



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

HB7301

Introduced 5/12/2004, by Rep. Tom Cross - Renee Kosel - Jerry
L. Mitchell - Roger L. Eddy

SYNOPSIS AS INTRODUCED:

See Index

Amends the School Code. Creates a Division of Teaching and Learning Services, Division of School Support Services, Division of Fiscal Support Services, Division of Special Education Services, Office of the Internal Auditor, and Office of Human Resources, all within the State Board of Education. Lists the responsibilities of these divisions and offices. Prohibits the State Board of Education from adopting any rule or policy that alters the intent of the authorizing law. Provides that all rules or policies impacting the authorizing law shall be presented before the Joint Committee on Administrative Rules. Provides that no rule or policy of the State Board may supercede federal or State law, unless otherwise authorized by law. Requires the State Board to develop and maintain a continuing 5-year strategic plan for elementary and secondary education, to be issued to the Governor and General Assembly. Lists topic areas that the plan must include. Requires the State Board to provide for the establishment and operation of not more than 15 regional administrative service centers as a 3-year pilot program, to be located throughout the State based on the location of the 15 regional learning technology centers established by the State Board. Lists functions that the centers must perform. Requires a school district's calendar for the school term and any changes to be submitted to and approved by the regional superintendent of schools (the State Board of Education in Chicago) before the calendar or any changes may take effect. Gives the regional superintendent of schools the duty to assist and support school districts with the preparation and submission of grant applications and the duty to accept and review all transcripts for new initial certificate applications and ensure that each applicant has met all of the criteria established by the State Board of Education in consultation with the State Teacher Certification Board. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB093 22149 NHT 50925 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing Sections
5 2-3.6, 10-19, 21-1b, 21-1c, 21-12, and 34-18 and by adding
6 Sections 1A-10, 2-3.47a, 2-3.62a, and 3-14.30 as follows:

7 (105 ILCS 5/1A-10 new)

8 Sec. 1A-10. Divisions of Board.

9 (a) Division of Teaching and Learning Services. Within the
10 State Board of Education, there is created a Division of
11 Teaching and Learning Services, which shall provide services to
12 improve the capacity of schools to assure that all students
13 meet or exceed the State learning standards. The Division shall
14 oversee, but not be limited to, all of the following:

15 (1) Curriculum and Instruction.

16 (2) Early Childhood, which shall perform, but not be
17 limited to, all of the following duties:

18 (A) Provide support for education programs for
19 children ages 0 through 8.

20 (B) Provide universal access to preschool for all
21 at-risk children ages 3 through 4.

22 (3) At-Risk Learners, which shall administer, but not
23 be limited to, the following:

24 (A) Schools under Article 13A of this Code.

25 (B) The Truant Alternative Optional Education
26 Program.

27 (4) Federal Grants and Programs.

28 (5) Instructional Technology.

29 (b) Division of School Support Services. Within the State
30 Board of Education, there is created a Division of School
31 Support Services, which shall oversee, but not be limited to,
32 all of the following:

1 (1) Assessment and Accountability, which shall
2 perform, but not be limited to, all of the following
3 duties:

4 (A) Develop the State assessment program as
5 required by State and federal law.

6 (B) Determine if schools are meeting the
7 requirements of State and federal law.

8 (2) School Improvement and Awards, which shall
9 perform, but not be limited to, all of the following
10 duties:

11 (A) Assist school districts in need of academic
12 improvement services.

13 (B) Recognize exemplary schools.

14 (3) Data and Research, which shall include, but not be
15 limited to, legal services.

16 (4) Web Services.

17 (5) Transportation Services.

18 (6) Food Service and Nutrition Services.

19 (c) Division of Fiscal Support Services. Within the State
20 Board of Education, there is created a Division of Fiscal
21 Support Services, which shall oversee, but not be limited to,
22 all of the following:

23 (1) School Business Support, which shall perform, but
24 not be limited to, all of the following duties:

25 (A) Determine the financial ranking of school
26 districts.

27 (B) Assist school districts with business
28 management functions.

29 (C) Address school funding and disbursement
30 issues.

31 (2) School Construction, which shall perform functions
32 in accordance with the School Construction Law.

