

1 AN ACT relating to 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 adding Sections
5 34-7.5, 34-7.10, 34-7.15, 34-7.20, 34-7.25, 34-7.30, 34-7.35,
6 and 34-18 as follows:

7 (105 ILCS 5/34-7.5 new)

8 Sec. 34-7.5. Short title. Sections 34-7.5 through
9 34-7.35 of this Code may be cited as the National Teaching
10 Academy of Chicago Law.

11 (105 ILCS 5/34-7.10 new)

12 Sec. 34-7.10. Findings. The General Assembly finds that
13 in order to provide elementary school students in urban
14 communities with the highest quality education, it is
15 necessary to recruit, prepare, and develop quality teachers
16 in urban school districts. The General Assembly further
17 finds that a national teaching academy will offer an
18 effective means to recruit quality teachers from throughout
19 the nation, retain quality teachers through the use of master
20 teachers to mentor and prepare prospective teachers to
21 provide quality instruction in an urban environment, develop
22 best practice models for the induction of new teachers, and
23 serve as a demonstration site for the best practices in
24 curriculum, instruction, and assessment for prospective and
25 practicing teachers. The General Assembly further finds that
26 a national teaching academy will serve as a model for this
27 State and the nation by providing innovative and state of the
28 art mentoring and training for teachers and will serve the
29 educational needs of the school children of the City of
30 Chicago.

(105 ILCS 5/34-7.15 new)

Sec. 34-7.15. Creation of the National Teaching Academy of Chicago; term defined. There is hereby created the National Teaching Academy of Chicago, which shall be located in the school district organized under this Article and which shall be under the authority of the board of education.

In this Law, "Academy" means the National Teaching Academy of Chicago.

(105 ILCS 5/34-7.20 new)

Sec. 34-7.20. Board of Directors.

(a) The Academy shall be governed by a 9-member Board of Directors appointed by the board of education. The Board of Directors shall consist of the following individuals:

(1) two individuals employed by and representing the board of education;

(2) one individual representing colleges of education in this State;

(3) two individuals representing non-profit organizations or foundations with a substantial interest in teacher preparation, training, or retention;

(4) two parents of children enrolled in the school district organized under this Article; and

(5) one individual representing the local collective bargaining unit.

(b) Members of the Board of Directors initially appointed under this Section shall serve staggered terms of one year for 4 members and 2 years for 5 members. Thereafter, all members shall serve 2-year terms.

(105 ILCS 5/34-7.25 new)

Sec. 34-7.25. Powers and duties of the Board of Directors. Subject to directives by the board of education, the Board of Directors is hereby authorized to do the

1 following:

2 (1) adopt rules, regulations, and policies
3 necessary to conduct the business of the Board of
4 Directors and for the efficient operation of the Academy;

5 (2) appoint, with the advice and consent of the
6 board of education, an Academy president, who shall be
7 the chief administrative officer of the Academy and who
8 shall administer the rules, regulations, and policies
9 adopted by the Board of Directors;

10 (3) implement a program of education serving
11 children from pre-kindergarten through eighth grade in
12 the school district organized under this Article;

13 (4) design and implement programs to recruit,
14 prepare, and develop prospective and practicing teachers
15 for the school district organized under this Article;

16 (5) determine faculty and staff positions necessary
17 for the efficient operation of the Academy and select
18 personnel for these positions;

19 (6) recommend to the board of education an annual
20 budget necessary for the continued operation of the
21 Academy; and

22 (7) recommend to the board of education eligibility
23 criteria for student enrollment.

24 (105 ILCS 5/34-7.30 new)

25 Sec. 34-7.30. Application of court orders and laws.

26 (a) Nothing in this Law shall be construed to alter or
27 amend any court-ordered desegregation plan.

28 (b) Nothing in this Law shall be construed to alter or
29 amend any court order regarding the provision of educational
30 services to children with disabilities.

31 (c) The Academy shall be subject to all federal and
32 state laws prohibiting discrimination on the basis of race,
33 creed, color, disability, religion, ancestry, marital status,

1 or need for special education services.

2 (d) The Academy shall be exempt from all State laws and
3 rules governing public schools except the following:

4 (1) criminal background investigations for
5 employment applicants under Section 34-18.5 of this Code;

6 (2) student discipline under Section 10-22.6 of
7 this Code;

8 (3) the Local Governmental and Governmental
9 Employees Tort Immunity Act;

10 (4) the General Not for Profit Corporation Act of
11 1986;

12 (5) the Abused and Neglected Child Reporting Act;

13 (6) the Illinois School Student Records Act;

14 (7) residency under Sections 10-20.12a and
15 10-20.12b of this Code; and

16 (8) the Education for Homeless Children Act.

