LRB9213013NTsb

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AN ACT with respect to schools.

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 10-19, 10-19.1, and 34-18 as follows: 5

б (105 ILCS 5/10-19) (from Ch. 122, par. 10-19) Sec. 10-19. Length of school term - experimental 7 programs. Each school board shall annually prepare a calendar 8 for the school term, specifying the opening and closing dates 9 and providing a minimum term of at least 185 days to ensure 10 insure 176 days of actual pupil attendance, computable under 11 Section 18-8.05, provided except that for school years 12 13 subsequent to the 2002-2003 school year, each school board shall annually prepare a calendar for the school term, 14 specifying the opening and closing dates and providing a 15 16 minimum term to ensure a minimum number of days of actual pupil attendance, computable under Section 18-8.05, in 17 accordance with the following schedule: 18

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Minimum Number of Days of Actual

		<u>Days of Actual</u>
<u>School Year</u>	<u>Minimum Term</u>	<u>Pupil Attendance</u>
2003-2004	<u>186 days</u>	<u>177 days</u>
2004-2005	<u>187 days</u>	<u>178 days</u>
2005-2006	<u>188 days</u>	<u>179 days</u>
<u>2006-2007</u>	<u>189 days</u>	<u>180 days</u>
<u>2007-2008</u>	<u>190 days</u>	<u>181 days</u>
<u>2008-2009</u>	<u>191 days</u>	<u>182 days</u>
<u>2009-2010</u>	<u>192 days</u>	<u>183 days</u>
<u>2010-2011</u>	<u>193 days</u>	<u>184 days</u>
2011-2012	<u>194 days</u>	<u>185 days</u>
<u>2012-2013 and</u>	<u>195 days</u>	<u>186 days</u>
	$\frac{2003-2004}{2004-2005}$ $\frac{2005-2006}{2006-2007}$ $\frac{2007-2008}{2008-2009}$ $\frac{2009-2010}{2010-2011}$ $\frac{2011-2012}{2011-2012}$	2003-2004 186 days 2004-2005 187 days 2005-2006 188 days 2006-2007 189 days 2007-2008 190 days 2008-2009 191 days 2009-2010 192 days 2010-2011 193 days 2011-2012 194 days

2 <u>school year</u>

3 The increase in the minimum term and minimum number of days 4 of actual pupil attendance made by this amendatory Act of the 5 92nd General Assembly as provided in the schedule begins with the 2003-2004 school year. However, if a school board, on 6 7 the effective date of this amendatory Act of the 92nd General 8 Assembly, is acting under a collective bargaining agreement 9 with its exclusive bargaining representative, then the 10 increase does not begin, unless otherwise agreed to by the 11 school board and exclusive bargaining representative, until 12 the school year after the expiration of the collective 13 bargaining agreement, at which time the school board shall prepare a calendar providing a minimum term to ensure a 14 minimum number of days of actual pupil attendance as set 15 16 forth in the schedule beginning with that school year. A 17 school board is not required to increase the minimum term and minimum number of days of actual pupil attendance as provided 18 by this amendatory Act of the 92nd General Assembly unless 19 20 the school district receives an increase in State aid in an amount at least equal to the cost to be incurred by the 21 school district to increase the minimum term and minimum 22 number of days of actual pupil attendance. the--1980-1981 23 24 school-year-only-175-days-of-actual-pupil-attendance-shall-be 25 required--because--of--the--closing--of--schools--pursuant-to Section-24-2-on-January-29,-1981-upon-the-appointment-by--the 26 27 President--of--that--day--as--a--day--of-thanksgiving-for-the freedom-of-the-Americans-who-had-been-held-hostage--in--Iran. 28 29 Any days allowed by law for teachers' institute but not used 30 as such or used as parental institutes as provided in Section 10-22.18d shall increase the minimum term by the school days 31 not so used. Except as provided in Section 10-19.1, the 32 33 board may not extend the school term beyond such closing date unless that extension of term is necessary to provide the 34

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

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

With the prior approval of the State Board of Education 22 23 and subject to review by the State Board of Education every 3 years, any school board may, by resolution of its board and 24 25 in agreement with affected exclusive collective bargaining establish experimental educational 26 agents, programs, including but not limited to programs for self-directed 27 learning or outside of formal class periods, which programs 28 29 when so approved shall be considered to comply with the 30 requirements of this Section as respects numbers of days of actual pupil attendance and with the other requirements of 31 32 this Act as respects courses of instruction.

