



Rep. Kenneth Dunkin

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1 AMENDMENT TO HOUSE BILL 2000

2 AMENDMENT NO. _____. Amend House Bill 2000 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections
5 34-1.02, 34-1.1, 34-2.1, 34-2.2, 34-2.3, 34-2.3a, 34-2.3b,
6 34-2.4b, and 34-18 as follows:

7 (105 ILCS 5/34-1.02) (from Ch. 122, par. 34-1.02)

8 Sec. 34-1.02. Educational reform. The General Assembly
9 hereby finds and declares that educational reform in school
10 districts organized under this Article shall be implemented in
11 such manner that:

12 1. (blank); ~~the percentage of entering freshmen who 4 years~~
13 ~~later graduate from 12th grade from each high school attendance~~
14 ~~center within the district in each of the 1989-90, 1990-91,~~
15 ~~1991-92, 1992-93 and 1993-94 school years exceeds by at least~~
16 ~~5% the percentage of similar students graduating from that high~~
17 ~~school attendance center in the immediately preceding school~~
18 ~~year;~~

19 2. (blank); ~~the average daily student attendance rate~~
20 ~~within the district in each of the 1989-90, 1990-91, 1991-92,~~
21 ~~1992-93 and 1993-94 school years exceeds by at least 1% the~~
22 ~~average daily student attendance rate within the district for~~
23 ~~the immediately preceding school year;~~

24 3. (blank); ~~by the conclusion of the 1993-1994 school year,~~

1 ~~the percentage of students within the district failing and not~~
2 ~~advancing to the next higher grade or graduating is at least~~
3 ~~10% less than the percentage of students within the district~~
4 ~~failing and not advancing to the next higher grade or~~
5 ~~graduating at the conclusion of the 1987-88 school year;~~

6 4. on an annual basis, each attendance center within the
7 district makes significant progress toward meeting and
8 exceeding State performance standards in reading, writing,
9 mathematics, and other State mandated learning areas,
10 including the mastery of higher order thinking skills in these
11 learning areas. Significant annual progress toward meeting and
12 exceeding State performance standards shall occur for all
13 students regardless of race, ethnicity, gender, or income
14 status, based on the expectation that these subgroups shall
15 meet and exceed State performance standards. Annual objectives
16 for significant progress and timeframes during which the
17 students' performance overall and as measured within subgroups
18 will meet and exceed State performance standards shall be
19 specified in the school improvement plan required in Section
20 34-2.4; and

21 5. appropriate improvement and progress are realized each
22 school year in each attendance center within the district, when
23 compared to the performance of such attendance center during
24 the immediately preceding school year, in advancing toward and
25 achieving the objectives established in this Section and in the
26 attendance center's school improvement plan ~~by paragraphs 1~~
27 ~~through 4 of this Section.~~

28 (Source: P.A. 88-686, eff. 1-24-95.)

29 (105 ILCS 5/34-1.1) (from Ch. 122, par. 34-1.1)

30 Sec. 34-1.1. Definitions. As used in this Article:

31 "Academic Accountability Council" means the Chicago
32 Schools Academic Accountability Council created under Section
33 34-3.4.

1 "Local School Council" means a local school council
2 established under Section 34-2.1.

3 "School" and "attendance center" are used interchangeably
4 to mean any attendance center operated pursuant to this Article
5 and under the direction of one principal.

6 "Secondary Attendance Center" means a school which has
7 students enrolled in grades 9 through 12 (although it may also
8 have students enrolled in grades below grade 9).

9 "Local Attendance Area School" means a school which has a
10 local attendance area established by the board.

11 "Multi-area school" means a school other than a local
12 attendance area school.

13 "Parent" means a parent or ~~legal~~ guardian of an enrolled
14 student of an attendance center.

15 "Guardian" means someone who has legal custody of a student
16 as defined in subdivision (2) of subsection (a) of Section
17 10-20.12b of this Code.

18 "Community resident" means a person, 18 years of age or
19 older, residing within an attendance area served by a school,
20 excluding any person who is a parent of a student enrolled in
21 that school; provided that with respect to any multi-area
22 school, community resident means any person, 18 years of age or
23 older, residing within the voting district established for that
24 school pursuant to Section 34-2.1c, excluding any person who is
25 a parent of a student enrolled in that school.

26 "School staff" means all certificated and uncertificated
27 school personnel, including all teaching and administrative
28 staff (other than the principal) and including all custodial,
29 food service and other civil service employees, who are
30 employed at and assigned to perform the majority of their
31 employment duties at one attendance center served by the same
32 local school council.

33 "Regular meetings" means the meeting dates established by
34 the local school council at its annual organizational meeting.

1 "Small School" means a school that was formed pursuant to
2 the Request for Proposals issued by the board in 1995 pursuant
3 to Resolution No. 95-0829-RS2.

4 (Source: P.A. 88-511; 89-15, eff. 5-30-95.)

