

1 AN ACT concerning education.

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

4 Section 1. This Act may be referred to as the Jett Hawkins
5 Law.

6 Section 5. The School Code is amended by changing Sections
7 2-3.25o, 10-22.25b, 27A-5, and 34-2.3 as follows:

8 (105 ILCS 5/2-3.25o)

9 Sec. 2-3.25o. Registration and recognition of non-public
10 elementary and secondary schools.

11 (a) Findings. The General Assembly finds and declares (i)
12 that the Constitution of the State of Illinois provides that a
13 "fundamental goal of the People of the State is the
14 educational development of all persons to the limits of their
15 capacities" and (ii) that the educational development of every
16 school student serves the public purposes of the State. In
17 order to ensure that all Illinois students and teachers have
18 the opportunity to enroll and work in State-approved
19 educational institutions and programs, the State Board of
20 Education shall provide for the voluntary registration and
21 recognition of non-public elementary and secondary schools.

22 (b) Registration. All non-public elementary and secondary

1 schools in the State of Illinois may voluntarily register with
2 the State Board of Education on an annual basis. Registration
3 shall be completed in conformance with procedures prescribed
4 by the State Board of Education. Information required for
5 registration shall include assurances of compliance (i) with
6 federal and State laws regarding health examination and
7 immunization, attendance, length of term, and
8 nondiscrimination, including assurances that the school will
9 not prohibit hairstyles historically associated with race,
10 ethnicity, or hair texture, including, but not limited to,
11 protective hairstyles such as braids, locks, and twists, and
12 (ii) with applicable fire and health safety requirements.

13 (c) Recognition. All non-public elementary and secondary
14 schools in the State of Illinois may voluntarily seek the
15 status of "Non-public School Recognition" from the State Board
16 of Education. This status may be obtained by compliance with
17 administrative guidelines and review procedures as prescribed
18 by the State Board of Education. The guidelines and procedures
19 must recognize that some of the aims and the financial bases of
20 non-public schools are different from public schools and will
21 not be identical to those for public schools, nor will they be
22 more burdensome. The guidelines and procedures must also
23 recognize the diversity of non-public schools and shall not
24 impinge upon the noneducational relationships between those
25 schools and their clientele.

26 (c-5) Prohibition against recognition. A non-public

1 elementary or secondary school may not obtain "Non-public
2 School Recognition" status unless the school requires all
3 certified and non-certified applicants for employment with the
4 school, after July 1, 2007, to authorize a fingerprint-based
5 criminal history records check as a condition of employment to
6 determine if such applicants have been convicted of any of the
7 enumerated criminal or drug offenses set forth in Section
8 21B-80 of this Code or have been convicted, within 7 years of
9 the application for employment, of any other felony under the
10 laws of this State or of any offense committed or attempted in
11 any other state or against the laws of the United States that,
12 if committed or attempted in this State, would have been
13 punishable as a felony under the laws of this State.

14 Authorization for the check shall be furnished by the
15 applicant to the school, except that if the applicant is a
16 substitute teacher seeking employment in more than one
17 non-public school, a teacher seeking concurrent part-time
18 employment positions with more than one non-public school (as
19 a reading specialist, special education teacher, or
20 otherwise), or an educational support personnel employee
21 seeking employment positions with more than one non-public
22 school, then only one of the non-public schools employing the
23 individual shall request the authorization. Upon receipt of
24 this authorization, the non-public school shall submit the
25 applicant's name, sex, race, date of birth, social security
26 number, fingerprint images, and other identifiers, as

1 prescribed by the Department of State Police, to the
2 Department of State Police.

3 The Department of State Police and Federal Bureau of
4 Investigation shall furnish, pursuant to a fingerprint-based
5 criminal history records check, records of convictions,
6 forever and hereafter, until expunged, to the president or
7 principal of the non-public school that requested the check.
8 The Department of State Police shall charge that school a fee
9 for conducting such check, which fee must be deposited into
10 the State Police Services Fund and must not exceed the cost of
11 the inquiry. Subject to appropriations for these purposes, the
12 State Superintendent of Education shall reimburse non-public
13 schools for fees paid to obtain criminal history records
14 checks under this Section.

15 A non-public school may not obtain recognition status
16 unless the school also performs a check of the Statewide Sex
17 Offender Database, as authorized by the Sex Offender Community
18 Notification Law, for each applicant for employment, after
19 July 1, 2007, to determine whether the applicant has been
20 adjudicated a sex offender.

