92_HB3805 LRB9213686ACcd

- 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
- 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
- of (i) student academic improvement, as defined by the school
- improvement plan, (ii) student absenteeism rates at the
- 16 school, (iii) instructional leadership, (iv) the effective
- 17 implementation of programs, policies, or strategies to
- improve 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 candidates for that position to the general superintendent as provided in paragraph 2 of this Section --3 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 by subdivision 1.5 of this Section, shall be made no later 7 8 150 days prior to the expiration of the current 9 performance-based contract of the principal, (ii) in cases where such performance contract is not renewed -- a direct 10 11 selection of a new principal -- to serve under a 4 year performance contract shall be made by the local school 12 council no later than 45 days prior to the expiration of the 13 current performance contract of the principal, and (iii) a 14 15 selection by the local school council of a new principal 16 fill a vacancy under a 4 year performance contract shall be made within 90 days after the date such vacancy occurs. 17 18 Council shall be required, if requested by the principal, to 19 provide in writing the reasons for the council's not renewing the principal's contract. 20 2.1

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

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1 learning environment, to develop opportunities for 2 professional development, and to encourage parental involvement and community partnerships to achieve school 3 4 If a local school council fails to renew the improvement. 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 within 15 days after the local school council's 8 9 decision not to renew the contract, may request a review of the local school council's principal non-retention decision 10 11 by a hearing officer appointed by the American Arbitration Association. A local school council member or members or the 12 general superintendent may support the principal's request 13 for review. During the period of the hearing officer's review 14 of the local school council's decision on whether or not to 15 16 retain the principal, the local school council shall maintain all authority to search for and contract with a person to 17 18 serve as interim or acting principal, or as the principal of 19 the attendance center under a 4-year performance contract, provided that any performance contract entered into by the 20 local school council shall be voidable or modified in 21 accordance with the decision of the hearing officer. The 22 23 principal may request review only once while at If a local school council renews the 24 attendance center. 25 contract of a principal who failed to obtain a rating of expectations" 26 or "exceeds in the general superintendent's evaluation for the previous 27 year, general superintendent, within 15 days after the local school 28 council's decision to renew the contract, may request a 29 30 review of the local school council's principal retention decision by a hearing officer appointed by the American 31 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 requests, within 14 days of receipt, to the 3 American 4 Arbitration Association. The general superintendent shall send a contemporaneous copy of the request that was forwarded 5 6 to the American Arbitration Association to the principal and to each local school council member and shall inform the 7 local school council of its rights and responsibilities under 8 9 the arbitration process, including the local school council's right to representation and the manner and process by which 10 costs 11 the Board shall pay the of the council's representation. If the local school council retains the 12 principal and the general superintendent requests a review of 13 the retention decision, the local school council and the 14 15 general superintendent shall be considered parties to 16 arbitration, a hearing officer shall be chosen between those 2 parties pursuant to procedures promulgated by the State 17 18 Board of Education, and the principal may retain counsel and 19 participate in the arbitration. If the local school council does not retain the principal and the principal requests a 20 review of the retention decision, the local school council 2.1 22 the principal shall be considered parties to 23 arbitration and a hearing officer shall be chosen between those 2 parties pursuant to procedures promulgated by the 24 25 State Board of Education. The hearing shall begin (i) within 45 days after the initial request for review is submitted by 26 the principal to the general superintendent or (ii) if 27 request for review is made by the general 28 initial 29 superintendent, within 45 days after that request is mailed 30 to the American Arbitration Association. The hearing officer shall render a decision within 45 days after the hearing 31 32 begins and within 90 days after the initial request for review. The Board shall contract 33 with the American 34 Arbitration Association for all of the hearing officer's

1 reasonable and necessary costs. In addition, the Board shall

pay any reasonable costs incurred by a local school council

3 for representation before a hearing officer.

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

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

3 candidates --

to the general superintendent a list of

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2 listed in the local school council's order of preference -for the position of principal, one of which shall be selected 3 4 by the general superintendent to serve as principal of 5 If the general superintendent fails or attendance center. 6 refuses to select one of the candidates on the list to serve 7 as principal within 30 days after being furnished with the candidate list, the general superintendent shall select 8 9 place a principal on an interim basis (i) for a period not to exceed one year or (ii) until the local school council 10 11 selects a new principal with 7 affirmative votes as provided in subsection (c) of Section 34-2.2, whichever occurs first. 12 If the local school council fails or refuses to select and 13 appoint a new principal, as specified by subsection (c) of 14 15 Section 34-2.2, the general superintendent may select and 16 appoint a new principal on an interim basis for an additional year or until a new contract principal is selected by the 17 local school council. There shall be no discrimination on 18 19 the basis of race, sex, creed, color or disability unrelated to ability to perform in connection with the submission of 20 2.1 candidates for, and the selection of a candidate to serve as 22 principal of an attendance center. No person shall 23 directly selected, listed as a candidate for, or selected to serve as principal of an attendance center (i) if such person 24 25 has been removed for cause from employment by the Board or (ii) if such person does not hold a valid administrative 26 certificate issued or exchanged under Article 21 and endorsed 27 as required by that Article for the position of principal. 28 principal whose performance contract is not renewed 29 provided under subsection (c) of Section 30 may nevertheless, if otherwise qualified and certified as herein 31 32 provided and if he or she has received a satisfactory rating as provided in subsection (h) of Section 34-8.3, be included 33 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 attendance center under a new performance contract. 3 4 initial candidate list required to be submitted by a local 5 school council to the general superintendent in cases where the local school council does not renew the performance 6 7 contract of its principal and does not directly select a new principal to serve under a 4 year performance contract shall 8 9 be submitted not later than 30 days prior to the expiration of the current performance contract. In cases where the 10 11 local school council fails or refuses to submit the candidate 12 list to the general superintendent no later than 30 days incumbent 13 prior to the expiration of the principal's the general superintendent may appoint a principal 14 on an interim basis for a period not to exceed one year, 15 16 during which time the local school council shall be able to select a new principal with 7 affirmative votes as provided 17 in subsection (c) of Section 34-2.2. In cases where a 18 19 principal is removed for cause or a vacancy otherwise occurs in the position of principal and the vacancy is not filled by 20 21 direct selection by the local school council, the candidate list shall be submitted by the local school council to the 22 23 general superintendent within 90 days after the date such removal or vacancy occurs. In cases where the local school 24 25 council fails or refuses to submit the candidate list to the general superintendent within 90 days after the date of the 26 vacancy, the general superintendent may appoint a principal 27 on an interim basis for a period of one year, during which 28 29 local school council shall be able to select a new 30 principal with 7 affirmative votes as provided in subsection (c) of Section 34-2.2. 31

