



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/6/2004, by Kimberly A. Lightford

SYNOPSIS AS INTRODUCED:

105 ILCS 5/34-18

from Ch. 122, par. 34-18

Amends the School Code. Makes a technical change in a Section concerning powers of the Chicago Board of Education.

LRB093 19888 NHT 45631 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 Section
5 34-18 as follows:

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

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

11 1. To make suitable provision for the establishment and
12 maintenance throughout the year or for such portion thereof
13 as it may direct, not less than 9 months, of schools of all
14 grades and kinds, including normal schools, high schools,
15 night schools, schools for defectives and delinquents,
16 parental and truant schools, schools for the blind, the
17 deaf and the crippled, schools or classes in manual
18 training, constructural and vocational teaching, domestic
19 arts and physical culture, vocation and extension schools
20 and lecture courses, and all other educational courses and
21 facilities, including establishing, equipping, maintaining
22 and operating playgrounds and recreational programs, when
23 such programs are conducted in, adjacent to, or connected
24 with any public school under the general supervision and
25 jurisdiction of the board; provided, however, that in
26 allocating funds from year to year for the operation of all
27 attendance centers within the district, the board shall
28 ensure that supplemental general State aid funds are
29 allocated and applied in accordance with Section 18-8 or
30 18-8.05. To admit to such schools without charge foreign
31 exchange students who are participants in an organized
32 exchange student program which is authorized by the board.

1 The board shall permit all students to enroll in
2 apprenticeship programs in trade schools operated by the
3 board, whether those programs are union-sponsored or not.
4 No student shall be refused admission into or be excluded
5 from any course of instruction offered in the common
6 schools by reason of that student's sex. No student shall
7 be denied equal access to physical education and
8 interscholastic athletic programs supported from school
9 district funds or denied participation in comparable
10 physical education and athletic programs solely by reason
11 of the student's sex. Equal access to programs supported
12 from school district funds and comparable programs will be
13 defined in rules promulgated by the State Board of
14 Education in consultation with the Illinois High School
15 Association. Notwithstanding any other provision of this
16 Article, neither the board of education nor any local
17 school council or other school official shall recommend
18 that children with disabilities be placed into regular
19 education classrooms unless those children with
20 disabilities are provided with supplementary services to
21 assist them so that they benefit from the regular classroom
22 instruction and are included on the teacher's regular
23 education class register;

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

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

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

32 5. To employ dentists and prescribe their duties for
33 the purpose of treating the pupils in the schools, but
34 accepting such treatment shall be optional with parents or
35 guardians;

36 6. To grant the use of assembly halls and classrooms

1 when not otherwise needed, including light, heat, and
2 attendants, for free public lectures, concerts, and other
3 educational and social interests, free of charge, under
4 such provisions and control as the principal of the
5 affected attendance center may prescribe;

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

1 provisions that allow low income students to have access to
2 transportation needed to exercise school choice. Open
3 enrollment shall be in compliance with the provisions of
4 the Consent Decree and Desegregation Plan cited in Section
5 34-1.01;

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

12 9. Subject to the limitations in this Article, to
13 establish and approve system-wide curriculum objectives
14 and standards, including graduation standards, which
15 reflect the multi-cultural diversity in the city and are
16 consistent with State law, provided that for all purposes
17 of this Article courses or proficiency in American Sign
18 Language shall be deemed to constitute courses or
19 proficiency in a foreign language; and to employ principals
20 and teachers, appointed as provided in this Article, and
21 fix their compensation. The board shall prepare such
22 reports related to minimal competency testing as may be
23 requested by the State Board of Education, and in addition
24 shall monitor and approve special education and bilingual
25 education programs and policies within the district to
26 assure that appropriate services are provided in
27 accordance with applicable State and federal laws to
28 children requiring services and education in those areas;

29 10. To employ non-teaching personnel or utilize
30 volunteer personnel for: (i) non-teaching duties not
31 requiring instructional judgment or evaluation of pupils,
32 including library duties; and (ii) supervising study
33 halls, long distance teaching reception areas used
34 incident to instructional programs transmitted by
35 electronic media such as computers, video, and audio,
36 detention and discipline areas, and school-sponsored

1 extracurricular activities. The board may further utilize
2 volunteer non-certificated personnel or employ
3 non-certificated personnel to assist in the instruction of
4 pupils under the immediate supervision of a teacher holding
5 a valid certificate, directly engaged in teaching subject
6 matter or conducting activities; provided that the teacher
7 shall be continuously aware of the non-certificated
8 persons' activities and shall be able to control or modify
9 them. The general superintendent shall determine
10 qualifications of such personnel and shall prescribe rules
11 for determining the duties and activities to be assigned to
12 such personnel;

