



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1834

Introduced 2/26/2021, by Sen. Cristina H. Pacione-Zayas

SYNOPSIS AS INTRODUCED:

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

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

LRB102 16105 CMG 21479 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning education.

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

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

7 (105 ILCS 5/27A-5)

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

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

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

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

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

15 (c) A charter school shall be administered and governed by
16 its board of directors or other governing body in the manner
17 provided in its charter. The governing body of a charter
18 school shall be subject to the Freedom of Information Act and
19 the Open Meetings Act. No later than January 1, 2021 (one year
20 after the effective date of Public Act 101-291) ~~this~~
21 ~~amendatory Act of the 101st General Assembly~~, a charter
22 school's board of directors or other governing body must
23 include at least one parent or guardian of a pupil currently
24 enrolled in the charter school who may be selected through the
25 charter school or a charter network election, appointment by
26 the charter school's board of directors or other governing

1 body, or by the charter school's Parent Teacher Organization
2 or its equivalent. Any charter school operating within a
3 school district organized under Article 34 of this Code shall
4 be administered by a local school council established pursuant
5 to Section 34-2.1 of this Code, with all the normal and usual
6 powers afforded to a local school council operating in a
7 public school.

8 (c-5) No later than January 1, 2021 (one year after the
9 effective date of Public Act 101-291) ~~this amendatory Act of~~
10 ~~the 101st General Assembly~~ or within the first year of his or
11 her first term, every voting member of a charter school's
12 board of directors or other governing body shall complete a
13 minimum of 4 hours of professional development leadership
14 training to ensure that each member has sufficient familiarity
15 with the board's or governing body's role and
16 responsibilities, including financial oversight and
17 accountability of the school, evaluating the principal's and
18 school's performance, adherence to the Freedom of Information
19 Act and the Open Meetings Act ~~Acts~~, and compliance with
20 education and labor law. In each subsequent year of his or her
21 term, a voting member of a charter school's board of directors
22 or other governing body shall complete a minimum of 2 hours of
23 professional development training in these same areas. The
24 training under this subsection may be provided or certified by
25 a statewide charter school membership association or may be
26 provided or certified by other qualified providers approved by

1 the State Board of Education.

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

14 A charter school shall comply with all non-curricular
15 health and safety requirements applicable to public schools
16 under the laws of the State of Illinois. On or before September
17 1, 2015, the State Board shall promulgate and post on its
18 Internet website a list of non-curricular health and safety
19 requirements that a charter school must meet. The list shall
20 be updated annually no later than September 1. Any charter
21 contract between a charter school and its authorizer must
22 contain a provision that requires the charter school to follow
23 the list of all non-curricular health and safety requirements
24 promulgated by the State Board and any non-curricular health
25 and safety requirements added by the State Board to such list
26 during the term of the charter. Nothing in this subsection (d)

1 precludes an authorizer from including non-curricular health
2 and safety requirements in a charter school contract that are
3 not contained in the list promulgated by the State Board,
4 including non-curricular health and safety requirements of the
5 authorizing local school board.

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

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

24 (g) A charter school shall comply with all provisions of
25 this Article, the Illinois Educational Labor Relations Act,
26 all federal and State laws and rules applicable to public

1 schools that pertain to special education and the instruction
2 of English learners, and its charter. A charter school is
3 exempt from all other State laws and regulations in this Code
4 governing public schools and local school board policies;
5 however, a charter school is not exempt from the following:

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

11 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
12 34-84a of this Code regarding discipline of students;

13 (3) the Local Governmental and Governmental Employees
14 Tort Immunity Act;

15 (4) Section 108.75 of the General Not For Profit
16 Corporation Act of 1986 regarding indemnification of
17 officers, directors, employees, and agents;

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

19 (5.5) subsection (b) of Section 10-23.12 and
20 subsection (b) of Section 34-18.6 of this Code;

21 (6) the Illinois School Student Records Act;

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

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

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

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

3 (11) Sections 22-80 and 27-8.1 of this Code;

4 (12) Sections 10-20.60 and 34-18.53 of this Code;

5 (13) Sections 10-20.63 and 34-18.56 of this Code;

6 (14) Section 26-18 of this Code;

7 (15) Section 22-30 of this Code; ~~and~~

8 (16) Sections 24-12 and 34-85 of this Code; and ~~and~~

9 (17) the ~~(16) The~~ Seizure Smart School Act.

