



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

#### HB2233

Introduced 2/8/2023, by Rep. Jay Hoffman

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.21	
105 ILCS 5/34-18	from Ch. 122, par. 34-18
105 ILCS 5/34-21.3	from Ch. 122, par. 34-21.3

Amends the School Code. In provisions concerning the awarding of contracts by school boards, increases the contract value subject to competitive bid provisions to \$35,000 (instead of \$25,000). Provides that the value excepted for a single project is \$70,000 (instead of \$50,000). Makes related changes.

LRB103 25477 RJT 51826 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 10-20.21, 34-18, and 34-21.3 as follows:

6 (105 ILCS 5/10-20.21)

7 Sec. 10-20.21. Contracts.

8 (a) To award all contracts for purchase of supplies and  
9 materials or work involving an expenditure in excess of  
10 \$35,000 ~~\$25,000~~ or a lower amount as required by board policy  
11 to the lowest responsible bidder, considering conformity with  
12 specifications, terms of delivery, quality and serviceability,  
13 after due advertisement, except the following:

14 (i) contracts for the services of individuals  
15 possessing a high degree of professional skill where the  
16 ability or fitness of the individual plays an important  
17 part;

18 (ii) contracts for the printing of finance committee  
19 reports and departmental reports;

20 (iii) contracts for the printing or engraving of  
21 bonds, tax warrants and other evidences of indebtedness;

22 (iv) contracts for the purchase of perishable foods  
23 and perishable beverages;

1 (v) contracts for materials and work which have been  
2 awarded to the lowest responsible bidder after due  
3 advertisement, but due to unforeseen revisions, not the  
4 fault of the contractor for materials and work, must be  
5 revised causing expenditures not in excess of 10% of the  
6 contract price;

7 (vi) contracts for the maintenance or servicing of, or  
8 provision of repair parts for, equipment which are made  
9 with the manufacturer or authorized service agent of that  
10 equipment where the provision of parts, maintenance, or  
11 servicing can best be performed by the manufacturer or  
12 authorized service agent;

13 (vii) purchases and contracts for the use, purchase,  
14 delivery, movement, or installation of data processing  
15 equipment, software, or services and telecommunications  
16 and interconnect equipment, software, and services;

17 (viii) contracts for duplicating machines and  
18 supplies;

19 (ix) contracts for the purchase of fuel, including  
20 diesel, gasoline, oil, aviation, natural gas, or propane,  
21 lubricants, or other petroleum products;

22 (x) purchases of equipment previously owned by some  
23 entity other than the district itself;

24 (xi) contracts for repair, maintenance, remodeling,  
25 renovation, or construction, or a single project involving  
26 an expenditure not to exceed \$70,000 ~~\$50,000~~ and not

1 involving a change or increase in the size, type, or  
2 extent of an existing facility;

3 (xii) contracts for goods or services procured from  
4 another governmental agency;

5 (xiii) contracts for goods or services which are  
6 economically procurable from only one source, such as for  
7 the purchase of magazines, books, periodicals, pamphlets  
8 and reports, and for utility services such as water,  
9 light, heat, telephone or telegraph;

10 (xiv) where funds are expended in an emergency and  
11 such emergency expenditure is approved by 3/4 of the  
12 members of the board;

13 (xv) State master contracts authorized under Article  
14 28A of this Code;

15 (xvi) contracts providing for the transportation of  
16 pupils, which contracts must be advertised in the same  
17 manner as competitive bids and awarded by first  
18 considering the bidder or bidders most able to provide  
19 safety and comfort for the pupils, stability of service,  
20 and any other factors set forth in the request for  
21 proposal regarding quality of service, and then price; and

22 (xvii) contracts for goods, services, or management in  
23 the operation of a school's food service, including a  
24 school that participates in any of the United States  
25 Department of Agriculture's child nutrition programs if a  
26 good faith effort is made on behalf of the school district

1 to give preference to:

2 (1) contracts that procure food that promotes the  
3 health and well-being of students, in compliance with  
4 United States Department of Agriculture nutrition  
5 standards for school meals. Contracts should also  
6 promote the production of scratch made, minimally  
7 processed foods;

8 (2) contracts that give a preference to State or  
9 regional suppliers that source local food products;

10 (3) contracts that give a preference to food  
11 suppliers that utilize producers that adopt hormone  
12 and pest management practices recommended by the  
13 United States Department of Agriculture;

14 (4) contracts that give a preference to food  
15 suppliers that value animal welfare; and

16 (5) contracts that increase opportunities for  
17 businesses owned and operated by minorities, women, or  
18 persons with disabilities.

