



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3165

Introduced 2/18/2025, by Rep. Theresa Mah

SYNOPSIS AS INTRODUCED:

5 ILCS 120/7	
105 ILCS 5/34-2.2	from Ch. 122, par. 34-2.2
105 ILCS 5/34-2.3	from Ch. 122, par. 34-2.3
105 ILCS 5/34-8.3	from Ch. 122, par. 34-8.3

Amends the Open Meetings Act. Provides if a public body is a local school council organized under the Chicago School District Article of the School Code, then, subject to certain requirements, an open or closed meeting subject to the Act may be conducted by audio or video conference, without the physical presence of a quorum of the members, as long as specified conditions are met. Amends the Chicago School District Article of the School Code. Provides that at a local school council's annual organizational meeting, the local school council shall take a vote to determine if meetings shall be held in-person or remotely; however, provides that a declaration by the Governor or Director of Public Health limiting the size of or prohibiting an in-person meeting shall supersede a local school council's vote to meet in-person. Provides that a local school council has the power and duty to pass resolutions requesting action from a member of the Chicago Board of Education representing the school, and to forward such resolutions to the member. Removes language providing that a school placed on probation that fails to make adequate progress in correcting deficiencies is subject to new local school council elections. Provides that the criteria for determining whether a school should remain on probation or the criteria for determining when a school is in educational crisis shall be delivered to each local school council on or before August 1 (rather than October 31) of each year. Effective immediately.

LRB104 08142 LNS 18188 b

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Open Meetings Act is amended by changing
5 Section 7 as follows:

6 (5 ILCS 120/7)

7 Sec. 7. Attendance by a means other than physical
8 presence.

9 (a) If a quorum of the members of the public body is
10 physically present as required by Section 2.01, a majority of
11 the public body may allow a member of that body to attend the
12 meeting by other means if the member is prevented from
13 physically attending because of: (i) personal illness or
14 disability; (ii) employment purposes or the business of the
15 public body; (iii) a family or other emergency; or (iv)
16 unexpected childcare obligations. "Other means" is by video or
17 audio conference.

18 (b) If a member wishes to attend a meeting by other means,
19 the member must notify the recording secretary or clerk of the
20 public body before the meeting unless advance notice is
21 impractical.

22 (c) A majority of the public body may allow a member to
23 attend a meeting by other means only in accordance with and to

1 the extent allowed by rules adopted by the public body. The
2 rules must conform to the requirements and restrictions of
3 this Section, may further limit the extent to which attendance
4 by other means is allowed, and may provide for the giving of
5 additional notice to the public or further facilitate public
6 access to meetings.

7 (d) The limitations of this Section shall not apply to (i)
8 closed meetings of (A) public bodies with statewide
9 jurisdiction, (B) Illinois library systems with jurisdiction
10 over a specific geographic area of more than 4,500 square
11 miles, (C) municipal transit districts with jurisdiction over
12 a specific geographic area of more than 4,500 square miles, or
13 (D) local workforce innovation areas with jurisdiction over a
14 specific geographic area of more than 4,500 square miles or
15 (ii) open or closed meetings of State advisory boards or
16 bodies that do not have authority to make binding
17 recommendations or determinations or to take any other
18 substantive action. State advisory boards or bodies, public
19 bodies with statewide jurisdiction, Illinois library systems
20 with jurisdiction over a specific geographic area of more than
21 4,500 square miles, municipal transit districts with
22 jurisdiction over a specific geographic area of more than
23 4,500 square miles, and local workforce investment areas with
24 jurisdiction over a specific geographic area of more than
25 4,500 square miles, however, may permit members to attend
26 meetings by other means only in accordance with and to the

1 extent allowed by specific procedural rules adopted by the
2 body. For the purposes of this Section, "local workforce
3 innovation area" means any local workforce innovation area or
4 areas designated by the Governor pursuant to the federal
5 Workforce Innovation and Opportunity Act or its reauthorizing
6 legislation.

7 (e) Subject to the requirements of Section 2.06 but
8 notwithstanding any other provision of law, an open or closed
9 meeting subject to this Act may be conducted by audio or video
10 conference, without the physical presence of a quorum of the
11 members, so long as the following conditions are met:

12 (1) the Governor or the Director of the Illinois
13 Department of Public Health has issued a disaster
14 declaration related to public health concerns because of a
15 disaster as defined in Section 4 of the Illinois Emergency
16 Management Agency Act, and all or part of the jurisdiction
17 of the public body is covered by the disaster area;

18 (2) the head of the public body as defined in
19 subsection (e) of Section 2 of the Freedom of Information
20 Act determines that an in-person meeting or a meeting
21 conducted under this Act is not practical or prudent
22 because of a disaster;

23 (3) all members of the body participating in the
24 meeting, wherever their physical location, shall be
25 verified and can hear one another and can hear all
26 discussion and testimony;

1 (4) for open meetings, members of the public present
2 at the regular meeting location of the body can hear all
3 discussion and testimony and all votes of the members of
4 the body, unless attendance at the regular meeting
5 location is not feasible due to the disaster, including
6 the issued disaster declaration, in which case the public
7 body must make alternative arrangements and provide notice
8 pursuant to this Section of such alternative arrangements
9 in a manner to allow any interested member of the public
10 access to contemporaneously hear all discussion,
11 testimony, and roll call votes, such as by offering a
12 telephone number or a web-based link;

13 (5) at least one member of the body, chief legal
14 counsel, or chief administrative officer is physically
15 present at the regular meeting location, unless unfeasible
16 due to the disaster, including the issued disaster
17 declaration; and

18 (6) all votes are conducted by roll call, so each
19 member's vote on each issue can be identified and
20 recorded.