2.5. Whenever a vacancy in the office of a principal occurs for any reason, the vacancy shall be filled in the 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
- 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.
- 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
- agreements.
- 27 Beginning in fiscal year 1991 and in each fiscal year
- 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.

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

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

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

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

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

- b. Other personnel: Funds for other teacher certificated and uncertificated personnel paid through non-categorical funds shall be provided according to system-wide formulas based on student enrollment and the special needs of the school as determined by the Board.
- c. Non-compensation items: Appropriations for all non-compensation items shall be based on system-wide formulas based on student enrollment and on the special needs of the school or factors related to the physical plant, including but not limited to textbooks, supplies, electricity, equipment, and routine maintenance.
- d. Funds for categorical programs: Schools shall receive personnel and funds based on, and shall use such personnel and funds in accordance with State and Federal requirements applicable to each categorical program provided to meet the special needs of the student body (including but not limited to, Federal Chapter I, Bilingual, and Special Education).
- d.1. Funds for State Title I: Each school shall receive funds based on State and Board requirements applicable to each State Title I pupil provided to meet the special needs of the student body. Each school shall receive the proportion of funds as provided in Section 18-8 to which they are entitled. These funds shall be spent only with the budgetary approval of the Local School Council as provided in Section 34-2.3.
- e. The Local School Council shall have the right to request the principal to close positions and open new ones consistent with the provisions of the local school improvement plan provided that these decisions are

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

- f. Operating within existing laws and collective bargaining agreements, the local school council shall have the right to direct the principal to shift expenditures within funds.
- 9 g. (Blank).

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- Any funds unexpended at the end of the fiscal year shall be available to the board of education for use as part of its budget for the following fiscal year.
- 5. To make recommendations to the principal concerning textbook selection and concerning curriculum developed pursuant to the school improvement plan which is consistent with systemwide curriculum objectives in accordance with Sections 34-8 and 34-18 of the School Code and in conformity 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.
- 7. To approve a school improvement plan developed as 24 25 provided in Section 34-2.4. The process and schedule for plan be publicized to the entire school 26 development shall 27 community, and the community shall be afforded the opportunity to make recommendations concerning the plan. 28 29 least twice a year the principal and local school council 30 shall report publicly on progress and problems with respect to plan implementation. 31
- 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 the principal concerning any reallocation of 5 resources or other staff whenever the council determines that 6 7 such reallocation is appropriate because 8 qualifications of any existing staff at the attendance center 9 do not adequately match or support instructional objectives or school programs which reflect the school improvement plan. 10 11

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

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

1.--school-budgets;

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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 any other student for noncompliance with that policy during 3 4 such period of time as is reasonably necessary to enable the student to acquire a school uniform or otherwise comply with 5 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 9 the local school council will accommodate the needs of or otherwise provide appropriate resources to assist a student 10 11 from an indigent family in complying with an applicable 12 school uniform or dress code policy. A student whose parents 13 legal guardians object on religious grounds to the student's compliance with an applicable school uniform or 14 15 dress code policy shall not be required to comply with that 16 policy if the student's parents or legal guardians present to the local school council a signed statement of objection 17 detailing the grounds for the objection. 18

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

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

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

34 16. (Blank).

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- 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, <u>principal</u>
- 13 <u>evaluations</u> and <u>selection procedures</u> and <u>criteria</u>, and
- 14 <u>educational theory pertinent to</u> 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. <u>After an opportunity for a hearing,</u> the board
- 25 shall declare vacant the office of a local school council
- 26 member who <u>unreasonably</u> 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 <u>local school council election</u>, the board <u>shall send out</u> 4 requests for proposals concerning the 3-day training and is collaborate with universities, 5 authorized to <u>contract</u> non-profits, and other interested organizations 6 and 7 provide this training. The board is individuals to 8 authorized to use funds from private organizations, 9 non-profits, or any other outside sources as well as its own 10 <u>funds</u> 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 training-provided-to-local-school-council-members-under--this 14 15 Section-16 The--board--shall-also-offer-training-to-aid-local-school 17 councils-in-developing-principal--evaluation--procedures--and criteria.---The--board--shall-send-out-requests-for-proposals 18 concerning-this-training-and-is-authorized-to--contract--with 19 20 universities,-non-profits,-and-other-interested-organizations 2.1 and--individuals--to--provide--this--training----The-board-is 22 authorized--to--use---funds---from---private---organizations, non-profits,--or--any-other-outside-source-as-well-as-its-own 23 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.