33 (Source: P.A. 91-96, eff. 7-9-99.)

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

2 Sec. 10-19.1. Full year school plan. Any school district may, by resolution of its board, operate one or more schools 3 4 within the district on a full year school plan approved by the State Board of Education. Any board which operates under 5 this Section shall devise a plan so that a student's required 6 7 attendance in school <u>during a 12-month period</u> shall be for not less than the a minimum number of days term-of--180--days 8 9 actual pupil attendance required by Section 10-19 of this of 10 Code for the school year during which that 12-month period 11 commences, plus including not more than 4 institute days, 12 provided that during that 12-month a--12--month period a 13 student's required attendance in school, --but shall not exceed, nor shall any teacher be required to teach more than, 14 15 the number of days that is equal to the minimum term required 16 to be provided by Section 10-19 of this Code for the school 17 year during which that 12-month period commences 185--days. Under--such--plan,-no-teacher-shall-be-required-to-teach-more 18 than-185-days-A-calendar-of-180-days-may-be-established-with 19 20 the-approval-of-the-State-Board-of-Education.

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

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22 (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

23 Sec. 34-18. Powers of the board. The board shall 24 exercise general supervision and jurisdiction over the public 25 education and the public school system of the city, and, 26 except as otherwise provided by this Article, shall have 27 power:

To make suitable provision for the establishment
 and maintenance throughout the year or for such portion
 thereof as it may direct, <u>but for</u> not less than <u>the</u>
 <u>minimum term required by Section 10-19 of this Code in</u>
 <u>order to ensure the minimum number of days of actual</u>
 <u>pupil attendance as required by Section 10-19 of this</u>

1 Code 9-months, of schools of all grades and kinds, 2 including normal schools, high schools, night schools, schools for defectives and delinquents, parental and 3 4 truant schools, schools for the blind, the deaf and the manual 5 crippled, schools or classes in training, constructural and vocational teaching, domestic arts and 6 7 physical culture, vocation and extension schools and 8 lecture courses, and all other educational courses and 9 facilities, including establishing, equipping, maintaining and operating playgrounds and recreational 10 11 programs, when such programs are conducted in, adjacent to, or connected with any public school under the general 12 supervision and jurisdiction of the board; provided, 13 however, that in allocating funds from year to year for 14 15 the operation of all attendance centers within the 16 district, the board shall ensure that supplemental general State aid funds are allocated and applied in 17 accordance with Section 18-8 or 18-8.05. To admit to such 18 19 schools without charge foreign exchange students who are 20 participants in an organized exchange student program 21 which is authorized by the board. The board shall permit 22 all students to enroll in apprenticeship programs in 23 trade schools operated by the board, whether those are union-sponsored or not. No student shall 24 programs 25 be refused admission into or be excluded from any course of instruction offered in the common schools by reason of 26 No student shall be denied equal 27 that student's sex. access to physical education and interscholastic athletic 28 29 programs supported from school district funds or denied 30 participation in comparable physical education and athletic programs solely by reason of the student's sex. 31 Equal access to programs supported from school district 32 funds and comparable programs will be defined in rules 33 34 promulgated by the State Board of Education in

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1 consultation with the Illinois High School Association. 2 Notwithstanding any other provision of this Article, neither the board of education nor any local school 3 council or other school official shall recommend that 4 children with disabilities be placed into regular 5 education classrooms unless those children 6 with 7 disabilities are provided with supplementary services to assist them so that they benefit from the regular 8 9 classroom instruction and are included on the teacher's regular education class register; 10

11 2. To furnish lunches to pupils, to make a 12 reasonable charge therefor, and to use school funds for 13 the payment of such expenses as the board may determine 14 are necessary in conducting the school lunch program;

