



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB1975

Introduced 2/26/2007, by Rep. Linda Chapa LaVia

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-22.24a  
105 ILCS 5/34-18

from Ch. 122, par. 10-22.24a  
from Ch. 122, par. 34-18

Amends the School Code. Provides that, for high school students, a school board must employ a sufficient number of certified school counselors to maintain a student/counselor ratio of 250 to 1.

LRB095 06506 NHT 26607 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 10-22.24a and 34-18 as follows:

6 (105 ILCS 5/10-22.24a) (from Ch. 122, par. 10-22.24a)

7 Sec. 10-22.24a. School counselor. To employ school  
8 counselors. For high school students, a school board must  
9 employ a sufficient number of certified school counselors to  
10 maintain a student/counselor ratio of 250 to 1. A school  
11 counselor is a qualified specialist who holds a School Service  
12 Personnel certificate endorsed in school counseling issued  
13 pursuant to Section 21-25 of this Code and who either (i) holds  
14 or is qualified for an elementary, secondary, special K-12, or  
15 special preschool-age 21 certificate issued pursuant to  
16 Section 21-2 or 21-4 of this Code or (ii) in lieu of holding or  
17 qualifying for a teaching certificate, has fulfilled such other  
18 requirements as the State Board of Education and the State  
19 Teacher Certification Board may by rule establish. An  
20 individual who has completed an approved program in another  
21 state may apply for a School Service Personnel certificate  
22 endorsed in school counseling and shall receive such a  
23 certificate if a review of his or her credentials indicates

1 that he or she meets the additional requirements of this  
2 Section.

3 (Source: P.A. 93-125, eff. 7-10-03.)

4 (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

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

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

1 calendar or changes may take effect, and provided that in  
2 allocating funds from year to year for the operation of all  
3 attendance centers within the district, the board shall  
4 ensure that supplemental general State aid funds are  
5 allocated and applied in accordance with Section 18-8 or  
6 18-8.05. To admit to such schools without charge foreign  
7 exchange students who are participants in an organized  
8 exchange student program which is authorized by the board.  
9 The board shall permit all students to enroll in  
10 apprenticeship programs in trade schools operated by the  
11 board, whether those programs are union-sponsored or not.  
12 No student shall be refused admission into or be excluded  
13 from any course of instruction offered in the common  
14 schools by reason of that student's sex. No student shall  
15 be denied equal access to physical education and  
16 interscholastic athletic programs supported from school  
17 district funds or denied participation in comparable  
18 physical education and athletic programs solely by reason  
19 of the student's sex. Equal access to programs supported  
20 from school district funds and comparable programs will be  
21 defined in rules promulgated by the State Board of  
22 Education in consultation with the Illinois High School  
23 Association. Notwithstanding any other provision of this  
24 Article, neither the board of education nor any local  
25 school council or other school official shall recommend  
26 that children with disabilities be placed into regular

1 education classrooms unless those children with  
2 disabilities are provided with supplementary services to  
3 assist them so that they benefit from the regular classroom  
4 instruction and are included on the teacher's regular  
5 education class register;

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

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

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

14 5. To employ dentists and prescribe their duties for  
15 the purpose of treating the pupils in the schools, but  
16 accepting such treatment shall be optional with parents or  
17 guardians;

18 6. To grant the use of assembly halls and classrooms  
19 when not otherwise needed, including light, heat, and  
20 attendants, for free public lectures, concerts, and other  
21 educational and social interests, free of charge, under  
22 such provisions and control as the principal of the  
23 affected attendance center may prescribe;

24 7. To apportion the pupils to the several schools;  
25 provided that no pupil shall be excluded from or segregated  
26 in any such school on account of his color, race, sex, or

1           nationality. The board shall take into consideration the  
2           prevention of segregation and the elimination of  
3           separation of children in public schools because of color,  
4           race, sex, or nationality. Except that children may be  
5           committed to or attend parental and social adjustment  
6           schools established and maintained either for boys or girls  
7           only. All records pertaining to the creation, alteration or  
8           revision of attendance areas shall be open to the public.  
9           Nothing herein shall limit the board's authority to  
10          establish multi-area attendance centers or other student  
11          assignment systems for desegregation purposes or  
12          otherwise, and to apportion the pupils to the several  
13          schools. Furthermore, beginning in school year 1994-95,  
14          pursuant to a board plan adopted by October 1, 1993, the  
15          board shall offer, commencing on a phased-in basis, the  
16          opportunity for families within the school district to  
17          apply for enrollment of their children in any attendance  
18          center within the school district which does not have  
19          selective admission requirements approved by the board.  
20          The appropriate geographical area in which such open  
21          enrollment may be exercised shall be determined by the  
22          board of education. Such children may be admitted to any  
23          such attendance center on a space available basis after all  
24          children residing within such attendance center's area  
25          have been accommodated. If the number of applicants from  
26          outside the attendance area exceed the space available,