17 (105 ILCS 5/34-7.35 new)

18 Sec. 34-7.35. Third party contracts. The board of
19 education may enter into contracts with a third party or
20 parties to operate the Academy or perform any duties
21 ordinarily performed by an employee of the school district.

22 (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

23 Sec. 34-18. Powers of the board. The board shall
24 exercise general supervision and jurisdiction over the public
25 education and the public school system of the city, and,
26 except as otherwise provided by this Article, shall have
27 power:

28 1. To make suitable provision for the establishment
29 and maintenance throughout the year or for such portion
30 thereof as it may direct, not less than 9 months, of
31 schools of all grades and kinds, including normal
32 schools, high schools, night schools, schools for

1 defectives and delinquents, parental and truant schools,
2 schools for the blind, the deaf and the crippled, schools
3 or classes in manual training, constructural and
4 vocational teaching, domestic arts and physical culture,
5 vocation and extension schools and lecture courses, and
6 all other educational courses and facilities, including
7 establishing, equipping, maintaining and operating
8 playgrounds and recreational programs, when such programs
9 are conducted in, adjacent to, or connected with any
10 public school under the general supervision and
11 jurisdiction of the board; provided, however, that in
12 allocating funds from year to year for the operation of
13 all attendance centers within the district, the board
14 shall ensure that supplemental general State aid funds
15 are allocated and applied in accordance with Section 18-8
16 or 18-8.05. To admit to such schools without charge
17 foreign exchange students who are participants in an
18 organized exchange student program which is authorized by
19 the board. The board shall permit all students to enroll
20 in apprenticeship programs in trade schools operated by
21 the board, whether those programs are union-sponsored or
22 not. No student shall be refused admission into or be
23 excluded from any course of instruction offered in the
24 common schools by reason of that student's sex. No
25 student shall be denied equal access to physical
26 education and interscholastic athletic programs supported
27 from school district funds or denied participation in
28 comparable physical education and athletic programs
29 solely by reason of the student's sex. Equal access to
30 programs supported from school district funds and
31 comparable programs will be defined in rules promulgated
32 by the State Board of Education in consultation with the
33 Illinois High School Association. Notwithstanding any
34 other provision of this Article, neither the board of

1 education nor any local school council or other school
2 official shall recommend that children with disabilities
3 be placed into regular education classrooms unless those
4 children with disabilities are provided with
5 supplementary services to assist them so that they
6 benefit from the regular classroom instruction and are
7 included on the teacher's regular education class
8 register;

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

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

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

17 5. To employ dentists and prescribe their duties
18 for the purpose of treating the pupils in the schools,
19 but accepting such treatment shall be optional with
20 parents or guardians;

21 6. To grant the use of assembly halls and
22 classrooms when not otherwise needed, including light,
23 heat, and attendants, for free public lectures, concerts,
24 and other educational and social interests, free of
25 charge, under such provisions and control as the
26 principal of the affected attendance center may
27 prescribe;

28 7. To apportion the pupils to the several schools;
29 provided that no pupil shall be excluded from or
30 segregated in any such school on account of his color,
31 race, sex, or nationality. The board shall take into
32 consideration the prevention of segregation and the
33 elimination of separation of children in public schools
34 because of color, race, sex, or nationality. Except that

1 children may be committed to or attend parental and
2 social adjustment schools established and maintained
3 either for boys or girls only. All records pertaining to
4 the creation, alteration or revision of attendance areas
5 shall be open to the public. Nothing herein shall limit
6 the board's authority to establish multi-area attendance
7 centers or other student assignment systems for
8 desegregation purposes or otherwise, and to apportion the
9 pupils to the several schools. Furthermore, beginning in
10 school year 1994-95, pursuant to a board plan adopted by
11 October 1, 1993, the board shall offer, commencing on a
12 phased-in basis, the opportunity for families within the
13 school district to apply for enrollment of their children
14 in any attendance center within the school district which
15 does not have selective admission requirements approved
16 by the board. The appropriate geographical area in which
17 such open enrollment may be exercised shall be determined
18 by the board of education. Such children may be admitted
19 to any such attendance center on a space available basis
20 after all children residing within such attendance
21 center's area have been accommodated. If the number of
22 applicants from outside the attendance area exceed the
23 space available, then successful applicants shall be
24 selected by lottery. The board of education's open
25 enrollment plan must include provisions that allow low
26 income students to have access to transportation needed
27 to exercise school choice. Open enrollment shall be in
28 compliance with the provisions of the Consent Decree and
29 Desegregation Plan cited in Section 34-1.01;

