



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB1566

Introduced 2/15/2011, by Rep. Rita Mayfield

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-22.26

from Ch. 122, par. 10-22.26

105 ILCS 5/34-18

from Ch. 122, par. 34-18

Amends the School Code. Requires a school district's school lunch program to include flavored milk as an option for students. Effective immediately.

LRB097 08687 NHT 48816 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Sections  
5 10-22.26 and 34-18 as follows:

6 (105 ILCS 5/10-22.26) (from Ch. 122, par. 10-22.26)

7 Sec. 10-22.26. School lunch program; equipment; flavored  
8 milk ~~Lunch Program — Purchase of Equipment~~. To maintain and  
9 operate a school lunch program in accordance with applicable  
10 regulations of the State Board of Education and agencies of the  
11 United States government. Equipment to be used in the school  
12 lunch program shall be paid for from the operations and  
13 maintenance fund of the district or from any surplus remaining  
14 in the school lunch account at the end of the school term. The  
15 school lunch program shall include flavored milk as an option  
16 for students.

17 (Source: P.A. 86-970.)

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

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

1           1. To make suitable provision for the establishment and  
2 maintenance throughout the year or for such portion thereof  
3 as it may direct, not less than 9 months, of schools of all  
4 grades and kinds, including normal schools, high schools,  
5 night schools, schools for defectives and delinquents,  
6 parental and truant schools, schools for the blind, the  
7 deaf and the crippled, schools or classes in manual  
8 training, constructural and vocational teaching, domestic  
9 arts and physical culture, vocation and extension schools  
10 and lecture courses, and all other educational courses and  
11 facilities, including establishing, equipping, maintaining  
12 and operating playgrounds and recreational programs, when  
13 such programs are conducted in, adjacent to, or connected  
14 with any public school under the general supervision and  
15 jurisdiction of the board; provided that the calendar for  
16 the school term and any changes must be submitted to and  
17 approved by the State Board of Education before the  
18 calendar or changes may take effect, and provided that in  
19 allocating funds from year to year for the operation of all  
20 attendance centers within the district, the board shall  
21 ensure that supplemental general State aid funds are  
22 allocated and applied in accordance with Section 18-8 or  
23 18-8.05. To admit to such schools without charge foreign  
24 exchange students who are participants in an organized  
25 exchange student program which is authorized by the board.  
26 The board shall permit all students to enroll in

1 apprenticeship programs in trade schools operated by the  
2 board, whether those programs are union-sponsored or not.  
3 No student shall be refused admission into or be excluded  
4 from any course of instruction offered in the common  
5 schools by reason of that student's sex. No student shall  
6 be denied equal access to physical education and  
7 interscholastic athletic programs supported from school  
8 district funds or denied participation in comparable  
9 physical education and athletic programs solely by reason  
10 of the student's sex. Equal access to programs supported  
11 from school district funds and comparable programs will be  
12 defined in rules promulgated by the State Board of  
13 Education in consultation with the Illinois High School  
14 Association. Notwithstanding any other provision of this  
15 Article, neither the board of education nor any local  
16 school council or other school official shall recommend  
17 that children with disabilities be placed into regular  
18 education classrooms unless those children with  
19 disabilities are provided with supplementary services to  
20 assist them so that they benefit from the regular classroom  
21 instruction and are included on the teacher's regular  
22 education class register;

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

1       program shall include flavored milk as an option for  
2       students;

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

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

7             5. To employ dentists and prescribe their duties for  
8       the purpose of treating the pupils in the schools, but  
9       accepting such treatment shall be optional with parents or  
10      guardians;

11            6. To grant the use of assembly halls and classrooms  
12      when not otherwise needed, including light, heat, and  
13      attendants, for free public lectures, concerts, and other  
14      educational and social interests, free of charge, under  
15      such provisions and control as the principal of the  
16      affected attendance center may prescribe;

17            7. To apportion the pupils to the several schools;  
18      provided that no pupil shall be excluded from or segregated  
19      in any such school on account of his color, race, sex, or  
20      nationality. The board shall take into consideration the  
21      prevention of segregation and the elimination of  
22      separation of children in public schools because of color,  
23      race, sex, or nationality. Except that children may be  
24      committed to or attend parental and social adjustment  
25      schools established and maintained either for boys or girls  
26      only. All records pertaining to the creation, alteration or