33 (d) Division of Special Education Services. Within the
34 State Board of Education, there is created a Division of
35 Special Education Services, which shall report directly to the
36 State Superintendent of Education on special education issues.

1 (e) Office of the Internal Auditor. Within the State Board
2 of Education, there is created an Office of the Internal
3 Auditor, which shall report directly to the State
4 Superintendent of Education.

5 (f) Office of Human Resources. Within the State Board of
6 Education, there is created an Office of Human Resources, which
7 shall report directly to the State Superintendent of Education.

8 (105 ILCS 5/2-3.6) (from Ch. 122, par. 2-3.6)

9 Sec. 2-3.6. Rules. To make rules necessary to carry into
10 efficient and uniform effect all laws for establishing and
11 maintaining free schools in the State. The State Board of
12 Education may not adopt any rule or policy that alters the
13 intent of the authorizing law. All rules or policies impacting
14 the authorizing law shall be presented before the Joint
15 Committee on Administrative Rules. No rule or policy of the
16 State Board of Education may supercede federal or State law,
17 unless otherwise authorized by law.

18 (Source: Laws 1961, p. 31.)

19 (105 ILCS 5/2-3.47a new)

20 Sec. 2-3.47a. Strategic plan.

21 (a) The State Board of Education shall develop and maintain
22 a continuing 5-year comprehensive strategic plan for
23 elementary and secondary education. The strategic plan shall
24 include without limitation all of the following topic areas:

25 (1) Service and support to school districts to improve
26 student performance.

27 (2) Equity, adequacy, and predictability of
28 educational opportunities and resources for all schools.

29 (3) Program development and improvements, including
30 financial planning and support services.

31 (4) Efficient means of delivering services to schools
32 on a regional basis.

33 (5) Assistance to students at risk of academic failure
34 and the use of proven support programs and services to

1 close the achievement gap.

2 (6) Educational research and development and access
3 and training in the use of a centralized student
4 achievement data system.

5 (7) Recommendations for streamlining the School Code
6 to eliminate rules that interfere with local control,
7 taking into account those foundational standards that have
8 already been established.

9 (8) Streamlining certification of teachers and
10 administrators to provide quality personnel and ongoing
11 professional development.

12 (9) Support services to enhance the capacity of school
13 districts to meet federal and State statutory standards.

14 (10) Enhanced technology for use in administration,
15 classroom, and nontraditional educational settings.

16 (11) Recognition of successful, exemplary schools.

17 (12) The unique needs of rural school districts.

18 (13) School reorganization issues.

19 (14) Attraction and retention of qualified teachers.

20 (15) Additional duties that should be assigned to
21 regional offices of education and regional administrative
22 service centers to support local control of school
23 districts and eliminate any duplication and inefficiency.

24 The State Board of Education shall consult with the educational
25 community, hold public hearings, and receive input from all
26 interested groups in drafting the strategic plan.

27 (b) To meet the requirements of this Section, the State
28 Board of Education shall issue to the Governor and General
29 Assembly a preliminary report on or before January 1, 2005 and
30 a final 5-year strategic plan on or before July 1, 2005.
31 Thereafter, the strategic plan shall be updated and issued to
32 the Governor and General Assembly on or before July 1 of each
33 year.

34 (105 ILCS 5/2-3.62a new)

35 Sec. 2-3.62a. Regional administrative service centers.

1 (a) The State Board of Education shall provide for the
2 establishment and operation of not more than 15 regional
3 administrative service centers as a 3-year pilot program. The
4 regional administrative service centers shall be located
5 throughout the State based on the location of the 15 regional
6 learning technology centers established by the State Board of
7 Education.

8 (b) The regional administrative service centers shall
9 perform all of the following functions:

10 (1) Coordinate the delivery of educational resources
11 and support services statewide, including assistance in
12 complying with State and federal laws.

13 (2) Create greater accountability and quality of
14 services from regional offices of education, including
15 financial oversight and budget review of the regional
16 offices of education.

17 (3) Issue annual report cards, in cooperation with
18 school districts, for regional offices of education,
19 grading without limitation all of the following:

20 (A) The efficiency and effectiveness of school
21 districts served resulting from technical assistance
22 and program support.

23 (B) The regional delivery of quality services.