21 (7) Except in the event of a bona fide emergency, 48
22 hours' notice shall be given of a meeting to be held
23 pursuant to this Section. Notice shall be given to all
24 members of the public body, shall be posted on the website
25 of the public body, and shall also be provided to any news
26 media who has requested notice of meetings pursuant to

1 subsection (a) of Section 2.02 of this Act. If the public
2 body declares a bona fide emergency:

3 (A) Notice shall be given pursuant to subsection
4 (a) of Section 2.02 of this Act, and the presiding
5 officer shall state the nature of the emergency at the
6 beginning of the meeting.

7 (B) The public body must comply with the verbatim
8 recording requirements set forth in Section 2.06 of
9 this Act.

10 (8) Each member of the body participating in a meeting
11 by audio or video conference for a meeting held pursuant
12 to this Section is considered present at the meeting for
13 purposes of determining a quorum and participating in all
14 proceedings.

15 (9) In addition to the requirements for open meetings
16 under Section 2.06, public bodies holding open meetings
17 under this subsection (e) must also keep a verbatim record
18 of all their meetings in the form of an audio or video
19 recording. Verbatim records made under this paragraph (9)
20 shall be made available to the public under, and are
21 otherwise subject to, the provisions of Section 2.06.

22 (10) The public body shall bear all costs associated
23 with compliance with this subsection (e).

24 (f) If a public body is a local school council organized
25 under Article 34 of the School Code, then, subject to the
26 requirements of Section 2.06 of this Act but notwithstanding

1 any other provision of law to the contrary, an open or closed
2 meeting subject to this Act may be conducted by audio or video
3 conference, without the physical presence of a quorum of the
4 members, as long as all of the following conditions are met:

5 (1) All members of the body participating in the
6 meeting, wherever their physical location, are verified,
7 can hear one another, and can hear all discussion and
8 testimony.

9 (2) For open meetings, members of the public present
10 at the regular meeting location of the body can hear all
11 discussion and testimony and all votes of the members of
12 the body, and the public body must make alternative
13 arrangements and provide notice pursuant to this Section
14 of such alternative arrangements in a manner to allow any
15 interested member of the public access to
16 contemporaneously hear all discussion, testimony, and
17 roll-call votes, such as by offering a telephone number or
18 a web-based link.

19 (3) All votes are conducted by roll call, so each
20 member's vote on each issue can be identified and
21 recorded.

22 (4) Except in the event of a bona fide emergency,
23 notice within 48 hours is given of a meeting to be held
24 pursuant to this Section. Notice shall be given to all
25 members of the public body, shall be posted on the website
26 of the public body, and shall also be provided to any news

1 media who has requested notice of meetings pursuant to
2 subsection (a) of Section 2.02 of this Act. If the public
3 body declares a bona fide emergency:

4 (A) notice shall be given pursuant to subsection
5 (a) of Section 2.02 of this Act, and the presiding
6 officer shall state the nature of the emergency at the
7 beginning of the meeting; and

8 (B) the public body must comply with the verbatim
9 recording requirements set forth in Section 2.06 of
10 this Act.

11 (5) Each member of the body participating in a meeting
12 by audio or video conference for a meeting held pursuant
13 to this Section is considered present at the meeting for
14 purposes of determining a quorum and participating in all
15 proceedings.

16 (6) In addition to the requirements for open meetings
17 under Section 2.06 of this Act, public bodies holding open
18 meetings under this subsection (f) must also keep a
19 verbatim record of all their meetings in the form of an
20 audio or video recording. Verbatim records made under this
21 paragraph (6) shall be made available to the public under
22 and are otherwise subject to the provisions of Section
23 2.06 of this Act.

24 (7) The public body bears all costs associated with
25 compliance with this subsection (f).

26 (Source: P.A. 103-311, eff. 7-28-23.)

1 Section 10. The School Code is amended by changing
2 Sections 34-2.2, 34-2.3, and 34-8.3 as follows:

3 (105 ILCS 5/34-2.2) (from Ch. 122, par. 34-2.2)

4 Sec. 34-2.2. Local school councils; manner of operation.

5 (a) The annual organizational meeting of each local school
6 council shall be held at the attendance center or via
7 videoconference or teleconference if guidance from the
8 Department of Public Health or Centers for Disease Control and
9 Prevention limits the size of in-person meetings at the time
10 of the meeting. At the organizational meeting, the local
11 school council shall take a vote to determine if meetings
12 shall be held in-person or remotely; however, a declaration by
13 the Governor or Director of Public Health limiting the size of
14 or prohibiting an in-person meeting shall supersede a local
15 school council's vote to meet in-person. At the annual
16 organization meeting, which shall be held no sooner than July
17 1 and no later than July 14, a parent member of the local
18 school council shall be selected by the members of such
19 council as its chairperson, and a secretary shall be selected
20 by the members of such council from among their number, each to
21 serve a term of one year. However, an organizational meeting
22 held by members elected to a local school council under
23 subsection (c-5) of Section 34-2.1 may be held no sooner than
24 January 11, 2021 and no later than January 31, 2021. Whenever a

