



Rep. Jerry L. Mitchell

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LRB096 06679 NHT 27756 a

1 AMENDMENT TO SENATE BILL 612

2 AMENDMENT NO. _____. Amend Senate Bill 612 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections
5 27A-4, 27A-5, 27A-8, 27A-9, 27A-10, 27A-12, 34-1.1, 34-2.4b,
6 34-8.3, and 34-18 and by adding Section 27A-14 as follows:

7 (105 ILCS 5/27A-4)

8 Sec. 27A-4. General Provisions.

9 (a) The General Assembly does not intend to alter or amend
10 the provisions of any court-ordered desegregation plan in
11 effect for any school district. A charter school shall be
12 subject to all federal and State laws and constitutional
13 provisions prohibiting discrimination on the basis of
14 disability, race, creed, color, gender, national origin,
15 religion, ancestry, marital status, or need for special
16 education services.

1 (b) The total number of charter schools operating under
2 this Article at any one time shall not exceed 120 ~~60~~. Not more
3 than 70 ~~30~~ charter schools shall operate at any one time in any
4 city having a population exceeding 500,000 ~~and~~ not more than
5 45 ~~15~~ charter schools shall operate at any one time in the
6 ~~counties of DuPage, Kane, Lake, McHenry, Will, and that portion~~
7 ~~of Cook County that is located outside a city having a~~
8 ~~population exceeding 500,000, with not more than one charter~~
9 ~~school that has been initiated by a board of education, or by~~
10 ~~an intergovernmental agreement between or among boards of~~
11 ~~education, operating at any one time in the school district~~
12 ~~where the charter school is located; and not more than 15~~
13 ~~charter schools shall operate at any one time in the remainder~~
14 ~~of the State, with not more than one charter school that has~~
15 ~~been initiated by a board of education, or by an~~
16 ~~intergovernmental agreement between or among boards of~~
17 ~~education, operating at any one time in the school district~~
18 ~~where the charter school is located. In addition to these~~
19 ~~charter schools, up to but no more than 5 charter schools~~
20 ~~devoted exclusively to re-enrolled high school dropouts may~~
21 ~~operate at any one time in any city having a population~~
22 ~~exceeding 500,000. Notwithstanding any provision to the~~
23 ~~contrary in subsection (b) of Section 27A-5 of this Code, each~~
24 ~~such dropout charter may operate up to 15 campuses within the~~
25 ~~city. Any of these dropout charters may have a maximum of 1,875~~
26 ~~enrollment seats, any one of the campuses of the dropout~~

1 charter may have a maximum of 165 enrollment seats, and each
2 campus of the dropout charter must be operated by the same
3 legal entity as that for which the charter is approved and
4 certified.

5 For purposes of implementing this Section, the State Board
6 shall assign a number to each charter submission it receives
7 under Section 27A-6 for its review and certification, based on
8 the chronological order in which the submission is received by
9 it. The State Board shall promptly notify local school boards
10 when the maximum numbers of certified charter schools
11 authorized to operate have been reached.

12 (c) No charter shall be granted under this Article that
13 would convert any existing private, parochial, or non-public
14 school to a charter school.

15 (d) Enrollment in a charter school shall be open to any
16 pupil who resides within the geographic boundaries of the area
17 served by the local school board, provided that the board of
18 education in a city having a population exceeding 500,000 may
19 designate attendance boundaries for no more than one-third of
20 the charter schools permitted in the city if the board of
21 education determines that attendance boundaries are needed to
22 relieve overcrowding or to better serve low-income and at-risk
23 students. Students residing within an attendance boundary may
24 be given priority for enrollment, but must not be required to
25 attend the charter school.

26 (e) Nothing in this Article shall prevent 2 or more local

1 school boards from jointly issuing a charter to a single shared
2 charter school, provided that all of the provisions of this
3 Article are met as to those local school boards.

4 (f) No local school board shall require any employee of the
5 school district to be employed in a charter school.

6 (g) No local school board shall require any pupil residing
7 within the geographic boundary of its district to enroll in a
8 charter school.

9 (h) If there are more eligible applicants for enrollment in
10 a charter school than there are spaces available, successful
11 applicants shall be selected by lottery. However, priority
12 shall be given to siblings of pupils enrolled in the charter
13 school and to pupils who were enrolled in the charter school
14 the previous school year, unless expelled for cause, and
15 priority may be given to pupils residing within the charter
16 school's attendance boundary, if a boundary has been designated
17 by the board of education in a city having a population
18 exceeding 500,000. Dual enrollment at both a charter school and
19 a public school or non-public school shall not be allowed. A
20 pupil who is suspended or expelled from a charter school shall
21 be deemed to be suspended or expelled from the public schools
22 of the school district in which the pupil resides.
23 Notwithstanding anything to the contrary in this subsection

24 (h), any charter school with a mission exclusive to educating
25 high school dropouts may restrict admission to students who are
26 high school dropouts.

1 (i) (Blank).

