



Rep. LaShawn K. Ford

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1 AMENDMENT TO SENATE BILL 3547

2 AMENDMENT NO. _____. Amend Senate Bill 3547, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The School Code is amended by changing Sections
6 2-3.51.5, 18-17, 27A-11.5, 28-6, 28-8, 28-9, 28-14, 28-15,
7 28-17, 28-20, 28-21, 34-2.3, and 34-19 and by adding Section
8 28-19.5 as follows:

9 (105 ILCS 5/2-3.51.5)

10 Sec. 2-3.51.5. School Safety and Educational Improvement
11 Block Grant Program. To improve the level of education and
12 safety of students from kindergarten through grade 12 in school
13 districts and State-recognized, non-public schools. The State
14 Board of Education is authorized to fund a School Safety and
15 Educational Improvement Block Grant Program.

16 (1) For school districts, the program shall provide funding

1 for school safety, textbooks and software, electronic
2 textbooks and the technological equipment necessary to gain
3 access to and use electronic textbooks, teacher training and
4 curriculum development, school improvements, remediation
5 programs under subsection (a) of Section 2-3.64, school report
6 cards under Section 10-17a, and criminal history records checks
7 under Sections 10-21.9 and 34-18.5. For State-recognized,
8 non-public schools, the program shall provide funding for
9 secular textbooks and software, criminal history records
10 checks, and health and safety mandates to the extent that the
11 funds are expended for purely secular purposes. A school
12 district or laboratory school as defined in Section 18-8 or
13 18-8.05 is not required to file an application in order to
14 receive the categorical funding to which it is entitled under
15 this Section. Funds for the School Safety and Educational
16 Improvement Block Grant Program shall be distributed to school
17 districts and laboratory schools based on the prior year's best
18 3 months average daily attendance. Funds for the School Safety
19 and Educational Improvement Block Grant Program shall be
20 distributed to State-recognized, non-public schools based on
21 the average daily attendance figure for the previous school
22 year provided to the State Board of Education. The State Board
23 of Education shall develop an application that requires
24 State-recognized, non-public schools to submit average daily
25 attendance figures. A State-recognized, non-public school must
26 submit the application and average daily attendance figure

1 prior to receiving funds under this Section. The State Board of
2 Education shall promulgate rules and regulations necessary for
3 the implementation of this program.

4 (2) Distribution of moneys to school districts and
5 State-recognized, non-public schools shall be made in 2
6 semi-annual installments, one payment on or before October 30,
7 and one payment prior to April 30, of each fiscal year.

8 (3) Grants under the School Safety and Educational
9 Improvement Block Grant Program shall be awarded provided there
10 is an appropriation for the program, and funding levels for
11 each district shall be prorated according to the amount of the
12 appropriation.

13 (4) The provisions of this Section are in the public
14 interest, are for the public benefit, and serve secular public
15 purposes.

16 (Source: P.A. 95-707, eff. 1-11-08.)

17 (105 ILCS 5/18-17) (from Ch. 122, par. 18-17)

18 Sec. 18-17. The State Board of Education shall provide the
19 loan of secular textbooks and electronic textbooks and the
20 technological equipment necessary to gain access to and use
21 electronic textbooks listed for use by the State Board of
22 Education free of charge to any student in this State who is
23 enrolled in grades kindergarten through 12 at a public school
24 or at a school other than a public school which is in
25 compliance with the compulsory attendance laws of this State

1 and Title VI of the Civil Rights Act of 1964. The foregoing
2 service shall be provided directly to the students at their
3 request or at the request of their parents or guardians. The
4 State Board of Education shall adopt appropriate regulations to
5 administer this Section and to facilitate the equitable
6 participation of all students eligible for benefits hereunder,
7 including provisions authorizing the exchange, trade or
8 transfer of loaned secular textbooks and electronic textbooks
9 and the technological equipment necessary to gain access to and
10 use electronic textbooks between schools or school districts
11 for students enrolled in such schools or districts. The bonding
12 requirements of Sections 28-1 and 28-2 of this Code do not
13 apply to the loan of secular textbooks under this Section.
14 After secular textbooks and electronic textbooks and the
15 technological equipment necessary to gain access to and use
16 electronic textbooks have been on loan under this Section for a
17 period of 5 years or more, such textbooks and electronic
18 textbooks and the technological equipment necessary to gain
19 access to and use electronic textbooks may be disposed of by
20 school districts in such manner as their respective school
21 boards shall determine following written notification to the
22 State Board of Education and expiration of a reasonable waiting
23 period not to exceed 30 days. Loaned textbooks and electronic
24 textbooks and the technological equipment necessary to gain
25 access to and use electronic textbooks may not be disposed of
26 out-of-State or sold without the prior approval of the State

1 Board of Education.

2 As used in this Section, "textbook" means any book or book
3 substitute which a pupil uses as a text or text substitute,
4 including electronic textbooks, in a particular class or
5 program. It shall include books, reusable workbooks, manuals,
6 whether bound or in loose leaf form, ~~and~~ instructional computer
7 software, and electronic textbooks and the technological
8 equipment necessary to gain access to and use electronic
9 textbooks intended as a principal source of study material for
10 a given class or group of students. "Textbook" also includes
11 science curriculum materials in a kit format that includes
12 pre-packaged consumable materials if (i) it is shown that the
13 materials serve as a textbook substitute, (ii) the materials
14 are for use by pupils as a principal learning resource, (iii)
15 each component of the materials is integrally necessary to
16 teach the requirements of the intended course, (iv) the kit
17 includes teacher guidance materials, and (v) the purchase of
18 individual consumable materials is not allowed.