1 vacancy in the office of chairperson or secretary of a local
2 school council shall occur, a new chairperson (who shall be a
3 parent member) or secretary, as the case may be, shall be
4 elected by the members of the local school council from among
5 their number to serve as such chairperson or secretary for the
6 unexpired term of office in which the vacancy occurs. At each
7 annual organizational meeting, the time and place of any
8 regular meetings of the local school council shall be fixed.
9 Special meetings of the local school council may be called by
10 the chairperson or by any 4 members from an attendance center
11 enrolling students up to grade 8 or any 5 members from a
12 secondary attendance center or an attendance center enrolling
13 students in grades 7 through 12, by giving notice thereof in
14 writing, specifying the time, place and purpose of the
15 meeting. Public notice of meetings shall also be given in
16 accordance with the Open Meetings Act.

17 (b) Members and officers of the local school council shall
18 serve without compensation and without reimbursement of any
19 expenses incurred in the performance of their duties, except
20 that the board of education may by rule establish a procedure
21 and thereunder provide for reimbursement of members and
22 officers of local school councils for such of their reasonable
23 and necessary expenses (excluding any lodging or meal
24 expenses) incurred in the performance of their duties as the
25 board may deem appropriate.

26 (c) A majority of the full membership of the local school

1 council shall constitute a quorum, except as provided in
2 subsection (c-5), and whenever a vote is taken on any measure
3 before the local school council, a quorum being present, the
4 affirmative vote of a majority of the votes of the full
5 membership then serving of the local school council shall
6 determine the outcome thereof; provided that whenever the
7 measure before the local school council is (i) the evaluation
8 of the principal, or (ii) the renewal of his or her performance
9 contract or the inclusion of any provision or modification of
10 the contract, or (iii) the direct selection by the local
11 school council of a new principal (including a new principal
12 to fill a vacancy) to serve under a 4 year performance
13 contract, or (iv) the determination of the names of candidates
14 to be submitted to the general superintendent for the position
15 of principal, the principal and any student members of a local
16 school council shall not be counted for purposes of
17 determining whether a quorum is present to act on the measure
18 and shall have no vote thereon; and provided further that 7
19 affirmative votes of the local school council shall be
20 required for the direct selection by the local school council
21 of a new principal to serve under a 4 year performance contract
22 but not for the renewal of a principal's performance contract.

23 (c-5) If the number of members serving on a local school
24 council at an attendance center enrolling students through the
25 8th grade falls below 7 members due to vacancies, then 4
26 serving members of whom at least 2 are parent or community

1 members of the local school council shall constitute a quorum
2 for the sole purpose of convening a meeting to fill vacancies
3 through appointments in accordance with the process set forth
4 in Section 34-2.1 of this Code. If the number of members
5 serving on a local school council at a secondary attendance
6 center falls below 8 members due to vacancies, then 5 serving
7 members of whom at least 2 are parent or community members of
8 the local school council shall constitute a quorum for the
9 sole purpose of convening a meeting to fill vacancies through
10 appointments in accordance with the process set forth in
11 Section 34-2.1 of this Code. For such purposes, the
12 affirmative vote of a majority of those present shall be
13 required to fill a vacancy through appointment by the local
14 school council.

15 (d) Student members shall not be eligible to vote on
16 personnel matters, including but not limited to principal
17 evaluations and contracts and the allocation of teaching and
18 staff resources.

19 (e) The local school council of an attendance center which
20 provides bilingual education shall be encouraged to provide
21 translators at each council meeting to maximize participation
22 of parents and the community.

23 (f) Each local school council of an attendance center
24 which provides bilingual education shall create a Bilingual
25 Advisory Committee or recognize an existing Bilingual Advisory
26 Committee as a standing committee. The Chair and a majority of

1 the members of the advisory committee shall be parents of
2 students in the bilingual education program. The parents on
3 the advisory committee shall be selected by parents of
4 students in the bilingual education program, and the committee
5 shall select a Chair. The advisory committee for each
6 secondary attendance center shall include at least one
7 full-time bilingual education student. The Bilingual Advisory
8 Committee shall serve only in an advisory capacity to the
9 local school council.

10 (g) Local school councils may utilize the services of an
11 arbitration board to resolve intra-council disputes.

12 (Source: P.A. 101-643, eff. 6-18-20; 102-194, eff. 7-30-21;
13 102-296, eff. 8-6-21; 102-677, eff. 12-3-21.)

14 (105 ILCS 5/34-2.3) (from Ch. 122, par. 34-2.3)

15 Sec. 34-2.3. Local school councils; powers and duties.
16 Each local school council shall have and exercise, consistent
17 with the provisions of this Article and the powers and duties
18 of the board of education, the following powers and duties:

19 1. (A) To annually evaluate the performance of the
20 principal of the attendance center using a Board approved
21 principal evaluation form, which shall include the evaluation
22 of (i) student academic improvement, as defined by the school
23 improvement plan, (ii) student absenteeism rates at the
24 school, (iii) instructional leadership, (iv) the effective
25 implementation of programs, policies, or strategies to improve

1 student academic achievement, (v) school management, and (vi)
2 any other factors deemed relevant by the local school council,
3 including, without limitation, the principal's communication
4 skills and ability to create and maintain a student-centered
5 learning environment, to develop opportunities for
6 professional development, and to encourage parental
7 involvement and community partnerships to achieve school
8 improvement;