2 (j) Notwithstanding any other provision of law to the
3 contrary, a school district in a city having a population
4 exceeding 500,000 shall not have a duty to collectively bargain
5 with an exclusive representative of its employees over
6 decisions to grant or deny a charter school proposal under
7 Section 27A-8 of this Code, decisions to renew or revoke a
8 charter under Section 27A-9 of this Code, and the impact of
9 these decisions, provided that nothing in this Section shall
10 have the effect of negating, abrogating, replacing, reducing,
11 diminishing, or limiting in any way employee rights,
12 guarantees, or privileges granted in Sections 2, 3, 7, 8, 10,
13 14, and 15 of the Illinois Educational Labor Relations Act.

14 (Source: P.A. 92-16, eff. 6-28-01; 93-3, eff. 4-16-03; 93-861,
15 eff. 1-1-05.)

16 (105 ILCS 5/27A-5)

17 Sec. 27A-5. Charter school; legal entity; requirements.

18 (a) A charter school shall be a public, nonsectarian,
19 nonreligious, non-home based, and non-profit school. A charter
20 school shall be organized and operated as a nonprofit
21 corporation or other discrete, legal, nonprofit entity
22 authorized under the laws of the State of Illinois.

23 (b) A charter school may be established under this Article
24 by creating a new school or by converting an existing public
25 school or attendance center to charter school status. Beginning

1 on the effective date of this amendatory Act of the 93rd
2 General Assembly, in all new applications submitted to the
3 State Board or a local school board to establish a charter
4 school in a city having a population exceeding 500,000,
5 operation of the charter school shall be limited to one campus.
6 The changes made to this Section by this amendatory Act of the
7 93rd General Assembly do not apply to charter schools existing
8 or approved on or before the effective date of this amendatory
9 Act.

10 (c) A charter school shall be administered and governed by
11 its board of directors or other governing body in the manner
12 provided in its charter. The governing body of a charter school
13 shall be subject to the Freedom of Information Act and the Open
14 Meetings Act.

15 (d) A charter school shall comply with all applicable
16 health and safety requirements applicable to public schools
17 under the laws of the State of Illinois.

18 (e) Except as otherwise provided in the School Code, a
19 charter school shall not charge tuition; provided that a
20 charter school may charge reasonable fees for textbooks,
21 instructional materials, and student activities.

22 (f) A charter school shall be responsible for the
23 management and operation of its fiscal affairs including, but
24 not limited to, the preparation of its budget. An audit of each
25 charter school's finances shall be conducted annually by an
26 outside, independent contractor retained by the charter

1 school. Annually, by December 1, every charter school must
2 submit to the State Board a copy of its audit and a copy of the
3 Form 990 the charter school filed that year with the federal
4 Internal Revenue Service.

5 (g) A charter school shall comply with all provisions of
6 this Article and its charter. A charter school is exempt from
7 all other State laws and regulations in the School Code
8 governing public schools and local school board policies,
9 except the following:

10 (1) Sections 10-21.9 and 34-18.5 of the School Code
11 regarding criminal history records checks and checks of the
12 Statewide Sex Offender Database of applicants for
13 employment;

14 (2) Sections 24-24 and 34-84A of the School Code
15 regarding discipline of students;

16 (3) The Local Governmental and Governmental Employees
17 Tort Immunity Act;

18 (4) Section 108.75 of the General Not For Profit
19 Corporation Act of 1986 regarding indemnification of
20 officers, directors, employees, and agents;

21 (5) The Abused and Neglected Child Reporting Act;

22 (6) The Illinois School Student Records Act; and

23 (7) Section 10-17a of the School Code regarding school
24 report cards.

25 (h) A charter school may negotiate and contract with a
26 school district, the governing body of a State college or

1 university or public community college, or any other public or
2 for-profit or nonprofit private entity for: (i) the use of a
3 school building and grounds or any other real property or
4 facilities that the charter school desires to use or convert
5 for use as a charter school site, (ii) the operation and
6 maintenance thereof, and (iii) the provision of any service,
7 activity, or undertaking that the charter school is required to
8 perform in order to carry out the terms of its charter.
9 However, a charter school that is established on or after the
10 effective date of this amendatory Act of the 93rd General
11 Assembly and that operates in a city having a population
12 exceeding 500,000 may not contract with a for-profit entity to
13 manage or operate the school during the period that commences
14 on the effective date of this amendatory Act of the 93rd
15 General Assembly and concludes at the end of the 2004-2005
16 school year. Except as provided in subsection (i) of this
17 Section, a school district may charge a charter school
18 reasonable rent for the use of the district's buildings,
19 grounds, and facilities. Any services for which a charter
20 school contracts with a school district shall be provided by
21 the district at cost. Any services for which a charter school
22 contracts with a local school board or with the governing body
23 of a State college or university or public community college
24 shall be provided by the public entity at cost.

25 (i) In no event shall a charter school that is established
26 by converting an existing school or attendance center to

1 charter school status be required to pay rent for space that is
2 deemed available, as negotiated and provided in the charter
3 agreement, in school district facilities. However, all other
4 costs for the operation and maintenance of school district
5 facilities that are used by the charter school shall be subject
6 to negotiation between the charter school and the local school
7 board and shall be set forth in the charter.

8 (j) A charter school may limit student enrollment by age or
9 grade level.

10 (Source: P.A. 93-3, eff. 4-16-03; 93-909, eff. 8-12-04; 94-219,
11 eff. 7-14-05.)

