



**Adopted in House Comm. on May 28, 2004**

09300SB3000ham001

LRB093 19896 NHT 51865 a

1 AMENDMENT TO SENATE BILL 3000

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3000 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 School Employee Benefit Act.

6 Section 5. Purpose. The purpose of this Act is to require  
7 the Department of Central Management Services to establish and  
8 administer a prescription drug benefit program that will enable  
9 eligible school employees access to affordable prescription  
10 drugs.

11 Section 10. Definitions.

12 "Annuitant" means a retired school district employee  
13 entitled to receive retirement benefits, as defined by the  
14 school district.

15 "Department" means the Department of Central Management  
16 Services.

17 "Dependent" means a school district employee's dependent  
18 as defined by the school district.

19 "Director" means the Director of Central Management  
20 Services.

21 "Employee" means a school district employee who is entitled  
22 to benefits as defined by the school district.

23 "Rules" includes rules adopted and forms prescribed by the

1 Department.

2 "School district" means a public school district in this  
3 State.

4 Section 15. Prescription drug benefits; contract.

5 (a) The Director shall, by contract, self-insurance, or  
6 otherwise, make available a voluntary program of prescription  
7 drug benefits for school districts under Section 15 of this  
8 Act. The contract or other arrangement for the provision of the  
9 prescription drug benefits shall be on terms deemed by the  
10 Director to be in the best interest of the State of Illinois  
11 and school districts based on criteria set by the Department,  
12 which must include without limitation administrative cost,  
13 service capabilities of the carrier or other contractors, and  
14 premiums, fees, or charges as related to the costs of the  
15 benefits.

16 (b) The term of a contract under this Section may not  
17 extend beyond 5 fiscal years. The Director may exercise renewal  
18 options of the same contract for up to a period of 5 years. Any  
19 increases in premiums, fees, or charges requested by a  
20 contractor whose contract may be renewed pursuant to a renewal  
21 option contained in the contract must be justified on the basis  
22 of (1) audited experience data, (2) increases in the costs of  
23 prescription drug coverage provided under the contract, (3)  
24 contractor performance, (4) increases in contractor  
25 responsibilities, or (5) any combination of these bases.

26 (c) A contractor shall agree to abide by all requirements  
27 and rules of the prescription drug benefit program, to submit  
28 such information and data as may from time to time be deemed  
29 necessary by the Director for effective administration of the  
30 program, and to fully cooperate in any audit.

31 Section 20. Prescription drug benefits; program.

32 (a) Beginning July 1, 2005, the Department shall be

1 responsible for administering the prescription drug benefit  
2 program established under this Act for employees, annuitants,  
3 and dependents on a non-insured basis.

4 (b) For each program year, the Department shall set a date  
5 by which school districts must notify the Department of their  
6 election to participate in the prescription drug benefit  
7 program. The Department shall provide notification of the  
8 election date to school districts at least 45 days prior to the  
9 election date.

10 (c) Any school district may apply to the Director to have  
11 employees, annuitants, and dependents be provided a  
12 prescription drug benefit program under this Act. To  
13 participate, a school district must agree to enroll all of its  
14 employees. A participating school district is not required to  
15 enroll a full-time employee who has waived coverage under the  
16 district's health plan.

17 (d) The Director shall determine the insurance rates and  
18 premiums for those employees, annuitants, and dependents  
19 participating in the prescription drug benefit program. Rates  
20 and premiums may be based in part on age and eligibility for  
21 federal Medicare coverage.

22 A school district must remit the entire cost of providing  
23 prescription drug coverage under this Section.

24 (e) All revenues arising from the administration of the  
25 prescription drug benefit program shall be deposited into  
26 general revenue funds.

27 (f) The prescription drug benefit program shall be  
28 maintained on an ongoing, affordable basis, and the cost to  
29 school districts shall not exceed the State's actual program  
30 costs. The prescription drug benefit program may be changed by  
31 the State and is not intended to be a pension or retirement  
32 benefit subject to protection under Section 5 of Article XIII  
33 of the Illinois Constitution.

1 Section 25. Pharmacy providers.

2 (a) The Department or its contractor may enter into a  
3 contract with a pharmacy registered or licensed under Section  
4 16a of the Pharmacy Practice Act of 1987.

5 (b) Before entering into an agreement with other pharmacy  
6 providers, pursuant to Sections 15 and 20 of this Act, the  
7 Department or its contractor must by rule or contract establish  
8 terms or conditions that must be met by pharmacy providers  
9 desiring to contract with the Department or its contractor. If  
10 a pharmacy licensed under Section 15 of the Pharmacy Practice  
11 Act of 1987 rejects the terms and conditions established, the  
12 Department or its contractor may offer other terms and  
13 conditions necessary to comply with the network adequacy  
14 requirements.

15 (c) Notwithstanding the provisions of subsection (a) of  
16 this Section, the Department or its contractor may not refuse  
17 to contract with a pharmacy licensed under Section 15 of the  
18 Pharmacy Practice Act of 1987 that meets the terms and  
19 conditions established by the Department or its contractor  
20 under subsection (a) or (b) of this Section.

21 Section 85. The State Finance Act is amended by changing  
22 Section 13.5 as follows:

23 (30 ILCS 105/13.5)

24 Sec. 13.5. Appropriations for ~~higher~~ education.

25 (a) State appropriations to the State Board of Education,  
26 the Board of Trustees of Southern Illinois University, the  
27 Board of Trustees of the University of Illinois, the Board of  
28 Trustees of Chicago State University, the Board of Trustees of  
29 Eastern Illinois University, the Board of Trustees of Illinois  
30 State University, the Board of Trustees of Governors State  
31 University, the Board of Trustees of Northeastern Illinois  
32 University, the Board of Trustees of Northern Illinois

1 University, and the Board of Trustees of Western Illinois  
2 University for operations shall identify the amounts  
3 appropriated for personal services, State contributions to  
4 social security for Medicare, contractual services, travel,  
5 commodities, equipment, operation of automotive equipment,  
6 telecommunications, awards and grants, and permanent  
7 improvements.

8 (b) Within 120 days after the conclusion of each fiscal  
9 year, each State-supported institution of higher learning must  
10 provide, through the Illinois Board of Higher Education, a  
11 financial report to the Governor and General Assembly  
12 documenting the institution's revenues and expenditures of  
13 funds for that fiscal year ending June 30 for all funds.

14 (Source: P.A. 93-229, eff. 7-22-03.)

