



Sen. Mattie Hunter

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10000SB2085sam001

LRB100 11177 MLM 22070 a

1 AMENDMENT TO SENATE BILL 2085

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2085 by replacing  
3 everything after the enacting clause with the following:

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 (Text of Section before amendment by P.A. 99-927)  
9 Sec. 27A-5. Charter school; legal entity; requirements.

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

15 (b) A charter school may be established under this Article  
16 by creating a new school or by converting an existing public

1 school or attendance center to charter school status. Beginning  
2 on April 16, 2003 (the effective date of Public Act 93-3), in  
3 all new applications to establish a charter school in a city  
4 having a population exceeding 500,000, operation of the charter  
5 school shall be limited to one campus. The changes made to this  
6 Section by Public Act 93-3 do not apply to charter schools  
7 existing or approved on or before April 16, 2003 (the effective  
8 date of Public Act 93-3).

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

14 From April 1, 2013 through December 31, 2016, there is a  
15 moratorium on the establishment of charter schools with  
16 virtual-schooling components in school districts other than a  
17 school district organized under Article 34 of this Code. This  
18 moratorium does not apply to a charter school with  
19 virtual-schooling components existing or approved prior to  
20 April 1, 2013 or to the renewal of the charter of a charter  
21 school with virtual-schooling components already approved  
22 prior to April 1, 2013.

23 On or before March 1, 2014, the Commission shall submit to  
24 the General Assembly a report on the effect of  
25 virtual-schooling, including without limitation the effect on  
26 student performance, the costs associated with

1 virtual-schooling, and issues with oversight. The report shall  
2 include policy recommendations for virtual-schooling.

3 (c) A charter school shall be administered and governed by  
4 its board of directors or other governing body in the manner  
5 provided in its charter. The governing body of a charter school  
6 shall be subject to the Freedom of Information Act and the Open  
7 Meetings Act. Any charter school operating within a school  
8 district organized under Article 34 of this Code shall be  
9 administered by a local school council established pursuant to  
10 Section 34-2.1 of this Code, with all the normal and usual  
11 powers afforded to a local school council operating in a public  
12 school.

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

25 A charter school shall comply with all non-curricular  
26 health and safety requirements applicable to public schools

1 under the laws of the State of Illinois. On or before September  
2 1, 2015, the State Board shall promulgate and post on its  
3 Internet website a list of non-curricular health and safety  
4 requirements that a charter school must meet. The list shall be  
5 updated annually no later than September 1. Any charter  
6 contract between a charter school and its authorizer must  
7 contain a provision that requires the charter school to follow  
8 the list of all non-curricular health and safety requirements  
9 promulgated by the State Board and any non-curricular health  
10 and safety requirements added by the State Board to such list  
11 during the term of the charter. Nothing in this subsection (d)  
12 precludes an authorizer from including non-curricular health  
13 and safety requirements in a charter school contract that are  
14 not contained in the list promulgated by the State Board,  
15 including non-curricular health and safety requirements of the  
16 authorizing local school board.

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

21 (f) A charter school shall be responsible for the  
22 management and operation of its fiscal affairs including, but  
23 not limited to, the preparation of its budget. An audit of each  
24 charter school's finances shall be conducted annually by an  
25 outside, independent contractor retained by the charter  
26 school. To ensure financial accountability for the use of

1 public funds, on or before December 1 of every year of  
2 operation, each charter school shall submit to its authorizer  
3 and the State Board a copy of its audit and a copy of the Form  
4 990 the charter school filed that year with the federal  
5 Internal Revenue Service. In addition, if deemed necessary for  
6 proper financial oversight of the charter school, an authorizer  
7 may require quarterly financial statements from each charter  
8 school.

9 (g) A charter school shall comply with all provisions of  
10 this Article, the Illinois Educational Labor Relations Act, all  
11 federal and State laws and rules applicable to public schools  
12 that pertain to special education and the instruction of  
13 English learners, and its charter. A charter school is exempt  
14 from all other State laws and regulations in this Code  
15 governing public schools and local school board policies;  
16 however, a charter school is not exempt from the following:

17 (1) Sections 10-21.9 and 34-18.5 of this Code regarding  
18 criminal history records checks and checks of the Statewide  
19 Sex Offender Database and Statewide Murderer and Violent  
20 Offender Against Youth Database of applicants for  
21 employment;

22 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and  
23 34-84a of this Code regarding discipline of students;

24 (3) the Local Governmental and Governmental Employees  
25 Tort Immunity Act;

26 (4) Section 108.75 of the General Not For Profit

1 Corporation Act of 1986 regarding indemnification of  
2 officers, directors, employees, and agents;

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

4 (6) the Illinois School Student Records Act;

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

7 (8) the P-20 Longitudinal Education Data System Act;

8 (9) Section 27-23.7 of this Code regarding bullying  
9 prevention;

10 (10) Section 2-3.162 of this Code regarding student  
11 discipline reporting; and

12 (11) Section 22-80 of this Code.

