



Sen. Emil Jones, III

Filed: 4/5/2018

10000SB3183sam001

LRB100 19044 AXK 37970 a

1 AMENDMENT TO SENATE BILL 3183

2 AMENDMENT NO. _____. Amend Senate Bill 3183 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Section
5 34-2.3 as follows:

6 (105 ILCS 5/34-2.3) (from Ch. 122, par. 34-2.3)

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

11 1. (A) To annually evaluate the performance of the
12 principal of the attendance center using a Board approved
13 principal evaluation form, which shall include the evaluation
14 of (i) student academic improvement, as defined by the school
15 improvement plan, (ii) student absenteeism rates at the school,
16 (iii) instructional leadership, (iv) the effective

1 implementation of programs, policies, or strategies to improve
2 student academic achievement, (v) school management, and (vi)
3 any other factors deemed relevant by the local school council,
4 including, without limitation, the principal's communication
5 skills and ability to create and maintain a student-centered
6 learning environment, to develop opportunities for
7 professional development, and to encourage parental
8 involvement and community partnerships to achieve school
9 improvement;

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

13 (C) to directly select, in the manner provided by
14 subsection (c) of Section 34-2.2, a new principal (including a
15 new principal to fill a vacancy) -- without submitting any list
16 of candidates for that position to the general superintendent
17 as provided in paragraph 2 of this Section -- to serve under a
18 4 year performance contract; provided that (i) the
19 determination of whether the principal's performance contract
20 is to be renewed, based upon the evaluation required by
21 subdivision 1.5 of this Section, shall be made no later than
22 150 days prior to the expiration of the current
23 performance-based contract of the principal, (ii) in cases
24 where such performance contract is not renewed -- a direct
25 selection of a new principal -- to serve under a 4 year
26 performance contract shall be made by the local school council

1 no later than 45 days prior to the expiration of the current
2 performance contract of the principal, and (iii) a selection by
3 the local school council of a new principal to fill a vacancy
4 under a 4 year performance contract shall be made within 90
5 days after the date such vacancy occurs. A Council shall be
6 required, if requested by the principal, to provide in writing
7 the reasons for the council's not renewing the principal's
8 contract.

9 1.5. The local school council's determination of whether to
10 renew the principal's contract shall be based on an evaluation
11 to assess the educational and administrative progress made at
12 the school during the principal's current performance-based
13 contract. The local school council shall base its evaluation on
14 (i) student academic improvement, as defined by the school
15 improvement plan, (ii) student absenteeism rates at the school,
16 (iii) instructional leadership, (iv) the effective
17 implementation of programs, policies, or strategies to improve
18 student academic achievement, (v) school management, and (vi)
19 any other factors deemed relevant by the local school council,
20 including, without limitation, the principal's communication
21 skills and ability to create and maintain a student-centered
22 learning environment, to develop opportunities for
23 professional development, and to encourage parental
24 involvement and community partnerships to achieve school
25 improvement. If a local school council fails to renew the
26 performance contract of a principal rated by the general

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

1 superintendent may request a review only once for that
2 principal at that attendance center. All requests to review the
3 retention or non-retention of a principal shall be submitted to
4 the general superintendent, who shall, in turn, forward such
5 requests, within 14 days of receipt, to the American
6 Arbitration Association. The general superintendent shall send
7 a contemporaneous copy of the request that was forwarded to the
8 American Arbitration Association to the principal and to each
9 local school council member and shall inform the local school
10 council of its rights and responsibilities under the
11 arbitration process, including the local school council's
12 right to representation and the manner and process by which the
13 Board shall pay the costs of the council's representation. If
14 the local school council retains the principal and the general
15 superintendent requests a review of the retention decision, the
16 local school council and the general superintendent shall be
17 considered parties to the arbitration, a hearing officer shall
18 be chosen between those 2 parties pursuant to procedures
19 promulgated by the State Board of Education, and the principal
20 may retain counsel and participate in the arbitration. If the
21 local school council does not retain the principal and the
22 principal requests a review of the retention decision, the
23 local school council and the principal shall be considered
24 parties to the arbitration and a hearing officer shall be
25 chosen between those 2 parties pursuant to procedures
26 promulgated by the State Board of Education. The hearing shall

