

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 10-22.25b and 34-2.3 and by adding Section 22-28 as follows:

6 (105 ILCS 5/10-22.25b) (from Ch. 122, par. 10-22.25b)

7 Sec. 10-22.25b. School uniforms. The school board may adopt
8 a school uniform or dress code policy that governs all or
9 certain individual attendance centers and that is necessary to
10 maintain the orderly process of a school function or prevent
11 endangerment of student health or safety. A school uniform or
12 dress code policy adopted by a school board: (i) shall not be
13 applied in such manner as to discipline or deny attendance to a
14 transfer student or any other student for noncompliance with
15 that policy during such period of time as is reasonably
16 necessary to enable the student to acquire a school uniform or
17 otherwise comply with the dress code policy that is in effect
18 at the attendance center or in the district into which the
19 student's enrollment is transferred; ~~and~~ (ii) shall include
20 criteria and procedures under which the school board will
21 accommodate the needs of or otherwise provide appropriate
22 resources to assist a student from an indigent family in
23 complying with an applicable school uniform or dress code

1 policy; and (iii) shall comply with Section 22-28 of this Code.

2 A student whose parents or legal guardians object on religious
3 grounds to the student's compliance with an applicable school
4 uniform or dress code policy shall not be required to comply
5 with that policy if the student's parents or legal guardians
6 present to the school board a signed statement of objection
7 detailing the grounds for the objection. This Section applies
8 to school boards of all districts, including special charter
9 districts and districts organized under Article 34.

10 (Source: P.A. 89-610, eff. 8-6-96.)

11 (105 ILCS 5/22-28 new)

12 Sec. 22-28. Military uniform; high school graduation. A
13 public school student receiving a high school diploma shall
14 have the right to wear a dress uniform issued to the student by
15 a branch of the United States Armed Forces while participating
16 in his or her high school graduation ceremony if he or she
17 meets the following requirements:

18 (1) the student has completed basic training for and is
19 an active member of a branch of the United States Armed
20 Forces; and

21 (2) the student is in good standing with his or her
22 branch of the United States Armed Forces.

23 (105 ILCS 5/34-2.3) (from Ch. 122, par. 34-2.3)

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

1 Each local school council shall have and exercise, consistent
2 with the provisions of this Article and the powers and duties
3 of the board of education, the following powers and duties:

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

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

22 (C) to directly select, in the manner provided by
23 subsection (c) of Section 34-2.2, a new principal (including a
24 new principal to fill a vacancy) -- without submitting any list
25 of candidates for that position to the general superintendent
26 as provided in paragraph 2 of this Section -- to serve under a

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

18 1.5. The local school council's determination of whether to
19 renew the principal's contract shall be based on an evaluation
20 to assess the educational and administrative progress made at
21 the school during the principal's current performance-based
22 contract. The local school council shall base its evaluation on
23 (i) student academic improvement, as defined by the school
24 improvement plan, (ii) student absenteeism rates at the school,
25 (iii) instructional leadership, (iv) the effective
26 implementation of programs, policies, or strategies to improve

1 student academic achievement, (v) school management, and (vi)
2 any other factors deemed relevant by the local school council,
3 including, without limitation, the principal's communication
4 skills and ability to create and maintain a student-centered
5 learning environment, to develop opportunities for
6 professional development, and to encourage parental
7 involvement and community partnerships to achieve school
8 improvement. If a local school council fails to renew the
9 performance contract of a principal rated by the general
10 superintendent, or his or her designee, in the previous years'
11 evaluations as meeting or exceeding expectations, the
12 principal, within 15 days after the local school council's
13 decision not to renew the contract, may request a review of the
14 local school council's principal non-retention decision by a
15 hearing officer appointed by the American Arbitration
16 Association. A local school council member or members or the
17 general superintendent may support the principal's request for
18 review. During the period of the hearing officer's review of
19 the local school council's decision on whether or not to retain
20 the principal, the local school council shall maintain all
21 authority to search for and contract with a person to serve as
22 interim or acting principal, or as the principal of the
23 attendance center under a 4-year performance contract,
24 provided that any performance contract entered into by the
25 local school council shall be voidable or modified in
26 accordance with the decision of the hearing officer. The

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

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

22 1.10. The hearing officer shall conduct a hearing, which
23 shall include (i) a review of the principal's performance,
24 evaluations, and other evidence of the principal's service at
25 the school, (ii) reasons provided by the local school council
26 for its decision, and (iii) documentation evidencing views of

1 interested persons, including, without limitation, students,
2 parents, local school council members, school faculty and
3 staff, the principal, the general superintendent or his or her
4 designee, and members of the community. The burden of proof in
5 establishing that the local school council's decision was
6 arbitrary and capricious shall be on the party requesting the
7 arbitration, and this party shall sustain the burden by a
8 preponderance of the evidence. The hearing officer shall set
9 the local school council decision aside if that decision, in
10 light of the record developed at the hearing, is arbitrary and
11 capricious. The decision of the hearing officer may not be
12 appealed to the Board or the State Board of Education. If the
13 hearing officer decides that the principal shall be retained,
14 the retention period shall not exceed 2 years.

