

1 AN ACT regarding 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 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.

9 (a) Each school board shall annually prepare a calendar  
10 for the school term, specifying the opening and closing dates  
11 and providing a minimum term of at least 185 days to insure  
12 176 days of actual pupil attendance, computable under Section  
13 18-8.05, except that for the 1980-1981 school year only 175  
14 days of actual pupil attendance shall be required because of  
15 the closing of schools pursuant to Section 24-2 on January  
16 29, 1981 upon the appointment by the President of that day as  
17 a day of thanksgiving for the freedom of the Americans who  
18 had been held hostage in Iran. Any days allowed by law for  
19 teachers' institute but not used as such or used as parental  
20 institutes as provided in Section 10-22.18d shall increase  
21 the minimum term by the school days not so used. Except as  
22 provided in Section 10-19.1, the board may not extend the  
23 school term beyond such closing date unless that extension of  
24 term is necessary to provide the minimum number of computable  
25 days or to comply with subsection (d) of this Section. In  
26 case of such necessary extension school employees shall be  
27 paid for such additional time on the basis of their regular  
28 contracts. A school board may specify a closing date earlier  
29 than that set on the annual calendar when the schools of the  
30 district have provided the minimum number of computable days  
31 under this Section and, if applicable, have complied with

1 subsection (d) of this Section. Nothing in this Section  
2 prevents the board from employing superintendents of schools,  
3 principals and other nonteaching personnel for a period of 12  
4 months, or in the case of superintendents for a period in  
5 accordance with Section 10-23.8, or prevents the board from  
6 employing other personnel before or after the regular school  
7 term with payment of salary proportionate to that received  
8 for comparable work during the school term.

9 (b) A school board may make such changes in its calendar  
10 for the school term as may be required by any changes in the  
11 legal school holidays prescribed in Section 24-2.

12 (c) A school board may make changes in its calendar for  
13 the school term as may be necessary to reflect the  
14 utilization of teachers' institute days as parental institute  
15 days as provided in Section 10-22.18d.

16 (d) If the schools of a district are closed for more  
17 than 15 school days because employees are on strike, then the  
18 school board must change its calendar for the school term to  
19 include an additional school day for each school day in which  
20 the schools were closed because of the strike.

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

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

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

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

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

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

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

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

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

1 parents or guardians;

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

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

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

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

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

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

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

30           12. To offer, if deemed appropriate, outdoor  
31 education courses, including field trips within the State  
32 of Illinois, or adjacent states, and to use school  
33 educational funds for the expense of the said outdoor  
34 educational programs, whether within the school district

1 or not;

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

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



1 accordance with the tenets and practice of a recognized  
2 religious denomination;

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

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

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

1 representative may be conducted by such bargaining  
2 representative at the employee's request.

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

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

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

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

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

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

29 19a. Upon receipt of notice from the comptroller of  
30 a municipality with a population of 500,000 or more, a  
31 county with a population of 3,000,000 or more, the Cook  
32 County Forest Preserve District, the Chicago Park  
33 District, the Metropolitan Water Reclamation District,  
34 the Chicago Transit Authority, or a housing authority of

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

1 District, the Chicago Park District, the Metropolitan  
2 Water Reclamation District, the Chicago Transit  
3 Authority, or the housing authority for services, work,  
4 or goods, after the period granted for payment has  
5 expired, or (ii) a specified sum of money owed to the  
6 municipality, the county, the Cook County Forest Preserve  
7 District, the Chicago Park District, the Metropolitan  
8 Water Reclamation District, the Chicago Transit  
9 Authority, or the housing authority pursuant to a court  
10 order or order of an administrative hearing officer after  
11 the exhaustion of, or the failure to exhaust, judicial  
12 review;

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

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

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

32 (b) Hispanic (a person of Spanish or  
33 Portuguese culture with origins in Mexico, South or  
34 Central America, or the Caribbean islands,

1           regardless of race);

2                   (c) Asian American (a person having origins in  
3           any of the original peoples of the Far East,  
4           Southeast Asia, the Indian Subcontinent or the  
5           Pacific Islands); or

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

9           Counseling days shall not be in lieu of regular  
10          school days;

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

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

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

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

5           26. To encourage mid-career changes into the  
6 teaching profession, whereby qualified professionals  
7 become certified teachers, by allowing credit for  
8 professional employment in related fields when  
9 determining point of entry on teacher pay scale;

10          27. To provide or contract out training programs  
11 for administrative personnel and principals with revised  
12 or expanded duties pursuant to this Act in order to  
13 assure they have the knowledge and skills to perform  
14 their duties;

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

22          29. (Blank);

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

30          31. To promulgate rules establishing procedures  
31 governing the layoff or reduction in force of employees  
32 and the recall of such employees, including, but not  
33 limited to, criteria for such layoffs, reductions in  
34 force or recall rights of such employees and the weight

1 to be given to any particular criterion. Such criteria  
 2 shall take into account factors including, but not be  
 3 limited to, qualifications, certifications, experience,  
 4 performance ratings or evaluations, and any other factors  
 5 relating to an employee's job performance; and

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

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

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

21 (Source: P.A. 92-109, eff. 7-20-01.)

22 Section 90. The State Mandates Act is amended by adding  
 23 Section 8.26 as follows:

24 (30 ILCS 805/8.26 new)

25 Sec. 8.26. Exempt mandate. Notwithstanding Sections 6  
 26 and 8 of this Act, no reimbursement by the State is required  
 27 for the implementation of any mandate created by this  
 28 amendatory Act of the 92nd General Assembly.

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