



Sen. Jason A. Barickman

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10000SB1125sam001

LRB100 07568 MLM 25108 a

1 AMENDMENT TO SENATE BILL 1125

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1125 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections  
5 2-3.25g, 10-22.34c, 27-6, 27-7, and 27-24.2 and by adding  
6 Sections 17-6.5, 22-62, and 34-54.5 as follows:

7 (105 ILCS 5/2-3.25g) (from Ch. 122, par. 2-3.25g)

8 Sec. 2-3.25g. Waiver or modification of mandates within the  
9 School Code and administrative rules and regulations.

10 (a) In this Section:

11 "Board" means a school board or the governing board or  
12 administrative district, as the case may be, for a joint  
13 agreement.

14 "Eligible applicant" means a school district, joint  
15 agreement made up of school districts, or regional  
16 superintendent of schools on behalf of schools and programs

1           operated by the regional office of education.

2           "Implementation date" has the meaning set forth in  
3           Section 24A-2.5 of this Code.

4           "State Board" means the State Board of Education.

5           (b) Notwithstanding any other provisions of this School  
6           Code or any other law of this State to the contrary, eligible  
7           applicants may petition the State Board of Education for the  
8           waiver or modification of the mandates of this School Code or  
9           of the administrative rules and regulations promulgated by the  
10          State Board of Education. Waivers or modifications of  
11          administrative rules and regulations and modifications of  
12          mandates of this School Code may be requested when an eligible  
13          applicant demonstrates that it can address the intent of the  
14          rule or mandate in a more effective, efficient, or economical  
15          manner or when necessary to stimulate innovation or improve  
16          student performance. Waivers of mandates of the School Code may  
17          be requested when the waivers are necessary to stimulate  
18          innovation or improve student performance. Waivers may not be  
19          requested from laws, rules, and regulations pertaining to  
20          special education, teacher educator licensure, teacher tenure  
21          and seniority, or Section 5-2.1 of this Code or from compliance  
22          with the No Child Left Behind Act of 2001 (Public Law 107-110).  
23          Eligible applicants may not seek a waiver or seek a  
24          modification of a mandate regarding the requirements for (i)  
25          student performance data to be a significant factor in teacher  
26          or principal evaluations or (ii) teachers and principals to be

1 rated using the 4 categories of "excellent", "proficient",  
2 "needs improvement", or "unsatisfactory". On September 1,  
3 2014, any previously authorized waiver or modification from  
4 such requirements shall terminate.

5 (c) Eligible applicants, as a matter of inherent managerial  
6 policy, and any Independent Authority established under  
7 Section 2-3.25f-5 of this Code may submit an application for a  
8 waiver or modification authorized under this Section. Each  
9 application must include a written request by the eligible  
10 applicant or Independent Authority and must demonstrate that  
11 the intent of the mandate can be addressed in a more effective,  
12 efficient, or economical manner or be based upon a specific  
13 plan for improved student performance and school improvement.  
14 Any eligible applicant requesting a waiver or modification for  
15 the reason that intent of the mandate can be addressed in a  
16 more economical manner shall include in the application a  
17 fiscal analysis showing current expenditures on the mandate and  
18 projected savings resulting from the waiver or modification.  
19 Applications and plans developed by eligible applicants must be  
20 approved by the board or regional superintendent of schools  
21 applying on behalf of schools or programs operated by the  
22 regional office of education following a public hearing on the  
23 application and plan and the opportunity for the board or  
24 regional superintendent to hear testimony from staff directly  
25 involved in its implementation, parents, and students. The time  
26 period for such testimony shall be separate from the time

1 period established by the eligible applicant for public comment  
2 on other matters. If the applicant is a school district or  
3 joint agreement requesting a waiver or modification of Section  
4 27-6 of this Code, the public hearing shall be held on a day  
5 other than the day on which a regular meeting of the board is  
6 held.

