



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB3063

Introduced 2/8/2010, by Sen. James T. Meeks

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/34-2.1	from Ch. 122, par. 34-2.1
105 ILCS 5/34-2.3	from Ch. 122, par. 34-2.3
105 ILCS 5/34-18	from Ch. 122, par. 34-18

Amends the Chicago Public Schools Article in the School Code. Provides that on and after the effective date of the amendatory Act, a local school council shall be advisory in nature. Provides that on and after the effective date of the amendatory Act, all powers and duties that were previously allocated and authorized to local school councils shall be transferred to and become the powers and duties of the Board of Education, including, but not limited to, the hiring of principals, retention of principals, and spending authority.

LRB096 16397 MJR 31663 b

FISCAL NOTE ACT  
MAY APPLY

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 Sections  
5 34-2.1, 34-2.3, and 34-18 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 local school council, which, on and after the  
10 effective date of this amendatory Act of the 96th General  
11 Assembly, shall be advisory in nature, shall be established for  
12 each attendance center within the school district. Each local  
13 school council shall consist of the following 11 voting  
14 members: the principal of the attendance center, 2 teachers  
15 employed and assigned to perform the majority of their  
16 employment duties at the attendance center, 6 parents of  
17 students currently enrolled at the attendance center and 2  
18 community residents. Neither the parents nor the community  
19 residents who serve as members of the local school council  
20 shall be employees of the Board of Education. In each secondary  
21 attendance center, the local school council shall consist of 12  
22 voting members -- the 11 voting members described above and one  
23 full-time student member, appointed as provided in subsection

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

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

22 The membership of each local school council shall be  
23 encouraged to be reflective of the racial and ethnic  
24 composition of the student population of the attendance center  
25 served by the local school council.

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

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

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

11 (i) The elected members of each local school council  
12 shall consist of the 6 parent members and the 2 community  
13 resident members.

14 (ii) Each elected member shall be elected by the  
15 eligible voters of that attendance center to serve for a  
16 two-year term commencing on July 1 immediately following  
17 the election described in subsection (c). Eligible voters  
18 for each attendance center shall consist of the parents and  
19 community residents for that attendance center.

20 (iii) Each eligible voter shall be entitled to cast one  
21 vote for up to a total of 5 candidates, irrespective of  
22 whether such candidates are parent or community resident  
23 candidates.

24 (iv) Each parent voter shall be entitled to vote in the  
25 local school council election at each attendance center in  
26 which he or she has a child currently enrolled. Each

1 community resident voter shall be entitled to vote in the  
2 local school council election at each attendance center for  
3 which he or she resides in the applicable attendance area  
4 or voting district, as the case may be.

5 (v) Each eligible voter shall be entitled to vote once,  
6 but not more than once, in the local school council  
7 election at each attendance center at which the voter is  
8 eligible to vote.

9 (vi) The 2 teacher members of each local school council  
10 shall be appointed as provided in subsection (l) below each  
11 to serve for a two-year term coinciding with that of the  
12 elected parent and community resident members.

13 (vii) At secondary attendance centers, the voting  
14 student member shall be appointed as provided in subsection  
15 (m) below to serve for a one-year term coinciding with the  
16 beginning of the terms of the elected parent and community  
17 members of the local school council.

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

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

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

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

5 (f-5) Notwithstanding disclosure, a person who has been  
6 convicted of any of the following offenses at any time shall be  
7 ineligible for election or appointment to a local school  
8 council and ineligible for appointment to a local school  
9 council pursuant to subsections (l) and (m) of this Section:  
10 (i) those defined in Section 11-6, 11-9.1, 11-16, 11-17.1,  
11 11-19, 11-19.1, 11-19.2, 11-20.1, 12-13, 12-14, 12-14.1,  
12 12-15, or 12-16 of the Criminal Code of 1961 or (ii) any  
13 offense committed or attempted in any other state or against  
14 the laws of the United States, which, if committed or attempted  
15 in this State, would have been punishable as one or more of the  
16 foregoing offenses. Notwithstanding disclosure, a person who  
17 has been convicted of any of the following offenses within the  
18 10 years previous to the date of nomination or appointment  
19 shall be ineligible for election or appointment to a local  
20 school council: (i) those defined in Section 401.1, 405.1, or  
21 405.2 of the Illinois Controlled Substances Act or (ii) any  
22 offense committed or attempted in any other state or against  
23 the laws of the United States, which, if committed or attempted  
24 in this State, would have been punishable as one or more of the  
25 foregoing offenses.

26 Immediately upon election or appointment, incoming local

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

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

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

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

26 (j) The Council shall certify the results of the election



1 and shall publish the results in the minutes of the Council.

