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SCHOOLS

(105 ILCS 5/) School Code.

(105 ILCS 5/Art. 22 heading)

ARTICLE 22. GENERAL PROVISIONS;PENALTIES;LIABILITIES

(105 ILCS 5/2249;1) (from Ch. 122, par. 2249;1)

Sec. 2249;1. Trustees and similar officers;No pecuniary compensation.

Trustees of schools, school directors or other school officers performing like duties shall receive no pecuniary compensation.

(Source: Laws 1961, p. 31.)

(105 ILCS 5/2249;2) (from Ch. 122, par. 2249;2)

Sec. 2249;2. Cost of official bonds.

Every school district shall be subject to the provisions of "An Act relating to the payment of the cost of corporate suretyship and indemnity upon official bonds", approved June 7, 1897, as amended.

(Source: Laws 1961, p. 31.)

(105 ILCS 5/2249;3) (from Ch. 122, par. 2249;3)

Sec. 2249;3. Enforcement of judgments 49; Service of process 49; Costs.

If judgment is obtained against any county board of school trustees, trustees of schools or school board, the party entitled to the benefit of the judgment may have enforcement thereof as follows: the court in which the judgment is entered or to which it may be removed by transcript from the circuit court shall enter an order commanding the directors, trustees and school treasurer to cause the amount thereof with interest and costs to be paid to the party entitled to the benefit of the judgment, out of any moneys of the township or district unappropriated, or if there are no such moneys, out of the first moneys applicable to the payment of the kind of services or indebtedness for which the judgment is entered which shall be received for the use of the township or district. The court may enforce obedience to such order by body attachment or by mandamus, requiring such board to levy a tax for the payment of the judgment. All judicial processes to enforce payment, shall be served either on the president or the clerk of the board.

No official shall charge any costs in any action in which any school officer, school corporation or any agent of any school fund, suing for the recovery thereof, or any interest due thereon, is plaintiff, and is unsuccessful in the action; nor in case the costs cannot be recovered from the defendant by reason of his or her insolvency.

(Source: P.A. 8349;346.)

(105 ILCS 5/2249;4) (from Ch. 122, par. 2249;4)

Sec. 2249;4. Real estate of officers and sureties 49; Liability for claims and demands.

The real estate of county superintendents, of township treasurers, and of all other school officers entrusted with the care, control, management or disposition of any school, college, seminary, or township fund for the use of any county, township, district or school, and the real estate of the sureties of each of them, shall be bound for the satisfaction and payment of all claims and demands against them, arising from the conversion, unlawful use or waste of such funds, from the date of issuing process against such officers, in actions or suits brought to recover such claims or demands, until satisfaction thereof is obtained; and no sale or alienation of real estate by any such officer or surety shall defeat the lien created by this section, but all such real estate held, owned or claimed, shall be liable to be sold in satisfaction of any judgment which may be obtained in such actions or suits.

(Source: Laws 1961, p. 31.)

(105 ILCS 5/2249;5) (from Ch. 122, par. 2249;5)

Sec. 2249;5. Interest of officers or teachers in books, apparatus or furniture. No State, county, township, or district school officer or teacher shall be interested in the sale, proceeds or profits of any book, apparatus or furniture used or to be used in any school with which such officer or teacher may be connected, except when the interest of the teacher is based upon authorship or development of instructional materials listed with the State Board of Education in compliance with the provisions of Article 28 of this Act and adopted for use by a school board subject to Section 1049;20.8 of this Act. Each teacher having an interest in instructional materials shall file an annual statement so certifying with the secretary of the board of the school district which employs him. Any such officer or teacher who violates the provisions of this Section shall be guilty of a Class A misdemeanor. (Source: P.A. 8149;1508.)

(105 ILCS 5/2249;6) (from Ch. 122, par. 2249;6)

Sec. 2249;6. Conversion of funds by officers.

If any county superintendent, trustee of schools, township treasurer, director or other person entrusted with the care, control, management or disposition of any school, college, seminary or township fund for the use of any county, township, district or school converts such funds, or any part thereof, to his own use he shall be guilty of a Class A misdemeanor. (Source: P. A. 7749;2267.)