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

13 (C) to directly select, in the manner provided by
14 subsection (c) of Section 34-2.2, a new principal (including a
15 new principal to fill a vacancy) -- without submitting any
16 list of candidates for that position to the general
17 superintendent as provided in paragraph 2 of this Section --
18 to serve under a 4 year performance contract; provided that
19 (i) the determination of whether the principal's performance
20 contract is to be renewed, based upon the evaluation required
21 by subdivision 1.5 of this Section, shall be made no later than
22 150 days prior to the expiration of the current
23 performance-based contract of the principal, (ii) in cases
24 where such performance contract is not renewed -- a direct
25 selection of a new principal -- to serve under a 4 year
26 performance contract shall be made by the local school council

1 no later than 45 days prior to the expiration of the current
2 performance contract of the principal, and (iii) a selection
3 by the local school council of a new principal to fill a
4 vacancy under a 4 year performance contract shall be made
5 within 90 days after the date such vacancy occurs. A Council
6 shall be required, if requested by the principal, to provide
7 in writing the reasons for the council's not renewing the
8 principal's contract.

9 1.5. The local school council's determination of whether
10 to renew the principal's contract shall be based on an
11 evaluation to assess the educational and administrative
12 progress made at the school during the principal's current
13 performance-based contract. The local school council shall
14 base its evaluation on (i) student academic improvement, as
15 defined by the school improvement plan, (ii) student
16 absenteeism rates at the school, (iii) instructional
17 leadership, (iv) the effective implementation of programs,
18 policies, or strategies to improve student academic
19 achievement, (v) school management, and (vi) any other factors
20 deemed relevant by the local school council, including,
21 without limitation, the principal's communication skills and
22 ability to create and maintain a student-centered learning
23 environment, to develop opportunities for professional
24 development, and to encourage parental involvement and
25 community partnerships to achieve school improvement. If a
26 local school council fails to renew the performance contract

1 of a principal rated by the general superintendent, or his or
2 her designee, in the previous years' evaluations as meeting or
3 exceeding expectations, the principal, within 15 days after
4 the local school council's decision not to renew the contract,
5 may request a review of the local school council's principal
6 non-retention decision by a hearing officer appointed by the
7 American Arbitration Association. A local school council
8 member or members or the general superintendent may support
9 the principal's request for review. During the period of the
10 hearing officer's review of the local school council's
11 decision on whether or not to retain the principal, the local
12 school council shall maintain all authority to search for and
13 contract with a person to serve as interim or acting
14 principal, or as the principal of the attendance center under
15 a 4-year performance contract, provided that any performance
16 contract entered into by the local school council shall be
17 voidable or modified in accordance with the decision of the
18 hearing officer. The principal may request review only once
19 while at that attendance center. If a local school council
20 renews the contract of a principal who failed to obtain a
21 rating of "meets" or "exceeds expectations" in the general
22 superintendent's evaluation for the previous year, the general
23 superintendent, within 15 days after the local school
24 council's decision to renew the contract, may request a review
25 of the local school council's principal retention decision by
26 a hearing officer appointed by the American Arbitration

1 Association. The general superintendent may request a review
2 only once for that principal at that attendance center. All
3 requests to review the retention or non-retention of a
4 principal shall be submitted to the general superintendent,
5 who shall, in turn, forward such requests, within 14 days of
6 receipt, to the American Arbitration Association. The general
7 superintendent shall send a contemporaneous copy of the
8 request that was forwarded to the American Arbitration
9 Association to the principal and to each local school council
10 member and shall inform the local school council of its rights
11 and responsibilities under the arbitration process, including
12 the local school council's right to representation and the
13 manner and process by which the Board shall pay the costs of
14 the council's representation. If the local school council
15 retains the principal and the general superintendent requests
16 a review of the retention decision, the local school council
17 and the general superintendent shall be considered parties to
18 the arbitration, a hearing officer shall be chosen between
19 those 2 parties pursuant to procedures promulgated by the
20 State Board of Education, and the principal may retain counsel
21 and participate in the arbitration. If the local school
22 council does not retain the principal and the principal
23 requests a review of the retention decision, the local school
24 council and the principal shall be considered parties to the
25 arbitration and a hearing officer shall be chosen between
26 those 2 parties pursuant to procedures promulgated by the

1 State Board of Education. The hearing shall begin (i) within
2 45 days after the initial request for review is submitted by
3 the principal to the general superintendent or (ii) if the
4 initial request for review is made by the general
5 superintendent, within 45 days after that request is mailed to
6 the American Arbitration Association. The hearing officer
7 shall render a decision within 45 days after the hearing
8 begins and within 90 days after the initial request for
9 review. The Board shall contract with the American Arbitration
10 Association for all of the hearing officer's reasonable and
11 necessary costs. In addition, the Board shall pay any
12 reasonable costs incurred by a local school council for
13 representation before a hearing officer.

14 1.10. The hearing officer shall conduct a hearing, which
15 shall include (i) a review of the principal's performance,
16 evaluations, and other evidence of the principal's service at
17 the school, (ii) reasons provided by the local school council
18 for its decision, and (iii) documentation evidencing views of
19 interested persons, including, without limitation, students,
20 parents, local school council members, school faculty and
21 staff, the principal, the general superintendent or his or her
22 designee, and members of the community. The burden of proof in
23 establishing that the local school council's decision was
24 arbitrary and capricious shall be on the party requesting the
25 arbitration, and this party shall sustain the burden by a
26 preponderance of the evidence. The hearing officer shall set

1 the local school council decision aside if that decision, in
2 light of the record developed at the hearing, is arbitrary and
3 capricious. The decision of the hearing officer may not be
4 appealed to the Board or the State Board of Education. If the
5 hearing officer decides that the principal shall be retained,
6 the retention period shall not exceed 2 years.

