

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
5 Sections 34-2.3 and 34-2.3b as follows:

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

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

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

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

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

30 (C) to directly select, in the manner provided by
31 subsection (c) of Section 34-2.2, a new principal (including

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

21 1.5. The local school council's determination of whether
22 to renew the principal's contract shall be based on an
23 evaluation to assess the educational and administrative
24 progress made at the school during the principal's current
25 performance-based contract. The local school council shall
26 base its evaluation on (i) student academic improvement, as
27 defined by the school improvement plan, (ii) student
28 absenteeism rates at the school, (iii) instructional
29 leadership, (iv) the effective implementation of programs,
30 policies, or strategies to improve student academic
31 achievement, (v) school management, and (vi) any other
32 factors deemed relevant by the local school council,
33 including, without limitation, the principal's communication
34 skills and ability to create and maintain a student-centered

1 learning environment, to develop opportunities for
2 professional development, and to encourage parental
3 involvement and community partnerships to achieve school
4 improvement. If a local school council fails to renew the
5 performance contract of a principal rated by the general
6 superintendent, or his or her designee, in the previous
7 years' evaluations as meeting or exceeding expectations, the
8 principal, within 15 days after the local school council's
9 decision not to renew the contract, may request a review of
10 the local school council's principal non-retention decision
11 by a hearing officer appointed by the American Arbitration
12 Association. A local school council member or members or the
13 general superintendent may support the principal's request
14 for review. During the period of the hearing officer's review
15 of the local school council's decision on whether or not to
16 retain the principal, the local school council shall maintain
17 all authority to search for and contract with a person to
18 serve as interim or acting principal, or as the principal of
19 the attendance center under a 4-year performance contract,
20 provided that any performance contract entered into by the
21 local school council shall be voidable or modified in
22 accordance with the decision of the hearing officer. The
23 principal may request review only once while at that
24 attendance center. If a local school council renews the
25 contract of a principal who failed to obtain a rating of
26 "meets" or "exceeds expectations" in the general
27 superintendent's evaluation for the previous year, the
28 general superintendent, within 15 days after the local school
29 council's decision to renew the contract, may request a
30 review of the local school council's principal retention
31 decision by a hearing officer appointed by the American
32 Arbitration Association. The general superintendent may
33 request a review only once for that principal at that
34 attendance center. All requests to review the retention or

1 non-retention of a principal shall be submitted to the
2 general superintendent, who shall, in turn, forward such
3 requests, within 14 days of receipt, to the American
4 Arbitration Association. The general superintendent shall
5 send a contemporaneous copy of the request that was forwarded
6 to the American Arbitration Association to the principal and
7 to each local school council member and shall inform the
8 local school council of its rights and responsibilities under
9 the arbitration process, including the local school council's
10 right to representation and the manner and process by which
11 the Board shall pay the costs of the council's
12 representation. If the local school council retains the
13 principal and the general superintendent requests a review of
14 the retention decision, the local school council and the
15 general superintendent shall be considered parties to the
16 arbitration, a hearing officer shall be chosen between those
17 2 parties pursuant to procedures promulgated by the State
18 Board of Education, and the principal may retain counsel and
19 participate in the arbitration. If the local school council
20 does not retain the principal and the principal requests a
21 review of the retention decision, the local school council
22 and the principal shall be considered parties to the
23 arbitration and a hearing officer shall be chosen between
24 those 2 parties pursuant to procedures promulgated by the
25 State Board of Education. The hearing shall begin (i) within
26 45 days after the initial request for review is submitted by
27 the principal to the general superintendent or (ii) if the
28 initial request for review is made by the general
29 superintendent, within 45 days after that request is mailed
30 to the American Arbitration Association. The hearing officer
31 shall render a decision within 45 days after the hearing
32 begins and within 90 days after the initial request for
33 review. The Board shall contract with the American
34 Arbitration Association for all of the hearing officer's

1 reasonable and necessary costs. In addition, the Board shall
2 pay any reasonable costs incurred by a local school council
3 for representation before a hearing officer.