13 The change made by Public Act 96-104 to this subsection (g)  
14 is declaratory of existing law.

15 (h) A charter school may negotiate and contract with a  
16 school district, the governing body of a State college or  
17 university or public community college, or any other public or  
18 for-profit or nonprofit private entity for: (i) the use of a  
19 school building and grounds or any other real property or  
20 facilities that the charter school desires to use or convert  
21 for use as a charter school site, (ii) the operation and  
22 maintenance thereof, and (iii) the provision of any service,  
23 activity, or undertaking that the charter school is required to  
24 perform in order to carry out the terms of its charter.  
25 However, a charter school that is established on or after April  
26 16, 2003 (the effective date of Public Act 93-3) and that

1 operates in a city having a population exceeding 500,000 may  
2 not contract with a for-profit entity to manage or operate the  
3 school during the period that commences on April 16, 2003 (the  
4 effective date of Public Act 93-3) and concludes at the end of  
5 the 2004-2005 school year. Except as provided in subsection (i)  
6 of this Section, a school district may charge a charter school  
7 reasonable rent for the use of the district's buildings,  
8 grounds, and facilities. Any services for which a charter  
9 school contracts with a school district shall be provided by  
10 the district at cost. Any services for which a charter school  
11 contracts with a local school board or with the governing body  
12 of a State college or university or public community college  
13 shall be provided by the public entity at cost.

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

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

25 (k) If the charter school is approved by the Commission,  
26 then the Commission charter school is its own local education

1 agency.

2 (Source: P.A. 98-16, eff. 5-24-13; 98-639, eff. 6-9-14; 98-669,  
3 eff. 6-26-14; 98-739, eff. 7-16-14; 98-783, eff. 1-1-15;  
4 98-1059, eff. 8-26-14; 98-1102, eff. 8-26-14; 99-30, eff.  
5 7-10-15; 99-78, eff. 7-20-15; 99-245, eff. 8-3-15; 99-325, eff.  
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22 8-10-15; 99-456, eff. 9-15-16; 99-642, eff. 7-28-16; 99-927,  
23 eff. 6-1-17.)

24 (105 ILCS 5/34-2.1) (from Ch. 122, par. 34-2.1)

25 Sec. 34-2.1. Local School Councils - Composition -

1 Voter-Eligibility - Elections - Terms.

2 (a) Notwithstanding any other provision of law, a local  
3 school council shall be established for each attendance center  
4 within the school district, except for private schools. Each  
5 local school council shall consist of the following 12 voting  
6 members: the principal of the attendance center, 2 teachers  
7 employed and assigned to perform the majority of their  
8 employment duties at the attendance center, 6 parents of  
9 students currently enrolled at the attendance center, one  
10 employee of the school district employed and assigned to  
11 perform the majority of his or her employment duties at the  
12 attendance center who is not a teacher, and 2 community  
13 residents. Neither the parents nor the community residents who  
14 serve as members of the local school council shall be employees  
15 of the Board of Education. In each secondary attendance center,  
16 the local school council shall consist of 13 voting members --  
17 the 12 voting members described above and one full-time student  
18 member, appointed as provided in subsection (m) below. In each  
19 attendance center enrolling students in 7th or 8th grade, one  
20 full-time student member shall be appointed as provided in  
21 subsection (m) of this Section. In the event that the chief  
22 executive officer of the Chicago School Reform Board of  
23 Trustees determines that a local school council is not carrying  
24 out its financial duties effectively, the chief executive  
25 officer is authorized to appoint a representative of the  
26 business community with experience in finance and management to

1 serve as an advisor to the local school council for the purpose  
2 of providing advice and assistance to the local school council  
3 on fiscal matters. The advisor shall have access to relevant  
4 financial records of the local school council. The advisor may  
5 attend executive sessions. The chief executive officer shall  
6 issue a written policy defining the circumstances under which a  
7 local school council is not carrying out its financial duties  
8 effectively.

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

17 The membership of each local school council shall be  
18 encouraged to be reflective of the racial and ethnic  
19 composition of the student population of the attendance center  
20 served by the local school council.

21 (c) Beginning with the 1995-1996 school year and in every  
22 even-numbered year thereafter, the Board shall set second  
23 semester Parent Report Card Pick-up Day for Local School  
24 Council elections and may schedule elections at year-round  
25 schools for the same dates as the remainder of the school  
26 system. Elections shall be conducted as provided herein by the



1 Board of Education in consultation with the local school  
2 council at each attendance center.

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

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

9 (ii) Each elected member shall be elected by the  
10 eligible voters of that attendance center to serve for a  
11 two-year term commencing on July 1 immediately following  
12 the election described in subsection (c). Eligible voters  
13 for each attendance center shall consist of the parents and  
14 community residents for that attendance center.

15 (iii) Each eligible voter shall be entitled to cast one  
16 vote for up to a total of 5 candidates, irrespective of  
17 whether such candidates are parent or community resident  
18 candidates.

19 (iv) Each parent voter shall be entitled to vote in the  
20 local school council election at each attendance center in  
21 which he or she has a child currently enrolled. Each  
22 community resident voter shall be entitled to vote in the  
23 local school council election at each attendance center for  
24 which he or she resides in the applicable attendance area  
25 or voting district, as the case may be.

