



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB2859

Introduced 2/22/2011, by Rep. Roger L. Eddy

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-22.34c

Amends the School Code. In a Section concerning a school board's contract with a third party for non-instructional services, exempts contracts for the transportation of students from the following requirements: (i) that a third party that submits a bid provide a comparable benefits package for the third party's employees, a list of the number of employees, their job classifications, and their wages, and a minimum 3-year cost projection and (ii) that the contractor offer available employee positions to qualified school district employees whose employment is terminated because of the contract. Effective immediately.

LRB097 08205 NHT 48330 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section
5 10-22.34c as follows:

6 (105 ILCS 5/10-22.34c)

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

8 (a) A board of education may enter into a contract with a
9 third party for non-instructional services currently performed
10 by any employee or bargaining unit member or lay off those
11 educational support personnel employees upon 90 days written
12 notice to the affected employees, provided that:

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

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

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

22 (A) evidence of liability insurance in scope and
23 amount equivalent to the liability insurance provided

1 by the school board pursuant to Section 10-22.3 of this
2 Code;

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

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

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

17 (E) composite information about the criminal and
18 disciplinary records, including alcohol or other
19 substance abuse, Department of Children and Family
20 Services complaints and investigations, traffic
21 violations, and license revocations or any other
22 licensure problems, of any employees who may perform
23 the non-instructional services, provided that the
24 individual names and other identifying information of
25 employees need not be provided with the submission of
26 the bid, but must be made available upon request of the

1 school board; and

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

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

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

1 such review and consideration can take place in open
2 session at a specially scheduled school board meeting;

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

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

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

23 (b) Notwithstanding subsection (a) of this Section, a board
24 of education may enter into a contract, of no longer than 3
25 months in duration, with a third party for non-instructional
26 services currently performed by an employee or bargaining unit

1 member for the purpose of augmenting the current workforce in
2 an emergency situation that threatens the safety or health of
3 the school district's students or staff, provided that the
4 school board meets all of its obligations under the Illinois
5 Educational Labor Relations Act.

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

12 (d) Items (B), (C), and (D) of subdivision (3) of
13 subsection (a) of this Section and subdivision (7) of
14 subsection (a) of this Section do not apply to contracts for
15 the transportation of students.

16 (Source: P.A. 95-241, eff. 8-17-07; 96-328, eff. 8-11-09.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.