

# SB0166



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB0166

Introduced 1/30/2019, by Sen. David Koehler

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/34-18

from Ch. 122, par. 34-18

Amends the Chicago School District Article of the School Code. Makes a technical change in a Section concerning the powers of the board.

LRB101 07383 AXK 52423 b

A BILL FOR

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 Section  
5 34-18 as follows:

6 (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

7 Sec. 34-18. Powers of the board. The ~~The~~ board shall  
8 exercise general supervision and jurisdiction over the public  
9 education and the public school system of the city, and, except  
10 as otherwise provided by this Article, shall have power:

11 1. To make suitable provision for the establishment and  
12 maintenance throughout the year or for such portion thereof  
13 as it may direct, not less than 9 months, of schools of all  
14 grades and kinds, including normal schools, high schools,  
15 night schools, schools for defectives and delinquents,  
16 parental and truant schools, schools for the blind, the  
17 deaf and persons with physical disabilities, schools or  
18 classes in manual training, constructural and vocational  
19 teaching, domestic arts and physical culture, vocation and  
20 extension schools and lecture courses, and all other  
21 educational courses and facilities, including  
22 establishing, equipping, maintaining and operating  
23 playgrounds and recreational programs, when such programs

1 are conducted in, adjacent to, or connected with any public  
2 school under the general supervision and jurisdiction of  
3 the board; provided that the calendar for the school term  
4 and any changes must be submitted to and approved by the  
5 State Board of Education before the calendar or changes may  
6 take effect, and provided that in allocating funds from  
7 year to year for the operation of all attendance centers  
8 within the district, the board shall ensure that  
9 supplemental general State aid or supplemental grant funds  
10 are allocated and applied in accordance with Section 18-8,  
11 18-8.05, or 18-8.15. To admit to such schools without  
12 charge 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 in  
15 apprenticeship programs in trade schools operated by the  
16 board, whether those programs are union-sponsored or not.  
17 No student shall be refused admission into or be excluded  
18 from any course of instruction offered in the common  
19 schools by reason of that student's sex. No student shall  
20 be denied equal access to physical education and  
21 interscholastic athletic programs supported from school  
22 district funds or denied participation in comparable  
23 physical education and athletic programs solely by reason  
24 of the student's sex. Equal access to programs supported  
25 from school district funds and comparable programs will be  
26 defined in rules promulgated by the State Board of

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

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

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

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

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

23 6. To grant the use of assembly halls and classrooms  
24 when not otherwise needed, including light, heat, and  
25 attendants, for free public lectures, concerts, and other  
26 educational and social interests, free of charge, under

1 such provisions and control as the principal of the  
2 affected attendance center may prescribe;

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

1 board of education. Such children may be admitted to any  
2 such attendance center on a space available basis after all  
3 children residing within such attendance center's area  
4 have been accommodated. If the number of applicants from  
5 outside the attendance area exceed the space available,  
6 then successful applicants shall be selected by lottery.  
7 The board of education's open enrollment plan must include  
8 provisions that allow low income students to have access to  
9 transportation needed to exercise school choice. Open  
10 enrollment shall be in compliance with the provisions of  
11 the Consent Decree and Desegregation Plan cited in Section  
12 34-1.01;

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

19 9. Subject to the limitations in this Article, to  
20 establish and approve system-wide curriculum objectives  
21 and standards, including graduation standards, which  
22 reflect the multi-cultural diversity in the city and are  
23 consistent with State law, provided that for all purposes  
24 of this Article courses or proficiency in American Sign  
25 Language shall be deemed to constitute courses or  
26 proficiency in a foreign language; and to employ principals

1 and teachers, appointed as provided in this Article, and  
2 fix their compensation. The board shall prepare such  
3 reports related to minimal competency testing as may be  
4 requested by the State Board of Education, and in addition  
5 shall monitor and approve special education and bilingual  
6 education programs and policies within the district to  
7 assure that appropriate services are provided in  
8 accordance with applicable State and federal laws to  
9 children requiring services and education in those areas;

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

1 qualifications of such personnel and shall prescribe rules  
2 for determining the duties and activities to be assigned to  
3 such personnel;

