



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5995

by Rep. Robert Martwick

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27A-5	
105 ILCS 5/34-2.1	from Ch. 122, par. 34-2.1
105 ILCS 5/34-2.2	from Ch. 122, par. 34-2.2
105 ILCS 5/34-2.3	from Ch. 122, par. 34-2.3
105 ILCS 5/34-2.3b	
105 ILCS 5/34-2.4b	from Ch. 122, par. 34-2.4b
105 ILCS 5/34-8.3	from Ch. 122, par. 34-8.3
105 ILCS 5/34-8.4	

Amends the School Code. Provides that a charter school operating within the City of Chicago shall be administered by a local school council. Provides that a local school council shall be established for each small school, contract school, and military school within the Chicago school district. Provides that in each attendance center enrolling students in 7th or 8th grade, one full-time student member shall be appointed, although no attendance center shall have more than one student member. Requires a supermajority of 8 votes by the local school council to veto any action proposed or approved regarding certain schools placed on probation and intervention actions by the Chicago Schools Academic Accountability Council. Creates the LSC Certification Commission to provide fundamental training to members of local school councils and certify each member, and sets forth its composition. Sets forth a mandatory training program for local school council members. Provides that the LSC Certification Commission may request and, upon such request, the board of education shall budget and distribute such funds as are equal to the total allocations for the certification of local school council members in the year immediately prior. Makes other changes. Effective immediately.

LRB100 24209 AXK 43426 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing Sections
5 27A-5, 34-2.1, 34-2.2, 34-2.3, 34-2.3b, 34-2.4b, 34-8.3, and
6 34-8.4 as follows:

7 (105 ILCS 5/27A-5)

8 Sec. 27A-5. Charter school; legal entity; requirements.

9 (a) A charter school shall be a public, nonsectarian,
10 nonreligious, non-home based, and non-profit school. A charter
11 school shall be organized and operated as a nonprofit
12 corporation or other discrete, legal, nonprofit entity
13 authorized under the laws of the State of Illinois.

14 (b) A charter school may be established under this Article
15 by creating a new school or by converting an existing public
16 school or attendance center to charter school status. Beginning
17 on April 16, 2003 (the effective date of Public Act 93-3), in
18 all new applications to establish a charter school in a city
19 having a population exceeding 500,000, operation of the charter
20 school shall be limited to one campus. The changes made to this
21 Section by Public Act 93-3 do not apply to charter schools
22 existing or approved on or before April 16, 2003 (the effective
23 date of Public Act 93-3).

1 (b-5) In this subsection (b-5), "virtual-schooling" means
2 a cyber school where students engage in online curriculum and
3 instruction via the Internet and electronic communication with
4 their teachers at remote locations and with students
5 participating at different times.

6 From April 1, 2013 through December 31, 2016, there is a
7 moratorium on the establishment of charter schools with
8 virtual-schooling components in school districts other than a
9 school district organized under Article 34 of this Code. This
10 moratorium does not apply to a charter school with
11 virtual-schooling components existing or approved prior to
12 April 1, 2013 or to the renewal of the charter of a charter
13 school with virtual-schooling components already approved
14 prior to April 1, 2013.

15 On or before March 1, 2014, the Commission shall submit to
16 the General Assembly a report on the effect of
17 virtual-schooling, including without limitation the effect on
18 student performance, the costs associated with
19 virtual-schooling, and issues with oversight. The report shall
20 include policy recommendations for virtual-schooling.

21 (c) A charter school shall be administered and governed by
22 its board of directors or other governing body in the manner
23 provided in its charter. The governing body of a charter school
24 shall be subject to the Freedom of Information Act and the Open
25 Meetings Act. Any charter school operating within a school
26 district organized under Article 34 of this Code shall be

1 administered by a local school council established pursuant to
2 Section 34-2.1 of this Code, with all the normal and usual
3 powers afforded to a local school council operating in a public
4 school.

5 (d) For purposes of this subsection (d), "non-curricular
6 health and safety requirement" means any health and safety
7 requirement created by statute or rule to provide, maintain,
8 preserve, or safeguard safe or healthful conditions for
9 students and school personnel or to eliminate, reduce, or
10 prevent threats to the health and safety of students and school
11 personnel. "Non-curricular health and safety requirement" does
12 not include any course of study or specialized instructional
13 requirement for which the State Board has established goals and
14 learning standards or which is designed primarily to impart
15 knowledge and skills for students to master and apply as an
16 outcome of their education.

17 A charter school shall comply with all non-curricular
18 health and safety requirements applicable to public schools
19 under the laws of the State of Illinois. On or before September
20 1, 2015, the State Board shall promulgate and post on its
21 Internet website a list of non-curricular health and safety
22 requirements that a charter school must meet. The list shall be
23 updated annually no later than September 1. Any charter
24 contract between a charter school and its authorizer must
25 contain a provision that requires the charter school to follow
26 the list of all non-curricular health and safety requirements

1 promulgated by the State Board and any non-curricular health
2 and safety requirements added by the State Board to such list
3 during the term of the charter. Nothing in this subsection (d)
4 precludes an authorizer from including non-curricular health
5 and safety requirements in a charter school contract that are
6 not contained in the list promulgated by the State Board,
7 including non-curricular health and safety requirements of the
8 authorizing local school board.

9 (e) Except as otherwise provided in the School Code, a
10 charter school shall not charge tuition; provided that a
11 charter school may charge reasonable fees for textbooks,
12 instructional materials, and student activities.

13 (f) A charter school shall be responsible for the
14 management and operation of its fiscal affairs including, but
15 not limited to, the preparation of its budget. An audit of each
16 charter school's finances shall be conducted annually by an
17 outside, independent contractor retained by the charter
18 school. To ensure financial accountability for the use of
19 public funds, on or before December 1 of every year of
20 operation, each charter school shall submit to its authorizer
21 and the State Board a copy of its audit and a copy of the Form
22 990 the charter school filed that year with the federal
23 Internal Revenue Service. In addition, if deemed necessary for
24 proper financial oversight of the charter school, an authorizer
25 may require quarterly financial statements from each charter
26 school.