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

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

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

1 education programs and policies within the district to  
2 assure that appropriate services are provided in  
3 accordance with applicable State and federal laws to  
4 children requiring services and education in those areas;

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

25 10.5. To utilize volunteer personnel from a regional  
26 School Crisis Assistance Team (S.C.A.T.), created as part



1 of the Safe to Learn Program established pursuant to  
2 Section 25 of the Illinois Violence Prevention Act of 1995,  
3 to provide assistance to schools in times of violence or  
4 other traumatic incidents within a school community by  
5 providing crisis intervention services to lessen the  
6 effects of emotional trauma on individuals and the  
7 community; the School Crisis Assistance Team Steering  
8 Committee shall determine the qualifications for  
9 volunteers;

10 11. To provide television studio facilities in not to  
11 exceed one school building and to provide programs for  
12 educational purposes, provided, however, that the board  
13 shall not construct, acquire, operate, or maintain a  
14 television transmitter; to grant the use of its studio  
15 facilities to a licensed television station located in the  
16 school district; and to maintain and operate not to exceed  
17 one school radio transmitting station and provide programs  
18 for educational purposes;

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

24 13. During that period of the calendar year not  
25 embraced within the regular school term, to provide and  
26 conduct courses in subject matters normally embraced in the

1 program of the schools during the regular school term and  
2 to give regular school credit for satisfactory completion  
3 by the student of such courses as may be approved for  
4 credit by the State Board of Education;

5 14. To insure against any loss or liability of the  
6 board, the former School Board Nominating Commission,  
7 Local School Councils, the Chicago Schools Academic  
8 Accountability Council, or the former Subdistrict Councils  
9 or of any member, officer, agent or employee thereof,  
10 resulting from alleged violations of civil rights arising  
11 from incidents occurring on or after September 5, 1967 or  
12 from the wrongful or negligent act or omission of any such  
13 person whether occurring within or without the school  
14 premises, provided the officer, agent or employee was, at  
15 the time of the alleged violation of civil rights or  
16 wrongful act or omission, acting within the scope of his  
17 employment or under direction of the board, the former  
18 School Board Nominating Commission, the Chicago Schools  
19 Academic Accountability Council, Local School Councils, or  
20 the former Subdistrict Councils; and to provide for or  
21 participate in insurance plans for its officers and  
22 employees, including but not limited to retirement  
23 annuities, medical, surgical and hospitalization benefits  
24 in such types and amounts as may be determined by the  
25 board; provided, however, that the board shall contract for  
26 such insurance only with an insurance company authorized to

1 do business in this State. Such insurance may include  
2 provision for employees who rely on treatment by prayer or  
3 spiritual means alone for healing, in accordance with the  
4 tenets and practice of a recognized religious  
5 denomination;

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

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

26 (b) If a student or his or her parent or guardian

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

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

17 (d) Information received by an official recruiting  
18 representative under this Section may be used only to  
19 provide information to students concerning educational and  
20 career opportunities available in the military and may not  
21 be released to a person who is not involved in recruiting  
22 students for the armed forces of Illinois or the United  
23 States;

24 17. (a) To sell or market any computer program  
25 developed by an employee of the school district, provided  
26 that such employee developed the computer program as a

1 direct result of his or her duties with the school district  
2 or through the utilization of the school district resources  
3 or facilities. The employee who developed the computer  
4 program shall be entitled to share in the proceeds of such  
5 sale or marketing of the computer program. The distribution  
6 of such proceeds between the employee and the school  
7 district shall be as agreed upon by the employee and the  
8 school district, except that neither the employee nor the  
9 school district may receive more than 90% of such proceeds.  
10 The negotiation for an employee who is represented by an  
11 exclusive bargaining representative may be conducted by  
12 such bargaining representative at the employee's request.

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

14 (1) "Computer" means an internally programmed,  
15 general purpose digital device capable of  
16 automatically accepting data, processing data and  
17 supplying the results of the operation.

18 (2) "Computer program" means a series of coded  
19 instructions or statements in a form acceptable to a  
20 computer, which causes the computer to process data in  
21 order to achieve a certain result.