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

12 (h) A charter school may negotiate and contract with a
13 school district, the governing body of a State college or
14 university or public community college, or any other public or
15 for-profit or nonprofit private entity for: (i) the use of a
16 school building and grounds or any other real property or
17 facilities that the charter school desires to use or convert
18 for use as a charter school site, (ii) the operation and
19 maintenance thereof, and (iii) the provision of any service,
20 activity, or undertaking that the charter school is required
21 to perform in order to carry out the terms of its charter.
22 However, a charter school that is established on or after
23 April 16, 2003 (the effective date of Public Act 93-3) and that
24 operates in a city having a population exceeding 500,000 may
25 not contract with a for-profit entity to manage or operate the
26 school during the period that commences on April 16, 2003 (the

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

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

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

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

26 (Source: P.A. 100-29, eff. 1-1-18; 100-156, eff. 1-1-18;

1 100-163, eff. 1-1-18; 100-413, eff. 1-1-18; 100-468, eff.
2 6-1-18; 100-726, eff. 1-1-19; 100-863, eff. 8-14-18; 101-50,
3 eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20;
4 101-531, eff. 8-23-19; 101-543, eff. 8-23-19; revised 8-4-20.)

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

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

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

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

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

25 The membership of each local school council shall be
26 encouraged to be reflective of the racial and ethnic

1 composition of the student population of the attendance center
2 served by the local school council.

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

11 (c-5) Notwithstanding subsection (c), for the local school
12 council election set for the 2019-2020 school year, the Board
13 may hold the election on the first semester Parent Report Card
14 Pick-up Day of the 2020-2021 school year, making any necessary
15 modifications to the election process or date to comply with
16 guidance from the Department of Public Health and the federal
17 Centers for Disease Control and Prevention. The terms of
18 office of all local school council members eligible to serve
19 and seated on or after March 23, 2020 through January 10, 2021
20 are extended through January 10, 2021, provided that the
21 members continue to meet eligibility requirements for local
22 school council membership.

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

26 (i) The elected members of each local school council

1 shall consist of the 6 parent members and the 2 community
2 resident members.

3 (ii) Each elected member shall be elected by the
4 eligible voters of that attendance center to serve for a
5 two-year term commencing on July 1 immediately following
6 the election described in subsection (c), except that the
7 terms of members elected to a local school council under
8 subsection (c-5) shall commence on January 11, 2021 and
9 end on July 1, 2022. Eligible voters for each attendance
10 center shall consist of the parents and community
11 residents for that attendance center.

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

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

23 (v) Each eligible voter shall be entitled to vote
24 once, but not more than once, in the local school council
25 election at each attendance center at which the voter is
26 eligible to vote.

1 (vi) The 2 teacher members and the non-teacher
2 employee member of each local school council shall be
3 appointed as provided in subsection (l) below each to
4 serve for a two-year term coinciding with that of the
5 elected parent and community resident members. From March
6 23, 2020 through January 10, 2021, the chief executive
7 officer or his or her designee may make accommodations to
8 fill the vacancy of a teacher or non-teacher employee
9 member of a local school council.

10 (vii) At secondary attendance centers and attendance
11 centers enrolling students in 7th or 8th grade, the voting
12 student member shall be appointed as provided in
13 subsection (m) below to serve for a one-year term
14 coinciding with the beginning of the terms of the elected
15 parent and community members of the local school council.
16 For the 2020-2021 school year, the chief executive officer
17 or his or her designee may make accommodations to fill the
18 vacancy of a student member of a local school council.

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

26 (f) Nomination. The Council shall publicize the opening of

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

1 5-905 of the Juvenile Court Act of 1987. Failure to make such
2 disclosure shall render a person ineligible for election or to
3 serve on the local school council. The same disclosure shall
4 be required of persons under consideration for appointment to
5 the Council pursuant to subsections (l) and (m) of this
6 Section.

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

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

21 Notwithstanding disclosure, a person who has been convicted of
22 any of the following offenses within the 10 years previous to
23 the date of nomination or appointment shall be ineligible for
24 election or appointment to a local school council: (i) those
25 defined in Section 401.1, 405.1, or 405.2 of the Illinois
26 Controlled Substances Act or (ii) any offense committed or

1 attempted in any other state or against the laws of the United
2 States, which, if committed or attempted in this State, would
3 have been punishable as one or more of the foregoing offenses.

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

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

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

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

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

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

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

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

23 (ii) A non-binding, advisory poll to ascertain the
24 preferences of the school staff regarding appointments of
25 teachers to the local school council for that attendance
26 center shall be conducted in accordance with the

1 procedures used to elect parent and community Council
2 representatives. At such poll, each member of the school
3 staff shall be entitled to indicate his or her preference
4 for up to 2 candidates from among those who submitted
5 statements of candidacy as described above. These
6 preferences shall be advisory only and the Board shall
7 maintain absolute discretion to appoint teacher members to
8 local school councils, irrespective of the preferences
9 expressed in any such poll.

