1, 2010.

1. Except as provided in subsections (c)(3) and (4) of this Section, any person designated to administer a TBE program must hold a valid administrative certificate or supervisory endorsement issued by the State Board of Education in accordance with applicable provisions of 23 Ill. Adm. Code 25 (certification) and 23 Ill. Adm. Code 1 (Public Schools Evaluation, Recognition and Supervision) ~~and must hold the bilingual approval or endorsement.~~
2. Except as provided in subsections (c)(3) and (4) of this Section, any person designated to administer a TPI program must hold a valid administrative certificate or supervisory endorsement issued by the State Board of Education in accordance with applicable provisions of 23 Ill. Adm. Code 25 ~~and must hold the bilingual or ESL approval or endorsement.~~

ARLINGTON HEIGHTS SCHOOL DISTRICT 25

1200 S. Dunton Avenue
Arlington Heights, IL 60005-3122

**APPLICATION FOR WAIVER OR MODIFICATION OF STATE BOARD
RULES AND/OR SCHOOL CODE MANDATES**

4a.

- i. The ISBE requires all school districts to offer opportunities for resident English Language Learners to develop high levels of academic attainment in English and to meet the same academic content and student academic achievement standards that all children are expected to attain. The original intent of the additional administrative certification requirements was to ensure that a educated administrator supervised all Transitional Bilingual Education and Transitional Programs of Instruction for English Language Learners . Educated being defined as a person who had participated in university coursework and professional development focused on best practices in ELL/Bilingual education. This coursework would then qualify the administrator for a Bilingual and/or an ESL endorsement or approval
- ii. Currently Arlington Heights School District 25 provides a quality program of instruction and offers opportunities for all English Language Learners to develop high levels of academic attainment. The school district employs thirteen ESL/Bilingual teachers and serves over 300 limited English proficient students in grades PreK – 8. Students enrolled in the district’s program are meeting/exceeding state standards in reading and mathematics as evidenced on the school district’s report card. On the 2009 School Report Card 84.6% of all LEP students met or exceeded standards in reading and 93.8% of all LEP students met or exceeded standards in mathematics demonstrating that the district is making Adequate Yearly Progress (AYP). These meet/exceed student scores are an increase over the 2007 and 2008 school report card data and District 25 LEP students consistently score above the state average in all content areas (reading, mathematics, and science).



Presently a person who holds a valid administrative certificate issued by the State Board of Education administers the district’s TBE/TPI program. Although the intent of the new certification requirements is to ensure the administration of a quality TBE/TPI program, student data indicates that the additional administration certification requirement is not necessary for AHSD25 to offer a quality program to its community. The change we are requesting in the mandate would allow District 25 to continue to administer the current program without adding additional certification requirements for the administrator.

District 25 meets all of the other program requirements under 23 Illinois Administrative Code 228.30. In the past twelve months two of the current teaching staff have received accolades for quality instruction and programming under the current model. One of the district’s ESL teachers, Michelle Mangold, received a Golden Apple Award in the spring of 2009 and another ESL teacher, Nancy Arias, received an Illinois Those Who Excel Award in the fall of 2009. The entire ESL/Bilingual team participates in regularly scheduled professional development and often participates in classes at the Illinois Resource Center located in Arlington Heights. These additional certification requirements would place an undue burden on the school district to hire an additional administrator when the current programming is considered exemplary as evidenced by student achievement and teacher awards.

- iii. The modification of the requirements in 23 Illinois Administrative Code 228.30 would allow the school district to continue the current level of quality instruction for English Language Learners without disruption to the current program.
- iv. Cost neutral

ILLINOIS STATE BOARD OF EDUCATION MEETING
January 13-14, 2010

TO: Illinois State Board of Education

FROM: Christopher A. Koch, Ed.D., State Superintendent of Education 
Donald W. Evans, Director of Human Resources 

Agenda Topic: School District U-46: Request for waiver of State Board Ruled (23 Ill. Adm. Code Part 228.30) – ELL Student Teacher Ratio

Materials: Waiver Application
23 Ill. Adm. Code 228.30 (b)(1)

Staff Contact(s): Robin M. Lisboa, Division Administrator for English Language Learning

Purpose of Agenda Item

The purpose of this agenda item is to present for Board consideration the Elgin School District U-46 (the District) request for a five year (from 2010/11 school year through 2014/15 school year) waiver from the rule governing Instructional Specifications/Student-Teacher ratio included under Section 228.30(b)(1).

Expected Outcome(s) of Agenda Item

The Board's disapproval of the request.

Background information on waiver requests

The State Board has 45 days to act to deny a request after that request has been received, otherwise the request is "deemed" approved. The 45-day timeline for the Elgin request will end February 17, 2010. In considering denial of a request deemed to be a modification of a School Code mandate or a waiver or modification of agency rules, the State Board reviews whether the request meets the criteria for disapproval stipulated in the law, which includes the following:

- The request is not based upon sound educational practices.
- The requested action would endanger the health or safety of students or staff.
- The requested action would compromise equal opportunities for learning.
- The request does not address the intent of the rule or mandate in a more effective, efficient or economical manner.
- The request does not have improved student performance as a primary goal.

See 105 ILCS 5/2-3.25g (d).

Background Information

Since 1980, the legislature has required the State Board to set the maximum student-teacher ratio in English as a Second Language (ESL) and native language components of bilingual programs and that ratio must “reflect the special education needs of children enrolled in programs in transitional bilingual education.” See 105 ILCS 5/14C-6.

As such, at least since 1986, the Transitional Bilingual Education (Part 228) rules have prohibited the student-teacher ratio in the ESL and native language classes to exceed 90% of the average student-teacher ratio in general education classes as of September 30 of each school year. Decreases in the ratio for general education classes during the course of a school year, due to students’ mobility, does not require corresponding adjustments within the bilingual program. Further, additional students may be placed into the relevant bilingual classes during the course of a school year, provided that no bilingual classroom may comprise a student-teacher ratio that is greater than the average for general education classes in that grade and attendance center as a result of such placements.

The request from the District for a waiver of a State Board of Education rule requiring the student-teacher ratio in the ESL and native language classes not to exceed 90% of the average student-teacher ratio in general education classes, must be denied because it is not based on sound educational practices and does not improve student performance as a primary goal. Specific reasons for recommending denial of this request are discussed below.

Analysis and Policy Implications

Elgin School District U-46 is requesting ISBE to waive the requirement in the State Board’s rules regarding the student-teacher ratio in the ESL and native language classes. The district cites economic reasons for the request, stating it could save \$500,000 per year if allowed to increase class sizes for English Language Learners.

This section of the Rules was established, as required by law, to ensure that districts provide differentiated and focused instruction to meet the needs of ELL students who require additional time as well as teacher attention to understand, and respond to instruction. Most educators agree on the benefits of small class sizes. There are several compelling studies that demonstrate that reducing class size, particularly for younger disadvantaged children, has a significant positive effect on student achievement. The Institute of Education Sciences, the research arm of the United States Department of Education, concluded that class size reduction is one of only four, evidence-based reforms that have been proven to increase overall student performance. Research by Alan Kruger and Diane Whitmore (Would Smaller Classes Help Close the Black-White Achievement Gap?) showed that reducing class size in the early grades shrinks the achievement gap by about 38%, by 60% in test taking rates for college entrance exam like the SAT or ACT in high school. Jeremy Finn (Class Size Reduction, Grades K-3) found that, in high school, students who had been in smaller classes had significantly lower drop-out rates, the graduation rate for free-lunch students more than doubled, and their likelihood of graduating equaled those who were not poor. Other research such as that conducted by Margaret Wang (How Small Classes Help Teachers Do Their Best) and Jere Brophy, (How Might Teachers Make Smaller Classes Better Classes?) recommend smaller class sizes for better overall student performance.

ELLs in Elgin are among the District’s students that are most in need of support. In its 2009 Report Card, Limited English Proficient (LEP) students failed to meet AYP for both, Reading and in Mathematics. The 2009 assessment results show that only 45.5% of the LEP subgroup met the state standards for reading – the state target was 70%. Allowing for an increase in the class size could negatively impact this subgroup’s performance.

In its waiver application, the District states that “the further reduction in state bilingual funding for bilingual education makes it unduly burdensome to require the District to continue to comply with this particular ISBE regulation.” However, the district’s state funding for bilingual education has not been reduced. In fact, the state proration to districts increased in FY10 by almost 25% which resulted in school districts receiving greater reimbursement than in previous years. For Elgin, the increase meant approximately \$750,000 additional reimbursed funds over FY09. The Federal per-pupil funding (Title III LIP/LEPS) also increased from \$174 in FY09 to \$200 in FY10.