21 Any information concerning the record of convictions
22 obtained by a non-public school's president or principal under
23 this Section is confidential and may be disseminated only to
24 the governing body of the non-public school or any other
25 person necessary to the decision of hiring the applicant for
26 employment. A copy of the record of convictions obtained from

1 the Department of State Police shall be provided to the
2 applicant for employment. Upon a check of the Statewide Sex
3 Offender Database, the non-public school shall notify the
4 applicant as to whether or not the applicant has been
5 identified in the Sex Offender Database as a sex offender. Any
6 information concerning the records of conviction obtained by
7 the non-public school's president or principal under this
8 Section for a substitute teacher seeking employment in more
9 than one non-public school, a teacher seeking concurrent
10 part-time employment positions with more than one non-public
11 school (as a reading specialist, special education teacher, or
12 otherwise), or an educational support personnel employee
13 seeking employment positions with more than one non-public
14 school may be shared with another non-public school's
15 principal or president to which the applicant seeks
16 employment. Any unauthorized release of confidential
17 information may be a violation of Section 7 of the Criminal
18 Identification Act.

19 No non-public school may obtain recognition status that
20 knowingly employs a person, hired after July 1, 2007, for whom
21 a Department of State Police and Federal Bureau of
22 Investigation fingerprint-based criminal history records check
23 and a Statewide Sex Offender Database check has not been
24 initiated or who has been convicted of any offense enumerated
25 in Section 21B-80 of this Code or any offense committed or
26 attempted in any other state or against the laws of the United

1 States that, if committed or attempted in this State, would
2 have been punishable as one or more of those offenses. No
3 non-public school may obtain recognition status under this
4 Section that knowingly employs a person who has been found to
5 be the perpetrator of sexual or physical abuse of a minor under
6 18 years of age pursuant to proceedings under Article II of the
7 Juvenile Court Act of 1987.

8 In order to obtain recognition status under this Section,
9 a non-public school must require compliance with the
10 provisions of this subsection (c-5) from all employees of
11 persons or firms holding contracts with the school, including,
12 but not limited to, food service workers, school bus drivers,
13 and other transportation employees, who have direct, daily
14 contact with pupils. Any information concerning the records of
15 conviction or identification as a sex offender of any such
16 employee obtained by the non-public school principal or
17 president must be promptly reported to the school's governing
18 body.

19 Prior to the commencement of any student teaching
20 experience or required internship (which is referred to as
21 student teaching in this Section) in any non-public elementary
22 or secondary school that has obtained or seeks to obtain
23 recognition status under this Section, a student teacher is
24 required to authorize a fingerprint-based criminal history
25 records check. Authorization for and payment of the costs of
26 the check must be furnished by the student teacher to the chief

1 administrative officer of the non-public school where the
2 student teaching is to be completed. Upon receipt of this
3 authorization and payment, the chief administrative officer of
4 the non-public school shall submit the student teacher's name,
5 sex, race, date of birth, social security number, fingerprint
6 images, and other identifiers, as prescribed by the Department
7 of State Police, to the Department of State Police. The
8 Department of State Police and the Federal Bureau of
9 Investigation shall furnish, pursuant to a fingerprint-based
10 criminal history records check, records of convictions,
11 forever and hereinafter, until expunged, to the chief
12 administrative officer of the non-public school that requested
13 the check. The Department of State Police shall charge the
14 school a fee for conducting the check, which fee must be passed
15 on to the student teacher, must not exceed the cost of the
16 inquiry, and must be deposited into the State Police Services
17 Fund. The school shall further perform a check of the
18 Statewide Sex Offender Database, as authorized by the Sex
19 Offender Community Notification Law, and of the Statewide
20 Murderer and Violent Offender Against Youth Database, as
21 authorized by the Murderer and Violent Offender Against Youth
22 Registration Act, for each student teacher. No school that has
23 obtained or seeks to obtain recognition status under this
24 Section may knowingly allow a person to student teach for whom
25 a criminal history records check, a Statewide Sex Offender
26 Database check, and a Statewide Murderer and Violent Offender

1 Against Youth Database check have not been completed and
2 reviewed by the chief administrative officer of the non-public
3 school.

