1 AN ACT concerning education.

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

- 4 Section 5. The School Code is amended by changing Sections
- 5 10-22.25b, and 34-2.3 and by adding Section 2-3.196 as
- 6 follows:
- 7 (105 ILCS 5/2-3.196 new)
- 8 Sec. 2-3.196. Clothing resource materials. By no later
- 9 than July 1, 2024, the State Board of Education shall make
- 10 available to schools resource materials developed in
- 11 consultation with stakeholders regarding a student wearing or
- 12 accessorizing the student's graduation attire with general
- 13 items that may be used by the student to associate with,
- 14 identify, or declare the student's cultural, ethnic, or
- 15 religious <u>identity</u> or any other protected characteristic or
- 16 <u>category identified in subsection (Q) of Section 1-103 of the</u>
- 17 Illinois Human Rights Act. The State Board of Education shall
- 18 make the resource materials available on its Internet website.
- 19 (105 ILCS 5/10-22.25b) (from Ch. 122, par. 10-22.25b)
- Sec. 10-22.25b. School uniforms. The school board may
- 21 adopt a school uniform or dress code policy that governs all or
- 22 certain individual attendance centers and that is necessary to

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maintain the orderly process of a school function or prevent endangerment of student health or safety. A school uniform or dress code policy adopted by a school board: (i) shall not be applied in such manner as to discipline or deny attendance to a transfer student or any other student for noncompliance with that policy during such period of time as is reasonably necessary to enable the student to acquire a school uniform or otherwise comply with the dress code policy that is in effect at the attendance center or in the district into which the student's enrollment is transferred: (ii) shall include criteria and procedures under which the school board will accommodate the needs of or otherwise provide appropriate resources to assist a student from an indigent family in complying with an applicable school uniform or dress code policy; and (iii) shall not include or apply to hairstyles, including hairstyles historically associated with race, ethnicity, or hair texture, including, but not limited to, protective hairstyles such as braids, locks, and twists; and (iv) shall not prohibit the right of a student to wear or accessorize the student's graduation attire with items associated with the student's cultural, ethnic, or religious identity or any other protected characteristic or category identified in subsection (Q) of Section 1-103 of the Illinois Human Rights Act. A student whose parents or legal guardians object on religious grounds to the student's compliance with an applicable school uniform or dress code policy shall not be

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required to comply with that policy if the student's parents 1 2 or legal quardians present to the school board a signed 3 statement of objection detailing the grounds for the objection. This Section applies to school boards of 5 districts, including special charter districts and districts organized under Article 34. If a school board does not comply 6 with the requirements and prohibitions set forth in this 7 8 Section, the school district is subject to the penalty imposed

By no later than July 1, 2022, the State Board of Education shall make available to schools resource materials developed in consultation with stakeholders regarding hairstyles, including hairstyles historically associated with race, ethnicity, or hair texture, including, but not limited to, protective hairstyles such as braids, locks, and twists. The State Board of Education shall make the resource materials available on its Internet website.

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

19 (105 ILCS 5/34-2.3) (from Ch. 122, par. 34-2.3)

pursuant to subsection (a) of Section 2-3.25.

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

1. (A) To annually evaluate the performance of the principal of the attendance center using a Board approved

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principal evaluation form, which shall include the evaluation 1 2 of (i) student academic improvement, as defined by the school 3 improvement plan, (ii) student absenteeism rates at the school, (iii) instructional leadership, (iv) the effective 5 implementation of programs, policies, or strategies to improve student academic achievement, (v) school management, and (vi) 6 7 any other factors deemed relevant by the local school council, 8 including, without limitation, the principal's communication 9 skills and ability to create and maintain a student-centered 10 learning environment, to develop opportunities for 11 professional development, and to encourage parental 12 involvement and community partnerships to achieve school 13 improvement;

- (B) to determine in the manner provided by subsection (c) of Section 34-2.2 and subdivision 1.5 of this Section whether the performance contract of the principal shall be renewed; and
- (C) to directly select, in the manner provided by subsection (c) of Section 34-2.2, a new principal (including a new principal to fill a vacancy) -- without submitting any list of candidates for that position to the general superintendent as provided in paragraph 2 of this Section -- to serve under a 4 year performance contract; provided that (i) the determination of whether the principal's performance contract is to be renewed, based upon the evaluation required by subdivision 1.5 of this Section, shall be made no later than

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

1.5. The local school council's determination of whether to renew the principal's contract shall be based on an evaluation to assess the educational and administrative progress made at the school during the principal's current performance-based contract. The local school council shall base its evaluation on (i) student academic improvement, as defined by the school improvement plan, (ii) student absenteeism rates at the school, (iii) instructional leadership, (iv) the effective implementation of programs, strategies to improve student policies, or achievement, (v) school management, and (vi) any other factors deemed relevant by the local school council, including, without limitation, the principal's communication skills and

