



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3998

Introduced 1/21/2022, by Sen. Cristina H. Pacione-Zayas

SYNOPSIS AS INTRODUCED:

105 ILCS 5/34-8.1

from Ch. 122, par. 34-8.1

Amends the School Code. Makes changes concerning the Chicago Board of Education's requirements and criteria for the position of principal of an attendance center. Provides that if the requirements and criteria result or may result in the exclusion of otherwise qualified and licensed candidates from being eligible for selection to serve as a principal, then the Board shall maintain a public database that includes the names of all of the candidates who are eligible to be selected as a principal. Requires the Board to establish due process protections for candidates for the position of principal and establish a grievance procedure for those candidates the Board has deemed ineligible to serve as a principal. Makes changes concerning the use of performance evaluations in determining that a principal is no longer eligible to serve as principal of an attendance center. Effective January 1, 2023.

LRB102 24699 RJT 33938 b

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 Section
5 34-8.1 as follows:

6 (105 ILCS 5/34-8.1) (from Ch. 122, par. 34-8.1)

7 Sec. 34-8.1. Principals. Principals shall be employed to
8 supervise the operation of each attendance center. Their
9 powers and duties shall include but not be limited to the
10 authority (i) to direct, supervise, evaluate, and suspend with
11 or without pay or otherwise discipline all teachers, assistant
12 principals, and other employees assigned to the attendance
13 center in accordance with board rules and policies and (ii) to
14 direct all other persons assigned to the attendance center
15 pursuant to a contract with a third party to provide services
16 to the school system. The right to employ, discharge, and
17 layoff shall be vested solely with the board, provided that
18 decisions to discharge or suspend non-certified employees,
19 including disciplinary layoffs, and the termination of
20 certified employees from employment pursuant to a layoff or
21 reassignment policy are subject to review under the grievance
22 resolution procedure adopted pursuant to subsection (c) of
23 Section 10 of the Illinois Educational Labor Relations Act.

1 The grievance resolution procedure adopted by the board shall
2 provide for final and binding arbitration, and,
3 notwithstanding any other provision of law to the contrary,
4 the arbitrator's decision may include all make-whole relief,
5 including without limitation reinstatement. The principal
6 shall fill positions by appointment as provided in this
7 Section and may make recommendations to the board regarding
8 the employment, discharge, or layoff of any individual. The
9 authority of the principal shall include the authority to
10 direct the hours during which the attendance center shall be
11 open and available for use provided the use complies with
12 board rules and policies, to determine when and what
13 operations shall be conducted within those hours, and to
14 schedule staff within those hours. Under the direction of, and
15 subject to the authority of the principal, the Engineer In
16 Charge shall be accountable for the safe, economical operation
17 of the plant and grounds and shall also be responsible for
18 orientation, training, and supervising the work of Engineers,
19 Trainees, school maintenance assistants, custodial workers and
20 other plant operation employees under his or her direction.

21 There shall be established by the board a system of
22 semi-annual evaluations conducted by the principal as to
23 performance of the engineer in charge. Nothing in this Section
24 shall prevent the principal from conducting additional
25 evaluations. An overall numerical rating shall be given by the
26 principal based on the evaluation conducted by the principal.

1 An unsatisfactory numerical rating shall result in
2 disciplinary action, which may include, without limitation and
3 in the judgment of the principal, loss of promotion or bidding
4 procedure, reprimand, suspension with or without pay, or
5 recommended dismissal. The board shall establish procedures
6 for conducting the evaluation and reporting the results to the
7 engineer in charge.

8 Under the direction of, and subject to the authority of,
9 the principal, the Food Service Manager is responsible at all
10 times for the proper operation and maintenance of the lunch
11 room to which he is assigned and shall also be responsible for
12 the orientation, training, and supervising the work of cooks,
13 bakers, porters, and lunchroom attendants under his or her
14 direction.