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

25 18. To delegate to the general superintendent of  
26 schools, by resolution, the authority to approve contracts

1 and expenditures in amounts of \$10,000 or less;

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

12 19a. Upon receipt of notice from the comptroller of a  
13 municipality with a population of 500,000 or more, a county  
14 with a population of 3,000,000 or more, the Cook County  
15 Forest Preserve District, the Chicago Park District, the  
16 Metropolitan Water Reclamation District, the Chicago  
17 Transit Authority, or a housing authority of a municipality  
18 with a population of 500,000 or more that a debt is due and  
19 owing the municipality, the county, the Cook County Forest  
20 Preserve District, the Chicago Park District, the  
21 Metropolitan Water Reclamation District, the Chicago  
22 Transit Authority, or the housing authority by an employee  
23 of the Chicago Board of Education, to withhold, from the  
24 compensation of that employee, the amount of the debt that  
25 is due and owing and pay the amount withheld to the  
26 municipality, the county, the Cook County Forest Preserve

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

1 authority for services, work, or goods, after the period  
2 granted for payment has expired, or (ii) a specified sum of  
3 money owed to the municipality, the county, the Cook County  
4 Forest Preserve District, the Chicago Park District, the  
5 Metropolitan Water Reclamation District, the Chicago  
6 Transit Authority, or the housing authority pursuant to a  
7 court order or order of an administrative hearing officer  
8 after the exhaustion of, or the failure to exhaust,  
9 judicial review;

10 20. The board is encouraged to employ a sufficient  
11 number of certified school counselors to maintain a  
12 student/counselor ratio of 250 to 1, except that for high  
13 school students, the board must employ a sufficient number  
14 of certified school counselors to maintain a  
15 student/counselor ratio of 250 to 1 ~~by July 1, 1990~~. Each  
16 counselor shall spend at least 75% of his work time in  
17 direct contact with students and shall maintain a record of  
18 such time;

19 21. To make available to students vocational and career  
20 counseling and to establish 5 special career counseling  
21 days for students and parents. On these days  
22 representatives of local businesses and industries shall  
23 be invited to the school campus and shall inform students  
24 of career opportunities available to them in the various  
25 businesses and industries. Special consideration shall be  
26 given to counseling minority students as to career



1 opportunities available to them in various fields. For the  
2 purposes of this paragraph, minority student means a person  
3 who is:

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

6 (b) Hispanic (a person of Spanish or Portuguese  
7 culture with origins in Mexico, South or Central  
8 America, or the Caribbean islands, regardless of  
9 race);

10 (c) Asian American (a person having origins in any  
11 of the original peoples of the Far East, Southeast  
12 Asia, the Indian Subcontinent or the Pacific Islands);  
13 or

14 (d) American Indian or Alaskan Native (a person  
15 having origins in any of the original peoples of North  
16 America).

17 Counseling days shall not be in lieu of regular school  
18 days;

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

23 23. Except as otherwise provided in the Abused and  
24 Neglected Child Reporting Act or other applicable State or  
25 federal law, to permit school officials to withhold, from  
26 any person, information on the whereabouts of any child

1 removed from school premises when the child has been taken  
2 into protective custody as a victim of suspected child  
3 abuse. School officials shall direct such person to the  
4 Department of Children and Family Services, or to the local  
5 law enforcement agency if appropriate;

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

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

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

25 27. To provide or contract out training programs for  
26 administrative personnel and principals with revised or

1 expanded duties pursuant to this Act in order to assure  
2 they have the knowledge and skills to perform their duties;

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

9 29. (Blank);

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

17 31. To promulgate rules establishing procedures  
18 governing the layoff or reduction in force of employees and  
19 the recall of such employees, including, but not limited  
20 to, criteria for such layoffs, reductions in force or  
21 recall rights of such employees and the weight to be given  
22 to any particular criterion. Such criteria shall take into  
23 account factors including, but not be limited to,  
24 qualifications, certifications, experience, performance  
25 ratings or evaluations, and any other factors relating to  
26 an employee's job performance;

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

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

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

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

21           In addition to the powers herein granted and authorized to  
22 be exercised by the board, it shall be the duty of the board to  
23 review or to direct independent reviews of special education  
24 expenditures and services. The board shall file a report of  
25 such review with the General Assembly on or before May 1, 1990.

26           (Source: P.A. 92-109, eff. 7-20-01; 92-527, eff. 6-1-02;

1 92-724, eff. 7-25-02; 93-3, eff. 4-16-03; 93-1036, eff.  
2 9-14-04.)