15 Section 90. The School Code is amended by changing Sections  
16 1A-1, 1A-2.1, 1A-4, 2-3.6, 10-19, 10-20.21, 21-1b, 21-1c,  
17 21-12, and 34-18 and by adding Sections 1A-10, 2-3.47a,  
18 2-3.62a, and 3-14.30 and Article 28A as follows:

19 (105 ILCS 5/1A-1) (from Ch. 122, par. 1A-1)

20 Sec. 1A-1. Members and terms.

21 (a) (Blank). ~~The term of each member of the State Board of~~  
22 ~~Education who is in office on the effective date of this~~  
23 ~~amendatory Act of 1996 shall terminate on January 1, 1997 or~~  
24 ~~when all of the new members initially to be appointed under~~  
25 ~~this amendatory Act of 1996 are appointed by the Governor as~~  
26 ~~provided in subsection (b), whichever last occurs.~~

27 (b) ~~The Beginning on January 1, 1997 or when all of the new~~  
28 ~~members initially to be appointed under this subsection are~~  
29 ~~appointed by the Governor, whichever last occurs, and~~  
30 ~~thereafter, the~~ State Board of Education shall consist of 8 ~~9~~  
31 members and a chairperson, who shall be appointed by the  
32 Governor with the advice and consent of the Senate from a

1 pattern of regional representation as follows: 2 appointees  
2 shall be selected from among those counties of the State other  
3 than Cook County and the 5 counties contiguous to Cook County;  
4 2 appointees shall be selected from Cook County, one of whom  
5 shall be a resident of the City of Chicago and one of whom  
6 shall be a resident of that part of Cook County which lies  
7 outside the city limits of Chicago; 2 appointees shall be  
8 selected from among the 5 counties of the State that are  
9 contiguous to Cook County; and 3 members shall be selected as  
10 members-at-large (one of which shall be the chairperson). The  
11 Governor who takes office on the second Monday of January after  
12 his or her election shall be the person who nominates members  
13 to fill vacancies whose terms begin after that date and before  
14 the term of the next Governor begins.

15 The term of each member of the State Board of Education  
16 whose term expires on January 12, 2005 shall instead terminate  
17 on the effective date of this amendatory Act of the 93rd  
18 General Assembly. Of these 3 seats, (i) the member initially  
19 appointed pursuant to this amendatory Act of the 93rd General  
20 Assembly whose seat was vacant on April 27, 2004 shall serve  
21 until the second Wednesday of January, 2009 and (ii) the other  
22 2 members initially appointed pursuant to this amendatory Act  
23 of the 93rd General Assembly shall serve until the second  
24 Wednesday of January, 2007.

25 The term of the member of the State Board of Education  
26 whose seat was vacant on April 27, 2004 and whose term expires  
27 on January 10, 2007 shall instead terminate on the effective  
28 date of this amendatory Act of the 93rd General Assembly. The  
29 member initially appointed pursuant to this amendatory Act of  
30 the 93rd General Assembly to fill this seat shall be the  
31 chairperson and shall serve until the second Wednesday of  
32 January, 2007.

33 The term of the member of the State Board of Education  
34 whose seat was vacant on May 28, 2004 but after April 27, 2004

1 and whose term expires on January 10, 2007 shall instead  
2 terminate on the effective date of this amendatory Act of the  
3 93rd General Assembly. The member initially appointed pursuant  
4 to this amendatory Act of the 93rd General Assembly to fill  
5 this seat shall serve until the second Wednesday of January,  
6 2007.

7 The term of the other member of the State Board of  
8 Education whose term expires on January 10, 2007 shall instead  
9 terminate on the effective date of this amendatory Act of the  
10 93rd General Assembly. The member initially appointed pursuant  
11 to this amendatory Act of the 93rd General Assembly to fill  
12 this seat shall serve until the second Wednesday of January,  
13 2007.

14 The term of the member of the State Board of Education  
15 whose term expires on January 14, 2009 and who was selected  
16 from among the 5 counties of the State that are contiguous to  
17 Cook County and is a resident of Lake County shall instead  
18 terminate on the effective date of this amendatory Act of the  
19 93rd General Assembly. The member initially appointed pursuant  
20 to this amendatory Act of the 93rd General Assembly to fill  
21 this seat shall serve until the second Wednesday of January,  
22 2009. ~~At no time may more than 5 members of the Board be from~~  
23 ~~one political party. Party membership is defined as having~~  
24 ~~voted in the primary of the party in the last primary before~~  
25 ~~appointment. The 9 members initially appointed pursuant to this~~  
26 ~~amendatory Act of 1996 shall draw lots to determine 3 of their~~  
27 ~~number who shall serve until the second Wednesday of January,~~  
28 ~~2003, 3 of their number who shall serve until the second~~  
29 ~~Wednesday of January, 2001, and 3 of their number who shall~~  
30 ~~serve until the second Wednesday of January, 1999.~~

31 Upon expiration of the terms of the members initially  
32 appointed under this amendatory Act of the 93rd General  
33 Assembly and members whose terms were not terminated by this  
34 amendatory Act of the 93rd General Assembly ~~1996~~, their

1        respective successors shall be appointed for terms of 4 ~~6~~  
2        years, from the second Wednesday in January of each odd  
3        numbered year and until their respective successors are  
4        appointed and qualified.

5        (c) Of the 4 members, excluding the chairperson, whose  
6        terms expire on the second Wednesday of January, 2007 and every  
7        4 years thereafter, one of those members must be an at-large  
8        member and at no time may more than 2 of those members be from  
9        one political party. Of the 4 members whose terms expire on the  
10       second Wednesday of January, 2009 and every 4 years thereafter,  
11       one of those members must be an at-large member and at no time  
12       may more than 2 of those members be from one political party.  
13       Party membership is defined as having voted in the primary of  
14       the party in the last primary before appointment.

15       (d) Vacancies in terms shall be filled by appointment by  
16       the Governor with the advice and consent of the Senate for the  
17       extent of the unexpired term. If a vacancy in membership occurs  
18       at a time when the Senate is not in session, the Governor shall  
19       make a temporary appointment until the next meeting of the  
20       Senate, when the Governor shall appoint a person to fill that  
21       membership for the remainder of its term. If the Senate is not  
22       in session when appointments for a full term are made, the  
23       appointments shall be made as in the case of vacancies.

24       (Source: P.A. 89-610, eff. 8-6-96.)

