

1 AMENDMENT TO SENATE BILL 1240

2 AMENDMENT NO. _____. Amend Senate Bill 1240, AS AMENDED,
3 by replacing the title with the following:

4 "AN ACT concerning education, which may be referred to as
5 the Chicago Education Reform Act of 2002."; and

6 by replacing everything after the enacting clause with the
7 following:

8 "Section 5. The School Code is amended by changing
9 Sections 27A-4, 27A-5, 27A-6, 27A-10, 34-8.1, and 34-18 and
10 adding Section 34-3.5 as follows:

11 (105 ILCS 5/27A-4)

12 Sec. 27A-4. General Provisions.

13 (a) The General Assembly does not intend to alter or
14 amend the provisions of any court-ordered desegregation plan
15 in effect for any school district. A charter school shall be
16 subject to all federal and State laws and constitutional
17 provisions prohibiting discrimination on the basis of
18 disability, race, creed, color, gender, national origin,
19 religion, ancestry, marital status, or need for special
20 education services.

21 (b) The total number of charter schools operating under

1 this Article at any one time shall not exceed 60 45. Not
2 more than 30 15 charter schools shall operate at any one time
3 in any city having a population exceeding 500,000; not more
4 than 15 charter schools shall operate at any one time in the
5 counties of DuPage, Kane, Lake, McHenry, Will, and that
6 portion of Cook County that is located outside a city having
7 a population exceeding 500,000, with not more than one
8 charter school that has been initiated by a board of
9 education, or by an intergovernmental agreement between or
10 among boards of education, operating at any one time in the
11 school district where the charter school is located; and not
12 more than 15 charter schools shall operate at any one time in
13 the remainder of the State, with not more than one charter
14 school that has been initiated by a board of education, or by
15 an intergovernmental agreement between or among boards of
16 education, operating at any one time in the school district
17 where the charter school is located.

18 For purposes of implementing this Section, the State
19 Board shall assign a number to each charter submission it
20 receives under Section 27A-6 for its review and
21 certification, based on the chronological order in which the
22 submission is received by it. The State Board shall promptly
23 notify local school boards when the maximum numbers of
24 certified charter schools authorized to operate have been
25 reached.

26 (c) No charter shall be granted under this Article that
27 would convert any existing private, parochial, or non-public
28 school to a charter school.

29 (d) Enrollment in a charter school shall be open to any
30 pupil who resides within the geographic boundaries of the
31 area served by the local school board.

32 (e) Nothing in this Article shall prevent 2 or more
33 local school boards from jointly issuing a charter to a
34 single shared charter school, provided that all of the

1 provisions of this Article are met as to those local school
2 boards.

3 (f) No local school board shall require any employee of
4 the school district to be employed in a charter school.

5 (g) No local school board shall require any pupil
6 residing within the geographic boundary of its district to
7 enroll in a charter school.

8 (h) If there are more eligible applicants for enrollment
9 in a charter school than there are spaces available,
10 successful applicants shall be selected by lottery. However,
11 priority shall be given to siblings of pupils enrolled in the
12 charter school and to pupils who were enrolled in the charter
13 school the previous school year, unless expelled for cause.
14 Dual enrollment at both a charter school and a public school
15 or non-public school shall not be allowed. A pupil who is
16 suspended or expelled from a charter school shall be deemed
17 to be suspended or expelled from the public schools of the
18 school district in which the pupil resides.

19 (i) (Blank).

20 (j) Notwithstanding any other provision of law to the
21 contrary, a school district in a city having a population
22 exceeding 500,000 shall not have a duty to collectively
23 bargain with an exclusive representative of its employees
24 over decisions to grant or deny a charter school proposal
25 under Section 27A-8 of this Code, decisions to renew or
26 revoke a charter under Section 27A-9 of this Code, and the
27 impact of these decisions, provided that nothing in this
28 Section shall have the effect of negating, abrogating,
29 replacing, reducing, diminishing, or limiting in any way
30 employee rights, guarantees, or privileges granted in
31 Sections 2, 3, 7, 8, 10, 14, and 15 of the Illinois
32 Educational Labor Relations Act.

33 (Source: P.A. 91-357, eff. 7-29-99; 91-405, eff. 8-3-99;
34 91-407, eff. 8-3-99; 92-16, eff. 6-28-01.)

1 (105 ILCS 5/27A-5)

2 Sec. 27A-5. Charter school; legal entity; requirements.

3 (a) A charter school shall be a public, nonsectarian,
4 nonreligious, non-home based, and non-profit school. A
5 charter school shall be organized and operated as a nonprofit
6 corporation or other discrete, legal, nonprofit entity
7 authorized under the laws of the State of Illinois.

8 (b) A charter school may be established under this
9 Article by creating a new school or by converting an existing
10 public school or attendance center to charter school status.

11 Beginning on the effective date of this amendatory Act of
12 the 92nd General Assembly, in all new applications submitted
13 to the State Board or a local school board to establish a
14 charter school in a city having a population exceeding
15 500,000, operation of the charter school shall be limited to
16 one campus. The changes made to this Section by this
17 amendatory Act of the 92nd General Assembly do not apply to
18 charter schools existing or approved on or before the
19 effective date of this amendatory Act.

20 (c) A charter school shall be administered and governed
21 by its board of directors or other governing body in the
22 manner provided in its charter. The governing body of a
23 charter school shall be subject to the Freedom of Information
24 Act and the Open Meetings Act.

25 (d) A charter school shall comply with all applicable
26 health and safety requirements applicable to public schools
27 under the laws of the State of Illinois.

28 (e) Except as otherwise provided in the School Code, a
29 charter school shall not charge tuition; provided that a
30 charter school may charge reasonable fees for textbooks,
31 instructional materials, and student activities.

32 (f) A charter school shall be responsible for the
33 management and operation of its fiscal affairs including, but
34 not limited to, the preparation of its budget. An audit of

1 each charter school's finances shall be conducted annually by
2 an outside, independent contractor retained by the charter
3 school.

