

**HB3278**



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB3278**

Introduced 2/22/2005, by Rep. Tom Cross

**SYNOPSIS AS INTRODUCED:**

105 ILCS 5/34-18

from Ch. 122, par. 34-18

Amends the Chicago School District Article of the School Code. Makes a technical change in a Section concerning the powers of the board.

LRB094 07184 RAS 37339 b

**A BILL FOR**

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing Section  
5 34-18 as follows:

6 (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

7 Sec. 34-18. Powers of the board. The ~~The~~ board shall  
8 exercise general supervision and jurisdiction over the public  
9 education and the public school system of the city, and, except  
10 as otherwise provided by this Article, shall have power:

11 1. To make suitable provision for the establishment and  
12 maintenance throughout the year or for such portion thereof  
13 as it may direct, not less than 9 months, of schools of all  
14 grades and kinds, including normal schools, high schools,  
15 night schools, schools for defectives and delinquents,  
16 parental and truant schools, schools for the blind, the  
17 deaf and the crippled, schools or classes in manual  
18 training, constructural and vocational teaching, domestic  
19 arts and physical culture, vocation and extension schools  
20 and lecture courses, and all other educational courses and  
21 facilities, including establishing, equipping, maintaining  
22 and operating playgrounds and recreational programs, when  
23 such programs are conducted in, adjacent to, or connected  
24 with any public school under the general supervision and  
25 jurisdiction of the board; provided that the calendar for  
26 the school term and any changes must be submitted to and  
27 approved by the State Board of Education before the  
28 calendar or changes may take effect, and provided that in  
29 allocating funds from year to year for the operation of all  
30 attendance centers within the district, the board shall  
31 ensure that supplemental general State aid funds are  
32 allocated and applied in accordance with Section 18-8 or

1 18-8.05. To admit to such schools without charge foreign  
2 exchange students who are participants in an organized  
3 exchange student program which is authorized by the board.  
4 The board shall permit all students to enroll in  
5 apprenticeship programs in trade schools operated by the  
6 board, whether those programs are union-sponsored or not.  
7 No student shall be refused admission into or be excluded  
8 from any course of instruction offered in the common  
9 schools by reason of that student's sex. No student shall  
10 be denied equal access to physical education and  
11 interscholastic athletic programs supported from school  
12 district funds or denied participation in comparable  
13 physical education and athletic programs solely by reason  
14 of the student's sex. Equal access to programs supported  
15 from school district funds and comparable programs will be  
16 defined in rules promulgated by the State Board of  
17 Education in consultation with the Illinois High School  
18 Association. Notwithstanding any other provision of this  
19 Article, neither the board of education nor any local  
20 school council or other school official shall recommend  
21 that children with disabilities be placed into regular  
22 education classrooms unless those children with  
23 disabilities are provided with supplementary services to  
24 assist them so that they benefit from the regular classroom  
25 instruction and are included on the teacher's regular  
26 education class register;

27 2. To furnish lunches to pupils, to make a reasonable  
28 charge therefor, and to use school funds for the payment of  
29 such expenses as the board may determine are necessary in  
30 conducting the school lunch program;

31 3. To co-operate with the circuit court;

32 4. To make arrangements with the public or quasi-public  
33 libraries and museums for the use of their facilities by  
34 teachers and pupils of the public schools;

35 5. To employ dentists and prescribe their duties for  
36 the purpose of treating the pupils in the schools, but

1 accepting such treatment shall be optional with parents or  
2 guardians;

3 6. To grant the use of assembly halls and classrooms  
4 when not otherwise needed, including light, heat, and  
5 attendants, for free public lectures, concerts, and other  
6 educational and social interests, free of charge, under  
7 such provisions and control as the principal of the  
8 affected attendance center may prescribe;

9 7. To apportion the pupils to the several schools;  
10 provided that no pupil shall be excluded from or segregated  
11 in any such school on account of his color, race, sex, or  
12 nationality. The board shall take into consideration the  
13 prevention of segregation and the elimination of  
14 separation of children in public schools because of color,  
15 race, sex, or nationality. Except that children may be  
16 committed to or attend parental and social adjustment  
17 schools established and maintained either for boys or girls  
18 only. All records pertaining to the creation, alteration or  
19 revision of attendance areas shall be open to the public.  
20 Nothing herein shall limit the board's authority to  
21 establish multi-area attendance centers or other student  
22 assignment systems for desegregation purposes or  
23 otherwise, and to apportion the pupils to the several  
24 schools. Furthermore, beginning in school year 1994-95,  
25 pursuant to a board plan adopted by October 1, 1993, the  
26 board shall offer, commencing on a phased-in basis, the  
27 opportunity for families within the school district to  
28 apply for enrollment of their children in any attendance  
29 center within the school district which does not have  
30 selective admission requirements approved by the board.  
31 The appropriate geographical area in which such open  
32 enrollment may be exercised shall be determined by the  
33 board of education. Such children may be admitted to any  
34 such attendance center on a space available basis after all  
35 children residing within such attendance center's area  
36 have been accommodated. If the number of applicants from