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

23 (m) ~~In Beginning with the 1995-1996 school year, and in~~
24 every school year ~~thereafter~~, the Board shall appoint one
25 student member to each secondary attendance center and
26 attendance center enrolling students in 7th or 8th grade,

1 although no attendance center shall have more than one student
2 member. These appointments shall be made in the following
3 manner:

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

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

1 local school councils, irrespective of the preferences
2 expressed in any such poll.

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

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

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

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

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

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

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

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

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

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

24 (Source: P.A. 101-643, eff. 6-18-20.)

25 (105 ILCS 5/34-2.2) (from Ch. 122, par. 34-2.2)

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

2 (a) The annual organizational meeting of each local school
3 council shall be held at the attendance center or via
4 videoconference or teleconference if guidance from the
5 Department of Public Health or Centers for Disease Control and
6 Prevention limits the size of in-person meetings at the time
7 of the meeting. At the annual organization meeting, which
8 shall be held no sooner than July 1 and no later than July 14,
9 a parent member of the local school council shall be selected
10 by the members of such council as its chairperson, and a
11 secretary shall be selected by the members of such council
12 from among their number, each to serve a term of one year.
13 However, an organizational meeting held by members elected to
14 a local school council under subsection (c-5) of Section
15 34-2.1 may be held no sooner than January 11, 2021 and no later
16 than January 31, 2021. Whenever a vacancy in the office of
17 chairperson or secretary of a local school council shall
18 occur, a new chairperson (who shall be a parent member) or
19 secretary, as the case may be, shall be elected by the members
20 of the local school council from among their number to serve as
21 such chairperson or secretary for the unexpired term of office
22 in which the vacancy occurs. At each annual organizational
23 meeting, the time and place of any regular meetings of the
24 local school council shall be fixed. Special meetings of the
25 local school council may be called by the chairperson or by any
26 4 members by giving notice thereof in writing, specifying the

1 time, place and purpose of the meeting. Public notice of
2 meetings shall also be given in accordance with the Open
3 Meetings Act.

4 (b) Members and officers of the local school council shall
5 serve without compensation and without reimbursement of any
6 expenses incurred in the performance of their duties, except
7 that the board of education may by rule establish a procedure
8 and thereunder provide for reimbursement of members and
9 officers of local school councils for such of their reasonable
10 and necessary expenses (excluding any lodging or meal
11 expenses) incurred in the performance of their duties as the
12 board may deem appropriate.

13 (c) A majority of the full membership of the local school
14 council shall constitute a quorum, and whenever a vote is
15 taken on any measure before the local school council, a quorum
16 being present, the affirmative vote of a majority of the votes
17 of the full membership then serving of the local school
18 council shall determine the outcome thereof; provided that
19 whenever the measure before the local school council is (i)
20 the evaluation of the principal, or (ii) the renewal of his or
21 her performance contract or the inclusion of any provision or
22 modification of the contract, or (iii) the direct selection by
23 the local school council of a new principal (including a new
24 principal to fill a vacancy) to serve under a 4 year
25 performance contract, or (iv) the determination of the names
26 of candidates to be submitted to the general superintendent

1 for the position of principal, the principal and student
2 member of a high school council shall not be counted for
3 purposes of determining whether a quorum is present to act on
4 the measure and shall have no vote thereon; and provided
5 further that 7 affirmative votes of the local school council
6 shall be required for the direct selection by the local school
7 council of a new principal to serve under a 4 year performance
8 contract but not for the renewal of a principal's performance
9 contract. A supermajority of 8 votes is required to veto any
10 action proposed or approved pursuant to subsection (d) of
11 Section 34-8.3 of this Code or any action proposed or approved
12 under Section 34-8.4 of this Code.

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

17 (e) The local school council of an attendance center which
18 provides bilingual education shall be encouraged to provide
19 translators at each council meeting to maximize participation
20 of parents and the community.

21 (f) Each local school council of an attendance center
22 which provides bilingual education shall create a Bilingual
23 Advisory Committee or recognize an existing Bilingual Advisory
24 Committee as a standing committee. The Chair and a majority of
25 the members of the advisory committee shall be parents of
26 students in the bilingual education program. The parents on

1 the advisory committee shall be selected by parents of
2 students in the bilingual education program, and the committee
3 shall select a Chair. The advisory committee for each
4 secondary attendance center shall include at least one
5 full-time bilingual education student. The Bilingual Advisory
6 Committee shall serve only in an advisory capacity to the
7 local school council.