26 (v) Each eligible voter shall be entitled to vote once,

1 but not more than once, in the local school council  
2 election at each attendance center at which the voter is  
3 eligible to vote.

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

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

15 (e) The Council shall publicize the date and place of the  
16 election by posting notices at the attendance center, in public  
17 places within the attendance boundaries of the attendance  
18 center and by distributing notices to the pupils at the  
19 attendance center, and shall utilize such other means as it  
20 deems necessary to maximize the involvement of all eligible  
21 voters.

22 (f) Nomination. The Council shall publicize the opening of  
23 nominations by posting notices at the attendance center, in  
24 public places within the attendance boundaries of the  
25 attendance center and by distributing notices to the pupils at  
26 the attendance center, and shall utilize such other means as it

1 deems necessary to maximize the involvement of all eligible  
2 voters. Not less than 2 weeks before the election date, persons  
3 eligible to run for the Council shall submit their name, date  
4 of birth, social security number, if available, and some  
5 evidence of eligibility to the Council. The Council shall  
6 encourage nomination of candidates reflecting the  
7 racial/ethnic population of the students at the attendance  
8 center. Each person nominated who runs as a candidate shall  
9 disclose, in a manner determined by the Board, any economic  
10 interest held by such person, by such person's spouse or  
11 children, or by each business entity in which such person has  
12 an ownership interest, in any contract with the Board, any  
13 local school council or any public school in the school  
14 district. Each person nominated who runs as a candidate shall  
15 also disclose, in a manner determined by the Board, if he or  
16 she ever has been convicted of any of the offenses specified in  
17 subsection (c) of Section 34-18.5; provided that neither this  
18 provision nor any other provision of this Section shall be  
19 deemed to require the disclosure of any information that is  
20 contained in any law enforcement record or juvenile court  
21 record that is confidential or whose accessibility or  
22 disclosure is restricted or prohibited under Section 5-901 or  
23 5-905 of the Juvenile Court Act of 1987. Failure to make such  
24 disclosure shall render a person ineligible for election or to  
25 serve on the local school council. The same disclosure shall be  
26 required of persons under consideration for appointment to the

1 Council pursuant to subsections (l) and (m) of this Section.

2 (f-5) Notwithstanding disclosure, a person who has been  
3 convicted of any of the following offenses at any time shall be  
4 ineligible for election or appointment to a local school  
5 council and ineligible for appointment to a local school  
6 council pursuant to subsections (l) and (m) of this Section:

7 (i) those defined in Section 11-1.20, 11-1.30, 11-1.40,  
8 11-1.50, 11-1.60, 11-6, 11-9.1, 11-14.4, 11-16, 11-17.1,  
9 11-19, 11-19.1, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13,  
10 12-14, 12-14.1, 12-15, or 12-16, or subdivision (a)(2) of  
11 Section 11-14.3, of the Criminal Code of 1961 or the Criminal  
12 Code of 2012, or (ii) any offense committed or attempted in any  
13 other state or against the laws of the United States, which, if  
14 committed or attempted in this State, would have been  
15 punishable as one or more of the foregoing offenses.

16 Notwithstanding disclosure, a person who has been convicted of  
17 any of the following offenses within the 10 years previous to  
18 the date of nomination or appointment shall be ineligible for  
19 election or appointment to a local school council: (i) those  
20 defined in Section 401.1, 405.1, or 405.2 of the Illinois  
21 Controlled Substances Act or (ii) any offense committed or  
22 attempted in any other state or against the laws of the United  
23 States, which, if committed or attempted in this State, would  
24 have been punishable as one or more of the foregoing offenses.

25 Immediately upon election or appointment, incoming local  
26 school council members shall be required to undergo a criminal

1 background investigation, to be completed prior to the member  
2 taking office, in order to identify any criminal convictions  
3 under the offenses enumerated in Section 34-18.5. The  
4 investigation shall be conducted by the Department of State  
5 Police in the same manner as provided for in Section 34-18.5.  
6 However, notwithstanding Section 34-18.5, the social security  
7 number shall be provided only if available. If it is determined  
8 at any time that a local school council member or member-elect  
9 has been convicted of any of the offenses enumerated in this  
10 Section or failed to disclose a conviction of any of the  
11 offenses enumerated in Section 34-18.5, the general  
12 superintendent shall notify the local school council member or  
13 member-elect of such determination and the local school council  
14 member or member-elect shall be removed from the local school  
15 council by the Board, subject to a hearing, convened pursuant  
16 to Board rule, prior to removal.

17 (g) At least one week before the election date, the Council  
18 shall publicize, in the manner provided in subsection (e), the  
19 names of persons nominated for election.

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

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

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

1           (k) The general superintendent shall resolve any disputes  
2 concerning election procedure or results and shall ensure that,  
3 except as provided in subsections (e) and (g), no resources of  
4 any attendance center shall be used to endorse or promote any  
5 candidate.

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

10           (i) The Board shall appoint 2 teachers who are employed  
11 and assigned to perform the majority of their employment  
12 duties at the attendance center to serve on the local  
13 school council of the attendance center for a two-year term  
14 coinciding with the terms of the elected parent and  
15 community members of that local school council. These  
16 appointments shall be made from among those teachers who  
17 are nominated in accordance with subsection (f).

