

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 10-22.34c as follows:

6 (105 ILCS 5/10-22.34c)

7 Sec. 10-22.34c. Third party non-instructional services.

8 ~~(a) A Notwithstanding any other law of this State, nothing in~~
9 ~~this Code prevents a board of education may enter from entering~~
10 into a contract with a third party for non-instructional
11 services currently performed by any employee or bargaining unit
12 member or lay ~~from laying~~ off those educational support
13 personnel employees upon 90 ~~30~~ days written notice to the
14 affected employees, provided that:

15 (1) a contract must not be entered into and become
16 effective during the term of a collective bargaining
17 agreement, as that term is set forth in the agreement,
18 covering any employees who perform the non-instructional
19 services;

20 (2) a contract may only take effect upon the expiration
21 of an existing collective bargaining agreement;

22 (3) any third party that submits a bid to perform the
23 non-instructional services shall provide the following:

1 (A) evidence of liability insurance in scope and
2 amount equivalent to the liability insurance provided
3 by the school board pursuant to Section 10-22.3 of this
4 Code;

5 (B) a benefits package for the third party's
6 employees who will perform the non-instructional
7 services comparable to the benefits package provided
8 to school board employees who perform those services;

9 (C) a list of the number of employees who will
10 provide the non-instructional services, the job
11 classifications of those employees, and the wages the
12 third party will pay those employees;

13 (D) a minimum 3-year cost projection, using
14 generally accepted accounting principles and which the
15 third party is prohibited from increasing if the bid is
16 accepted by the school board, for each and every
17 expenditure category and account for performing the
18 non-instructional services;

19 (E) composite information about the criminal and
20 disciplinary records, including alcohol or other
21 substance abuse, Department of Children and Family
22 Services complaints and investigations, traffic
23 violations, and license revocations or any other
24 licensure problems, of any employees who may perform
25 the non-instructional services, provided that the
26 individual names and other identifying information of

1 employees need not be provided with the submission of
2 the bid, but must be made available upon request of the
3 school board; and

4 (F) an affidavit, notarized by the president or
5 chief executive officer of the third party, that each
6 of its employees has completed a criminal background
7 check as required by Section 10-21.9 of this Code
8 within 3 months prior to submission of the bid,
9 provided that the results of such background checks
10 need not be provided with the submission of the bid,
11 but must be made available upon request of the school
12 board.

13 (4) a contract must not be entered into unless the
14 school board provides a cost comparison, using generally
15 accepted accounting principles, of each and every
16 expenditure category and account that the school board
17 projects it would incur over the term of the contract if it
18 continued to perform the non-instructional services using
19 its own employees with each and every expenditure category
20 and account that is projected a third party would incur if
21 a third party performed the non-instructional services;

22 (5) review and consideration of all bids by third
23 parties to perform the non-instructional services shall
24 take place in open session of a regularly scheduled school
25 board meeting, unless the exclusive bargaining
26 representative of the employees who perform the

1 non-instructional services, if any such exclusive
2 bargaining representative exists, agrees in writing that
3 such review and consideration can take place in open
4 session at a specially scheduled school board meeting;

5 (6) a minimum of one public hearing, conducted by the
6 school board prior to a regularly scheduled school board
7 meeting, to discuss the school board's proposal to contract
8 with a third party to perform the non-instructional
9 services must be held before the school board may enter
10 into such a contract; the school board must provide notice
11 to the public of the date, time, and location of the first
12 public hearing on or before the initial date that bids to
13 provide the non-instructional services are solicited or a
14 minimum of 30 days prior to entering into such a contract,
15 whichever provides a greater period of notice;

16 (7) a contract shall contain provisions requiring the
17 contractor to offer available employee positions pursuant
18 to the contract to qualified school district employees
19 whose employment is terminated because of the contract; and

20 (8) a contract shall contain provisions requiring the
21 contractor to comply with a policy of nondiscrimination and
22 equal employment opportunity for all persons and to take
23 affirmative steps to provide equal opportunity for all
24 persons.

25 (b) Notwithstanding subsection (a) of this Section, a board
26 of education may enter into a contract, of no longer than 3

1 months in duration, with a third party for non-instructional
2 services currently performed by an employee or bargaining unit
3 member for the purpose of augmenting the current workforce in
4 an emergency situation that threatens the safety or health of
5 the school district's students or staff, provided that the
6 school board meets all of its obligations under the Illinois
7 Educational Labor Relations Act.

8 (c) The changes to this Section made by this amendatory Act
9 of the 95th General Assembly are not applicable to
10 non-instructional services of a school district that on the
11 effective date of this amendatory Act of the 95th General
12 Assembly are performed for the school district by a third
13 party.

14 (Source: P.A. 90-548, eff. 1-1-98.)

15 Section 90. The State Mandates Act is amended by adding
16 Section 8.31 as follows:

17 (30 ILCS 805/8.31 new)

18 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8
19 of this Act, no reimbursement by the State is required for the
20 implementation of any mandate created by this amendatory Act of
21 the 95th General Assembly.

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