

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 2-3.51.5, 18-17, 27A-11.5, 28-6, 28-8, 28-9, 28-14, 28-15,
6 28-17, 28-20, 28-21, 34-2.3, and 34-19 and by adding Section
7 28-19.5 as follows:

8 (105 ILCS 5/2-3.51.5)

9 Sec. 2-3.51.5. School Safety and Educational Improvement
10 Block Grant Program. To improve the level of education and
11 safety of students from kindergarten through grade 12 in school
12 districts and State-recognized, non-public schools. The State
13 Board of Education is authorized to fund a School Safety and
14 Educational Improvement Block Grant Program.

15 (1) For school districts, the program shall provide funding
16 for school safety, textbooks and software, electronic
17 textbooks and the technological equipment necessary to gain
18 access to and use electronic textbooks, teacher training and
19 curriculum development, school improvements, remediation
20 programs under subsection (a) of Section 2-3.64, school report
21 cards under Section 10-17a, and criminal history records checks
22 under Sections 10-21.9 and 34-18.5. For State-recognized,
23 non-public schools, the program shall provide funding for

1 secular textbooks and software, criminal history records
2 checks, and health and safety mandates to the extent that the
3 funds are expended for purely secular purposes. A school
4 district or laboratory school as defined in Section 18-8 or
5 18-8.05 is not required to file an application in order to
6 receive the categorical funding to which it is entitled under
7 this Section. Funds for the School Safety and Educational
8 Improvement Block Grant Program shall be distributed to school
9 districts and laboratory schools based on the prior year's best
10 3 months average daily attendance. Funds for the School Safety
11 and Educational Improvement Block Grant Program shall be
12 distributed to State-recognized, non-public schools based on
13 the average daily attendance figure for the previous school
14 year provided to the State Board of Education. The State Board
15 of Education shall develop an application that requires
16 State-recognized, non-public schools to submit average daily
17 attendance figures. A State-recognized, non-public school must
18 submit the application and average daily attendance figure
19 prior to receiving funds under this Section. The State Board of
20 Education shall promulgate rules and regulations necessary for
21 the implementation of this program.

22 (2) Distribution of moneys to school districts and
23 State-recognized, non-public schools shall be made in 2
24 semi-annual installments, one payment on or before October 30,
25 and one payment prior to April 30, of each fiscal year.

26 (3) Grants under the School Safety and Educational

1 Improvement Block Grant Program shall be awarded provided there
2 is an appropriation for the program, and funding levels for
3 each district shall be prorated according to the amount of the
4 appropriation.

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

8 (Source: P.A. 95-707, eff. 1-11-08.)

9 (105 ILCS 5/18-17) (from Ch. 122, par. 18-17)

10 Sec. 18-17. The State Board of Education shall provide the
11 loan of secular textbooks and electronic textbooks and the
12 technological equipment necessary to gain access to and use
13 electronic textbooks listed for use by the State Board of
14 Education free of charge to any student in this State who is
15 enrolled in grades kindergarten through 12 at a public school
16 or at a school other than a public school which is in
17 compliance with the compulsory attendance laws of this State
18 and Title VI of the Civil Rights Act of 1964. The foregoing
19 service shall be provided directly to the students at their
20 request or at the request of their parents or guardians. The
21 State Board of Education shall adopt appropriate regulations to
22 administer this Section and to facilitate the equitable
23 participation of all students eligible for benefits hereunder,
24 including provisions authorizing the exchange, trade or
25 transfer of loaned secular textbooks and electronic textbooks

1 and the technological equipment necessary to gain access to and
2 use electronic textbooks between schools or school districts
3 for students enrolled in such schools or districts. The bonding
4 requirements of Sections 28-1 and 28-2 of this Code do not
5 apply to the loan of secular textbooks under this Section.
6 After secular textbooks and electronic textbooks and the
7 technological equipment necessary to gain access to and use
8 electronic textbooks have been on loan under this Section for a
9 period of 5 years or more, such textbooks and electronic
10 textbooks and the technological equipment necessary to gain
11 access to and use electronic textbooks may be disposed of by
12 school districts in such manner as their respective school
13 boards shall determine following written notification to the
14 State Board of Education and expiration of a reasonable waiting
15 period not to exceed 30 days. Loaned textbooks and electronic
16 textbooks and the technological equipment necessary to gain
17 access to and use electronic textbooks may not be disposed of
18 out-of-State or sold without the prior approval of the State
19 Board of Education.