1 (g) A charter school shall comply with all provisions of
2 this Article, the Illinois Educational Labor Relations Act, all
3 federal and State laws and rules applicable to public schools
4 that pertain to special education and the instruction of
5 English learners, and its charter. A charter school is exempt
6 from all other State laws and regulations in this Code
7 governing public schools and local school board policies;
8 however, a charter school is not exempt from the following:

9 (1) Sections 10-21.9 and 34-18.5 of this Code regarding
10 criminal history records checks and checks of the Statewide
11 Sex Offender Database and Statewide Murderer and Violent
12 Offender Against Youth Database of applicants for
13 employment;

14 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
15 34-84a of this Code regarding discipline of students;

16 (3) the Local Governmental and Governmental Employees
17 Tort Immunity Act;

18 (4) Section 108.75 of the General Not For Profit
19 Corporation Act of 1986 regarding indemnification of
20 officers, directors, employees, and agents;

21 (5) the Abused and Neglected Child Reporting Act;

22 (5.5) subsection (b) of Section 10-23.12 and
23 subsection (b) of Section 34-18.6 of this Code;

24 (6) the Illinois School Student Records Act;

25 (7) Section 10-17a of this Code regarding school report
26 cards;

- 1 (8) the P-20 Longitudinal Education Data System Act;
- 2 (9) Section 27-23.7 of this Code regarding bullying
- 3 prevention;
- 4 (10) Section 2-3.162 of this Code regarding student
- 5 discipline reporting;
- 6 (11) Sections 22-80 and 27-8.1 of this Code;
- 7 (12) Sections 10-20.60 and 34-18.53 of this Code;
- 8 (13) Sections 10-20.63 and 34-18.56 of this Code; ~~and~~
- 9 (14) Section 26-18 of this Code; and
- 10 (15) Section 22-30 of this Code.

11 The change made by Public Act 96-104 to this subsection (g)

12 is declaratory of existing law.

13 (h) A charter school may negotiate and contract with a

14 school district, the governing body of a State college or

15 university or public community college, or any other public or

16 for-profit or nonprofit private entity for: (i) the use of a

17 school building and grounds or any other real property or

18 facilities that the charter school desires to use or convert

19 for use as a charter school site, (ii) the operation and

20 maintenance thereof, and (iii) the provision of any service,

21 activity, or undertaking that the charter school is required to

22 perform in order to carry out the terms of its charter.

23 However, a charter school that is established on or after April

24 16, 2003 (the effective date of Public Act 93-3) and that

25 operates in a city having a population exceeding 500,000 may

26 not contract with a for-profit entity to manage or operate the

1 school during the period that commences on April 16, 2003 (the
2 effective date of Public Act 93-3) and concludes at the end of
3 the 2004-2005 school year. Except as provided in subsection (i)
4 of this Section, a school district may charge a charter school
5 reasonable rent for the use of the district's buildings,
6 grounds, and facilities. Any services for which a charter
7 school contracts with a school district shall be provided by
8 the district at cost. Any services for which a charter school
9 contracts with a local school board or with the governing body
10 of a State college or university or public community college
11 shall be provided by the public entity at cost.

12 (i) In no event shall a charter school that is established
13 by converting an existing school or attendance center to
14 charter school status be required to pay rent for space that is
15 deemed available, as negotiated and provided in the charter
16 agreement, in school district facilities. However, all other
17 costs for the operation and maintenance of school district
18 facilities that are used by the charter school shall be subject
19 to negotiation between the charter school and the local school
20 board and shall be set forth in the charter.

21 (j) A charter school may limit student enrollment by age or
22 grade level.

23 (k) If the charter school is approved by the Commission,
24 then the Commission charter school is its own local education
25 agency.

26 (Source: P.A. 99-30, eff. 7-10-15; 99-78, eff. 7-20-15; 99-245,

1 eff. 8-3-15; 99-325, eff. 8-10-15; 99-456, eff. 9-15-16;
2 99-642, eff. 7-28-16; 99-927, eff. 6-1-17; 100-29, eff. 1-1-18;
3 100-156, eff. 1-1-18; 100-163, eff. 1-1-18; 100-413, eff.
4 1-1-18; 100-468, eff. 6-1-18; 100-726, eff. 1-1-19; 100-863,
5 eff. 8-14-18; revised 10-5-18.)

6 (105 ILCS 5/34-2.1) (from Ch. 122, par. 34-2.1)

7 Sec. 34-2.1. Local School Councils - Composition -
8 Voter-Eligibility - Elections - Terms.

9 (a) Notwithstanding any other provision of law, a ~~A~~ local
10 school council shall be established for each attendance center
11 within the school district, except for private schools, but
12 including public small schools, contract schools, and military
13 schools within the district. Each local school council shall
14 consist of the following 12 voting members: the principal of
15 the attendance center, 2 teachers employed and assigned to
16 perform the majority of their employment duties at the
17 attendance center, 6 parents of students currently enrolled at
18 the attendance center, one employee of the school district
19 employed and assigned to perform the majority of his or her
20 employment duties at the attendance center who is not a
21 teacher, and 2 community residents. Neither the parents nor the
22 community residents who serve as members of the local school
23 council shall be employees of the Board of Education. In each
24 secondary attendance center, the local school council shall
25 consist of 13 voting members -- the 12 voting members described

1 above and one full-time student member, appointed as provided
2 in subsection (m) below. In each attendance center enrolling
3 students in 7th or 8th grade, one full-time student member
4 shall be appointed as provided in subsection (m) of this
5 Section. In the event that the chief executive officer of the
6 Chicago School Reform Board of Trustees determines that a local
7 school council is not carrying out its financial duties
8 effectively, the chief executive officer is authorized to
9 appoint a representative of the business community with
10 experience in finance and management to serve as an advisor to
11 the local school council for the purpose of providing advice
12 and assistance to the local school council on fiscal matters.
13 The advisor shall have access to relevant financial records of
14 the local school council. The advisor may attend executive
15 sessions. The chief executive officer shall issue a written
16 policy defining the circumstances under which a local school
17 council is not carrying out its financial duties effectively.

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

26 The membership of each local school council shall be

1 encouraged to be reflective of the racial and ethnic
2 composition of the student population of the attendance center
3 served by the local school council.

4 (c) Beginning with the 1995-1996 school year and in every
5 even-numbered year thereafter, the Board shall set second
6 semester Parent Report Card Pick-up Day for Local School
7 Council elections and may schedule elections at year-round
8 schools for the same dates as the remainder of the school
9 system. Elections shall be conducted as provided herein by the
10 Board of Education in consultation with the local school
11 council at each attendance center.

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

15 (i) The elected members of each local school council
16 shall consist of the 6 parent members and the 2 community
17 resident members.

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

24 (iii) Each eligible voter shall be entitled to cast one
25 vote for up to a total of 5 candidates, irrespective of
26 whether such candidates are parent or community resident

1 candidates.

2 (iv) Each parent voter shall be entitled to vote in the
3 local school council election at each attendance center in
4 which he or she has a child currently enrolled. Each
5 community resident voter shall be entitled to vote in the
6 local school council election at each attendance center for
7 which he or she resides in the applicable attendance area
8 or voting district, as the case may be.

