



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB0028

Introduced 1/10/2019, by Sen. Jennifer Bertino-Tarrant

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.66b
105 ILCS 5/10-19 from Ch. 122, par. 10-19
105 ILCS 5/10-19.05 new
105 ILCS 5/10-20.56
105 ILCS 5/13B-45
105 ILCS 5/13B-50.5
105 ILCS 5/29-6.3
105 ILCS 5/34-18 from Ch. 122, par. 34-18
105 ILCS 433/10

Amends the School Code. Provides that for a pupil of legal school age and in kindergarten or any of grades 1 through 12, a day of attendance shall be counted only for sessions of not less than 5 clock hours of school work per day under direct supervision of (i) teachers or (ii) non-teaching personnel or volunteer personnel when engaging in non-teaching duties and supervising in instances specified under the Code; provides for exceptions. Makes conforming changes, including in the Vocational Academies Act.

LRB101 02854 AXK 47862 b

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing Sections
5 2-3.66b, 10-19, 10-20.56, 13B-45, 13B-50.5, 29-6.3, and 34-18
6 and by adding Section 10-19.05 as follows:

7 (105 ILCS 5/2-3.66b)

8 Sec. 2-3.66b. IHOPE Program.

9 (a) There is established the Illinois Hope and Opportunity
10 Pathways through Education (IHOPE) Program. The State Board of
11 Education shall implement and administer the IHOPE Program. The
12 goal of the IHOPE Program is to develop a comprehensive system
13 in this State to re-enroll significant numbers of high school
14 dropouts in programs that will enable them to earn their high
15 school diploma.

16 (b) The IHOPE Program shall award grants, subject to
17 appropriation for this purpose, to educational service regions
18 and a school district organized under Article 34 of this Code
19 from appropriated funds to assist in establishing
20 instructional programs and other services designed to
21 re-enroll high school dropouts. From any funds appropriated for
22 the IHOPE Program, the State Board of Education may use up to
23 5% for administrative costs, including the performance of a

1 program evaluation and the hiring of staff to implement and
2 administer the program.

3 The IHOPE Program shall provide incentive grant funds for
4 regional offices of education and a school district organized
5 under Article 34 of this Code to develop partnerships with
6 school districts, public community colleges, and community
7 groups to build comprehensive plans to re-enroll high school
8 dropouts in their regions or districts.

9 Programs funded through the IHOPE Program shall allow high
10 school dropouts, up to and including age 21 notwithstanding
11 Section 26-2 of this Code, to re-enroll in an educational
12 program in conformance with rules adopted by the State Board of
13 Education. Programs may include without limitation
14 comprehensive year-round programming, evening school, summer
15 school, community college courses, adult education, vocational
16 training, work experience, programs to enhance self-concept,
17 and parenting courses. Any student in the IHOPE Program who
18 wishes to earn a high school diploma must meet the
19 prerequisites to receiving a high school diploma specified in
20 Section 27-22 of this Code and any other graduation
21 requirements of the student's district of residence. Any
22 student who successfully completes the requirements for his or
23 her graduation shall receive a diploma identifying the student
24 as graduating from his or her district of residence.

25 (c) In order to be eligible for funding under the IHOPE
26 Program, an interested regional office of education or a school

1 district organized under Article 34 of this Code shall develop
2 an IHOPE Plan to be approved by the State Board of Education.
3 The State Board of Education shall develop rules for the IHOPE
4 Program that shall set forth the requirements for the
5 development of the IHOPE Plan. Each Plan shall involve school
6 districts, public community colleges, and key community
7 programs that work with high school dropouts located in an
8 educational service region or the City of Chicago before the
9 Plan is sent to the State Board for approval. No funds may be
10 distributed to a regional office of education or a school
11 district organized under Article 34 of this Code until the
12 State Board has approved the Plan.

13 (d) A regional office of education or a school district
14 organized under Article 34 of this Code may operate its own
15 program funded by the IHOPE Program or enter into a contract
16 with other not-for-profit entities, including school
17 districts, public community colleges, and not-for-profit
18 community-based organizations, to operate a program.

19 A regional office of education or a school district
20 organized under Article 34 of this Code that receives an IHOPE
21 grant from the State Board of Education may provide funds under
22 a sub-grant, as specified in the IHOPE Plan, to other
23 not-for-profit entities to provide services according to the
24 IHOPE Plan that was developed. These other entities may include
25 school districts, public community colleges, or not-for-profit
26 community-based organizations or a cooperative partnership

1 among these entities.

