



Rep. William Davis

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LRB099 09319 NHT 33103 a

1 AMENDMENT TO HOUSE BILL 2682

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2682 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections  
5 10-20.14, 10-22.6, 27A-5, and 34-19 as follows:

6 (105 ILCS 5/10-20.14) (from Ch. 122, par. 10-20.14)

7 Sec. 10-20.14. Student discipline policies; Parent-teacher  
8 advisory committee.

9 (a) To establish and maintain a parent-teacher advisory  
10 committee to develop with the school board or governing body of  
11 a charter school policy guidelines on pupil discipline,  
12 including school searches and bullying prevention as set forth  
13 in Section 27-23.7 of this Code. School authorities shall, ~~to~~  
14 furnish a copy of the policy to the parents or guardian of each  
15 pupil within 15 days after the beginning of the school year, or  
16 within 15 days after starting classes for a pupil who transfers

1 into the district during the school year, and the school board  
2 or governing body of a charter school shall ~~to~~ require that a  
3 ~~each~~ school inform ~~informs~~ its pupils of the contents of the  
4 ~~its~~ policy. School boards and the governing bodies of charter  
5 schools, along with the parent-teacher advisory committee,  
6 must ~~are encouraged to~~ annually review their pupil discipline  
7 policies, the implementation of those policies, and any other  
8 factors related to the safety of their schools, pupils, and  
9 staff.

10 (a-5) On or before September 15, 2016, each elementary and  
11 secondary school and charter school shall, at a minimum, adopt  
12 pupil discipline policies that fulfill the requirements set  
13 forth in this Section, subsections (a) and (b) of Section  
14 10-22.6 of this Code, Section 34-19 of this Code if applicable,  
15 and federal and State laws that provide special requirements  
16 for the discipline of students with disabilities.

17 (b) The parent-teacher advisory committee in cooperation  
18 with local law enforcement agencies shall develop, with the  
19 school board, policy guideline procedures to establish and  
20 maintain a reciprocal reporting system between the school  
21 district and local law enforcement agencies regarding criminal  
22 offenses committed by students. School districts are  
23 encouraged to create memoranda of understanding with local law  
24 enforcement agencies that clearly define law enforcement's  
25 role in schools, in accordance with Section 10-22.6 of this  
26 Code.

1 (c) The parent-teacher advisory committee, in cooperation  
2 with school bus personnel, shall develop, with the school  
3 board, policy guideline procedures to establish and maintain  
4 school bus safety procedures. These procedures shall be  
5 incorporated into the district's pupil discipline policy.

6 (d) The school board, in consultation with the  
7 parent-teacher advisory committee and other community-based  
8 organizations, must include provisions in the student  
9 discipline policy to address students who have demonstrated  
10 behaviors that put them at risk for aggressive behavior,  
11 including without limitation bullying, as defined in the  
12 policy. These provisions must include procedures for notifying  
13 parents or legal guardians and early intervention procedures  
14 based upon available community-based and district resources.

15 (Source: P.A. 91-272, eff. 1-1-00; 92-260, eff. 1-1-02.)

16 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

17 Sec. 10-22.6. Suspension or expulsion of pupils; school  
18 searches.

19 (a) To expel pupils guilty of gross disobedience or  
20 misconduct, including gross disobedience or misconduct  
21 perpetuated by electronic means, pursuant to subsection (b-20)  
22 of this Section, and no action shall lie against them for such  
23 expulsion. Expulsion shall take place only after the parents  
24 have been requested to appear at a meeting of the board, or  
25 with a hearing officer appointed by it, to discuss their