9 (v) Each eligible voter shall be entitled to vote once,
10 but not more than once, in the local school council
11 election at each attendance center at which the voter is
12 eligible to vote.

13 (vi) The 2 teacher members and the non-teacher employee
14 member of each local school council shall be appointed as
15 provided in subsection (l) below each to serve for a
16 two-year term coinciding with that of the elected parent
17 and community resident members.

18 (vii) At secondary attendance centers and attendance
19 centers enrolling students in 7th or 8th grade, the voting
20 student member shall be appointed as provided in subsection
21 (m) below to serve for a one-year term coinciding with the
22 beginning of the terms of the elected parent and community
23 members of the local school council.

24 (e) The Council shall publicize the date and place of the
25 election by posting notices at the attendance center, in public
26 places within the attendance boundaries of the attendance

1 center and by distributing notices to the pupils at the
2 attendance center, and shall utilize such other means as it
3 deems necessary to maximize the involvement of all eligible
4 voters.

5 (f) Nomination. The Council shall publicize the opening of
6 nominations by posting notices at the attendance center, in
7 public places within the attendance boundaries of the
8 attendance center and by distributing notices to the pupils at
9 the attendance center, and shall utilize such other means as it
10 deems necessary to maximize the involvement of all eligible
11 voters. Not less than 2 weeks before the election date, persons
12 eligible to run for the Council shall submit their name, date
13 of birth, social security number, if available, and some
14 evidence of eligibility to the Council. The Council shall
15 encourage nomination of candidates reflecting the
16 racial/ethnic population of the students at the attendance
17 center. Each person nominated who runs as a candidate shall
18 disclose, in a manner determined by the Board, any economic
19 interest held by such person, by such person's spouse or
20 children, or by each business entity in which such person has
21 an ownership interest, in any contract with the Board, any
22 local school council or any public school in the school
23 district. Each person nominated who runs as a candidate shall
24 also disclose, in a manner determined by the Board, if he or
25 she ever has been convicted of any of the offenses specified in
26 subsection (c) of Section 34-18.5; provided that neither this

1 provision nor any other provision of this Section shall be
2 deemed to require the disclosure of any information that is
3 contained in any law enforcement record or juvenile court
4 record that is confidential or whose accessibility or
5 disclosure is restricted or prohibited under Section 5-901 or
6 5-905 of the Juvenile Court Act of 1987. Failure to make such
7 disclosure shall render a person ineligible for election or to
8 serve on the local school council. The same disclosure shall be
9 required of persons under consideration for appointment to the
10 Council pursuant to subsections (l) and (m) of this Section.

11 (f-5) Notwithstanding disclosure, a person who has been
12 convicted of any of the following offenses at any time shall be
13 ineligible for election or appointment to a local school
14 council and ineligible for appointment to a local school
15 council pursuant to subsections (l) and (m) of this Section:
16 (i) those defined in Section 11-1.20, 11-1.30, 11-1.40,
17 11-1.50, 11-1.60, 11-6, 11-9.1, 11-14.4, 11-16, 11-17.1,
18 11-19, 11-19.1, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13,
19 12-14, 12-14.1, 12-15, or 12-16, or subdivision (a)(2) of
20 Section 11-14.3, of the Criminal Code of 1961 or the Criminal
21 Code of 2012, or (ii) any offense committed or attempted in any
22 other state or against the laws of the United States, which, if
23 committed or attempted in this State, would have been
24 punishable as one or more of the foregoing offenses.
25 Notwithstanding disclosure, a person who has been convicted of
26 any of the following offenses within the 10 years previous to

1 the date of nomination or appointment shall be ineligible for
2 election or appointment to a local school council: (i) those
3 defined in Section 401.1, 405.1, or 405.2 of the Illinois
4 Controlled Substances Act or (ii) any offense committed or
5 attempted in any other state or against the laws of the United
6 States, which, if committed or attempted in this State, would
7 have been punishable as one or more of the foregoing offenses.

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

26 (g) At least one week before the election date, the Council

1 shall publicize, in the manner provided in subsection (e), the
2 names of persons nominated for election.

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

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

8 (j) The Council shall certify the results of the election
9 and shall publish the results in the minutes of the Council.

10 (k) The general superintendent shall resolve any disputes
11 concerning election procedure or results and shall ensure that,
12 except as provided in subsections (e) and (g), no resources of
13 any attendance center shall be used to endorse or promote any
14 candidate.

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

19 (i) The Board shall appoint 2 teachers who are employed
20 and assigned to perform the majority of their employment
21 duties at the attendance center to serve on the local
22 school council of the attendance center for a two-year term
23 coinciding with the terms of the elected parent and
24 community members of that local school council. These
25 appointments shall be made from among those teachers who
26 are nominated in accordance with subsection (f).

1 (ii) A non-binding, advisory poll to ascertain the
2 preferences of the school staff regarding appointments of
3 teachers to the local school council for that attendance
4 center shall be conducted in accordance with the procedures
5 used to elect parent and community Council
6 representatives. At such poll, each member of the school
7 staff shall be entitled to indicate his or her preference
8 for up to 2 candidates from among those who submitted
9 statements of candidacy as described above. These
10 preferences shall be advisory only and the Board shall
11 maintain absolute discretion to appoint teacher members to
12 local school councils, irrespective of the preferences
13 expressed in any such poll.

14 (iii) In the event that a teacher representative is
15 unable to perform his or her employment duties at the
16 school due to illness, disability, leave of absence,
17 disciplinary action, or any other reason, the Board shall
18 declare a temporary vacancy and appoint a replacement
19 teacher representative to serve on the local school council
20 until such time as the teacher member originally appointed
21 pursuant to this subsection (1) resumes service at the
22 attendance center or for the remainder of the term. The
23 replacement teacher representative shall be appointed in
24 the same manner and by the same procedures as teacher
25 representatives are appointed in subdivisions (i) and (ii)
26 of this subsection (1).

1 (m) Beginning with the 1995-1996 school year, and in every
2 year thereafter, the Board shall appoint one student member to
3 each secondary attendance center and attendance center
4 enrolling students in 7th or 8th grade, although no attendance
5 center shall have more than one student member. These
6 appointments shall be made in the following manner:

7 (i) Appointments shall be made from among those
8 students who submit statements of candidacy to the
9 principal of the attendance center, such statements to be
10 submitted commencing on the first day of the twentieth week
11 of school and continuing for 2 weeks thereafter. The form
12 and manner of such candidacy statements shall be determined
13 by the Board.

