



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1287

Introduced 2/20/2007, by Rep. Monique D. Davis

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-19.1
105 ILCS 5/34-18

from Ch. 122, par. 10-19.1
from Ch. 122, par. 34-18

Amends the School Code. Provides that if a school board, in scheduling breaks as part of a full year school plan, schedules a break that exceeds 9 consecutive days, the school district shall forfeit 20% of its general State aid allocation under the State aid formula provisions of the Code for the first break of the school year that exceeds 9 consecutive days and 20% of the reduced allocation for each subsequent break that exceeds 9 consecutive days during that school year.

LRB095 09540 NHT 29739 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 10-19.1 and 34-18 as follows:

6 (105 ILCS 5/10-19.1) (from Ch. 122, par. 10-19.1)

7 Sec. 10-19.1. Full year school plan. Any school district
8 may, by resolution of its board, operate one or more schools
9 within the district on a full year school plan approved by the
10 State Board of Education. Any board which operates under this
11 Section shall devise a plan so that a student's required
12 attendance in school shall be for a minimum term of 180 days of
13 actual attendance, including not more than 4 institute days,
14 during a 12 month period, but shall not exceed 185 days. Under
15 such plan, no teacher shall be required to teach more than 185
16 days. A calendar of 180 days may be established with the
17 approval of the State Board of Education.

18 If a school board, in scheduling breaks as part of the full
19 year school plan, schedules a break that exceeds 9 consecutive
20 days, the school district, pursuant to rules of the State Board
21 of Education, shall forfeit 20% of its general State aid
22 allocation under Section 18-8.05 of this Code for the first
23 break of the school year that exceeds 9 consecutive days and

1 20% of the reduced allocation for each subsequent break that
2 exceeds 9 consecutive days during that school year.

3 (Source: P.A. 81-1508.)

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

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

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

1 calendar or changes may take effect, (ii) if the board, in
2 scheduling breaks as part of a full year school plan,
3 schedules a break that exceeds 9 consecutive days, the
4 school district, pursuant to rules of the State Board of
5 Education, shall forfeit 20% of its general State aid
6 allocation under Section 18-8.05 of this Code for the first
7 break of the school year that exceeds 9 consecutive days
8 and 20% of the reduced allocation for each subsequent break
9 that exceeds 9 consecutive days during that school year,
10 and (iii) ~~provided that~~ in allocating funds from year to
11 year for the operation of all attendance centers within the
12 district, the board shall ensure that supplemental general
13 State aid funds are allocated and applied in accordance
14 with Section 18-8 or 18-8.05. To admit to such schools
15 without charge foreign exchange students who are
16 participants in an organized exchange student program
17 which is authorized by the board. The board shall permit
18 all students to enroll in apprenticeship programs in trade
19 schools operated by the board, whether those programs are
20 union-sponsored or not. No student shall be refused
21 admission into or be excluded from any course of
22 instruction offered in the common schools by reason of that
23 student's sex. No student shall be denied equal access to
24 physical education and interscholastic athletic programs
25 supported from school district funds or denied
26 participation in comparable physical education and

1 athletic programs solely by reason of the student's sex.
2 Equal access to programs supported from school district
3 funds and comparable programs will be defined in rules
4 promulgated by the State Board of Education in consultation
5 with the Illinois High School Association. Notwithstanding
6 any other provision of this Article, neither the board of
7 education nor any local school council or other school
8 official shall recommend that children with disabilities
9 be placed into regular education classrooms unless those
10 children with disabilities are provided with supplementary
11 services to assist them so that they benefit from the
12 regular classroom instruction and are included on the
13 teacher's regular education class register;