15 There shall be established by the Board a system of
16 semi-annual evaluations conducted by the principal as to the
17 performance of the food service manager. Nothing in this
18 Section shall prevent the principal from conducting additional
19 evaluations. An overall numerical rating shall be given by the
20 principal based on the evaluation conducted by the principal.
21 An unsatisfactory numerical rating shall result in
22 disciplinary action which may include, without limitation and
23 in the judgment of the principal, loss of promotion or bidding
24 procedure, reprimand, suspension with or without pay, or
25 recommended dismissal. The board shall establish rules for
26 conducting the evaluation and reporting the results to the

1 food service manager.

2 Nothing in this Section shall be interpreted to require
3 the employment or assignment of an Engineer-In-Charge or a
4 Food Service Manager for each attendance center.

5 Principals shall be employed to supervise the educational
6 operation of each attendance center. If a principal is absent
7 due to extended illness or leave of absence, an assistant
8 principal may be assigned as acting principal for a period not
9 to exceed 100 school days. Each principal shall assume
10 administrative responsibility and instructional leadership, in
11 accordance with reasonable rules and regulations of the board,
12 for the planning, operation and evaluation of the educational
13 program of the attendance center to which he is assigned. The
14 principal shall submit recommendations to the general
15 superintendent concerning the appointment, dismissal,
16 retention, promotion, and assignment of all personnel assigned
17 to the attendance center; provided, that from and after
18 September 1, 1989: (i) if any vacancy occurs in a position at
19 the attendance center or if an additional or new position is
20 created at the attendance center, that position shall be
21 filled by appointment made by the principal in accordance with
22 procedures established and provided by the Board whenever the
23 majority of the duties included in that position are to be
24 performed at the attendance center which is under the
25 principal's supervision, and each such appointment so made by
26 the principal shall be made and based upon merit and ability to

1 perform in that position without regard to seniority or length
2 of service, provided, that such appointments shall be subject
3 to the Board's desegregation obligations, including but not
4 limited to the Consent Decree and Desegregation Plan in U.S.
5 v. Chicago Board of Education; (ii) the principal shall submit
6 recommendations based upon merit and ability to perform in the
7 particular position, without regard to seniority or length of
8 service, to the general superintendent concerning the
9 appointment of any teacher, teacher aide, counselor, clerk,
10 hall guard, security guard and any other personnel which is to
11 be made by the general superintendent whenever less than a
12 majority of the duties of that teacher, teacher aide,
13 counselor, clerk, hall guard, and security guard and any other
14 personnel are to be performed at the attendance center which
15 is under the principal's supervision; and (iii) subject to law
16 and the applicable collective bargaining agreements, the
17 authority and responsibilities of a principal with respect to
18 the evaluation of all teachers and other personnel assigned to
19 an attendance center shall commence immediately upon his or
20 her appointment as principal of the attendance center, without
21 regard to the length of time that he or she has been the
22 principal of that attendance center.

23 Notwithstanding the existence of any other law of this
24 State, nothing in this Act shall prevent the board from
25 entering into a contract with a third party for services
26 currently performed by any employee or bargaining unit member.

1 Notwithstanding any other provision of this Article, each
2 principal may approve contracts, binding on the board, in the
3 amount of no more than \$10,000, if the contract is endorsed by
4 the Local School Council.

5 Unless otherwise prohibited by law or by rule of the
6 board, the principal shall provide to local school council
7 members copies of all internal audits and any other pertinent
8 information generated by any audits or reviews of the programs
9 and operation of the attendance center.

10 Each principal shall hold a valid administrative license
11 ~~certificate~~ issued or exchanged in accordance with Article 21B
12 ~~21~~ and endorsed as required by that Article for the position of
13 principal. The board may establish or impose clear, specific,
14 explicit, and objective academic, educational, examination,
15 and experience requirements and criteria that are in addition
16 to those established and required by Article 21B ~~21~~ for
17 issuance of a valid license ~~certificate~~ endorsed for the
18 position of principal as a condition of the nomination,
19 selection, appointment, employment, or continued employment of
20 a person as principal of any attendance center, or as a
21 condition of the renewal of any principal's performance
22 contract as long as the additional requirements and criteria
23 comply with Section 21B-5 and do not establish any additional
24 licensure or equivalent requirement. If the additional
25 requirements and criteria result or may result in the
26 exclusion of otherwise qualified and licensed candidates from

1 being eligible for selection to serve as principal of an
2 attendance center, then the board shall maintain a public
3 database that includes the names of all of the candidates who
4 are eligible to be selected as a principal.