2 (e) In order to distribute funding based upon the need to
3 ensure delivery of programs that will have the greatest impact,
4 IHOPE Program funding must be distributed based upon the
5 proportion of dropouts in the educational service region or
6 school district, in the case of a school district organized
7 under Article 34 of this Code, to the total number of dropouts
8 in this State. This formula shall employ the dropout data
9 provided by school districts to the State Board of Education.

10 A regional office of education or a school district
11 organized under Article 34 of this Code may claim State aid
12 under Section 18-8.05 or 18-8.15 of this Code for students
13 enrolled in a program funded by the IHOPE Program, provided
14 that the State Board of Education has approved the IHOPE Plan
15 and that these students are receiving services that are meeting
16 the requirements of Section 27-22 of this Code for receipt of a
17 high school diploma and are otherwise eligible to be claimed
18 for general State aid under Section 18-8.05 of this Code or
19 evidence-based funding under Section 18-8.15 of this Code,
20 including provisions related to the minimum number of days of
21 pupil attendance pursuant to Section 10-19 of this Code and the
22 minimum number of daily hours of school work required under
23 Section 10-19.05 and any exceptions thereto as defined by the
24 State Board of Education in rules.

25 (f) IHOPE categories of programming may include the
26 following:

1 (1) Full-time programs that are comprehensive,
2 year-round programs.

3 (2) Part-time programs combining work and study
4 scheduled at various times that are flexible to the needs
5 of students.

6 (3) Online programs and courses in which students take
7 courses and complete on-site, supervised tests that
8 measure the student's mastery of a specific course needed
9 for graduation. Students may take courses online and earn
10 credit or students may prepare to take supervised tests for
11 specific courses for credit leading to receipt of a high
12 school diploma.

13 (4) Dual enrollment in which students attend high
14 school classes in combination with community college
15 classes or students attend community college classes while
16 simultaneously earning high school credit and eventually a
17 high school diploma.

18 (g) In order to have successful comprehensive programs
19 re-enrolling and graduating low-skilled high school dropouts,
20 programs funded through the IHOPE Program shall include all of
21 the following components:

22 (1) Small programs (70 to 100 students) at a separate
23 school site with a distinct identity. Programs may be
24 larger with specific need and justification, keeping in
25 mind that it is crucial to keep programs small to be
26 effective.

1 (2) Specific performance-based goals and outcomes and
2 measures of enrollment, attendance, skills, credits,
3 graduation, and the transition to college, training, and
4 employment.

5 (3) Strong, experienced leadership and teaching staff
6 who are provided with ongoing professional development.

7 (4) Voluntary enrollment.

8 (5) High standards for student learning, integrating
9 work experience, and education, including during the
10 school year and after school, and summer school programs
11 that link internships, work, and learning.

12 (6) Comprehensive programs providing extensive support
13 services.

14 (7) Small teams of students supported by full-time paid
15 mentors who work to retain and help those students
16 graduate.

17 (8) A comprehensive technology learning center with
18 Internet access and broad-based curriculum focusing on
19 academic and career subject areas.

20 (9) Learning opportunities that incorporate action
21 into study.

22 (h) Programs funded through the IHOPE Program must report
23 data to the State Board of Education as requested. This
24 information shall include, but is not limited to, student
25 enrollment figures, attendance information, course completion
26 data, graduation information, and post-graduation information,

1 as available.

2 (i) Rules must be developed by the State Board of Education
3 to set forth the fund distribution process to regional offices
4 of education and a school district organized under Article 34
5 of this Code, the planning and the conditions upon which an
6 IHOPE Plan would be approved by State Board, and other rules to
7 develop the IHOPE Program.

8 (Source: P.A. 100-465, eff. 8-31-17.)

9 (105 ILCS 5/10-19) (from Ch. 122, par. 10-19)

10 Sec. 10-19. Length of school term - experimental programs.
11 Each school board shall annually prepare a calendar for the
12 school term, specifying the opening and closing dates and
13 providing a minimum term of at least 185 days to insure 176
14 days of actual pupil attendance, computable under Section
15 10-19.01 ~~18-8.05~~ ~~or 18-8.15~~, except that for the 1980-1981
16 school year only 175 days of actual pupil attendance shall be
17 required because of the closing of schools pursuant to Section
18 24-2 on January 29, 1981 upon the appointment by the President
19 of that day as a day of thanksgiving for the freedom of the
20 Americans who had been held hostage in Iran. Any days allowed
21 by law for teachers' institutes but not used as such or used as
22 parental institutes as provided in Section 10-22.18d shall
23 increase the minimum term by the school days not so used.
24 Except as provided in Section 10-19.1, the board may not extend
25 the school term beyond such closing date unless that extension

