

1 AN ACT concerning education.

2 WHEREAS, Postsecondary education is increasingly necessary
3 for success in the modern workforce; and

4 WHEREAS, The affordability of college is an ongoing
5 concern for students, families, and State policymakers; and

6 WHEREAS, The equitable first-day-of-class access to
7 effective textbooks and other learning materials plays a
8 critical role in a student's postsecondary educational
9 experience; and

10 WHEREAS, Institutions of higher learning within and
11 outside of this State are utilizing online educational
12 software to enhance and personalize a student's learning
13 experience while driving down the costs of attending college;
14 therefore,

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

17 Section 5. The School Code is amended by changing Sections
18 34-2.1, 34-2.2, 34-2.3, 34-2.4b, and 34-8.3 as follows:

19 (105 ILCS 5/34-2.1) (from Ch. 122, par. 34-2.1)

1 Sec. 34-2.1. Local school councils; composition; voter
2 eligibility; elections; terms ~~School Councils — Composition~~
3 ~~Voter Eligibility — Elections — Terms.~~

4 (a) Beginning with the first local school council election
5 that occurs after the effective date of this amendatory Act of
6 the 102nd General Assembly, a ~~A~~ local school council shall be
7 established for each attendance center within the school
8 district, including public small schools within the district.

9 Each local school council shall consist of the following 12
10 voting members: the principal of the attendance center, 2
11 teachers employed and assigned to perform the majority of
12 their employment duties at the attendance center, 6 parents of
13 students currently enrolled at the attendance center, one
14 employee of the school district employed and assigned to
15 perform the majority of his or her employment duties at the
16 attendance center who is not a teacher, and 2 community
17 residents. Neither the parents nor the community residents who
18 serve as members of the local school council shall be
19 employees of the Board of Education. In each secondary
20 attendance center, the local school council shall consist of
21 13 voting members through the 2020-2021 school year, the 12
22 voting members described above and one full-time student
23 member, and 15 voting members beginning with the 2021-2022
24 school year, the 12 voting members described above and 3
25 full-time student members, appointed as provided in subsection
26 (m) below. In each attendance center enrolling students in 7th

1 and 8th grade, one full-time student member shall be appointed
2 as provided in subsection (m) of this Section. In the event
3 that the chief executive officer of the Chicago School Reform
4 Board of Trustees determines that a local school council is
5 not carrying out its financial duties effectively, the chief
6 executive officer is authorized to appoint a representative of
7 the business community with experience in finance and
8 management to serve as an advisor to the local school council
9 for the purpose of providing advice and assistance to the
10 local school council on fiscal matters. The advisor shall have
11 access to relevant financial records of the local school
12 council. The advisor may attend executive sessions. The chief
13 executive officer shall issue a written policy defining the
14 circumstances under which a local school council is not
15 carrying out its financial duties effectively.

16 (b) Within 7 days of January 11, 1991, the Mayor shall
17 appoint the members and officers (a Chairperson who shall be a
18 parent member and a Secretary) of each local school council
19 who shall hold their offices until their successors shall be
20 elected and qualified. Members so appointed shall have all the
21 powers and duties of local school councils as set forth in
22 Public Act 86-1477 ~~this amendatory Act of 1991~~. The Mayor's
23 appointments shall not require approval by the City Council.

24 The membership of each local school council shall be
25 encouraged to be reflective of the racial and ethnic
26 composition of the student population of the attendance center

1 served by the local school council.

2 (c) Beginning with the 1995-1996 school year and in every
3 even-numbered year thereafter, the Board shall set second
4 semester Parent Report Card Pick-up Day for Local School
5 Council elections and may schedule elections at year-round
6 schools for the same dates as the remainder of the school
7 system. Elections shall be conducted as provided herein by the
8 Board of Education in consultation with the local school
9 council at each attendance center.

10 (c-5) Notwithstanding subsection (c), for the local school
11 council election set for the 2019-2020 school year, the Board
12 may hold the election on the first semester Parent Report Card
13 Pick-up Day of the 2020-2021 school year, making any necessary
14 modifications to the election process or date to comply with
15 guidance from the Department of Public Health and the federal
16 Centers for Disease Control and Prevention. The terms of
17 office of all local school council members eligible to serve
18 and seated on or after March 23, 2020 through January 10, 2021
19 are extended through January 10, 2021, provided that the
20 members continue to meet eligibility requirements for local
21 school council membership.

22 (d) Beginning with the 1995-96 school year, the following
23 procedures shall apply to the election of local school council
24 members at each attendance center:

25 (i) The elected members of each local school council
26 shall consist of the 6 parent members and the 2 community

1 resident members.

2 (ii) Each elected member shall be elected by the
3 eligible voters of that attendance center to serve for a
4 two-year term commencing on July 1 immediately following
5 the election described in subsection (c), except that the
6 terms of members elected to a local school council under
7 subsection (c-5) shall commence on January 11, 2021 and
8 end on July 1, 2022. Eligible voters for each attendance
9 center shall consist of the parents and community
10 residents for that attendance center.

11 (iii) Each eligible voter shall be entitled to cast
12 one vote for up to a total of 5 candidates, irrespective of
13 whether such candidates are parent or community resident
14 candidates.

15 (iv) Each parent voter shall be entitled to vote in
16 the local school council election at each attendance
17 center in which he or she has a child currently enrolled.
18 Each community resident voter shall be entitled to vote in
19 the local school council election at each attendance
20 center for which he or she resides in the applicable
21 attendance area or voting district, as the case may be.

22 (v) Each eligible voter shall be entitled to vote
23 once, but not more than once, in the local school council
24 election at each attendance center at which the voter is
25 eligible to vote.

26 (vi) The 2 teacher members and the non-teacher

1 employee member of each local school council shall be
2 appointed as provided in subsection (l) below each to
3 serve for a two-year term coinciding with that of the
4 elected parent and community resident members. From March
5 23, 2020 through January 10, 2021, the chief executive
6 officer or his or her designee may make accommodations to
7 fill the vacancy of a teacher or non-teacher employee
8 member of a local school council.