7 2. In the event (i) the local school council does not renew
8 the performance contract of the principal, or the principal
9 fails to receive a satisfactory rating as provided in
10 subsection (h) of Section 34-8.3, or the principal is removed
11 for cause during the term of his or her performance contract in
12 the manner provided by Section 34-85, or a vacancy in the
13 position of principal otherwise occurs prior to the expiration
14 of the term of a principal's performance contract, and (ii)
15 the local school council fails to directly select a new
16 principal to serve under a 4 year performance contract, the
17 local school council in such event shall submit to the general
18 superintendent a list of 3 candidates -- listed in the local
19 school council's order of preference -- for the position of
20 principal, one of which shall be selected by the general
21 superintendent to serve as principal of the attendance center.
22 If the general superintendent fails or refuses to select one
23 of the candidates on the list to serve as principal within 30
24 days after being furnished with the candidate list, the
25 general superintendent shall select and place a principal on
26 an interim basis (i) for a period not to exceed one year or

1 (ii) until the local school council selects a new principal
2 with 7 affirmative votes as provided in subsection (c) of
3 Section 34-2.2, whichever occurs first. If the local school
4 council fails or refuses to select and appoint a new
5 principal, as specified by subsection (c) of Section 34-2.2,
6 the general superintendent may select and appoint a new
7 principal on an interim basis for an additional year or until a
8 new contract principal is selected by the local school
9 council. There shall be no discrimination on the basis of
10 race, sex, creed, color or disability unrelated to ability to
11 perform in connection with the submission of candidates for,
12 and the selection of a candidate to serve as principal of an
13 attendance center. No person shall be directly selected,
14 listed as a candidate for, or selected to serve as principal of
15 an attendance center (i) if such person has been removed for
16 cause from employment by the Board or (ii) if such person does
17 not hold a valid Professional Educator License issued under
18 Article 21B and endorsed as required by that Article for the
19 position of principal. A principal whose performance contract
20 is not renewed as provided under subsection (c) of Section
21 34-2.2 may nevertheless, if otherwise qualified and licensed
22 as herein provided and if he or she has received a satisfactory
23 rating as provided in subsection (h) of Section 34-8.3, be
24 included by a local school council as one of the 3 candidates
25 listed in order of preference on any candidate list from which
26 one person is to be selected to serve as principal of the

1 attendance center under a new performance contract. The
2 initial candidate list required to be submitted by a local
3 school council to the general superintendent in cases where
4 the local school council does not renew the performance
5 contract of its principal and does not directly select a new
6 principal to serve under a 4 year performance contract shall
7 be submitted not later than 30 days prior to the expiration of
8 the current performance contract. In cases where the local
9 school council fails or refuses to submit the candidate list
10 to the general superintendent no later than 30 days prior to
11 the expiration of the incumbent principal's contract, the
12 general superintendent may appoint a principal on an interim
13 basis for a period not to exceed one year, during which time
14 the local school council shall be able to select a new
15 principal with 7 affirmative votes as provided in subsection
16 (c) of Section 34-2.2. In cases where a principal is removed
17 for cause or a vacancy otherwise occurs in the position of
18 principal and the vacancy is not filled by direct selection by
19 the local school council, the candidate list shall be
20 submitted by the local school council to the general
21 superintendent within 90 days after the date such removal or
22 vacancy occurs. In cases where the local school council fails
23 or refuses to submit the candidate list to the general
24 superintendent within 90 days after the date of the vacancy,
25 the general superintendent may appoint a principal on an
26 interim basis for a period of one year, during which time the

1 local school council shall be able to select a new principal
2 with 7 affirmative votes as provided in subsection (c) of
3 Section 34-2.2.

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

8 3. To establish additional criteria to be included as part
9 of the performance contract of its principal, provided that
10 such additional criteria shall not discriminate on the basis
11 of race, sex, creed, color or disability unrelated to ability
12 to perform, and shall not be inconsistent with the uniform 4
13 year performance contract for principals developed by the
14 board as provided in Section 34-8.1 of the School Code or with
15 other provisions of this Article governing the authority and
16 responsibility of principals.

17 4. To approve the expenditure plan prepared by the
18 principal with respect to all funds allocated and distributed
19 to the attendance center by the Board. The expenditure plan
20 shall be administered by the principal. Notwithstanding any
21 other provision of this Act or any other law, any expenditure
22 plan approved and administered under this Section 34-2.3 shall
23 be consistent with and subject to the terms of any contract for
24 services with a third party entered into by the Chicago School
25 Reform Board of Trustees or the board under this Act.

26 Via a supermajority vote of 8 members of a local school

1 council enrolling students through the 8th grade or 9 members
2 of a local school council at a secondary attendance center or
3 an attendance center enrolling students in grades 7 through
4 12, the Council may transfer allocations pursuant to Section
5 34-2.3 within funds; provided that such a transfer is
6 consistent with applicable law and collective bargaining
7 agreements.