12 (105 ILCS 5/27A-8)

13 Sec. 27A-8. Evaluation of charter proposals.

14 (a) This Section does not apply to a charter school
15 established by referendum under Section 27A-6.5. In evaluating
16 any charter school proposal submitted to it, the local school
17 board shall give preference to proposals that:

18 (1) demonstrate a high level of local pupil, parental,
19 community, business, and school personnel support;

20 (2) set rigorous levels of expected pupil achievement
21 and demonstrate feasible plans for attaining those levels
22 of achievement; and

23 (3) are designed to enroll and serve a substantial
24 proportion of at-risk children; provided that nothing in
25 the Charter Schools Law shall be construed as intended to

1 limit the establishment of charter schools to those that
2 serve a substantial portion of at-risk children or to in
3 any manner restrict, limit, or discourage the
4 establishment of charter schools that enroll and serve
5 other pupil populations under a nonexclusive,
6 nondiscriminatory admissions policy.

7 (b) In the case of a proposal to establish a charter school
8 by converting an existing public school or attendance center to
9 charter school status, evidence that the proposed formation of
10 the charter school has received majority support from certified
11 teachers and from parents and guardians in the school or
12 attendance center affected by the proposed charter, and, if
13 applicable, from a local school council, shall be demonstrated
14 by a petition in support of the charter school signed by
15 certified teachers and a petition in support of the charter
16 school signed by parents and guardians and, if applicable, by a
17 vote of the local school council held at a public meeting. In
18 the case of all other proposals to establish a charter school,
19 evidence of sufficient support to fill the number of pupil
20 seats set forth in the proposal may be demonstrated by a
21 petition in support of the charter school signed by parents and
22 guardians of students eligible to attend the charter school. In
23 all cases, the individuals, organizations, or entities who
24 initiate the proposal to establish a charter school may elect,
25 in lieu of including any petition referred to in this
26 subsection as a part of the proposal submitted to the local

1 school board, to demonstrate that the charter school has
2 received the support referred to in this subsection by other
3 evidence and information presented at the public meeting that
4 the local school board is required to convene under this
5 Section.

6 (c) Within 45 days of receipt of a charter school proposal,
7 the local school board shall convene a public meeting to obtain
8 information to assist the board in its decision to grant or
9 deny the charter school proposal.

10 (d) Notice of the public meeting required by this Section
11 shall be published in a community newspaper published in the
12 school district in which the proposed charter is located and,
13 if there is no such newspaper, then in a newspaper published in
14 the county and having circulation in the school district. The
15 notices shall be published not more than 10 days nor less than
16 5 days before the meeting and shall state that information
17 regarding a charter school proposal will be heard at the
18 meeting. Copies of the notice shall also be posted at
19 appropriate locations in the school or attendance center
20 proposed to be established as a charter school, the public
21 schools in the school district, and the local school board
22 office.

23 (e) Within 30 days of the public meeting, the local school
24 board shall vote, in a public meeting, to either grant or deny
25 the charter school proposal.

26 (f) Within 7 days of the public meeting required under

1 subsection (e), the local school board shall file a report with
2 the State Board granting or denying the proposal. Within 14
3 days of receipt of the local school board's report, the State
4 Board shall determine whether the approved charter proposal is
5 consistent with the provisions of this Article and, if the
6 approved proposal complies, certify the proposal pursuant to
7 Section 27A-6; provided that for any charter proposal submitted
8 to the State Board within one year after the effective date of
9 this amendatory Act of the 96th General Assembly, the State
10 Board shall have 60 days from receipt to determine such
11 consistency and certify the proposal.

12 (Source: P.A. 90-548, eff. 1-1-98; 91-407, eff. 8-3-99.)

13 (105 ILCS 5/27A-9)

14 Sec. 27A-9. Term of charter; renewal.

15 (a) A charter may be granted for a period not less than 5
16 and not more than 10 school years. A charter may be renewed in
17 incremental periods not to exceed 5 school years.

18 (b) A charter school renewal proposal submitted to the
19 local school board or State Board, as the chartering entity,
20 shall contain:

21 (1) A report on the progress of the charter school in
22 achieving the goals, objectives, pupil performance
23 standards, content standards, and other terms of the
24 initial approved charter proposal; and

25 (2) A financial statement that discloses the costs of

1 administration, instruction, and other spending categories
2 for the charter school that is understandable to the
3 general public and that will allow comparison of those
4 costs to other schools or other comparable organizations,
5 in a format required by the State Board.

6 (c) A charter may be revoked or not renewed if the local
7 school board or State Board, as the chartering entity, clearly
8 demonstrates that the charter school did any of the following,
9 or otherwise failed to comply with the requirements of this
10 law:

11 (1) Committed a material violation of any of the
12 conditions, standards, or procedures set forth in the
13 charter.

14 (2) Failed to meet or make reasonable progress toward
15 achievement of the content standards or pupil performance
16 standards identified in the charter.

17 (3) Failed to meet generally accepted standards of
18 fiscal management.

19 (4) Violated any provision of law from which the
20 charter school was not exempted.