14 (ii) During the twenty-second week of school in every
15 year, the principal of each attendance center shall conduct
16 a non-binding, advisory poll to ascertain the preferences
17 of the school students regarding the appointment of a
18 student to the local school council for that attendance
19 center. At such poll, each student shall be entitled to
20 indicate his or her preference for up to one candidate from
21 among those who submitted statements of candidacy as
22 described above. The Board shall promulgate rules to ensure
23 that these non-binding, advisory polls are conducted in a
24 fair and equitable manner and maximize the involvement of
25 all school students. The preferences expressed in these
26 non-binding, advisory polls shall be transmitted by the

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

6 (iii) For the 1995-96 school year only, appointments
7 shall be made from among those students who submitted
8 statements of candidacy to the principal of the attendance
9 center during the first 2 weeks of the school year. The
10 principal shall communicate the results of any nonbinding,
11 advisory poll to the Board. These results shall be advisory
12 only, and the Board shall maintain absolute discretion to
13 appoint student members to local school councils,
14 irrespective of the preferences expressed in any such poll.

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

18 (o) In the event that a vacancy occurs during a member's
19 term, the Council shall appoint a person eligible to serve on
20 the Council, to fill the unexpired term created by the vacancy,
21 except that any teacher vacancy shall be filled by the Board
22 after considering the preferences of the school staff as
23 ascertained through a non-binding advisory poll of school
24 staff.

25 (p) If less than the specified number of persons is elected
26 within each candidate category, the newly elected local school

1 council shall appoint eligible persons to serve as members of
2 the Council for two-year terms.

3 (q) The Board shall promulgate rules regarding conflicts of
4 interest and disclosure of economic interests which shall apply
5 to local school council members and which shall require reports
6 or statements to be filed by Council members at regular
7 intervals with the Secretary of the Board. Failure to comply
8 with such rules or intentionally falsifying such reports shall
9 be grounds for disqualification from local school council
10 membership. A vacancy on the Council for disqualification may
11 be so declared by the Secretary of the Board. Rules regarding
12 conflicts of interest and disclosure of economic interests
13 promulgated by the Board shall apply to local school council
14 members. No less than 45 days prior to the deadline, the
15 general superintendent shall provide notice, by mail, to each
16 local school council member of all requirements and forms for
17 compliance with economic interest statements.

18 (r) (1) If a parent member of a local school council ceases
19 to have any child enrolled in the attendance center governed by
20 the Local School Council due to the graduation or voluntary
21 transfer of a child or children from the attendance center, the
22 parent's membership on the Local School Council and all voting
23 rights are terminated immediately as of the date of the child's
24 graduation or voluntary transfer. If the child of a parent
25 member of a local school council dies during the member's term
26 in office, the member may continue to serve on the local school

1 council for the balance of his or her term. Further, a local
2 school council member may be removed from the Council by a
3 majority vote of the Council as provided in subsection (c) of
4 Section 34-2.2 if the Council member has missed 3 consecutive
5 regular meetings, not including committee meetings, or 5
6 regular meetings in a 12 month period, not including committee
7 meetings. If a parent member of a local school council ceases
8 to be eligible to serve on the Council for any other reason, he
9 or she shall be removed by the Board subject to a hearing,
10 convened pursuant to Board rule, prior to removal. A vote to
11 remove a Council member by the local school council shall only
12 be valid if the Council member has been notified personally or
13 by certified mail, mailed to the person's last known address,
14 of the Council's intent to vote on the Council member's removal
15 at least 7 days prior to the vote. The Council member in
16 question shall have the right to explain his or her actions and
17 shall be eligible to vote on the question of his or her removal
18 from the Council. The provisions of this subsection shall be
19 contained within the petitions used to nominate Council
20 candidates.

21 (2) A person may continue to serve as a community resident
22 member of a local school council as long as he or she resides
23 in the attendance area served by the school and is not employed
24 by the Board nor is a parent of a student enrolled at the
25 school. If a community resident member ceases to be eligible to
26 serve on the Council, he or she shall be removed by the Board

1 subject to a hearing, convened pursuant to Board rule, prior to
2 removal.

3 (3) A person may continue to serve as a teacher member of a
4 local school council as long as he or she is employed and
5 assigned to perform a majority of his or her duties at the
6 school, provided that if the teacher representative resigns
7 from employment with the Board or voluntarily transfers to
8 another school, the teacher's membership on the local school
9 council and all voting rights are terminated immediately as of
10 the date of the teacher's resignation or upon the date of the
11 teacher's voluntary transfer to another school. If a teacher
12 member of a local school council ceases to be eligible to serve
13 on a local school council for any other reason, that member
14 shall be removed by the Board subject to a hearing, convened
15 pursuant to Board rule, prior to removal.

16 (s) As used in this Section only, "community resident"
17 means a person, 17 years of age or older, residing within an
18 attendance area served by a school, excluding any person who is
19 a parent of a student enrolled in that school; provided that
20 with respect to any multi-area school, community resident means
21 any person, 17 years of age or older, residing within the
22 voting district established for that school pursuant to Section
23 34-2.1c, excluding any person who is a parent of a student
24 enrolled in that school. This definition does not apply to any
25 provisions concerning school boards.

26 (Source: P.A. 99-597, eff. 1-1-17.)

1 (105 ILCS 5/34-2.2) (from Ch. 122, par. 34-2.2)

2 Sec. 34-2.2. Local school councils - Manner of operation.

3 (a) The annual organizational meeting of each local school
4 council shall be held at the attendance center. At the annual
5 organization meeting, which shall be held no sooner than July 1
6 and no later than July 14, a parent member of the local school
7 council shall be selected by the members of such council as its
8 chairperson, and a secretary shall be selected by the members
9 of such council from among their number, each to serve a term
10 of one year. Whenever a vacancy in the office of chairperson or
11 secretary of a local school council shall occur, a new
12 chairperson (who shall be a parent member) or secretary, as the
13 case may be, shall be elected by the members of the local
14 school council from among their number to serve as such
15 chairperson or secretary for the unexpired term of office in
16 which the vacancy occurs. At each annual organizational
17 meeting, the time and place of any regular meetings of the
18 local school council shall be fixed. Special meetings of the
19 local school council may be called by the chairperson or by any
20 4 members by giving notice thereof in writing, specifying the
21 time, place and purpose of the meeting. Public notice of
22 meetings shall also be given in accordance with the Open
23 Meetings Act.

24 (b) Members and officers of the local school council shall
25 serve without compensation and without reimbursement of any

1 expenses incurred in the performance of their duties, except
2 that the board of education may by rule establish a procedure
3 and thereunder provide for reimbursement of members and
4 officers of local school councils for such of their reasonable
5 and necessary expenses (excluding any lodging or meal expenses)
6 incurred in the performance of their duties as the board may
7 deem appropriate.