8 Beginning in fiscal year 1991 and in each fiscal year
9 thereafter, the Board may reserve up to 1% of its total fiscal
10 year budget for distribution on a prioritized basis to schools
11 throughout the school system in order to assure adequate
12 programs to meet the needs of special student populations as
13 determined by the Board. This distribution shall take into
14 account the needs catalogued in the Systemwide Plan and the
15 various local school improvement plans of the local school
16 councils. Information about these centrally funded programs
17 shall be distributed to the local school councils so that
18 their subsequent planning and programming will account for
19 these provisions.

20 Beginning in fiscal year 1991 and in each fiscal year
21 thereafter, from other amounts available in the applicable
22 fiscal year budget, the board shall allocate a lump sum amount
23 to each local school based upon such formula as the board shall
24 determine taking into account the special needs of the student
25 body. The local school principal shall develop an expenditure
26 plan in consultation with the local school council, the

1 professional personnel leadership committee and with all other
2 school personnel, which reflects the priorities and activities
3 as described in the school's local school improvement plan and
4 is consistent with applicable law and collective bargaining
5 agreements and with board policies and standards; however, the
6 local school council shall have the right to request waivers
7 of board policy from the board of education and waivers of
8 employee collective bargaining agreements pursuant to Section
9 34-8.1a.

10 The expenditure plan developed by the principal with
11 respect to amounts available from the fund for prioritized
12 special needs programs and the allocated lump sum amount must
13 be approved by the local school council.

14 The lump sum allocation shall take into account the
15 following principles:

16 a. Teachers: Each school shall be allocated funds
17 equal to the amount appropriated in the previous school
18 year for compensation for teachers (regular grades
19 kindergarten through 12th grade) plus whatever increases
20 in compensation have been negotiated contractually or
21 through longevity as provided in the negotiated agreement.
22 Adjustments shall be made due to layoff or reduction in
23 force, lack of funds or work, change in subject
24 requirements, enrollment changes, or contracts with third
25 parties for the performance of services or to rectify any
26 inconsistencies with system-wide allocation formulas or

1 for other legitimate reasons.

2 b. Other personnel: Funds for other teacher licensed
3 and nonlicensed personnel paid through non-categorical
4 funds shall be provided according to system-wide formulas
5 based on student enrollment and the special needs of the
6 school as determined by the Board.

7 c. Non-compensation items: Appropriations for all
8 non-compensation items shall be based on system-wide
9 formulas based on student enrollment and on the special
10 needs of the school or factors related to the physical
11 plant, including but not limited to textbooks, electronic
12 textbooks and the technological equipment necessary to
13 gain access to and use electronic textbooks, supplies,
14 electricity, equipment, and routine maintenance.

15 d. Funds for categorical programs: Schools shall
16 receive personnel and funds based on, and shall use such
17 personnel and funds in accordance with State and Federal
18 requirements applicable to each categorical program
19 provided to meet the special needs of the student body
20 (including but not limited to, Federal Chapter I,
21 Bilingual, and Special Education).

22 d.1. Funds for State Title I: Each school shall
23 receive funds based on State and Board requirements
24 applicable to each State Title I pupil provided to meet
25 the special needs of the student body. Each school shall
26 receive the proportion of funds as provided in Section

1 18-8 or 18-8.15 to which they are entitled. These funds
2 shall be spent only with the budgetary approval of the
3 Local School Council as provided in Section 34-2.3.

4 e. The Local School Council shall have the right to
5 request the principal to close positions and open new ones
6 consistent with the provisions of the local school
7 improvement plan provided that these decisions are
8 consistent with applicable law and collective bargaining
9 agreements. If a position is closed, pursuant to this
10 paragraph, the local school shall have for its use the
11 system-wide average compensation for the closed position.

12 f. Operating within existing laws and collective
13 bargaining agreements, the local school council shall have
14 the right to direct the principal to shift expenditures
15 within funds.

16 g. (Blank).

17 Any funds unexpended at the end of the fiscal year shall be
18 available to the board of education for use as part of its
19 budget for the following fiscal year.

20 5. To make recommendations to the principal concerning
21 textbook selection and concerning curriculum developed
22 pursuant to the school improvement plan which is consistent
23 with systemwide curriculum objectives in accordance with
24 Sections 34-8 and 34-18 of the School Code and in conformity
25 with the collective bargaining agreement.

26 6. To advise the principal concerning the attendance and

1 disciplinary policies for the attendance center, subject to
2 the provisions of this Article and Article 26, and consistent
3 with the uniform system of discipline established by the board
4 pursuant to Section 34-19.

5 7. To approve a school improvement plan developed as
6 provided in Section 34-2.4. The process and schedule for plan
7 development shall be publicized to the entire school
8 community, and the community shall be afforded the opportunity
9 to make recommendations concerning the plan. At least twice a
10 year the principal and local school council shall report
11 publicly on progress and problems with respect to plan
12 implementation.

13 8. To evaluate the allocation of teaching resources and
14 other licensed and nonlicensed staff to the attendance center
15 to determine whether such allocation is consistent with and in
16 furtherance of instructional objectives and school programs
17 reflective of the school improvement plan adopted for the
18 attendance center; and to make recommendations to the board,
19 the general superintendent and the principal concerning any
20 reallocation of teaching resources or other staff whenever the
21 council determines that any such reallocation is appropriate
22 because the qualifications of any existing staff at the
23 attendance center do not adequately match or support
24 instructional objectives or school programs which reflect the
25 school improvement plan.