(105 ILCS 5/2249;6.5)

Sec. 2249;6.5. False statement or material omission; Class A misdemeanor.

Any person who applies for employment as a teacher, principal, superintendent, or other certificated employee of a school board of any school district, including a special charter district and a district organized under Article 34 of the School Code, who willfully makes a false statement on his or her application for employment, material to his or her qualifications for employment, which he or she does not believe to be true, shall be guilty of a Class A misdemeanor.

If a person's employment history or current or prior employers are required to be furnished on an application for employment, a person who makes a statement which he or she does not believe to be true or who knowingly omits or fails to include any employment history or employer required to be furnished on the application which is material to his or her qualifications for employment shall be deemed to have made a false statement on his or her application within the meaning of this Section.

Each application for employment for a certificated position used by a school district shall state that failure to provide requested employment or employer history which is material to the applicant's qualifications for employment or the provision of statements which the applicant does not believe to be true may be a Class A misdemeanor.

(Source: P.A. 8849;102.)

(105 ILCS 5/2249;7) (from Ch. 122, par. 2249;7)

Sec. 2249;7. Liability for loss of funds. County superintendents, trustees of schools, township treasurers and directors, or either of them, or any other officer having charge of school funds or property, shall be pecuniarily responsible for all losses sustained by any county or township fund by reason of any failure on his or their part to perform the duties required of him or them by this Act or by any rule authorized to be made by this Act, and each of such officers shall be liable for any such loss sustained, the amount of which may be recovered in a civil action brought in the circuit court, at the suit of the State of Illinois, for the use of the county, township or fund injured. The amount of the judgment obtained in such suit shall, when collected, be paid to the proper officer for the benefit of the county, township or fund injured.

(Source: P.A. 7949;1366.)

(105 ILCS 5/2249;8) (from Ch. 122, par. 2249;8)

Sec. 2249;8. Failure of officers to discharge duties.

If any county superintendent, trustee, director, or other officer negligently or wilfully fails or refuses to make, furnish or communicate statistics and information, or fails to discharge any other duties enjoined upon him, at the time and in the manner required by this Act, he shall be guilty of a petty offense and shall be liable to a fine of not less than \$25, to be recovered before any circuit court at the suit of any person on complaint in the name of the People of the State of Illinois, and when collected the fine shall be paid to the county superintendent of schools.

(Source: P. A. 7749;2267.)

(105 ILCS 5/2249;9) (from Ch. 122, par. 2249;9)

Sec. 2249;9. Treasurer, clerk or director⁴⁹;Non⁴⁹;compliance.

Any treasurer, clerk of any board of directors, or any director who fails to comply with any of the requirements of this Act where no other penalty is provided shall be guilty of a petty offense and shall be fined not less than \$5 nor more than \$50.

(Source: P. A. 7749;2267.)

(105 ILCS 5/2249;10) (from Ch. 122, par. 2249;10)

Sec. 2249;10. Payments and grants in aid of church or sectarian purpose.

No county, city, town, township, school district or other public corporation shall make any appropriation, or pay from any school fund anything in aid of any church or sectarian purpose or to support or sustain any school, academy, seminary, college, university or other literary or scientific institution controlled by any church or sectarian denomination; nor shall any grant or donation of money or other personal property be made by any such corporation to any church or for any sectarian purpose. Any officer or other person having under his charge or direction school funds or property who perverts the same in the manner forbidden in this section shall be guilty of a Class A misdemeanor.

(Source: P. A. 7749;2267.)

(105 ILCS 5/2249;11) (from Ch. 122, par. 2249;11)

Sec. 2249;11. Exclusion of children on account of color.

Any school officer or other person who excludes or aids in excluding from the public schools, on account of color, any child who is entitled to the benefits of such school shall be guilty of a petty offense and shall be fined not less than \$5 nor more than \$100.

(Source: P. A. 7749;2267.)

(105 ILCS 5/2249;12) (from Ch. 122, par. 2249;12)

Sec. 2249;12. Preventing or interfering with a child's attendance at school. Whoever by threat, menace, or intimidation prevents any child entitled to attend a public or nonpublic school in this State from attending such school or interferes with any such child's attendance at that school shall be guilty of a Class A misdemeanor.