Elgin District U-46 receives state and federal bilingual funds that are supplemental and specifically designed to reduce class size and to provide focused instruction. The funds are calculated based on the number of students served the previous year. For the FY10 academic year, District U-46 is allocated more than the previous year – State funds are allocated at \$3,607,871 and Title III at \$1,391,800.

| Funding Sources | FY09 | FY10 |
|------------------------------------|---------------------|---------------------|
| State TBE/TPI | \$ 3,561,959 | \$ 3,607,871 |
| Federal Title III – LIPLEPS | \$ 1,167,192 | \$ 1,391,800 * |
| | | |
| Total | \$ 4,729,151 | \$ 4,999,671 |

*The district will actually receive \$2,156,521 in federal funding because it has a carryover amount of \$758,721 from FY09.

Moreover, during each of the past seven years, Elgin has failed to spend all the federal bilingual funds (Title III LIPLEPS) it was awarded (see table below). It has carried over funds in each one of those years. The District should utilize these unspent funds to improve the education of ELL students. Instead of increasing the ELL group class size, the district could save a considerable amount of money if it chose to utilize the funds it already has at its disposal.

| | FY10 | FY09 | FY08 | FY07 | FY06 | FY05 | FY04 |
|---|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Unexpended/Carryover Title III Funds | \$758,721 | \$416,029 | \$759,949 | \$527,786 | \$549,875 | \$727,533 | \$608,752 |

Furthermore, the Rule does not specify a number for class size because average class size varies considerably from district to district, and often from school to school within a district. Instead, the law allows districts to determine average class size and target program resources accordingly. District U-46 is not precluded from doing this with all of its students, rather than targeting LEP students to increase the class size.

For the stated reasons, it is determined that granting Elgin District U-46 the waiver allowing it to increase the classroom size for LEP students is not a sound education practice and could have a negative impact on a student population that is already struggling and deemed at-risk.

Superintendent's Recommendation

I recommend that the following motion be adopted:

The State Board of Education hereby denies the request submitted by Elgin School District U-46 to waive the student-teacher ratio outlined in Section 228.30(b)(1) because such request is not based on sound educational practices and does not improve student performance as a primary goal.

Next Steps

The district will be informed of the Board's action and of its right to appeal the Board's decision to the Illinois General Assembly in accordance with Part 1.100(i) of the State Board's rules (Public Schools Evaluation, Recognition and Supervision; 23 Ill. Adm. Code 1.100(i)).

ILLINOIS STATE BOARD OF EDUCATION
Rules and Waivers Unit
100 North First Street, S-493
Springfield, Illinois 62777-0001
Phone 217/782-5270

12-24

**APPLICATION FOR WAIVER OR MODIFICATION
OF STATE BOARD RULES AND/OR SCHOOL CODE MANDATES**

This application is to be used for seeking a waiver or modification of State Board of Education rules or of School Code mandates in accordance with Section 2-3.25g of the School Code [105 ILCS 5/2-3.25g]. The completed application must be submitted by certified mail, return receipt requested, to the above address. Please use the instructions on reverse side when completing this application.

Please note that action on incomplete applications will be delayed until all required documentation is received.

1. The application is for: (Check appropriate box(es) below.)

- WAIVER OF SCHOOL CODE WAIVER OF ISBE RULE MODIFICATION OF SCHOOL CODE MODIFICATION OF ISBE RULE

| | |
|--|--|
| 2. APPLICANT'S NAME AND NUMBER SCHOOL DISTRICT U-46 | CONTACT PERSON PATRICK J BRONCATO |
| APPLICANT'S ADDRESS 355 EAST CHICAGO STREET ELGIN IL 60120 | CONTACT PERSON'S TELEPHONE NUMBER/EXTENSION 847.888.5000, EXT. 5450 |
| | CONTACT FAX NUMBER 847.888.7030 |
| SUPERINTENDENT/EXECUTIVE DIRECTOR DR JOSE M TORRES | E-MAIL ADDRESS OF CONTACT PERSON patbroncato@u-46.org |
| COUNTY KANE | Can we contact your e-mail address? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

3. Provide citation or language of the rule(s) or School Code mandate(s) which are the subject of this application. If you are requesting a modification, display it here, using strike through or underlining.

23 Ill. Admin. Code, 228.30 (b)(1) (2006)

4. Attach a narrative identifying and justifying the specific request.

a. For proposed waivers and modifications of rules or modifications of School Code mandates that are based upon meeting the intent of the rule or mandate in a more effective, efficient or economical manner, a narrative description must provide all of the required information (see Item 4(a) on the reverse side).

SEE ATTACHED PAGE FOR 4(a), regarding Waiver Modification

b. All proposed waivers/modifications requested to stimulate innovation or improve student performance, including all proposed waivers of School Code mandates, shall provide the specific plan for improved student performance and school improvement upon which the request is being based and how the applicant will determine success (see Item 4(b) on the reverse side).

c. Applications requesting waivers from Section 17-1.5 of the School Code must include the amount, nature, and reason for the requested relief and all remedies that have been exhausted by the district to comply with the administrative expenditure limitation.

WM200-5289-3

5. **Public Testimony:** Attach a description of the testimony provided, to include the information enumerated in item 5 on the reverse side.

6. This application is for: INITIAL WAIVER/MODIFICATION RENEWAL OF PREVIOUSLY APPROVED WAIVER/MODIFICATION
This application requests waiver/modification for 5 years (from 2010-2011 school year through 2014-2015 school year).
(See Item 6 on reverse side for limits on the duration of waivers/modifications.)

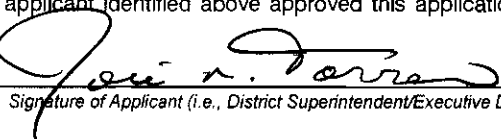
7. Attach a copy of each public notice required. Any request not meeting the requirements will be returned as ineligible for consideration.

8. Compliance with Notice and Hearing Requirements

I certify that a hearing concerning this application and any associated plan for improved student performance was held on December 14, 2009 and, for those applicants requesting waivers or modifications of the daily physical education requirement, that the regular board meeting(s) were held on December 7, 2009 of that month.

I further certify that the applicant has met all the notification and hearing requirements enumerated in items A and B on reverse side and that the board of education/board of directors of the applicant identified above approved this application on December 14, 2009.

December 14, 2009
Date


Signature of Applicant (i.e., District Superintendent/Executive Director/Regional Superintendent)



José M. Torres, Ph.D., Superintendent

School District U-46
Educational Services Center
355 E. Chicago Street, Elgin IL 60120-6543
Tel: 847.888.5000
Fax: 847.888.7030

U-46.org

TO: Illinois State Board of Education
FROM: Patrick Broncato
RE: Narrative Waiver/Modification of ISBE Regulation regarding bilingual staffing
DATE: November 30, 2009

Modification of ISBE Rule

3. Proposed Modification:

b) Instructional Specifications

1) Student-Teacher Ratio - The student-teacher ratio in the ESL and native language components of programs as of September 30 of each school year shall not exceed 90% of the average student-teacher ratio in general education classes established by the District for the current school year, for the same grades in that attendance center. Decreases in the ratio for general education during the course of a school year due to students' mobility shall not require corresponding adjustments within the bilingual program. Further, additional students may be placed into bilingual classes during the course of a school year, provided that no bilingual classroom may exhibit a student teacher ratio that is greater than the average for general education classes in that grade and attendance center as a result of such placements.

4 (a). Currently, School District U-46, which is a K-12 unit district, has made substantial attempts with the past State funding provided to continue to comply with the ISBE regulation requiring that ESL and native language components of programs not exceed 90% of the average student-teacher ratio in general education classes. The District's current average staffing ratio for the 2009-2010 school year is 25-1 at grades K-2 and 28-1 at grades 3-6, which is lower than previous years. The lower class size has been instituted in order to provide greater educational opportunities for U-46 students. If the regulation is followed, for the 2010-2011 school year, assuring the same ratio, class sizes for bilingual students would be 23-1 at grades K-2 and 25-1 at grades 3-6. The District believes that the class size ratio instituted for general education students is also effective for ESL and native language speakers.



By way of comparison, the average class size in elementary schools for classes that meet the 90% guidelines in U-46 is 18.4 students, while the average class size in those schools that do not meet 90% ratio is 22.6. The average class size in those elementary schools

combined is 21.9. However, while the cost of complying with ISBE's rules and regulations for bilingual education has annually exceeded the dollars allocated for bilingual education in School District U-46, the further reduction in State funding for bilingual education makes it unduly burdensome to require the District to continue to comply with this particular ISBE regulation. It is estimated that this modification will save the District over \$500,000 per year, which will help to lessen the burden to the District as a result the State's decision not to fully fund bilingual education, and allow the District to use those funds in a more flexible manner while continuing to provide a quality education for our bilingual students.