1 begin (i) within 45 days after the initial request for review
2 is submitted by the principal to the general superintendent or
3 (ii) if the initial request for review is made by the general
4 superintendent, within 45 days after that request is mailed to
5 the American Arbitration Association. The hearing officer
6 shall render a decision within 45 days after the hearing begins
7 and within 90 days after the initial request for review. The
8 Board shall contract with the American Arbitration Association
9 for all of the hearing officer's reasonable and necessary
10 costs. In addition, the Board shall pay any reasonable costs
11 incurred by a local school council for representation before a
12 hearing officer.

13 1.7. Notwithstanding any other provision of this Article to
14 the contrary, if a principal is rated by the local school
15 council as proficient, or an equivalent rating, in his or her
16 evaluation at any point within 2 years prior to his or her
17 contract renewal, the local school council's vote to not renew
18 the principal's contract must be agreed to by a minimum of 65%
19 of the council's members. If the principal is rated by the
20 local school council as excellent, or an equivalent rating, at
21 any point within 2 years prior to his or her contract renewal,
22 the vote to not renew the contract must be agreed to by a
23 minimum of 75% of the council's members.

24 1.10. The hearing officer shall conduct a hearing, which
25 shall include (i) a review of the principal's performance,
26 evaluations, and other evidence of the principal's service at

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

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

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

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

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

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

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

26 4. To approve the expenditure plan prepared by the

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

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

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

26 Beginning in fiscal year 1991 and in each fiscal year

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

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

20 The lump sum allocation shall take into account the
21 following principles:

22 a. Teachers: Each school shall be allocated funds equal
23 to the amount appropriated in the previous school year for
24 compensation for teachers (regular grades kindergarten
25 through 12th grade) plus whatever increases in
26 compensation have been negotiated contractually or through

1 longevity as provided in the negotiated agreement.
2 Adjustments shall be made due to layoff or reduction in
3 force, lack of funds or work, change in subject
4 requirements, enrollment changes, or contracts with third
5 parties for the performance of services or to rectify any
6 inconsistencies with system-wide allocation formulas or
7 for other legitimate reasons.

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

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

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

1 Bilingual, and Special Education).

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

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

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

22 g. (Blank).

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

26 5. To make recommendations to the principal concerning

1 textbook selection and concerning curriculum developed
2 pursuant to the school improvement plan which is consistent
3 with systemwide curriculum objectives in accordance with
4 Sections 34-8 and 34-18 of the School Code and in conformity
5 with the collective bargaining agreement.

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

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

18 8. To evaluate the allocation of teaching resources and
19 other certificated and uncertificated staff to the attendance
20 center to determine whether such allocation is consistent with
21 and in furtherance of instructional objectives and school
22 programs reflective of the school improvement plan adopted for
23 the attendance center; and to make recommendations to the
24 board, the general superintendent and the principal concerning
25 any reallocation of teaching resources or other staff whenever
26 the council determines that any such reallocation is

1 appropriate because the qualifications of any existing staff at
2 the attendance center do not adequately match or support
3 instructional objectives or school programs which reflect the
4 school improvement plan.

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

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

- 26 1. school budgets;

1 2. educational theory pertinent to the attendance
2 center's particular needs, including the development of
3 the school improvement plan and the principal's
4 performance contract; and

5 3. personnel selection.

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

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.

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

25 13. Each local school council is encouraged to involve
26 additional non-voting members of the school community in

1 facilitating the council's exercise of its responsibilities.

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

26 15. All decisions made and actions taken by the local

1 school council in the exercise of its powers and duties shall
2 comply with State and federal laws, all applicable collective
3 bargaining agreements, court orders and rules properly
4 promulgated by the Board.

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

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

15 16. (Blank).

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

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

19 Section 99. Effective date. This Act takes effect July 1,
20 2018."