

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
5 Sections 10-20.5a and 34-18 as follows:

6 (105 ILCS 5/10-20.5a) (from Ch. 122, par. 10-20.5a)
7 Sec. 10-20.5a. Access to high school campus.

8 (a) For school districts maintaining grades 10
9 through 12, to provide, on an equal basis, access to a
10 high the school campus and student directory information
11 to the official recruiting representatives of the armed
12 forces of Illinois and the United States for the purpose
13 of informing students of the educational and career
14 opportunities available in the military if the board has
15 provided such access to persons or groups whose purpose
16 is to acquaint students with educational or occupational
17 opportunities available to them. The board is not
18 required to give greater notice regarding the right of
19 access to recruiting representatives than is given to
20 other persons and groups. In this Section, "directory
21 information" means a high school student's name, address,
22 and telephone number.

23 (b) If a student or his or her parent or guardian
24 submits a signed, written request to the high school
25 before the end of the student's sophomore year (or if the
26 student is a transfer student, by another time set by the
27 high school) that indicates that the student or his or
28 her parent or guardian does not want the student's
29 directory information to be provided to official
30 recruiting representatives under subsection (a) of this
31 Section, the high school may not provide access to the

1 student's directory information to these recruiting
 2 representatives. The high school shall notify its
 3 students and their parents or guardians of the provisions
 4 of this subsection (b).

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

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

17 (Source: P.A. 82-161.)

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

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

- 24 1. To make suitable provision for the establishment
 25 and maintenance throughout the year or for such portion
 26 thereof as it may direct, not less than 9 months, of
 27 schools of all grades and kinds, including normal
 28 schools, high schools, night schools, schools for
 29 defectives and delinquents, parental and truant schools,
 30 schools for the blind, the deaf and the crippled, schools
 31 or classes in manual training, constructural and
 32 vocational teaching, domestic arts and physical culture,
 33 vocation and extension schools and lecture courses, and

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

1 benefit from the regular classroom instruction and are
2 included on the teacher's regular education class
3 register;

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

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

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

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

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

23 7. To apportion the pupils to the several schools;
24 provided that no pupil shall be excluded from or
25 segregated in any such school on account of his color,
26 race, sex, or nationality. The board shall take into
27 consideration the prevention of segregation and the
28 elimination of separation of children in public schools
29 because of color, race, sex, or nationality. Except that
30 children may be committed to or attend parental and
31 social adjustment schools established and maintained
32 either for boys or girls only. All records pertaining to
33 the creation, alteration or revision of attendance areas
34 shall be open to the public. Nothing herein shall limit

1 the board's authority to establish multi-area attendance
2 centers or other student assignment systems for
3 desegregation purposes or otherwise, and to apportion the
4 pupils to the several schools. Furthermore, beginning in
5 school year 1994-95, pursuant to a board plan adopted by
6 October 1, 1993, the board shall offer, commencing on a
7 phased-in basis, the opportunity for families within the
8 school district to apply for enrollment of their children
9 in any attendance center within the school district which
10 does not have selective admission requirements approved
11 by the board. The appropriate geographical area in which
12 such open enrollment may be exercised shall be determined
13 by the board of education. Such children may be admitted
14 to any such attendance center on a space available basis
15 after all children residing within such attendance
16 center's area have been accommodated. If the number of
17 applicants from outside the attendance area exceed the
18 space available, then successful applicants shall be
19 selected by lottery. The board of education's open
20 enrollment plan must include provisions that allow low
21 income students to have access to transportation needed
22 to exercise school choice. Open enrollment shall be in
23 compliance with the provisions of the Consent Decree and
24 Desegregation Plan cited in Section 34-1.01;

25 8. To approve programs and policies for providing
26 transportation services to students. Nothing herein shall
27 be construed to permit or empower the State Board of
28 Education to order, mandate, or require busing or other
29 transportation of pupils for the purpose of achieving
30 racial balance in any school;

31 9. Subject to the limitations in this Article, to
32 establish and approve system-wide curriculum objectives
33 and standards, including graduation standards, which
34 reflect the multi-cultural diversity in the city and are

1 consistent with State law, provided that for all purposes
2 of this Article courses or proficiency in American Sign
3 Language shall be deemed to constitute courses or
4 proficiency in a foreign language; and to employ
5 principals and teachers, appointed as provided in this
6 Article, and fix their compensation. The board shall
7 prepare such reports related to minimal competency
8 testing as may be requested by the State Board of
9 Education, and in addition shall monitor and approve
10 special education and bilingual education programs and
11 policies within the district to assure that appropriate
12 services are provided in accordance with applicable State
13 and federal laws to children requiring services and
14 education in those areas;

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

1 11. To provide television studio facilities in not
2 to exceed one school building and to provide programs for
3 educational purposes, provided, however, that the board
4 shall not construct, acquire, operate, or maintain a
5 television transmitter; to grant the use of its studio
6 facilities to a licensed television station located in
7 the school district; and to maintain and operate not to
8 exceed one school radio transmitting station and provide
9 programs for educational purposes;

10 12. To offer, if deemed appropriate, outdoor
11 education courses, including field trips within the State
12 of Illinois, or adjacent states, and to use school
13 educational funds for the expense of the said outdoor
14 educational programs, whether within the school district
15 or not;

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

23 14. To insure against any loss or liability of the
24 board, the former School Board Nominating Commission,
25 Local School Councils, the Chicago Schools Academic
26 Accountability Council, or the former Subdistrict
27 Councils or of any member, officer, agent or employee
28 thereof, resulting from alleged violations of civil
29 rights arising from incidents occurring on or after
30 September 5, 1967 or from the wrongful or negligent act
31 or omission of any such person whether occurring within
32 or without the school premises, provided the officer,
33 agent or employee was, at the time of the alleged
34 violation of civil rights or wrongful act or omission,