19 Food supplier data shall be submitted to the school  
20 district at the time of the bid, to the best of the  
21 bidder's ability, and updated annually thereafter during  
22 the term of the contract. The contractor shall submit the  
23 updated food supplier data. The data required under this  
24 item (xvii) shall include the name and address of each  
25 supplier, distributor, processor, and producer involved in  
26 the provision of the products that the bidder is to

1 supply.

2 However, at no time shall a cause of action lie against a  
3 school board for awarding a pupil transportation contract per  
4 the standards set forth in this subsection (a) unless the  
5 cause of action is based on fraudulent conduct.

6 All competitive bids for contracts involving an  
7 expenditure in excess of \$35,000 ~~\$25,000~~ or a lower amount as  
8 required by board policy must be sealed by the bidder and must  
9 be opened by a member or employee of the school board at a  
10 public bid opening at which the contents of the bids must be  
11 announced. Each bidder must receive at least 3 days' notice of  
12 the time and place of the bid opening. For purposes of this  
13 Section due advertisement includes, but is not limited to, at  
14 least one public notice at least 10 days before the bid date in  
15 a newspaper published in the district, or if no newspaper is  
16 published in the district, in a newspaper of general  
17 circulation in the area of the district. State master  
18 contracts and certified education purchasing contracts, as  
19 defined in Article 28A of this Code, are not subject to the  
20 requirements of this paragraph.

21 Under this Section, the acceptance of bids sealed by a  
22 bidder and the opening of these bids at a public bid opening  
23 may be permitted by an electronic process for communicating,  
24 accepting, and opening competitive bids. An electronic bidding  
25 process must provide for, but is not limited to, the following  
26 safeguards:

1           (1) On the date and time certain of a bid opening, the  
2           primary person conducting the competitive, sealed,  
3           electronic bid process shall log onto a specified database  
4           using a unique username and password previously assigned  
5           to the bidder to allow access to the bidder's specific bid  
6           project number.

7           (2) The specified electronic database must be on a  
8           network that (i) is in a secure environment behind a  
9           firewall; (ii) has specific encryption tools; (iii)  
10          maintains specific intrusion detection systems; (iv) has  
11          redundant systems architecture with data storage back-up,  
12          whether by compact disc or tape; and (v) maintains a  
13          disaster recovery plan.

14          It is the legislative intent of Public Act 96-841 to maintain  
15          the integrity of the sealed bidding process provided for in  
16          this Section, to further limit any possibility of bid-rigging,  
17          to reduce administrative costs to school districts, and to  
18          effect efficiencies in communications with bidders.

19          (b) To require, as a condition of any contract for goods  
20          and services, that persons bidding for and awarded a contract  
21          and all affiliates of the person collect and remit Illinois  
22          Use Tax on all sales of tangible personal property into the  
23          State of Illinois in accordance with the provisions of the  
24          Illinois Use Tax Act regardless of whether the person or  
25          affiliate is a "retailer maintaining a place of business  
26          within this State" as defined in Section 2 of the Use Tax Act.

1 For purposes of this Section, the term "affiliate" means any  
2 entity that (1) directly, indirectly, or constructively  
3 controls another entity, (2) is directly, indirectly, or  
4 constructively controlled by another entity, or (3) is subject  
5 to the control of a common entity. For purposes of this  
6 subsection (b), an entity controls another entity if it owns,  
7 directly or individually, more than 10% of the voting  
8 securities of that entity. As used in this subsection (b), the  
9 term "voting security" means a security that (1) confers upon  
10 the holder the right to vote for the election of members of the  
11 board of directors or similar governing body of the business  
12 or (2) is convertible into, or entitles the holder to receive  
13 upon its exercise, a security that confers such a right to  
14 vote. A general partnership interest is a voting security.