4 A copy of the record of convictions obtained from the
5 Department of State Police must be provided to the student
6 teacher. Any information concerning the record of convictions
7 obtained by the chief administrative officer of the non-public
8 school is confidential and may be transmitted only to the
9 chief administrative officer of the non-public school or his
10 or her designee, the State Superintendent of Education, the
11 State Educator Preparation and Licensure Board, or, for
12 clarification purposes, the Department of State Police or the
13 Statewide Sex Offender Database or Statewide Murderer and
14 Violent Offender Against Youth Database. Any unauthorized
15 release of confidential information may be a violation of
16 Section 7 of the Criminal Identification Act.

17 No school that has obtained or seeks to obtain recognition
18 status under this Section may knowingly allow a person to
19 student teach who has been convicted of any offense that would
20 subject him or her to license suspension or revocation
21 pursuant to Section 21B-80 of this Code or who has been found
22 to be the perpetrator of sexual or physical abuse of a minor
23 under 18 years of age pursuant to proceedings under Article II
24 of the Juvenile Court Act of 1987.

25 Any school that has obtained or seeks to obtain
26 recognition status under this Section may not prohibit

1 hairstyles historically associated with race, ethnicity, or
2 hair texture, including, but not limited to, protective
3 hairstyles such as braids, locks, and twists.

4 (d) Public purposes. The provisions of this Section are in
5 the public interest, for the public benefit, and serve secular
6 public purposes.

7 (e) Definition. For purposes of this Section, a non-public
8 school means any non-profit, non-home-based, and non-public
9 elementary or secondary school that is in compliance with
10 Title VI of the Civil Rights Act of 1964 and attendance at
11 which satisfies the requirements of Section 26-1 of this Code.
12 (Source: P.A. 99-21, eff. 1-1-16; 99-30, eff. 7-10-15.)

13 (105 ILCS 5/10-22.25b) (from Ch. 122, par. 10-22.25b)

14 Sec. 10-22.25b. School uniforms. The school board may
15 adopt a school uniform or dress code policy that governs all or
16 certain individual attendance centers and that is necessary to
17 maintain the orderly process of a school function or prevent
18 endangerment of student health or safety. A school uniform or
19 dress code policy adopted by a school board: (i) shall not be
20 applied in such manner as to discipline or deny attendance to a
21 transfer student or any other student for noncompliance with
22 that policy during such period of time as is reasonably
23 necessary to enable the student to acquire a school uniform or
24 otherwise comply with the dress code policy that is in effect
25 at the attendance center or in the district into which the

1 student's enrollment is transferred; ~~and~~ (ii) shall include
2 criteria and procedures under which the school board will
3 accommodate the needs of or otherwise provide appropriate
4 resources to assist a student from an indigent family in
5 complying with an applicable school uniform or dress code
6 policy; and (iii) shall not include or apply to hairstyles,
7 including hairstyles historically associated with race,
8 ethnicity, or hair texture, including, but not limited to,
9 protective hairstyles such as braids, locks, and twists. A
10 student whose parents or legal guardians object on religious
11 grounds to the student's compliance with an applicable school
12 uniform or dress code policy shall not be required to comply
13 with that policy if the student's parents or legal guardians
14 present to the school board a signed statement of objection
15 detailing the grounds for the objection. This Section applies
16 to school boards of all districts, including special charter
17 districts and districts organized under Article 34. If a
18 school board does not comply with the requirements and
19 prohibitions set forth in this Section, the school district is
20 subject to the penalty imposed pursuant to subsection (a) of
21 Section 2-3.25.

22 By no later than July 1, 2022, the State Board of Education
23 shall make available to schools resource materials developed
24 in consultation with stakeholders regarding hairstyles,
25 including hairstyles historically associated with race,
26 ethnicity, or hair texture, including, but not limited to,

1 protective hairstyles such as braids, locks, and twists. The
2 State Board of Education shall make the resource materials
3 available on its Internet website.

4 (Source: P.A. 89-610, eff. 8-6-96.)

5 (105 ILCS 5/27A-5)

6 Sec. 27A-5. Charter school; legal entity; requirements.

7 (a) A charter school shall be a public, nonsectarian,
8 nonreligious, non-home based, and non-profit school. A charter
9 school shall be organized and operated as a nonprofit
10 corporation or other discrete, legal, nonprofit entity
11 authorized under the laws of the State of Illinois.