1 outside the attendance area exceed the space available,  
2 then successful applicants shall be selected by lottery.  
3 The board of education's open enrollment plan must include  
4 provisions that allow low income students to have access to  
5 transportation needed to exercise school choice. Open  
6 enrollment shall be in compliance with the provisions of  
7 the Consent Decree and Desegregation Plan cited in Section  
8 34-1.01;

9 8. To approve programs and policies for providing  
10 transportation services to students. Nothing herein shall  
11 be construed to permit or empower the State Board of  
12 Education to order, mandate, or require busing or other  
13 transportation of pupils for the purpose of achieving  
14 racial balance in any school;

15 9. Subject to the limitations in this Article, to  
16 establish and approve system-wide curriculum objectives  
17 and standards, including graduation standards, which  
18 reflect the multi-cultural diversity in the city and are  
19 consistent with State law, provided that for all purposes  
20 of this Article courses or proficiency in American Sign  
21 Language shall be deemed to constitute courses or  
22 proficiency in a foreign language; and to employ principals  
23 and teachers, appointed as provided in this Article, and  
24 fix their compensation. The board shall prepare such  
25 reports related to minimal competency testing as may be  
26 requested by the State Board of Education, and in addition  
27 shall monitor and approve special education and bilingual  
28 education programs and policies within the district to  
29 assure that appropriate services are provided in  
30 accordance with applicable State and federal laws to  
31 children requiring services and education in those areas;

32 10. To employ non-teaching personnel or utilize  
33 volunteer personnel for: (i) non-teaching duties not  
34 requiring instructional judgment or evaluation of pupils,  
35 including library duties; and (ii) supervising study  
36 halls, long distance teaching reception areas used

1 incident to instructional programs transmitted by  
2 electronic media such as computers, video, and audio,  
3 detention and discipline areas, and school-sponsored  
4 extracurricular activities. The board may further utilize  
5 volunteer non-certificated personnel or employ  
6 non-certificated personnel to assist in the instruction of  
7 pupils under the immediate supervision of a teacher holding  
8 a valid certificate, directly engaged in teaching subject  
9 matter or conducting activities; provided that the teacher  
10 shall be continuously aware of the non-certificated  
11 persons' activities and shall be able to control or modify  
12 them. The general superintendent shall determine  
13 qualifications of such personnel and shall prescribe rules  
14 for determining the duties and activities to be assigned to  
15 such personnel;

16 10.5. To utilize volunteer personnel from a regional  
17 School Crisis Assistance Team (S.C.A.T.), created as part  
18 of the Safe to Learn Program established pursuant to  
19 Section 25 of the Illinois Violence Prevention Act of 1995,  
20 to provide assistance to schools in times of violence or  
21 other traumatic incidents within a school community by  
22 providing crisis intervention services to lessen the  
23 effects of emotional trauma on individuals and the  
24 community; the School Crisis Assistance Team Steering  
25 Committee shall determine the qualifications for  
26 volunteers;

27 11. To provide television studio facilities in not to  
28 exceed one school building and to provide programs for  
29 educational purposes, provided, however, that the board  
30 shall not construct, acquire, operate, or maintain a  
31 television transmitter; to grant the use of its studio  
32 facilities to a licensed television station located in the  
33 school district; and to maintain and operate not to exceed  
34 one school radio transmitting station and provide programs  
35 for educational purposes;

36 12. To offer, if deemed appropriate, outdoor education

1 courses, including field trips within the State of  
2 Illinois, or adjacent states, and to use school educational  
3 funds for the expense of the said outdoor educational  
4 programs, whether within the school district or not;

5 13. During that period of the calendar year not  
6 embraced within the regular school term, to provide and  
7 conduct courses in subject matters normally embraced in the  
8 program of the schools during the regular school term and  
9 to give regular school credit for satisfactory completion  
10 by the student of such courses as may be approved for  
11 credit by the State Board of Education;