/kf

ILLINOIS STATE BOARD OF EDUCATION MEETING
January 13-14, 2010

TO: Illinois State Board of Education

FROM: Christopher A. Koch, Ed.D., State Superintendent of Education 
Donald W. Evans, Director of Human Resources 

Agenda Topic: Kildeer Countryside CCSD #96: Request for Waiver of Transitional Bilingual Education/Transitional Program of Instruction Program Director Qualification Requirements

Materials: Waiver Request; Part 228.30 of the Illinois Administrative Code

Staff Contact(s): Robin M. Lisboa, Division Administrator for English Language Learning

Purpose of Agenda Item

The purpose of this agenda item is to present for Board consideration the Kildeer Countryside CCSD #96 ("the District") request for a five year (from 2010/11 school year through 2014/15 school year) waiver from the Transitional Bilingual Education (TBE) and Transitional Program of Instruction (TPI) program director qualification requirements included in Section 228.30 (c)(4).

Relationship to/Implications for the State Board's Strategic Plan

GOAL 2: Every student will be supported by highly prepared and effective teachers and school leaders. Requiring the District to hire a program director who meets the requirements stipulated in state rules would further the purpose of Goal 2 in the State Board's Strategic Plan.

Expected Outcome(s) of Agenda Item

The Board will deny the request from Kildeer Countryside CCSD #96 to waive the TBE/TPI program director qualifications requirements included in Section 228.30 (c)(4) of the Illinois Administrative Code.

Background information on waiver requests

The State Board has 45 days to act to deny a request after that request has been received, otherwise the request is "deemed" approved. In considering denial of a request deemed to be a modification of a School Code mandate or a waiver or modification of agency rules, the State Board reviews whether the request meets the criteria for disapproval stipulated in the law, which includes the following:

- The request is not based upon sound educational practices.
- The requested action would endanger the health or safety of students or staff.
- The requested action would compromise equal opportunities for learning.
- The request does not address the intent of the rule or mandate in a more effective, efficient or economical manner.
- The request does not have improved student performance as a primary goal.

See 105 ILCS 5/2-3.25g (d).

Background Information

In 2006, in the interest of providing appropriate and high-quality services to students in bilingual education programs, the agency added a new requirement under Section 228.30(c) to ensure that in districts with a TBE program and 200 or more TBE / TPI students, the program director must meet the following requirements: (1) hold an administrative certificate or supervisory endorsement and (2) hold a bilingual endorsement or approval or an English as a New Language (ENL) endorsement with a language designation.

This requirement was incorporated into the rules in 2006 with a phase in period that ends on June 30, 2010. In addition, the revised Administrative Code provides a grace period for a program director in a district where the number of TBE/TPI students grows to 200 or more. The district must meet the program director requirement at the beginning of the fourth year in which the eligible population exceeds the threshold. Because of this phase-in, and as further described below, the District does not have to comply with the aforementioned program director requirement until the beginning of the 2012-2013 school year.

This waiver request is therefore premature. Our records indicate that the District's English Language Learner (ELL) population first exceeded the 200 student threshold in June 2008. Under the relevant rule, the District thus has until July of 2012 to comply with the requirement. Between now and then, the District can and must work with the current program director to ensure that he or she receives the appropriate training to qualify for the position. In the alternative, the district has two and half years to find a program director with the required qualifications.

The number of individuals with the required bilingual program director qualifications in Illinois far exceeds the number of districts that must employ a director who meets the requirements under 228.30. Currently, 848 individuals with administrative certificates and bilingual endorsements or approvals or an ENL endorsement with a language designation are registered on the Educator Certification System. Only 99 districts that receive TBE/TPI funding from the State this year must comply with the program director qualifications discussed here.

The administrative rule for which the District is seeking a waiver is not arbitrary. ISBE has the responsibility to ensure that the requirements governing TBE and TPI are implemented and that quality education programs are established to meet the needs of English language learners (ELLs) and their parents. Transitional bilingual education is designed to help children build academic skills and knowledge with native language support while they acquire the English language skills necessary to succeed in the general education program. This model addresses the special learning needs that ELL students have due to their limited proficiency in the English language.

For effective program implementation it is important to have a program director with decision-making authority who is knowledgeable about the learning needs of ELL students, second language acquisition and bilingual education in order to direct the program curriculum, instructional methodologies, assessment, data management and materials selection. The program director's responsibilities include the following, but are not limited to:

- Determining educational standards and goals for ELL programs
- Ensuring that ELL programs comply with federal, state, and local laws
- Setting policies and procedures for ELL teachers and staff who are implementing those programs

- Supporting bilingual/ESL teachers and evaluating their performance in the areas of instructional strategies, subject matter knowledge and program effectiveness
- Coordinating and providing professional development for teachers in topics related to bilingual education, second language acquisition and best practices
- Working with parents of ELL and immigrant students

Analysis and Implications for Policy, Budget, Legislative Action and Communications

Policy Implications: Denial of the waiver request will require the District, at some point in the next two and half years, to find a program director that is properly qualified for the position. In the alternative, the current program director will have two and half years to get the appropriate training to be qualified for this position.

Budget Implications: This action will not have budget implications.

Legislative Action: None is required.

Communication: The Board's decision must be communicated to the District.

Superintendent's Recommendation

I recommend that the following motion be adopted:

The State Board of Education hereby denies the request submitted by Kildeer Countryside CCSD #96 to waive the TBE/TPI program director requirements included in Section 228.30(c) (4).

Next Steps

The district will be informed of the Board's action and of its right to appeal the Board's decision to the Illinois General Assembly in accordance with Part 1.100(i) of the State Board's rules (Public Schools Evaluation, Recognition and Supervision; 23 Ill. Adm. Code 1.100(i)).



KILDEER COUNTRYSIDE COMMUNITY CONSOLIDATED SCHOOL DISTRICT 96

October 30, 2009

Representative Sidney Mathias
4256 N. Arlington Heights Road, Suite 104
Arlington Heights, IL 60004

Dear Representative Mathias:

I would like to formally propose the idea of an expanded waiver policy. This proposal would provide those school districts that have demonstrated academic success with access to a higher level of flexibility. The idea is similar to the flexibility provided to charter schools.

At the first meeting of your 53rd District Education Advisory Council, you asked for innovative ideas. At that time I proposed expanding the wavier provisions to school districts that have consistently demonstrated their students are learning. This expanded flexibility would allow relief from unfunded state mandates and onerous programmatic requirements. The proposal would be innovative, based on data from the state ISAT exams, and provide an incentive for schools to improve their levels of student achievement. In its simplest terms, the better a school district performs, the more flexibility it could have around state mandates.

The requirement to employ a bilingual coordinator is a perfect example of how this might work. District 96 bilingual students are meeting state standards, yet the state is requiring us to employ another person to supervise the bilingual program. Why? Based on what evidence? What is the motivation behind this requirement? I can understand the requirement for those school districts whose bilingual students are not performing to state standards; a school district in that situation might need the expertise of a specialist in bilingual education. However, if a school district can demonstrate that their bilingual students are meeting state standards, why have the additional financial burden to the local taxpayers?

Obviously this idea would need more development but if you were serious about making an impact, this kind of legislation would have tremendous value for your constituents. I will hopefully be able to bring this to the table at the next meeting of the Education Advisory Council.

Sincerely,

Thomas W. Many, Ed.D.
Superintendent of Schools
Cc: Marc Tepper

1050 Ivy Hall Lane - Buffalo Grove, IL 60089 - Phone: 847/459-4260 - www.district96.k12.il.us

Administration: Thomas W. Many, Ed.D. - Superintendent; Beth Dalton, Ed.D. - Assistant Superintendent of Human Resources; Jonathan G. Hitzo - Assistant Superintendent for Business Services; Julie Schmidt - Director of Student Services; Paul Louie - Director of Curriculum and Instruction; Randall Warren - Director of Facilities and Transportation;
Board of Education: Marc Tepper, President; Renee Klass, Vice President; Donald Shannon, Secretary; Scott Bauer, Robert Gauthier, Victoria Juster, John Rouleau

DISTRICT:

4256 N. ARLINGTON HEIGHTS ROAD, SUITE 104
ARLINGTON HEIGHTS, ILLINOIS 60004
(847) 222-0061
FAX (847) 222-0062
E-MAIL: repmathias@hotmail.com

CAPITOL OFFICE:

200-1N STRATTON BUILDING
SPRINGFIELD, ILLINOIS 62706
(217) 782-1664
E-MAIL: smathias@ilga.gov



GENERAL ASSEMBLY
STATE OF ILLINOIS

SIDNEY H. MATHIAS
STATE REPRESENTATIVE • 53rd DISTRICT

COMMITTEES:

- CITIES & VILLAGES
MINORITY SPOKESPERSON
- MASS TRANSIT
MINORITY SPOKESPERSON
- TOLLWAY OVERSIGHT
MINORITY SPOKESPERSON
- APPROPRIATIONS
GENERAL SERVICES
- JUDICIARY I - CIVIL LAW
- RAILROAD INDUSTRY
- LEGISLATIVE AUDIT COMMISSION

RECEIVED

NOV 06 2009

SUPT. OFFICE

November 3, 2009

Superintendent Thomas Many, Ed D.
Kildeer Countryside CCSD 96
1050 Ivy Hall Lane
Buffalo Grove, IL 60089

Dear Superintendent Many,

I read your proposal and agree that this can be a topic for the next agenda of the Advisory Council. I am glad to support your waiver for exemption from this state mandate regarding a bilingual coordinator for District 96.