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

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

8 (a) Composition. A local school council shall be
9 established for each attendance center within the school
10 district. Each local school council shall consist of the
11 following 11 voting members: the principal of the attendance
12 center, 2 teachers employed and assigned to perform the
13 majority of their employment duties at the attendance center
14 (appointed as provided in subsection (l) of this Section), and
15 6 parents of students currently enrolled at the attendance
16 center and 2 community residents (elected as provided in
17 subsection (d) of this Section). Neither the parents nor the
18 community residents who serve as members of the local school
19 council shall be employees of the Board of Education. In each
20 secondary attendance center, the local school council shall
21 consist of 12 voting members -- the 11 voting members described
22 above and one full-time student member, appointed as provided
23 in subsection (m) below. ~~In the event that the chief executive~~
24 ~~officer of the Chicago School Reform Board of Trustees~~
25 ~~determines that a local school council is not carrying out its~~
26 ~~financial duties effectively, the chief executive officer is~~
27 ~~authorized to appoint a representative of the business~~
28 ~~community with experience in finance and management to serve as~~
29 ~~an advisor to the local school council for the purpose of~~
30 ~~providing advice and assistance to the local school council on~~
31 ~~fiscal matters. The advisor shall have access to relevant~~
32 ~~financial records of the local school council. The advisor may~~
33 ~~attend executive sessions. The chief executive officer shall~~

1 ~~issue a written policy defining the circumstances under which a~~
2 ~~local school council is not carrying out its financial duties~~
3 ~~effectively.~~

4 (b) ~~Within 7 days of January 11, 1991, the Mayor shall~~
5 ~~appoint the members and officers (a Chairperson who shall be a~~
6 ~~parent member and a Secretary) of each local school council who~~
7 ~~shall hold their offices until their successors shall be~~
8 ~~elected and qualified. Members so appointed shall have all the~~
9 ~~powers and duties of local school councils as set forth in this~~
10 ~~amendatory Act of 1991. The Mayor's appointments shall not~~
11 ~~require approval by the City Council.~~ The membership of each
12 local school council shall be encouraged to be reflective of
13 the racial and ethnic composition of the student population of
14 the attendance center served by the local school council.

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

23 (c-5) Nominations and publicity.

24 (1) The local school council shall publicize the date and
25 place of the election by posting notices at the attendance
26 center, in public places within the attendance boundaries of
27 the attendance center, and by distributing notices to the
28 pupils at the attendance center and shall use any other means
29 as it deems necessary to maximize the involvement of all
30 eligible voters. The Board shall timely publicize the elections
31 citywide and otherwise encourage maximum candidate and voter
32 turnout.

33 (2) The local school council shall publicize the opening of
34 nominations by posting notices at the attendance center, in

1 public places within the attendance boundaries of the
2 attendance center, and by distributing notices to the pupils at
3 the attendance center and shall use any other means as it deems
4 necessary to maximize the involvement of all eligible voters.
5 The Board shall timely publicize the opening of nominations
6 city wide and otherwise encourage maximum candidate
7 participation.

8 (3) Not less than 2 weeks before the election date, persons
9 eligible to run for the local school council shall submit their
10 name, date of birth, social security number, if available, and
11 some evidence of eligibility to the council. The local school
12 council shall encourage the nomination of candidates
13 reflecting the racial and ethnic population of the students at
14 the attendance center. Each person nominated who runs as a
15 candidate shall disclose, in a manner determined by the Board,
16 any economic interest held by the person, by the person's
17 spouse or children, or by each business entity in which the
18 person has an ownership interest, in any contract with the
19 Board, any local school council, or any public school in the
20 school district. Each person nominated who runs as a candidate
21 shall also disclose, in a manner determined by the Board,
22 whether he or she has ever been convicted of any of the
23 offenses specified in subsection (c) of Section 34-18.5 of this
24 Code, provided that neither this provision nor any other
25 provision of this Section shall be deemed to require the
26 disclosure of any information that is contained in any law
27 enforcement record or juvenile court record that is
28 confidential or whose accessibility or disclosure is
29 restricted or prohibited under Section 5-901 or 5-905 of the
30 Juvenile Court Act of 1987. Failure to make such disclosures
31 shall render a person ineligible for election to or service on
32 the local school council. The same disclosures shall be
33 required of persons under consideration for appointment to the
34 local school council pursuant to subsections (l) and (m) of

1 this Section. At least one week before the election date, the
2 local school council shall publicize, in the manner provided in
3 paragraph (1) of this subsection (c-5), the names of persons
4 nominated for election.

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

9 (i) ~~The elected members of each local school council~~
10 ~~shall consist of the~~ 6 parent members and the 2 community
11 resident members. ~~(ii) Each elected member~~ shall be elected
12 by the eligible voters of that attendance center to serve
13 for a two-year term commencing on July 1 immediately
14 following the election described in subsection (c).
15 Eligible voters for each attendance center shall consist of
16 the parents and community residents for that attendance
17 center.

