



Elementary Secondary Education Committee

Filed: 3/11/2009

09600HB0016ham001

LRB096 03239 NHT 22262 a

1 AMENDMENT TO HOUSE BILL 16

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 16 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Section  
5 34-19 as follows:

6 (105 ILCS 5/34-19) (from Ch. 122, par. 34-19)

7 Sec. 34-19. By-laws, rules and regulations; business  
8 transacted at regular meetings; voting; records. The board  
9 shall, subject to the limitations in this Article, establish  
10 by-laws, rules and regulations, which shall have the force of  
11 ordinances, for the proper maintenance of a uniform system of  
12 discipline for both employees and pupils, and for the entire  
13 management of the schools, and may fix the school age of  
14 pupils, the minimum of which in kindergartens shall not be  
15 under 5 4 years, except that those pupils who, for a full year,  
16 have attended a pre-kindergarten program through a State Board

1 of Education early childhood education block grant or other  
2 federal funds distributed by the State Board for  
3 pre-kindergarten purposes or a pre-kindergarten program  
4 accredited by the National Association for the Education of  
5 Young Children and who will attain the age of 5 years on or  
6 before December 31 of the year of the 2009-2010 school term and  
7 each school term thereafter may attend school upon commencement  
8 of such term, and in grade schools shall not be under 6 years.  
9 It may expel, suspend or, subject to the limitations of all  
10 policies established or adopted under Section 14-8.05,  
11 otherwise discipline any pupil found guilty of gross  
12 disobedience, misconduct or other violation of the by-laws,  
13 rules and regulations. The bylaws, rules and regulations of the  
14 board shall be enacted, money shall be appropriated or  
15 expended, salaries shall be fixed or changed, and textbooks and  
16 courses of instruction shall be adopted or changed only at the  
17 regular meetings of the board and by a vote of a majority of  
18 the full membership of the board; provided that notwithstanding  
19 any other provision of this Article or the School Code, neither  
20 the board or any local school council may purchase any textbook  
21 for use in any public school of the district from any textbook  
22 publisher that fails to furnish any computer diskettes as  
23 required under Section 28-21. The board shall be further  
24 encouraged to provide opportunities for public hearing and  
25 testimony before the adoption of bylaws, rules and regulations.  
26 Upon all propositions requiring for their adoption at least a

1 majority of all the members of the board the yeas and nays  
2 shall be taken and reported. The by-laws, rules and regulations  
3 of the board shall not be repealed, amended or added to, except  
4 by a vote of 2/3 of the full membership of the board. The board  
5 shall keep a record of all its proceedings. Such records and  
6 all by-laws, rules and regulations, or parts thereof, may be  
7 proved by a copy thereof certified to be such by the secretary  
8 of the board, but if they are printed in book or pamphlet form  
9 which are purported to be published by authority of the board  
10 they need not be otherwise published and the book or pamphlet  
11 shall be received as evidence, without further proof, of the  
12 records, by-laws, rules and regulations, or any part thereof,  
13 as of the dates thereof as shown in such book or pamphlet, in  
14 all courts and places where judicial proceedings are had.

15 Notwithstanding any other provision in this Article or in  
16 the School Code, the board may delegate to the general  
17 superintendent or to the attorney the authorities granted to  
18 the board in the School Code, provided such delegation and  
19 appropriate oversight procedures are made pursuant to board  
20 by-laws, rules and regulations, adopted as herein provided,  
21 except that the board may not delegate its authorities and  
22 responsibilities regarding (1) budget approval obligations;  
23 (2) rule-making functions; (3) desegregation obligations; (4)  
24 real estate acquisition, sale or lease in excess of 10 years as  
25 provided in Section 34-21; (5) the levy of taxes; or (6) any  
26 mandates imposed upon the board by "An Act in relation to

1 school reform in cities over 500,000, amending Acts herein  
2 named", approved December 12, 1988 (P.A. 85-1418).  
3 (Source: P.A. 88-45; 89-15, eff. 5-30-95.)

4 Section 90. The State Mandates Act is amended by adding  
5 Section 8.33 as follows:

6 (30 ILCS 805/8.33 new)

7 Sec. 8.33. Exempt mandate. Notwithstanding Sections 6 and 8  
8 of this Act, no reimbursement by the State is required for the  
9 implementation of any mandate created by this amendatory Act of  
10 the 96th General Assembly.

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