20 As used in this Section, "textbook" means any book or book
21 substitute which a pupil uses as a text or text substitute,
22 including electronic textbooks, in a particular class or
23 program. It shall include books, reusable workbooks, manuals,
24 whether bound or in loose leaf form, ~~and~~ instructional computer
25 software, and electronic textbooks and the technological
26 equipment necessary to gain access to and use electronic

1 textbooks intended as a principal source of study material for
2 a given class or group of students. "Textbook" also includes
3 science curriculum materials in a kit format that includes
4 pre-packaged consumable materials if (i) it is shown that the
5 materials serve as a textbook substitute, (ii) the materials
6 are for use by pupils as a principal learning resource, (iii)
7 each component of the materials is integrally necessary to
8 teach the requirements of the intended course, (iv) the kit
9 includes teacher guidance materials, and (v) the purchase of
10 individual consumable materials is not allowed.

11 (Source: P.A. 93-212, eff. 7-18-03; 94-927, eff. 1-1-07.)

12 (105 ILCS 5/27A-11.5)

13 Sec. 27A-11.5. State financing. The State Board of
14 Education shall make the following funds available to school
15 districts and charter schools:

16 (1) From a separate appropriation made to the State
17 Board for purposes of this subdivision (1), the State Board
18 shall make transition impact aid available to school
19 districts that approve a new charter school or that have
20 funds withheld by the State Board to fund a new charter
21 school that is chartered by the State Board. The amount of
22 the aid shall equal 90% of the per capita funding paid to
23 the charter school during the first year of its initial
24 charter term, 65% of the per capita funding paid to the
25 charter school during the second year of its initial term,

1 and 35% of the per capita funding paid to the charter
2 school during the third year of its initial term. This
3 transition impact aid shall be paid to the local school
4 board in equal quarterly installments, with the payment of
5 the installment for the first quarter being made by August
6 1st immediately preceding the first, second, and third
7 years of the initial term. The district shall file an
8 application for this aid with the State Board in a format
9 designated by the State Board. If the appropriation is
10 insufficient in any year to pay all approved claims, the
11 impact aid shall be prorated. However, for fiscal year
12 2004, the State Board of Education shall pay approved
13 claims only for charter schools with a valid charter
14 granted prior to June 1, 2003. If any funds remain after
15 these claims have been paid, then the State Board of
16 Education may pay all other approved claims on a pro rata
17 basis. Transition impact aid shall be paid beginning in the
18 1999-2000 school year for charter schools that are in the
19 first, second, or third year of their initial term.
20 Transition impact aid shall not be paid for any charter
21 school that is proposed and created by one or more boards
22 of education, as authorized under the provisions of Public
23 Act 91-405.

24 (2) From a separate appropriation made for the purpose
25 of this subdivision (2), the State Board shall make grants
26 to charter schools to pay their start-up costs of acquiring

1 educational materials and supplies, textbooks, electronic
2 textbooks and the technological equipment necessary to
3 gain access to and use electronic textbooks, furniture, and
4 other equipment needed during their initial term. The State
5 Board shall annually establish the time and manner of
6 application for these grants, which shall not exceed \$250
7 per student enrolled in the charter school.