24 (C) School district satisfaction.

25 (D) Delivery of support services that enhance
26 student performance.

27 The report cards must be issued in conjunction with school
28 report cards under Section 10-17a of this Code.

29 (4) Direct services provided to assist schools
30 designated as not meeting Illinois Learning Standards and
31 federal student performance standards.

32 (5) Support programs and services to close the
33 achievement gap.

34 (6) Provide services to school districts to operate
35 more efficiently and economically, including assistance
36 with financial planning.

1 (c) A regional administrative service center may not
2 adjudicate or enforce compliance with applicable laws or rules.

3 (105 ILCS 5/3-14.30 new)

4 Sec. 3-14.30. Grant applications. To assist and support
5 school districts with the preparation and submission of grant
6 applications.

7 (105 ILCS 5/10-19) (from Ch. 122, par. 10-19)

8 Sec. 10-19. Length of school term - experimental programs.
9 Each school board shall annually prepare a calendar for the
10 school term, specifying the opening and closing dates and
11 providing a minimum term of at least 185 days to insure 176
12 days of actual pupil attendance, computable under Section
13 18-8.05, except that for the 1980-1981 school year only 175
14 days of actual pupil attendance shall be required because of
15 the closing of schools pursuant to Section 24-2 on January 29,
16 1981 upon the appointment by the President of that day as a day
17 of thanksgiving for the freedom of the Americans who had been
18 held hostage in Iran. Any days allowed by law for teachers'
19 institute but not used as such or used as parental institutes
20 as provided in Section 10-22.18d shall increase the minimum
21 term by the school days not so used. Except as provided in
22 Section 10-19.1, the board may not extend the school term
23 beyond such closing date unless that extension of term is
24 necessary to provide the minimum number of computable days. In
25 case of such necessary extension school employees shall be paid
26 for such additional time on the basis of their regular
27 contracts. A school board may specify a closing date earlier
28 than that set on the annual calendar when the schools of the
29 district have provided the minimum number of computable days
30 under this Section. Nothing in this Section prevents the board
31 from employing superintendents of schools, principals and
32 other nonteaching personnel for a period of 12 months, or in
33 the case of superintendents for a period in accordance with
34 Section 10-23.8, or prevents the board from employing other

1 personnel before or after the regular school term with payment
2 of salary proportionate to that received for comparable work
3 during the school term.

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

11 The calendar for the school term and any changes must be
12 submitted to and approved by the regional superintendent of
13 schools before the calendar or changes may take effect.

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

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

26 (105 ILCS 5/21-1b) (from Ch. 122, par. 21-1b)

27 Sec. 21-1b. Subject endorsement on certificates. All
28 certificates initially issued under this Article after June 30,
29 1986, shall be specifically endorsed by the State Board of
30 Education for each subject the holder of the certificate is
31 legally qualified to teach, such endorsements to be made in
32 accordance with standards promulgated by the State Board of
33 Education in consultation with the State Teacher Certification
34 Board. The regional superintendent of schools, however, has the
35 duty, after appropriate training, to accept and review all

1 transcripts for new initial certificate applications and
2 ensure that each applicant has met all of the criteria
3 established by the State Board of Education in consultation
4 with the State Teacher Certification Board. All certificates
5 which are issued under this Article prior to July 1, 1986 may,
6 by application to the State Board of Education, be specifically
7 endorsed for each subject the holder is legally qualified to
8 teach. Endorsements issued under this Section shall not apply
9 to substitute teacher's certificates issued under Section 21-9
10 of this Code.

11 Commencing July 1, 1999, each application for endorsement
12 of an existing teaching certificate shall be accompanied by a
13 \$30 nonrefundable fee. There is hereby created a Teacher
14 Certificate Fee Revolving Fund as a special fund within the
15 State Treasury. The proceeds of each \$30 fee shall be paid into
16 the Teacher Certificate Fee Revolving Fund; and the moneys in
17 that Fund shall be appropriated and used to provide the
18 technology and other resources necessary for the timely and
19 efficient processing of certification requests.

20 (Source: P.A. 91-102, eff. 7-12-99.)