7 (c-5) If the applicant is a school district, then the  
8 district shall post information that sets forth the time, date,  
9 place, and general subject matter of the public hearing on its  
10 Internet website at least 14 days prior to the hearing. If the  
11 district is requesting to increase the fee charged for driver  
12 education authorized pursuant to Section 27-24.2 of this Code,  
13 the website information shall include the proposed amount of  
14 the fee the district will request. All school districts must  
15 publish a notice of the public hearing at least 7 days prior to  
16 the hearing in a newspaper of general circulation within the  
17 school district that sets forth the time, date, place, and  
18 general subject matter of the hearing. Districts requesting to  
19 increase the fee charged for driver education shall include in  
20 the published notice the proposed amount of the fee the  
21 district will request. If the applicant is a joint agreement or  
22 regional superintendent, then the joint agreement or regional  
23 superintendent shall post information that sets forth the time,  
24 date, place, and general subject matter of the public hearing  
25 on its Internet website at least 14 days prior to the hearing.  
26 If the joint agreement or regional superintendent is requesting

1 to increase the fee charged for driver education authorized  
2 pursuant to Section 27-24.2 of this Code, the website  
3 information shall include the proposed amount of the fee the  
4 applicant will request. All joint agreements and regional  
5 superintendents must publish a notice of the public hearing at  
6 least 7 days prior to the hearing in a newspaper of general  
7 circulation in each school district that is a member of the  
8 joint agreement or that is served by the educational service  
9 region that sets forth the time, date, place, and general  
10 subject matter of the hearing, provided that a notice appearing  
11 in a newspaper generally circulated in more than one school  
12 district shall be deemed to fulfill this requirement with  
13 respect to all of the affected districts. Joint agreements or  
14 regional superintendents requesting to increase the fee  
15 charged for driver education shall include in the published  
16 notice the proposed amount of the fee the applicant will  
17 request. The eligible applicant must notify in writing the  
18 affected exclusive collective bargaining agent and those State  
19 legislators representing the eligible applicant's territory of  
20 its intent to seek approval of a waiver or modification and of  
21 the hearing to be held to take testimony from staff. The  
22 affected exclusive collective bargaining agents shall be  
23 notified of such public hearing at least 7 days prior to the  
24 date of the hearing and shall be allowed to attend such public  
25 hearing. The eligible applicant shall attest to compliance with  
26 all of the notification and procedural requirements set forth

1 in this Section.

2 (d) A request for a waiver or modification of  
3 administrative rules and regulations or for a modification of  
4 mandates contained in this School Code shall be submitted to  
5 the State Board of Education within 15 days after approval by  
6 the board or regional superintendent of schools. The  
7 application as submitted to the State Board of Education shall  
8 include a description of the public hearing. ~~Except with~~  
9 ~~respect to contracting for adaptive driver education, an~~  
10 ~~eligible applicant wishing to request a modification or waiver~~  
11 ~~of administrative rules of the State Board of Education~~  
12 ~~regarding contracting with a commercial driver training school~~  
13 ~~to provide the course of study authorized under Section 27-24.2~~  
14 ~~of this Code must provide evidence with its application that~~  
15 ~~the commercial driver training school with which it will~~  
16 ~~contract holds a license issued by the Secretary of State under~~  
17 ~~Article IV of Chapter 6 of the Illinois Vehicle Code and that~~  
18 ~~each instructor employed by the commercial driver training~~  
19 ~~school to provide instruction to students served by the school~~  
20 ~~district holds a valid teaching certificate or teaching~~  
21 ~~license, as applicable, issued under the requirements of this~~  
22 ~~Code and rules of the State Board of Education. Such evidence~~  
23 ~~must include, but need not be limited to, a list of each~~  
24 ~~instructor assigned to teach students served by the school~~  
25 ~~district, which list shall include the instructor's name,~~  
26 ~~personal identification number as required by the State Board~~

1 ~~of Education, birth date, and driver's license number. If the~~  
2 ~~modification or waiver is granted, then the eligible applicant~~  
3 ~~shall notify the State Board of Education of any changes in the~~  
4 ~~personnel providing instruction within 15 calendar days after~~  
5 ~~an instructor leaves the program or a new instructor is hired.~~  
6 ~~Such notification shall include the instructor's name,~~  
7 ~~personal identification number as required by the State Board~~  
8 ~~of Education, birth date, and driver's license number. If a~~  
9 ~~school district maintains an Internet website, then the~~  
10 ~~district shall post a copy of the final contract between the~~  
11 ~~district and the commercial driver training school on the~~  
12 ~~district's Internet website. If no Internet website exists,~~  
13 ~~then the district shall make available the contract upon~~  
14 ~~request. A record of all materials in relation to the~~  
15 ~~application for contracting must be maintained by the school~~  
16 ~~district and made available to parents and guardians upon~~  
17 ~~request. The instructor's date of birth and driver's license~~  
18 ~~number and any other personally identifying information as~~  
19 ~~deemed by the federal Driver's Privacy Protection Act of 1994~~  
20 ~~must be redacted from any public materials. Following receipt~~  
21 ~~of the waiver or modification request, the State Board shall~~  
22 ~~have 45 days to review the application and request. If the~~  
23 ~~State Board fails to disapprove the application within that 45~~  
24 ~~day period, the waiver or modification shall be deemed granted.~~  
25 ~~The State Board may disapprove any request if it is not based~~  
26 ~~upon sound educational practices, endangers the health or~~

