



Elementary Secondary Education Committee

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09500SB2864ham001

LRB095 15742 NHT 51199 a

1 AMENDMENT TO SENATE BILL 2864

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2864 by replacing  
3 everything after the enacting clause with the following:

4 "Section 3. The School Code is amended by changing Section  
5 10-20.21 as follows:

6 (105 ILCS 5/10-20.21) (from Ch. 122, par. 10-20.21)  
7 Sec. 10-20.21. Contracts.

8 (a) To award all contracts for purchase of supplies,  
9 materials or work or contracts with private carriers for  
10 transportation of pupils involving an expenditure in excess of  
11 \$10,000 to the lowest responsible bidder, considering  
12 conformity with specifications, terms of delivery, quality and  
13 serviceability, after due advertisement, except the following:  
14 (i) contracts for the services of individuals possessing a high  
15 degree of professional skill where the ability or fitness of  
16 the individual plays an important part; (ii) contracts for the

1 printing of finance committee reports and departmental  
2 reports; (iii) contracts for the printing or engraving of  
3 bonds, tax warrants and other evidences of indebtedness; (iv)  
4 contracts for the purchase of perishable foods and perishable  
5 beverages; (v) contracts for materials and work which have been  
6 awarded to the lowest responsible bidder after due  
7 advertisement, but due to unforeseen revisions, not the fault  
8 of the contractor for materials and work, must be revised  
9 causing expenditures not in excess of 10% of the contract  
10 price; (vi) contracts for the maintenance or servicing of, or  
11 provision of repair parts for, equipment which are made with  
12 the manufacturer or authorized service agent of that equipment  
13 where the provision of parts, maintenance, or servicing can  
14 best be performed by the manufacturer or authorized service  
15 agent; (vii) purchases and contracts for the use, purchase,  
16 delivery, movement, or installation of data processing  
17 equipment, software, or services and telecommunications and  
18 interconnect equipment, software, and services; (viii)  
19 contracts for duplicating machines and supplies; (ix)  
20 contracts for the purchase of natural gas when the cost is less  
21 than that offered by a public utility; (x) purchases of  
22 equipment previously owned by some entity other than the  
23 district itself; (xi) contracts for repair, maintenance,  
24 remodeling, renovation, or construction, or a single project  
25 involving an expenditure not to exceed \$20,000 and not  
26 involving a change or increase in the size, type, or extent of

1 an existing facility; (xii) contracts for goods or services  
2 procured from another governmental agency; (xiii) contracts  
3 for goods or services which are economically procurable from  
4 only one source, such as for the purchase of magazines, books,  
5 periodicals, pamphlets and reports, and for utility services  
6 such as water, light, heat, telephone or telegraph; (xiv) where  
7 funds are expended in an emergency and such emergency  
8 expenditure is approved by 3/4 of the members of the board; ~~and~~  
9 (xv) State master contracts authorized under Article 28A of  
10 this Code; and (xvi) contracts providing for the transportation  
11 of pupils with special needs or disabilities, which contracts  
12 must be advertised in the same manner as competitive bids and  
13 awarded by first considering the bidder or bidders most able to  
14 provide safety and comfort for the pupils with special needs or  
15 disabilities, stability of service, and any other factors set  
16 forth in the request for proposal regarding quality of service,  
17 and then price.

18 All competitive bids for contracts involving an  
19 expenditure in excess of \$10,000 must be sealed by the bidder  
20 and must be opened by a member or employee of the school board  
21 at a public bid opening at which the contents of the bids must  
22 be announced. Each bidder must receive at least 3 days' notice  
23 of the time and place of the bid opening. For purposes of this  
24 Section due advertisement includes, but is not limited to, at  
25 least one public notice at least 10 days before the bid date in  
26 a newspaper published in the district, or if no newspaper is

1 published in the district, in a newspaper of general  
2 circulation in the area of the district. State master contracts  
3 and certified education purchasing contracts, as defined in  
4 Article 28A of this Code, are not subject to the requirements  
5 of this paragraph.