8 (c) A majority of the full membership of the local school
9 council shall constitute a quorum, and whenever a vote is taken
10 on any measure before the local school council, a quorum being
11 present, the affirmative vote of a majority of the votes of the
12 full membership then serving of the local school council shall
13 determine the outcome thereof; provided that whenever the
14 measure before the local school council is (i) the evaluation
15 of the principal, or (ii) the renewal of his or her performance
16 contract or the inclusion of any provision or modification of
17 the contract, or (iii) the direct selection by the local school
18 council of a new principal (including a new principal to fill a
19 vacancy) to serve under a 4 year performance contract, or (iv)
20 the determination of the names of candidates to be submitted to
21 the general superintendent for the position of principal, the
22 principal and student member of a high school council shall not
23 be counted for purposes of determining whether a quorum is
24 present to act on the measure and shall have no vote thereon;
25 and provided further that 7 affirmative votes of the local
26 school council shall be required for the direct selection by

1 the local school council of a new principal to serve under a 4
2 year performance contract but not for the renewal of a
3 principal's performance contract. A supermajority of 8 votes is
4 required to veto any action proposed or approved pursuant to
5 subsection (d) of Section 34-8.3 of this Code or any action
6 proposed or approved under Section 34-8.4 of this Code.

7 (d) Student members ~~of high school councils~~ shall not be
8 eligible to vote on personnel matters, including but not
9 limited to principal evaluations and contracts and the
10 allocation of teaching and staff resources.

11 (e) The local school council of an attendance center which
12 provides bilingual education shall be encouraged to provide
13 translators at each council meeting to maximize participation
14 of parents and the community.

15 (f) Each local school council of an attendance center which
16 provides bilingual education shall create a Bilingual Advisory
17 Committee or recognize an existing Bilingual Advisory
18 Committee as a standing committee. The Chair and a majority of
19 the members of the advisory committee shall be parents of
20 students in the bilingual education program. The parents on the
21 advisory committee shall be selected by parents of students in
22 the bilingual education program, and the committee shall select
23 a Chair. The advisory committee for each secondary attendance
24 center shall include at least one full-time bilingual education
25 student. The Bilingual Advisory Committee shall serve only in
26 an advisory capacity to the local school council.

1 (g) Local school councils may utilize the services of an
2 arbitration board to resolve intra-council disputes.

3 (Source: P.A. 91-622, eff. 8-19-99.)

4 (105 ILCS 5/34-2.3) (from Ch. 122, par. 34-2.3)

5 Sec. 34-2.3. Local school councils - Powers and duties.
6 Each local school council shall have and exercise, consistent
7 with the provisions of this Article and the powers and duties
8 of the board of education, the following powers and duties:

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

24 (B) to determine in the manner provided by subsection (c)
25 of Section 34-2.2 and subdivision 1.5 of this Section whether

1 the performance contract of the principal shall be renewed; and

2 (C) to directly select, in the manner provided by
3 subsection (c) of Section 34-2.2, a new principal (including a
4 new principal to fill a vacancy) -- without submitting any list
5 of candidates for that position to the general superintendent
6 as provided in paragraph 2 of this Section -- to serve under a
7 4 year performance contract; provided that (i) the
8 determination of whether the principal's performance contract
9 is to be renewed, based upon the evaluation required by
10 subdivision 1.5 of this Section, shall be made no later than
11 150 days prior to the expiration of the current
12 performance-based contract of the principal, (ii) in cases
13 where such performance contract is not renewed -- a direct
14 selection of a new principal -- to serve under a 4 year
15 performance contract shall be made by the local school council
16 no later than 45 days prior to the expiration of the current
17 performance contract of the principal, and (iii) a selection by
18 the local school council of a new principal to fill a vacancy
19 under a 4 year performance contract shall be made within 90
20 days after the date such vacancy occurs. A Council shall be
21 required, if requested by the principal, to provide in writing
22 the reasons for the council's not renewing the principal's
23 contract.

24 1.5. The local school council's determination of whether to
25 renew the principal's contract shall be based on an evaluation
26 to assess the educational and administrative progress made at

1 the school during the principal's current performance-based
2 contract. The local school council shall base its evaluation on
3 (i) student academic improvement, as defined by the school
4 improvement plan, (ii) student absenteeism rates at the school,
5 (iii) instructional leadership, (iv) the effective
6 implementation of programs, policies, or strategies to improve
7 student academic achievement, (v) school management, and (vi)
8 any other factors deemed relevant by the local school council,
9 including, without limitation, the principal's communication
10 skills and ability to create and maintain a student-centered
11 learning environment, to develop opportunities for
12 professional development, and to encourage parental
13 involvement and community partnerships to achieve school
14 improvement. If a local school council fails to renew the
15 performance contract of a principal rated by the general
16 superintendent, or his or her designee, in the previous years'
17 evaluations as meeting or exceeding expectations, the
18 principal, within 15 days after the local school council's
19 decision not to renew the contract, may request a review of the
20 local school council's principal non-retention decision by a
21 hearing officer appointed by the American Arbitration
22 Association. A local school council member or members or the
23 general superintendent may support the principal's request for
24 review. During the period of the hearing officer's review of
25 the local school council's decision on whether or not to retain
26 the principal, the local school council shall maintain all

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

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

1 hearing officer.

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

21 2. In the event (i) the local school council does not renew
22 the performance contract of the principal, or the principal
23 fails to receive a satisfactory rating as provided in
24 subsection (h) of Section 34-8.3, or the principal is removed
25 for cause during the term of his or her performance contract in
26 the manner provided by Section 34-85, or a vacancy in the

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

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

1 exceed one year, during which time the local school council
2 shall be able to select a new principal with 7 affirmative
3 votes as provided in subsection (c) of Section 34-2.2. In cases
4 where a principal is removed for cause or a vacancy otherwise
5 occurs in the position of principal and the vacancy is not
6 filled by direct selection by the local school council, the
7 candidate list shall be submitted by the local school council
8 to the general superintendent within 90 days after the date
9 such removal or vacancy occurs. In cases where the local school
10 council fails or refuses to submit the candidate list to the
11 general superintendent within 90 days after the date of the
12 vacancy, the general superintendent may appoint a principal on
13 an interim basis for a period of one year, during which time
14 the local school council shall be able to select a new
15 principal with 7 affirmative votes as provided in subsection
16 (c) of Section 34-2.2.

17 2.5. Whenever a vacancy in the office of a principal occurs
18 for any reason, the vacancy shall be filled in the manner
19 provided by this Section by the selection of a new principal to
20 serve under a 4 year performance contract.