21 In the case of revocation, the local school board or State
22 Board, as the chartering entity, shall notify the charter
23 school in writing of the reason why the charter is subject to
24 revocation. The charter school shall submit a written plan to
25 the local school board or State Board, whichever is applicable,
26 to rectify the problem. The plan shall include a timeline for

1 implementation, which shall not exceed 2 years or the date of
2 the charter's expiration, whichever is earlier. If the local
3 school board or the State Board, as the chartering entity,
4 finds that the charter school has failed to implement the plan
5 of remediation and adhere to the timeline, then the chartering
6 entity shall revoke the charter. Except in situations of an
7 emergency where the health, safety, or education of the charter
8 school's students is at risk, the revocation shall take place
9 at the end of a school year. Nothing in this amendatory Act of
10 the 96th General Assembly shall be construed to prohibit an
11 implementation timetable that is less than 2 years in duration.

12 (d) (Blank).

13 (e) Notice of a local school board's decision to deny,
14 revoke or not to renew a charter shall be provided to the State
15 Board. The State Board may reverse a local board's decision if
16 the State Board finds that the charter school or charter school
17 proposal (i) is in compliance with this Article, and (ii) is in
18 the best interests of the students it is designed to serve. The
19 State Board may condition the granting of an appeal on the
20 acceptance by the charter school of funding in an amount less
21 than that requested in the proposal submitted to the local
22 school board. Final decisions of the State Board shall be
23 subject to judicial review under the Administrative Review Law.

24 (f) Notwithstanding other provisions of this Article, if
25 the State Board on appeal reverses a local board's decision or
26 if a charter school is approved by referendum, the State Board

1 shall act as the authorized chartering entity for the charter
2 school. The State Board shall approve and certify the charter
3 and shall perform all functions under this Article otherwise
4 performed by the local school board. The State Board shall
5 report the aggregate number of charter school pupils resident
6 in a school district to that district and shall notify the
7 district of the amount of funding to be paid by the State Board
8 to the charter school enrolling such students. The State Board
9 shall require the charter school to maintain accurate records
10 of daily attendance that shall be deemed sufficient to file
11 claims under Section 18-8.05 notwithstanding any other
12 requirements of that Section regarding hours of instruction and
13 teacher certification. The State Board shall withhold from
14 funds otherwise due the district the funds authorized by this
15 Article to be paid to the charter school and shall pay such
16 amounts to the charter school.

17 (Source: P.A. 91-96, eff. 7-9-99; 91-407, eff. 8-3-99; 92-16,
18 eff. 6-28-01.)

19 (105 ILCS 5/27A-10)

20 Sec. 27A-10. Employees.

21 (a) A person shall be deemed to be employed by a charter
22 school unless a collective bargaining agreement or the charter
23 school contract otherwise provides.

24 (b) In all school districts, including special charter
25 districts and districts located in cities having a population

1 exceeding 500,000, the local school board shall determine by
2 policy or by negotiated agreement, if one exists, the
3 employment status of any school district employees who are
4 employed by a charter school and who seek to return to
5 employment in the public schools of the district. Each local
6 school board shall grant, for a period of up to 5 years, a
7 leave of absence to those of its teachers who accept employment
8 with a charter school. At the end of the authorized leave of
9 absence, the teacher must return to the school district or
10 resign; provided, however, that if the teacher chooses to
11 return to the school district, the teacher must be assigned to
12 a position which requires the teacher's certification and legal
13 qualifications. The contractual continued service status and
14 retirement benefits of a teacher of the district who is granted
15 a leave of absence to accept employment with a charter school
16 shall not be affected by that leave of absence.

17 (c) Charter schools shall employ in instructional
18 positions, as defined in the charter, individuals who are
19 certificated under Article 21 of this Code or who possess the
20 following qualifications:

21 (i) graduated with a bachelor's degree from an
22 accredited institution of higher learning;

23 (ii) been employed for a period of at least 5 years in
24 an area requiring application of the individual's
25 education;

26 (iii) passed the tests of basic skills and subject

1 matter knowledge required by Section 21-1a of the School
2 Code; and

3 (iv) demonstrate continuing evidence of professional
4 growth which shall include, but not be limited to,
5 successful teaching experience, attendance at professional
6 meetings, membership in professional organizations,
7 additional credits earned at institutions of higher
8 learning, travel specifically for educational purposes,
9 and reading of professional books and periodicals.

10 (c-5) Charter schools employing individuals without
11 certification in instructional positions shall provide such
12 mentoring, training, and staff development for those
13 individuals as the charter schools determine necessary for
14 satisfactory performance in the classroom.

15 ~~At Beginning with the 2006-2007 school year, at least 50%~~
16 of the individuals employed in instructional positions by a
17 charter school that is operating in a city having a population
18 exceeding 500,000 and that is established on or after April 16,
19 2003 ~~the effective date of this amendatory Act of the 93rd~~
20 ~~General Assembly~~ shall hold teaching certificates issued under
21 Article 21 of this Code.

22 ~~At Beginning with the 2006-2007 school year, at least 75%~~
23 of the individuals employed in instructional positions by a
24 charter school that is operating in a city having a population
25 exceeding 500,000 and that was is established before April 16,
26 2003 ~~the effective date of this amendatory Act of the 93rd~~

1 ~~General Assembly~~ shall hold teaching certificates issued under
2 Article 21 of this Code.