30 8. To approve programs and policies for providing
31 transportation services to students. Nothing herein shall
32 be construed to permit or empower the State Board of
33 Education to order, mandate, or require busing or other
34 transportation of pupils for the purpose of achieving

1 racial balance in any school;

2 9. Subject to the limitations in this Article, to
3 establish and approve system-wide curriculum objectives
4 and standards, including graduation standards, which
5 reflect the multi-cultural diversity in the city and are
6 consistent with State law, provided that for all purposes
7 of this Article courses or proficiency in American Sign
8 Language shall be deemed to constitute courses or
9 proficiency in a foreign language; and to employ
10 principals and teachers, appointed as provided in this
11 Article, and fix their compensation. The board shall
12 prepare such reports related to minimal competency
13 testing as may be requested by the State Board of
14 Education, and in addition shall monitor and approve
15 special education and bilingual education programs and
16 policies within the district to assure that appropriate
17 services are provided in accordance with applicable State
18 and federal laws to children requiring services and
19 education in those areas;

20 10. To employ non-teaching personnel or utilize
21 volunteer personnel for: (i) non-teaching duties not
22 requiring instructional judgment or evaluation of pupils,
23 including library duties; and (ii) supervising study
24 halls, long distance teaching reception areas used
25 incident to instructional programs transmitted by
26 electronic media such as computers, video, and audio,
27 detention and discipline areas, and school-sponsored
28 extracurricular activities. The board may further utilize
29 volunteer non-certificated personnel or employ
30 non-certificated personnel to assist in the instruction
31 of pupils under the immediate supervision of a teacher
32 holding a valid certificate, directly engaged in teaching
33 subject matter or conducting activities; provided that
34 the teacher shall be continuously aware of the

1 non-certificated persons' activities and shall be able to
2 control or modify them. The general superintendent shall
3 determine qualifications of such personnel and shall
4 prescribe rules for determining the duties and activities
5 to be assigned to such personnel;

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

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

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

28 14. To insure against any loss or liability of the
29 board, the former School Board Nominating Commission,
30 Local School Councils, the Chicago Schools Academic
31 Accountability Council, or the former Subdistrict
32 Councils or of any member, officer, agent or employee
33 thereof, resulting from alleged violations of civil
34 rights arising from incidents occurring on or after

1 September 5, 1967 or from the wrongful or negligent act
2 or omission of any such person whether occurring within
3 or without the school premises, provided the officer,
4 agent or employee was, at the time of the alleged
5 violation of civil rights or wrongful act or omission,
6 acting within the scope of his employment or under
7 direction of the board, the former School Board
8 Nominating Commission, the Chicago Schools Academic
9 Accountability Council, Local School Councils, or the
10 former Subdistrict Councils; and to provide for or
11 participate in insurance plans for its officers and
12 employees, including but not limited to retirement
13 annuities, medical, surgical and hospitalization benefits
14 in such types and amounts as may be determined by the
15 board; provided, however, that the board shall contract
16 for such insurance only with an insurance company
17 authorized to do business in this State. Such insurance
18 may include provision for employees who rely on treatment
19 by prayer or spiritual means alone for healing, in
20 accordance with the tenets and practice of a recognized
21 religious denomination;

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

29 16. To provide, on an equal basis, access to the
30 school campus to the official recruiting representatives
31 of the armed forces of Illinois and the United States for
32 the purposes of informing students of the educational and
33 career opportunities available in the military if the
34 board has provided such access to persons or groups whose

1 purpose is to acquaint students with educational or
2 occupational opportunities available to them. The board
3 is not required to give greater notice regarding the
4 right of access to recruiting representatives than is
5 given to other persons and groups;

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

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

23 (1) "Computer" means an internally programmed,
24 general purpose digital device capable of
25 automatically accepting data, processing data and
26 supplying the results of the operation.

27 (2) "Computer program" means a series of coded
28 instructions or statements in a form acceptable to a
29 computer, which causes the computer to process data
30 in order to achieve a certain result.

31 (3) "Proceeds" means profits derived from
32 marketing or sale of a product after deducting the
33 expenses of developing and marketing such product;

34 18. To delegate to the general superintendent of

1 schools, by resolution, the authority to approve
2 contracts and expenditures in amounts of \$10,000 or less;

3 19. Upon the written request of an employee, to
4 withhold from the compensation of that employee any dues,
5 payments or contributions payable by such employee to any
6 labor organization as defined in the Illinois Educational
7 Labor Relations Act. Under such arrangement, an amount
8 shall be withheld from each regular payroll period which
9 is equal to the pro rata share of the annual dues plus
10 any payments or contributions, and the board shall
11 transmit such withholdings to the specified labor
12 organization within 10 working days from the time of the
13 withholding;

