



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4222

Introduced 1/5/2022, by Rep. Aaron M. Ortiz

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-22.25b
105 ILCS 5/34-2.3

from Ch. 122, par. 10-22.25b
from Ch. 122, par. 34-2.3

Amends the School Code. Provides that a school uniform or dress code policy adopted by a school board or local school council shall not prohibit the right of a student to wear or accessorize graduation attire with items associated with the student's cultural or ethnic identity or any protected characteristic or category identified in the Illinois Human Rights Act. Provides that the items used to accessorize graduation attire may include, but are not limited to, flags, pins, or any other relevant item. Effective immediately.

LRB102 18911 CMG 27639 b

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 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
8 adopt 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 not prohibit the right of a student to
2 wear or accessorize the student's graduation attire with items
3 associated with the student's cultural or ethnic identity or
4 any protected characteristic or category identified in
5 subsection (Q) of Section 1-103 of the Illinois Human Rights
6 Act, including, but not limited to, flags, pins, or any other
7 relevant item. A student whose parents or legal guardians
8 object on religious grounds to the student's compliance with
9 an applicable school uniform or dress code policy shall not be
10 required to comply with that policy if the student's parents
11 or legal guardians present to the school board a signed
12 statement of objection detailing the grounds for the
13 objection. This Section applies to school boards of all
14 districts, including special charter districts and districts
15 organized under Article 34.

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

17 (105 ILCS 5/34-2.3) (from Ch. 122, par. 34-2.3)

18 Sec. 34-2.3. Local school councils - Powers and duties.
19 Each local school council shall have and exercise, consistent
20 with the provisions of this Article and the powers and duties
21 of the board of education, the following powers and duties:

22 1. (A) To annually evaluate the performance of the
23 principal of the attendance center using a Board approved
24 principal evaluation form, which shall include the evaluation
25 of (i) student academic improvement, as defined by the school

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

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

16 (C) to directly select, in the manner provided by
17 subsection (c) of Section 34-2.2, a new principal (including a
18 new principal to fill a vacancy) -- without submitting any
19 list of candidates for that position to the general
20 superintendent as provided in paragraph 2 of this Section --
21 to serve under a 4 year performance contract; provided that
22 (i) the determination of whether the principal's performance
23 contract is to be renewed, based upon the evaluation required
24 by subdivision 1.5 of this Section, shall be made no later than
25 150 days prior to the expiration of the current
26 performance-based contract of the principal, (ii) in cases

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

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

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

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

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

17 1.10. The hearing officer shall conduct a hearing, which
18 shall include (i) a review of the principal's performance,
19 evaluations, and other evidence of the principal's service at
20 the school, (ii) reasons provided by the local school council
21 for its decision, and (iii) documentation evidencing views of
22 interested persons, including, without limitation, students,
23 parents, local school council members, school faculty and
24 staff, the principal, the general superintendent or his or her
25 designee, and members of the community. The burden of proof in
26 establishing that the local school council's decision was

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

10 2. In the event (i) the local school council does not renew
11 the performance contract of the principal, or the principal
12 fails to receive a satisfactory rating as provided in
13 subsection (h) of Section 34-8.3, or the principal is removed
14 for cause during the term of his or her performance contract in
15 the manner provided by Section 34-85, or a vacancy in the
16 position of principal otherwise occurs prior to the expiration
17 of the term of a principal's performance contract, and (ii)
18 the local school council fails to directly select a new
19 principal to serve under a 4 year performance contract, the
20 local school council in such event shall submit to the general
21 superintendent a list of 3 candidates -- listed in the local
22 school council's order of preference -- for the position of
23 principal, one of which shall be selected by the general
24 superintendent to serve as principal of the attendance center.
25 If the general superintendent fails or refuses to select one
26 of the candidates on the list to serve as principal within 30

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

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

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

7 2.5. Whenever a vacancy in the office of a principal
8 occurs for any reason, the vacancy shall be filled in the
9 manner provided by this Section by the selection of a new
10 principal to serve under a 4 year performance contract.

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

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

1 services with a third party entered into by the Chicago School
2 Reform Board of Trustees or the board under this Act.

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

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

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

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

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

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

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

1 for other legitimate reasons.

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

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

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

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

1 18-8 or 18-8.15 to which they are entitled. These funds
2 shall be spent only with the budgetary approval of the
3 Local School Council as provided in Section 34-2.3.

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

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

16 g. (Blank).

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

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

26 6. To advise the principal concerning the attendance and

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

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

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

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

22 1. school budgets;

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

1 3. personnel selection.

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

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

12 12. Each local school council shall comply with the Open
13 Meetings Act and the Freedom of Information Act. Each local
14 school council shall issue and transmit to its school
15 community a detailed annual report accounting for its
16 activities programmatically and financially. Each local school
17 council shall convene at least 2 well-publicized meetings
18 annually with its entire school community. These meetings
19 shall include presentation of the proposed local school
20 improvement plan, of the proposed school expenditure plan, and
21 the annual report, and shall provide an opportunity for public
22 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
15 otherwise provide appropriate resources to assist a student
16 from an indigent family in complying with an applicable school
17 uniform or dress code policy; and (iii) shall not prohibit the
18 right of a student to wear or accessorize the student's
19 graduation attire with items associated with the student's
20 cultural or ethnic identity or any protected characteristic or
21 category identified in subsection (Q) of Section 1-103 of the
22 Illinois Human Rights Act, including, but not limited to,
23 flags, pins, or any other relevant item. A student whose
24 parents or legal guardians object on religious grounds to the
25 student's compliance with an applicable school uniform or
26 dress code policy shall not be required to comply with that

1 policy if the student's parents or legal guardians present to
2 the local school council a signed statement of objection
3 detailing the 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
10 policies, the use of assembly halls and classrooms when not
11 otherwise needed, including lighting, heat, and attendants,
12 for public lectures, concerts, and other educational and
13 social 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. 100-465, eff. 8-31-17.)

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