1 of term is necessary to provide the minimum number of
2 computable days. In case of such necessary extension school
3 employees shall be paid for such additional time on the basis
4 of their regular contracts. A school board may specify a
5 closing date earlier than that set on the annual calendar when
6 the schools of the district have provided the minimum number of
7 computable days under this Section. Nothing in this Section
8 prevents the board from employing superintendents of schools,
9 principals and other nonteaching personnel for a period of 12
10 months, or in the case of superintendents for a period in
11 accordance with Section 10-23.8, or prevents the board from
12 employing other personnel before or after the regular school
13 term with payment of salary proportionate to that received for
14 comparable work during the school term.

15 A school board may make such changes in its calendar for
16 the school term as may be required by any changes in the legal
17 school holidays prescribed in Section 24-2. A school board may
18 make changes in its calendar for the school term as may be
19 necessary to reflect the utilization of teachers' institute
20 days as parental institute days as provided in Section
21 10-22.18d.

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

25 With the prior approval of the State Board of Education and
26 subject to review by the State Board of Education every 3

1 years, any school board may, by resolution of its board and in
2 agreement with affected exclusive collective bargaining
3 agents, establish experimental educational programs, including
4 but not limited to programs for e-learning days as authorized
5 under Section 10-20.56 of this Code, self-directed learning, or
6 outside of formal class periods, which programs when so
7 approved shall be considered to comply with the requirements of
8 this Section as respects numbers of days of actual pupil
9 attendance and with the other requirements of this Act as
10 respects courses of instruction.

11 (Source: P.A. 99-194, eff. 7-30-15; 100-465, eff. 8-31-17.)

12 (105 ILCS 5/10-19.05 new)

13 Sec. 10-19.05. Daily pupil attendance calculation.

14 (a) Except as otherwise provided in this Section, for a
15 pupil of legal school age and in kindergarten or any of grades
16 1 through 12, a day of attendance shall be counted only for
17 sessions of not less than 5 clock hours of school work per day
18 under direct supervision of (i) teachers or (ii) non-teaching
19 personnel or volunteer personnel when engaging in non-teaching
20 duties and supervising in those instances specified in
21 subsection (a) of Section 10-22.34 and paragraph 10 of Section
22 34-18. Days of attendance by pupils through verified
23 participation in an e-learning program approved by the State
24 Board of Education under Section 10-20.56 of this Code shall be
25 considered as full days of attendance under this Section.

1 (b) A pupil regularly enrolled in a public school for only
2 a part of the school day may be counted on the basis of
3 one-sixth of a school day for every class hour of instruction
4 of 40 minutes or more attended pursuant to such enrollment,
5 unless a pupil is enrolled in a block-schedule format of 80
6 minutes or more of instruction, in which case the pupil may be
7 counted on the basis of the proportion of minutes of school
8 work completed each day to the minimum number of minutes that
9 school work is required to be held that day.

10 (c) A session of 4 or more clock hours may be counted as a
11 day of attendance upon certification by the regional
12 superintendent of schools and approval by the State
13 Superintendent of Education to the extent that the district has
14 been forced to use daily multiple sessions.

15 (d) A session of 3 or more clock hours may be counted as a
16 day of attendance (1) when the remainder of the school day or
17 at least 2 hours in the evening of that day is utilized for an
18 in-service training program for teachers, up to a maximum of 5
19 days per school year, provided that a district conducts an
20 in-service training program for teachers in accordance with
21 Section 10-22.39 of this Code, or, in lieu of 4 such days, 2
22 full days may be used, in which event each such day may be
23 counted as a day required for a legal school calendar pursuant
24 to Section 10-19 of this Code; (2) when, of the 5 days allowed
25 under item (1), a maximum of 4 days are used for parent-teacher
26 conferences, or, in lieu of 4 such days, 2 full days are used,