9 (vii) At secondary attendance centers and attendance
10 centers enrolling students in 7th and 8th grade, the
11 voting student members shall be appointed as provided in
12 subsection (m) below to serve for a one-year term
13 coinciding with the beginning of the terms of the elected
14 parent and community members of the local school council.
15 For the 2020-2021 school year, the chief executive officer
16 or his or her designee may make accommodations to fill the
17 vacancy of a student member of a local school council.

18 (e) The Council shall publicize the date and place of the
19 election by posting notices at the attendance center, in
20 public places within the attendance boundaries of the
21 attendance center and by distributing notices to the pupils at
22 the attendance center, and shall utilize such other means as
23 it deems necessary to maximize the involvement of all eligible
24 voters.

25 (f) Nomination. The Council shall publicize the opening of
26 nominations by posting notices at the attendance center, in

1 public places within the attendance boundaries of the
2 attendance center and by distributing notices to the pupils at
3 the attendance center, and shall utilize such other means as
4 it deems necessary to maximize the involvement of all eligible
5 voters. Not less than 2 weeks before the election date,
6 persons eligible to run for the Council shall submit their
7 name, date of birth, social security number, if available, and
8 some evidence of eligibility to the Council. The Council shall
9 encourage nomination of candidates reflecting the
10 racial/ethnic population of the students at the attendance
11 center. Each person nominated who runs as a candidate shall
12 disclose, in a manner determined by the Board, any economic
13 interest held by such person, by such person's spouse or
14 children, or by each business entity in which such person has
15 an ownership interest, in any contract with the Board, any
16 local school council or any public school in the school
17 district. Each person nominated who runs as a candidate shall
18 also disclose, in a manner determined by the Board, if he or
19 she ever has been convicted of any of the offenses specified in
20 subsection (c) of Section 34-18.5; provided that neither this
21 provision nor any other provision of this Section shall be
22 deemed to require the disclosure of any information that is
23 contained in any law enforcement record or juvenile court
24 record that is confidential or whose accessibility or
25 disclosure is restricted or prohibited under Section 5-901 or
26 5-905 of the Juvenile Court Act of 1987. Failure to make such

1 disclosure shall render a person ineligible for election or to
2 serve on the local school council. The same disclosure shall
3 be required of persons under consideration for appointment to
4 the Council pursuant to subsections (l) and (m) of this
5 Section.

6 (f-5) Notwithstanding disclosure, a person who has been
7 convicted of any of the following offenses at any time shall be
8 ineligible for election or appointment to a local school
9 council and ineligible for appointment to a local school
10 council pursuant to subsections (l) and (m) of this Section:

11 (i) those defined in Section 11-1.20, 11-1.30, 11-1.40,
12 11-1.50, 11-1.60, 11-6, 11-9.1, 11-14.4, 11-16, 11-17.1,
13 11-19, 11-19.1, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13,
14 12-14, 12-14.1, 12-15, or 12-16, or subdivision (a)(2) of
15 Section 11-14.3, of the Criminal Code of 1961 or the Criminal
16 Code of 2012, or (ii) any offense committed or attempted in any
17 other state or against the laws of the United States, which, if
18 committed or attempted in this State, would have been
19 punishable as one or more of the foregoing offenses.

20 Notwithstanding disclosure, a person who has been convicted of
21 any of the following offenses within the 10 years previous to
22 the date of nomination or appointment shall be ineligible for
23 election or appointment to a local school council: (i) those
24 defined in Section 401.1, 405.1, or 405.2 of the Illinois
25 Controlled Substances Act or (ii) any offense committed or
26 attempted in any other state or against the laws of the United

1 States, which, if committed or attempted in this State, would
2 have been punishable as one or more of the foregoing offenses.

3 Immediately upon election or appointment, incoming local
4 school council members shall be required to undergo a criminal
5 background investigation, to be completed prior to the member
6 taking office, in order to identify any criminal convictions
7 under the offenses enumerated in Section 34-18.5. The
8 investigation shall be conducted by the Illinois State Police
9 in the same manner as provided for in Section 34-18.5.
10 However, notwithstanding Section 34-18.5, the social security
11 number shall be provided only if available. If it is
12 determined at any time that a local school council member or
13 member-elect has been convicted of any of the offenses
14 enumerated in this Section or failed to disclose a conviction
15 of any of the offenses enumerated in Section 34-18.5, the
16 general superintendent shall notify the local school council
17 member or member-elect of such determination and the local
18 school council member or member-elect shall be removed from
19 the local school council by the Board, subject to a hearing,
20 convened pursuant to Board rule, prior to removal.

21 (g) At least one week before the election date, the
22 Council shall publicize, in the manner provided in subsection
23 (e), the names of persons nominated for election.

24 (h) Voting shall be in person by secret ballot at the
25 attendance center between the hours of 6:00 a.m. and 7:00 p.m.

26 (i) Candidates receiving the highest number of votes shall

1 be declared elected by the Council. In cases of a tie, the
2 Council shall determine the winner by lottery ~~lot~~.

3 (j) The Council shall certify the results of the election
4 and shall publish the results in the minutes of the Council.

5 (k) The general superintendent shall resolve any disputes
6 concerning election procedure or results and shall ensure
7 that, except as provided in subsections (e) and (g), no
8 resources of any attendance center shall be used to endorse or
9 promote any candidate.

10 (l) Beginning with the first local school council election
11 that occurs after the effective date of this amendatory Act of
12 the 102nd General Assembly, ~~Beginning with the 1995-1996~~
13 ~~school year and~~ in every even numbered year thereafter, the
14 Board shall appoint 2 teacher members to each local school
15 council. These appointments shall be made in the following
16 manner:

17 (i) The Board shall appoint 2 teachers who are
18 employed and assigned to perform the majority of their
19 employment duties at the attendance center to serve on the
20 local school council of the attendance center for a
21 two-year term coinciding with the terms of the elected
22 parent and community members of that local school council.
23 These appointments shall be made from among those teachers
24 who are nominated in accordance with subsection (f).

