

1 AN ACT with respect to schools.

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
5 Sections 10-19, 10-19.1, and 34-18 as follows:

6 (105 ILCS 5/10-19) (from Ch. 122, par. 10-19)

7 Sec. 10-19. Length of school term - experimental
8 programs. Each school board shall annually prepare a calendar
9 for the school term, specifying the opening and closing dates
10 and providing a minimum term of at least 185 days to insure
11 176 days of actual pupil attendance, computable under Section
12 18-8.05, provided except that for school years subsequent to
13 the 2001-2002 school year each school board shall annually
14 prepare a calendar for the school term, specifying the
15 opening and closing dates and providing a minimum term to
16 insure a minimum number of days of actual pupil attendance,
17 computable under Section 18-8.05, in accordance with the
18 following schedule:

		<u>Minimum Number of</u>
		<u>Days of Actual</u>
<u>School Year</u>	<u>Minimum Term</u>	<u>Pupil Attendance</u>
22 <u>2002-2003</u>	<u>186 days</u>	<u>177 days</u>
23 <u>2003-2004</u>	<u>187 days</u>	<u>178 days</u>
24 <u>2004-2005</u>	<u>188 days</u>	<u>179 days</u>
25 <u>2005-2006</u>	<u>189 days</u>	<u>180 days</u>
26 <u>2006-2007</u>	<u>190 days</u>	<u>181 days</u>
27 <u>2007-2008</u>	<u>191 days</u>	<u>182 days</u>
28 <u>2008-2009</u>	<u>192 days</u>	<u>183 days</u>
29 <u>2009-2010</u>	<u>193 days</u>	<u>184 days</u>
30 <u>2010-2011</u>	<u>194 days</u>	<u>185 days</u>
31 <u>2011-2012 and</u>	<u>195 days</u>	<u>186 days</u>

1 each subsequent
2 school year

3 the--1980-1981--school--year--only--175--days--of--actual--pupil
4 attendance--shall--be--required--because--of--the--closing--of
5 schools--pursuant--to--Section--24-2--on--January--29,--1981--upon--the
6 appointment--by--the--President--of--that--day--as--a--day--of
7 thanksgiving--for--the--freedom--of--the--Americans--who--had--been
8 held--hostage--in--Iran. Any days allowed by law for teachers'
9 institute but not used as such or used as parental institutes
10 as provided in Section 10-22.18d shall increase the minimum
11 term by the school days not so used. Except as provided in
12 Section 10-19.1, the board may not extend the school term
13 beyond such closing date unless that extension of term is
14 necessary to provide the minimum number of computable days.
15 In case of such necessary extension school employees shall be
16 paid for such additional time on the basis of their regular
17 contracts. A school board may specify a closing date earlier
18 than that set on the annual calendar when the schools of the
19 district have provided the minimum number of computable days
20 under this Section. Nothing in this Section prevents the
21 board from employing superintendents of schools, principals
22 and other nonteaching personnel for a period of 12 months, or
23 in the case of superintendents for a period in accordance
24 with Section 10-23.8, or prevents the board from employing
25 other personnel before or after the regular school term with
26 payment of salary proportionate to that received for
27 comparable work during the school term.

28 A school board may make such changes in its calendar for
29 the school term as may be required by any changes in the
30 legal school holidays prescribed in Section 24-2. A school
31 board may make changes in its calendar for the school term as
32 may be necessary to reflect the utilization of teachers'
33 institute days as parental institute days as provided in
34 Section 10-22.18d.

1 With the prior approval of the State Board of Education
 2 and subject to review by the State Board of Education every 3
 3 years, any school board may, by resolution of its board and
 4 in agreement with affected exclusive collective bargaining
 5 agents, establish experimental educational programs,
 6 including but not limited to programs for self-directed
 7 learning or outside of formal class periods, which programs
 8 when so approved shall be considered to comply with the
 9 requirements of this Section as respects numbers of days of
 10 actual pupil attendance and with the other requirements of
 11 this Act as respects courses of instruction.

12 (Source: P.A. 91-96, eff. 7-9-99.)