19 (Source: P.A. 93-212, eff. 7-18-03; 94-927, eff. 1-1-07.)

20 (105 ILCS 5/27A-11.5)

21 Sec. 27A-11.5. State financing. The State Board of
22 Education shall make the following funds available to school
23 districts and charter schools:

24 (1) From a separate appropriation made to the State
25 Board for purposes of this subdivision (1), the State Board

1 shall make transition impact aid available to school
2 districts that approve a new charter school or that have
3 funds withheld by the State Board to fund a new charter
4 school that is chartered by the State Board. The amount of
5 the aid shall equal 90% of the per capita funding paid to
6 the charter school during the first year of its initial
7 charter term, 65% of the per capita funding paid to the
8 charter school during the second year of its initial term,
9 and 35% of the per capita funding paid to the charter
10 school during the third year of its initial term. This
11 transition impact aid shall be paid to the local school
12 board in equal quarterly installments, with the payment of
13 the installment for the first quarter being made by August
14 1st immediately preceding the first, second, and third
15 years of the initial term. The district shall file an
16 application for this aid with the State Board in a format
17 designated by the State Board. If the appropriation is
18 insufficient in any year to pay all approved claims, the
19 impact aid shall be prorated. However, for fiscal year
20 2004, the State Board of Education shall pay approved
21 claims only for charter schools with a valid charter
22 granted prior to June 1, 2003. If any funds remain after
23 these claims have been paid, then the State Board of
24 Education may pay all other approved claims on a pro rata
25 basis. Transition impact aid shall be paid beginning in the
26 1999-2000 school year for charter schools that are in the

1 first, second, or third year of their initial term.
2 Transition impact aid shall not be paid for any charter
3 school that is proposed and created by one or more boards
4 of education, as authorized under the provisions of Public
5 Act 91-405.

6 (2) From a separate appropriation made for the purpose
7 of this subdivision (2), the State Board shall make grants
8 to charter schools to pay their start-up costs of acquiring
9 educational materials and supplies, textbooks, electronic
10 textbooks and the technological equipment necessary to
11 gain access to and use electronic textbooks, furniture, and
12 other equipment needed during their initial term. The State
13 Board shall annually establish the time and manner of
14 application for these grants, which shall not exceed \$250
15 per student enrolled in the charter school.

16 (3) The Charter Schools Revolving Loan Fund is created
17 as a special fund in the State treasury. Federal funds,
18 such other funds as may be made available for costs
19 associated with the establishment of charter schools in
20 Illinois, and amounts repaid by charter schools that have
21 received a loan from the Charter Schools Revolving Loan
22 Fund shall be deposited into the Charter Schools Revolving
23 Loan Fund, and the moneys in the Charter Schools Revolving
24 Loan Fund shall be appropriated to the State Board and used
25 to provide interest-free loans to charter schools. These
26 funds shall be used to pay start-up costs of acquiring

1 educational materials and supplies, textbooks, electronic
2 textbooks and the technological equipment necessary to
3 gain access to and use electronic textbooks, furniture, and
4 other equipment needed in the initial term of the charter
5 school and for acquiring and remodeling a suitable physical
6 plant, within the initial term of the charter school. Loans
7 shall be limited to one loan per charter school and shall
8 not exceed \$250 per student enrolled in the charter school.
9 A loan shall be repaid by the end of the initial term of
10 the charter school. The State Board may deduct amounts
11 necessary to repay the loan from funds due to the charter
12 school or may require that the local school board that
13 authorized the charter school deduct such amounts from
14 funds due the charter school and remit these amounts to the
15 State Board, provided that the local school board shall not
16 be responsible for repayment of the loan. The State Board
17 may use up to 3% of the appropriation to contract with a
18 non-profit entity to administer the loan program.

19 (4) A charter school may apply for and receive, subject
20 to the same restrictions applicable to school districts,
21 any grant administered by the State Board that is available
22 for school districts.

23 (Source: P.A. 92-16, eff. 6-28-01; 93-21, eff. 7-1-03.)

24 (105 ILCS 5/28-6) (from Ch. 122, par. 28-6)

25 Sec. 28-6. Adoption of books by school boards - Change.

1 Printed and electronic instructional materials adopted by any
2 board under the provisions of this Article shall be used
3 exclusively in all public high schools and elementary schools
4 for which they have been adopted, except that supplementary or
5 abridged or special editions thereof may be used when
6 necessary.

7 (Source: P.A. 85-1440.)

8 (105 ILCS 5/28-8) (from Ch. 122, par. 28-8)

9 Sec. 28-8. Purchase by districts for resale at cost. School
10 districts may purchase textbooks and electronic textbooks and
11 the technological equipment necessary to gain access to and use
12 electronic textbooks from the publishers and manufacturers at
13 the prices listed with the State Board of Education and sell
14 them to the pupils at the listed prices or at such prices as
15 will include the cost of transportation and handling.

