



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/6/2004, by Miguel del Valle

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.25a	from Ch. 122, par. 10-20.25a
105 ILCS 5/34-18	from Ch. 122, par. 34-18

Amends the School Code. Requires a school board to report to the State Board of Education on a monthly basis the annual student dropout rate (now does not need to be reported every month) and the number of students who graduate, transfer, or otherwise leave.

LRB093 21189 NHT 47269 b

FISCAL NOTE ACT
MAY APPLY

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 10-20.25a and 34-18 as follows:

6 (105 ILCS 5/10-20.25a) (from Ch. 122, par. 10-20.25a)

7 Sec. 10-20.25a. Report of student statistics. To report to
8 the State Board of Education on a monthly basis the annual
9 student dropout rate and number of students who graduate ~~from,~~
10 transfer, ~~from~~ or otherwise leave, and to report to the State
11 Board of Education the annual number of students who graduate
12 from, transfer from, or otherwise leave bilingual programs.

13 (Source: P.A. 84-662.)

14 (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

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

19 1. To make suitable provision for the establishment and
20 maintenance throughout the year or for such portion thereof
21 as it may direct, not less than 9 months, of schools of all
22 grades and kinds, including normal schools, high schools,
23 night schools, schools for defectives and delinquents,
24 parental and truant schools, schools for the blind, the
25 deaf and the crippled, schools or classes in manual
26 training, constructural and vocational teaching, domestic
27 arts and physical culture, vocation and extension schools
28 and lecture courses, and all other educational courses and
29 facilities, including establishing, equipping, maintaining
30 and operating playgrounds and recreational programs, when
31 such programs are conducted in, adjacent to, or connected

1 with any public school under the general supervision and
2 jurisdiction of the board; provided, however, 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 funds are
6 allocated and applied in accordance with Section 18-8 or
7 18-8.05. To admit to such schools without charge foreign
8 exchange students who are participants in an organized
9 exchange student program which is authorized by the board.
10 The 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
27 that children with disabilities be placed into regular
28 education classrooms unless those children with
29 disabilities are provided with supplementary services to
30 assist them so that they benefit from the regular classroom
31 instruction and are included on the teacher's regular
32 education class register;

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

- 1 3. To co-operate with the circuit court;
- 2 4. To make arrangements with the public or quasi-public
3 libraries and museums for the use of their facilities by
4 teachers and pupils of the public schools;
- 5 5. To employ dentists and prescribe their duties for
6 the purpose of treating the pupils in the schools, but
7 accepting such treatment shall be optional with parents or
8 guardians;
- 9 6. To grant the use of assembly halls and classrooms
10 when not otherwise needed, including light, heat, and
11 attendants, for free public lectures, concerts, and other
12 educational and social interests, free of charge, under
13 such provisions and control as the principal of the
14 affected attendance center may prescribe;
- 15 7. To apportion the pupils to the several schools;
16 provided that no pupil shall be excluded from or segregated
17 in any such school on account of his color, race, sex, or
18 nationality. The board shall take into consideration the
19 prevention of segregation and the elimination of
20 separation of children in public schools because of color,
21 race, sex, or nationality. Except that children may be
22 committed to or attend parental and social adjustment
23 schools established and maintained either for boys or girls
24 only. All records pertaining to the creation, alteration or
25 revision of attendance areas shall be open to the public.
26 Nothing herein shall limit the board's authority to
27 establish multi-area attendance centers or other student
28 assignment systems for desegregation purposes or
29 otherwise, and to apportion the pupils to the several
30 schools. Furthermore, beginning in school year 1994-95,
31 pursuant to a board plan adopted by October 1, 1993, the
32 board shall offer, commencing on a phased-in basis, the
33 opportunity for families within the school district to
34 apply for enrollment of their children in any attendance
35 center within the school district which does not have
36 selective admission requirements approved by the board.

1 The appropriate geographical area in which such open
2 enrollment may be exercised shall be determined by the
3 board of education. Such children may be admitted to any
4 such attendance center on a space available basis after all
5 children residing within such attendance center's area
6 have been accommodated. If the number of applicants from
7 outside the attendance area exceed the space available,
8 then successful applicants shall be selected by lottery.
9 The board of education's open enrollment plan must include
10 provisions that allow low income students to have access to
11 transportation needed to exercise school choice. Open
12 enrollment shall be in compliance with the provisions of
13 the Consent Decree and Desegregation Plan cited in Section
14 34-1.01;

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

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

1 children requiring services and education in those areas;

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

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

33 11. To provide television studio facilities in not to
34 exceed one school building and to provide programs for
35 educational purposes, provided, however, that the board
36 shall not construct, acquire, operate, or maintain a

1 television transmitter; to grant the use of its studio
2 facilities to a licensed television station located in the
3 school district; and to maintain and operate not to exceed
4 one school radio transmitting station and provide programs
5 for educational purposes;

6 12. To offer, if deemed appropriate, outdoor education
7 courses, including field trips within the State of
8 Illinois, or adjacent states, and to use school educational
9 funds for the expense of the said outdoor educational
10 programs, whether within the school district or not;

11 13. During that period of the calendar year not
12 embraced within the regular school term, to provide and
13 conduct courses in subject matters normally embraced in the
14 program of the schools during the regular school term and
15 to give regular school credit for satisfactory completion
16 by the student of such courses as may be approved for
17 credit by the State Board of Education;