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

superintendent's evaluation for the previous year, the general 1 2 superintendent, within 15 days after the local school 3 council's decision to renew the contract, may request a review of the local school council's principal retention decision by 5 a hearing officer appointed by the American Arbitration 6 Association. The general superintendent may request a review 7 only once for that principal at that attendance center. All 8 requests to review the retention or non-retention of a 9 principal shall be submitted to the general superintendent, 10 who shall, in turn, forward such requests, within 14 days of 11 receipt, to the American Arbitration Association. The general 12 superintendent shall send a contemporaneous copy of the 13 forwarded to the American Arbitration request that was 14 Association to the principal and to each local school council 15 member and shall inform the local school council of its rights 16 and responsibilities under the arbitration process, including 17 the local school council's right to representation and the manner and process by which the Board shall pay the costs of 18 the council's representation. If the local school council 19 20 retains the principal and the general superintendent requests a review of the retention decision, the local school council 21 22 and the general superintendent shall be considered parties to 23 the arbitration, a hearing officer shall be chosen between 24 those 2 parties pursuant to procedures promulgated by the 25 State Board of Education, and the principal may retain counsel and participate in the arbitration. If the local school 26

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council does not retain the principal and the principal requests a review of the retention decision, the local school council and the principal shall be considered parties to the arbitration and a hearing officer shall be chosen between those 2 parties pursuant to procedures promulgated by the State Board of Education. The hearing shall begin (i) within 45 days after the initial request for review is submitted by the principal to the general superintendent or (ii) if the initial request for review is made by the general superintendent, within 45 days after that request is mailed to the American Arbitration Association. The hearing officer shall render a decision within 45 days after the hearing begins and within 90 days after the initial request for review. The Board shall contract with the American Arbitration Association for all of the hearing officer's reasonable and necessary costs. In addition, the Board shall reasonable costs incurred by a local school council representation before a hearing officer.

1.10. The hearing officer shall conduct a hearing, which shall include (i) a review of the principal's performance, evaluations, and other evidence of the principal's service at the school, (ii) reasons provided by the local school council for its decision, and (iii) documentation evidencing views of interested persons, including, without limitation, students, parents, local school council members, school faculty and staff, the principal, the general superintendent or his or her

designee, and members of the community. The burden of proof in establishing that the local school council's decision was arbitrary and capricious shall be on the party requesting the arbitration, and this party shall sustain the burden by a preponderance of the evidence. The hearing officer shall set the local school council decision aside if that decision, in light of the record developed at the hearing, is arbitrary and capricious. The decision of the hearing officer may not be appealed to the Board or the State Board of Education. If the hearing officer decides that the principal shall be retained, the retention period shall not exceed 2 years.

2. In the event (i) the local school council does not renew the performance contract of the principal, or the principal fails to receive a satisfactory rating as provided in subsection (h) of Section 34-8.3, or the principal is removed for cause during the term of his or her performance contract in the manner provided by Section 34-85, or a vacancy in the position of principal otherwise occurs prior to the expiration of the term of a principal's performance contract, and (ii) the local school council fails to directly select a new principal to serve under a 4 year performance contract, the local school council in such event shall submit to the general superintendent a list of 3 candidates -- listed in the local school council's order of preference -- for the position of principal, one of which shall be selected by the general superintendent to serve as principal of the attendance center.

If the general superintendent fails or refuses to select one 1 2 of the candidates on the list to serve as principal within 30 3 days after being furnished with the candidate list, the general superintendent shall select and place a principal on 5 an interim basis (i) for a period not to exceed one year or (ii) until the local school council selects a new principal 6 with 7 affirmative votes as provided in subsection (c) of 7 Section 34-2.2, whichever occurs first. If the local school 8 9 council fails or refuses to select and appoint a new 10 principal, as specified by subsection (c) of Section 34-2.2, 11 the general superintendent may select and appoint a new 12 principal on an interim basis for an additional year or until a new contract principal is selected by the local school 13 14 council. There shall be no discrimination on the basis of 15 race, sex, creed, color or disability unrelated to ability to 16 perform in connection with the submission of candidates for, 17 and the selection of a candidate to serve as principal of an attendance center. No person shall be directly selected, 18 19 listed as a candidate for, or selected to serve as principal of 20 an attendance center (i) if such person has been removed for 21 cause from employment by the Board or (ii) if such person does 22 not hold a valid Professional Educator License issued under 23 Article 21B and endorsed as required by that Article for the 24 position of principal. A principal whose performance contract 25 is not renewed as provided under subsection (c) of Section 34-2.2 may nevertheless, if otherwise qualified and licensed 26

