



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1771

Introduced 2/23/2007, by Rep. Monique D. Davis

SYNOPSIS AS INTRODUCED:

| | |
|-------------------------|-----------------------------|
| 105 ILCS 5/10-19 | from Ch. 122, par. 10-19 |
| 105 ILCS 5/10-19.1 | from Ch. 122, par. 10-19.1 |
| 105 ILCS 5/10-20.12 | from Ch. 122, par. 10-20.12 |
| 105 ILCS 5/18-8.05 | |
| 105 ILCS 5/26-1 | from Ch. 122, par. 26-1 |
| 105 ILCS 5/34-2.1 | from Ch. 122, par. 34-2.1 |
| 105 ILCS 5/34-18 | from Ch. 122, par. 34-18 |
| 105 ILCS 5/10-19.2 rep. | |
| 105 ILCS 5/34-21.4 rep. | |

Amends the School Code. Prohibits a school district from operating any schools within the district on a full year school plan (now a full year school plan is allowed). Removes references in the School Code to full-year or year-round schooling.

LRB095 09539 NHT 29738 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 Sections
5 10-19, 10-19.1, 10-20.12, 18-8.05, 26-1, 34-2.1, and 34-18 as
6 follows:

7 (105 ILCS 5/10-19) (from Ch. 122, par. 10-19)

8 Sec. 10-19. Length of school term - experimental programs.
9 Each school board shall annually prepare a calendar for the
10 school term, specifying the opening and closing dates and
11 providing a minimum term of at least 185 days to insure 176
12 days of actual pupil attendance, computable under Section
13 18-8.05, except that for the 1980-1981 school year only 175
14 days of actual pupil attendance shall be required because of
15 the closing of schools pursuant to Section 24-2 on January 29,
16 1981 upon the appointment by the President of that day as a day
17 of thanksgiving for the freedom of the Americans who had been
18 held hostage in Iran. Any days allowed by law for teachers'
19 institute but not used as such or used as parental institutes
20 as provided in Section 10-22.18d shall increase the minimum
21 term by the school days not so used. ~~The Except as provided in~~
22 ~~Section 10-19.1,~~ the board may not extend the school term
23 beyond such closing date unless that extension of term is

1 necessary to provide the minimum number of computable days. In
2 case of such necessary extension school employees shall be paid
3 for such additional time on the basis of their regular
4 contracts. A school board may specify a closing date earlier
5 than that set on the annual calendar when the schools of the
6 district have provided the minimum number of computable days
7 under this Section. Nothing in this Section prevents the board
8 from employing superintendents of schools, principals and
9 other nonteaching personnel for a period of 12 months, or in
10 the case of superintendents for a period in accordance with
11 Section 10-23.8, or prevents the board from employing other
12 personnel before or after the regular school term with payment
13 of salary proportionate to that received for comparable work
14 during the school term.

15 A school board may make such changes in its calendar for
16 the school term as may be required by any changes in the legal
17 school holidays prescribed in Section 24-2. A school board may
18 make changes in its calendar for the school term as may be
19 necessary to reflect the utilization of teachers' institute
20 days as parental institute days as provided in Section
21 10-22.18d.

22 The calendar for the school term and any changes must be
23 submitted to and approved by the regional superintendent of
24 schools before the calendar or changes may take effect.

25 With the prior approval of the State Board of Education and
26 subject to review by the State Board of Education every 3

1 years, any school board may, by resolution of its board and in
2 agreement with affected exclusive collective bargaining
3 agents, establish experimental educational programs, including
4 but not limited to programs for self-directed learning or
5 outside of formal class periods, which programs when so
6 approved shall be considered to comply with the requirements of
7 this Section as respects numbers of days of actual pupil
8 attendance and with the other requirements of this Act as
9 respects courses of instruction.

10 (Source: P.A. 93-1036, eff. 9-14-04.)

11 (105 ILCS 5/10-19.1) (from Ch. 122, par. 10-19.1)

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

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

1 (105 ILCS 5/10-20.12) (from Ch. 122, par. 10-20.12)

2 Sec. 10-20.12. School year - School age. To establish and
3 keep in operation in each year during a school term of at least
4 the minimum length required by Section 10-19, a sufficient
5 number of free schools for the accommodation of all persons in
6 the district who are 5 years of age or older but under 21 years
7 of age, and to secure for all such persons the right and
8 opportunity to an equal education in such schools; provided
9 that children who will attain the age of 5 years on or before
10 September 1 of the year of the 1990-1991 school term and each
11 school term thereafter may attend school upon the commencement
12 of such term. Based upon an assessment of a child's readiness
13 to attend school, a school district may permit a child to
14 attend school prior to the dates contained in this Section. ~~In~~
15 ~~any school district operating on a full year school basis~~
16 ~~children who will attain age 5 within 30 days after the~~
17 ~~commencement of a term may attend school upon the commencement~~
18 ~~of such term. The school district may, by resolution of its~~
19 ~~board, allow for a full year school plan.~~

20 (Source: P.A. 87-359.)

21 (105 ILCS 5/18-8.05)

22 Sec. 18-8.05. Basis for apportionment of general State
23 financial aid and supplemental general State aid to the common
24 schools for the 1998-1999 and subsequent school years.

1 (A) General Provisions.

2 (1) The provisions of this Section apply to the 1998-1999
3 and subsequent school years. The system of general State
4 financial aid provided for in this Section is designed to
5 assure that, through a combination of State financial aid and
6 required local resources, the financial support provided each
7 pupil in Average Daily Attendance equals or exceeds a
8 prescribed per pupil Foundation Level. This formula approach
9 imputes a level of per pupil Available Local Resources and
10 provides for the basis to calculate a per pupil level of
11 general State financial aid that, when added to Available Local
12 Resources, equals or exceeds the Foundation Level. The amount
13 of per pupil general State financial aid for school districts,
14 in general, varies in inverse relation to Available Local
15 Resources. Per pupil amounts are based upon each school
16 district's Average Daily Attendance as that term is defined in
17 this Section.

18 (2) In addition to general State financial aid, school
19 districts with specified levels or concentrations of pupils
20 from low income households are eligible to receive supplemental
21 general State financial aid grants as provided pursuant to
22 subsection (H). The supplemental State aid grants provided for
23 school districts under subsection (H) shall be appropriated for
24 distribution to school districts as part of the same line item
25 in which the general State financial aid of school districts is
26 appropriated under this Section.

1 (3) To receive financial assistance under this Section,
2 school districts are required to file claims with the State
3 Board of Education, subject to the following requirements:

4 (a) Any school district which fails for any given
5 school year to maintain school as required by law, or to
6 maintain a recognized school is not eligible to file for
7 such school year any claim upon the Common School Fund. In
8 case of nonrecognition of one or more attendance centers in
9 a school district otherwise operating recognized schools,
10 the claim of the district shall be reduced in the
11 proportion which the Average Daily Attendance in the
12 attendance center or centers bear to the Average Daily
13 Attendance in the school district. A "recognized school"
14 means any public school which meets the standards as
15 established for recognition by the State Board of
16 Education. A school district or attendance center not
17 having recognition status at the end of a school term is
18 entitled to receive State aid payments due upon a legal
19 claim which was filed while it was recognized.

20 (b) School district claims filed under this Section are
21 subject to Sections 18-9, 18-10, and 18-12, except as
22 otherwise provided in this Section.

23 (c) (Blank). ~~If a school district operates a full year~~
24 ~~school under Section 10-19.1, the general State aid to the~~
25 ~~school district shall be determined by the State Board of~~
26 ~~Education in accordance with this Section as near as may be~~

1 ~~applicable.~~

2 (d) (Blank).

3 (4) Except as provided in subsections (H) and (L), the
4 board of any district receiving any of the grants provided for
5 in this Section may apply those funds to any fund so received
6 for which that board is authorized to make expenditures by law.

7 School districts are not required to exert a minimum
8 Operating Tax Rate in order to qualify for assistance under
9 this Section.

10 (5) As used in this Section the following terms, when
11 capitalized, shall have the meaning ascribed herein:

12 (a) "Average Daily Attendance": A count of pupil
13 attendance in school, averaged as provided for in
14 subsection (C) and utilized in deriving per pupil financial
15 support levels.

16 (b) "Available Local Resources": A computation of
17 local financial support, calculated on the basis of Average
18 Daily Attendance and derived as provided pursuant to
19 subsection (D).

20 (c) "Corporate Personal Property Replacement Taxes":
21 Funds paid to local school districts pursuant to "An Act in
22 relation to the abolition of ad valorem personal property
23 tax and the replacement of revenues lost thereby, and
24 amending and repealing certain Acts and parts of Acts in
25 connection therewith", certified August 14, 1979, as
26 amended (Public Act 81-1st S.S.-1).

1 (d) "Foundation Level": A prescribed level of per pupil
2 financial support as provided for in subsection (B).

3 (e) "Operating Tax Rate": All school district property
4 taxes extended for all purposes, except Bond and Interest,
5 Summer School, Rent, Capital Improvement, and Vocational
6 Education Building purposes.

7 (B) Foundation Level.

8 (1) The Foundation Level is a figure established by the
9 State representing the minimum level of per pupil financial
10 support that should be available to provide for the basic
11 education of each pupil in Average Daily Attendance. As set
12 forth in this Section, each school district is assumed to exert
13 a sufficient local taxing effort such that, in combination with
14 the aggregate of general State financial aid provided the
15 district, an aggregate of State and local resources are
16 available to meet the basic education needs of pupils in the
17 district.

18 (2) For the 1998-1999 school year, the Foundation Level of
19 support is \$4,225. For the 1999-2000 school year, the
20 Foundation Level of support is \$4,325. For the 2000-2001 school
21 year, the Foundation Level of support is \$4,425. For the
22 2001-2002 school year and 2002-2003 school year, the Foundation
23 Level of support is \$4,560. For the 2003-2004 school year, the
24 Foundation Level of support is \$4,810. For the 2004-2005 school
25 year, the Foundation Level of support is \$4,964. For the

1 2005-2006 school year, the Foundation Level of support is
2 \$5,164.

3 (3) For the 2006-2007 school year and each school year
4 thereafter, the Foundation Level of support is \$5,334 or such
5 greater amount as may be established by law by the General
6 Assembly.

7 (C) Average Daily Attendance.

8 (1) For purposes of calculating general State aid pursuant
9 to subsection (E), an Average Daily Attendance figure shall be
10 utilized. The Average Daily Attendance figure for formula
11 calculation purposes shall be the monthly average of the actual
12 number of pupils in attendance of each school district, as
13 further averaged for the best 3 months of pupil attendance for
14 each school district. In compiling the figures for the number
15 of pupils in attendance, school districts and the State Board
16 of Education shall, for purposes of general State aid funding,
17 conform attendance figures to the requirements of subsection
18 (F).