18 (ii) Eligible voters in multi-district attendance
19 centers shall be determined by the Board pursuant to
20 Section 34-2.1c of this Code.

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

25 (iv) Each parent voter shall be entitled to vote in the
26 local school council election at each attendance center in
27 which he or she has a child currently enrolled. Each
28 community resident voter shall be entitled to vote in the
29 local school council election at each attendance center for
30 which he or she resides in the applicable attendance area
31 or voting district, as the case may be.

32 (v) Each eligible voter shall be entitled to vote once,
33 but not more than once, in the local school council
34 election at each attendance center at which the voter is

1 eligible to vote.

2 (vi) Voting shall be in person by secret ballot at the
3 attendance center between the hours of 6:00 a.m. and 7:00
4 p.m. ~~The 2 teacher members of each local school council~~
5 ~~shall be appointed as provided in subsection (l) below each~~
6 ~~to serve for a two year term coinciding with that of the~~
7 ~~elected parent and community resident members.~~

8 (vii) After notice to the public and opportunity for
9 public input, the Board may promulgate such other rules for
10 election procedures as may be deemed necessary to ensure
11 fair elections. ~~At secondary attendance centers, the~~
12 ~~voting student member shall be appointed as provided in~~
13 ~~subsection (m) below to serve for a one-year term~~
14 ~~coinciding with the beginning of the terms of the elected~~
15 ~~parent and community members of the local school council.~~

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

23 (f) (Blank). Nomination. ~~The Council shall publicize the~~
24 ~~opening of nominations by posting notices at the attendance~~
25 ~~center, in public places within the attendance boundaries of~~
26 ~~the attendance center and by distributing notices to the pupils~~
27 ~~at the attendance center, and shall utilize such other means as~~
28 ~~it deems necessary to maximize the involvement of all eligible~~
29 ~~voters. Not less than 2 weeks before the election date, persons~~
30 ~~eligible to run for the Council shall submit their name, date~~
31 ~~of birth, social security number, if available, and some~~
32 ~~evidence of eligibility to the Council. The Council shall~~
33 ~~encourage nomination of candidates reflecting the~~
34 ~~racial/ethnic population of the students at the attendance~~

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

21 (f-5) (Blank). ~~Notwithstanding disclosure, a person who~~
22 ~~has been convicted of any of the following offenses at any time~~
23 ~~shall be ineligible for election or appointment to a local~~
24 ~~school council and ineligible for appointment to a local school~~
25 ~~council pursuant to subsections (l) and (m) of this Section:~~
26 ~~(i) those defined in Section 11-6, 11-9.1, 11-16, 11-17.1,~~
27 ~~11-19, 11-19.1, 11-19.2, 11-20.1, 12-13, 12-14, 12-14.1,~~
28 ~~12-15, or 12-16 of the Criminal Code of 1961 or (ii) any~~
29 ~~offense committed or attempted in any other state or against~~
30 ~~the laws of the United States, which, if committed or attempted~~
31 ~~in this State, would have been punishable as one or more of the~~
32 ~~foregoing offenses. Notwithstanding disclosure, a person who~~
33 ~~has been convicted of any of the following offenses within the~~
34 ~~10 years previous to the date of nomination or appointment~~

1 ~~shall be ineligible for election or appointment to a local~~
2 ~~school council: (i) those defined in Section 401.1, 405.1, or~~
3 ~~405.2 of the Illinois Controlled Substances Act or (ii) any~~
4 ~~offense committed or attempted in any other state or against~~
5 ~~the laws of the United States, which, if committed or attempted~~
6 ~~in this State, would have been punishable as one or more of the~~
7 ~~foregoing offenses.~~

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

26 (g) (Blank). ~~At least one week before the election date,~~
27 ~~the Council shall publicize, in the manner provided in~~
28 ~~subsection (c), the names of persons nominated for election.~~

29 (h) (Blank). ~~Voting shall be in person by secret ballot at~~
30 ~~the attendance center between the hours of 6:00 a.m. and 7:00~~
31 ~~p.m.~~

32 (i) Election results and post-election procedures.

33 (1) Candidates receiving the highest number of votes shall
34 be declared elected by the Council. In cases of a tie, the

1 Council shall determine the winner by lot.

2 (2) The local school council shall certify the results of
3 the election and shall publish the results in the minutes of
4 the council.

5 (3) The general superintendent of schools shall resolve any
6 disputes concerning election procedure or results and shall
7 ensure that, except as provided in subsection (c-5) of this
8 Section, no resources of any attendance center are used to
9 endorse or promote any candidate, provided that any elected
10 local school council or local school council member who has
11 been challenged but whose challenge has not been resolved prior
12 to the first scheduled meeting after the election shall take
13 office pending resolution of the challenge.

