



Elementary Secondary Education Committee

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1 AMENDMENT TO HOUSE BILL 1771

2 AMENDMENT NO. _____. Amend House Bill 1771 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections
5 10-19.1 and 34-18 as follows:

6 (105 ILCS 5/10-19.1) (from Ch. 122, par. 10-19.1)

7 Sec. 10-19.1. Full year school plan. Any school district
8 may, by resolution of its board, operate one or more schools
9 within the district on a full year school plan approved by the
10 State Board of Education. Any board which operates under this
11 Section shall devise a plan so that a student's required
12 attendance in school shall be for a minimum term of 180 days of
13 actual attendance, including not more than 4 institute days,
14 during a 12 month period, but shall not exceed 185 days. Under
15 such plan, no teacher shall be required to teach more than 185
16 days. A calendar of 180 days may be established with the

1 approval of the State Board of Education.

2 If a school board, in scheduling breaks as part of the full
3 year school plan, schedules a break that exceeds 2 consecutive
4 weeks, the school district and school may not refer to the
5 school as a full-year or year-round school.

6 (Source: P.A. 81-1508.)

7 (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

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

12 1. To make suitable provision for the establishment and
13 maintenance throughout the year or for such portion thereof
14 as it may direct, not less than 9 months, of schools of all
15 grades and kinds, including normal schools, high schools,
16 night schools, schools for defectives and delinquents,
17 parental and truant schools, schools for the blind, the
18 deaf and the crippled, schools or classes in manual
19 training, constructural and vocational teaching, domestic
20 arts and physical culture, vocation and extension schools
21 and lecture courses, and all other educational courses and
22 facilities, including establishing, equipping, maintaining
23 and operating playgrounds and recreational programs, when
24 such programs are conducted in, adjacent to, or connected
25 with any public school under the general supervision and

1 jurisdiction of the board; provided that (i) the calendar
2 for the school term and any changes must be submitted to
3 and approved by the State Board of Education before the
4 calendar or changes may take effect, (ii) if the board, in
5 scheduling breaks as part of a full year school plan,
6 schedules a break that exceeds 2 consecutive weeks, the
7 school district and attendance center may not refer to the
8 attendance center as a full-year or year-round school or
9 attendance center, and (iii) ~~provided that~~ in allocating
10 funds from year to year for the operation of all attendance
11 centers within the district, the board shall ensure that
12 supplemental general State aid funds are allocated and
13 applied in accordance with Section 18-8 or 18-8.05. To
14 admit to such schools without charge foreign exchange
15 students who are participants in an organized exchange
16 student program which is authorized by the board. The board
17 shall permit all students to enroll in apprenticeship
18 programs in trade schools operated by the board, whether
19 those programs are union-sponsored or not. No student shall
20 be refused admission into or be excluded from any course of
21 instruction offered in the common schools by reason of that
22 student's sex. No student shall be denied equal access to
23 physical education and interscholastic athletic programs
24 supported from school district funds or denied
25 participation in comparable physical education and
26 athletic programs solely by reason of the student's sex.

1 Equal access to programs supported from school district
2 funds and comparable programs will be defined in rules
3 promulgated by the State Board of Education in consultation
4 with the Illinois High School Association. Notwithstanding
5 any other provision of this Article, neither the board of
6 education nor any local school council or other school
7 official shall recommend that children with disabilities
8 be placed into regular education classrooms unless those
9 children with disabilities are provided with supplementary
10 services to assist them so that they benefit from the
11 regular classroom instruction and are included on the
12 teacher's regular education class register;

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

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

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

21 5. To employ dentists and prescribe their duties for
22 the purpose of treating the pupils in the schools, but
23 accepting such treatment shall be optional with parents or
24 guardians;

25 6. To grant the use of assembly halls and classrooms
26 when not otherwise needed, including light, heat, and

1 attendants, for free public lectures, concerts, and other
2 educational and social interests, free of charge, under
3 such provisions and control as the principal of the
4 affected attendance center may prescribe;