4 (g) A charter school shall comply with all provisions of
5 this Article and its charter. A charter school is exempt
6 from all other State laws and regulations in the School Code
7 governing public schools and local school board policies,
8 except the following:

9 (1) Sections 10-21.9 and 34-18.5 of the School Code
10 regarding criminal background investigations of
11 applicants for employment;

12 (2) Sections 24-24 and 34-84A of the School Code
13 regarding discipline of students;

14 (3) The Local Governmental and Governmental
15 Employees Tort Immunity Act;

16 (4) Section 108.75 of the General Not For Profit
17 Corporation Act of 1986 regarding indemnification of
18 officers, directors, employees, and agents;

19 (5) The Abused and Neglected Child Reporting Act;

20 (6) The Illinois School Student Records Act; and

21 (7) Section 10-17a of the School Code regarding
22 school report cards.

23 (h) A charter school may negotiate and contract with a
24 school district, the governing body of a State college or
25 university or public community college, or any other public
26 or for-profit or nonprofit private entity for: (i) the use of
27 a school building and grounds or any other real property or
28 facilities that the charter school desires to use or convert
29 for use as a charter school site, (ii) the operation and
30 maintenance thereof, and (iii) the provision of any service,
31 activity, or undertaking that the charter school is required
32 to perform in order to carry out the terms of its charter.
33 However, a charter school operating in a city having a
34 population exceeding 500,000 may not contract with a

1 for-profit entity to manage or operate the school during the
2 period that commences on the effective date of this
3 amendatory Act of the 92nd General Assembly and concludes at
4 the end of the 2004-2005 school year. The changes made to
5 this Section by this amendatory Act of the 92nd General
6 Assembly do not apply to charter schools existing or approved
7 on or before the effective date of this amendatory Act.

8 Except as provided in subsection (i) of this Section, a
9 school district may charge a charter school reasonable rent
10 for the use of the district's buildings, grounds, and
11 facilities. Any services for which a charter school
12 contracts with a school district shall be provided by the
13 district at cost. Any services for which a charter school
14 contracts with a local school board or with the governing
15 body of a State college or university or public community
16 college shall be provided by the public entity at cost.

17 (i) In no event shall a charter school that is
18 established by converting an existing school or attendance
19 center to charter school status be required to pay rent for
20 space that is deemed available, as negotiated and provided in
21 the charter agreement, in school district facilities.
22 However, all other costs for the operation and maintenance of
23 school district facilities that are used by the charter
24 school shall be subject to negotiation between the charter
25 school and the local school board and shall be set forth in
26 the charter.

27 (j) A charter school may limit student enrollment by age
28 or grade level.

29 (Source: P.A. 91-407, eff. 8-3-99.)

30 (105 ILCS 5/27A-6)

31 Sec. 27A-6. Contract contents; applicability of laws and
32 regulations.

33 (a) A certified charter shall constitute a binding

1 contract and agreement between the charter school and a local
2 school board under the terms of which the local school board
3 authorizes the governing body of the charter school to
4 operate the charter school on the terms specified in the
5 contract.

6 (b) Notwithstanding any other provision of this Article,
7 the certified charter may not waive or release the charter
8 school from the State goals, standards, and assessments
9 established pursuant to Section 2-3.64. Beginning with the
10 2003-2004 school year, the certified charter for a charter
11 school operating in a city having a population exceeding
12 500,000 shall require the charter school to administer any
13 other nationally recognized standardized tests to its
14 students that the chartering entity administers to other
15 students, and the results on such tests shall be included in
16 the chartering entity's assessment reports.

17 (c) Subject to the provisions of subsection (e), a
18 material revision to a previously certified contract or a
19 renewal shall be made with the approval of both the local
20 school board and the governing body of the charter school.

21 (c-5) The proposed contract shall include a provision on
22 how both parties will address minor violations of the
23 contract.

24 (d) The proposed contract between the governing body of
25 a proposed charter school and the local school board as
26 described in Section 27A-7 must be submitted to and certified
27 by the State Board before it can take effect. If the State
28 Board recommends that the proposed contract be modified for
29 consistency with this Article before it can be certified, the
30 modifications must be consented to by both the governing body
31 of the charter school and the local school board, and
32 resubmitted to the State Board for its certification. If the
33 proposed contract is resubmitted in a form that is not
34 consistent with this Article, the State Board may refuse to

1 certify the charter.

2 The State Board shall assign a number to each submission
3 or resubmission in chronological order of receipt, and shall
4 determine whether the proposed contract is consistent with
5 the provisions of this Article. If the proposed contract
6 complies, the State Board shall so certify.

7 (e) No material revision to a previously certified
8 contract or a renewal shall be effective unless and until the
9 State Board certifies that the revision or renewal is
10 consistent with the provisions of this Article.

11 (Source: P.A. 91-407, eff. 8-3-99.)

12 (105 ILCS 5/27A-10)

13 Sec. 27A-10. Employees.

14 (a) A person shall be deemed to be employed by a charter
15 school unless a collective bargaining agreement or the
16 charter school contract otherwise provides.

17 (b) In all school districts, including special charter
18 districts and districts located in cities having a population
19 exceeding 500,000, the local school board shall determine by
20 policy or by negotiated agreement, if one exists, the
21 employment status of any school district employees who are
22 employed by a charter school and who seek to return to
23 employment in the public schools of the district. Each local
24 school board shall grant, for a period of up to 5 years, a
25 leave of absence to those of its teachers who accept
26 employment with a charter school. At the end of the
27 authorized leave of absence, the teacher must return to the
28 school district or resign; provided, however, that if the
29 teacher chooses to return to the school district, the teacher
30 must be assigned to a position which requires the teacher's
31 certification and legal qualifications. The contractual
32 continued service status and retirement benefits of a teacher
33 of the district who is granted a leave of absence to accept

1 employment with a charter school shall not be affected by
2 that leave of absence.