14 (4) If, pursuant to Board rule, a written challenge is
15 timely made to a local school council election on the grounds
16 that there were substantial and uncured violations such that
17 the entire election should be voided, the Board shall hold a
18 hearing on the charges within 14 days after receipt of the
19 challenge. All persons who were candidates in the challenged
20 election and any witnesses to the alleged violations that have
21 been identified in the challenge shall be given notice of the
22 hearing and a copy of the challenge by certified mail, which
23 shall be mailed at least 7 days before the hearing. The hearing
24 officer shall render a decision in the matter no later than 7
25 days after the hearing. Any appeal to the Board of the hearing
26 officer's decision shall be filed with the Board within 7 days
27 after the decision, and a decision on the appeal shall be
28 rendered by the Board within 7 days after the filing of the
29 appeal. If the decision of the hearing officer is that a new
30 election is required, the new election shall be scheduled
31 before the end of the school year of the year in which the
32 challenged election took place.

33 (5) If (A) a new election is required pursuant to a
34 challenge of the type described in paragraph (4) of this

1 subsection (i), but the new election has not been held nor the
2 results certified prior to the first day of July after a
3 regularly scheduled election, or (B) there is no election
4 scheduled within 3 months after the number of local school
5 council members falls below the number necessary for a quorum,
6 or (C) a new school is established, then the Board shall hold a
7 special local school council election for the attendance center
8 as soon as possible. The special election need not be scheduled
9 to coincide with a report card pick-up day.

10 (6) If less than the specified number of persons is elected
11 within each candidate category, the newly elected local school
12 council shall appoint eligible persons to serve as members of
13 the council for 2-year terms.

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

21 ~~(j) (Blank). The Council shall certify the results of the~~
22 ~~election and shall publish the results in the minutes of the~~
23 ~~Council.~~

24 ~~(k) (Blank). The general superintendent shall resolve any~~
25 ~~disputes concerning election procedure or results and shall~~
26 ~~ensure that, except as provided in subsections (e) and (g), no~~
27 ~~resources of any attendance center shall be used to endorse or~~
28 ~~promote any candidate.~~

29 (l) Teacher members. In Beginning with the 1995-1996 school
30 year and in every even numbered year thereafter, the Board
31 shall appoint 2 teacher members to each local school council,
32 each to serve a 2-year term coinciding with that of the elected
33 parent and community resident members. These appointments
34 shall be made in the following manner:

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

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

22 (iii) In the event that a teacher representative is
23 unable to perform his or her employment duties at the
24 school due to illness, disability, leave of absence,
25 disciplinary action, or any other reason, the Board shall
26 declare a temporary vacancy and appoint a replacement
27 teacher representative to serve on the local school council
28 until such time as the teacher member originally appointed
29 pursuant to this subsection (1) resumes service at the
30 attendance center or for the remainder of the term. The
31 replacement teacher representative shall be appointed in
32 the same manner and by the same procedures as teacher
33 representatives are appointed in subdivisions (i) and (ii)
34 of this subsection (1).

1 (m) Student members. Each year, Beginning with the
2 ~~1995-1996 school year, and in every year thereafter,~~ the Board
3 shall appoint one student member to each secondary attendance
4 center for a one-year term to coincide with the beginning of
5 the terms of the elected parent and community resident members
6 of the local school council. These appointments shall be made
7 in the following manner:

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

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

33 (iii) (Blank). ~~For the 1995-96 school year only,~~
34 ~~appointments shall be made from among those students who~~

1 ~~submitted statements of candidacy to the principal of the~~
2 ~~attendance center during the first 2 weeks of the school~~
3 ~~year. The principal shall communicate the results of any~~
4 ~~nonbinding, advisory poll to the Board. These results shall~~
5 ~~be advisory only, and the Board shall maintain absolute~~
6 ~~discretion to appoint student members to local school~~
7 ~~councils, irrespective of the preferences expressed in any~~
8 ~~such poll.~~

9 (n) (Blank). ~~The Board may promulgate such other rules and~~
10 ~~regulations for election procedures as may be deemed necessary~~
11 ~~to ensure fair elections.~~

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

19 (p) (Blank). ~~If less than the specified number of persons~~
20 ~~is elected within each candidate category, the newly elected~~
21 ~~local school council shall appoint eligible persons to serve as~~
22 ~~members of the Council for two year terms.~~

23 (q) Conflicts of interest. The Board shall promulgate rules
24 regarding conflicts of interest and disclosure of economic
25 interests which shall apply to local school council members and
26 which shall require reports or statements to be filed by
27 Council members at regular intervals with the Secretary of the
28 Board. Failure to comply with such rules or intentionally
29 falsifying such reports shall be grounds for disqualification
30 from local school council membership. A vacancy on the Council
31 for disqualification may be so declared by the Secretary of the
32 Board. Rules regarding conflicts of interest and disclosure of
33 economic interests promulgated by the Board shall apply to
34 local school council members. No less than 45 days prior to the

1 deadline, the general superintendent shall provide notice, by
2 mail, to the home address of each local school council member
3 of all requirements and forms for compliance with economic
4 interest statements.