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

10 (Source: P.A. 101-643, eff. 6-18-20.)

11 (105 ILCS 5/34-2.3) (from Ch. 122, par. 34-2.3)

12 Sec. 34-2.3. Local school councils - Powers and duties.
13 Each local school council shall have and exercise, consistent
14 with the provisions of this Article and the powers and duties
15 of the board of education, the following powers and duties:

16 1. (A) To annually evaluate the performance of the
17 principal of the attendance center using a Board approved
18 principal evaluation form, which shall include the evaluation
19 of (i) student academic improvement, as defined by the school
20 improvement plan, (ii) student absenteeism rates at the
21 school, (iii) instructional leadership, (iv) the effective
22 implementation of programs, policies, or strategies to improve
23 student academic achievement, (v) school management, and (vi)
24 any other factors deemed relevant by the local school council,
25 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;

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

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

1 vacancy under a 4 year performance contract shall be made
2 within 90 days after the date such vacancy occurs. A Council
3 shall be required, if requested by the principal, to provide
4 in writing the reasons for the council's not renewing the
5 principal's contract.

6 1.5. The local school council's determination of whether
7 to renew the principal's contract shall be based on an
8 evaluation to assess the educational and administrative
9 progress made at the school during the principal's current
10 performance-based contract. The local school council shall
11 base its evaluation on (i) student academic improvement, as
12 defined by the school improvement plan, (ii) student
13 absenteeism rates at the school, (iii) instructional
14 leadership, (iv) the effective implementation of programs,
15 policies, or strategies to improve student academic
16 achievement, (v) school management, and (vi) any other factors
17 deemed relevant by the local school council, including,
18 without limitation, the principal's communication skills and
19 ability to create and maintain a student-centered learning
20 environment, to develop opportunities for professional
21 development, and to encourage parental involvement and
22 community partnerships to achieve school improvement. If a
23 local school council fails to renew the performance contract
24 of a principal rated by the general superintendent, or his or
25 her designee, in the previous years' evaluations as meeting or
26 exceeding expectations, the principal, within 15 days after

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

1 principal shall be submitted to the general superintendent,
2 who shall, in turn, forward such requests, within 14 days of
3 receipt, to the American Arbitration Association. The general
4 superintendent shall send a contemporaneous copy of the
5 request that was forwarded to the American Arbitration
6 Association to the principal and to each local school council
7 member and shall inform the local school council of its rights
8 and responsibilities under the arbitration process, including
9 the local school council's right to representation and the
10 manner and process by which the Board shall pay the costs of
11 the council's representation. If the local school council
12 retains the principal and the general superintendent requests
13 a review of the retention decision, the local school council
14 and the general superintendent shall be considered parties to
15 the arbitration, a hearing officer shall be chosen between
16 those 2 parties pursuant to procedures promulgated by the
17 State Board of Education, and the principal may retain counsel
18 and participate in the arbitration. If the local school
19 council does not retain the principal and the principal
20 requests a review of the retention decision, the local school
21 council and the principal shall be considered parties to the
22 arbitration and a hearing officer shall be chosen between
23 those 2 parties pursuant to procedures promulgated by the
24 State Board of Education. The hearing shall begin (i) within
25 45 days after the initial request for review is submitted by
26 the principal to the general superintendent or (ii) if the

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

11 1.10. The hearing officer shall conduct a hearing, which
12 shall include (i) a review of the principal's performance,
13 evaluations, and other evidence of the principal's service at
14 the school, (ii) reasons provided by the local school council
15 for its decision, and (iii) documentation evidencing views of
16 interested persons, including, without limitation, students,
17 parents, local school council members, school faculty and
18 staff, the principal, the general superintendent or his or her
19 designee, and members of the community. The burden of proof in
20 establishing that the local school council's decision was
21 arbitrary and capricious shall be on the party requesting the
22 arbitration, and this party shall sustain the burden by a
23 preponderance of the evidence. The hearing officer shall set
24 the local school council decision aside if that decision, in
25 light of the record developed at the hearing, is arbitrary and
26 capricious. The decision of the hearing officer may not be

1 appealed to the Board or the State Board of Education. If the
2 hearing officer decides that the principal shall be retained,
3 the retention period shall not exceed 2 years.