3 (c) Charter schools shall employ in instructional
4 positions, as defined in the charter, individuals who are
5 certificated under Article 21 of this the-School Code or who
6 possess the following qualifications:

7 (i) graduated with a bachelor's degree from an
8 accredited institution of higher learning;

9 (ii) been employed for a period of at least 5 years
10 in an area requiring application of the individual's
11 education;

12 (iii) passed the tests of basic skills and subject
13 matter knowledge required by Section 21-1a of the School
14 Code; and

15 (iv) demonstrate continuing evidence of
16 professional growth which shall include, but not be
17 limited to, successful teaching experience, attendance at
18 professional meetings, membership in professional
19 organizations, additional credits earned at institutions
20 of higher learning, travel specifically for educational
21 purposes, and reading of professional books and
22 periodicals.

23 Charter schools employing individuals without
24 certification in instructional positions shall provide such
25 mentoring, training, and staff development for those
26 individuals as the charter schools determine necessary for
27 satisfactory performance in the classroom.

28 Beginning with the 2006-2007 school year, at least 50% of
29 the individuals employed in instructional positions by a
30 charter school that is operating in a city having a
31 population exceeding 500,000 and that is established on or
32 after the effective date of this amendatory Act of the 92nd
33 General Assembly shall hold teaching certificates issued
34 under Article 21 of this Code.

1 Beginning with the 2006-2007 school year, at least 75% of
2 the individuals employed in instructional positions by a
3 charter school that is operating in a city having a
4 population exceeding 500,000 and that is established before
5 the effective date of this amendatory Act of the 92nd General
6 Assembly shall hold teaching certificates issued under
7 Article 21 of this Code.

8 Charter schools operating in a city having a population
9 exceeding 500,000 are exempt from any annual cap on new
10 participants in an alternative certification program. The
11 second and third phases of the alternative certification
12 program may be conducted and completed at the charter school,
13 and the alternative teaching certificate is valid for 4 years
14 or the length of the charter (or any extension of the
15 charter), whichever is longer.

16 Notwithstanding any other provisions of the School Code,
17 charter schools may employ non-certificated staff in all
18 other positions.

19 (d) A teacher at a charter school may resign his or her
20 position only if the teacher gives notice of resignation to
21 the charter school's governing body at least 60 days before
22 the end of the school term, and the resignation must take
23 effect immediately upon the end of the school term.

24 (Source: P.A. 89-450, eff. 4-10-96.)

25 (105 ILCS 5/34-3.5 new)

26 Sec. 34-3.5. Partnership agreement on advancing student
27 achievement; No Child Left Behind Act of 2001.

28 (a) The General Assembly finds that the Chicago Teachers
29 Union, the Chicago Board of Education, and the district's
30 chief executive officer have a common responsibility beyond
31 their statutory collective bargaining relationship to
32 institute purposeful education reforms in the Chicago Public
33 Schools that maximize the number of students in the Chicago

1 Public Schools who reach or exceed proficiency with regard to
2 State academic standards and assessments. The General
3 Assembly further finds that education reform in the Chicago
4 Public Schools must be premised on a commitment by all
5 stakeholders to redefine relationships, develop, implement,
6 and evaluate programs, seek new and additional resources,
7 improve the value of educational programs to students,
8 accelerate the quality of teacher training, improve
9 instructional excellence, and develop and implement
10 strategies to comply with the federal No Child Left Behind
11 Act of 2001 (Public Law 107-110).

12 The Chicago Board of Education and the district's chief
13 executive officer shall enter into a partnership agreement
14 with the Chicago Teachers Union to allow the parties to work
15 together to advance the Chicago Public Schools to the next
16 level of education reform. This agreement must be entered
17 into and take effect within 90 days after the effective date
18 of this amendatory Act of the 92nd General Assembly. As part
19 of this agreement, the Chicago Teachers Union, the Chicago
20 Board of Education, and the district's chief executive
21 officer shall jointly file a report with the General Assembly
22 at the end of each school year with respect to the nature of
23 the reforms that the parties have instituted, the effect of
24 these reforms on student achievement, and any other matters
25 that the parties deem relevant to evaluating the
26 effectiveness of the agreement.

27 (b) Decisions concerning matters of inherent managerial
28 policy necessary to comply with the federal No Child Left
29 Behind Act of 2001 (Public Law 107-110), including such areas
30 of discretion or policy as the functions of the employer, the
31 standards and delivery of educational services and programs,
32 the district's overall budget, the district's organizational
33 structure, student assignment, school choice, and the
34 selection of new employees and direction of employees, and

1 the impact of these decisions on individual employees or the
2 bargaining unit shall be permissive subjects of bargaining
3 between the educational employer and the exclusive bargaining
4 representative and are within the sole discretion of the
5 educational employer to decide to bargain, notwithstanding
6 any other provision of this Code or any provision of Section
7 4.5 of the Illinois Educational Labor Relations Act to the
8 contrary (provided that any dispute or impasse that may arise
9 under this subsection (b) shall be resolved exclusively as
10 set forth in subsection (b) of Section 12 of the Illinois
11 Educational Labor Relations Act in lieu of a strike under
12 Section 13 of the Illinois Educational Labor Relations Act).

13 (105 ILCS 5/34-8.1) (from Ch. 122, par. 34-8.1)

14 Sec. 34-8.1. Principals. Principals shall be employed to
15 supervise the operation of each attendance center. Their
16 powers and duties shall include but not be limited to the
17 authority (i) to direct, supervise, evaluate, and suspend
18 with or without pay or otherwise discipline all teachers,
19 assistant principals, and other employees assigned to the
20 attendance center in accordance with board rules and policies
21 and (ii) to direct all other persons assigned to the
22 attendance center pursuant to a contract with a third party
23 to provide services to the school system. The right to
24 employ, discharge, and layoff shall be vested solely with the
25 board, provided that decisions to discharge or suspend
26 non-certified employees, including disciplinary layoffs, and
27 the termination of certified employees from employment
28 pursuant to a layoff or reassignment policy is subject to
29 review under a grievance resolution procedure adopted
30 pursuant to subsection (c) of Section 10 of the Illinois
31 Educational Labor Relations Act. The grievance resolution
32 procedure, if adopted by the board, shall provide for final
33 and binding arbitration, and, notwithstanding any other

1 provision of law to the contrary, the arbitrator's decision
2 may include all make-whole relief, including without
3 limitation reinstatement. The principal shall fill positions
4 by appointment as provided in this Section and may make
5 recommendations to the board regarding the employment,
6 discharge, or layoff of any individual. The authority of the
7 principal shall include the authority to direct the hours
8 during which the attendance center shall be open and
9 available for use provided the use complies with board rules
10 and policies, to determine when and what operations shall be
11 conducted within those hours, and to schedule staff within
12 those hours. Under the direction of, and subject to the
13 authority of the principal, the Engineer In Charge shall be
14 accountable for the safe, economical operation of the plant
15 and grounds and shall also be responsible for orientation,
16 training, and supervising the work of Engineers, Trainees,
17 school maintenance assistants, custodial workers and other
18 plant operation employees under his or her direction.