26 9. To make recommendations to the principal and the

1 general superintendent concerning their respective
2 appointments, after August 31, 1989, and in the manner
3 provided by Section 34-8 and Section 34-8.1, of persons to
4 fill any vacant, additional or newly created positions for
5 teachers at the attendance center or at attendance centers
6 which include the attendance center served by the local school
7 council.

8 10. To request of the Board the manner in which training
9 and assistance shall be provided to the local school council.
10 Pursuant to Board guidelines a local school council is
11 authorized to direct the Board of Education to contract with
12 personnel or not-for-profit organizations not associated with
13 the school district to train or assist council members. If
14 training or assistance is provided by contract with personnel
15 or organizations not associated with the school district, the
16 period of training or assistance shall not exceed 30 hours
17 during a given school year; person shall not be employed on a
18 continuous basis longer than said period and shall not have
19 been employed by the Chicago Board of Education within the
20 preceding six months. Council members shall receive training
21 in at least the following areas:

22 1. school budgets;

23 2. educational theory pertinent to the attendance
24 center's particular needs, including the development of
25 the school improvement plan and the principal's
26 performance contract; and

1 3. personnel selection.

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

4 11. In accordance with systemwide guidelines contained in
5 the System-Wide Educational Reform Goals and Objectives Plan,
6 criteria for evaluation of performance shall be established
7 for local school councils and local school council members. If
8 a local school council persists in noncompliance with
9 systemwide requirements, the Board may impose sanctions and
10 take necessary corrective action, consistent with Section
11 34-8.3.

12 12. Each local school council shall comply with the Open
13 Meetings Act and the Freedom of Information Act. Each local
14 school council shall issue and transmit to its school
15 community a detailed annual report accounting for its
16 activities programmatically and financially. Each local school
17 council shall convene at least 2 well-publicized meetings
18 annually with its entire school community. These meetings
19 shall include presentation of the proposed local school
20 improvement plan, of the proposed school expenditure plan, and
21 the annual report, and shall provide an opportunity for public
22 comment.

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

26 14. The local school council may adopt a school uniform or

1 dress code policy that governs the attendance center and that
2 is necessary to maintain the orderly process of a school
3 function or prevent endangerment of student health or safety,
4 consistent with the policies and rules of the Board of
5 Education. A school uniform or dress code policy adopted by a
6 local school council: (i) shall not be applied in such manner
7 as to discipline or deny attendance to a transfer student or
8 any other student for noncompliance with that policy during
9 such period of time as is reasonably necessary to enable the
10 student to acquire a school uniform or otherwise comply with
11 the dress code policy that is in effect at the attendance
12 center into which the student's enrollment is transferred;
13 (ii) shall include criteria and procedures under which the
14 local school council will accommodate the needs of or
15 otherwise provide appropriate resources to assist a student
16 from an indigent family in complying with an applicable school
17 uniform or dress code policy; (iii) shall not include or apply
18 to hairstyles, including hairstyles historically associated
19 with race, ethnicity, or hair texture, including, but not
20 limited to, protective hairstyles such as braids, locks, and
21 twists; and (iv) shall not prohibit the right of a student to
22 wear or accessorize the student's graduation attire with items
23 associated with the student's cultural, ethnic, or religious
24 identity or any other protected characteristic or category
25 identified in subsection (Q) of Section 1-103 of the Illinois
26 Human Rights Act. A student whose parents or legal guardians

1 object on religious grounds to the student's compliance with
2 an applicable school uniform or dress code policy shall not be
3 required to comply with that policy if the student's parents
4 or legal guardians present to the local school council a
5 signed statement of objection detailing the grounds for the
6 objection. If a local school council does not comply with the
7 requirements and prohibitions set forth in this paragraph 14,
8 the attendance center is subject to the penalty imposed
9 pursuant to subsection (a) of Section 2-3.25.

10 15. All decisions made and actions taken by the local
11 school council in the exercise of its powers and duties shall
12 comply with State and federal laws, all applicable collective
13 bargaining agreements, court orders and rules properly
14 promulgated by the Board.

15 15a. To grant, in accordance with board rules and
16 policies, the use of assembly halls and classrooms when not
17 otherwise needed, including lighting, heat, and attendants,
18 for public lectures, concerts, and other educational and
19 social activities.

20 15b. To approve, in accordance with board rules and
21 policies, receipts and expenditures for all internal accounts
22 of the attendance center, and to approve all fund-raising
23 activities by nonschool organizations that use the school
24 building.

25 16. (Blank).

26 17. Names and addresses of local school council members

1 shall be a matter of public record.

2 18. To pass resolutions requesting action from a member of
3 the board representing the school, and to forward such
4 resolutions to the member. A member of the board shall make a
5 good faith effort to respond to local school councils
6 regarding resolutions forwarded to the member under this
7 Section.

8 (Source: P.A. 102-360, eff. 1-1-22; 102-677, eff. 12-3-21;
9 102-894, eff. 5-20-22; 103-463, eff. 8-4-23.)