16 (Source: P.A. 81-1508.)

17 (105 ILCS 5/28-9) (from Ch. 122, par. 28-9)

18 Sec. 28-9. Purchase by districts - Designation of agent for
19 sale. School districts may purchase out of contingent funds
20 school textbooks or electronic textbooks, instructional
21 materials, and the technological equipment necessary to gain
22 access to and use electronic textbooks from the publishers and
23 manufacturers at the prices listed with the State Board of
24 Education and may designate a retail dealer or dealers to act

1 as the agent of the district in selling them to pupils. Such
 2 dealers shall at stated times make settlement with the district
 3 for books sold. Such dealers shall not sell textbooks at prices
 4 which exceed a 10% advance on the net prices as listed with the
 5 State Board of Education.

6 (Source: P.A. 81-1508.)

7 (105 ILCS 5/28-14) (from Ch. 122, par. 28-14)

8 Sec. 28-14. Free textbooks - Referendum - Ballot. Any
 9 school board may, and whenever petitioned so to do by 5% or
 10 more of the voters of such district shall order submitted to
 11 the voters thereof at a regular scheduled election the question
 12 of furnishing free school textbooks or electronic textbooks for
 13 the use of pupils attending the public schools of the district,
 14 and the secretary shall certify the proposition to the proper
 15 election authorities for submission in accordance with the
 16 general election law. The proposition shall be in substantially
 17 the following form:

18 ----- FOR furnishing free textbooks or
 19 electronic textbooks in the public schools.

20 ----- AGAINST furnishing free textbooks
 21 or electronic textbooks in the public schools.

22 -----
 23 If a majority of the votes cast upon the proposition is in
 24 favor of furnishing free textbooks or electronic textbooks, the
 25 governing body shall provide, furnish and sell them as provided

1 in Section 28--15, but no such books shall be sold until at
2 least 1 year after the election. The furnishing of free
3 textbooks or electronic textbooks when so adopted shall not be
4 discontinued within 4 years, and thereafter only by a vote of
5 the voters of the district upon the same conditions and in
6 substantially the same manner as the vote for the adoption of
7 free textbooks or electronic textbooks. No textbook or
8 electronic textbook furnished under the provisions of this
9 Article shall contain any denominational or sectarian matter.

10 (Source: P.A. 81-1489.)

11 (105 ILCS 5/28-15) (from Ch. 122, par. 28-15)

12 Sec. 28-15. Textbooks provided and loaned to pupils-Sale to
13 pupils.

14 The governing body of every school district having voted in
15 favor of furnishing free textbooks or electronic textbooks
16 under the provisions of Sections 28--14 through 28--19 shall
17 provide, at the expense of the district, textbooks or
18 electronic textbooks for use in the public schools and loan
19 them free to the pupils. Textbooks so furnished shall remain
20 the property of the school district. The governing body shall
21 also provide for the sale of such textbooks or electronic
22 textbooks at cost to pupils of the schools in the district
23 wishing to purchase them for their own use.

24 (Source: Laws 1961, p. 31.)

1 (105 ILCS 5/28-17) (from Ch. 122, par. 28-17)

2 Sec. 28-17. Rules for care and preservation.

3 The governing body of each district shall make such rules
4 as it deems proper for the care and preservation of textbooks
5 or electronic textbooks so furnished at public expense.

6 (Source: Laws 1961, p. 31.)

7 (105 ILCS 5/28-19.5 new)

8 Sec. 28-19.5. Funding for electronic format of textbooks.

9 Notwithstanding any other provision of law, a school district
10 may use funding received pursuant to this Code to purchase
11 textbooks or instructional materials in an electronic format or
12 hard-bound format and the technological equipment necessary to
13 gain access to and use electronic textbooks or instructional
14 materials if both of the following conditions are met:

15 (1) It can ensure that each pupil will be provided with
16 a copy of the instructional materials to use at school and
17 at home.

18 (2) It will assist the pupil in comprehending the
19 material.

20 Providing access to the materials at school and at home does
21 not require the school district to purchase 2 sets of
22 materials.

23 (105 ILCS 5/28-20) (from Ch. 122, par. 28-20)

24 Sec. 28-20. Definitions ~~Instructional materials.~~

1 (a) For purposes of this Act the term instructional
2 materials shall mean both print and non-print materials,
3 including electronic textbooks, that are used in the
4 educational process.

5 (b) For purposes of this Article, "textbook" includes
6 electronic or digital textbooks that are used for educational
7 purposes.

8 (Source: P.A. 77-2180.)