12 14. To insure against any loss or liability of the  
13 board, the former School Board Nominating Commission,  
14 Local School Councils, the Chicago Schools Academic  
15 Accountability Council, or the former Subdistrict Councils  
16 or of any member, officer, agent or employee thereof,  
17 resulting from alleged violations of civil rights arising  
18 from incidents occurring on or after September 5, 1967 or  
19 from the wrongful or negligent act or omission of any such  
20 person whether occurring within or without the school  
21 premises, provided the officer, agent or employee was, at  
22 the time of the alleged violation of civil rights or  
23 wrongful act or omission, acting within the scope of his  
24 employment or under direction of the board, the former  
25 School Board Nominating Commission, the Chicago Schools  
26 Academic Accountability Council, Local School Councils, or  
27 the former Subdistrict Councils; and to provide for or  
28 participate in insurance plans for its officers and  
29 employees, including but not limited to retirement  
30 annuities, medical, surgical and hospitalization benefits  
31 in such types and amounts as may be determined by the  
32 board; provided, however, that the board shall contract for  
33 such insurance only with an insurance company authorized to  
34 do business in this State. Such insurance may include  
35 provision for employees who rely on treatment by prayer or  
36 spiritual means alone for healing, in accordance with the

1 tenets and practice of a recognized religious  
2 denomination;

3 15. To contract with the corporate authorities of any  
4 municipality or the county board of any county, as the case  
5 may be, to provide for the regulation of traffic in parking  
6 areas of property used for school purposes, in such manner  
7 as is provided by Section 11-209 of The Illinois Vehicle  
8 Code, approved September 29, 1969, as amended;

9 16. (a) To provide, on an equal basis, access to a high  
10 school campus and student directory information to the  
11 official recruiting representatives of the armed forces of  
12 Illinois and the United States for the purposes of  
13 informing students of the educational and career  
14 opportunities available in the military if the board has  
15 provided such access to persons or groups whose purpose is  
16 to acquaint students with educational or occupational  
17 opportunities available to them. The board is not required  
18 to give greater notice regarding the right of access to  
19 recruiting representatives than is given to other persons  
20 and groups. In this paragraph 16, "directory information"  
21 means a high school student's name, address, and telephone  
22 number.

23 (b) If a student or his or her parent or guardian  
24 submits a signed, written request to the high school before  
25 the end of the student's sophomore year (or if the student  
26 is a transfer student, by another time set by the high  
27 school) that indicates that the student or his or her  
28 parent or guardian does not want the student's directory  
29 information to be provided to official recruiting  
30 representatives under subsection (a) of this Section, the  
31 high school may not provide access to the student's  
32 directory information to these recruiting representatives.  
33 The high school shall notify its students and their parents  
34 or guardians of the provisions of this subsection (b).

35 (c) A high school may require official recruiting  
36 representatives of the armed forces of Illinois and the



1 United States to pay a fee for copying and mailing a  
2 student's directory information in an amount that is not  
3 more than the actual costs incurred by the high school.

4 (d) Information received by an official recruiting  
5 representative under this Section may be used only to  
6 provide information to students concerning educational and  
7 career opportunities available in the military and may not  
8 be released to a person who is not involved in recruiting  
9 students for the armed forces of Illinois or the United  
10 States;

11 17. (a) To sell or market any computer program  
12 developed by an employee of the school district, provided  
13 that such employee developed the computer program as a  
14 direct result of his or her duties with the school district  
15 or through the utilization of the school district resources  
16 or facilities. The employee who developed the computer  
17 program shall be entitled to share in the proceeds of such  
18 sale or marketing of the computer program. The distribution  
19 of such proceeds between the employee and the school  
20 district shall be as agreed upon by the employee and the  
21 school district, except that neither the employee nor the  
22 school district may receive more than 90% of such proceeds.  
23 The negotiation for an employee who is represented by an  
24 exclusive bargaining representative may be conducted by  
25 such bargaining representative at the employee's request.

26 (b) For the purpose of this paragraph 17:

27 (1) "Computer" means an internally programmed,  
28 general purpose digital device capable of  
29 automatically accepting data, processing data and  
30 supplying the results of the operation.

31 (2) "Computer program" means a series of coded  
32 instructions or statements in a form acceptable to a  
33 computer, which causes the computer to process data in  
34 order to achieve a certain result.

