

AN ACT concerning education.

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

Section 5. The School Code is amended by changing Section 34-8.1 as follows:

(105 ILCS 5/34-8.1) (from Ch. 122, par. 34-8.1)

Sec. 34-8.1. Principals. Principals shall be employed to supervise the operation of each attendance center. Their powers and duties shall include but not be limited to the authority (i) to direct, supervise, evaluate, and suspend with or without pay or otherwise discipline all teachers, assistant principals, and other employees assigned to the attendance center in accordance with board rules and policies and (ii) to direct all other persons assigned to the attendance center pursuant to a contract with a third party to provide services to the school system. The right to employ, discharge, and layoff shall be vested solely with the board, provided that decisions to discharge or suspend nonlicensed employees, including disciplinary layoffs, and the termination of licensed employees from employment pursuant to a layoff or reassignment policy are subject to review under the grievance resolution procedure adopted pursuant to subsection (c) of Section 10 of the Illinois Educational Labor Relations Act.

The grievance resolution procedure adopted by the board shall provide for final and binding arbitration, and, notwithstanding any other provision of law to the contrary, the arbitrator's decision may include all make-whole relief, including without limitation reinstatement. The principal shall fill positions by appointment as provided in this Section and may make recommendations to the board regarding the employment, discharge, or layoff of any individual. The authority of the principal shall include the authority to direct the hours during which the attendance center shall be open and available for use provided the use complies with board rules and policies, to determine when and what operations shall be conducted within those hours, and to schedule staff within those hours. Under the direction of, and subject to the authority of the principal, the Engineer In Charge shall be accountable for the safe, economical operation of the plant and grounds and shall also be responsible for orientation, training, and supervising the work of Engineers, Trainees, school maintenance assistants, custodial workers and other plant operation employees under his or her direction.

There shall be established by the board a system of semi-annual evaluations conducted by the principal as to performance of the engineer in charge. Nothing in this Section shall prevent the principal from conducting additional evaluations. An overall numerical rating shall be given by the principal based on the evaluation conducted by the principal.

An unsatisfactory numerical rating shall result in disciplinary action, which may include, without limitation and in the judgment of the principal, loss of promotion or bidding procedure, reprimand, suspension with or without pay, or recommended dismissal. The board shall establish procedures for conducting the evaluation and reporting the results to the engineer in charge.

Under the direction of, and subject to the authority of, the principal, the Food Service Manager is responsible at all times for the proper operation and maintenance of the lunch room to which he is assigned and shall also be responsible for the orientation, training, and supervising the work of cooks, bakers, porters, and lunchroom attendants under his or her direction.

There shall be established by the Board a system of semi-annual evaluations conducted by the principal as to the performance of the food service manager. Nothing in this Section shall prevent the principal from conducting additional evaluations. An overall numerical rating shall be given by the principal based on the evaluation conducted by the principal. An unsatisfactory numerical rating shall result in disciplinary action which may include, without limitation and in the judgment of the principal, loss of promotion or bidding procedure, reprimand, suspension with or without pay, or recommended dismissal. The board shall establish rules for conducting the evaluation and reporting the results to the

food service manager.

Nothing in this Section shall be interpreted to require the employment or assignment of an Engineer-In-Charge or a Food Service Manager for each attendance center.

Principals shall be employed to supervise the educational operation of each attendance center. If a principal is absent due to extended illness or leave of absence, an assistant principal may be assigned as acting principal for a period not to exceed 100 school days. Each principal shall assume administrative responsibility and instructional leadership, in accordance with reasonable rules and regulations of the board, for the planning, operation and evaluation of the educational program of the attendance center to which he is assigned. The principal shall submit recommendations to the general superintendent concerning the appointment, dismissal, retention, promotion, and assignment of all personnel assigned to the attendance center; provided, that from and after September 1, 1989: (i) if any vacancy occurs in a position at the attendance center or if an additional or new position is created at the attendance center, that position shall be filled by appointment made by the principal in accordance with procedures established and provided by the Board whenever the majority of the duties included in that position are to be performed at the attendance center which is under the principal's supervision, and each such appointment so made by the principal shall be made and based upon merit and ability to

perform in that position without regard to seniority or length of service, provided, that such appointments shall be subject to the Board's desegregation obligations, including but not limited to the Consent Decree and Desegregation Plan in U.S. v. Chicago Board of Education; (ii) the principal shall submit recommendations based upon merit and ability to perform in the particular position, without regard to seniority or length of service, to the general superintendent concerning the appointment of any teacher, teacher aide, counselor, clerk, hall guard, security guard and any other personnel which is to be made by the general superintendent whenever less than a majority of the duties of that teacher, teacher aide, counselor, clerk, hall guard, and security guard and any other personnel are to be performed at the attendance center which is under the principal's supervision; and (iii) subject to law and the applicable collective bargaining agreements, the authority and responsibilities of a principal with respect to the evaluation of all teachers and other personnel assigned to an attendance center shall commence immediately upon his or her appointment as principal of the attendance center, without regard to the length of time that he or she has been the principal of that attendance center.