Please let me know how I can be of assistance to you in this process.

Sincerely,

A handwritten signature in black ink, appearing to read "Sidney H. Mathias".

Sidney H. Mathias
State Representative District 53

SHM/tcm

1-4

ILLINOIS STATE BOARD OF EDUCATION
Rules and Waivers Unit
100 North First Street, S-493
Springfield, Illinois 62777-0001
Phone 217/782-5270

RECEIVED

JAN 4 2010

APPLICATION FOR WAIVER OR MODIFICATION
OF STATE BOARD RULES AND/OR SCHOOL CODE MANDATES

This application is to be used for seeking a waiver or modification of State Board of Education rules or of School Code mandates in accordance with Section 2-3.25g of the School Code [105 ILCS 5/2-3.25g]. The completed application must be submitted by certified mail, return receipt requested, to the above address. Please use the instructions on reverse side when completing this application.
Please note that action on incomplete applications will be delayed until all required documentation is received.

1. The application is for: (Check appropriate box(es) below.)

- WAIVER OF SCHOOL CODE
- WAIVER OF ISBE RULE
- MODIFICATION OF SCHOOL CODE
- MODIFICATION OF ISBE RULE

| | |
|--|--|
| 2. APPLICANT'S NAME AND NUMBER Kildeer Countryside CCSD 96 | CONTACT PERSON Jonathan G. Hitcho |
| APPLICANT'S ADDRESS 1050 Ivy Hall Lane Buffalo Grove, Illinois 60089 | CONTACT PERSON'S TELEPHONE NUMBER/EXTENSION 847-459-4260 x 7704 |
| | CONTACT FAX NUMBER 847-459-1910 |
| SUPERINTENDENT/EXECUTIVE DIRECTOR Dr. Thomas W. Many | E-MAIL ADDRESS OF CONTACT PERSON jhitcho@district96.k12.il.us |
| COUNTY Lake | Can we contact your e-mail address? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

3. Provide citation or language of the rule(s) or School Code mandate(s) which are the subject of this application. If you are requesting a modification, display it here, using strike through or underlining.

23 IL Admin Code, 228.30 (c) (4)

4. Attach a narrative identifying and justifying the specific request.

a. For proposed waivers and modifications of rules or modifications of School Code mandates that are based upon meeting the intent of the rule or mandate in a more effective, efficient or economical manner, a narrative description must provide all of the required information (see Item 4(a) on the reverse side).

See Attachment.

b. All proposed waivers/modifications requested to stimulate innovation or improve student performance, including all proposed waivers of School Code mandates, shall provide the specific plan for improved student performance and school improvement upon which the request is being based and how the applicant will determine success (see Item 4(b) on the reverse side).

N/A

c. Applications requesting waivers from Section 17-1.5 of the School Code must include the amount, nature, and reason for the requested relief and all remedies that have been exhausted by the district to comply with the administrative expenditure limitation.

N/A

WM200-5300

5. Public Testimony: Attach a description of the testimony provided, to include the information enumerated in item 5 on the reverse side.

6. This application is for: INITIAL WAIVER/MODIFICATION RENEWAL OF PREVIOUSLY APPROVED WAIVER/MODIFICATION
This application requests waiver/modification for 5 years (from 2010/11 school year through 2014/15 school year).
(See Item 6 on reverse side for limits on the duration of waivers/modifications.)

7. Attach a copy of each public notice required. Any request not meeting the requirements will be returned as ineligible for consideration.

8. Compliance with Notice and Hearing Requirements

I certify that a hearing concerning this application and any associated plan for improved student performance was held on December 15, 2009 and, for those applicants requesting waivers or modifications of the daily physical education requirement, that the regular board meeting(s) were held on _____ of that month.

I further certify that the applicant has met all the notification and hearing requirements enumerated in items A and B on reverse side and that the board of education/board of directors of the applicant identified above approved this application on December 15, 2009.

December 16, 2009
Date

Thomas W. Many
Signature of Applicant (i.e., District Superintendent/Executive Director/Regional Superintendent)

4C. Waiver Narrative

In an effort to maximize the District's financial resources, the District must secure a waiver for a modification of ISBE rule Section 23 IL Admin Code 228.30 (c). The following waiver proposal will consider one modification to Section 23 IL Admin Code, 228.30(c), which (eff. July 1, 2010) mandates hiring a Bilingual Coordinator in School Districts in which the bilingual population exceeds 200 students, regardless of the bilingual students' level of academic achievement. The waiver being requested would extend through school year 2014-15.

In the state of Illinois, there are two accountability measures for students who qualify for English Language Learner (ELL) services. The first measure is the ACCESS test, which is a statewide English language proficiency assessment. The second measure is the Illinois Standards Achievement Test (ISAT).

All school districts that receive Title III funds are accountable for meeting the Annual Measureable Achievement Objectives (AMAO). To meet AMAO, three criteria need to be met. They are as follows:

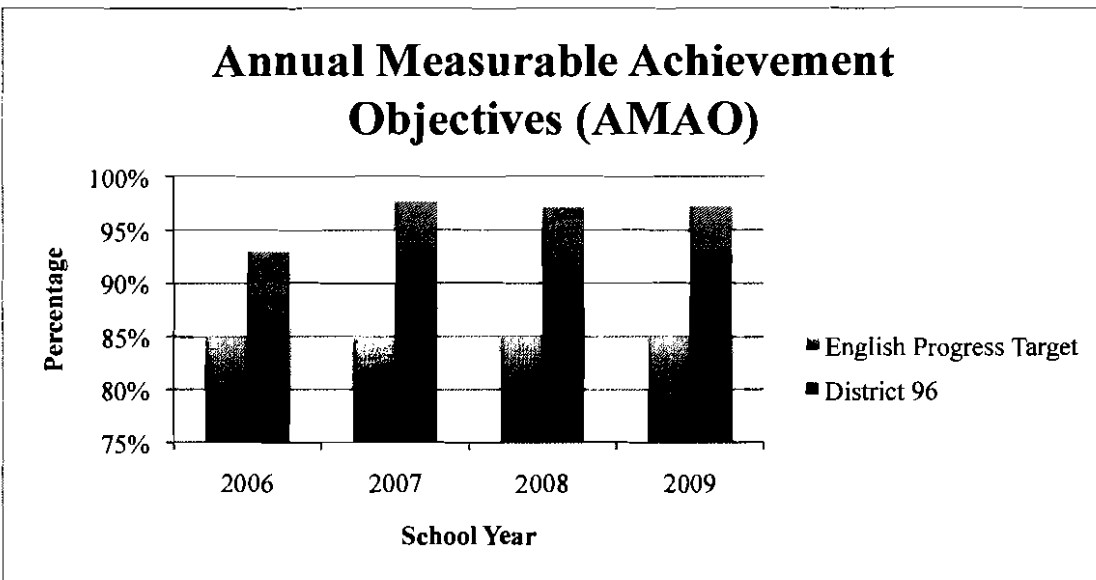
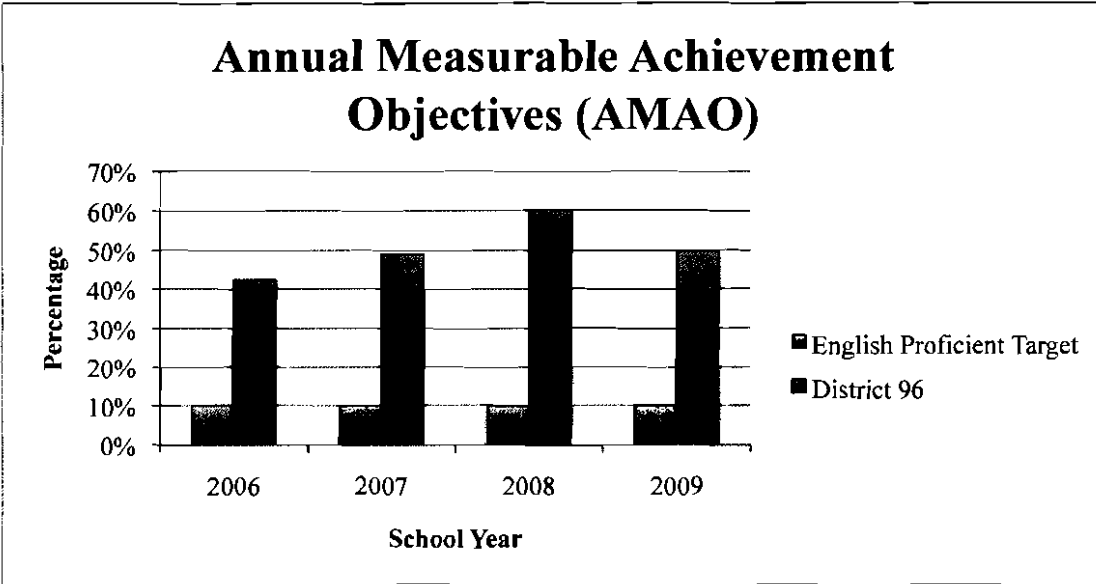
1. Progress toward English Language Proficiency: Students must make at least a 0.50 increase in their proficiency levels in any of the four domains between testing dates.
2. Attaining English Language Proficiency: This is determined by the percentage of English Language Learner (ELL) students who attained a proficiency level of 4.0 or higher on their composite score on the ACCESS test.
3. Adequate Yearly Progress (AYP): The District must make AYP, as measured by the ISATs, for ELL students served by the programs funded under Title III.