9 (105 ILCS 5/28-21) (from Ch. 122, par. 28-21)

10 Sec. 28-21. The State Board of Education shall require each
11 publisher of any printed textbook or electronic textbook that
12 is listed for use by the State Board of Education under this
13 Article or that is furnished at public expense under Sections
14 28-14 through 28-19 and is first published after July 19, 2006
15 to furnish, as provided in this Section, an accessible
16 electronic file set of contracted print material to the
17 National Instructional Materials Access Center, which shall
18 then be available to the State Board of Education or its
19 authorized user for the purpose of conversion to an accessible
20 format for use by a child with a print disability and for
21 distribution to local education agencies. An "accessible
22 electronic file" means a file that conforms to specifications
23 of the national file format adopted by the United States
24 Department of Education. Other terms used in this Section shall
25 be construed in compliance with the federal Individuals with

1 Disabilities Education Act and related regulations.

2 (Source: P.A. 95-415, eff. 8-24-07.)

3 (105 ILCS 5/34-2.3) (from Ch. 122, par. 34-2.3)

4 Sec. 34-2.3. Local school councils - Powers and duties.

5 Each local school council shall have and exercise, consistent
6 with the provisions of this Article and the powers and duties
7 of the board of education, the following powers and duties:

8 1. (A) To annually evaluate the performance of the
9 principal of the attendance center using a Board approved
10 principal evaluation form, which shall include the evaluation
11 of (i) student academic improvement, as defined by the school
12 improvement plan, (ii) student absenteeism rates at the school,
13 (iii) instructional leadership, (iv) the effective
14 implementation of programs, policies, or strategies to improve
15 student academic achievement, (v) school management, and (vi)
16 any other factors deemed relevant by the local school council,
17 including, without limitation, the principal's communication
18 skills and ability to create and maintain a student-centered
19 learning environment, to develop opportunities for
20 professional development, and to encourage parental
21 involvement and community partnerships to achieve school
22 improvement;

23 (B) to determine in the manner provided by subsection (c)
24 of Section 34-2.2 and subdivision 1.5 of this Section whether
25 the performance contract of the principal shall be renewed; and

1 (C) to directly select, in the manner provided by
2 subsection (c) of Section 34-2.2, a new principal (including a
3 new principal to fill a vacancy) -- without submitting any list
4 of candidates for that position to the general superintendent
5 as provided in paragraph 2 of this Section -- to serve under a
6 4 year performance contract; provided that (i) the
7 determination of whether the principal's performance contract
8 is to be renewed, based upon the evaluation required by
9 subdivision 1.5 of this Section, shall be made no later than
10 150 days prior to the expiration of the current
11 performance-based contract of the principal, (ii) in cases
12 where such performance contract is not renewed -- a direct
13 selection of a new principal -- to serve under a 4 year
14 performance contract shall be made by the local school council
15 no later than 45 days prior to the expiration of the current
16 performance contract of the principal, and (iii) a selection by
17 the local school council of a new principal to fill a vacancy
18 under a 4 year performance contract shall be made within 90
19 days after the date such vacancy occurs. A Council shall be
20 required, if requested by the principal, to provide in writing
21 the reasons for the council's not renewing the principal's
22 contract.

23 1.5. The local school council's determination of whether to
24 renew the principal's contract shall be based on an evaluation
25 to assess the educational and administrative progress made at
26 the school during the principal's current performance-based

1 contract. The local school council shall base its evaluation on
2 (i) student academic improvement, as defined by the school
3 improvement plan, (ii) student absenteeism rates at the school,
4 (iii) instructional leadership, (iv) the effective
5 implementation of programs, policies, or strategies to improve
6 student academic achievement, (v) school management, and (vi)
7 any other factors deemed relevant by the local school council,
8 including, without limitation, the principal's communication
9 skills and ability to create and maintain a student-centered
10 learning environment, to develop opportunities for
11 professional development, and to encourage parental
12 involvement and community partnerships to achieve school
13 improvement. If a local school council fails to renew the
14 performance contract of a principal rated by the general
15 superintendent, or his or her designee, in the previous years'
16 evaluations as meeting or exceeding expectations, the
17 principal, within 15 days after the local school council's
18 decision not to renew the contract, may request a review of the
19 local school council's principal non-retention decision by a
20 hearing officer appointed by the American Arbitration
21 Association. A local school council member or members or the
22 general superintendent may support the principal's request for
23 review. During the period of the hearing officer's review of
24 the local school council's decision on whether or not to retain
25 the principal, the local school council shall maintain all
26 authority to search for and contract with a person to serve as

1 interim or acting principal, or as the principal of the
2 attendance center under a 4-year performance contract,
3 provided that any performance contract entered into by the
4 local school council shall be voidable or modified in
5 accordance with the decision of the hearing officer. The
6 principal may request review only once while at that attendance
7 center. If a local school council renews the contract of a
8 principal who failed to obtain a rating of "meets" or "exceeds
9 expectations" in the general superintendent's evaluation for
10 the previous year, the general superintendent, within 15 days
11 after the local school council's decision to renew the
12 contract, may request a review of the local school council's
13 principal retention decision by a hearing officer appointed by
14 the American Arbitration Association. The general
15 superintendent may request a review only once for that
16 principal at that attendance center. All requests to review the
17 retention or non-retention of a principal shall be submitted to
18 the general superintendent, who shall, in turn, forward such
19 requests, within 14 days of receipt, to the American
20 Arbitration Association. The general superintendent shall send
21 a contemporaneous copy of the request that was forwarded to the
22 American Arbitration Association to the principal and to each
23 local school council member and shall inform the local school
24 council of its rights and responsibilities under the
25 arbitration process, including the local school council's
26 right to representation and the manner and process by which the