18 14. To insure against any loss or liability of the
19 board, the former School Board Nominating Commission,
20 Local School Councils, the Chicago Schools Academic
21 Accountability Council, or the former Subdistrict Councils
22 or of any member, officer, agent or employee thereof,
23 resulting from alleged violations of civil rights arising
24 from incidents occurring on or after September 5, 1967 or
25 from the wrongful or negligent act or omission of any such
26 person whether occurring within or without the school
27 premises, provided the officer, agent or employee was, at
28 the time of the alleged violation of civil rights or
29 wrongful act or omission, acting within the scope of his
30 employment or under direction of the board, the former
31 School Board Nominating Commission, the Chicago Schools
32 Academic Accountability Council, Local School Councils, or
33 the former Subdistrict Councils; and to provide for or
34 participate in insurance plans for its officers and
35 employees, including but not limited to retirement
36 annuities, medical, surgical and hospitalization benefits

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

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

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

29 (b) If a student or his or her parent or guardian
30 submits a signed, written request to the high school before
31 the end of the student's sophomore year (or if the student
32 is a transfer student, by another time set by the high
33 school) that indicates that the student or his or her
34 parent or guardian does not want the student's directory
35 information to be provided to official recruiting
36 representatives under subsection (a) of this Section, the

1 high school may not provide access to the student's
2 directory information to these recruiting representatives.
3 The high school shall notify its students and their parents
4 or guardians of the provisions of this subsection (b).

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

10 (d) Information received by an official recruiting
11 representative under this Section may be used only to
12 provide information to students concerning educational and
13 career opportunities available in the military and may not
14 be released to a person who is not involved in recruiting
15 students for the armed forces of Illinois or the United
16 States;

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

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

33 (1) "Computer" means an internally programmed,
34 general purpose digital device capable of
35 automatically accepting data, processing data and
36 supplying the results of the operation.

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

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

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

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

21 19a. Upon receipt of notice from the comptroller of a
22 municipality with a population of 500,000 or more, a county
23 with a population of 3,000,000 or more, the Cook County
24 Forest Preserve District, the Chicago Park District, the
25 Metropolitan Water Reclamation District, the Chicago
26 Transit Authority, or a housing authority of a municipality
27 with a population of 500,000 or more that a debt is due and
28 owing the municipality, the county, the Cook County Forest
29 Preserve District, the Chicago Park District, the
30 Metropolitan Water Reclamation District, the Chicago
31 Transit Authority, or the housing authority by an employee
32 of the Chicago Board of Education, to withhold, from the
33 compensation of that employee, the amount of the debt that
34 is due and owing and pay the amount withheld to the
35 municipality, the county, the Cook County Forest Preserve
36 District, the Chicago Park District, the Metropolitan

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

35 20. The board is encouraged to employ a sufficient
36 number of certified school counselors to maintain a

1 student/counselor ratio of 250 to 1 by July 1, 1990. Each
2 counselor shall spend at least 75% of his work time in
3 direct contact with students and shall maintain a record of
4 such time;

5 21. To make available to students vocational and career
6 counseling and to establish 5 special career counseling
7 days for students and parents. On these days
8 representatives of local businesses and industries shall
9 be invited to the school campus and shall inform students
10 of career opportunities available to them in the various
11 businesses and industries. Special consideration shall be
12 given to counseling minority students as to career
13 opportunities available to them in various fields. For the
14 purposes of this paragraph, minority student means a person
15 who is:

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

18 (b) Hispanic (a person of Spanish or Portuguese
19 culture with origins in Mexico, South or Central
20 America, or the Caribbean islands, regardless of
21 race);

22 (c) Asian American (a person having origins in any
23 of the original peoples of the Far East, Southeast
24 Asia, the Indian Subcontinent or the Pacific Islands);
25 or

26 (d) American Indian or Alaskan Native (a person
27 having origins in any of the original peoples of North
28 America).

29 Counseling days shall not be in lieu of regular school
30 days;

31 22. To report to the State Board of Education on a
32 monthly basis the annual student dropout rate and number of
33 students who graduate ~~from~~, transfer, ~~from~~ or otherwise
34 leave, and to report to the State Board of Education the
35 annual number of students who graduate from, transfer from,
36 or otherwise leave bilingual 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
27 employment in related fields when determining point of
28 entry on teacher pay scale;

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

33 28. To establish a fund for the prioritized special
34 needs programs, and to allocate such funds and other lump
35 sum amounts to each attendance center in a manner
36 consistent with the provisions of part 4 of Section 34-2.3.

1 Nothing in this paragraph shall be construed to require any
2 additional appropriations of State funds for this purpose;

3 29. (Blank);

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

11 31. To promulgate rules establishing procedures
12 governing the layoff or reduction in force of employees and
13 the recall of such employees, including, but not limited
14 to, criteria for such layoffs, reductions in force or
15 recall rights of such employees and the weight to be given
16 to any particular criterion. Such criteria shall take into
17 account factors including, but not be limited to,
18 qualifications, certifications, experience, performance
19 ratings or evaluations, and any other factors relating to
20 an employee's job performance;

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

23 33. To enter into a partnership agreement, as required
24 by Section 34-3.5 of this Code, and, notwithstanding any
25 other provision of law to the contrary, to promulgate
26 policies, enter into contracts, and take any other action
27 necessary to accomplish the objectives and implement the
28 requirements of that agreement; and

29 34. To establish a Labor Management Council to the
30 board comprised of representatives of the board, the chief
31 executive officer, and those labor organizations that are
32 the exclusive representatives of employees of the board and
33 to promulgate policies and procedures for the operation of
34 the Council.

35 The specifications of the powers herein granted are not to
36 be construed as exclusive but the board shall also exercise all

1 other powers that they may be requisite or proper for the
2 maintenance and the development of a public school system, not
3 inconsistent with the other provisions of this Article or
4 provisions of this Code which apply to all school districts.

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

10 (Source: P.A. 92-109, eff. 7-20-01; 92-527, eff. 6-1-02;
11 92-724, eff. 7-25-02; 93-3, eff. 4-16-03.)