25 (ii) A non-binding, advisory poll to ascertain the
26 preferences of the school staff regarding appointments of

1 teachers to the local school council for that attendance
2 center shall be conducted in accordance with the
3 procedures used to elect parent and community Council
4 representatives. At such poll, each member of the school
5 staff shall be entitled to indicate his or her preference
6 for up to 2 candidates from among those who submitted
7 statements of candidacy as described above. These
8 preferences shall be advisory only and the Board shall
9 maintain absolute discretion to appoint teacher members to
10 local school councils, irrespective of the preferences
11 expressed in any such poll. Prior to the appointment of
12 staff members to local school councils, the Board shall
13 make public the vetting process of staff member
14 candidates. Any staff member seeking candidacy shall be
15 allowed to make an inquiry to the Board to determine if the
16 Board may deny the appointment of the staff member. An
17 inquiry made to the Board shall be made in writing in
18 accordance with Board procedure.

19 (iii) In the event that a teacher representative is
20 unable to perform his or her employment duties at the
21 school due to illness, disability, leave of absence,
22 disciplinary action, or any other reason, the Board shall
23 declare a temporary vacancy and appoint a replacement
24 teacher representative to serve on the local school
25 council until such time as the teacher member originally
26 appointed pursuant to this subsection (1) resumes service

1 at the attendance center or for the remainder of the term.
2 The replacement teacher representative shall be appointed
3 in the same manner and by the same procedures as teacher
4 representatives are appointed in subdivisions (i) and (ii)
5 of this subsection (l).

6 (m) Beginning with the 1995-1996 school year through the
7 2020-2021 school year, the Board shall appoint one student
8 member to each secondary attendance center. Beginning with the
9 2021-2022 school year and for every school year thereafter,
10 the Board shall appoint 3 student members to the local school
11 council of each secondary attendance center and one student
12 member to the local school council of each attendance center
13 enrolling students in 7th and 8th grade. Students enrolled in
14 grade 6 or above are eligible to be candidates for a local
15 school council. No attendance center enrolling students in 7th
16 and 8th grade may have more than one student member, unless the
17 attendance center enrolls students in grades 7 through 12, in
18 which case the attendance center may have a total of 3 student
19 members on the local school council. The Board may establish
20 criteria for students to be considered eligible to serve as a
21 student member. These appointments shall be made in the
22 following manner:

23 (i) Appointments shall be made from among those students
24 who submit statements of candidacy to the principal of the
25 attendance center, such statements to be submitted
26 commencing on the first day of the twentieth week of

1 school and continuing for 2 weeks thereafter. The form and
2 manner of such candidacy statements shall be determined by
3 the Board.

4 (ii) During the twenty-second week of school in every
5 year, the principal of each attendance center shall
6 conduct a binding election ~~a non binding, advisory poll~~ to
7 ascertain the preferences of the school students regarding
8 the appointment of students to the local school council
9 for that attendance center. At such election ~~poll~~, each
10 student shall be entitled to indicate his or her
11 preference for up to one candidate from among those who
12 submitted statements of candidacy as described above. The
13 Board shall promulgate rules to ensure that these
14 elections ~~non binding, advisory polls~~ are conducted in a
15 fair and equitable manner and maximize the involvement of
16 all school students. In the case of a tie vote, the local
17 school council shall determine the winner by lottery. The
18 preferences expressed in these elections ~~non binding,~~
19 ~~advisory polls~~ shall be transmitted by the principal to
20 the Board. These ~~However, these~~ preferences shall be
21 binding on the Board ~~advisory only and the Board shall~~
22 ~~maintain absolute discretion to appoint student members to~~
23 ~~local school councils, irrespective of the preferences~~
24 ~~expressed in any such poll.~~

25 (iii) (Blank). ~~For the 1995-96 school year only,~~
26 ~~appointments shall be made from among those students who~~

1 ~~submitted statements of candidacy to the principal of the~~
2 ~~attendance center during the first 2 weeks of the school~~
3 ~~year. The principal shall communicate the results of any~~
4 ~~nonbinding, advisory poll to the Board. These results~~
5 ~~shall be advisory only, and the Board shall maintain~~
6 ~~absolute discretion to appoint student members to local~~
7 ~~school councils, irrespective of the preferences expressed~~
8 ~~in any such poll.~~

9 (n) The Board may promulgate such other rules and
10 regulations for election procedures as may be deemed necessary
11 to ensure fair elections.

12 (o) In the event that a vacancy occurs during a member's
13 term, the Council shall appoint a person eligible to serve on
14 the Council, to fill the unexpired term created by the
15 vacancy, except that any teacher or non-teacher staff vacancy
16 shall be filled by the Board after considering the preferences
17 of the school staff as ascertained through a non-binding
18 advisory poll of school staff. In the case of a student
19 vacancy, the vacancy shall be filled by the preferences of an
20 election poll of students.

21 (p) If less than the specified number of persons is
22 elected within each candidate category, the newly elected
23 local school council shall appoint eligible persons to serve
24 as members of the Council for 2-year ~~two-year~~ terms, as
25 provided in subsection (c-5) of Section 34-2.2 of this Code.

26 (q) The Board shall promulgate rules regarding conflicts

1 of interest and disclosure of economic interests which shall
2 apply to local school council members and which shall require
3 reports or statements to be filed by Council members at
4 regular intervals with the Secretary of the Board. Failure to
5 comply with such rules or intentionally falsifying such
6 reports shall be grounds for disqualification from local
7 school council membership. A vacancy on the Council for
8 disqualification may be so declared by the Secretary of the
9 Board. Rules regarding conflicts of interest and disclosure of
10 economic interests promulgated by the Board shall apply to
11 local school council members. No less than 45 days prior to the
12 deadline, the general superintendent shall provide notice, by
13 mail, to each local school council member of all requirements
14 and forms for compliance with economic interest statements.