21 3. To establish additional criteria to be included as part
22 of the performance contract of its principal, provided that
23 such additional criteria shall not discriminate on the basis of
24 race, sex, creed, color or disability unrelated to ability to
25 perform, and shall not be inconsistent with the uniform 4 year
26 performance contract for principals developed by the board as

1 provided in Section 34-8.1 of the School Code or with other
2 provisions of this Article governing the authority and
3 responsibility of principals.

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

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

18 Beginning in fiscal year 1991 and in each fiscal year
19 thereafter, the Board may reserve up to 1% of its total fiscal
20 year budget for distribution on a prioritized basis to schools
21 throughout the school system in order to assure adequate
22 programs to meet the needs of special student populations as
23 determined by the Board. This distribution shall take into
24 account the needs catalogued in the Systemwide Plan and the
25 various local school improvement plans of the local school
26 councils. Information about these centrally funded programs

1 shall be distributed to the local school councils so that their
2 subsequent planning and programming will account for these
3 provisions.

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

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

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

26 a. Teachers: Each school shall be allocated funds equal

1 to the amount appropriated in the previous school year for
2 compensation for teachers (regular grades kindergarten
3 through 12th grade) plus whatever increases in
4 compensation have been negotiated contractually or through
5 longevity as provided in the negotiated agreement.
6 Adjustments shall be made due to layoff or reduction in
7 force, lack of funds or work, change in subject
8 requirements, enrollment changes, or contracts with third
9 parties for the performance of services or to rectify any
10 inconsistencies with system-wide allocation formulas or
11 for other legitimate reasons.

12 b. Other personnel: Funds for other teacher
13 certificated and uncertificated personnel paid through
14 non-categorical funds shall be provided according to
15 system-wide formulas based on student enrollment and the
16 special needs of the school as determined by the Board.

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

25 d. Funds for categorical programs: Schools shall
26 receive personnel and funds based on, and shall use such

1 personnel and funds in accordance with State and Federal
2 requirements applicable to each categorical program
3 provided to meet the special needs of the student body
4 (including but not limited to, Federal Chapter I,
5 Bilingual, and Special Education).

6 d.1. Funds for State Title I: Each school shall receive
7 funds based on State and Board requirements applicable to
8 each State Title I pupil provided to meet the special needs
9 of the student body. Each school shall receive the
10 proportion of funds as provided in Section 18-8 or 18-8.15
11 to which they are entitled. These funds shall be spent only
12 with the budgetary approval of the Local School Council as
13 provided in Section 34-2.3.

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

22 f. Operating within existing laws and collective
23 bargaining agreements, the local school council shall have
24 the right to direct the principal to shift expenditures
25 within funds.

26 g. (Blank).

1 Any funds unexpended at the end of the fiscal year shall be
2 available to the board of education for use as part of its
3 budget for the following fiscal year.

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

10 6. To advise the principal concerning the attendance and
11 disciplinary policies for the attendance center, subject to the
12 provisions of this Article and Article 26, and consistent with
13 the uniform system of discipline established by the board
14 pursuant to Section 34-19.

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

22 8. To evaluate the allocation of teaching resources and
23 other certificated and uncertificated staff to the attendance
24 center to determine whether such allocation is consistent with
25 and in furtherance of instructional objectives and school
26 programs reflective of the school improvement plan adopted for

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

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

16 10. To request of the Board the manner in which training
17 and assistance shall be provided to the local school council.
18 Pursuant to Board guidelines a local school council is
19 authorized to direct the Board of Education to contract with
20 personnel or not-for-profit organizations not associated with
21 the school district to train or assist council members. If
22 training or assistance is provided by contract with personnel
23 or organizations not associated with the school district, the
24 period of training or assistance shall not exceed 30 hours
25 during a given school year; person shall not be employed on a
26 continuous basis longer than said period and shall not have

1 been employed by the Chicago Board of Education within the
2 preceding six months. Council members shall receive training in
3 at least the following areas:

4 1. school budgets;

5 2. educational theory pertinent to the attendance
6 center's particular needs, including the development of
7 the school improvement plan and the principal's
8 performance contract; and

9 3. personnel selection.

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

12 11. In accordance with systemwide guidelines contained in
13 the System-Wide Educational Reform Goals and Objectives Plan,
14 criteria for evaluation of performance shall be established for
15 local school councils and local school council members. If a
16 local school council persists in noncompliance with systemwide
17 requirements, the Board may impose sanctions and take necessary
18 corrective action, consistent with Section 34-8.3. Any such
19 action allowed for or taken pursuant to subsection (d) of
20 Section 34-8.3 or Section 34-8.4 of this Code must be vetoed by
21 a supermajority of 8 of the voting members of the local school
22 council.

23 12. Each local school council shall comply with the Open
24 Meetings Act and the Freedom of Information Act. Each local
25 school council shall issue and transmit to its school community
26 a detailed annual report accounting for its activities

1 programmatically and financially. Each local school council
2 shall convene at least 2 well-publicized meetings annually with
3 its entire school community. These meetings shall include
4 presentation of the proposed local school improvement plan, of
5 the proposed school expenditure plan, and the annual report,
6 and shall provide an opportunity for public comment.

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

10 14. The local school council may adopt a school uniform or
11 dress code policy that governs the attendance center and that
12 is necessary to maintain the orderly process of a school
13 function or prevent endangerment of student health or safety,
14 consistent with the policies and rules of the Board of
15 Education. A school uniform or dress code policy adopted by a
16 local school council: (i) shall not be applied in such manner
17 as to discipline or deny attendance to a transfer student or
18 any other student for noncompliance with that policy during
19 such period of time as is reasonably necessary to enable the
20 student to acquire a school uniform or otherwise comply with
21 the dress code policy that is in effect at the attendance
22 center into which the student's enrollment is transferred; and
23 (ii) shall include criteria and procedures under which the
24 local school council will accommodate the needs of or otherwise
25 provide appropriate resources to assist a student from an
26 indigent family in complying with an applicable school uniform

1 or dress code policy. A student whose parents or legal
2 guardians object on religious grounds to the student's
3 compliance with an applicable school uniform or dress code
4 policy shall not be required to comply with that policy if the
5 student's parents or legal guardians present to the local
6 school council a signed statement of objection detailing the
7 grounds for the objection.

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

13 15a. To grant, in accordance with board rules and policies,
14 the use of assembly halls and classrooms when not otherwise
15 needed, including lighting, heat, and attendants, for public
16 lectures, concerts, and other educational and social
17 activities.