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

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

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

19 (ii) A non-binding, advisory poll to ascertain the  
20 preferences of the school staff regarding appointments of  
21 teachers to the local school council for that attendance  
22 center shall be conducted in accordance with the procedures  
23 used to elect parent and community Council  
24 representatives. At such poll, each member of the school  
25 staff shall be entitled to indicate his or her preference  
26 for up to 2 candidates from among those who submitted

1 statements of candidacy as described above. These  
2 preferences shall be advisory only and the Board shall  
3 maintain absolute discretion to appoint teacher members to  
4 local school councils, irrespective of the preferences  
5 expressed in any such poll.

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

19 (m) Beginning with the 1995-1996 school year, and in every  
20 year thereafter, the Board shall appoint one student member to  
21 each secondary attendance center. These appointments shall be  
22 made in the following manner:

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

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

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

22 (iii) For the 1995-96 school year only, appointments  
23 shall be made from among those students who submitted  
24 statements of candidacy to the principal of the attendance  
25 center during the first 2 weeks of the school year. The  
26 principal shall communicate the results of any nonbinding,

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

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

8 (o) In the event that a vacancy occurs during a member's  
9 term, the Council shall appoint a person eligible to serve on  
10 the Council, to fill the unexpired term created by the vacancy,  
11 except that any teacher vacancy shall be filled by the Board  
12 after considering the preferences of the school staff as  
13 ascertained through a non-binding advisory poll of school  
14 staff.

15 (p) If less than the specified number of persons is elected  
16 within each candidate category, the newly elected local school  
17 council shall appoint eligible persons to serve as members of  
18 the Council for two-year terms.

19 (q) The Board shall promulgate rules regarding conflicts of  
20 interest and disclosure of economic interests which shall apply  
21 to local school council members and which shall require reports  
22 or statements to be filed by Council members at regular  
23 intervals with the Secretary of the Board. Failure to comply  
24 with such rules or intentionally falsifying such reports shall  
25 be grounds for disqualification from local school council  
26 membership. A vacancy on the Council for disqualification may

1 be so declared by the Secretary of the Board. Rules regarding  
2 conflicts of interest and disclosure of economic interests  
3 promulgated by the Board shall apply to local school council  
4 members. No less than 45 days prior to the deadline, the  
5 general superintendent shall provide notice, by mail, to each  
6 local school council member of all requirements and forms for  
7 compliance with economic interest statements.

8 (r) (1) If a parent member of a local school council ceases  
9 to have any child enrolled in the attendance center governed by  
10 the Local School Council due to the graduation or voluntary  
11 transfer of a child or children from the attendance center, the  
12 parent's membership on the Local School Council and all voting  
13 rights are terminated immediately as of the date of the child's  
14 graduation or voluntary transfer. If the child of a parent  
15 member of a local school council dies during the member's term  
16 in office, the member may continue to serve on the local school  
17 council for the balance of his or her term. Further, a local  
18 school council member may be removed from the Council by a  
19 majority vote of the Council as provided in subsection (c) of  
20 Section 34-2.2 if the Council member has missed 3 consecutive  
21 regular meetings, not including committee meetings, or 5  
22 regular meetings in a 12 month period, not including committee  
23 meetings. If a parent member of a local school council ceases  
24 to be eligible to serve on the Council for any other reason, he  
25 or she shall be removed by the Board subject to a hearing,  
26 convened pursuant to Board rule, prior to removal. A vote to

1 remove a Council member by the local school council shall only  
2 be valid if the Council member has been notified personally or  
3 by certified mail, mailed to the person's last known address,  
4 of the Council's intent to vote on the Council member's removal  
5 at least 7 days prior to the vote. The Council member in  
6 question shall have the right to explain his or her actions and  
7 shall be eligible to vote on the question of his or her removal  
8 from the Council. The provisions of this subsection shall be  
9 contained within the petitions used to nominate Council  
10 candidates.

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

19 (3) A person may continue to serve as a teacher member of a  
20 local school council as long as he or she is employed and  
21 assigned to perform a majority of his or her duties at the  
22 school, provided that if the teacher representative resigns  
23 from employment with the Board or voluntarily transfers to  
24 another school, the teacher's membership on the local school  
25 council and all voting rights are terminated immediately as of  
26 the date of the teacher's resignation or upon the date of the

1 teacher's voluntary transfer to another school. If a teacher  
2 member of a local school council ceases to be eligible to serve  
3 on a local school council for any other reason, that member  
4 shall be removed by the Board subject to a hearing, convened  
5 pursuant to Board rule, prior to removal.

6 (Source: P.A. 95-1015, eff. 12-15-08.)

7 (105 ILCS 5/34-2.3) (from Ch. 122, par. 34-2.3)

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

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

1 environment, to develop opportunities for professional  
2 development, and to encourage parental involvement and  
3 community partnerships to achieve school improvement;

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

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



1 days after the date such vacancy occurs. The Board of  
2 Education ~~A Council~~ shall be required, if requested by the  
3 principal, to provide in writing the reasons for the  
4 council's not renewing the principal's contract.