19 (2) The Average Daily Attendance figures utilized in
20 subsection (E) shall be the requisite attendance data for the
21 school year immediately preceding the school year for which
22 general State aid is being calculated or the average of the
23 attendance data for the 3 preceding school years, whichever is
24 greater. The Average Daily Attendance figures utilized in
25 subsection (H) shall be the requisite attendance data for the

1 school year immediately preceding the school year for which
2 general State aid is being calculated.

3 (D) Available Local Resources.

4 (1) For purposes of calculating general State aid pursuant
5 to subsection (E), a representation of Available Local
6 Resources per pupil, as that term is defined and determined in
7 this subsection, shall be utilized. Available Local Resources
8 per pupil shall include a calculated dollar amount representing
9 local school district revenues from local property taxes and
10 from Corporate Personal Property Replacement Taxes, expressed
11 on the basis of pupils in Average Daily Attendance. Calculation
12 of Available Local Resources shall exclude any tax amnesty
13 funds received as a result of Public Act 93-26.

14 (2) In determining a school district's revenue from local
15 property taxes, the State Board of Education shall utilize the
16 equalized assessed valuation of all taxable property of each
17 school district as of September 30 of the previous year. The
18 equalized assessed valuation utilized shall be obtained and
19 determined as provided in subsection (G).

20 (3) For school districts maintaining grades kindergarten
21 through 12, local property tax revenues per pupil shall be
22 calculated as the product of the applicable equalized assessed
23 valuation for the district multiplied by 3.00%, and divided by
24 the district's Average Daily Attendance figure. For school
25 districts maintaining grades kindergarten through 8, local

1 property tax revenues per pupil shall be calculated as the
2 product of the applicable equalized assessed valuation for the
3 district multiplied by 2.30%, and divided by the district's
4 Average Daily Attendance figure. For school districts
5 maintaining grades 9 through 12, local property tax revenues
6 per pupil shall be the applicable equalized assessed valuation
7 of the district multiplied by 1.05%, and divided by the
8 district's Average Daily Attendance figure.

9 For partial elementary unit districts created pursuant to
10 Article 11E of this Code, local property tax revenues per pupil
11 shall be calculated as the product of the equalized assessed
12 valuation for property within the elementary and high school
13 classification of the partial elementary unit district
14 multiplied by 2.06% and divided by the Average Daily Attendance
15 figure for grades kindergarten through 8, plus the product of
16 the equalized assessed valuation for property within the high
17 school only classification of the partial elementary unit
18 district multiplied by 0.94% and divided by the Average Daily
19 Attendance figure for grades 9 through 12.

20 (4) The Corporate Personal Property Replacement Taxes paid
21 to each school district during the calendar year 2 years before
22 the calendar year in which a school year begins, divided by the
23 Average Daily Attendance figure for that district, shall be
24 added to the local property tax revenues per pupil as derived
25 by the application of the immediately preceding paragraph (3).
26 The sum of these per pupil figures for each school district

1 shall constitute Available Local Resources as that term is
2 utilized in subsection (E) in the calculation of general State
3 aid.

4 (E) Computation of General State Aid.

5 (1) For each school year, the amount of general State aid
6 allotted to a school district shall be computed by the State
7 Board of Education as provided in this subsection.

8 (2) For any school district for which Available Local
9 Resources per pupil is less than the product of 0.93 times the
10 Foundation Level, general State aid for that district shall be
11 calculated as an amount equal to the Foundation Level minus
12 Available Local Resources, multiplied by the Average Daily
13 Attendance of the school district.

14 (3) For any school district for which Available Local
15 Resources per pupil is equal to or greater than the product of
16 0.93 times the Foundation Level and less than the product of
17 1.75 times the Foundation Level, the general State aid per
18 pupil shall be a decimal proportion of the Foundation Level
19 derived using a linear algorithm. Under this linear algorithm,
20 the calculated general State aid per pupil shall decline in
21 direct linear fashion from 0.07 times the Foundation Level for
22 a school district with Available Local Resources equal to the
23 product of 0.93 times the Foundation Level, to 0.05 times the
24 Foundation Level for a school district with Available Local
25 Resources equal to the product of 1.75 times the Foundation

1 Level. The allocation of general State aid for school districts
2 subject to this paragraph 3 shall be the calculated general
3 State aid per pupil figure multiplied by the Average Daily
4 Attendance of the school district.

5 (4) For any school district for which Available Local
6 Resources per pupil equals or exceeds the product of 1.75 times
7 the Foundation Level, the general State aid for the school
8 district shall be calculated as the product of \$218 multiplied
9 by the Average Daily Attendance of the school district.

10 (5) The amount of general State aid allocated to a school
11 district for the 1999-2000 school year meeting the requirements
12 set forth in paragraph (4) of subsection (G) shall be increased
13 by an amount equal to the general State aid that would have
14 been received by the district for the 1998-1999 school year by
15 utilizing the Extension Limitation Equalized Assessed
16 Valuation as calculated in paragraph (4) of subsection (G) less
17 the general State aid allotted for the 1998-1999 school year.
18 This amount shall be deemed a one time increase, and shall not
19 affect any future general State aid allocations.

20 (F) Compilation of Average Daily Attendance.

21 (1) Each school district shall, by July 1 of each year,
22 submit to the State Board of Education, on forms prescribed by
23 the State Board of Education, attendance figures for the school
24 year that began in the preceding calendar year. The attendance
25 information so transmitted shall identify the average daily

1 attendance figures for each month of the school year. Beginning
2 with the general State aid claim form for the 2002-2003 school
3 year, districts shall calculate Average Daily Attendance as
4 provided in subdivision ~~subdivisions~~ (a), ~~(b)~~, and ~~(c)~~ of this
5 paragraph (1).

6 (a) Days ~~In districts that do not hold year round~~
7 ~~classes, days~~ of attendance in August shall be added to the
8 month of September and any days of attendance in June shall
9 be added to the month of May.

10 (b) (Blank). ~~In districts in which all buildings hold~~
11 ~~year round classes, days of attendance in July and August~~
12 ~~shall be added to the month of September and any days of~~
13 ~~attendance in June shall be added to the month of May.~~

14 (c) (Blank). ~~In districts in which some buildings, but~~
15 ~~not all, hold year round classes, for the non-year round~~
16 ~~buildings, days of attendance in August shall be added to~~
17 ~~the month of September and any days of attendance in June~~
18 ~~shall be added to the month of May. The average daily~~
19 ~~attendance for the year round buildings shall be computed~~
20 ~~as provided in subdivision (b) of this paragraph (1). To~~
21 ~~calculate the Average Daily Attendance for the district,~~
22 ~~the average daily attendance for the year round buildings~~
23 ~~shall be multiplied by the days in session for the~~
24 ~~non-year round buildings for each month and added to the~~
25 ~~monthly attendance of the non-year round buildings.~~

26 Except as otherwise provided in this Section, days of

1 attendance by pupils shall be counted only for sessions of not
2 less than 5 clock hours of school work per day under direct
3 supervision of: (i) teachers, or (ii) non-teaching personnel or
4 volunteer personnel when engaging in non-teaching duties and
5 supervising in those instances specified in subsection (a) of
6 Section 10-22.34 and paragraph 10 of Section 34-18, with pupils
7 of legal school age and in kindergarten and grades 1 through
8 12.

9 Days of attendance by tuition pupils shall be accredited
10 only to the districts that pay the tuition to a recognized
11 school.

12 (2) Days of attendance by pupils of less than 5 clock hours
13 of school shall be subject to the following provisions in the
14 compilation of Average Daily Attendance.

15 (a) Pupils regularly enrolled in a public school for
16 only a part of the school day may be counted on the basis
17 of $1/6$ day for every class hour of instruction of 40
18 minutes or more attended pursuant to such enrollment,
19 unless a pupil is enrolled in a block-schedule format of 80
20 minutes or more of instruction, in which case the pupil may
21 be counted on the basis of the proportion of minutes of
22 school work completed each day to the minimum number of
23 minutes that school work is required to be held that day.

24 (b) Days of attendance may be less than 5 clock hours
25 on the opening and closing of the school term, and upon the
26 first day of pupil attendance, if preceded by a day or days

1 utilized as an institute or teachers' workshop.

2 (c) A session of 4 or more clock hours may be counted
3 as a day of attendance upon certification by the regional
4 superintendent, and approved by the State Superintendent
5 of Education to the extent that the district has been
6 forced to use daily multiple sessions.

7 (d) A session of 3 or more clock hours may be counted
8 as a day of attendance (1) when the remainder of the school
9 day or at least 2 hours in the evening of that day is
10 utilized for an in-service training program for teachers,
11 up to a maximum of 5 days per school year of which a
12 maximum of 4 days of such 5 days may be used for
13 parent-teacher conferences, provided a district conducts
14 an in-service training program for teachers which has been
15 approved by the State Superintendent of Education; or, in
16 lieu of 4 such days, 2 full days may be used, in which
17 event each such day may be counted as a day of attendance;
18 and (2) when days in addition to those provided in item (1)
19 are scheduled by a school pursuant to its school
20 improvement plan adopted under Article 34 or its revised or
21 amended school improvement plan adopted under Article 2,
22 provided that (i) such sessions of 3 or more clock hours
23 are scheduled to occur at regular intervals, (ii) the
24 remainder of the school days in which such sessions occur
25 are utilized for in-service training programs or other
26 staff development activities for teachers, and (iii) a

1 sufficient number of minutes of school work under the
2 direct supervision of teachers are added to the school days
3 between such regularly scheduled sessions to accumulate
4 not less than the number of minutes by which such sessions
5 of 3 or more clock hours fall short of 5 clock hours. Any
6 full days used for the purposes of this paragraph shall not
7 be considered for computing average daily attendance. Days
8 scheduled for in-service training programs, staff
9 development activities, or parent-teacher conferences may
10 be scheduled separately for different grade levels and
11 different attendance centers of the district.

12 (e) A session of not less than one clock hour of
13 teaching hospitalized or homebound pupils on-site or by
14 telephone to the classroom may be counted as 1/2 day of
15 attendance, however these pupils must receive 4 or more
16 clock hours of instruction to be counted for a full day of
17 attendance.

18 (f) A session of at least 4 clock hours may be counted
19 as a day of attendance for first grade pupils, and pupils
20 in full day kindergartens, and a session of 2 or more hours
21 may be counted as 1/2 day of attendance by pupils in
22 kindergartens which provide only 1/2 day of attendance.

23 (g) For children with disabilities who are below the
24 age of 6 years and who cannot attend 2 or more clock hours
25 because of their disability or immaturity, a session of not
26 less than one clock hour may be counted as 1/2 day of

1 attendance; however for such children whose educational
2 needs so require a session of 4 or more clock hours may be
3 counted as a full day of attendance.

