

## Guide to ILLINOIS STATUTES AFFECTING SCHOOLS

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## Introduction

The *Guide to Illinois Statutes Affecting Schools* serves as a handy reference to those Illinois statutes that are not in *The School Code* but are occasionally involved in the resolution of issues faced by school districts.

The *Guide* was the idea of Jim Bartley, Klein, Thorpe and Jenkins, Ltd. He volunteered countless hours towards its initial publication in 1995.

## Caveat

Nothing contained in this *Guide* is intended to be taken as legal advice, nor is it intended to be an exhaustive list of every state statute that might relate to a school law problem. It is not to be used as a substitute for thorough research. Instead, the Council hopes that the *Guide* will often be a useful point of beginning. The descriptions of the statutes cited in the *Guide* are intended to be brief and should not be taken as a full recitation of content. It references statutes passed by the General Assembly as of January 1, 2010. Finally, the *Guide* generally excludes laws that are unique to Chicago Public School District 299.

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# BOARDS OF EDUCATION

## 1. Open Meetings Act, 5 ILCS 120/1 *et seq.*

**Description:** Declares it to be the right of the people to be informed as to the conduct of a public body's business, applies to committees and subcommittees of the board, and requires all meetings of public bodies be open, subject to enumerated exceptions that are strictly construed and extend only to subjects clearly within their scope. Further provides that a closed meeting may occur upon a majority vote of a quorum present during an open meeting and prohibits any final action of a board during closed session. Defines meeting as any gathering, whether in person or by video or audio conference, telephone call, electronic means, or other means of contemporaneous interactive communication, of a majority of a quorum of the members of a board held for the purpose of discussing public business. Requires a quorum to be physically present during all board meetings. Specifies public notice requirements for all meetings and the establishment of a regular meeting schedule at the beginning of each calendar or fiscal year. Mandates written minutes of board meetings and specifies items required to be in the minutes (whether open or closed). Requires the board to semi-annually decide what closed session minutes, if any, no longer require confidential treatment. Requires verbatim recording of closed session and destruction of the verbatim recording upon certain conditions. Allows attendance at a board meeting through means other than physical presence provided certain conditions are met. Provides a civil action for non-compliance and possible criminal conviction of a Class C misdemeanor for any person violating it. Provides a Public Access Counselor within the Office of the Attorney General. Requires a board to (1) designate certain individuals to complete annual training through the Public Access Counselor on compliance with the Act and (2) submit a list of the designated individuals to the Public Access Counselor.

## 2. Freedom of Information Act, 5 ILCS 140/1 *et seq.*

**Description:** States that all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of public officials and employees. Declares that (1) operating openly and providing public records as expediently and efficiently as possible is a fundamental obligation of government and (2) providing records is a primary duty of public bodies, fiscal obligations notwithstanding. Provides a Public Access Counselor in the Office of the Attorney General. Requires public bodies to make all public records available to any person for inspection or copying, subject to enumerated exceptions. Requires designation by the public body of a Freedom of Information Officer who will perform statutorily specified duties,

including completion of annual training program developed by the Public Access Counselor. Requires public bodies to maintain and make available a reasonably current list of all types or categories of records under their control. Allows imposition of fees reasonably calculated to reimburse the public body for reproducing and certifying public records.

## 3. Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.*

**Description:** Allows a public agency to exercise any of its powers, privileges, or authority jointly with any other public agency. Provides for intergovernmental contracts for any service, activity, or undertaking which any of the public agencies is authorized by law to perform.

## 4. Officials Convicted of Infamous Crimes Act, 5 ILCS 280/1; *See also Illinois Constitution, Art. XIII*

**Description:** Provides that any elected official of any school district who is convicted in any court of a felony, bribery, perjury, or any other infamous crime shall be, upon conviction, ineligible to continue in such office. An admission of guilt, pursuant to a plea agreement, to an otherwise disqualifying offense, constitutes a resignation.

## 5. Elected Officials Misconduct Forfeiture Act, 5 ILCS 282/1 *et seq.*

**Description:** Allows the Attorney General to file an action in circuit court against an elected official who has, by his or her violation of Article 33 of the Criminal Code of 1961 or violation of a similar federal offense, injured the people of Illinois. The purpose of such suit is to recover all proceeds traceable to the elected official's offense and by so doing, prevent, restrain or remedy violations of Article 33 of the Criminal Code of 1961 or similar federal offenses.

## 6. Illinois Governmental Ethics Act, 5 ILCS 420/1-101 *et seq.*

**Description:** Requires board members and candidates in board elections, as well as certain administration and business officials, to file verified statements of economic interests with the county clerk of the county in which the person making the statement resides. Such statements must be filed by a specified date each year, unless the person has already filed a statement in relation to the same unit of government in that year. Failure to file within the designated time frame after receiving notice of such failure will result in ineligibility for or forfeiture of the office or position of employment.

## 7. State Officials and Employee Ethics Act, 5 ILCS 430/1 *et seq.*

**Description:** Requires a board policy on the subject matter and controls the policy's content. The Illinois Attorney General's model ordinance provides that a local government entity will enforce its policy through quasi-criminal proceedings or through hiring an attorney to prosecute violators. The statute's penal enforcement provisions present an obvious difficulty for school districts – the legislature has not specifically granted school districts the power to adopt penal ordinances and penalties. See *infra*, **Employees Section**, page 8, number 2.

### a. Prohibited Political Activity, 5 ILCS 430/1-5

**Description:** Prohibits public officers and employees from: (a) participating in or conducting any prohibited political activity during any compensated time (other than vacation, personal, or compensatory time off); (b) misappropriating any property of the public entity or resources by engaging in any prohibited political activity; (c) being pressured to participate in any such political activities as a condition of employment; (d) receiving additional employment rewards or compensation for participating in or conducting prohibited political activities; or (e) using other public employees or resources for a political use. See *infra*, **Employees Section**, page 8, number 1.

### b. Gift Ban, 5 ILCS 430/10-10 - 5 ILCS 430/10-30

**Description:** Prohibits board members or employees and their spouses or immediate family members living with board members or employees from intentionally soliciting or accepting any "gift" from any "prohibited source", as defined by the statute. Also bars prohibited sources from intentionally offering or making gifts that violate the statute or board policy.

## 8. Illinois Election Code, 10 ILCS 5/1-1 *et seq.*

**Description:** Governs school board elections, including the election of school board members and various public policy positions. See *infra*, **Elections Section**, page 7, number 1.

### a. Resignation and Vacancies, 10 ILCS 5/25-2

**Description:** Lists the events upon which an elective office becomes vacant.

## 9. Illinois Constitution, Art. IV, ¶ 2(e) and Art. VI, ¶ 13(b)

**Description:** Prohibits simultaneously holding two incompatible offices.

## 10. Public Officer Prohibited Activities Act, 50 ILCS 105/1 *et seq.*

**Description:** Section 1.2 prohibits a county board member from simultaneously being a school board member, except in a county having fewer than 40,000

inhabitants. Section 1.3 permits a board member to simultaneously be a city councilman, a city alderman or a village trustee if the village, city or unincorporated town has 2500 or fewer inhabitants. Section 3 outlines prohibitions of board member's interests in contracts with limited exceptions (virtually the same exceptions are stated in *The School Code* at 105 ILCS 5/10-9). Section 4 provides that violators of any provision of the Act, are guilty of a Class 4 felony and any office or official position held by any person so convicted shall become vacant, and shall be so declared as part of the judgment of court. See *infra*, **Property and Contracts Section**, page 21, number 9.

## 11. Time Off for Official Meetings Act, 50 ILCS 115/0.01 *et seq.*

**Description:** Entitles any elected official of a unit of local government or school district to be absent from employment on the day and time of an official meeting of the public body to which the official has been elected. Prohibits the official's employer from imposing any penalty other than deduction from the official's wages for the period of absence, for attendance at such meeting. The elected official must inform the employer in advance of his or her intent to be absent from employment for attendance at the official meeting.

## 12. Local Government Officer Compensation Act, 50 ILCS 145/2

**Description:** A board secretary, if not a member of the board, may receive such compensation as shall be fixed by the board of education prior to the election of the secretary. 105 ILCS 5/10-14. If the secretary is a member of the board, he or she may receive such compensation not to exceed \$500 per year as shall be fixed by the board and may vote on all questions coming before the board. *Id.* Also, a board shall fix the compensation for a treasurer who is not a member of the board. 105 ILCS 5/8-1. See *infra*, **Financial Affairs Section**, page 18, number 27.

## 13. Local Records Act, 50 ILCS 205/1 *et seq.*

**Description:** Requires a program for the efficient and economical management of local records and availability for inspection of public records. It establishes Local Records Commissions, whose written permission is required for school districts to dispose of any public record. Note: Section 3a of the Act applies to records and reports prepared or received on or before June 30, 1984. Records and reports prepared or received on or after July 1, 1984 are covered under the provisions of "The Freedom of Information Act".

## 14. Illinois Educational Labor Relations Act, 115 ILCS 5/1 *et seq.*

**Description:** Allows educational employees the right to organize and choose representatives for collective bar-

gaining, and requires boards of education to bargain with employee organizations in good faith with regard to wages, hours, terms, and conditions of employment and to enter into written collective bargaining agreements. Prohibits bargaining with respect to certain subjects. Sets up Educational Labor Relations Board to handle complaints and issues arising under the Act. See *infra*, **Employees Section**, page 9, number 15.

**15. Abused and Neglected Child Reporting Act, 325 ILCS 5/4**

**Description:** Members of a school board, the Chicago Board of Education, and the governing body of a private school are mandated reporters. Board members are only mandated reporters if a child abuse allegation is disclosed to a board member during a school board meeting. See *infra*, **Employees Section**, page 10, number 20. See *infra*, **Students and Parents Section**, page 24, number 4.

**16. Children’s Mental Health Act of 2003, 405 ILCS 49/1 et seq.**

**Description:** Requires districts to have a protocol for responding to children with social, emotional, mental health problems, or a combination of such problems, that impact learning ability. Also requires every district to have a policy for incorporating social and emotional development into the district’s education program. See *infra*, **Students and Parents Section**, page 25, number 9.

**17. Eavesdropping Act, 720 ILCS 5/14-3(m)**

**Description:** Provides the requirements for schools that want to make an electronic recording (e.g., a motion picture, videotape, digital, or other visual or audio recording) of the interior of a school bus while the school bus is being used to transport students.

**18. Official Misconduct, 720 ILCS 5/33-3**

**Description:** Prohibits a public officer or employee from failing to perform any duty required by law, knowingly performing any illegal act, performing an act in excess of his lawful authority with intent to obtain a

personal advantage, or soliciting or accepting a fee which he is not authorized to accept. Violation can result in forfeiture of employment and conviction of a Class 3 felony.

**19. Citizen Participation Act, 735 ILCS 110/1 et seq.**

**Description:** Protects and encourages public participation in government to the maximum extent permitted by law. Establishes an efficient process for identification and adjudication of “Strategic Lawsuits Against Public Participation” (SLAPPs) and provides for attorneys fees and costs to prevailing movants. See *infra*, **Employees Section**, page 11, number 26. See *infra*, **Litigation Section**, page 20, number 1.

**20. Illinois Right of Publicity Act, 765 ILCS 1075/10 et seq.**

**Description:** Prohibits the use of another individual’s identity for commercial purposes without his or her written consent. “Identity” includes name, signature, photograph, image, likeness, and voice.

**21. Religious Freedom Restoration Act, 775 ILCS 35/ 1 et seq.**

**Description:** Requires that all State and local government have a compelling interest to justify a substantial burden on an individual’s free exercise of religion. See *infra*, **Employees Section**, page 12, number 34.

**22. Personal Information Protection Act, 815 ILCS 530/1 et seq.**

**Description:** Requires any data collector that owns or licenses personal information concerning an Illinois resident to notify the resident at no charge that there has been a breach of the security system data following discovery or notification of the breach. Also requires disposal of personal data or written material collected in such a manner as to ensure security and confidentiality of the material. A violation of the ACT is an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act. See *infra*, **Students and Parents Section**, page 28, number 38.