1 in which case each such day may be counted as a calendar day
2 required under Section 10-19 of this Code, provided that the
3 full-day, parent-teacher conference consists of (i) a minimum
4 of 5 clock hours of parent-teacher conferences, (ii) both a
5 minimum of 2 clock hours of parent-teacher conferences held in
6 the evening following a full day of student attendance and a
7 minimum of 3 clock hours of parent-teacher conferences held on
8 the day immediately following evening parent-teacher
9 conferences, or (iii) multiple parent-teacher conferences held
10 in the evenings following full days of student attendance in
11 which the time used for the parent-teacher conferences is
12 equivalent to a minimum of 5 clock hours; and (3) when days in
13 addition to those provided in items (1) and (2) are scheduled
14 by a school pursuant to its school improvement plan adopted
15 under Article 34 or its revised or amended school improvement
16 plan adopted under Article 2, provided that (i) such sessions
17 of 3 or more clock hours are scheduled to occur at regular
18 intervals, (ii) the remainder of the school days in which such
19 sessions occur are utilized for in-service training programs or
20 other staff development activities for teachers, and (iii) a
21 sufficient number of minutes of school work under the direct
22 supervision of teachers are added to the school days between
23 such regularly scheduled sessions to accumulate not less than
24 the number of minutes by which such sessions of 3 or more clock
25 hours fall short of 5 clock hours. Days scheduled for
26 in-service training programs, staff development activities, or

1 parent-teacher conferences may be scheduled separately for
2 different grade levels and different attendance centers of the
3 district.

4 (e) A session of not less than one clock hour of teaching
5 hospitalized or homebound pupils on-site or by telephone to the
6 classroom may be counted as a half day of attendance; however,
7 these pupils must receive 4 or more clock hours of instruction
8 to be counted for a full day of attendance.

9 (f) A session of at least 4 clock hours may be counted as a
10 day of attendance for first grade pupils and pupils in full-day
11 kindergartens, and a session of 2 or more hours may be counted
12 as a half day of attendance by pupils in kindergartens that
13 provide only half days of attendance.

14 (g) For children with disabilities who are below the age of
15 6 years and who cannot attend 2 or more clock hours because of
16 their disability or immaturity, a session of not less than one
17 clock hour may be counted as a half day of attendance; however,
18 for such children whose educational needs require a session of
19 4 or more clock hours, a session of at least 4 clock hours may
20 be counted as a full day of attendance.

21 (h) A recognized kindergarten that provides for only a half
22 day of attendance by each pupil shall not have more than one
23 half day of attendance counted in any one day. However,
24 kindergartens may count 2 and a half days of attendance in any
25 5 consecutive school days. When a pupil attends such a
26 kindergarten for 2 half days on any one school day, the pupil

1 shall have the following day as a day absent from school,
2 unless the school district obtains permission in writing from
3 the State Superintendent of Education. Attendance at
4 kindergartens that provide for a full day of attendance by each
5 pupil shall be counted the same as attendance by first grade
6 pupils. Only the first year of attendance in one kindergarten
7 shall be counted, except in the case of children who entered
8 the kindergarten in their fifth year whose educational
9 development requires a second year of kindergarten as
10 determined under rules of the State Board of Education.

11 (i) On the days when the State's final accountability
12 assessment is administered under subsection (c) of Section
13 2-3.64a-5 of this Code, the day of attendance for a pupil whose
14 school day must be shortened to accommodate required testing
15 procedures may be less than 5 clock hours and shall be counted
16 toward the 176 days of actual pupil attendance required under
17 Section 10-19 of this Code, provided that a sufficient number
18 of minutes of school work in excess of 5 clock hours are first
19 completed on other school days to compensate for the loss of
20 school work on the examination days.

21 (j) Pupils enrolled in a remote educational program
22 established under Section 10-29 of this Code may be counted on
23 the basis of a one-fifth day of attendance for every clock hour
24 of instruction attended in the remote educational program,
25 provided that, in any month, the school district may not claim
26 for a student enrolled in a remote educational program more

1 days of attendance than the maximum number of days of
2 attendance the district can claim (i) for students enrolled in
3 a building holding year-round classes if the student is
4 classified as participating in the remote educational program
5 on a year-round schedule or (ii) for students enrolled in a
6 building not holding year-round classes if the student is not
7 classified as participating in the remote educational program
8 on a year-round schedule.

9 (105 ILCS 5/10-20.56)

10 Sec. 10-20.56. E-learning days.

11 (a) The State Board of Education shall establish and
12 maintain, for implementation in selected school districts a
13 program for use of electronic-learning (e-learning) days, as
14 described in this Section. The State Superintendent of
15 Education shall select up to 3 school districts for this
16 program, at least one of which may be an elementary or unit
17 school district. On or before June 1, 2019, the State Board
18 shall report its recommendation for expansion, revision, or
19 discontinuation of the program to the Governor and General
20 Assembly.