15 To require that bids and contracts include a certification  
16 by the bidder or contractor that the bidder or contractor is  
17 not barred from bidding for or entering into a contract under  
18 this Section and that the bidder or contractor acknowledges  
19 that the school board may declare the contract void if the  
20 certification completed pursuant to this subsection (b) is  
21 false.

22 (b-5) To require all contracts and agreements that pertain  
23 to goods and services and that are intended to generate  
24 additional revenue and other remunerations for the school  
25 district in excess of \$1,000, including without limitation  
26 vending machine contracts, sports and other attire, class



1 rings, and photographic services, to be approved by the school  
2 board. The school board shall file as an attachment to its  
3 annual budget a report, in a form as determined by the State  
4 Board of Education, indicating for the prior year the name of  
5 the vendor, the product or service provided, and the actual  
6 net revenue and non-monetary remuneration from each of the  
7 contracts or agreements. In addition, the report shall  
8 indicate for what purpose the revenue was used and how and to  
9 whom the non-monetary remuneration was distributed.

10 (b-10) To prohibit any contract to purchase food with a  
11 bidder or offeror if the bidder's or offeror's contract terms  
12 prohibit the school from donating food to food banks,  
13 including, but not limited to, homeless shelters, food  
14 pantries, and soup kitchens.

15 (c) If the State education purchasing entity creates a  
16 master contract as defined in Article 28A of this Code, then  
17 the State education purchasing entity shall notify school  
18 districts of the existence of the master contract.

19 (d) In purchasing supplies, materials, equipment, or  
20 services that are not subject to subsection (c) of this  
21 Section, before a school district solicits bids or awards a  
22 contract, the district may review and consider as a bid under  
23 subsection (a) of this Section certified education purchasing  
24 contracts that are already available through the State  
25 education purchasing entity.

26 (Source: P.A. 101-570, eff. 8-23-19; 101-632, eff. 6-5-20;

1 102-1101, eff. 6-29-22.)

2 (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

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

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

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

1           that children with disabilities be placed into regular  
2           education classrooms unless those children with  
3           disabilities are provided with supplementary services to  
4           assist them so that they benefit from the regular  
5           classroom instruction and are included on the teacher's  
6           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  
9           of such expenses as the board may determine are necessary  
10          in conducting the school lunch program;

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

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

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

1 applicants from outside the attendance area exceed the  
2 space available, then successful applicants shall be  
3 selected by lottery. The board of education's open  
4 enrollment plan must include provisions that allow  
5 low-income students to have access to transportation  
6 needed to exercise school choice. Open enrollment shall be  
7 in compliance with the provisions of the Consent Decree  
8 and Desegregation Plan cited in Section 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  
23 principals and teachers, appointed as provided in this  
24 Article, and fix their compensation. The board shall  
25 prepare such reports related to minimal competency testing  
26 as may be requested by the State Board of Education and, in

1 addition, shall monitor and approve special education and  
2 bilingual education programs and policies within the  
3 district to ensure that appropriate services are provided  
4 in 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 nonlicensed personnel or employ nonlicensed  
16 personnel to assist in the instruction of pupils under the  
17 immediate supervision of a teacher holding a valid  
18 educator license, directly engaged in teaching subject  
19 matter or conducting activities; provided that the teacher  
20 shall be continuously aware of the nonlicensed persons'  
21 activities and shall be able to control or modify them.  
22 The general superintendent shall determine qualifications  
23 of such personnel and shall prescribe rules for  
24 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  
4 1995, to provide assistance to schools in times of  
5 violence or other traumatic incidents within a school  
6 community by providing crisis intervention services to  
7 lessen the effects of emotional trauma on individuals and  
8 the 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  
23 educational funds for the expense of the said outdoor  
24 educational programs, whether within the school district  
25 or not;

26 13. During that period of the calendar year not



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

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

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

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

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

1 number.

