



Sen. Cristina H. Pacione-Zayas

**Filed: 5/30/2021**

10200SB2042sam001

LRB102 16607 CMG 26279 a

1 AMENDMENT TO SENATE BILL 2042

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2042 by replacing  
3 everything after the enacting clause with the following:

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

6 (105 ILCS 5/34-2.1) (from Ch. 122, par. 34-2.1)

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

9 (a) Notwithstanding any other provision of law, a ~~A~~ local  
10 school council shall be established for each attendance center  
11 within the school district, except for private schools, but  
12 including public small schools within the district. Each local  
13 school council shall consist of the following 12 voting  
14 members: the principal of the attendance center, 2 teachers  
15 employed and assigned to perform the majority of their  
16 employment duties at the attendance center, 6 parents of

1 students currently enrolled at the attendance center, one  
2 employee of the school district employed and assigned to  
3 perform the majority of his or her employment duties at the  
4 attendance center who is not a teacher, and 2 community  
5 residents. Neither the parents nor the community residents who  
6 serve as members of the local school council shall be  
7 employees of the Board of Education. In each secondary  
8 attendance center, the local school council shall consist of  
9 13 voting members -- the 12 voting members described above and  
10 one full-time student member, appointed as provided in  
11 subsection (m) below. In each attendance center enrolling  
12 students in 7th or 8th grade, one full-time student member  
13 shall be appointed as provided in subsection (m) of this  
14 Section. In the event that the chief executive officer of the  
15 Chicago School Reform Board of Trustees determines that a  
16 local school council is not carrying out its financial duties  
17 effectively, the chief executive officer is authorized to  
18 appoint a representative of the business community with  
19 experience in finance and management to serve as an advisor to  
20 the local school council for the purpose of providing advice  
21 and assistance to the local school council on fiscal matters.  
22 The advisor shall have access to relevant financial records of  
23 the local school council. The advisor may attend executive  
24 sessions. The chief executive officer shall issue a written  
25 policy defining the circumstances under which a local school  
26 council is not carrying out its financial duties effectively.

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

9           The membership of each local school council shall be  
10 encouraged to be reflective of the racial and ethnic  
11 composition of the student population of the attendance center  
12 served by the local school council.

13           (c) Beginning with the 1995-1996 school year and in every  
14 even-numbered year thereafter, the Board shall set second  
15 semester Parent Report Card Pick-up Day for Local School  
16 Council elections and may schedule elections at year-round  
17 schools for the same dates as the remainder of the school  
18 system. Elections shall be conducted as provided herein by the  
19 Board of Education in consultation with the local school  
20 council at each attendance center.

21           (c-5) Notwithstanding subsection (c), for the local school  
22 council election set for the 2019-2020 school year, the Board  
23 may hold the election on the first semester Parent Report Card  
24 Pick-up Day of the 2020-2021 school year, making any necessary  
25 modifications to the election process or date to comply with  
26 guidance from the Department of Public Health and the federal

1 Centers for Disease Control and Prevention. The terms of  
2 office of all local school council members eligible to serve  
3 and seated on or after March 23, 2020 through January 10, 2021  
4 are extended through January 10, 2021, provided that the  
5 members continue to meet eligibility requirements for local  
6 school council membership.

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

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

13 (ii) Each elected member shall be elected by the  
14 eligible voters of that attendance center to serve for a  
15 two-year term commencing on July 1 immediately following  
16 the election described in subsection (c), except that the  
17 terms of members elected to a local school council under  
18 subsection (c-5) shall commence on January 11, 2021 and  
19 end on July 1, 2022. Eligible voters for each attendance  
20 center shall consist of the parents and community  
21 residents for that attendance center.

22 (iii) Each eligible voter shall be entitled to cast  
23 one vote for up to a total of 5 candidates, irrespective of  
24 whether such candidates are parent or community resident  
25 candidates.

26 (iv) Each parent voter shall be entitled to vote in

1 the local school council election at each attendance  
2 center in which he or she has a child currently enrolled.  
3 Each community resident voter shall be entitled to vote in  
4 the local school council election at each attendance  
5 center for which he or she resides in the applicable  
6 attendance area or voting district, as the case may be.

7 (v) Each eligible voter shall be entitled to vote  
8 once, but not more than once, in the local school council  
9 election at each attendance center at which the voter is  
10 eligible to vote.