13 (105 ILCS 5/10-19.1) (from Ch. 122, par. 10-19.1)

14 Sec. 10-19.1. Full year school plan. Any school district
 15 may, by resolution of its board, operate one or more schools
 16 within the district on a full year school plan approved by
 17 the State Board of Education. Any board which operates under
 18 this Section shall devise a plan so that a student's required
 19 attendance in school during a 12-month period shall be for
 20 not less than the a minimum number of days term-of-180-days
 21 of actual pupil attendance required by Section 10-19 of this
 22 Code for the school year during which that 12-month period
 23 commences, plus including not more than 4 institute days,
 24 provided that during that 12-month a--12--month period a
 25 student's required attendance in school,--but shall not
 26 exceed, nor shall any teacher be required to teach more than,
 27 the number of days that is equal to the minimum term required
 28 to be provided by Section 10-19 of this Code for the school
 29 year during which that 12-month period commences 185-days.
 30 Under-such-plan, no-teacher-shall-be-required-to--teach--more
 31 than-185-days.-A-calendar-of-180-days-may-be-established-with
 32 the-approval-of-the-State-Board-of-Education.

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

1 (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

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

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

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

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

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

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

31 5. To employ dentists and prescribe their duties
32 for the purpose of treating the pupils in the schools,
33 but accepting such treatment shall be optional with
34 parents or guardians;

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

8 7. To apportion the pupils to the several schools;
9 provided that no pupil shall be excluded from or
10 segregated in any such school on account of his color,
11 race, sex, or nationality. The board shall take into
12 consideration the prevention of segregation and the
13 elimination of separation of children in public schools
14 because of color, race, sex, or nationality. Except that
15 children may be committed to or attend parental and
16 social adjustment schools established and maintained
17 either for boys or girls only. All records pertaining to
18 the creation, alteration or revision of attendance areas
19 shall be open to the public. Nothing herein shall limit
20 the board's authority to establish multi-area attendance
21 centers or other student assignment systems for
22 desegregation purposes or otherwise, and to apportion the
23 pupils to the several schools. Furthermore, beginning in
24 school year 1994-95, pursuant to a board plan adopted by
25 October 1, 1993, the board shall offer, commencing on a
26 phased-in basis, the opportunity for families within the
27 school district to apply for enrollment of their children
28 in any attendance center within the school district which
29 does not have selective admission requirements approved
30 by the board. The appropriate geographical area in which
31 such open enrollment may be exercised shall be determined
32 by the board of education. Such children may be admitted
33 to any such attendance center on a space available basis
34 after all children residing within such attendance

1 center's area have been accommodated. If the number of
2 applicants from outside the attendance area exceed the
3 space available, then successful applicants shall be
4 selected by lottery. The board of education's open
5 enrollment plan must include provisions that allow low
6 income students to have access to transportation needed
7 to exercise school choice. Open enrollment shall be in
8 compliance with the provisions of the Consent Decree and
9 Desegregation Plan cited in Section 34-1.01;

10 8. To approve programs and policies for providing
11 transportation services to students. Nothing herein shall
12 be construed to permit or empower the State Board of
13 Education to order, mandate, or require busing or other
14 transportation of pupils for the purpose of achieving
15 racial balance in any school;

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

34 10. To employ non-teaching personnel or utilize

1 volunteer personnel for: (i) non-teaching duties not
2 requiring instructional judgment or evaluation of pupils,
3 including library duties; and (ii) supervising study
4 halls, long distance teaching reception areas used
5 incident to instructional programs transmitted by
6 electronic media such as computers, video, and audio,
7 detention and discipline areas, and school-sponsored
8 extracurricular activities. The board may further utilize
9 volunteer non-certificated personnel or employ
10 non-certificated personnel to assist in the instruction
11 of pupils under the immediate supervision of a teacher
12 holding a valid certificate, directly engaged in teaching
13 subject matter or conducting activities; provided that
14 the teacher shall be continuously aware of the
15 non-certificated persons' activities and shall be able to
16 control or modify them. The general superintendent shall
17 determine qualifications of such personnel and shall
18 prescribe rules for determining the duties and activities
19 to be assigned to such personnel;

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

29 12. To offer, if deemed appropriate, outdoor
30 education courses, including field trips within the State
31 of Illinois, or adjacent states, and to use school
32 educational funds for the expense of the said outdoor
33 educational programs, whether within the school district
34 or not;

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

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

1 religious denomination;

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

9 16. To provide, on an equal basis, access to the
10 school campus to the official recruiting representatives
11 of the armed forces of Illinois and the United States for
12 the purposes of informing students of the educational and
13 career opportunities available in the military if the
14 board has provided such access to persons or groups whose
15 purpose is to acquaint students with educational or
16 occupational opportunities available to them. The board
17 is not required to give greater notice regarding the
18 right of access to recruiting representatives than is
19 given to other persons and groups;