12 (b) A charter school may be established under this Article
13 by creating a new school or by converting an existing public
14 school or attendance center to charter school status.
15 Beginning on April 16, 2003 (the effective date of Public Act
16 93-3), in all new applications to establish a charter school
17 in a city having a population exceeding 500,000, operation of
18 the charter school shall be limited to one campus. The changes
19 made to this Section by Public Act 93-3 do not apply to charter
20 schools existing or approved on or before April 16, 2003 (the
21 effective date of Public Act 93-3).

22 (b-5) In this subsection (b-5), "virtual-schooling" means
23 a cyber school where students engage in online curriculum and
24 instruction via the Internet and electronic communication with
25 their teachers at remote locations and with students

1 participating at different times.

2 From April 1, 2013 through December 31, 2016, there is a
3 moratorium on the establishment of charter schools with
4 virtual-schooling components in school districts other than a
5 school district organized under Article 34 of this Code. This
6 moratorium does not apply to a charter school with
7 virtual-schooling components existing or approved prior to
8 April 1, 2013 or to the renewal of the charter of a charter
9 school with virtual-schooling components already approved
10 prior to April 1, 2013.

11 (c) A charter school shall be administered and governed by
12 its board of directors or other governing body in the manner
13 provided in its charter. The governing body of a charter
14 school shall be subject to the Freedom of Information Act and
15 the Open Meetings Act. No later than January 1, 2021 (one year
16 after the effective date of Public Act 101-291), a charter
17 school's board of directors or other governing body must
18 include at least one parent or guardian of a pupil currently
19 enrolled in the charter school who may be selected through the
20 charter school or a charter network election, appointment by
21 the charter school's board of directors or other governing
22 body, or by the charter school's Parent Teacher Organization
23 or its equivalent.

24 (c-5) No later than January 1, 2021 (one year after the
25 effective date of Public Act 101-291) or within the first year
26 of his or her first term, every voting member of a charter

1 school's board of directors or other governing body shall
2 complete a minimum of 4 hours of professional development
3 leadership training to ensure that each member has sufficient
4 familiarity with the board's or governing body's role and
5 responsibilities, including financial oversight and
6 accountability of the school, evaluating the principal's and
7 school's performance, adherence to the Freedom of Information
8 Act and the Open Meetings Act, and compliance with education
9 and labor law. In each subsequent year of his or her term, a
10 voting member of a charter school's board of directors or
11 other governing body shall complete a minimum of 2 hours of
12 professional development training in these same areas. The
13 training under this subsection may be provided or certified by
14 a statewide charter school membership association or may be
15 provided or certified by other qualified providers approved by
16 the State Board of Education.

17 (d) For purposes of this subsection (d), "non-curricular
18 health and safety requirement" means any health and safety
19 requirement created by statute or rule to provide, maintain,
20 preserve, or safeguard safe or healthful conditions for
21 students and school personnel or to eliminate, reduce, or
22 prevent threats to the health and safety of students and
23 school personnel. "Non-curricular health and safety
24 requirement" does not include any course of study or
25 specialized instructional requirement for which the State
26 Board has established goals and learning standards or which is

1 designed primarily to impart knowledge and skills for students
2 to master and apply as an outcome of their education.

3 A charter school shall comply with all non-curricular
4 health and safety requirements applicable to public schools
5 under the laws of the State of Illinois. On or before September
6 1, 2015, the State Board shall promulgate and post on its
7 Internet website a list of non-curricular health and safety
8 requirements that a charter school must meet. The list shall
9 be updated annually no later than September 1. Any charter
10 contract between a charter school and its authorizer must
11 contain a provision that requires the charter school to follow
12 the list of all non-curricular health and safety requirements
13 promulgated by the State Board and any non-curricular health
14 and safety requirements added by the State Board to such list
15 during the term of the charter. Nothing in this subsection (d)
16 precludes an authorizer from including non-curricular health
17 and safety requirements in a charter school contract that are
18 not contained in the list promulgated by the State Board,
19 including non-curricular health and safety requirements of the
20 authorizing local school board.

21 (e) Except as otherwise provided in the School Code, a
22 charter school shall not charge tuition; provided that a
23 charter school may charge reasonable fees for textbooks,
24 instructional materials, and student activities.

25 (f) A charter school shall be responsible for the
26 management and operation of its fiscal affairs including, but

1 not limited to, the preparation of its budget. An audit of each
2 charter school's finances shall be conducted annually by an
3 outside, independent contractor retained by the charter
4 school. To ensure financial accountability for the use of
5 public funds, on or before December 1 of every year of
6 operation, each charter school shall submit to its authorizer
7 and the State Board a copy of its audit and a copy of the Form
8 990 the charter school filed that year with the federal
9 Internal Revenue Service. In addition, if deemed necessary for
10 proper financial oversight of the charter school, an
11 authorizer may require quarterly financial statements from
12 each charter school.