4 (h) A recognized kindergarten which provides for only
5 1/2 day of attendance by each pupil shall not have more
6 than 1/2 day of attendance counted in any one day. However,
7 kindergartens may count 2 1/2 days of attendance in any 5
8 consecutive school days. When a pupil attends such a
9 kindergarten for 2 half days on any one school day, the
10 pupil shall have the following day as a day absent from
11 school, unless the school district obtains permission in
12 writing from the State Superintendent of Education.
13 Attendance at kindergartens which provide for a full day of
14 attendance by each pupil shall be counted the same as
15 attendance by first grade pupils. Only the first year of
16 attendance in one kindergarten shall be counted, except in
17 case of children who entered the kindergarten in their
18 fifth year whose educational development requires a second
19 year of kindergarten as determined under the rules and
20 regulations of the State Board of Education.

21 (i) On the days when the Prairie State Achievement
22 Examination is administered under subsection (c) of
23 Section 2-3.64 of this Code, the day of attendance for a
24 pupil whose school day must be shortened to accommodate
25 required testing procedures may be less than 5 clock hours
26 and shall be counted towards the 176 days of actual pupil

1 attendance required under Section 10-19 of this Code,
2 provided that a sufficient number of minutes of school work
3 in excess of 5 clock hours are first completed on other
4 school days to compensate for the loss of school work on
5 the examination days.

6 (G) Equalized Assessed Valuation Data.

7 (1) For purposes of the calculation of Available Local
8 Resources required pursuant to subsection (D), the State Board
9 of Education shall secure from the Department of Revenue the
10 value as equalized or assessed by the Department of Revenue of
11 all taxable property of every school district, together with
12 (i) the applicable tax rate used in extending taxes for the
13 funds of the district as of September 30 of the previous year
14 and (ii) the limiting rate for all school districts subject to
15 property tax extension limitations as imposed under the
16 Property Tax Extension Limitation Law.

17 The Department of Revenue shall add to the equalized
18 assessed value of all taxable property of each school district
19 situated entirely or partially within a county that is or was
20 subject to the alternative general homestead exemption
21 provisions of Section 15-176 of the Property Tax Code (a) an
22 amount equal to the total amount by which the homestead
23 exemption allowed under Section 15-176 of the Property Tax Code
24 for real property situated in that school district exceeds the
25 total amount that would have been allowed in that school

1 district if the maximum reduction under Section 15-176 was (i)
2 \$4,500 in Cook County or \$3,500 in all other counties in tax
3 year 2003 or (ii) \$5,000 in all counties in tax year 2004 and
4 thereafter and (b) an amount equal to the aggregate amount for
5 the taxable year of all additional exemptions under Section
6 15-175 of the Property Tax Code for owners with a household
7 income of \$30,000 or less. The county clerk of any county that
8 is or was subject to the alternative general homestead
9 exemption provisions of Section 15-176 of the Property Tax Code
10 shall annually calculate and certify to the Department of
11 Revenue for each school district all homestead exemption
12 amounts under Section 15-176 of the Property Tax Code and all
13 amounts of additional exemptions under Section 15-175 of the
14 Property Tax Code for owners with a household income of \$30,000
15 or less. It is the intent of this paragraph that if the general
16 homestead exemption for a parcel of property is determined
17 under Section 15-176 of the Property Tax Code rather than
18 Section 15-175, then the calculation of Available Local
19 Resources shall not be affected by the difference, if any,
20 between the amount of the general homestead exemption allowed
21 for that parcel of property under Section 15-176 of the
22 Property Tax Code and the amount that would have been allowed
23 had the general homestead exemption for that parcel of property
24 been determined under Section 15-175 of the Property Tax Code.
25 It is further the intent of this paragraph that if additional
26 exemptions are allowed under Section 15-175 of the Property Tax

1 Code for owners with a household income of less than \$30,000,
2 then the calculation of Available Local Resources shall not be
3 affected by the difference, if any, because of those additional
4 exemptions.

5 This equalized assessed valuation, as adjusted further by
6 the requirements of this subsection, shall be utilized in the
7 calculation of Available Local Resources.

8 (2) The equalized assessed valuation in paragraph (1) shall
9 be adjusted, as applicable, in the following manner:

10 (a) For the purposes of calculating State aid under
11 this Section, with respect to any part of a school district
12 within a redevelopment project area in respect to which a
13 municipality has adopted tax increment allocation
14 financing pursuant to the Tax Increment Allocation
15 Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11
16 of the Illinois Municipal Code or the Industrial Jobs
17 Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the
18 Illinois Municipal Code, no part of the current equalized
19 assessed valuation of real property located in any such
20 project area which is attributable to an increase above the
21 total initial equalized assessed valuation of such
22 property shall be used as part of the equalized assessed
23 valuation of the district, until such time as all
24 redevelopment project costs have been paid, as provided in
25 Section 11-74.4-8 of the Tax Increment Allocation
26 Redevelopment Act or in Section 11-74.6-35 of the

1 Industrial Jobs Recovery Law. For the purpose of the
2 equalized assessed valuation of the district, the total
3 initial equalized assessed valuation or the current
4 equalized assessed valuation, whichever is lower, shall be
5 used until such time as all redevelopment project costs
6 have been paid.

7 (b) The real property equalized assessed valuation for
8 a school district shall be adjusted by subtracting from the
9 real property value as equalized or assessed by the
10 Department of Revenue for the district an amount computed
11 by dividing the amount of any abatement of taxes under
12 Section 18-170 of the Property Tax Code by 3.00% for a
13 district maintaining grades kindergarten through 12, by
14 2.30% for a district maintaining grades kindergarten
15 through 8, or by 1.05% for a district maintaining grades 9
16 through 12 and adjusted by an amount computed by dividing
17 the amount of any abatement of taxes under subsection (a)
18 of Section 18-165 of the Property Tax Code by the same
19 percentage rates for district type as specified in this
20 subparagraph (b).

21 (3) For the 1999-2000 school year and each school year
22 thereafter, if a school district meets all of the criteria of
23 this subsection (G) (3), the school district's Available Local
24 Resources shall be calculated under subsection (D) using the
25 district's Extension Limitation Equalized Assessed Valuation
26 as calculated under this subsection (G) (3).

1 For purposes of this subsection (G) (3) the following terms
2 shall have the following meanings:

3 "Budget Year": The school year for which general State
4 aid is calculated and awarded under subsection (E).

5 "Base Tax Year": The property tax levy year used to
6 calculate the Budget Year allocation of general State aid.

7 "Preceding Tax Year": The property tax levy year
8 immediately preceding the Base Tax Year.

9 "Base Tax Year's Tax Extension": The product of the
10 equalized assessed valuation utilized by the County Clerk
11 in the Base Tax Year multiplied by the limiting rate as
12 calculated by the County Clerk and defined in the Property
13 Tax Extension Limitation Law.

14 "Preceding Tax Year's Tax Extension": The product of
15 the equalized assessed valuation utilized by the County
16 Clerk in the Preceding Tax Year multiplied by the Operating
17 Tax Rate as defined in subsection (A).

18 "Extension Limitation Ratio": A numerical ratio,
19 certified by the County Clerk, in which the numerator is
20 the Base Tax Year's Tax Extension and the denominator is
21 the Preceding Tax Year's Tax Extension.

22 "Operating Tax Rate": The operating tax rate as defined
23 in subsection (A).

24 If a school district is subject to property tax extension
25 limitations as imposed under the Property Tax Extension
26 Limitation Law, the State Board of Education shall calculate

1 the Extension Limitation Equalized Assessed Valuation of that
2 district. For the 1999-2000 school year, the Extension
3 Limitation Equalized Assessed Valuation of a school district as
4 calculated by the State Board of Education shall be equal to
5 the product of the district's 1996 Equalized Assessed Valuation
6 and the district's Extension Limitation Ratio. For the
7 2000-2001 school year and each school year thereafter, the
8 Extension Limitation Equalized Assessed Valuation of a school
9 district as calculated by the State Board of Education shall be
10 equal to the product of the Equalized Assessed Valuation last
11 used in the calculation of general State aid and the district's
12 Extension Limitation Ratio. If the Extension Limitation
13 Equalized Assessed Valuation of a school district as calculated
14 under this subsection (G)(3) is less than the district's
15 equalized assessed valuation as calculated pursuant to
16 subsections (G)(1) and (G)(2), then for purposes of calculating
17 the district's general State aid for the Budget Year pursuant
18 to subsection (E), that Extension Limitation Equalized
19 Assessed Valuation shall be utilized to calculate the
20 district's Available Local Resources under subsection (D).

21 Partial elementary unit districts created in accordance
22 with Article 11E of this Code shall not be eligible for the
23 adjustment in this subsection (G)(3) until the fifth year
24 following the effective date of the reorganization.

25 (4) For the purposes of calculating general State aid for
26 the 1999-2000 school year only, if a school district

1 experienced a triennial reassessment on the equalized assessed
2 valuation used in calculating its general State financial aid
3 apportionment for the 1998-1999 school year, the State Board of
4 Education shall calculate the Extension Limitation Equalized
5 Assessed Valuation that would have been used to calculate the
6 district's 1998-1999 general State aid. This amount shall equal
7 the product of the equalized assessed valuation used to
8 calculate general State aid for the 1997-1998 school year and
9 the district's Extension Limitation Ratio. If the Extension
10 Limitation Equalized Assessed Valuation of the school district
11 as calculated under this paragraph (4) is less than the
12 district's equalized assessed valuation utilized in
13 calculating the district's 1998-1999 general State aid
14 allocation, then for purposes of calculating the district's
15 general State aid pursuant to paragraph (5) of subsection (E),
16 that Extension Limitation Equalized Assessed Valuation shall
17 be utilized to calculate the district's Available Local
18 Resources.

19 (5) For school districts having a majority of their
20 equalized assessed valuation in any county except Cook, DuPage,
21 Kane, Lake, McHenry, or Will, if the amount of general State
22 aid allocated to the school district for the 1999-2000 school
23 year under the provisions of subsection (E), (H), and (J) of
24 this Section is less than the amount of general State aid
25 allocated to the district for the 1998-1999 school year under
26 these subsections, then the general State aid of the district

1 for the 1999-2000 school year only shall be increased by the
2 difference between these amounts. The total payments made under
3 this paragraph (5) shall not exceed \$14,000,000. Claims shall
4 be prorated if they exceed \$14,000,000.

5 (H) Supplemental General State Aid.