6 (b) To require, as a condition of any contract for goods  
7 and services, that persons bidding for and awarded a contract  
8 and all affiliates of the person collect and remit Illinois Use  
9 Tax on all sales of tangible personal property into the State  
10 of Illinois in accordance with the provisions of the Illinois  
11 Use Tax Act regardless of whether the person or affiliate is a  
12 "retailer maintaining a place of business within this State" as  
13 defined in Section 2 of the Use Tax Act. For purposes of this  
14 Section, the term "affiliate" means any entity that (1)  
15 directly, indirectly, or constructively controls another  
16 entity, (2) is directly, indirectly, or constructively  
17 controlled by another entity, or (3) is subject to the control  
18 of a common entity. For purposes of this subsection (b), an  
19 entity controls another entity if it owns, directly or  
20 individually, more than 10% of the voting securities of that  
21 entity. As used in this subsection (b), the term "voting  
22 security" means a security that (1) confers upon the holder the  
23 right to vote for the election of members of the board of  
24 directors or similar governing body of the business or (2) is  
25 convertible into, or entitles the holder to receive upon its  
26 exercise, a security that confers such a right to vote. A

1 general partnership interest is a voting security.

2 To require that bids and contracts include a certification  
3 by the bidder or contractor that the bidder or contractor is  
4 not barred from bidding for or entering into a contract under  
5 this Section and that the bidder or contractor acknowledges  
6 that the school board may declare the contract void if the  
7 certification completed pursuant to this subsection (b) is  
8 false.

9 (b-5) To require all contracts and agreements that pertain  
10 to goods and services and that are intended to generate  
11 additional revenue and other remunerations for the school  
12 district in excess of \$1,000, including without limitation  
13 vending machine contracts, sports and other attire, class  
14 rings, and photographic services, to be approved by the school  
15 board. The school board shall file as an attachment to its  
16 annual budget a report, in a form as determined by the State  
17 Board of Education, indicating for the prior year the name of  
18 the vendor, the product or service provided, and the actual net  
19 revenue and non-monetary remuneration from each of the  
20 contracts or agreements. In addition, the report shall indicate  
21 for what purpose the revenue was used and how and to whom the  
22 non-monetary remuneration was distributed.

23 (c) If the State education purchasing entity creates a  
24 master contract as defined in Article 28A of this Code, then  
25 the State education purchasing entity shall notify school  
26 districts of the existence of the master contract.

1 (d) In purchasing supplies, materials, equipment, or  
2 services that are not subject to subsection (c) of this  
3 Section, before a school district solicits bids or awards a  
4 contract, the district may review and consider as a bid under  
5 subsection (a) of this Section certified education purchasing  
6 contracts that are already available through the State  
7 education purchasing entity.

8 (Source: P.A. 93-25, eff. 6-20-03; 93-1036, eff. 9-14-04;  
9 94-714, eff. 7-1-06.)

10 Section 5. The School Code is amended by adding Section  
11 22-50 and changing Section 29-6.3 as follows:

12 (105 ILCS 5/22-50 new)

13 Sec. 22-50. Twice-exceptional children; recommendations.  
14 The State Advisory Council on the Education of Children with  
15 Disabilities and the Advisory Council on the Education of  
16 Gifted and Talented Children shall research and discuss best  
17 practices for addressing the needs of "twice-exceptional"  
18 children, those who are gifted and talented and have a  
19 disability. The Councils shall then jointly make  
20 recommendations to the State Board of Education with respect to  
21 the State Board of Education providing guidance and technical  
22 assistance to school districts in furthering improved  
23 educational outcomes for gifted and twice-exceptional  
24 children. Recommendations shall include strategies to (i)

1 educate teachers and other providers about the unique needs of  
2 this population, (ii) train teachers in target,  
3 research-based, identification and pedagogical methods, and  
4 (iii) establish guidelines for unique programming for  
5 twice-exceptional students.