1 safety of students or staff, compromises equal opportunities  
2 for learning, or fails to demonstrate that the intent of the  
3 rule or mandate can be addressed in a more effective,  
4 efficient, or economical manner or have improved student  
5 performance as a primary goal. Any request disapproved by the  
6 State Board may be appealed to the General Assembly by the  
7 eligible applicant as outlined in this Section.

8 A request for a waiver from mandates contained in this  
9 School Code shall be submitted to the State Board within 15  
10 days after approval by the board or regional superintendent of  
11 schools. The application as submitted to the State Board of  
12 Education shall include a description of the public hearing.  
13 The description shall include, but need not be limited to, the  
14 means of notice, the number of people in attendance, the number  
15 of people who spoke as proponents or opponents of the waiver, a  
16 brief description of their comments, and whether there were any  
17 written statements submitted. The State Board shall review the  
18 applications and requests for completeness and shall compile  
19 the requests in reports to be filed with the General Assembly.  
20 The State Board shall file reports outlining the waivers  
21 requested by eligible applicants and appeals by eligible  
22 applicants of requests disapproved by the State Board with the  
23 Senate and the House of Representatives before each March 1 and  
24 October 1. The General Assembly may disapprove the report of  
25 the State Board in whole or in part within 60 calendar days  
26 after each house of the General Assembly next convenes after



1 the report is filed by adoption of a resolution by a record  
2 vote of the majority of members elected in each house. If the  
3 General Assembly fails to disapprove any waiver request or  
4 appealed request within such 60 day period, the waiver or  
5 modification shall be deemed granted. Any resolution adopted by  
6 the General Assembly disapproving a report of the State Board  
7 in whole or in part shall be binding on the State Board.

8 (e) An approved waiver or modification (except a waiver  
9 from or modification to a physical education mandate) may  
10 remain in effect for a period not to exceed 5 school years and  
11 may be renewed upon application by the eligible applicant.  
12 However, such waiver or modification may be changed within that  
13 5-year period by a board or regional superintendent of schools  
14 applying on behalf of schools or programs operated by the  
15 regional office of education following the procedure as set  
16 forth in this Section for the initial waiver or modification  
17 request. If neither the State Board of Education nor the  
18 General Assembly disapproves, the change is deemed granted.

19 An approved waiver from or modification to a physical  
20 education mandate may remain in effect for a period not to  
21 exceed 2 school years and may be renewed no more than 2 times  
22 upon application by the eligible applicant. An approved waiver  
23 from or modification to a physical education mandate may be  
24 changed within the 2-year period by the board or regional  
25 superintendent of schools, whichever is applicable, following  
26 the procedure set forth in this Section for the initial waiver

1 or modification request. If neither the State Board of  
2 Education nor the General Assembly disapproves, the change is  
3 deemed granted.

4 (f) (Blank).

5 (Source: P.A. 98-513, eff. 1-1-14; 98-739, eff. 7-16-14;  
6 98-1155, eff. 1-9-15; 99-78, eff. 7-20-15.)

