



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4777

by Rep. Linda Chapa LaVia

SYNOPSIS AS INTRODUCED:

105 ILCS 5/34-2.3

from Ch. 122, par. 34-2.3

Amends the Chicago School District Article of the School Code. Provides that if a principal is rated as exceeding expectations in his or her evaluation, the local school council's vote to not renew the principal's contract must be agreed to by a minimum of 90% of the council's members. Provides that if the principal is rated as meeting expectations, the vote to not renew the contract must be agreed to by a minimum of 75% of the council's members. Provides that in order to not renew the contract of a principal whose school's rating rises at least 2 levels during his or her tenure at the school, the local school council's vote to not renew must be agreed to by a minimum of 90% of the council's members. Provides that in order to not renew the contract of a principal whose school's rating rises one level during his or tenure at the school, the local school council's vote to not renew must be agreed to by at a minimum of 75% of the council's members. Provides that in order to not renew the contract of a principal of a school that has attained the district's highest rating, the local school council's vote to not renew must be agreed to by at a minimum of 70% of the council's members. Effective July 1, 2018.

LRB100 19043 AXK 34297 b

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing Section
5 34-2.3 as follows:

6 (105 ILCS 5/34-2.3) (from Ch. 122, par. 34-2.3)

7 Sec. 34-2.3. Local school councils - Powers and duties.
8 Each local school council shall have and exercise, consistent
9 with the provisions of this Article and the powers and duties
10 of the board of education, the following powers and duties:

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

1 involvement and community partnerships to achieve school
2 improvement;

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

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

1 contract.

2 1.5. The local school council's determination of whether to
3 renew the principal's contract shall be based on an evaluation
4 to assess the educational and administrative progress made at
5 the school during the principal's current performance-based
6 contract. The local school council shall base its evaluation on
7 (i) student academic improvement, as defined by the school
8 improvement plan, (ii) student absenteeism rates at the school,
9 (iii) instructional leadership, (iv) the effective
10 implementation of programs, policies, or strategies to improve
11 student academic achievement, (v) school management, and (vi)
12 any other factors deemed relevant by the local school council,
13 including, without limitation, the principal's communication
14 skills and ability to create and maintain a student-centered
15 learning environment, to develop opportunities for
16 professional development, and to encourage parental
17 involvement and community partnerships to achieve school
18 improvement. If a local school council fails to renew the
19 performance contract of a principal rated by the general
20 superintendent, or his or her designee, in the previous years'
21 evaluations as meeting or exceeding expectations, the
22 principal, within 15 days after the local school council's
23 decision not to renew the contract, may request a review of the
24 local school council's principal non-retention decision by a
25 hearing officer appointed by the American Arbitration
26 Association. A local school council member or members or the

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

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

1 Board shall contract with the American Arbitration Association
2 for all of the hearing officer's reasonable and necessary
3 costs. In addition, the Board shall pay any reasonable costs
4 incurred by a local school council for representation before a
5 hearing officer.

6 1.7. Notwithstanding any other provision of this Article to
7 the contrary, if a principal is rated as exceeding expectations
8 in his or her evaluation, the local school council's vote to
9 not renew the principal's contract must be agreed to by a
10 minimum of 90% of the council's members. If the principal is
11 rated as meeting expectations, the vote to not renew the
12 contract must be agreed to by a minimum of 75% of the council's
13 members. In order to not renew the contract of a principal
14 whose school's rating by the district rises at least 2 levels
15 during his or her tenure at the school, the local school
16 council's vote to not renew must be agreed to by a minimum of
17 90% of the council's members. In order to not renew the
18 contract of a principal whose school's rating by the district
19 rises one level during his or tenure at the school, the local
20 school council's vote to not renew must be agreed to by a
21 minimum of 75% of the council's members. However, in order to
22 not renew the contract of a principal of a school that has
23 attained the district's highest rating, the local school
24 council's vote to not renew must be agreed to by a minimum of
25 70% of the council's members.

26 1.10. The hearing officer shall conduct a hearing, which

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

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

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

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

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

15 2.5. Whenever a vacancy in the office of a principal occurs
16 for any reason, the vacancy shall be filled in the manner
17 provided by this Section by the selection of a new principal to
18 serve under a 4 year performance contract.

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

1 responsibility of principals.

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

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

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

1 provisions.

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

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

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

24 a. Teachers: Each school shall be allocated funds equal
25 to the amount appropriated in the previous school year for
26 compensation for teachers (regular grades kindergarten

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

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

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

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

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

4 d.1. Funds for State Title I: Each school shall receive
5 funds based on State and Board requirements applicable to
6 each State Title I pupil provided to meet the special needs
7 of the student body. Each school shall receive the
8 proportion of funds as provided in Section 18-8 or 18-8.15
9 to which they are entitled. These funds shall be spent only
10 with the budgetary approval of the Local School Council as
11 provided in Section 34-2.3.

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

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

24 g. (Blank).

25 Any funds unexpended at the end of the fiscal year shall be
26 available to the board of education for use as part of its

1 budget for the following fiscal year.

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

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

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

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

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

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

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

1 at least the following areas:

2 1. school budgets;

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

7 3. personnel selection.

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

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

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

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

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

1 grounds for the objection.

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

7 15a. To grant, in accordance with board rules and policies,
8 the use of assembly halls and classrooms when not otherwise
9 needed, including lighting, heat, and attendants, for public
10 lectures, concerts, and other educational and social
11 activities.

12 15b. To approve, in accordance with board rules and
13 policies, receipts and expenditures for all internal accounts
14 of the attendance center, and to approve all fund-raising
15 activities by nonschool organizations that use the school
16 building.

17 16. (Blank).

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

20 (Source: P.A. 100-465, eff. 8-31-17.)

21 Section 99. Effective date. This Act takes effect July 1,
22 2018.