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

24 2. In the event (i) the local school council does not
25 renew the performance contract of the principal, or the
26 principal fails to receive a satisfactory rating as provided
27 in subsection (h) of Section 34-8.3, or the principal is
28 removed for cause during the term of his or her performance
29 contract in the manner provided by Section 34-85, or a
30 vacancy in the position of principal otherwise occurs prior
31 to the expiration of the term of a principal's performance
32 contract, and (ii) the local school council fails to directly
33 select a new principal to serve under a 4 year performance
34 contract, the local school council in such event shall submit

1 to the general superintendent a list of 3 candidates --
2 listed in the local school council's order of preference --
3 for the position of principal, one of which shall be selected
4 by the general superintendent to serve as principal of the
5 attendance center. If the general superintendent fails or
6 refuses to select one of the candidates on the list to serve
7 as principal within 30 days after being furnished with the
8 candidate list, the general superintendent shall select and
9 place a principal on an interim basis (i) for a period not to
10 exceed one year or (ii) until the local school council
11 selects a new principal with 7 affirmative votes as provided
12 in subsection (c) of Section 34-2.2, whichever occurs first.
13 If the local school council fails or refuses to select and
14 appoint a new principal, as specified by subsection (c) of
15 Section 34-2.2, the general superintendent may select and
16 appoint a new principal on an interim basis for an additional
17 year or until a new contract principal is selected by the
18 local school council. There shall be no discrimination on
19 the basis of race, sex, creed, color or disability unrelated
20 to ability to perform in connection with the submission of
21 candidates for, and the selection of a candidate to serve as
22 principal of an attendance center. No person shall be
23 directly selected, listed as a candidate for, or selected to
24 serve as principal of an attendance center (i) if such person
25 has been removed for cause from employment by the Board or
26 (ii) if such person does not hold a valid administrative
27 certificate issued or exchanged under Article 21 and endorsed
28 as required by that Article for the position of principal. A
29 principal whose performance contract is not renewed as
30 provided under subsection (c) of Section 34-2.2 may
31 nevertheless, if otherwise qualified and certified as herein
32 provided and if he or she has received a satisfactory rating
33 as provided in subsection (h) of Section 34-8.3, be included
34 by a local school council as one of the 3 candidates listed

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

32 2.5. Whenever a vacancy in the office of a principal
33 occurs for any reason, the vacancy shall be filled in the
34 manner provided by this Section by the selection of a new

1 principal to serve under a 4 year performance contract.

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

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

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

27 Beginning in fiscal year 1991 and in each fiscal year
28 thereafter, the Board may reserve up to 1% of its total
29 fiscal year budget for distribution on a prioritized basis to
30 schools throughout the school system in order to assure
31 adequate programs to meet the needs of special student
32 populations as determined by the Board. This distribution
33 shall take into account the needs catalogued in the
34 Systemwide Plan and the various local school improvement

1 plans of the local school councils. Information about these
2 centrally funded programs shall be distributed to the local
3 school councils so that their subsequent planning and
4 programming will account for these provisions.

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

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

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

27 a. Teachers: Each school shall be allocated funds
28 equal to the amount appropriated in the previous school
29 year for compensation for teachers (regular grades
30 kindergarten through 12th grade) plus whatever increases
31 in compensation have been negotiated contractually or
32 through longevity as provided in the negotiated
33 agreement. Adjustments shall be made due to layoff or
34 reduction in force, lack of funds or work, change in

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

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

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

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

23 d.1. Funds for State Title I: Each school shall
24 receive funds based on State and Board requirements
25 applicable to each State Title I pupil provided to meet
26 the special needs of the student body. Each school shall
27 receive the proportion of funds as provided in Section
28 18-8 to which they are entitled. These funds shall be
29 spent only with the budgetary approval of the Local
30 School Council as provided in Section 34-2.3.

31 e. The Local School Council shall have the right to
32 request the principal to close positions and open new
33 ones consistent with the provisions of the local school
34 improvement plan provided that these decisions are

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

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

9 g. (Blank).

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

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

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

24 7. To approve a school improvement plan developed as
25 provided in Section 34-2.4. The process and schedule for plan
26 development shall be publicized to the entire school
27 community, and the community shall be afforded the
28 opportunity to make recommendations concerning the plan. At
29 least twice a year the principal and local school council
30 shall report publicly on progress and problems with respect
31 to plan implementation.