21 (b) The school board of a school district selected by the
22 State Superintendent of Education under subsection (a) of this
23 Section may, by resolution, adopt a research-based program or
24 research-based programs for e-learning days district-wide that
25 shall permit student instruction to be received electronically

1 while students are not physically present in lieu of the
2 district's scheduled emergency days as required by Section
3 10-19 of this Code. The research-based program or programs may
4 not exceed the minimum number of emergency days in the approved
5 school calendar and must be submitted to the State
6 Superintendent for approval on or before September 1st annually
7 to ensure access for all students. The State Superintendent
8 shall approve programs that ensure that the specific needs of
9 all students are met, including special education students and
10 English learners, and that all mandates are still met using the
11 proposed research-based program. The e-learning program may
12 utilize the Internet, telephones, texts, chat rooms, or other
13 similar means of electronic communication for instruction and
14 interaction between teachers and students that meet the needs
15 of all learners.

16 (c) Before its adoption by a school board, a school
17 district's initial proposal for an e-learning program or for
18 renewal of such a program must be approved by the State Board
19 of Education and shall follow a public hearing, at a regular or
20 special meeting of the school board, in which the terms of the
21 proposal must be substantially presented and an opportunity for
22 allowing public comments must be provided. Notice of such
23 public hearing must be provided at least 10 days prior to the
24 hearing by:

- 25 (1) publication in a newspaper of general circulation
26 in the school district;

1 (2) written or electronic notice designed to reach the
2 parents or guardians of all students enrolled in the school
3 district; and

4 (3) written or electronic notice designed to reach any
5 exclusive collective bargaining representatives of school
6 district employees and all those employees not in a
7 collective bargaining unit.

8 (d) A proposal for an e-learning program must be timely
9 approved by the State Board of Education if the requirements
10 specified in this Section have been met and if, in the view of
11 the State Board of Education, the proposal contains provisions
12 designed to reasonably and practicably accomplish the
13 following:

14 (1) to ensure and verify at least 5 clock hours of
15 instruction or school work, as required under Section
16 10-19.05, for each student participating in an e-learning
17 day;

18 (2) to ensure access from home or other appropriate
19 remote facility for all students participating, including
20 computers, the Internet, and other forms of electronic
21 communication that must be utilized in the proposed
22 program;

23 (3) to ensure appropriate learning opportunities for
24 students with special needs;

25 (4) to monitor and verify each student's electronic
26 participation;

1 (5) to address the extent to which student
2 participation is within the student's control as to the
3 time, pace, and means of learning;

4 (6) to provide effective notice to students and their
5 parents or guardians of the use of particular days for
6 e-learning;

7 (7) to provide staff and students with adequate
8 training for e-learning days' participation;

9 (8) to ensure an opportunity for any collective
10 bargaining negotiations with representatives of the school
11 district's employees that would be legally required; and

12 (9) to review and revise the program as implemented to
13 address difficulties confronted.

14 The State Board of Education's approval of a school
15 district's initial e-learning program and renewal of the
16 e-learning program shall be for a term of 3 years.

17 (e) The State Board of Education may adopt rules governing
18 its supervision and review of e-learning programs consistent
19 with the provision of this Section. However, in the absence of
20 such rules, school districts may submit proposals for State
21 Board of Education consideration under the authority of this
22 Section.

23 (Source: P.A. 99-194, eff. 7-30-15; 99-642, eff. 7-28-16;
24 100-760, eff. 8-10-18.)

25 (105 ILCS 5/13B-45)

1 Sec. 13B-45. Days and hours of attendance. An alternative
2 learning opportunities program shall provide students with at
3 least the minimum number of days of pupil attendance required
4 under Section 10-19 of this Code and the minimum number of
5 daily hours of school work required under Section 10-19.05
6 ~~10-8.05 or 10-8.15~~ of this Code, provided that the State Board
7 may approve exceptions to these requirements if the program
8 meets all of the following conditions:

9 (1) The district plan submitted under Section
10 13B-25.15 of this Code establishes that a program providing
11 the required minimum number of days of attendance or daily
12 hours of school work would not serve the needs of the
13 program's students.

14 (2) Each day of attendance shall provide no fewer than
15 3 clock hours of school work, as defined under ~~paragraph~~
16 ~~(1) of subsection (F) of~~ Section 10-19.05 ~~10-8.05~~ of this
17 Code.