8 (3) The Charter Schools Revolving Loan Fund is created
9 as a special fund in the State treasury. Federal funds,
10 such other funds as may be made available for costs
11 associated with the establishment of charter schools in
12 Illinois, and amounts repaid by charter schools that have
13 received a loan from the Charter Schools Revolving Loan
14 Fund shall be deposited into the Charter Schools Revolving
15 Loan Fund, and the moneys in the Charter Schools Revolving
16 Loan Fund shall be appropriated to the State Board and used
17 to provide interest-free loans to charter schools. These
18 funds shall be used to pay start-up costs of acquiring
19 educational materials and supplies, textbooks, electronic
20 textbooks and the technological equipment necessary to
21 gain access to and use electronic textbooks, furniture, and
22 other equipment needed in the initial term of the charter
23 school and for acquiring and remodeling a suitable physical
24 plant, within the initial term of the charter school. Loans
25 shall be limited to one loan per charter school and shall
26 not exceed \$250 per student enrolled in the charter school.

1 A loan shall be repaid by the end of the initial term of
2 the charter school. The State Board may deduct amounts
3 necessary to repay the loan from funds due to the charter
4 school or may require that the local school board that
5 authorized the charter school deduct such amounts from
6 funds due the charter school and remit these amounts to the
7 State Board, provided that the local school board shall not
8 be responsible for repayment of the loan. The State Board
9 may use up to 3% of the appropriation to contract with a
10 non-profit entity to administer the loan program.

11 (4) A charter school may apply for and receive, subject
12 to the same restrictions applicable to school districts,
13 any grant administered by the State Board that is available
14 for school districts.

15 (Source: P.A. 92-16, eff. 6-28-01; 93-21, eff. 7-1-03.)

16 (105 ILCS 5/28-6) (from Ch. 122, par. 28-6)

17 Sec. 28-6. Adoption of books by school boards - Change.
18 Printed and electronic instructional materials adopted by any
19 board under the provisions of this Article shall be used
20 exclusively in all public high schools and elementary schools
21 for which they have been adopted, except that supplementary or
22 abridged or special editions thereof may be used when
23 necessary.

24 (Source: P.A. 85-1440.)

1 (105 ILCS 5/28-8) (from Ch. 122, par. 28-8)

2 Sec. 28-8. Purchase by districts for resale at cost. School
3 districts may purchase textbooks and electronic textbooks and
4 the technological equipment necessary to gain access to and use
5 electronic textbooks from the publishers and manufacturers at
6 the prices listed with the State Board of Education and sell
7 them to the pupils at the listed prices or at such prices as
8 will include the cost of transportation and handling.

9 (Source: P.A. 81-1508.)

10 (105 ILCS 5/28-9) (from Ch. 122, par. 28-9)

11 Sec. 28-9. Purchase by districts - Designation of agent for
12 sale. School districts may purchase out of contingent funds
13 school textbooks or electronic textbooks, instructional
14 materials, and the technological equipment necessary to gain
15 access to and use electronic textbooks from the publishers and
16 manufacturers at the prices listed with the State Board of
17 Education and may designate a retail dealer or dealers to act
18 as the agent of the district in selling them to pupils. Such
19 dealers shall at stated times make settlement with the district
20 for books sold. Such dealers shall not sell textbooks at prices
21 which exceed a 10% advance on the net prices as listed with the
22 State Board of Education.

23 (Source: P.A. 81-1508.)

24 (105 ILCS 5/28-14) (from Ch. 122, par. 28-14)

1 Sec. 28-14. Free textbooks - Referendum - Ballot. Any
 2 school board may, and whenever petitioned so to do by 5% or
 3 more of the voters of such district shall order submitted to
 4 the voters thereof at a regular scheduled election the question
 5 of furnishing free school textbooks or electronic textbooks for
 6 the use of pupils attending the public schools of the district,
 7 and the secretary shall certify the proposition to the proper
 8 election authorities for submission in accordance with the
 9 general election law. The proposition shall be in substantially
 10 the following form:

11 -----
 12 FOR furnishing free textbooks or electronic textbooks in
 13 the
 14 public schools.