5 The board must establish due process protections for
6 candidates for the position of principal of an attendance
7 center that are equal to or greater than the due process
8 protections provided under subsection (b) of Section 21B-75 or
9 Section 21B-95, including establishing standards and
10 procedures to ensure that no candidate is deemed ineligible to
11 be selected as a principal for reasons that are not directly
12 related to the candidate's anticipated performance as a
13 principal. The standards and procedures established by the
14 board must do all of the following:

15 (1) Set forth all of the specific criteria used by the
16 board to make decisions concerning the eligibility of
17 candidates.

18 (2) Provide each candidate with a complete assessment
19 of the candidate's eligibility, including overall scores,
20 subcategory scores, and a detailed, written,
21 evidence-based rationale for each score.

22 (3) Provide targeted counseling and other supportive
23 services to assist a candidate in correcting any
24 deficiencies identified by the board in the board's
25 rationale.

26 (4) Include provisions to ensure that no person is

1 discriminated against on the basis of conscious or
2 implicit biases associated with race, color, national
3 origin, or a disability that is unrelated to the person's
4 ability to perform the duties of a principal.

5 The board, in cooperation with the organization that
6 represents the district's principals and assistant principals,
7 must establish a grievance procedure for those candidates the
8 board has deemed ineligible to serve as principal of an
9 attendance center. Within 10 days after the board determines
10 the ineligibility of a candidate, the board must notify the
11 candidate, in writing, of the specific reasons for the board's
12 determination of the candidate's ineligibility. Within 30 days
13 after receiving this notification, the candidate may request
14 that the board review the decision.

15 If performance evaluations are included in the criteria
16 utilized by the board in determining that a principal is no
17 longer eligible to serve as principal of an attendance center,
18 the board's criteria must use the standard of 2 or more school
19 terms of service for which the principal has received an
20 unsatisfactory rating on a performance evaluation within a
21 period of 7 school terms of service. The board may not
22 determine that a principal is no longer eligible to serve as a
23 principal based on unsatisfactory performance evaluations if,
24 during the same school term of service, the local school
25 council's evaluation of the principal's performance was
26 satisfactory or higher. An evaluation-based determination of

1 ineligibility may not exceed 2 calendar years.

2 The board shall specify in its formal job description for
3 principals, and from and after July 1, 1990 shall specify in
4 the 4 year performance contracts for use with respect to all
5 principals, that his or her primary responsibility is in the
6 improvement of instruction. A majority of the time spent by a
7 principal shall be spent on curriculum and staff development
8 through both formal and informal activities, establishing
9 clear lines of communication regarding school goals,
10 accomplishments, practices and policies with parents and
11 teachers. The principal, with the assistance of the local
12 school council, shall develop a school improvement plan as
13 provided in Section 34-2.4 and, upon approval of the plan by
14 the local school council, shall be responsible for directing
15 implementation of the plan. The principal, with the assistance
16 of the professional personnel leadership committee, shall
17 develop the specific methods and contents of the school's
18 curriculum within the board's system-wide curriculum standards
19 and objectives and the requirements of the school improvement
20 plan. The board shall ensure that all principals are evaluated
21 on their instructional leadership ability and their ability to
22 maintain a positive education and learning climate. It shall
23 also be the responsibility of the principal to utilize
24 resources of proper law enforcement agencies when the safety
25 and welfare of students and teachers are threatened by illegal
26 use of drugs and alcohol, by illegal use or possession of

1 weapons, or by illegal gang activity.

2 Nothing in this Section shall prohibit the board and the
3 exclusive representative of the district's teachers from
4 entering into an agreement under Section 34-85c of this Code
5 to establish alternative procedures for teacher evaluation,
6 remediation, and removal for cause after remediation,
7 including an alternative system for peer evaluation and
8 recommendations, for teachers assigned to schools identified
9 in that agreement.