7 (105 ILCS 5/10-22.34c)

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

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

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

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

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

23 (A) evidence of liability insurance in scope and  
24 amount equivalent to the liability insurance provided  
25 by the school board pursuant to Section 10-22.3 of this

1 Code;

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

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

11 (D) a minimum 3-year cost projection, using  
12 generally accepted accounting principles and which the  
13 third party is prohibited from increasing if the bid is  
14 accepted by the school board, for each and every  
15 expenditure category and account for performing the  
16 non-instructional services; if the bid is accepted,  
17 the school board shall file a copy of the cost  
18 projection submitted with the bid to the State Board of  
19 Education;

20 (E) composite information about the criminal and  
21 disciplinary records, including alcohol or other  
22 substance abuse, Department of Children and Family  
23 Services complaints and investigations, traffic  
24 violations, and license revocations or any other  
25 licensure problems, of any employees who may perform  
26 the non-instructional services, provided that the

1 individual names and other identifying information of  
2 employees need not be provided with the submission of  
3 the bid, but must be made available upon request of the  
4 school board; and

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

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

23 (5) review and consideration of all bids by third  
24 parties to perform the non-instructional services shall  
25 take place in open session of a regularly scheduled school  
26 board meeting, unless the exclusive bargaining

1 representative of the employees who perform the  
2 non-instructional services, if any such exclusive  
3 bargaining representative exists, agrees in writing that  
4 such review and consideration can take place in open  
5 session at a specially scheduled school board meeting;

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

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

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

26 (b) Notwithstanding subsection (a) of this Section, a board

1 of education may enter into a contract, of no longer than 3  
2 months in duration, with a third party for non-instructional  
3 services currently performed by an employee or bargaining unit  
4 member for the purpose of augmenting the current workforce in  
5 an emergency situation that threatens the safety or health of  
6 the school district's students or staff, provided that the  
7 school board meets all of its obligations under the Illinois  
8 Educational Labor Relations Act.

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

15 (d) Beginning July 1, 2022, the State Board of Education  
16 shall review and analyze the cost projection information  
17 provided by boards of education under subparagraph (D) of  
18 paragraph (3) of subsection (a) of this Section and determine  
19 the effects that the contracts had on school districts and the  
20 State, including any cost savings and economic benefits. The  
21 State Board of Education shall complete the review and report  
22 its findings to the Governor and the General Assembly by  
23 December 31, 2022.

24 From July 1, 2022 until January 1, 2023, no board of  
25 education may enter into any new contract with a third party  
26 for non-instructional services under this Section. However,

1 this prohibition shall not affect any contracts entered into  
2 before July 1, 2022 or renewals of contracts entered into  
3 before July 1, 2022.

4 Beginning January 1, 2023, boards of education are again  
5 allowed to enter into contracts with third parties for  
6 non-instructional services as provided under this Section.

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

8 (105 ILCS 5/17-6.5 new)

9 Sec. 17-6.5. Decrease in tax rate for educational purposes.  
10 For those school districts whose adequacy target, as defined in  
11 Section 18-8.15 of this Code, meets or exceeds 110%, the  
12 question of establishing a lower tax rate for educational  
13 purposes than that in effect by the school district shall be  
14 submitted to the voters of the school district at the regular  
15 election for school board members in accordance with the  
16 general election law, but only if the voters have submitted a  
17 petition signed by not fewer than 5% of the legal voters in the  
18 school district. That percentage shall be based on the number  
19 of votes cast at the last general election preceding the filing  
20 of the petition. The petition shall specify the tax rate of the  
21 school district levy to be submitted. In no case shall the tax  
22 rate lower the current tax levy by more than 20%.

23 The petition shall be filed with the secretary of the  
24 school board not more than 10 months nor less than 6 months  
25 prior to the election at which the question is to be submitted

1 to the voters, and its validity shall be determined as provided  
2 by the general election law. The secretary shall certify the  
3 question to the proper election officials, who shall submit the  
4 question to the voters. Notwithstanding any other provisions of  
5 this Section, this referendum shall be subject to all other  
6 general election law requirements.

7 (105 ILCS 5/22-62 new)

8 Sec. 22-62. Discharge of unfunded mandates.

9 (a) School districts need not comply with and may discharge  
10 any mandate or requirement placed on school districts by this  
11 Code or by administrative rules adopted by the State Board of  
12 Education that is unfunded.

13 (b) Subsection (a) of this Section does not apply to any of  
14 the following:

15 (1) Laws and rules pertaining to student health, life,  
16 or safety.

17 (2) Federally required mandates, including without  
18 limitation compliance with the federal Every Student  
19 Succeeds Act.

20 (3) Laws and rules pertaining to civil rights and  
21 protections.