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

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

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

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

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

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

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

26           (3) "Proceeds" means profits derived from the

1 marketing or sale of a product after deducting the  
2 expenses of developing and marketing such product;

3 18. To delegate to the general superintendent of  
4 schools, by resolution, the authority to approve contracts  
5 and expenditures in amounts of \$35,000 ~~\$10,000~~ or less;

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

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

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

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

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

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

1 opportunities available to them in various fields. For the  
2 purposes of this paragraph, minority student means a  
3 person who is any of the following:

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

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

13 (c) Black or African American (a person having origins  
14 in any of the black racial groups of Africa).

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  
19 person having origins in any of the original peoples of  
20 Hawaii, 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 licensed teachers, by allowing credit for professional

1 employment in related fields when determining point of  
2 entry on the 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 Code in order to ensure  
6 they have the knowledge and skills to perform their  
7 duties;

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

15 29. (Blank);

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

1 governing bodies of contract schools are subject to the  
2 Freedom of Information Act and Open Meetings Act;

3 31. To promulgate rules establishing procedures  
4 governing the layoff or reduction in force of employees  
5 and the recall of such employees, including, but not  
6 limited to, criteria for such layoffs, reductions in force  
7 or recall rights of such employees and the weight to be  
8 given to any particular criterion. Such criteria shall  
9 take into account factors, including, but not 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  
20 and to promulgate policies and procedures for the  
21 operation of the Council.

22 The specifications of the powers herein granted are not to  
23 be construed as exclusive, but the board shall also exercise  
24 all other powers that 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. 101-12, eff. 7-1-19; 101-88, eff. 1-1-20;  
8 102-465, eff. 1-1-22; 102-558, eff. 8-20-21; 102-894, eff.  
9 5-20-22.)

10 (105 ILCS 5/34-21.3) (from Ch. 122, par. 34-21.3)

11 Sec. 34-21.3. Contracts. The board shall by record vote  
12 let all contracts (other than those excepted by Section  
13 10-20.21 of this ~~The School~~ Code) for supplies, materials, or  
14 work~~7~~ and contracts with private carriers for transportation  
15 of pupils~~7~~ involving an expenditure in excess of \$35,000  
16 ~~\$25,000~~ or a lower amount as required by board policy by  
17 competitive bidding as provided in Section 10-20.21 of this  
18 ~~The School~~ Code.

19 The board may delegate to the general superintendent of  
20 schools, by resolution, the authority to approve contracts in  
21 amounts of \$35,000 ~~\$25,000~~ or less.

22 For a period of one year from and after the expiration or  
23 other termination of his or her term of office as a member of  
24 the board: (i) the former board member shall not be eligible  
25 for employment nor be employed by the board, a local school

1 council, an attendance center, or any other subdivision or  
2 agent of the board or the school district governed by the  
3 board, and (ii) neither the board nor the chief purchasing  
4 officer shall let or delegate authority to let any contract  
5 for services, employment, or other work to the former board  
6 member or to any corporation, partnership, association, sole  
7 proprietorship, or other entity other than publicly traded  
8 companies from which the former board member receives an  
9 annual income, dividends, or other compensation in excess of  
10 \$1,500. Any contract that is entered into by or under a  
11 delegation of authority from the board or the chief purchasing  
12 officer shall contain a provision stating that the contract is  
13 not legally binding on the board if entered into in violation  
14 of the provisions of this paragraph.

15 In addition, the State Board of Education, in consultation  
16 with the board, shall (i) review existing conflict of interest  
17 and disclosure laws or regulations that are applicable to the  
18 executive officers and governing boards of school districts  
19 organized under this Article and school districts generally,  
20 (ii) determine what additional disclosure and conflict of  
21 interest provisions would enhance the reputation and fiscal  
22 integrity of the board and the procedure under which contracts  
23 for goods and services are let, and (iii) develop appropriate  
24 reporting forms and procedures applicable to the executive  
25 officers, governing board, and other officials of the school  
26 district.

1 (Source: P.A. 95-990, eff. 10-3-08.)