6 Notwithstanding any other rulemaking authority that may  
7 exist, neither the Governor nor any agency or agency head under  
8 the jurisdiction of the Governor has any authority to make or  
9 promulgate rules to implement or enforce the provisions of this  
10 amendatory Act of the 95th General Assembly amending this Code  
11 under Section 5 of the amendatory Act. If, however, the  
12 Governor believes that rules are necessary to implement or  
13 enforce the provisions of this amendatory Act of the 95th  
14 General Assembly amending this Code under Section 5 of the  
15 amendatory Act, the Governor may suggest rules to the General  
16 Assembly by filing them with the Clerk of the House and the  
17 Secretary of the Senate and by requesting that the General  
18 Assembly authorize such rulemaking by law, enact those  
19 suggested rules into law, or take any other appropriate action  
20 in the General Assembly's discretion. Nothing contained in this  
21 amendatory Act of the 95th General Assembly amending this Code  
22 under Section 5 of the amendatory Act shall be interpreted to  
23 grant rulemaking authority under any other Illinois statute  
24 where such authority is not otherwise explicitly given. For the  
25 purposes of this amendatory Act of the 95th General Assembly,  
26 "rules" is given the meaning contained in Section 1-70 of the

1 Illinois Administrative Procedure Act, and "agency" and  
2 "agency head" are given the meanings contained in Sections 1-20  
3 and 1-25 of the Illinois Administrative Procedure Act to the  
4 extent that such definitions apply to agencies or agency heads  
5 under the jurisdiction of the Governor.

6 (105 ILCS 5/29-6.3)

7 Sec. 29-6.3. Transportation to and from specified  
8 interscholastic or school-sponsored ~~school-sponsored~~  
9 activities.

10 (a) Any school district transporting students in grade 12  
11 or below for an interscholastic, interscholastic athletic, or  
12 school-sponsored, noncurriculum-related activity that (i) does  
13 not require student participation as part of the educational  
14 services of the district and (ii) is not associated with the  
15 students' regular class-for-credit schedule or required 5  
16 clock hours of instruction shall transport the students only in  
17 a school bus, a vehicle manufactured to transport not more than  
18 10 persons, including the driver, or a multifunction  
19 school-activity bus manufactured to transport not more than 15  
20 persons, including the driver.

21 (b) Any school district furnishing transportation for  
22 students under the authority of this Section shall insure  
23 against any loss or liability of the district resulting from  
24 the maintenance, operation, or use of the vehicle.

25 (c) Vehicles used to transport students under this Section



1 may claim a depreciation allowance of 20% over 5 years as  
2 provided in Section 29-5 of this Code. ~~Any school district may~~  
3 ~~transport not more than 15 students to and from an~~  
4 ~~interscholastic athletic or other interscholastic or school~~  
5 ~~sponsored activity in a motor vehicle designed for the~~  
6 ~~transportation of not less than 7 nor more than 16 persons,~~  
7 ~~commonly referred to as a van, provided that the van is~~  
8 ~~operated by or for the district and provided further that any~~  
9 ~~school district furnishing transportation for students under~~  
10 ~~the authority of this Section shall insure against any loss or~~  
11 ~~liability of the district resulting from the maintenance,~~  
12 ~~operation, or use of the vehicle.~~

13 (d) Notwithstanding any other rulemaking authority that  
14 may exist, neither the Governor nor any agency or agency head  
15 under the jurisdiction of the Governor has any authority to  
16 make or promulgate rules to implement or enforce the provisions  
17 of this amendatory Act of the 95th General Assembly amending  
18 this Code under Section 5 of the amendatory Act. If, however,  
19 the Governor believes that rules are necessary to implement or  
20 enforce the provisions of this amendatory Act of the 95th  
21 General Assembly amending this Code under Section 5 of the  
22 amendatory Act, the Governor may suggest rules to the General  
23 Assembly by filing them with the Clerk of the House and the  
24 Secretary of the Senate and by requesting that the General  
25 Assembly authorize such rulemaking by law, enact those  
26 suggested rules into law, or take any other appropriate action

1 in the General Assembly's discretion. Nothing contained in this  
2 amendatory Act of the 95th General Assembly amending this Code  
3 under Section 5 of the amendatory Act shall be interpreted to  
4 grant rulemaking authority under any other Illinois statute  
5 where such authority is not otherwise explicitly given. For the  
6 purposes of this amendatory Act of the 95th General Assembly,  
7 "rules" is given the meaning contained in Section 1-70 of the  
8 Illinois Administrative Procedure Act, and "agency" and  
9 "agency head" are given the meanings contained in Sections 1-20  
10 and 1-25 of the Illinois Administrative Procedure Act to the  
11 extent that such definitions apply to agencies or agency heads  
12 under the jurisdiction of the Governor.

