

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 27A-4, 27A-5, 27A-8, 27A-9, 27A-10, 27A-12, 34-1.1, 34-2.4b,  
6 34-8.3, and 34-18 and by adding Section 27A-14 as follows:

7 (105 ILCS 5/27A-4)

8 Sec. 27A-4. General Provisions.

9 (a) The General Assembly does not intend to alter or amend  
10 the provisions of any court-ordered desegregation plan in  
11 effect for any school district. A charter school shall be  
12 subject to all federal and State laws and constitutional  
13 provisions prohibiting discrimination on the basis of  
14 disability, race, creed, color, gender, national origin,  
15 religion, ancestry, marital status, or need for special  
16 education services.

17 (b) The total number of charter schools operating under  
18 this Article at any one time shall not exceed 120 ~~60~~. Not more  
19 than 70 ~~30~~ charter schools shall operate at any one time in any  
20 city having a population exceeding 500,000 and ~~+~~ not more than  
21 45 ~~15~~ charter schools shall operate at any one time in the  
22 ~~counties of DuPage, Kane, Lake, McHenry, Will, and that portion~~  
23 ~~of Cook County that is located outside a city having a~~

1 ~~population exceeding 500,000, with not more than one charter~~  
2 ~~school that has been initiated by a board of education, or by~~  
3 ~~an intergovernmental agreement between or among boards of~~  
4 ~~education, operating at any one time in the school district~~  
5 ~~where the charter school is located; and not more than 15~~  
6 ~~charter schools shall operate at any one time in the remainder~~  
7 of the State, with not more than one charter school that has  
8 been initiated by a board of education, or by an  
9 intergovernmental agreement between or among boards of  
10 education, operating at any one time in the school district  
11 where the charter school is located. In addition to these  
12 charter schools, up to but no more than 5 charter schools  
13 devoted exclusively to re-enrolled high school dropouts may  
14 operate at any one time in any city having a population  
15 exceeding 500,000. Notwithstanding any provision to the  
16 contrary in subsection (b) of Section 27A-5 of this Code, each  
17 such dropout charter may operate up to 15 campuses within the  
18 city. Any of these dropout charters may have a maximum of 1,875  
19 enrollment seats, any one of the campuses of the dropout  
20 charter may have a maximum of 165 enrollment seats, and each  
21 campus of the dropout charter must be operated by the same  
22 legal entity as that for which the charter is approved and  
23 certified.

24 For purposes of implementing this Section, the State Board  
25 shall assign a number to each charter submission it receives  
26 under Section 27A-6 for its review and certification, based on

1 the chronological order in which the submission is received by  
2 it. The State Board shall promptly notify local school boards  
3 when the maximum numbers of certified charter schools  
4 authorized to operate have been reached.

5 (c) No charter shall be granted under this Article that  
6 would convert any existing private, parochial, or non-public  
7 school to a charter school.

8 (d) Enrollment in a charter school shall be open to any  
9 pupil who resides within the geographic boundaries of the area  
10 served by the local school board, provided that the board of  
11 education in a city having a population exceeding 500,000 may  
12 designate attendance boundaries for no more than one-third of  
13 the charter schools permitted in the city if the board of  
14 education determines that attendance boundaries are needed to  
15 relieve overcrowding or to better serve low-income and at-risk  
16 students. Students residing within an attendance boundary may  
17 be given priority for enrollment, but must not be required to  
18 attend the charter school.

19 (e) Nothing in this Article shall prevent 2 or more local  
20 school boards from jointly issuing a charter to a single shared  
21 charter school, provided that all of the provisions of this  
22 Article are met as to those local school boards.

23 (f) No local school board shall require any employee of the  
24 school district to be employed in a charter school.

25 (g) No local school board shall require any pupil residing  
26 within the geographic boundary of its district to enroll in a

1 charter school.

2 (h) If there are more eligible applicants for enrollment in  
3 a charter school than there are spaces available, successful  
4 applicants shall be selected by lottery. However, priority  
5 shall be given to siblings of pupils enrolled in the charter  
6 school and to pupils who were enrolled in the charter school  
7 the previous school year, unless expelled for cause, and  
8 priority may be given to pupils residing within the charter  
9 school's attendance boundary, if a boundary has been designated  
10 by the board of education in a city having a population  
11 exceeding 500,000. Dual enrollment at both a charter school and  
12 a public school or non-public school shall not be allowed. A  
13 pupil who is suspended or expelled from a charter school shall  
14 be deemed to be suspended or expelled from the public schools  
15 of the school district in which the pupil resides.  
16 Notwithstanding anything to the contrary in this subsection  
17 (h), any charter school with a mission exclusive to educating  
18 high school dropouts may restrict admission to students who are  
19 high school dropouts.

20 (i) (Blank).