25       (105 ILCS 5/1A-2.1) (from Ch. 122, par. 1A-2.1)

26       Sec. 1A-2.1. Vacancies. The Governor may remove for  
27       incompetence, neglect of duty, or malfeasance in office any  
28       member of the State Board of Education. A vacancy also exists  
29       on the State Board of Education when one or more of the  
30       following events occur:

- 31       1. A ~~a~~ member dies.†
- 32       2. A ~~a~~ member files a written resignation with the  
33       Governor.†



1           3. A ~~a~~ member is adjudicated to be a person under legal  
2 disability under the Probate Act of 1975~~, as amended,~~ or a  
3 person subject to involuntary admission under the Mental Health  
4 and Developmental Disabilities Code.~~†~~

5           4. A ~~a~~ member ceases to be a resident of the region  
6 ~~judicial district~~ from which he or she was appointed.~~†~~

7           5. A ~~a~~ member is convicted of an infamous crime~~,~~ or of any  
8 offense involving a violation of his or her duties under this  
9 Code. ~~Act.~~

10          6. A ~~a~~ member fails to maintain the qualifications stated  
11 in Section 1A-2 of this Code ~~Act~~.

12          (Source: P.A. 83-706.)

13           (105 ILCS 5/1A-4) (from Ch. 122, par. 1A-4)

14           Sec. 1A-4. Powers and duties of the Board.

15           A. (Blank). ~~Upon the appointment of new Board members as~~  
16 ~~provided in subsection (b) of Section 1A-1 and every 2 years~~  
17 ~~thereafter, the chairperson of the Board shall be selected by~~  
18 ~~the Governor, with the advice and consent of the Senate, from~~  
19 ~~the membership of the Board to serve as chairperson for 2~~  
20 ~~years.~~

21           B. The Board shall determine the qualifications of and  
22 appoint a chief education officer~~,~~ to be known as the State  
23 Superintendent of Education, who may be proposed by the  
24 Governor and who shall serve at the pleasure of the Board and  
25 pursuant to a performance-based contract linked to statewide  
26 student performance and academic improvement within Illinois  
27 schools. Upon expiration or buyout of the contract of the State  
28 Superintendent of Education in office on the effective date of  
29 this amendatory Act of the 93rd General Assembly, a State  
30 Superintendent of Education shall be appointed by a State Board  
31 of Education that includes the 7 new Board members who were  
32 appointed to fill seats of members whose terms were terminated  
33 on the effective date of this amendatory Act of the 93rd

1 General Assembly. Thereafter, a State Superintendent of  
2 Education must, at a minimum, be appointed at the beginning of  
3 each term of a Governor after that Governor has made  
4 appointments to the Board. A ~~No~~ performance-based contract  
5 issued for the employment of a ~~the~~ State Superintendent of  
6 Education entered into on or after the effective date of this  
7 amendatory Act of the 93rd General Assembly must expire no  
8 later than February 1, 2007, and subsequent contracts must  
9 expire no later than February 1 each 4 years thereafter. No  
10 ~~shall be for a term longer than 3 years and no~~ contract shall  
11 be extended or renewed beyond February 1, 2007 and February 1  
12 each 4 years thereafter, but a State Superintendent of  
13 Education shall serve until his or her successor is appointed  
14 ~~prior to its scheduled expiration unless the performance and~~  
15 ~~improvement goals contained in the contract have been met. Each~~  
16 contract entered into on or before January 8, 2007 with a State  
17 Superintendent of Education must provide that the State Board  
18 of Education may terminate the contract for cause, and the  
19 State Board of Education shall not thereafter be liable for  
20 further payments under the contract. With regard to this  
21 amendatory Act of the 93rd General Assembly, it is the intent  
22 of the General Assembly that, beginning with the Governor who  
23 takes office on the second Monday of January, 2007, a State  
24 Superintendent of Education be appointed at the beginning of  
25 each term of a Governor after that Governor has made  
26 appointments to the Board. The State Superintendent of  
27 Education shall not serve as a member of the State Board of  
28 Education. The Board shall set the compensation of the State  
29 Superintendent of Education who shall serve as the Board's  
30 chief executive officer. The Board shall also establish the  
31 duties, powers and responsibilities of the State  
32 Superintendent, which shall be included in the State  
33 Superintendent's performance-based contract along with the  
34 goals and indicators of student performance and academic

1 improvement used to measure the performance and effectiveness  
2 of the State Superintendent. The State Board of Education may  
3 delegate to the State Superintendent of Education the authority  
4 to act on the Board's behalf, provided such delegation is made  
5 pursuant to adopted board policy or the powers delegated are  
6 ministerial in nature. The State Board may not delegate  
7 authority under this Section to the State Superintendent to (1)  
8 nonrecognize school districts, (2) withhold State payments as a  
9 penalty, or (3) make final decisions under the contested case  
10 provisions of the Illinois Administrative Procedure Act unless  
11 otherwise provided by law.

12 C. The powers and duties of the State Board of Education  
13 shall encompass all duties delegated to the Office of  
14 Superintendent of Public Instruction on January 12, 1975,  
15 except as the law providing for such powers and duties is  
16 thereafter amended, and such other powers and duties as the  
17 General Assembly shall designate. The Board shall be  
18 responsible for the educational policies and guidelines for  
19 public schools, pre-school through grade 12 and Vocational  
20 Education in the State of Illinois. The Board shall analyze the  
21 present and future aims, needs, and requirements of education  
22 in the State of Illinois and recommend to the General Assembly  
23 the powers which should be exercised by the Board. The Board  
24 shall recommend the passage and the legislation necessary to  
25 determine the appropriate relationship between the Board and  
26 local boards of education and the various State agencies and  
27 shall recommend desirable modifications in the laws which  
28 affect schools.

29 D. Two members of the Board shall be appointed by the  
30 chairperson to serve on a standing joint Education Committee, 2  
31 others shall be appointed from the Board of Higher Education, 2  
32 others shall be appointed by the chairperson of the Illinois  
33 Community College Board, and 2 others shall be appointed by the  
34 chairperson of the Human Resource Investment Council. The

1 Committee shall be responsible for making recommendations  
2 concerning the submission of any workforce development plan or  
3 workforce training program required by federal law or under any  
4 block grant authority. The Committee will be responsible for  
5 developing policy on matters of mutual concern to elementary,  
6 secondary and higher education such as Occupational and Career  
7 Education, Teacher Preparation and Certification, Educational  
8 Finance, Articulation between Elementary, Secondary and Higher  
9 Education and Research and Planning. The joint Education  
10 Committee shall meet at least quarterly and submit an annual  
11 report of its findings, conclusions, and recommendations to the  
12 State Board of Education, the Board of Higher Education, the  
13 Illinois Community College Board, the Human Resource  
14 Investment Council, the Governor, and the General Assembly. All  
15 meetings of this Committee shall be official meetings for  
16 reimbursement under this Act.