15 (r) (1) If a parent member of a local school council ceases
16 to have any child enrolled in the attendance center governed
17 by the Local School Council due to the graduation or voluntary
18 transfer of a child or children from the attendance center,
19 the parent's membership on the Local School Council and all
20 voting rights are terminated immediately as of the date of the
21 child's graduation or voluntary transfer. If the child of a
22 parent member of a local school council dies during the
23 member's term in office, the member may continue to serve on
24 the local school council for the balance of his or her term.
25 Further, a local school council member may be removed from the
26 Council by a majority vote of the Council as provided in

1 subsection (c) of Section 34-2.2 if the Council member has
2 missed 3 consecutive regular meetings, not including committee
3 meetings, or 5 regular meetings in a 12-month ~~12-month~~ period,
4 not including committee meetings. If a parent member of a
5 local school council ceases to be eligible to serve on the
6 Council for any other reason, he or she shall be removed by the
7 Board subject to a hearing, convened pursuant to Board rule,
8 prior to removal. A vote to remove a Council member by the
9 local school council shall only be valid if the Council member
10 has been notified personally or by certified mail, mailed to
11 the person's last known address, of the Council's intent to
12 vote on the Council member's removal at least 7 days prior to
13 the vote. The Council member in question shall have the right
14 to explain his or her actions and shall be eligible to vote on
15 the question of his or her removal from the Council. The
16 provisions of this subsection shall be contained within the
17 petitions used to nominate Council candidates.

18 (2) A person may continue to serve as a community resident
19 member of a local school council as long as he or she resides
20 in the attendance area served by the school and is not employed
21 by the Board nor is a parent of a student enrolled at the
22 school. If a community resident member ceases to be eligible
23 to serve on the Council, he or she shall be removed by the
24 Board subject to a hearing, convened pursuant to Board rule,
25 prior to removal.

26 (3) A person may continue to serve as a staff ~~teacher~~

1 member of a local school council as long as he or she is
2 employed and assigned to perform a majority of his or her
3 duties at the school, provided that if the staff teacher
4 representative resigns from employment with the Board or
5 voluntarily transfers to another school, the staff member's
6 ~~teacher's~~ membership on the local school council and all
7 voting rights are terminated immediately as of the date of the
8 staff member's ~~teacher's~~ resignation or upon the date of the
9 staff member's ~~teacher's~~ voluntary transfer to another school.
10 If a staff ~~teacher~~ member of a local school council ceases to
11 be eligible to serve on a local school council for any other
12 reason, that member shall be removed by the Board subject to a
13 hearing, convened pursuant to Board rule, prior to removal.

14 (s) As used in this Section only, "community resident"
15 means a person, 17 years of age or older, residing within an
16 attendance area served by a school, excluding any person who
17 is a parent of a student enrolled in that school; provided that
18 with respect to any multi-area school, community resident
19 means any person, 17 years of age or older, residing within the
20 voting district established for that school pursuant to
21 Section 34-2.1c, excluding any person who is a parent of a
22 student enrolled in that school. This definition does not
23 apply to any provisions concerning school boards.

24 (Source: P.A. 101-643, eff. 6-18-20; 102-194, eff. 7-30-21;
25 102-538, eff. 8-20-21; revised 10-18-21.)

1 (105 ILCS 5/34-2.2) (from Ch. 122, par. 34-2.2)

2 Sec. 34-2.2. Local school councils; manner ~~councils~~
3 ~~Manner~~ of operation.

4 (a) The annual organizational meeting of each local school
5 council shall be held at the attendance center or via
6 videoconference or teleconference if guidance from the
7 Department of Public Health or Centers for Disease Control and
8 Prevention limits the size of in-person meetings at the time
9 of the meeting. At the annual organization meeting, which
10 shall be held no sooner than July 1 and no later than July 14,
11 a parent member of the local school council shall be selected
12 by the members of such council as its chairperson, and a
13 secretary shall be selected by the members of such council
14 from among their number, each to serve a term of one year.
15 However, an organizational meeting held by members elected to
16 a local school council under subsection (c-5) of Section
17 34-2.1 may be held no sooner than January 11, 2021 and no later
18 than January 31, 2021. Whenever a vacancy in the office of
19 chairperson or secretary of a local school council shall
20 occur, a new chairperson (who shall be a parent member) or
21 secretary, as the case may be, shall be elected by the members
22 of the local school council from among their number to serve as
23 such chairperson or secretary for the unexpired term of office
24 in which the vacancy occurs. At each annual organizational
25 meeting, the time and place of any regular meetings of the
26 local school council shall be fixed. Special meetings of the

1 local school council may be called by the chairperson or by any
2 4 members from an attendance center enrolling students up to
3 grade 8 or any 5 members from a secondary attendance center or
4 an attendance center enrolling students in grades 7 through
5 12, by giving notice thereof in writing, specifying the time,
6 place and purpose of the meeting. Public notice of meetings
7 shall also be given in accordance with the Open Meetings Act.

8 (b) Members and officers of the local school council shall
9 serve without compensation and without reimbursement of any
10 expenses incurred in the performance of their duties, except
11 that the board of education may by rule establish a procedure
12 and thereunder provide for reimbursement of members and
13 officers of local school councils for such of their reasonable
14 and necessary expenses (excluding any lodging or meal
15 expenses) incurred in the performance of their duties as the
16 board may deem appropriate.

17 (c) A majority of the full membership of the local school
18 council shall constitute a quorum, except as provided in
19 subsection (c-5), and whenever a vote is taken on any measure
20 before the local school council, a quorum being present, the
21 affirmative vote of a majority of the votes of the full
22 membership then serving of the local school council shall
23 determine the outcome thereof; provided that whenever the
24 measure before the local school council is (i) the evaluation
25 of the principal, or (ii) the renewal of his or her performance
26 contract or the inclusion of any provision or modification of

1 the contract, or (iii) the direct selection by the local
2 school council of a new principal (including a new principal
3 to fill a vacancy) to serve under a 4 year performance
4 contract, or (iv) the determination of the names of candidates
5 to be submitted to the general superintendent for the position
6 of principal, the principal and any student members of a local
7 ~~high~~ school council shall not be counted for purposes of
8 determining whether a quorum is present to act on the measure
9 and shall have no vote thereon; and provided further that 7
10 affirmative votes of the local school council shall be
11 required for the direct selection by the local school council
12 of a new principal to serve under a 4 year performance contract
13 but not for the renewal of a principal's performance contract.