1 child's behavior. Such request shall be made by registered or  
2 certified mail and shall state the time, place and purpose of  
3 the meeting. The board, or a hearing officer appointed by it,  
4 at such meeting shall state the reasons for dismissal and the  
5 date on which the expulsion is to become effective. If a  
6 hearing officer is appointed by the board he shall report to  
7 the board a written summary of the evidence heard at the  
8 meeting and the board may take such action thereon as it finds  
9 appropriate. If the board acts to expel a pupil, the written  
10 expulsion decision shall detail the specific reasons why  
11 removing the pupil from the learning environment is in the best  
12 interest of the school. The expulsion decision shall also  
13 include a rationale as to the specific duration of the  
14 expulsion. An expelled pupil may be immediately transferred to  
15 an alternative program in the manner provided in Article 13A or  
16 13B of this Code. A pupil must not be denied transfer because  
17 of the expulsion, except in cases in which such transfer is  
18 deemed to cause a threat to the safety of students or staff in  
19 the alternative program.

20 (b) To suspend or by policy to authorize the superintendent  
21 of the district or the principal, assistant principal, or dean  
22 of students of any school to suspend pupils guilty of gross  
23 disobedience or misconduct, or to suspend pupils guilty of  
24 gross disobedience or misconduct on the school bus from riding  
25 the school bus, pursuant to subsections (b-15) and (b-20) of  
26 this Section, and no action shall lie against them for such

1 suspension. The board may by policy authorize the  
2 superintendent of the district or the principal, assistant  
3 principal, or dean of students of any school to suspend pupils  
4 guilty of such acts for a period not to exceed 10 school days.  
5 If a pupil is suspended due to gross disobedience or misconduct  
6 on a school bus, the board may suspend the pupil in excess of  
7 10 school days for safety reasons.

8 Any suspension shall be reported immediately to the  
9 parents or guardian of a ~~such~~ pupil along with a full statement  
10 of the reasons for such suspension and a notice of their right  
11 to a review. The school board must be given a summary of the  
12 notice, including the reason for the suspension and the  
13 suspension length. Upon request of the parents or guardian the  
14 school board or a hearing officer appointed by it shall review  
15 such action of the superintendent or principal, assistant  
16 principal, or dean of students. At such review the parents or  
17 guardian of the pupil may appear and discuss the suspension  
18 with the board or its hearing officer. If a hearing officer is  
19 appointed by the board he shall report to the board a written  
20 summary of the evidence heard at the meeting. After its hearing  
21 or upon receipt of the written report of its hearing officer,  
22 the board may take such action as it finds appropriate. If a  
23 student is suspended pursuant to this subsection (b), the board  
24 shall, in the written suspension decision, detail the specific  
25 act of gross disobedience or misconduct resulting in the  
26 decision to suspend. The suspension decision shall also include

1 a rationale as to the specific duration of the suspension. A  
2 pupil who is suspended in excess of 20 school days may be  
3 immediately transferred to an alternative program in the manner  
4 provided in Article 13A or 13B of this Code. A pupil must not  
5 be denied transfer because of the suspension, except in cases  
6 in which such transfer is deemed to cause a threat to the  
7 safety of students or staff in the alternative program.

8 (b-5) Among the many possible disciplinary interventions  
9 and consequences available to school officials, school  
10 exclusions, such as out-of-school suspensions and expulsions,  
11 are the most serious. School officials shall limit the number  
12 and duration of expulsions and suspensions to the greatest  
13 extent practicable, and it is recommended that they use them  
14 only for legitimate educational purposes. To ensure that  
15 students are not excluded from school unnecessarily, it is  
16 recommended that school officials consider forms of  
17 non-exclusionary discipline prior to using out-of-school  
18 suspensions or expulsions.

19 (b-10) Unless otherwise required by federal law or this  
20 Code, school boards may not institute zero-tolerance policies  
21 by which school administrators are required to suspend or expel  
22 students for particular behaviors.

23 (b-15) Out-of-school suspensions of 3 days or less may be  
24 used only if the student's continuing presence in school would  
25 pose a threat to school safety or a disruption to other  
26 students' learning opportunities. For purposes of this

1 subsection (b-15), "threat to school safety or a disruption to  
2 other students' learning opportunities" shall be determined on  
3 a case-by-case basis by the school board or its designee.  
4 School officials shall make all reasonable efforts to resolve  
5 such threats, address such disruptions, and minimize the length  
6 of suspensions to the greatest extent practicable.