The Illinois State Board of Education determines AMAO status for the school year. To meet AMAO, a school district must achieve ALL targets as defined by the state in all three areas. The following charts illustrate the criteria met by Kildeer Countryside CCSD 96 ELL students over the last four (4) years. As you will see, District 96 ELL students exceed state guidelines consistently and, frequently, overwhelmingly. In addition, the District annually commissions the Chaos Group, Inc. to statistically assess the District instructional effectiveness. Included in this packet is their assessment of the District's LEP program compared to other school districts that have 2% or more LEP students. In comparison to other school districts, Kildeer Countryside CCSD 96 is ranked in the top 5 for achievement. If you would like more comparison and achievement data from this annual survey about the District's bilingual programs, please let me know.

Kildeer Countryside CCSD 96

Annual Measurable Achievement Objectives (AMAO)

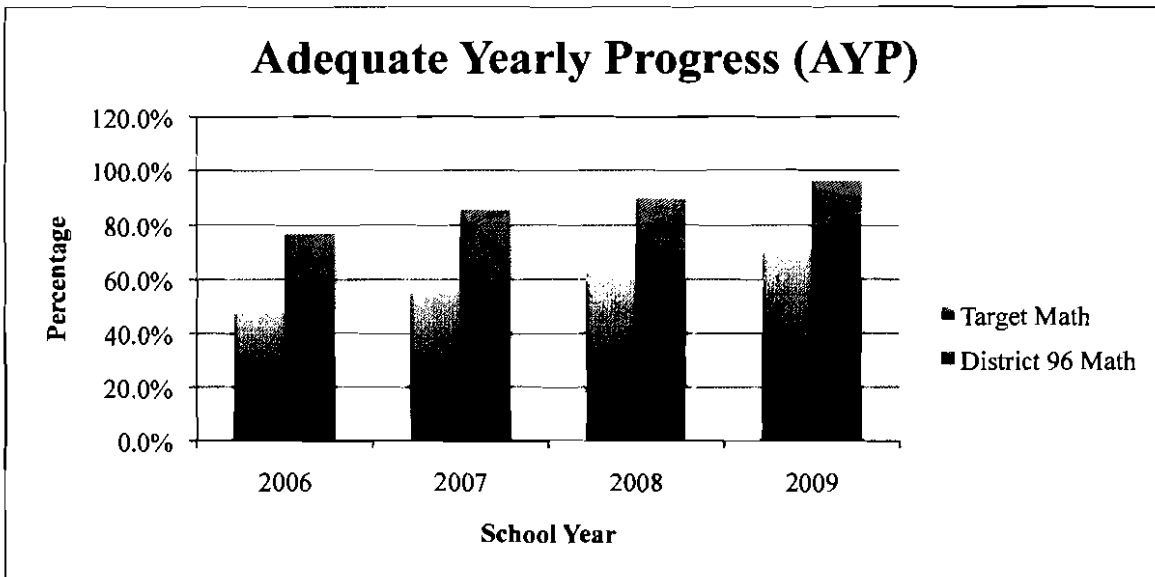
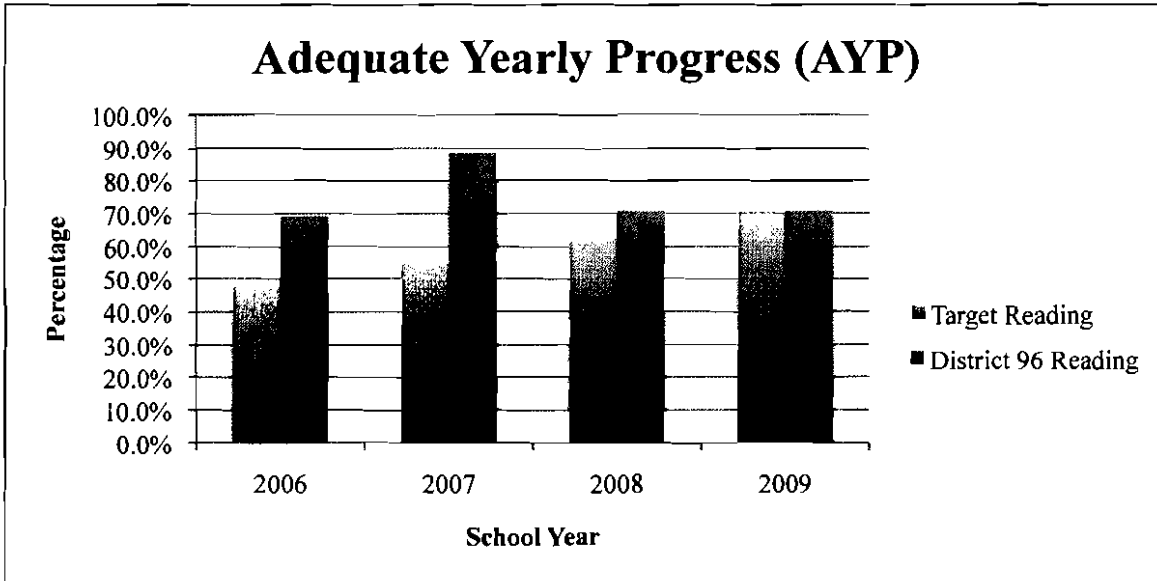
| School Year | English Proficient | | English Progress | |
|-------------|--------------------|-------------|------------------|-------------|
| | Target | District 96 | Target | District 96 |
| 2006 | 10% | 42.4% | 85% | 93.0% |
| 2007 | 10% | 49.1% | 85% | 97.6% |
| 2008 | 10% | 60.4% | 85% | 97.1% |
| 2009 | 10% | 49.8% | 85% | 97.2% |



Kildeer Countryside CCSD 96

Adequate Yearly Progress (AYP)

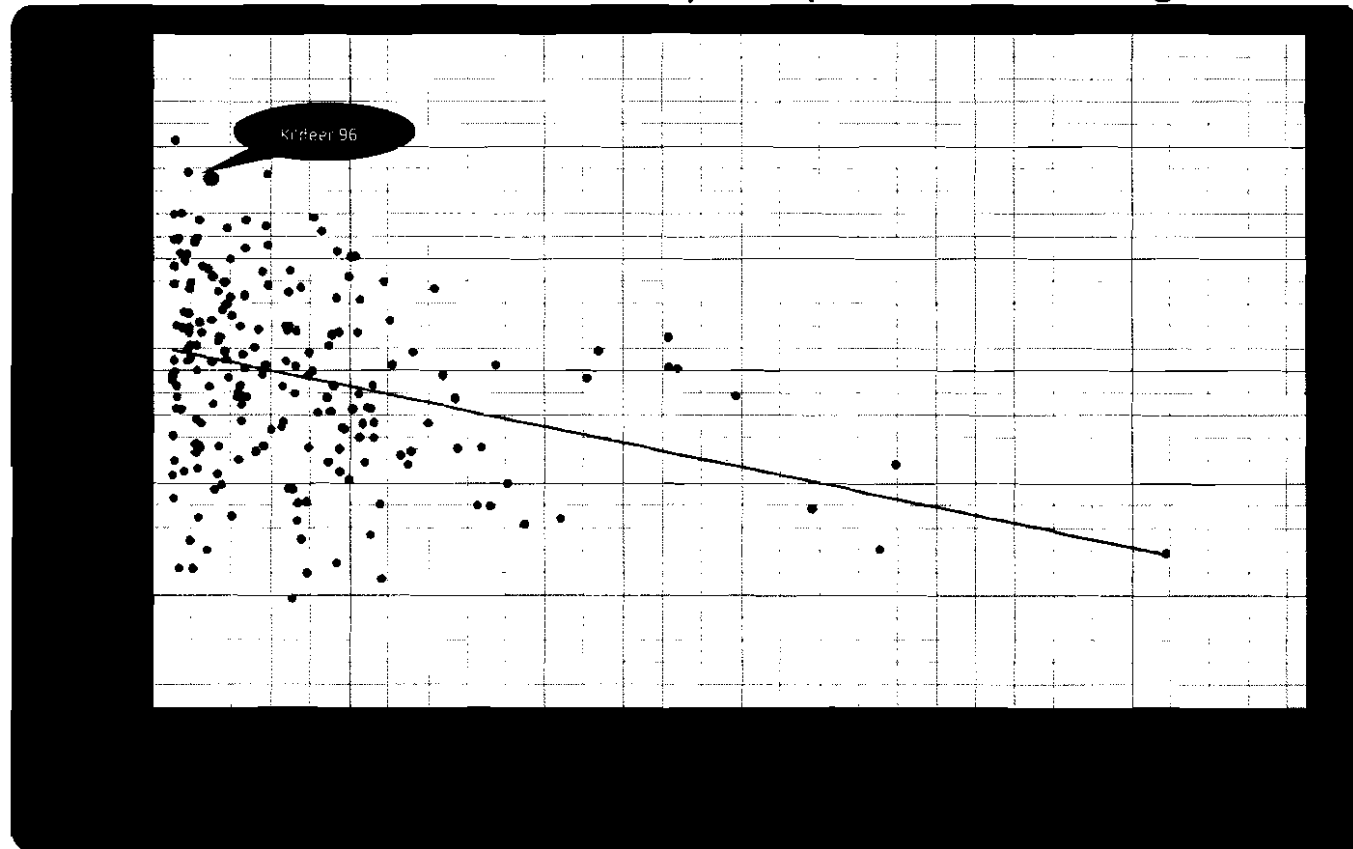
| School Year | Target Reading | District 96 | |
|-------------|----------------|-------------|-------|
| | | Reading | Math |
| 2006 | 47.5% | 69.2% | 47.5% |
| 2007 | 55.0% | 88.9% | 55.0% |
| 2008 | 62.5% | 70.9% | 62.5% |
| 2009 | 70.0% | 71.0% | 70.0% |