6 (1) In addition to the general State aid a school district
7 is allotted pursuant to subsection (E), qualifying school
8 districts shall receive a grant, paid in conjunction with a
9 district's payments of general State aid, for supplemental
10 general State aid based upon the concentration level of
11 children from low-income households within the school
12 district. Supplemental State aid grants provided for school
13 districts under this subsection shall be appropriated for
14 distribution to school districts as part of the same line item
15 in which the general State financial aid of school districts is
16 appropriated under this Section. If the appropriation in any
17 fiscal year for general State aid and supplemental general
18 State aid is insufficient to pay the amounts required under the
19 general State aid and supplemental general State aid
20 calculations, then the State Board of Education shall ensure
21 that each school district receives the full amount due for
22 general State aid and the remainder of the appropriation shall
23 be used for supplemental general State aid, which the State
24 Board of Education shall calculate and pay to eligible
25 districts on a prorated basis.

1 (1.5) This paragraph (1.5) applies only to those school
2 years preceding the 2003-2004 school year. For purposes of this
3 subsection (H), the term "Low-Income Concentration Level"
4 shall be the low-income eligible pupil count from the most
5 recently available federal census divided by the Average Daily
6 Attendance of the school district. If, however, (i) the
7 percentage decrease from the 2 most recent federal censuses in
8 the low-income eligible pupil count of a high school district
9 with fewer than 400 students exceeds by 75% or more the
10 percentage change in the total low-income eligible pupil count
11 of contiguous elementary school districts, whose boundaries
12 are coterminous with the high school district, or (ii) a high
13 school district within 2 counties and serving 5 elementary
14 school districts, whose boundaries are coterminous with the
15 high school district, has a percentage decrease from the 2 most
16 recent federal censuses in the low-income eligible pupil count
17 and there is a percentage increase in the total low-income
18 eligible pupil count of a majority of the elementary school
19 districts in excess of 50% from the 2 most recent federal
20 censuses, then the high school district's low-income eligible
21 pupil count from the earlier federal census shall be the number
22 used as the low-income eligible pupil count for the high school
23 district, for purposes of this subsection (H). The changes made
24 to this paragraph (1) by Public Act 92-28 shall apply to
25 supplemental general State aid grants for school years
26 preceding the 2003-2004 school year that are paid in fiscal

1 year 1999 or thereafter and to any State aid payments made in
2 fiscal year 1994 through fiscal year 1998 pursuant to
3 subsection 1(n) of Section 18-8 of this Code (which was
4 repealed on July 1, 1998), and any high school district that is
5 affected by Public Act 92-28 is entitled to a recomputation of
6 its supplemental general State aid grant or State aid paid in
7 any of those fiscal years. This recomputation shall not be
8 affected by any other funding.

9 (1.10) This paragraph (1.10) applies to the 2003-2004
10 school year and each school year thereafter. For purposes of
11 this subsection (H), the term "Low-Income Concentration Level"
12 shall, for each fiscal year, be the low-income eligible pupil
13 count as of July 1 of the immediately preceding fiscal year (as
14 determined by the Department of Human Services based on the
15 number of pupils who are eligible for at least one of the
16 following low income programs: Medicaid, KidCare, TANF, or Food
17 Stamps, excluding pupils who are eligible for services provided
18 by the Department of Children and Family Services, averaged
19 over the 2 immediately preceding fiscal years for fiscal year
20 2004 and over the 3 immediately preceding fiscal years for each
21 fiscal year thereafter) divided by the Average Daily Attendance
22 of the school district.

23 (2) Supplemental general State aid pursuant to this
24 subsection (H) shall be provided as follows for the 1998-1999,
25 1999-2000, and 2000-2001 school years only:

26 (a) For any school district with a Low Income

1 Concentration Level of at least 20% and less than 35%, the
2 grant for any school year shall be \$800 multiplied by the
3 low income eligible pupil count.

4 (b) For any school district with a Low Income
5 Concentration Level of at least 35% and less than 50%, the
6 grant for the 1998-1999 school year shall be \$1,100
7 multiplied by the low income eligible pupil count.

8 (c) For any school district with a Low Income
9 Concentration Level of at least 50% and less than 60%, the
10 grant for the 1998-99 school year shall be \$1,500
11 multiplied by the low income eligible pupil count.

12 (d) For any school district with a Low Income
13 Concentration Level of 60% or more, the grant for the
14 1998-99 school year shall be \$1,900 multiplied by the low
15 income eligible pupil count.

16 (e) For the 1999-2000 school year, the per pupil amount
17 specified in subparagraphs (b), (c), and (d) immediately
18 above shall be increased to \$1,243, \$1,600, and \$2,000,
19 respectively.

20 (f) For the 2000-2001 school year, the per pupil
21 amounts specified in subparagraphs (b), (c), and (d)
22 immediately above shall be \$1,273, \$1,640, and \$2,050,
23 respectively.

24 (2.5) Supplemental general State aid pursuant to this
25 subsection (H) shall be provided as follows for the 2002-2003
26 school year:

1 (a) For any school district with a Low Income
2 Concentration Level of less than 10%, the grant for each
3 school year shall be \$355 multiplied by the low income
4 eligible pupil count.

5 (b) For any school district with a Low Income
6 Concentration Level of at least 10% and less than 20%, the
7 grant for each school year shall be \$675 multiplied by the
8 low income eligible pupil count.

9 (c) For any school district with a Low Income
10 Concentration Level of at least 20% and less than 35%, the
11 grant for each school year shall be \$1,330 multiplied by
12 the low income eligible pupil count.

13 (d) For any school district with a Low Income
14 Concentration Level of at least 35% and less than 50%, the
15 grant for each school year shall be \$1,362 multiplied by
16 the low income eligible pupil count.

17 (e) For any school district with a Low Income
18 Concentration Level of at least 50% and less than 60%, the
19 grant for each school year shall be \$1,680 multiplied by
20 the low income eligible pupil count.

21 (f) For any school district with a Low Income
22 Concentration Level of 60% or more, the grant for each
23 school year shall be \$2,080 multiplied by the low income
24 eligible pupil count.

25 (2.10) Except as otherwise provided, supplemental general
26 State aid pursuant to this subsection (H) shall be provided as

1 follows for the 2003-2004 school year and each school year
2 thereafter:

3 (a) For any school district with a Low Income
4 Concentration Level of 15% or less, the grant for each
5 school year shall be \$355 multiplied by the low income
6 eligible pupil count.

7 (b) For any school district with a Low Income
8 Concentration Level greater than 15%, the grant for each
9 school year shall be \$294.25 added to the product of \$2,700
10 and the square of the Low Income Concentration Level, all
11 multiplied by the low income eligible pupil count.

12 For the 2003-2004 school year, 2004-2005 school year,
13 2005-2006 school year, and 2006-2007 school year only, the
14 grant shall be no less than the grant for the 2002-2003 school
15 year. For the 2007-2008 school year only, the grant shall be no
16 less than the grant for the 2002-2003 school year multiplied by
17 0.66. For the 2008-2009 school year only, the grant shall be no
18 less than the grant for the 2002-2003 school year multiplied by
19 0.33. Notwithstanding the provisions of this paragraph to the
20 contrary, if for any school year supplemental general State aid
21 grants are prorated as provided in paragraph (1) of this
22 subsection (H), then the grants under this paragraph shall be
23 prorated.

24 For the 2003-2004 school year only, the grant shall be no
25 greater than the grant received during the 2002-2003 school
26 year added to the product of 0.25 multiplied by the difference

1 between the grant amount calculated under subsection (a) or (b)
2 of this paragraph (2.10), whichever is applicable, and the
3 grant received during the 2002-2003 school year. For the
4 2004-2005 school year only, the grant shall be no greater than
5 the grant received during the 2002-2003 school year added to
6 the product of 0.50 multiplied by the difference between the
7 grant amount calculated under subsection (a) or (b) of this
8 paragraph (2.10), whichever is applicable, and the grant
9 received during the 2002-2003 school year. For the 2005-2006
10 school year only, the grant shall be no greater than the grant
11 received during the 2002-2003 school year added to the product
12 of 0.75 multiplied by the difference between the grant amount
13 calculated under subsection (a) or (b) of this paragraph
14 (2.10), whichever is applicable, and the grant received during
15 the 2002-2003 school year.

16 (3) School districts with an Average Daily Attendance of
17 more than 1,000 and less than 50,000 that qualify for
18 supplemental general State aid pursuant to this subsection
19 shall submit a plan to the State Board of Education prior to
20 October 30 of each year for the use of the funds resulting from
21 this grant of supplemental general State aid for the
22 improvement of instruction in which priority is given to
23 meeting the education needs of disadvantaged children. Such
24 plan shall be submitted in accordance with rules and
25 regulations promulgated by the State Board of Education.

26 (4) School districts with an Average Daily Attendance of

1 50,000 or more that qualify for supplemental general State aid
2 pursuant to this subsection shall be required to distribute
3 from funds available pursuant to this Section, no less than
4 \$261,000,000 in accordance with the following requirements:

5 (a) The required amounts shall be distributed to the
6 attendance centers within the district in proportion to the
7 number of pupils enrolled at each attendance center who are
8 eligible to receive free or reduced-price lunches or
9 breakfasts under the federal Child Nutrition Act of 1966
10 and under the National School Lunch Act during the
11 immediately preceding school year.

12 (b) The distribution of these portions of supplemental
13 and general State aid among attendance centers according to
14 these requirements shall not be compensated for or
15 contravened by adjustments of the total of other funds
16 appropriated to any attendance centers, and the Board of
17 Education shall utilize funding from one or several sources
18 in order to fully implement this provision annually prior
19 to the opening of school.

20 (c) Each attendance center shall be provided by the
21 school district a distribution of noncategorical funds and
22 other categorical funds to which an attendance center is
23 entitled under law in order that the general State aid and
24 supplemental general State aid provided by application of
25 this subsection supplements rather than supplants the
26 noncategorical funds and other categorical funds provided

1 by the school district to the attendance centers.

2 (d) Any funds made available under this subsection that
3 by reason of the provisions of this subsection are not
4 required to be allocated and provided to attendance centers
5 may be used and appropriated by the board of the district
6 for any lawful school purpose.

7 (e) Funds received by an attendance center pursuant to
8 this subsection shall be used by the attendance center at
9 the discretion of the principal and local school council
10 for programs to improve educational opportunities at
11 qualifying schools through the following programs and
12 services: early childhood education, reduced class size or
13 improved adult to student classroom ratio, enrichment
14 programs, remedial assistance, attendance improvement, and
15 other educationally beneficial expenditures which
16 supplement the regular and basic programs as determined by
17 the State Board of Education. Funds provided shall not be
18 expended for any political or lobbying purposes as defined
19 by board rule.

20 (f) Each district subject to the provisions of this
21 subdivision (H) (4) shall submit an acceptable plan to meet
22 the educational needs of disadvantaged children, in
23 compliance with the requirements of this paragraph, to the
24 State Board of Education prior to July 15 of each year.
25 This plan shall be consistent with the decisions of local
26 school councils concerning the school expenditure plans

1 developed in accordance with part 4 of Section 34-2.3. The
2 State Board shall approve or reject the plan within 60 days
3 after its submission. If the plan is rejected, the district
4 shall give written notice of intent to modify the plan
5 within 15 days of the notification of rejection and then
6 submit a modified plan within 30 days after the date of the
7 written notice of intent to modify. Districts may amend
8 approved plans pursuant to rules promulgated by the State
9 Board of Education.