7 (b-20) Unless otherwise required by this Code,  
8 out-of-school suspensions of longer than 3 days, expulsions,  
9 and disciplinary removals to alternative schools may be used  
10 only if the student's continuing presence in school poses a  
11 threat to the safety of other students, staff, or members of  
12 the school community and other appropriate and available  
13 behavioral and disciplinary interventions have been exhausted.  
14 For purposes of this subsection (b-20), "threat to the safety  
15 of other students, staff, or members of the school community"  
16 shall be determined on a case-by-case basis by school  
17 officials. For purposes of this subsection (b-20), the  
18 determination of whether "appropriate and available behavioral  
19 and disciplinary interventions have been exhausted" shall be  
20 made by school officials. School officials shall make all  
21 reasonable efforts to resolve such threats and minimize the  
22 length of student exclusions to the greatest extent  
23 practicable. Within the suspension decision described in  
24 subsection (b) of this Section or the expulsion decision  
25 described in subsection (a) of this Section, it shall be  
26 documented whether other interventions were attempted or

1 whether it was determined that there were no other appropriate  
2 and available interventions.

3 (b-25) Students who are suspended out-of-school for longer  
4 than 4 school days shall be provided appropriate and available  
5 support services during the period of their suspension. For  
6 purposes of this subsection (b-25), "appropriate and available  
7 support services" shall be determined by school authorities.  
8 Within the suspension decision described in subsection (b) of  
9 this Section, it shall be documented whether such services are  
10 to be provided or whether it was determined that there are no  
11 such appropriate and available services.

12 A school district may refer students who are expelled to  
13 appropriate and available support services.

14 A school district shall create a policy to facilitate the  
15 re-engagement of students who are suspended out-of-school,  
16 expelled, or returning from an alternative school setting.

17 (b-30) A school district shall create a policy by which  
18 suspended pupils, including those pupils suspended from the  
19 school bus who do not have alternate transportation to school,  
20 shall have the opportunity to make up work for equivalent  
21 academic credit. It shall be the responsibility of a pupil's  
22 parent or guardian to notify school officials that a pupil  
23 suspended from the school bus does not have alternate  
24 transportation to school.

25 (c) The Department of Human Services shall be invited to  
26 send a representative to consult with the board at such meeting



1 whenever there is evidence that mental illness may be the cause  
2 for expulsion or suspension.

3 (c-5) School districts shall make reasonable efforts to  
4 provide ongoing professional development to teachers,  
5 administrators, school board members, school resource  
6 officers, and staff on the adverse consequences of school  
7 exclusion and justice-system involvement, effective classroom  
8 management strategies, culturally responsive discipline, and  
9 developmentally appropriate disciplinary methods that promote  
10 positive and healthy school climates.

11 (d) The board may expel a student for a definite period of  
12 time not to exceed 2 calendar years, as determined on a case by  
13 case basis. A student who is determined to have brought one of  
14 the following objects to school, any school-sponsored activity  
15 or event, or any activity or event that bears a reasonable  
16 relationship to school shall be expelled for a period of not  
17 less than one year:

18 (1) A firearm. For the purposes of this Section,  
19 "firearm" means any gun, rifle, shotgun, weapon as defined  
20 by Section 921 of Title 18 of the United States Code,  
21 firearm as defined in Section 1.1 of the Firearm Owners  
22 Identification Card Act, or firearm as defined in Section  
23 24-1 of the Criminal Code of 2012. The expulsion period  
24 under this subdivision (1) may be modified by the  
25 superintendent, and the superintendent's determination may  
26 be modified by the board on a case-by-case basis.