5 1.5. The Board of Education's ~~local school council's~~  
6 determination of whether to renew the principal's contract  
7 shall be based on an evaluation to assess the educational  
8 and administrative progress made at the school during the  
9 principal's current performance-based contract. The local  
10 school council shall base its evaluation on (i) student  
11 academic improvement, as defined by the school improvement  
12 plan, (ii) student absenteeism rates at the school, (iii)  
13 instructional leadership, (iv) the effective  
14 implementation of programs, policies, or strategies to  
15 improve student academic achievement, (v) school  
16 management, and (vi) any other factors deemed relevant by  
17 the local school council, including, without limitation,  
18 the principal's communication skills and ability to create  
19 and maintain a student-centered learning environment, to  
20 develop opportunities for professional development, and to  
21 encourage parental involvement and community partnerships  
22 to achieve school improvement. If the Board of Education ~~a~~  
23 ~~local school council~~ fails to renew the performance  
24 contract of a principal rated by the general  
25 superintendent, or his or her designee, in the previous  
26 years' evaluations as meeting or exceeding expectations,

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

1 ~~local school council's~~ principal retention decision by a  
2 hearing officer appointed by the American Arbitration  
3 Association. The general superintendent may request a  
4 review only once for that principal at that attendance  
5 center. All requests to review the retention or  
6 non-retention of a principal shall be submitted to the  
7 general superintendent, who shall, in turn, forward such  
8 requests, within 14 days of receipt, to the American  
9 Arbitration Association. The general superintendent shall  
10 send a contemporaneous copy of the request that was  
11 forwarded to the American Arbitration Association to the  
12 principal and to each local school council member and the  
13 Board of Education and shall inform the Board of Education  
14 ~~local school council~~ of its rights and responsibilities  
15 under the arbitration process, including the ~~local school~~  
16 ~~council's~~ right to representation ~~and the manner and~~  
17 ~~process by which the Board shall pay the costs of the~~  
18 ~~council's representation~~. If the Board of Education ~~local~~  
19 ~~school council~~ retains the principal and the general  
20 superintendent requests a review of the retention  
21 decision, the Board of Education ~~local school council~~ and  
22 the general superintendent shall be considered parties to  
23 the arbitration, a hearing officer shall be chosen between  
24 those 2 parties pursuant to procedures promulgated by the  
25 State Board of Education, and the principal may retain  
26 counsel and participate in the arbitration. If the Board of

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

21       1.10. The hearing officer shall conduct a hearing,  
22       which shall include (i) a review of the principal's  
23       performance, evaluations, and other evidence of the  
24       principal's service at the school, (ii) reasons provided by  
25       the Board of Education ~~local school council~~ for its  
26       decision, and (iii) documentation evidencing views of

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

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

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

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

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

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



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

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

20           The Board of Education ~~Via a supermajority vote of 7~~  
21 ~~members of the local school council or 8 members of a high~~  
22 ~~school local school council, the Council~~ may transfer  
23 allocations pursuant to Section 34-2.3 within funds;  
24 provided that such a transfer is consistent with applicable  
25 law and collective bargaining agreements.

26           Beginning in fiscal year 1991 and in each fiscal year

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

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

1 ~~education~~ and ~~waivers~~ of employee collective bargaining  
2 agreements pursuant to Section 34-8.1a.

3 The expenditure plan developed by the principal with  
4 respect to amounts available from the fund for prioritized  
5 special needs programs and the allocated lump sum amount  
6 must be approved by the Board of Education ~~local school~~  
7 ~~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  
14 increases in compensation have been negotiated  
15 contractually or through longevity as provided in the  
16 negotiated agreement. Adjustments shall be made due to  
17 layoff or reduction in force, lack of funds or work,  
18 change in subject requirements, enrollment changes, or  
19 contracts with third parties for the performance of  
20 services or to rectify any inconsistencies with  
21 system-wide allocation formulas or for other  
22 legitimate reasons.

23 b. Other personnel: Funds for other teacher  
24 certificated and uncertificated personnel paid through  
25 non-categorical funds shall be provided according to  
26 system-wide formulas based on student enrollment and

1 the special needs of the school as determined by the  
2 Board.

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

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

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

25 e. The Board of Education ~~Local School Council~~  
26 shall have the right to request the principal to close

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

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

12 g. (Blank).

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

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

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

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

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

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

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

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

21 1. school budgets;

22 2. educational theory pertinent to the attendance  
23 center's particular needs, including the development  
24 of the school improvement plan and the principal's  
25 performance contract; and

26 3. personnel selection.