18 15b. To approve, in accordance with board rules and
19 policies, receipts and expenditures for all internal accounts
20 of the attendance center, and to approve all fund-raising
21 activities by nonschool organizations that use the school
22 building.

23 16. (Blank).

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

26 (Source: P.A. 100-465, eff. 8-31-17.)

1 (105 ILCS 5/34-2.3b)

2 Sec. 34-2.3b. Local School Council Training.

3 (a) The LSC Certification Commission, an independent
4 commission, is established to provide fundamental training to
5 members of local school councils and certify each member. The
6 LSC Certification Commission shall be comprised of
7 representatives from the Chicago public school system and
8 representatives from organizations that have provided training
9 to local school council members on and after January 23, 2014.
10 ~~The board shall collaborate with universities and other~~
11 ~~interested entities and individuals to offer training to local~~
12 ~~school council members on topics relevant to school operations~~
13 ~~and their responsibilities as local school council members,~~
14 ~~including but not limited to legal requirements, role~~
15 ~~differentiation, responsibilities, and authorities, and~~
16 ~~improving student achievement.~~

17 (b) Training of local school council members shall be
18 provided at the direction of the LSC Certification Commission,
19 which shall work with universities and other interested
20 entities to develop and administer a required 3-day training
21 program for local school council members ~~board in consultation~~
22 ~~with the Council of Chicago-area Deans of Education.~~ Incoming
23 local school council members shall be required to complete a
24 3-day training program provided under this Section within 6
25 months of taking office. The LSC Certification Commission ~~board~~

1 shall monitor the compliance of incoming local school council
2 members with the 3-day training program requirement
3 established by this Section.

4 (c) At the direction of the LSC Certification Commission,
5 the ~~The~~ board shall declare vacant the office of a local school
6 council member who fails to complete the 3-day training program
7 provided under this Section within the 6 month period allowed.
8 Any such vacancy shall be filled as provided in subsection (o)
9 of Section 34-2.1 by appointment of another person qualified to
10 hold the office. ~~In addition to requiring local school council~~
11 ~~members to complete the 3-day training program under this~~
12 ~~Section, the board may encourage local school council members~~
13 ~~to complete additional training during their term of office and~~
14 ~~shall provide recognition for individuals completing that~~
15 ~~additional training. The board is authorized to collaborate~~
16 ~~with universities, non profits, and other interested~~
17 ~~organizations and individuals to offer additional training to~~
18 ~~local school council members on a regular basis during their~~
19 ~~term in office. The board shall not be required to bear the~~
20 ~~cost of the required 3-day training program or any additional~~
21 ~~training provided to local school council members under this~~
22 ~~Section.~~

23 (d) The LSC Certification Commission ~~board~~ shall also offer
24 training to aid local school councils in developing principal
25 evaluation procedures and criteria. The board shall send out
26 requests for proposals concerning this training and is

1 authorized to contract with universities, non-profits, and
2 other interested organizations and individuals to provide this
3 training. ~~The board is authorized to use funds from private~~
4 ~~organizations, non-profits, or any other outside source as well~~
5 ~~as its own funds for this purpose.~~

6 (e) The LSC Certification Commission may request and, upon
7 such request, the board of education shall budget and
8 distribute such funds as are equal to the total allocations for
9 the certification of local school council members under this
10 Section in the year immediately prior. Upon a majority vote of
11 the LSC Certification Commission, that request may exceed the
12 prior year's allocations by 2%.

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

14 (105 ILCS 5/34-2.4b) (from Ch. 122, par. 34-2.4b)

15 Sec. 34-2.4b. Limitation upon applicability. The
16 ~~provisions of Sections 34-2.1, 34-2.2, 34-2.3, 34-2.3a, 34-2.4~~
17 ~~and 34-8.3, and those provisions of paragraph 1 of Section~~
18 34-18 and paragraph (c) of Section 34A-201a relating to the
19 allocation or application -- by formula or otherwise -- of lump
20 sum amounts and other funds to attendance centers, shall not
21 apply to attendance centers that have applied for and been
22 designated as a "Small School" by the Board, the Cook County
23 Juvenile Detention Center and Cook County Jail schools, nor to
24 the district's alternative schools for pregnant girls, nor to
25 alternative schools established under Article 13A, nor to a

1 contract school, nor to the Michael R. Durso School, the
2 Jackson Adult Center, the Hillard Adult Center, the Alternative
3 Transitional School, or any other attendance center designated
4 by the Board as an alternative school, provided that the
5 designation is not applied to an attendance center that has in
6 place a legally constituted local school council, except for
7 contract turnaround schools. ~~The board of education shall have
8 and exercise with respect to those schools and with respect to
9 the conduct, operation, affairs and budgets of those schools,
10 and with respect to the principals, teachers and other school
11 staff there employed, the same powers which are exercisable by
12 local school councils with respect to the other attendance
13 centers, principals, teachers and school staff within the
14 district, together with all powers and duties generally
15 exercisable by the board of education with respect to all
16 attendance centers within the district. The board of education
17 shall develop appropriate alternative methods for involving
18 parents, community members and school staff to the maximum
19 extent possible in all of the activities of those schools, and
20 may delegate to the parents, community members and school staff
21 so involved the same powers which are exercisable by local
22 school councils with respect to other attendance centers.~~

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

24 (105 ILCS 5/34-8.3) (from Ch. 122, par. 34-8.3)

25 Sec. 34-8.3. Remediation and probation of attendance

1 centers.

2 (a) The general superintendent shall monitor the
3 performance of the attendance centers within the district and
4 shall identify attendance centers, pursuant to criteria that
5 the board shall establish, in which:

6 (1) there is a failure to develop, implement, or comply
7 with a school improvement plan;

8 (2) there is a pervasive breakdown in the educational
9 program as indicated by factors, including, but not limited
10 to, the absence of improvement in student reading and math
11 achievement scores, an increased drop-out rate, a
12 decreased graduation rate, and a decrease in rate of
13 student attendance;

14 (3) (blank); or

15 (4) there is a failure or refusal to comply with the
16 provisions of this Act, other applicable laws, collective
17 bargaining agreements, court orders, or with Board rules
18 which the Board is authorized to promulgate.

19 (b) If the general superintendent identifies a
20 nonperforming school as described herein, he or she shall place
21 the attendance center on remediation by developing a
22 remediation plan for the center. The purpose of the remediation
23 plan shall be to correct the deficiencies in the performance of
24 the attendance center by one or more of the following methods:

25 (1) drafting a new school improvement plan;

26 (2) applying to the board for additional funding for

1 training for the local school council;

2 (3) directing implementation of a school improvement
3 plan;

4 (4) mediating disputes or other obstacles to reform or
5 improvement at the attendance center.