1 revision of attendance areas shall be open to the public.  
2 Nothing herein shall limit the board's authority to  
3 establish multi-area attendance centers or other student  
4 assignment systems for desegregation purposes or  
5 otherwise, and to apportion the pupils to the several  
6 schools. Furthermore, beginning in school year 1994-95,  
7 pursuant to a board plan adopted by October 1, 1993, the  
8 board shall offer, commencing on a phased-in basis, the  
9 opportunity for families within the school district to  
10 apply for enrollment of their children in any attendance  
11 center within the school district which does not have  
12 selective admission requirements approved by the board.  
13 The appropriate geographical area in which such open  
14 enrollment may be exercised shall be determined by the  
15 board of education. Such children may be admitted to any  
16 such attendance center on a space available basis after all  
17 children residing within such attendance center's area  
18 have been accommodated. If the number of applicants from  
19 outside the attendance area exceed the space available,  
20 then successful applicants shall be selected by lottery.  
21 The board of education's open enrollment plan must include  
22 provisions that allow low income students to have access to  
23 transportation needed to exercise school choice. Open  
24 enrollment shall be in compliance with the provisions of  
25 the Consent Decree and Desegregation Plan cited in Section  
26 34-1.01;

1           8. To approve programs and policies for providing  
2 transportation services to students. Nothing herein shall  
3 be construed to permit or empower the State Board of  
4 Education to order, mandate, or require busing or other  
5 transportation of pupils for the purpose of achieving  
6 racial balance in any school;

7           9. Subject to the limitations in this Article, to  
8 establish and approve system-wide curriculum objectives  
9 and standards, including graduation standards, which  
10 reflect the multi-cultural diversity in the city and are  
11 consistent with State law, provided that for all purposes  
12 of this Article courses or proficiency in American Sign  
13 Language shall be deemed to constitute courses or  
14 proficiency in a foreign language; and to employ principals  
15 and teachers, appointed as provided in this Article, and  
16 fix their compensation. The board shall prepare such  
17 reports related to minimal competency testing as may be  
18 requested by the State Board of Education, and in addition  
19 shall monitor and approve special education and bilingual  
20 education programs and policies within the district to  
21 assure that appropriate services are provided in  
22 accordance with applicable State and federal laws to  
23 children requiring services and education in those areas;

24           10. To employ non-teaching personnel or utilize  
25 volunteer personnel for: (i) non-teaching duties not  
26 requiring instructional judgment or evaluation of pupils,

1 including library duties; and (ii) supervising study  
2 halls, long distance teaching reception areas used  
3 incident to instructional programs transmitted by  
4 electronic media such as computers, video, and audio,  
5 detention and discipline areas, and school-sponsored  
6 extracurricular activities. The board may further utilize  
7 volunteer non-certificated personnel or employ  
8 non-certificated personnel to assist in the instruction of  
9 pupils under the immediate supervision of a teacher holding  
10 a valid certificate, directly engaged in teaching subject  
11 matter or conducting activities; provided that the teacher  
12 shall be continuously aware of the non-certificated  
13 persons' activities and shall be able to control or modify  
14 them. The general superintendent shall determine  
15 qualifications of such personnel and shall prescribe rules  
16 for determining the duties and activities to be assigned to  
17 such personnel;

18 10.5. To utilize volunteer personnel from a regional  
19 School Crisis Assistance Team (S.C.A.T.), created as part  
20 of the Safe to Learn Program established pursuant to  
21 Section 25 of the Illinois Violence Prevention Act of 1995,  
22 to provide assistance to schools in times of violence or  
23 other traumatic incidents within a school community by  
24 providing crisis intervention services to lessen the  
25 effects of emotional trauma on individuals and the  
26 community; the School Crisis Assistance Team Steering