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

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

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

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

26 14. The Board of Education ~~local school council~~ may



1 adopt a school uniform or dress code policy that governs  
2 the attendance center and that is necessary to maintain the  
3 orderly process of a school function or prevent  
4 endangerment of student health or safety, consistent with  
5 the policies and rules of the Board of Education. A school  
6 uniform or dress code policy adopted by the Board of  
7 Education ~~a local school council~~: (i) shall not be applied  
8 in such manner as to discipline or deny attendance to a  
9 transfer student or any other student for noncompliance  
10 with that policy during such period of time as is  
11 reasonably necessary to enable the student to acquire a  
12 school uniform or otherwise comply with the dress code  
13 policy that is in effect at the attendance center into  
14 which the student's enrollment is transferred; and (ii)  
15 shall include criteria and procedures under which the local  
16 school council will accommodate the needs of or otherwise  
17 provide appropriate resources to assist a student from an  
18 indigent family in complying with an applicable school  
19 uniform or dress code policy. A student whose parents or  
20 legal guardians object on religious grounds to the  
21 student's compliance with an applicable school uniform or  
22 dress code policy shall not be required to comply with that  
23 policy if the student's parents or legal guardians present  
24 to the local school council a signed statement of objection  
25 detailing the grounds for the objection.

26 15. All decisions made and actions taken by the Board

1        of Education ~~local school council~~ in the exercise of its  
2 powers and duties shall comply with State and federal laws,  
3 all applicable collective bargaining agreements, court  
4 orders and rules properly promulgated by the Board.

5        15a. To grant, in accordance with board rules and  
6 policies, the use of assembly halls and classrooms when not  
7 otherwise needed, including lighting, heat, and  
8 attendants, for public lectures, concerts, and other  
9 educational and social activities.

10        15b. To approve, in accordance with board rules and  
11 policies, receipts and expenditures for all internal  
12 accounts of the attendance center, and to approve all  
13 fund-raising activities by nonschool organizations that  
14 use the school building.

15        16. (Blank).

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

18        On and after the effective date of this amendatory Act of  
19 the 96th General Assembly, all powers and duties that were  
20 previously allocated to local school councils shall be  
21 transferred to the Board of Education.

22        (Source: P.A. 93-48, eff. 7-1-03.)

23        (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

24        Sec. 34-18. Powers of the board. The board shall exercise  
25 general supervision and jurisdiction over the public education

1 and the public school system of the city, and, except as  
2 otherwise provided by this Article, shall have power:

3 1. To make suitable provision for the establishment and  
4 maintenance throughout the year or for such portion thereof  
5 as it may direct, not less than 9 months, of schools of all  
6 grades and kinds, including normal schools, high schools,  
7 night schools, schools for defectives and delinquents,  
8 parental and truant schools, schools for the blind, the  
9 deaf and the crippled, schools or classes in manual  
10 training, constructural and vocational teaching, domestic  
11 arts and physical culture, vocation and extension schools  
12 and lecture courses, and all other educational courses and  
13 facilities, including establishing, equipping, maintaining  
14 and operating playgrounds and recreational programs, when  
15 such programs are conducted in, adjacent to, or connected  
16 with any public school under the general supervision and  
17 jurisdiction of the board; provided that the calendar for  
18 the school term and any changes must be submitted to and  
19 approved by the State Board of Education before the  
20 calendar or changes may take effect, and provided that in  
21 allocating funds from year to year for the operation of all  
22 attendance centers within the district, the board shall  
23 ensure that supplemental general State aid funds are  
24 allocated and applied in accordance with Section 18-8 or  
25 18-8.05. To admit to such schools without charge foreign  
26 exchange students who are participants in an organized

1 exchange student program which is authorized by the board.  
2 The board shall permit all students to enroll in  
3 apprenticeship programs in trade schools operated by the  
4 board, whether those programs are union-sponsored or not.  
5 No student shall be refused admission into or be excluded  
6 from any course of instruction offered in the common  
7 schools by reason of that student's sex. No student shall  
8 be denied equal access to physical education and  
9 interscholastic athletic programs supported from school  
10 district funds or denied participation in comparable  
11 physical education and athletic programs solely by reason  
12 of the student's sex. Equal access to programs supported  
13 from school district funds and comparable programs will be  
14 defined in rules promulgated by the State Board of  
15 Education in consultation with the Illinois High School  
16 Association. Notwithstanding any other provision of this  
17 Article, neither the board of education nor any local  
18 school council or other school official shall recommend  
19 that children with disabilities be placed into regular  
20 education classrooms unless those children with  
21 disabilities are provided with supplementary services to  
22 assist them so that they benefit from the regular classroom  
23 instruction and are included on the teacher's regular  
24 education class register;

25 2. To furnish lunches to pupils, to make a reasonable  
26 charge therefor, and to use school funds for the payment of

1 such expenses as the board may determine are necessary in  
2 conducting the school lunch program;

3 3. To co-operate with the circuit court;

