



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2042

Introduced 2/26/2021, by Sen. Cristina H. Pacione-Zayas

SYNOPSIS AS INTRODUCED:

105 ILCS 5/34-2.1	from Ch. 122, par. 34-2.1
105 ILCS 5/34-2.2	from Ch. 122, par. 34-2.2
105 ILCS 5/34-2.4b	from Ch. 122, par. 34-2.4b
105 ILCS 5/34-8.3	from Ch. 122, par. 34-8.3
105 ILCS 5/34-8.4	

Amends the Chicago School District Article of the School Code. Provides that a local school council shall be established for each public small school, contract school, and military school within the school district. Provides that in each attendance center enrolling students in 7th or 8th grade, one full-time student member shall be appointed, although no attendance center shall have more than one student member. Requires a supermajority of 8 votes by the local school council to veto any action proposed or approved regarding certain schools placed on probation and intervention actions by the Chicago Schools Academic Accountability Council. Makes other changes. Effective immediately.

LRB102 16607 CMG 22005 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing Sections
5 34-2.1, 34-2.2, 34-2.4b, 34-8.3, and 34-8.4 as follows:

6 (105 ILCS 5/34-2.1) (from Ch. 122, par. 34-2.1)

7 Sec. 34-2.1. Local School Councils - Composition -
8 Voter-Eligibility - Elections - Terms.

9 (a) (a) Notwithstanding any other provision of law, a ~~A~~
10 local school council shall be established for each attendance
11 center within the school district, except for private schools,
12 but including public small schools, contract schools, and
13 military schools within the district. Each local school
14 council shall consist of the following 12 voting members: the
15 principal of the attendance center, 2 teachers employed and
16 assigned to perform the majority of their employment duties at
17 the attendance center, 6 parents of students currently
18 enrolled at the attendance center, one employee of the school
19 district employed and assigned to perform the majority of his
20 or her employment duties at the attendance center who is not a
21 teacher, and 2 community residents. Neither the parents nor
22 the community residents who serve as members of the local
23 school council shall be employees of the Board of Education.

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

20 (b) Within 7 days of January 11, 1991, the Mayor shall
21 appoint the members and officers (a Chairperson who shall be a
22 parent member and a Secretary) of each local school council
23 who shall hold their offices until their successors shall be
24 elected and qualified. Members so appointed shall have all the
25 powers and duties of local school councils as set forth in this
26 amendatory Act of 1991. The Mayor's appointments shall not

1 require approval by the City Council.

2 The membership of each local school council shall be
3 encouraged to be reflective of the racial and ethnic
4 composition of the student population of the attendance center
5 served by the local school council.

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

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

26 (d) Beginning with the 1995-96 school year, the following

1 procedures shall apply to the election of local school council
2 members at each attendance center:

3 (i) The elected members of each local school council
4 shall consist of the 6 parent members and the 2 community
5 resident members.

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

15 (iii) Each eligible voter shall be entitled to cast
16 one vote for up to a total of 5 candidates, irrespective of
17 whether such candidates are parent or community resident
18 candidates.

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

26 (v) Each eligible voter shall be entitled to vote

1 once, but not more than once, in the local school council
2 election at each attendance center at which the voter is
3 eligible to vote.

4 (vi) The 2 teacher members and the non-teacher
5 employee member of each local school council shall be
6 appointed as provided in subsection (l) below each to
7 serve for a two-year term coinciding with that of the
8 elected parent and community resident members. From March
9 23, 2020 through January 10, 2021, the chief executive
10 officer or his or her designee may make accommodations to
11 fill the vacancy of a teacher or non-teacher employee
12 member of a local school council.

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

22 (e) The Council shall publicize the date and place of the
23 election by posting notices at the attendance center, in
24 public places within the attendance boundaries of the
25 attendance center and by distributing notices to the pupils at
26 the attendance center, and shall utilize such other means as

1 it deems necessary to maximize the involvement of all eligible
2 voters.