21 (105 ILCS 5/21-1c) (from Ch. 122, par. 21-1c)

22 Sec. 21-1c. Exclusive certificate authority. Only the
23 State Board of Education and State Teacher Certification Board,
24 acting in accordance with the applicable provisions of this Act
25 and the rules, regulations and standards promulgated
26 thereunder, shall have the authority to issue or endorse any
27 certificate required for teaching, supervising or holding
28 certificated employment in the public schools; and no other
29 State agency shall have any power or authority (i) to establish
30 or prescribe any qualifications or other requirements
31 applicable to the issuance or endorsement of any such
32 certificate, or (ii) to establish or prescribe any licensure or
33 equivalent requirement which must be satisfied in order to
34 teach, supervise or hold certificated employment in the public
35 schools. The regional superintendent of schools, however, has

1 the duty, after appropriate training, to accept and review all
2 transcripts for new initial certificate applications and
3 ensure that each applicant has met all of the criteria
4 established by the State Board of Education in consultation
5 with the State Teacher Certification Board. This Section does
6 not prohibit the State Board of Education, in consultation with
7 the State Teacher Certification Board, from delegating to
8 regional superintendents of schools the authority to grant
9 temporary employment authorizations to teacher applicants
10 whose qualifications have been confirmed by the State Board of
11 Education, in consultation with the State Teacher
12 Certification Board.

13 (Source: P.A. 91-102, eff. 7-12-99.)

14 (105 ILCS 5/21-12) (from Ch. 122, par. 21-12)

15 Sec. 21-12. Printing; Seal; Signature; Credentials. All
16 certificates shall be printed by and bear the signatures of the
17 chairman and of the secretary of the State Teacher
18 Certification Board. Each certificate shall show the
19 integrally printed seal of the State Teacher Certification
20 Board. All college credentials offered as the basis of a
21 certificate shall be presented to the secretary of the State
22 Teacher Certification Board for inspection and approval. The
23 regional superintendent of schools, however, has the duty,
24 after appropriate training, to accept and review all
25 transcripts for new initial certificate applications and
26 ensure that each applicant has met all of the criteria
27 established by the State Board of Education in consultation
28 with the State Teacher Certification Board.

29 Commencing July 1, 1999, each application for a certificate
30 or evaluation of credentials shall be accompanied by an
31 evaluation fee of \$30 payable to the State Superintendent of
32 Education, which is not refundable, except that no application
33 or evaluation fee shall be required for a Master Certificate
34 issued pursuant to subsection (d) of Section 21-2 of this Code.
35 The proceeds of each \$30 fee shall be paid into the Teacher

1 Certificate Fee Revolving Fund, created under Section 21-1b of
2 this Code; and the moneys in that Fund shall be appropriated
3 and used to provide the technology and other resources
4 necessary for the timely and efficient processing of
5 certification requests.

6 When evaluation verifies the requirements for a valid
7 certificate, the applicant shall be issued an entitlement card
8 that may be presented to a regional superintendent of schools
9 for issuance of a certificate.

10 The applicant shall be notified of any deficiencies.

11 (Source: P.A. 91-102, eff. 7-12-99; 91-357, eff. 7-29-99.)

12 (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

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

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

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

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

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

35 4. To make arrangements with the public or quasi-public
36 libraries and museums for the use of their facilities by

1 teachers and pupils of the public schools;

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

6 6. To grant the use of assembly halls and classrooms
7 when not otherwise needed, including light, heat, and
8 attendants, for free public lectures, concerts, and other
9 educational and social interests, free of charge, under
10 such provisions and control as the principal of the
11 affected attendance center may prescribe;

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

1 such attendance center on a space available basis after all
2 children residing within such attendance center's area
3 have been accommodated. If the number of applicants from
4 outside the attendance area exceed the space available,
5 then successful applicants shall be selected by lottery.
6 The board of education's open enrollment plan must include
7 provisions that allow low income students to have access to
8 transportation needed to exercise school choice. Open
9 enrollment shall be in compliance with the provisions of
10 the Consent Decree and Desegregation Plan cited in Section
11 34-1.01;