(Source: P.A. 9249;96, eff. 149;149;02.)

(105 ILCS 5/2249;13) (from Ch. 122, par. 2249;13)

Sec. 2249;13. Use of Illinois mined coal.

School boards shall comply with the provisions of "An Act concerning the use of Illinois mined coal in certain plants and institutions", filed July 13, 1937, as amended.

(Source: Laws 1961, p. 31.)

(105 ILCS 5/2249;14) (from Ch. 122, par. 2249;14)

Sec. 2249;14. Scholastic records of discontinued districts.

If any school district is discontinued under this Act and is not made a distinct part of another school district that makes arrangements to safely keep all scholastic records of the former pupils of the discontinued district, the last governing authorities of the discontinued district shall turn over all scholastic records of its former pupils to the county superintendent of schools of the county in which the school building of the district is located; and such county superintendent of schools shall take possession of and arrange for the safekeeping of such records for the purpose of reference by said former pupils.

(Source: Laws 1961, p. 31.)

(105 ILCS 5/2249;15) (from Ch. 122, par. 2249;15)

Sec. 2249;15. Insurance on athletes.

The school board of any school district may, in its discretion, provide medical or hospital service, or both, through accident and health insurance on a group or individual basis, or through non-profit hospital service corporations or medical service plan corporations or both, for pupils of the district injured while participating in any athletic activity under the jurisdiction of or sponsored or controlled by the district or the authorities of any school thereof. The cost of such insurance or of subscriptions to such non-profit corporations, when paid from the funds of the district, shall, to the extent such moneys are sufficient, be paid from moneys derived from athletic activities. To the extent that moneys derived from athletic activities are insufficient, such cost may be paid from the educational fund of the district.

Such insurance may be purchased from or such subscriptions may be taken in only such companies or corporations as are authorized to do business in Illinois.

(Source: P. A. 7749;1554.)

(105 ILCS 5/2249;16) (from Ch. 122, par. 2249;16)

Sec. 2249;16. Acquisition of land outside school district. Whenever, in the opinion of the corporate authority of any school district, a lot or parcel of land situated not more than 2 miles outside of said school district or in the case of a building project under authority of Section 1049;4 9;22.31b of this Act, within the boundaries of the joint agreement area or within 2 miles of the boundaries of any school district which is a party to the joint agreement, may be required for such school purposes, title to such lot or parcel of land may be acquired by such school district by purchase or in the manner provided by law for the exercise of the right of eminent domain.

(Source: P.A. 8049;270.)

(105 ILCS 5/2249;17) (from Ch. 122, par. 2249;17)

Sec. 2249;17. Leasing property from building commission.

In addition to other powers and authority now possessed by it, the corporate authority of any school district, including any special charter district, shall have power:

(1) To lease from any public building commission created pursuant to the provisions of the Public Building Commission Act, approved July 5, 1955, and as amended from time to time, any real or personal property for the purpose of securing office or other space for its administrative or educational functions for a period of time not exceeding 40 years;

(2) To pay for the use of this leased property in accordance with the terms of the lease; and

(3) To enter into such lease without making a previous appropriation or provision in the budget for the expense thereby incurred.

(Source: P. A. 7749;1351.)

(105 ILCS 5/2249;18) (from Ch. 122, par. 2249;18)

Sec. 2249;18. Apportionment of assets in district without property.

Whenever there is no property within a school district subject to taxation for ordinary operating purposes, the county clerk shall so notify the trustees of the township or townships or county board of school trustees wherein the school district is located who shall apportion the assets of such district among the remaining school districts of such township or townships in proportion to the last preceding apportionment from the common school fund to such townships and shall notify the school treasurer to note such apportionment in the proper account of each district.

(Source: Laws 1961, p. 31.)

(105 ILCS 5/2249;19) (from Ch. 122, par. 2249;19)

Sec. 2249;19. Upon the filing of a complaint with the State Board of Education, executed in duplicate and subscribed with the names and addresses of at least 50 residents of a school district or 10% of the residents, whichever is less, alleging that any pupil has been excluded from or segregated in any school on account of his or her color, race, nationality, sex, religion or religious affiliation, or that any employee of or applicant for employment or assignment with any such school district has been questioned concerning his or her color, race, nationality, sex, religion or religious affiliation or subjected to discrimination by reason thereof, by or on behalf of the school board of such district, the State Board of Education shall promptly mail a copy of such complaint to the secretary or clerk of such school board.

