

HB5008



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5008

Introduced 2/8/2024, by Rep. Mary Gill

SYNOPSIS AS INTRODUCED:

105 ILCS 5/34-2.3

from Ch. 122, par. 34-2.3

Amends the Chicago School District Article of the School Code. Provides that a local school council shall have and exercise the power and duty to contract with the Chicago Police Department to have police officers or school resource officers on school grounds. Effective immediately.

LRB103 37221 RJT 67340 b

A BILL FOR

1 AN ACT concerning education.

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

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

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

7 Sec. 34-2.3. Local school councils; powers and duties.

8 Each local school council shall have and exercise, consistent
9 with the provisions of this Article and the powers and duties
10 of the board of education, the following powers and duties:

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

1 involvement and community partnerships to achieve school
2 improvement;

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

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

1 in writing the reasons for the council's not renewing the
2 principal's contract.

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

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

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

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

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

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

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

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

24 2.5. Whenever a vacancy in the office of a principal
25 occurs for any reason, the vacancy shall be filled in the
26 manner provided by this Section by the selection of a new

1 principal to serve under a 4 year performance contract.

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

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

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

1 agreements.

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

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

1 of board policy from the board of education and waivers of
2 employee collective bargaining agreements pursuant to Section
3 34-8.1a.

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

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

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

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

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

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

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

24 e. The Local School Council shall have the right to
25 request the principal to close positions and open new ones
26 consistent with the provisions of the local school

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

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

10 g. (Blank).

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

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

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

25 7. To approve a school improvement plan developed as
26 provided in Section 34-2.4. The process and schedule for plan

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

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

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

1 council.

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

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

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

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

1 for local school councils and local school council members. If
2 a local school council persists in noncompliance with
3 systemwide requirements, the Board may impose sanctions and
4 take necessary corrective action, consistent with Section
5 34-8.3.

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

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

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

1 as to discipline or deny attendance to a transfer student or
2 any other student for noncompliance with that policy during
3 such period of time as is reasonably necessary to enable the
4 student to acquire a school uniform or otherwise comply with
5 the dress code policy that is in effect at the attendance
6 center into which the student's enrollment is transferred;
7 (ii) shall include criteria and procedures under which the
8 local school council will accommodate the needs of or
9 otherwise provide appropriate resources to assist a student
10 from an indigent family in complying with an applicable school
11 uniform or dress code policy; (iii) shall not include or apply
12 to hairstyles, including hairstyles historically associated
13 with race, ethnicity, or hair texture, including, but not
14 limited to, protective hairstyles such as braids, locks, and
15 twists; and (iv) shall not prohibit the right of a student to
16 wear or accessorize the student's graduation attire with items
17 associated with the student's cultural, ethnic, or religious
18 identity or any other protected characteristic or category
19 identified in subsection (Q) of Section 1-103 of the Illinois
20 Human Rights Act. A student whose parents or legal guardians
21 object on religious grounds to the student's compliance with
22 an applicable school uniform or dress code policy shall not be
23 required to comply with that policy if the student's parents
24 or legal guardians present to the local school council a
25 signed statement of objection detailing the grounds for the
26 objection. If a local school council does not comply with the

1 requirements and prohibitions set forth in this paragraph 14,
2 the attendance center is subject to the penalty imposed
3 pursuant to subsection (a) of Section 2-3.25.

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

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

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

19 16. (Blank).

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

22 18. To contract with the Chicago Police Department to have
23 police officers or school resource officers on school grounds.

24 (Source: P.A. 102-360, eff. 1-1-22; 102-677, eff. 12-3-21;
25 102-894, eff. 5-20-22; 103-463, eff. 8-4-23.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.