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

18 9. Subject to the limitations in this Article, to
19 establish and approve system-wide curriculum objectives
20 and standards, including graduation standards, which
21 reflect the multi-cultural diversity in the city and are
22 consistent with State law, provided that for all purposes
23 of this Article courses or proficiency in American Sign
24 Language shall be deemed to constitute courses or
25 proficiency in a foreign language; and to employ principals
26 and teachers, appointed as provided in this Article, and
27 fix their compensation. The board shall prepare such
28 reports related to minimal competency testing as may be
29 requested by the State Board of Education, and in addition
30 shall monitor and approve special education and bilingual
31 education programs and policies within the district to
32 assure that appropriate services are provided in
33 accordance with applicable State and federal laws to
34 children requiring services and education in those areas;

35 10. To employ non-teaching personnel or utilize
36 volunteer personnel for: (i) non-teaching duties not

1 requiring instructional judgment or evaluation of pupils,
2 including library duties; and (ii) supervising study
3 halls, long distance teaching reception areas used
4 incident to instructional programs transmitted by
5 electronic media such as computers, video, and audio,
6 detention and discipline areas, and school-sponsored
7 extracurricular activities. The board may further utilize
8 volunteer non-certificated personnel or employ
9 non-certificated personnel to assist in the instruction of
10 pupils under the immediate supervision of a teacher holding
11 a valid certificate, directly engaged in teaching subject
12 matter or conducting activities; provided that the teacher
13 shall be continuously aware of the non-certificated
14 persons' activities and shall be able to control or modify
15 them. The general superintendent shall determine
16 qualifications of such personnel and shall prescribe rules
17 for determining the duties and activities to be assigned to
18 such personnel;

19 10.5. To utilize volunteer personnel from a regional
20 School Crisis Assistance Team (S.C.A.T.), created as part
21 of the Safe to Learn Program established pursuant to
22 Section 25 of the Illinois Violence Prevention Act of 1995,
23 to provide assistance to schools in times of violence or
24 other traumatic incidents within a school community by
25 providing crisis intervention services to lessen the
26 effects of emotional trauma on individuals and the
27 community; the School Crisis Assistance Team Steering
28 Committee shall determine the qualifications for
29 volunteers;

30 11. To provide television studio facilities in not to
31 exceed one school building and to provide programs for
32 educational purposes, provided, however, that the board
33 shall not construct, acquire, operate, or maintain a
34 television transmitter; to grant the use of its studio
35 facilities to a licensed television station located in the
36 school district; and to maintain and operate not to exceed

1 one school radio transmitting station and provide programs
2 for educational purposes;

3 12. To offer, if deemed appropriate, outdoor education
4 courses, including field trips within the State of
5 Illinois, or adjacent states, and to use school educational
6 funds for the expense of the said outdoor educational
7 programs, whether within the school district or not;

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

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

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

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

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

26 (b) If a student or his or her parent or guardian
27 submits a signed, written request to the high school before
28 the end of the student's sophomore year (or if the student
29 is a transfer student, by another time set by the high
30 school) that indicates that the student or his or her
31 parent or guardian does not want the student's directory
32 information to be provided to official recruiting
33 representatives under subsection (a) of this Section, the
34 high school may not provide access to the student's
35 directory information to these recruiting representatives.
36 The high school shall notify its students and their parents

1 or guardians of the provisions of this subsection (b).

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

7 (d) Information received by an official recruiting
8 representative under this Section may be used only to
9 provide information to students concerning educational and
10 career opportunities available in the military and may not
11 be released to a person who is not involved in recruiting
12 students for the armed forces of Illinois or the United
13 States;

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

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

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

34 (2) "Computer program" means a series of coded
35 instructions or statements in a form acceptable to a
36 computer, which causes the computer to process data in

1 order to achieve a certain result.