3 (c-10) Notwithstanding any provision in subsection (c-5)
4 to the contrary, in any charter school established before the
5 effective date of this amendatory Act of the 96th General
6 Assembly, at least 75% of the individuals employed in
7 instructional positions by the charter school shall hold
8 teaching certificates issued under Article 21 of this Code
9 beginning with the 2012-2013 school year. In any charter school
10 established after the effective date of this amendatory Act of
11 the 96th General Assembly, at least 75% of the individuals
12 employed in instructional positions by a charter school shall
13 hold teaching certificates issued under Article 21 of this Code
14 by the beginning of the fourth school year during which a
15 student is enrolled in the charter school. Charter schools may
16 employ non-certificated staff in all other positions.

17 (c-15) Charter schools ~~operating in a city having a~~
18 ~~population exceeding 500,000~~ are exempt from any annual cap on
19 new participants in an alternative certification program. The
20 second and third phases of the alternative certification
21 program may be conducted and completed at the charter school,
22 and the alternative teaching certificate is valid for 4 years
23 or the length of the charter (or any extension of the charter),
24 whichever is longer.

25 ~~Notwithstanding any other provisions of the School Code,~~
26 ~~charter schools may employ non-certificated staff in all other~~

1 ~~positions.~~

2 (d) A teacher at a charter school may resign his or her
3 position only if the teacher gives notice of resignation to the
4 charter school's governing body at least 60 days before the end
5 of the school term, and the resignation must take effect
6 immediately upon the end of the school term.

7 (Source: P.A. 93-3, eff. 4-16-03.)

8 (105 ILCS 5/27A-12)

9 Sec. 27A-12. Evaluation; ~~annual~~ report. The State Board
10 shall compile annual evaluations of charter schools received
11 from local school boards and shall prepare an annual report on
12 charter schools.

13 On or before the second Wednesday of every even-numbered
14 year ~~January, 1998, and on or before the second Wednesday of~~
15 ~~January of each subsequent calendar year,~~ the State Board shall
16 issue a report to the General Assembly and the Governor on its
17 findings for the previous 2 school years; provided that the
18 report issued in 2010 need only report on the 2008-2009 school
19 year ~~year ending in the preceding calendar year.~~

20 In the ~~annual~~ report required by this Section, the State
21 Board (i) shall compare the performance of charter school
22 pupils with the performance of ethnically and economically
23 comparable groups of pupils in other public schools who are
24 enrolled in academically comparable courses, (ii) shall review
25 information regarding the regulations and policies from which

1 charter schools were released to determine if the exemptions
2 assisted or impeded the charter schools in meeting their stated
3 goals and objectives, and (iii) shall include suggested changes
4 in State law necessary to strengthen charter schools.

5 In addition, the State Board shall undertake and report on
6 periodic evaluations of charter schools that include
7 evaluations of student academic achievement, the extent to
8 which charter schools are accomplishing their missions and
9 goals, the sufficiency of funding for charter schools, and the
10 need for changes in the approval process for charter schools.

11 (Source: P.A. 91-407, eff. 8-3-99.)

12 (105 ILCS 5/27A-14 new)

13 (Section scheduled to be repealed on January 10, 2010)

14 Sec. 27A-14. Independent Charter School Authorizer Task
15 Force.

16 (a) The State Board of Education shall convene an
17 Independent Charter School Authorizer Task Force for the
18 purpose of studying the need, if any, for an independent
19 charter school authorizer in this State. The task force shall
20 (i) compile a comparative analysis of charter school
21 authorizing practices across the United States; (ii) conduct an
22 assessment of the capacity of school districts in this State to
23 authorize charter schools; (iii) assess the ability and
24 interest of this State's public universities in serving as
25 charter school authorizers; (iv) analyze the capacity of the

1 State Board as a charter school authorizer; and (v) make
2 recommendations as to the amount of funding necessary to
3 operate an independent authorizer and the system of support, at
4 the State Board or otherwise, necessary for any such
5 independent authorizer to operate successfully.

6 (b) The task force shall consist of all of the following
7 voting members:

8 (1) A person appointed by the President of the Senate.

9 (2) A person appointed by the Minority Leader of the
10 Senate.

11 (3) A person appointed by the Speaker of the House of
12 Representatives.

13 (4) A person appointed by the Minority Leader of the
14 House of Representatives.

15 (5) The State Superintendent of Education or his or her
16 designee.

17 (6) A representative of a statewide professional
18 teachers organization, appointed by the head of that
19 organization.

20 (7) A representative of a different statewide
21 professional teachers organization, appointed by the head
22 of that organization.

23 (8) A representative of an organization representing
24 principals in a city having a population exceeding 500,000,
25 appointed by the head of that organization.

26 (9) A representative of an organization representing

1 professional teachers in a city having a population
2 exceeding 500,000, appointed by the head of that
3 organization.

4 (10) The chief executive officer of a school district
5 in a city having a population exceeding 500,000 or his or
6 her designee.

7 (11) The chairperson of the board of the Illinois
8 Network of Charter Schools or his or her designee.

9 (12) A nationally recognized expert on charter school
10 authorization, appointed by the State Superintendent of
11 Education.

12 (13) A principal of an established charter school in
13 this State, appointed by the State Superintendent of
14 Education.

15 (14) A representative of an organization representing
16 the business community in this State, appointed by the head
17 of that organization.

18 (15) A person appointed by a statewide organization
19 representing school boards in this State.

20 (16) A person appointed by a statewide organization
21 representing school district superintendents in this
22 State.