21 (j) Notwithstanding any other provision of law to the  
22 contrary, a school district in a city having a population  
23 exceeding 500,000 shall not have a duty to collectively bargain  
24 with an exclusive representative of its employees over  
25 decisions to grant or deny a charter school proposal under  
26 Section 27A-8 of this Code, decisions to renew or revoke a

1 charter under Section 27A-9 of this Code, and the impact of  
2 these decisions, provided that nothing in this Section shall  
3 have the effect of negating, abrogating, replacing, reducing,  
4 diminishing, or limiting in any way employee rights,  
5 guarantees, or privileges granted in Sections 2, 3, 7, 8, 10,  
6 14, and 15 of the Illinois Educational Labor Relations Act.

7 (Source: P.A. 92-16, eff. 6-28-01; 93-3, eff. 4-16-03; 93-861,  
8 eff. 1-1-05.)

9 (105 ILCS 5/27A-5)

10 Sec. 27A-5. Charter school; legal entity; requirements.

11 (a) A charter school shall be a public, nonsectarian,  
12 nonreligious, non-home based, and non-profit school. A charter  
13 school shall be organized and operated as a nonprofit  
14 corporation or other discrete, legal, nonprofit entity  
15 authorized under the laws of the State of Illinois.

16 (b) A charter school may be established under this Article  
17 by creating a new school or by converting an existing public  
18 school or attendance center to charter school status. Beginning  
19 on the effective date of this amendatory Act of the 93rd  
20 General Assembly, in all new applications submitted to the  
21 State Board or a local school board to establish a charter  
22 school in a city having a population exceeding 500,000,  
23 operation of the charter school shall be limited to one campus.  
24 The changes made to this Section by this amendatory Act of the  
25 93rd General Assembly do not apply to charter schools existing

1 or approved on or before the effective date of this amendatory  
2 Act.

3 (c) A charter school shall be administered and governed by  
4 its board of directors or other governing body in the manner  
5 provided in its charter. The governing body of a charter school  
6 shall be subject to the Freedom of Information Act and the Open  
7 Meetings Act.

8 (d) A charter school shall comply with all applicable  
9 health and safety requirements applicable to public schools  
10 under the laws of the State of Illinois.

11 (e) Except as otherwise provided in the School Code, a  
12 charter school shall not charge tuition; provided that a  
13 charter school may charge reasonable fees for textbooks,  
14 instructional materials, and student activities.

15 (f) A charter school shall be responsible for the  
16 management and operation of its fiscal affairs including, but  
17 not limited to, the preparation of its budget. An audit of each  
18 charter school's finances shall be conducted annually by an  
19 outside, independent contractor retained by the charter  
20 school. Annually, by December 1, every charter school must  
21 submit to the State Board a copy of its audit and a copy of the  
22 Form 990 the charter school filed that year with the federal  
23 Internal Revenue Service.

24 (g) A charter school shall comply with all provisions of  
25 this Article and its charter. A charter school is exempt from  
26 all other State laws and regulations in the School Code

1 governing public schools and local school board policies,  
2 except the following:

3 (1) Sections 10-21.9 and 34-18.5 of the School Code  
4 regarding criminal history records checks and checks of the  
5 Statewide Sex Offender Database of applicants for  
6 employment;

7 (2) Sections 24-24 and 34-84A of the School Code  
8 regarding discipline of students;

9 (3) The Local Governmental and Governmental Employees  
10 Tort Immunity Act;

11 (4) Section 108.75 of the General Not For Profit  
12 Corporation Act of 1986 regarding indemnification of  
13 officers, directors, employees, and agents;

14 (5) The Abused and Neglected Child Reporting Act;

15 (6) The Illinois School Student Records Act; and

16 (7) Section 10-17a of the School Code regarding school  
17 report cards.

18 (h) A charter school may negotiate and contract with a  
19 school district, the governing body of a State college or  
20 university or public community college, or any other public or  
21 for-profit or nonprofit private entity for: (i) the use of a  
22 school building and grounds or any other real property or  
23 facilities that the charter school desires to use or convert  
24 for use as a charter school site, (ii) the operation and  
25 maintenance thereof, and (iii) the provision of any service,  
26 activity, or undertaking that the charter school is required to

1 perform in order to carry out the terms of its charter.  
2 However, a charter school that is established on or after the  
3 effective date of this amendatory Act of the 93rd General  
4 Assembly and that operates in a city having a population  
5 exceeding 500,000 may not contract with a for-profit entity to  
6 manage or operate the school during the period that commences  
7 on the effective date of this amendatory Act of the 93rd  
8 General Assembly and concludes at the end of the 2004-2005  
9 school year. Except as provided in subsection (i) of this  
10 Section, a school district may charge a charter school  
11 reasonable rent for the use of the district's buildings,  
12 grounds, and facilities. Any services for which a charter  
13 school contracts with a school district shall be provided by  
14 the district at cost. Any services for which a charter school  
15 contracts with a local school board or with the governing body  
16 of a State college or university or public community college  
17 shall be provided by the public entity at cost.

18 (i) In no event shall a charter school that is established  
19 by converting an existing school or attendance center to  
20 charter school status be required to pay rent for space that is  
21 deemed available, as negotiated and provided in the charter  
22 agreement, in school district facilities. However, all other  
23 costs for the operation and maintenance of school district  
24 facilities that are used by the charter school shall be subject  
25 to negotiation between the charter school and the local school  
26 board and shall be set forth in the charter.