4 10.5. To utilize volunteer personnel from a regional  
5 School Crisis Assistance Team (S.C.A.T.), created as part  
6 of the Safe to Learn Program established pursuant to  
7 Section 25 of the Illinois Violence Prevention Act of 1995,  
8 to provide assistance to schools in times of violence or  
9 other traumatic incidents within a school community by  
10 providing crisis intervention services to lessen the  
11 effects of emotional trauma on individuals and the  
12 community; the School Crisis Assistance Team Steering  
13 Committee shall determine the qualifications for  
14 volunteers;

15 11. To provide television studio facilities in not to  
16 exceed one school building and to provide programs for  
17 educational purposes, provided, however, that the board  
18 shall not construct, acquire, operate, or maintain a  
19 television transmitter; to grant the use of its studio  
20 facilities to a licensed television station located in the  
21 school district; and to maintain and operate not to exceed  
22 one school radio transmitting station and provide programs  
23 for educational purposes;

24 12. To offer, if deemed appropriate, outdoor education  
25 courses, including field trips within the State of  
26 Illinois, or adjacent states, and to use school educational



1 funds for the expense of the said outdoor educational  
2 programs, whether within the school district or not;

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

10 14. To insure against any loss or liability of the  
11 board, the former School Board Nominating Commission,  
12 Local School Councils, the Chicago Schools Academic  
13 Accountability Council, or the former Subdistrict Councils  
14 or of any member, officer, agent or employee thereof,  
15 resulting from alleged violations of civil rights arising  
16 from incidents occurring on or after September 5, 1967 or  
17 from the wrongful or negligent act or omission of any such  
18 person whether occurring within or without the school  
19 premises, provided the officer, agent or employee was, at  
20 the time of the alleged violation of civil rights or  
21 wrongful act or omission, acting within the scope of his  
22 employment or under direction of the board, the former  
23 School Board Nominating Commission, the Chicago Schools  
24 Academic Accountability Council, Local School Councils, or  
25 the former Subdistrict Councils; and to provide for or  
26 participate in insurance plans for its officers and

1 employees, including but not limited to retirement  
2 annuities, medical, surgical and hospitalization benefits  
3 in such types and amounts as may be determined by the  
4 board; provided, however, that the board shall contract for  
5 such insurance only with an insurance company authorized to  
6 do business in this State. Such insurance may include  
7 provision for employees who rely on treatment by prayer or  
8 spiritual means alone for healing, in accordance with the  
9 tenets and practice of a recognized religious  
10 denomination;

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

17 16. (a) To provide, on an equal basis, access to a high  
18 school campus and student directory information to the  
19 official recruiting representatives of the armed forces of  
20 Illinois and the United States for the purposes of  
21 informing students of the educational and career  
22 opportunities available in the military if the board has  
23 provided such access to persons or groups whose purpose is  
24 to acquaint students with educational or occupational  
25 opportunities available to them. The board is not required  
26 to give greater notice regarding the right of access to

1 recruiting representatives than is given to other persons  
2 and groups. In this paragraph 16, "directory information"  
3 means a high school student's name, address, and telephone  
4 number.

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

1 students for the armed forces of Illinois or the United  
2 States;

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

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

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

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

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

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

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

17          19a. Upon receipt of notice from the comptroller of a  
18          municipality with a population of 500,000 or more, a county  
19          with a population of 3,000,000 or more, the Cook County  
20          Forest Preserve District, the Chicago Park District, the  
21          Metropolitan Water Reclamation District, the Chicago  
22          Transit Authority, or a housing authority of a municipality  
23          with a population of 500,000 or more that a debt is due and  
24          owing the municipality, the county, the Cook County Forest  
25          Preserve District, the Chicago Park District, the  
26          Metropolitan Water Reclamation District, the Chicago

1 Transit Authority, or the housing authority by an employee  
2 of the Chicago Board of Education, to withhold, from the  
3 compensation of that employee, the amount of the debt that  
4 is due and owing and pay the amount withheld to the  
5 municipality, the county, the Cook County Forest Preserve  
6 District, the Chicago Park District, the Metropolitan  
7 Water Reclamation District, the Chicago Transit Authority,  
8 or the housing authority; provided, however, that the  
9 amount deducted from any one salary or wage payment shall  
10 not exceed 25% of the net amount of the payment. Before the  
11 Board deducts any amount from any salary or wage of an  
12 employee under this paragraph, the municipality, the  
13 county, the Cook County Forest Preserve District, the  
14 Chicago Park District, the Metropolitan Water Reclamation  
15 District, the Chicago Transit Authority, or the housing  
16 authority shall certify that (i) the employee has been  
17 afforded an opportunity for a hearing to dispute the debt  
18 that is due and owing the municipality, the county, the  
19 Cook County Forest Preserve District, the Chicago Park  
20 District, the Metropolitan Water Reclamation District, the  
21 Chicago Transit Authority, or the housing authority and  
22 (ii) the employee has received notice of a wage deduction  
23 order and has been afforded an opportunity for a hearing to  
24 object to the order. For purposes of this paragraph, "net  
25 amount" means that part of the salary or wage payment  
26 remaining after the deduction of any amounts required by