18 (3) Each day of attendance that provides fewer than 5
19 clock hours of school work shall also provide supplementary
20 services, including without limitation work-based
21 learning, student assistance programs, counseling, case
22 management, health and fitness programs, or life-skills or
23 conflict resolution training, in order to provide a total
24 daily program to the student of 5 clock hours. A program
25 may claim ~~general State aid or~~ evidence-based funding for
26 up to 2 hours of the time each day that a student is

1 receiving supplementary services.

2 (4) Each program shall provide no fewer than 174 days
3 of actual pupil attendance during the school term; however,
4 approved evening programs that meet the requirements of
5 Section 13B-45 of this Code may offer less than 174 days of
6 actual pupil attendance during the school term.

7 (Source: P.A. 100-465, eff. 8-31-17.)

8 (105 ILCS 5/13B-50.5)

9 Sec. 13B-50.5. Conditions of funding. If an alternative
10 learning opportunities program provides less than the daily 5
11 clock hours of school work required under Section 10-19.05
12 ~~daily~~, the program must meet guidelines established by the
13 State Board and must provide supplementary services, including
14 without limitation work-based learning, student assistance
15 programs, counseling, case management, health and fitness
16 programs, life skills, conflict resolution, or service
17 learning, that are equal to the required attendance.

18 (Source: P.A. 92-42, eff. 1-1-02.)

19 (105 ILCS 5/29-6.3)

20 Sec. 29-6.3. Transportation to and from specified
21 interscholastic or school-sponsored activities.

22 (a) Any school district transporting students in grade 12
23 or below for an interscholastic, interscholastic athletic, or
24 school-sponsored, noncurriculum-related activity that (i) does

1 not require student participation as part of the educational
2 services of the district and (ii) is not associated with the
3 students' regular class-for-credit schedule or required 5
4 clock hours of instruction under Section 10-19.05 shall
5 transport the students only in a school bus, a vehicle
6 manufactured to transport not more than 10 persons, including
7 the driver, or a multifunction school-activity bus
8 manufactured to transport not more than 15 persons, including
9 the driver.

10 (a-5) A student in any of grades 9 through 12 may be
11 transported in a multi-function school activity bus (MFSAB) as
12 defined in Section 1-148.3a-5 of the Illinois Vehicle Code for
13 any curriculum-related activity except for transportation on
14 regular bus routes from home to school or from school to home,
15 subject to the following conditions:

16 (i) A MFSAB may not be used to transport students under
17 this Section unless the driver holds a valid school bus
18 driver permit.

19 (ii) The use of a MFSAB under this Section is subject
20 to the requirements of Sections 6-106.11, 6-106.12,
21 12-707.01, 13-101, and 13-109 of the Illinois Vehicle Code.

22 (b) Any school district furnishing transportation for
23 students under the authority of this Section shall insure
24 against any loss or liability of the district resulting from
25 the maintenance, operation, or use of the vehicle.

26 (c) Vehicles used to transport students under this Section

1 may claim a depreciation allowance of 20% over 5 years as
2 provided in Section 29-5 of this Code.

3 (Source: P.A. 96-410, eff. 7-1-10; 97-896, eff. 8-3-12.)

4 (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

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

9 1. To make suitable provision for the establishment and
10 maintenance throughout the year or for such portion thereof
11 as it may direct, not less than 9 months and in compliance
12 with Section 10-19.05, of schools of all grades and kinds,
13 including normal schools, high schools, night schools,
14 schools for defectives and delinquents, parental and
15 truant schools, schools for the blind, the deaf and persons
16 with physical disabilities, schools or classes in manual
17 training, constructural and vocational teaching, domestic
18 arts and physical culture, vocation and extension schools
19 and lecture courses, and all other educational courses and
20 facilities, including establishing, equipping, maintaining
21 and operating playgrounds and recreational programs, when
22 such programs are conducted in, adjacent to, or connected
23 with any public school under the general supervision and
24 jurisdiction of the board; provided that the calendar for
25 the school term and any changes must be submitted to and