13 (Source: P.A. 89-132, eff. 7-14-95; 89-608, eff. 8-2-96;  
14 89-626, eff. 8-9-96.)

15 Section 10. The Illinois Vehicle Code is amended by  
16 changing Sections 1-182 and 11-1414.1 as follows:

17 (625 ILCS 5/1-182) (from Ch. 95 1/2, par. 1-182)

18 Sec. 1-182. School bus.

19 (a) "School bus" means every motor vehicle, except as  
20 provided in paragraph (b) of this Section, owned or operated by  
21 or for any of the following entities for the transportation of  
22 persons regularly enrolled as students in grade 12 or below in  
23 connection with any activity of such entity:

24 Any public or private primary or secondary school;

1 Any primary or secondary school operated by a religious  
2 institution; or

3 Any public, private or religious nursery school.

4 (b) This definition shall not include the following:

5 1. A bus operated by a public utility, municipal  
6 corporation or common carrier authorized to conduct local  
7 or interurban transportation of passengers when such bus is  
8 not traveling a specific school bus route but is:

9 On a regularly scheduled route for the transportation  
10 of other fare paying passengers;

11 Furnishing charter service for the transportation of  
12 groups on field trips or other special trips or in  
13 connection with other special events; or

14 Being used for shuttle service between attendance  
15 centers or other educational facilities.

16 2. A motor vehicle of the First Division.

17 3. A multifunction school-activity bus. "Multifunction  
18 school-activity bus" means a vehicle manufactured for the  
19 purpose of transporting 11 to 15 persons, including the  
20 driver. Notwithstanding any other rulemaking authority  
21 that may exist, neither the Governor nor any agency or  
22 agency head under the jurisdiction of the Governor has any  
23 authority to make or promulgate rules to implement or  
24 enforce the provisions of this amendatory Act of the 95th  
25 General Assembly amending this Code. If, however, the  
26 Governor believes that rules are necessary to implement or

1 enforce the provisions of this amendatory Act of the 95th  
2 General Assembly amending this Code, the Governor may  
3 suggest rules to the General Assembly by filing them with  
4 the Clerk of the House and the Secretary of the Senate and  
5 by requesting that the General Assembly authorize such  
6 rulemaking by law, enact those suggested rules into law, or  
7 take any other appropriate action in the General Assembly's  
8 discretion. Nothing contained in this amendatory Act of the  
9 95th General Assembly amending this Code shall be  
10 interpreted to grant rulemaking authority under any other  
11 Illinois statute where such authority is not otherwise  
12 explicitly given. For the purposes of this amendatory Act  
13 of the 95th General Assembly, "rules" is given the meaning  
14 contained in Section 1-70 of the Illinois Administrative  
15 Procedure Act, and "agency" and "agency head" are given the  
16 meanings contained in Sections 1-20 and 1-25 of the  
17 Illinois Administrative Procedure Act to the extent that  
18 such definitions apply to agencies or agency heads under  
19 the jurisdiction of the Governor. ~~A motor vehicle designed~~  
20 ~~for the transportation of not less than 7 nor more than 16~~  
21 ~~persons that is operated by or for a public or private~~  
22 ~~primary or secondary school, including any primary or~~  
23 ~~secondary school operated by a religious institution, for~~  
24 ~~the purpose of transporting not more than 15 students to~~  
25 ~~and from interscholastic athletic or other interscholastic~~  
26 ~~or school sponsored activities.~~

1 (Source: P.A. 89-132, eff. 7-14-95.)

2 (625 ILCS 5/11-1414.1) (from Ch. 95 1/2, par. 11-1414.1)  
3 Sec. 11-1414.1. School transportation of students.