11 (vi) The 2 teacher members and the non-teacher  
12 employee member of each local school council shall be  
13 appointed as provided in subsection (l) below each to  
14 serve for a two-year term coinciding with that of the  
15 elected parent and community resident members. From March  
16 23, 2020 through January 10, 2021, the chief executive  
17 officer or his or her designee may make accommodations to  
18 fill the vacancy of a teacher or non-teacher employee  
19 member of a local school council.

20 (vii) At secondary attendance centers and attendance  
21 centers enrolling students in 7th or 8th grade, the voting  
22 student member shall be appointed as provided in  
23 subsection (m) below to serve for a one-year term  
24 coinciding with the beginning of the terms of the elected  
25 parent and community members of the local school council.  
26 For the 2020-2021 school year, the chief executive officer

1           or his or her designee may make accommodations to fill the  
2           vacancy of a student member of a local school council.

3           (e) The Council shall publicize the date and place of the  
4           election by posting notices at the attendance center, in  
5           public places within the attendance boundaries of the  
6           attendance center and by distributing notices to the pupils at  
7           the attendance center, and shall utilize such other means as  
8           it deems necessary to maximize the involvement of all eligible  
9           voters.

10          (f) Nomination. The Council shall publicize the opening of  
11          nominations by posting notices at the attendance center, in  
12          public places within the attendance boundaries of the  
13          attendance center and by distributing notices to the pupils at  
14          the attendance center, and shall utilize such other means as  
15          it deems necessary to maximize the involvement of all eligible  
16          voters. Not less than 2 weeks before the election date,  
17          persons eligible to run for the Council shall submit their  
18          name, date of birth, social security number, if available, and  
19          some evidence of eligibility to the Council. The Council shall  
20          encourage nomination of candidates reflecting the  
21          racial/ethnic population of the students at the attendance  
22          center. Each person nominated who runs as a candidate shall  
23          disclose, in a manner determined by the Board, any economic  
24          interest held by such person, by such person's spouse or  
25          children, or by each business entity in which such person has  
26          an ownership interest, in any contract with the Board, any

1 local school council or any public school in the school  
2 district. Each person nominated who runs as a candidate shall  
3 also disclose, in a manner determined by the Board, if he or  
4 she ever has been convicted of any of the offenses specified in  
5 subsection (c) of Section 34-18.5; provided that neither this  
6 provision nor any other provision of this Section shall be  
7 deemed to require the disclosure of any information that is  
8 contained in any law enforcement record or juvenile court  
9 record that is confidential or whose accessibility or  
10 disclosure is restricted or prohibited under Section 5-901 or  
11 5-905 of the Juvenile Court Act of 1987. Failure to make such  
12 disclosure shall render a person ineligible for election or to  
13 serve on the local school council. The same disclosure shall  
14 be required of persons under consideration for appointment to  
15 the Council pursuant to subsections (l) and (m) of this  
16 Section.

17 (f-5) Notwithstanding disclosure, a person who has been  
18 convicted of any of the following offenses at any time shall be  
19 ineligible for election or appointment to a local school  
20 council and ineligible for appointment to a local school  
21 council pursuant to subsections (l) and (m) of this Section:  
22 (i) those defined in Section 11-1.20, 11-1.30, 11-1.40,  
23 11-1.50, 11-1.60, 11-6, 11-9.1, 11-14.4, 11-16, 11-17.1,  
24 11-19, 11-19.1, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13,  
25 12-14, 12-14.1, 12-15, or 12-16, or subdivision (a)(2) of  
26 Section 11-14.3, of the Criminal Code of 1961 or the Criminal

1 Code of 2012, or (ii) any offense committed or attempted in any  
2 other state or against the laws of the United States, which, if  
3 committed or attempted in this State, would have been  
4 punishable as one or more of the foregoing offenses.  
5 Notwithstanding disclosure, a person who has been convicted of  
6 any of the following offenses within the 10 years previous to  
7 the date of nomination or appointment shall be ineligible for  
8 election or appointment to a local school council: (i) those  
9 defined in Section 401.1, 405.1, or 405.2 of the Illinois  
10 Controlled Substances Act or (ii) any offense committed or  
11 attempted in any other state or against the laws of the United  
12 States, which, if committed or attempted in this State, would  
13 have been punishable as one or more of the foregoing offenses.

