

# HB1378



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB1378

by Rep. Joe Sosnowski

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-22.34c

Amends the School Code. Allows the school board of a school district with fewer than 200 students to enter into a contract with a third party for non-instructional services currently performed by an employee or bargaining unit member or lay off those educational support personnel employees upon 90 days written notice to the affected employees (instead of allowing the contract only if certain conditions are met with respect to that contract).

LRB099 07340 NHT 27451 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing Section  
5 10-22.34c as follows:

6 (105 ILCS 5/10-22.34c)

7 Sec. 10-22.34c. Third party non-instructional services.

8 (a) The A board of education of a school district with at  
9 least 200 students may enter into a contract with a third party  
10 for non-instructional services currently performed by any  
11 employee or bargaining unit member or lay off those educational  
12 support personnel employees upon 90 days written notice to the  
13 affected employees, provided that:

14 (1) a contract must not be entered into and become  
15 effective during the term of a collective bargaining  
16 agreement, as that term is set forth in the agreement,  
17 covering any employees who perform the non-instructional  
18 services;

19 (2) a contract may only take effect upon the expiration  
20 of an existing collective bargaining agreement;

21 (3) any third party that submits a bid to perform the  
22 non-instructional services shall provide the following:

23 (A) evidence of liability insurance in scope and

1 amount equivalent to the liability insurance provided  
2 by the school board pursuant to Section 10-22.3 of this  
3 Code;

4 (B) a benefits package for the third party's  
5 employees who will perform the non-instructional  
6 services comparable to the benefits package provided  
7 to school board employees who perform those services;

8 (C) a list of the number of employees who will  
9 provide the non-instructional services, the job  
10 classifications of those employees, and the wages the  
11 third party will pay those employees;

12 (D) a minimum 3-year cost projection, using  
13 generally accepted accounting principles and which the  
14 third party is prohibited from increasing if the bid is  
15 accepted by the school board, for each and every  
16 expenditure category and account for performing the  
17 non-instructional services;

18 (E) composite information about the criminal and  
19 disciplinary records, including alcohol or other  
20 substance abuse, Department of Children and Family  
21 Services complaints and investigations, traffic  
22 violations, and license revocations or any other  
23 licensure problems, of any employees who may perform  
24 the non-instructional services, provided that the  
25 individual names and other identifying information of  
26 employees need not be provided with the submission of

1 the bid, but must be made available upon request of the  
2 school board; and

3 (F) an affidavit, notarized by the president or  
4 chief executive officer of the third party, that each  
5 of its employees has completed a criminal background  
6 check as required by Section 10-21.9 of this Code  
7 within 3 months prior to submission of the bid,  
8 provided that the results of such background checks  
9 need not be provided with the submission of the bid,  
10 but must be made available upon request of the school  
11 board;

12 (4) a contract must not be entered into unless the  
13 school board provides a cost comparison, using generally  
14 accepted accounting principles, of each and every  
15 expenditure category and account that the school board  
16 projects it would incur over the term of the contract if it  
17 continued to perform the non-instructional services using  
18 its own employees with each and every expenditure category  
19 and account that is projected a third party would incur if  
20 a third party performed the non-instructional services;

21 (5) review and consideration of all bids by third  
22 parties to perform the non-instructional services shall  
23 take place in open session of a regularly scheduled school  
24 board meeting, unless the exclusive bargaining  
25 representative of the employees who perform the  
26 non-instructional services, if any such exclusive

1 bargaining representative exists, agrees in writing that  
2 such review and consideration can take place in open  
3 session at a specially scheduled school board meeting;

4 (6) a minimum of one public hearing, conducted by the  
5 school board prior to a regularly scheduled school board  
6 meeting, to discuss the school board's proposal to contract  
7 with a third party to perform the non-instructional  
8 services must be held before the school board may enter  
9 into such a contract; the school board must provide notice  
10 to the public of the date, time, and location of the first  
11 public hearing on or before the initial date that bids to  
12 provide the non-instructional services are solicited or a  
13 minimum of 30 days prior to entering into such a contract,  
14 whichever provides a greater period of notice;

15 (7) a contract shall contain provisions requiring the  
16 contractor to offer available employee positions pursuant  
17 to the contract to qualified school district employees  
18 whose employment is terminated because of the contract; and

19 (8) a contract shall contain provisions requiring the  
20 contractor to comply with a policy of nondiscrimination and  
21 equal employment opportunity for all persons and to take  
22 affirmative steps to provide equal opportunity for all  
23 persons.

24 (b) Notwithstanding subsection (a) of this Section, the a  
25 board of education of a school district with at least 200  
26 students may enter into a contract, of no longer than 3 months

1 in duration, with a third party for non-instructional services  
2 currently performed by an employee or bargaining unit member  
3 for the purpose of augmenting the current workforce in an  
4 emergency situation that threatens the safety or health of the  
5 school district's students or staff, provided that the school  
6 board meets all of its obligations under the Illinois  
7 Educational Labor Relations Act.

8 (b-5) The school board of a school district with fewer than  
9 200 students may enter into a contract with a third party for  
10 non-instructional services currently performed by an employee  
11 or bargaining unit member or lay off those educational support  
12 personnel employees upon 90 days written notice to the affected  
13 employees.

14 (c) The changes to this Section made by this amendatory Act  
15 of the 95th General Assembly are not applicable to  
16 non-instructional services of a school district that on the  
17 effective date of this amendatory Act of the 95th General  
18 Assembly are performed for the school district by a third  
19 party.

20 (Source: P.A. 95-241, eff. 8-17-07; 96-328, eff. 8-11-09.)