1           (2) A knife, brass knuckles or other knuckle weapon  
2           regardless of its composition, a billy club, or any other  
3           object if used or attempted to be used to cause bodily  
4           harm, including "look alike" of any firearm as defined in  
5           subdivision (1) of this subsection (d). The expulsion  
6           requirement under this subdivision (2) may be modified by  
7           the superintendent, and the superintendent's determination  
8           may be modified by the board on a case-by-case basis.

9           Expulsion or suspension shall be construed in a manner  
10          consistent with the Federal Individuals with Disabilities  
11          Education Act. A student who is subject to suspension or  
12          expulsion as provided in this Section may be eligible for a  
13          transfer to an alternative school program in accordance with  
14          Article 13A of the School Code. ~~The provisions of this~~  
15          ~~subsection (d) apply in all school districts, including special~~  
16          ~~charter districts and districts organized under Article 34.~~

17          (d-5) The board may suspend or by regulation authorize the  
18          superintendent of the district or the principal, assistant  
19          principal, or dean of students of any school to suspend a  
20          student for a period not to exceed 10 school days or may expel  
21          a student for a definite period of time not to exceed 2  
22          calendar years, as determined on a case by case basis, if (i)  
23          that student has been determined to have made an explicit  
24          threat on an Internet website against a school employee, a  
25          student, or any school-related personnel, (ii) the Internet  
26          website through which the threat was made is a site that was

1 accessible within the school at the time the threat was made or  
2 was available to third parties who worked or studied within the  
3 school grounds at the time the threat was made, and (iii) the  
4 threat could be reasonably interpreted as threatening to the  
5 safety and security of the threatened individual because of his  
6 or her duties or employment status or status as a student  
7 inside the school. ~~The provisions of this subsection (d 5)~~  
8 ~~apply in all school districts, including special charter~~  
9 ~~districts and districts organized under Article 34 of this~~  
10 ~~Code.~~

11 (e) To maintain order and security in the schools, school  
12 authorities may inspect and search places and areas such as  
13 lockers, desks, parking lots, and other school property and  
14 equipment owned or controlled by the school, as well as  
15 personal effects left in those places and areas by students,  
16 without notice to or the consent of the student, and without a  
17 search warrant. As a matter of public policy, the General  
18 Assembly finds that students have no reasonable expectation of  
19 privacy in these places and areas or in their personal effects  
20 left in these places and areas. School authorities may request  
21 the assistance of law enforcement officials for the purpose of  
22 conducting inspections and searches of lockers, desks, parking  
23 lots, and other school property and equipment owned or  
24 controlled by the school for illegal drugs, weapons, or other  
25 illegal or dangerous substances or materials, including  
26 searches conducted through the use of specially trained dogs.

1 If a search conducted in accordance with this Section produces  
2 evidence that the student has violated or is violating either  
3 the law, local ordinance, or the school's policies or rules,  
4 such evidence may be seized by school authorities, and  
5 disciplinary action may be taken. School authorities may also  
6 turn over such evidence to law enforcement authorities. ~~The~~  
7 ~~provisions of this subsection (c) apply in all school~~  
8 ~~districts, including special charter districts and districts~~  
9 ~~organized under Article 34.~~

10 (f) Suspension or expulsion may include suspension or  
11 expulsion from school and all school activities and a  
12 prohibition from being present on school grounds.

13 (g) A school district may adopt a policy providing that if  
14 a student is suspended or expelled for any reason from any  
15 public or private school in this or any other state, the  
16 student must complete the entire term of the suspension or  
17 expulsion in an alternative school program under Article 13A of  
18 this Code or an alternative learning opportunities program  
19 under Article 13B of this Code before being admitted into the  
20 school district if there is no threat to the safety of students  
21 or staff in the alternative program. ~~This subsection (g)~~  
22 ~~applies to all school districts, including special charter~~  
23 ~~districts and districts organized under Article 34 of this~~  
24 ~~Code.~~

25 (h) School officials shall not advise or encourage students  
26 to drop out voluntarily due to behavioral or academic

1 difficulties.