19 There shall be established by the board a system of
20 semi-annual evaluations conducted by the principal as to
21 performance of the engineer in charge. Nothing in this
22 Section shall prevent the principal from conducting
23 additional evaluations. An overall numerical rating shall
24 be given by the principal based on the evaluation conducted
25 by the principal. An unsatisfactory numerical rating shall
26 result in disciplinary action, which may include, without
27 limitation and in the judgment of the principal, loss of
28 promotion or bidding procedure, reprimand, suspension with or
29 without pay, or recommended dismissal. The board shall
30 establish procedures for conducting the evaluation and
31 reporting the results to the engineer in charge.

32 Under the direction of, and subject to the authority of,
33 the principal, the Food Service Manager is responsible at all
34 times for the proper operation and maintenance of the lunch

1 room to which he is assigned and shall also be responsible
2 for the orientation, training, and supervising the work of
3 cooks, bakers, porters, and lunchroom attendants under his or
4 her direction.

5 There shall be established by the Board a system of
6 semi-annual evaluations conducted by the principal as to the
7 performance of the food service manager. Nothing in this
8 Section shall prevent the principal from conducting
9 additional evaluations. An overall numerical rating shall be
10 given by the principal based on the evaluation conducted by
11 the principal. An unsatisfactory numerical rating shall
12 result in disciplinary action which may include, without
13 limitation and in the judgment of the principal, loss of
14 promotion or bidding procedure, reprimand, suspension with or
15 without pay, or recommended dismissal. The board shall
16 establish rules for conducting the evaluation and reporting
17 the results to the food service manager.

18 Nothing in this Section shall be interpreted to require
19 the employment or assignment of an Engineer-In-Charge or a
20 Food Service Manager for each attendance center.

21 Principals shall be employed to supervise the educational
22 operation of each attendance center. If a principal is absent
23 due to extended illness or leave or absence, an assistant
24 principal may be assigned as acting principal for a period
25 not to exceed 100 school days. Each principal shall assume
26 administrative responsibility and instructional leadership,
27 in accordance with reasonable rules and regulations of the
28 board, for the planning, operation and evaluation of the
29 educational program of the attendance center to which he is
30 assigned. The principal shall submit recommendations to the
31 general superintendent concerning the appointment, dismissal,
32 retention, promotion, and assignment of all personnel
33 assigned to the attendance center; provided, that from and
34 after September 1, 1989: (i) if any vacancy occurs in a

1 position at the attendance center or if an additional or new
2 position is created at the attendance center, that position
3 shall be filled by appointment made by the principal in
4 accordance with procedures established and provided by the
5 Board whenever the majority of the duties included in that
6 position are to be performed at the attendance center which
7 is under the principal's supervision, and each such
8 appointment so made by the principal shall be made and based
9 upon merit and ability to perform in that position without
10 regard to seniority or length of service, provided, that such
11 appointments shall be subject to the Board's desegregation
12 obligations, including but not limited to the Consent Decree
13 and Desegregation Plan in U.S. v. Chicago Board of Education;
14 (ii) the principal shall submit recommendations based upon
15 merit and ability to perform in the particular position,
16 without regard to seniority or length of service, to the
17 general superintendent concerning the appointment of any
18 teacher, teacher aide, counselor, clerk, hall guard, security
19 guard and any other personnel which is to be made by the
20 general superintendent whenever less than a majority of the
21 duties of that teacher, teacher aide, counselor, clerk, hall
22 guard, and security guard and any other personnel are to be
23 performed at the attendance center which is under the
24 principal's supervision; and (iii) subject to law and the
25 applicable collective bargaining agreements, the authority
26 and responsibilities of a principal with respect to the
27 evaluation of all teachers and other personnel assigned to an
28 attendance center shall commence immediately upon his or her
29 appointment as principal of the attendance center, without
30 regard to the length of time that he or she has been the
31 principal of that attendance center.

32 Notwithstanding the existence of any other law of this
33 State, nothing in this Act shall prevent the board from
34 entering into a contract with a third party for services

1 currently performed by any employee or bargaining unit
2 member.

3 Notwithstanding any other provision of this Article, each
4 principal may approve contracts, binding on the board, in the
5 amount of no more than \$10,000, if the contract is endorsed
6 by the Local School Council.

7 Unless otherwise prohibited by law or by rule of the
8 board, the principal shall provide to local school council
9 members copies of all internal audits and any other pertinent
10 information generated by any audits or reviews of the
11 programs and operation of the attendance center.

12 Each principal shall hold a valid administrative
13 certificate issued or exchanged in accordance with Article 21
14 and endorsed as required by that Article for the position of
15 principal. The board may establish or impose academic,
16 educational, examination, and experience requirements and
17 criteria that are in addition to those established and
18 required by Article 21 for issuance of a valid certificate
19 endorsed for the position of principal as a condition of the
20 nomination, selection, appointment, employment, or continued
21 employment of a person as principal of any attendance center,
22 or as a condition of the renewal of any principal's
23 performance contract.