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

1 The appropriate geographical area in which such open
2 enrollment may be exercised shall be determined by the
3 board of education. Such children may be admitted to any
4 such attendance center on a space available basis after all
5 children residing within such attendance center's area
6 have been accommodated. If the number of applicants from
7 outside the attendance area exceed the space available,
8 then successful applicants shall be selected by lottery.
9 The board of education's open enrollment plan must include
10 provisions that allow low income students to have access to
11 transportation needed to exercise school choice. Open
12 enrollment shall be in compliance with the provisions of
13 the Consent Decree and Desegregation Plan cited in Section
14 34-1.01;

15 8. To approve programs and policies for providing
16 transportation services to students. Nothing herein shall
17 be construed to permit or empower the State Board of
18 Education to order, mandate, or require busing or other
19 transportation of pupils for the purpose of achieving
20 racial balance in any school;

21 9. Subject to the limitations in this Article, to
22 establish and approve system-wide curriculum objectives
23 and standards, including graduation standards, which
24 reflect the multi-cultural diversity in the city and are
25 consistent with State law, provided that for all purposes
26 of this Article courses or proficiency in American Sign

1 Language shall be deemed to constitute courses or
2 proficiency in a foreign language; and to employ principals
3 and teachers, appointed as provided in this Article, and
4 fix their compensation. The board shall prepare such
5 reports related to minimal competency testing as may be
6 requested by the State Board of Education, and in addition
7 shall monitor and approve special education and bilingual
8 education programs and policies within the district to
9 assure that appropriate services are provided in
10 accordance with applicable State and federal laws to
11 children requiring services and education in those areas;

12 10. To employ non-teaching personnel or utilize
13 volunteer personnel for: (i) non-teaching duties not
14 requiring instructional judgment or evaluation of pupils,
15 including library duties; and (ii) supervising study
16 halls, long distance teaching reception areas used
17 incident to instructional programs transmitted by
18 electronic media such as computers, video, and audio,
19 detention and discipline areas, and school-sponsored
20 extracurricular activities. The board may further utilize
21 volunteer non-certificated personnel or employ
22 non-certificated personnel to assist in the instruction of
23 pupils under the immediate supervision of a teacher holding
24 a valid certificate, directly engaged in teaching subject
25 matter or conducting activities; provided that the teacher
26 shall be continuously aware of the non-certificated

1 persons' activities and shall be able to control or modify
2 them. The general superintendent shall determine
3 qualifications of such personnel and shall prescribe rules
4 for determining the duties and activities to be assigned to
5 such personnel;

6 10.5. To utilize volunteer personnel from a regional
7 School Crisis Assistance Team (S.C.A.T.), created as part
8 of the Safe to Learn Program established pursuant to
9 Section 25 of the Illinois Violence Prevention Act of 1995,
10 to provide assistance to schools in times of violence or
11 other traumatic incidents within a school community by
12 providing crisis intervention services to lessen the
13 effects of emotional trauma on individuals and the
14 community; the School Crisis Assistance Team Steering
15 Committee shall determine the qualifications for
16 volunteers;

17 11. To provide television studio facilities in not to
18 exceed one school building and to provide programs for
19 educational purposes, provided, however, that the board
20 shall not construct, acquire, operate, or maintain a
21 television transmitter; to grant the use of its studio
22 facilities to a licensed television station located in the
23 school district; and to maintain and operate not to exceed
24 one school radio transmitting station and provide programs
25 for educational purposes;

26 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

1 the former Subdistrict Councils; and to provide for or
2 participate in insurance plans for its officers and
3 employees, including but not limited to retirement
4 annuities, medical, surgical and hospitalization benefits
5 in such types and amounts as may be determined by the
6 board; provided, however, that the board shall contract for
7 such insurance only with an insurance company authorized to
8 do business in this State. Such insurance may include
9 provision for employees who rely on treatment by prayer or
10 spiritual means alone for healing, in accordance with the
11 tenets and practice of a recognized religious
12 denomination;

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

19 16. (a) To provide, on an equal basis, access to a high
20 school campus and student directory information to the
21 official recruiting representatives of the armed forces of
22 Illinois and the United States for the purposes of
23 informing students of the educational and career
24 opportunities available in the military if the board has
25 provided such access to persons or groups whose purpose is
26 to acquaint students with educational or occupational

1 opportunities available to them. The board is not required
2 to give greater notice regarding the right of access to
3 recruiting representatives than is given to other persons
4 and groups. In this paragraph 16, "directory information"
5 means a high school student's name, address, and telephone
6 number.