1 (j) A charter school may limit student enrollment by age or  
2 grade level.

3 (Source: P.A. 93-3, eff. 4-16-03; 93-909, eff. 8-12-04; 94-219,  
4 eff. 7-14-05.)

5 (105 ILCS 5/27A-8)

6 Sec. 27A-8. Evaluation of charter proposals.

7 (a) This Section does not apply to a charter school  
8 established by referendum under Section 27A-6.5. In evaluating  
9 any charter school proposal submitted to it, the local school  
10 board shall give preference to proposals that:

11 (1) demonstrate a high level of local pupil, parental,  
12 community, business, and school personnel support;

13 (2) set rigorous levels of expected pupil achievement  
14 and demonstrate feasible plans for attaining those levels  
15 of achievement; and

16 (3) are designed to enroll and serve a substantial  
17 proportion of at-risk children; provided that nothing in  
18 the Charter Schools Law shall be construed as intended to  
19 limit the establishment of charter schools to those that  
20 serve a substantial portion of at-risk children or to in  
21 any manner restrict, limit, or discourage the  
22 establishment of charter schools that enroll and serve  
23 other pupil populations under a nonexclusive,  
24 nondiscriminatory admissions policy.

25 (b) In the case of a proposal to establish a charter school

1 by converting an existing public school or attendance center to  
2 charter school status, evidence that the proposed formation of  
3 the charter school has received majority support from certified  
4 teachers and from parents and guardians in the school or  
5 attendance center affected by the proposed charter, and, if  
6 applicable, from a local school council, shall be demonstrated  
7 by a petition in support of the charter school signed by  
8 certified teachers and a petition in support of the charter  
9 school signed by parents and guardians and, if applicable, by a  
10 vote of the local school council held at a public meeting. In  
11 the case of all other proposals to establish a charter school,  
12 evidence of sufficient support to fill the number of pupil  
13 seats set forth in the proposal may be demonstrated by a  
14 petition in support of the charter school signed by parents and  
15 guardians of students eligible to attend the charter school. In  
16 all cases, the individuals, organizations, or entities who  
17 initiate the proposal to establish a charter school may elect,  
18 in lieu of including any petition referred to in this  
19 subsection as a part of the proposal submitted to the local  
20 school board, to demonstrate that the charter school has  
21 received the support referred to in this subsection by other  
22 evidence and information presented at the public meeting that  
23 the local school board is required to convene under this  
24 Section.

25 (c) Within 45 days of receipt of a charter school proposal,  
26 the local school board shall convene a public meeting to obtain

1 information to assist the board in its decision to grant or  
2 deny the charter school proposal.

3 (d) Notice of the public meeting required by this Section  
4 shall be published in a community newspaper published in the  
5 school district in which the proposed charter is located and,  
6 if there is no such newspaper, then in a newspaper published in  
7 the county and having circulation in the school district. The  
8 notices shall be published not more than 10 days nor less than  
9 5 days before the meeting and shall state that information  
10 regarding a charter school proposal will be heard at the  
11 meeting. Copies of the notice shall also be posted at  
12 appropriate locations in the school or attendance center  
13 proposed to be established as a charter school, the public  
14 schools in the school district, and the local school board  
15 office.

16 (e) Within 30 days of the public meeting, the local school  
17 board shall vote, in a public meeting, to either grant or deny  
18 the charter school proposal.

19 (f) Within 7 days of the public meeting required under  
20 subsection (e), the local school board shall file a report with  
21 the State Board granting or denying the proposal. Within 14  
22 days of receipt of the local school board's report, the State  
23 Board shall determine whether the approved charter proposal is  
24 consistent with the provisions of this Article and, if the  
25 approved proposal complies, certify the proposal pursuant to  
26 Section 27A-6; provided that for any charter proposal submitted

1 to the State Board within one year after the effective date of  
2 this amendatory Act of the 96th General Assembly, the State  
3 Board shall have 60 days from receipt to determine such  
4 consistency and certify the proposal.

5 (Source: P.A. 90-548, eff. 1-1-98; 91-407, eff. 8-3-99.)

6 (105 ILCS 5/27A-9)

7 Sec. 27A-9. Term of charter; renewal.

8 (a) A charter may be granted for a period not less than 5  
9 and not more than 10 school years. A charter may be renewed in  
10 incremental periods not to exceed 5 school years.

11 (b) A charter school renewal proposal submitted to the  
12 local school board or State Board, as the chartering entity,  
13 shall contain:

14 (1) A report on the progress of the charter school in  
15 achieving the goals, objectives, pupil performance  
16 standards, content standards, and other terms of the  
17 initial approved charter proposal; and

18 (2) A financial statement that discloses the costs of  
19 administration, instruction, and other spending categories  
20 for the charter school that is understandable to the  
21 general public and that will allow comparison of those  
22 costs to other schools or other comparable organizations,  
23 in a format required by the State Board.

24 (c) A charter may be revoked or not renewed if the local  
25 school board or State Board, as the chartering entity, clearly

1 demonstrates that the charter school did any of the following,  
2 or otherwise failed to comply with the requirements of this  
3 law:

4 (1) Committed a material violation of any of the  
5 conditions, standards, or procedures set forth in the  
6 charter.

