



Sen. Jason A. Barickman

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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 on the matter. The school district must
25 post information that sets forth the time, date, place, and

1 general subject matter of the public hearing on its Internet
2 website at least 14 days prior to the hearing. The school
3 district must publish a notice of the public hearing at least 7
4 days prior to the hearing in a newspaper of general circulation
5 within the school district that sets forth the time, date,
6 place, and general subject matter of the hearing. The school
7 district must notify, in writing, the affected exclusive
8 collective bargaining agent and those State legislators
9 representing the affected territory of its intent to discharge
10 an unfunded mandate and of the hearing to be held to take
11 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 (d) A school board shall report each unfunded mandate it
17 has discharged under this Section to the State Board of
18 Education. The State Board shall compile and report this
19 information to the General Assembly each year.

20 (105 ILCS 5/27-6) (from Ch. 122, par. 27-6)

21 Sec. 27-6. Courses in physical education required; special
22 activities.

23 (a) Pupils enrolled in the public schools and State
24 universities engaged in preparing teachers shall be required to
25 engage ~~daily~~ during the school day, except on block scheduled

1 days for those public schools engaged in block scheduling, in
2 courses of physical education for such periods as are
3 compatible with the optimum growth and developmental needs of
4 individuals at the various age levels except when appropriate
5 excuses are submitted to the school by a pupil's parent or
6 guardian or by a person licensed under the Medical Practice Act
7 of 1987 and except as provided in subsection (b) of this
8 Section. A school board may determine the schedule or frequency
9 of physical education courses, provided that a pupil engages in
10 a course of physical education for a minimum of 3 days per
11 week.

12 Special activities in physical education shall be provided
13 for pupils whose physical or emotional condition, as determined
14 by a person licensed under the Medical Practice Act of 1987,
15 prevents their participation in the courses provided for normal
16 children.

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

1 such classes will result in the pupil being unable to graduate.
2 A school board may also excuse pupils in grades 9 through 12
3 enrolled in a marching band program for credit from engaging in
4 physical education courses if those pupils request to be
5 excused for ongoing participation in such marching band
6 program. A school board may also, on a case-by-case basis,
7 excuse pupils in grades 9 through 12 who participate in an
8 interscholastic or extracurricular athletic program from
9 engaging in physical education courses. In addition, a pupil in
10 any of grades 3 through 12 who is eligible for special
11 education may be excused if the pupil's parent or guardian
12 agrees that the pupil must utilize the time set aside for
13 physical education to receive special education support and
14 services or, if there is no agreement, the individualized
15 education program team for the pupil determines that the pupil
16 must utilize the time set aside for physical education to
17 receive special education support and services, which
18 agreement or determination must be made a part of the
19 individualized education program. However, a pupil requiring
20 adapted physical education must receive that service in
21 accordance with the individualized education program developed
22 for the pupil. If requested, a school board is authorized to
23 excuse a pupil from engaging in a physical education course if
24 the pupil has an individualized educational program under
25 Article 14 of this Code, is participating in an adaptive
26 athletic program outside of the school setting, and documents

1 such participation as determined by the school board. A school
2 board may also excuse pupils in grades 9 through 12 enrolled in
3 a Reserve Officer's Training Corps (ROTC) program sponsored by
4 the school district from engaging in physical education
5 courses. School boards which choose to exercise this authority
6 shall establish a policy to excuse pupils on an individual
7 basis.

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

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

11 (105 ILCS 5/27-7) (from Ch. 122, par. 27-7)

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

24 The State Board of Education shall prepare and make
25 available guidelines for the various grades and types of

1 schools in order to make effective the purposes set forth in
2 this section and the requirements provided in Section 27-6, and
3 shall see that the general provisions and intent of Sections
4 27-5 to 27-9, inclusive, are enforced.

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

6 (105 ILCS 5/27-24.2) (from Ch. 122, par. 27-24.2)

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

1 zones, and railroad crossings and the approaches thereto.
2 Beginning with the 2017-2018 school year, the course shall also
3 include instruction concerning law enforcement procedures for
4 traffic stops, including a demonstration of the proper actions
5 to be taken during a traffic stop and appropriate interactions
6 with law enforcement. The course of instruction required of
7 each eligible student at the high school level shall consist of
8 a minimum of 30 clock hours of classroom instruction and a
9 minimum of 6 clock hours of individual behind-the-wheel
10 instruction in a dual control car on public roadways taught by
11 a driver education instructor endorsed by the State Board of
12 Education. Both the classroom instruction part and the practice
13 driving part of such driver education course shall be open to a
14 resident or non-resident student attending a non-public school
15 in the district wherein the course is offered. Each student
16 attending any public or non-public high school in the district
17 must receive a passing grade in at least 8 courses during the
18 previous 2 semesters prior to enrolling in a driver education
19 course, or the student shall not be permitted to enroll in the
20 course; provided that the local superintendent of schools (with
21 respect to a student attending a public high school in the
22 district) or chief school administrator (with respect to a
23 student attending a non-public high school in the district) may
24 waive the requirement if the superintendent or chief school
25 administrator, as the case may be, deems it to be in the best
26 interest of the student. A student may be allowed to commence

1 the classroom instruction part of such driver education course
2 prior to reaching age 15 if such student then will be eligible
3 to complete the entire course within 12 months after being
4 allowed to commence such classroom instruction.