2 (i) A student may not be issued a monetary fine or fee as a  
3 disciplinary consequence, though this shall not preclude  
4 requiring a student to provide restitution for lost, stolen, or  
5 damaged property.

6 (j) Subsections (a) through (i) of this Section shall apply  
7 to elementary and secondary schools, charter schools, special  
8 charter districts, and school districts organized under  
9 Article 34 of this Code.

10 (Source: P.A. 96-633, eff. 8-24-09; 96-998, eff. 7-2-10;  
11 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; 97-813, eff. 7-13-12;  
12 97-1150, eff. 1-25-13.)

13 (105 ILCS 5/27A-5)

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

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

20 (b) A charter school may be established under this Article  
21 by creating a new school or by converting an existing public  
22 school or attendance center to charter school status. Beginning  
23 on the effective date of this amendatory Act of the 93rd  
24 General Assembly, in all new applications to establish a  
25 charter school in a city having a population exceeding 500,000,

1 operation of the charter school shall be limited to one campus.  
2 The changes made to this Section by this amendatory Act of the  
3 93rd General Assembly do not apply to charter schools existing  
4 or approved on or before the effective date of this amendatory  
5 Act.

6 (b-5) In this subsection (b-5), "virtual-schooling" means  
7 a cyber school where students engage in online curriculum and  
8 instruction via the Internet and electronic communication with  
9 their teachers at remote locations and with students  
10 participating at different times.

11 From April 1, 2013 through December 31, 2016, there is a  
12 moratorium on the establishment of charter schools with  
13 virtual-schooling components in school districts other than a  
14 school district organized under Article 34 of this Code. This  
15 moratorium does not apply to a charter school with  
16 virtual-schooling components existing or approved prior to  
17 April 1, 2013 or to the renewal of the charter of a charter  
18 school with virtual-schooling components already approved  
19 prior to April 1, 2013.

20 On or before March 1, 2014, the Commission shall submit to  
21 the General Assembly a report on the effect of  
22 virtual-schooling, including without limitation the effect on  
23 student performance, the costs associated with  
24 virtual-schooling, and issues with oversight. The report shall  
25 include policy recommendations for virtual-schooling.

26 (c) A charter school shall be administered and governed by

1 its board of directors or other governing body in the manner  
2 provided in its charter. The governing body of a charter school  
3 shall be subject to the Freedom of Information Act and the Open  
4 Meetings Act.

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

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

12 (f) A charter school shall be responsible for the  
13 management and operation of its fiscal affairs including, but  
14 not limited to, the preparation of its budget. An audit of each  
15 charter school's finances shall be conducted annually by an  
16 outside, independent contractor retained by the charter  
17 school. To ensure financial accountability for the use of  
18 public funds, on or before December 1 of every year of  
19 operation, each charter school shall submit to its authorizer  
20 and the State Board a copy of its audit and a copy of the Form  
21 990 the charter school filed that year with the federal  
22 Internal Revenue Service. In addition, if deemed necessary for  
23 proper financial oversight of the charter school, an authorizer  
24 may require quarterly financial statements from each charter  
25 school.

26 (g) A charter school shall comply with all provisions of

1 this Article; the Illinois Educational Labor Relations Act; all  
2 federal and State laws and rules applicable to public schools  
3 that pertain to special education and the instruction of  
4 English language learners, referred to in this Code as  
5 "children of limited English-speaking ability"; and its  
6 charter. A charter school is exempt from all other State laws  
7 and regulations in this Code governing public schools and local  
8 school board policies, except the following:

9 (1) Sections 10-21.9 and 34-18.5 of this Code regarding  
10 criminal history records checks and checks of the Statewide  
11 Sex Offender Database and Statewide Murderer and Violent  
12 Offender Against Youth Database of applicants for  
13 employment;

14 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and  
15 34-84a ~~34-84A~~ of this Code regarding discipline of  
16 students;

17 (3) the Local Governmental and Governmental Employees  
18 Tort Immunity Act;