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

24 11. To provide television studio facilities in not to
25 exceed one school building and to provide programs for
26 educational purposes, provided, however, that the board
27 shall not construct, acquire, operate, or maintain a
28 television transmitter; to grant the use of its studio
29 facilities to a licensed television station located in the
30 school district; and to maintain and operate not to exceed
31 one school radio transmitting station and provide programs
32 for educational purposes;

33 12. To offer, if deemed appropriate, outdoor education
34 courses, including field trips within the State of
35 Illinois, or adjacent states, and to use school educational
36 funds for the expense of the said outdoor educational

1 programs, whether within the school district or not;

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

9 14. To insure against any loss or liability of the
10 board, the former School Board Nominating Commission,
11 Local School Councils, the Chicago Schools Academic
12 Accountability Council, or the former Subdistrict Councils
13 or of any member, officer, agent or employee thereof,
14 resulting from alleged violations of civil rights arising
15 from incidents occurring on or after September 5, 1967 or
16 from the wrongful or negligent act or omission of any such
17 person whether occurring within or without the school
18 premises, provided the officer, agent or employee was, at
19 the time of the alleged violation of civil rights or
20 wrongful act or omission, acting within the scope of his
21 employment or under direction of the board, the former
22 School Board Nominating Commission, the Chicago Schools
23 Academic Accountability Council, Local School Councils, or
24 the former Subdistrict Councils; and to provide for or
25 participate in insurance plans for its officers and
26 employees, including but not limited to retirement
27 annuities, medical, surgical and hospitalization benefits
28 in such types and amounts as may be determined by the
29 board; provided, however, that the board shall contract for
30 such insurance only with an insurance company authorized to
31 do business in this State. Such insurance may include
32 provision for employees who rely on treatment by prayer or
33 spiritual means alone for healing, in accordance with the
34 tenets and practice of a recognized religious
35 denomination;

36 15. To contract with the corporate authorities of any

1 municipality or the county board of any county, as the case
2 may be, to provide for the regulation of traffic in parking
3 areas of property used for school purposes, in such manner
4 as is provided by Section 11-209 of The Illinois Vehicle
5 Code, approved September 29, 1969, as amended;

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

20 (b) If a student or his or her parent or guardian
21 submits a signed, written request to the high school before
22 the end of the student's sophomore year (or if the student
23 is a transfer student, by another time set by the high
24 school) that indicates that the student or his or her
25 parent or guardian does not want the student's directory
26 information to be provided to official recruiting
27 representatives under subsection (a) of this Section, the
28 high school may not provide access to the student's
29 directory information to these recruiting representatives.
30 The high school shall notify its students and their parents
31 or guardians of the provisions of this subsection (b).

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

1 (d) Information received by an official recruiting
2 representative under this Section may be used only to
3 provide information to students concerning educational and
4 career opportunities available in the military and may not
5 be released to a person who is not involved in recruiting
6 students for the armed forces of Illinois or the United
7 States;

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

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

24 (1) "Computer" means an internally programmed,
25 general purpose digital device capable of
26 automatically accepting data, processing data and
27 supplying the results of the operation.

28 (2) "Computer program" means a series of coded
29 instructions or statements in a form acceptable to a
30 computer, which causes the computer to process data in
31 order to achieve a certain result.

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

35 18. To delegate to the general superintendent of
36 schools, by resolution, the authority to approve contracts

1 and expenditures in amounts of \$10,000 or less;

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

12 19a. Upon receipt of notice from the comptroller of a
13 municipality with a population of 500,000 or more, a county
14 with a population of 3,000,000 or more, the Cook County
15 Forest Preserve District, the Chicago Park District, the
16 Metropolitan Water Reclamation District, the Chicago
17 Transit Authority, or a housing authority of a municipality
18 with a population of 500,000 or more that a debt is due and
19 owing the municipality, the county, the Cook County Forest
20 Preserve District, the Chicago Park District, the
21 Metropolitan Water Reclamation District, the Chicago
22 Transit Authority, or the housing authority by an employee
23 of the Chicago Board of Education, to withhold, from the
24 compensation of that employee, the amount of the debt that
25 is due and owing and pay the amount withheld to the
26 municipality, the county, the Cook County Forest Preserve
27 District, the Chicago Park District, the Metropolitan
28 Water Reclamation District, the Chicago Transit Authority,
29 or the housing authority; provided, however, that the
30 amount deducted from any one salary or wage payment shall
31 not exceed 25% of the net amount of the payment. Before the
32 Board deducts any amount from any salary or wage of an
33 employee under this paragraph, the municipality, the
34 county, the Cook County Forest Preserve District, the
35 Chicago Park District, the Metropolitan Water Reclamation
36 District, the Chicago Transit Authority, or the housing