14 (c-5) If the number of members serving on a ~~the~~ local
15 school council at an attendance center enrolling students
16 through the 8th grade falls below 7 members due to vacancies,
17 then 4 serving members of whom at least 2 are parent or
18 community ~~elected~~ members of the local school council shall
19 constitute a quorum for the sole purpose of convening a
20 meeting to fill vacancies through appointments in accordance
21 with the process set forth in Section 34-2.1 of this Code. If
22 the number of members serving on a local school council at a
23 secondary attendance center falls below 8 members due to
24 vacancies, then 5 serving members of whom at least 2 are parent
25 or community members of the local school council shall
26 constitute a quorum for the sole purpose of convening a

1 meeting to fill vacancies through appointments in accordance
2 with the process set forth in Section 34-2.1 of this Code. For
3 such purposes, the affirmative vote of a majority of those
4 present shall be required to fill a vacancy through
5 appointment by the local school council.

6 (d) Student members ~~of high school councils~~ shall not be
7 eligible to vote on personnel matters, including but not
8 limited to principal evaluations and contracts and the
9 allocation of teaching and staff resources.

10 (e) The local school council of an attendance center which
11 provides bilingual education shall be encouraged to provide
12 translators at each council meeting to maximize participation
13 of parents and the community.

14 (f) Each local school council of an attendance center
15 which provides bilingual education shall create a Bilingual
16 Advisory Committee or recognize an existing Bilingual Advisory
17 Committee as a standing committee. The Chair and a majority of
18 the members of the advisory committee shall be parents of
19 students in the bilingual education program. The parents on
20 the advisory committee shall be selected by parents of
21 students in the bilingual education program, and the committee
22 shall select a Chair. The advisory committee for each
23 secondary attendance center shall include at least one
24 full-time bilingual education student. The Bilingual Advisory
25 Committee shall serve only in an advisory capacity to the
26 local school council.

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

3 (Source: P.A. 101-643, eff. 6-18-20; 102-194, eff. 7-30-21;
4 102-296, eff. 8-6-21; revised 10-18-21.)

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

6 (Text of Section before amendment by P.A. 102-360)

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

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

1 improvement;

2 (B) to determine in the manner provided by subsection (c)
3 of Section 34-2.2 and subdivision 1.5 of this Section whether
4 the performance contract of the principal shall be renewed;
5 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
9 list of candidates for that position to the general
10 superintendent as provided in paragraph 2 of this Section --
11 to serve under a 4 year performance contract; provided that
12 (i) the determination of whether the principal's performance
13 contract is to be renewed, based upon the evaluation required
14 by 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
22 by the local school council of a new principal to fill a
23 vacancy under a 4 year performance contract shall be made
24 within 90 days after the date such vacancy occurs. A Council
25 shall be required, if requested by the principal, to provide
26 in writing the reasons for the council's not renewing the

1 principal's contract.

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

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

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

1 begins and within 90 days after the initial request for
2 review. The Board shall contract with the American Arbitration
3 Association for all of the hearing officer's reasonable and
4 necessary costs. In addition, the Board shall pay any
5 reasonable costs incurred by a local school council for
6 representation before a hearing officer.

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

26 2. In the event (i) the local school council does not renew

1 the performance contract of the principal, or the principal
2 fails to receive a satisfactory rating as provided in
3 subsection (h) of Section 34-8.3, or the principal is removed
4 for cause during the term of his or her performance contract in
5 the manner provided by Section 34-85, or a vacancy in the
6 position of principal otherwise occurs prior to the expiration
7 of the term of a principal's performance contract, and (ii)
8 the local school council fails to directly select a new
9 principal to serve under a 4 year performance contract, the
10 local school council in such event shall submit to the general
11 superintendent a list of 3 candidates -- listed in the local
12 school council's order of preference -- for the position of
13 principal, one of which shall be selected by the general
14 superintendent to serve as principal of the attendance center.
15 If the general superintendent fails or refuses to select one
16 of the candidates on the list to serve as principal within 30
17 days after being furnished with the candidate list, the
18 general superintendent shall select and place a principal on
19 an interim basis (i) for a period not to exceed one year or
20 (ii) until the local school council selects a new principal
21 with 7 affirmative votes as provided in subsection (c) of
22 Section 34-2.2, whichever occurs first. If the local school
23 council fails or refuses to select and appoint a new
24 principal, as specified by subsection (c) of Section 34-2.2,
25 the general superintendent may select and appoint a new
26 principal on an interim basis for an additional year or until a

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

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

23 2.5. Whenever a vacancy in the office of a principal
24 occurs for any reason, the vacancy shall be filled in the
25 manner provided by this Section by the selection of a new
26 principal to serve under a 4 year performance contract.

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

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

19 Via a supermajority vote of 8 7 members of a ~~the~~ local
20 school council enrolling students through the 8th grade or 9 8
21 members of a ~~high school~~ local school council at a secondary
22 attendance center or an attendance center enrolling students
23 in grades 7 through 12, the Council may transfer allocations
24 pursuant to Section 34-2.3 within funds; provided that such a
25 transfer is consistent with applicable law and collective
26 bargaining agreements.

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

13 Beginning in fiscal year 1991 and in each fiscal year
14 thereafter, from other amounts available in the applicable
15 fiscal year budget, the board shall allocate a lump sum amount
16 to each local school based upon such formula as the board shall
17 determine taking into account the special needs of the student
18 body. The local school principal shall develop an expenditure
19 plan in consultation with the local school council, the
20 professional personnel leadership committee and with all other
21 school personnel, which reflects the priorities and activities
22 as described in the school's local school improvement plan and
23 is consistent with applicable law and collective bargaining
24 agreements and with board policies and standards; however, the
25 local school council shall have the right to request waivers
26 of board policy from the board of education and waivers of

1 employee collective bargaining agreements pursuant to Section
2 34-8.1a.

3 The expenditure plan developed by the principal with
4 respect to amounts available from the fund for prioritized
5 special needs programs and the allocated lump sum amount must
6 be approved by the local school council.

7 The lump sum allocation shall take into account the
8 following principles:

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

21 b. Other personnel: Funds for other teacher
22 certificated and uncertificated personnel paid through
23 non-categorical funds shall be provided according to
24 system-wide formulas based on student enrollment and the
25 special needs of the school as determined by the Board.

26 c. Non-compensation items: Appropriations for all

1 non-compensation items shall be based on system-wide
2 formulas based on student enrollment and on the special
3 needs of the school or factors related to the physical
4 plant, including but not limited to textbooks, electronic
5 textbooks and the technological equipment necessary to
6 gain access to and use electronic textbooks, supplies,
7 electricity, equipment, and routine maintenance.