1 Board shall pay the costs of the council's representation. If
2 the local school council retains the principal and the general
3 superintendent requests a review of the retention decision, the
4 local school council and the general superintendent shall be
5 considered parties to the arbitration, a hearing officer shall
6 be chosen between those 2 parties pursuant to procedures
7 promulgated by the State Board of Education, and the principal
8 may retain counsel and participate in the arbitration. If the
9 local school council does not retain the principal and the
10 principal requests a review of the retention decision, the
11 local school council and the principal shall be considered
12 parties to the arbitration and a hearing officer shall be
13 chosen between those 2 parties pursuant to procedures
14 promulgated by the State Board of Education. The hearing shall
15 begin (i) within 45 days after the initial request for review
16 is submitted by the principal to the general superintendent or
17 (ii) if the initial request for review is made by the general
18 superintendent, within 45 days after that request is mailed to
19 the American Arbitration Association. The hearing officer
20 shall render a decision within 45 days after the hearing begins
21 and within 90 days after the initial request for review. The
22 Board shall contract with the American Arbitration Association
23 for all of the hearing officer's reasonable and necessary
24 costs. In addition, the Board shall pay any reasonable costs
25 incurred by a local school council for representation before a
26 hearing officer.

1 1.10. The hearing officer shall conduct a hearing, which
2 shall include (i) a review of the principal's performance,
3 evaluations, and other evidence of the principal's service at
4 the school, (ii) reasons provided by the local school council
5 for its decision, and (iii) documentation evidencing views of
6 interested persons, including, without limitation, students,
7 parents, local school council members, school faculty and
8 staff, the principal, the general superintendent or his or her
9 designee, and members of the community. The burden of proof in
10 establishing that the local school council's decision was
11 arbitrary and capricious shall be on the party requesting the
12 arbitration, and this party shall sustain the burden by a
13 preponderance of the evidence. The hearing officer shall set
14 the local school council decision aside if that decision, in
15 light of the record developed at the hearing, is arbitrary and
16 capricious. The decision of the hearing officer may not be
17 appealed to the Board or the State Board of Education. If the
18 hearing officer decides that the principal shall be retained,
19 the retention period shall not exceed 2 years.

20 2. In the event (i) the local school council does not renew
21 the performance contract of the principal, or the principal
22 fails to receive a satisfactory rating as provided in
23 subsection (h) of Section 34-8.3, or the principal is removed
24 for cause during the term of his or her performance contract in
25 the manner provided by Section 34-85, or a vacancy in the
26 position of principal otherwise occurs prior to the expiration

1 of the term of a principal's performance contract, and (ii) the
2 local school council fails to directly select a new principal
3 to serve under a 4 year performance contract, the local school
4 council in such event shall submit to the general
5 superintendent a list of 3 candidates -- listed in the local
6 school council's order of preference -- for the position of
7 principal, one of which shall be selected by the general
8 superintendent to serve as principal of the attendance center.
9 If the general superintendent fails or refuses to select one of
10 the candidates on the list to serve as principal within 30 days
11 after being furnished with the candidate list, the general
12 superintendent shall select and place a principal on an interim
13 basis (i) for a period not to exceed one year or (ii) until the
14 local school council selects a new principal with 7 affirmative
15 votes as provided in subsection (c) of Section 34-2.2,
16 whichever occurs first. If the local school council fails or
17 refuses to select and appoint a new principal, as specified by
18 subsection (c) of Section 34-2.2, the general superintendent
19 may select and appoint a new principal on an interim basis for
20 an additional year or until a new contract principal is
21 selected by the local school council. There shall be no
22 discrimination on the basis of race, sex, creed, color or
23 disability unrelated to ability to perform in connection with
24 the submission of candidates for, and the selection of a
25 candidate to serve as principal of an attendance center. No
26 person shall be directly selected, listed as a candidate for,

1 or selected to serve as principal of an attendance center (i)
2 if such person has been removed for cause from employment by
3 the Board or (ii) if such person does not hold a valid
4 administrative certificate issued or exchanged under Article
5 21 and endorsed as required by that Article for the position of
6 principal. A principal whose performance contract is not
7 renewed as provided under subsection (c) of Section 34-2.2 may
8 nevertheless, if otherwise qualified and certified as herein
9 provided and if he or she has received a satisfactory rating as
10 provided in subsection (h) of Section 34-8.3, be included by a
11 local school council as one of the 3 candidates listed in order
12 of preference on any candidate list from which one person is to
13 be selected to serve as principal of the attendance center
14 under a new performance contract. The initial candidate list
15 required to be submitted by a local school council to the
16 general superintendent in cases where the local school council
17 does not renew the performance contract of its principal and
18 does not directly select a new principal to serve under a 4
19 year performance contract shall be submitted not later than 30
20 days prior to the expiration of the current performance
21 contract. In cases where the local school council fails or
22 refuses to submit the candidate list to the general
23 superintendent no later than 30 days prior to the expiration of
24 the incumbent principal's contract, the general superintendent
25 may appoint a principal on an interim basis for a period not to
26 exceed one year, during which time the local school council