The State Board of Education shall fix a date, not less than 20 nor more than 30 days from the date of the filing of such complaint, for a hearing upon the allegations therein. The State Board of Education may also fix a date for a hearing whenever it has reason to believe that such discrimination may exist in any school district. Reasonable notice of the time and place of such hearing shall be mailed to the secretary or clerk of the school board and to the first signatory to such complaint.

The State Board of Education may designate an assistant to conduct such hearing and receive testimony concerning the situation complained of. The complainants may be represented at such hearing by one of their number or by counsel. Each party shall have the privilege of cross examining witnesses. The State Board of Education or the hearing officer appointed by it shall have the power to subpoena witnesses, compel their attendance, and require the production of evidence relating to any relevant matter under this Act. Any circuit court of this State, upon the application of the State Board of Education or the hearing officer appointed by it, may, in its or his or her discretion, compel the attendance of witnesses, the production of books, papers, records or memoranda and the giving of testimony before the State Board of Education or the hearing officer appointed by it conducting an investigation or holding a hearing authorized by this Act, by an attachment for contempt, or otherwise, in the same manner as production of evidence may be compelled before the court. The State Board of Education or the hearing officer appointed by it may cause the depositions of witnesses within the State to be taken in the manner prescribed by law for like depositions in civil actions in courts of this State, and to that end compel the attendance of witnesses and the production of books, papers, records or memoranda. All testimony shall be taken under oath administered by the hearing officer, but the formal rules pertaining to evidence in judicial proceedings shall not apply. The State Board of Education shall provide a competent reporter to record all testimony. Either party desiring a transcript of the hearing shall pay for the cost of such transcript. A continuance may be granted provided both parties agree. The hearing officer shall report a summary of the testimony within 60 days after the hearing commences, unless a continuance is granted, to the State Board of Education who shall determine whether the allegations of the complaint are substantially correct. If a continuance is granted, the summary of testimony shall be reported to the State Board of Education within 60 days after the hearing recommences. The State Board of Education shall notify both parties of its decision within 30 days after it receives a summary of the testimony from the hearing officer. If the State Board of Education determines that a violation exists, it shall request the

(Source: P.A. 8449;126.)

(105 ILCS 5/2249;20) (from Ch. 122, par. 2249;20)

Sec. 2249;20. All courts and law enforcement agencies of the State of Illinois and its political subdivisions shall report to the principal of any public school in this State whenever a child enrolled therein is detained for proceedings under the Juvenile Court Act of 1987, as heretofore and hereafter amended, or for any criminal offense or any violation of a municipal or county ordinance. The report shall include the basis for detaining the child, circumstances surrounding the events which led to the child's detention, and status of proceedings. The report shall be updated as appropriate to notify the principal of developments and the disposition of the matter.

The information derived thereby shall be kept separate from and shall not become a part of the official school record of such child and shall not be a public record. Such information shall be used solely by the principal, counselors and teachers of the school to aid in the proper rehabilitation of the child and to protect the safety of students and employees in the school. (Source: P.A. 8949;610, eff. 849;649;96.)

(105 ILCS 5/2249;21) (from Ch. 122, par. 2249;21)

Sec. 2249;21. Elections;Use of school buildings.

(a) Every school board shall offer to the appropriate officer or board having responsibility for providing polling places for elections the use of any and all buildings under its jurisdiction for any and all elections to be held, if so requested by such appropriate officer or board.

(b) Election officers shall place 2 or more cones, small United States national flags, or some other marker a distance of 100 horizontal feet from each entrance to the room used by voters to engage in voting, which shall be known as the polling room. If the polling room is located within a building that is a public or private school and the distance of 100 horizontal feet ends within the interior of the building, then the markers shall be placed outside of the building at each entrance used by voters to enter that building on the grounds adjacent to the thoroughfare or walkway. If the polling room is located within a public or private school building with 2 or more floors and the polling room is located on the ground floor, then the markers shall be placed 100 horizontal feet from each entrance to the polling room used by voters to engage in voting. If the polling room is located in a public or private school building with 2 or more floors and the polling room is located on a floor above or below the ground floor, then the markers shall be placed a distance of 100 feet from the nearest elevator or staircase used by voters on the ground floor to access the floor where the polling room is located. The area within where the markers are placed shall be known as a campaign free zone, and electioneering is prohibited pursuant to this subsection.