8 d. Funds for categorical programs: Schools shall
9 receive personnel and funds based on, and shall use such
10 personnel and funds in accordance with State and Federal
11 requirements applicable to each categorical program
12 provided to meet the special needs of the student body
13 (including but not limited to, Federal Chapter I,
14 Bilingual, and Special Education).

15 d.1. Funds for State Title I: Each school shall
16 receive funds based on State and Board requirements
17 applicable to each State Title I pupil provided to meet
18 the special needs of the student body. Each school shall
19 receive the proportion of funds as provided in Section
20 18-8 or 18-8.15 to which they are entitled. These funds
21 shall be spent only with the budgetary approval of the
22 Local School Council as provided in Section 34-2.3.

23 e. The Local School Council shall have the right to
24 request the principal to close positions and open new ones
25 consistent with the provisions of the local school
26 improvement plan provided that these decisions are

1 consistent with applicable law and collective bargaining
2 agreements. If a position is closed, pursuant to this
3 paragraph, the local school shall have for its use the
4 system-wide average compensation for the closed position.

5 f. Operating within existing laws and collective
6 bargaining agreements, the local school council shall have
7 the right to direct the principal to shift expenditures
8 within funds.

9 g. (Blank).

10 Any funds unexpended at the end of the fiscal year shall be
11 available to the board of education for use as part of its
12 budget for the following fiscal year.

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

19 6. To advise the principal concerning the attendance and
20 disciplinary policies for the attendance center, subject to
21 the provisions of this Article and Article 26, and consistent
22 with the uniform system of discipline established by the board
23 pursuant to Section 34-19.

24 7. To approve a school improvement plan developed as
25 provided in Section 34-2.4. The process and schedule for plan
26 development shall be publicized to the entire school

1 community, and the community shall be afforded the opportunity
2 to make recommendations concerning the plan. At least twice a
3 year the principal and local school council shall report
4 publicly on progress and problems with respect to plan
5 implementation.

6 8. To evaluate the allocation of teaching resources and
7 other certificated and uncertificated staff to the attendance
8 center to determine whether such allocation is consistent with
9 and in furtherance of instructional objectives and school
10 programs reflective of the school improvement plan adopted for
11 the attendance center; and to make recommendations to the
12 board, the general superintendent and the principal concerning
13 any reallocation of teaching resources or other staff whenever
14 the council determines that any such reallocation is
15 appropriate because the qualifications of any existing staff
16 at the attendance center do not adequately match or support
17 instructional objectives or school programs which reflect the
18 school improvement plan.

19 9. To make recommendations to the principal and the
20 general superintendent concerning their respective
21 appointments, after August 31, 1989, and in the manner
22 provided by Section 34-8 and Section 34-8.1, of persons to
23 fill any vacant, additional or newly created positions for
24 teachers at the attendance center or at attendance centers
25 which include the attendance center served by the local school
26 council.

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

15 1. school budgets;

16 2. educational theory pertinent to the attendance
17 center's particular needs, including the development of
18 the school improvement plan and the principal's
19 performance contract; and

20 3. personnel selection.

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

23 11. In accordance with systemwide guidelines contained in
24 the System-Wide Educational Reform Goals and Objectives Plan,
25 criteria for evaluation of performance shall be established
26 for local school councils and local school council members. If

1 a local school council persists in noncompliance with
2 systemwide requirements, the Board may impose sanctions and
3 take necessary corrective action, consistent with Section
4 34-8.3.

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

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

19 14. The local school council may adopt a school uniform or
20 dress code policy that governs the attendance center and that
21 is necessary to maintain the orderly process of a school
22 function or prevent endangerment of student health or safety,
23 consistent with the policies and rules of the Board of
24 Education. A school uniform or dress code policy adopted by a
25 local school council: (i) shall not be applied in such manner
26 as to discipline or deny attendance to a transfer student or

1 any other student for noncompliance with that policy during
2 such period of time as is reasonably necessary to enable the
3 student to acquire a school uniform or otherwise comply with
4 the dress code policy that is in effect at the attendance
5 center into which the student's enrollment is transferred; and
6 (ii) shall include criteria and procedures under which the
7 local school council will accommodate the needs of or
8 otherwise provide appropriate resources to assist a student
9 from an indigent family in complying with an applicable school
10 uniform or dress code policy. A student whose parents or legal
11 guardians object on religious grounds to the student's
12 compliance with an applicable school uniform or dress code
13 policy shall not be required to comply with that policy if the
14 student's parents or legal guardians present to the local
15 school council a signed statement of objection detailing the
16 grounds for the objection.

17 15. All decisions made and actions taken by the local
18 school council in the exercise of its powers and duties shall
19 comply with State and federal laws, all applicable collective
20 bargaining agreements, court orders and rules properly
21 promulgated by the Board.

22 15a. To grant, in accordance with board rules and
23 policies, the use of assembly halls and classrooms when not
24 otherwise needed, including lighting, heat, and attendants,
25 for public lectures, concerts, and other educational and
26 social activities.

1 15b. To approve, in accordance with board rules and
2 policies, receipts and expenditures for all internal accounts
3 of the attendance center, and to approve all fund-raising
4 activities by nonschool organizations that use the school
5 building.

6 16. (Blank).

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

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

10 (Text of Section after amendment by P.A. 102-360)

11 Sec. 34-2.3. Local school councils; powers ~~councils~~
12 ~~Powers~~ and duties. Each local school council shall have and
13 exercise, consistent with the provisions of this Article and
14 the powers and duties of the board of education, the following
15 powers and duties:

16 1. (A) To annually evaluate the performance of the
17 principal of the attendance center using a Board approved
18 principal evaluation form, which shall include the evaluation
19 of (i) student academic improvement, as defined by the school
20 improvement plan, (ii) student absenteeism rates at the
21 school, (iii) instructional leadership, (iv) the effective
22 implementation of programs, policies, or strategies to improve
23 student academic achievement, (v) school management, and (vi)
24 any other factors deemed relevant by the local school council,
25 including, without limitation, the principal's communication

1 skills and ability to create and maintain a student-centered
2 learning environment, to develop opportunities for
3 professional development, and to encourage parental
4 involvement and community partnerships to achieve school
5 improvement;

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

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

1 vacancy under a 4 year performance contract shall be made
2 within 90 days after the date such vacancy occurs. A Council
3 shall be required, if requested by the principal, to provide
4 in writing the reasons for the council's not renewing the
5 principal's contract.