14 Immediately upon election or appointment, incoming local  
15 school council members shall be required to undergo a criminal  
16 background investigation, to be completed prior to the member  
17 taking office, in order to identify any criminal convictions  
18 under the offenses enumerated in Section 34-18.5. The  
19 investigation shall be conducted by the Department of State  
20 Police in the same manner as provided for in Section 34-18.5.  
21 However, notwithstanding Section 34-18.5, the social security  
22 number shall be provided only if available. If it is  
23 determined at any time that a local school council member or  
24 member-elect has been convicted of any of the offenses  
25 enumerated in this Section or failed to disclose a conviction  
26 of any of the offenses enumerated in Section 34-18.5, the



1 general superintendent shall notify the local school council  
2 member or member-elect of such determination and the local  
3 school council member or member-elect shall be removed from  
4 the local school council by the Board, subject to a hearing,  
5 convened pursuant to Board rule, prior to removal.

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

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

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

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

16 (k) The general superintendent shall resolve any disputes  
17 concerning election procedure or results and shall ensure  
18 that, except as provided in subsections (e) and (g), no  
19 resources of any attendance center shall be used to endorse or  
20 promote any candidate.

21 (l) ~~In Beginning with the 1995-1996 school year and in~~  
22 every even numbered year ~~thereafter~~, the Board shall appoint 2  
23 teacher members to each local school council. These  
24 appointments shall be made in the following manner:

25 (i) The Board shall appoint 2 teachers who are  
26 employed and assigned to perform the majority of their

1 employment duties at the attendance center to serve on the  
2 local school council of the attendance center for a  
3 two-year term coinciding with the terms of the elected  
4 parent and community members of that local school council.  
5 These appointments shall be made from among those teachers  
6 who are nominated in accordance with subsection (f).

7 (ii) A binding election ~~A non-binding, advisory poll~~  
8 to ascertain the preferences of the school staff regarding  
9 appointments of teachers to the local school council for  
10 that attendance center shall be conducted in accordance  
11 with the procedures used to elect parent and community  
12 Council representatives. At such election ~~poll~~, each  
13 member of the school staff shall be entitled to indicate  
14 his or her preference for up to 2 candidates from among  
15 those who submitted statements of candidacy as described  
16 above. These preferences shall be binding on the Board  
17 ~~advisory only and the Board shall maintain absolute~~  
18 ~~discretion to appoint teacher members to local school~~  
19 ~~councils, irrespective of the preferences expressed in any~~  
20 ~~such poll.~~

21 (iii) In the event that a teacher representative is  
22 unable to perform his or her employment duties at the  
23 school due to illness, disability, leave of absence,  
24 disciplinary action, or any other reason, the Board shall  
25 declare a temporary vacancy and appoint a replacement  
26 teacher representative to serve on the local school

1 council until such time as the teacher member originally  
2 appointed pursuant to this subsection (l) resumes service  
3 at the attendance center or for the remainder of the term.  
4 The replacement teacher representative shall be appointed  
5 in the same manner and by the same procedures as teacher  
6 representatives are appointed in subdivisions (i) and (ii)  
7 of this subsection (l).

8 (m) ~~In Beginning with the 1995-1996 school year, and in~~  
9 every school year ~~thereafter~~, the Board shall appoint one  
10 student member to each secondary attendance center and  
11 attendance center enrolling students in 7th or 8th grade,  
12 although no attendance center shall have more than one student  
13 member. These appointments shall be made in the following  
14 manner:

15 (i) Appointments shall be made from among those  
16 students who submit statements of candidacy to the  
17 principal of the attendance center, such statements to be  
18 submitted commencing on the first day of the twentieth  
19 week of school and continuing for 2 weeks thereafter. The  
20 form and manner of such candidacy statements shall be  
21 determined by the Board.

22 (ii) During the twenty-second week of school in every  
23 year, the principal of each attendance center shall  
24 conduct a binding election ~~a non-binding, advisory poll~~ to  
25 ascertain the preferences of the school students regarding  
26 the appointment of a student to the local school council

1 for that attendance center. At such election poll, each  
2 student shall be entitled to indicate his or her  
3 preference for up to one candidate from among those who  
4 submitted statements of candidacy as described above. The  
5 Board shall promulgate rules to ensure that these  
6 elections ~~non binding, advisory polls~~ are conducted in a  
7 fair and equitable manner and maximize the involvement of  
8 all school students. The preferences expressed in these  
9 elections ~~non binding, advisory polls~~ shall be transmitted  
10 by the principal to the Board. These ~~However, these~~  
11 preferences shall be binding on the Board ~~advisory only~~  
12 ~~and the Board shall maintain absolute discretion to~~  
13 ~~appoint student members to local school councils,~~  
14 ~~irrespective of the preferences expressed in any such~~  
15 ~~poll.~~