Notwithstanding any other provision of this Code, the area on polling place property beyond the campaign free zone, whether publicly or privately owned, is a public forum for the time that the polls are open on an election day. At the request of election officers any publicly owned building must be made available for use as a polling place. A person shall have the right to congregate and engage in electioneering on any polling place property while the polls are open beyond the campaign free zone, including but not limited to, the placement of temporary signs. This subsection shall be construed liberally in favor of persons engaging in electioneering on all polling place property beyond the campaign free zone for the time that the polls are open on an election day.

(Source: P.A. 9349;574, eff. 849;2149;03.)

(105 ILCS 5/2249;22) (from Ch. 122, par. 2249;22)

Sec. 2249;22. Secondary Education. The term "secondary education" means the curriculum offered by a school district or an attendance center or centers serving grades 9 through 12 or grades 10 through 12.
(Source: P.A. 8449;814.)

(105 ILCS 5/2249;23) (from Ch. 122, par. 2249;23)

Sec. 2249;23. Sprinkler systems.

(a) The provisions of this Section apply to the school board, board of education, board of school directors, board of school inspectors or other governing body of each school district in this State, including special charter districts and districts organized under Article 34.

(b) As used in this Section, the term "school construction" means (1) the construction of a new school building, or addition to an existing building, within any period of 30 months, having 7,200 or more square feet, and (2) any alteration, as defined in 71 Illinois Administrative Code, Section 400.210, within any period of 30 months, affecting one or more areas of a school building which cumulatively are equal to 50% or more of the square footage of the school building.

(c) New areas or uses of buildings not required to be sprinklered under this Section shall be protected with the installation of an automatic fire detection system.

(d) Notwithstanding any other provisions of this Act, no school construction shall be commenced in any school district on or after the effective date of this amendatory Act of 1991 unless sprinkler systems are required by, and are installed in accordance with approved plans and specifications in the school building, addition or project areas which constitute school construction as defined in subsection (b). Plans and specifications shall comply with rules and regulations established by the State Board of Education, and such rules and regulations shall be consistent so far as practicable with nationally recognized standards such as those established by the National Fire Protection Association.

(Source: P.A. 9049;566, eff. 149;249;98.)

(105 ILCS 5/2249;24) (from Ch. 122, par. 2249;24)

Sec. 2249;24. IHSA Liaison. To facilitate communication and coordination between the General Assembly and the Illinois High School Association on matters relative to the continuing development of interscholastic athletic and activity participation among secondary school students in Illinois, the Governor shall appoint, from the membership of the General Assembly, liaison representatives to meet with the Board of Directors of the Illinois High School Association at regular meetings of that Board. The Governor shall appoint one member from each chamber of the General Assembly to serve as a liaison representative and one member from each chamber to serve as the liaison representative's alternate. The 2 liaison representatives shall not be members of the same political party, nor shall a liaison representative's alternate be a member of the same political party as the liaison representative for whom he or she is an alternate. The terms of the liaison representatives and alternate liaison representatives appointed by the Governor shall be 2 years, commencing on the second Wednesday of January in odd numbered years, except that the terms of the liaison representatives and alternate liaison representatives initially appointed by the Governor under this Section shall commence on the date of their appointment and expire on the second Wednesday of January, 1993. Vacancies shall be filled by appointment of the Governor for the unexpired term, and the person appointed to fill a vacancy shall be a member of the same chamber of the General Assembly and the same political party as his or her predecessor in office. The liaison representatives, or their alternates who meet with the Board of Directors of the Illinois High School Association at any meetings of that Board which the liaison representatives are unable to attend, shall

(105 ILCS 5/2249;25)

Sec. 2249;25. High School Quality Guarantees. The school board of any district that maintains grades 9-12, including special charter districts and any district organized under Article 34, may enter into agreements that guarantee the academic skills and performance of graduates of their high schools in the workforce or in higher education. Any quality guarantee agreements established shall be subject to such qualifications and restrictions as the school board may determine.

