

1 AN ACT relating 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 Section 10-22.34 and 34-18 as follows:

6 (105 ILCS 5/10-22.34) (from Ch. 122, par. 10-22.34)

7 Sec. 10-22.34. Non-certificated personnel.

8 (a) School Boards may employ non-teaching personnel or
9 utilize volunteer personnel for: (1) non-teaching duties not
10 requiring instructional judgment or evaluation of pupils; and
11 (2) supervising study halls, long distance teaching reception
12 areas used incident to instructional programs transmitted by
13 electronic media such as computers, video, and audio, and
14 detention and discipline areas, and school-sponsored
15 extracurricular activities.

16 (b) School boards may further utilize volunteer
17 non-certificated personnel or employ non-certificated
18 personnel to assist in the instruction of pupils under the
19 immediate supervision of a teacher, holding a valid
20 certificate, directly engaged in teaching subject matter or
21 conducting activities. The teacher shall be continuously
22 aware of the non-certificated persons' activities and shall
23 be able to control or modify them. The State Board of
24 Education, in consultation with the State Teacher
25 Certification Board, shall determine qualifications of such
26 personnel and shall prescribe rules for determining the
27 duties and activities to be assigned to such personnel. In
28 the determination of qualifications of such personnel, the
29 State Board of Education shall accept coursework earned in a
30 recognized institution or from an institution of higher
31 learning accredited by the North Central Association or other

1 comparable regional accrediting association.

2 (b-5) A school board may utilize volunteer personnel from
3 a regional School Crisis Assistance Team (S.C.A.T.), created
4 as part of the Safe to Learn Program established pursuant to
5 Section 25 of the Illinois Violence Prevention Act of 1995,
6 to provide assistance to schools in times of violence or
7 other traumatic incidents within a school community by
8 providing crisis intervention services to lessen the effects
9 of emotional trauma on individuals and the community. The
10 School Crisis Assistance Team Steering Committee shall
11 determine the qualifications for volunteers.

12 (c) School boards may also employ students holding a
13 bachelor's degree from a recognized institution of higher
14 learning as teaching interns when such students are enrolled
15 in a college or university internship program, which has
16 prior approval by the State Board of Education, in
17 consultation with the State Teacher Certification Board,
18 leading to a masters degree.

19 Regional offices of education have the authority to
20 initiate and collaborate with institutions of higher learning
21 to establish internship programs referenced in this
22 subsection (c). The State Board of Education has 90 days
23 from receiving a written proposal to establish the internship
24 program to seek the State Teacher Certification Board's
25 consultation on the internship program. If the State Board
26 of Education does not consult the State Teacher Certification
27 Board within 90 days, the regional office of education may
28 seek the State Teacher Certification Board's consultation
29 without the State Board of Education's approval.

30 (d) Nothing in this Section shall require constant
31 supervision of a student teacher enrolled in a student
32 teaching course at a college or university, provided such
33 activity has the prior approval of the representative of the
34 higher education institution and teaching plans have

1 previously been discussed with and approved by the
2 supervising teacher and further provided that such teaching
3 is within guidelines established by the State Board of
4 Education in consultation with the State Teacher
5 Certification Board.

6 (Source: P.A. 92-200, eff. 1-1-02.)

7 (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

8 Sec. 34-18. Powers of the board. The board shall
9 exercise general supervision and jurisdiction over the public
10 education and the public school system of the city, and,
11 except as otherwise provided by this Article, shall have
12 power:

13 1. To make suitable provision for the establishment
14 and maintenance throughout the year or for such portion
15 thereof as it may direct, not less than 9 months, of
16 schools of all grades and kinds, including normal
17 schools, high schools, night schools, schools for
18 defectives and delinquents, parental and truant schools,
19 schools for the blind, the deaf and the crippled, schools
20 or classes in manual training, constructural and
21 vocational teaching, domestic arts and physical culture,
22 vocation and extension schools and lecture courses, and
23 all other educational courses and facilities, including
24 establishing, equipping, maintaining and operating
25 playgrounds and recreational programs, when such programs
26 are conducted in, adjacent to, or connected with any
27 public school under the general supervision and
28 jurisdiction of the board; provided, however, that in
29 allocating funds from year to year for the operation of
30 all attendance centers within the district, the board
31 shall ensure that supplemental general State aid funds
32 are allocated and applied in accordance with Section 18-8
33 or 18-8.05. To admit to such schools without charge

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

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

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

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

1 5. To employ dentists and prescribe their duties
2 for the purpose of treating the pupils in the schools,
3 but accepting such treatment shall be optional with
4 parents or guardians;

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

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

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

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

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

1 services are provided in accordance with applicable State
2 and federal laws to children requiring services and
3 education in those areas;