5 (q-5) Ineligibility based on criminal conviction.
6 Notwithstanding disclosure, a person who has been convicted of
7 any of the following offenses at any time shall be ineligible
8 for election or appointment to a local school council pursuant
9 to subsections (l) and (m) of this Section:

10 (1) Those offenses defined in Section 11-6, 11-9.1,
11 11-16, 11-17.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 12-13,
12 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of
13 1961.

14 (2) Any offense committed or attempted in any other
15 state or against the laws of the United States, which, if
16 committed or attempted in this State, would have been
17 punishable as one or more of the offenses in subdivision
18 (1) of this subsection (q-5).

19 Notwithstanding disclosure, a person who has been
20 convicted of any of the following offenses within the 10 years
21 previous to the date of nomination or appointment shall be
22 ineligible for election or appointment to a local school
23 council:

24 (A) Those offenses defined in Section 401.1, 405.1, or
25 405.2 of the Illinois Controlled Substances Act.

26 (B) Any offense committed or attempted in any other
27 state or against the laws of the United States, which, if
28 committed or attempted in this State, would have been
29 punishable as one or more of the offenses in subdivision
30 (A) of this subsection (q-5).

31 Immediately upon election or appointment, incoming local
32 school council parent and community resident members shall be
33 required to undergo a criminal background investigation in
34 order to identify any criminal convictions under the offenses

1 enumerated in Section 34-18.5 of this Section. The
2 investigation shall be conducted by the Department of State
3 Police in the same manner as provided for in Section 34-18.5.
4 However, notwithstanding Section 34-18.5, the social security
5 number shall be provided only if available. The newly elected
6 or appointed local school council member must not be charged a
7 fee for the investigation. The Department shall furnish,
8 pursuant to positive identification, records of convictions
9 only to the general superintendent of schools and the newly
10 appointed or elected local school council member. Such
11 information shall be considered confidential, and the general
12 superintendent of schools may furnish such information only to
13 the principals of the attendance centers to which the local
14 school council members were elected or appointed and the
15 council members who are the subject of the information. Any
16 person who releases any confidential information concerning
17 the criminal convictions of a local school council member or
18 member-elect shall be guilty of a Class A misdemeanor, unless
19 the release of that information is authorized by this Section.

20 If it is determined at any time that a local school council
21 member or member-elect has been convicted of any of the
22 offenses enumerated in this Section or failed to disclose a
23 conviction of any of the offenses enumerated in Section 34-18.5
24 of this Code, the general superintendent of schools shall
25 notify the local school council member or member-elect of that
26 determination and the local school council member or
27 member-elect shall be removed from the local school council by
28 the Board, subject to a hearing, if the local school council
29 member or member-elect asks for a hearing, convened pursuant to
30 Board rule, prior to removal.

31 (r) Termination of eligibility.

32 (1) If a parent member of a local school council ceases to
33 have any child enrolled in the attendance center governed by
34 the Local School Council due to the graduation or voluntary

1 transfer of a child or children from the attendance center, the
2 parent's membership on the Local School Council and all voting
3 rights are terminated immediately as of the end of the school
4 year date of the child's graduation or voluntary transfer,
5 provided that if the parent makes a good faith showing to the
6 Council that the parent's eligibility based on attendance of
7 his or her child at the attendance center should not be
8 revoked, then, upon vote of the Council, the parent is entitled
9 to the hearing described in this subsection (r). Further, a
10 local school council member may be removed from the Council by
11 a majority vote of the Council as provided in subsection (c) of
12 Section 34-2.2 if the Council member has missed 3 consecutive
13 regular meetings, not including committee meetings, or 5
14 regular meetings in a 12 month period, not including committee
15 meetings. If a parent member of a local school council ceases
16 to be eligible to serve on the Council for any other reason, he
17 or she shall be removed by the Board subject to a hearing,
18 convened pursuant to Board rule, prior to removal. A vote to
19 remove a Council member by the local school council shall only
20 be valid if the Council member has been notified personally or
21 by certified mail, mailed to the person's last known address,
22 of the Council's intent to vote on the Council member's removal
23 at least 7 days prior to the vote. The Council member in
24 question shall have the right to explain his or her actions and
25 shall be eligible to vote on the question of his or her removal
26 from the Council. The provisions of this subsection shall be
27 contained within the petitions used to nominate Council
28 candidates.

29 (2) A person may continue to serve as a community resident
30 member of a local school council as long as he or she resides
31 in the attendance area served by the school and is not employed
32 by the Board nor is a parent of a student enrolled at the
33 school. If a community resident member ceases to be eligible to
34 serve on the Council, he or she shall be removed by the Board

1 subject to a hearing, convened pursuant to Board rule, prior to
2 removal.

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

16 (4) A determination of ineligibility of any local school
17 council member shall not serve to invalidate any council action
18 made with the participation of the ineligible member prior to
19 the final determination of ineligibility.

20 (Source: P.A. 90-378, eff. 8-14-97; 90-590, eff. 1-1-00;
21 91-622, eff. 8-19-99; 91-728, eff. 6-2-00.)