7 (2) Failed to meet or make reasonable progress toward  
8 achievement of the content standards or pupil performance  
9 standards identified in the charter.

10 (3) Failed to meet generally accepted standards of  
11 fiscal management.

12 (4) Violated any provision of law from which the  
13 charter school was not exempted.

14 In the case of revocation, the local school board or State  
15 Board, as the chartering entity, shall notify the charter  
16 school in writing of the reason why the charter is subject to  
17 revocation. The charter school shall submit a written plan to  
18 the local school board or State Board, whichever is applicable,  
19 to rectify the problem. The plan shall include a timeline for  
20 implementation, which shall not exceed 2 years or the date of  
21 the charter's expiration, whichever is earlier. If the local  
22 school board or the State Board, as the chartering entity,  
23 finds that the charter school has failed to implement the plan  
24 of remediation and adhere to the timeline, then the chartering  
25 entity shall revoke the charter. Except in situations of an  
26 emergency where the health, safety, or education of the charter

1 school's students is at risk, the revocation shall take place  
2 at the end of a school year. Nothing in this amendatory Act of  
3 the 96th General Assembly shall be construed to prohibit an  
4 implementation timetable that is less than 2 years in duration.

5 (d) (Blank).

6 (e) Notice of a local school board's decision to deny,  
7 revoke or not to renew a charter shall be provided to the State  
8 Board. The State Board may reverse a local board's decision if  
9 the State Board finds that the charter school or charter school  
10 proposal (i) is in compliance with this Article, and (ii) is in  
11 the best interests of the students it is designed to serve. The  
12 State Board may condition the granting of an appeal on the  
13 acceptance by the charter school of funding in an amount less  
14 than that requested in the proposal submitted to the local  
15 school board. Final decisions of the State Board shall be  
16 subject to judicial review under the Administrative Review Law.

17 (f) Notwithstanding other provisions of this Article, if  
18 the State Board on appeal reverses a local board's decision or  
19 if a charter school is approved by referendum, the State Board  
20 shall act as the authorized chartering entity for the charter  
21 school. The State Board shall approve and certify the charter  
22 and shall perform all functions under this Article otherwise  
23 performed by the local school board. The State Board shall  
24 report the aggregate number of charter school pupils resident  
25 in a school district to that district and shall notify the  
26 district of the amount of funding to be paid by the State Board

1 to the charter school enrolling such students. The State Board  
2 shall require the charter school to maintain accurate records  
3 of daily attendance that shall be deemed sufficient to file  
4 claims under Section 18-8.05 notwithstanding any other  
5 requirements of that Section regarding hours of instruction and  
6 teacher certification. The State Board shall withhold from  
7 funds otherwise due the district the funds authorized by this  
8 Article to be paid to the charter school and shall pay such  
9 amounts to the charter school.

10 (Source: P.A. 91-96, eff. 7-9-99; 91-407, eff. 8-3-99; 92-16,  
11 eff. 6-28-01.)

12 (105 ILCS 5/27A-10)

13 Sec. 27A-10. Employees.

14 (a) A person shall be deemed to be employed by a charter  
15 school unless a collective bargaining agreement or the charter  
16 school contract otherwise provides.

17 (b) In all school districts, including special charter  
18 districts and districts located in cities having a population  
19 exceeding 500,000, the local school board shall determine by  
20 policy or by negotiated agreement, if one exists, the  
21 employment status of any school district employees who are  
22 employed by a charter school and who seek to return to  
23 employment in the public schools of the district. Each local  
24 school board shall grant, for a period of up to 5 years, a  
25 leave of absence to those of its teachers who accept employment

1 with a charter school. At the end of the authorized leave of  
2 absence, the teacher must return to the school district or  
3 resign; provided, however, that if the teacher chooses to  
4 return to the school district, the teacher must be assigned to  
5 a position which requires the teacher's certification and legal  
6 qualifications. The contractual continued service status and  
7 retirement benefits of a teacher of the district who is granted  
8 a leave of absence to accept employment with a charter school  
9 shall not be affected by that leave of absence.

10 (c) Charter schools shall employ in instructional  
11 positions, as defined in the charter, individuals who are  
12 certificated under Article 21 of this Code or who possess the  
13 following qualifications:

14 (i) graduated with a bachelor's degree from an  
15 accredited institution of higher learning;

16 (ii) been employed for a period of at least 5 years in  
17 an area requiring application of the individual's  
18 education;

19 (iii) passed the tests of basic skills and subject  
20 matter knowledge required by Section 21-1a of the School  
21 Code; and

22 (iv) demonstrate continuing evidence of professional  
23 growth which shall include, but not be limited to,  
24 successful teaching experience, attendance at professional  
25 meetings, membership in professional organizations,  
26 additional credits earned at institutions of higher



1 learning, travel specifically for educational purposes,  
2 and reading of professional books and periodicals.

3 (c-5) Charter schools employing individuals without  
4 certification in instructional positions shall provide such  
5 mentoring, training, and staff development for those  
6 individuals as the charter schools determine necessary for  
7 satisfactory performance in the classroom.