22 (c) Before a school district may lawfully discharge an  
23 unfunded mandate under subsection (a) of this Section, it must  
24 hold a public hearing and referendum on the matter. The school  
25 district must post information that sets forth the time, date,



1 place, and general subject matter of the public hearing on its  
2 Internet website at least 14 days prior to the hearing. The  
3 school district must publish a notice of the public hearing at  
4 least 7 days prior to the hearing in a newspaper of general  
5 circulation within the school district that sets forth the  
6 time, date, place, and general subject matter of the hearing.  
7 The school district must notify, in writing, the affected  
8 exclusive collective bargaining agent and those State  
9 legislators representing the affected territory of its intent  
10 to discharge an unfunded mandate and of the hearing to be held  
11 to take testimony from staff. The affected exclusive collective  
12 bargaining agent must be notified of the public hearing at  
13 least 7 days prior to the date of the hearing and must be  
14 allowed to attend the hearing. The school district shall attest  
15 to compliance with the requirements of this subsection (c).

16 After the public hearing, the question of whether a school  
17 district may discharge an unfunded mandate must be submitted to  
18 the electors of the school district at a regular election and  
19 approved by a majority of the electors voting on the question.  
20 The school board must certify the question to the proper  
21 election authority. The election authority must submit the  
22 question at an election in accordance with the Election Code,  
23 which election must be at least 6 months after the public  
24 hearing was held. The election authority must submit the  
25 question in substantially the following form:

1       Shall the school board of (name of school district)  
2 discharge the unfunded mandate or requirement placed on the  
3 school district by the State concerning (description of the  
4 mandate or requirement)?

5 The election authority must record the votes as "Yes" or "No".

6       If a majority of the electors voting on the question vote  
7 in the affirmative, the school board may discharge the unfunded  
8 mandate.

9       (d) A school board shall report each unfunded mandate it  
10 has discharged under this Section to the State Board of  
11 Education. The State Board shall compile and report this  
12 information to the General Assembly each year.

13       (105 ILCS 5/27-6) (from Ch. 122, par. 27-6)

14       Sec. 27-6. Courses in physical education required; special  
15 activities.

16       (a) Pupils enrolled in the public schools and State  
17 universities engaged in preparing teachers shall be required to  
18 engage ~~daily~~ during the school day, except on block scheduled  
19 days for those public schools engaged in block scheduling, in  
20 courses of physical education for such periods as are  
21 compatible with the optimum growth and developmental needs of  
22 individuals at the various age levels except when appropriate  
23 excuses are submitted to the school by a pupil's parent or  
24 guardian or by a person licensed under the Medical Practice Act

1 of 1987 and except as provided in subsection (b) of this  
2 Section. A school board may determine the schedule or frequency  
3 of physical education courses, provided that a pupil engages in  
4 a course of physical education for a minimum of 3 days per  
5 week.

6 Special activities in physical education shall be provided  
7 for pupils whose physical or emotional condition, as determined  
8 by a person licensed under the Medical Practice Act of 1987,  
9 prevents their participation in the courses provided for normal  
10 children.

11 (b) A school board is authorized to excuse pupils enrolled  
12 in grades 11 and 12 from engaging in physical education courses  
13 if those pupils request to be excused for any of the following  
14 reasons: (1) for ongoing participation in an interscholastic  
15 athletic program; (2) to enroll in academic classes which are  
16 required for admission to an institution of higher learning,  
17 provided that failure to take such classes will result in the  
18 pupil being denied admission to the institution of his or her  
19 choice; or (3) to enroll in academic classes which are required  
20 for graduation from high school, provided that failure to take  
21 such classes will result in the pupil being unable to graduate.  
22 A school board may also excuse pupils in grades 9 through 12  
23 enrolled in a marching band program for credit from engaging in  
24 physical education courses if those pupils request to be  
25 excused for ongoing participation in such marching band  
26 program. A school board may also, on a case-by-case basis,