1 approved by the State Board of Education before the
2 calendar or changes may take effect, and provided that in
3 allocating funds from year to year for the operation of all
4 attendance centers within the district, the board shall
5 ensure that supplemental general State aid or supplemental
6 grant funds are allocated and applied in accordance with
7 Section 18-8, 18-8.05, or 18-8.15. To admit to such schools
8 without charge foreign exchange students who are
9 participants in an organized exchange student program
10 which is authorized by the board. The board shall permit
11 all students to enroll in apprenticeship programs in trade
12 schools operated by the board, whether those programs are
13 union-sponsored or not. No student shall be refused
14 admission into or be excluded from any course of
15 instruction offered in the common schools by reason of that
16 student's sex. No student shall be denied equal access to
17 physical education and interscholastic athletic programs
18 supported from school district funds or denied
19 participation in comparable physical education and
20 athletic programs solely by reason of the student's sex.
21 Equal access to programs supported from school district
22 funds and comparable programs will be defined in rules
23 promulgated by the State Board of Education in consultation
24 with the Illinois High School Association. Notwithstanding
25 any other provision of this Article, neither the board of
26 education nor any local school council or other school

1 official shall recommend that children with disabilities
2 be placed into regular education classrooms unless those
3 children with disabilities are provided with supplementary
4 services to assist them so that they benefit from the
5 regular classroom instruction and are included on the
6 teacher's regular education class register;

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

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

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

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

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

25 7. To apportion the pupils to the several schools;
26 provided that no pupil shall be excluded from or segregated

1 in any such school on account of his color, race, sex, or
2 nationality. The board shall take into consideration the
3 prevention of segregation and the elimination of
4 separation of children in public schools because of color,
5 race, sex, or nationality. Except that children may be
6 committed to or attend parental and social adjustment
7 schools established and maintained either for boys or girls
8 only. All records pertaining to the creation, alteration or
9 revision of attendance areas shall be open to the public.
10 Nothing herein shall limit the board's authority to
11 establish multi-area attendance centers or other student
12 assignment systems for desegregation purposes or
13 otherwise, and to apportion the pupils to the several
14 schools. Furthermore, beginning in school year 1994-95,
15 pursuant to a board plan adopted by October 1, 1993, the
16 board shall offer, commencing on a phased-in basis, the
17 opportunity for families within the school district to
18 apply for enrollment of their children in any attendance
19 center within the school district which does not have
20 selective admission requirements approved by the board.
21 The appropriate geographical area in which such open
22 enrollment may be exercised shall be determined by the
23 board of education. Such children may be admitted to any
24 such attendance center on a space available basis after all
25 children residing within such attendance center's area
26 have been accommodated. If the number of applicants from

1 outside the attendance area exceed the space available,
2 then successful applicants shall be selected by lottery.
3 The board of education's open enrollment plan must include
4 provisions that allow low income students to have access to
5 transportation needed to exercise school choice. Open
6 enrollment shall be in compliance with the provisions of
7 the Consent Decree and Desegregation Plan cited in Section
8 34-1.01;

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

15 9. Subject to the limitations in this Article, to
16 establish and approve system-wide curriculum objectives
17 and standards, including graduation standards, which
18 reflect the multi-cultural diversity in the city and are
19 consistent with State law, provided that for all purposes
20 of this Article courses or proficiency in American Sign
21 Language shall be deemed to constitute courses or
22 proficiency in a foreign language; and to employ principals
23 and teachers, appointed as provided in this Article, and
24 fix their compensation. The board shall prepare such
25 reports related to minimal competency testing as may be
26 requested by the State Board of Education, and in addition

1 shall monitor and approve special education and bilingual
2 education programs and policies within the district to
3 assure that appropriate services are provided in
4 accordance with applicable State and federal laws to
5 children requiring services and education in those areas;

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

26 10.5. To utilize volunteer personnel from a regional

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

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

20 12. To offer, if deemed appropriate, outdoor education
21 courses, including field trips within the State of
22 Illinois, or adjacent states, and to use school educational
23 funds for the expense of the said outdoor educational
24 programs, whether within the school district or not;

25 13. During that period of the calendar year not
26 embraced within the regular school term, to provide and

1 conduct courses in subject matters normally embraced in the
2 program of the schools during the regular school term and
3 to give regular school credit for satisfactory completion
4 by the student of such courses as may be approved for
5 credit by the State Board of Education;

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

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

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

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

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

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

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

25 17. (a) To sell or market any computer program
26 developed by an employee of the school district, provided

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

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

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

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

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

26 18. To delegate to the general superintendent of

1 schools, by resolution, the authority to approve contracts
2 and expenditures in amounts of \$10,000 or less;