17 E. Five members of the Board shall constitute a quorum. A  
18 majority vote of the members appointed, confirmed and serving  
19 on the Board is required to approve any action, except that the  
20 7 new Board members who were appointed to fill seats of members  
21 whose terms were terminated on the effective date of this  
22 amendatory act of the 93rd General Assembly may vote to approve  
23 actions when appointed and serving.

24 The Board shall prepare and submit to the General Assembly  
25 and the Governor on or before January 14, 1976 and annually  
26 thereafter a report or reports of its findings and  
27 recommendations. Such annual report shall contain a separate  
28 section which provides a critique and analysis of the status of  
29 education in Illinois and which identifies its specific  
30 problems and recommends express solutions therefor. Such  
31 annual report also shall contain the following information for  
32 the preceding year ending on June 30: each act or omission of a  
33 school district of which the State Board of Education has  
34 knowledge as a consequence of scheduled, approved visits and

1 which constituted a failure by the district to comply with  
2 applicable State or federal laws or regulations relating to  
3 public education, the name of such district, the date or dates  
4 on which the State Board of Education notified the school  
5 district of such act or omission, and what action, if any, the  
6 school district took with respect thereto after being notified  
7 thereof by the State Board of Education. The report shall also  
8 include the statewide high school dropout rate by grade level,  
9 sex and race and the annual student dropout rate of and the  
10 number of students who graduate from, transfer from or  
11 otherwise leave bilingual programs. The Auditor General shall  
12 annually perform a compliance audit of the State Board of  
13 Education's performance of the reporting duty imposed by this  
14 amendatory Act of 1986. A regular system of communication with  
15 other directly related State agencies shall be implemented.

16 The requirement for reporting to the General Assembly shall  
17 be satisfied by filing copies of the report with the Speaker,  
18 the Minority Leader and the Clerk of the House of  
19 Representatives and the President, the Minority Leader and the  
20 Secretary of the Senate and the Legislative Council, as  
21 required by Section 3.1 of the General Assembly Organization  
22 Act, and filing such additional copies with the State  
23 Government Report Distribution Center for the General Assembly  
24 as is required under paragraph (t) of Section 7 of the State  
25 Library Act.

26 F. Upon appointment of the 7 new Board members who were  
27 appointed to fill seats of members whose terms were terminated  
28 on the effective date of this amendatory Act of the 93rd  
29 General Assembly, the Board shall review all of its current  
30 rules in an effort to streamline procedures, improve  
31 efficiency, and eliminate unnecessary forms and paperwork.

32 (Source: P.A. 89-430, eff. 12-15-95; 89-610, eff. 8-6-96;  
33 89-698, eff. 1-14-97; 90-548, eff. 1-1-98.)

1 (105 ILCS 5/1A-10 new)

2 Sec. 1A-10. Divisions of Board. The State Board of  
3 Education shall, before April 1, 2005, create divisions within  
4 the Board, including without limitation the following:

5 (1) Teaching and Learning Services for All Children.

6 (2) School Support Services for All Schools.

7 (3) Fiscal Support Services.

8 (4) Special Education Services.

9 (5) Internal Auditor.

10 (6) Human Resources.

11 The State Board of Education may, after consultation with the  
12 General Assembly, add any divisions or functions to the Board  
13 that it deems appropriate and consistent with Illinois law.

14 (105 ILCS 5/2-3.6) (from Ch. 122, par. 2-3.6)

15 Sec. 2-3.6. Rules and policies. To make rules, in  
16 accordance with the Illinois Administrative Procedure Act,  
17 that are necessary to carry into efficient and uniform effect  
18 all laws for establishing and maintaining free schools in the  
19 State. The State Board of Education may not adopt any rule or  
20 policy that alters the intent of the authorizing law or that  
21 supersedes federal or State law. The Board may not make  
22 policies affecting school districts that have the effect of  
23 rules without following the procedures of the Illinois  
24 Administrative Procedure Act.

25 (Source: Laws 1961, p. 31.)

26 (105 ILCS 5/2-3.47a new)

27 Sec. 2-3.47a. Strategic plan.

28 (a) The State Board of Education shall develop and maintain  
29 a continuing 5-year comprehensive strategic plan for  
30 elementary and secondary education. The strategic plan shall  
31 include without limitation all of the following topic areas:

32 (1) Service and support to school districts to improve

1 student performance.

2 (2) Equity, adequacy, and predictability of  
3 educational opportunities and resources for all schools.

4 (3) Program development and improvements, including  
5 financial planning and support services.

6 (4) Efficient means of delivering services to schools  
7 on a regional basis.

8 (5) Assistance to students at risk of academic failure  
9 and the use of proven support programs and services to  
10 close the achievement gap.

11 (6) Educational research and development and access  
12 and training in the use of a centralized student  
13 achievement data system.

14 (7) Recommendations for streamlining the School Code  
15 to eliminate laws that interfere with local control, taking  
16 into account those foundational standards that have  
17 already been established.

18 (8) Streamlining certification of teachers and  
19 administrators to provide quality personnel and ongoing  
20 professional development.

21 (9) Support services to enhance the capacity of school  
22 districts to meet federal and State statutory standards.

23 (10) Enhanced technology for use in administration,  
24 classroom, and nontraditional educational settings.

25 (11) Recognition of successful, exemplary schools.

26 (12) The unique needs of rural school districts.

27 (13) School reorganization issues.

28 (14) Attraction and retention of qualified teachers.

29 (15) Additional duties that should be assigned to  
30 regional offices of education and regional administrative  
31 service centers to support local control of school  
32 districts and eliminate any duplication and inefficiency.

33 The State Board of Education shall consult with the educational  
34 community, hold public hearings, and receive input from all

1 interested groups in drafting the strategic plan.

2 (b) To meet the requirements of this Section, the State  
3 Board of Education shall issue to the Governor and General  
4 Assembly a preliminary report within 6 months after the  
5 effective date of this amendatory Act of the 93rd General  
6 Assembly and a final 5-year strategic plan within one year  
7 after the effective date of this amendatory Act of the 93rd  
8 General Assembly. Thereafter, the strategic plan shall be  
9 updated and issued to the Governor and General Assembly on or  
10 before July 1 of each year.