Kildeer Among Best in State in Benefitting LEP Students

(note: Graphic shows only districts with 2% or More LEP Students)

As the proportion of LEP students increases
Research has shown more impact upon District Averages



Source: 2007/2008 ISAT scale scores (ISBE)
Tabulation by: Chaos Group, Inc.



In conclusion, though District 96 bilingual students are meeting and overwhelmingly exceeding state standards, state requirements are that another person be employed to supervise the bilingual program. Why? Based on what evidence or best practice? We can understand the requirement for those school districts in which bilingual students are *not* performing to state standards; indeed, a school district in that position might need the expertise of a specialist in bilingual education. However, if a school district can demonstrate that bilingual students enrolled are meeting state standards, why hold the district to a requirement that adds to the financial burden of local taxpayers?

We thank you for your consideration of our request.

If you need additional information, please do not hesitate to call any one of us.

Dr. Thomas W. Many
Superintendent of Schools
847-459-4260 x 7709

Julie Schmidt
Associate Superintendent for Student Services
847-459-4260 x 7730

Jonathan Hitcho
Assistant Superintendent for Business
847-459-4260 x 7704



December 30, 2009

Winnie Tuthill
Rules and Waivers Division S-284
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-001

Dear Ms. Tuthill,

This is a summary of the testimony given at the public hearing on December 15, 2009, concerning our District's application for a waiver of a modification of Illinois School Board of Education rule 23 IL Admin Code, 228.30 (c) (4).

Kildeer Countryside CCSD 96 gave notice on Friday, December 4, 2009, in the local newspaper (The Daily Herald) that a public hearing concerning the waiver request would be held on December 15, 2009 at 7:00 PM. The hearing was held, and the opportunity for community, parent, and school personnel input was given. There were five (5) people attending the hearing.

Mrs. Julie Schmidt, Associate Superintendent for Kildeer Countryside CCSD 96, addressed the questions raised by an audience member regarding the potential loss of opportunity for students and the District, given the demographic shift in population that is occurring and the global society in which we live. Could District bilingual students and families be better served by having a person at the Board table with sensitivity to bilingual issues?

Mrs. Schmidt reported that the functions of the bilingual coordinator would continue to be carried out in the District by an individual with both Type 75 certification and a bilingual endorsement. She added that the District believes that a bilingual student's success is tied most closely to his or her classroom teacher rather than an administrator. The District is guided by the IRC for enculturation and program development aligned with best practices; staff members currently include teachers who are bilingual experts with relationships with the IRC.

Board Secretary Don Shannon added that Board actions should address needs of the District and that state mandates that reset Board priorities arbitrarily aren't appropriate; the Board wants expenditures it approves to be in the classroom, rather than funding another administrator's salary.

Mrs. Schmidt emphasized, "The waiver request is in no way an indication of our position on supporting bilingual students' needs," and added that the District's decision to request the waiver had been discussed with bilingual parents at their meeting the previous night. Board President Marc Tepper concluded by noting that, though the waiver-if approved—applies for 5 years, the

Board can opt to reverse its decision and hire a bilingual coordinator, if deemed appropriate.

District 96 has fulfilled its requirement for a public hearing, and this letter is formal notice to you and ISBE of the summary of the testimony.

Should you have any questions, please call at 847/459-4260 x 7704.


Respectfully,



Jonathan G. Hitcho
Assistant Superintendent for Business
Kildeer Countryside CCSD 96

ILLINOIS STATE BOARD OF EDUCATION MEETING
January 13-14, 2010

TO: Illinois State Board of Education

FROM: Christopher A. Koch, Ed.D., State Superintendent of Education
Darren Reisberg, General Counsel/Deputy Superintendent 

Agenda Topic: Waiver Report to the General Assembly

Materials: Waiver Report

Staff Contact: Winnie Tuthill

Purpose of Agenda Item

The purpose of the agenda item is to inform the Board about requests for waivers and modifications that have been received since the last report in September 2009, and to secure approval of the Spring 2010 Waiver Report for submission to the General Assembly before March 1, as required by law.

Relationship to/Implications for the State Board's Strategic Plan

The waiver report is linked to Goal 1 in that applicants may request waivers and modifications of the School Code or of agency rules in order to improve student performance.

Expected Outcomes of Agenda Item

The Board will be asked to authorize submission of the Spring 2010 Waiver Report to the General Assembly.

Background Information

The Spring 2010 Waiver Report is the thirtieth report to be submitted to the General Assembly pursuant to Section 2-3.25g of the School Code. This report contains 69* requests that seek to waive mandates of School Code provisions upon which the General Assembly must act. These requests address daily physical education (17 requests), limitation of administrative costs (14 requests), driver education fees (12 requests), nonresident tuition (*eight* requests), requests to use other practice driving methods in place of the required six hours of behind-the-wheel instruction in a dual control car on public roadways (*seven* requests), school improvement (*six* requests), and content of evaluation plans (*two* requests). There is *one* request each for statement of affairs; a district's ability to act as its own Educational Service Center; and allowing food services to be procured through a Request for Proposal process.

**Please note that this report is being prepared in the same week of the postmark deadline for waivers; therefore, numbers presented here in italics are not yet final.*

Since the Fall 2009 waiver report, the State Superintendent has approved two requests that modify the School Code mandate pertaining to legally mandated school holidays; two requests that waive State Board rules pertaining to driver education; and one request to spend monies generated through sale of competitive foods in support of a district's parent-teacher organization. In addition, three requests to waive portions of rules for Transitional Bilingual Education will be brought to the State Board for discussion in a separate agenda item.

In line with a policy decision made by the State Board in December of 2007, staff do not propose forwarding any recommendations on the 69 waiver requests contained in this report to the General Assembly; however, a synopsis of selected topics that may be of interest to Board members is provided below.

Analysis and Policy Implications

Public Act 96-640. This act, which took effect on August 24, 2009, allows school districts and other eligible waiver applicants to approve the use of certain legally mandated school holidays for other purposes by action of the local board of education rather than submitting a modification request to the State Board for approval. Section 24-2 of the School Code (105 ILCS 5/24-2) has been amended to authorize applicants to hold school or schedule teachers' institutes, parent-teacher conferences, or staff development activities on the legal school holidays honoring Dr. Martin Luther King, Jr., President Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars. In all cases, the local entity must hold a public hearing with advance notice provided to educators and parents. Modifications requests will still be necessary should a district wishes to use any of the remaining legally mandated school holidays for purposes other than a nonattendance day.

P.A. 96-640 also amended Section 18-8.05(F)(2)(d)(1) of the School Code, allowing applicants to arrange more flexible scheduling options for parent-teacher conferences without the need to submit a waiver request to the General Assembly.

Holiday modifications or parent-teacher conference waivers that have already been approved will remain in effect until they expire. Only those that do not meet the conditions set by P.A. 96-640 will need to be renewed.

Passage of this legislation concludes a process begun by the State Board in 1998, when it first recommended through its cumulative waiver report that the General Assembly consider legislation to allow local decision-making concerning legally mandated school holidays. Starting in 2007, the State Board of Education reported in the cumulative reports that it would propose legislation to provide additional flexibility to districts in scheduling parent-teacher conferences.