1 acting within the scope of his employment or under
2 direction of the board, the former School Board
3 Nominating Commission, the Chicago Schools Academic
4 Accountability Council, Local School Councils, or the
5 former Subdistrict Councils; and to provide for or
6 participate in insurance plans for its officers and
7 employees, including but not limited to retirement
8 annuities, medical, surgical and hospitalization benefits
9 in such types and amounts as may be determined by the
10 board; provided, however, that the board shall contract
11 for such insurance only with an insurance company
12 authorized to do business in this State. Such insurance
13 may include provision for employees who rely on treatment
14 by prayer or spiritual means alone for healing, in
15 accordance with the tenets and practice of a recognized
16 religious denomination;

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

24 16. (a) To provide, on an equal basis, access to a
25 high the school campus and student directory information
26 to the official recruiting representatives of the armed
27 forces of Illinois and the United States for the purposes
28 of informing students of the educational and career
29 opportunities available in the military if the board has
30 provided such access to persons or groups whose purpose
31 is to acquaint students with educational or occupational
32 opportunities available to them. The board is not
33 required to give greater notice regarding the right of
34 access to recruiting representatives than is given to

1 other persons and groups. In this paragraph 16,
2 "directory information" means a high school student's
3 name, address, and telephone number.

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

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

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

29 17. (a) To sell or market any computer program
30 developed by an employee of the school district, provided
31 that such employee developed the computer program as a
32 direct result of his or her duties with the school
33 district or through the utilization of the school
34 district resources or facilities. The employee who

1 developed the computer program shall be entitled to share
 2 in the proceeds of such sale or marketing of the computer
 3 program. The distribution of such proceeds between the
 4 employee and the school district shall be as agreed upon
 5 by the employee and the school district, except that
 6 neither the employee nor the school district may receive
 7 more than 90% of such proceeds. The negotiation for an
 8 employee who is represented by an exclusive bargaining
 9 representative may be conducted by such bargaining
 10 representative at the employee's request.

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

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

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

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

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

26 19. Upon the written request of an employee, to
 27 withhold from the compensation of that employee any dues,
 28 payments or contributions payable by such employee to any
 29 labor organization as defined in the Illinois Educational
 30 Labor Relations Act. Under such arrangement, an amount
 31 shall be withheld from each regular payroll period which
 32 is equal to the pro rata share of the annual dues plus
 33 any payments or contributions, and the board shall
 34 transmit such withholdings to the specified labor

1 organization within 10 working days from the time of the
2 withholding;

3 19a. Upon receipt of notice from the comptroller of
4 a municipality with a population of 500,000 or more that
5 a debt is due and owing the municipality by an employee
6 of the Chicago School Reform Board of Trustees, to
7 withhold, from the compensation of that employee, the
8 amount of the debt that is due and owing and pay the
9 amount withheld to the municipality; provided, however,
10 that the amount deducted from any one salary or wage
11 payment shall not exceed 25% of the net amount of the
12 payment. Before the Board deducts any amount from any
13 salary or wage of an employee under this paragraph, the
14 municipality shall certify that the employee has been
15 afforded an opportunity for a hearing to dispute the debt
16 that is due and owing the municipality. For purposes of
17 this paragraph, "net amount" means that part of the
18 salary or wage payment remaining after the deduction of
19 any amounts required by law to be deducted and "debt due
20 and owing" means (i) a specified sum of money owed to the
21 municipality for city services, work, or goods, after the
22 period granted for payment has expired, or (ii) a
23 specified sum of money owed to the municipality pursuant
24 to a court order or order of an administrative hearing
25 officer after the exhaustion of, or the failure to
26 exhaust, judicial review;

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

33 21. To make available to students vocational and
34 career counseling and to establish 5 special career

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

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

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

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

20 (d) American Indian or Alaskan Native (a
 21 person having origins in any of the original peoples
 22 of North America).

23 Counseling days shall not be in lieu of regular
 24 school days;

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

29 23. Except as otherwise provided in the Abused and
 30 Neglected Child Reporting Act or other applicable State
 31 or federal law, to permit school officials to withhold,
 32 from any person, information on the whereabouts of any
 33 child removed from school premises when the child has
 34 been taken into protective custody as a victim of

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

5 24. To develop a policy, based on the current state
6 of 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
13 schools to meet current or projected demographic patterns
14 within 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
20 teaching profession, whereby qualified professionals
21 become certified teachers, by allowing credit for
22 professional employment in related fields when
23 determining point of entry on teacher pay scale;

24 27. To provide or contract out training programs
25 for administrative personnel and principals with revised
26 or expanded duties pursuant to this Act in order to
27 assure they have the knowledge and skills to perform
28 their duties;

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

1 this purpose;

2 29. (Blank);

3 30. Notwithstanding any other provision of this Act
4 or any other law to the contrary, to contract with third
5 parties for services otherwise performed by employees,
6 including those in a bargaining unit, and to layoff those
7 employees upon 14 days written notice to the affected
8 employees. Those contracts may be for a period not to
9 exceed 5 years and may be awarded on a system-wide basis;

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

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

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

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

1 (Source: P.A. 89-15, eff. 5-30-95; 89-397, eff. 8-20-95;
2 89-626, eff. 8-9-96; 90-22, eff. 6-20-97; 90-548, eff.
3 1-1-98.)