4 2. In the event (i) the local school council does not renew
5 the performance contract of the principal, or the principal
6 fails to receive a satisfactory rating as provided in
7 subsection (h) of Section 34-8.3, or the principal is removed
8 for cause during the term of his or her performance contract in
9 the manner provided by Section 34-85, or a vacancy in the
10 position of principal otherwise occurs prior to the expiration
11 of the term of a principal's performance contract, and (ii)
12 the local school council fails to directly select a new
13 principal to serve under a 4 year performance contract, the
14 local school council in such event shall submit to the general
15 superintendent a list of 3 candidates -- listed in the local
16 school council's order of preference -- for the position of
17 principal, one of which shall be selected by the general
18 superintendent to serve as principal of the attendance center.
19 If the general superintendent fails or refuses to select one
20 of the candidates on the list to serve as principal within 30
21 days after being furnished with the candidate list, the
22 general superintendent shall select and place a principal on
23 an interim basis (i) for a period not to exceed one year or
24 (ii) until the local school council selects a new principal
25 with 7 affirmative votes as provided in subsection (c) of
26 Section 34-2.2, whichever occurs first. If the local school

1 council fails or refuses to select and appoint a new
2 principal, as specified by subsection (c) of Section 34-2.2,
3 the general superintendent may select and appoint a new
4 principal on an interim basis for an additional year or until a
5 new contract principal is selected by the local school
6 council. There shall be no discrimination on the basis of
7 race, sex, creed, color or disability unrelated to ability to
8 perform in connection with the submission of candidates for,
9 and the selection of a candidate to serve as principal of an
10 attendance center. No person shall be directly selected,
11 listed as a candidate for, or selected to serve as principal of
12 an attendance center (i) if such person has been removed for
13 cause from employment by the Board or (ii) if such person does
14 not hold a valid administrative certificate issued or
15 exchanged under Article 21 and endorsed as required by that
16 Article for the position of principal. A principal whose
17 performance contract is not renewed as provided under
18 subsection (c) of Section 34-2.2 may nevertheless, if
19 otherwise qualified and certified as herein provided and if he
20 or she has received a satisfactory rating as provided in
21 subsection (h) of Section 34-8.3, be included by a local
22 school council as one of the 3 candidates listed in order of
23 preference on any candidate list from which one person is to be
24 selected to serve as principal of the attendance center under
25 a new performance contract. The initial candidate list
26 required to be submitted by a local school council to the

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

1 2.5. Whenever a vacancy in the office of a principal
2 occurs for any reason, the vacancy shall be filled in the
3 manner provided by this Section by the selection of a new
4 principal to serve under a 4 year performance contract.

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

14 4. To approve the expenditure plan prepared by the
15 principal with respect to all funds allocated and distributed
16 to the attendance center by the Board. The expenditure plan
17 shall be administered by the principal. Notwithstanding any
18 other provision of this Act or any other law, any expenditure
19 plan approved and administered under this Section 34-2.3 shall
20 be consistent with and subject to the terms of any contract for
21 services with a third party entered into by the Chicago School
22 Reform Board of Trustees or the board under this Act.

23 Via a supermajority vote of 7 members of the local school
24 council or 8 members of a high school local school council, the
25 Council may transfer allocations pursuant to Section 34-2.3
26 within funds; provided that such a transfer is consistent with

1 applicable law and collective bargaining agreements.

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

14 Beginning in fiscal year 1991 and in each fiscal year
15 thereafter, from other amounts available in the applicable
16 fiscal year budget, the board shall allocate a lump sum amount
17 to each local school based upon such formula as the board shall
18 determine taking into account the special needs of the student
19 body. The local school principal shall develop an expenditure
20 plan in consultation with the local school council, the
21 professional personnel leadership committee and with all other
22 school personnel, which reflects the priorities and activities
23 as described in the school's local school improvement plan and
24 is consistent with applicable law and collective bargaining
25 agreements and with board policies and standards; however, the
26 local school council shall have the right to request waivers

1 of board policy from the board of education and waivers of
2 employee collective bargaining agreements pursuant to Section
3 34-8.1a.

4 The expenditure plan developed by the principal with
5 respect to amounts available from the fund for prioritized
6 special needs programs and the allocated lump sum amount must
7 be approved by the local school council.

8 The lump sum allocation shall take into account the
9 following principles:

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

22 b. Other personnel: Funds for other teacher
23 certificated and uncertificated personnel paid through
24 non-categorical funds shall be provided according to
25 system-wide formulas based on student enrollment and the
26 special needs of the school as determined by the Board.

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

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

16 d.1. Funds for State Title I: Each school shall
17 receive funds based on State and Board requirements
18 applicable to each State Title I pupil provided to meet
19 the special needs of the student body. Each school shall
20 receive the proportion of funds as provided in Section
21 18-8 or 18-8.15 to which they are entitled. These funds
22 shall be spent only with the budgetary approval of the
23 Local School Council as provided in Section 34-2.3.