35 (3) "Proceeds" means profits derived from  
36 marketing or sale of a product after deducting the

1 expenses of developing and marketing such product;

2 18. To delegate to the general superintendent of  
3 schools, by resolution, the authority to approve contracts  
4 and expenditures in amounts of \$10,000 or less;

5 19. Upon the written request of an employee, to  
6 withhold from the compensation of that employee any dues,  
7 payments or contributions payable by such employee to any  
8 labor organization as defined in the Illinois Educational  
9 Labor Relations Act. Under such arrangement, an amount  
10 shall be withheld from each regular payroll period which is  
11 equal to the pro rata share of the annual dues plus any  
12 payments or contributions, and the board shall transmit  
13 such withholdings to the specified labor organization  
14 within 10 working days from the time of the withholding;

15 19a. Upon receipt of notice from the comptroller of a  
16 municipality with a population of 500,000 or more, a county  
17 with a population of 3,000,000 or more, the Cook County  
18 Forest Preserve District, the Chicago Park District, the  
19 Metropolitan Water Reclamation District, the Chicago  
20 Transit Authority, or a housing authority of a municipality  
21 with a population of 500,000 or more that a debt is due and  
22 owing the municipality, the county, the Cook County Forest  
23 Preserve District, the Chicago Park District, the  
24 Metropolitan Water Reclamation District, the Chicago  
25 Transit Authority, or the housing authority by an employee  
26 of the Chicago Board of Education, to withhold, from the  
27 compensation of that employee, the amount of the debt that  
28 is due and owing and pay the amount withheld to the  
29 municipality, the county, the Cook County Forest Preserve  
30 District, the Chicago Park District, the Metropolitan  
31 Water Reclamation District, the Chicago Transit Authority,  
32 or the housing authority; provided, however, that the  
33 amount deducted from any one salary or wage payment shall  
34 not exceed 25% of the net amount of the payment. Before the  
35 Board deducts any amount from any salary or wage of an  
36 employee under this paragraph, the municipality, the

1 county, the Cook County Forest Preserve District, the  
2 Chicago Park District, the Metropolitan Water Reclamation  
3 District, the Chicago Transit Authority, or the housing  
4 authority shall certify that (i) the employee has been  
5 afforded an opportunity for a hearing to dispute the debt  
6 that is due and owing the municipality, the county, the  
7 Cook County Forest Preserve District, the Chicago Park  
8 District, the Metropolitan Water Reclamation District, the  
9 Chicago Transit Authority, or the housing authority and  
10 (ii) the employee has received notice of a wage deduction  
11 order and has been afforded an opportunity for a hearing to  
12 object to the order. For purposes of this paragraph, "net  
13 amount" means that part of the salary or wage payment  
14 remaining after the deduction of any amounts required by  
15 law to be deducted and "debt due and owing" means (i) a  
16 specified sum of money owed to the municipality, the  
17 county, the Cook County Forest Preserve District, the  
18 Chicago Park District, the Metropolitan Water Reclamation  
19 District, the Chicago Transit Authority, or the housing  
20 authority for services, work, or goods, after the period  
21 granted for payment has expired, or (ii) a specified sum of  
22 money owed to the municipality, the county, the Cook County  
23 Forest Preserve District, the Chicago Park District, the  
24 Metropolitan Water Reclamation District, the Chicago  
25 Transit Authority, or the housing authority pursuant to a  
26 court order or order of an administrative hearing officer  
27 after the exhaustion of, or the failure to exhaust,  
28 judicial review;

29 20. The board is encouraged to employ a sufficient  
30 number of certified school counselors to maintain a  
31 student/counselor ratio of 250 to 1 by July 1, 1990. Each  
32 counselor shall spend at least 75% of his work time in  
33 direct contact with students and shall maintain a record of  
34 such time;

35 21. To make available to students vocational and career  
36 counseling and to establish 5 special career counseling

1 days for students and parents. On these days  
2 representatives of local businesses and industries shall  
3 be invited to the school campus and shall inform students  
4 of career opportunities available to them in the various  
5 businesses and industries. Special consideration shall be  
6 given to counseling minority students as to career  
7 opportunities available to them in various fields. For the  
8 purposes of this paragraph, minority student means a person  
9 who is:

10 (a) Black (a person having origins in any of the  
11 black racial groups in Africa);

12 (b) Hispanic (a person of Spanish or Portuguese  
13 culture with origins in Mexico, South or Central  
14 America, or the Caribbean islands, regardless of  
15 race);

16 (c) Asian American (a person having origins in any  
17 of the original peoples of the Far East, Southeast  
18 Asia, the Indian Subcontinent or the Pacific Islands);  
19 or

20 (d) American Indian or Alaskan Native (a person  
21 having origins in any of the original peoples of North  
22 America).

