

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing Sections
5 10-22.25b and 34-2.3 as follows:

6 (105 ILCS 5/10-22.25b) (from Ch. 122, par. 10-22.25b)

7 Sec. 10-22.25b. School uniforms. The school board may
8 adopt a school uniform or dress code policy that governs all or
9 certain individual attendance centers and that is necessary to
10 maintain the orderly process of a school function or prevent
11 endangerment of student health or safety. A school uniform or
12 dress code policy adopted by a school board: (i) shall not be
13 applied in such manner as to discipline or deny attendance to a
14 transfer student or any other student for noncompliance with
15 that policy during such period of time as is reasonably
16 necessary to enable the student to acquire a school uniform or
17 otherwise comply with the dress code policy that is in effect
18 at the attendance center or in the district into which the
19 student's enrollment is transferred; (ii) shall include
20 criteria and procedures under which the school board will
21 accommodate the needs of or otherwise provide appropriate
22 resources to assist a student from an indigent family in
23 complying with an applicable school uniform or dress code

1 policy; ~~and~~ (iii) shall not include or apply to hairstyles,
2 including hairstyles historically associated with race,
3 ethnicity, or hair texture, including, but not limited to,
4 protective hairstyles such as braids, locks, and twists; and
5 (iv) shall not prohibit the right of a student to wear or
6 accessorize the student's graduation attire with items
7 associated with the student's cultural or ethnic identity or
8 any protected characteristic or category identified in
9 subsection (Q) of Section 1-103 of the Illinois Human Rights
10 Act, including, but not limited to, flags, pins, or any other
11 relevant item. A student whose parents or legal guardians
12 object on religious grounds to the student's compliance with
13 an applicable school uniform or dress code policy shall not be
14 required to comply with that policy if the student's parents
15 or legal guardians present to the school board a signed
16 statement of objection detailing the grounds for the
17 objection. This Section applies to school boards of all
18 districts, including special charter districts and districts
19 organized under Article 34. If a school board does not comply
20 with the requirements and prohibitions set forth in this
21 Section, the school district is subject to the penalty imposed
22 pursuant to subsection (a) of Section 2-3.25.

23 By no later than July 1, 2022, the State Board of Education
24 shall make available to schools resource materials developed
25 in consultation with stakeholders regarding hairstyles,
26 including hairstyles historically associated with race,

1 ethnicity, or hair texture, including, but not limited to,
2 protective hairstyles such as braids, locks, and twists. The
3 State Board of Education shall make the resource materials
4 available on its Internet website.

5 (Source: P.A. 102-360, eff. 1-1-22.)

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

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

11 1. (A) To annually evaluate the performance of the
12 principal of the attendance center using a Board approved
13 principal evaluation form, which shall include the evaluation
14 of (i) student academic improvement, as defined by the school
15 improvement plan, (ii) student absenteeism rates at the
16 school, (iii) instructional leadership, (iv) the effective
17 implementation of programs, policies, or strategies to improve
18 student academic achievement, (v) school management, and (vi)
19 any other factors deemed relevant by the local school council,
20 including, without limitation, the principal's communication
21 skills and ability to create and maintain a student-centered
22 learning environment, to develop opportunities for
23 professional development, and to encourage parental
24 involvement and community partnerships to achieve school
25 improvement;

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

5 (C) to directly select, in the manner provided by
6 subsection (c) of Section 34-2.2, a new principal (including a
7 new principal to fill a vacancy) -- without submitting any
8 list of candidates for that position to the general
9 superintendent as provided in paragraph 2 of this Section --
10 to serve under a 4 year performance contract; provided that
11 (i) the determination of whether the principal's performance
12 contract is to be renewed, based upon the evaluation required
13 by subdivision 1.5 of this Section, shall be made no later than
14 150 days prior to the expiration of the current
15 performance-based contract of the principal, (ii) in cases
16 where such performance contract is not renewed -- a direct
17 selection of a new principal -- to serve under a 4 year
18 performance contract shall be made by the local school council
19 no later than 45 days prior to the expiration of the current
20 performance contract of the principal, and (iii) a selection
21 by the local school council of a new principal to fill a
22 vacancy under a 4 year performance contract shall be made
23 within 90 days after the date such vacancy occurs. A Council
24 shall be required, if requested by the principal, to provide
25 in writing the reasons for the council's not renewing the
26 principal's contract.

