



Sen. Mike Simmons

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1 AMENDMENT TO SENATE BILL 817

2 AMENDMENT NO. _____. Amend Senate Bill 817 by replacing
3 everything after the enacting clause with the following:

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

6 (105 ILCS 5/2-3.25o)

7 Sec. 2-3.25o. Registration and recognition of non-public
8 elementary and secondary schools.

9 (a) Findings. The General Assembly finds and declares (i)
10 that the Constitution of the State of Illinois provides that a
11 "fundamental goal of the People of the State is the
12 educational development of all persons to the limits of their
13 capacities" and (ii) that the educational development of every
14 school student serves the public purposes of the State. In
15 order to ensure that all Illinois students and teachers have
16 the opportunity to enroll and work in State-approved

1 educational institutions and programs, the State Board of
2 Education shall provide for the voluntary registration and
3 recognition of non-public elementary and secondary schools.

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

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

1 recognize the diversity of non-public schools and shall not
2 impinge upon the noneducational relationships between those
3 schools and their clientele.

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

18 Authorization for the check shall be furnished by the
19 applicant to the school, except that if the applicant is a
20 substitute teacher seeking employment in more than one
21 non-public school, a teacher seeking concurrent part-time
22 employment positions with more than one non-public school (as
23 a reading specialist, special education teacher, or
24 otherwise), or an educational support personnel employee
25 seeking employment positions with more than one non-public
26 school, then only one of the non-public schools employing the

1 individual shall request the authorization. Upon receipt of
2 this authorization, the non-public school shall submit the
3 applicant's name, sex, race, date of birth, social security
4 number, fingerprint images, and other identifiers, as
5 prescribed by the Department of State Police, to the
6 Department of State Police.

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

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

25 Any information concerning the record of convictions
26 obtained by a non-public school's president or principal under

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

23 No non-public school may obtain recognition status that
24 knowingly employs a person, hired after July 1, 2007, for whom
25 a Department of State Police and Federal Bureau of
26 Investigation fingerprint-based criminal history records check

1 and a Statewide Sex Offender Database check has not been
2 initiated or who has been convicted of any offense enumerated
3 in Section 21B-80 of this Code or any offense committed or
4 attempted in any other state or against the laws of the United
5 States that, if committed or attempted in this State, would
6 have been punishable as one or more of those offenses. No
7 non-public school may obtain recognition status under this
8 Section that knowingly employs a person who has been found to
9 be the perpetrator of sexual or physical abuse of a minor under
10 18 years of age pursuant to proceedings under Article II of the
11 Juvenile Court Act of 1987.

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

23 Prior to the commencement of any student teaching
24 experience or required internship (which is referred to as
25 student teaching in this Section) in any non-public elementary
26 or secondary school that has obtained or seeks to obtain

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

1 obtained or seeks to obtain recognition status under this
2 Section may knowingly allow a person to student teach for whom
3 a criminal history records check, a Statewide Sex Offender
4 Database check, and a Statewide Murderer and Violent Offender
5 Against Youth Database check have not been completed and
6 reviewed by the chief administrative officer of the non-public
7 school.

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

21 No school that has obtained or seeks to obtain recognition
22 status under this Section may knowingly allow a person to
23 student teach who has been convicted of any offense that would
24 subject him or her to license suspension or revocation
25 pursuant to Section 21B-80 of this Code or who has been found
26 to be the perpetrator of sexual or physical abuse of a minor

1 under 18 years of age pursuant to proceedings under Article II
2 of the Juvenile Court Act of 1987.

3 Any school that has obtained or seeks to obtain
4 recognition status under this Section may not prohibit
5 hairstyles historically associated with race, ethnicity, or
6 hair texture, including, but not limited to, protective
7 hairstyles such as braids, locks, and twists.

8 (d) Public purposes. The provisions of this Section are in
9 the public interest, for the public benefit, and serve secular
10 public purposes.

11 (e) Definition. For purposes of this Section, a non-public
12 school means any non-profit, non-home-based, and non-public
13 elementary or secondary school that is in compliance with
14 Title VI of the Civil Rights Act of 1964 and attendance at
15 which satisfies the requirements of Section 26-1 of this Code.

16 (Source: P.A. 99-21, eff. 1-1-16; 99-30, eff. 7-10-15.)

17 (105 ILCS 5/10-22.25b) (from Ch. 122, par. 10-22.25b)

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

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

26 By no later than July 1, 2022, the State Board of Education

1 shall make available to schools resource materials developed
2 in consultation with stakeholders regarding hairstyles,
3 including hairstyles historically associated with race,
4 ethnicity, or hair texture, including, but not limited to,
5 protective hairstyles such as braids, locks, and twists. The
6 State Board of Education shall make the resource materials
7 available on its Internet website.