20 17. (a) To sell or market any computer program
21 developed by an employee of the school district, provided
22 that such employee developed the computer program as a
23 direct result of his or her duties with the school
24 district or through the utilization of the school
25 district resources or facilities. The employee who
26 developed the computer program shall be entitled to share
27 in the proceeds of such sale or marketing of the computer
28 program. The distribution of such proceeds between the
29 employee and the school district shall be as agreed upon
30 by the employee and the school district, except that
31 neither the employee nor the school district may receive
32 more than 90% of such proceeds. The negotiation for an
33 employee who is represented by an exclusive bargaining
34 representative may be conducted by such bargaining

1 representative at the employee's request.

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

3 (1) "Computer" means an internally programmed,
4 general purpose digital device capable of
5 automatically accepting data, processing data and
6 supplying the results of the operation.

7 (2) "Computer program" means a series of coded
8 instructions or statements in a form acceptable to a
9 computer, which causes the computer to process data
10 in order to achieve a certain result.

11 (3) "Proceeds" means profits derived from
12 marketing or sale of a product after deducting the
13 expenses of developing and marketing such product;

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

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

28 19a. Upon receipt of notice from the comptroller of
29 a municipality with a population of 500,000 or more that
30 a debt is due and owing the municipality by an employee
31 of the Chicago School Reform Board of Trustees, to
32 withhold, from the compensation of that employee, the
33 amount of the debt that is due and owing and pay the
34 amount withheld to the municipality; provided, however,

1 that the amount deducted from any one salary or wage
2 payment shall not exceed 25% of the net amount of the
3 payment. Before the Board deducts any amount from any
4 salary or wage of an employee under this paragraph, the
5 municipality shall certify that the employee has been
6 afforded an opportunity for a hearing to dispute the debt
7 that is due and owing the municipality. For purposes of
8 this paragraph, "net amount" means that part of the
9 salary or wage payment remaining after the deduction of
10 any amounts required by law to be deducted and "debt due
11 and owing" means (i) a specified sum of money owed to the
12 municipality for city services, work, or goods, after the
13 period granted for payment has expired, or (ii) a
14 specified sum of money owed to the municipality pursuant
15 to a court order or order of an administrative hearing
16 officer after the exhaustion of, or the failure to
17 exhaust, judicial review;

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

24 21. To make available to students vocational and
25 career counseling and to establish 5 special career
26 counseling days for students and parents. On these days
27 representatives of local businesses and industries shall
28 be invited to the school campus and shall inform students
29 of career opportunities available to them in the various
30 businesses and industries. Special consideration shall
31 be given to counseling minority students as to career
32 opportunities available to them in various fields. For
33 the purposes of this paragraph, minority student means a
34 person who is:

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

3 (b) Hispanic (a person of Spanish or
4 Portuguese culture with origins in Mexico, South or
5 Central America, or the Caribbean islands,
6 regardless of race);

7 (c) Asian American (a person having origins in
8 any of the original peoples of the Far East,
9 Southeast Asia, the Indian Subcontinent or the
10 Pacific Islands); or

11 (d) American Indian or Alaskan Native (a
12 person having origins in any of the original peoples
13 of North America).

14 Counseling days shall not be in lieu of regular
15 school days;

16 22. To report to the State Board of Education the
17 annual student dropout rate and number of students who
18 graduate from, transfer from or otherwise leave bilingual
19 programs;

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

30 24. To develop a policy, based on the current state
31 of existing school facilities, projected enrollment and
32 efficient utilization of available resources, for capital
33 improvement of schools and school buildings within the
34 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
4 schools to meet current or projected demographic patterns
5 within 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
11 teaching profession, whereby qualified professionals
12 become certified teachers, by allowing credit for
13 professional employment in related fields when
14 determining point of entry on teacher pay scale;

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

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

27 29. (Blank);

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

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

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

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

20 In addition to the powers herein granted and authorized
21 to be exercised by the board, it shall be the duty of the
22 board to review or to direct independent reviews of special
23 education expenditures and services. The board shall file a
24 report of such review with the General Assembly on or before
25 May 1, 1990.

26 (Source: P.A. 89-15, eff. 5-30-95; 89-397, eff. 8-20-95;
27 89-626, eff. 8-9-96; 90-22, eff. 6-20-97; 90-548, eff.
28 1-1-98.)

29 Section 99. Effective date. This Act takes effect upon
30 becoming law.