1 shall be able to select a new principal with 7 affirmative
2 votes as provided in subsection (c) of Section 34-2.2. In cases
3 where a principal is removed for cause or a vacancy otherwise
4 occurs in the position of principal and the vacancy is not
5 filled by direct selection by the local school council, the
6 candidate list shall be submitted by the local school council
7 to the general superintendent within 90 days after the date
8 such removal or vacancy occurs. In cases where the local school
9 council fails or refuses to submit the candidate list to the
10 general superintendent within 90 days after the date of the
11 vacancy, the general superintendent may appoint a principal on
12 an interim basis for a period of one year, during which time
13 the local school council shall be able to select a new
14 principal with 7 affirmative votes as provided in subsection
15 (c) of Section 34-2.2.

16 2.5. Whenever a vacancy in the office of a principal occurs
17 for any reason, the vacancy shall be filled in the manner
18 provided by this Section by the selection of a new principal to
19 serve under a 4 year performance contract.

20 3. To establish additional criteria to be included as part
21 of the performance contract of its principal, provided that
22 such additional criteria shall not discriminate on the basis of
23 race, sex, creed, color or disability unrelated to ability to
24 perform, and shall not be inconsistent with the uniform 4 year
25 performance contract for principals developed by the board as
26 provided in Section 34-8.1 of the School Code or with other

1 provisions of this Article governing the authority and
2 responsibility of principals.

3 4. To approve the expenditure plan prepared by the
4 principal with respect to all funds allocated and distributed
5 to the attendance center by the Board. The expenditure plan
6 shall be administered by the principal. Notwithstanding any
7 other provision of this Act or any other law, any expenditure
8 plan approved and administered under this Section 34-2.3 shall
9 be consistent with and subject to the terms of any contract for
10 services with a third party entered into by the Chicago School
11 Reform Board of Trustees or the board under this Act.

12 Via a supermajority vote of 7 members of the local school
13 council or 8 members of a high school local school council, the
14 Council may transfer allocations pursuant to Section 34-2.3
15 within funds; provided that such a transfer is consistent with
16 applicable law and collective bargaining agreements.

17 Beginning in fiscal year 1991 and in each fiscal year
18 thereafter, the Board may reserve up to 1% of its total fiscal
19 year budget for distribution on a prioritized basis to schools
20 throughout the school system in order to assure adequate
21 programs to meet the needs of special student populations as
22 determined by the Board. This distribution shall take into
23 account the needs catalogued in the Systemwide Plan and the
24 various local school improvement plans of the local school
25 councils. Information about these centrally funded programs
26 shall be distributed to the local school councils so that their

1 subsequent planning and programming will account for these
2 provisions.

3 Beginning in fiscal year 1991 and in each fiscal year
4 thereafter, from other amounts available in the applicable
5 fiscal year budget, the board shall allocate a lump sum amount
6 to each local school based upon such formula as the board shall
7 determine taking into account the special needs of the student
8 body. The local school principal shall develop an expenditure
9 plan in consultation with the local school council, the
10 professional personnel leadership committee and with all other
11 school personnel, which reflects the priorities and activities
12 as described in the school's local school improvement plan and
13 is consistent with applicable law and collective bargaining
14 agreements and with board policies and standards; however, the
15 local school council shall have the right to request waivers of
16 board policy from the board of education and waivers of
17 employee collective bargaining agreements pursuant to Section
18 34-8.1a.

19 The expenditure plan developed by the principal with
20 respect to amounts available from the fund for prioritized
21 special needs programs and the allocated lump sum amount must
22 be approved by the local school council.

23 The lump sum allocation shall take into account the
24 following principles:

25 a. Teachers: Each school shall be allocated funds equal
26 to the amount appropriated in the previous school year for

1 compensation for teachers (regular grades kindergarten
2 through 12th grade) plus whatever increases in
3 compensation have been negotiated contractually or through
4 longevity as provided in the negotiated agreement.
5 Adjustments shall be made due to layoff or reduction in
6 force, lack of funds or work, change in subject
7 requirements, enrollment changes, or contracts with third
8 parties for the performance of services or to rectify any
9 inconsistencies with system-wide allocation formulas or
10 for other legitimate reasons.

11 b. Other personnel: Funds for other teacher
12 certificated and uncertificated personnel paid through
13 non-categorical funds shall be provided according to
14 system-wide formulas based on student enrollment and the
15 special needs of the school as determined by the Board.

16 c. Non-compensation items: Appropriations for all
17 non-compensation items shall be based on system-wide
18 formulas based on student enrollment and on the special
19 needs of the school or factors related to the physical
20 plant, including but not limited to textbooks, electronic
21 textbooks and the technological equipment necessary to
22 gain access to and use electronic textbooks, supplies,
23 electricity, equipment, and routine maintenance.

24 d. Funds for categorical programs: Schools shall
25 receive personnel and funds based on, and shall use such
26 personnel and funds in accordance with State and Federal

1 requirements applicable to each categorical program
2 provided to meet the special needs of the student body
3 (including but not limited to, Federal Chapter I,
4 Bilingual, and Special Education).