8 ~~At Beginning with the 2006-2007 school year, at least 50%~~  
9 of the individuals employed in instructional positions by a  
10 charter school that is operating in a city having a population  
11 exceeding 500,000 and that is established on or after April 16,  
12 2003 ~~the effective date of this amendatory Act of the 93rd~~  
13 ~~General Assembly~~ shall hold teaching certificates issued under  
14 Article 21 of this Code.

15 ~~At Beginning with the 2006-2007 school year, at least 75%~~  
16 of the individuals employed in instructional positions by a  
17 charter school that is operating in a city having a population  
18 exceeding 500,000 and that was is established before April 16,  
19 2003 ~~the effective date of this amendatory Act of the 93rd~~  
20 ~~General Assembly~~ shall hold teaching certificates issued under  
21 Article 21 of this Code.

22 (c-10) Notwithstanding any provision in subsection (c-5)  
23 to the contrary, in any charter school established before the  
24 effective date of this amendatory Act of the 96th General  
25 Assembly, at least 75% of the individuals employed in  
26 instructional positions by the charter school shall hold

1 teaching certificates issued under Article 21 of this Code  
2 beginning with the 2012-2013 school year. In any charter school  
3 established after the effective date of this amendatory Act of  
4 the 96th General Assembly, at least 75% of the individuals  
5 employed in instructional positions by a charter school shall  
6 hold teaching certificates issued under Article 21 of this Code  
7 by the beginning of the fourth school year during which a  
8 student is enrolled in the charter school. Charter schools may  
9 employ non-certificated staff in all other positions.

10 ~~(c-15) Charter schools operating in a city having a~~  
11 ~~population exceeding 500,000 are exempt from any annual cap on~~  
12 ~~new participants in an alternative certification program. The~~  
13 ~~second and third phases of the alternative certification~~  
14 ~~program may be conducted and completed at the charter school,~~  
15 ~~and the alternative teaching certificate is valid for 4 years~~  
16 ~~or the length of the charter (or any extension of the charter),~~  
17 ~~whichever is longer.~~

18 ~~Notwithstanding any other provisions of the School Code,~~  
19 ~~charter schools may employ non-certificated staff in all other~~  
20 ~~positions.~~

21 (d) A teacher at a charter school may resign his or her  
22 position only if the teacher gives notice of resignation to the  
23 charter school's governing body at least 60 days before the end  
24 of the school term, and the resignation must take effect  
25 immediately upon the end of the school term.

26 (Source: P.A. 93-3, eff. 4-16-03.)

1 (105 ILCS 5/27A-12)

2 Sec. 27A-12. Evaluation; ~~annual~~ report. The State Board  
3 shall compile annual evaluations of charter schools received  
4 from local school boards and shall prepare an annual report on  
5 charter schools.

6 On or before the second Wednesday of every even-numbered  
7 year ~~January, 1998, and on or before the second Wednesday of~~  
8 ~~January of each subsequent calendar year,~~ the State Board shall  
9 issue a report to the General Assembly and the Governor on its  
10 findings for the previous 2 school years; provided that the  
11 report issued in 2010 need only report on the 2008-2009 school  
12 year ~~year ending in the preceding calendar year.~~

13 In the ~~annual~~ report required by this Section, the State  
14 Board (i) shall compare the performance of charter school  
15 pupils with the performance of ethnically and economically  
16 comparable groups of pupils in other public schools who are  
17 enrolled in academically comparable courses, (ii) shall review  
18 information regarding the regulations and policies from which  
19 charter schools were released to determine if the exemptions  
20 assisted or impeded the charter schools in meeting their stated  
21 goals and objectives, and (iii) shall include suggested changes  
22 in State law necessary to strengthen charter schools.

23 In addition, the State Board shall undertake and report on  
24 periodic evaluations of charter schools that include  
25 evaluations of student academic achievement, the extent to

1 which charter schools are accomplishing their missions and  
2 goals, the sufficiency of funding for charter schools, and the  
3 need for changes in the approval process for charter schools.

4 (Source: P.A. 91-407, eff. 8-3-99.)

5 (105 ILCS 5/27A-14 new)

6 (Section scheduled to be repealed on January 10, 2010)

7 Sec. 27A-14. Independent Charter School Authorizer Task  
8 Force.

9 (a) The State Board of Education shall convene an  
10 Independent Charter School Authorizer Task Force for the  
11 purpose of studying the need, if any, for an independent  
12 charter school authorizer in this State. The task force shall  
13 (i) compile a comparative analysis of charter school  
14 authorizing practices across the United States; (ii) conduct an  
15 assessment of the capacity of school districts in this State to  
16 authorize charter schools; (iii) assess the ability and  
17 interest of this State's public universities in serving as  
18 charter school authorizers; (iv) analyze the capacity of the  
19 State Board as a charter school authorizer; and (v) make  
20 recommendations as to the amount of funding necessary to  
21 operate an independent authorizer and the system of support, at  
22 the State Board or otherwise, necessary for any such  
23 independent authorizer to operate successfully.