15 -----
 16 AGAINST furnishing free textbooks or electronic textbooks
 17 in the public schools.

18 -----
 19 If a majority of the votes cast upon the proposition is in
 20 favor of furnishing free textbooks or electronic textbooks, the
 21 governing body shall provide, furnish and sell them as provided
 22 in Section 28--15, but no such books shall be sold until at
 23 least 1 year after the election. The furnishing of free
 24 textbooks or electronic textbooks when so adopted shall not be
 25 discontinued within 4 years, and thereafter only by a vote of
 26 the voters of the district upon the same conditions and in

1 substantially the same manner as the vote for the adoption of
2 free textbooks or electronic textbooks. No textbook or
3 electronic textbook furnished under the provisions of this
4 Article shall contain any denominational or sectarian matter.
5 (Source: P.A. 81-1489.)

6 (105 ILCS 5/28-15) (from Ch. 122, par. 28-15)
7 Sec. 28-15. Textbooks provided and loaned to pupils-Sale to
8 pupils.

9 The governing body of every school district having voted in
10 favor of furnishing free textbooks or electronic textbooks
11 under the provisions of Sections 28--14 through 28--19 shall
12 provide, at the expense of the district, textbooks or
13 electronic textbooks for use in the public schools and loan
14 them free to the pupils. Textbooks so furnished shall remain
15 the property of the school district. The governing body shall
16 also provide for the sale of such textbooks or electronic
17 textbooks at cost to pupils of the schools in the district
18 wishing to purchase them for their own use.

19 (Source: Laws 1961, p. 31.)

20 (105 ILCS 5/28-17) (from Ch. 122, par. 28-17)

21 Sec. 28-17. Rules for care and preservation.

22 The governing body of each district shall make such rules
23 as it deems proper for the care and preservation of textbooks
24 or electronic textbooks so furnished at public expense.

1 (Source: Laws 1961, p. 31.)

2 (105 ILCS 5/28-19.5 new)

3 Sec. 28-19.5. Funding for electronic format of textbooks.
4 Notwithstanding any other provision of law, a school district
5 may use funding received pursuant to this Code to purchase
6 textbooks or instructional materials in an electronic format or
7 hard-bound format and the technological equipment necessary to
8 gain access to and use electronic textbooks or instructional
9 materials if both of the following conditions are met:

10 (1) It can ensure that each pupil will be provided with
11 a copy of the instructional materials to use at school and
12 at home.

13 (2) It will assist the pupil in comprehending the
14 material.

15 Providing access to the materials at school and at home does
16 not require the school district to purchase 2 sets of
17 materials.

18 (105 ILCS 5/28-20) (from Ch. 122, par. 28-20)

19 Sec. 28-20. Definitions ~~Instructional materials.~~

20 (a) For purposes of this Act the term instructional
21 materials shall mean both print and non-print materials,
22 including electronic textbooks, that are used in the
23 educational process.

24 (b) For purposes of this Article, "textbook" includes

1 electronic or digital textbooks that are used for educational
2 purposes.

3 (Source: P.A. 77-2180.)

4 (105 ILCS 5/28-21) (from Ch. 122, par. 28-21)

5 Sec. 28-21. The State Board of Education shall require each
6 publisher of any printed textbook or electronic textbook that
7 is listed for use by the State Board of Education under this
8 Article or that is furnished at public expense under Sections
9 28-14 through 28-19 and is first published after July 19, 2006
10 to furnish, as provided in this Section, an accessible
11 electronic file set of contracted print material to the
12 National Instructional Materials Access Center, which shall
13 then be available to the State Board of Education or its
14 authorized user for the purpose of conversion to an accessible
15 format for use by a child with a print disability and for
16 distribution to local education agencies. An "accessible
17 electronic file" means a file that conforms to specifications
18 of the national file format adopted by the United States
19 Department of Education. Other terms used in this Section shall
20 be construed in compliance with the federal Individuals with
21 Disabilities Education Act and related regulations.