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

- vacancy occurs. In cases where the local school council fails or refuses to submit the candidate list to the general superintendent within 90 days after the date of the vacancy, the general superintendent may appoint a principal on an interim basis for a period of one year, during which time the local school council shall be able to select a new principal with 7 affirmative votes as provided in subsection (c) of Section 34-2.2.
 - 2.5. Whenever a vacancy in the office of a principal occurs for any reason, the vacancy shall be filled in the manner provided by this Section by the selection of a new principal to serve under a 4 year performance contract.
 - 3. To establish additional criteria to be included as part of the performance contract of its principal, provided that such additional criteria shall not discriminate on the basis of race, sex, creed, color or disability unrelated to ability to perform, and shall not be inconsistent with the uniform 4 year performance contract for principals developed by the board as provided in Section 34-8.1 of the School Code or with other provisions of this Article governing the authority and responsibility of principals.
 - 4. To approve the expenditure plan prepared by the principal with respect to all funds allocated and distributed to the attendance center by the Board. The expenditure plan shall be administered by the principal. Notwithstanding any other provision of this Act or any other law, any expenditure

plan approved and administered under this Section 34-2.3 shall be consistent with and subject to the terms of any contract for services with a third party entered into by the Chicago School

Reform Board of Trustees or the board under this Act.

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

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

Beginning in fiscal year 1991 and in each fiscal year thereafter, from other amounts available in the applicable

fiscal year budget, the board shall allocate a lump sum amount to each local school based upon such formula as the board shall determine taking into account the special needs of the student body. The local school principal shall develop an expenditure plan in consultation with the local school council, the professional personnel leadership committee and with all other school personnel, which reflects the priorities and activities as described in the school's local school improvement plan and is consistent with applicable law and collective bargaining agreements and with board policies and standards; however, the local school council shall have the right to request waivers of board policy from the board of education and waivers of employee collective bargaining agreements pursuant to Section 34-8.1a.

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

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

a. Teachers: Each school shall be allocated funds equal to the amount appropriated in the previous school year for compensation for teachers (regular grades kindergarten through 12th grade) plus whatever increases in compensation have been negotiated contractually or through longevity as provided in the negotiated agreement.

Adjustments shall be made due to layoff or reduction in force, lack of funds or work, change in subject requirements, enrollment changes, or contracts with third parties for the performance of services or to rectify any inconsistencies with system-wide allocation formulas or for other legitimate reasons.

- b. Other personnel: Funds for other teacher licensed and nonlicensed personnel paid through non-categorical funds shall be provided according to system-wide formulas based on student enrollment and the special needs of the school as determined by the Board.
- c. Non-compensation items: Appropriations for all non-compensation items shall be based on system-wide formulas based on student enrollment and on the special needs of the school or factors related to the physical plant, including but not limited to textbooks, electronic textbooks and the technological equipment necessary to gain access to and use electronic textbooks, supplies, electricity, equipment, and routine maintenance.
- d. Funds for categorical programs: Schools shall receive personnel and funds based on, and shall use such personnel and funds in accordance with State and Federal requirements applicable to each categorical program provided to meet the special needs of the student body (including but not limited to, Federal Chapter I, Bilingual, and Special Education).

- d.1. Funds for State Title I: Each school shall receive funds based on State and Board requirements applicable to each State Title I pupil provided to meet the special needs of the student body. Each school shall receive the proportion of funds as provided in Section 18-8 or 18-8.15 to which they are entitled. These funds shall be spent only with the budgetary approval of the Local School Council as provided in Section 34-2.3.
- e. The Local School Council shall have the right to request the principal to close positions and open new ones consistent with the provisions of the local school improvement plan provided that these decisions are consistent with applicable law and collective bargaining agreements. If a position is closed, pursuant to this paragraph, the local school shall have for its use the system-wide average compensation for the closed position.
- f. Operating within existing laws and collective bargaining agreements, the local school council shall have the right to direct the principal to shift expenditures within funds.
 - g. (Blank).
- Any funds unexpended at the end of the fiscal year shall be available to the board of education for use as part of its budget for the following fiscal year.
- 5. To make recommendations to the principal concerning textbook selection and concerning curriculum developed

- 1 pursuant to the school improvement plan which is consistent
- 2 with systemwide curriculum objectives in accordance with
- 3 Sections 34-8 and 34-18 of the School Code and in conformity
- 4 with the collective bargaining agreement.
- 5 6. To advise the principal concerning the attendance and
- 6 disciplinary policies for the attendance center, subject to
- 7 the provisions of this Article and Article 26, and consistent
- 8 with the uniform system of discipline established by the board
- 9 pursuant to Section 34-19.
- 7. To approve a school improvement plan developed as
- 11 provided in Section 34-2.4. The process and schedule for plan
- 12 development shall be publicized to the entire school
- community, and the community shall be afforded the opportunity
- 14 to make recommendations concerning the plan. At least twice a
- 15 year the principal and local school council shall report
- 16 publicly on progress and problems with respect to plan
- implementation.
- 18 8. To evaluate the allocation of teaching resources and
- 19 other licensed and nonlicensed staff to the attendance center
- 20 to determine whether such allocation is consistent with and in
- 21 furtherance of instructional objectives and school programs
- 22 reflective of the school improvement plan adopted for the
- 23 attendance center; and to make recommendations to the board,
- 24 the general superintendent and the principal concerning any
- 25 reallocation of teaching resources or other staff whenever the
- 26 council determines that any such reallocation is appropriate

- because the qualifications of any existing staff at the attendance center do not adequately match or support instructional objectives or school programs which reflect the
- 4 school improvement plan.