6 1.5. The local school council's determination of whether
7 to renew the principal's contract shall be based on an
8 evaluation to assess the educational and administrative
9 progress made at the school during the principal's current
10 performance-based contract. The local school council shall
11 base its evaluation on (i) student academic improvement, as
12 defined by the school improvement plan, (ii) student
13 absenteeism rates at the school, (iii) instructional
14 leadership, (iv) the effective implementation of programs,
15 policies, or strategies to improve student academic
16 achievement, (v) school management, and (vi) any other factors
17 deemed relevant by the local school council, including,
18 without limitation, the principal's communication skills and
19 ability to create and maintain a student-centered learning
20 environment, to develop opportunities for professional
21 development, and to encourage parental involvement and
22 community partnerships to achieve school improvement. If a
23 local school council fails to renew the performance contract
24 of a principal rated by the general superintendent, or his or
25 her designee, in the previous years' evaluations as meeting or
26 exceeding expectations, the principal, within 15 days after

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

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

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

11 1.10. The hearing officer shall conduct a hearing, which
12 shall include (i) a review of the principal's performance,
13 evaluations, and other evidence of the principal's service at
14 the school, (ii) reasons provided by the local school council
15 for its decision, and (iii) documentation evidencing views of
16 interested persons, including, without limitation, students,
17 parents, local school council members, school faculty and
18 staff, the principal, the general superintendent or his or her
19 designee, and members of the community. The burden of proof in
20 establishing that the local school council's decision was
21 arbitrary and capricious shall be on the party requesting the
22 arbitration, and this party shall sustain the burden by a
23 preponderance of the evidence. The hearing officer shall set
24 the local school council decision aside if that decision, in
25 light of the record developed at the hearing, is arbitrary and
26 capricious. The decision of the hearing officer may not be

1 appealed to the Board or the State Board of Education. If the
2 hearing officer decides that the principal shall be retained,
3 the retention period shall not exceed 2 years.

4 2. In the event (i) the local school council does not renew
5 the performance contract of the principal, or the principal
6 fails to receive a satisfactory rating as provided in
7 subsection (h) of Section 34-8.3, or the principal is removed
8 for cause during the term of his or her performance contract in
9 the manner provided by Section 34-85, or a vacancy in the
10 position of principal otherwise occurs prior to the expiration
11 of the term of a principal's performance contract, and (ii)
12 the local school council fails to directly select a new
13 principal to serve under a 4 year performance contract, the
14 local school council in such event shall submit to the general
15 superintendent a list of 3 candidates -- listed in the local
16 school council's order of preference -- for the position of
17 principal, one of which shall be selected by the general
18 superintendent to serve as principal of the attendance center.
19 If the general superintendent fails or refuses to select one
20 of the candidates on the list to serve as principal within 30
21 days after being furnished with the candidate list, the
22 general superintendent shall select and place a principal on
23 an interim basis (i) for a period not to exceed one year or
24 (ii) until the local school council selects a new principal
25 with 7 affirmative votes as provided in subsection (c) of
26 Section 34-2.2, whichever occurs first. If the local school

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

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

1 2.5. Whenever a vacancy in the office of a principal
2 occurs for any reason, the vacancy shall be filled in the
3 manner provided by this Section by the selection of a new
4 principal to serve under a 4 year performance contract.

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

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

23 Via a supermajority vote of 8 ~~7~~ members of a ~~the~~ local
24 school council enrolling students through the 8th grade or 9 ~~8~~
25 members of a ~~high school~~ local school council at a secondary
26 attendance center or an attendance center enrolling students

1 in grades 7 through 12, the Council may transfer allocations
2 pursuant to Section 34-2.3 within funds; provided that such a
3 transfer is consistent with applicable law and collective
4 bargaining agreements.

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

17 Beginning in fiscal year 1991 and in each fiscal year
18 thereafter, from other amounts available in the applicable
19 fiscal year budget, the board shall allocate a lump sum amount
20 to each local school based upon such formula as the board shall
21 determine taking into account the special needs of the student
22 body. The local school principal shall develop an expenditure
23 plan in consultation with the local school council, the
24 professional personnel leadership committee and with all other
25 school personnel, which reflects the priorities and activities
26 as described in the school's local school improvement plan and

1 is consistent with applicable law and collective bargaining
2 agreements and with board policies and standards; however, the
3 local school council shall have the right to request waivers
4 of board policy from the board of education and waivers of
5 employee collective bargaining agreements pursuant to Section
6 34-8.1a.

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

11 The lump sum allocation shall take into account the
12 following principles:

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

25 b. Other personnel: Funds for other teacher
26 certificated and uncertificated personnel paid through

1 non-categorical funds shall be provided according to
2 system-wide formulas based on student enrollment and the
3 special needs of the school as determined by the Board.

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

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

19 d.1. Funds for State Title I: Each school shall
20 receive funds based on State and Board requirements
21 applicable to each State Title I pupil provided to meet
22 the special needs of the student body. Each school shall
23 receive the proportion of funds as provided in Section
24 18-8 or 18-8.15 to which they are entitled. These funds
25 shall be spent only with the budgetary approval of the
26 Local School Council as provided in Section 34-2.3.

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

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

13 g. (Blank).

14 Any funds unexpended at the end of the fiscal year shall be
15 available to the board of education for use as part of its
16 budget for the following fiscal year.

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

23 6. To advise the principal concerning the attendance and
24 disciplinary policies for the attendance center, subject to
25 the provisions of this Article and Article 26, and consistent
26 with the uniform system of discipline established by the board

1 pursuant to Section 34-19.

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

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

23 9. To make recommendations to the principal and the
24 general superintendent concerning their respective
25 appointments, after August 31, 1989, and in the manner
26 provided by Section 34-8 and Section 34-8.1, of persons to

1 fill any vacant, additional or newly created positions for
2 teachers at the attendance center or at attendance centers
3 which include the attendance center served by the local school
4 council.