## 1. Illinois Election Code, 10 ILCS 5/1-1 *et seq.*

**Description:** Governs school board elections, including the election of school board members and various public policy propositions, such as to increase authorized property tax rates, issue bonds, or consolidate districts. Advisory questions concerning the school district may be placed on the ballot. See *supra*, **Boards of Education Section**, page 5, number 8.

a. **Schedule of Elections**, 10 ILCS 5/2A-1.1(a) and 5/2A-1.2(c)

**Description:** School board members are elected at the consolidated election held on a date specified by statute. School districts that operate pursuant to Article 33 of *The School Code* have a different election schedule.

b. **Elections At Which Referenda Are Conducted**, 10 ILCS 5/2A-1.1, 5/28-1

**Description:** Except for emergency referenda, referenda must be submitted to the voters at regularly scheduled elections. In addition to the consolidated election, both the general primary election and general election are conducted on the dates specified by statute.

c. **Emergency Referenda**, 10 ILCS 5/2A-1.4

**Description:** Governs referenda conducted on other than regularly scheduled election dates. A school board may petition the circuit court for an order declaring a proposition to be an emergency and fixing a date on which to hold a special referendum election.

d. **Voter Registration**, 10 ILCS 5/4-6.2

**Description:** County clerk may appoint high school or elementary school principals to register eligible residents of the state to vote.

e. **Election Interference, Prohibitions and Penalties**, 10 ILCS 5/ 9-25.1 and 5/29-1 *et seq.*; 5 ILCS 430 1-5 and 430/5-15

**Description:** No public funds may be used for or against any candidate or proposition. Also addresses advocacy, electioneering, campaign literature, and other prohibitions.

f. **Petitions for Nomination**, 10 ILCS 5/10-4, 5/10-5, and 5/10-6

**Description:** A school board candidate may circulate a nominating petition in accordance with the time-frame specified by statute. A candidate must file a nominating petition and a statement of candidacy within the designated time period. During that peri-

od, a candidate must also file with the board secretary a receipt showing that the Statement of Economic Interests was filed with the county clerk in the same calendar year in which the election is conducted.

g. **School Board Secretary's Election Duties**, 10 ILCS 5/1-15, 5/10-5, 5/10-6.1, 5/10-6.2, 5/10-7, and 5/10-15

**Description:** The school board secretary's duties include: specifying the place where the filings of petitions for nomination are to be made, receiving and filing nominating papers, issuing a receipt for the nominating papers, notifying candidates about obligations regarding campaign financing, conducting a lottery if nominating petitions are filed simultaneously, and certifying names of candidates whose petitions have been filed, in the order filed, and referenda to the election authority. In addition, the *Election Code* now specifies that the disposal of all of the election documents filed with the school board secretary are subject to the requirements of the *Local Records Act*.

h. **Candidate Withdrawal**, 10 ILCS 5/10-7

**Description:** Provides procedure for withdrawing candidacy, which may be done within the designated time frame before the election.

i. **Objections to Nomination Papers and Public Questions Heard by Education Officers Electoral Board**, 10 ILCS 5/10-7, 5/10-8, 5/10-9, 5/10-10, and 5/10-10.1

**Description:** If they are not running for re-election, the school board president, secretary, and most senior member compose the electoral board which hears and rules on objections to candidate nomination petitions and voter referenda petitions. In the event any of these three members is running for re-election, the second most senior member replaces that member. If more than one of these members and/or the second most senior member is running for re-election, the chief judge of the circuit court names a public member or members to the electoral board. The school board president or his/her replacement chairs this board.

j. **Education Officers Electoral Board Meeting Place**, 10 ILCS 5/10-10

**Description:** Provides that an Educational Officers Electoral Board meets where the governing body of the school district holds its regularly scheduled meetings rather than in the county court house as in the past.

k. **Certification of Candidates and Referenda**, 10 ILCS 5/10-15 and 5/28-5

**Description:** Sets forth requirements for certification of candidates and referenda. The school board secretary must certify the names of all candidates whose petitions have been filed, in the order filed, to the election authority before the election as required by the statute. Referenda must also be certified within the designated time period before the election.

l. **Write-In Candidates**, 10 ILCS 5/17-16.1 and 5/18-9.1

**Description:** Governs write-in candidates.

m. **Canvassing Returns**, 10 ILCS 5/17-22, 5/18-14, 5/22-5, 5/22-17, and 5/22-18

**Description:** Prior to January 1, 2006, boards of education acted as the canvassing board for school board candidates and school referenda. Effective January 1, 2006, school boards no longer canvass votes. The canvass of votes is conducted by the county clerk or board of election commissioners. The canvass must be completed within the designated time period after the election.

n. **Election Contests**, 10 ILCS 5/23-20 *et seq.*

**Description:** Sets forth the requirements for initiating and conducting election contests.

o. **Referenda Initiation**, 10 ILCS 5/28-1 *et seq.*

**Description:** Governs the initiation and submission of all public questions. When authorized by *The School Code* or other statute, the school board adopts a resolution to place a binding referendum on the ballot at a regularly scheduled election within the specified statutory time-frame before the election. The school board must cause an advisory question to be submitted to the voters whenever it receives a petition signed by 8% of the total votes cast for candidates for Governor in the preceding gubernatorial election by the then registered voters of the school district. Starting in 2009, a petition to place a referendum on a ballot must be signed by at least 11% of the total votes cast at the last regular election conducted in the school district. Voter initiated referenda must be filed with the board secretary within a specified time period prior to the election at which it will be considered.

p. **Campaign Contributions and Expenditures**, 10 ILCS 5/9-1 *et seq.*

**Description:** This *Election Code* article was greatly revised in 2009. It contains requirements for candidates and those who support or oppose referenda, including when political committees must be established, what is considered a contribution, limits on contributions, record keeping and filing, and the dissolution of political committees.

## EMPLOYEES

### 1. Prohibited Political Activity, 5 ILCS 430/1-5

**Description:** Prohibits public officers and employees from: (a) participating in or conducting any prohibited political activity during any compensated time (other than vacation, personal, or compensatory time off); (b) misappropriating any property of the public entity or resources by engaging in any prohibited political activity; (c) being pressured to participate in any such political activities as a condition of employment; (d) receiving additional employment rewards or compensation for participating in or conducting prohibited political activities; or (e) using other public employees or resources for a political use. See *supra*, **Boards of Education Section**, page 5, number 7. a.

### 2. State Officials and Employee Ethics Act, 5 ILCS 430/5-60(b)

**Description:** Requires employees to repay to the school district all compensation and the value of all benefits received during suspension with pay when any criminal conviction results from the investigation or allegations

underlying the suspension. Also see *supra*, **Boards of Education Section**, page 5, number 7.

### 3. New Hire Reporting Act, 20 ILCS 1020/1 *et seq.*

**Description:** Requires employers to report new hires to the Department of Employment Security so that child support enforcement efforts may be enhanced.

### 4. Illinois Criminal Identification Act, 20 ILCS 2630/1 *et seq.*

**Description:** Requires the Department of State Police to procure and file information on all persons who have been arrested for any violation of an Illinois penal statute, and to make a complete and systematic index of this information. Provides for the furnishing of conviction information to school districts. Requests for conviction information must be in writing and accompanied by a certificate of necessity signed by the president of the school board. Requires any nurse (including a school nurse) to notify the local law enforcement

agency when treatment has been requested by a person who has suffered an injury resulting from the discharge of a firearm or from the commission of a criminal offense.

**5. Illinois Uniform Conviction Information Act, 20 ILCS 2635/1 *et seq.***

**Description:** Provides that all conviction information mandated by statute to be collected and maintained by the Department of State Police shall be open to public inspection. All persons shall have access to inspect, examine, and reproduce such information. When such information is sought for employment purposes, the requester must obtain a release signed by the individual to whom the information pertains, and must maintain this release on file for a time specified by statute, and must provide a copy of the information obtained to the individual to whom it pertains.

**6. IMRF Trustee Leave of Absence, 30 ILCS 805/8.33**

**Description:** Requires each school board employing an employee who is an elected trustee of the Illinois Municipal Retirement Fund (IMRF) to make available to the elected trustee at least 20 days of paid leave of absence per year for the purpose of attending IMRF meetings.

**7. Illinois Municipal Retirement Fund, 40 ILCS 5/7-101 *et seq.***

**Description:** Creates a fund to provide annuities and other benefits to certain municipal officers and employees or their beneficiaries. Provides comprehensive rules, affecting both employers and employees, regarding eligibility for and participation in this fund. Provides early retirement incentives and regulates all aspects of fund management.

**8. Teachers' Retirement System, 40 ILCS 5/16-101 *et seq.***

**Description:** Creates pension fund for public school teachers in cities with a population less than 500,000. Provides comprehensive rules regarding such things as participation in the fund, computation of service credit, and transfer of credit from other systems. Provides early retirement incentives, and regulates all aspects of fund management.

**9. Public School Teachers Pension and Retirement Fund—Cities Over 500,000 Inhabitants, 40 ILCS 5/17-101 *et seq.***

**Description:** Creates pension fund for public school teachers in cities with a population greater than 500,000. Provides comprehensive rules regarding such things as participation in the fund, computation of service credit, and transfer of credit from other systems.

Provides early retirement incentives, and regulates all aspects of fund.

**10. Municipal Employees Military Active Duty Act, 50 ILCS 120/0.01 *et seq.***

**Description:** Provides that when school district employees enlist or are ordered to active military service, they may be considered to be on furlough or leave of absence for the time of service and for a specified time thereafter, and may be restored to their position without loss of seniority. Allows continued payments to pension fund during absence.

**11. Government Salary Withholding Act, 50 ILCS 125/0.01 *et seq.***

**Description:** Allows local governmental employers to withhold union dues, insurance premiums, United Fund contributions and credit union deductions from employee paychecks, and to pay the amounts withheld to the appropriate recipient.

**12. Local Governmental Employees Political Rights Act, 50 ILCS 135/10**

**Description:** Prohibits local governments from inhibiting any of their employees from exercising their political rights. Prohibits local government employees from: (1) using their position of employment to coerce or inhibit others in the free exercise of their political rights, or (2) engaging in political activities while at work or on duty.

**13. Local Government Employees Benefits Continuation Act, 50 ILCS 140/1 *et seq.***

**Description:** Provides that any employee of a unit of local government who is mobilized to active duty in a reserve component of the United States Armed Services or the Illinois National Guard shall continue to receive the same regular compensation and benefits, less the amount received for military service, for the duration of such service.

**14. Counties Code, 55 ILCS 5/3-9005**

**Description:** Requires the State's Attorney to notify the State Superintendent of Education and others upon conviction of any individual known to possess a certificate issued under the *School Code* of any of certain offenses or other felony conviction.

**15. Illinois Educational Labor Relations Act, 115 ILCS 5/1 *et seq.***

**Description:** Allows educational employees the right to organize and choose representatives for collective bargaining, and requires boards of education to bargain with employee organizations in good faith with regard to wages, hours, terms, and conditions of employment and to enter into written collective bargaining agree-

ments. Prohibits bargaining with respect to certain subjects. Sets up Educational Labor Relations Board to handle complaints and issues arising under the Act. See *supra*, **Boards of Education Section**, page 5, number 14.

## 16. Spousal & Dependent Continuation Privileges, 215 ILCS 5/367.2 & 5/367.2-5

**Description:** Requires insurance policies to provide for the option for spouse and dependents to pay for the insurance and continue the coverage when an employee who meets certain conditions dies, gets divorced, or retires. Provides that employers must provide notice of such option.

## 17. Continuation or Conversion of Group Health Insurance, 215 ILCS 5/367e & 367e.1

**Description:** Provides that upon voluntary or involuntary termination, employer must provide employees who have been covered by a group insurance plan for a specified time prior to termination the option to continue hospital, surgical and major medical coverage for a specified time for themselves and their dependents at the ex-employee's own expense.