10 Upon notification by the State Board of Education that
11 the district has not submitted a plan prior to July 15 or a
12 modified plan within the time period specified herein, the
13 State aid funds affected by that plan or modified plan
14 shall be withheld by the State Board of Education until a
15 plan or modified plan is submitted.

16 If the district fails to distribute State aid to
17 attendance centers in accordance with an approved plan, the
18 plan for the following year shall allocate funds, in
19 addition to the funds otherwise required by this
20 subsection, to those attendance centers which were
21 underfunded during the previous year in amounts equal to
22 such underfunding.

23 For purposes of determining compliance with this
24 subsection in relation to the requirements of attendance
25 center funding, each district subject to the provisions of
26 this subsection shall submit as a separate document by

1 December 1 of each year a report of expenditure data for
2 the prior year in addition to any modification of its
3 current plan. If it is determined that there has been a
4 failure to comply with the expenditure provisions of this
5 subsection regarding contravention or supplanting, the
6 State Superintendent of Education shall, within 60 days of
7 receipt of the report, notify the district and any affected
8 local school council. The district shall within 45 days of
9 receipt of that notification inform the State
10 Superintendent of Education of the remedial or corrective
11 action to be taken, whether by amendment of the current
12 plan, if feasible, or by adjustment in the plan for the
13 following year. Failure to provide the expenditure report
14 or the notification of remedial or corrective action in a
15 timely manner shall result in a withholding of the affected
16 funds.

17 The State Board of Education shall promulgate rules and
18 regulations to implement the provisions of this
19 subsection. No funds shall be released under this
20 subdivision (H) (4) to any district that has not submitted a
21 plan that has been approved by the State Board of
22 Education.

23 (I) (Blank).

24 (J) Supplementary Grants in Aid.

1 (1) Notwithstanding any other provisions of this Section,
2 the amount of the aggregate general State aid in combination
3 with supplemental general State aid under this Section for
4 which each school district is eligible shall be no less than
5 the amount of the aggregate general State aid entitlement that
6 was received by the district under Section 18-8 (exclusive of
7 amounts received under subsections 5(p) and 5(p-5) of that
8 Section) for the 1997-98 school year, pursuant to the
9 provisions of that Section as it was then in effect. If a
10 school district qualifies to receive a supplementary payment
11 made under this subsection (J), the amount of the aggregate
12 general State aid in combination with supplemental general
13 State aid under this Section which that district is eligible to
14 receive for each school year shall be no less than the amount
15 of the aggregate general State aid entitlement that was
16 received by the district under Section 18-8 (exclusive of
17 amounts received under subsections 5(p) and 5(p-5) of that
18 Section) for the 1997-1998 school year, pursuant to the
19 provisions of that Section as it was then in effect.

20 (2) If, as provided in paragraph (1) of this subsection
21 (J), a school district is to receive aggregate general State
22 aid in combination with supplemental general State aid under
23 this Section for the 1998-99 school year and any subsequent
24 school year that in any such school year is less than the
25 amount of the aggregate general State aid entitlement that the
26 district received for the 1997-98 school year, the school

1 district shall also receive, from a separate appropriation made
2 for purposes of this subsection (J), a supplementary payment
3 that is equal to the amount of the difference in the aggregate
4 State aid figures as described in paragraph (1).

5 (3) (Blank).

6 (K) Grants to Laboratory and Alternative Schools.

7 In calculating the amount to be paid to the governing board
8 of a public university that operates a laboratory school under
9 this Section or to any alternative school that is operated by a
10 regional superintendent of schools, the State Board of
11 Education shall require by rule such reporting requirements as
12 it deems necessary.

13 As used in this Section, "laboratory school" means a public
14 school which is created and operated by a public university and
15 approved by the State Board of Education. The governing board
16 of a public university which receives funds from the State
17 Board under this subsection (K) may not increase the number of
18 students enrolled in its laboratory school from a single
19 district, if that district is already sending 50 or more
20 students, except under a mutual agreement between the school
21 board of a student's district of residence and the university
22 which operates the laboratory school. A laboratory school may
23 not have more than 1,000 students, excluding students with
24 disabilities in a special education program.

25 As used in this Section, "alternative school" means a

1 public school which is created and operated by a Regional
2 Superintendent of Schools and approved by the State Board of
3 Education. Such alternative schools may offer courses of
4 instruction for which credit is given in regular school
5 programs, courses to prepare students for the high school
6 equivalency testing program or vocational and occupational
7 training. A regional superintendent of schools may contract
8 with a school district or a public community college district
9 to operate an alternative school. An alternative school serving
10 more than one educational service region may be established by
11 the regional superintendents of schools of the affected
12 educational service regions. An alternative school serving
13 more than one educational service region may be operated under
14 such terms as the regional superintendents of schools of those
15 educational service regions may agree.

16 Each laboratory and alternative school shall file, on forms
17 provided by the State Superintendent of Education, an annual
18 State aid claim which states the Average Daily Attendance of
19 the school's students by month. The best 3 months' Average
20 Daily Attendance shall be computed for each school. The general
21 State aid entitlement shall be computed by multiplying the
22 applicable Average Daily Attendance by the Foundation Level as
23 determined under this Section.

24 (L) Payments, Additional Grants in Aid and Other Requirements.

25 (1) For a school district operating under the financial

1 supervision of an Authority created under Article 34A, the
2 general State aid otherwise payable to that district under this
3 Section, but not the supplemental general State aid, shall be
4 reduced by an amount equal to the budget for the operations of
5 the Authority as certified by the Authority to the State Board
6 of Education, and an amount equal to such reduction shall be
7 paid to the Authority created for such district for its
8 operating expenses in the manner provided in Section 18-11. The
9 remainder of general State school aid for any such district
10 shall be paid in accordance with Article 34A when that Article
11 provides for a disposition other than that provided by this
12 Article.

13 (2) (Blank).

14 (3) Summer school. Summer school payments shall be made as
15 provided in Section 18-4.3.

16 (M) Education Funding Advisory Board.

17 The Education Funding Advisory Board, hereinafter in this
18 subsection (M) referred to as the "Board", is hereby created.
19 The Board shall consist of 5 members who are appointed by the
20 Governor, by and with the advice and consent of the Senate. The
21 members appointed shall include representatives of education,
22 business, and the general public. One of the members so
23 appointed shall be designated by the Governor at the time the
24 appointment is made as the chairperson of the Board. The
25 initial members of the Board may be appointed any time after

1 the effective date of this amendatory Act of 1997. The regular
2 term of each member of the Board shall be for 4 years from the
3 third Monday of January of the year in which the term of the
4 member's appointment is to commence, except that of the 5
5 initial members appointed to serve on the Board, the member who
6 is appointed as the chairperson shall serve for a term that
7 commences on the date of his or her appointment and expires on
8 the third Monday of January, 2002, and the remaining 4 members,
9 by lots drawn at the first meeting of the Board that is held
10 after all 5 members are appointed, shall determine 2 of their
11 number to serve for terms that commence on the date of their
12 respective appointments and expire on the third Monday of
13 January, 2001, and 2 of their number to serve for terms that
14 commence on the date of their respective appointments and
15 expire on the third Monday of January, 2000. All members
16 appointed to serve on the Board shall serve until their
17 respective successors are appointed and confirmed. Vacancies
18 shall be filled in the same manner as original appointments. If
19 a vacancy in membership occurs at a time when the Senate is not
20 in session, the Governor shall make a temporary appointment
21 until the next meeting of the Senate, when he or she shall
22 appoint, by and with the advice and consent of the Senate, a
23 person to fill that membership for the unexpired term. If the
24 Senate is not in session when the initial appointments are
25 made, those appointments shall be made as in the case of
26 vacancies.

1 The Education Funding Advisory Board shall be deemed
2 established, and the initial members appointed by the Governor
3 to serve as members of the Board shall take office, on the date
4 that the Governor makes his or her appointment of the fifth
5 initial member of the Board, whether those initial members are
6 then serving pursuant to appointment and confirmation or
7 pursuant to temporary appointments that are made by the
8 Governor as in the case of vacancies.

9 The State Board of Education shall provide such staff
10 assistance to the Education Funding Advisory Board as is
11 reasonably required for the proper performance by the Board of
12 its responsibilities.

13 For school years after the 2000-2001 school year, the
14 Education Funding Advisory Board, in consultation with the
15 State Board of Education, shall make recommendations as
16 provided in this subsection (M) to the General Assembly for the
17 foundation level under subdivision (B)(3) of this Section and
18 for the supplemental general State aid grant level under
19 subsection (H) of this Section for districts with high
20 concentrations of children from poverty. The recommended
21 foundation level shall be determined based on a methodology
22 which incorporates the basic education expenditures of
23 low-spending schools exhibiting high academic performance. The
24 Education Funding Advisory Board shall make such
25 recommendations to the General Assembly on January 1 of odd
26 numbered years, beginning January 1, 2001.

1 (N) (Blank).

2 (O) References.

3 (1) References in other laws to the various subdivisions of
4 Section 18-8 as that Section existed before its repeal and
5 replacement by this Section 18-8.05 shall be deemed to refer to
6 the corresponding provisions of this Section 18-8.05, to the
7 extent that those references remain applicable.

8 (2) References in other laws to State Chapter 1 funds shall
9 be deemed to refer to the supplemental general State aid
10 provided under subsection (H) of this Section.

11 (P) Public Act 93-838 and Public Act 93-808 make inconsistent
12 changes to this Section. Under Section 6 of the Statute on
13 Statutes there is an irreconcilable conflict between Public Act
14 93-808 and Public Act 93-838. Public Act 93-838, being the last
15 acted upon, is controlling. The text of Public Act 93-838 is
16 the law regardless of the text of Public Act 93-808.

17 (Source: P.A. 93-21, eff. 7-1-03; 93-715, eff. 7-12-04; 93-808,
18 eff. 7-26-04; 93-838, eff. 7-30-04; 93-875, eff. 8-6-04; 94-69,
19 eff. 7-1-05; 94-438, eff. 8-4-05; 94-835, eff. 6-6-06; 94-1019,
20 eff. 7-10-06; revised 8-3-06.)