24 (b) The task force shall consist of all of the following  
25 voting members:

- 1           (1) A person appointed by the President of the Senate.
- 2           (2) A person appointed by the Minority Leader of the  
3 Senate.
- 4           (3) A person appointed by the Speaker of the House of  
5 Representatives.
- 6           (4) A person appointed by the Minority Leader of the  
7 House of Representatives.
- 8           (5) The State Superintendent of Education or his or her  
9 designee.
- 10          (6) A representative of a statewide professional  
11 teachers organization, appointed by the head of that  
12 organization.
- 13          (7) A representative of a different statewide  
14 professional teachers organization, appointed by the head  
15 of that organization.
- 16          (8) A representative of an organization representing  
17 principals in a city having a population exceeding 500,000,  
18 appointed by the head of that organization.
- 19          (9) A representative of an organization representing  
20 professional teachers in a city having a population  
21 exceeding 500,000, appointed by the head of that  
22 organization.
- 23          (10) The chief executive officer of a school district  
24 in a city having a population exceeding 500,000 or his or  
25 her designee.
- 26          (11) The chairperson of the board of the Illinois

1 Network of Charter Schools or his or her designee.

2 (12) A nationally recognized expert on charter school  
3 authorization, appointed by the State Superintendent of  
4 Education.

5 (13) A principal of an established charter school in  
6 this State, appointed by the State Superintendent of  
7 Education.

8 (14) A representative of an organization representing  
9 the business community in this State, appointed by the head  
10 of that organization.

11 (15) A person appointed by a statewide organization  
12 representing school boards in this State.

13 (16) A person appointed by a statewide organization  
14 representing school district superintendents in this  
15 State.

16 (c) Members of the task force shall receive no compensation  
17 for their participation, but may be reimbursed by the State  
18 Board for expenses in connection with their participation,  
19 including travel, but only if funds at the State Board are  
20 available.

21 (d) The task force shall submit a final report of its  
22 findings and recommendations to the Governor and the General  
23 Assembly on or before January 1, 2010. The task force shall be  
24 abolished 10 days after this submission.

25 (e) This Section is repealed on January 10, 2010.

1 (105 ILCS 5/34-1.1) (from Ch. 122, par. 34-1.1)

2 Sec. 34-1.1. Definitions. As used in this Article:

3 "Academic Accountability Council" means the Chicago  
4 Schools Academic Accountability Council created under Section  
5 34-3.4.

6 "Local School Council" means a local school council  
7 established under Section 34-2.1.

8 "School" and "attendance center" are used interchangeably  
9 to mean any attendance center operated pursuant to this Article  
10 and under the direction of one principal.

11 "Secondary Attendance Center" means a school which has  
12 students enrolled in grades 9 through 12 (although it may also  
13 have students enrolled in grades below grade 9).

14 "Local Attendance Area School" means a school which has a  
15 local attendance area established by the board.

16 "Multi-area school" means a school other than a local  
17 attendance area school.

18 "Contract school" means an attendance center managed and  
19 operated by a for-profit or not-for-profit private entity  
20 retained by the board to provide instructional and other  
21 services to a majority of the pupils enrolled in the attendance  
22 center.

23 "Contract turnaround school" means an experimental  
24 contract school created by the board to implement alternative  
25 governance in an attendance center subject to restructuring or  
26 similar intervention under federal law that has not made

1 adequate yearly progress for 5 consecutive years or a time  
2 period set forth in federal law.

3 "Parent" means a parent or legal guardian of an enrolled  
4 student of an attendance center.

5 "Community resident" means a person, 18 years of age or  
6 older, residing within an attendance area served by a school,  
7 excluding any person who is a parent of a student enrolled in  
8 that school; provided that with respect to any multi-area  
9 school, community resident means any person, 18 years of age or  
10 older, residing within the voting district established for that  
11 school pursuant to Section 34-2.1c, excluding any person who is  
12 a parent of a student enrolled in that school.

13 "School staff" means all certificated and uncertificated  
14 school personnel, including all teaching and administrative  
15 staff (other than the principal) and including all custodial,  
16 food service and other civil service employees, who are  
17 employed at and assigned to perform the majority of their  
18 employment duties at one attendance center served by the same  
19 local school council.

20 "Regular meetings" means the meeting dates established by  
21 the local school council at its annual organizational meeting.

22 (Source: P.A. 88-511; 89-15, eff. 5-30-95.)