1 Committee shall determine the qualifications for  
2 volunteers;

3 11. To provide television studio facilities in not to  
4 exceed one school building and to provide programs for  
5 educational purposes, provided, however, that the board  
6 shall not construct, acquire, operate, or maintain a  
7 television transmitter; to grant the use of its studio  
8 facilities to a licensed television station located in the  
9 school district; and to maintain and operate not to exceed  
10 one school radio transmitting station and provide programs  
11 for educational purposes;

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

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

24 14. To insure against any loss or liability of the  
25 board, the former School Board Nominating Commission,  
26 Local School Councils, the Chicago Schools Academic

1 Accountability Council, or the former Subdistrict Councils  
2 or of any member, officer, agent or employee thereof,  
3 resulting from alleged violations of civil rights arising  
4 from incidents occurring on or after September 5, 1967 or  
5 from the wrongful or negligent act or omission of any such  
6 person whether occurring within or without the school  
7 premises, provided the officer, agent or employee was, at  
8 the time of the alleged violation of civil rights or  
9 wrongful act or omission, acting within the scope of his  
10 employment or under direction of the board, the former  
11 School Board Nominating Commission, the Chicago Schools  
12 Academic Accountability Council, Local School Councils, or  
13 the former Subdistrict Councils; and to provide for or  
14 participate in insurance plans for its officers and  
15 employees, including but not limited to retirement  
16 annuities, medical, surgical and hospitalization benefits  
17 in such types and amounts as may be determined by the  
18 board; provided, however, that the board shall contract for  
19 such insurance only with an insurance company authorized to  
20 do business in this State. Such insurance may include  
21 provision for employees who rely on treatment by prayer or  
22 spiritual means alone for healing, in accordance with the  
23 tenets and practice of a recognized religious  
24 denomination;

25 15. To contract with the corporate authorities of any  
26 municipality or the county board of any county, as the case

1           may be, to provide for the regulation of traffic in parking  
2           areas of property used for school purposes, in such manner  
3           as is provided by Section 11-209 of The Illinois Vehicle  
4           Code, approved September 29, 1969, as amended;

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

19          (b) If a student or his or her parent or guardian  
20          submits a signed, written request to the high school before  
21          the end of the student's sophomore year (or if the student  
22          is a transfer student, by another time set by the high  
23          school) that indicates that the student or his or her  
24          parent or guardian does not want the student's directory  
25          information to be provided to official recruiting  
26          representatives under subsection (a) of this Section, the

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

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

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

17 17. (a) To sell or market any computer program  
18 developed by an employee of the school district, provided  
19 that such employee developed the computer program as a  
20 direct result of his or her duties with the school district  
21 or through the utilization of the school district resources  
22 or facilities. The employee who developed the computer  
23 program shall be entitled to share in the proceeds of such  
24 sale or marketing of the computer program. The distribution  
25 of such proceeds between the employee and the school  
26 district shall be as agreed upon by the employee and the

1 school district, except that neither the employee nor the  
2 school district may receive more than 90% of such proceeds.  
3 The negotiation for an employee who is represented by an  
4 exclusive bargaining representative may be conducted by  
5 such bargaining representative at the employee's request.

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

7 (1) "Computer" means an internally programmed,  
8 general purpose digital device capable of  
9 automatically accepting data, processing data and  
10 supplying the results of the operation.

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

15 (3) "Proceeds" means profits derived from  
16 marketing or sale of a product after deducting the  
17 expenses of developing and marketing such product;

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

21 19. Upon the written request of an employee, to  
22 withhold from the compensation of that employee any dues,  
23 payments or contributions payable by such employee to any  
24 labor organization as defined in the Illinois Educational  
25 Labor Relations Act. Under such arrangement, an amount  
26 shall be withheld from each regular payroll period which is

1 equal to the pro rata share of the annual dues plus any  
2 payments or contributions, and the board shall transmit  
3 such withholdings to the specified labor organization  
4 within 10 working days from the time of the withholding;