Notwithstanding the existence of any other law of this State, nothing in this Act shall prevent the board from entering into a contract with a third party for services currently performed by any employee or bargaining unit member.

Notwithstanding any other provision of this Article, each principal may approve contracts, binding on the board, in the amount of no more than \$10,000, if the contract is endorsed by the Local School Council.

Unless otherwise prohibited by law or by rule of the board, the principal shall provide to local school council members copies of all internal audits and any other pertinent information generated by any audits or reviews of the programs and operation of the attendance center.

Each principal shall hold a valid Professional Educator License issued in accordance with Article 21B and endorsed as required by that Article for the position of principal. The board may establish or impose clear, specific, explicit, and objective academic, educational, examination, and experience requirements and criteria that are in addition to those established and required by Article 21B for issuance of a valid license endorsed for the position of principal as a condition of the nomination, selection, appointment, employment, or continued employment of a person as principal of any attendance center, or as a condition of the renewal of any principal's performance contract. If the additional requirements and criteria result or may result in the exclusion of an otherwise qualified and licensed candidate from being eligible for selection to serve as a principal of an attendance center, then the board shall maintain a public database that includes the names of all the candidates who are

eligible to be selected as a principal and who do not choose to not have their name included in the database. The board shall give notice of no less than 30 days to all otherwise qualified and licensed candidates each quarter of their ability to be included in the database and shall make updates to the database within no more than 10 days after the end of the quarter for which notice is given.

The board must establish standards and procedures to ensure that no candidate is deemed ineligible to be selected as a principal for reasons that are not directly related to the candidate's anticipated performance as a principal. The standards and procedures established by the board must do all of the following:

(1) Set forth all of the specific criteria used by the board to make decisions concerning the eligibility of candidates.

(2) Provide each candidate with a written, competency-aligned score report and evidence-based rationale related to the scoring criteria for each competency area.

(3) Provide remediation goals and other supportive services to assist a candidate in correcting any deficiencies identified by the board in the board's rationale.

(4) Include provisions to ensure that no person is discriminated against on the basis of conscious or

implicit biases associated with race, color, national origin, or a disability that is unrelated to the person's ability to perform the duties of a principal.

The board, in cooperation with the organization that represents the district's principals and assistant principals, must establish a grievance and hearing procedure for those candidates the general superintendent or the general superintendent's designee has deemed ineligible to serve as principal of an attendance center or whose eligibility has been slated for revocation. The evaluator must be a State Board of Education-trained principal evaluator or must receive such training before rendering a decision. The hearing officer must receive sufficient training in principal evaluation processes and criteria to render an informed decision.

Within 10 days after the general superintendent or the general superintendent's designee determines that a candidate is ineligible or makes a decision to revoke the eligibility of an administrator, the general superintendent or the general superintendent's designee must notify the candidate or administrator, in writing, of the specific reasons for the general superintendent's or the general superintendent's designee's determination of the candidate's or administrator's ineligibility. Within 30 days after receiving this notification, the candidate or administrator may request that the general superintendent or the general superintendent's designee initiate a review of the decision through the

grievance and hearing process established pursuant to this Section.

In the case of a principal who is deemed ineligible based on a performance evaluation, the evaluator conducting the review must consider as evidence of the principal's performance any local school council evaluation that covers the same evaluation period. If a decision to revoke eligibility is grieved, the administrator shall remain on the eligibility list until the administrator receives a decision in the grievance. However, prior to any hiring decision, the board may communicate to any local school council that the administrator has a grievance pending while the grievance is pending. The grievance decision shall be binding on the principal and the board.

If performance evaluations are included in the criteria used by the board in determining that a principal is no longer eligible to seek a principal position at an attendance center, the board's criteria must use the standard of either an unsatisfactory summative evaluation or 2 or more basic or lower summative performance evaluations within a period of 7 school years, except as provided below in the case of a principal who is in his or her first principal position. A principal with summative performance evaluations of basic in the principal's first 2 school years in that role shall not impact a principal's eligibility status if the principal earns an increased numerical rating in at least one competency

domain while maintaining ratings on all other competency domains in the school year immediately following the basic rating. A principal who is deemed ineligible based on a performance evaluation may request that the general superintendent review that determination under the grievance procedure, in which case the general superintendent's designee must be a State Board of Education-trained principal evaluator, and, in conducting that review, the general superintendent's designee must consider any local school council evaluation that covers the same evaluation period. If an individual evaluator rates an individual principal as unsatisfactory for the first time, the board may not determine that a principal is no longer eligible to serve as a principal based on performance evaluations from that evaluator if, during the same school term of service, the local school council's evaluation of the principal's performance was distinguished. If a principal has been deemed ineligible based on a performance evaluation, the principal's status is restored to eligible when the principal receives a proficient or higher summative performance evaluation rating, provided the principal meets all other criteria for eligibility.