23 (105 ILCS 5/34-2.4b) (from Ch. 122, par. 34-2.4b)

24 Sec. 34-2.4b. Limitation upon applicability. The  
25 provisions of Sections 34-2.1, 34-2.2, 34-2.3, 34-2.3a, 34-2.4



1 and 34-8.3, and those provisions of paragraph 1 of Section  
2 34-18 and paragraph (c) of Section 34A-201a relating to the  
3 allocation or application -- by formula or otherwise -- of lump  
4 sum amounts and other funds to attendance centers, shall not  
5 apply to attendance centers that have applied for and been  
6 designated as a "Small School" by the Board, the Cook County  
7 Juvenile Detention Center and Cook County Jail schools, nor to  
8 the district's alternative schools for pregnant girls, nor to  
9 alternative schools established under Article 13A, nor to a  
10 contract school, nor to the Michael R. Durso School, the  
11 Jackson Adult Center, the Hillard Adult Center, the Alternative  
12 Transitional School, or any other attendance center designated  
13 by the Board as an alternative school, provided that the  
14 designation is not applied to an attendance center ~~a school~~  
15 ~~building~~ that has in place a legally constituted local school  
16 council, except for contract turnaround schools. ~~The, and the~~  
17 board of education shall have and exercise with respect to  
18 those schools and with respect to the conduct, operation,  
19 affairs and budgets of those schools, and with respect to the  
20 principals, teachers and other school staff there employed, the  
21 same powers which are exercisable by local school councils with  
22 respect to the other attendance centers, principals, teachers  
23 and school staff within the district, together with all powers  
24 and duties generally exercisable by the board of education with  
25 respect to all attendance centers within the district. The  
26 board of education shall develop appropriate alternative

1 methods for involving parents, community members and school  
2 staff to the maximum extent possible in all of the activities  
3 of those schools, and may delegate to the parents, community  
4 members and school staff so involved the same powers which are  
5 exercisable by local school councils with respect to other  
6 attendance centers.

7 (Source: P.A. 90-566, eff. 1-2-98; 91-622, eff. 8-19-99.)

8 (105 ILCS 5/34-8.3) (from Ch. 122, par. 34-8.3)

9 Sec. 34-8.3. Remediation and probation of attendance  
10 centers.

11 (a) The general superintendent shall monitor the  
12 performance of the attendance centers within the district and  
13 shall identify attendance centers, pursuant to criteria that  
14 the board shall establish, in which:

15 (1) there is a failure to develop, implement, or comply  
16 with a school improvement plan;

17 (2) there is a pervasive breakdown in the educational  
18 program as indicated by factors, including, but not limited  
19 to, the absence of improvement in student reading and math  
20 achievement scores, an increased drop-out rate, a  
21 decreased graduation rate, and a decrease in rate of  
22 student attendance;

23 (3) (blank); or

24 (4) there is a failure or refusal to comply with the  
25 provisions of this Act, other applicable laws, collective

1 bargaining agreements, court orders, or with Board rules  
2 which the Board is authorized to promulgate.

3 (b) If the general superintendent identifies a  
4 nonperforming school as described herein, he or she shall place  
5 the attendance center on remediation by developing a  
6 remediation plan for the center. The purpose of the remediation  
7 plan shall be to correct the deficiencies in the performance of  
8 the attendance center by one or more of the following methods:

9 (1) drafting a new school improvement plan;

10 (2) applying to the board for additional funding for  
11 training for the local school council;

12 (3) directing implementation of a school improvement  
13 plan;

14 (4) mediating disputes or other obstacles to reform or  
15 improvement at the attendance center.

16 If, however, the general superintendent determines that  
17 the problems are not able to be remediated by these methods,  
18 the general superintendent shall place the attendance center on  
19 probation. The board shall establish guidelines that determine  
20 the factors for placing an attendance center on probation.

21 (c) Each school placed on probation shall have a school  
22 improvement plan and school budget for correcting deficiencies  
23 identified by the board. The plan shall include specific steps  
24 that the local school council and school staff must take to  
25 correct identified deficiencies and specific objective  
26 criteria by which the school's subsequent progress will be

1 determined. The school budget shall include specific  
2 expenditures directly calculated to correct educational and  
3 operational deficiencies identified at the school by the  
4 probation team.

5 (d) Schools placed on probation that, after a maximum of  
6 one year, fail to make adequate progress in correcting  
7 deficiencies are subject to the following actions ~~action~~ by the  
8 general superintendent with the approval of the board, after  
9 opportunity for a hearing:

10 (1) Ordering new local school council elections.

11 (2) Removing and replacing the principal.

12 (3) Replacement of faculty members, subject to the  
13 provisions of Section 24A-5.

14 (4) Reconstitution of the attendance center and  
15 replacement and reassignment by the general superintendent  
16 of all employees of the attendance center.

17 (5) Intervention under Section 34-8.4.

18 (5.5) Operating an attendance center as a contract  
19 turnaround school.

20 (6) Closing of the school.

21 (e) Schools placed on probation shall remain on probation  
22 from year to year until deficiencies are corrected, even if  
23 such schools make acceptable annual progress. The board shall  
24 establish, in writing, criteria for determining whether or not  
25 a school shall remain on probation. If academic achievement  
26 tests are used as the factor for placing a school on probation,

1 the general superintendent shall consider objective criteria,  
2 not just an increase in test scores, in deciding whether or not  
3 a school shall remain on probation. These criteria shall  
4 include attendance, test scores, student mobility rates,  
5 poverty rates, bilingual education eligibility, special  
6 education, and English language proficiency programs, with  
7 progress made in these areas being taken into consideration in  
8 deciding whether or not a school shall remain on probation.

