



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB1347

Introduced 02/20/07, by Rep. Gary Hannig

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-22.34c  
30 ILCS 805/8.31 new

Amends the School Code. Provides that a board of education may enter into a contract with a third party for non-instructional services currently performed by an employee or bargaining unit member or lay off those educational support personnel employees upon 90 (instead of 30) days written notice. Adds conditions on the entering of such a contract, including providing that: (1) a contract must not be entered into during the term of a collective bargaining agreement; (2) any third party that submits a bid to perform the services shall provide comparable liability insurance, a comparable benefits package, a list of the number of employees who will provide the services and the wages the third party will pay those employees, a minimum 3-year cost projection, and information about the criminal and disciplinary records of the employees; (3) a contract must not be entered into unless the school board provides a cost comparison; (4) a minimum of 2 public hearings to discuss the school board's proposal to contract with a third party must be held; (5) a contract shall contain provisions requiring the contractor to offer available employee positions pursuant to the contract to qualified school district employees whose employment is terminated because of the contract; and (6) a contract shall contain provisions requiring the contractor to comply with a policy of nondiscrimination and equal employment opportunity. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB095 09063 NHT 29254 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

A BILL FOR

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 10-22.34c as follows:

6 (105 ILCS 5/10-22.34c)

7 Sec. 10-22.34c. Third party non-instructional services. A  
8 ~~Notwithstanding any other law of this State, nothing in this~~  
9 ~~Code prevents a board of education may enter from entering~~ into  
10 a contract with a third party for non-instructional services  
11 currently performed by any employee or bargaining unit member  
12 or lay ~~from laying~~ off those educational support personnel  
13 employees upon 90 ~~30~~ days written notice to the affected  
14 employees, provided that:

15 (1) a contract must not be entered into during the term  
16 of a collective bargaining agreement covering any  
17 employees who perform the non-instructional services;

18 (2) a contract may only take effect at the beginning of  
19 a fiscal year;

20 (3) any third party that submits a bid to perform the  
21 non-instructional services shall provide the following:

22 (A) evidence of liability insurance in scope and  
23 amount equivalent to the liability insurance provided

1 by the school board pursuant to Section 10-22.3 of this  
2 Code;

3 (B) a benefits package for the third party's  
4 employees who will perform the non-instructional  
5 services comparable to the benefits package provided  
6 to school board employees who perform those services;

7 (C) a list of the number of employees who will  
8 provide the non-instructional services, the job  
9 classifications of those employees, and the wages the  
10 third party will pay those employees;

11 (D) a minimum 3-year cost projection, using  
12 generally accepted accounting principles and which the  
13 third party is prohibited from increasing if the bid is  
14 accepted by the school board, for each and every  
15 expenditure category and account for performing the  
16 non-instructional services; and

17 (E) information about the criminal and  
18 disciplinary records, including claims of sexual  
19 misconduct, alcohol or other substance abuse,  
20 Department of Children and Family Services complaints  
21 and investigations, traffic violations, and license  
22 revocations or any other licensure problems, of any  
23 employees who may perform the non-instructional  
24 services;

25 (4) a contract must not be entered into unless the  
26 school board provides a cost comparison, using generally

1 accepted accounting principles, of each and every  
2 expenditure category and account that the school board  
3 projects it would incur over the term of the contract if it  
4 continued to perform the non-instructional services using  
5 its own employees with each and every expenditure category  
6 and account that is projected a third party would incur if  
7 a third party performed the non-instructional services;

8 (5) review and consideration of all bids by third  
9 parties to perform the non-instructional services shall  
10 take place in open session of a regularly scheduled school  
11 board meeting;

12 (6) a minimum of 2 public hearings, conducted by the  
13 school board prior to 2 regularly scheduled school board  
14 meetings, to discuss the school board's proposal to  
15 contract with a third party to perform the  
16 non-instructional services must be held before the school  
17 board may enter into such a contract; the school board must  
18 provide 6 months notice to the public of the date, time,  
19 and location of the first public hearing;

20 (7) a contract shall contain provisions requiring the  
21 contractor to offer available employee positions pursuant  
22 to the contract to qualified school district employees  
23 whose employment is terminated because of the contract; and

24 (8) a contract shall contain provisions requiring the  
25 contractor to comply with a policy of nondiscrimination and  
26 equal employment opportunity for all persons and to take

1 affirmative steps to provide equal opportunity for all  
2 persons.

3 (Source: P.A. 90-548, eff. 1-1-98.)

4 Section 90. The State Mandates Act is amended by adding  
5 Section 8.31 as follows:

6 (30 ILCS 805/8.31 new)

7 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8  
8 of this Act, no reimbursement by the State is required for the  
9 implementation of any mandate created by this amendatory Act of  
10 the 95th General Assembly.

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law.