1 excuse pupils in grades 9 through 12 who participate in an  
2 interscholastic or extracurricular athletic program from  
3 engaging in physical education courses. In addition, a pupil in  
4 any of grades 3 through 12 who is eligible for special  
5 education may be excused if the pupil's parent or guardian  
6 agrees that the pupil must utilize the time set aside for  
7 physical education to receive special education support and  
8 services or, if there is no agreement, the individualized  
9 education program team for the pupil determines that the pupil  
10 must utilize the time set aside for physical education to  
11 receive special education support and services, which  
12 agreement or determination must be made a part of the  
13 individualized education program. However, a pupil requiring  
14 adapted physical education must receive that service in  
15 accordance with the individualized education program developed  
16 for the pupil. If requested, a school board is authorized to  
17 excuse a pupil from engaging in a physical education course if  
18 the pupil has an individualized educational program under  
19 Article 14 of this Code, is participating in an adaptive  
20 athletic program outside of the school setting, and documents  
21 such participation as determined by the school board. A school  
22 board may also excuse pupils in grades 9 through 12 enrolled in  
23 a Reserve Officer's Training Corps (ROTC) program sponsored by  
24 the school district from engaging in physical education  
25 courses. School boards which choose to exercise this authority  
26 shall establish a policy to excuse pupils on an individual

1 basis.

2 (c) The provisions of this Section are subject to the  
3 provisions of Section 27-22.05.

4 (Source: P.A. 98-116, eff. 7-29-13.)

5 (105 ILCS 5/27-7) (from Ch. 122, par. 27-7)

6 Sec. 27-7. Physical education course of study. A physical  
7 education course of study shall include a developmentally  
8 planned and sequential curriculum that fosters the development  
9 of movement skills, enhances health-related fitness, increases  
10 students' knowledge, offers direct opportunities to learn how  
11 to work cooperatively in a group setting, and encourages  
12 healthy habits and attitudes for a healthy lifestyle. A  
13 physical education course of study shall provide students with  
14 an opportunity for an appropriate amount of ~~daily~~ physical  
15 activity. A physical education course of study must be part of  
16 the regular school curriculum and not extra-curricular in  
17 nature or organization.

18 The State Board of Education shall prepare and make  
19 available guidelines for the various grades and types of  
20 schools in order to make effective the purposes set forth in  
21 this section and the requirements provided in Section 27-6, and  
22 shall see that the general provisions and intent of Sections  
23 27-5 to 27-9, inclusive, are enforced.

24 (Source: P.A. 94-189, eff. 7-12-05; 94-200, eff. 7-12-05.)

1 (105 ILCS 5/27-24.2) (from Ch. 122, par. 27-24.2)

2 Sec. 27-24.2. Safety education; driver education course.  
3 Instruction shall be given in safety education in each of  
4 grades one through 8, equivalent to one class period each week,  
5 and any school district which maintains grades 9 through 12  
6 shall offer a driver education course in any such school which  
7 it operates. Its curriculum shall include content dealing with  
8 Chapters 11, 12, 13, 15, and 16 of the Illinois Vehicle Code,  
9 the rules adopted pursuant to those Chapters insofar as they  
10 pertain to the operation of motor vehicles, and the portions of  
11 the Litter Control Act relating to the operation of motor  
12 vehicles. The course of instruction given in grades 10 through  
13 12 shall include an emphasis on the development of knowledge,  
14 attitudes, habits, and skills necessary for the safe operation  
15 of motor vehicles, including motorcycles insofar as they can be  
16 taught in the classroom, and instruction on distracted driving  
17 as a major traffic safety issue. In addition, the course shall  
18 include instruction on special hazards existing at and required  
19 safety and driving precautions that must be observed at  
20 emergency situations, highway construction and maintenance  
21 zones, and railroad crossings and the approaches thereto.  
22 Beginning with the 2017-2018 school year, the course shall also  
23 include instruction concerning law enforcement procedures for  
24 traffic stops, including a demonstration of the proper actions  
25 to be taken during a traffic stop and appropriate interactions  
26 with law enforcement. The course of instruction required of