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

9 (105 ILCS 5/27A-5)

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

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

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

1 (b-5) In this subsection (b-5), "virtual-schooling" means
2 a cyber school where students engage in online curriculum and
3 instruction via the Internet and electronic communication with
4 their teachers at remote locations and with students
5 participating at different times.

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

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

1 or its equivalent.

2 (c-5) No later than January 1, 2021 (one year after the
3 effective date of Public Act 101-291) or within the first year
4 of his or her first term, every voting member of a charter
5 school's board of directors or other governing body shall
6 complete a minimum of 4 hours of professional development
7 leadership training to ensure that each member has sufficient
8 familiarity with the board's or governing body's role and
9 responsibilities, including financial oversight and
10 accountability of the school, evaluating the principal's and
11 school's performance, adherence to the Freedom of Information
12 Act and the Open Meetings Act, and compliance with education
13 and labor law. In each subsequent year of his or her term, a
14 voting member of a charter school's board of directors or
15 other governing body shall complete a minimum of 2 hours of
16 professional development training in these same areas. The
17 training under this subsection may be provided or certified by
18 a statewide charter school membership association or may be
19 provided or certified by other qualified providers approved by
20 the State Board of Education.

21 (d) For purposes of this subsection (d), "non-curricular
22 health and safety requirement" means any health and safety
23 requirement created by statute or rule to provide, maintain,
24 preserve, or safeguard safe or healthful conditions for
25 students and school personnel or to eliminate, reduce, or
26 prevent threats to the health and safety of students and

1 school personnel. "Non-curricular health and safety
2 requirement" does not include any course of study or
3 specialized instructional requirement for which the State
4 Board has established goals and learning standards or which is
5 designed primarily to impart knowledge and skills for students
6 to master and apply as an outcome of their education.

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

25 (e) Except as otherwise provided in the School Code, a
26 charter school shall not charge tuition; provided that a

1 charter school may charge reasonable fees for textbooks,
2 instructional materials, and student activities.

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

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

25 (1) Sections 10-21.9 and 34-18.5 of this Code
26 regarding criminal history records checks and checks of

1 the Statewide Sex Offender Database and Statewide Murderer
2 and Violent Offender Against Youth Database of applicants
3 for employment;

4 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
5 34-84a of this Code regarding discipline of students;

6 (3) the Local Governmental and Governmental Employees
7 Tort Immunity Act;

8 (4) Section 108.75 of the General Not For Profit
9 Corporation Act of 1986 regarding indemnification of
10 officers, directors, employees, and agents;

11 (5) the Abused and Neglected Child Reporting Act;

12 (5.5) subsection (b) of Section 10-23.12 and
13 subsection (b) of Section 34-18.6 of this Code;

14 (6) the Illinois School Student Records Act;

15 (7) Section 10-17a of this Code regarding school
16 report cards;

17 (8) the P-20 Longitudinal Education Data System Act;

18 (9) Section 27-23.7 of this Code regarding bullying
19 prevention;

20 (10) Section 2-3.162 of this Code regarding student
21 discipline reporting;

22 (11) Sections 22-80 and 27-8.1 of this Code;

23 (12) Sections 10-20.60 and 34-18.53 of this Code;

24 (13) Sections 10-20.63 and 34-18.56 of this Code;

25 (14) Section 26-18 of this Code;

26 (15) Section 22-30 of this Code;

- 1 (16) Sections 24-12 and 34-85 of this Code;
2 (17) the Seizure Smart School Act; ~~and~~
3 (18) Section 2-3.64a-10 of this Code; ~~and~~
4 (19) Section 10-22.25b of this Code.

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

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

1 charter school contracts with a school district shall be
2 provided by the district at cost. Any services for which a
3 charter school contracts with a local school board or with the
4 governing body of a State college or university or public
5 community college shall be provided by the public entity at
6 cost.

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

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

18 (k) If the charter school is approved by the State Board or
19 Commission, then the charter school is its own local education
20 agency.

21 (Source: P.A. 100-29, eff. 1-1-18; 100-156, eff. 1-1-18;
22 100-163, eff. 1-1-18; 100-413, eff. 1-1-18; 100-468, eff.
23 6-1-18; 100-726, eff. 1-1-19; 100-863, eff. 8-14-18; 101-50,
24 eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20;
25 101-531, eff. 8-23-19; 101-543, eff. 8-23-19; 101-654, eff.
26 3-8-21.)