23 (c) Members of the task force shall receive no compensation
24 for their participation, but may be reimbursed by the State
25 Board for expenses in connection with their participation,
26 including travel, but only if funds at the State Board are

1 available.

2 (d) The task force shall submit a final report of its
3 findings and recommendations to the Governor and the General
4 Assembly on or before January 1, 2010. The task force shall be
5 abolished 10 days after this submission.

6 (e) This Section is repealed on January 10, 2010.

7 (105 ILCS 5/34-1.1) (from Ch. 122, par. 34-1.1)

8 Sec. 34-1.1. Definitions. As used in this Article:

9 "Academic Accountability Council" means the Chicago
10 Schools Academic Accountability Council created under Section
11 34-3.4.

12 "Local School Council" means a local school council
13 established under Section 34-2.1.

14 "School" and "attendance center" are used interchangeably
15 to mean any attendance center operated pursuant to this Article
16 and under the direction of one principal.

17 "Secondary Attendance Center" means a school which has
18 students enrolled in grades 9 through 12 (although it may also
19 have students enrolled in grades below grade 9).

20 "Local Attendance Area School" means a school which has a
21 local attendance area established by the board.

22 "Multi-area school" means a school other than a local
23 attendance area school.

24 "Contract school" means an attendance center managed and
25 operated by a for-profit or not-for-profit private entity

1 retained by the board to provide instructional and other
2 services to a majority of the pupils enrolled in the attendance
3 center.

4 "Contract turnaround school" means an experimental
5 contract school created by the board to implement alternative
6 governance in an attendance center subject to restructuring or
7 similar intervention under federal law that has not made
8 adequate yearly progress for 5 consecutive years or a time
9 period set forth in federal law.

10 "Parent" means a parent or legal guardian of an enrolled
11 student of an attendance center.

12 "Community resident" means a person, 18 years of age or
13 older, residing within an attendance area served by a school,
14 excluding any person who is a parent of a student enrolled in
15 that school; provided that with respect to any multi-area
16 school, community resident means any person, 18 years of age or
17 older, residing within the voting district established for that
18 school pursuant to Section 34-2.1c, excluding any person who is
19 a parent of a student enrolled in that school.

20 "School staff" means all certificated and uncertificated
21 school personnel, including all teaching and administrative
22 staff (other than the principal) and including all custodial,
23 food service and other civil service employees, who are
24 employed at and assigned to perform the majority of their
25 employment duties at one attendance center served by the same
26 local school council.

1 "Regular meetings" means the meeting dates established by
2 the local school council at its annual organizational meeting.
3 (Source: P.A. 88-511; 89-15, eff. 5-30-95.)

4 (105 ILCS 5/34-2.4b) (from Ch. 122, par. 34-2.4b)

5 Sec. 34-2.4b. Limitation upon applicability. The
6 provisions of Sections 34-2.1, 34-2.2, 34-2.3, 34-2.3a, 34-2.4
7 and 34-8.3, and those provisions of paragraph 1 of Section
8 34-18 and paragraph (c) of Section 34A-201a relating to the
9 allocation or application -- by formula or otherwise -- of lump
10 sum amounts and other funds to attendance centers, shall not
11 apply to attendance centers that have applied for and been
12 designated as a "Small School" by the Board, the Cook County
13 Juvenile Detention Center and Cook County Jail schools, nor to
14 the district's alternative schools for pregnant girls, nor to
15 alternative schools established under Article 13A, nor to a
16 contract school, nor to the Michael R. Durso School, the
17 Jackson Adult Center, the Hillard Adult Center, the Alternative
18 Transitional School, or any other attendance center designated
19 by the Board as an alternative school, provided that the
20 designation is not applied to an attendance center ~~a school~~
21 ~~building~~ that has in place a legally constituted local school
22 council, except for contract turnaround schools. ~~The, and the~~
23 board of education shall have and exercise with respect to
24 those schools and with respect to the conduct, operation,
25 affairs and budgets of those schools, and with respect to the

1 principals, teachers and other school staff there employed, the
2 same powers which are exercisable by local school councils with
3 respect to the other attendance centers, principals, teachers
4 and school staff within the district, together with all powers
5 and duties generally exercisable by the board of education with
6 respect to all attendance centers within the district. The
7 board of education shall develop appropriate alternative
8 methods for involving parents, community members and school
9 staff to the maximum extent possible in all of the activities
10 of those schools, and may delegate to the parents, community
11 members and school staff so involved the same powers which are
12 exercisable by local school councils with respect to other
13 attendance centers.

14 (Source: P.A. 90-566, eff. 1-2-98; 91-622, eff. 8-19-99.)

15 (105 ILCS 5/34-8.3) (from Ch. 122, par. 34-8.3)

16 Sec. 34-8.3. Remediation and probation of attendance
17 centers.

18 (a) The general superintendent shall monitor the
19 performance of the attendance centers within the district and
20 shall identify attendance centers, pursuant to criteria that
21 the board shall establish, in which:

22 (1) there is a failure to develop, implement, or comply
23 with a school improvement plan;

24 (2) there is a pervasive breakdown in the educational
25 program as indicated by factors, including, but not limited

1 to, the absence of improvement in student reading and math
2 achievement scores, an increased drop-out rate, a
3 decreased graduation rate, and a decrease in rate of
4 student attendance;

5 (3) (blank); or

6 (4) there is a failure or refusal to comply with the
7 provisions of this Act, other applicable laws, collective
8 bargaining agreements, court orders, or with Board rules
9 which the Board is authorized to promulgate.