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

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

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

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

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

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

24 4. To approve the expenditure plan prepared by the
25 principal with respect to all funds allocated and distributed
26 to the attendance center by the Board. The expenditure plan

1 shall be administered by the principal. Notwithstanding any
2 other provision of this Act or any other law, any expenditure
3 plan approved and administered under this Section 34-2.3 shall
4 be consistent with and subject to the terms of any contract for
5 services with a third party entered into by the Chicago School
6 Reform Board of Trustees or the board under this Act.

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

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

24 Beginning in fiscal year 1991 and in each fiscal year
25 thereafter, from other amounts available in the applicable
26 fiscal year budget, the board shall allocate a lump sum amount

1 to each local school based upon such formula as the board shall
2 determine taking into account the special needs of the student
3 body. The local school principal shall develop an expenditure
4 plan in consultation with the local school council, the
5 professional personnel leadership committee and with all other
6 school personnel, which reflects the priorities and activities
7 as described in the school's local school improvement plan and
8 is consistent with applicable law and collective bargaining
9 agreements and with board policies and standards; however, the
10 local school council shall have the right to request waivers of
11 board policy from the board of education and waivers of
12 employee collective bargaining agreements pursuant to Section
13 34-8.1a.

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

18 The lump sum allocation shall take into account the
19 following principles:

- 20 a. Teachers: Each school shall be allocated funds equal
21 to the amount appropriated in the previous school year for
22 compensation for teachers (regular grades kindergarten
23 through 12th grade) plus whatever increases in
24 compensation have been negotiated contractually or through
25 longevity as provided in the negotiated agreement.
26 Adjustments shall be made due to layoff or reduction in

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

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

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

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

26 d.1. Funds for State Title I: Each school shall receive

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

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

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

20 g. (Blank).

21 Any funds unexpended at the end of the fiscal year shall be
22 available to the board of education for use as part of its
23 budget for the following fiscal year.

24 5. To make recommendations to the principal concerning
25 textbook selection and concerning curriculum developed
26 pursuant to the school improvement plan which is consistent

1 with systemwide curriculum objectives in accordance with
2 Sections 34-8 and 34-18 of the School Code and in conformity
3 with the collective bargaining agreement.

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

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

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

1 instructional objectives or school programs which reflect the
2 school improvement plan.

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

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

24 1. school budgets;

25 2. educational theory pertinent to the attendance
26 center's particular needs, including the development of

1 the school improvement plan and the principal's
2 performance contract; and

3 3. personnel selection.

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

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

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

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

26 14. The local school council may adopt a school uniform or

1 dress code policy that governs the attendance center and that
2 is necessary to maintain the orderly process of a school
3 function or prevent endangerment of student health or safety,
4 consistent with the policies and rules of the Board of
5 Education. A school uniform or dress code policy adopted by a
6 local school council: (i) shall not be applied in such manner
7 as to discipline or deny attendance to a transfer student or
8 any other student for noncompliance with that policy during
9 such period of time as is reasonably necessary to enable the
10 student to acquire a school uniform or otherwise comply with
11 the dress code policy that is in effect at the attendance
12 center into which the student's enrollment is transferred; ~~and~~
13 (ii) shall include criteria and procedures under which the
14 local school council will accommodate the needs of or otherwise
15 provide appropriate resources to assist a student from an
16 indigent family in complying with an applicable school uniform
17 or dress code policy; and (iii) shall comply with Section 22-28
18 of this Code. A student whose parents or legal guardians object
19 on religious grounds to the student's compliance with an
20 applicable school uniform or dress code policy shall not be
21 required to comply with that policy if the student's parents or
22 legal guardians present to the local school council a signed
23 statement of objection detailing the grounds for the objection.

24 15. All decisions made and actions taken by the local
25 school council in the exercise of its powers and duties shall
26 comply with State and federal laws, all applicable collective

1 bargaining agreements, court orders and rules properly
2 promulgated by the Board.

3 15a. To grant, in accordance with board rules and policies,
4 the use of assembly halls and classrooms when not otherwise
5 needed, including lighting, heat, and attendants, for public
6 lectures, concerts, and other educational and social
7 activities.

8 15b. To approve, in accordance with board rules and
9 policies, receipts and expenditures for all internal accounts
10 of the attendance center, and to approve all fund-raising
11 activities by nonschool organizations that use the school
12 building.

13 16. (Blank).

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

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