

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 increase in the minimum term and minimum number of days
4 of actual pupil attendance made by this amendatory Act of the
5 92nd General Assembly as provided in the schedule begins with
6 the 2002-2003 school year. However, if a school board, on
7 the effective date of this amendatory Act of the 92nd General
8 Assembly, is acting under a collective bargaining agreement
9 with its exclusive bargaining representative, then the
10 increase does not begin, unless otherwise agreed to by the
11 school board and exclusive bargaining representative, until
12 the school year after the expiration of the collective
13 bargaining agreement, at which time the school board shall
14 prepare a calendar providing a minimum term to ensure a
15 minimum number of days of actual pupil attendance as set
16 forth in the schedule beginning with that school year. A
17 school board is not required to increase the minimum term and
18 minimum number of days of actual pupil attendance as provided
19 by this amendatory Act of the 92nd General Assembly unless
20 the school district receives an increase in State aid in an
21 amount at least equal to the cost to be incurred by the
22 school district to increase the minimum term and minimum
23 number of days of actual pupil attendance. the--1980-1981
24 school-year-only-175-days-of-actual-pupil-attendance-shall-be
25 required--because--of--the--closing--of--schools--pursuant-to
26 Section-24-2-on-January-29,1981-upon-the-appointment-by--the
27 President--of--that--day--as--a--day--of-thanksgiving-for-the
28 freedom-of-the-Americans-who-had-been-held-hostage--in--Iran.
29 Any days allowed by law for teachers' institute but not used
30 as such or used as parental institutes as provided in Section
31 10-22.18d shall increase the minimum term by the school days
32 not so used. Except as provided in Section 10-19.1, the
33 board may not extend the school term beyond such closing date
34 unless that extension of term is necessary to provide the

1 minimum number of computable days. In case of such necessary
2 extension school employees shall be paid for such additional
3 time on the basis of their regular contracts. A school board
4 may specify a closing date earlier than that set on the
5 annual calendar when the schools of the district have
6 provided the minimum number of computable days under this
7 Section. Nothing in this Section prevents the board from
8 employing superintendents of schools, principals and other
9 nonteaching personnel for a period of 12 months, or in the
10 case of superintendents for a period in accordance with
11 Section 10-23.8, or prevents the board from employing other
12 personnel before or after the regular school term with
13 payment of salary proportionate to that received for
14 comparable work during the school term.

15 A school board may make such changes in its calendar for
16 the school term as may be required by any changes in the
17 legal school holidays prescribed in Section 24-2. A school
18 board may make changes in its calendar for the school term as
19 may be necessary to reflect the utilization of teachers'
20 institute days as parental institute days as provided in
21 Section 10-22.18d.

22 With the prior approval of the State Board of Education
23 and subject to review by the State Board of Education every 3
24 years, any school board may, by resolution of its board and
25 in agreement with affected exclusive collective bargaining
26 agents, establish experimental educational programs,
27 including but not limited to programs for self-directed
28 learning or outside of formal class periods, which programs
29 when so approved shall be considered to comply with the
30 requirements of this Section as respects numbers of days of
31 actual pupil attendance and with the other requirements of
32 this Act as respects courses of instruction.

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

1 (105 ILCS 5/10-19.1) (from Ch. 122, par. 10-19.1)
2 Sec. 10-19.1. Full year school plan. Any school district
3 may, by resolution of its board, operate one or more schools
4 within the district on a full year school plan approved by
5 the State Board of Education. Any board which operates under
6 this Section shall devise a plan so that a student's required
7 attendance in school during a 12-month period shall be for
8 not less than the a minimum number of days ~~term-of--180--days~~
9 of actual pupil attendance required by Section 10-19 of this
10 Code for the school year during which that 12-month period
11 commences, plus including not more than 4 institute days,
12 provided that during that 12-month a--12--month period a
13 student's required attendance in school, ~~--but~~ shall not
14 exceed, nor shall any teacher be required to teach more than,
15 the number of days that is equal to the minimum term required
16 to be provided by Section 10-19 of this Code for the school
17 year during which that 12-month period commences ~~185--days.~~
18 ~~Under--such--plan,-no-teacher-shall-be-required-to-teach-more~~
19 ~~than-185-days.-A-calendar-of-180-days-may-be-established-with~~
20 ~~the-approval-of-the-State-Board-of-Education.~~
21 (Source: P.A. 81-1508.)