24 The board shall specify in its formal job description for
25 principals, and from and after July 1, 1990 shall specify in
26 the 4 year performance contracts for use with respect to all
27 principals, that his or her primary responsibility is in the
28 improvement of instruction. A majority of the time spent by
29 a principal shall be spent on curriculum and staff
30 development through both formal and informal activities,
31 establishing clear lines of communication regarding school
32 goals, accomplishments, practices and policies with parents
33 and teachers. The principal, with the assistance of the
34 local school council, shall develop a school improvement plan

1 as provided in Section 34-2.4 and, upon approval of the plan
2 by the local school council, shall be responsible for
3 directing implementation of the plan. The principal, with the
4 assistance of the Professional Personnel Advisory Committee,
5 shall develop the specific methods and contents of the
6 school's curriculum within the board's system-wide curriculum
7 standards and objectives and the requirements of the school
8 improvement plan. The board shall ensure that all principals
9 are evaluated on their instructional leadership ability and
10 their ability to maintain a positive education and learning
11 climate. It shall also be the responsibility of the
12 principal to utilize resources of proper law enforcement
13 agencies when the safety and welfare of students and teachers
14 are threatened by illegal use of drugs and alcohol, by
15 illegal use or possession of weapons, or by illegal gang
16 activity.

17 On or before October 1, 1989, the Board of Education, in
18 consultation with any professional organization representing
19 principals in the district, shall promulgate rules and
20 implement a lottery for the purpose of determining whether a
21 principal's existing performance contract (including the
22 performance contract applicable to any principal's position
23 in which a vacancy then exists) expires on June 30, 1990 or
24 on June 30, 1991, and whether the ensuing 4 year performance
25 contract begins on July 1, 1990 or July 1, 1991. The Board of
26 Education shall establish and conduct the lottery in such
27 manner that of all the performance contracts of principals
28 (including the performance contracts applicable to all
29 principal positions in which a vacancy then exists), 50% of
30 such contracts shall expire on June 30, 1990, and 50% shall
31 expire on June 30, 1991. All persons serving as principal on
32 May 1, 1989, and all persons appointed as principal after May
33 1, 1989 and prior to July 1, 1990 or July 1, 1991, in a
34 manner other than as provided by Section 34-2.3, shall be

1 deemed by operation of law to be serving under a performance
2 contract which expires on June 30, 1990 or June 30, 1991; and
3 unless such performance contract of any such principal is
4 renewed (or such person is again appointed to serve as
5 principal) in the manner provided by Section 34-2.2 or
6 34-2.3, the employment of such person as principal shall
7 terminate on June 30, 1990 or June 30, 1991.

8 Commencing on July 1, 1990, or on July 1, 1991, and
9 thereafter, the principal of each attendance center shall be
10 the person selected in the manner provided by Section 34-2.3
11 to serve as principal of that attendance center under a 4
12 year performance contract. All performance contracts of
13 principals expiring after July 1, 1990, or July 1, 1991,
14 shall commence on the date specified in the contract, and the
15 renewal of their performance contracts and the appointment of
16 principals when their performance contracts are not renewed
17 shall be governed by Sections 34-2.2 and 34-2.3. Whenever a
18 vacancy in the office of a principal occurs for any reason,
19 the vacancy shall be filled by the selection of a new
20 principal to serve under a 4 year performance contract in the
21 manner provided by Section 34-2.3.

22 The board of education shall develop and prepare, in
23 consultation with the organization representing principals, a
24 performance contract for use at all attendance centers, and
25 shall furnish the same to each local school council. The
26 term of the performance contract shall be 4 years, unless the
27 principal is retained by the decision of a hearing officer
28 pursuant to subdivision 1.5 of Section 34-2.3, in which case
29 the contract shall be extended for 2 years. The performance
30 contract of each principal shall consist of the uniform
31 performance contract, as developed or from time to time
32 modified by the board, and such additional criteria as are
33 established by a local school council pursuant to Section
34 34-2.3 for the performance contract of its principal.

1 During the term of his or her performance contract, a
2 principal may be removed only as provided for in the
3 performance contract except for cause. He or she shall also
4 be obliged to follow the rules of the board of education
5 concerning conduct and efficiency.

6 In the event the performance contract of a principal is
7 not renewed or a principal is not reappointed as principal
8 under a new performance contract, or in the event a principal
9 is appointed to any position of superintendent or higher
10 position, or voluntarily resigns his position of principal,
11 his or her employment as a principal shall terminate and such
12 former principal shall not be reinstated to the position from
13 which he or she was promoted to principal, except that he or
14 she, if otherwise qualified and certified in accordance with
15 Article 21, shall be placed by the board on appropriate
16 eligibility lists which it prepares for use in the filling of
17 vacant or additional or newly created positions for teachers.
18 The principal's total years of service to the board as both a
19 teacher and a principal, or in other professional capacities,
20 shall be used in calculating years of experience for purposes
21 of being selected as a teacher into new, additional or vacant
22 positions.

23 In the event the performance contract of a principal is
24 not renewed or a principal is not reappointed as principal
25 under a new performance contract, such principal shall be
26 eligible to continue to receive his or her previously
27 provided level of health insurance benefits for a period of
28 90 days following the non-renewal of the contract at no
29 expense to the principal, provided that such principal has
30 not retired.

31 (Source: P.A. 91-622, eff. 8-19-99; 91-728, eff. 6-2-00.)