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3. To co-operate with the circuit court;

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

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

23 б. То grant the use of assembly halls and classrooms when not otherwise needed, including light, 24 25 heat, and attendants, for free public lectures, concerts, and other educational and social interests, free of 26 charge, under such provisions and control 27 as the the affected attendance center may principal of 28 29 prescribe;

To apportion the pupils to the several schools;
provided that no pupil shall be excluded from or
segregated in any such school on account of his color,
race, sex, or nationality. The board shall take into
consideration the prevention of segregation and the

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1 elimination of separation of children in public schools 2 because of color, race, sex, or nationality. Except that children may be committed to or attend parental and 3 4 social adjustment schools established and maintained either for boys or girls only. All records pertaining to 5 the creation, alteration or revision of attendance areas 6 7 shall be open to the public. Nothing herein shall limit 8 the board's authority to establish multi-area attendance 9 centers or other student assignment systems for 10 desegregation purposes or otherwise, and to apportion the 11 pupils to the several schools. Furthermore, beginning in school year 1994-95, pursuant to a board plan adopted by 12 October 1, 1993, the board shall offer, commencing on a 13 phased-in basis, the opportunity for families within the 14 15 school district to apply for enrollment of their children 16 in any attendance center within the school district which does not have selective admission requirements approved 17 by the board. The appropriate geographical area in which 18 such open enrollment may be exercised shall be determined 19 by the board of education. Such children may be admitted 20 21 to any such attendance center on a space available basis 22 after all children residing within such attendance 23 center's area have been accommodated. If the number of applicants from outside the attendance area exceed the 24 25 space available, then successful applicants shall be The board of education's open selected by lottery. 26 27 enrollment plan must include provisions that allow low income students to have access to transportation needed 28 29 to exercise school choice. Open enrollment shall be in compliance with the provisions of the Consent Decree and 30 Desegregation Plan cited in Section 34-1.01; 31

32 8. To approve programs and policies for providing
33 transportation services to students. Nothing herein shall
34 be construed to permit or empower the State Board of

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Education to order, mandate, or require busing or other transportation of pupils for the purpose of achieving racial balance in any school;

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

22 10. To employ non-teaching personnel or utilize 23 volunteer personnel for: (i) non-teaching duties not requiring instructional judgment or evaluation of pupils, 24 25 including library duties; and (ii) supervising study halls, long distance teaching reception areas 26 used 27 incident to instructional programs transmitted by electronic media such as computers, video, and audio, 28 29 detention and discipline areas, and school-sponsored extracurricular activities. The board may further utilize 30 non-certificated 31 volunteer personnel or employ non-certificated personnel to assist in the instruction 32 of pupils under the immediate supervision of a teacher 33 holding a valid certificate, directly engaged in teaching 34

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1 subject matter or conducting activities; provided that 2 teacher shall be continuously aware of the the non-certificated persons' activities and shall be able to 3 4 control or modify them. The general superintendent shall determine qualifications of such personnel and shall 5 prescribe rules for determining the duties and activities 6 7 to be assigned to such personnel;

11. To provide television studio facilities in not 8 9 to exceed one school building and to provide programs for educational purposes, provided, however, that the board 10 11 shall not construct, acquire, operate, or maintain a television transmitter; to grant the use of its studio 12 facilities to a licensed television station located in 13 the school district; and to maintain and operate not to 14 15 exceed one school radio transmitting station and provide 16 programs for educational purposes;

17 12. To offer, if deemed appropriate, outdoor 18 education courses, including field trips within the State 19 of Illinois, or adjacent states, and to use school 20 educational funds for the expense of the said outdoor 21 educational programs, whether within the school district 22 or not;

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

30 14. To insure against any loss or liability of the
31 board, the former School Board Nominating Commission,
32 Local School Councils, the Chicago Schools Academic
33 Accountability Council, or the former Subdistrict
34 Councils or of any member, officer, agent or employee