22 (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)
23 Sec. 34-18. Powers of the board. The board shall
24 exercise general supervision and jurisdiction over the public
25 education and the public school system of the city, and,
26 except as otherwise provided by this Article, shall have
27 power:
28 1. To make suitable provision for the establishment
29 and maintenance throughout the year or for such portion
30 thereof as it may direct, but for not less than the
31 minimum term required by Section 10-19 of this Code in
32 order to ensure the minimum number of days of actual
33 pupil attendance as required by Section 10-19 of this

1 Code 9-months, of schools of all grades and kinds,
2 including normal schools, high schools, night schools,
3 schools for defectives and delinquents, parental and
4 truant schools, schools for the blind, the deaf and the
5 crippled, schools or classes in manual training,
6 constructural and vocational teaching, domestic arts and
7 physical culture, vocation and extension schools and
8 lecture courses, and all other educational courses and
9 facilities, including establishing, equipping,
10 maintaining and operating playgrounds and recreational
11 programs, when such programs are conducted in, adjacent
12 to, or connected with any public school under the general
13 supervision and jurisdiction of the board; provided,
14 however, that in allocating funds from year to year for
15 the operation of all attendance centers within the
16 district, the board shall ensure that supplemental
17 general State aid funds are allocated and applied in
18 accordance with Section 18-8 or 18-8.05. To admit to such
19 schools without charge foreign exchange students who are
20 participants in an organized exchange student program
21 which is authorized by the board. The board shall permit
22 all students to enroll in apprenticeship programs in
23 trade schools operated by the board, whether those
24 programs are union-sponsored or not. No student shall
25 be refused admission into or be excluded from any course
26 of instruction offered in the common schools by reason of
27 that student's sex. No student shall be denied equal
28 access to physical education and interscholastic athletic
29 programs supported from school district funds or denied
30 participation in comparable physical education and
31 athletic programs solely by reason of the student's sex.
32 Equal access to programs supported from school district
33 funds and comparable programs will be defined in rules
34 promulgated by the State Board of Education in

1 consultation with the Illinois High School Association.
2 Notwithstanding any other provision of this Article,
3 neither the board of education nor any local school
4 council or other school official shall recommend that
5 children with disabilities be placed into regular
6 education classrooms unless those children with
7 disabilities are provided with supplementary services to
8 assist them so that they benefit from the regular
9 classroom instruction and are included on the teacher's
10 regular education class register;

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

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

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

19 5. To employ dentists and prescribe their duties
20 for the purpose of treating the pupils in the schools,
21 but accepting such treatment shall be optional with
22 parents or guardians;

23 6. To grant the use of assembly halls and
24 classrooms when not otherwise needed, including light,
25 heat, and attendants, for free public lectures, concerts,
26 and other educational and social interests, free of
27 charge, under such provisions and control as the
28 principal of the affected attendance center may
29 prescribe;

30 7. To apportion the pupils to the several schools;
31 provided that no pupil shall be excluded from or
32 segregated in any such school on account of his color,
33 race, sex, or nationality. The board shall take into
34 consideration the prevention of segregation and the

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

32 8. To approve programs and policies for providing
33 transportation services to students. Nothing herein shall
34 be construed to permit or empower the State Board of

1 Education to order, mandate, or require busing or other
2 transportation of pupils for the purpose of achieving
3 racial balance in any school;

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

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

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

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

17 12. To offer, if deemed appropriate, outdoor
18 education courses, including field trips within the State
19 of Illinois, or adjacent states, and to use school
20 educational funds for the expense of the said outdoor
21 educational programs, whether within the school district
22 or not;

23 13. During that period of the calendar year not
24 embraced within the regular school term, to provide and
25 conduct courses in subject matters normally embraced in
26 the program of the schools during the regular school term
27 and to give regular school credit for satisfactory
28 completion by the student of such courses as may be
29 approved for credit by the State Board of Education;

30 14. To ensure against any loss or liability of the
31 board, the former School Board Nominating Commission,
32 Local School Councils, the Chicago Schools Academic
33 Accountability Council, or the former Subdistrict
34 Councils or of any member, officer, agent or employee

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

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

31 16. To provide, on an equal basis, access to the
32 school campus to the official recruiting representatives
33 of the armed forces of Illinois and the United States for
34 the purposes of informing students of the educational and

1 career opportunities available in the military if the
 2 board has provided such access to persons or groups whose
 3 purpose is to acquaint students with educational or
 4 occupational opportunities available to them. The board
 5 is not required to give greater notice regarding the
 6 right of access to recruiting representatives than is
 7 given to other persons and groups;

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

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

25 (1) "Computer" means an internally programmed,
 26 general purpose digital device capable of
 27 automatically accepting data, processing data and
 28 supplying the results of the operation.