(Source: P.A. 8949;610, eff. 849;649;96.)

(105 ILCS 5/2249;26)

Sec. 2249;26. (Repealed).

(Source: P.A. 9149;491, eff. 849;1349;99. Repealed internally, eff. 149;249;00.)

(105 ILCS 5/2249;27)

Sec. 2249;27. World War II and Korean Conflict veterans; diplomas.

(a) Upon request, the school board of any district that maintains grades 10 through 12 may award a diploma to any honorably discharged veteran who:

(1) served in the armed forces of the United States

during World War II or the Korean Conflict;

(2) resided within an area currently within the

district;

(3) left high school before graduating in order to

serve in the armed forces of the United States; and

(4) has not received a high school diploma.

(b) The State Board of Education and the Department of Veterans' Affairs may issue rules consistent with the provisions of this Section that are necessary to implement this Section.

(Source: P.A. 9249;446, eff. 149;149;02; 9249;651, eff. 749;1149;02.)

(105 ILCS 5/2249;30)

Sec. 2249;30. Self49;administration of asthma medication.

(a) In this Section:

"Medication" means a medicine, prescribed by (i) a physician licensed to practice medicine in all its branches, (ii) a physician assistant who has been delegated the authority to prescribe asthma medications by his or her supervising physician, or (iii) an advanced practice registered nurse who has a written collaborative agreement with a collaborating physician that delegates the authority to prescribe asthma medications, for a pupil that pertains to the pupil's asthma and that has an individual prescription label.

"Self49;administration" means a pupil's discretionary use of his or her prescribed asthma medication.

(b) A school, whether public or nonpublic, must permit the self49;administration of medication by a pupil with asthma, provided that:

(1) the parents or guardians of the pupil provide to

the school written authorization for the self49;administration of medication; and

(2) the parents or guardians of the pupil provide to

the school a written statement from the pupil's physician, physician assistant, or advanced practice registered nurse containing the following information:

- (A) the name and purpose of the medication;
- (B) the prescribed dosage; and
- (C) the time or times at which or the special

circumstances under which the medication is to be administered.

The information provided shall be kept on file in the office of the school nurse or, in the absence of a school nurse, the school's administrator.

(c) The school district or nonpublic school must inform the parents or guardians of the pupil, in writing, that the school district or nonpublic school and its employees and agents are to incur no liability, except for willful and wanton conduct, as a result of any injury arising from the self49;administration of medication by the pupil. The parents or guardians of the pupil must sign a statement acknowledging that the school district or nonpublic school is to incur no liability, except for willful and wanton conduct, as a result of any injury arising from the self49;administration of medication by the pupil and that the parents or guardians must indemnify and hold harmless the school district or nonpublic school and its employees and agents against any claims, except a claim based on willful and wanton conduct, arising out of the self49;administration of medication by the pupil.

(d) The permission for self49;administration of medication is effective for the school year for which it is granted and shall be renewed each subsequent school year upon fulfillment of the requirements of this Section.

(e) Provided that the requirements of this Section are fulfilled, a pupil with asthma may possess and use his or her medication (i) while in school, (ii) while at a school49;sponsored activity, (iii) while under the supervision of school personnel, or (iv) before or after normal school activities, such as while in before49;school or after49;school care on school 49;operated property.

(Source: P.A. 9249;402, eff. 849;1649;01.)

(105 ILCS 5/2249;35)

Sec. 2249;35. Sharing information on school lunch applicants; consent. Before an entity shares with the Department of Public Aid information on an applicant for free or reduced49;price lunches under Section 249;3.131, 34 9;14.29, 1049;28, or 3449;18.26 of this Code or Section 10 of the School Breakfast and Lunch Program Act, that entity must obtain, in writing, the consent of the applicant's parent or legal guardian. The Department of Public Aid may not seek any punitive action against or withhold any benefit or subsidy from an applicant for a free or reduced49;price lunch due to the applicant's parent or legal guardian withholding consent.

(Source: P.A. 9349;404, eff. 849;149;03.)

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