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

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

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

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

26 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

1 selective admission requirements approved by the board.
2 The appropriate geographical area in which such open
3 enrollment may be exercised shall be determined by the
4 board of education. Such children may be admitted to any
5 such attendance center on a space available basis after all
6 children residing within such attendance center's area
7 have been accommodated. If the number of applicants from
8 outside the attendance area exceed the space available,
9 then successful applicants shall be selected by lottery.
10 The board of education's open enrollment plan must include
11 provisions that allow low income students to have access to
12 transportation needed to exercise school choice. Open
13 enrollment shall be in compliance with the provisions of
14 the Consent Decree and Desegregation Plan cited in Section
15 34-1.01;

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

22 9. Subject to the limitations in this Article, to
23 establish and approve system-wide curriculum objectives
24 and standards, including graduation standards, which
25 reflect the multi-cultural diversity in the city and are
26 consistent with State law, provided that for all purposes

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

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

1 shall be continuously aware of the non-certificated
2 persons' activities and shall be able to control or modify
3 them. The general superintendent shall determine
4 qualifications of such personnel and shall prescribe rules
5 for determining the duties and activities to be assigned to
6 such personnel;

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

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

1 12. To offer, if deemed appropriate, outdoor education
2 courses, including field trips within the State of
3 Illinois, or adjacent states, and to use school educational
4 funds for the expense of the said outdoor educational
5 programs, whether within the school district or not;

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

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

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

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

20 16. (a) To provide, on an equal basis, access to a high
21 school campus and student directory information to the
22 official recruiting representatives of the armed forces of
23 Illinois and the United States for the purposes of
24 informing students of the educational and career
25 opportunities available in the military if the board has
26 provided such access to persons or groups whose purpose is

1 to acquaint students with educational or occupational
2 opportunities available to them. The board is not required
3 to give greater notice regarding the right of access to
4 recruiting representatives than is given to other persons
5 and groups. In this paragraph 16, "directory information"
6 means a high school student's name, address, and telephone
7 number.

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

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

25 (d) Information received by an official recruiting
26 representative under this Section may be used only to

1 provide information to students concerning educational and
2 career opportunities available in the military and may not
3 be released to a person who is not involved in recruiting
4 students for the armed forces of Illinois or the United
5 States;

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

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

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

26 (2) "Computer program" means a series of coded

1 instructions or statements in a form acceptable to a
2 computer, which causes the computer to process data in
3 order to achieve a certain result.

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

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

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

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

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

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

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

24 21. To make available to students vocational and career
25 counseling and to establish 5 special career counseling
26 days for students and parents. On these days

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

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

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

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

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

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

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

1 programs;

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

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

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

25 26. To encourage mid-career changes into the teaching
26 profession, whereby qualified professionals become

1 certified teachers, by allowing credit for professional
2 employment in related fields when determining point of
3 entry on teacher pay scale;

4 27. To provide or contract out training programs for
5 administrative personnel and principals with revised or
6 expanded duties pursuant to this Act in order to assure
7 they have the knowledge and skills to perform their 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 34-2.3.
12 Nothing in this paragraph shall be construed to require any
13 additional appropriations of State funds for this purpose;

14 29. (Blank);

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

22 31. To promulgate rules establishing procedures
23 governing the layoff or reduction in force of employees and
24 the recall of such employees, including, but not limited
25 to, criteria for such layoffs, reductions in force or
26 recall rights of such employees and the weight to be given

1 to any particular criterion. Such criteria shall take into
2 account factors including, but not be limited to,
3 qualifications, certifications, experience, performance
4 ratings or evaluations, and any other factors relating to
5 an employee's job performance;

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

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

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

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

26 In addition to the powers herein granted and authorized to

1 be exercised by the board, it shall be the duty of the board to
2 review or to direct independent reviews of special education
3 expenditures and services. The board shall file a report of
4 such review with the General Assembly on or before May 1, 1990.
5 (Source: P.A. 92-109, eff. 7-20-01; 92-527, eff. 6-1-02;
6 92-724, eff. 7-25-02; 93-3, eff. 4-16-03; 93-1036, eff.
7 9-14-04.)