18           (ii) A non-binding, advisory poll to ascertain the  
19 preferences of the school staff regarding appointments of  
20 teachers to the local school council for that attendance  
21 center shall be conducted in accordance with the procedures  
22 used to elect parent and community Council  
23 representatives. At such poll, each member of the school  
24 staff shall be entitled to indicate his or her preference  
25 for up to 2 candidates from among those who submitted  
26 statements of candidacy as described above. These

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

5 (iii) In the event that a teacher representative is  
6 unable to perform his or her employment duties at the  
7 school due to illness, disability, leave of absence,  
8 disciplinary action, or any other reason, the Board shall  
9 declare a temporary vacancy and appoint a replacement  
10 teacher representative to serve on the local school council  
11 until such time as the teacher member originally appointed  
12 pursuant to this subsection (l) resumes service at the  
13 attendance center or for the remainder of the term. The  
14 replacement teacher representative shall be appointed in  
15 the same manner and by the same procedures as teacher  
16 representatives are appointed in subdivisions (i) and (ii)  
17 of this subsection (l).

18 (m) Beginning with the 1995-1996 school year, and in every  
19 year thereafter, the Board shall appoint one student member to  
20 each secondary attendance center and attendance center  
21 enrolling students in 7th or 8th grade, although no attendance  
22 center shall have more than one student member. These  
23 appointments shall be made in the following manner:

24 (i) Appointments shall be made from among those  
25 students who submit statements of candidacy to the  
26 principal of the attendance center, such statements to be

1 submitted commencing on the first day of the twentieth week  
2 of school and continuing for 2 weeks thereafter. The form  
3 and manner of such candidacy statements shall be determined  
4 by the Board.

5 (ii) During the twenty-second week of school in every  
6 year, the principal of each attendance center shall conduct  
7 a non-binding, advisory poll to ascertain the preferences  
8 of the school students regarding the appointment of a  
9 student to the local school council for that attendance  
10 center. At such poll, each student shall be entitled to  
11 indicate his or her preference for up to one candidate from  
12 among those who submitted statements of candidacy as  
13 described above. The Board shall promulgate rules to ensure  
14 that these non-binding, advisory polls are conducted in a  
15 fair and equitable manner and maximize the involvement of  
16 all school students. The preferences expressed in these  
17 non-binding, advisory polls shall be transmitted by the  
18 principal to the Board. However, these preferences shall be  
19 advisory only and the Board shall maintain absolute  
20 discretion to appoint student members to local school  
21 councils, irrespective of the preferences expressed in any  
22 such poll.

23 (iii) For the 1995-96 school year only, appointments  
24 shall be made from among those students who submitted  
25 statements of candidacy to the principal of the attendance  
26 center during the first 2 weeks of the school year. The



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

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

9 (o) In the event that a vacancy occurs during a member's  
10 term, the Council shall appoint a person eligible to serve on  
11 the Council, to fill the unexpired term created by the vacancy,  
12 except that any teacher vacancy shall be filled by the Board  
13 after considering the preferences of the school staff as  
14 ascertained through a non-binding advisory poll of school  
15 staff.

16 (p) If less than the specified number of persons is elected  
17 within each candidate category, the newly elected local school  
18 council shall appoint eligible persons to serve as members of  
19 the Council for two-year terms.

20 (q) The Board shall promulgate rules regarding conflicts of  
21 interest and disclosure of economic interests which shall apply  
22 to local school council members and which shall require reports  
23 or statements to be filed by Council members at regular  
24 intervals with the Secretary of the Board. Failure to comply  
25 with such rules or intentionally falsifying such reports shall  
26 be grounds for disqualification from local school council

1 membership. A vacancy on the Council for disqualification may  
2 be so declared by the Secretary of the Board. Rules regarding  
3 conflicts of interest and disclosure of economic interests  
4 promulgated by the Board shall apply to local school council  
5 members. No less than 45 days prior to the deadline, the  
6 general superintendent shall provide notice, by mail, to each  
7 local school council member of all requirements and forms for  
8 compliance with economic interest statements.

9 (r) (1) If a parent member of a local school council ceases  
10 to have any child enrolled in the attendance center governed by  
11 the Local School Council due to the graduation or voluntary  
12 transfer of a child or children from the attendance center, the  
13 parent's membership on the Local School Council and all voting  
14 rights are terminated immediately as of the date of the child's  
15 graduation or voluntary transfer. If the child of a parent  
16 member of a local school council dies during the member's term  
17 in office, the member may continue to serve on the local school  
18 council for the balance of his or her term. Further, a local  
19 school council member may be removed from the Council by a  
20 majority vote of the Council as provided in subsection (c) of  
21 Section 34-2.2 if the Council member has missed 3 consecutive  
22 regular meetings, not including committee meetings, or 5  
23 regular meetings in a 12 month period, not including committee  
24 meetings. If a parent member of a local school council ceases  
25 to be eligible to serve on the Council for any other reason, he  
26 or she shall be removed by the Board subject to a hearing,

1 convened pursuant to Board rule, prior to removal. A vote to  
2 remove a Council member by the local school council shall only  
3 be valid if the Council member has been notified personally or  
4 by certified mail, mailed to the person's last known address,  
5 of the Council's intent to vote on the Council member's removal  
6 at least 7 days prior to the vote. The Council member in  
7 question shall have the right to explain his or her actions and  
8 shall be eligible to vote on the question of his or her removal  
9 from the Council. The provisions of this subsection shall be  
10 contained within the petitions used to nominate Council  
11 candidates.