4 (a) Every student enrolled in grade 12 or below in any  
5 entity listed in subsection (a) of Section 1-182 of this Code  
6 must be transported in a school bus or a vehicle described in  
7 subdivision (1) or (2) of subsection (b) of Section 1-182 of  
8 this Code for any curriculum-related school activity.  
9 "Curriculum-related school activity" as used in this  
10 subsection (a) includes transportation from home to school or  
11 from school to home, tripper or shuttle service between school  
12 attendance centers, transportation to a vocational or career  
13 center or other trade-skill development site or a regional safe  
14 school or other school-sponsored alternative learning program,  
15 or a trip that is directly related to the regular curriculum of  
16 a student for which he or she earns credit. ~~Every student~~  
17 ~~enrolled in grade 12 or below in any entity listed in paragraph~~  
18 ~~(a) of Section 1-182 of this Code who is transported in a~~  
19 ~~second division motor vehicle owned or operated by or for that~~  
20 ~~entity, in connection with any official activity of such~~  
21 ~~entity, must be transported in a school bus or a bus described~~  
22 ~~in subparagraph (1) of paragraph (b) of Section 1-182.~~

23 (b) Every student enrolled in grade 12 or below in any  
24 entity listed in subsection (a) of Section 1-182 of this Code  
25 who is transported in a vehicle that is being operated by or

1 for a public or private primary or secondary school, including  
2 any primary or secondary school operated by a religious  
3 institution, for an interscholastic, interscholastic-athletic,  
4 or school-sponsored, noncurriculum-related activity that (i)  
5 does not require student participation as part of the  
6 educational services of the entity and (ii) is not associated  
7 with the students' regular class-for-credit schedule shall  
8 transport students only in a school bus or vehicle described in  
9 subsection (b) of Section 1-182 of this Code. This subsection  
10 (b) does not apply to any second division vehicle used by an  
11 entity listed in subsection (a) of Section 1-182 of this Code  
12 for a parade, homecoming, or a similar noncurriculum-related  
13 school activity. This Section shall not apply to any second  
14 division vehicle being used by such entity in a parade,  
15 homecoming or similar school activity, nor to a motor vehicle  
16 designed for the transportation of not less than 7 nor more  
17 than 16 persons while that vehicle is being operated by or for  
18 a public or private primary or secondary school, including any  
19 primary or secondary school operated by a religious  
20 institution, for the purpose of transporting not more than 15  
21 students to and from interscholastic athletic or other  
22 interscholastic or school sponsored activities.

23 (c) Notwithstanding any other rulemaking authority that  
24 may exist, neither the Governor nor any agency or agency head  
25 under the jurisdiction of the Governor has any authority to  
26 make or promulgate rules to implement or enforce the provisions

1 of this amendatory Act of the 95th General Assembly amending  
2 this Code. If, however, the Governor believes that rules are  
3 necessary to implement or enforce the provisions of this  
4 amendatory Act of the 95th General Assembly amending this Code,  
5 the Governor may suggest rules to the General Assembly by  
6 filing them with the Clerk of the House and the Secretary of  
7 the Senate and by requesting that the General Assembly  
8 authorize such rulemaking by law, enact those suggested rules  
9 into law, or take any other appropriate action in the General  
10 Assembly's discretion. Nothing contained in this amendatory  
11 Act of the 95th General Assembly amending this Code shall be  
12 interpreted to grant rulemaking authority under any other  
13 Illinois statute where such authority is not otherwise  
14 explicitly given. For the purposes of this amendatory Act of  
15 the 95th General Assembly, "rules" is given the meaning  
16 contained in Section 1-70 of the Illinois Administrative  
17 Procedure Act, and "agency" and "agency head" are given the  
18 meanings contained in Sections 1-20 and 1-25 of the Illinois  
19 Administrative Procedure Act to the extent that such  
20 definitions apply to agencies or agency heads under the  
21 jurisdiction of the Governor.

22 (Source: P.A. 89-132, eff. 7-14-95.)

23 Section 90. The State Mandates Act is amended by adding  
24 Section 8.32 as follows:

1 (30 ILCS 805/8.32 new)

2 Sec. 8.32. Exempt mandate. Notwithstanding Sections 6 and 8  
3 of this Act, no reimbursement by the State is required for the  
4 implementation of any mandate created by this amendatory Act of  
5 the 95th General Assembly.

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law, except that the provisions changing Section  
8 10-20.21 of the School Code take effect January 1, 2009 and the  
9 provisions changing Section 29-6.3 of the School Code and  
10 Sections 1-182 and 11-1414.1 of the Illinois Vehicle Code take  
11 effect July 1, 2009.".