13 (g) A charter school shall comply with all provisions of
14 this Article, the Illinois Educational Labor Relations Act,
15 all federal and State laws and rules applicable to public
16 schools that pertain to special education and the instruction
17 of English learners, and its charter. A charter school is
18 exempt from all other State laws and regulations in this Code
19 governing public schools and local school board policies;
20 however, a charter school is not exempt from the following:

21 (1) Sections 10-21.9 and 34-18.5 of this Code
22 regarding criminal history records checks and checks of
23 the Statewide Sex Offender Database and Statewide Murderer
24 and Violent Offender Against Youth Database of applicants
25 for employment;

26 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and

- 1 34-84a of this Code regarding discipline of students;
- 2 (3) the Local Governmental and Governmental Employees
3 Tort Immunity Act;
- 4 (4) Section 108.75 of the General Not For Profit
5 Corporation Act of 1986 regarding indemnification of
6 officers, directors, employees, and agents;
- 7 (5) the Abused and Neglected Child Reporting Act;
- 8 (5.5) subsection (b) of Section 10-23.12 and
9 subsection (b) of Section 34-18.6 of this Code;
- 10 (6) the Illinois School Student Records Act;
- 11 (7) Section 10-17a of this Code regarding school
12 report cards;
- 13 (8) the P-20 Longitudinal Education Data System Act;
- 14 (9) Section 27-23.7 of this Code regarding bullying
15 prevention;
- 16 (10) Section 2-3.162 of this Code regarding student
17 discipline reporting;
- 18 (11) Sections 22-80 and 27-8.1 of this Code;
- 19 (12) Sections 10-20.60 and 34-18.53 of this Code;
- 20 (13) Sections 10-20.63 and 34-18.56 of this Code;
- 21 (14) Section 26-18 of this Code;
- 22 (15) Section 22-30 of this Code;
- 23 (16) Sections 24-12 and 34-85 of this Code;
- 24 (17) the Seizure Smart School Act; ~~and~~
- 25 (18) Section 2-3.64a-10 of this Code; ~~and~~
- 26 (19) Section 10-22.25b of this Code.

1 The change made by Public Act 96-104 to this subsection
2 (g) is declaratory of existing law.

3 (h) A charter school may negotiate and contract with a
4 school district, the governing body of a State college or
5 university or public community college, or any other public or
6 for-profit or nonprofit private entity for: (i) the use of a
7 school building and grounds or any other real property or
8 facilities that the charter school desires to use or convert
9 for use as a charter school site, (ii) the operation and
10 maintenance thereof, and (iii) the provision of any service,
11 activity, or undertaking that the charter school is required
12 to perform in order to carry out the terms of its charter.
13 However, a charter school that is established on or after
14 April 16, 2003 (the effective date of Public Act 93-3) and that
15 operates in a city having a population exceeding 500,000 may
16 not contract with a for-profit entity to manage or operate the
17 school during the period that commences on April 16, 2003 (the
18 effective date of Public Act 93-3) and concludes at the end of
19 the 2004-2005 school year. Except as provided in subsection
20 (i) of this Section, a school district may charge a charter
21 school reasonable rent for the use of the district's
22 buildings, grounds, and facilities. Any services for which a
23 charter school contracts with a school district shall be
24 provided by the district at cost. Any services for which a
25 charter school contracts with a local school board or with the
26 governing body of a State college or university or public

1 community college shall be provided by the public entity at
2 cost.

3 (i) In no event shall a charter school that is established
4 by converting an existing school or attendance center to
5 charter school status be required to pay rent for space that is
6 deemed available, as negotiated and provided in the charter
7 agreement, in school district facilities. However, all other
8 costs for the operation and maintenance of school district
9 facilities that are used by the charter school shall be
10 subject to negotiation between the charter school and the
11 local school board and shall be set forth in the charter.

12 (j) A charter school may limit student enrollment by age
13 or grade level.

14 (k) If the charter school is approved by the State Board or
15 Commission, then the charter school is its own local education
16 agency.