Physical Education. The report contains 17 waiver requests from school districts seeking relief from the mandate to provide physical education on a daily basis. Of these 17 petitions, 12 affect kindergarten through grade 8; four affect high school grades only; and one affects students in kindergarten through grade 12. Fourteen of the requests are renewals.

In accordance with the waiver law, each of these waiver requests can be approved for a period of two years only, with the possibility of no more than two, two-year renewals, for a total of six years in which the applicant may waive or modify the daily physical education requirements.

Driver's Education Fees. The report contains 12 requests to increase fees for driver's education from the maximum of \$50 allowed under Section 27-24.2 of the School Code. Of the

11 districts requesting fee increases, *one* is requesting that fees not exceed \$150, *six* are requesting fees from \$250 to \$300, *three* are requesting fees from \$350 to \$400, and *one* is requesting fees of \$450. *Ten* of these requests are renewals.

Driver's Education – Behind-the-Wheel Instruction. *Seven* districts have requested a waiver from Section 27-24.3 of the School Code that requires the provision of six hours of behind-the-wheel instruction in a dual controlled car on public roadways. Previous to July 1, 2008, Section 27-24.3 authorized the State Board of Education to determine the type of practice driving instruction that school districts could provide in lieu of providing up to five hours of the required behind-the-wheel instruction. That provision has been removed, so approval is needed through the waiver process in order to continue local programs that use other ways to provide behind-the-wheel instruction.

Five of these requests wish to use computer simulators to fulfill some portion of the required six hours of behind-the-wheel instruction. The other *two* requests would substitute hours of range driving in place of some behind-the-wheel instruction.

Superintendent's Recommendation

The State Superintendent recommends that the State Board of Education adopt the following motion:

The State Board of Education hereby forwards the 69 waiver requests summarized in the Spring 2010 report to the General Assembly without comment.

Next Steps

Staff will submit the Spring 2010 Waiver Report as presented to the General Assembly before March 1.

| | | | | | | | | | |
|--------|-------|--|----------------------|------------|---------------|---|---------------------|--------------|------|
| 5233-0 | No.30 | | Skokie 68 | Cook | 24-2 | Holidays (cp - attend, Institute) | Returned/Ineligible | holidays | 2014 |
| 5234-0 | No.30 | | Woodridge 68 | DuPage | 24-2 | Holidays (abe, cp - attend, inserv, p-t, SI, Institute) | Approved/SBE | holidays | 2014 |
| 5235-0 | No.30 | | Ludlow 142 | Champaign | 24-2 | Holidays (cc) | Approved/SBE | holidays | 2014 |
| 5236-0 | No.30 | | Kildeer 96 | Lake | 305.15(e) | Spend \$ earned in competitive foods for PTO | Approved/SBE | school foods | 2014 |
| 5237-0 | No.30 | | Sycamore 427 | DeKalb | 27-24.2 | Driver ed, increase fee to \$450 | Pending GA review | driver ed | 2015 |
| 5238-0 | No.30 | | Edgar County 6 | Edgar | 10-20.12a | Tuition, none for children of f-t employees | Pending GA review | tuition | 2015 |
| 5239-0 | No.30 | | Round Lake 116 | Lake | 27-6 | PE, every other,20m,1-3;4-5,25m;6, 50m;recess;inadeq | Pending GA review | p.e. | 2012 |
| 5240-0 | No.30 | | New Lenox 122 | Will | 27-6 | PE, 30mins 2x,k-3,3x,4-6;daily30mk-3,15,4-6;inadeq | Pending GA review | p.e. | 2012 |
| 5241-0 | No.30 | | Dunlap 323 | Peoria | 17-1.5 | Ad cap, new Curr. Staff hired, new Bus. Mgr. hired | Returned/NWN | adm.cap | 2010 |
| 5242-0 | No.30 | | Evergreen Park 124 | Cook | 17-1.5 | Ad cap, two p-t supes in 2008, now f-time supe | Pending GA review | adm.cap | 2010 |
| 5243-0 | No.30 | | Reavis 220 | Cook | 27-24.3 | Driver ed, 4 range hours for 2 of 6 BTW hours | Pending GA review | driver ed | 2015 |
| 5244-0 | No.30 | | Rhodes 84.5 | Cook | 17-1.5 | Ad cap, bilingual Ass't Principal hired, other admin rais | Pending GA review | adm.cap | 2009 |
| 5245-0 | No.30 | | Oregon 220 | Ogle | 27-6 | PE, 3x,30m,k-2;40m,3-4;43m,5-6; shift resources to at | Pending GA review | p.e. | 2012 |
| 5246-0 | No.30 | | Lovington 303 | Moultrie | 17-1.5 | Ad cap, audit caused shift in acctng for supe's salary | Pending GA review | adm.cap | 2010 |
| 5247-0 | No.30 | | Germantown Hills 69 | Woodford | 27-6 | PE, 4x, 45m, 6-8, technology | Pending GA review | p.e. | 2012 |
| 5248-0 | No.30 | | Grant 110 | St. Clair | 17-1.5 | Ad cap, p-t supe in 2008, now f-time supe | Returned/NWN | adm.cap | 2010 |
| 5249-0 | No.30 | | Rock Falls 301 | Whiteside | 27-6 | PE, no, cheer, dance team, 11-12 | Pending GA review | p.e. | 2012 |
| 5250-1 | No.30 | | Belle Valley 119 | St. Clair | 17-1.5 | Ad cap, two p-t supes in 2007/2008, now f-time supe | Pending GA review | adm.cap | 2010 |
| 5250-2 | No.30 | | Belle Valley 119 | St. Clair | 27-6 | PE, 3x, 30 mins, k-4; 55 mins, 5-8; in other curricular a | Pending GA review | p.e. | 2010 |
| 5251-1 | No.30 | | Maine 207 | Cook | 27-24.2 | Driver ed, increase fee to \$350 | Pending GA review | driver ed | 2016 |
| 5251-2 | No.30 | | Maine 207 | Cook | 27-24.3 | Driver ed, 9 simulator hours for 2.25 of 6 BTW hours | Pending GA review | driver ed | 2016 |
| 5252-0 | No.30 | | New Simpson Hill 332 | Johnson | 10-20.12a | Tuition, none for children of f-t employees | Pending GA review | tuition | 2015 |
| 5253-0 | No.30 | | Wayne City 100 | Wayne | 17-1.5 | Ad cap, supe has family health ins., not needed by pre | Pending GA review | adm. cap | 2010 |
| 5254-0 | No.30 | | Salem 111 | Marion | 10-20.12a | Tuition, none for children of f-t employees | Pending GA review | tuition | 2015 |
| 5255-0 | No.30 | | Macomb 185 | McDonough | 17-1.5 | Ad cap, admin salary % previously assigned to tort, rea | Pending GA review | adm. cap | 2010 |
| 5256-0 | No.30 | | Lake Forest 115 | Lake | 24-2 | Holidays (mlk,abe,cp,cc,vets - attend.inserv,p-t | Returned/NWN | holidays | 2014 |
| 5257-1 | No.30 | | Shirland 134 | Winnebago | 18-8.05(F)(2) | Parent-teacher, 2 eve. Aft. full, 2x yr., calen | Returned/NWN | p.t. | 2015 |
| 5257-2 | No.30 | | Shirland 134 | Winnebago | 18-8.05(F)(2) | Inservice, 4 half into 2 full, calendar | Pending GA review | inservice | 2015 |
| 5258-0 | No.30 | | Dongola 66 | Union | 10-20.12a | Tuition, none for children of f-t employees | Pending GA review | tuition | 2015 |
| 5259-0 | No.30 | | Summersville 79 | Jefferson | 27-6 | PE, alt. With computer class, 5-8 | Pending GA review | p.e. | 2012 |
| 5260-0 | No.30 | | Highland Park 113 | Lake | 27-24.2 | Driver ed, increase fee to \$300 | Pending GA review | driver ed | 2015 |
| 5261-0 | No.30 | | Indian Creek 425 | DeKalb | 17-1.5 | Ad cap, county spec ed coop dissolved, SD hired own | Pending GA review | adm.cap | 2010 |
| 5262-0 | No.30 | | Miller Township 210 | LaSalle | 17-1.5 | Ad cap, p-t supe until 2009, now f-t hired | Pending GA review | adm. cap | 2010 |
| 5263-0 | No.30 | | Panhandle 2 | Montgomery | 27-6 | PE, 2-3x, 35m, k-5, inadequate fac | Pending GA review | p.e. | 2012 |
| 5264-0 | No.30 | | Scales Mound 211 | Jo Daviess | 252.20(b),(c) | Driver ed, eves, Sats, summer | Approved/SBE | driver ed | 2015 |
| 5265-0 | No.30 | | Wethersfield 230 | Henry | 27-6 | PE, 40 mins 2-3x, K-6, more time core curr | Pending GA review | p.e. | 2012 |
| 5266-0 | No.30 | | Vienna 13-3 | Johnson | 10-20.12a | Tuition, none for children of f-t employees | Pending GA review | tuition | 2015 |