22 (105 ILCS 5/34-2.2) (from Ch. 122, par. 34-2.2)

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

24 (a) The annual organizational meeting of each local school
25 council shall be held at the attendance center. At the annual
26 organization meeting, which shall be held no sooner than July 1
27 and no later than July 14, a parent member of the local school
28 council shall be selected by the members of such council as its
29 chairperson, and a secretary shall be selected by the members
30 of such council from among their number, each to serve a term
31 of one year. Whenever a vacancy in the office of chairperson or
32 secretary of a local school council shall occur, a new
33 chairperson (who shall be a parent member) or secretary, as the

1 case may be, shall be elected by the members of the local
2 school council from among their number to serve as such
3 chairperson or secretary for the unexpired term of office in
4 which the vacancy occurs. At each annual organizational
5 meeting, the time and place of any regular meetings of the
6 local school council shall be fixed. Special meetings of the
7 local school council may be called by the chairperson or by any
8 4 members by giving notice thereof in writing, specifying the
9 time, place and purpose of the meeting. Public notice of
10 meetings shall also be given in accordance with the Open
11 Meetings Act.

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

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

1 principal and student member of a high school council shall not
2 be counted for purposes of determining whether a quorum is
3 present to act on the measure and shall have no vote thereon;
4 and provided further that 7 affirmative votes of the local
5 school council shall be required for the direct selection by
6 the local school council of a new principal to serve under a 4
7 year performance contract but not for the renewal of a
8 principal's performance contract.

9 (d) Student members of high school councils shall not be
10 eligible to vote on personnel matters, including but not
11 limited to principal evaluations and contracts and the
12 allocation of teaching and staff resources.

13 (e) The local school council of an attendance center which
14 provides bilingual education shall be encouraged to provide
15 translators at each council meeting to maximize participation
16 of parents and the community.

17 (f) Each local school council of an attendance center which
18 provides bilingual education shall create a Bilingual Advisory
19 Committee or recognize an existing Bilingual Advisory
20 Committee as a standing committee. The Chair and a majority of
21 the members of the advisory committee shall be parents of
22 students in the bilingual education program. The parents on the
23 advisory committee shall be selected by parents of students in
24 the bilingual education program, and the committee shall select
25 a Chair. The advisory committee for each secondary attendance
26 center shall include at least one full-time bilingual education
27 student. The Bilingual Advisory Committee shall serve only in
28 an advisory capacity to the local school council.

29 (g) Local school councils may utilize the services of an
30 arbitration board or other dispute resolution service to
31 resolve intra-council disputes.

32 (h) Local school council members shall, within 10 days
33 after the organizational meeting required by this Section,
34 submit to the Board their addresses, telephone numbers, and any

1 e-mail addresses and shall indicate which member, preferably
2 but not necessarily the chairperson, has been designated as the
3 member whose home address, telephone number, and, if available,
4 e-mail address shall be made available to the public for
5 purposes of the public's communication with the local school
6 council. Whenever the person so designated resigns, is removed,
7 or otherwise ends his or her membership on the local school
8 council, the council shall promptly designate a replacement
9 member for this purpose and so notify the Board.

10 (i) The Board shall promptly make available to persons or
11 organizations who so request, in writing, a list of all of the
12 names designated by local school councils as members whose
13 contact information may be made publicly available and shall
14 revise the list upon notification from any local school council
15 that the designated member on that list from that council has
16 been changed.

17 (Source: P.A. 91-622, eff. 8-19-99.)

18 (105 ILCS 5/34-2.3) (from Ch. 122, par. 34-2.3)

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

23 1. The duty to:

24 (A) ~~To~~ annually evaluate the performance of the principal
25 of the attendance center using a Board approved principal
26 evaluation form, which shall include the evaluation of (i)
27 student academic improvement, as defined by the school
28 improvement plan, (ii) student absenteeism rates at the school,
29 (iii) instructional leadership, (iv) the effective
30 implementation of programs, policies, or strategies to improve
31 student academic achievement, (v) school management, and (vi)
32 any other factors deemed relevant by the local school council,
33 including, without limitation, the principal's communication

1 skills and ability to create and maintain a student-centered
2 learning environment, to develop opportunities for
3 professional development, and to encourage parental
4 involvement and community partnerships to achieve school
5 improvement;

6 (B) ~~to~~ determine in the manner provided by subsection (c)
7 of Section 34-2.2 and subdivision 1.5 of this Section whether
8 the performance contract of the principal shall be renewed,
9 provided that (i) the determination of whether the principal's
10 performance contract is to be renewed, based upon the
11 evaluation required by subparagraph (A) of subdivision 1.5 of
12 this Section, shall be made no later than 150 days prior to the
13 expiration of the current performance-based contract of the
14 principal, (ii) in cases where the performance contract is not
15 renewed, a direct selection of a new principal to serve under a
16 4-year performance contract shall be made by the local school
17 council no later than 45 days prior to the expiration of the
18 current performance contract of the principal, and (iii) the
19 local school council shall be required, if requested by the
20 principal, to provide in writing the reasons for the council's
21 not renewing the principal's contract; and