16 (iii) (Blank). ~~For the 1995-96 school year only,~~  
17 ~~appointments shall be made from among those students who~~  
18 ~~submitted statements of candidacy to the principal of the~~  
19 ~~attendance center during the first 2 weeks of the school~~  
20 ~~year. The principal shall communicate the results of any~~  
21 ~~nonbinding, advisory poll to the Board. These results~~  
22 ~~shall be advisory only, and the Board shall maintain~~  
23 ~~absolute discretion to appoint student members to local~~  
24 ~~school councils, irrespective of the preferences expressed~~  
25 ~~in any such poll.~~

26 (n) The Board may promulgate such other rules and

1 regulations for election procedures as may be deemed necessary  
2 to ensure fair elections.

3 (o) In the event that a vacancy occurs during a member's  
4 term, the Council shall appoint a person eligible to serve on  
5 the Council, to fill the unexpired term created by the  
6 vacancy, except that any teacher vacancy shall be filled by  
7 the Board after considering the preferences of the school  
8 staff as ascertained through a binding election ~~non-binding~~  
9 ~~advisory poll~~ of school staff.

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

14 (q) The Board shall promulgate rules regarding conflicts  
15 of interest and disclosure of economic interests which shall  
16 apply to local school council members and which shall require  
17 reports or statements to be filed by Council members at  
18 regular intervals with the Secretary of the Board. Failure to  
19 comply with such rules or intentionally falsifying such  
20 reports shall be grounds for disqualification from local  
21 school council membership. A vacancy on the Council for  
22 disqualification may be so declared by the Secretary of the  
23 Board. Rules regarding conflicts of interest and disclosure of  
24 economic interests promulgated by the Board shall apply to  
25 local school council members. No less than 45 days prior to the  
26 deadline, the general superintendent shall provide notice, by

1 mail, to each local school council member of all requirements  
2 and forms for compliance with economic interest statements.

3 (r) (1) If a parent member of a local school council ceases  
4 to have any child enrolled in the attendance center governed  
5 by the Local School Council due to the graduation or voluntary  
6 transfer of a child or children from the attendance center,  
7 the parent's membership on the Local School Council and all  
8 voting rights are terminated immediately as of the date of the  
9 child's graduation or voluntary transfer. If the child of a  
10 parent member of a local school council dies during the  
11 member's term in office, the member may continue to serve on  
12 the local school council for the balance of his or her term.  
13 Further, a local school council member may be removed from the  
14 Council by a majority vote of the Council as provided in  
15 subsection (c) of Section 34-2.2 if the Council member has  
16 missed 3 consecutive regular meetings, not including committee  
17 meetings, or 5 regular meetings in a 12 month period, not  
18 including committee meetings. If a parent member of a local  
19 school council ceases to be eligible to serve on the Council  
20 for any other reason, he or she shall be removed by the Board  
21 subject to a hearing, convened pursuant to Board rule, prior  
22 to removal. A vote to remove a Council member by the local  
23 school council shall only be valid if the Council member has  
24 been notified personally or by certified mail, mailed to the  
25 person's last known address, of the Council's intent to vote  
26 on the Council member's removal at least 7 days prior to the

1 vote. The Council member in question shall have the right to  
2 explain his or her actions and shall be eligible to vote on the  
3 question of his or her removal from the Council. The  
4 provisions of this subsection shall be contained within the  
5 petitions used to nominate Council candidates.

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

14 (3) A person may continue to serve as a teacher member of a  
15 local school council as long as he or she is employed and  
16 assigned to perform a majority of his or her duties at the  
17 school, provided that if the teacher representative resigns  
18 from employment with the Board or voluntarily transfers to  
19 another school, the teacher's membership on the local school  
20 council and all voting rights are terminated immediately as of  
21 the date of the teacher's resignation or upon the date of the  
22 teacher's voluntary transfer to another school. If a teacher  
23 member of a local school council ceases to be eligible to serve  
24 on a local school council for any other reason, that member  
25 shall be removed by the Board subject to a hearing, convened  
26 pursuant to Board rule, prior to removal.