1 law to be deducted and "debt due and owing" means (i) a  
2 specified sum of money owed to the municipality, the  
3 county, the Cook County Forest Preserve District, the  
4 Chicago Park District, the Metropolitan Water Reclamation  
5 District, the Chicago Transit Authority, or the housing  
6 authority for services, work, or goods, after the period  
7 granted for payment has expired, or (ii) a specified sum of  
8 money owed to the municipality, the county, the Cook County  
9 Forest Preserve District, the Chicago Park District, the  
10 Metropolitan Water Reclamation District, the Chicago  
11 Transit Authority, or the housing authority pursuant to a  
12 court order or order of an administrative hearing officer  
13 after the exhaustion of, or the failure to exhaust,  
14 judicial review;

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

21 21. To make available to students vocational and career  
22 counseling and to establish 5 special career counseling  
23 days for students and parents. On these days  
24 representatives of local businesses and industries shall  
25 be invited to the school campus and shall inform students  
26 of career opportunities available to them in the various

1 businesses and industries. Special consideration shall be  
2 given to counseling minority students as to career  
3 opportunities available to them in various fields. For the  
4 purposes of this paragraph, minority student means a person  
5 who is any of the following:

6 (a) American Indian or Alaska Native (a person having  
7 origins in any of the original peoples of North and South  
8 America, including Central America, and who maintains  
9 tribal affiliation or community attachment).

10 (b) Asian (a person having origins in any of the  
11 original peoples of the Far East, Southeast Asia, or the  
12 Indian subcontinent, including, but not limited to,  
13 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,  
14 the Philippine Islands, Thailand, and Vietnam).

15 (c) Black or African American (a person having origins  
16 in any of the black racial groups of Africa). Terms such as  
17 "Haitian" or "Negro" can be used in addition to "Black or  
18 African American".

19 (d) Hispanic or Latino (a person of Cuban, Mexican,  
20 Puerto Rican, South or Central American, or other Spanish  
21 culture or origin, regardless of race).

22 (e) Native Hawaiian or Other Pacific Islander (a person  
23 having origins in any of the original peoples of Hawaii,  
24 Guam, Samoa, or other Pacific Islands).

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



1           22. To report to the State Board of Education the  
2           annual student dropout rate and number of students who  
3           graduate from, transfer from or otherwise leave bilingual  
4           programs;

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

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

24          25. To make available to the students in every high  
25          school attendance center the ability to take all courses  
26          necessary to comply with the Board of Higher Education's

1 college entrance criteria effective in 1993;

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

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

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

17 29. (Blank);

18 30. Notwithstanding any other provision of this Act or  
19 any other law to the contrary, to contract with third  
20 parties for services otherwise performed by employees,  
21 including those in a bargaining unit, and to layoff those  
22 employees upon 14 days written notice to the affected  
23 employees. Those contracts may be for a period not to  
24 exceed 5 years and may be awarded on a system-wide basis.  
25 The board may not operate more than 30 contract schools,  
26 provided that the board may operate an additional 5

1 contract turnaround schools pursuant to item (5.5) of  
2 subsection (d) of Section 34-8.3 of this Code;

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

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

15 33. (Blank); and

16 34. To establish a Labor Management Council to the  
17 board comprised of representatives of the board, the chief  
18 executive officer, and those labor organizations that are  
19 the exclusive representatives of employees of the board and  
20 to promulgate policies and procedures for the operation of  
21 the Council.

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

1 provisions of this Code which apply to all school districts.

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

7 (Source: P.A. 99-143, eff. 7-27-15; 100-465, eff. 8-31-17;  
8 100-1046, eff. 8-23-18.)