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

1 contained in any law enforcement record or juvenile court
2 record that is confidential or whose accessibility or
3 disclosure is restricted or prohibited under Section 5-901 or
4 5-905 of the Juvenile Court Act of 1987. Failure to make such
5 disclosure shall render a person ineligible for election or to
6 serve on the local school council. The same disclosure shall
7 be required of persons under consideration for appointment to
8 the Council pursuant to subsections (l) and (m) of this
9 Section.

10 (f-5) Notwithstanding disclosure, a person who has been
11 convicted of any of the following offenses at any time shall be
12 ineligible for election or appointment to a local school
13 council and ineligible for appointment to a local school
14 council pursuant to subsections (l) and (m) of this Section:
15 (i) those defined in Section 11-1.20, 11-1.30, 11-1.40,
16 11-1.50, 11-1.60, 11-6, 11-9.1, 11-14.4, 11-16, 11-17.1,
17 11-19, 11-19.1, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13,
18 12-14, 12-14.1, 12-15, or 12-16, or subdivision (a)(2) of
19 Section 11-14.3, of the Criminal Code of 1961 or the Criminal
20 Code of 2012, or (ii) any offense committed or attempted in any
21 other state or against the laws of the United States, which, if
22 committed or attempted in this State, would have been
23 punishable as one or more of the foregoing offenses.
24 Notwithstanding disclosure, a person who has been convicted of
25 any of the following offenses within the 10 years previous to
26 the date of nomination or appointment shall be ineligible for

1 election or appointment to a local school council: (i) those
2 defined in Section 401.1, 405.1, or 405.2 of the Illinois
3 Controlled Substances Act or (ii) any offense committed or
4 attempted in any other state or against the laws of the United
5 States, which, if committed or attempted in this State, would
6 have been punishable as one or more of the foregoing offenses.

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

25 (g) At least one week before the election date, the
26 Council shall publicize, in the manner provided in subsection

1 (e), the names of persons nominated for election.

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

4 (i) Candidates receiving the highest number of votes shall
5 be declared elected by the Council. In cases of a tie, the
6 Council shall determine the winner by lot.

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

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

14 (l) Beginning with the 1995-1996 school year and in every
15 even numbered year thereafter, the Board shall appoint 2
16 teacher members to each local school council. These
17 appointments shall be made in the following manner:

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

26 (ii) A non-binding, advisory poll to ascertain the

1 preferences of the school staff regarding appointments of
2 teachers to the local school council for that attendance
3 center shall be conducted in accordance with the
4 procedures used to elect parent and community Council
5 representatives. At such poll, each member of the school
6 staff shall be entitled to indicate his or her preference
7 for up to 2 candidates from among those who submitted
8 statements of candidacy as described above. These
9 preferences shall be advisory only and the Board shall
10 maintain absolute discretion to appoint teacher members to
11 local school councils, irrespective of the preferences
12 expressed in any such poll.

13 (iii) In the event that a teacher representative is
14 unable to perform his or her employment duties at the
15 school due to illness, disability, leave of absence,
16 disciplinary action, or any other reason, the Board shall
17 declare a temporary vacancy and appoint a replacement
18 teacher representative to serve on the local school
19 council until such time as the teacher member originally
20 appointed pursuant to this subsection (1) resumes service
21 at the attendance center or for the remainder of the term.
22 The replacement teacher representative shall be appointed
23 in the same manner and by the same procedures as teacher
24 representatives are appointed in subdivisions (i) and (ii)
25 of this subsection (1).

26 (m) Beginning with the 1995-1996 school year, and in every

1 year thereafter, the Board shall appoint one student member to
2 each secondary attendance center and attendance center
3 enrolling students in 7th or 8th grade, although no attendance
4 center shall have more than one student member. These
5 appointments shall be made in the following manner:

6 (i) Appointments shall be made from among those
7 students who submit statements of candidacy to the
8 principal of the attendance center, such statements to be
9 submitted commencing on the first day of the twentieth
10 week of school and continuing for 2 weeks thereafter. The
11 form and manner of such candidacy statements shall be
12 determined by the Board.