17 (Source: P.A. 100-29, eff. 1-1-18; 100-156, eff. 1-1-18;
18 100-163, eff. 1-1-18; 100-413, eff. 1-1-18; 100-468, eff.
19 6-1-18; 100-726, eff. 1-1-19; 100-863, eff. 8-14-18; 101-50,
20 eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20;
21 101-531, eff. 8-23-19; 101-543, eff. 8-23-19; 101-654, eff.
22 3-8-21.)

23 (105 ILCS 5/34-2.3) (from Ch. 122, par. 34-2.3)

24 Sec. 34-2.3. Local school councils - Powers and duties.
25 Each local school council shall have and exercise, consistent

1 with the provisions of this Article and the powers and duties
2 of the board of education, the following powers and duties:

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

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

22 (C) to directly select, in the manner provided by
23 subsection (c) of Section 34-2.2, a new principal (including a
24 new principal to fill a vacancy) -- without submitting any
25 list of candidates for that position to the general
26 superintendent as provided in paragraph 2 of this Section --

1 to serve under a 4 year performance contract; provided that
2 (i) the determination of whether the principal's performance
3 contract is to be renewed, based upon the evaluation required
4 by subdivision 1.5 of this Section, shall be made no later than
5 150 days prior to the expiration of the current
6 performance-based contract of the principal, (ii) in cases
7 where such performance contract is not renewed -- a direct
8 selection of a new principal -- to serve under a 4 year
9 performance contract shall be made by the local school council
10 no later than 45 days prior to the expiration of the current
11 performance contract of the principal, and (iii) a selection
12 by the local school council of a new principal to fill a
13 vacancy under a 4 year performance contract shall be made
14 within 90 days after the date such vacancy occurs. A Council
15 shall be required, if requested by the principal, to provide
16 in writing the reasons for the council's not renewing the
17 principal's contract.

18 1.5. The local school council's determination of whether
19 to renew the principal's contract shall be based on an
20 evaluation to assess the educational and administrative
21 progress made at the school during the principal's current
22 performance-based contract. The local school council shall
23 base its evaluation on (i) student academic improvement, as
24 defined by the school improvement plan, (ii) student
25 absenteeism rates at the school, (iii) instructional
26 leadership, (iv) the effective implementation of programs,

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

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

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

23 1.10. The hearing officer shall conduct a hearing, which
24 shall include (i) a review of the principal's performance,
25 evaluations, and other evidence of the principal's service at
26 the school, (ii) reasons provided by the local school council

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

16 2. In the event (i) the local school council does not renew
17 the performance contract of the principal, or the principal
18 fails to receive a satisfactory rating as provided in
19 subsection (h) of Section 34-8.3, or the principal is removed
20 for cause during the term of his or her performance contract in
21 the manner provided by Section 34-85, or a vacancy in the
22 position of principal otherwise occurs prior to the expiration
23 of the term of a principal's performance contract, and (ii)
24 the local school council fails to directly select a new
25 principal to serve under a 4 year performance contract, the
26 local school council in such event shall submit to the general

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

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

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

13 2.5. Whenever a vacancy in the office of a principal
14 occurs for any reason, the vacancy shall be filled in the
15 manner provided by this Section by the selection of a new
16 principal to serve under a 4 year performance contract.

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

26 4. To approve the expenditure plan prepared by the

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

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

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

26 Beginning in fiscal year 1991 and in each fiscal year

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

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

20 The lump sum allocation shall take into account the
21 following principles:

22 a. Teachers: Each school shall be allocated funds
23 equal to the amount appropriated in the previous school
24 year for compensation for teachers (regular grades
25 kindergarten through 12th grade) plus whatever increases
26 in compensation have been negotiated contractually or

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

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

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

21 d. Funds for categorical programs: Schools shall
22 receive personnel and funds based on, and shall use such
23 personnel and funds in accordance with State and Federal
24 requirements applicable to each categorical program
25 provided to meet the special needs of the student body
26 (including but not limited to, Federal Chapter I,

1 Bilingual, and Special Education).

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

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

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

22 g. (Blank).

23 Any funds unexpended at the end of the fiscal year shall be
24 available to the board of education for use as part of its
25 budget for the following fiscal year.

26 5. To make recommendations to the principal concerning

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

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

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

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

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

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

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

1 in at least the following areas:

2 1. school budgets;

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

7 3. personnel selection.

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

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

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

1 the annual report, and shall provide an opportunity for public
2 comment.

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

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

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

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

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

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

26 16. (Blank).

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

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

4 Section 99. Effective date. This Act takes effect January
5 1, 2022.