- 9. To make recommendations to the principal and the general superintendent concerning their respective appointments, after August 31, 1989, and in the manner provided by Section 34-8 and Section 34-8.1, of persons to fill any vacant, additional or newly created positions for teachers at the attendance center or at attendance centers which include the attendance center served by the local school council.
- and assistance shall be provided to the local school council. Pursuant to Board guidelines a local school council is authorized to direct the Board of Education to contract with personnel or not-for-profit organizations not associated with the school district to train or assist council members. If training or assistance is provided by contract with personnel or organizations not associated with the school district, the period of training or assistance shall not exceed 30 hours during a given school year; person shall not be employed on a continuous basis longer than said period and shall not have been employed by the Chicago Board of Education within the preceding six months. Council members shall receive training in at least the following areas:

- 1 1. school budgets;
- 2 2. educational theory pertinent to the attendance
- 3 center's particular needs, including the development of
- 4 the school improvement plan and the principal's
- 5 performance contract; and
- 6 3. personnel selection.
- 7 Council members shall, to the greatest extent possible,
- 8 complete such training within 90 days of election.
- 9 11. In accordance with systemwide guidelines contained in
- 10 the System-Wide Educational Reform Goals and Objectives Plan,
- 11 criteria for evaluation of performance shall be established
- for local school councils and local school council members. If
- 13 a local school council persists in noncompliance with
- 14 systemwide requirements, the Board may impose sanctions and
- 15 take necessary corrective action, consistent with Section
- 16 34-8.3.
- 17 12. Each local school council shall comply with the Open
- 18 Meetings Act and the Freedom of Information Act. Each local
- 19 school council shall issue and transmit to its school
- 20 community a detailed annual report accounting for its
- 21 activities programmatically and financially. Each local school
- 22 council shall convene at least 2 well-publicized meetings
- 23 annually with its entire school community. These meetings
- 24 shall include presentation of the proposed local school
- improvement plan, of the proposed school expenditure plan, and
- the annual report, and shall provide an opportunity for public

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- 13. Each local school council is encouraged to involve additional non-voting members of the school community in facilitating the council's exercise of its responsibilities.
 - 14. The local school council may adopt a school uniform or dress code policy that governs the attendance center and that is necessary to maintain the orderly process of a school function or prevent endangerment of student health or safety, consistent with the policies and rules of the Board of Education. A school uniform or dress code policy adopted by a local school council: (i) shall not be applied in such manner as to discipline or deny attendance to a transfer student or any other student for noncompliance with that policy during such period of time as is reasonably necessary to enable the student to acquire a school uniform or otherwise comply with the dress code policy that is in effect at the attendance center into which the student's enrollment is transferred; (ii) shall include criteria and procedures under which the local school council will accommodate the needs of otherwise provide appropriate resources to assist a student from an indigent family in complying with an applicable school uniform or dress code policy; and (iii) shall not include or apply to hairstyles, including hairstyles historically associated with race, ethnicity, or hair texture, including, but not limited to, protective hairstyles such as braids, locks, and twists; and (iv) shall not prohibit the right of a

with items associated with the student's cultural, ethnic, or religious identity or any other protected characteristic or category identified in subsection (Q) of Section 1-103 of the Illinois Human Rights Act. A student whose parents or legal guardians object on religious grounds to the student's compliance with an applicable school uniform or dress code policy shall not be required to comply with that policy if the student's parents or legal guardians present to the local school council a signed statement of objection detailing the grounds for the objection. If a local school council does not comply with the requirements and prohibitions set forth in this paragraph 14, the attendance center is subject to the penalty imposed pursuant to subsection (a) of Section 2-3.25.

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

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

15b. To approve, in accordance with board rules and policies, receipts and expenditures for all internal accounts

- of the attendance center, and to approve all fund-raising 1
- 2 activities by nonschool organizations that use the school
- 3 building.
- 16. (Blank). 4
- 5 17. Names and addresses of local school council members
- 6 shall be a matter of public record.
- (Source: P.A. 102-360, eff. 1-1-22; 102-677, eff. 12-3-21; 7
- 102-894, eff. 5-20-22.) 8
- 9 Section 99. Effective date. This Act takes effect upon
- becoming law. 10