12 (2) A person may continue to serve as a community resident  
13 member of a local school council as long as he or she resides  
14 in the attendance area served by the school and is not employed  
15 by the Board nor is a parent of a student enrolled at the  
16 school. If a community resident member ceases to be eligible to  
17 serve on the Council, he or she shall be removed by the Board  
18 subject to a hearing, convened pursuant to Board rule, prior to  
19 removal.

20 (3) A person may continue to serve as a teacher member of a  
21 local school council as long as he or she is employed and  
22 assigned to perform a majority of his or her duties at the  
23 school, provided that if the teacher representative resigns  
24 from employment with the Board or voluntarily transfers to  
25 another school, the teacher's membership on the local school  
26 council and all voting rights are terminated immediately as of

1 the date of the teacher's resignation or upon the date of the  
2 teacher's voluntary transfer to another school. If a teacher  
3 member of a local school council ceases to be eligible to serve  
4 on a local school council for any other reason, that member  
5 shall be removed by the Board subject to a hearing, convened  
6 pursuant to Board rule, prior to removal.

7 (s) As used in this Section only, "community resident"  
8 means a person, 17 years of age or older, residing within an  
9 attendance area served by a school, excluding any person who is  
10 a parent of a student enrolled in that school; provided that  
11 with respect to any multi-area school, community resident means  
12 any person, 17 years of age or older, residing within the  
13 voting district established for that school pursuant to Section  
14 34-2.1c, excluding any person who is a parent of a student  
15 enrolled in that school. This definition does not apply to any  
16 provisions concerning school boards.

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

18 (105 ILCS 5/34-2.2) (from Ch. 122, par. 34-2.2)

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

20 (a) The annual organizational meeting of each local school  
21 council shall be held at the attendance center. At the annual  
22 organization meeting, which shall be held no sooner than July 1  
23 and no later than July 14, a parent member of the local school  
24 council shall be selected by the members of such council as its  
25 chairperson, and a secretary shall be selected by the members

1 of such council from among their number, each to serve a term  
2 of one year. Whenever a vacancy in the office of chairperson or  
3 secretary of a local school council shall occur, a new  
4 chairperson (who shall be a parent member) or secretary, as the  
5 case may be, shall be elected by the members of the local  
6 school council from among their number to serve as such  
7 chairperson or secretary for the unexpired term of office in  
8 which the vacancy occurs. At each annual organizational  
9 meeting, the time and place of any regular meetings of the  
10 local school council shall be fixed. Special meetings of the  
11 local school council may be called by the chairperson or by any  
12 4 members by giving notice thereof in writing, specifying the  
13 time, place and purpose of the meeting. Public notice of  
14 meetings shall also be given in accordance with the Open  
15 Meetings Act.

16 (b) Members and officers of the local school council shall  
17 serve without compensation and without reimbursement of any  
18 expenses incurred in the performance of their duties, except  
19 that the board of education may by rule establish a procedure  
20 and thereunder provide for reimbursement of members and  
21 officers of local school councils for such of their reasonable  
22 and necessary expenses (excluding any lodging or meal expenses)  
23 incurred in the performance of their duties as the board may  
24 deem appropriate.

25 (c) A majority of the full membership of the local school  
26 council shall constitute a quorum, and whenever a vote is taken

1 on any measure before the local school council, a quorum being  
2 present, the affirmative vote of a majority of the votes of the  
3 full membership then serving of the local school council shall  
4 determine the outcome thereof; provided that whenever the  
5 measure before the local school council is (i) the evaluation  
6 of the principal, or (ii) the renewal of his or her performance  
7 contract or the inclusion of any provision or modification of  
8 the contract, or (iii) the direct selection by the local school  
9 council of a new principal (including a new principal to fill a  
10 vacancy) to serve under a 4 year performance contract, or (iv)  
11 the determination of the names of candidates to be submitted to  
12 the general superintendent for the position of principal, the  
13 principal and student member of a high school council shall not  
14 be counted for purposes of determining whether a quorum is  
15 present to act on the measure and shall have no vote thereon;  
16 and provided further that 7 affirmative votes of the local  
17 school council shall be required for the direct selection by  
18 the local school council of a new principal to serve under a 4  
19 year performance contract but not for the renewal of a  
20 principal's performance contract. A supermajority of 8 votes is  
21 required to veto any action proposed or approved pursuant to  
22 subsection (d) of Section 34-8.3 of this Code or any action  
23 proposed or approved under Section 34-8.4 of this Code.

24 (d) Student members ~~of high school councils~~ shall not be  
25 eligible to vote on personnel matters, including but not  
26 limited to principal evaluations and contracts and the

1 allocation of teaching and staff resources.