24 e. The Local School Council shall have the right to
25 request the principal to close positions and open new ones
26 consistent with the provisions of the local school

1 improvement plan provided that these decisions are
2 consistent with applicable law and collective bargaining
3 agreements. If a position is closed, pursuant to this
4 paragraph, the local school shall have for its use the
5 system-wide average compensation for the closed position.

6 f. Operating within existing laws and collective
7 bargaining agreements, the local school council shall have
8 the right to direct the principal to shift expenditures
9 within funds.

10 g. (Blank).

11 Any funds unexpended at the end of the fiscal year shall be
12 available to the board of education for use as part of its
13 budget for the following fiscal year.

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

20 6. To advise the principal concerning the attendance and
21 disciplinary policies for the attendance center, subject to
22 the provisions of this Article and Article 26, and consistent
23 with the uniform system of discipline established by the board
24 pursuant to Section 34-19.

25 7. To approve a school improvement plan developed as
26 provided in Section 34-2.4. The process and schedule for plan

1 development shall be publicized to the entire school
2 community, and the community shall be afforded the opportunity
3 to make recommendations concerning the plan. At least twice a
4 year the principal and local school council shall report
5 publicly on progress and problems with respect to plan
6 implementation.

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

20 9. To make recommendations to the principal and the
21 general superintendent concerning their respective
22 appointments, after August 31, 1989, and in the manner
23 provided by Section 34-8 and Section 34-8.1, of persons to
24 fill any vacant, additional or newly created positions for
25 teachers at the attendance center or at attendance centers
26 which include the attendance center served by the local school

1 council.

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

- 16 1. school budgets;
- 17 2. educational theory pertinent to the attendance
18 center's particular needs, including the development of
19 the school improvement plan and the principal's
20 performance contract; and
- 21 3. personnel selection.

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

24 11. In accordance with systemwide guidelines contained in
25 the System-Wide Educational Reform Goals and Objectives Plan,
26 criteria for evaluation of performance shall be established

1 for local school councils and local school council members. If
2 a local school council persists in noncompliance with
3 systemwide requirements, the Board may impose sanctions and
4 take necessary corrective action, consistent with Section
5 34-8.3. Any such action allowed for or taken pursuant to
6 subsection (d) of Section 34-8.3 or Section 34-8.4 of this
7 Code must be vetoed by a supermajority of 8 of the voting
8 members of the local school council.

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

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

23 14. The local school council may adopt a school uniform or
24 dress code policy that governs the attendance center and that
25 is necessary to maintain the orderly process of a school
26 function or prevent endangerment of student health or safety,

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

21 15. All decisions made and actions taken by the local
22 school council in the exercise of its powers and duties shall
23 comply with State and federal laws, all applicable collective
24 bargaining agreements, court orders and rules properly
25 promulgated by the Board.

26 15a. To grant, in accordance with board rules and

1 policies, the use of assembly halls and classrooms when not
2 otherwise needed, including lighting, heat, and attendants,
3 for public lectures, concerts, and other educational and
4 social activities.

5 15b. To approve, in accordance with board rules and
6 policies, receipts and expenditures for all internal accounts
7 of the attendance center, and to approve all fund-raising
8 activities by nonschool organizations that use the school
9 building.

10 16. (Blank).

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

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

14 (105 ILCS 5/34-2.3b)

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

16 (a) The LSC Certification Commission, an independent
17 commission, is established to provide fundamental training to
18 members of local school councils and certify each member. The
19 LSC Certification Commission shall be comprised of
20 representatives from the Chicago public school system and
21 representatives from organizations that have provided training
22 to local school council members on and after January 23, 2014.
23 ~~The board shall collaborate with universities and other~~
24 ~~interested entities and individuals to offer training to local~~
25 ~~school council members on topics relevant to school operations~~

1 ~~and their responsibilities as local school council members,~~
2 ~~including but not limited to legal requirements, role~~
3 ~~differentiation, responsibilities, and authorities, and~~
4 ~~improving student achievement.~~

5 **(b)** Training of local school council members shall be
6 provided at the direction of the LSC Certification Commission,
7 which shall work with universities and other interested
8 entities to develop and administer a required 3-day training
9 program for local school council members ~~board in consultation~~
10 ~~with the Council of Chicago area Deans of Education.~~ Incoming
11 local school council members shall be required to complete a
12 3-day training program provided under this Section within 6
13 months of taking office. The LSC Certification Commission
14 ~~board~~ shall monitor the compliance of incoming local school
15 council members with the 3-day training program requirement
16 established by this Section.