32 (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)
33 Sec. 34-18. Powers of the board. The board shall

1 exercise general supervision and jurisdiction over the public
2 education and the public school system of the city, and,
3 except as otherwise provided by this Article, shall have
4 power:

5 1. To make suitable provision for the establishment
6 and maintenance throughout the year or for such portion
7 thereof as it may direct, not less than 9 months, of
8 schools of all grades and kinds, including normal
9 schools, high schools, night schools, schools for
10 defectives and delinquents, parental and truant schools,
11 schools for the blind, the deaf and the crippled, schools
12 or classes in manual training, constructural and
13 vocational teaching, domestic arts and physical culture,
14 vocation and extension schools and lecture courses, and
15 all other educational courses and facilities, including
16 establishing, equipping, maintaining and operating
17 playgrounds and recreational programs, when such programs
18 are conducted in, adjacent to, or connected with any
19 public school under the general supervision and
20 jurisdiction of the board; provided, however, that in
21 allocating funds from year to year for the operation of
22 all attendance centers within the district, the board
23 shall ensure that supplemental general State aid funds
24 are allocated and applied in accordance with Section 18-8
25 or 18-8.05. To admit to such schools without charge
26 foreign exchange students who are participants in an
27 organized exchange student program which is authorized by
28 the board. The board shall permit all students to enroll
29 in apprenticeship programs in trade schools operated by
30 the board, whether those programs are union-sponsored or
31 not. No student shall be refused admission into or be
32 excluded from any course of instruction offered in the
33 common schools by reason of that student's sex. No
34 student shall be denied equal access to physical

1 education and interscholastic athletic programs supported
2 from school district funds or denied participation in
3 comparable physical education and athletic programs
4 solely by reason of the student's sex. Equal access to
5 programs supported from school district funds and
6 comparable programs will be defined in rules promulgated
7 by the State Board of Education in consultation with the
8 Illinois High School Association. Notwithstanding any
9 other provision of this Article, neither the board of
10 education nor any local school council or other school
11 official shall recommend that children with disabilities
12 be placed into regular education classrooms unless those
13 children with disabilities are provided with
14 supplementary services to assist them so that they
15 benefit from the regular classroom instruction and are
16 included on the teacher's regular education class
17 register;

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

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

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

26 5. To employ dentists and prescribe their duties
27 for the purpose of treating the pupils in the schools,
28 but accepting such treatment shall be optional with
29 parents or guardians;

30 6. To grant the use of assembly halls and
31 classrooms when not otherwise needed, including light,
32 heat, and attendants, for free public lectures, concerts,
33 and other educational and social interests, free of
34 charge, under such provisions and control as the

1 principal of the affected attendance center may
2 prescribe;

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

1 income students to have access to transportation needed
2 to exercise school choice. Open enrollment shall be in
3 compliance with the provisions of the Consent Decree and
4 Desegregation Plan cited in Section 34-1.01;

5 8. To approve programs and policies for providing
6 transportation services to students. Nothing herein shall
7 be construed to permit or empower the State Board of
8 Education to order, mandate, or require busing or other
9 transportation of pupils for the purpose of achieving
10 racial balance in any school;

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

29 10. To employ non-teaching personnel or utilize
30 volunteer personnel for: (i) non-teaching duties not
31 requiring instructional judgment or evaluation of pupils,
32 including library duties; and (ii) supervising study
33 halls, long distance teaching reception areas used
34 incident to instructional programs transmitted by

1 electronic media such as computers, video, and audio,
2 detention and discipline areas, and school-sponsored
3 extracurricular activities. The board may further
4 utilize volunteer non-certificated personnel or employ
5 non-certificated personnel to assist in the instruction
6 of pupils under the immediate supervision of a teacher
7 holding a valid certificate, directly engaged in teaching
8 subject matter or conducting activities; provided that
9 the teacher shall be continuously aware of the
10 non-certificated persons' activities and shall be able to
11 control or modify them. The general superintendent shall
12 determine qualifications of such personnel and shall
13 prescribe rules for determining the duties and activities
14 to be assigned to such personnel;

15 10.5. To utilize volunteer personnel from a
16 regional School Crisis Assistance Team (S.C.A.T.),
17 created as part of the Safe to Learn Program established
18 pursuant to Section 25 of the Illinois Violence
19 Prevention Act of 1995, to provide assistance to schools
20 in times of violence or other traumatic incidents within
21 a school community by providing crisis intervention
22 services to lessen the effects of emotional trauma on
23 individuals and the community; the School Crisis
24 Assistance Team Steering Committee shall determine the
25 qualifications for volunteers;

26 11. To provide television studio facilities in not
27 to exceed one school building and to provide programs for
28 educational purposes, provided, however, that the board
29 shall not construct, acquire, operate, or maintain a
30 television transmitter; to grant the use of its studio
31 facilities to a licensed television station located in
32 the school district; and to maintain and operate not to
33 exceed one school radio transmitting station and provide
34 programs for educational purposes;

1 12. To offer, if deemed appropriate, outdoor
2 education courses, including field trips within the State
3 of Illinois, or adjacent states, and to use school
4 educational funds for the expense of the said outdoor
5 educational programs, whether within the school district
6 or not;

7 13. During that period of the calendar year not
8 embraced within the regular school term, to provide and
9 conduct courses in subject matters normally embraced in
10 the program of the schools during the regular school term
11 and to give regular school credit for satisfactory
12 completion by the student of such courses as may be
13 approved for credit by the State Board of Education;

14 14. To insure against any loss or liability of the
15 board, the former School Board Nominating Commission,
16 Local School Councils, the Chicago Schools Academic
17 Accountability Council, or the former Subdistrict
18 Councils or of any member, officer, agent or employee
19 thereof, resulting from alleged violations of civil
20 rights arising from incidents occurring on or after
21 September 5, 1967 or from the wrongful or negligent act
22 or omission of any such person whether occurring within
23 or without the school premises, provided the officer,
24 agent or employee was, at the time of the alleged
25 violation of civil rights or wrongful act or omission,
26 acting within the scope of his employment or under
27 direction of the board, the former School Board
28 Nominating Commission, the Chicago Schools Academic
29 Accountability Council, Local School Councils, or the
30 former Subdistrict Councils; and to provide for or
31 participate in insurance plans for its officers and
32 employees, including but not limited to retirement
33 annuities, medical, surgical and hospitalization benefits
34 in such types and amounts as may be determined by the

1 board; provided, however, that the board shall contract
2 for such insurance only with an insurance company
3 authorized to do business in this State. Such insurance
4 may include provision for employees who rely on treatment
5 by prayer or spiritual means alone for healing, in
6 accordance with the tenets and practice of a recognized
7 religious denomination;

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

15 16. (a) To provide, on an equal basis, access to a
16 high school campus and student directory information to
17 the official recruiting representatives of the armed
18 forces of Illinois and the United States for the purposes
19 of informing students of the educational and career
20 opportunities available in the military if the board has
21 provided such access to persons or groups whose purpose
22 is to acquaint students with educational or occupational
23 opportunities available to them. The board is not
24 required to give greater notice regarding the right of
25 access to recruiting representatives than is given to
26 other persons and groups. In this paragraph 16,
27 "directory information" means a high school student's
28 name, address, and telephone number.