19 (4) Section 108.75 of the General Not For Profit  
20 Corporation Act of 1986 regarding indemnification of  
21 officers, directors, employees, and agents;

22 (5) the Abused and Neglected Child Reporting Act;

23 (6) the Illinois School Student Records Act;

24 (7) Section 10-17a of this Code regarding school report  
25 cards;

26 (8) the P-20 Longitudinal Education Data System Act;



1       ~~and~~

2           (9) Section 27-23.7 of this Code regarding bullying  
3       prevention; and-

4           (10) ~~(9)~~ Section 2-3.162 ~~2-3.160~~ of this ~~the School~~  
5       Code regarding student discipline reporting.

6       The change made by Public Act 96-104 to this subsection (g)  
7       is declaratory of existing law.

8       (h) A charter school may negotiate and contract with a  
9       school district, the governing body of a State college or  
10      university or public community college, or any other public or  
11      for-profit or nonprofit private entity for: (i) the use of a  
12      school building and grounds or any other real property or  
13      facilities that the charter school desires to use or convert  
14      for use as a charter school site, (ii) the operation and  
15      maintenance thereof, and (iii) the provision of any service,  
16      activity, or undertaking that the charter school is required to  
17      perform in order to carry out the terms of its charter.  
18      However, a charter school that is established on or after the  
19      effective date of this amendatory Act of the 93rd General  
20      Assembly and that operates in a city having a population  
21      exceeding 500,000 may not contract with a for-profit entity to  
22      manage or operate the school during the period that commences  
23      on the effective date of this amendatory Act of the 93rd  
24      General Assembly and concludes at the end of the 2004-2005  
25      school year. Except as provided in subsection (i) of this  
26      Section, a school district may charge a charter school

1 reasonable rent for the use of the district's buildings,  
2 grounds, and facilities. Any services for which a charter  
3 school contracts with a school district shall be provided by  
4 the district at cost. Any services for which a charter school  
5 contracts with a local school board or with the governing body  
6 of a State college or university or public community college  
7 shall be provided by the public entity at cost.

8 (i) In no event shall a charter school that is established  
9 by converting an existing school or attendance center to  
10 charter school status be required to pay rent for space that is  
11 deemed available, as negotiated and provided in the charter  
12 agreement, in school district facilities. However, all other  
13 costs for the operation and maintenance of school district  
14 facilities that are used by the charter school shall be subject  
15 to negotiation between the charter school and the local school  
16 board and shall be set forth in the charter.

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

19 (k) If the charter school is approved by the Commission,  
20 then the Commission charter school is its own local education  
21 agency.

22 (Source: P.A. 97-152, eff. 7-20-11; 97-154, eff. 1-1-12;  
23 97-813, eff. 7-13-12; 98-16, eff. 5-24-13; 98-639, eff. 6-9-14;  
24 98-669, eff. 6-26-14; 98-739, eff. 7-16-14; 98-783, eff.  
25 1-1-15; 98-1059, eff. 8-26-14; 98-1102, eff. 8-26-14; revised  
26 10-14-14.)

1 (105 ILCS 5/34-19) (from Ch. 122, par. 34-19)

2 Sec. 34-19. By-laws, rules and regulations; business  
3 transacted at regular meetings; voting; records. The board  
4 shall, subject to the limitations in this Article, establish  
5 by-laws, rules and regulations, which shall have the force of  
6 ordinances, for the proper maintenance of a uniform system of  
7 discipline for both employees and pupils, and for the entire  
8 management of the schools, and may fix the school age of  
9 pupils, the minimum of which in kindergartens shall not be  
10 under 4 years, except that, based upon an assessment of the  
11 child's readiness, children who have attended a non-public  
12 preschool and continued their education at that school through  
13 kindergarten, were taught in kindergarten by an appropriately  
14 certified teacher, and will attain the age of 6 years on or  
15 before December 31 of the year of the 2009-2010 school term and  
16 each school term thereafter may attend first grade upon  
17 commencement of such term, and in grade schools shall not be  
18 under 6 years. It may expel, suspend or, subject to the  
19 limitations of all policies established or adopted under  
20 Section 10-22.6 or 14-8.05, otherwise discipline any pupil  
21 found guilty of gross disobedience, misconduct, or other  
22 violation of the by-laws, rules, and regulations, including  
23 gross disobedience or misconduct perpetuated by electronic  
24 means. An expelled pupil may be immediately transferred to an  
25 alternative program in the manner provided in Article 13A or