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1 thereof, resulting from alleged violations of civil 2 rights arising from incidents occurring on or after September 5, 1967 or from the wrongful or negligent act 3 4 or omission of any such person whether occurring within or without the school premises, provided the officer, 5 agent or employee was, at the time of the alleged 6 7 violation of civil rights or wrongful act or omission, 8 acting within the scope of his employment or under 9 direction of the board, the former School Board Nominating Commission, the Chicago Schools Academic 10 11 Accountability Council, Local School Councils, or the former Subdistrict Councils; and to provide for or 12 participate in insurance plans for its officers and 13 employees, including but not limited to retirement 14 15 annuities, medical, surgical and hospitalization benefits 16 in such types and amounts as may be determined by the board; provided, however, that the board shall contract 17 for such insurance only with an insurance company 18 authorized to do business in this State. Such insurance 19 may include provision for employees who rely on treatment 20 21 by prayer or spiritual means alone for healing, in 22 accordance with the tenets and practice of a recognized 23 religious denomination;

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

31 16. To provide, on an equal basis, access to the 32 school campus to the official recruiting representatives 33 of the armed forces of Illinois and the United States for 34 the purposes of informing students of the educational and career opportunities available in the military if the board has provided such access to persons or groups whose purpose is to acquaint students with educational or ccupational opportunities available to them. The board is not required to give greater notice regarding the right of access to recruiting representatives than is given to other persons and groups;

8 17. (a) To sell or market any computer program 9 developed by an employee of the school district, provided that such employee developed the computer program as a 10 direct result of his or her duties with the school 11 district or through the utilization of the school 12 district resources or facilities. The employee 13 who developed the computer program shall be entitled to share 14 15 in the proceeds of such sale or marketing of the computer 16 program. The distribution of such proceeds between the employee and the school district shall be as agreed upon 17 by the employee and the school district, except that 18 19 neither the employee nor the school district may receive more than 90% of such proceeds. The negotiation for an 20 21 employee who is represented by an exclusive bargaining 22 representative may be conducted by such bargaining 23 representative at the employee's request.

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(b) For the purpose of this paragraph 17:

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

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

33 (3) "Proceeds" means profits derived from
 34 marketing or sale of a product after deducting the

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expenses of developing and marketing such product;

2 18. To delegate to the general superintendent of schools, by resolution, the to authority approve 4 contracts and expenditures in amounts of \$10,000 or less;

- 5 19. Upon the written request of an employee, to withhold from the compensation of that employee any dues, 6 7 payments or contributions payable by such employee to any labor organization as defined in the Illinois Educational 8 9 Labor Relations Act. Under such arrangement, an amount shall be withheld from each regular payroll period which 10 11 is equal to the pro rata share of the annual dues plus any payments or contributions, and the board shall 12 13 transmit such withholdings to the specified labor organization within 10 working days from the time of the 14 15 withholding;
- 16 19a. Upon receipt of notice from the comptroller of a municipality with a population of 500,000 or more, a 17 county with a population of 3,000,000 or more, the Cook 18 County Forest Preserve District, the Chicago Park 19 District, the Metropolitan Water Reclamation District, 20 21 the Chicago Transit Authority, or a housing authority of a municipality with a population of 500,000 or more that 22 23 a debt is due and owing the municipality, the county, the Cook County Forest Preserve District, the Chicago Park 24 District, the Metropolitan Water Reclamation District, 25 the Chicago Transit Authority, or the housing authority 26 27 by an employee of the Chicago Board of Education, to withhold, from the compensation of that employee, the 28 29 amount of the debt that is due and owing and pay the 30 amount withheld to the municipality, the county, the Cook County Forest Preserve District, the Chicago Park 31 District, the Metropolitan Water Reclamation District, 32 the Chicago Transit Authority, or the housing authority; 33 provided, however, that the amount deducted from any one 34