32 8. To evaluate the allocation of teaching resources and
33 other certificated and uncertificated staff to the attendance
34 center to determine whether such allocation is consistent

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

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

19 10. (Blank). ~~To request of the Board the manner in which~~
 20 ~~training and assistance shall be provided to the local school~~
 21 ~~council.--Pursuant to Board guidelines a local school council~~
 22 ~~is authorized to direct the Board of Education to contract~~
 23 ~~with personnel or not for profit organizations not associated~~
 24 ~~with the school district to train or assist council members.~~
 25 ~~If training or assistance is provided by contract with~~
 26 ~~personnel or organizations not associated with the school~~
 27 ~~district, the period of training or assistance shall not~~
 28 ~~exceed 30 hours during a given school year; person shall not~~
 29 ~~be employed on a continuous basis longer than said period and~~
 30 ~~shall not have been employed by the Chicago Board of~~
 31 ~~Education within the preceding six months.---Council members~~
 32 ~~shall receive training in at least the following areas:~~

- 33 1.--school budgets;
- 34 2.--educational theory pertinent to the attendance

1 center's particular needs, including the development of
 2 the school improvement plan and the principal's
 3 performance contract; and

4 3. personnel selection.

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

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

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

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

29 14. The local school council may adopt a school uniform
 30 or dress code policy that governs the attendance center and
 31 that is necessary to maintain the orderly process of a school
 32 function or prevent endangerment of student health or safety,
 33 consistent with the policies and rules of the Board of
 34 Education. A school uniform or dress code policy adopted by a

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

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

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

29 15b. To approve, in accordance with board rules and
30 policies, receipts and expenditures for all internal accounts
31 of the attendance center, and to approve all fund-raising
32 activities by nonschool organizations that use the school
33 building.

34 16. (Blank).

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

3 (Source: P.A. 90-14, eff. 7-1-97; 91-622, eff. 8-19-99;
4 91-728, eff. 6-2-00.)

5 (105 ILCS 5/34-2.3b)

6 Sec. 34-2.3b. Local School Council Training. The board
7 shall collaborate with universities and other interested
8 entities and individuals to offer training to local school
9 council members on topics relevant to school operations and
10 their responsibilities as local school council members,
11 including but not limited to legal requirements, role
12 differentiation, responsibilities, and authorities, principal
13 evaluations and selection procedures and criteria, and
14 educational theory pertinent to improving student
15 achievement. Training of local school council members shall
16 be provided at the direction of the board in consultation
17 with the Council of Chicago-area Deans of Education.
18 Incoming local school council members shall be required to
19 complete a 3-day training program covering these and other
20 topics as determined by the board ~~provided-under-this-Section~~
21 within 6 months of taking office. The board shall monitor
22 the compliance of incoming local school council members with
23 the 3-day training program requirement established by this
24 Section. After an opportunity for a hearing, the board
25 shall declare vacant the office of a local school council
26 member who unreasonably fails to complete the 3-day training
27 program provided under this Section within the 6 month period
28 allowed. Any such vacancy shall be filled as provided in
29 subsection (o) of Section 34-2.1 by appointment of another
30 person qualified to hold the office. In addition to
31 requiring local school council members to complete the 3-day
32 training program under this Section, the board may encourage
33 local school council members to complete additional training

1 during their term of office and shall provide recognition for
 2 individuals completing that additional training. Before each
 3 local school council election, the board shall send out
 4 requests for proposals concerning the 3-day training and is
 5 authorized to contract collaborate with universities,
 6 non-profits, and other interested organizations and
 7 individuals to provide this training. The board is
 8 authorized to use funds from private organizations,
 9 non-profits, or any other outside sources as well as its own
 10 funds for this purpose. offer-additional-training-to--local
 11 school--council--members-on-a-regular-basis-during-their-term
 12 in-office.--The-board-shall-not-be-required-to-bear-the--cost
 13 of--the--required--3-day--training--program-or-any-additional
 14 training-provided-to-local-school-council-members-under--this
 15 Section.

16 The--board--shall-also-offer-training-to-aid-local-school
 17 councils-in-developing-principal--evaluation--procedures--and
 18 criteria.---The--board--shall-send-out-requests-for-proposals
 19 concerning-this-training-and-is-authorized-to--contract--with
 20 universities, non-profits, and other interested organizations
 21 and--individuals--to--provide--this--training.---The-board-is
 22 authorized--to--use---funds---from---private---organizations,
 23 non-profits,--or--any-other-outside-source-as-well-as-its-own
 24 funds-for-this-purpose.

25 (Source: P.A. 90-100, eff. 7-11-97; 91-622, eff. 8-19-99.)

26 Section 99. Effective date. This Act takes effect upon
 27 becoming law.