11 (105 ILCS 5/2-3.62a new)

12 Sec. 2-3.62a. Regional services. The State Board of  
13 Education is granted the power to provide the following  
14 regional services, either through a regional administrative  
15 technology center or otherwise:

16 (1) Coordinate the delivery of educational resources  
17 and support services statewide, including assistance in  
18 complying with State and federal law.

19 (2) Issue annual report cards, in conjunction with  
20 school report cards under Section 10-17a of this Code and  
21 in cooperation with school districts, for regional offices  
22 of education, grading without limitation all of the  
23 following:

24 (A) The efficiency and effectiveness of school  
25 districts served resulting from technical assistance  
26 and program support.

27 (B) The regional delivery of quality services.

28 (C) School district satisfaction.

29 (D) Delivery of support services that enhance  
30 student performance.

31 (3) Direct services provided to assist schools  
32 designated as not meeting Illinois learning and federal  
33 student performance standards.



1           (4) Support programs and services to close the  
2           achievement gap.

3           (5) Assist school districts in pooling administrative  
4           or other services and facilitate cooperation among school  
5           districts that may be able to achieve economies of scale  
6           through shared services. The State Board of Education may  
7           exercise this power in cooperation with regional  
8           superintendents of schools. The State Board shall not have  
9           the power to require a school district to enter into a  
10           shared service agreement.

11           (105 ILCS 5/3-14.30 new)

12           Sec. 3-14.30. Grant applications. To assist and support  
13           school districts with the preparation and submission of grant  
14           applications.

15           (105 ILCS 5/10-19) (from Ch. 122, par. 10-19)

16           Sec. 10-19. Length of school term - experimental programs.  
17           Each school board shall annually prepare a calendar for the  
18           school term, specifying the opening and closing dates and  
19           providing a minimum term of at least 185 days to insure 176  
20           days of actual pupil attendance, computable under Section  
21           18-8.05, except that for the 1980-1981 school year only 175  
22           days of actual pupil attendance shall be required because of  
23           the closing of schools pursuant to Section 24-2 on January 29,  
24           1981 upon the appointment by the President of that day as a day  
25           of thanksgiving for the freedom of the Americans who had been  
26           held hostage in Iran. Any days allowed by law for teachers'  
27           institute but not used as such or used as parental institutes  
28           as provided in Section 10-22.18d shall increase the minimum  
29           term by the school days not so used. Except as provided in  
30           Section 10-19.1, the board may not extend the school term  
31           beyond such closing date unless that extension of term is  
32           necessary to provide the minimum number of computable days. In

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

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

21 The calendar for the school term and any changes must be  
22 submitted to and approved by the regional superintendent of  
23 schools before the calendar or changes may take effect.

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

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

2 (105 ILCS 5/10-20.21) (from Ch. 122, par. 10-20.21)

3 Sec. 10-20.21. Contracts.

4 (a) To award all contracts for purchase of supplies,  
5 materials or work or contracts with private carriers for  
6 transportation of pupils involving an expenditure in excess of  
7 \$10,000 to the lowest responsible bidder, considering  
8 conformity with specifications, terms of delivery, quality and  
9 serviceability, after due advertisement, except the following:  
10 (i) contracts for the services of individuals possessing a high  
11 degree of professional skill where the ability or fitness of  
12 the individual plays an important part; (ii) contracts for the  
13 printing of finance committee reports and departmental  
14 reports; (iii) contracts for the printing or engraving of  
15 bonds, tax warrants and other evidences of indebtedness; (iv)  
16 contracts for the purchase of perishable foods and perishable  
17 beverages; (v) contracts for materials and work which have been  
18 awarded to the lowest responsible bidder after due  
19 advertisement, but due to unforeseen revisions, not the fault  
20 of the contractor for materials and work, must be revised  
21 causing expenditures not in excess of 10% of the contract  
22 price; (vi) contracts for the maintenance or servicing of, or  
23 provision of repair parts for, equipment which are made with  
24 the manufacturer or authorized service agent of that equipment  
25 where the provision of parts, maintenance, or servicing can  
26 best be performed by the manufacturer or authorized service  
27 agent; (vii) purchases and contracts for the use, purchase,  
28 delivery, movement, or installation of data processing  
29 equipment, software, or services and telecommunications and  
30 interconnect equipment, software, and services; (viii)  
31 contracts for duplicating machines and supplies; (ix)  
32 contracts for the purchase of natural gas when the cost is less  
33 than that offered by a public utility; (x) purchases of

1 equipment previously owned by some entity other than the  
2 district itself; (xi) contracts for repair, maintenance,  
3 remodeling, renovation, or construction, or a single project  
4 involving an expenditure not to exceed \$20,000 and not  
5 involving a change or increase in the size, type, or extent of  
6 an existing facility; (xii) contracts for goods or services  
7 procured from another governmental agency; (xiii) contracts  
8 for goods or services which are economically procurable from  
9 only one source, such as for the purchase of magazines, books,  
10 periodicals, pamphlets and reports, and for utility services  
11 such as water, light, heat, telephone or telegraph; ~~and~~ (xiv)  
12 where funds are expended in an emergency and such emergency  
13 expenditure is approved by 3/4 of the members of the board; and  
14 (xv) State master contracts authorized under Article 28A of  
15 this Code.

16 All competitive bids for contracts involving an  
17 expenditure in excess of \$10,000 must be sealed by the bidder  
18 and must be opened by a member or employee of the school board  
19 at a public bid opening at which the contents of the bids must  
20 be announced. Each bidder must receive at least 3 days' notice  
21 of the time and place of the bid opening. For purposes of this  
22 Section due advertisement includes, but is not limited to, at  
23 least one public notice at least 10 days before the bid date in  
24 a newspaper published in the district, or if no newspaper is  
25 published in the district, in a newspaper of general  
26 circulation in the area of the district. State master contracts  
27 and certified education purchasing contracts, as defined in  
28 Article 28A of this Code, are not subject to the requirements  
29 of this paragraph.