5 d.1. Funds for State Title I: Each school shall receive
6 funds based on State and Board requirements applicable to
7 each State Title I pupil provided to meet the special needs
8 of the student body. Each school shall receive the
9 proportion of funds as provided in Section 18-8 to which
10 they are entitled. These funds shall be spent only with the
11 budgetary approval of the Local School Council as provided
12 in Section 34-2.3.

13 e. The Local School Council shall have the right to
14 request the principal to close positions and open new ones
15 consistent with the provisions of the local school
16 improvement plan provided that these decisions are
17 consistent with applicable law and collective bargaining
18 agreements. If a position is closed, pursuant to this
19 paragraph, the local school shall have for its use the
20 system-wide average compensation for the closed position.

21 f. Operating within existing laws and collective
22 bargaining agreements, the local school council shall have
23 the right to direct the principal to shift expenditures
24 within funds.

25 g. (Blank).

26 Any funds unexpended at the end of the fiscal year shall be

1 available to the board of education for use as part of its
2 budget for the following fiscal year.

3 5. To make recommendations to the principal concerning
4 textbook selection and concerning curriculum developed
5 pursuant to the school improvement plan which is consistent
6 with systemwide curriculum objectives in accordance with
7 Sections 34-8 and 34-18 of the School Code and in conformity
8 with the collective bargaining agreement.

9 6. To advise the principal concerning the attendance and
10 disciplinary policies for the attendance center, subject to the
11 provisions of this Article and Article 26, and consistent with
12 the uniform system of discipline established by the board
13 pursuant to Section 34-19.

14 7. To approve a school improvement plan developed as
15 provided in Section 34-2.4. The process and schedule for plan
16 development shall be publicized to the entire school community,
17 and the community shall be afforded the opportunity to make
18 recommendations concerning the plan. At least twice a year the
19 principal and local school council shall report publicly on
20 progress and problems with respect to plan implementation.

21 8. To evaluate the allocation of teaching resources and
22 other certificated and uncertificated staff to the attendance
23 center to determine whether such allocation is consistent with
24 and in furtherance of instructional objectives and school
25 programs reflective of the school improvement plan adopted for
26 the attendance center; and to make recommendations to the

1 board, the general superintendent and the principal concerning
2 any reallocation of teaching resources or other staff whenever
3 the council determines that any such reallocation is
4 appropriate because the qualifications of any existing staff at
5 the attendance center do not adequately match or support
6 instructional objectives or school programs which reflect the
7 school improvement plan.

8 9. To make recommendations to the principal and the general
9 superintendent concerning their respective appointments, after
10 August 31, 1989, and in the manner provided by Section 34-8 and
11 Section 34-8.1, of persons to fill any vacant, additional or
12 newly created positions for teachers at the attendance center
13 or at attendance centers which include the attendance center
14 served by the local school council.

15 10. To request of the Board the manner in which training
16 and assistance shall be provided to the local school council.
17 Pursuant to Board guidelines a local school council is
18 authorized to direct the Board of Education to contract with
19 personnel or not-for-profit organizations not associated with
20 the school district to train or assist council members. If
21 training or assistance is provided by contract with personnel
22 or organizations not associated with the school district, the
23 period of training or assistance shall not exceed 30 hours
24 during a given school year; person shall not be employed on a
25 continuous basis longer than said period and shall not have
26 been employed by the Chicago Board of Education within the

1 preceding six months. Council members shall receive training in
2 at least the following areas:

3 1. school budgets;

4 2. educational theory pertinent to the attendance
5 center's particular needs, including the development of
6 the school improvement plan and the principal's
7 performance contract; and

8 3. personnel selection.

9 Council members shall, to the greatest extent possible,
10 complete such training within 90 days of election.

11 11. In accordance with systemwide guidelines contained in
12 the System-Wide Educational Reform Goals and Objectives Plan,
13 criteria for evaluation of performance shall be established for
14 local school councils and local school council members. If a
15 local school council persists in noncompliance with systemwide
16 requirements, the Board may impose sanctions and take necessary
17 corrective action, consistent with Section 34-8.3.

18 12. Each local school council shall comply with the Open
19 Meetings Act and the Freedom of Information Act. Each local
20 school council shall issue and transmit to its school community
21 a detailed annual report accounting for its activities
22 programmatically and financially. Each local school council
23 shall convene at least 2 well-publicized meetings annually with
24 its entire school community. These meetings shall include
25 presentation of the proposed local school improvement plan, of
26 the proposed school expenditure plan, and the annual report,

1 and shall provide an opportunity for public comment.

2 13. Each local school council is encouraged to involve
3 additional non-voting members of the school community in
4 facilitating the council's exercise of its responsibilities.