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1 salary or wage payment shall not exceed 25% of the net 2 amount of the payment. Before the Board deducts any amount from any salary or wage of an employee under this 3 4 paragraph, the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the 5 Metropolitan Water Reclamation District, the Chicago 6 7 Transit Authority, or the housing authority shall certify 8 that (i) the employee has been afforded an opportunity 9 for a hearing to dispute the debt that is due and owing the municipality, the county, the Cook County Forest 10 11 Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago 12 13 Transit Authority, or the housing authority and (ii) the employee has received notice of a wage deduction order 14 15 and has been afforded an opportunity for a hearing to 16 object to the order. For purposes of this paragraph, "net amount" means that part of the salary or wage 17 payment remaining after the deduction of any amounts 18 required by law to be deducted and "debt due and owing" 19 (i) a specified sum of money owed to the 20 means 21 municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan 22 23 Reclamation District, the Chicago Water Transit Authority, or the housing authority for services, work, 24 or goods, after the period granted for payment has 25 expired, or (ii) a specified sum of money owed to the 26 municipality, the county, the Cook County Forest Preserve 27 District, the Chicago Park District, the Metropolitan 28 29 Water Reclamation District, the Chicago Transit Authority, or the housing authority pursuant to a court 30 order or order of an administrative hearing officer after 31 the exhaustion of, or the failure to exhaust, judicial 32 review; 33

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20. The board is encouraged to employ a sufficient

number of certified school counselors to maintain a student/counselor ratio of 250 to 1 by July 1, 1990. Each counselor shall spend at least 75% of his work time in direct contact with students and shall maintain a record of such time;

21. To make available to students vocational and 6 7 career counseling and to establish 5 special career 8 counseling days for students and parents. On these days 9 representatives of local businesses and industries shall be invited to the school campus and shall inform students 10 11 of career opportunities available to them in the various businesses and industries. Special consideration shall 12 be given to counseling minority students as to career 13 opportunities available to them in various fields. For 14 15 the purposes of this paragraph, minority student means a 16 person who is:

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

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

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

27 (d) American Indian or Alaskan Native (a
28 person having origins in any of the original peoples
29 of North America).

30 Counseling days shall not be in lieu of regular 31 school days;

32 22. To report to the State Board of Education the 33 annual student dropout rate and number of students who 34 graduate from, transfer from or otherwise leave bilingual

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1 programs;

2 23. Except as otherwise provided in the Abused and Neglected Child Reporting Act or other applicable State 3 4 or federal law, to permit school officials to withhold, from any person, information on the whereabouts of any 5 child removed from school premises when the child has 6 7 been taken into protective custody as a victim of suspected child abuse. School officials shall direct 8 9 such person to the Department of Children and Family Services, or to the local law enforcement agency if 10 11 appropriate;

24. To develop a policy, based on the current state 12 of existing school facilities, projected enrollment and 13 efficient utilization of available resources, for capital 14 improvement of schools and school buildings within the 15 16 district, addressing in that policy both the relative priority for major repairs, renovations and additions to 17 school facilities, and the advisability or necessity of 18 19 building new school facilities or closing existing schools to meet current or projected demographic patterns 20 within the district; 21

22 25. To make available to the students in every high 23 school attendance center the ability to take all courses 24 necessary to comply with the Board of Higher Education's 25 college entrance criteria effective in 1993;

26 26. To encourage mid-career changes into the 27 teaching profession, whereby qualified professionals 28 become certified teachers, by allowing credit for 29 professional employment in related fields when 30 determining point of entry on teacher pay scale;

31 27. To provide or contract out training programs 32 for administrative personnel and principals with revised 33 or expanded duties pursuant to this Act in order to 34 assure they have the knowledge and skills to perform

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their duties;

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

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29. (Blank);

30. Notwithstanding any other provision of this Act 10 11 or any other law to the contrary, to contract with third 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 15 employees. Those contracts may be for a period not to 16 exceed 5 years and may be awarded on a system-wide basis;

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

32. To develop a policy to prevent nepotism in the 27 hiring of personnel or the selection of contractors. 28

29 The specifications of the powers herein granted are not 30 to be construed as exclusive but the board shall also exercise all other powers that they may be requisite or 31 proper for the maintenance and the development of a public 32 school system, not inconsistent with the other provisions of 33 34 this Article or provisions of this Code which apply to all

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1 school districts.

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

8 (Source: P.A. 92-109, eff. 7-20-01.)

9 Section 99. Effective date. This Act takes effect upon10 becoming law.

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