13 (ii) During the twenty-second week of school in every
14 year, the principal of each attendance center shall
15 conduct a non-binding, advisory poll to ascertain the
16 preferences of the school students regarding the
17 appointment of a student to the local school council for
18 that attendance center. At such poll, each student shall
19 be entitled to indicate his or her preference for up to one
20 candidate from among those who submitted statements of
21 candidacy as described above. The Board shall promulgate
22 rules to ensure that these non-binding, advisory polls are
23 conducted in a fair and equitable manner and maximize the
24 involvement of all school students. The preferences
25 expressed in these non-binding, advisory polls shall be
26 transmitted by the principal to the Board. However, these

1 preferences shall be advisory only and the Board shall
2 maintain absolute discretion to appoint student members to
3 local school councils, irrespective of the preferences
4 expressed in any such poll.

5 (iii) For the 1995-96 school year only, appointments
6 shall be made from among those students who submitted
7 statements of candidacy to the principal of the attendance
8 center during the first 2 weeks of the school year. The
9 principal shall communicate the results of any nonbinding,
10 advisory poll to the Board. These results shall be
11 advisory only, and the Board shall maintain absolute
12 discretion to appoint student members to local school
13 councils, irrespective of the preferences expressed in any
14 such poll.

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

18 (o) In the event that a vacancy occurs during a member's
19 term, the Council shall appoint a person eligible to serve on
20 the Council, to fill the unexpired term created by the
21 vacancy, except that any teacher vacancy shall be filled by
22 the Board after considering the preferences of the school
23 staff as ascertained through a non-binding advisory poll of
24 school staff.

25 (p) If less than the specified number of persons is
26 elected within each candidate category, the newly elected

1 local school council shall appoint eligible persons to serve
2 as members of the Council for two-year terms.

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

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

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

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

1 Board subject to a hearing, convened pursuant to Board rule,
2 prior to removal.

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

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

26 (Source: P.A. 101-643, eff. 6-18-20.)

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

2 Sec. 34-2.2. Local school councils - Manner of operation.

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

1 local school council may be called by the chairperson or by any
2 4 members by giving notice thereof in writing, specifying the
3 time, place and purpose of the meeting. Public notice of
4 meetings shall also be given in accordance with the Open
5 Meetings Act.

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

15 (c) A majority of the full membership of the local school
16 council shall constitute a quorum, and whenever a vote is
17 taken on any measure before the local school council, a quorum
18 being present, the affirmative vote of a majority of the votes
19 of the full membership then serving of the local school
20 council shall determine the outcome thereof; provided that
21 whenever the measure before the local school council is (i)
22 the evaluation of the principal, or (ii) the renewal of his or
23 her performance contract or the inclusion of any provision or
24 modification of the contract, or (iii) the direct selection by
25 the local school council of a new principal (including a new
26 principal to fill a vacancy) to serve under a 4 year

1 performance contract, or (iv) the determination of the names
2 of candidates to be submitted to the general superintendent
3 for the position of principal, the principal and student
4 member of a high school council shall not be counted for
5 purposes of determining whether a quorum is present to act on
6 the measure and shall have no vote thereon; and provided
7 further that 7 affirmative votes of the local school council
8 shall be required for the direct selection by the local school
9 council of a new principal to serve under a 4 year performance
10 contract but not for the renewal of a principal's performance
11 contract. A supermajority of 8 votes is required to veto any
12 action proposed or approved pursuant to subsection (d) of
13 Section 34-8.3 of this Code or any action proposed or approved
14 under Section 34-8.4 of this Code.

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

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

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

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

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

12 (Source: P.A. 101-643, eff. 6-18-20.)

13 (105 ILCS 5/34-2.4b) (from Ch. 122, par. 34-2.4b)

14 Sec. 34-2.4b. Limitation upon applicability. The
15 ~~provisions of Sections 34-2.1, 34-2.2, 34-2.3, 34-2.3a, 34-2.4~~
16 ~~and 34-8.3, and those~~ provisions of paragraph 1 of Section
17 34-18 and paragraph (c) of Section 34A-201a relating to the
18 allocation or application -- by formula or otherwise -- of
19 lump sum amounts and other funds to attendance centers, shall
20 not apply to attendance centers that have applied for and been
21 designated as a "Small School" by the Board, the Cook County
22 Juvenile Detention Center and Cook County Jail schools, nor to
23 the district's alternative schools for pregnant girls, nor to
24 alternative schools established under Article 13A, nor to a
25 contract school, nor to the Michael R. Durso School, the