The board shall specify in its formal job description for principals, and from and after July 1, 1990 shall specify in the 4 year performance contracts for use with respect to all principals, that his or her primary responsibility is in the improvement of instruction. A majority of the time spent by a

principal shall be spent on curriculum and staff development through both formal and informal activities, establishing clear lines of communication regarding school goals, accomplishments, practices and policies with parents and teachers. The principal, with the assistance of the local school council, shall develop a school improvement plan as provided in Section 34-2.4 and, upon approval of the plan by the local school council, shall be responsible for directing implementation of the plan. The principal, with the assistance of the professional personnel leadership committee, shall develop the specific methods and contents of the school's curriculum within the board's system-wide curriculum standards and objectives and the requirements of the school improvement plan. The board shall ensure that all principals are evaluated on their instructional leadership ability and their ability to maintain a positive education and learning climate. It shall also be the responsibility of the principal to utilize resources of proper law enforcement agencies when the safety and welfare of students and teachers are threatened by illegal use of drugs and alcohol, by illegal use or possession of weapons, or by illegal gang activity.

Nothing in this Section shall prohibit the board and the exclusive representative of the district's teachers from entering into an agreement under Section 34-85c of this Code to establish alternative procedures for teacher evaluation, remediation, and removal for cause after remediation,

including an alternative system for peer evaluation and recommendations, for teachers assigned to schools identified in that agreement.

On or before October 1, 1989, the Board of Education, in consultation with any professional organization representing principals in the district, shall promulgate rules and implement a lottery for the purpose of determining whether a principal's existing performance contract (including the performance contract applicable to any principal's position in which a vacancy then exists) expires on June 30, 1990 or on June 30, 1991, and whether the ensuing 4 year performance contract begins on July 1, 1990 or July 1, 1991. The Board of Education shall establish and conduct the lottery in such manner that of all the performance contracts of principals (including the performance contracts applicable to all principal positions in which a vacancy then exists), 50% of such contracts shall expire on June 30, 1990, and 50% shall expire on June 30, 1991. All persons serving as principal on May 1, 1989, and all persons appointed as principal after May 1, 1989 and prior to July 1, 1990 or July 1, 1991, in a manner other than as provided by Section 34-2.3, shall be deemed by operation of law to be serving under a performance contract which expires on June 30, 1990 or June 30, 1991; and unless such performance contract of any such principal is renewed (or such person is again appointed to serve as principal) in the manner provided by Section 34-2.2 or 34-2.3, the employment of

such person as principal shall terminate on June 30, 1990 or June 30, 1991.

Commencing on July 1, 1990, or on July 1, 1991, and thereafter, the principal of each attendance center shall be the person selected in the manner provided by Section 34-2.3 to serve as principal of that attendance center under a 4 year performance contract. All performance contracts of principals expiring after July 1, 1990, or July 1, 1991, shall commence on the date specified in the contract, and the renewal of their performance contracts and the appointment of principals when their performance contracts are not renewed shall be governed by Sections 34-2.2 and 34-2.3. Whenever a vacancy in the office of a principal occurs for any reason, the vacancy shall be filled by the selection of a new principal to serve under a 4 year performance contract in the manner provided by Section 34-2.3.

The board of education shall develop and prepare, in consultation with the organization representing principals, a performance contract for use at all attendance centers, and shall furnish the same to each local school council. The term of the performance contract shall be 4 years, unless the principal is retained by the decision of a hearing officer pursuant to subdivision 1.5 of Section 34-2.3, in which case the contract shall be extended for 2 years. The performance contract of each principal shall consist of the uniform performance contract, as developed or from time to time

modified by the board, and such additional criteria as are established by a local school council pursuant to Section 34-2.3 for the performance contract of its principal.

During the term of his or her performance contract, a principal may be removed only as provided for in the performance contract except for cause. He or she shall also be obliged to follow the rules of the board of education concerning conduct and efficiency.

In the event the performance contract of a principal is not renewed or a principal is not reappointed as principal under a new performance contract, or in the event a principal is appointed to any position of superintendent or higher position, or voluntarily resigns his position of principal, his or her employment as a principal shall terminate and such former principal shall not be reinstated to the position from which he or she was promoted to principal, except that he or she, if otherwise qualified and licensed in accordance with Article 21B, shall be placed by the board on appropriate eligibility lists which it prepares for use in the filling of vacant or additional or newly created positions for teachers. The principal's total years of service to the board as both a teacher and a principal, or in other professional capacities, shall be used in calculating years of experience for purposes of being selected as a teacher into new, additional or vacant positions.

In the event the performance contract of a principal is

not renewed or a principal is not reappointed as principal under a new performance contract, such principal shall be eligible to continue to receive his or her previously provided level of health insurance benefits for a period of 90 days following the non-renewal of the contract at no expense to the principal, provided that such principal has not retired.

(Source: P.A. 102-894, eff. 5-20-22.)

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