23 Counseling days shall not be in lieu of regular school  
24 days;

25 22. To report to the State Board of Education the  
26 annual student dropout rate and number of students who  
27 graduate from, transfer from or otherwise leave bilingual  
28 programs;

29 23. Except as otherwise provided in the Abused and  
30 Neglected Child Reporting Act or other applicable State or  
31 federal law, to permit school officials to withhold, from  
32 any person, information on the whereabouts of any child  
33 removed from school premises when the child has been taken  
34 into protective custody as a victim of suspected child  
35 abuse. School officials shall direct such person to the  
36 Department of Children and Family Services, or to the local

1 law enforcement agency if appropriate;

2 24. To develop a policy, based on the current state of  
3 existing school facilities, projected enrollment and  
4 efficient utilization of available resources, for capital  
5 improvement of schools and school buildings within the  
6 district, addressing in that policy both the relative  
7 priority for major repairs, renovations and additions to  
8 school facilities, and the advisability or necessity of  
9 building new school facilities or closing existing schools  
10 to meet current or projected demographic patterns within  
11 the district;

12 25. To make available to the students in every high  
13 school attendance center the ability to take all courses  
14 necessary to comply with the Board of Higher Education's  
15 college entrance criteria effective in 1993;

16 26. To encourage mid-career changes into the teaching  
17 profession, whereby qualified professionals become  
18 certified teachers, by allowing credit for professional  
19 employment in related fields when determining point of  
20 entry on teacher pay scale;

21 27. To provide or contract out training programs for  
22 administrative personnel and principals with revised or  
23 expanded duties pursuant to this Act in order to assure  
24 they have the knowledge and skills to perform their duties;

25 28. To establish a fund for the prioritized special  
26 needs programs, and to allocate such funds and other lump  
27 sum amounts to each attendance center in a manner  
28 consistent with the provisions of part 4 of Section 34-2.3.  
29 Nothing in this paragraph shall be construed to require any  
30 additional appropriations of State funds for this purpose;

31 29. (Blank);

32 30. Notwithstanding any other provision of this Act or  
33 any other law to the contrary, to contract with third  
34 parties for services otherwise performed by employees,  
35 including those in a bargaining unit, and to layoff those  
36 employees upon 14 days written notice to the affected

1 employees. Those contracts may be for a period not to  
2 exceed 5 years and may be awarded on a system-wide basis;

3 31. To promulgate rules establishing procedures  
4 governing the layoff or reduction in force of employees and  
5 the recall of such employees, including, but not limited  
6 to, criteria for such layoffs, reductions in force or  
7 recall rights of such employees and the weight to be given  
8 to any particular criterion. Such criteria shall take into  
9 account factors including, but not be limited to,  
10 qualifications, certifications, experience, performance  
11 ratings or evaluations, and any other factors relating to  
12 an employee's job performance;

13 32. To develop a policy to prevent nepotism in the  
14 hiring of personnel or the selection of contractors;

15 33. To enter into a partnership agreement, as required  
16 by Section 34-3.5 of this Code, and, notwithstanding any  
17 other provision of law to the contrary, to promulgate  
18 policies, enter into contracts, and take any other action  
19 necessary to accomplish the objectives and implement the  
20 requirements of that agreement; and

21 34. To establish a Labor Management Council to the  
22 board comprised of representatives of the board, the chief  
23 executive officer, and those labor organizations that are  
24 the exclusive representatives of employees of the board and  
25 to promulgate policies and procedures for the operation of  
26 the Council.

27 The specifications of the powers herein granted are not to  
28 be construed as exclusive but the board shall also exercise all  
29 other powers that they may be requisite or proper for the  
30 maintenance and the development of a public school system, not  
31 inconsistent with the other provisions of this Article or  
32 provisions of this Code which apply to all school districts.

33 In addition to the powers herein granted and authorized to  
34 be exercised by the board, it shall be the duty of the board to  
35 review or to direct independent reviews of special education  
36 expenditures and services. The board shall file a report of

1 such review with the General Assembly on or before May 1, 1990.  
2 (Source: P.A. 92-109, eff. 7-20-01; 92-527, eff. 6-1-02;  
3 92-724, eff. 7-25-02; 93-3, eff. 4-16-03; 93-1036, eff.  
4 9-14-04.)