## 18. Illinois Health Insurance Portability and Accountability Act, 215 ILCS 97

**Description:** In accordance with federal law, sets forth provisions for portability of coverage. Limits the ability of insurers to deny coverage based on preexisting conditions. Prohibits discrimination by insurers on other bases, such as health status and claims experience. Provides a procedure by which governmental employers who are self-insured may exempt themselves from certain provisions of the Act.

## 19. Illinois Athletic Trainers Practice Act, 225 ILCS 5/1 *et seq.*

**Description:** Requires athletic trainers to be licensed under the Act. Defines athletic trainer to include those who carry out the practice of prevention/emergency care and/or physical reconditioning of injuries incurred by athletes participating in an athletic program conducted by an educational institution. Creates Illinois Board of Athletic Trainers to conduct the licensing and examination of athletic trainers. Specifies minimum qualifications for licensing. Provides for investigation and hearings by the Department of Professional Regulation. Imposes a civil penalty for practicing without a license. This Act is scheduled to sunset on January 1, 2016.

## 20. Abused and Neglected Child Reporting Act, 325 ILCS 5/4, 4.5, and 7.12

**Description:** A superintendent, upon being requested for a reference concerning an employee or former

employee, must disclose to the requesting school district the fact that a district employee has made a report involving the applicant's conduct or caused a report to be made to DCFS. Requires deletion of the record of such report if DCFS informs the school district that the allegation was unfounded. Provides that the Department of Children and Family Services shall provide written notification of final determinations to the subjects of a report and other persons required to receive notice by regular U.S. mail. Also requires information and technology workers to immediately report depictions of child pornography on electronic and information equipment to local law enforcement or the National Center for Missing and Exploited Children's Cyber Tipline. See *supra*, **Boards of Education Section**, page 6, number 15. See *infra*, **Students and Parents Section**, page 24, number 4.

## 21. Illinois Vehicle Code, 625 ILCS 5/1-100 *et seq.*

### a. School Bus License Required for Operation of Charter Bus, 625 ILCS 5/6-104

**Description:** Provides that no one may drive a bus chartered solely to transport school children between interscholastic or school-sponsored activities without a school bus drivers' license.

### b. School Bus Drivers Deemed to Consent to Chemical Testing, 625 ILCS 5/6-106

**Description:** School bus drivers are deemed to have given consent to blood, breath, or urine tests to determine the alcohol content of the driver's blood if arrested by a police officer who has probable cause to believe the driver consumed an alcoholic beverage.

### c. School Bus Driver Permit, 625 ILCS 5/6-106.1

**Description:** Enumerates requirements for issuance of a school bus driver permit, which are generally related to driving ability and record. Requires criminal background checks on applicants for permit. Requires the Secretary of State to characterize a permit as inactive when a driver, who is a service member, notifies it that he or she has been called to active duty.

### d. Commercial Drivers' Licenses, 625 ILCS 5/6-500 *et seq.*

**Description:** Requires commercial drivers' license for any vehicle weighing over 26,000 pounds or designed to transport 16 or more persons. Prescribes qualifications for commercial drivers' license.

### e. Operating a School Bus While Using a Cell Phone, 625 ILCS 5/12-813.1

**Description:** Makes it a petty offense for a school bus driver to operate a moving school bus while using a cellular radio telecommunication device. Using a cell phone in an emergency or when the bus is parked are among the enumerated exceptions.

f. **Post-Trip Vehicle Inspection**, 625 ILCS 5/12-816.

**Description:** Each district must have a policy to ensure that the school bus driver is the last person leaving the bus and that no passenger is left behind.

**22. Jury Duty**, 705 ILCS 305/4.1

**Description:** Requires employers to provide unpaid time off for employees summoned for jury duty. Prohibits retaliation against employee for serving on a jury.

**23. Employment Protection for Subpoenaed Crime Witnesses**, 725 ILCS 5/115-18

**Description:** Prohibits employers from discharging or otherwise punishing any employee who misses work because he or she is subpoenaed to testify as a witness to a crime.

**24. Notice of Conviction**, 730 ILCS 5/5-5-3(j)

**Description:** When a school employee is convicted of certain drug or sex offenses, requires the Clerk of the Circuit Court to notify the regional superintendent, who must notify the State Board of Education.

**25. Wage Deductions for Benefit of Creditors**, 735 ILCS 5/12-801 through 5/12-819

**Description:** Establishes a creditor's right to reach a debtor's wages and the procedures for judgment creditors to garnish an employee's wages. Provides that the employer must notify the employee of the withholding and must obey the garnishment order. Limits the amount of the garnishment, and creates an avenue for an employee to challenge the garnishment.

**26. Citizen Participation Act**, 735 ILCS 110/1 *et seq.*

**Description:** Protects and encourages public participation in government to the maximum extent permitted by law. Establishes an efficient process for identification and adjudication of "Strategic Lawsuits Against Public Participation" (SLAPPs) and provides for attorneys fees and costs to prevailing movants. See *supra*, **Boards of Education Section**, page 6, number 19. See *infra*, **Litigation Section**, page 20, number 1.

**27. Illinois Civil Rights Act of 2003**, 740 ILCS 23/1 *et seq.*

**Description:** Prohibits state and local government from discriminating based on race, color, national origin, or gender. Victims of discrimination have a civil right of action in state court for intentional discriminatory conduct and for government policies and actions disparately impacting a protected group. The Act fills a perceived gap in Title VI of the Federal Civil Rights Act which authorizes suit for intentional discrimination only. See *infra*, **Students and Parents Section**, page 27, number 30.

**28. Right to Breastfeed Act**, 740 ILCS 137/1 *et seq.*

**Description:** Allows a mother to breastfeed her baby in any location, public or private, where the mother is otherwise authorized to be.

**29. Illinois Wage Assignment Act**, 740 ILCS 170/.01 *et seq.*

**Description:** Prescribes requirements for a valid wage assignment and for a valid demand to a debtor's employer for such assignment. Also requires notice to the employee in the specified format, and allows an employee to defend against assignment. Sets maximum amounts that can be assigned. Prohibits employers from discharging or suspending any employee because his earnings have been subjected to wage demands. Specifically provides that school employees' wages are not subject to collection under a wage assignment.

**30. Illinois Whistleblower Act**, 740 ILCS 174/1 *et seq.*

**Description:** Prohibits employers, including school districts, from knowingly taking adverse employment action or retaliating against an employee who discloses information to a government or law enforcement agency in a court, administrative hearing, or before a legislative commission when the employee has a reasonable belief that a violation of State or federal law, rules or regulation occurred.

**31. Employment Record Disclosure Act**, 745 ILCS 46/1 *et seq.*

**Description:** Provides employers with immunity from civil liability for the disclosure of information relating to a current or former employee's job performance. Limits the immunity to the disclosure of truthful information or information believed in good faith to be truthful. Creates a rebuttable presumption of good faith.

**32. Good Samaritan Act**, 745 ILCS 49/67

**Description:** Provides that anyone who is currently Red Cross-certified in first aid and provides first aid in good faith will not be liable to the aided person for civil damages, except willful and wanton misconduct.

**33. Illinois Human Rights Act**, 775 ILCS 5/1-101 *et seq.*

**Description:** Prohibits discrimination in employment based on a person's race, color, religion, national origin, ancestry, age, sex, marital status, handicap, military status, sexual orientation, or unfavorable discharge from military service. Requires establishment and maintenance of written sexual harassment policies. Makes it a civil rights violation for any employer to impose a restriction that has the effect of prohibiting a language from being spoken by an employee in communications

that are unrelated to the employee's duties. Also makes it a civil rights violation for a public employer to refuse to permit an employee who takes time off from work in order to practice his or her religion to engage in work during non-regular working hours to compensate for time lost for such religious reasons. Sets up system for processing of charges of violations of the Act.

**34. Religious Freedom Restoration Act,  
775 ILCS 35/1 *et seq.***

**Description:** Requires that all State and local government have a compelling interest to justify a substantial burden on an individual's free exercise of religion. See *supra*, **Boards of Education Section**, page 6, number 21.

**35. Labor Dispute Act, 820 ILCS 5/1 *et seq.***

**Description:** Prohibits Illinois courts from granting a restraining order or an injunction in any case arising out of a dispute concerning terms or conditions of employment. Prohibits injunctions or restraining orders against strikers who are behaving peaceably.

**36. Employment Contract Act,  
820 ILCS 15/1 *et seq.***

**Description:** Declares any contract or agreement in which a party promises not to join or remain a member of a labor organization, or to withdraw from employment upon joining a labor organization, as void, unenforceable, and against public policy.

**37. Advertisement for Strike Workers Act,  
820 ILCS 25/0.01 *et seq.***

**Description:** Prohibits employers from advertising to hire employees to replace employees who are on strike or locked out, unless the advertisement states that a strike or lockout is in progress.

**38. Employment of Strike Breakers Act,  
820 ILCS 30/0.01 *et seq.***

**Description:** Prohibits the knowing employment of professional strikebreakers in the place of an employee during any strike or lockout. Defines a professional strikebreaker as a person who repeatedly and habitually offers himself for employment on a temporary basis to take the place of an employee during a lockout or a strike.

**39. Employee Arbitration Act,  
820 ILCS 35/0.01 *et seq.***

**Description:** Allows an employer of not less than 25 employees, or a majority of the employees in a department, to apply to the Department of Labor when a controversy exists that does not involve questions which may be the subject of a civil action. The Department

will investigate the dispute, hear all interested persons, and make a written, public decision. The Department has full investigatory powers, including the power to issue subpoenas. The Department's decision is binding upon all parties who joined in the application for a set amount of time after the decision, or within a specified period after either party provides written notice of their intent not to be bound. Provides that when the Department learns of a threatened strike or lockout, it shall endeavor to mediate or decide the dispute.

**40. Personnel Record Review Act,  
820 ILCS 40/0.01 *et seq.***

**Description:** Gives employees the right to inspect their own personnel records upon request. The employer must grant at least 2 requests per employee per year, and must allow inspection within 7 days of the request. An employee may obtain copies of the information in the personnel file. The employee may designate a representative to view the records. If there is a dispute over the contents of the record, the employee may attach a written statement to the record. No record of a disciplinary action which is more than four years old can be released, unless such release is ordered to a party in a legal action or arbitration. Records of non-employment activities cannot be kept without the employee's permission. Records of unfounded DCFS investigations must be expunged.

**41. Health Insurance Claim Filing Act,  
820 ILCS 45/0.01 *et seq.***

**Description:** Declares it to be the public policy of Illinois to encourage employers to obtain group health insurance coverage and to encourage employees to exercise their rights under the same. Prohibits employers from discharging an employee in retaliation for filing a legitimate claim or the use or receipt of medical or health care services under any insurance or other health care arrangement.

**42. Right to Privacy in the Workplace Act,  
820 ILCS 55/1 *et seq.***

**Description:** Makes it unlawful for an employer to refuse to hire or to discharge or to otherwise discriminate against any individual because the individual uses lawful products off the premises of the employer during non-working hours. Makes it unlawful for an employer to inquire whether a prospective employee has ever filed a claim or received benefits under the Workers' Compensation Act or the Workers' Occupational Diseases Act.

**43. Minimum Wage Law, 820 ILCS 105/1 *et seq.***

**Description:** Establishes a minimum hourly wage and declares all contracts or agreements for less than this wage to be void. Prohibits discrimination in wages based

on sex or handicap. Provides overtime requirements. Establishes posting and record-keeping requirements. Creates a private right of action for underpayment and allows for collection of attorney's fees.

#### **44. Equal Pay Act of 2003, 820 ILCS 112/1 et seq.**

**Description:** Prohibits discrimination by an employer on the basis of sex by paying lower wages to someone of the opposite sex than someone doing the same or substantially similar work without a valid, nondiscriminatory reason. Establishes related recordkeeping requirements and fines and penalties for violations. Gives the Director of Labor the power to enforce the statute.