10 (105 ILCS 5/34-8.3) (from Ch. 122, par. 34-8.3)

11 Sec. 34-8.3. Remediation and probation of attendance
12 centers.

13 (a) The general superintendent shall monitor the
14 performance of the attendance centers within the district and
15 shall identify attendance centers, pursuant to criteria that
16 the board shall establish, in which:

17 (1) there is a failure to develop, implement, or
18 comply with a school improvement plan;

19 (2) there is a pervasive breakdown in the educational
20 program as indicated by factors, including, but not
21 limited to, the absence of improvement in student reading
22 and math achievement scores, an increased drop-out rate, a
23 decreased graduation rate, and a decrease in rate of
24 student attendance;

25 (3) (blank); or

1 (4) there is a failure or refusal to comply with the
2 provisions of this Act, other applicable laws, collective
3 bargaining agreements, court orders, or with Board rules
4 which the Board is authorized to promulgate.

5 (b) If the general superintendent identifies a
6 nonperforming school as described herein, he or she shall
7 place the attendance center on remediation by developing a
8 remediation plan for the center. The purpose of the
9 remediation plan shall be to correct the deficiencies in the
10 performance of the attendance center by one or more of the
11 following methods:

12 (1) drafting a new school improvement plan;

13 (2) applying to the board for additional funding for
14 training for the local school council;

15 (3) directing implementation of a school improvement
16 plan;

17 (4) mediating disputes or other obstacles to reform or
18 improvement at the attendance center.

19 Nothing in this Section removes any authority of the local
20 school council, which shall retain the right to reject or
21 modify any school improvement plan or implementation thereof,
22 as long as the rejection or modification of any school
23 improvement plan or implementation thereof is consistent with
24 State and federal requirements.

25 If, however, the general superintendent determines that
26 the problems are not able to be remediated by these methods,

1 the general superintendent shall place the attendance center
2 on probation. The board shall establish guidelines that
3 determine the factors for placing an attendance center on
4 probation.

5 (c) Each school placed on probation shall have a school
6 improvement plan and school budget for correcting deficiencies
7 identified by the board. The plan shall include specific steps
8 that the local school council and school staff must take to
9 correct identified deficiencies and specific objective
10 criteria by which the school's subsequent progress will be
11 determined. The school budget shall include specific
12 expenditures directly calculated to correct educational and
13 operational deficiencies identified at the school by the
14 probation team.

15 (d) Schools placed on probation that, after a maximum of
16 one year, fail to make adequate progress in correcting
17 deficiencies are subject to the following actions by the
18 general superintendent with the approval of the board, after
19 opportunity for a hearing:

20 (1) (Blank). ~~Ordering new local school council~~
21 ~~elections.~~

22 (2) Removing and replacing the principal.

23 (3) Replacement of faculty members, subject to the
24 provisions of Section 24A-5.

25 (4) Reconstitution of the attendance center and
26 replacement and reassignment by the general superintendent

1 of all employees of the attendance center.

2 (5) Intervention under Section 34-8.4.

3 (5.5) Operating an attendance center as a contract
4 turnaround school.

5 (6) Closing of the school.

6 (e) Schools placed on probation shall remain on probation
7 from year to year until deficiencies are corrected, even if
8 such schools make acceptable annual progress. The board shall
9 establish, in writing, criteria for determining whether or not
10 a school shall remain on probation. If academic achievement
11 tests are used as the factor for placing a school on probation,
12 the general superintendent shall consider objective criteria,
13 not just an increase in test scores, in deciding whether or not
14 a school shall remain on probation. These criteria shall
15 include attendance, test scores, student mobility rates,
16 poverty rates, bilingual education eligibility, special
17 education, and English language proficiency programs, with
18 progress made in these areas being taken into consideration in
19 deciding whether or not a school shall remain on probation.
20 Such criteria shall be delivered to each local school council
21 on or before August 1 ~~October 31~~ of each year.

22 (e-5) Notwithstanding any other provision of this Section
23 to the contrary, a school that has been on probation for 5
24 years or more shall have the following powers restored to its
25 local school council:

26 (1) to grant approval of the school improvement plan;

1 and

2 (2) to approve the school budget.

3 With respect to the employment, dismissal, and evaluation
4 of a school principal, the local school council of a school
5 that has been on probation for 5 years or more shall conduct a
6 non-binding poll that must be considered by the network chief.
7 The network chief shall work collaboratively with the local
8 school council throughout the process of employment,
9 dismissal, and evaluation of a school principal.

10 (f) Where the board has reason to believe that violations
11 of civil rights, or of civil or criminal law have occurred, or
12 when the general superintendent deems that the school is in
13 educational crisis it may take immediate corrective action,
14 including the actions specified in this Section, without first
15 placing the school on remediation or probation. Nothing
16 described herein shall limit the authority of the board as
17 provided by any law of this State. The board shall develop
18 criteria governing the determination regarding when a school
19 is in educational crisis. Such criteria shall be delivered to
20 each local school council on or before August 1 ~~October 31~~ of
21 each year.

22 (g) All persons serving as subdistrict superintendent on
23 May 1, 1995 shall be deemed by operation of law to be serving
24 under a performance contract which expires on June 30, 1995,
25 and the employment of each such person as subdistrict
26 superintendent shall terminate on June 30, 1995. The board

1 shall have no obligation to compensate any such person as a
2 subdistrict superintendent after June 30, 1995.

3 (h) The general superintendent shall, in consultation with
4 local school councils, conduct an annual evaluation of each
5 principal in the district pursuant to guidelines promulgated
6 by the Board of Education.

7 (Source: P.A. 102-677, eff. 12-3-21.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.