1 1.5. The local school council's determination of whether
2 to renew the principal's contract shall be based on an
3 evaluation to assess the educational and administrative
4 progress made at the school during the principal's current
5 performance-based contract. The local school council shall
6 base its evaluation on (i) student academic improvement, as
7 defined by the school improvement plan, (ii) student
8 absenteeism rates at the school, (iii) instructional
9 leadership, (iv) the effective implementation of programs,
10 policies, or strategies to improve student academic
11 achievement, (v) school management, and (vi) any other factors
12 deemed relevant by the local school council, including,
13 without limitation, the principal's communication skills and
14 ability to create and maintain a student-centered learning
15 environment, to develop opportunities for professional
16 development, and to encourage parental involvement and
17 community partnerships to achieve school improvement. If a
18 local school council fails to renew the performance contract
19 of a principal rated by the general superintendent, or his or
20 her designee, in the previous years' evaluations as meeting or
21 exceeding expectations, the principal, within 15 days after
22 the local school council's decision not to renew the contract,
23 may request a review of the local school council's principal
24 non-retention decision by a hearing officer appointed by the
25 American Arbitration Association. A local school council
26 member or members or the general superintendent may support

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

1 Association to the principal and to each local school council
2 member and shall inform the local school council of its rights
3 and responsibilities under the arbitration process, including
4 the local school council's right to representation and the
5 manner and process by which the Board shall pay the costs of
6 the council's representation. If the local school council
7 retains the principal and the general superintendent requests
8 a review of the retention decision, the local school council
9 and the general superintendent shall be considered parties to
10 the arbitration, a hearing officer shall be chosen between
11 those 2 parties pursuant to procedures promulgated by the
12 State Board of Education, and the principal may retain counsel
13 and participate in the arbitration. If the local school
14 council does not retain the principal and the principal
15 requests a review of the retention decision, the local school
16 council and the principal shall be considered parties to the
17 arbitration and a hearing officer shall be chosen between
18 those 2 parties pursuant to procedures promulgated by the
19 State Board of Education. The hearing shall begin (i) within
20 45 days after the initial request for review is submitted by
21 the principal to the general superintendent or (ii) if the
22 initial request for review is made by the general
23 superintendent, within 45 days after that request is mailed to
24 the American Arbitration Association. The hearing officer
25 shall render a decision within 45 days after the hearing
26 begins and within 90 days after the initial request for

1 review. The Board shall contract with the American Arbitration
2 Association for all of the hearing officer's reasonable and
3 necessary costs. In addition, the Board shall pay any
4 reasonable costs incurred by a local school council for
5 representation before a hearing officer.

6 1.10. The hearing officer shall conduct a hearing, which
7 shall include (i) a review of the principal's performance,
8 evaluations, and other evidence of the principal's service at
9 the school, (ii) reasons provided by the local school council
10 for its decision, and (iii) documentation evidencing views of
11 interested persons, including, without limitation, students,
12 parents, local school council members, school faculty and
13 staff, the principal, the general superintendent or his or her
14 designee, and members of the community. The burden of proof in
15 establishing that the local school council's decision was
16 arbitrary and capricious shall be on the party requesting the
17 arbitration, and this party shall sustain the burden by a
18 preponderance of the evidence. The hearing officer shall set
19 the local school council decision aside if that decision, in
20 light of the record developed at the hearing, is arbitrary and
21 capricious. The decision of the hearing officer may not be
22 appealed to the Board or the State Board of Education. If the
23 hearing officer decides that the principal shall be retained,
24 the retention period shall not exceed 2 years.

25 2. In the event (i) the local school council does not renew
26 the performance contract of the principal, or the principal

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

1 council. There shall be no discrimination on the basis of
2 race, sex, creed, color or disability unrelated to ability to
3 perform in connection with the submission of candidates for,
4 and the selection of a candidate to serve as principal of an
5 attendance center. No person shall be directly selected,
6 listed as a candidate for, or selected to serve as principal of
7 an attendance center (i) if such person has been removed for
8 cause from employment by the Board or (ii) if such person does
9 not hold a valid Professional Educator License issued under
10 Article 21B and endorsed as required by that Article for the
11 position of principal. A principal whose performance contract
12 is not renewed as provided under subsection (c) of Section
13 34-2.2 may nevertheless, if otherwise qualified and licensed
14 as herein provided and if he or she has received a satisfactory
15 rating as provided in subsection (h) of Section 34-8.3, be
16 included by a local school council as one of the 3 candidates
17 listed in order of preference on any candidate list from which
18 one person is to be selected to serve as principal of the
19 attendance center under a new performance contract. The
20 initial candidate list required to be submitted by a local
21 school council to the general superintendent in cases where
22 the local school council does not renew the performance
23 contract of its principal and does not directly select a new
24 principal to serve under a 4 year performance contract shall
25 be submitted not later than 30 days prior to the expiration of
26 the current performance contract. In cases where the local

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

22 2.5. Whenever a vacancy in the office of a principal
23 occurs for any reason, the vacancy shall be filled in the
24 manner provided by this Section by the selection of a new
25 principal to serve under a 4 year performance contract.