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

1 by the State Board of Education, birth date, and driver's
2 license number. Once the contract is entered into, the school
3 district shall notify the State Board of Education of any
4 changes in the personnel providing instruction within 15
5 calendar days after an instructor leaves the program or a new
6 instructor is hired. Such notification shall include the
7 instructor's name, personal identification number as required
8 by the State Board of Education, birth date, and driver's
9 license number. If the school district maintains an Internet
10 website, then the district shall post a copy of the final
11 contract between the district and the commercial driver
12 training school on the district's Internet website. If no
13 Internet website exists, then the school district shall make
14 available the contract upon request. A record of all materials
15 in relation to the contract 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.

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

25 Subject to rules of the State Board of Education, the
26 school district may charge a reasonable fee, not to exceed \$50,

1 to students who participate in the course, unless a student is
2 unable to pay for such a course, in which event the fee for
3 such a student must be waived. However, the district may
4 increase this fee to an amount not to exceed \$250 by school
5 board resolution following a public hearing on the increase,
6 which increased fee must be waived for students who participate
7 in the course and are unable to pay for the course. The total
8 amount from driver education fees and reimbursement from the
9 State for driver education must not exceed the total cost of
10 the driver education program in any year and must be deposited
11 into the school district's driver education fund as a separate
12 line item budget entry. All moneys deposited into the school
13 district's driver education fund must be used solely for the
14 funding of a high school driver education program approved by
15 the State Board of Education that uses driver education
16 instructors endorsed by the State Board of Education.

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

18 (105 ILCS 5/34-54.5 new)

19 Sec. 34-54.5. Decrease in tax rate for educational
20 purposes. If the school district's adequacy target, as defined
21 in Section 18-8.15 of this Code, meets or exceeds 110%, the
22 question of establishing a lower tax rate for educational
23 purposes than that in effect by the school district shall be
24 submitted to the voters of the school district at the
25 consolidated election in accordance with the general election

1 law, but only if the voters have submitted a petition signed by
2 not fewer than 5% of the legal voters in the school district.
3 That percentage shall be based on the number of votes cast at
4 the last general election preceding the filing of the petition.
5 The petition shall specify the tax rate of the school district
6 levy to be submitted. In no case shall the tax rate lower the
7 current tax levy by more than 20%.

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

17 (105 ILCS 5/22-60 rep.)

18 Section 10. The School Code is amended by repealing Section
19 22-60.

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

22 (115 ILCS 5/4.5)

23 Sec. 4.5. Subjects of collective bargaining.

1 (a) Notwithstanding the existence of any other provision in
2 this Act or other law, collective bargaining between an
3 educational employer ~~whose territorial boundaries are~~
4 ~~coterminous with those of a city having a population in excess~~
5 ~~of 500,000~~ and an exclusive representative of its employees may
6 include any of the following subjects:

7 (1) (Blank).

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

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

13 (4) Decisions to determine class size, class staffing
14 and assignment, class schedules, academic calendar, length
15 of the work and school day with respect to a public school
16 district organized under Article 34 of the School Code
17 only, length of the work and school year with respect to a
18 public school district organized under Article 34 of the
19 School Code only, hours and places of instruction, or pupil
20 assessment policies.

21 (5) Decisions concerning use and staffing of
22 experimental or pilot programs and decisions concerning
23 use of technology to deliver educational programs and
24 services and staffing to provide the technology.

25 (b) The subject or matters described in subsection (a) are
26 permissive subjects of bargaining between an educational

1 employer and an exclusive representative of its employees and,
2 for the purpose of this Act, are within the sole discretion of
3 the educational employer to decide to bargain, provided that
4 the educational employer is required to bargain over the impact
5 of a decision concerning such subject or matter on the
6 bargaining unit upon request by the exclusive representative.
7 During this bargaining, the educational employer shall not be
8 precluded from implementing its decision. For a school district
9 or community college district whose territorial boundaries are
10 coterminous with those of a city having a population in excess
11 of 500,000, if ~~it~~, after a reasonable period of bargaining, a
12 dispute or impasse exists between the educational employer and
13 the exclusive representative, the dispute or impasse shall be
14 resolved exclusively as set forth in subsection (b) of Section
15 12 of this Act in lieu of a strike under Section 13 of this Act.
16 Neither the Board nor any mediator or fact-finder appointed
17 pursuant to subsection (a-10) of Section 12 of this Act shall
18 have jurisdiction over such a dispute or impasse.

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

1 on a subject or matter described in subsection (a) of this
2 Section as subsection (a) existed before this amendatory Act of
3 the 93rd General Assembly.

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

5 Section 99. Effective date. This Act takes effect upon
6 becoming law, but this Act does not take effect at all unless
7 Senate Bills 1124 and 2172 of the 100th General Assembly become
8 law."