1 each eligible student at the high school level shall consist of  
2 a minimum of 30 clock hours of classroom instruction and a  
3 minimum of 6 clock hours of individual behind-the-wheel  
4 instruction in a dual control car on public roadways taught by  
5 a driver education instructor endorsed by the State Board of  
6 Education. Both the classroom instruction part and the practice  
7 driving part of such driver education course shall be open to a  
8 resident or non-resident student attending a non-public school  
9 in the district wherein the course is offered. Each student  
10 attending any public or non-public high school in the district  
11 must receive a passing grade in at least 8 courses during the  
12 previous 2 semesters prior to enrolling in a driver education  
13 course, or the student shall not be permitted to enroll in the  
14 course; provided that the local superintendent of schools (with  
15 respect to a student attending a public high school in the  
16 district) or chief school administrator (with respect to a  
17 student attending a non-public high school in the district) may  
18 waive the requirement if the superintendent or chief school  
19 administrator, as the case may be, deems it to be in the best  
20 interest of the student. A student may be allowed to commence  
21 the classroom instruction part of such driver education course  
22 prior to reaching age 15 if such student then will be eligible  
23 to complete the entire course within 12 months after being  
24 allowed to commence such classroom instruction.

25 A school district may offer a driver education course in a  
26 school by contracting with a commercial driver training school

1 to provide both the classroom instruction part and the practice  
2 driving part or either one without having to request a  
3 modification or waiver of administrative rules of the State  
4 Board of Education if a public hearing on whether to enter into  
5 a contract with a commercial driver training school has been  
6 held at a regular or special school board meeting prior to  
7 entering into such a contract. If a school district chooses to  
8 contract with a commercial driver training school, then the  
9 district must provide evidence to the State Board of Education  
10 that the commercial driver training school with which it will  
11 contract holds a license issued by the Secretary of State under  
12 Article IV of Chapter 6 of the Illinois Vehicle Code and that  
13 each instructor employed by the commercial driver training  
14 school to provide instruction to students served by the school  
15 district holds a valid teaching license issued under the  
16 requirements of this Code and rules of the State Board of  
17 Education. Such evidence must include, but need not be limited  
18 to, a list of each instructor assigned to teach students served  
19 by the school district, which list shall include the  
20 instructor's name, personal identification number as required  
21 by the State Board of Education, birth date, and driver's  
22 license number. Once the contract is entered into, the school  
23 district shall notify the State Board of Education of any  
24 changes in the personnel providing instruction within 15  
25 calendar days after an instructor leaves the program or a new  
26 instructor is hired. Such notification shall include the



1 instructor's name, personal identification number as required  
2 by the State Board of Education, birth date, and driver's  
3 license number. If the school district maintains an Internet  
4 website, then the district shall post a copy of the final  
5 contract between the district and the commercial driver  
6 training school on the district's Internet website. If no  
7 Internet website exists, then the school district shall make  
8 available the contract upon request. A record of all materials  
9 in relation to the contract must be maintained by the school  
10 district and made available to parents and guardians upon  
11 request. The instructor's date of birth and driver's license  
12 number and any other personally identifying information as  
13 deemed by the federal Driver's Privacy Protection Act of 1994  
14 must be redacted from any public materials.

15       Such a course may be commenced immediately after the  
16 completion of a prior course. Teachers of such courses shall  
17 meet the licensure ~~certification~~ requirements of this Code Act  
18 and regulations of the State Board as to qualifications.

19       Subject to rules of the State Board of Education, the  
20 school district may charge a reasonable fee, not to exceed \$50,  
21 to students who participate in the course, unless a student is  
22 unable to pay for such a course, in which event the fee for  
23 such a student must be waived. However, the district may  
24 increase this fee to an amount not to exceed \$250 by school  
25 board resolution following a public hearing on the increase,  
26 which increased fee must be waived for students who participate

1 in the course and are unable to pay for the course. The total  
2 amount from driver education fees and reimbursement from the  
3 State for driver education must not exceed the total cost of  
4 the driver education program in any year and must be deposited  
5 into the school district's driver education fund as a separate  
6 line item budget entry. All moneys deposited into the school  
7 district's driver education fund must be used solely for the  
8 funding of a high school driver education program approved by  
9 the State Board of Education that uses driver education  
10 instructors endorsed by the State Board of Education.

11 (Source: P.A. 99-642, eff. 7-28-16; 99-720, eff. 1-1-17.)

12 (105 ILCS 5/34-54.5 new)

13 Sec. 34-54.5. Decrease in tax rate for educational  
14 purposes. If the school district's adequacy target, as defined  
15 in Section 18-8.15 of this Code, meets or exceeds 110%, the  
16 question of establishing a lower tax rate for educational  
17 purposes than that in effect by the school district shall be  
18 submitted to the voters of the school district at the  
19 consolidated election in accordance with the general election  
20 law, but only if the voters have submitted a petition signed by  
21 not fewer than 5% of the legal voters in the school district.  
22 That percentage shall be based on the number of votes cast at  
23 the last general election preceding the filing of the petition.  
24 The petition shall specify the tax rate of the school district  
25 levy to be submitted. In no case shall the tax rate lower the

1 current tax levy by more than 20%.