4 4. To make arrangements with the public or quasi-public  
5 libraries and museums for the use of their facilities by  
6 teachers and pupils of the public schools;

7 5. To employ dentists and prescribe their duties for  
8 the purpose of treating the pupils in the schools, but  
9 accepting such treatment shall be optional with parents or  
10 guardians;

11 6. To grant the use of assembly halls and classrooms  
12 when not otherwise needed, including light, heat, and  
13 attendants, for free public lectures, concerts, and other  
14 educational and social interests, free of charge, under  
15 such provisions and control as the principal of the  
16 affected attendance center may prescribe;

17 7. To apportion the pupils to the several schools;  
18 provided that no pupil shall be excluded from or segregated  
19 in any such school on account of his color, race, sex, or  
20 nationality. The board shall take into consideration the  
21 prevention of segregation and the elimination of  
22 separation of children in public schools because of color,  
23 race, sex, or nationality. Except that children may be  
24 committed to or attend parental and social adjustment  
25 schools established and maintained either for boys or girls  
26 only. All records pertaining to the creation, alteration or

1 revision of attendance areas shall be open to the public.  
2 Nothing herein shall limit the board's authority to  
3 establish multi-area attendance centers or other student  
4 assignment systems for desegregation purposes or  
5 otherwise, and to apportion the pupils to the several  
6 schools. Furthermore, beginning in school year 1994-95,  
7 pursuant to a board plan adopted by October 1, 1993, the  
8 board shall offer, commencing on a phased-in basis, the  
9 opportunity for families within the school district to  
10 apply for enrollment of their children in any attendance  
11 center within the school district which does not have  
12 selective admission requirements approved by the board.  
13 The appropriate geographical area in which such open  
14 enrollment may be exercised shall be determined by the  
15 board of education. Such children may be admitted to any  
16 such attendance center on a space available basis after all  
17 children residing within such attendance center's area  
18 have been accommodated. If the number of applicants from  
19 outside the attendance area exceed the space available,  
20 then successful applicants shall be selected by lottery.  
21 The board of education's open enrollment plan must include  
22 provisions that allow low income students to have access to  
23 transportation needed to exercise school choice. Open  
24 enrollment shall be in compliance with the provisions of  
25 the Consent Decree and Desegregation Plan cited in Section  
26 34-1.01;

1           8. To approve programs and policies for providing  
2 transportation services to students. Nothing herein shall  
3 be construed to permit or empower the State Board of  
4 Education to order, mandate, or require busing or other  
5 transportation of pupils for the purpose of achieving  
6 racial balance in any school;

7           9. Subject to the limitations in this Article, to  
8 establish and approve system-wide curriculum objectives  
9 and standards, including graduation standards, which  
10 reflect the multi-cultural diversity in the city and are  
11 consistent with State law, provided that for all purposes  
12 of this Article courses or proficiency in American Sign  
13 Language shall be deemed to constitute courses or  
14 proficiency in a foreign language; and to employ principals  
15 and teachers, appointed as provided in this Article, and  
16 fix their compensation. The board shall prepare such  
17 reports related to minimal competency testing as may be  
18 requested by the State Board of Education, and in addition  
19 shall monitor and approve special education and bilingual  
20 education programs and policies within the district to  
21 assure that appropriate services are provided in  
22 accordance with applicable State and federal laws to  
23 children requiring services and education in those areas;

24           10. To employ non-teaching personnel or utilize  
25 volunteer personnel for: (i) non-teaching duties not  
26 requiring instructional judgment or evaluation of pupils,

1 including library duties; and (ii) supervising study  
2 halls, long distance teaching reception areas used  
3 incident to instructional programs transmitted by  
4 electronic media such as computers, video, and audio,  
5 detention and discipline areas, and school-sponsored  
6 extracurricular activities. The board may further utilize  
7 volunteer non-certificated personnel or employ  
8 non-certificated personnel to assist in the instruction of  
9 pupils under the immediate supervision of a teacher holding  
10 a valid certificate, directly engaged in teaching subject  
11 matter or conducting activities; provided that the teacher  
12 shall be continuously aware of the non-certificated  
13 persons' activities and shall be able to control or modify  
14 them. The general superintendent shall determine  
15 qualifications of such personnel and shall prescribe rules  
16 for determining the duties and activities to be assigned to  
17 such personnel;

18 10.5. To utilize volunteer personnel from a regional  
19 School Crisis Assistance Team (S.C.A.T.), created as part  
20 of the Safe to Learn Program established pursuant to  
21 Section 25 of the Illinois Violence Prevention Act of 1995,  
22 to provide assistance to schools in times of violence or  
23 other traumatic incidents within a school community by  
24 providing crisis intervention services to lessen the  
25 effects of emotional trauma on individuals and the  
26 community; the School Crisis Assistance Team Steering