21 (105 ILCS 5/26-1) (from Ch. 122, par. 26-1)

22 Sec. 26-1. Compulsory school age-Exemptions. Whoever has

1 custody or control of any child between the ages of 7 and 17
2 years (unless the child has already graduated from high school)
3 shall cause such child to attend some public school in the
4 district wherein the child resides the entire time it is in
5 session during the regular school term, ~~except as provided in~~
6 ~~Section 10-19.1,~~ and during a required summer school program
7 established under Section 10-22.33B; provided, that the
8 following children shall not be required to attend the public
9 schools:

10 1. Any child attending a private or a parochial school
11 where children are taught the branches of education taught
12 to children of corresponding age and grade in the public
13 schools, and where the instruction of the child in the
14 branches of education is in the English language;

15 2. Any child who is physically or mentally unable to
16 attend school, such disability being certified to the
17 county or district truant officer by a competent physician
18 licensed in Illinois to practice medicine and surgery in
19 all its branches, an advanced practice nurse who has a
20 written collaborative agreement with a collaborating
21 physician that authorizes the advanced practice nurse to
22 perform health examinations, a physician assistant who has
23 been delegated the authority to perform health
24 examinations by his or her supervising physician, or a
25 Christian Science practitioner residing in this State and
26 listed in the Christian Science Journal; or who is excused

1 for temporary absence for cause by the principal or teacher
2 of the school which the child attends; the exemptions in
3 this paragraph (2) do not apply to any female who is
4 pregnant or the mother of one or more children, except
5 where a female is unable to attend school due to a
6 complication arising from her pregnancy and the existence
7 of such complication is certified to the county or district
8 truant officer by a competent physician;

9 3. Any child necessarily and lawfully employed
10 according to the provisions of the law regulating child
11 labor may be excused from attendance at school by the
12 county superintendent of schools or the superintendent of
13 the public school which the child should be attending, on
14 certification of the facts by and the recommendation of the
15 school board of the public school district in which the
16 child resides. In districts having part time continuation
17 schools, children so excused shall attend such schools at
18 least 8 hours each week;

19 4. Any child over 12 and under 14 years of age while in
20 attendance at confirmation classes;

21 5. Any child absent from a public school on a
22 particular day or days or at a particular time of day for
23 the reason that he is unable to attend classes or to
24 participate in any examination, study or work requirements
25 on a particular day or days or at a particular time of day,
26 because the tenets of his religion forbid secular activity

1 on a particular day or days or at a particular time of day.
2 Each school board shall prescribe rules and regulations
3 relative to absences for religious holidays including, but
4 not limited to, a list of religious holidays on which it
5 shall be mandatory to excuse a child; but nothing in this
6 paragraph 5 shall be construed to limit the right of any
7 school board, at its discretion, to excuse an absence on
8 any other day by reason of the observance of a religious
9 holiday. A school board may require the parent or guardian
10 of a child who is to be excused from attending school due
11 to the observance of a religious holiday to give notice,
12 not exceeding 5 days, of the child's absence to the school
13 principal or other school personnel. Any child excused from
14 attending school under this paragraph 5 shall not be
15 required to submit a written excuse for such absence after
16 returning to school; and

17 6. Any child 16 years of age or older who (i) submits
18 to a school district evidence of necessary and lawful
19 employment pursuant to paragraph 3 of this Section and (ii)
20 is enrolled in a graduation incentives program pursuant to
21 Section 26-16 of this Code or an alternative learning
22 opportunities program established pursuant to Article 13B
23 of this Code.

24 (Source: P.A. 93-858, eff. 1-1-05; 94-350, eff. 7-28-05.)

25 (105 ILCS 5/34-2.1) (from Ch. 122, par. 34-2.1)

1 Sec. 34-2.1. Local School Councils - Composition -
2 Voter-Eligibility - Elections - Terms.

3 (a) A local school council shall be established for each
4 attendance center within the school district. Each local school
5 council shall consist of the following 11 voting members: the
6 principal of the attendance center, 2 teachers employed and
7 assigned to perform the majority of their employment duties at
8 the attendance center, 6 parents of students currently enrolled
9 at the attendance center and 2 community residents. Neither the
10 parents nor the community residents who serve as members of the
11 local school council shall be employees of the Board of
12 Education. In each secondary attendance center, the local
13 school council shall consist of 12 voting members -- the 11
14 voting members described above and one full-time student
15 member, appointed as provided in subsection (m) below. In the
16 event that the chief executive officer of the Chicago School
17 Reform Board of Trustees determines that a local school council
18 is not carrying out its financial duties effectively, the chief
19 executive officer is authorized to appoint a representative of
20 the business community with experience in finance and
21 management to serve as an advisor to the local school council
22 for the purpose of providing advice and assistance to the local
23 school council on fiscal matters. The advisor shall have access
24 to relevant financial records of the local school council. The
25 advisor may attend executive sessions. The chief executive
26 officer shall issue a written policy defining the circumstances

1 under which a local school council is not carrying out its
2 financial duties effectively.

3 (b) Within 7 days of January 11, 1991, the Mayor shall
4 appoint the members and officers (a Chairperson who shall be a
5 parent member and a Secretary) of each local school council who
6 shall hold their offices until their successors shall be
7 elected and qualified. Members so appointed shall have all the
8 powers and duties of local school councils as set forth in this
9 amendatory Act of 1991. The Mayor's appointments shall not
10 require approval by the City Council.

11 The membership of each local school council shall be
12 encouraged to be reflective of the racial and ethnic
13 composition of the student population of the attendance center
14 served by the local school council.

15 (c) Beginning with the 1995-1996 school year and in every
16 even-numbered year thereafter, the Board shall set second
17 semester Parent Report Card Pick-up Day for Local School
18 Council elections ~~and may schedule elections at year round~~
19 ~~schools for the same dates as the remainder of the school~~
20 ~~system~~. Elections shall be conducted as provided herein by the
21 Board of Education in consultation with the local school
22 council at each attendance center.

23 (d) Beginning with the 1995-96 school year, the following
24 procedures shall apply to the election of local school council
25 members at each attendance center:

26 (i) The elected members of each local school council

1 shall consist of the 6 parent members and the 2 community
2 resident members.

3 (ii) Each elected member shall be elected by the
4 eligible voters of that attendance center to serve for a
5 two-year term commencing on July 1 immediately following
6 the election described in subsection (c). Eligible voters
7 for each attendance center shall consist of the parents and
8 community residents for that attendance center.

9 (iii) Each eligible voter shall be entitled to cast one
10 vote for up to a total of 5 candidates, irrespective of
11 whether such candidates are parent or community resident
12 candidates.

13 (iv) Each parent voter shall be entitled to vote in the
14 local school council election at each attendance center in
15 which he or she has a child currently enrolled. Each
16 community resident voter shall be entitled to vote in the
17 local school council election at each attendance center for
18 which he or she resides in the applicable attendance area
19 or voting district, as the case may be.

20 (v) Each eligible voter shall be entitled to vote once,
21 but not more than once, in the local school council
22 election at each attendance center at which the voter is
23 eligible to vote.

24 (vi) The 2 teacher members of each local school council
25 shall be appointed as provided in subsection (1) below each
26 to serve for a two-year term coinciding with that of the

1 elected parent and community resident members.

2 (vii) At secondary attendance centers, the voting
3 student member shall be appointed as provided in subsection
4 (m) below to serve for a one-year term coinciding with the
5 beginning of the terms of the elected parent and community
6 members of the local school council.

7 (e) The Council shall publicize the date and place of the
8 election by posting notices at the attendance center, in public
9 places within the attendance boundaries of the attendance
10 center and by distributing notices to the pupils at the
11 attendance center, and shall utilize such other means as it
12 deems necessary to maximize the involvement of all eligible
13 voters.

14 (f) Nomination. The Council shall publicize the opening of
15 nominations by posting notices at the attendance center, in
16 public places within the attendance boundaries of the
17 attendance center and by distributing notices to the pupils at
18 the attendance center, and shall utilize such other means as it
19 deems necessary to maximize the involvement of all eligible
20 voters. Not less than 2 weeks before the election date, persons
21 eligible to run for the Council shall submit their name, date
22 of birth, social security number, if available, and some
23 evidence of eligibility to the Council. The Council shall
24 encourage nomination of candidates reflecting the
25 racial/ethnic population of the students at the attendance
26 center. Each person nominated who runs as a candidate shall

1 disclose, in a manner determined by the Board, any economic
2 interest held by such person, by such person's spouse or
3 children, or by each business entity in which such person has
4 an ownership interest, in any contract with the Board, any
5 local school council or any public school in the school
6 district. Each person nominated who runs as a candidate shall
7 also disclose, in a manner determined by the Board, if he or
8 she ever has been convicted of any of the offenses specified in
9 subsection (c) of Section 34-18.5; provided that neither this
10 provision nor any other provision of this Section shall be
11 deemed to require the disclosure of any information that is
12 contained in any law enforcement record or juvenile court
13 record that is confidential or whose accessibility or
14 disclosure is restricted or prohibited under Section 5-901 or
15 5-905 of the Juvenile Court Act of 1987. Failure to make such
16 disclosure shall render a person ineligible for election or to
17 serve on the local school council. The same disclosure shall be
18 required of persons under consideration for appointment to the
19 Council pursuant to subsections (l) and (m) of this Section.

20 (f-5) Notwithstanding disclosure, a person who has been
21 convicted of any of the following offenses at any time shall be
22 ineligible for election or appointment to a local school
23 council and ineligible for appointment to a local school
24 council pursuant to subsections (l) and (m) of this Section:
25 (i) those defined in Section 11-6, 11-9.1, 11-16, 11-17.1,
26 11-19, 11-19.1, 11-19.2, 11-20.1, 12-13, 12-14, 12-14.1,

1 12-15, or 12-16 of the Criminal Code of 1961 or (ii) any
2 offense committed or attempted in any other state or against
3 the laws of the United States, which, if committed or attempted
4 in this State, would have been punishable as one or more of the
5 foregoing offenses. Notwithstanding disclosure, a person who
6 has been convicted of any of the following offenses within the
7 10 years previous to the date of nomination or appointment
8 shall be ineligible for election or appointment to a local
9 school council: (i) those defined in Section 401.1, 405.1, or
10 405.2 of the Illinois Controlled Substances Act or (ii) any
11 offense committed or attempted in any other state or against
12 the laws of the United States, which, if committed or attempted
13 in this State, would have been punishable as one or more of the
14 foregoing offenses.

15 Immediately upon election or appointment, incoming local
16 school council members shall be required to undergo a criminal
17 background investigation, to be completed prior to the member
18 taking office, in order to identify any criminal convictions
19 under the offenses enumerated in Section 34-18.5. The
20 investigation shall be conducted by the Department of State
21 Police in the same manner as provided for in Section 34-18.5.
22 However, notwithstanding Section 34-18.5, the social security
23 number shall be provided only if available. If it is determined
24 at any time that a local school council member or member-elect
25 has been convicted of any of the offenses enumerated in this
26 Section or failed to disclose a conviction of any of the

1 offenses enumerated in Section 34-18.5, the general
2 superintendent shall notify the local school council member or
3 member-elect of such determination and the local school council
4 member or member-elect shall be removed from the local school
5 council by the Board, subject to a hearing, convened pursuant
6 to Board rule, prior to removal.