10 (b) If the general superintendent identifies a
11 nonperforming school as described herein, he or she shall place
12 the attendance center on remediation by developing a
13 remediation plan for the center. The purpose of the remediation
14 plan shall be to correct the deficiencies in the performance of
15 the attendance center by one or more of the following methods:

16 (1) drafting a new school improvement plan;

17 (2) applying to the board for additional funding for
18 training for the local school council;

19 (3) directing implementation of a school improvement
20 plan;

21 (4) mediating disputes or other obstacles to reform or
22 improvement at the attendance center.

23 If, however, the general superintendent determines that
24 the problems are not able to be remediated by these methods,
25 the general superintendent shall place the attendance center on
26 probation. The board shall establish guidelines that determine

1 the factors for placing an attendance center on probation.

2 (c) Each school placed on probation shall have a school
3 improvement plan and school budget for correcting deficiencies
4 identified by the board. The plan shall include specific steps
5 that the local school council and school staff must take to
6 correct identified deficiencies and specific objective
7 criteria by which the school's subsequent progress will be
8 determined. The school budget shall include specific
9 expenditures directly calculated to correct educational and
10 operational deficiencies identified at the school by the
11 probation team.

12 (d) Schools placed on probation that, after a maximum of
13 one year, fail to make adequate progress in correcting
14 deficiencies are subject to the following actions ~~action~~ by the
15 general superintendent with the approval of the board, after
16 opportunity for a hearing:

17 (1) Ordering new local school council elections.

18 (2) Removing and replacing the principal.

19 (3) Replacement of faculty members, subject to the
20 provisions of Section 24A-5.

21 (4) Reconstitution of the attendance center and
22 replacement and reassignment by the general superintendent
23 of all employees of the attendance center.

24 (5) Intervention under Section 34-8.4.

25 (5.5) Operating an attendance center as a contract
26 turnaround school.

1 (6) Closing of the school.

2 (e) Schools placed on probation shall remain on probation
3 from year to year until deficiencies are corrected, even if
4 such schools make acceptable annual progress. The board shall
5 establish, in writing, criteria for determining whether or not
6 a school shall remain on probation. If academic achievement
7 tests are used as the factor for placing a school on probation,
8 the general superintendent shall consider objective criteria,
9 not just an increase in test scores, in deciding whether or not
10 a school shall remain on probation. These criteria shall
11 include attendance, test scores, student mobility rates,
12 poverty rates, bilingual education eligibility, special
13 education, and English language proficiency programs, with
14 progress made in these areas being taken into consideration in
15 deciding whether or not a school shall remain on probation.

16 (f) Where the board has reason to believe that violations
17 of civil rights, or of civil or criminal law have occurred, or
18 when the general superintendent deems that the school is in
19 educational crisis it may take immediate corrective action,
20 including the actions specified in this Section, without first
21 placing the school on remediation or probation. Nothing
22 described herein shall limit the authority of the board as
23 provided by any law of this State. The board shall develop
24 criteria governing the determination regarding when a school is
25 in educational crisis.

26 (g) All persons serving as subdistrict superintendent on

1 May 1, 1995 shall be deemed by operation of law to be serving
2 under a performance contract which expires on June 30, 1995,
3 and the employment of each such person as subdistrict
4 superintendent shall terminate on June 30, 1995. The board
5 shall have no obligation to compensate any such person as a
6 subdistrict superintendent after June 30, 1995.

7 (h) The general superintendent shall, in consultation with
8 local school councils, conduct an annual evaluation of each
9 principal in the district pursuant to guidelines promulgated by
10 the Board of Education.

11 (Source: P.A. 91-219, eff. 1-1-00; 91-622, eff. 8-19-99; 92-16,
12 eff. 6-28-01.)

13 (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

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

18 1. To make suitable provision for the establishment and
19 maintenance throughout the year or for such portion thereof
20 as it may direct, not less than 9 months, of schools of all
21 grades and kinds, including normal schools, high schools,
22 night schools, schools for defectives and delinquents,
23 parental and truant schools, schools for the blind, the
24 deaf and the crippled, schools or classes in manual
25 training, constructural and vocational teaching, domestic

1 arts and physical culture, vocation and extension schools
2 and lecture courses, and all other educational courses and
3 facilities, including establishing, equipping, maintaining
4 and operating playgrounds and recreational programs, when
5 such programs are conducted in, adjacent to, or connected
6 with any public school under the general supervision and
7 jurisdiction of the board; provided that the calendar for
8 the school term and any changes must be submitted to and
9 approved by the State Board of Education before the
10 calendar or changes may take effect, and provided that in
11 allocating funds from year to year for the operation of all
12 attendance centers within the district, the board shall
13 ensure that supplemental general State aid funds are
14 allocated and applied in accordance with Section 18-8 or
15 18-8.05. To admit to such schools without charge foreign
16 exchange students who are participants in an organized
17 exchange student program which is authorized by the board.
18 The board shall permit all students to enroll in
19 apprenticeship programs in trade schools operated by the
20 board, whether those programs are union-sponsored or not.
21 No student shall be refused admission into or be excluded
22 from any course of instruction offered in the common
23 schools by reason of that student's sex. No student shall
24 be denied equal access to physical education and
25 interscholastic athletic programs supported from school
26 district funds or denied participation in comparable