22 (C) ~~to~~ directly select, in the manner provided by
23 subsection (c) of Section 34-2.2 and subdivision 2.10 of this
24 Section, a new principal (including a new principal to fill a
25 vacancy) -- without submitting any list of candidates for that
26 position to the general superintendent as provided in paragraph
27 2 of this Section -- to serve under a 4 year performance
28 contract; ~~provided that (i) the determination of whether the~~
29 ~~principal's performance contract is to be renewed, based upon~~
30 ~~the evaluation required by subdivision 1.5 of this Section,~~
31 ~~shall be made no later than 150 days prior to the expiration of~~
32 ~~the current performance-based contract of the principal, (ii)~~
33 ~~in cases where such performance contract is not renewed -- a~~
34 ~~direct selection of a new principal -- to serve under a 4 year~~

1 ~~performance contract shall be made by the local school council~~
2 ~~no later than 45 days prior to the expiration of the current~~
3 ~~performance contract of the principal, and (iii) a selection by~~
4 the local school council of a new principal to fill a vacancy
5 under a 4 year performance contract shall be made within 90
6 days after the date such vacancy occurs. ~~A Council shall be~~
7 ~~required, if requested by the principal, to provide in writing~~
8 ~~the reasons for the council's not renewing the principal's~~
9 ~~contract.~~

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

27 (B) If a local school council fails to renew the
28 performance contract of a principal rated by the general
29 superintendent, or his or her designee, in the previous years'
30 evaluations as meeting or exceeding expectations, the
31 principal, within 15 days after the local school council's
32 decision not to renew the contract, may request a review of the
33 local school council's principal non-retention decision by a
34 hearing officer appointed by the American Arbitration

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

1 superintendent requests a review of the retention decision, the
2 local school council and the general superintendent shall be
3 considered parties to the arbitration, a hearing officer shall
4 be chosen between those 2 parties pursuant to procedures
5 promulgated by the State Board of Education, and the principal
6 may retain counsel and participate in the arbitration. If the
7 local school council does not retain the principal and the
8 principal requests a review of the retention decision, the
9 local school council and the principal shall be considered
10 parties to the arbitration and a hearing officer shall be
11 chosen between those 2 parties pursuant to procedures
12 promulgated by the State Board of Education.

13 (C) (1) The hearing shall begin (i) within 45 days after the
14 initial request for review is submitted by the principal to the
15 general superintendent or (ii) if the initial request for
16 review is made by the general superintendent, within 45 days
17 after that request is mailed to the American Arbitration
18 Association. The hearing officer shall render a decision within
19 45 days after the hearing begins and within 90 days after the
20 initial request for review. The Board shall contract with the
21 American Arbitration Association for all of the hearing
22 officer's reasonable and necessary costs. In addition, the
23 Board shall pay any reasonable costs incurred by a local school
24 council for representation before a hearing officer.

25 (C) (2) ~~1.10.~~ The hearing officer shall conduct a hearing,
26 which shall include (i) a review of the principal's
27 performance, evaluations, and other evidence of the
28 principal's service at the school, (ii) reasons provided by the
29 local school council for its decision, and (iii) documentation
30 evidencing views of interested persons, including, without
31 limitation, students, parents, local school council members,
32 school faculty and staff, the principal, the general
33 superintendent or his or her designee, and members of the
34 community. The burden of proof in establishing that the local

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

11 1.15. There shall be no discrimination on the basis of
12 race, sex, creed, color, or disability unrelated to ability to
13 perform in connection with the submission of candidates for and
14 the selection of a candidate to serve as principal of an
15 attendance center, whether the principal is directly selected
16 by the local school council under a 4-year performance contract
17 or is an interim principal.

18 2. (A) In the event (i) the local school council does not
19 renew the performance contract of the principal, or the
20 principal fails to receive a satisfactory rating as provided in
21 subsection (h) of Section 34-8.3, or the principal is removed
22 for cause during the term of his or her performance contract in
23 the manner provided by Section 34-85, or a vacancy in the
24 position of principal otherwise occurs prior to the expiration
25 of the term of a principal's performance contract, and (ii) the
26 local school council fails to directly select a new principal
27 to serve under a 4 year performance contract, the local school
28 council in such event shall submit to the general
29 superintendent a list of 3 candidates -- listed in the local
30 school council's order of preference -- for the position of
31 principal, one of which shall be selected by the general
32 superintendent to serve as principal of the attendance center.
33 If the general superintendent fails or refuses to select one of
34 the candidates on the list to serve as principal within 30 days

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

31 (B) The initial candidate list required to be submitted by
32 a local school council to the general superintendent in cases
33 where the local school council does not renew the performance
34 contract of its principal and does not directly select a new