#### **45. Illinois Wage Payment and Collection Act, 820 ILCS 115/1 et seq.**

**Description:** Prescribes pay periods and time limits for payment of wages earned. Requires payment of final wages, including accrued vacation, owed to "separated" employees. Allows for certain common deductions from an employee's wages, such as those required by law or for the benefit of the employee.

#### **46. Wages of Women and Minors Act, 820 ILCS 125/1 et seq.**

**Description:** Requires Employers to pay women and minors a fair and reasonable wage sufficient to meet the minimum cost of living. Gives Department of Labor authority make regulations and to conduct inspections of work places to determine whether Women and Minors are being paid in accordance with the Act. Creates a specific hearing procedure and the Wage Board to hear claims of violations of the Act. Imposes a record-keeping requirement on employers and sets out the penalties for substantiated violations.

#### **47. One Day Rest In Seven Act, 820 ILCS 140/1 et seq.**

**Description:** Requires employers to provide nonexempt employees a minimum amount of rest in every calendar week in addition to the regular period of rest allowed at the close of each working day. Requires employers to permit employees who do not have meal periods established through a collective bargaining agreement, a meal period meeting the requirements in the statute. Requires employers to keep a time book showing the names and addresses of all employees and the hours worked by them on each day.

#### **48. School Visitation Rights Act, 820 ILCS 147/1 et seq.**

**Description:** Requires employers of 50 or more employees to grant employees unpaid leave of up to a total of 8 hours during any school year to attend school

conferences or classroom activities related to the employee's child, if the activities cannot be scheduled during non-work hours and the employee has exhausted all accrued vacation, personal and compensatory leave.

#### **49. Leaves of Absence**

The following State laws grant certain leaves of absence to employees of the State and municipalities. They are not applicable to school districts but some school districts may grant these leaves.

##### **a. Organ Donor Leave Act, 5 ILCS 327/1 et seq.**

**Description:** Provides time off with pay for State employees who donate an organ, bone marrow, blood, or blood platelets upon meeting certain statutory requirements. Gives the Department of Central Management Services rulemaking authority to (i) establish conditions and procedures for requesting and approving leave and (ii) require medical documentation of the proposed organ or bone marrow donation before leave is approved by the employer.

##### **b. Local Government Disaster Service Volunteer Act, 50 ILCS 122/1 et seq.**

**Description:** Allows certain employers to grant an employee who meets certain statutory requirements leave from his or her work with pay for not more than 20 working days in any 12 month period to participate in specialized disaster relief services for the American Red Cross or for the Illinois Emergency Management Agency, as the case may be, upon the request of the American Red Cross or the Illinois Emergency Management Agency for the services of that employee and upon the employer's approval. The employee will also not lose seniority, pay, vacation time, compensatory time, personal days, sick time, or earned overtime accumulation during the leave.

##### **c. Civil Air Patrol Leave Act, 820 ILCS 148/1 et seq.**

**Description:** Requires employers of 15 or more employees, including the State and units of local government, to grant unpaid leave to its employees who are civil air patrol members performing a civil air patrol mission. Bases the maximum amount of leave on the size of the employee workforce and protects the employee's pre-leave benefits, requires restoration of benefits after the leave and authorizes civil enforcement actions.

##### **d. Employee Blood Donation Leave Act, 820 ILCS 149/1 et seq.**

**Description:** Requires employers of 51 or more employees to grant employees time off with pay to donate blood, no more than 1 hour every 56 days, if the employee has obtained the employer's approval. Gives the Director of Labor rule-making authority.

**50. Employee Medical Contribution Act,  
820 ILCS 150/1 *et seq.***

**Description:** Provides that if an employee agrees to let his employer make deductions from his paycheck for a medical service plan, the employer must accept cash payments in lieu of such deduction for a specified period if the employee is unable to earn sufficient wages to cover the deduction amounts, provided the employee does not accept employment elsewhere.

**51. Family Military Leave Act,  
820 ILCS 151/1 *et seq.***

**Description:** Defines family military leave as leave requested by an employee who is a spouse or parent of a person called to military service lasting longer than the statutorily allowed time with the state or United States. Requires employers of 15-50 employees to provide a certain period of days of unpaid family military leave during the time the deployment orders are in effect and employers of more than 50 employees to provide a certain period of days, subject to various conditions. Protects the position of and benefits accrued to an employee who takes such leave. Creates a related civil right of action against an employer who violates the Act.

**52. Medical Care Savings Account Act of 2000,  
820 ILCS 153/1 *et seq.***

**Description:** Allows employers to offer a tax-exempt medical care savings account program to their employees. Money in the account may be used to pay the medical expenses of the employee or the employee's dependents, or to purchase a health care policy. Puts restrictions on non-medical deductions from the account. This Act is scheduled to sunset on January 1, 2010.

**53. Employee Benefit Contribution Act,  
820 ILCS 160/0.01 *et seq.***

**Description:** Provides fines and penalties for employers who make any promise to make payments to any employee benefit plan, and who, with intent to defraud the employees or their beneficiaries, fail to make such payments within the specified period after they become due and payable. Requires notification to the employees when a failure to make payments to a health insurance plan may result in the total loss of insurance coverage.

**54. Personal Service Wage Refund Act,  
820 ILCS 165/1 *et seq.***

**Description:** Makes it unlawful for any person to request or attempt to induce any employee to return any portion of his wages to his employer when a collective bargaining agreement or contract requires that employees be paid at a stipulated wage. Does not apply to normal payroll deductions such as social security, health insurance, etc.

**55. Earned Income Tax Credit Information Act,  
820 ILCS 170/1 *et seq.***

**Description:** Requires employers to notify all employees who receive gross wages less than the maximum amount that may qualify for the federal earned income tax credit that they may be eligible for the tax credit and may either apply for the credit on their tax return or receive the credit in advance payments during the year.

**56. Victim's Economic Security and Safety Act,  
820 ILCS 180/1 *et seq.***

**Description:** Provides that an employee who is a victim of domestic or sexual violence may take unpaid leave from work to address the domestic or sexual violence through various services or medical care. Allows an employer to require certification of the violence and the purpose of the leave. Requires that the employee who takes such leave be allowed to return to her position without a loss of benefits. Also requires under some conditions that the employer continue health insurance coverage and that the employer maintain confidentiality. Further prohibits related discriminatory acts by an employer.

**57. Child Labor Law, 820 ILCS 205/1 *et seq.***

**Description:** Regulates the employment of minors 16 years of age and younger. Minors aged 14 or 15 who are participating in federally funded work experience career education programs under the direction of the State Board of Education are exempted. Contains maximum hour requirements and prohibits the employment of any minor in a hazardous occupation. Requires employers of minors to keep employment certificate on file.

**58. Health and Safety Act,  
820 ILCS 225/.01 *et seq.***

**Description:** Comprehensive regulation of workplace safety and health. Makes it the duty of every public employer to provide reasonable protection to the lives, health, and safety of its employees, and to provide a place of employment which is free from recognized hazards that are causing or are likely to cause death or serious physical harm. Requires reporting and record-keeping of all workplace deaths and injuries which require medical treatment other than first aid. Adopts federal safety and health standards as rules and gives the Director of Labor rule-making, public hearing, subpoena, and variance-granting powers. Employees and employers covered by the Health and Safety act are immune from liability under the Good Samaritan Act, 745 ILCS 49/1 *et seq.*, when they provide free first aid to other employees.

**59. Medical Examination of Employees Act,  
820 ILCS 235/0.01 *et seq.***

This law could apply to school districts only to the extent they could be considered common carriers.

**Description:** Prohibits employers from requiring an employee or an applicant to pay the cost of a medical examination or the cost of furnishing medical records required by the employer as a condition of employment.

**60. Toxic Substances Disclosure to Employees Act, 820 ILCS 255/1 *et seq.***

**Description:** Requires employers to give each employee notice of his or her exposure to toxic substances which pose known and suspected health hazards and which may cause death or serious physical harm to the employee. Adopts federal definition of toxic substances, and allows Director of Department of Public Health to add to the list after public hearing. Requires the use of Material Safety Data Sheets, and posting of employee rights. Specifies labeling requirements for hazardous materials. Prevents discipline of employees who exercise their rights under the Act.

**61. Nursing Mothers in the Workplace Act,  
820 ILCS 260/1 *et seq.***

**Description:** Requires employers of more than 5 employees to provide reasonable unpaid break time each day to employees who need to express breast milk for an infant child, but only if to do so would not unduly disrupt the employer's operations. Further requires that a private place other than a bathroom stall be provided for such mothers to express milk.

**62. Workers' Compensation Act,  
820 ILCS 305/1 *et seq.***

**Description:** Requires employers to provide and pay compensation for accidental injuries sustained by an employee arising out of and in the course of employment. Requires employers to maintain insurance (either purchased or self-insured) against claims for such compensation. Lists amounts of compensation to be paid for various injuries and death, and limits employer's liability to these amounts. Establishes a fee schedule for procedures, treatments, or services covered under the Act. Declares certain intentional fraudulent activities involving workers' compensation claims unlawful and creates penalties for fraud.

**63. Workers' Occupational Diseases Act,  
820 ILCS 310/1 *et seq.***

**Description:** Similar to Workers' Compensation Act, but provides compensation for occupational illnesses and diseases instead of accidental injuries. Requires covered employers to maintain insurance against claims arising out of illnesses and diseases. Adopts compensation amounts from Workers' Compensation Act.

**64. Unemployment Insurance Act,  
820 ILCS 405/100 *et seq.***

**Description:** Comprehensive regulation of unemployment insurance system. Requires employers to provide involuntarily unemployed, eligible, former employees with certain benefits. Provides means by which employers are required to insure that funds are available to pay eligible unemployment claims. Section 1801.1 requires employers to report newly hired employees to the Department of Employment Security.

## FINANCIAL AFFAIRS

**1. Identity Protection Act, 5 ILCS 179/1 *et seq.***

**Description:** Prohibits – with certain exceptions – school districts from printing, publicly displaying or requiring an individual's social security number and requires adoption of a policy and training on how to protect social security numbers.

**2. Responsible Education Funding Law,  
15 ILCS 20/50-20**

**Description:** Requires the Governor to, among other things, submit to the General Assembly a proposed budget for elementary and secondary education in which the General Revenue Fund appropriations are no less than the total General Revenue Fund appropriations of the previous fiscal year.

**3. Direct Deposit of State Payments,  
15 ILCS 405/9.03**

**Description:** Allows for direct deposit to persons paid for personal services. Establishes a program for the electronic direct deposit of payments to local school districts, which may be made without the use of the voucher-warrant system.

**4. Public Education Affinity Credit Card Act,  
15 ILCS 550/1 *et seq.***

**Description:** Authorizes the State Treasurer to enter into an agreement with a credit card issuer for the issuance of a credit card to benefit public elementary and high schools in Illinois.

**5. Illinois Enterprise Zone Act,**  
20 ILCS 655/1 *et seq.*

**Description:** Allows municipalities and counties, subject to the approval of the Illinois Department of Commerce and Economic Affairs, to designate depressed areas as enterprise zones and offer various state and local tax incentives to developers, including property tax abatement.

**6. AED Heartsaver Fund,**  
20 ILCS 2310/2310-371.5.

**Description:** Subject to appropriation, gives the Department of Public Health power to make matching grants from the Heartsaver AED Fund, a special fund created in the State treasury, to any school in the State (and other units of local government) to assist in the purchase of an Automated External Defibrillator. Requires applicant to demonstrate that it has funds to pay 50% of the cost of the AEDs for which matching grant moneys are sought. Limits any applicants to one grant each fiscal year. See *infra*, **Property and Contracts Section**, page 21, number 1.