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

24 10.5. To utilize volunteer personnel from a regional
25 School Crisis Assistance Team (S.C.A.T.), created as part
26 of the Safe to Learn Program established pursuant to
27 Section 25 of the Illinois Violence Prevention Act of
28 1995, to provide assistance to schools in times of
29 violence or other traumatic incidents within a school
30 community by providing crisis intervention services to
31 lessen the effects of emotional trauma on individuals and
32 the community; the School Crisis Assistance Team Steering
33 Committee shall determine the qualifications for
34 volunteers;

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

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

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

23 14. To insure against any loss or liability of the
24 board, the former School Board Nominating Commission,
25 Local School Councils, the Chicago Schools Academic
26 Accountability Council, or the former Subdistrict
27 Councils or of any member, officer, agent or employee
28 thereof, resulting from alleged violations of civil
29 rights arising from incidents occurring on or after
30 September 5, 1967 or from the wrongful or negligent act
31 or omission of any such person whether occurring within
32 or without the school premises, provided the officer,
33 agent or employee was, at the time of the alleged
34 violation of civil rights or wrongful act or omission,

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

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

24 16. To provide, on an equal basis, access to the
25 school campus to the official recruiting representatives
26 of the armed forces of Illinois and the United States for
27 the purposes of informing students of the educational and
28 career opportunities available in the military if the
29 board has provided such access to persons or groups whose
30 purpose is to acquaint students with educational or
31 occupational opportunities available to them. The board
32 is not required to give greater notice regarding the
33 right of access to recruiting representatives than is
34 given to other persons and groups;

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

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

18 (1) "Computer" means an internally programmed,
19 general purpose digital device capable of
20 automatically accepting data, processing data and
21 supplying the results of the operation.

22 (2) "Computer program" means a series of coded
23 instructions or statements in a form acceptable to a
24 computer, which causes the computer to process data
25 in order to achieve a certain result.

26 (3) "Proceeds" means profits derived from
27 marketing or sale of a product after deducting the
28 expenses of developing and marketing such product;

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

32 19. Upon the written request of an employee, to
33 withhold from the compensation of that employee any dues,
34 payments or contributions payable by such employee to any

1 labor organization as defined in the Illinois Educational
2 Labor Relations Act. Under such arrangement, an amount
3 shall be withheld from each regular payroll period which
4 is equal to the pro rata share of the annual dues plus
5 any payments or contributions, and the board shall
6 transmit such withholdings to the specified labor
7 organization within 10 working days from the time of the
8 withholding;

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

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

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

33 21. To make available to students vocational and
34 career counseling and to establish 5 special career

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

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

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

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

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

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

25 22. To report to the State Board of Education the
 26 annual student dropout rate and number of students who
 27 graduate from, transfer from or otherwise leave bilingual
 28 programs;

29 23. Except as otherwise provided in the Abused and
 30 Neglected Child Reporting Act or other applicable State
 31 or federal law, to permit school officials to withhold,
 32 from any person, information on the whereabouts of any
 33 child removed from school premises when the child has
 34 been taken into protective custody as a victim of

1 suspected child abuse. School officials shall direct
2 such person to the Department of Children and Family
3 Services, or to the local law enforcement agency if
4 appropriate;

5 24. To develop a policy, based on the current state
6 of existing school facilities, projected enrollment and
7 efficient utilization of available resources, for capital
8 improvement of schools and school buildings within the
9 district, addressing in that policy both the relative
10 priority for major repairs, renovations and additions to
11 school facilities, and the advisability or necessity of
12 building new school facilities or closing existing
13 schools to meet current or projected demographic patterns
14 within the district;

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

19 26. To encourage mid-career changes into the
20 teaching profession, whereby qualified professionals
21 become certified teachers, by allowing credit for
22 professional employment in related fields when
23 determining point of entry on teacher pay scale;

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

29 28. To establish a fund for the prioritized special
30 needs programs, and to allocate such funds and other lump
31 sum amounts to each attendance center in a manner
32 consistent with the provisions of part 4 of Section
33 34-2.3. Nothing in this paragraph shall be construed to
34 require any additional appropriations of State funds for

1 this purpose;

2 29. (Blank);

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

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

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

22 The specifications of the powers herein granted are not
23 to be construed as exclusive but the board shall also
24 exercise all other powers that they may be requisite or
25 proper for the maintenance and the development of a public
26 school system, not inconsistent with the other provisions of
27 this Article or provisions of this Code which apply to all
28 school districts.

29 In addition to the powers herein granted and authorized
30 to be exercised by the board, it shall be the duty of the
31 board to review or to direct independent reviews of special
32 education expenditures and services. The board shall file a
33 report of such review with the General Assembly on or before
34 May 1, 1990.

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

2 Section 99. Effective date. This Act takes effect upon

3 becoming law.