6 Nothing in this Section removes any authority of the local
7 school council, which shall retain the right to reject or
8 modify any school improvement plan or implementation thereof.

9 If, however, the general superintendent determines that
10 the problems are not able to be remediated by these methods,
11 the general superintendent shall place the attendance center on
12 probation. The board shall establish guidelines that determine
13 the factors for placing an attendance center on probation.

14 (c) Each school placed on probation shall have a school
15 improvement plan and school budget for correcting deficiencies
16 identified by the board. The plan shall include specific steps
17 that the local school council and school staff must take to
18 correct identified deficiencies and specific objective
19 criteria by which the school's subsequent progress will be
20 determined. The school budget shall include specific
21 expenditures directly calculated to correct educational and
22 operational deficiencies identified at the school by the
23 probation team.

24 (d) Schools placed on probation that, after a maximum of
25 one year, fail to make adequate progress in correcting
26 deficiencies are subject to the following actions by the

1 general superintendent with the approval of the board, after
2 opportunity for a hearing:

3 (1) Ordering new local school council elections.

4 (2) Removing and replacing the principal.

5 (3) Replacement of faculty members, subject to the
6 provisions of Section 24A-5.

7 (4) Reconstitution of the attendance center and
8 replacement and reassignment by the general superintendent
9 of all employees of the attendance center.

10 (5) Intervention under Section 34-8.4.

11 (5.5) Operating an attendance center as a contract
12 turnaround school.

13 (6) Closing of the school.

14 Any action proposed or approved under this subsection (d) is
15 subject to veto by a supermajority of 8 of the voting members
16 of the local school council.

17 (e) Schools placed on probation shall remain on probation
18 from year to year until deficiencies are corrected, even if
19 such schools make acceptable annual progress. The board shall
20 establish, in writing, criteria for determining whether or not
21 a school shall remain on probation. Such criteria shall be
22 delivered to each local school council on or before August 1 of
23 each year. If academic achievement tests are used as the factor
24 for placing a school on probation, the general superintendent
25 shall consider objective criteria, not just an increase in test
26 scores, in deciding whether or not a school shall remain on

1 probation. These criteria shall include attendance, test
2 scores, student mobility rates, poverty rates, bilingual
3 education eligibility, special education, and English language
4 proficiency programs, with progress made in these areas being
5 taken into consideration in deciding whether or not a school
6 shall remain on probation.

7 (f) Where the board has reason to believe that violations
8 of civil rights, or of civil or criminal law have occurred, or
9 when the general superintendent deems that the school is in
10 educational crisis it may take immediate corrective action,
11 including the actions specified in this Section, without first
12 placing the school on remediation or probation. Nothing
13 described herein shall limit the authority of the board as
14 provided by any law of this State. The board shall develop
15 criteria governing the determination regarding when a school is
16 in educational crisis. Such criteria shall be delivered to each
17 local school council on or before August 1 of each year. An
18 action under subsection (d) of this Section shall be subject to
19 veto by a supermajority of 8 of the voting members of the local
20 school council.

21 (g) All persons serving as subdistrict superintendent on
22 May 1, 1995 shall be deemed by operation of law to be serving
23 under a performance contract which expires on June 30, 1995,
24 and the employment of each such person as subdistrict
25 superintendent shall terminate on June 30, 1995. The board
26 shall have no obligation to compensate any such person as a

1 subdistrict superintendent after June 30, 1995.

2 (h) The general superintendent shall, in consultation with
3 local school councils, conduct an annual evaluation of each
4 principal in the district pursuant to guidelines promulgated by
5 the Board of Education.

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

7 (105 ILCS 5/34-8.4)

8 Sec. 34-8.4. Intervention. The Chicago Schools Academic
9 Accountability Council may recommend to the Chicago School
10 Reform Board of Trustees that any school placed on remediation
11 or probation under Section 34-8.3 or schools that for the 3
12 consecutive school years of 1992-1993, 1993-1994, and
13 1994-1995 have met the State Board of Education's category of
14 "does not meet expectations" be made subject to intervention
15 under this Section 34-8.4. In addition to any powers created
16 under this Section, the Trustees shall have all powers created
17 under Section 34-8.3 with respect to schools subjected to
18 intervention.

19 Prior to subjecting a school to intervention, the Trustees
20 shall conduct a public hearing and make findings of facts
21 concerning the recommendation of the Chicago Schools Academic
22 Accountability Council and the factors causing the failure of
23 the school to adequately perform. The Trustees shall afford an
24 opportunity at the hearing for interested persons to comment
25 about the intervention recommendation. After the hearing has

1 been held and completion of findings of fact, the Trustees
2 shall make a determination whether to subject the school to
3 intervention.

4 If the Trustees determine that a school shall be subject to
5 intervention under this Section, the Trustees shall develop an
6 intervention implementation plan and shall cause a performance
7 evaluation to be made of each employee at the school. Upon
8 consideration of such evaluations, and consistent with the
9 intervention implementation plan, the Trustees may reassign,
10 layoff, or dismiss any employees at the attendance center,
11 notwithstanding the provisions of Sections 24A-5 and 34-85.

12 The chief educational officer shall appoint a principal for
13 the school and shall set the terms and conditions of the
14 principal's contract, which in no case may be longer than 2
15 years. The principal shall select all teachers and
16 non-certified personnel for the school as may be necessary. Any
17 provision of Section 34-8.1 that conflicts with this Section
18 shall not apply to a school subjected to intervention under
19 this Section.

20 If pursuant to this Section, the general superintendent,
21 with the approval of the board, orders new local school council
22 elections, the general superintendent shall carry out the
23 responsibilities of the local school council for a school
24 subject to intervention until the new local school council
25 members are elected and trained.

26 Any action authorized by this Section must be vetoed by a

1 supermajority vote of 8 of the voting members of the local
2 school council for the attendance center affected by the
3 action.

4 Each school year, 5% of the supplemental general State aid
5 funds distributed to a school subject to intervention during
6 that school year under subsection 5(i)(1)(a) of part A of
7 Section 18-8 or subsection (H) of Section 18-8.05 shall be used
8 for employee performance incentives. The Trustees shall
9 prepare a report evaluating the results of any interventions
10 undertaken pursuant to this Section and shall make
11 recommendations concerning implementation of special programs
12 for dealing with underperforming schools on an ongoing basis.
13 This report shall be submitted to the State Superintendent of
14 Education and Mayor of the City of Chicago by January 1, 1999.

15 (Source: P.A. 89-15, eff. 5-30-95; 89-698, eff. 1-14-97;
16 90-548, eff. 1-1-98.)

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