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

1 county, the Cook County Forest Preserve District, the  
2 Chicago Park District, the Metropolitan Water Reclamation  
3 District, the Chicago Transit Authority, or the housing  
4 authority shall certify that (i) the employee has been  
5 afforded an opportunity for a hearing to dispute the debt  
6 that is due and owing the municipality, the county, the  
7 Cook County Forest Preserve District, the Chicago Park  
8 District, the Metropolitan Water Reclamation District, the  
9 Chicago Transit Authority, or the housing authority and  
10 (ii) the employee has received notice of a wage deduction  
11 order and has been afforded an opportunity for a hearing to  
12 object to the order. For purposes of this paragraph, "net  
13 amount" means that part of the salary or wage payment  
14 remaining after the deduction of any amounts required by  
15 law to be deducted and "debt due and owing" means (i) a  
16 specified sum of money owed to 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 for services, work, or goods, after the period  
21 granted for payment has expired, or (ii) a specified sum of  
22 money owed to the municipality, the county, the Cook County  
23 Forest Preserve District, the Chicago Park District, the  
24 Metropolitan Water Reclamation District, the Chicago  
25 Transit Authority, or the housing authority pursuant to a  
26 court order or order of an administrative hearing officer

1 after the exhaustion of, or the failure to exhaust,  
2 judicial review;

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

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

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

22 (b) Hispanic (a person of Spanish or Portuguese  
23 culture with origins in Mexico, South or Central  
24 America, or the Caribbean islands, regardless of  
25 race);

26 (c) Asian American (a person having origins in any



1 of the original peoples of the Far East, Southeast  
2 Asia, the Indian Subcontinent or the Pacific Islands);  
3 or

4 (d) American Indian or Alaskan Native (a person  
5 having origins in any of the original peoples of North  
6 America).

7 Counseling days shall not be in lieu of regular school  
8 days;

9 22. To report to the State Board of Education the  
10 annual student dropout rate and number of students who  
11 graduate from, transfer from or otherwise leave bilingual  
12 programs;

13 23. Except as otherwise provided in the Abused and  
14 Neglected Child Reporting Act or other applicable State or  
15 federal law, to permit school officials to withhold, from  
16 any person, information on the whereabouts of any child  
17 removed from school premises when the child has been taken  
18 into protective custody as a victim of suspected child  
19 abuse. School officials shall direct such person to the  
20 Department of Children and Family Services, or to the local  
21 law enforcement agency if appropriate;

22 24. To develop a policy, based on the current state of  
23 existing school facilities, projected enrollment and  
24 efficient utilization of available resources, for capital  
25 improvement of schools and school buildings within the  
26 district, addressing in that policy both the relative

1 priority for major repairs, renovations and additions to  
2 school facilities, and the advisability or necessity of  
3 building new school facilities or closing existing schools  
4 to meet current or projected demographic patterns within  
5 the district;

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

10 26. To encourage mid-career changes into the teaching  
11 profession, whereby qualified professionals become  
12 certified teachers, by allowing credit for professional  
13 employment in related fields when determining point of  
14 entry on teacher pay scale;

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

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

25 29. (Blank);

26 30. Notwithstanding any other provision of this Act or

1 any other law to the contrary, to contract with third  
2 parties for services otherwise performed by employees,  
3 including those in a bargaining unit, and to layoff those  
4 employees upon 14 days written notice to the affected  
5 employees. Those contracts may be for a period not to  
6 exceed 5 years and may be awarded on a system-wide basis.  
7 The board may not operate more than 30 contract schools,  
8 provided that the board may operate an additional 5  
9 contract turnaround schools pursuant to item (5.5) of  
10 subsection (d) of Section 34-8.3 of this Code;

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

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

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

1 necessary to accomplish the objectives and implement the  
2 requirements of that agreement; and

3 34. To establish a Labor Management Council to the  
4 board comprised of representatives of the board, the chief  
5 executive officer, and those labor organizations that are  
6 the exclusive representatives of employees of the board and  
7 to promulgate policies and procedures for the operation of  
8 the Council.

9 The specifications of the powers herein granted are not to  
10 be construed as exclusive but the board shall also exercise all  
11 other powers that they may be requisite or proper for the  
12 maintenance and the development of a public school system, not  
13 inconsistent with the other provisions of this Article or  
14 provisions of this Code which apply to all school districts.

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

20 (Source: P.A. 96-105, eff. 7-30-09.)

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