30 (b) To require, as a condition of any contract for goods  
31 and services, that persons bidding for and awarded a contract  
32 and all affiliates of the person collect and remit Illinois Use  
33 Tax on all sales of tangible personal property into the State  
34 of Illinois in accordance with the provisions of the Illinois

1 Use Tax Act regardless of whether the person or affiliate is a  
2 "retailer maintaining a place of business within this State" as  
3 defined in Section 2 of the Use Tax Act. For purposes of this  
4 Section, the term "affiliate" means any entity that (1)  
5 directly, indirectly, or constructively controls another  
6 entity, (2) is directly, indirectly, or constructively  
7 controlled by another entity, or (3) is subject to the control  
8 of a common entity. For purposes of this subsection (b), an  
9 entity controls another entity if it owns, directly or  
10 individually, more than 10% of the voting securities of that  
11 entity. As used in this subsection (b), the term "voting  
12 security" means a security that (1) confers upon the holder the  
13 right to vote for the election of members of the board of  
14 directors or similar governing body of the business or (2) is  
15 convertible into, or entitles the holder to receive upon its  
16 exercise, a security that confers such a right to vote. A  
17 general partnership interest is a voting security.

18 To require that bids and contracts include a certification  
19 by the bidder or contractor that the bidder or contractor is  
20 not barred from bidding for or entering into a contract under  
21 this Section and that the bidder or contractor acknowledges  
22 that the school board may declare the contract void if the  
23 certification completed pursuant to this subsection (b) is  
24 false.

25 (c) If the State education purchasing entity creates a  
26 master contract as defined in Article 28A of this Code, then  
27 the State education purchasing entity shall notify school  
28 districts of the existence of the master contract.

29 (d) In purchasing supplies, materials, equipment, or  
30 services that are not subject to subsection (c) of this  
31 Section, before a school district solicits bids or awards a  
32 contract, the district may review and consider as a bid under  
33 subsection (a) of this Section certified education purchasing  
34 contracts that are already available through the State

1 education purchasing entity.

2 (Source: P.A. 93-25, eff. 6-20-03.)

3 (105 ILCS 5/21-1b) (from Ch. 122, par. 21-1b)

4 Sec. 21-1b. Subject endorsement on certificates. All  
5 certificates initially issued under this Article after June 30,  
6 1986, shall be specifically endorsed by the State Board of  
7 Education for each subject the holder of the certificate is  
8 legally qualified to teach, such endorsements to be made in  
9 accordance with standards promulgated by the State Board of  
10 Education in consultation with the State Teacher Certification  
11 Board. The regional superintendent of schools, however, has the  
12 duty, after appropriate training, to accept and review all  
13 transcripts for new initial certificate applications and  
14 ensure that each applicant has met all of the criteria  
15 established by the State Board of Education in consultation  
16 with the State Teacher Certification Board. All certificates  
17 which are issued under this Article prior to July 1, 1986 may,  
18 by application to the State Board of Education, be specifically  
19 endorsed for each subject the holder is legally qualified to  
20 teach. Endorsements issued under this Section shall not apply  
21 to substitute teacher's certificates issued under Section 21-9  
22 of this Code.

23 Commencing July 1, 1999, each application for endorsement  
24 of an existing teaching certificate shall be accompanied by a  
25 \$30 nonrefundable fee. There is hereby created a Teacher  
26 Certificate Fee Revolving Fund as a special fund within the  
27 State Treasury. The proceeds of each \$30 fee shall be paid into  
28 the Teacher Certificate Fee Revolving Fund; and the moneys in  
29 that Fund shall be appropriated and used to provide the  
30 technology and other resources necessary for the timely and  
31 efficient processing of certification requests.

32 (Source: P.A. 91-102, eff. 7-12-99.)

1 (105 ILCS 5/21-1c) (from Ch. 122, par. 21-1c)

2 Sec. 21-1c. Exclusive certificate authority. Only the  
3 State Board of Education and State Teacher Certification Board,  
4 acting in accordance with the applicable provisions of this Act  
5 and the rules, regulations and standards promulgated  
6 thereunder, shall have the authority to issue or endorse any  
7 certificate required for teaching, supervising or holding  
8 certificated employment in the public schools; and no other  
9 State agency shall have any power or authority (i) to establish  
10 or prescribe any qualifications or other requirements  
11 applicable to the issuance or endorsement of any such  
12 certificate, or (ii) to establish or prescribe any licensure or  
13 equivalent requirement which must be satisfied in order to  
14 teach, supervise or hold certificated employment in the public  
15 schools. The regional superintendent of schools, however, has  
16 the duty, after appropriate training, to accept and review all  
17 transcripts for new initial certificate applications and  
18 ensure that each applicant has met all of the criteria  
19 established by the State Board of Education in consultation  
20 with the State Teacher Certification Board. This Section does  
21 not prohibit the State Board of Education, in consultation with  
22 the State Teacher Certification Board, from delegating to  
23 regional superintendents of schools the authority to grant  
24 temporary employment authorizations to teacher applicants  
25 whose qualifications have been confirmed by the State Board of  
26 Education, in consultation with the State Teacher  
27 Certification Board.

28 (Source: P.A. 91-102, eff. 7-12-99.)

29 (105 ILCS 5/21-12) (from Ch. 122, par. 21-12)

30 Sec. 21-12. Printing; Seal; Signature; Credentials. All  
31 certificates shall be printed by and bear the signatures of the  
32 chairman and of the secretary of the State Teacher  
33 Certification Board. Each certificate shall show the

1 integrally printed seal of the State Teacher Certification  
2 Board. All college credentials offered as the basis of a  
3 certificate shall be presented to the secretary of the State  
4 Teacher Certification Board for inspection and approval. The  
5 regional superintendent of schools, however, has the duty,  
6 after appropriate training, to accept and review all  
7 transcripts for new initial certificate applications and  
8 ensure that each applicant has met all of the criteria  
9 established by the State Board of Education in consultation  
10 with the State Teacher Certification Board.

11 Commencing July 1, 1999, each application for a certificate  
12 or evaluation of credentials shall be accompanied by an  
13 evaluation fee of \$30 payable to the State Superintendent of  
14 Education, which is not refundable, except that no application  
15 or evaluation fee shall be required for a Master Certificate  
16 issued pursuant to subsection (d) of Section 21-2 of this Code.  
17 The proceeds of each \$30 fee shall be paid into the Teacher  
18 Certificate Fee Revolving Fund, created under Section 21-1b of  
19 this Code; and the moneys in that Fund shall be appropriated  
20 and used to provide the technology and other resources  
21 necessary for the timely and efficient processing of  
22 certification requests.

23 When evaluation verifies the requirements for a valid  
24 certificate, the applicant shall be issued an entitlement card  
25 that may be presented to a regional superintendent of schools  
26 for issuance of a certificate.