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

13 19a. Upon receipt of notice from the comptroller of a
14 municipality with a population of 500,000 or more, a county
15 with a population of 3,000,000 or more, the Cook County
16 Forest Preserve District, the Chicago Park District, the
17 Metropolitan Water Reclamation District, the Chicago
18 Transit Authority, or a housing authority of a municipality
19 with a population of 500,000 or more that a debt is due and
20 owing the municipality, the county, the Cook County Forest
21 Preserve District, the Chicago Park District, the
22 Metropolitan Water Reclamation District, the Chicago
23 Transit Authority, or the housing authority by an employee
24 of the Chicago Board of Education, to withhold, from the
25 compensation of that employee, the amount of the debt that
26 is due and owing and pay the amount withheld to the

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

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

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

17 21. To make available to students vocational and career
18 counseling and to establish 5 special career counseling
19 days for students and parents. On these days
20 representatives of local businesses and industries shall
21 be invited to the school campus and shall inform students
22 of career opportunities available to them in the various
23 businesses and industries. Special consideration shall be
24 given to counseling minority students as to career
25 opportunities available to them in various fields. For the
26 purposes of this paragraph, minority student means a person

1 who is any of the following:

2 (a) American Indian or Alaska Native (a person having
3 origins in any of the original peoples of North and South
4 America, including Central America, and who maintains
5 tribal affiliation or community attachment).

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

11 (c) Black or African American (a person having origins
12 in any of the black racial groups of Africa). Terms such as
13 "Haitian" or "Negro" can be used in addition to "Black or
14 African American".

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

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

21 Counseling days shall not be in lieu of regular school
22 days;

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

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

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

20 25. To make available to the students in every high
21 school attendance center the ability to take all courses
22 necessary to comply with the Board of Higher Education's
23 college entrance criteria effective in 1993;

24 26. To encourage mid-career changes into the teaching
25 profession, whereby qualified professionals become
26 certified teachers, by allowing credit for professional

1 employment in related fields when determining point of
2 entry on teacher pay scale;

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

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

13 29. (Blank);

14 30. Notwithstanding any other provision of this Act or
15 any other law to the contrary, to contract with third
16 parties for services otherwise performed by employees,
17 including those in a bargaining unit, and to layoff those
18 employees upon 14 days written notice to the affected
19 employees. Those contracts may be for a period not to
20 exceed 5 years and may be awarded on a system-wide basis.
21 The board may not operate more than 30 contract schools,
22 provided that the board may operate an additional 5
23 contract turnaround schools pursuant to item (5.5) of
24 subsection (d) of Section 34-8.3 of this Code;

25 31. To promulgate rules establishing procedures
26 governing the layoff or reduction in force of employees and

1 the recall of such employees, including, but not limited
2 to, criteria for such layoffs, reductions in force or
3 recall rights of such employees and the weight to be given
4 to any particular criterion. Such criteria shall take into
5 account factors including, but not be limited to,
6 qualifications, certifications, experience, performance
7 ratings or evaluations, and any other factors relating to
8 an employee's job performance;

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

11 33. (Blank); and

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

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

24 In addition to the powers herein granted and authorized to
25 be exercised by the board, it shall be the duty of the board to
26 review or to direct independent reviews of special education

1 expenditures and services. The board shall file a report of
2 such review with the General Assembly on or before May 1, 1990.
3 (Source: P.A. 99-143, eff. 7-27-15; 100-465, eff. 8-31-17;
4 100-1046, eff. 8-23-18.)

5 Section 10. The Vocational Academies Act is amended by
6 changing Section 10 as follows:

7 (105 ILCS 433/10)

8 Sec. 10. Establishment. A school district, in partnership
9 with community colleges, local employers, and community-based
10 organizations, may establish a vocational academy that is
11 eligible for a grant under this Act if the vocational academy
12 meets all of the following requirements:

13 (1) The vocational academy must have a minimum
14 5-clock-hour day, as required under Section 10-19.05 of the
15 School Code, and be under the direct supervision of
16 teachers.

17 (2) The vocational academy must be a 2-year school
18 within a school program for grades 10 through 12 that is
19 organized around a career theme and operated as a
20 business-education partnership.

21 (3) The vocational academy must be a career-oriented
22 program that uses the direct involvement of local employers
23 to provide students with an education and the skills needed
24 for employment.

1 (4) The vocational academy must be a standards-based
2 educational program that prepares students both
3 academically and technically for entrance into
4 postsecondary education or careers in a selected field.

5 (5) The curriculum of the vocational academy must be
6 based on the Illinois Learning Standards, and work-site
7 training must provide students with learning experiences
8 for entry-level employment in the local job market and
9 lifelong learning skills for higher education.

10 (Source: P.A. 94-220, eff. 7-14-05.)