7 (g) At least one week before the election date, the Council
8 shall publicize, in the manner provided in subsection (e), the
9 names of persons nominated for election.

10 (h) Voting shall be in person by secret ballot at the
11 attendance center between the hours of 6:00 a.m. and 7:00 p.m.

12 (i) Candidates receiving the highest number of votes shall
13 be declared elected by the Council. In cases of a tie, the
14 Council shall determine the winner by lot.

15 (j) The Council shall certify the results of the election
16 and shall publish the results in the minutes of the Council.

17 (k) The general superintendent shall resolve any disputes
18 concerning election procedure or results and shall ensure that,
19 except as provided in subsections (e) and (g), no resources of
20 any attendance center shall be used to endorse or promote any
21 candidate.

22 (l) Beginning with the 1995-1996 school year and in every
23 even numbered year thereafter, the Board shall appoint 2
24 teacher members to each local school council. These
25 appointments shall be made in the following manner:

26 (i) The Board shall appoint 2 teachers who are employed

1 and assigned to perform the majority of their employment
2 duties at the attendance center to serve on the local
3 school council of the attendance center for a two-year term
4 coinciding with the terms of the elected parent and
5 community members of that local school council. These
6 appointments shall be made from among those teachers who
7 are nominated in accordance with subsection (f).

8 (ii) A non-binding, advisory poll to ascertain the
9 preferences of the school staff regarding appointments of
10 teachers to the local school council for that attendance
11 center shall be conducted in accordance with the procedures
12 used to elect parent and community Council
13 representatives. At such poll, each member of the school
14 staff shall be entitled to indicate his or her preference
15 for up to 2 candidates from among those who submitted
16 statements of candidacy as described above. These
17 preferences shall be advisory only and the Board shall
18 maintain absolute discretion to appoint teacher members to
19 local school councils, irrespective of the preferences
20 expressed in any such poll.

21 (iii) In the event that a teacher representative is
22 unable to perform his or her employment duties at the
23 school due to illness, disability, leave of absence,
24 disciplinary action, or any other reason, the Board shall
25 declare a temporary vacancy and appoint a replacement
26 teacher representative to serve on the local school council

1 until such time as the teacher member originally appointed
2 pursuant to this subsection (l) resumes service at the
3 attendance center or for the remainder of the term. The
4 replacement teacher representative shall be appointed in
5 the same manner and by the same procedures as teacher
6 representatives are appointed in subdivisions (i) and (ii)
7 of this subsection (l).

8 (m) Beginning with the 1995-1996 school year, and in every
9 year thereafter, the Board shall appoint one student member to
10 each secondary attendance center. These appointments shall be
11 made in the following manner:

12 (i) Appointments shall be made from among those
13 students who submit statements of candidacy to the
14 principal of the attendance center, such statements to be
15 submitted commencing on the first day of the twentieth week
16 of school and continuing for 2 weeks thereafter. The form
17 and manner of such candidacy statements shall be determined
18 by the Board.

19 (ii) During the twenty-second week of school in every
20 year, the principal of each attendance center shall conduct
21 a non-binding, advisory poll to ascertain the preferences
22 of the school students regarding the appointment of a
23 student to the local school council for that attendance
24 center. At such poll, each student shall be entitled to
25 indicate his or her preference for up to one candidate from
26 among those who submitted statements of candidacy as

1 described above. The Board shall promulgate rules to ensure
2 that these non-binding, advisory polls are conducted in a
3 fair and equitable manner and maximize the involvement of
4 all school students. The preferences expressed in these
5 non-binding, advisory polls shall be transmitted by the
6 principal to the Board. However, these preferences shall be
7 advisory only and the Board shall maintain absolute
8 discretion to appoint student members to local school
9 councils, irrespective of the preferences expressed in any
10 such poll.

11 (iii) For the 1995-96 school year only, appointments
12 shall be made from among those students who submitted
13 statements of candidacy to the principal of the attendance
14 center during the first 2 weeks of the school year. The
15 principal shall communicate the results of any nonbinding,
16 advisory poll to the Board. These results shall be advisory
17 only, and the Board shall maintain absolute discretion to
18 appoint student members to local school councils,
19 irrespective of the preferences expressed in any such poll.

20 (n) The Board may promulgate such other rules and
21 regulations for election procedures as may be deemed necessary
22 to ensure fair elections.

23 (o) In the event that a vacancy occurs during a member's
24 term, the Council shall appoint a person eligible to serve on
25 the Council, to fill the unexpired term created by the vacancy,
26 except that any teacher vacancy shall be filled by the Board

1 after considering the preferences of the school staff as
2 ascertained through a non-binding advisory poll of school
3 staff.

4 (p) If less than the specified number of persons is elected
5 within each candidate category, the newly elected local school
6 council shall appoint eligible persons to serve as members of
7 the Council for two-year terms.

8 (q) The Board shall promulgate rules regarding conflicts of
9 interest and disclosure of economic interests which shall apply
10 to local school council members and which shall require reports
11 or statements to be filed by Council members at regular
12 intervals with the Secretary of the Board. Failure to comply
13 with such rules or intentionally falsifying such reports shall
14 be grounds for disqualification from local school council
15 membership. A vacancy on the Council for disqualification may
16 be so declared by the Secretary of the Board. Rules regarding
17 conflicts of interest and disclosure of economic interests
18 promulgated by the Board shall apply to local school council
19 members. No less than 45 days prior to the deadline, the
20 general superintendent shall provide notice, by mail, to each
21 local school council member of all requirements and forms for
22 compliance with economic interest statements.

23 (r) (1) If a parent member of a local school council ceases
24 to have any child enrolled in the attendance center governed by
25 the Local School Council due to the graduation or voluntary
26 transfer of a child or children from the attendance center, the

1 parent's membership on the Local School Council and all voting
2 rights are terminated immediately as of the date of the child's
3 graduation or voluntary transfer. Further, a local school
4 council member may be removed from the Council by a majority
5 vote of the Council as provided in subsection (c) of Section
6 34-2.2 if the Council member has missed 3 consecutive regular
7 meetings, not including committee meetings, or 5 regular
8 meetings in a 12 month period, not including committee
9 meetings. If a parent member of a local school council ceases
10 to be eligible to serve on the Council for any other reason, he
11 or she shall be removed by the Board subject to a hearing,
12 convened pursuant to Board rule, prior to removal. A vote to
13 remove a Council member by the local school council shall only
14 be valid if the Council member has been notified personally or
15 by certified mail, mailed to the person's last known address,
16 of the Council's intent to vote on the Council member's removal
17 at least 7 days prior to the vote. The Council member in
18 question shall have the right to explain his or her actions and
19 shall be eligible to vote on the question of his or her removal
20 from the Council. The provisions of this subsection shall be
21 contained within the petitions used to nominate Council
22 candidates.

23 (2) A person may continue to serve as a community resident
24 member of a local school council as long as he or she resides
25 in the attendance area served by the school and is not employed
26 by the Board nor is a parent of a student enrolled at the

1 school. If a community resident member ceases to be eligible to
2 serve on the Council, he or she shall be removed by the Board
3 subject to a hearing, convened pursuant to Board rule, prior to
4 removal.

5 (3) A person may continue to serve as a teacher member of a
6 local school council as long as he or she is employed and
7 assigned to perform a majority of his or her duties at the
8 school, provided that if the teacher representative resigns
9 from employment with the Board or voluntarily transfers to
10 another school, the teacher's membership on the local school
11 council and all voting rights are terminated immediately as of
12 the date of the teacher's resignation or upon the date of the
13 teacher's voluntary transfer to another school. If a teacher
14 member of a local school council ceases to be eligible to serve
15 on a local school council for any other reason, that member
16 shall be removed by the Board subject to a hearing, convened
17 pursuant to Board rule, prior to removal.

18 (Source: P.A. 90-378, eff. 8-14-97; 90-590, eff. 1-1-00;
19 91-622, eff. 8-19-99; 91-728, eff. 6-2-00.)

20 (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

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

25 1. To make suitable provision for the establishment and

1 maintenance throughout the year or for such portion thereof
2 as it may direct, not less than 9 months, of schools of all
3 grades and kinds, including normal schools, high schools,
4 night schools, schools for defectives and delinquents,
5 parental and truant schools, schools for the blind, the
6 deaf and the crippled, schools or classes in manual
7 training, constructural and vocational teaching, domestic
8 arts and physical culture, vocation and extension schools
9 and lecture courses, and all other educational courses and
10 facilities, including establishing, equipping, maintaining
11 and operating playgrounds and recreational programs, when
12 such programs are conducted in, adjacent to, or connected
13 with any public school under the general supervision and
14 jurisdiction of the board; provided that (i) the board may
15 not operate any schools within the district on a full year
16 school plan, (ii) the calendar for the school term and any
17 changes must be submitted to and approved by the State
18 Board of Education before the calendar or changes may take
19 effect, and (iii) ~~provided that~~ in allocating funds from
20 year to year for the operation of all attendance centers
21 within the district, the board shall ensure that
22 supplemental general State aid funds are allocated and
23 applied in accordance with Section 18-8 or 18-8.05. To
24 admit to such schools without charge foreign exchange
25 students who are participants in an organized exchange
26 student program which is authorized by the board. The board

1 shall permit all students to enroll in apprenticeship
2 programs in trade schools operated by the board, whether
3 those programs are union-sponsored or not. No student shall
4 be refused admission into or be excluded from any course of
5 instruction offered in the common schools by reason of that
6 student's sex. No student shall be denied equal access to
7 physical education and interscholastic athletic programs
8 supported from school district funds or denied
9 participation in comparable physical education and
10 athletic programs solely by reason of the student's sex.
11 Equal access to programs supported from school district
12 funds and comparable programs will be defined in rules
13 promulgated by the State Board of Education in consultation
14 with the Illinois High School Association. Notwithstanding
15 any other provision of this Article, neither the board of
16 education nor any local school council or other school
17 official shall recommend that children with disabilities
18 be placed into regular education classrooms unless those
19 children with disabilities are provided with supplementary
20 services to assist them so that they benefit from the
21 regular classroom instruction and are included on the
22 teacher's regular education class register;