10 On or before October 1, 1989, the Board of Education, in
11 consultation with any professional organization representing
12 principals in the district, shall promulgate rules and
13 implement a lottery for the purpose of determining whether a
14 principal's existing performance contract (including the
15 performance contract applicable to any principal's position in
16 which a vacancy then exists) expires on June 30, 1990 or on
17 June 30, 1991, and whether the ensuing 4 year performance
18 contract begins on July 1, 1990 or July 1, 1991. The Board of
19 Education shall establish and conduct the lottery in such
20 manner that of all the performance contracts of principals
21 (including the performance contracts applicable to all
22 principal positions in which a vacancy then exists), 50% of
23 such contracts shall expire on June 30, 1990, and 50% shall
24 expire on June 30, 1991. All persons serving as principal on
25 May 1, 1989, and all persons appointed as principal after May
26 1, 1989 and prior to July 1, 1990 or July 1, 1991, in a manner

1 other than as provided by Section 34-2.3, shall be deemed by
2 operation of law to be serving under a performance contract
3 which expires on June 30, 1990 or June 30, 1991; and unless
4 such performance contract of any such principal is renewed (or
5 such person is again appointed to serve as principal) in the
6 manner provided by Section 34-2.2 or 34-2.3, the employment of
7 such person as principal shall terminate on June 30, 1990 or
8 June 30, 1991.

9 Commencing on July 1, 1990, or on July 1, 1991, and
10 thereafter, the principal of each attendance center shall be
11 the person selected in the manner provided by Section 34-2.3
12 to serve as principal of that attendance center under a 4 year
13 performance contract. All performance contracts of principals
14 expiring after July 1, 1990, or July 1, 1991, shall commence on
15 the date specified in the contract, and the renewal of their
16 performance contracts and the appointment of principals when
17 their performance contracts are not renewed shall be governed
18 by Sections 34-2.2 and 34-2.3. Whenever a vacancy in the
19 office of a principal occurs for any reason, the vacancy shall
20 be filled by the selection of a new principal to serve under a
21 4 year performance contract in the manner provided by Section
22 34-2.3.

23 The board of education shall develop and prepare, in
24 consultation with the organization representing principals, a
25 performance contract for use at all attendance centers, and
26 shall furnish the same to each local school council. The term

1 of the performance contract shall be 4 years, unless the
2 principal is retained by the decision of a hearing officer
3 pursuant to subdivision 1.5 of Section 34-2.3, in which case
4 the contract shall be extended for 2 years. The performance
5 contract of each principal shall consist of the uniform
6 performance contract, as developed or from time to time
7 modified by the board, and such additional criteria as are
8 established by a local school council pursuant to Section
9 34-2.3 for the performance contract of its principal.

10 During the term of his or her performance contract, a
11 principal may be removed only as provided for in the
12 performance contract except for cause. He or she shall also be
13 obliged to follow the rules of the board of education
14 concerning conduct and efficiency.

15 In the event the performance contract of a principal is
16 not renewed or a principal is not reappointed as principal
17 under a new performance contract, or in the event a principal
18 is appointed to any position of superintendent or higher
19 position, or voluntarily resigns his position of principal,
20 his or her employment as a principal shall terminate and such
21 former principal shall not be reinstated to the position from
22 which he or she was promoted to principal, except that he or
23 she, if otherwise qualified and certified in accordance with
24 Article 21, shall be placed by the board on appropriate
25 eligibility lists which it prepares for use in the filling of
26 vacant or additional or newly created positions for teachers.

1 The principal's total years of service to the board as both a
2 teacher and a principal, or in other professional capacities,
3 shall be used in calculating years of experience for purposes
4 of being selected as a teacher into new, additional or vacant
5 positions.

6 In the event the performance contract of a principal is
7 not renewed or a principal is not reappointed as principal
8 under a new performance contract, such principal shall be
9 eligible to continue to receive his or her previously provided
10 level of health insurance benefits for a period of 90 days
11 following the non-renewal of the contract at no expense to the
12 principal, provided that such principal has not retired.

13 (Source: P.A. 99-642, eff. 7-28-16.)

14 Section 99. Effective date. This Act takes effect January
15 1, 2023.