5 14. The local school council may adopt a school uniform or
6 dress code policy that governs the attendance center and that
7 is necessary to maintain the orderly process of a school
8 function or prevent endangerment of student health or safety,
9 consistent with the policies and rules of the Board of
10 Education. A school uniform or dress code policy adopted by a
11 local school council: (i) shall not be applied in such manner
12 as to discipline or deny attendance to a transfer student or
13 any other student for noncompliance with that policy during
14 such period of time as is reasonably necessary to enable the
15 student to acquire a school uniform or otherwise comply with
16 the dress code policy that is in effect at the attendance
17 center into which the student's enrollment is transferred; and
18 (ii) shall include criteria and procedures under which the
19 local school council will accommodate the needs of or otherwise
20 provide appropriate resources to assist a student from an
21 indigent family in complying with an applicable school uniform
22 or dress code policy. A student whose parents or legal
23 guardians object on religious grounds to the student's
24 compliance with an applicable school uniform or dress code
25 policy shall not be required to comply with that policy if the
26 student's parents or legal guardians present to the local

1 school council a signed statement of objection detailing the
2 grounds for the objection.

3 15. All decisions made and actions taken by the local
4 school council in the exercise of its powers and duties shall
5 comply with State and federal laws, all applicable collective
6 bargaining agreements, court orders and rules properly
7 promulgated by the Board.

8 15a. To grant, in accordance with board rules and policies,
9 the use of assembly halls and classrooms when not otherwise
10 needed, including lighting, heat, and attendants, for public
11 lectures, concerts, and other educational and social
12 activities.

13 15b. To approve, in accordance with board rules and
14 policies, receipts and expenditures for all internal accounts
15 of the attendance center, and to approve all fund-raising
16 activities by nonschool organizations that use the school
17 building.

18 16. (Blank).

19 17. Names and addresses of local school council members
20 shall be a matter of public record.

21 (Source: P.A. 93-48, eff. 7-1-03.)

22 (105 ILCS 5/34-19) (from Ch. 122, par. 34-19)

23 Sec. 34-19. By-laws, rules and regulations; business
24 transacted at regular meetings; voting; records. The board
25 shall, subject to the limitations in this Article, establish

1 by-laws, rules and regulations, which shall have the force of
2 ordinances, for the proper maintenance of a uniform system of
3 discipline for both employees and pupils, and for the entire
4 management of the schools, and may fix the school age of
5 pupils, the minimum of which in kindergartens shall not be
6 under 4 years, except that, based upon an assessment of the
7 child's readiness, children who have attended a non-public
8 preschool and continued their education at that school through
9 kindergarten, were taught in kindergarten by an appropriately
10 certified teacher, and will attain the age of 6 years on or
11 before December 31 of the year of the 2009-2010 school term and
12 each school term thereafter may attend first grade upon
13 commencement of such term, and in grade schools shall not be
14 under 6 years. It may expel, suspend or, subject to the
15 limitations of all policies established or adopted under
16 Section 14-8.05, otherwise discipline any pupil found guilty of
17 gross disobedience, misconduct or other violation of the
18 by-laws, rules and regulations. The bylaws, rules and
19 regulations of the board shall be enacted, money shall be
20 appropriated or expended, salaries shall be fixed or changed,
21 and textbooks, electronic textbooks, and courses of
22 instruction shall be adopted or changed only at the regular
23 meetings of the board and by a vote of a majority of the full
24 membership of the board; provided that notwithstanding any
25 other provision of this Article or the School Code, neither the
26 board or any local school council may purchase any textbook for

1 use in any public school of the district from any textbook
2 publisher that fails to furnish any computer diskettes as
3 required under Section 28-21. Funds appropriated for textbook
4 purchases must be available for electronic textbook purchases
5 and the technological equipment necessary to gain access to and
6 use electronic textbooks at the local school council's
7 discretion. The board shall be further encouraged to provide
8 opportunities for public hearing and testimony before the
9 adoption of bylaws, rules and regulations. Upon all
10 propositions requiring for their adoption at least a majority
11 of all the members of the board the yeas and nays shall be
12 taken and reported. The by-laws, rules and regulations of the
13 board shall not be repealed, amended or added to, except by a
14 vote of 2/3 of the full membership of the board. The board
15 shall keep a record of all its proceedings. Such records and
16 all by-laws, rules and regulations, or parts thereof, may be
17 proved by a copy thereof certified to be such by the secretary
18 of the board, but if they are printed in book or pamphlet form
19 which are purported to be published by authority of the board
20 they need not be otherwise published and the book or pamphlet
21 shall be received as evidence, without further proof, of the
22 records, by-laws, rules and regulations, or any part thereof,
23 as of the dates thereof as shown in such book or pamphlet, in
24 all courts and places where judicial proceedings are had.

25 Notwithstanding any other provision in this Article or in
26 the School Code, the board may delegate to the general

1 superintendent or to the attorney the authorities granted to
2 the board in the School Code, provided such delegation and
3 appropriate oversight procedures are made pursuant to board
4 by-laws, rules and regulations, adopted as herein provided,
5 except that the board may not delegate its authorities and
6 responsibilities regarding (1) budget approval obligations;
7 (2) rule-making functions; (3) desegregation obligations; (4)
8 real estate acquisition, sale or lease in excess of 10 years as
9 provided in Section 34-21; (5) the levy of taxes; or (6) any
10 mandates imposed upon the board by "An Act in relation to
11 school reform in cities over 500,000, amending Acts herein
12 named", approved December 12, 1988 (P.A. 85-1418).
13 (Source: P.A. 96-864, eff. 1-21-10.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law."