**7. Green Buildings Act, 20 ILCS 3130/ *et seq.***

**Description:** Requires that State-funded building construction and major renovations of existing State-owned facilities are required to meet certain LEED (Leadership in Energy and Environmental Design) building rating standards, the Green Globes' (The Green Building Initiative) green building construction model or equivalent certification. The Act provides for a waiver in the event the standards create an unreasonable financial burden, an unreasonable impediment to construction, impairment of the principal function of the building, or compromise the historic nature of the structure. See *infra*, **Property and Contracts Section**, page 21, number 2.

**8. Public Funds Accounting Act,**  
30 ILCS 20/1 *et seq.*

**Description:** Establishes recordkeeping and signature requirements for receipts and disbursements of public funds by officers of public bodies.

**9. Special Funds, 30 ILCS 105/5**

**Description:** Creates a number of special funds, including a number of funds that provide aid to school districts for specific purposes.

**10. Common School Fund, 30 ILCS 105/8a**

**Description:** Requires transfers from the General Revenue Fund to the Common School Fund (from which school districts receive state aid) and provides the schedule for such transfers.

**11. State Pensions Fund, 30 ILCS 105/8.12**

**Description:** Requires the General Assembly to appropriate money in this fund annually to support designated retirement systems including the State Employees' Retirement System and the Teachers' Retirement System.

**12. Public Funds Deposit Act,**  
30 ILCS 225/0.01 *et seq.*

**Description:** Authorizes a school district's treasurer to deposit public funds in a bank or savings and loan association meeting certain requirements. Requires that funds be invested within a specified amount of working days if they are not needed for immediate disbursement. Authorizes the use of security for deposits.

**13. Public Funds Investment Act,**  
30 ILCS 235/0.01 *et seq.*

**Description:** Governs investments of school district funds and requires school boards to develop a written investment policy. Certificates of deposit, governmental securities, commercial paper of private corporations, and interest bearing bank deposits are among the investment vehicles that are permissible for school funds, provided they meet specified standards. School districts may combine their funds for investment purposes. Prohibits certain conflicts of interest on the part of treasurers and other officers.

**14. Public Funds in Failed Banks Act,**  
30 ILCS 240/0.01 *et seq.*

**Description:** Immunizes treasurers and custodians of public funds that have been deposited in a bank that has closed or failed, except to the extent that such funds are repaid through the bank's liquidation.

**15. Bond Authorization Act, 30 ILCS 305/1 *et seq.***

**Description:** Establishes the maximum allowable bond interest rate and authorizes various forms of interest-rate swaps (derivative transactions relating to interest rates which serve to hedge interest rate risk).

**16. Registered Bond Act, 30 ILCS 310/1 *et seq.***

**Description:** Authorizes public corporations, including school districts, to issue in registered form any bonds they are authorized by law to issue.

**17. Illinois Bond Replacement Act,**  
30 ILCS 315/1 *et seq.*

**Description:** Requires school districts to issue a replacement bond for an unmatured bond that has been lost, destroyed, or defaced when certain criteria are met.

**18. Uniform Facsimile Signature of Public Officials Act, 30 ILCS 320/1 et seq.**

**Description:** Allows public officials to use facsimile signatures on defined financial documents only upon the proper filing of manual signatures with the Secretary of State.

**19. General Obligation Bond Act, 30 ILCS 330/1 et seq.**

**Description:** Authorizes State issuance of bonds to fund various State and local projects.

**20. Local Government Debt Reform Act, 30 ILCS 350/1 et seq.**

**Description:** Provides supplemental authority regarding the issuance and sale of bonds, including alternate, double-barreled, and limited bonds, and provides the procedure for same. Provides supplemental authority for issuance of warrants or notes against anticipated property tax income and state aid. Provides authority for installment lease/purchase and sale-leaseback financing. Provides authority for county occupation tax for school facility purposes.

**21. Bond Issue Notification Act, 30 ILCS 352/1 et seq.**

**Description:** Requires that corporate authorities of districts issuing non-referendum general obligation bonds or limited bonds hold at least one public hearing on the district's intent to issue bonds. Also includes notice requirements, with coordination of notice publication for backdoor referendum bonds. Prohibits corporate authorities from voting on bond ordinances or resolutions for a period of time after the close of the last hearing. Exempts certain issuances and provides an exception for emergencies.

**22. School Construction Bond Act, 30 ILCS 390/1 et seq.**

**Description:** Provides for capital facilities planning assistance; provides funds to make grants to local school districts for acquisition, development, construction, reconstruction, rehabilitation, improvement, financing, architectural planning, and installation of capital facilities; provides for the issuance and sale of bonds to finance such planning assistance, acquisitions planning, and installation.

**23. Local Food, Farms and Food Products Act, 30 ILCS 595/1 et seq.**

**Description:** Encourages all entities funded by State dollars to purchase at least 10% of its food purchased from local farm or food producer and creates a Local Food, Farms and Jobs council to facilitate the growth of Illinois-based local farm and food products. See *infra*, **Property and Contracts Section**, page 21, number 8.

**24. Use Tax Act Exemption (and Other Sales Tax Exemptions), 35 ILCS 105/3-5, 35 ILCS 110/3-5, 35 ILCS 115/3-5, 35 ILCS 120/2-5**

**Description:** Provides exemption from sales taxes for items purchased by school districts. Also exempts from sales taxes any motor vehicles donated to schools and any personal property purchased at fundraising events for schools. Provides further exemption for personal property purchased by a lessor who leases the property to a school district for a designated period.

**25. Property Tax Code, 35 ILCS 200/1-1 et seq.**

**Description:** Provides the major source of local revenue for public schools.

a. **Assessment, 35 ILCS 200/9-145**

**Description:** Provides the process for real property valuation, assessment and equalization for purposes of computing property taxes. Valuation and assessments are performed by the county or township assessor. The assessor's figures are equalized by the Illinois Department of Revenue to develop a common level of assessments among counties. The Department equalizes assessments by means of multipliers assigned to each county. The multiplier is applied to all assessments in a county to adjust assessments by a given percentage in order to bring the county level to a specified percentage of fair market value.

b. **Exemptions from Real Estate Taxes, 35 ILCS 200/15-5 et seq.**

**Description:** Exempts school property from real estate taxes. Also creates a number of other exemptions based on ownership and/or use of a particular parcel.

c. **Challenges to Property Assessment, 35 ILCS 200/16-55 and 16-130, and 200/16-160 et seq.**

**Description:** Authorizes school boards to challenge any property assessment by filing a complaint with the county board of review. For taxpayers' assessment challenges, requires notice to school boards if change in assessed valuation would be \$100,000 or more and authorizes school boards to intervene. Decisions of the county board of review may be appealed to the Property Tax Appeals Board and to the courts with defined procedures.

d. **Filing Budget and Appropriation Resolution, 35 ILCS 200/18-50**

**Description:** Mandates that a certified copy of the budget resolution be filed with the county clerk within a specified time of the adoption of the budget. Failure to file the required documents authorizes the county clerk to refuse to extend the tax levy imposed by the school board until the documents are filed.

- e. **Levy Adopted By a School Finance Authority**, 35 ILCS 200/18-50.1

**Description:** Declares that a School Finance Authority created pursuant to the Downstate School Finance Authority for Elementary Districts Law need not file a certified copy of the budget and appropriation resolution for its levy to be valid.

- f. **Truth In Taxation Law**, 35 ILCS 200/18-55 *et seq.*

**Description:** Requires each school board, within a specified amount of days prior to adoption of its aggregate tax levy, to determine the amount of money estimated to be necessary to be raised by taxation for that year on the taxable property within its district. Requires taxing bodies to disclose by publication, and to hold a public hearing, on their intention to adopt an aggregate levy more than 105% of its prior year's extension, including any amount abated by the taxing district before such extension upon the final aggregate levy of the preceding year.

- g. **Additional or Supplemental Extension**, 35 ILCS 200/18-112

**Description:** Requires the county clerk to include a school district's supplemental budget, if one is adopted under Section 17-3.2 of *The School Code*, in the extension of taxes for the year.

- h. **Abatement of Taxes**, 35 ILCS 200/18-165 and 18-170

**Description:** Allows taxing districts, including school districts, to abate real estate taxes upon a majority vote of the governing board for specific types of property and for any property in enterprise zones.

- i. **Property Tax Extension Limitation Law**, 35 ILCS 200/18-185 *et seq.*

**Description:** Imposes a property tax cap on school districts located in Cook County, a county contiguous to Cook County, and a county that has adopted it by referendum. It limits the aggregate tax rate when the current year's tax extension reaches 105% of the prior year's tax extension or the percentage increase in the Consumer Price Index, whichever is less. Provides for voter approval of new rates, debt service extension bases, limiting rate increases and extension limitation increases.

- j. **Property Taxes— Collected and Distributed**, 35 ILCS 200/20-50 *et seq.* and 200/20-130 *et seq.*

**Description:** Provides the schedule for when property taxes are collected and distributed.

- k. **Procedures and Adjudication for Tax Objections**, 35 ILCS 200/23-5 *et seq.*

**Description:** Establishes procedures for the filing of taxpayer complaints, involvement of taxing districts, and judicial resolution of property tax rate objections. Requires school districts to refund with interest any unlawfully collected taxes.

26. **IMRF levy**, 40 ILCS 5/ Article 7

**Description:** Creates the "Illinois Municipal Retirement Fund" to provide a sound and efficient system for the payment of annuities and other benefits to certain officers and employees of municipalities, and to their beneficiaries as defined, in addition to the annuities and benefits available under the Federal Social Security Act.

27. **Local Government Officer Compensation Act**, 50 ILCS 145/1 *et seq.*

**Description:** Provides that the compensation of elected officers to be fixed by school districts must be fixed for a period of time prior to the start of the term of such officers. See *supra*, **Board of Education Section**, page 5, number 12.

28. **Local Government Acceptance of Credit Cards Act**, 50 ILCS 345/1 *et seq.*

**Description:** Allows school districts to accept payment of fines, fees, and other costs by credit card upon authorization by the school board. Further authorizes recoupment of credit card transaction fees imposed upon certain transactions.

29. **Local Government Debt Limitation Act**, 50 ILCS 405/0.01 *et seq.*

**Description:** Provides that school districts having a population of less than 300,000 shall not become indebted in an amount in the aggregate exceeding 2.875% on the value of the taxable property therein. The debt limitation does not apply to any indebtedness incurred in connection with the issuance of funding bonds or the acquiring or improving of a site or sites, construction extending, improving and/or equipping school buildings or establishing a working cash fund.

30. **Local Government Credit Enhancement Act**, 50 ILCS 410/1 *et seq.*

**Description:** Authorizes school districts, in connection with the issuance of their bonds, to enter into agreements to provide additional security or liquidity, or both, for their bonds.

31. **Local Government Defeasance of Debt Law**, 50 ILCS 415/0.01 *et seq.*

**Description:** Provides that school districts may effect the net defeasance (deposit in escrow of moneys in an amount sufficient, when added to guaranteed interest earnings of such funds, to pay all remaining principal and interest until maturity) or the gross defeasance (deposit in escrow of cash or cash equivalents in an amount sufficient to pay all remaining principal and interest until maturity) of any outstanding debt.

**32. Tax Anticipation Note Act,**  
50 ILCS 420/0.01 *et seq.*

**Description:** Authorizes school boards to issue full faith and credit tax anticipation notes as a means of securing operating funds.

**33. Revenue Anticipation Act,**  
50 ILCS 425/0.01 *et seq.*

**Description:** Authorizes school districts to issue obligations to anticipate revenue from any sources including, but not limited to, federal aid, state revenue sharing, local taxes, and fees.

**34. Local Government Bond Validity Act,**  
50 ILCS 440/0.01 *et seq.*

**Description:** Declares the validity of any bond, interest coupon, or certificate of indebtedness unimpaired although one or more of the officers executing such bond, interest coupon, or certificate of indebtedness ceases to be an officer before the delivery to the purchaser.

**35. Local Government Prompt Payment Act,**  
50 ILCS 505/1 *et seq.*

**Description:** Provides the procedure for the approval and prompt payment of bills from vendors and contractors for goods or services furnished to the district. See *infra*, **Property and Contracts Section**, page 22, number 10.