17 **(c)** At the direction of the LSC Certification Commission,
18 the ~~The~~ board shall declare vacant the office of a local school
19 council member who fails to complete the 3-day training
20 program provided under this Section within the 6 month period
21 allowed. Any such vacancy shall be filled as provided in
22 subsection (o) of Section 34-2.1 by appointment of another
23 person qualified to hold the office. ~~In addition to requiring~~
24 ~~local school council members to complete the 3-day training~~
25 ~~program under this Section, the board may encourage local~~
26 ~~school council members to complete additional training during~~

1 ~~their term of office and shall provide recognition for~~
2 ~~individuals completing that additional training. The board is~~
3 ~~authorized to collaborate with universities, non-profits, and~~
4 ~~other interested organizations and individuals to offer~~
5 ~~additional training to local school council members on a~~
6 ~~regular basis during their term in office. The board shall not~~
7 ~~be required to bear the cost of the required 3 day training~~
8 ~~program or any additional training provided to local school~~
9 ~~council members under this Section.~~

10 (d) The LSC Certification Commission board shall also
11 offer training to aid local school councils in developing
12 principal evaluation procedures and criteria. The board shall
13 send out requests for proposals concerning this training and
14 is authorized to contract with universities, non-profits, and
15 other interested organizations and individuals to provide this
16 training. ~~The board is authorized to use funds from private~~
17 ~~organizations, non profits, or any other outside source as~~
18 ~~well as its own funds for this purpose.~~

19 (e) The LSC Certification Commission may request and, upon
20 such request, the board shall budget and distribute such funds
21 as are equal to the total allocations for the certification of
22 local school council members under this Section in the year
23 immediately prior. Upon a majority vote of the LSC
24 Certification Commission, that request may exceed the prior
25 year's allocations by 2%.

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

1 (105 ILCS 5/34-2.4b) (from Ch. 122, par. 34-2.4b)

2 Sec. 34-2.4b. Limitation upon applicability. The
3 ~~provisions of Sections 34-2.1, 34-2.2, 34-2.3, 34-2.3a, 34-2.4~~
4 ~~and 34-8.3, and these~~ provisions of paragraph 1 of Section
5 34-18 and paragraph (c) of Section 34A-201a relating to the
6 allocation or application -- by formula or otherwise -- of
7 lump sum amounts and other funds to attendance centers, shall
8 not apply to attendance centers that have applied for and been
9 designated as a "Small School" by the Board, the Cook County
10 Juvenile Detention Center and Cook County Jail schools, nor to
11 the district's alternative schools for pregnant girls, nor to
12 alternative schools established under Article 13A, nor to a
13 contract school, nor to the Michael R. Durso School, the
14 Jackson Adult Center, the Hillard Adult Center, the
15 Alternative Transitional School, or any other attendance
16 center designated by the Board as an alternative school,
17 provided that the designation is not applied to an attendance
18 center that has in place a legally constituted local school
19 council, except for contract turnaround schools. ~~The board of~~
20 ~~education shall have and exercise with respect to those~~
21 ~~schools and with respect to the conduct, operation, affairs~~
22 ~~and budgets of those schools, and with respect to the~~
23 ~~principals, teachers and other school staff there employed,~~
24 ~~the same powers which are exercisable by local school councils~~
25 ~~with respect to the other attendance centers, principals,~~

1 ~~teachers and school staff within the district, together with~~
2 ~~all powers and duties generally exercisable by the board of~~
3 ~~education with respect to all attendance centers within the~~
4 ~~district. The board of education shall develop appropriate~~
5 ~~alternative methods for involving parents, community members~~
6 ~~and school staff to the maximum extent possible in all of the~~
7 ~~activities of those schools, and may delegate to the parents,~~
8 ~~community members and school staff so involved the same powers~~
9 ~~which are exercisable by local school councils with respect to~~
10 ~~other attendance centers.~~

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

12 (105 ILCS 5/34-8.3) (from Ch. 122, par. 34-8.3)

13 Sec. 34-8.3. Remediation and probation of attendance
14 centers.

15 (a) The general superintendent shall monitor the
16 performance of the attendance centers within the district and
17 shall identify attendance centers, pursuant to criteria that
18 the board shall establish, in which:

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

21 (2) there is a pervasive breakdown in the educational
22 program as indicated by factors, including, but not
23 limited to, the absence of improvement in student reading
24 and math achievement scores, an increased drop-out rate, a
25 decreased graduation rate, and a decrease in rate of

1 student attendance;

2 (3) (blank); or

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

7 (b) If the general superintendent identifies a
8 nonperforming school as described herein, he or she shall
9 place the attendance center on remediation by developing a
10 remediation plan for the center. The purpose of the
11 remediation plan shall be to correct the deficiencies in the
12 performance of the attendance center by one or more of the
13 following methods:

14 (1) drafting a new school improvement plan;

15 (2) applying to the board for additional funding for
16 training for the local school council;

17 (3) directing implementation of a school improvement
18 plan;

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

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

24 If, however, the general superintendent determines that
25 the problems are not able to be remediated by these methods,
26 the general superintendent shall place the attendance center

1 on probation. The board shall establish guidelines that
2 determine the factors for placing an attendance center on
3 probation.