26 3. To establish additional criteria to be included as part

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

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

18 Via a supermajority vote of 8 members of a local school
19 council enrolling students through the 8th grade or 9 members
20 of a local school council at a secondary attendance center or
21 an attendance center enrolling students in grades 7 through
22 12, the Council may transfer allocations pursuant to Section
23 34-2.3 within funds; provided that such a transfer is
24 consistent with applicable law and collective bargaining
25 agreements.

26 Beginning in fiscal year 1991 and in each fiscal year

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

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

1 34-8.1a.

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

6 The lump sum allocation shall take into account the
7 following principles:

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

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

25 c. Non-compensation items: Appropriations for all
26 non-compensation items shall be based on system-wide

1 formulas based on student enrollment and on the special
2 needs of the school or factors related to the physical
3 plant, including but not limited to textbooks, electronic
4 textbooks and the technological equipment necessary to
5 gain access to and use electronic textbooks, supplies,
6 electricity, equipment, and routine maintenance.

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

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

22 e. The Local School Council shall have the right to
23 request the principal to close positions and open new ones
24 consistent with the provisions of the local school
25 improvement plan provided that these decisions are
26 consistent with applicable law and collective bargaining

1 agreements. If a position is closed, pursuant to this
2 paragraph, the local school shall have for its use the
3 system-wide average compensation for the closed position.

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

8 g. (Blank).

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

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

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

23 7. To approve a school improvement plan developed as
24 provided in Section 34-2.4. The process and schedule for plan
25 development shall be publicized to the entire school
26 community, and the community shall be afforded the opportunity

1 to make recommendations concerning the plan. At least twice a
2 year the principal and local school council shall report
3 publicly on progress and problems with respect to plan
4 implementation.

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

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

26 10. To request of the Board the manner in which training

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

14 1. school budgets;

15 2. educational theory pertinent to the attendance
16 center's particular needs, including the development of
17 the school improvement plan and the principal's
18 performance contract; and

19 3. personnel selection.

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

22 11. In accordance with systemwide guidelines contained in
23 the System-Wide Educational Reform Goals and Objectives Plan,
24 criteria for evaluation of performance shall be established
25 for local school councils and local school council members. If
26 a local school council persists in noncompliance with

1 systemwide requirements, the Board may impose sanctions and
2 take necessary corrective action, consistent with Section
3 34-8.3.

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

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

18 14. The local school council may adopt a school uniform or
19 dress code policy that governs the attendance center and that
20 is necessary to maintain the orderly process of a school
21 function or prevent endangerment of student health or safety,
22 consistent with the policies and rules of the Board of
23 Education. A school uniform or dress code policy adopted by a
24 local school council: (i) shall not be applied in such manner
25 as to discipline or deny attendance to a transfer student or
26 any other student for noncompliance with that policy during

1 such period of time as is reasonably necessary to enable the
2 student to acquire a school uniform or otherwise comply with
3 the dress code policy that is in effect at the attendance
4 center into which the student's enrollment is transferred;
5 (ii) shall include criteria and procedures under which the
6 local school council will accommodate the needs of or
7 otherwise provide appropriate resources to assist a student
8 from an indigent family in complying with an applicable school
9 uniform or dress code policy; ~~and~~ (iii) shall not include or
10 apply to hairstyles, including hairstyles historically
11 associated with race, ethnicity, or hair texture, including,
12 but not limited to, protective hairstyles such as braids,
13 locks, and twists; and (iv) shall not prohibit the right of a
14 student to wear or accessorize the student's graduation attire
15 with items associated with the student's cultural or ethnic
16 identity or any protected characteristic or category
17 identified in subsection (Q) of Section 1-103 of the Illinois
18 Human Rights Act, including, but not limited to, flags, pins,
19 or any other relevant item. A student whose parents or legal
20 guardians object on religious grounds to the student's
21 compliance with an applicable school uniform or dress code
22 policy shall not be required to comply with that policy if the
23 student's parents or legal guardians present to the local
24 school council a signed statement of objection detailing the
25 grounds for the objection. If a local school council does not
26 comply with the requirements and prohibitions set forth in

1 this paragraph 14, the attendance center is subject to the
2 penalty imposed pursuant to subsection (a) of Section 2-3.25.

3 15. All decisions made and actions taken by the local
4 school council in the exercise of its powers and duties shall
5 comply with State and federal laws, all applicable collective
6 bargaining agreements, court orders and rules properly
7 promulgated by the Board.

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

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

18 16. (Blank).

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

21 (Source: P.A. 102-360, eff. 1-1-22; 102-677, eff. 12-3-21;
22 102-894, eff. 5-20-22.)

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