22 (Source: P.A. 95-415, eff. 8-24-07.)

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

24 Sec. 34-2.3. Local school councils - Powers and duties.

1 Each local school council shall have and exercise, consistent
2 with the provisions of this Article and the powers and duties
3 of the board of education, the following powers and duties:

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

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

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

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

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

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

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

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

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

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

15 2. In the event (i) the local school council does not renew
16 the performance contract of the principal, or the principal
17 fails to receive a satisfactory rating as provided in
18 subsection (h) of Section 34-8.3, or the principal is removed
19 for cause during the term of his or her performance contract in
20 the manner provided by Section 34-85, or a vacancy in the
21 position of principal otherwise occurs prior to the expiration
22 of the term of a principal's performance contract, and (ii) the
23 local school council fails to directly select a new principal
24 to serve under a 4 year performance contract, the local school
25 council in such event shall submit to the general
26 superintendent a list of 3 candidates -- listed in the local

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

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

1 candidate list shall be submitted by the local school council
2 to the general superintendent within 90 days after the date
3 such removal or vacancy occurs. In cases where the local school
4 council fails or refuses to submit the candidate list to the
5 general superintendent within 90 days after the date of the
6 vacancy, the general superintendent may appoint a principal on
7 an interim basis for a period of 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.

11 2.5. Whenever a vacancy in the office of a principal occurs
12 for any reason, the vacancy shall be filled in the manner
13 provided by this Section by the selection of a new principal to
14 serve under a 4 year performance contract.

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

24 4. To approve the expenditure plan prepared by the
25 principal with respect to all funds allocated and distributed
26 to the attendance center by the Board. The expenditure plan

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

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

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

24 Beginning in fiscal year 1991 and in each fiscal year
25 thereafter, from other amounts available in the applicable
26 fiscal year budget, the board shall allocate a lump sum amount

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

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

18 The lump sum allocation shall take into account the
19 following principles:

20 a. Teachers: Each school shall be allocated funds equal
21 to the amount appropriated in the previous school year for
22 compensation for teachers (regular grades kindergarten
23 through 12th grade) plus whatever increases in
24 compensation have been negotiated contractually or through
25 longevity as provided in the negotiated agreement.
26 Adjustments shall be made due to layoff or reduction in

1 force, lack of funds or work, change in subject
2 requirements, enrollment changes, or contracts with third
3 parties for the performance of services or to rectify any
4 inconsistencies with system-wide allocation formulas or
5 for other legitimate reasons.

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

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

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

26 d.1. Funds for State Title I: Each school shall receive

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

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

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

20 g. (Blank).

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

24 5. To make recommendations to the principal concerning
25 textbook selection and concerning curriculum developed
26 pursuant to the school improvement plan which is consistent

1 with systemwide curriculum objectives in accordance with
2 Sections 34-8 and 34-18 of the School Code and in conformity
3 with the collective bargaining agreement.

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

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

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

1 instructional objectives or school programs which reflect the
2 school improvement plan.

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

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

24 1. school budgets;

25 2. educational theory pertinent to the attendance
26 center's particular needs, including the development of

1 the school improvement plan and the principal's
2 performance contract; and

3 3. personnel selection.

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

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

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

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

26 14. The local school council may adopt a school uniform or

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

24 15. All decisions made and actions taken by the local
25 school council in the exercise of its powers and duties shall
26 comply with State and federal laws, all applicable collective

1 bargaining agreements, court orders and rules properly
2 promulgated by the Board.

3 15a. To grant, in accordance with board rules and policies,
4 the use of assembly halls and classrooms when not otherwise
5 needed, including lighting, heat, and attendants, for public
6 lectures, concerts, and other educational and social
7 activities.