29 (b) If a student or his or her parent or guardian
30 submits a signed, written request to the high school
31 before the end of the student's sophomore year (or if the
32 student is a transfer student, by another time set by the
33 high school) that indicates that the student or his or
34 her parent or guardian does not want the student's

1 directory information to be provided to official
2 recruiting representatives under subsection (a) of this
3 Section, the high school may not provide access to the
4 student's directory information to these recruiting
5 representatives. The high school shall notify its
6 students and their parents or guardians of the provisions
7 of this subsection (b).

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

13 (d) Information received by an official recruiting
14 representative under this Section may be used only to
15 provide information to students concerning educational
16 and career opportunities available in the military and
17 may not be released to a person who is not involved in
18 recruiting students for the armed forces of Illinois or
19 the United States;

20 17. (a) To sell or market any computer program
21 developed by an employee of the school district, provided
22 that such employee developed the computer program as a
23 direct result of his or her duties with the school
24 district or through the utilization of the school
25 district resources or facilities. The employee who
26 developed the computer program shall be entitled to share
27 in the proceeds of such sale or marketing of the computer
28 program. The distribution of such proceeds between the
29 employee and the school district shall be as agreed upon
30 by the employee and the school district, except that
31 neither the employee nor the school district may receive
32 more than 90% of such proceeds. The negotiation for an
33 employee who is represented by an exclusive bargaining
34 representative may be conducted by such bargaining

1 representative at the employee's request.

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

3 (1) "Computer" means an internally programmed,
4 general purpose digital device capable of
5 automatically accepting data, processing data and
6 supplying the results of the operation.

7 (2) "Computer program" means a series of coded
8 instructions or statements in a form acceptable to a
9 computer, which causes the computer to process data
10 in order to achieve a certain result.

11 (3) "Proceeds" means profits derived from
12 marketing or sale of a product after deducting the
13 expenses of developing and marketing such product;

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

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

28 19a. Upon receipt of notice from the comptroller of
29 a municipality with a population of 500,000 or more, a
30 county with a population of 3,000,000 or more, the Cook
31 County Forest Preserve District, the Chicago Park
32 District, the Metropolitan Water Reclamation District,
33 the Chicago Transit Authority, or a housing authority of
34 a municipality with a population of 500,000 or more that

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

1 Water Reclamation District, the Chicago Transit
2 Authority, or the housing authority for services, work,
3 or goods, after the period granted for payment has
4 expired, or (ii) a specified sum of money owed to the
5 municipality, the county, the Cook County Forest Preserve
6 District, the Chicago Park District, the Metropolitan
7 Water Reclamation District, the Chicago Transit
8 Authority, or the housing authority pursuant to a court
9 order or order of an administrative hearing officer after
10 the exhaustion of, or the failure to exhaust, judicial
11 review;

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

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

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

31 (b) Hispanic (a person of Spanish or
32 Portuguese culture with origins in Mexico, South or
33 Central America, or the Caribbean islands,
34 regardless of race);

1 (c) Asian American (a person having origins in
2 any of the original peoples of the Far East,
3 Southeast Asia, the Indian Subcontinent or the
4 Pacific Islands); or

5 (d) American Indian or Alaskan Native (a
6 person having origins in any of the original peoples
7 of North America).

8 Counseling days shall not be in lieu of regular
9 school days;

10 22. To report to the State Board of Education the
11 annual student dropout rate and number of students who
12 graduate from, transfer from or otherwise leave bilingual
13 programs;

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

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

34 25. To make available to the students in every high

1 school attendance center the ability to take all courses
2 necessary to comply with the Board of Higher Education's
3 college entrance criteria effective in 1993;

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

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

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

21 29. (Blank);

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

29 31. To promulgate rules establishing procedures
30 governing the layoff or reduction in force of employees
31 and the recall of such employees, including, but not
32 limited to, criteria for such layoffs, reductions in
33 force or recall rights of such employees and the weight
34 to be given to any particular criterion. Such criteria

1 shall take into account factors including, but not be
2 limited to, qualifications, certifications, experience,
3 performance ratings or evaluations, and any other factors
4 relating to an employee's job performance; and

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

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

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

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

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

33 (Source: P.A. 92-109, eff. 7-20-01; 92-527, eff. 6-1-02;
34 92-724, eff. 7-25-02; revised 9-24-02.)

1 Section 10. The Illinois Educational Labor Relations Act
2 is amended by changing Sections 4.5 and 12 as follows:

3 (115 ILCS 5/4.5)

4 Sec. 4.5. Prohibited Subjects of collective bargaining.

5 (a) Notwithstanding the existence of any other provision
6 in this Act or other law, collective bargaining between an
7 educational employer whose territorial boundaries are
8 coterminous with those of a city having a population in
9 excess of 500,000 and an exclusive representative of its
10 employees may ~~shall~~ not include any of the following
11 subjects:

12 (1) (Blank). ~~Decisions to grant or deny a charter~~
13 ~~school proposal under Section 27A-8 of the Charter~~
14 ~~Schools Law, to renew or revoke a charter under Section~~
15 ~~27A-9 of the Charter Schools Law, or to grant or deny a~~
16 ~~leave of absence to an employee of a school district to~~
17 ~~become an employee of a charter school, and the impact of~~
18 ~~these decisions on individual employees or the bargaining~~
19 ~~unit.~~

20 (2) Decisions to contract with a third party for
21 one or more services otherwise performed by employees in
22 a bargaining unit and, the procedures for obtaining such
23 contract or the identity of the third party, ~~and the~~
24 ~~impact of these decisions on individual employees or the~~
25 ~~bargaining unit.~~

26 (3) Decisions to layoff or reduce in force
27 employees ~~(including but not limited to reserve teachers~~
28 ~~or teachers who are no longer on an administrative~~
29 ~~payroll) due to lack of work or funds, including but not~~
30 ~~limited to decline in student enrollment, change in~~
31 ~~subject requirements within the attendance center~~
32 ~~organization, closing of an attendance center, or~~
33 ~~contracts with third parties for the performance of~~

1 services, and the impact of these decisions on individual
2 employees or the bargaining unit.