29 (2) "Computer program" means a series of coded
 30 instructions or statements in a form acceptable to a
 31 computer, which causes the computer to process data
 32 in order to achieve a certain result.

33 (3) "Proceeds" means profits derived from
 34 marketing or sale of a product after deducting the

1 expenses of developing and marketing such product;

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

5 19. Upon the written request of an employee, to
6 withhold from the compensation of that employee any dues,
7 payments or contributions payable by such employee to any
8 labor organization as defined in the Illinois Educational
9 Labor Relations Act. Under such arrangement, an amount
10 shall be withheld from each regular payroll period which
11 is equal to the pro rata share of the annual dues plus
12 any payments or contributions, and the board shall
13 transmit such withholdings to the specified labor
14 organization within 10 working days from the time of the
15 withholding;

16 19a. Upon receipt of notice from the comptroller of
17 a municipality with a population of 500,000 or more that
18 a debt is due and owing the municipality by an employee
19 of the Chicago School Reform Board of Trustees, to
20 withhold, from the compensation of that employee, the
21 amount of the debt that is due and owing and pay the
22 amount withheld to the municipality; provided, however,
23 that the amount deducted from any one salary or wage
24 payment shall not exceed 25% of the net amount of the
25 payment. Before the Board deducts any amount from any
26 salary or wage of an employee under this paragraph, the
27 municipality shall certify that the employee has been
28 afforded an opportunity for a hearing to dispute the debt
29 that is due and owing the municipality. For purposes of
30 this paragraph, "net amount" means that part of the
31 salary or wage payment remaining after the deduction of
32 any amounts required by law to be deducted and "debt due
33 and owing" means (i) a specified sum of money owed to the
34 municipality for city services, work, or goods, after the

1 period granted for payment has expired, or (ii) a
 2 specified sum of money owed to the municipality pursuant
 3 to a court order or order of an administrative hearing
 4 officer after the exhaustion of, or the failure to
 5 exhaust, judicial review;

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

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

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

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

29 (c) Asian American (a person having origins in
 30 any of the original peoples of the Far East,
 31 Southeast Asia, the Indian Subcontinent or the
 32 Pacific Islands); or

33 (d) American Indian or Alaskan Native (a
 34 person having origins in any of the original peoples

1 of North America).

2 Counseling days shall not be in lieu of regular
3 school days;

4 22. To report to the State Board of Education the
5 annual student dropout rate and number of students who
6 graduate from, transfer from or otherwise leave bilingual
7 programs;

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

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

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

32 26. To encourage mid-career changes into the
33 teaching profession, whereby qualified professionals
34 become certified teachers, by allowing credit for

1 professional employment in related fields when
2 determining point of entry on teacher pay scale;

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

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

15 29. (Blank);

16 30. Notwithstanding any other provision of this Act
17 or 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 31. To promulgate rules establishing procedures
24 governing the layoff or reduction in force of employees
25 and the recall of such employees, including, but not
26 limited to, criteria for such layoffs, reductions in
27 force or recall rights of such employees and the weight
28 to be given to any particular criterion. Such criteria
29 shall take into account factors including, but not be
30 limited to, qualifications, certifications, experience,
31 performance ratings or evaluations, and any other factors
32 relating to an employee's job performance; and

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

1 The specifications of the powers herein granted are not
2 to be construed as exclusive but the board shall also
3 exercise all other powers that they may be requisite or
4 proper for the maintenance and the development of a public
5 school system, not inconsistent with the other provisions of
6 this Article or provisions of this Code which apply to all
7 school districts.

8 In addition to the powers herein granted and authorized
9 to be exercised by the board, it shall be the duty of the
10 board to review or to direct independent reviews of special
11 education expenditures and services. The board shall file a
12 report of such review with the General Assembly on or before
13 May 1, 1990.

14 (Source: P.A. 89-15, eff. 5-30-95; 89-397, eff. 8-20-95;
15 89-626, eff. 8-9-96; 90-22, eff. 6-20-97; 90-548, eff.
16 1-1-98.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.