| | | | | | | | | | |
|--------|-------|--|-----------------------|-------------|---------------|--|--------------------|---------------|------|
| 5267-0 | No.30 | | DuQuoin 300 | Perry | 252.20(f)(2) | Driver ed, allow cert driv ed tchr w/trng to serve disable | Approved/SBE | driver ed | 2014 |
| 5268-0 | No.30 | | Meridian 15 | Macon | 27-24.2 | Driver ed, increase fee to \$250 | Pending GA review | driver ed | 2015 |
| 5269-0 | No.30 | | Wheaton 200 | DuPage | 27-24.3 | Driver ed, simulators, 3 hrs in place of 3 hrs BTW | Pending GA review | driver ed | 2015 |
| 5270-0 | No.30 | | Arlington Heights 25 | Cook | 228.30c(1)(2) | Bilingual, no approv/endorse needed for admins in TB | Pending SBE review | adm. Cert. | 2015 |
| 5271-0 | No.30 | | Mt. Zion 3 | Macon | 27-6 | PE, 2 out of four yrs, 9-12, if in 6 academic classes | Pending GA review | p.e. | 2012 |
| 5272-0 | No.30 | | Collinsville 10 | Madison | 27-6 | PE, none, for more academics 11-12, elective c | Pending GA review | p.e. | 2012 |
| 5273-0 | No.30 | | Fisher 1 | Champaign | 17-1.5 | Ad cap, full health insurance added for sup't. | Pending GA review | adm. cap | 2010 |
| 5274-0 | No.30 | | Erie 1 | Whiteside | 10-20.12a | Tuition, nonresident students attend at rate set each ye | Pending GA review | tuition | 2015 |
| 5275-0 | No.30 | | Northfield 225 | Cook | 24A-5 | Evaluation, unsatisfactory;teacher appraisal sys | Pending GA review | evaluation | 2015 |
| 5276-0 | No.30 | | Madison 12 | Madison | 27-6 | PE, every other, 55 mins., lit/math, 6-8 | Pending GA review | p.e. | 2012 |
| 5277-0 | No.30 | | Cypress 64 | Johnson | 10-20.12a | Tuition, none for children of full-time employees | Pending GA review | tuition | 2015 |
| 5278-0 | No.30 | | Calumet 132 | Cook | 27-6 | PE, 2x, 40 minutes, PreK-8, inadeq facil | Pending GA review | p.e. | 2012 |
| 5279-1 | No.30 | | Mercer County 404 | Mercer | 27-6 | PE, none, 11-12, extracurr, academics, tutoring | Pending GA review | p.e. | 2012 |
| 5279-2 | No.30 | | Mercer County 404 | Mercer | 24-2 | Holidays (mlk, abe, cp, cc - attend) | Returned/NWN | holidays | 2015 |
| 5280-0 | No.30 | | Homewood-Flossmoor 23 | Cook | 27-24.2 | Driver ed, increase fee to \$350 | Pending GA review | driver ed | 2015 |
| 5281-0 | No.30 | | Grant Park 6 | Kankakee | 27-24.2 | Driver ed, increase fee to \$300 | Pending GA review | driver ed | 2015 |
| 5282-1 | No.30 | | Moline 40 | Rock Island | 27-6 | PE, 3/4x, 15-30m, K-6, inadequate fac | Pending GA review | p.e. | 2012 |
| 5282-2 | No.30 | | Moline 40 | Rock Island | 27-24.3 | Driver ed, 8 hrs closed course in lieu of 4 BTW | Pending GA review | driver ed | 2015 |
| 5283-0 | No.30 | | Round Lake 116 | Lake | 18-8.05(F)(2) | Inservice, 4 full instead of 8 half, calen | Pending GA review | inservice | 2011 |
| 5284-0 | No.30 | | Springfield 186 | Sangamon | 18-8.05(F)(2) | Inservice, 3 full instead of 6 half, calen | Pending GA review | inservice | 2015 |
| 5285-0 | No.30 | | Paxton-Buckley 10 | Ford | 27-24.2 | Driver ed, increase fee to \$250 | Pending GA review | driver ed | 2015 |
| 5286-0 | No.30 | | Lyons 204 | Cook | 27-24.3 | Driver ed, 11 hrs controlled situation in lieu of 4 BTW | Pending GA review | driver ed | 2015 |
| 5287-0 | No.30 | | Tinley Park 146 | Cook | 18-8.05(F)(2) | Inservice, 8 full instead of 16 half, calen | Pending GA review | inservice | 2015 |
| 5288-0 | No.30 | | Mt. Prospect 57 | Cook | 18-8.05(F)(2) | Inservice, one full, bank, | Pending GA review | inservice | 2011 |
| 5289-1 | No.30 | | Elgin U-46 | Kane | 24A-5 | Evaluation, unsatisfactory, basic, proficient, distinguish | Pending GA review | evaluation | 2015 |
| 5289-2 | No.30 | | Elgin U-46 | Kane | 27-24.3 | Driver ed, 5 hrs simulator in lieu of 5 BTW | Pending GA review | driver ed | 2015 |
| 5289-3 | No.30 | | Elgin U-46 | Kane | 228.30(b)(1) | Bilingual, same st/tchr ratio for ESL as for gen ed class | Pending SBE review | adm.Cert. | 2015 |
| 5290-0 | No.30 | | Algonquin 158 | McHenry | 10-17(| Statement of affairs, not in paper, on school website & | Pending GA review | state affairs | 2011 |
| 5291-1 | No.30 | | Chicago 299 | Cook | 34-21.3 | Procure food services via RFP in lieu of bids | Pending GA review | bids | 2015 |
| 5291-2 | No.30 | | Chicago 299 | Cook | 2-3.62 | ESC, serve as own administrator | Pending GA review | ESC | 2015 |
| 5292-1 | No.30 | | Belvidere 100 | Boone | 18-8.05(F)(2) | Inservice, 4 half into 2 full, bank, calen | Pending GA review | inservice | 2015 |
| 5292-2 | No.30 | | Belvidere 100 | Boone | 27-24.2 | Driver ed, increase fee to \$400 | Pending GA review | driver ed | 2015 |
| 5293-0 | No.30 | | Woodstock 200 | McHenry | 27-24.2 | Driver ed, increase fee to \$300 | Pending GA review | driver ed | 2015 |
| 5294-0 | No.30 | | Palatine 15 | Cook | 27-6 | PE, 2x, 30 mins., 1-6, inadeq. Fac | Pending GA review | p.e. | 2012 |
| 5295-0 | No.30 | | Harvard 50 | McHenry | 17-1.5 | Ad cap, reading coord posit made admin, new spt staff | Pending GA review | adm.cap | 2010 |
| 5296-0 | No.30 | | Hawthorn 73 | Lake | 17-1.5 | Ad cap, ARRA grant requires new spec ad admin | Pending GA review | adm.cap | 2010 |
| 5297-0 | No.30 | | Springfield 186 | Sangamon | 27-6 | PE,2x,30m,K-5;every other,1sem,6-8;elective,11-12 | Pending GA review | p.e. | 2012 |

| | | | | | | | | | |
|--------|-------|--|----------------|------------|------------|---|--------------------|-----------|------|
| 5298-0 | No.30 | | Lockport 205 | Will | 27-24.2 | Driver ed, increase fee to \$150 | Pending GA review | driver ed | 2012 |
| 5299-0 | No.30 | | Sandoval 501 | Marion | 17-1.5 | Ad cap, two interim supts in 08-09, full-time supt hired | Pending GA review | adm.cap | 2010 |
| 5300-0 | No.30 | | Kildeer 96 | Lake | 228.30C(4) | Bilingual, use staff with Type 75 cert & bilingual endors | Pending SBE review | adm.Cert. | 2015 |
| 5301-0 | No.30 | | Glenbard 87 | DuPage | 27-24.2 | Driver ed, increase fee to \$350 | Pending GA review | driver ed | 2015 |
| 5302-0 | No.30 | | Odin 122 | Marion | 17-1.5 | Ad cap, sup't shared with Odin 700, salary increase, ne | Pending GA review | adm.cap | 2010 |
| 5303-0 | No.30 | | Odin 700 | Marion | 17-1.5 | Ad cap, sup't shared with Odin 700, salary increase for | Pending GA review | adm.cap | 2010 |
| 5304-0 | No.30 | | Gibson City 5 | Ford | 27-24.2 | Driver ed, increase fee to \$250 | Pending GA review | driver ed | 2015 |
| 5305-0 | No.30 | | Triad 2 | Madison | 27-24.3 | Driver ed, 5 hrs simulator in lieu of 1.25 hrs BTW | Pending GA review | driver ed | 2015 |
| 5306-0 | No.30 | | Pearl City 200 | Stephenson | 10-20.12a | Tuition, none for children of full-time employees | Pending GA review | tuition | 2015 |