1 Committee shall determine the qualifications for  
2 volunteers;

3 11. To provide television studio facilities in not to  
4 exceed one school building and to provide programs for  
5 educational purposes, provided, however, that the board  
6 shall not construct, acquire, operate, or maintain a  
7 television transmitter; to grant the use of its studio  
8 facilities to a licensed television station located in the  
9 school district; and to maintain and operate not to exceed  
10 one school radio transmitting station and provide programs  
11 for educational purposes;

12 12. To offer, if deemed appropriate, outdoor education  
13 courses, including field trips within the State of  
14 Illinois, or adjacent states, and to use school educational  
15 funds for the expense of the said outdoor educational  
16 programs, whether within the school district or not;

17 13. During that period of the calendar year not  
18 embraced within the regular school term, to provide and  
19 conduct courses in subject matters normally embraced in the  
20 program of the schools during the regular school term and  
21 to give regular school credit for satisfactory completion  
22 by the student of such courses as may be approved for  
23 credit by the State Board of Education;

24 14. To insure against any loss or liability of the  
25 board, the former School Board Nominating Commission,  
26 Local School Councils, the Chicago Schools Academic

1 Accountability Council, or the former Subdistrict Councils  
2 or of any member, officer, agent or employee thereof,  
3 resulting from alleged violations of civil rights arising  
4 from incidents occurring on or after September 5, 1967 or  
5 from the wrongful or negligent act or omission of any such  
6 person whether occurring within or without the school  
7 premises, provided the officer, agent or employee was, at  
8 the time of the alleged violation of civil rights or  
9 wrongful act or omission, acting within the scope of his  
10 employment or under direction of the board, the former  
11 School Board Nominating Commission, the Chicago Schools  
12 Academic Accountability Council, Local School Councils, or  
13 the former Subdistrict Councils; and to provide for or  
14 participate in insurance plans for its officers and  
15 employees, including but not limited to retirement  
16 annuities, medical, surgical and hospitalization benefits  
17 in such types and amounts as may be determined by the  
18 board; provided, however, that the board shall contract for  
19 such insurance only with an insurance company authorized to  
20 do business in this State. Such insurance may include  
21 provision for employees who rely on treatment by prayer or  
22 spiritual means alone for healing, in accordance with the  
23 tenets and practice of a recognized religious  
24 denomination;

25 15. To contract with the corporate authorities of any  
26 municipality or the county board of any county, as the case

1           may be, to provide for the regulation of traffic in parking  
2           areas of property used for school purposes, in such manner  
3           as is provided by Section 11-209 of The Illinois Vehicle  
4           Code, approved September 29, 1969, as amended;

5           16. (a) To provide, on an equal basis, access to a high  
6           school campus and student directory information to the  
7           official recruiting representatives of the armed forces of  
8           Illinois and the United States for the purposes of  
9           informing students of the educational and career  
10          opportunities available in the military if the board has  
11          provided such access to persons or groups whose purpose is  
12          to acquaint students with educational or occupational  
13          opportunities available to them. The board is not required  
14          to give greater notice regarding the right of access to  
15          recruiting representatives than is given to other persons  
16          and groups. In this paragraph 16, "directory information"  
17          means a high school student's name, address, and telephone  
18          number.

19          (b) If a student or his or her parent or guardian  
20          submits a signed, written request to the high school before  
21          the end of the student's sophomore year (or if the student  
22          is a transfer student, by another time set by the high  
23          school) that indicates that the student or his or her  
24          parent or guardian does not want the student's directory  
25          information to be provided to official recruiting  
26          representatives under subsection (a) of this Section, the

1 high school may not provide access to the student's  
2 directory information to these recruiting representatives.  
3 The high school shall notify its students and their parents  
4 or guardians of the provisions of this subsection (b).

5 (c) A high school may require official recruiting  
6 representatives of the armed forces of Illinois and the  
7 United States to pay a fee for copying and mailing a  
8 student's directory information in an amount that is not  
9 more than the actual costs incurred by the high school.

10 (d) Information received by an official recruiting  
11 representative under this Section may be used only to  
12 provide information to students concerning educational and  
13 career opportunities available in the military and may not  
14 be released to a person who is not involved in recruiting  
15 students for the armed forces of Illinois or the United  
16 States;

17 17. (a) To sell or market any computer program  
18 developed by an employee of the school district, provided  
19 that such employee developed the computer program as a  
20 direct result of his or her duties with the school district  
21 or through the utilization of the school district resources  
22 or facilities. The employee who developed the computer  
23 program shall be entitled to share in the proceeds of such  
24 sale or marketing of the computer program. The distribution  
25 of such proceeds between the employee and the school  
26 district shall be as agreed upon by the employee and the

1 school district, except that neither the employee nor the  
2 school district may receive more than 90% of such proceeds.  
3 The negotiation for an employee who is represented by an  
4 exclusive bargaining representative may be conducted by  
5 such bargaining representative at the employee's request.