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

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

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

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

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

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

7 7. To apportion the pupils to the several schools;
8 provided that no pupil shall be excluded from or segregated
9 in any such school on account of his color, race, sex, or
10 nationality. The board shall take into consideration the
11 prevention of segregation and the elimination of
12 separation of children in public schools because of color,
13 race, sex, or nationality. Except that children may be
14 committed to or attend parental and social adjustment
15 schools established and maintained either for boys or girls
16 only. All records pertaining to the creation, alteration or
17 revision of attendance areas shall be open to the public.
18 Nothing herein shall limit the board's authority to
19 establish multi-area attendance centers or other student
20 assignment systems for desegregation purposes or
21 otherwise, and to apportion the pupils to the several
22 schools. Furthermore, beginning in school year 1994-95,
23 pursuant to a board plan adopted by October 1, 1993, the
24 board shall offer, commencing on a phased-in basis, the
25 opportunity for families within the school district to
26 apply for enrollment of their children in any attendance

1 center within the school district which does not have
2 selective admission requirements approved by the board.
3 The appropriate geographical area in which such open
4 enrollment may be exercised shall be determined by the
5 board of education. Such children may be admitted to any
6 such attendance center on a space available basis after all
7 children residing within such attendance center's area
8 have been accommodated. If the number of applicants from
9 outside the attendance area exceed the space available,
10 then successful applicants shall be selected by lottery.
11 The board of education's open enrollment plan must include
12 provisions that allow low income students to have access to
13 transportation needed to exercise school choice. Open
14 enrollment shall be in compliance with the provisions of
15 the Consent Decree and Desegregation Plan cited in Section
16 34-1.01;

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

23 9. Subject to the limitations in this Article, to
24 establish and approve system-wide curriculum objectives
25 and standards, including graduation standards, which
26 reflect the multi-cultural diversity in the city and are

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

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

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

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

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

1 for educational purposes;

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

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

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

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

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

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

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

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

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

26 (d) Information received by an official recruiting

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

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

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

23 (1) "Computer" means an internally programmed,
24 general purpose digital device capable of
25 automatically accepting data, processing data and
26 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

1 with a population of 500,000 or more that a debt is due and
2 owing the municipality, the county, the Cook County Forest
3 Preserve District, the Chicago Park District, the
4 Metropolitan Water Reclamation District, the Chicago
5 Transit Authority, or the housing authority by an employee
6 of the Chicago Board of Education, to withhold, from the
7 compensation of that employee, the amount of the debt that
8 is due and owing and pay the amount withheld to the
9 municipality, the county, the Cook County Forest Preserve
10 District, the Chicago Park District, the Metropolitan
11 Water Reclamation District, the Chicago Transit Authority,
12 or the housing authority; provided, however, that the
13 amount deducted from any one salary or wage payment shall
14 not exceed 25% of the net amount of the payment. Before the
15 Board deducts any amount from any salary or wage of an
16 employee under this paragraph, the municipality, the
17 county, the Cook County Forest Preserve District, the
18 Chicago Park District, the Metropolitan Water Reclamation
19 District, the Chicago Transit Authority, or the housing
20 authority shall certify that (i) the employee has been
21 afforded an opportunity for a hearing to dispute the debt
22 that is due and owing the municipality, the county, the
23 Cook County Forest Preserve District, the Chicago Park
24 District, the Metropolitan Water Reclamation District, the
25 Chicago Transit Authority, or the housing authority and
26 (ii) the employee has received notice of a wage deduction

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

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

25 21. To make available to students vocational and career
26 counseling and to establish 5 special career counseling

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

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

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

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

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

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

25 22. To report to the State Board of Education the
26 annual student dropout rate and number of students who

1 graduate from, transfer from or otherwise leave bilingual
2 programs;

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

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

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

26 26. To encourage mid-career changes into the teaching

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

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

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

15 29. (Blank);

16 30. Notwithstanding any other provision of this Act or
17 any other law to the contrary, to contract with third
18 parties for services otherwise performed by employees,
19 including those in a bargaining unit, and to layoff those
20 employees upon 14 days written notice to the affected
21 employees. Those contracts may be for a period not to
22 exceed 5 years and may be awarded on a system-wide basis.
23 The board may not operate more than 30 contract schools,
24 provided that the board may operate an additional 5
25 contract turnaround schools pursuant to item (5.5) of
26 subsection (d) of Section 34-8.3 of this Code;

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

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

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

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

25 The specifications of the powers herein granted are not to
26 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; 93-1036, eff.
12 9-14-04.)

13 Section 90. The non-State agency parties that engaged in
14 the negotiation of this Act shall, within 30 days after the
15 effective date of this Act, enter into a memorandum of
16 understanding, which shall include without limitation language
17 whereby, through June 30, 2013, and subject to any legislative
18 changes required by federal law, such parties shall not propose
19 any changes to Article 27A of the School Code other than
20 legislation to establish an independent, State-level, charter
21 school authorizing entity.

22 Section 99. Effective date. This Act takes effect upon
23 becoming law."