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

- 19 1. school budgets;
- 20 2. educational theory pertinent to the attendance
21 center's particular needs, including the development of
22 the school improvement plan and the principal's
23 performance contract; and
- 24 3. personnel selection.

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

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

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

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

23 14. The local school council may adopt a school uniform or
24 dress code policy that governs the attendance center and that
25 is necessary to maintain the orderly process of a school
26 function or prevent endangerment of student health or safety,

1 consistent with the policies and rules of the Board of
2 Education. A school uniform or dress code policy adopted by a
3 local school council: (i) shall not be applied in such manner
4 as to discipline or deny attendance to a transfer student or
5 any other student for noncompliance with that policy during
6 such period of time as is reasonably necessary to enable the
7 student to acquire a school uniform or otherwise comply with
8 the dress code policy that is in effect at the attendance
9 center into which the student's enrollment is transferred;
10 (ii) shall include criteria and procedures under which the
11 local school council will accommodate the needs of or
12 otherwise provide appropriate resources to assist a student
13 from an indigent family in complying with an applicable school
14 uniform or dress code policy; and (iii) shall not include or
15 apply to hairstyles, including hairstyles historically
16 associated with race, ethnicity, or hair texture, including,
17 but not limited to, protective hairstyles such as braids,
18 locks, and twists. A student whose parents or legal guardians
19 object on religious grounds to the student's compliance with
20 an applicable school uniform or dress code policy shall not be
21 required to comply with that policy if the student's parents
22 or legal guardians present to the local school council a
23 signed statement of objection detailing the grounds for the
24 objection. If a local school council does not comply with the
25 requirements and prohibitions set forth in this paragraph 14,
26 the attendance center is subject to the penalty imposed

1 pursuant to subsection (a) of Section 2-3.25.

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
8 policies, the use of assembly halls and classrooms when not
9 otherwise needed, including lighting, heat, and attendants,
10 for public lectures, concerts, and other educational and
11 social 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. 102-360, eff. 1-1-22.)

21 (105 ILCS 5/34-2.4b) (from Ch. 122, par. 34-2.4b)

22 Sec. 34-2.4b. Limitation upon applicability. Beginning
23 with the first local school council election that occurs after
24 the effective date of this amendatory Act of the 102nd General
25 Assembly, the ~~The~~ provisions of Sections 34-2.1, 34-2.2,

1 34-2.3, 34-2.3a, 34-2.4 and 34-8.3~~7~~ and those provisions of
2 paragraph 1 of Section 34-18 and paragraph (c) of Section
3 34A-201a relating to the allocation or application -- by
4 formula or otherwise -- of lump sum amounts and other funds to
5 attendance centers~~7~~, shall not apply to ~~attendance centers that~~
6 ~~have applied for and been designated as a "Small School" by the~~
7 ~~Board~~~~7~~, the Cook County Juvenile Detention Center and Cook
8 County Jail schools, nor to the district's alternative schools
9 for pregnant girls, nor to alternative schools established
10 under Article 13A, nor to a contract school, nor to the Michael
11 R. Durso School, the Jackson Adult Center, the Hillard Adult
12 Center, the Alternative Transitional School, or any other
13 attendance center designated by the Board as an alternative
14 school, nor to any school established as a teacher training
15 academy, nor to any school with a specialty 2-year programming
16 model, nor to any school established as a one-year school or
17 program, nor to any school with a specialty student focus or
18 transient student population, provided that the designation is
19 not applied to an attendance center that has in place a legally
20 constituted local school council, except for contract
21 turnaround schools. The board of education shall have and
22 exercise with respect to those schools and with respect to the
23 conduct, operation, affairs and budgets of those schools, and
24 with respect to the principals, teachers and other school
25 staff there employed, the same powers which are exercisable by
26 local school councils with respect to the other attendance

1 centers, principals, teachers and school staff within the
2 district, together with all powers and duties generally
3 exercisable by the board of education with respect to all
4 attendance centers within the district. The board of education
5 shall develop appropriate alternative methods for involving
6 parents, community members and school staff to the maximum
7 extent possible in all of the activities of those schools, and
8 may delegate to the parents, community members and school
9 staff so involved the same powers which are exercisable by
10 local school councils with respect to other attendance
11 centers.

12 (Source: P.A. 96-105, eff. 7-30-09.)

13 (105 ILCS 5/34-8.3) (from Ch. 122, par. 34-8.3)

14 Sec. 34-8.3. Remediation and probation of attendance
15 centers.

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

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

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

1 decreased graduation rate, and a decrease in rate of
2 student attendance;

3 (3) (blank); or

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

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

15 (1) drafting a new school improvement plan;

16 (2) applying to the board for additional funding for
17 training for the local school council;

18 (3) directing implementation of a school improvement
19 plan;

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

22 Nothing in this Section removes any authority of the local
23 school council, which shall retain the right to reject or
24 modify any school improvement plan or implementation thereof,
25 as long as the rejection or modification of any school
26 improvement plan or implementation thereof is consistent with

1 State and federal requirements.

2 If, however, the general superintendent determines that
3 the problems are not able to be remediated by these methods,
4 the general superintendent shall place the attendance center
5 on probation. The board shall establish guidelines that
6 determine the factors for placing an attendance center on
7 probation.

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

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

23 (1) Ordering new local school council elections.

24 (2) Removing and replacing the principal.

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

1 (4) Reconstitution of the attendance center and
2 replacement and reassignment by the general superintendent
3 of all employees of the attendance center.

4 (5) Intervention under Section 34-8.4.

5 (5.5) Operating an attendance center as a contract
6 turnaround school.

7 (6) Closing of the school.

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

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

1 local school council:

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

3 and

4 (2) to approve the school budget.

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

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

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

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

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

8 (Source: P.A. 96-105, eff. 7-30-09.)

9 Section 95. No acceleration or delay. Where this Act makes
10 changes in a statute that is represented in this Act by text
11 that is not yet or no longer in effect (for example, a Section
12 represented by multiple versions), the use of that text does
13 not accelerate or delay the taking effect of (i) the changes
14 made by this Act or (ii) provisions derived from any other
15 Public Act.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.