9 (f) Where the board has reason to believe that violations  
10 of civil rights, or of civil or criminal law have occurred, or  
11 when the general superintendent deems that the school is in  
12 educational crisis it may take immediate corrective action,  
13 including the actions specified in this Section, without first  
14 placing the school on remediation or probation. Nothing  
15 described herein shall limit the authority of the board as  
16 provided by any law of this State. The board shall develop  
17 criteria governing the determination regarding when a school is  
18 in educational crisis.

19 (g) All persons serving as subdistrict superintendent on  
20 May 1, 1995 shall be deemed by operation of law to be serving  
21 under a performance contract which expires on June 30, 1995,  
22 and the employment of each such person as subdistrict  
23 superintendent shall terminate on June 30, 1995. The board  
24 shall have no obligation to compensate any such person as a  
25 subdistrict superintendent after June 30, 1995.

26 (h) The general superintendent shall, in consultation with

1 local school councils, conduct an annual evaluation of each  
2 principal in the district pursuant to guidelines promulgated by  
3 the Board of Education.

4 (Source: P.A. 91-219, eff. 1-1-00; 91-622, eff. 8-19-99; 92-16,  
5 eff. 6-28-01.)

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

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

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

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

1 school council or other school official shall recommend  
2 that children with disabilities be placed into regular  
3 education classrooms unless those children with  
4 disabilities are provided with supplementary services to  
5 assist them so that they benefit from the regular classroom  
6 instruction and are included on the teacher's regular  
7 education class register;

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

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

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

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

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

26 7. To apportion the pupils to the several schools;



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

1 have been accommodated. If the number of applicants from  
2 outside the attendance area exceed the space available,  
3 then successful applicants shall be selected by lottery.  
4 The board of education's open enrollment plan must include  
5 provisions that allow low income students to have access to  
6 transportation needed to exercise school choice. Open  
7 enrollment shall be in compliance with the provisions of  
8 the Consent Decree and Desegregation Plan cited in Section  
9 34-1.01;

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

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

1 requested by the State Board of Education, and in addition  
2 shall monitor and approve special education and bilingual  
3 education programs and policies within the district to  
4 assure that appropriate services are provided in  
5 accordance with applicable State and federal laws to  
6 children requiring services and education in those areas;

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

1           10.5. To utilize volunteer personnel from a regional  
2 School Crisis Assistance Team (S.C.A.T.), created as part  
3 of the Safe to Learn Program established pursuant to  
4 Section 25 of the Illinois Violence Prevention Act of 1995,  
5 to provide assistance to schools in times of violence or  
6 other traumatic incidents within a school community by  
7 providing crisis intervention services to lessen the  
8 effects of emotional trauma on individuals and the  
9 community; the School Crisis Assistance Team Steering  
10 Committee shall determine the qualifications for  
11 volunteers;

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

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

26           13. During that period of the calendar year not

1 embraced within the regular school term, to provide and  
2 conduct courses in subject matters normally embraced in the  
3 program of the schools during the regular school term and  
4 to give regular school credit for satisfactory completion  
5 by the student of such courses as may be approved for  
6 credit by the State Board of Education;

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

1 board; provided, however, that the board shall contract for  
2 such insurance only with an insurance company authorized to  
3 do business in this State. Such insurance may include  
4 provision for employees who rely on treatment by prayer or  
5 spiritual means alone for healing, in accordance with the  
6 tenets and practice of a recognized religious  
7 denomination;

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

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

1 number.

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

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

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

26 17. (a) To sell or market any computer program

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

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

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

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

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



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

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

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

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

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

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

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

1 purposes of this paragraph, minority student means a person  
2 who is:

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

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

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

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

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

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

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

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

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

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

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

24 27. To provide or contract out training programs for  
25 administrative personnel and principals with revised or  
26 expanded duties pursuant to this Act in order to assure

1 they have the knowledge and skills to perform their duties;

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

8 29. (Blank);

9 30. Notwithstanding any other provision of this Act or  
10 any other law to the contrary, to contract with third  
11 parties for services otherwise performed by employees,  
12 including those in a bargaining unit, and to layoff those  
13 employees upon 14 days written notice to the affected  
14 employees. Those contracts may be for a period not to  
15 exceed 5 years and may be awarded on a system-wide basis.  
16 The board may not operate more than 30 contract schools,  
17 provided that the board may operate an additional 5  
18 contract turnaround schools pursuant to item (5.5) of  
19 subsection (d) of Section 34-8.3 of this Code;

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

1 qualifications, certifications, experience, performance  
2 ratings or evaluations, and any other factors relating to  
3 an employee's job performance;

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

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

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

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

24 In addition to the powers herein granted and authorized to  
25 be exercised by the board, it shall be the duty of the board to  
26 review or to direct independent reviews of special education

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

6 Section 90. The non-State agency parties that engaged in  
7 the negotiation of this Act shall, within 30 days after the  
8 effective date of this Act, enter into a memorandum of  
9 understanding, which shall include without limitation language  
10 whereby, through June 30, 2013, and subject to any legislative  
11 changes required by federal law, such parties shall not propose  
12 any changes to Article 27A of the School Code other than  
13 legislation to establish an independent, State-level, charter  
14 school authorizing entity.

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law.