14 19a. Upon receipt of notice from the comptroller of
15 a municipality with a population of 500,000 or more that
16 a debt is due and owing the municipality by an employee
17 of the Chicago School Reform Board of Trustees, to
18 withhold, from the compensation of that employee, the
19 amount of the debt that is due and owing and pay the
20 amount withheld to the municipality; provided, however,
21 that the amount deducted from any one salary or wage
22 payment shall not exceed 25% of the net amount of the
23 payment. Before the Board deducts any amount from any
24 salary or wage of an employee under this paragraph, the
25 municipality shall certify that the employee has been
26 afforded an opportunity for a hearing to dispute the debt
27 that is due and owing the municipality. For purposes of
28 this paragraph, "net amount" means that part of the
29 salary or wage payment remaining after the deduction of
30 any amounts required by law to be deducted and "debt due
31 and owing" means (i) a specified sum of money owed to the
32 municipality for city services, work, or goods, after the
33 period granted for payment has expired, or (ii) a
34 specified sum of money owed to the municipality pursuant

1 to a court order or order of an administrative hearing
2 officer after the exhaustion of, or the failure to
3 exhaust, judicial review;

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

10 21. To make available to students vocational and
11 career counseling and to establish 5 special career
12 counseling days for students and parents. On these days
13 representatives of local businesses and industries shall
14 be invited to the school campus and shall inform students
15 of career opportunities available to them in the various
16 businesses and industries. Special consideration shall
17 be given to counseling minority students as to career
18 opportunities available to them in various fields. For
19 the purposes of this paragraph, minority student means a
20 person who is:

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

23 (b) Hispanic (a person of Spanish or
24 Portuguese culture with origins in Mexico, South or
25 Central America, or the Caribbean islands,
26 regardless of race);

27 (c) Asian American (a person having origins in
28 any of the original peoples of the Far East,
29 Southeast Asia, the Indian Subcontinent or the
30 Pacific Islands); or

31 (d) American Indian or Alaskan Native (a
32 person having origins in any of the original peoples
33 of North America).

34 Counseling days shall not be in lieu of regular

1 school days;

2 22. To report to the State Board of Education the
3 annual student dropout rate and number of students who
4 graduate from, transfer from or otherwise leave bilingual
5 programs;

6 23. Except as otherwise provided in the Abused and
7 Neglected Child Reporting Act or other applicable State
8 or federal law, to permit school officials to withhold,
9 from any person, information on the whereabouts of any
10 child removed from school premises when the child has
11 been taken into protective custody as a victim of
12 suspected child abuse. School officials shall direct
13 such person to the Department of Children and Family
14 Services, or to the local law enforcement agency if
15 appropriate;

16 24. To develop a policy, based on the current state
17 of existing school facilities, projected enrollment and
18 efficient utilization of available resources, for capital
19 improvement of schools and school buildings within the
20 district, addressing in that policy both the relative
21 priority for major repairs, renovations and additions to
22 school facilities, and the advisability or necessity of
23 building new school facilities or closing existing
24 schools to meet current or projected demographic patterns
25 within the district;

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

30 26. To encourage mid-career changes into the
31 teaching profession, whereby qualified professionals
32 become certified teachers, by allowing credit for
33 professional employment in related fields when
34 determining point of entry on teacher pay scale;

1 27. To provide or contract out training programs
2 for administrative personnel and principals with revised
3 or expanded duties pursuant to this Act in order to
4 assure they have the knowledge and skills to perform
5 their duties;

6 28. To establish a fund for the prioritized special
7 needs programs, and to allocate such funds and other lump
8 sum amounts to each attendance center in a manner
9 consistent with the provisions of part 4 of Section
10 34-2.3. Nothing in this paragraph shall be construed to
11 require any additional appropriations of State funds for
12 this purpose;

13 29. (Blank);

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

21 31. To promulgate rules establishing procedures
22 governing the layoff or reduction in force of employees
23 and the recall of such employees, including, but not
24 limited to, criteria for such layoffs, reductions in
25 force or recall rights of such employees and the weight
26 to be given to any particular criterion. Such criteria
27 shall take into account factors including, but not be
28 limited to, qualifications, certifications, experience,
29 performance ratings or evaluations, and any other factors
30 relating to an employee's job performance; and

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

33 -

34 33. To establish and operate a national teaching

1 academy, as provided under the National Teaching Academy
2 of Chicago Law.

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

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

16 (Source: P.A. 89-15, eff. 5-30-95; 89-397, eff. 8-20-95;
17 89-626, eff. 8-9-96; 90-22, eff. 6-20-97; 90-548, eff.
18 1-1-98.)

19 Section 99 Effective date. This Act takes effect upon
20 becoming law.