**36. Public Works Contract Change Order Act,**  
50 ILCS 525/1 *et seq.*

**Description:** Requires rebidding portions of public works contracts covered by a change order if the change order is entered into by a school district, is not procured in accordance with the *Illinois Procurement Code* and the *State Finance Act*, and authorizes or necessitates a change in the contract or subcontract price of at least 50%. See *infra*, **Property and Contracts Section**, page 22, number 13.

**37. Tax Increment Allocation Redevelopment Act,** 65 ILCS 5/11-74.4-1 *et seq.*

**Description:** Provides for municipalities to establish TIF districts to finance redevelopment projects that will eradicate blighted areas or prevent areas in danger of becoming blighted from declining further. When a TIF district is created, the equalized assessed valuation of property within the TIF district is frozen at its current valuation insofar as its impact on school district property tax revenue is concerned. As the actual value of the property within the TIF district increases, however, incremental tax revenues are used by the municipality to finance redevelopment project costs. Under this Act, revenue derived from future increases in assessed value may be lost to the school district for a period of years,

depending upon provisions of the municipal ordinance creating the tax increment financing district. Provides for some payments to school districts for multi-unit residential properties developed in TIF.

**38. Industrial Jobs Recovery Law,**  
65 ILCS 5/11-74.6-1 *et seq.*

**Description:** Provides for municipalities to establish TIF districts to finance redevelopment projects that will result in job creation in certain environmentally contaminated areas, industrial park conservation areas, and vacant buildings conservation areas.

**39. Economic Development Project Area Tax Increment Allocation Act of 1995,**  
65 ILCS 110/1 *et seq.*

**Description:** Provides for municipalities to establish TIF districts in certain closed military installations.

**40. Grants for School Libraries,** 75 ILCS 10/8.4

**Description:** Mandates the State Librarian to make annual grants to all school districts for the establishment and operation of qualified school libraries. Contains the qualification requirements for grants.

**41. Criminal Theft of Governmental Property,**  
720 ILCS 5/15-10, 720 ILCS 5/16-1

**Description:** Imposes increased penalties for theft of governmental property, which is defined to include school district funds or other property. See *infra*, **Property and Contracts Section**, page 23, number 26.

**42. Antitrust Act provision protecting school districts from antitrust liability,** 740 ILCS 10/11

**Description:** Exempts the exercise by school districts of powers granted, either expressly or by necessary implication, by Illinois statute or the Illinois Constitution from Antitrust Act, which promotes the unhampered growth of commerce and industry throughout the State by prohibiting restraints of trade which are secured through monopolistic or oligarchic practices and which act or tend to act to decrease competition between and among persons engaged in commerce and trade, whether in manufacturing, distribution, financing, and service industries or in related for-profit pursuits.

**43. Local Governmental and Governmental Employees Tort Immunity Act,**  
745 ILCS 10/9-101 *et seq.*

**Description:** Authorizes local governments, including school districts, to issue judgment bonds and to levy taxes to pay for liability insurance, judgment bonds, settlements and judgments, and the costs of risk management programs. Restricts use of such funds. See *infra*, **Litigation Section**, page 20, number 4.

**44. Not For Profit Corporation Act of 1986,**  
805 ILCS 105/101.01 *et seq.*

**Description:** Establishes requirements for incorporating, operating, and dissolving not-for-profit corporations, including educational foundations.

**45. Collection Fee for Insufficient Fund Checks,**  
810 ILCS 5/3-806

**Description:** Provides the maximum fee that may be charged for returned checks.

## LITIGATION

**1. Citizen Participation Act,**  
735 ILCS 110/1 *et seq.*

**Description:** Protects and encourages public participation in government to the maximum extent permitted by law. Establishes an efficient process for identification and adjudication of “Strategic Lawsuits Against Public Participation” (SLAPPs) and provides for attorneys fees and costs to prevailing movants. See *supra*, **Boards of Education Section**, page 6, number 19. See *supra*, **Employees Section**, page 11, number 26.

**2. Parental Responsibility Law,**  
740 ILCS 115/1 *et seq.*

**Description:** Makes the parent or legal guardian of an unemancipated minor, who resides with the parent or legal guardian liable for actual damages for the willful or malicious acts of the minor which cause injury to a person or property. The parent or legal guardian may be liable for actual damages up to \$20,000 for the first act or occurrence of such willful or malicious acts by the minor causing injury or up to \$30,000 if a pattern or practice of willful or malicious acts by a minor exists for a separate act or occurrence. If the plaintiff is a governmental unit, the plaintiff may be awarded reasonable attorney’s fees up to \$15,000. See *infra*, **Students and Parents Section**, page 27, number 32.

**3. Whistleblower Reward and Protection Act,**  
740 ILCS 175/1 *et seq.*

**Description:** Allows school districts to adopt the provisions of the Act, under which the district may recover damages from individuals who make false claims against the school district.

**4. Local Governmental and Governmental Employees Tort Immunity Act,**  
745 ILCS 10/1-101 *et seq.*

**Description:** Grants immunities and defenses to local public entities (including school districts) and public employees from liability arising from the operation of

government. Prohibits liability of a local public entity for punitive or exemplary damages. Denies liability of a local public entity for a number of things, including failure to inspect property, negligent inspection of property, oral misrepresentation, libel and slander, or negligent misrepresentation by computer or other electronic transmission. Further the act, in some instances, protects a local public entity and its employees against claims alleging a failure to supervise an activity on public property. Protects public employees from liability for acts or injuries resulting from an exercise of discretion, even if such discretion is abused. Denies liability for injuries based on a condition of any public property intended or permitted to be used for recreational purposes, unless the local public entity or public employee is guilty of willful and wanton conduct proximately causing such injury. Adopts one year statute of limitations for any action for any injury against a local public entity. See *supra*, **Financial Affairs**, page 19, number 43.

**5. Tort Liability of Schools Act,**  
745 ILCS 25/0.01 *et seq.*

**Description:** Covers both public and non-profit private schools. Sets one year statute of limitations for any civil action for injuries against such schools. Requires notice of injury to be filed within a specific time frame and with the school attorney setting forth the cause of action. Failure to file such notice results in dismissal of the suit and forever bars the person from further suing. Limits damages to \$10,000 for each separate cause of action.

**6. Checks or Drafts Not Honored Upon Presentment—Liability of Drawer,**  
810 ILCS 5/3-806

**Description:** Allows for collection of all costs and expenses, including reasonable attorney’s fees and interest, incurred in the collection of a dishonored check. Requires written demand for payment by certified mail prior to action for collection.

## PROPERTY AND CONTRACTS

### 1. AED Heartsaver Fund, 20 ILCS 2310/2310-371.5

**Description:** Subject to appropriation, gives the Department of Public Health power to make matching grants from the Heartsaver AED Fund, a special fund created in the State treasury, to any school in the State (and other units of local government) to assist in the purchase of an Automated External Defibrillator. Requires applicant to demonstrate that it has funds to pay 50% of the cost of the AEDs for which matching grant moneys are sought. Limits any applicants to one grant each fiscal year. See *supra*, **Financial Affairs Section**, page 16, number 6.

### 2. Green Buildings Act, 20 ILCS 3130/ *et seq.*

**Description:** Requires that State-funded building construction and major renovations of existing State-owned facilities are required to meet certain LEED (Leadership in Energy and Environmental Design) building rating standards, the Green Globes' (The Green Building Initiative) green building construction model or equivalent certification. The Act provides for a waiver in the event the standards create an unreasonable financial burden, an unreasonable impediment to construction, impairment of the principal function of the building, or compromise the historic nature of the structure. See *supra*, **Financial Affairs Section**, page 16, number 7.

### 3. Governmental Joint Purchasing Act, 30 ILCS 525/1 *et seq.*

**Description:** Allows any governmental entity to purchase personal property, supplies, and services jointly with one or more other governmental entities.

### 4. Public Construction Bond Act, 30 ILCS 550/0.01 *et seq.*

**Description:** Requires every contractor for public work to furnish a bond to the school district, in an amount fixed by the board, for the completion of the contract, for the payment of material used in such work, and for all labor performed.

### 5. Steel Products Procurements Act, 30 ILCS 565/1 *et seq.*

**Description:** The Act requires school districts to include in all contracts for the construction, reconstruction, alteration, repair, improvement or maintenance of public works a provision that steel products used or supplied in the performance of such contracts or any sub-contracts related thereto be manufactured or produced in the United States. The Act provided exceptions to this rule for contracts involving less than \$500 and when using domestic steel products would increase the cost of the contract by more than 10%, when there are

insufficient quantities of domestic steel available or when the use of domestic steel is otherwise not in the public interest. The Act establishes penalties against contractors who contract in knowing violation of the Act and provides that the Attorney General may prosecute an action to enforce the Act. Enforceability of this Act in light of current treaties should be reviewed.

### 6. Employment of Illinois Workers on Public Works Act, 30 ILCS 570/0.01 *et seq.*

**Description:** Requires employers to employ only Illinois laborers during periods of excessive unemployment in Illinois. Also requires the following contractual provision: Provided, that other laborers may be used when Illinois laborers as defined in this Act are not available, or are incapable of performing the particular type of work involved, if so certified by the contractor and approved by the contracting officer. Provides that those who knowingly fail to use Illinois laborers as required in the Act shall be guilty of a Class C misdemeanor.

### 7. Drug-Free Workplace Act, 30 ILCS 580/1 *et seq.*

**Description:** No grantee or contractor shall receive a grant or contract from a school district unless that grantee or contractor certifies to the district that it will provide a drug-free workplace. Contains the specific requirements for a "drug-free workplace."

### 8. Local Food, Farms and Food Products Act, 30 ILCS 595/1 *et seq.*; 20 ILCS 205/205-45; 20 ILCS 205/205-46

**Description:** Encourages all entities funded by State dollars to purchase at least 10% of its food purchased from local farm or food producer and creates a Local Food, Farms and Jobs council to facilitate the growth of Illinois-based local farm and food products. See *supra*, **Financial Affairs Section**, page 17, number 23.

### 9. Public Officer Prohibited Activities Act, 50 ILCS 105/0.01 *et seq.*

**Description:** Regulates holding of multiple governmental offices. Prohibits any elected or appointed office holder from being in any manner interested, either directly or indirectly, in any contract or the performance of any work in the making or letting of which the officer may be called upon to act or vote. Prohibits officers from receiving bribes or gifts to influence their official actions. Allows officeholders to be interested in some small contracts under specified circumstances. See *supra*, **Boards of Education Section**, page 5, number 10.

**10. Local Government Prompt Payment Act, 50 ILCS 505/1 et seq.**

**Description:** Provides that a school district must approve or disapprove a bill submitted for payment within the designated time frame, and payment must be made within a certain period after receiving approval. Failure to make a timely payment carries a specific interest penalty. See *supra*, **Financial Affairs Section**, page 19, number 35.

**11. Local Government Professional Services Selection Act, 50 ILCS 510/0.01 et seq.**

**Description:** Provides the procedure for school boards to procure architectural, engineering, or land surveying services on the basis of demonstrated competence and qualifications.

**12. Soybean Ink Act, 50 ILCS 520/1 et seq.**

**Description:** Contractors must use soybean ink when providing printing services to school districts, unless the district determines that another type of ink is required to assure high quality and reasonable pricing of the printed product.

**13. Public Works Contract Change Order Act, 50 ILCS 525/1 et seq.**

**Description:** Requires rebidding portions of public works contracts covered by a change order if the change order is entered into by a school district, is not procured in accordance with the *Illinois Procurement Code* and the *State Finance Act*, and authorizes or necessitates a change in the contract or subcontract price of at least 50%. See *supra*, **Financial Affairs Section**, page 19, number 36.

**14. Local Government Property Transfer Act, 50 ILCS 605/0.01 et seq.**

**Description:** Allows school districts and other governmental entities to transfer adjacent territory under certain circumstances. Specifies procedure for transfer. Also allows leasing of property and transfer of property to the State.