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

- 1 3. To co-operate with the circuit court;
- 2 4. To make arrangements with the public or quasi-public
3 libraries and museums for the use of their facilities by
4 teachers and pupils of the public schools;
- 5 5. To employ dentists and prescribe their duties for
6 the purpose of treating the pupils in the schools, but
7 accepting such treatment shall be optional with parents or
8 guardians;
- 9 6. To grant the use of assembly halls and classrooms
10 when not otherwise needed, including light, heat, and
11 attendants, for free public lectures, concerts, and other
12 educational and social interests, free of charge, under
13 such provisions and control as the principal of the
14 affected attendance center may prescribe;
- 15 7. To apportion the pupils to the several schools;
16 provided that no pupil shall be excluded from or segregated
17 in any such school on account of his color, race, sex, or
18 nationality. The board shall take into consideration the
19 prevention of segregation and the elimination of
20 separation of children in public schools because of color,
21 race, sex, or nationality. Except that children may be
22 committed to or attend parental and social adjustment
23 schools established and maintained either for boys or girls
24 only. All records pertaining to the creation, alteration or
25 revision of attendance areas shall be open to the public.
26 Nothing herein shall limit the board's authority to

1 establish multi-area attendance centers or other student
2 assignment systems for desegregation purposes or
3 otherwise, and to apportion the pupils to the several
4 schools. Furthermore, beginning in school year 1994-95,
5 pursuant to a board plan adopted by October 1, 1993, the
6 board shall offer, commencing on a phased-in basis, the
7 opportunity for families within the school district to
8 apply for enrollment of their children in any attendance
9 center within the school district which does not have
10 selective admission requirements approved by the board.
11 The appropriate geographical area in which such open
12 enrollment may be exercised shall be determined by the
13 board of education. Such children may be admitted to any
14 such attendance center on a space available basis after all
15 children residing within such attendance center's area
16 have been accommodated. If the number of applicants from
17 outside the attendance area exceed the space available,
18 then successful applicants shall be selected by lottery.
19 The board of education's open enrollment plan must include
20 provisions that allow low income students to have access to
21 transportation needed to exercise school choice. Open
22 enrollment shall be in compliance with the provisions of
23 the Consent Decree and Desegregation Plan cited in Section
24 34-1.01;

25 8. To approve programs and policies for providing
26 transportation services to students. Nothing herein shall

1 be construed to permit or empower the State Board of
2 Education to order, mandate, or require busing or other
3 transportation of pupils for the purpose of achieving
4 racial balance in any school;

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

22 10. To employ non-teaching personnel or utilize
23 volunteer personnel for: (i) non-teaching duties not
24 requiring instructional judgment or evaluation of pupils,
25 including library duties; and (ii) supervising study
26 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;

1 11. To provide television studio facilities in not to
2 exceed one school building and to provide programs for
3 educational purposes, provided, however, that the board
4 shall not construct, acquire, operate, or maintain a
5 television transmitter; to grant the use of its studio
6 facilities to a licensed television station located in the
7 school district; and to maintain and operate not to exceed
8 one school radio transmitting station and provide programs
9 for educational purposes;

10 12. To offer, if deemed appropriate, outdoor education
11 courses, including field trips within the State of
12 Illinois, or adjacent states, and to use school educational
13 funds for the expense of the said outdoor educational
14 programs, whether within the school district or not;

15 13. During that period of the calendar year not
16 embraced within the regular school term, to provide and
17 conduct courses in subject matters normally embraced in the
18 program of the schools during the regular school term and
19 to give regular school credit for satisfactory completion
20 by the student of such courses as may be approved for
21 credit by the State Board of Education;

22 14. To insure against any loss or liability of the
23 board, the former School Board Nominating Commission,
24 Local School Councils, the Chicago Schools Academic
25 Accountability Council, or the former Subdistrict Councils
26 or of any member, officer, agent or employee thereof,

1 resulting from alleged violations of civil rights arising
2 from incidents occurring on or after September 5, 1967 or
3 from the wrongful or negligent act or omission of any such
4 person whether occurring within or without the school
5 premises, provided the officer, agent or employee was, at
6 the time of the alleged violation of civil rights or
7 wrongful act or omission, acting within the scope of his
8 employment or under direction of the board, the former
9 School Board Nominating Commission, the Chicago Schools
10 Academic Accountability Council, Local School Councils, or
11 the former Subdistrict Councils; and to provide for or
12 participate in insurance plans for its officers and
13 employees, including but not limited to retirement
14 annuities, medical, surgical and hospitalization benefits
15 in such types and amounts as may be determined by the
16 board; provided, however, that the board shall contract for
17 such insurance only with an insurance company authorized to
18 do business in this State. Such insurance may include
19 provision for employees who rely on treatment by prayer or
20 spiritual means alone for healing, in accordance with the
21 tenets and practice of a recognized religious
22 denomination;

23 15. To contract with the corporate authorities of any
24 municipality or the county board of any county, as the case
25 may be, to provide for the regulation of traffic in parking
26 areas of property used for school purposes, in such manner

1 as is provided by Section 11-209 of The Illinois Vehicle
2 Code, approved September 29, 1969, as amended;

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

17 (b) If a student or his or her parent or guardian
18 submits a signed, written request to the high school before
19 the end of the student's sophomore year (or if the student
20 is a transfer student, by another time set by the high
21 school) that indicates that the student or his or her
22 parent or guardian does not want the student's directory
23 information to be provided to official recruiting
24 representatives under subsection (a) of this Section, the
25 high school may not provide access to the student's
26 directory information to these recruiting representatives.

1 The high school shall notify its students and their parents
2 or guardians of the provisions of this subsection (b).

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

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

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

1 The negotiation for an employee who is represented by an
2 exclusive bargaining representative may be conducted by
3 such bargaining representative at the employee's request.

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

5 (1) "Computer" means an internally programmed,
6 general purpose digital device capable of
7 automatically accepting data, processing data and
8 supplying the results of the operation.

9 (2) "Computer program" means a series of coded
10 instructions or statements in a form acceptable to a
11 computer, which causes the computer to process data in
12 order to achieve a certain result.

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

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

19 19. Upon the written request of an employee, to
20 withhold from the compensation of that employee any dues,
21 payments or contributions payable by such employee to any
22 labor organization as defined in the Illinois Educational
23 Labor Relations Act. Under such arrangement, an amount
24 shall be withheld from each regular payroll period which is
25 equal to the pro rata share of the annual dues plus any
26 payments or contributions, and the board shall transmit

1 such withholdings to the specified labor organization
2 within 10 working days from the time of the withholding;

3 19a. Upon receipt of notice from the comptroller of a
4 municipality with a population of 500,000 or more, a county
5 with a population of 3,000,000 or more, the Cook County
6 Forest Preserve District, the Chicago Park District, the
7 Metropolitan Water Reclamation District, the Chicago
8 Transit Authority, or a housing authority of a municipality
9 with a population of 500,000 or more that a debt is due and
10 owing the municipality, the county, the Cook County Forest
11 Preserve District, the Chicago Park District, the
12 Metropolitan Water Reclamation District, the Chicago
13 Transit Authority, or the housing authority by an employee
14 of the Chicago Board of Education, to withhold, from the
15 compensation of that employee, the amount of the debt that
16 is due and owing and pay the amount withheld to the
17 municipality, the county, the Cook County Forest Preserve
18 District, the Chicago Park District, the Metropolitan
19 Water Reclamation District, the Chicago Transit Authority,
20 or the housing authority; provided, however, that the
21 amount deducted from any one salary or wage payment shall
22 not exceed 25% of the net amount of the payment. Before the
23 Board deducts any amount from any salary or wage of an
24 employee under this paragraph, the municipality, the
25 county, the Cook County Forest Preserve District, the
26 Chicago Park District, the Metropolitan Water Reclamation

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

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

7 21. To make available to students vocational and career
8 counseling and to establish 5 special career counseling
9 days for students and parents. On these days
10 representatives of local businesses and industries shall
11 be invited to the school campus and shall inform students
12 of career opportunities available to them in the various
13 businesses and industries. Special consideration shall be
14 given to counseling minority students as to career
15 opportunities available to them in various fields. For the
16 purposes of this paragraph, minority student means a person
17 who is:

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

20 (b) Hispanic (a person of Spanish or Portuguese
21 culture with origins in Mexico, South or Central
22 America, or the Caribbean islands, regardless of
23 race);

24 (c) Asian American (a person having origins in any
25 of the original peoples of the Far East, Southeast
26 Asia, the Indian Subcontinent or the Pacific Islands);

1 or

2 (d) American Indian or Alaskan Native (a person
3 having origins in any of the original peoples of North
4 America).

5 Counseling days shall not be in lieu of regular school
6 days;

7 22. To report to the State Board of Education the
8 annual student dropout rate and number of students who
9 graduate from, transfer from or otherwise leave bilingual
10 programs;

11 23. Except as otherwise provided in the Abused and
12 Neglected Child Reporting Act or other applicable State or
13 federal law, to permit school officials to withhold, from
14 any person, information on the whereabouts of any child
15 removed from school premises when the child has been taken
16 into protective custody as a victim of suspected child
17 abuse. School officials shall direct such person to the
18 Department of Children and Family Services, or to the local
19 law enforcement agency if appropriate;

20 24. To develop a policy, based on the current state of
21 existing school facilities, projected enrollment and
22 efficient utilization of available resources, for capital
23 improvement of schools and school buildings within the
24 district, addressing in that policy both the relative
25 priority for major repairs, renovations and additions to
26 school facilities, and the advisability or necessity of

1 building new school facilities or closing existing schools
2 to meet current or projected demographic patterns within
3 the district;

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

8 26. To encourage mid-career changes into the teaching
9 profession, whereby qualified professionals become
10 certified teachers, by allowing credit for professional
11 employment in related fields when determining point of
12 entry on teacher pay scale;

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

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

23 29. (Blank);

24 30. Notwithstanding any other provision of this Act or
25 any other law to the contrary, to contract with third
26 parties for services otherwise performed by employees,

1 including those in a bargaining unit, and to layoff those
2 employees upon 14 days written notice to the affected
3 employees. Those contracts may be for a period not to
4 exceed 5 years and may be awarded on a system-wide basis;

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

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

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

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

1 to promulgate policies and procedures for the operation of
2 the Council.

3 The specifications of the powers herein granted are not to
4 be construed as exclusive but the board shall also exercise all
5 other powers that they may be requisite or proper for the
6 maintenance and the development of a public school system, not
7 inconsistent with the other provisions of this Article or
8 provisions of this Code which apply to all school districts.

9 In addition to the powers herein granted and authorized to
10 be exercised by the board, it shall be the duty of the board to
11 review or to direct independent reviews of special education
12 expenditures and services. The board shall file a report of
13 such review with the General Assembly on or before May 1, 1990.
14 (Source: P.A. 92-109, eff. 7-20-01; 92-527, eff. 6-1-02;
15 92-724, eff. 7-25-02; 93-3, eff. 4-16-03; 93-1036, eff.
16 9-14-04.)

17 (105 ILCS 5/10-19.2 rep.)

18 (105 ILCS 5/34-21.4 rep.)

19 Section 10. The School Code is amended by repealing
20 Sections 10-19.2 and 34-21.4.