2 (e) The local school council of an attendance center which  
3 provides bilingual education shall be encouraged to provide  
4 translators at each council meeting to maximize participation  
5 of parents and the community.

6 (f) Each local school council of an attendance center which  
7 provides bilingual education shall create a Bilingual Advisory  
8 Committee or recognize an existing Bilingual Advisory  
9 Committee as a standing committee. The Chair and a majority of  
10 the members of the advisory committee shall be parents of  
11 students in the bilingual education program. The parents on the  
12 advisory committee shall be selected by parents of students in  
13 the bilingual education program, and the committee shall select  
14 a Chair. The advisory committee for each secondary attendance  
15 center shall include at least one full-time bilingual education  
16 student. The Bilingual Advisory Committee shall serve only in  
17 an advisory capacity to the local school council.

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

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

21 (105 ILCS 5/34-2.3) (from Ch. 122, par. 34-2.3)

22 Sec. 34-2.3. Local school councils - Powers and duties.  
23 Each local school council shall have and exercise, consistent  
24 with the provisions of this Article and the powers and duties  
25 of the board of education, the following powers and duties:

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

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

19           (C) to directly select, in the manner provided by  
20 subsection (c) of Section 34-2.2, a new principal (including a  
21 new principal to fill a vacancy) -- without submitting any list  
22 of candidates for that position to the general superintendent  
23 as provided in paragraph 2 of this Section -- to serve under a  
24 4 year performance contract; provided that (i) the  
25 determination of whether the principal's performance contract  
26 is to be renewed, based upon the evaluation required by



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

15 1.5. The local school council's determination of whether to  
16 renew the principal's contract shall be based on an evaluation  
17 to assess the educational and administrative progress made at  
18 the school during the principal's current performance-based  
19 contract. The local school council shall base its evaluation on  
20 (i) student academic improvement, as defined by the school  
21 improvement plan, (ii) student absenteeism rates at the school,  
22 (iii) instructional leadership, (iv) the effective  
23 implementation of programs, policies, or strategies to improve  
24 student academic achievement, (v) school management, and (vi)  
25 any other factors deemed relevant by the local school council,  
26 including, without limitation, the principal's communication

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

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

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

19 1.10. The hearing officer shall conduct a hearing, which  
20 shall include (i) a review of the principal's performance,  
21 evaluations, and other evidence of the principal's service at  
22 the school, (ii) reasons provided by the local school council  
23 for its decision, and (iii) documentation evidencing views of  
24 interested persons, including, without limitation, students,  
25 parents, local school council members, school faculty and  
26 staff, the principal, the general superintendent or his or her

1 designee, and members of the community. The burden of proof in  
2 establishing that the local school council's decision was  
3 arbitrary and capricious shall be on the party requesting the  
4 arbitration, and this party shall sustain the burden by a  
5 preponderance of the evidence. The hearing officer shall set  
6 the local school council decision aside if that decision, in  
7 light of the record developed at the hearing, is arbitrary and  
8 capricious. The decision of the hearing officer may not be  
9 appealed to the Board or the State Board of Education. If the  
10 hearing officer decides that the principal shall be retained,  
11 the retention period shall not exceed 2 years.

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

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

1 provided and if he or she has received a satisfactory rating as  
2 provided in subsection (h) of Section 34-8.3, be included by a  
3 local school council as one of the 3 candidates listed in order  
4 of preference on any candidate list from which one person is to  
5 be selected to serve as principal of the attendance center  
6 under a new performance contract. The initial candidate list  
7 required to be submitted by a local school council to the  
8 general superintendent in cases where the local school council  
9 does not renew the performance contract of its principal and  
10 does not directly select a new principal to serve under a 4  
11 year performance contract shall be submitted not later than 30  
12 days prior to the expiration of the current performance  
13 contract. In cases where the local school council fails or  
14 refuses to submit the candidate list to the general  
15 superintendent no later than 30 days prior to the expiration of  
16 the incumbent principal's contract, the general superintendent  
17 may appoint a principal on an interim basis for a period not to  
18 exceed one year, during which time the local school council  
19 shall be able to select a new principal with 7 affirmative  
20 votes as provided in subsection (c) of Section 34-2.2. In cases  
21 where a principal is removed for cause or a vacancy otherwise  
22 occurs in the position of principal and the vacancy is not  
23 filled by direct selection by the local school council, the  
24 candidate list shall be submitted by the local school council  
25 to the general superintendent within 90 days after the date  
26 such removal or vacancy occurs. In cases where the local school

1 council fails or refuses to submit the candidate list to the  
2 general superintendent within 90 days after the date of the  
3 vacancy, the general superintendent may appoint a principal on  
4 an interim basis for a period of one year, during which time  
5 the local school council shall be able to select a new  
6 principal with 7 affirmative votes as provided in subsection  
7 (c) of Section 34-2.2.

8 2.5. Whenever a vacancy in the office of a principal occurs  
9 for any reason, the vacancy shall be filled in the manner  
10 provided by this Section by the selection of a new principal to  
11 serve under a 4 year performance contract.