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

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

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

18 19a. Upon receipt of notice from the comptroller of a
19 municipality with a population of 500,000 or more, a county
20 with a population of 3,000,000 or more, the Cook County
21 Forest Preserve District, the Chicago Park District, the
22 Metropolitan Water Reclamation District, the Chicago
23 Transit Authority, or a housing authority of a municipality
24 with a population of 500,000 or more that a debt is due and
25 owing the municipality, the county, the Cook County Forest
26 Preserve District, the Chicago Park District, the
27 Metropolitan Water Reclamation District, the Chicago
28 Transit Authority, or the housing authority by an employee
29 of the Chicago Board of Education, to withhold, from the
30 compensation of that employee, the amount of the debt that
31 is due and owing and pay the amount withheld to the
32 municipality, the county, the Cook County Forest Preserve
33 District, the Chicago Park District, the Metropolitan
34 Water Reclamation District, the Chicago Transit Authority,
35 or the housing authority; provided, however, that the
36 amount deducted from any one salary or wage payment shall

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

32 20. The board is encouraged to employ a sufficient
33 number of certified school counselors to maintain a
34 student/counselor ratio of 250 to 1 by July 1, 1990. Each
35 counselor shall spend at least 75% of his work time in
36 direct contact with students and shall maintain a record of

1 such time;

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

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

15 (b) Hispanic (a person of Spanish or Portuguese
16 culture with origins in Mexico, South or Central
17 America, or the Caribbean islands, regardless of
18 race);

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

22 or

23 (d) American Indian or Alaskan Native (a person
24 having origins in any of the original peoples of North
25 America).

26 Counseling days shall not be in lieu of regular school
27 days;

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

32 23. Except as otherwise provided in the Abused and
33 Neglected Child Reporting Act or other applicable State or
34 federal law, to permit school officials to withhold, from
35 any person, information on the whereabouts of any child
36 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
27 they have the knowledge and skills to perform their duties;

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

34 29. (Blank);

35 30. Notwithstanding any other provision of this Act or
36 any other law to the contrary, to contract with third

1 parties for services otherwise performed by employees,
2 including those in a bargaining unit, and to layoff those
3 employees upon 14 days written notice to the affected
4 employees. Those contracts may be for a period not to
5 exceed 5 years and may be awarded on a system-wide basis;

6 31. To promulgate rules establishing procedures
7 governing the layoff or reduction in force of employees and
8 the recall of such employees, including, but not limited
9 to, criteria for such layoffs, reductions in force or
10 recall rights of such employees and the weight to be given
11 to any particular criterion. Such criteria shall take into
12 account factors including, but not be limited to,
13 qualifications, certifications, experience, performance
14 ratings or evaluations, and any other factors relating to
15 an employee's job performance;

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

18 33. To enter into a partnership agreement, as required
19 by Section 34-3.5 of this Code, and, notwithstanding any
20 other provision of law to the contrary, to promulgate
21 policies, enter into contracts, and take any other action
22 necessary to accomplish the objectives and implement the
23 requirements of that agreement; and

24 34. To establish a Labor Management Council to the
25 board comprised of representatives of the board, the chief
26 executive officer, and those labor organizations that are
27 the exclusive representatives of employees of the board and
28 to promulgate policies and procedures for the operation of
29 the Council.

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

36 In addition to the powers herein granted and authorized to

1 be exercised by the board, it shall be the duty of the board to
2 review or to direct independent reviews of special education
3 expenditures and services. The board shall file a report of
4 such review with the General Assembly on or before May 1, 1990.
5 (Source: P.A. 92-109, eff. 7-20-01; 92-527, eff. 6-1-02;
6 92-724, eff. 7-25-02; 93-3, eff. 4-16-03.)

7 Section 90. The State Mandates Act is amended by adding
8 Section 8.28 as follows:

9 (30 ILCS 805/8.28 new)

10 Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8
11 of this Act, no reimbursement by the State is required for the
12 implementation of any mandate created by this amendatory Act of
13 the 93rd General Assembly.

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

1	INDEX	
2	Statutes amended in order of appearance	
3	105 ILCS 5/1A-10 new	
4	105 ILCS 5/2-3.6	from Ch. 122, par. 2-3.6
5	105 ILCS 5/2-3.47a new	
6	105 ILCS 5/2-3.62a new	
7	105 ILCS 5/3-14.30 new	
8	105 ILCS 5/10-19	from Ch. 122, par. 10-19
9	105 ILCS 5/21-1b	from Ch. 122, par. 21-1b
10	105 ILCS 5/21-1c	from Ch. 122, par. 21-1c
11	105 ILCS 5/21-12	from Ch. 122, par. 21-12
12	105 ILCS 5/34-18	from Ch. 122, par. 34-18
13	30 ILCS 805/8.28 new	