1 Jackson Adult Center, the Hillard Adult Center, the
2 Alternative Transitional School, or any other attendance
3 center designated by the Board as an alternative school,
4 provided that the designation is not applied to an attendance
5 center that has in place a legally constituted local school
6 council, except for contract turnaround schools. ~~The board of
7 education shall have and exercise with respect to those
8 schools and with respect to the conduct, operation, affairs
9 and budgets of those schools, and with respect to the
10 principals, teachers and other school staff there employed,
11 the same powers which are exercisable by local school councils
12 with respect to the other attendance centers, principals,
13 teachers and school staff within the district, together with
14 all powers and duties generally exercisable by the board of
15 education with respect to all attendance centers within the
16 district. The board of education shall develop appropriate
17 alternative methods for involving parents, community members
18 and school staff to the maximum extent possible in all of the
19 activities of those schools, and may delegate to the parents,
20 community members and school staff so involved the same powers
21 which are exercisable by local school councils with respect to
22 other attendance centers.~~

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

24 (105 ILCS 5/34-8.3) (from Ch. 122, par. 34-8.3)

25 Sec. 34-8.3. Remediation and probation of attendance

1 centers.

2 (a) The general superintendent shall monitor the
3 performance of the attendance centers within the district and
4 shall identify attendance centers, pursuant to criteria that
5 the board shall establish, in which:

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

8 (2) there is a pervasive breakdown in the educational
9 program as indicated by factors, including, but not
10 limited to, the absence of improvement in student reading
11 and math achievement scores, an increased drop-out rate, a
12 decreased graduation rate, and a decrease in rate of
13 student attendance;

14 (3) (blank); or

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

19 (b) If the general superintendent identifies a
20 nonperforming school as described herein, he or she shall
21 place the attendance center on remediation by developing a
22 remediation plan for the center. The purpose of the
23 remediation plan shall be to correct the deficiencies in the
24 performance of the attendance center by one or more of the
25 following methods:

26 (1) drafting a new school improvement plan;

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

3 (3) directing implementation of a school improvement
4 plan;

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

7 Nothing in this Section removes any authority of the local
8 school council, which shall retain the right to reject or
9 modify any school improvement plan or implementation thereof.

10 If, however, the general superintendent determines that
11 the problems are not able to be remediated by these methods,
12 the general superintendent shall place the attendance center
13 on probation. The board shall establish guidelines that
14 determine the factors for placing an attendance center on
15 probation.

16 (c) Each school placed on probation shall have a school
17 improvement plan and school budget for correcting deficiencies
18 identified by the board. The plan shall include specific steps
19 that the local school council and school staff must take to
20 correct identified deficiencies and specific objective
21 criteria by which the school's subsequent progress will be
22 determined. The school budget shall include specific
23 expenditures directly calculated to correct educational and
24 operational deficiencies identified at the school by the
25 probation team.

26 (d) Schools placed on probation that, after a maximum of

1 one year, fail to make adequate progress in correcting
2 deficiencies are subject to the following actions by the
3 general superintendent with the approval of the board, after
4 opportunity for a hearing:

5 (1) Ordering new local school council elections.

6 (2) Removing and replacing the principal.

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

9 (4) Reconstitution of the attendance center and
10 replacement and reassignment by the general superintendent
11 of all employees of the attendance center.

12 (5) Intervention under Section 34-8.4.

13 (5.5) Operating an attendance center as a contract
14 turnaround school.

15 (6) Closing of the school.

16 Any action proposed or approved under this subsection (d)
17 is subject to veto by a supermajority of 8 of the voting
18 members of the local school council.