2 The petition shall be filed with the secretary of the board  
3 not more than 10 months nor less than 6 months prior to the  
4 election at which the question is to be submitted to the  
5 voters, and its validity shall be determined as provided by the  
6 general election law. The secretary shall certify the question  
7 to the proper election officials, who shall submit the question  
8 to the voters. Notwithstanding any other provisions of this  
9 Section, this referendum shall be subject to all other general  
10 election law requirements.

11 (105 ILCS 5/22-60 rep.)

12 Section 10. The School Code is amended by repealing Section  
13 22-60.

14 Section 15. The Illinois Educational Labor Relations Act is  
15 amended by changing Section 4.5 as follows:

16 (115 ILCS 5/4.5)

17 Sec. 4.5. Subjects of collective bargaining.

18 (a) Notwithstanding the existence of any other provision in  
19 this Act or other law, collective bargaining between an  
20 educational employer ~~whose territorial boundaries are~~  
21 ~~coterminous with those of a city having a population in excess~~  
22 ~~of 500,000~~ and an exclusive representative of its employees may  
23 include any of the following subjects:

1 (1) (Blank).

2 (2) Decisions to contract with a third party for one or  
3 more services otherwise performed by employees in a  
4 bargaining unit and the procedures for obtaining such  
5 contract or the identity of the third party.

6 (3) Decisions to layoff or reduce in force employees.

7 (4) Decisions to determine class size, class staffing  
8 and assignment, class schedules, academic calendar, length  
9 of the work and school day with respect to a public school  
10 district organized under Article 34 of the School Code  
11 only, length of the work and school year with respect to a  
12 public school district organized under Article 34 of the  
13 School Code only, hours and places of instruction, or pupil  
14 assessment policies.

15 (5) Decisions concerning use and staffing of  
16 experimental or pilot programs and decisions concerning  
17 use of technology to deliver educational programs and  
18 services and staffing to provide the technology.

19 (b) The subject or matters described in subsection (a) are  
20 permissive subjects of bargaining between an educational  
21 employer and an exclusive representative of its employees and,  
22 for the purpose of this Act, are within the sole discretion of  
23 the educational employer to decide to bargain, provided that  
24 the educational employer is required to bargain over the impact  
25 of a decision concerning such subject or matter on the  
26 bargaining unit upon request by the exclusive representative.

1 During this bargaining, the educational employer shall not be  
2 precluded from implementing its decision. For a school district  
3 or community college district whose territorial boundaries are  
4 coterminous with those of a city having a population in excess  
5 of 500,000, if ~~ff~~, after a reasonable period of bargaining, a  
6 dispute or impasse exists between the educational employer and  
7 the exclusive representative, the dispute or impasse shall be  
8 resolved exclusively as set forth in subsection (b) of Section  
9 12 of this Act in lieu of a strike under Section 13 of this Act.  
10 Neither the Board nor any mediator or fact-finder appointed  
11 pursuant to subsection (a-10) of Section 12 of this Act shall  
12 have jurisdiction over such a dispute or impasse.

13 (c) A provision in a collective bargaining agreement that  
14 was rendered null and void because it involved a prohibited  
15 subject of collective bargaining under this subsection (c) as  
16 this subsection (c) existed before the effective date of this  
17 amendatory Act of the 93rd General Assembly remains null and  
18 void and shall not otherwise be reinstated in any successor  
19 agreement unless the educational employer and exclusive  
20 representative otherwise agree to include an agreement reached  
21 on a subject or matter described in subsection (a) of this  
22 Section as subsection (a) existed before this amendatory Act of  
23 the 93rd General Assembly.

24 (Source: P.A. 97-7, eff. 6-13-11; 97-8, eff. 6-13-11.)

25 Section 99. Effective date. This Act takes effect upon

1 becoming law, but this Act does not take effect at all unless  
2 Senate Bills 1124 and 2172 of the 100th General Assembly become  
3 law.".