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

21 4. To approve the expenditure plan prepared by the  
22 principal with respect to all funds allocated and distributed  
23 to the attendance center by the Board. The expenditure plan  
24 shall be administered by the principal. Notwithstanding any  
25 other provision of this Act or any other law, any expenditure  
26 plan approved and administered under this Section 34-2.3 shall



1 be consistent with and subject to the terms of any contract for  
2 services with a third party entered into by the Chicago School  
3 Reform Board of Trustees or the board under this Act.

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

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

21 Beginning in fiscal year 1991 and in each fiscal year  
22 thereafter, from other amounts available in the applicable  
23 fiscal year budget, the board shall allocate a lump sum amount  
24 to each local school based upon such formula as the board shall  
25 determine taking into account the special needs of the student  
26 body. The local school principal shall develop an expenditure

1 plan in consultation with the local school council, the  
2 professional personnel leadership committee and with all other  
3 school personnel, which reflects the priorities and activities  
4 as described in the school's local school improvement plan and  
5 is consistent with applicable law and collective bargaining  
6 agreements and with board policies and standards; however, the  
7 local school council shall have the right to request waivers of  
8 board policy from the board of education and waivers of  
9 employee collective bargaining agreements pursuant to Section  
10 34-8.1a.

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

15 The lump sum allocation shall take into account the  
16 following principles:

17 a. Teachers: Each school shall be allocated funds equal  
18 to the amount appropriated in the previous school year for  
19 compensation for teachers (regular grades kindergarten  
20 through 12th grade) plus whatever increases in  
21 compensation have been negotiated contractually or through  
22 longevity as provided in the negotiated agreement.  
23 Adjustments shall be made due to layoff or reduction in  
24 force, lack of funds or work, change in subject  
25 requirements, enrollment changes, or contracts with third  
26 parties for the performance of services or to rectify any

1           inconsistencies with system-wide allocation formulas or  
2           for other legitimate reasons.

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

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

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

23          d.1. Funds for State Title I: Each school shall receive  
24          funds based on State and Board requirements applicable to  
25          each State Title I pupil provided to meet the special needs  
26          of the student body. Each school shall receive the

1 proportion of funds as provided in Section 18-8 to which  
2 they are entitled. These funds shall be spent only with the  
3 budgetary approval of the Local School Council as provided  
4 in Section 34-2.3.

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

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

17 g. (Blank).

18 Any funds unexpended at the end of the fiscal year shall be  
19 available to the board of education for use as part of its  
20 budget for the following fiscal year.

21 5. To make recommendations to the principal concerning  
22 textbook selection and concerning curriculum developed  
23 pursuant to the school improvement plan which is consistent  
24 with systemwide curriculum objectives in accordance with  
25 Sections 34-8 and 34-18 of the School Code and in conformity  
26 with the collective bargaining agreement.

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

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

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

26           9. To make recommendations to the principal and the general

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

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

21 1. school budgets;

22 2. educational theory pertinent to the attendance  
23 center's particular needs, including the development of  
24 the school improvement plan and the principal's  
25 performance contract; and

26 3. personnel selection.

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

3 To assist the local school councils, the board of education  
4 shall provide \$2,500 annually to each local school council for  
5 the purposes of training and to procure reasonable and  
6 necessary office equipment and supplies as each local school  
7 council sees fit.

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

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

1 the proposed school expenditure plan, and the annual report,  
2 and shall provide an opportunity for public comment.

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

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



1 student's parents or legal guardians present to the local  
2 school council a signed statement of objection detailing the  
3 grounds for the objection.

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

9 15a. To grant, in accordance with board rules and policies,  
10 the use of assembly halls and classrooms when not otherwise  
11 needed, including lighting, heat, and attendants, for public  
12 lectures, concerts, and other educational and social  
13 activities.

14 15b. To approve, in accordance with board rules and  
15 policies, receipts and expenditures for all internal accounts  
16 of the attendance center, and to approve all fund-raising  
17 activities by nonschool organizations that use the school  
18 building.

19 16. (Blank).

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

22 (Source: P.A. 96-1403, eff. 7-29-10.)

23 (105 ILCS 5/34-2.3b)

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

25 (a) The LSC Certification Commission, an independent

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

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

26 (c) At the direction of the LSC Certification Commission,

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

19 (d) The LSC Certification Commission ~~board~~ shall also offer  
20 training to aid local school councils in developing principal  
21 evaluation procedures and criteria. The board shall send out  
22 requests for proposals concerning this training and is  
23 authorized to contract with universities, non-profits, and  
24 other interested organizations and individuals to provide this  
25 training. ~~The board is authorized to use funds from private~~  
26 ~~organizations, non profits, or any other outside source as well~~

1 ~~as its own funds for this purpose.~~

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

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

10 (105 ILCS 5/34-2.4b) (from Ch. 122, par. 34-2.4b)