6 (b) For the purpose of this paragraph 17:

7 (1) "Computer" means an internally programmed,  
8 general purpose digital device capable of  
9 automatically accepting data, processing data and  
10 supplying the results of the operation.

11 (2) "Computer program" means a series of coded  
12 instructions or statements in a form acceptable to a  
13 computer, which causes the computer to process data in  
14 order to achieve a certain result.

15 (3) "Proceeds" means profits derived from  
16 marketing or sale of a product after deducting the  
17 expenses of developing and marketing such product;

18 18. To delegate to the general superintendent of  
19 schools, by resolution, the authority to approve contracts  
20 and expenditures in amounts of \$10,000 or less;

21 19. Upon the written request of an employee, to  
22 withhold from the compensation of that employee any dues,  
23 payments or contributions payable by such employee to any  
24 labor organization as defined in the Illinois Educational  
25 Labor Relations Act. Under such arrangement, an amount  
26 shall be withheld from each regular payroll period which is

1 equal to the pro rata share of the annual dues plus any  
2 payments or contributions, and the board shall transmit  
3 such withholdings to the specified labor organization  
4 within 10 working days from the time of the withholding;

5 19a. Upon receipt of notice from the comptroller of a  
6 municipality with a population of 500,000 or more, a county  
7 with a population of 3,000,000 or more, the Cook County  
8 Forest Preserve District, the Chicago Park District, the  
9 Metropolitan Water Reclamation District, the Chicago  
10 Transit Authority, or a housing authority of a municipality  
11 with a population of 500,000 or more that a debt is due and  
12 owing the municipality, the county, the Cook County Forest  
13 Preserve District, the Chicago Park District, the  
14 Metropolitan Water Reclamation District, the Chicago  
15 Transit Authority, or the housing authority by an employee  
16 of the Chicago Board of Education, to withhold, from the  
17 compensation of that employee, the amount of the debt that  
18 is due and owing and pay the amount withheld to the  
19 municipality, the county, the Cook County Forest Preserve  
20 District, the Chicago Park District, the Metropolitan  
21 Water Reclamation District, the Chicago Transit Authority,  
22 or the housing authority; provided, however, that the  
23 amount deducted from any one salary or wage payment shall  
24 not exceed 25% of the net amount of the payment. Before the  
25 Board deducts any amount from any salary or wage of an  
26 employee under this paragraph, the municipality, the

1 county, the Cook County Forest Preserve District, the  
2 Chicago Park District, the Metropolitan Water Reclamation  
3 District, the Chicago Transit Authority, or the housing  
4 authority shall certify that (i) the employee has been  
5 afforded an opportunity for a hearing to dispute the debt  
6 that is due and owing the municipality, the county, the  
7 Cook County Forest Preserve District, the Chicago Park  
8 District, the Metropolitan Water Reclamation District, the  
9 Chicago Transit Authority, or the housing authority and  
10 (ii) the employee has received notice of a wage deduction  
11 order and has been afforded an opportunity for a hearing to  
12 object to the order. For purposes of this paragraph, "net  
13 amount" means that part of the salary or wage payment  
14 remaining after the deduction of any amounts required by  
15 law to be deducted and "debt due and owing" means (i) a  
16 specified sum of money owed to the municipality, the  
17 county, the Cook County Forest Preserve District, the  
18 Chicago Park District, the Metropolitan Water Reclamation  
19 District, the Chicago Transit Authority, or the housing  
20 authority for services, work, or goods, after the period  
21 granted for payment has expired, or (ii) a specified sum of  
22 money owed to the municipality, the county, the Cook County  
23 Forest Preserve District, the Chicago Park District, the  
24 Metropolitan Water Reclamation District, the Chicago  
25 Transit Authority, or the housing authority pursuant to a  
26 court order or order of an administrative hearing officer

1 after the exhaustion of, or the failure to exhaust,  
2 judicial review;

3 20. The board is encouraged to employ a sufficient  
4 number of certified school counselors to maintain a  
5 student/counselor ratio of 250 to 1 by July 1, 1990. Each  
6 counselor shall spend at least 75% of his work time in  
7 direct contact with students and shall maintain a record of  
8 such time;

9 21. To make available to students vocational and career  
10 counseling and to establish 5 special career counseling  
11 days for students and parents. On these days  
12 representatives of local businesses and industries shall  
13 be invited to the school campus and shall inform students  
14 of career opportunities available to them in the various  
15 businesses and industries. Special consideration shall be  
16 given to counseling minority students as to career  
17 opportunities available to them in various fields. For the  
18 purposes of this paragraph, minority student means a person  
19 who is:

20 (a) Black (a person having origins in any of the  
21 black racial groups in Africa);

22 (b) Hispanic (a person of Spanish or Portuguese  
23 culture with origins in Mexico, South or Central  
24 America, or the Caribbean islands, regardless of  
25 race);

26 (c) Asian American (a person having origins in any



1 of the original peoples of the Far East, Southeast  
2 Asia, the Indian Subcontinent or the Pacific Islands);  
3 or

4 (d) American Indian or Alaskan Native (a person  
5 having origins in any of the original peoples of North  
6 America).