3 (4) Decisions to determine class size, class
4 staffing and assignment, class schedules, academic
5 calendar, hours and places of instruction, or pupil
6 assessment policies, and the impact of these decisions on
7 individual employees or the bargaining unit.

8 (5) Decisions concerning use and staffing of
9 experimental or pilot programs and, decisions concerning
10 use of technology to deliver educational programs and
11 services and staffing to provide the technology, and the
12 impact of these decisions on individual employees or the
13 bargaining unit.

14 (b) The subject or matters described in subsection (a)
15 are permissive prohibited subjects of bargaining between an
16 educational employer and an exclusive representative of its
17 employees and, for the purpose of this Act, are within the
18 sole discretion authority of the educational employer to
19 decide to bargain, provided that the educational employer is
20 required to bargain over the impact of a decision concerning
21 such subject or matter on the bargaining unit upon request by
22 the exclusive representative. During this bargaining, the
23 educational employer shall not be precluded from implementing
24 its decision. If, after a reasonable period of bargaining, a
25 dispute or impasse exists between the educational employer
26 and the exclusive representative, the dispute or impasse
27 shall be resolved exclusively as set forth in subsection (b)
28 of Section 12 of this Act in lieu of a strike under Section
29 13 of this Act.

30 (c) A provision in a collective bargaining agreement
31 that was rendered null and void because it involved a
32 prohibited subject of collective bargaining under this
33 subsection (c) as this subsection (c) existed before the
34 effective date of this amendatory Act of the 92nd General

1 Assembly remains null and void and shall not otherwise be
 2 reinstated in any successor agreement unless the educational
 3 employer and exclusive representative otherwise agree to
 4 include an agreement reached on a subject or matter described
 5 in subsection (a) of this Section as subsection (a) existed
 6 before this amendatory Act of the 92nd General Assembly. This
 7 ~~Section shall apply to collective bargaining agreements that~~
 8 ~~become effective after the effective date of this amendatory~~
 9 ~~Act of 1995 and shall render a provision involving a~~
 10 ~~prohibited subject in such agreement null and void.~~

11 (Source: P.A. 89-15, eff. 5-30-95.)

12 (115 ILCS 5/12) (from Ch. 48, par. 1712)

13 Sec. 12. Impasse procedures.

14 (a) If the parties engaged in collective bargaining have
 15 not reached an agreement by 90 days before the scheduled
 16 start of the forthcoming school year, the parties shall
 17 notify the Illinois Educational Labor Relations Board
 18 concerning the status of negotiations.

19 Upon demand of either party, collective bargaining
 20 between the employer and an exclusive bargaining
 21 representative must begin within 60 days of the date of
 22 certification of the representative by the Board, or in the
 23 case of an existing exclusive bargaining representative,
 24 within 60 days of the receipt by a party of a demand to
 25 bargain issued by the other party. Once commenced,
 26 collective bargaining must continue for at least a 60 day
 27 period, unless a contract is entered into.

28 Except as otherwise provided in subsection (b) of this
 29 Section, if after a reasonable period of negotiation and
 30 within 45 days of the scheduled start of the forth-coming
 31 school year, the parties engaged in collective bargaining
 32 have reached an impasse, either party may petition the Board
 33 to initiate mediation. Alternatively, the Board on its own

1 motion may initiate mediation during this period. However,
2 mediation shall be initiated by the Board at any time when
3 jointly requested by the parties and the services of the
4 mediators shall continuously be made available to the
5 employer and to the exclusive bargaining representative for
6 purposes of arbitration of grievances and mediation or
7 arbitration of contract disputes. If requested by the
8 parties, the mediator may perform fact-finding and in so
9 doing conduct hearings and make written findings and
10 recommendations for resolution of the dispute. Such
11 mediation shall be provided by the Board and shall be held
12 before qualified impartial individuals. Nothing prohibits
13 the use of other individuals or organizations such as the
14 Federal Mediation and Conciliation Service or the American
15 Arbitration Association selected by both the exclusive
16 bargaining representative and the employer.

17 If the parties engaged in collective bargaining fail to
18 reach an agreement within 15 days of the scheduled start of
19 the forthcoming school year and have not requested mediation,
20 the Illinois Educational Labor Relations Board shall invoke
21 mediation.

22 Whenever mediation is initiated or invoked under this
23 subsection (a) Section, the parties may stipulate to defer
24 selection of a mediator in accordance with rules adopted by
25 the Board.

26 (b) If, after a reasonable period of bargaining of at
27 least 60 days, a dispute or impasse exists between an
28 employer whose territorial boundaries are coterminous with
29 those of a city having a population in excess of 500,000 and
30 the exclusive bargaining representative over a subject or
31 matter set forth in Section 4.5 of this Act, the parties
32 shall submit the dispute or impasse to the dispute resolution
33 procedure agreed to between the parties. The procedure shall
34 provide for mediation of disputes by a rotating mediation

1 panel and may, at the request of either party, include the
2 issuance of advisory findings of fact and recommendations.

3 (c) The costs of fact finding and mediation shall be
4 shared equally between the employer and the exclusive
5 bargaining agent, provided that, for purposes of mediation
6 under this Act, if either party requests the use of mediation
7 services from the Federal Mediation and Conciliation Service,
8 the other party shall either join in such request or bear the
9 additional cost of mediation services from another source.

10 (d) Nothing in this Act prevents an employer and an
11 exclusive bargaining representative from mutually submitting
12 to final and binding impartial arbitration unresolved issues
13 concerning the terms of a new collective bargaining
14 agreement.

15 (Source: P.A. 86-412.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law."