11 Sec. 34-2.4b. Limitation upon applicability. The  
12 ~~provisions of Sections 34-2.1, 34-2.2, 34-2.3, 34-2.3a, 34-2.4~~  
13 ~~and 34-8.3, and those~~ provisions of paragraph 1 of Section  
14 34-18 and paragraph (c) of Section 34A-201a relating to the  
15 allocation or application -- by formula or otherwise -- of lump  
16 sum amounts and other funds to attendance centers, shall not  
17 apply to attendance centers that have applied for and been  
18 designated as a "Small School" by the Board, the Cook County  
19 Juvenile Detention Center and Cook County Jail schools, nor to  
20 the district's alternative schools for pregnant girls, nor to  
21 alternative schools established under Article 13A, nor to a  
22 contract school, nor to the Michael R. Durso School, the  
23 Jackson Adult Center, the Hillard Adult Center, the Alternative  
24 Transitional School, or any other attendance center designated  
25 by the Board as an alternative school, provided that the

1 designation is not applied to an attendance center that has in  
2 place a legally constituted local school council, except for  
3 contract turnaround schools. ~~The board of education shall have  
4 and exercise with respect to those schools and with respect to  
5 the conduct, operation, affairs and budgets of those schools,  
6 and with respect to the principals, teachers and other school  
7 staff there employed, the same powers which are exercisable by  
8 local school councils with respect to the other attendance  
9 centers, principals, teachers and school staff within the  
10 district, together with all powers and duties generally  
11 exercisable by the board of education with respect to all  
12 attendance centers within the district. The board of education  
13 shall develop appropriate alternative methods for involving  
14 parents, community members and school staff to the maximum  
15 extent possible in all of the activities of those schools, and  
16 may delegate to the parents, community members and school staff  
17 so involved the same powers which are exercisable by local  
18 school councils with respect to other attendance centers.~~

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

20 (105 ILCS 5/34-8.3) (from Ch. 122, par. 34-8.3)

21 Sec. 34-8.3. Remediation and probation of attendance  
22 centers.

23 (a) The general superintendent shall monitor the  
24 performance of the attendance centers within the district and  
25 shall identify attendance centers, pursuant to criteria that

1 the board shall establish, in which:

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

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

10 (3) (blank); or

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

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

21 (1) drafting a new school improvement plan;

22 (2) applying to the board for additional funding for  
23 training for the local school council;

24 (3) directing implementation of a school improvement  
25 plan;

26 (4) mediating disputes or other obstacles to reform or

1 improvement at the attendance center.

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

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

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

20 (d) Schools placed on probation that, after a maximum of  
21 one year, fail to make adequate progress in correcting  
22 deficiencies are subject to the following actions by the  
23 general superintendent with the approval of the board, after  
24 opportunity for a hearing:

25 (1) Ordering new local school council elections.

26 (2) Removing and replacing the principal.

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

3           (4) Reconstitution of the attendance center and  
4 replacement and reassignment by the general superintendent  
5 of all employees of the attendance center.

6           (5) Intervention under Section 34-8.4.

7           (5.5) Operating an attendance center as a contract  
8 turnaround school.

9           (6) Closing of the school.

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

13           (e) Schools placed on probation shall remain on probation  
14 from year to year until deficiencies are corrected, even if  
15 such schools make acceptable annual progress. The board shall  
16 establish, in writing, criteria for determining whether or not  
17 a school shall remain on probation. Such criteria shall be  
18 delivered to each local school council on or before August 1 of  
19 each year. If academic achievement tests are used as the factor  
20 for placing a school on probation, the general superintendent  
21 shall consider objective criteria, not just an increase in test  
22 scores, in deciding whether or not a school shall remain on  
23 probation. These criteria shall include attendance, test  
24 scores, student mobility rates, poverty rates, bilingual  
25 education eligibility, special education, and English language  
26 proficiency programs, with progress made in these areas being



1 taken into consideration in deciding whether or not a school  
2 shall remain on probation.

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

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

24 (h) The general superintendent shall, in consultation with  
25 local school councils, conduct an annual evaluation of each  
26 principal in the district pursuant to guidelines promulgated by

1 the Board of Education.

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

3 (105 ILCS 5/34-8.4)

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

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

25 If the Trustees determine that a school shall be subject to

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

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

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

22 Any action authorized by this Section must be vetoed by a  
23 supermajority vote of 8 of the voting members of the local  
24 school council for the attendance center affected by the  
25 action.

26 Each school year, 5% of the supplemental general State aid

1 funds distributed to a school subject to intervention during  
2 that school year under subsection 5(i)(1)(a) of part A of  
3 Section 18-8 or subsection (H) of Section 18-8.05 shall be used  
4 for employee performance incentives. The Trustees shall  
5 prepare a report evaluating the results of any interventions  
6 undertaken pursuant to this Section and shall make  
7 recommendations concerning implementation of special programs  
8 for dealing with underperforming schools on an ongoing basis.  
9 This report shall be submitted to the State Superintendent of  
10 Education and Mayor of the City of Chicago by January 1, 1999.  
11 (Source: P.A. 89-15, eff. 5-30-95; 89-698, eff. 1-14-97;  
12 90-548, eff. 1-1-98.)

13 Section 95. No acceleration or delay. Where this Act makes  
14 changes in a statute that is represented in this Act by text  
15 that is not yet or no longer in effect (for example, a Section  
16 represented by multiple versions), the use of that text does  
17 not accelerate or delay the taking effect of (i) the changes  
18 made by this Act or (ii) provisions derived from any other  
19 Public Act.

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