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

14 (d) Schools placed on probation that, after a maximum of
15 one year, fail to make adequate progress in correcting
16 deficiencies are subject to the following actions by the
17 general superintendent with the approval of the board, after
18 opportunity for a hearing:

19 (1) Ordering new local school council elections.

20 (2) Removing and replacing the principal.

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

23 (4) Reconstitution of the attendance center and
24 replacement and reassignment by the general superintendent
25 of all employees of the attendance center.

26 (5) Intervention under Section 34-8.4.

1 (5.5) Operating an attendance center as a contract
2 turnaround school.

3 (6) Closing of the school.

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

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

23 (f) Where the board has reason to believe that violations
24 of civil rights, or of civil or criminal law have occurred, or
25 when the general superintendent deems that the school is in
26 educational crisis it may take immediate corrective action,

1 including the actions specified in this Section, without first
2 placing the school on remediation or probation. Nothing
3 described herein shall limit the authority of the board as
4 provided by any law of this State. The board shall develop
5 criteria governing the determination regarding when a school
6 is in educational crisis. Such criteria shall be delivered to
7 each local school council on or before August 1 of each year.
8 An action under subsection (d) of this Section shall be
9 subject to veto by a supermajority of 8 of the voting members
10 of the local school council.

11 (g) All persons serving as subdistrict superintendent on
12 May 1, 1995 shall be deemed by operation of law to be serving
13 under a performance contract which expires on June 30, 1995,
14 and the employment of each such person as subdistrict
15 superintendent shall terminate on June 30, 1995. The board
16 shall have no obligation to compensate any such person as a
17 subdistrict superintendent after June 30, 1995.

18 (h) The general superintendent shall, in consultation with
19 local school councils, conduct an annual evaluation of each
20 principal in the district pursuant to guidelines promulgated
21 by the Board of Education.

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

23 (105 ILCS 5/34-8.4)

24 Sec. 34-8.4. Intervention. The Chicago Schools Academic
25 Accountability Council may recommend to the Chicago School

1 Reform Board of Trustees that any school placed on remediation
2 or probation under Section 34-8.3 or schools that for the 3
3 consecutive school years of 1992-1993, 1993-1994, and
4 1994-1995 have met the State Board of Education's category of
5 "does not meet expectations" be made subject to intervention
6 under this Section 34-8.4. In addition to any powers created
7 under this Section, the Trustees shall have all powers created
8 under Section 34-8.3 with respect to schools subjected to
9 intervention.

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

20 If the Trustees determine that a school shall be subject
21 to intervention under this Section, the Trustees shall develop
22 an intervention implementation plan and shall cause a
23 performance evaluation to be made of each employee at the
24 school. Upon consideration of such evaluations, and consistent
25 with the intervention implementation plan, the Trustees may
26 reassign, layoff, or dismiss any employees at the attendance

1 center, notwithstanding the provisions of Sections 24A-5 and
2 34-85.

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

11 If pursuant to this Section, the general superintendent,
12 with the approval of the board, orders new local school
13 council elections, the general superintendent shall carry out
14 the responsibilities of the local school council for a school
15 subject to intervention until the new local school council
16 members are elected and trained.

17 Any action authorized by this Section must be vetoed by a
18 supermajority vote of 8 of the voting members of the local
19 school council for the attendance center affected by the
20 action.

21 Each school year, 5% of the supplemental general State aid
22 funds distributed to a school subject to intervention during
23 that school year under subsection 5(i)(1)(a) of part A of
24 Section 18-8 or subsection (H) of Section 18-8.05 shall be
25 used for employee performance incentives. The Trustees shall
26 prepare a report evaluating the results of any interventions

1 undertaken pursuant to this Section and shall make
2 recommendations concerning implementation of special programs
3 for dealing with underperforming schools on an ongoing basis.
4 This report shall be submitted to the State Superintendent of
5 Education and Mayor of the City of Chicago by January 1, 1999.
6 (Source: P.A. 89-15, eff. 5-30-95; 89-698, eff. 1-14-97;
7 90-548, eff. 1-1-98.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.