1 authority shall certify that (i) the employee has been
2 afforded an opportunity for a hearing to dispute the debt
3 that is due and owing the municipality, the county, the
4 Cook County Forest Preserve District, the Chicago Park
5 District, the Metropolitan Water Reclamation District, the
6 Chicago Transit Authority, or the housing authority and
7 (ii) the employee has received notice of a wage deduction
8 order and has been afforded an opportunity for a hearing to
9 object to the order. For purposes of this paragraph, "net
10 amount" means that part of the salary or wage payment
11 remaining after the deduction of any amounts required by
12 law to be deducted and "debt due and owing" means (i) a
13 specified sum of money owed to the municipality, the
14 county, the Cook County Forest Preserve District, the
15 Chicago Park District, the Metropolitan Water Reclamation
16 District, the Chicago Transit Authority, or the housing
17 authority for services, work, or goods, after the period
18 granted for payment has expired, or (ii) a specified sum of
19 money owed to the municipality, the county, the Cook County
20 Forest Preserve District, the Chicago Park District, the
21 Metropolitan Water Reclamation District, the Chicago
22 Transit Authority, or the housing authority pursuant to a
23 court order or order of an administrative hearing officer
24 after the exhaustion of, or the failure to exhaust,
25 judicial review;

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

32 21. To make available to students vocational and career
33 counseling and to establish 5 special career counseling
34 days for students and parents. On these days
35 representatives of local businesses and industries shall
36 be invited to the school campus and shall inform students

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

7 (a) Black (a person having origins in any of the
8 black racial groups in Africa);

9 (b) Hispanic (a person of Spanish or Portuguese
10 culture with origins in Mexico, South or Central
11 America, or the Caribbean islands, regardless of
12 race);

13 (c) Asian American (a person having origins in any
14 of the original peoples of the Far East, Southeast
15 Asia, the Indian Subcontinent or the Pacific Islands);
16 or

17 (d) American Indian or Alaskan Native (a person
18 having origins in any of the original peoples of North
19 America).

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

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

26 23. Except as otherwise provided in the Abused and
27 Neglected Child Reporting Act or other applicable State or
28 federal law, to permit school officials to withhold, from
29 any person, information on the whereabouts of any child
30 removed from school premises when the child has been taken
31 into protective custody as a victim of suspected child
32 abuse. School officials shall direct such person to the
33 Department of Children and Family Services, or to the local
34 law enforcement agency if appropriate;

35 24. To develop a policy, based on the current state of
36 existing school facilities, projected enrollment and

1 efficient utilization of available resources, for capital
2 improvement of schools and school buildings within the
3 district, addressing in that policy both the relative
4 priority for major repairs, renovations and additions to
5 school facilities, and the advisability or necessity of
6 building new school facilities or closing existing schools
7 to meet current or projected demographic patterns within
8 the district;

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

13 26. To encourage mid-career changes into the teaching
14 profession, whereby qualified professionals become
15 certified teachers, by allowing credit for professional
16 employment in related fields when determining point of
17 entry on teacher pay scale;

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

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

28 29. (Blank);

29 30. Notwithstanding any other provision of this Act or
30 any other law to the contrary, to contract with third
31 parties for services otherwise performed by employees,
32 including those in a bargaining unit, and to layoff those
33 employees upon 14 days written notice to the affected
34 employees. Those contracts may be for a period not to
35 exceed 5 years and may be awarded on a system-wide basis;

36 31. To promulgate rules establishing procedures

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

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

12 33. To enter into a partnership agreement, as required
13 by Section 34-3.5 of this Code, and, notwithstanding any
14 other provision of law to the contrary, to promulgate
15 policies, enter into contracts, and take any other action
16 necessary to accomplish the objectives and implement the
17 requirements of that agreement; and

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

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

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

35 (Source: P.A. 92-109, eff. 7-20-01; 92-527, eff. 6-1-02;
36 92-724, eff. 7-25-02; 93-3, eff. 4-16-03.)