8 15b. To approve, in accordance with board rules and
9 policies, receipts and expenditures for all internal accounts
10 of the attendance center, and to approve all fund-raising
11 activities by nonschool organizations that use the school
12 building.

13 16. (Blank).

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

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

17 (105 ILCS 5/34-19) (from Ch. 122, par. 34-19)

18 Sec. 34-19. By-laws, rules and regulations; business
19 transacted at regular meetings; voting; records. The board
20 shall, subject to the limitations in this Article, establish
21 by-laws, rules and regulations, which shall have the force of
22 ordinances, for the proper maintenance of a uniform system of
23 discipline for both employees and pupils, and for the entire
24 management of the schools, and may fix the school age of
25 pupils, the minimum of which in kindergartens shall not be

1 under 4 years, except that, based upon an assessment of the
2 child's readiness, children who have attended a non-public
3 preschool and continued their education at that school through
4 kindergarten, were taught in kindergarten by an appropriately
5 certified teacher, and will attain the age of 6 years on or
6 before December 31 of the year of the 2009-2010 school term and
7 each school term thereafter may attend first grade upon
8 commencement of such term, and in grade schools shall not be
9 under 6 years. It may expel, suspend or, subject to the
10 limitations of all policies established or adopted under
11 Section 14-8.05, otherwise discipline any pupil found guilty of
12 gross disobedience, misconduct or other violation of the
13 by-laws, rules and regulations. The bylaws, rules and
14 regulations of the board shall be enacted, money shall be
15 appropriated or expended, salaries shall be fixed or changed,
16 and textbooks, electronic textbooks, and courses of
17 instruction shall be adopted or changed only at the regular
18 meetings of the board and by a vote of a majority of the full
19 membership of the board; provided that notwithstanding any
20 other provision of this Article or the School Code, neither the
21 board or any local school council may purchase any textbook for
22 use in any public school of the district from any textbook
23 publisher that fails to furnish any computer diskettes as
24 required under Section 28-21. Funds appropriated for textbook
25 purchases must be available for electronic textbook purchases
26 and the technological equipment necessary to gain access to and

1 use electronic textbooks at the local school council's
2 discretion. The board shall be further encouraged to provide
3 opportunities for public hearing and testimony before the
4 adoption of bylaws, rules and regulations. Upon all
5 propositions requiring for their adoption at least a majority
6 of all the members of the board the yeas and nays shall be
7 taken and reported. The by-laws, rules and regulations of the
8 board shall not be repealed, amended or added to, except by a
9 vote of 2/3 of the full membership of the board. The board
10 shall keep a record of all its proceedings. Such records and
11 all by-laws, rules and regulations, or parts thereof, may be
12 proved by a copy thereof certified to be such by the secretary
13 of the board, but if they are printed in book or pamphlet form
14 which are purported to be published by authority of the board
15 they need not be otherwise published and the book or pamphlet
16 shall be received as evidence, without further proof, of the
17 records, by-laws, rules and regulations, or any part thereof,
18 as of the dates thereof as shown in such book or pamphlet, in
19 all courts and places where judicial proceedings are had.

20 Notwithstanding any other provision in this Article or in
21 the School Code, the board may delegate to the general
22 superintendent or to the attorney the authorities granted to
23 the board in the School Code, provided such delegation and
24 appropriate oversight procedures are made pursuant to board
25 by-laws, rules and regulations, adopted as herein provided,
26 except that the board may not delegate its authorities and

1 responsibilities regarding (1) budget approval obligations;
2 (2) rule-making functions; (3) desegregation obligations; (4)
3 real estate acquisition, sale or lease in excess of 10 years as
4 provided in Section 34-21; (5) the levy of taxes; or (6) any
5 mandates imposed upon the board by "An Act in relation to
6 school reform in cities over 500,000, amending Acts herein
7 named", approved December 12, 1988 (P.A. 85-1418).
8 (Source: P.A. 96-864, eff. 1-21-10.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.