27 The applicant shall be notified of any deficiencies.

28 (Source: P.A. 91-102, eff. 7-12-99; 91-357, eff. 7-29-99.)

29 (105 ILCS 5/Art. 28A heading new)

30 ARTICLE 28A. Education Purchasing Program.

31 (105 ILCS 5/28A-5 new)

32 Sec. 28A-5. Definitions. In this Article:



1 "State Board" means the State Board of Education.

2 "Education purchasing contract" means a contract  
3 negotiated by the State Board, a local, State, or federal  
4 governmental entity, or a not-for-profit, for-profit, or  
5 cooperative entity that is certified under Section 28A-15 of  
6 this Code and made available to school districts.

7 "Master contract" means a contract designated as a  
8 statewide education master contract under Section 28A-15 of  
9 this Code.

10 "Program" means the education purchasing program created  
11 under this Article.

12 (105 ILCS 5/28A-10 new)

13 Sec. 28A-10. Program created. The State Board shall create  
14 an education purchasing program. Under the program, the State  
15 Board shall designate itself or another entity to act as a  
16 State education purchasing entity to form and designate  
17 statewide education master contracts and to certify education  
18 purchasing contracts for key categories identified and defined  
19 by the State Board. The State education purchasing entity shall  
20 provide master contract and education purchasing contract  
21 information and pricing to school districts.

22 (105 ILCS 5/28A-15 new)

23 Sec. 28A-15. Powers of State education purchasing entity.  
24 The State education purchasing entity shall have all of the  
25 following powers:

26 (1) To select vendors and form contracts in accordance  
27 with the State's purchasing laws.

28 (2) To designate a contract as a statewide education  
29 master contract for purposes of subsection (c) of Section  
30 10-20.21 of this Code.

31 (3) To certify an education purchasing contract,  
32 provided that the contract was entered into according to

1 procedures and conditions that conform to applicable State  
2 purchasing laws, for purposes of subsection (d) of Section  
3 10-20.21 of this Code.

4 (4) To facilitate the inter-district sale or transfer  
5 of excess inventory or equipment.

6 (5) To select and subsidize e-procurement tools to be  
7 implemented within school districts.

8 (105 ILCS 5/28A-20 new)

9 Sec. 28A-20. Rules. The State Board or other State agency  
10 designated by the State Board may adopt rules to implement the  
11 program.

12 (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

13 Sec. 34-18. Powers of the board. The board shall exercise  
14 general supervision and jurisdiction over the public education  
15 and the public school system of the city, and, except as  
16 otherwise provided by this Article, shall have power:

17 1. To make suitable provision for the establishment and  
18 maintenance throughout the year or for such portion thereof  
19 as it may direct, not less than 9 months, of schools of all  
20 grades and kinds, including normal schools, high schools,  
21 night schools, schools for defectives and delinquents,  
22 parental and truant schools, schools for the blind, the  
23 deaf and the crippled, schools or classes in manual  
24 training, constructural and vocational teaching, domestic  
25 arts and physical culture, vocation and extension schools  
26 and lecture courses, and all other educational courses and  
27 facilities, including establishing, equipping, maintaining  
28 and operating playgrounds and recreational programs, when  
29 such programs are conducted in, adjacent to, or connected  
30 with any public school under the general supervision and  
31 jurisdiction of the board; ~~provided, however,~~ that the  
32 calendar for the school term and any changes must be

1       submitted to and approved by the State Board of Education  
2       before the calendar or changes may take effect, and  
3       provided that in allocating funds from year to year for the  
4       operation of all attendance centers within the district,  
5       the board shall ensure that supplemental general State aid  
6       funds are allocated and applied in accordance with Section  
7       18-8 or 18-8.05. To admit to such schools without charge  
8       foreign exchange students who are participants in an  
9       organized exchange student program which is authorized by  
10      the board. The board shall permit all students to enroll in  
11      apprenticeship programs in trade schools operated by the  
12      board, whether those programs are union-sponsored or not.  
13      No student shall be refused admission into or be excluded  
14      from any course of instruction offered in the common  
15      schools by reason of that student's sex. No student shall  
16      be denied equal access to physical education and  
17      interscholastic athletic programs supported from school  
18      district funds or denied participation in comparable  
19      physical education and athletic programs solely by reason  
20      of the student's sex. Equal access to programs supported  
21      from school district funds and comparable programs will be  
22      defined in rules promulgated by the State Board of  
23      Education in consultation with the Illinois High School  
24      Association. Notwithstanding any other provision of this  
25      Article, neither the board of education nor any local  
26      school council or other school official shall recommend  
27      that children with disabilities be placed into regular  
28      education classrooms unless those children with  
29      disabilities are provided with supplementary services to  
30      assist them so that they benefit from the regular classroom  
31      instruction and are included on the teacher's regular  
32      education class register;

33           2. To furnish lunches to pupils, to make a reasonable  
34      charge therefor, and to use school funds for the payment of

1 such expenses as the board may determine are necessary in  
2 conducting the school lunch program;

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

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

7 5. To employ dentists and prescribe their duties for  
8 the purpose of treating the pupils in the schools, but  
9 accepting such treatment shall be optional with parents or  
10 guardians;

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

17 7. To apportion the pupils to the several schools;  
18 provided that no pupil shall be excluded from or segregated  
19 in any such school on account of his color, race, sex, or  
20 nationality. The board shall take into consideration the  
21 prevention of segregation and the elimination of  
22 separation of children in public schools because of color,  
23 race, sex, or nationality. Except that children may be  
24 committed to or attend parental and social adjustment  
25 schools established and maintained either for boys or girls  
26 only. All records pertaining to the creation, alteration or  
27 revision of attendance areas shall be open to the public.  
28 Nothing herein shall limit the board's authority to  
29 establish multi-area attendance centers or other student  
30 assignment systems for desegregation purposes or  
31 otherwise, and to apportion the pupils to the several  
32 schools. Furthermore, beginning in school year 1994-95,  
33 pursuant to a board plan adopted by October 1, 1993, the  
34 board shall offer, commencing on a phased-in basis, the

1 opportunity for families within the school district to  
2 apply for enrollment of their children in any attendance  
3 center within the school district which does not have  
4 selective admission requirements approved by the board.  
5 The appropriate geographical area in which such open  
6 enrollment may be exercised shall be determined by the  
7 board of education. Such children may be admitted to any  
8 such attendance center on a space available basis after all  
9 children residing within such attendance center's area  
10 have been accommodated. If the number of applicants from  
11 outside the attendance area exceed the space available,  
12 then successful applicants shall be selected by lottery.  
13 The board of education's open enrollment plan must include  
14 provisions that allow low income students to have access to  
15 transportation needed to exercise school choice. Open  
16 enrollment shall be in compliance with the provisions of  
17 the Consent Decree and Desegregation Plan cited in Section  
18 34-1.01;