7 Counseling days shall not be in lieu of regular school  
8 days;

9 22. To report to the State Board of Education the  
10 annual student dropout rate and number of students who  
11 graduate from, transfer from or otherwise leave bilingual  
12 programs;

13 23. Except as otherwise provided in the Abused and  
14 Neglected Child Reporting Act or other applicable State or  
15 federal law, to permit school officials to withhold, from  
16 any person, information on the whereabouts of any child  
17 removed from school premises when the child has been taken  
18 into protective custody as a victim of suspected child  
19 abuse. School officials shall direct such person to the  
20 Department of Children and Family Services, or to the local  
21 law enforcement agency if appropriate;

22 24. To develop a policy, based on the current state of  
23 existing school facilities, projected enrollment and  
24 efficient utilization of available resources, for capital  
25 improvement of schools and school buildings within the  
26 district, addressing in that policy both the relative

1 priority for major repairs, renovations and additions to  
2 school facilities, and the advisability or necessity of  
3 building new school facilities or closing existing schools  
4 to meet current or projected demographic patterns within  
5 the district;

6 25. To make available to the students in every high  
7 school attendance center the ability to take all courses  
8 necessary to comply with the Board of Higher Education's  
9 college entrance criteria effective in 1993;

10 26. To encourage mid-career changes into the teaching  
11 profession, whereby qualified professionals become  
12 certified teachers, by allowing credit for professional  
13 employment in related fields when determining point of  
14 entry on teacher pay scale;

15 27. To provide or contract out training programs for  
16 administrative personnel and principals with revised or  
17 expanded duties pursuant to this Act in order to assure  
18 they have the knowledge and skills to perform their duties;

19 28. To establish a fund for the prioritized special  
20 needs programs, and to allocate such funds and other lump  
21 sum amounts to each attendance center in a manner  
22 consistent with the provisions of part 4 of Section 34-2.3.  
23 Nothing in this paragraph shall be construed to require any  
24 additional appropriations of State funds for this purpose;

25 29. (Blank);

26 30. Notwithstanding any other provision of this Act or

1 any other law to the contrary, to contract with third  
2 parties for services otherwise performed by employees,  
3 including those in a bargaining unit, and to layoff those  
4 employees upon 14 days written notice to the affected  
5 employees. Those contracts may be for a period not to  
6 exceed 5 years and may be awarded on a system-wide basis.  
7 The board may not operate more than 30 contract schools,  
8 provided that the board may operate an additional 5  
9 contract turnaround schools pursuant to item (5.5) of  
10 subsection (d) of Section 34-8.3 of this Code;

11 31. To promulgate rules establishing procedures  
12 governing the layoff or reduction in force of employees and  
13 the recall of such employees, including, but not limited  
14 to, criteria for such layoffs, reductions in force or  
15 recall rights of such employees and the weight to be given  
16 to any particular criterion. Such criteria shall take into  
17 account factors including, but not be limited to,  
18 qualifications, certifications, experience, performance  
19 ratings or evaluations, and any other factors relating to  
20 an employee's job performance;

21 32. To develop a policy to prevent nepotism in the  
22 hiring of personnel or the selection of contractors;

23 33. To enter into a partnership agreement, as required  
24 by Section 34-3.5 of this Code, and, notwithstanding any  
25 other provision of law to the contrary, to promulgate  
26 policies, enter into contracts, and take any other action

1 necessary to accomplish the objectives and implement the  
2 requirements of that agreement; and

3 34. To establish a Labor Management Council to the  
4 board comprised of representatives of the board, the chief  
5 executive officer, and those labor organizations that are  
6 the exclusive representatives of employees of the board and  
7 to promulgate policies and procedures for the operation of  
8 the Council.

9 35. To perform the powers and duties prescribed in  
10 Section 34-2.3 of this Code on or after the effective date  
11 of this amendatory Act of the 96th General Assembly.

12 The specifications of the powers herein granted are not to  
13 be construed as exclusive but the board shall also exercise all  
14 other powers that they may be requisite or proper for the  
15 maintenance and the development of a public school system, not  
16 inconsistent with the other provisions of this Article or  
17 provisions of this Code which apply to all school districts.

18 In addition to the powers herein granted and authorized to  
19 be exercised by the board, it shall be the duty of the board to  
20 review or to direct independent reviews of special education  
21 expenditures and services. The board shall file a report of  
22 such review with the General Assembly on or before May 1, 1990.

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