7 (b) If a student or his or her parent or guardian
8 submits a signed, written request to the high school before
9 the end of the student's sophomore year (or if the student
10 is a transfer student, by another time set by the high
11 school) that indicates that the student or his or her
12 parent or guardian does not want the student's directory
13 information to be provided to official recruiting
14 representatives under subsection (a) of this Section, the
15 high school may not provide access to the student's
16 directory information to these recruiting representatives.
17 The high school shall notify its students and their parents
18 or guardians of the provisions of this subsection (b).

19 (c) A high school may require official recruiting
20 representatives of the armed forces of Illinois and the
21 United States to pay a fee for copying and mailing a
22 student's directory information in an amount that is not
23 more than the actual costs incurred by the high school.

24 (d) Information received by an official recruiting
25 representative under this Section may be used only to
26 provide information to students concerning educational and

1 career opportunities available in the military and may not
2 be released to a person who is not involved in recruiting
3 students for the armed forces of Illinois or the United
4 States;

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

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

21 (1) "Computer" means an internally programmed,
22 general purpose digital device capable of
23 automatically accepting data, processing data and
24 supplying the results of the operation.

25 (2) "Computer program" means a series of coded
26 instructions or statements in a form acceptable to a

1 computer, which causes the computer to process data in
2 order to achieve a certain result.

3 (3) "Proceeds" means profits derived from
4 marketing or sale of a product after deducting the
5 expenses of developing and marketing such product;

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

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

19 19a. Upon receipt of notice from the comptroller of a
20 municipality with a population of 500,000 or more, a county
21 with a population of 3,000,000 or more, the Cook County
22 Forest Preserve District, the Chicago Park District, the
23 Metropolitan Water Reclamation District, the Chicago
24 Transit Authority, or a housing authority of a municipality
25 with a population of 500,000 or more that a debt is due and
26 owing the municipality, the county, the Cook County Forest

1 Preserve District, the Chicago Park District, the
2 Metropolitan Water Reclamation District, the Chicago
3 Transit Authority, or the housing authority by an employee
4 of the Chicago Board of Education, to withhold, from the
5 compensation of that employee, the amount of the debt that
6 is due and owing and pay the amount withheld to the
7 municipality, the county, the Cook County Forest Preserve
8 District, the Chicago Park District, the Metropolitan
9 Water Reclamation District, the Chicago Transit Authority,
10 or the housing authority; provided, however, that the
11 amount deducted from any one salary or wage payment shall
12 not exceed 25% of the net amount of the payment. Before the
13 Board deducts any amount from any salary or wage of an
14 employee under this paragraph, the municipality, the
15 county, the Cook County Forest Preserve District, the
16 Chicago Park District, the Metropolitan Water Reclamation
17 District, the Chicago Transit Authority, or the housing
18 authority shall certify that (i) the employee has been
19 afforded an opportunity for a hearing to dispute the debt
20 that is due and owing the municipality, the county, the
21 Cook County Forest Preserve District, the Chicago Park
22 District, the Metropolitan Water Reclamation District, the
23 Chicago Transit Authority, or the housing authority and
24 (ii) the employee has received notice of a wage deduction
25 order and has been afforded an opportunity for a hearing to
26 object to the order. For purposes of this paragraph, "net