**15. Annexation—Real Estate Owned By School Districts, 65 ILCS 5/7-1-14**

**Description:** Provides procedure for annexation by a municipality of real estate owned by a school district which is situated in unincorporated territory adjacent to the municipality.

**16. Schools—Annexed Territory in Certain Cities Under Special Charter—Taxation, 65 ILCS 5/8-3-12**

**Description:** Allows a municipality having a population of less than 20,000 which is operating under a spe-

cial act and whose public schools within its corporate limits are governed by this special act, to annex territory for school purposes upon a petition signed by a majority of the electors in the territory. Provides that said territory will be detached from any school district which it was previously a part of. Allows city to levy and collect taxes for school purposes in the annexed territory.

**17. Adult Advertising, 65 ILCS 5/11-80-15**

**Description:** Permits municipalities to regulate the character, and control the location of, adult advertising placed on billboards and signs that are within 1,000 feet of school property.

**18. Physical Fitness Facility Medical Emergency Preparedness Act, 210 ILCS 74/1 et seq.**

**Description:** Requires physical fitness facilities to adopt and implement a written plan for responding to medical emergencies occurring at the facility. Contains requirements for the placement of automatic external defibrillators and the training of anticipated users.

**19. Structural Pest Control Act, 225 ILCS 235/1 et seq.**

**Description:** Establishes guidelines for an integrated pest management program for school buildings and other school facilities.

**20. Retail Sales Near Churches, Schools, etc., 235 ILCS 5/6-11**

**Description:** Prohibits issuance of license for the sale of alcoholic liquor within 100 feet of any school.

**21. Smoke Free Illinois Act, 410 ILCS 82/1 et seq.**

**Description:** Prohibits smoking in a “public place” (specifically including “schools”), any place of employment, or within 15 feet of any entrance to a public place.

**22. Indoor Air Quality Act, 410 ILCS 87/1 et seq.**

**Description:** Establishes the Indoor Air Pollution Advisory Council, which has the duty of establishing criteria for indoor air quality, including ventilation standards, source control guidelines, occupancy control guidelines, and air cleaning procedures.

**23. Hazardous Waste Collection, 415 ILCS 5/22.47**

**Description:** Requires the Illinois Environmental Protection Agency to develop, implement, and fund a program to collect school district hazardous educational waste and to provide for hazardous waste management and pick-up in accordance with statutory timelines. Allows school districts to participate by notifying the agency of the presence of hazardous waste and requires

the agency to produce a collection schedule as required by statute.

#### **24. Lawn Care Products Application and Notice Act, 415 ILCS 65/1 *et seq.***

**Description:** Requires schools to maintain a registry of parents, guardians, or school employees who have registered to receive notification prior to the application of pesticides to school property.

#### **25. Illinois Vehicle Code, 625 ILCS 5/1-100 *et seq.***

##### **a. Powers of Municipalities and Counties For Regulation of Traffic, 65 ILCS 5/11-209**

**Description:** Allows municipalities and counties to contract with school districts to regulate parking and traffic in school parking areas.

##### **b. Special Requirements for School Buses, 625 ILCS 5/12-800 *et seq.***

**Description:** Contains specific requirements for school buses, e.g., color, identification, lighting, crossing control arm, fire extinguisher, first aid kit, post-trip inspection, complaint calls, etc.

##### **c. Safety Test Prior to Application of License—Subsequent Tests-Repairs-Retest, 625 ILCS 5/13-109**

**Description:** Requires safety tests of school buses every six months or 10,000 miles, whichever occurs sooner. Provides for periodic, non-scheduled inspection of school buses.

#### **26. Criminal Theft of Governmental Property, 720 ILCS 5/15-10, 720 ILCS 5/16-1**

**Description:** Imposes increased penalties for theft of governmental property, which is defined to include school district funds or other property. See *supra*, **Financial Affairs Section**, page 19, number 41.

#### **27. Distributing or Delivering Written or Printed Solicitation On School Property, 720 ILCS 5/21.3-5**

**Description:** Makes it a Class C misdemeanor to distribute or deliver written or printed solicitation within 1000 feet of school property for the purpose of inviting students to any event where a purpose of the event is to commit illegal acts or to gather in or around abandoned buildings.

#### **28. Criminal Damage to Government Property, 720 ILCS 5/21-4**

**Description:** Defines the offense of Criminal Damage to Government Supported Property, which includes damaging property supported by school district funds, starting a fire on such property, or depositing a stink bomb or other offensive smelling compound on the property to interfere with its use.

#### **29. Unlawful Sale or Delivery of Firearms on the Premises of Any School, 720 ILCS 5/24-3.3**

**Description:** Makes it a Class 3 felony for any person over 18 years of age to sell, deliver, or give any firearm to any person under 18 years of age in school or on school property.

#### **30. Interference with Public Contracting, 720 ILCS 5/33E-1, *et seq.***

**Description:** Makes it a crime to obtain contracts for goods, services, or construction by any means other than through independent non-collusive submission of bids or offers by individual contractors or suppliers, and the evaluation of those bids or offers by the school board pursuant only to criteria publicly announced in advance. Outlines several offences with felony penalties.

#### **31. Construction Contract Indemnification for Negligence Act, 740 ILCS 35/0.01 *et seq.***

**Description:** Voids all covenants, promises or agreements to indemnify or hold harmless another person from that person's own negligence in contracts or agreements, either public or private, for the construction, alteration, repair or maintenance of a building, structure, highway bridge, viaducts or other work dealing with construction, or for any moving, demolition or excavation. Such portions of an agreement are against public policy and wholly unenforceable.

#### **32. Mechanics Lien Act, 770 ILCS 60/23**

**Description:** Grants a lien against public funds to any person furnishing material or labor to a school district for the value of the amount due under the contract.

#### **33. Prevailing Wage Act, 820 ILCS 130/0.01 *et seq.***

**Description:** Requires that the generally prevailing rate of hourly wages for work of a similar character on public works in the locality in which the work is performed be paid to all laborers, workers, and mechanics employed by or on behalf of any public body engaged in the construction of public works requires an annual resolution. Requires a public body awarding any contract for public work to ascertain the generally prevailing hourly rate in the locality for each type of worker needed to execute the contract, and to specify this rate in the call for bids and project specifications and the contract. Requires bond that contractor will comply with prevailing wage clause of contract. Requires contractor and all subcontractors to keep records of all wages paid for public works. Prohibits institution of public works projects unless the Act is complied with. Prohibits employment discrimination against "whistle blowers."

# STUDENTS AND PARENTS

## 1. Immunization Outreach Program, 20 ILCS 2310/2310-255

**Description:** Establishes program to provide immunizations to disadvantaged children. Provides for immunization sites, which can include school grounds, either during regular hours, evening hours, or on weekends.

## 2. Illinois Municipal Code, 65 ILCS 5/11-5-9

**Description:** Allows school districts to disclose school attendance records to municipal authorities serving as juvenile authorities if the school district determines that the disclosure will enhance the juvenile justice system's ability to effectively serve, prior to adjudication, the student whose records are released.

## 3. Homeless Family Placement Act, 310 ILCS 85/1 *et seq.*

**Description:** Enacted to protect the educational interests of homeless children. Requires referring agencies to refer homeless families with a school age child to the shelter closest to the child's school of origin unless the parent decides otherwise. Requires notice to families of their right to select placement in a shelter located nearest the child's school of origin. Defines school of origin as the school that a child attended when he or she was permanently housed or the school in which a child was last enrolled.

## 4. Abused and Neglected Child Reporting Act, 325 ILCS 5/1 *et seq.*

**Description:** Requires all school personnel having reasonable cause to believe a child known to them in their professional or official capacity may be an abused or neglected child, as defined by the Act, to immediately report or cause a report to be made to the Department of Children and Family Services. Forbids school administrators to in any way restrain this reporting duty. Requires school personnel hired after July 1, 1986, to sign a statement to the effect that he or she has knowledge and understanding of the reporting requirements of the Act. Provides criminal penalties for false reports, and for willfully failing to file a report when required to do so. Reports are to be made immediately by telephone and confirmed in writing as require by statute. Prohibits employment discrimination against anyone making a good faith report of suspected abuse or neglect. Allows school superintendents to have access to records concerning reports of abuse and neglect and to use the information therein to conduct investigations or take disciplinary action. Requires electronic and information technology equipment workers who discover any depiction of child pornography while installing, repairing, or otherwise servicing an electronic equipment item to report such discovery to the local law enforcement

agency or the Cyber Tipline at the National Center for Missing and Exploited Children.

Also requires that, if a school district employee has made a report to DCFS involving the conduct of a current or former employee of the school district, and another school district requests information concerning the job performance or qualifications of the current or former employee because he or she has applied for employment in that district, then the school superintendent of the district to which the request is made must disclose to the requesting school district the fact that a report has been made involving that employee, if the school district has not been notified that the allegations are unfounded. The superintendent must also notify the current or former employee of its obligation to disclose this information. When a school district employee makes such a report, the law requires the Child Protective Service Unit to send a copy of its final finding report to the superintendent of the school where the report originated.

Also, members of a school board, the Chicago Board of Education, and the governing body of a private school are mandated reporters. Board members are only mandated reporters if a child abuse allegation is disclosed to a board member during a school board meeting. See *supra*, **Boards of Education Section**, page 6, number 15. See *supra*, **Employees Section**, page 10, number 20.

## 5. Children's Privacy Protection & Parental Empowerment Act, 325 ILCS 17/1 *et seq.*

**Description:** Prohibits the sale or purchase of personal information concerning a child under the age of 16, unless the parent(s)/guardian(s) have consented, with a few exceptions.

## 6. Intergovernmental Missing Child Recovery Act, 325 ILCS 40/1 *et seq.*

**Description:** Sets up "I SEARCH" programs, which are composed of combinations of units of local government (including school districts), to address the problem of missing and exploited children in their geographical area. Makes such programs eligible to receive state grants if they meet certain criteria. Requires the State Police to prepare a bulletin concerning missing children and send it to the State Board of Education.

## 7. Missing Children Records Act, 325 ILCS 50/1 *et seq.*

**Description:** Requires schools, as well as pre-school programs, child care facilities, and day care homes, upon notification by the State Police of a minor's disappearance, to flag the record of the missing person in such a manner that whenever a copy of or information regarding the record is requested, the school shall be alerted to

the fact that the record is that of a missing person. The school must immediately report to the State Police any request concerning flagged records or knowledge as to the whereabouts of any missing minor. Requires schools, as well as public or private pre-school programs, child care facilities, and day care homes, to obtain and photocopy a certified copy of a student's birth certificate or other reliable proof of the student's identity and age for every enrolled child. Requires schools to obtain a certified copy of a student's record from his or her previous school within 14 days of enrolling a transfer student.

### **8. Missing Children Registration Law, 325 ILCS 55/0.01 et seq.**

**Description:** Sets forth the same duties for schools as the Missing Children Records Act, except all reporting is to be done to the local law enforcement authorities.

### **9. Children's Mental Health Act of 2003, 405 ILCS 49/1 et seq.**

**Description:** Requires districts to have a protocol for responding to children with social, emotional, or mental health problems, or a combination of such problems, that impact learning ability. Also requires every district to have a policy for incorporating social and emotional development into the district's education program. See *supra*, **Boards of Education Section**, page 6, number 16.

### **10. Lead Poisoning Prevention Act, 410 ILCS 45/1 et seq.**

**Description:** Prevents use or application of lead-bearing substances around children. Requires child care facilities, which include public school structures frequented by children six years of age or under, to require lead blood level screening or lead risk assessment for admission.

### **11. AIDS Confidentiality Act, 410 ILCS 305/1 et seq.**

**Description:** Prohibits AIDS testing without the documentation of informed consent of the subject, with certain exceptions. When obtaining such consent, certain pre-test information must be provided to the subject as required under the Act. Prohibits disclosure of the identity of a person upon whom a test is performed, or the results of such a test in a manner which permits identification of the subject of the test, again with certain exceptions. None of the exceptions to either prohibition apply to school employees.