1 (105 ILCS 5/34-2.3) (from Ch. 122, par. 34-2.3)

2 Sec. 34-2.3. Local school councils - Powers and duties.
3 Each local school council shall have and exercise, consistent
4 with the provisions of this Article and the powers and duties
5 of the board of education, the following powers and duties:

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

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

25 (C) to directly select, in the manner provided by

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

22 1.5. The local school council's determination of whether
23 to renew the principal's contract shall be based on an
24 evaluation to assess the educational and administrative
25 progress made at the school during the principal's current
26 performance-based contract. The local school council shall

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

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

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

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

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

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

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

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

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

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

1 board as provided in Section 34-8.1 of the School Code or with
2 other provisions of this Article governing the authority and
3 responsibility of principals.

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

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

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

1 shall be distributed to the local school councils so that
2 their subsequent planning and programming will account for
3 these provisions.

4 Beginning in fiscal year 1991 and in each fiscal year
5 thereafter, from other amounts available in the applicable
6 fiscal year budget, the board shall allocate a lump sum amount
7 to each local school based upon such formula as the board shall
8 determine taking into account the special needs of the student
9 body. The local school principal shall develop an expenditure
10 plan in consultation with the local school council, the
11 professional personnel leadership committee and with all other
12 school personnel, which reflects the priorities and activities
13 as described in the school's local school improvement plan and
14 is consistent with applicable law and collective bargaining
15 agreements and with board policies and standards; however, the
16 local school council shall have the right to request waivers
17 of board policy from the board of education and waivers of
18 employee collective bargaining agreements pursuant to Section
19 34-8.1a.

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

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

26 a. Teachers: Each school shall be allocated funds

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

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

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

25 d. Funds for categorical programs: Schools shall
26 receive personnel and funds based on, and shall use such

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

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

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

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

26 g. (Blank).

1 Any funds unexpended at the end of the fiscal year shall be
2 available to the board of education for use as part of its
3 budget for the following fiscal year.

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

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

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

23 8. To evaluate the allocation of teaching resources and
24 other certificated and uncertificated staff to the attendance
25 center to determine whether such allocation is consistent with
26 and in furtherance of instructional objectives and school

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

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

18 10. To request of the Board the manner in which training
19 and assistance shall be provided to the local school council.
20 Pursuant to Board guidelines a local school council is
21 authorized to direct the Board of Education to contract with
22 personnel or not-for-profit organizations not associated with
23 the school district to train or assist council members. If
24 training or assistance is provided by contract with personnel
25 or organizations not associated with the school district, the
26 period of training or assistance shall not exceed 30 hours

1 during a given school year; person shall not be employed on a
2 continuous basis longer than said period and shall not have
3 been employed by the Chicago Board of Education within the
4 preceding six months. Council members shall receive training
5 in at least the following areas:

6 1. school budgets;

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

11 3. personnel selection.

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

14 11. In accordance with systemwide guidelines contained in
15 the System-Wide Educational Reform Goals and Objectives Plan,
16 criteria for evaluation of performance shall be established
17 for local school councils and local school council members. If
18 a local school council persists in noncompliance with
19 systemwide requirements, the Board may impose sanctions and
20 take necessary corrective action, consistent with Section
21 34-8.3.

22 12. Each local school council shall comply with the Open
23 Meetings Act and the Freedom of Information Act. Each local
24 school council shall issue and transmit to its school
25 community a detailed annual report accounting for its
26 activities programmatically and financially. Each local school

1 council shall convene at least 2 well-publicized meetings
2 annually with its entire school community. These meetings
3 shall include presentation of the proposed local school
4 improvement plan, of the proposed school expenditure plan, and
5 the annual report, and shall provide an opportunity for public
6 comment.

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

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

1 uniform or dress code policy; and (iii) shall not include or
2 apply to hairstyles, including hairstyles historically
3 associated with race, ethnicity, or hair texture, including,
4 but not limited to, protective hairstyles such as braids,
5 locks, and twists. A student whose parents or legal guardians
6 object on religious grounds to the student's compliance with
7 an applicable school uniform or dress code policy shall not be
8 required to comply with that policy if the student's parents
9 or legal guardians present to the local school council a
10 signed statement of objection detailing the grounds for the
11 objection. If a local school council does not comply with the
12 requirements and prohibitions set forth in this paragraph 14,
13 the attendance center is subject to the penalty imposed
14 pursuant to subsection (a) of Section 2-3.25.

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

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

25 15b. To approve, in accordance with board rules and
26 policies, receipts and expenditures for all internal accounts

1 of the attendance center, and to approve all fund-raising
2 activities by nonschool organizations that use the school
3 building.

4 16. (Blank).

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

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

8 Section 99. Effective date. This Act takes effect January
9 1, 2022."