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

25 9. Subject to the limitations in this Article, to  
26 establish and approve system-wide curriculum objectives  
27 and standards, including graduation standards, which  
28 reflect the multi-cultural diversity in the city and are  
29 consistent with State law, provided that for all purposes  
30 of this Article courses or proficiency in American Sign  
31 Language shall be deemed to constitute courses or  
32 proficiency in a foreign language; and to employ principals  
33 and teachers, appointed as provided in this Article, and  
34 fix their compensation. The board shall prepare such

1 reports related to minimal competency testing as may be  
2 requested by the State Board of Education, and in addition  
3 shall monitor and approve special education and bilingual  
4 education programs and policies within the district to  
5 assure that appropriate services are provided in  
6 accordance with applicable State and federal laws to  
7 children requiring services and education in those areas;

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

28 10.5. To utilize volunteer personnel from a regional  
29 School Crisis Assistance Team (S.C.A.T.), created as part  
30 of the Safe to Learn Program established pursuant to  
31 Section 25 of the Illinois Violence Prevention Act of 1995,  
32 to provide assistance to schools in times of violence or  
33 other traumatic incidents within a school community by  
34 providing crisis intervention services to lessen the

1 effects of emotional trauma on individuals and the  
2 community; the School Crisis Assistance Team Steering  
3 Committee shall determine the qualifications for  
4 volunteers;

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

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

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

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

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

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

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



1 recruiting representatives than is given to other persons  
2 and groups. In this paragraph 16, "directory information"  
3 means a high school student's name, address, and telephone  
4 number.

5 (b) If a student or his or her parent or guardian  
6 submits a signed, written request to the high school before  
7 the end of the student's sophomore year (or if the student  
8 is a transfer student, by another time set by the high  
9 school) that indicates that the student or his or her  
10 parent or guardian does not want the student's directory  
11 information to be provided to official recruiting  
12 representatives under subsection (a) of this Section, the  
13 high school may not provide access to the student's  
14 directory information to these recruiting representatives.  
15 The high school shall notify its students and their parents  
16 or guardians of the provisions of this subsection (b).

17 (c) A high school may require official recruiting  
18 representatives of the armed forces of Illinois and the  
19 United States to pay a fee for copying and mailing a  
20 student's directory information in an amount that is not  
21 more than the actual costs incurred by the high school.

22 (d) Information received by an official recruiting  
23 representative under this Section may be used only to  
24 provide information to students concerning educational and  
25 career opportunities available in the military and may not  
26 be released to a person who is not involved in recruiting  
27 students for the armed forces of Illinois or the United  
28 States;

29 17. (a) To sell or market any computer program  
30 developed by an employee of the school district, provided  
31 that such employee developed the computer program as a  
32 direct result of his or her duties with the school district  
33 or through the utilization of the school district resources  
34 or facilities. The employee who developed the computer

1 program shall be entitled to share in the proceeds of such  
2 sale or marketing of the computer program. The distribution  
3 of such proceeds between the employee and the school  
4 district shall be as agreed upon by the employee and the  
5 school district, except that neither the employee nor the  
6 school district may receive more than 90% of such proceeds.  
7 The negotiation for an employee who is represented by an  
8 exclusive bargaining representative may be conducted by  
9 such bargaining representative at the employee's request.

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

11 (1) "Computer" means an internally programmed,  
12 general purpose digital device capable of  
13 automatically accepting data, processing data and  
14 supplying the results of the operation.

15 (2) "Computer program" means a series of coded  
16 instructions or statements in a form acceptable to a  
17 computer, which causes the computer to process data in  
18 order to achieve a certain result.

19 (3) "Proceeds" means profits derived from  
20 marketing or sale of a product after deducting the  
21 expenses of developing and marketing such product;

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

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

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

1 amount" means that part of the salary or wage payment  
2 remaining after the deduction of any amounts required by  
3 law to be deducted and "debt due and owing" means (i) a  
4 specified sum of money owed to the municipality, the  
5 county, the Cook County Forest Preserve District, the  
6 Chicago Park District, the Metropolitan Water Reclamation  
7 District, the Chicago Transit Authority, or the housing  
8 authority for services, work, or goods, after the period  
9 granted for payment has expired, or (ii) a specified sum of  
10 money owed to the municipality, the county, the Cook County  
11 Forest Preserve District, the Chicago Park District, the  
12 Metropolitan Water Reclamation District, the Chicago  
13 Transit Authority, or the housing authority pursuant to a  
14 court order or order of an administrative hearing officer  
15 after the exhaustion of, or the failure to exhaust,  
16 judicial review;

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

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

34 (a) Black (a person having origins in any of the

1 black racial groups in Africa);

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

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

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

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

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

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

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

1 building new school facilities or closing existing schools  
2 to meet current or projected demographic patterns within  
3 the district;

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

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

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

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

23 29. (Blank);

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

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

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

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

9 33. To enter into a partnership agreement, as required  
10 by Section 34-3.5 of this Code, and, notwithstanding any  
11 other provision of law to the contrary, to promulgate  
12 policies, enter into contracts, and take any other action  
13 necessary to accomplish the objectives and implement the  
14 requirements of that agreement; and

15 34. To establish a Labor Management Council to the  
16 board comprised of representatives of the board, the chief  
17 executive officer, and those labor organizations that are  
18 the exclusive representatives of employees of the board and  
19 to promulgate policies and procedures for the operation of  
20 the Council.

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

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

32 (Source: P.A. 92-109, eff. 7-20-01; 92-527, eff. 6-1-02;  
33 92-724, eff. 7-25-02; 93-3, eff. 4-16-03.)

1           Section 95. The State Mandates Act is amended by adding  
2 Section 8.28 as follows:

3           (30 ILCS 805/8.28 new)

4           Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8  
5 of this Act, no reimbursement by the State is required for the  
6 implementation of any mandate created by this amendatory Act of  
7 the 93rd General Assembly.

8           Section 97. Severability. The provisions of this Act are  
9 severable under Section 1.31 of the Statute on Statutes.

10          Section 99. Effective date. This Act takes effect upon  
11 becoming law.".