### **12. Communicable Disease Prevention Act, 410 ILCS 315/0.01 et seq.**

**Description:** Requires Illinois Department of Health or local health department to give notice to the principal of a school in which a child who has been diagnosed with

AIDS is enrolled. Allows for limited disclosure of this information by the principal to certain specified parties.

### **13. Health Exams and HPV Vaccine, 410 ILCS 315/2e, 105 ILCS 5/27-8.1**

**Description:** Students within one year prior to entering kindergarten or first grade and upon entering the ninth grade) must receive a health examination. Also, upon entering the sixth grade, students must receive a health examination unless the student is attending school for the 2008-2009 school year and received a health examination within one year prior to entering the fifth grade for the 2007-2008 school year. Additionally, the Department of Public Health must provide written information to all female students about to enter the sixth grade and their parents or legal guardians about the link between HPV and cervical cancer and the availability of an HPV vaccine.

### **14. Illinois Vehicle Code, 625 ILCS 5/1-100 et seq.**

#### **a. Courses For Students or High School Dropouts; Limitation, 625 ILCS 5/6-408.5**

**Description:** Requires students to have a passing grade in at least eight courses during the two semesters last ending prior to requesting a certificate of completion from a driving school or a driving instructor. Prohibits dropouts from obtaining a certificate of completion except under certain circumstances. Allows the superintendent or chief school administrator to waive these requirements.

Requires that school buses be equipped with two-way radios, that pre-trip inspections include testing the two-way radio, and that the two-way radios be turned on and adjusted in a manner that would alert the driver of incoming communication requests. Requires school bus drivers to check their buses for children and other passengers before leaving the bus at the end of each route. Mandates that school districts that contract with private school bus companies include, in any such contract, a requirement that the bus company have policies and procedures which, at a minimum, require drivers to conduct the two-way radio tests and the inspection for children or other passengers required by this law.

### **15. Transportation of Students, 625 ILCS 5/1-182, 625 ILCS 4/1-148.3a-5, 5/11-1414.1, 105 ILCS 5/29-6.3**

**Description:** Provides, in conjunction with *The School Code*, the types of vehicles that may be used for transportation of students for curriculum-related school activities and for noncurriculum-related activities. Indicates that students may not be transported in a multifunction school activity bus (MSFAB), as defined by statute, for curriculum-related activities, and that students may never be transported for any type of activity in a van for 11 or more passengers.

**16. Restrictions on Teen Driving,**  
625 ILCS 5/6-107 – 107.4, 625 ILCS 5/6-110,  
625 ILCS 5/11-506, 105 ILCS 5/27-24.3

**Description:** Public school driver education programs must include 6 clock hours of practice driving on actual streets. Also, teens must have a valid learner’s permit for a specified period before becoming eligible for a driver’s license.

For an initial specified period after a license is issued, teens may have only one other teen passenger in the car with them.

Teens under 18 must be off the road after 10 p.m. from Sunday-Thursday, and after 11 p.m. on Fridays and Saturdays. These graduated driver’s license requirements, however, are not applicable to students who drive for the “Safe Rides” program. Lastly, street racing is a felony, punishable by prison-time.

**17. Juvenile Court Act, 705 ILCS 405/1-1 et seq.**

**Description:** Comprehensive scheme for dealing with minors in the court system. Focuses on a child’s rights to services necessary to his or her proper development. Provides rules for confidentiality of law enforcement records and juvenile court records. Sets rules for treatment of abused, neglected, or dependent minors, and for paternity and adoption proceedings of the same. Sets rules for minors requiring authoritative intervention, including provision of temporary shelter and *guardians ad litem*. Sets rules for treatment of minors who are addicted to drugs or alcohol, and for delinquent minors.

**18. Presence Within School Zone By Child Sex Offender Prohibited, 720 ILCS 5/11-9.3**

**Description:** Makes it a Class 4 felony for a convicted child sex offender to knowingly loiter within 500 feet of school property or to knowingly be present in a school building, on school property, or in a school vehicle used to transport students. Limits these restrictions to situations in which minors are present. Provides exceptions for child sex offenders who are parents of students or who have permission from school officials to be on school property. Under the law’s “500 feet rule,” the 500 feet is measured from the edge of the property of the school, park, day care center, playground, or other school property that is closest to the edge of the property of the child sex offender’s residence or where he or she is loitering.

**19. Aggravated Battery Against A Teacher, 720 ILCS 5/12-4(b)(3)**

**Description:** A person commits aggravated battery if he or she knowingly or intentionally batters a teacher or other person employed by any school and such teacher

or other employee is on school grounds or is in any part of a building used for school purposes.

**20. Cyberbullying Law, 720 ILCS 5/12-7.5**

**Description:** Criminalizes harassing and threatening behavior made via electronic communication. Includes harassing statements made via electronic communication or through an internet webpage that knowingly solicits the commission of an act by any person which would be a violation of the Criminal Code directed towards that person or a family member of that person.

**21. Criminal Trespass To State Supported Land, 720 ILCS 5/21-5**

**Description:** Permits a possessor of state-supported land to exclude individuals from property upon giving notice that the individual is forbidden from entering. Failure to adhere to such notice can result in a Class A misdemeanor.

**22. Unlawful Use Of Weapons, 720 ILCS 5/24-1**

**Description:** Criminalizes the use, sale, or possession of various weapons. Provides enhanced penalties for having these weapons in a school, on school property, including any conveyance used to transport students, or in any public way within 1000 feet of a school. Provides that it is a crime of aggravated battery if a person discharges a firearm on or adjacent to school grounds and injures a teacher or student.

**23. False Threat of a Bomb or Explosive Device in a School, 720 ILCS 5/24-1, 720 ILCS 5/29D-20, 720 ILCS 5/29D-25**

**Description:** Provides that a court shall require any person convicted of disorderly conduct, making a terrorist threat, or falsely making a terrorist threat for a false alarm of a bomb or explosive device threat in a school to reimburse the unit of government that employs the emergency response officer or officers who were dispatched to the school, for the cost of the search for a bomb or explosive device. “Emergency response” means any incident requiring a response by a police officer, a firefighter, a State Fire Marshal employee, or an ambulance.

**24. Disorderly Conduct, 720 ILCS 5/26-1**

**Description:** Provides that a person who transmits or causes to be transmitted a threat of destruction of a school building or school property, or a threat of violence, death, or bodily harm directed against persons at a school, school function, or school event, whether or not school is in session, commits the crime of disorderly conduct.

**25. False Personation of a Parent or Legal Guardian, 720 ILCS 5/32-5.3**

**Description:** Makes it a Class A misdemeanor for a person to falsely represent himself or herself to be the parent, guardian, or other relation of a minor child to any school employee.

**26. Hazing, 720 ILCS 120/5, 120/10**

**Description:** Prohibits hazing at schools, colleges, universities, and any other State educational institution for the purpose of induction into a group or society affiliated with the institution. Provides that hazing is a Class A misdemeanor or, if it results in death or great bodily harm, a Class 4 felony.

**27. Harassing and Obscene Communications Act, 720 ILCS 135/1 et seq.**

**Description:** Criminalizes harassing and obscene electronic communication, including communication and transmissions made through the internet.

**28. Delivery of Controlled, Counterfeit, or Look-Alike Substances; Persons Under 18; Truck Stops or Safety Rest Areas; School Property, 720 ILCS 570/407**

**Description:** Doubles the standard penalty for anyone over 18 who delivers a controlled substance or a look-alike substance to anyone under 18. Increases penalties for drug offenses committed in any school or on any conveyance used by a school to transport students or on any public way within 1000 feet of a school.

**29. Sex Offender and Child Murderer Community Notification Law, 730 ILCS 152/120 and 152/130**

**Description:** Requires law enforcement agencies to provide school boards of public school districts with the identity of child sex offenders living in the community. Provides immunity for those providing or failing to provide this information, as well as for the secondary release of this information.

**30. Illinois Civil Rights Act of 2003, 740 ILCS 23/1 et seq.**

**Description:** Prohibits state and local government from discriminating based on race, color, national origin, or gender. Victims of discrimination have a civil right of action in state court for intentional discriminatory conduct and for government policies and actions disparately impacting a protected group. The Act fills a perceived gap in Title VI of the Federal Civil Rights Act which

authorizes suit for intentional discrimination only. See *supra*, **Employees Section**, page 11, number 27.

**31. Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/1 et seq.**

**Description:** Provides general rule that all records and communications are to be confidential and are not to be disclosed except as provided by the Act. Lists people entitled to inspect a person's mental health or developmental disability record. List does not include school officials, who must have written consent in the specified form from someone who is entitled by the Act to inspect the record.

**32. Parental Responsibility Law, 740 ILCS 115/1, et seq.**

**Description:** Makes the parent or legal guardian of an unemancipated minor, who resides with the parent or legal guardian liable for actual damages for the willful or malicious acts of the minor which cause injury to a person or property. The parent or legal guardian may be liable for actual damages up to \$20,000 for the first act or occurrence of such willful or malicious acts by the minor causing injury or up to \$30,000 if a pattern or practice of willful or malicious acts by a minor exists for a separate act or occurrence. If the plaintiff is a governmental unit, the plaintiff may be awarded reasonable attorney's fees up to \$15,000. See *supra*, **Litigation Section**, page 20, number 2.

**33. Illinois Streetgang Terrorism Omnibus Prevention Act, 740 ILCS 147/1 et seq.**

**Description:** Enacted to curtail the activities of street gangs. Defines "street gang" as "any combination, confederation, alliance, network, conspiracy, understanding, or other similar conjoining, in law or in fact, of 3 or more persons with an established hierarchy that, through its membership ... engages in a course or pattern of criminal activity." Creates a civil cause of action in favor of any public authority expending money on or harmed by any course of criminal activity. Provides that gang members shall be jointly and severally liable for damages.

**34. Education Information - Divorced Parents, 750 ILCS 5/513**

**Description:** Unless the court specifically finds that the child's safety would be jeopardized, parents involved in a proceeding for the child's educational expenses are entitled to know the name of the educational institution the child attends.

**35. Domestic Violence Act- Notice Of Orders,  
750 ILCS 60/222**

**Description:** Provides that a school district that has received an order of protection prohibiting a person's access to records may not release or allow that person access to a protected child's records and must file a copy of the order of protection in the child's file.

**36. Illinois Probate Act-Minors,  
755 ILCS 5/11-1 *et seq.***

**Description:** Provides rules for appointment of a guardian of the person or the estate, or both, of a minor. Allows for appointment of "standby" guardian and "short term" guardian. Sustains the right of parents who are competent and fit persons to have custody of their children and direction of their children's education. Allows visitation rights for grandparents and other relatives when natural or adoptive parents are dead. Prescribes the duties of a guardian of a minor, which include providing education.

**37. Illinois Human Rights Act, 775 ILCS 5/5-101**

**Description:** Prohibits a school from denying a student "the full and equal enjoyment of [its] facilities, goods,

and services" on the basis of sexual orientation. It defines sexual orientation as the "actual or perceived heterosexuality, homosexuality, bisexuality, or gender related identity, whether or not traditionally associated with the person's designated sex at birth," 775 ILCS 5/1 103(O-1). The Act permits schools to maintain single-sex facilities that are distinctly private in nature, e.g., restrooms and locker rooms, 775 ILCS 5/5-103.

**38. Personal Information Protection Act,  
815 ILCS 530/1 *et seq.***

**Description:** Requires any data collector that owns or licenses personal information concerning an Illinois resident to notify the resident at no charge that there has been a breach of the security system data following discovery or notification of the breach. Also requires disposal of personal data or written material collected in such a manner as to ensure security and confidentiality of the material. A violation of the ACT is an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act. See *supra*, **Boards of Education Section**, page 6, number 22.