19 (e) Schools placed on probation shall remain on probation
20 from year to year until deficiencies are corrected, even if
21 such schools make acceptable annual progress. The board shall
22 establish, in writing, criteria for determining whether or not
23 a school shall remain on probation. If academic achievement
24 tests are used as the factor for placing a school on probation,
25 the general superintendent shall consider objective criteria,
26 not just an increase in test scores, in deciding whether or not

1 a school shall remain on probation. These criteria shall
2 include attendance, test scores, student mobility rates,
3 poverty rates, bilingual education eligibility, special
4 education, and English language proficiency programs, with
5 progress made in these areas being taken into consideration in
6 deciding whether or not a school shall remain on probation.
7 Such criteria shall be delivered to each local school council
8 on or before August 1 of each year.

9 (f) Where the board has reason to believe that violations
10 of civil rights, or of civil or criminal law have occurred, or
11 when the general superintendent deems that the school is in
12 educational crisis it may take immediate corrective action,
13 including the actions specified in this Section, without first
14 placing the school on remediation or probation. Nothing
15 described herein shall limit the authority of the board as
16 provided by any law of this State. The board shall develop
17 criteria governing the determination regarding when a school
18 is in educational crisis. Such criteria shall be delivered to
19 each local school council on or before August 1 of each year.
20 An action under subsection (d) of this Section shall be
21 subject to veto by a supermajority of 8 of the voting members
22 of the local school council.

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

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

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

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

9 (105 ILCS 5/34-8.4)

10 Sec. 34-8.4. Intervention. The Chicago Schools Academic
11 Accountability Council may recommend to the Chicago School
12 Reform Board of Trustees that any school placed on remediation
13 or probation under Section 34-8.3 or schools that for the 3
14 consecutive school years of 1992-1993, 1993-1994, and
15 1994-1995 have met the State Board of Education's category of
16 "does not meet expectations" be made subject to intervention
17 under this Section 34-8.4. In addition to any powers created
18 under this Section, the Trustees shall have all powers created
19 under Section 34-8.3 with respect to schools subjected to
20 intervention.

21 Prior to subjecting a school to intervention, the Trustees
22 shall conduct a public hearing and make findings of facts
23 concerning the recommendation of the Chicago Schools Academic
24 Accountability Council and the factors causing the failure of
25 the school to adequately perform. The Trustees shall afford an

1 opportunity at the hearing for interested persons to comment
2 about the intervention recommendation. After the hearing has
3 been held and completion of findings of fact, the Trustees
4 shall make a determination whether to subject the school to
5 intervention.

6 If the Trustees determine that a school shall be subject
7 to intervention under this Section, the Trustees shall develop
8 an intervention implementation plan and shall cause a
9 performance evaluation to be made of each employee at the
10 school. Upon consideration of such evaluations, and consistent
11 with the intervention implementation plan, the Trustees may
12 reassign, layoff, or dismiss any employees at the attendance
13 center, notwithstanding the provisions of Sections 24A-5 and
14 34-85.

15 The chief educational officer shall appoint a principal
16 for the school and shall set the terms and conditions of the
17 principal's contract, which in no case may be longer than 2
18 years. The principal shall select all teachers and
19 non-certified personnel for the school as may be necessary.
20 Any provision of Section 34-8.1 that conflicts with this
21 Section shall not apply to a school subjected to intervention
22 under this Section.

23 If pursuant to this Section, the general superintendent,
24 with the approval of the board, orders new local school
25 council elections, the general superintendent shall carry out
26 the responsibilities of the local school council for a school

1 subject to intervention until the new local school council
2 members are elected and trained.

3 Any action authorized by this Section must be vetoed by a
4 supermajority vote of 8 of the voting members of the local
5 school council for the attendance center affected by the
6 action.

7 Each school year, 5% of the supplemental general State aid
8 funds distributed to a school subject to intervention during
9 that school year under subsection 5(i)(1)(a) of part A of
10 Section 18-8 or subsection (H) of Section 18-8.05 shall be
11 used for employee performance incentives. The Trustees shall
12 prepare a report evaluating the results of any interventions
13 undertaken pursuant to this Section and shall make
14 recommendations concerning implementation of special programs
15 for dealing with underperforming schools on an ongoing basis.
16 This report shall be submitted to the State Superintendent of
17 Education and Mayor of the City of Chicago by January 1, 1999.

18 (Source: P.A. 89-15, eff. 5-30-95; 89-698, eff. 1-14-97;
19 90-548, eff. 1-1-98.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.