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

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

12           (105 ILCS 5/34-2.2) (from Ch. 122, par. 34-2.2)

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

14           (a) The annual organizational meeting of each local school  
15 council shall be held at the attendance center or via  
16 videoconference or teleconference if guidance from the  
17 Department of Public Health or Centers for Disease Control and  
18 Prevention limits the size of in-person meetings at the time  
19 of the meeting. At the annual organization meeting, which  
20 shall be held no sooner than July 1 and no later than July 14,  
21 a parent member of the local school council shall be selected  
22 by the members of such council as its chairperson, and a  
23 secretary shall be selected by the members of such council  
24 from among their number, each to serve a term of one year.  
25 However, an organizational meeting held by members elected to



1 a local school council under subsection (c-5) of Section  
2 34-2.1 may be held no sooner than January 11, 2021 and no later  
3 than January 31, 2021. Whenever a vacancy in the office of  
4 chairperson or secretary of a local school council shall  
5 occur, a new chairperson (who shall be a parent member) or  
6 secretary, as the case may be, shall be elected by the members  
7 of the local school council from among their number to serve as  
8 such chairperson or secretary for the unexpired term of office  
9 in which the vacancy occurs. At each annual organizational  
10 meeting, the time and place of any regular meetings of the  
11 local school council shall be fixed. Special meetings of the  
12 local school council may be called by the chairperson or by any  
13 4 members by giving notice thereof in writing, specifying the  
14 time, place and purpose of the meeting. Public notice of  
15 meetings shall also be given in accordance with the Open  
16 Meetings Act.

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

26 (c) A majority of the full membership of the local school

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

26 (d) Student members ~~of high school councils~~ shall not be

1 eligible to vote on personnel matters, including but not  
2 limited to principal evaluations and contracts and the  
3 allocation of teaching and staff resources.

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

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

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

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

24 (105 ILCS 5/34-2.4b) (from Ch. 122, par. 34-2.4b)  
25 Sec. 34-2.4b. Limitation upon applicability. The

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

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

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

9 (105 ILCS 5/34-8.3) (from Ch. 122, par. 34-8.3)

10 Sec. 34-8.3. Remediation and probation of attendance  
11 centers.

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

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

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

24 (3) (blank); or

25 (4) there is a failure or refusal to comply with the

1 provisions of this Act, other applicable laws, collective  
2 bargaining agreements, court orders, or with Board rules  
3 which the Board is authorized to promulgate.

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

- 11 (1) drafting a new school improvement plan;
- 12 (2) applying to the board for additional funding for  
13 training for the local school council;
- 14 (3) directing implementation of a school improvement  
15 plan;
- 16 (4) mediating disputes or other obstacles to reform or  
17 improvement at the attendance center.

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

21 If, however, the general superintendent determines that  
22 the problems are not able to be remediated by these methods,  
23 the general superintendent shall place the attendance center  
24 on probation. The board shall establish guidelines that  
25 determine the factors for placing an attendance center on  
26 probation.

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

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

16 (1) (Blank). ~~Ordering new local school council~~  
17 ~~elections.~~

18 (2) Removing and replacing the principal.

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

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

24 (5) Intervention under Section 34-8.4.

25 (5.5) Operating an attendance center as a contract  
26 turnaround school.

1           (6) Closing of the school.

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

18           (f) Where the board has reason to believe that violations  
19 of civil rights, or of civil or criminal law have occurred, or  
20 when the general superintendent deems that the school is in  
21 educational crisis it may take immediate corrective action,  
22 including the actions specified in this Section, without first  
23 placing the school on remediation or probation. Nothing  
24 described herein shall limit the authority of the board as  
25 provided by any law of this State. The board shall develop  
26 criteria governing the determination regarding when a school



1 is in educational crisis. Such criteria shall be delivered to  
2 each local school council on or before August 1 of each year.

3 (g) All persons serving as subdistrict superintendent on  
4 May 1, 1995 shall be deemed by operation of law to be serving  
5 under a performance contract which expires on June 30, 1995,  
6 and the employment of each such person as subdistrict  
7 superintendent shall terminate on June 30, 1995. The board  
8 shall have no obligation to compensate any such person as a  
9 subdistrict superintendent after June 30, 1995.

10 (h) The general superintendent shall, in consultation with  
11 local school councils, conduct an annual evaluation of each  
12 principal in the district pursuant to guidelines promulgated  
13 by the Board of Education.

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

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law."