1 13B of this Code. A pupil must not be denied transfer because  
2 of the expulsion, except in cases in which such transfer is  
3 deemed to cause a threat to the safety of students or staff in  
4 the alternative program. A pupil who is suspended in excess of  
5 20 school days may be immediately transferred to an alternative  
6 program in the manner provided in Article 13A or 13B of this  
7 Code. A pupil must not be denied transfer because of the  
8 suspension, except in cases in which such transfer is deemed to  
9 cause a threat to the safety of students or staff in the  
10 alternative program. The bylaws, rules and regulations of the  
11 board shall be enacted, money shall be appropriated or  
12 expended, salaries shall be fixed or changed, and textbooks,  
13 electronic textbooks, and courses of instruction shall be  
14 adopted or changed only at the regular meetings of the board  
15 and by a vote of a majority of the full membership of the  
16 board; provided that notwithstanding any other provision of  
17 this Article or the School Code, neither the board or any local  
18 school council may purchase any textbook for use in any public  
19 school of the district from any textbook publisher that fails  
20 to furnish any computer diskettes as required under Section  
21 28-21. Funds appropriated for textbook purchases must be  
22 available for electronic textbook purchases and the  
23 technological equipment necessary to gain access to and use  
24 electronic textbooks at the local school council's discretion.  
25 The board shall be further encouraged to provide opportunities  
26 for public hearing and testimony before the adoption of bylaws,

1 rules and regulations. Upon all propositions requiring for  
2 their adoption at least a majority of all the members of the  
3 board the yeas and nays shall be taken and reported. The  
4 by-laws, rules and regulations of the board shall not be  
5 repealed, amended or added to, except by a vote of 2/3 of the  
6 full membership of the board. The board shall keep a record of  
7 all its proceedings. Such records and all by-laws, rules and  
8 regulations, or parts thereof, may be proved by a copy thereof  
9 certified to be such by the secretary of the board, but if they  
10 are printed in book or pamphlet form which are purported to be  
11 published by authority of the board they need not be otherwise  
12 published and the book or pamphlet shall be received as  
13 evidence, without further proof, of the records, by-laws, rules  
14 and regulations, or any part thereof, as of the dates thereof  
15 as shown in such book or pamphlet, in all courts and places  
16 where judicial proceedings are had.

17 Notwithstanding any other provision in this Article or in  
18 the School Code, the board may delegate to the general  
19 superintendent or to the attorney the authorities granted to  
20 the board in the School Code, provided such delegation and  
21 appropriate oversight procedures are made pursuant to board  
22 by-laws, rules and regulations, adopted as herein provided,  
23 except that the board may not delegate its authorities and  
24 responsibilities regarding (1) budget approval obligations;  
25 (2) rule-making functions; (3) desegregation obligations; (4)  
26 real estate acquisition, sale or lease in excess of 10 years as

1 provided in Section 34-21; (5) the levy of taxes; or (6) any  
2 mandates imposed upon the board by "An Act in relation to  
3 school reform in cities over 500,000, amending Acts herein  
4 named", approved December 12, 1988 (P.A. 85-1418).

5 (Source: P.A. 96-864, eff. 1-21-10; 96-1403, eff. 7-29-10;  
6 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; 97-813, eff.  
7 7-13-12.)

8 Section 99. Effective date. This Act takes effect September  
9 15, 2016."