1 amount" means that part of the salary or wage payment
2 remaining after the deduction of any amounts required by
3 law to be deducted and "debt due and owing" means (i) a
4 specified sum of money owed to the municipality, the
5 county, the Cook County Forest Preserve District, the
6 Chicago Park District, the Metropolitan Water Reclamation
7 District, the Chicago Transit Authority, or the housing
8 authority for services, work, or goods, after the period
9 granted for payment has expired, or (ii) a specified sum of
10 money owed to the municipality, the county, the Cook County
11 Forest Preserve District, the Chicago Park District, the
12 Metropolitan Water Reclamation District, the Chicago
13 Transit Authority, or the housing authority pursuant to a
14 court order or order of an administrative hearing officer
15 after the exhaustion of, or the failure to exhaust,
16 judicial review;

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

23 21. To make available to students vocational and career
24 counseling and to establish 5 special career counseling
25 days for students and parents. On these days
26 representatives of local businesses and industries shall

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

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

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

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

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

21 Counseling days shall not be in lieu of regular school
22 days;

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

1 23. Except as otherwise provided in the Abused and
2 Neglected Child Reporting Act or other applicable State or
3 federal law, to permit school officials to withhold, from
4 any person, information on the whereabouts of any child
5 removed from school premises when the child has been taken
6 into protective custody as a victim of suspected child
7 abuse. School officials shall direct such person to the
8 Department of Children and Family Services, or to the local
9 law enforcement agency if appropriate;

10 24. To develop a policy, based on the current state of
11 existing school facilities, projected enrollment and
12 efficient utilization of available resources, for capital
13 improvement of schools and school buildings within the
14 district, addressing in that policy both the relative
15 priority for major repairs, renovations and additions to
16 school facilities, and the advisability or necessity of
17 building new school facilities or closing existing schools
18 to meet current or projected demographic patterns within
19 the district;

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

24 26. To encourage mid-career changes into the teaching
25 profession, whereby qualified professionals become
26 certified teachers, by allowing credit for professional

1 employment in related fields when determining point of
2 entry on teacher pay scale;

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

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

13 29. (Blank);

14 30. Notwithstanding any other provision of this Act or
15 any other law to the contrary, to contract with third
16 parties for services otherwise performed by employees,
17 including those in a bargaining unit, and to layoff those
18 employees upon 14 days written notice to the affected
19 employees. Those contracts may be for a period not to
20 exceed 5 years and may be awarded on a system-wide basis;

21 31. To promulgate rules establishing procedures
22 governing the layoff or reduction in force of employees and
23 the recall of such employees, including, but not limited
24 to, criteria for such layoffs, reductions in force or
25 recall rights of such employees and the weight to be given
26 to any particular criterion. Such criteria shall take into

1 account factors including, but not be limited to,
2 qualifications, certifications, experience, performance
3 ratings or evaluations, and any other factors relating to
4 an employee's job performance;

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

7 33. To enter into a partnership agreement, as required
8 by Section 34-3.5 of this Code, and, notwithstanding any
9 other provision of law to the contrary, to promulgate
10 policies, enter into contracts, and take any other action
11 necessary to accomplish the objectives and implement the
12 requirements of that agreement; and

13 34. To establish a Labor Management Council to the
14 board comprised of representatives of the board, the chief
15 executive officer, and those labor organizations that are
16 the exclusive representatives of employees of the board and
17 to promulgate policies and procedures for the operation of
18 the Council.

19 The specifications of the powers herein granted are not to
20 be construed as exclusive but the board shall also exercise all
21 other powers that they may be requisite or proper for the
22 maintenance and the development of a public school system, not
23 inconsistent with the other provisions of this Article or
24 provisions of this Code which apply to all school districts.

25 In addition to the powers herein granted and authorized to
26 be exercised by the board, it shall be the duty of the board to

1 review or to direct independent reviews of special education
2 expenditures and services. The board shall file a report of
3 such review with the General Assembly on or before May 1, 1990.
4 (Source: P.A. 92-109, eff. 7-20-01; 92-527, eff. 6-1-02;
5 92-724, eff. 7-25-02; 93-3, eff. 4-16-03; 93-1036, eff.
6 9-14-04.)".