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

24 2.3. No person may be directly selected, listed as a
25 candidate for, or selected to serve as principal of an
26 attendance center (i) if the person has been removed for cause
27 from employment by the Board or (ii) if the person does not
28 hold a valid administrative certificate issued or exchanged
29 under Article 21 of this Code and endorsed as required by that
30 Article for the position of principal. A principal whose
31 performance contract is not renewed as provided under
32 subsection (c) of Section 34-2.2 of this Code may nevertheless,
33 if he or she is otherwise qualified and certified as herein
34 provided and if he or she has received a satisfactory rating as

1 provided in subsection (h) of Section 34-8.3 of this Code, be
2 included by a local school council as one of the 3 candidates
3 listed in order of preference on any candidate list from which
4 one person is to be selected to serve as principal of the
5 attendance center under a new performance contract.

6 2.5. Whenever a vacancy in the office of a principal occurs
7 for any reason, the vacancy shall be filled by the local school
8 council in the manner provided by this Section by the selection
9 of a new principal to serve under a 4 year performance
10 contract. For the purposes of this Section, a vacancy occurs
11 whenever a principal with a 4-year performance contract is
12 absent from the attendance center as a result of resignation,
13 death, retirement, or removal from active duties at the
14 attendance center through reassignment, suspension, removal
15 for cause, or other action by the general superintendent of
16 schools or his or her designee. Within 30 days after a vacancy
17 occurring for any reason, the general superintendent of schools
18 shall notify the local school council, in writing, of the
19 vacancy and the reason for it. The effective date of the
20 vacancy for the purposes of this Section shall be (i) the date
21 of the written notification from the general superintendent of
22 schools, (ii) the date of any prior written notification to the
23 local school council by a principal of his or her impending
24 retirement, resignation, or reassignment, or (iii) in the
25 absence of written notification by the principal or the general
26 superintendent of schools, the date of a formal determination
27 by the local school council that a vacancy in the position of
28 principal of at least 60 days has occurred, provided that at
29 least 15 days prior to making the determination the local
30 school council has attempted to ascertain the reason for the
31 principal's absence by sending written inquiry to the
32 principal's last known address and to the general
33 superintendent of schools by certified mail.

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

9 4. (A) 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 (B) Via a supermajority vote of 7 members of the local
19 school council or 8 members of a high school local school
20 council, the Council may transfer allocations ~~pursuant to~~
21 ~~Section 34-2.3~~ within funds; provided that such a transfer is
22 consistent with applicable law and collective bargaining
23 agreements.

24 (C) ~~The Beginning in fiscal year 1991 and in each fiscal~~
25 ~~year thereafter, the~~ Board may annually reserve up to 1% of its
26 total fiscal year budget for distribution on a prioritized
27 basis to schools throughout the school system in order to
28 assure adequate programs to meet the needs of special student
29 populations as determined by the Board. This distribution shall
30 take into account the needs catalogued in the Systemwide Plan
31 and the various local school improvement plans of the local
32 school councils. Information about these centrally funded
33 programs shall be distributed to the local school councils so
34 that their subsequent planning and programming will account for

1 these provisions.

2 (D) From ~~Beginning in fiscal year 1991 and in each fiscal~~
3 ~~year thereafter, from~~ other amounts available in the applicable
4 fiscal year budget, the board shall annually allocate a lump
5 sum amount to each local school based upon such formula as the
6 board shall determine taking into account the special needs of
7 the student body. The local school principal shall develop an
8 expenditure plan in consultation with the local school council,
9 the professional personnel leadership committee and with all
10 other school personnel, which reflects the priorities and
11 activities as described in the school's local school
12 improvement plan and is consistent with applicable law and
13 collective bargaining agreements and with board policies and
14 standards; however, the local school council shall have the
15 right to request waivers of board policy from the board of
16 education and waivers of employee collective bargaining
17 agreements pursuant to Section 34-8.1a.

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

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

24 a. Teachers: Each school shall be allocated funds equal
25 to the amount appropriated in the previous school year for
26 compensation for teachers (regular grades kindergarten
27 through 12th grade) plus whatever increases in
28 compensation have been negotiated contractually or through
29 longevity as provided in the negotiated agreement.
30 Adjustments shall be made due to layoff or reduction in
31 force, lack of funds or work, change in subject
32 requirements, enrollment changes, or contracts with third
33 parties for the performance of services or to rectify any
34 inconsistencies with system-wide allocation formulas or

1 for other legitimate reasons.

2 b. Other personnel: Funds for other teacher
3 certificated and uncertificated personnel paid through
4 non-categorical funds shall be provided according to
5 system-wide formulas based on student enrollment and the
6 special needs of the school as determined by the Board.

7 c. Non-compensation items: Appropriations for all
8 non-compensation items shall be based on system-wide
9 formulas based on student enrollment and on the special
10 needs of the school or factors related to the physical
11 plant, including but not limited to textbooks, supplies,
12 electricity, equipment, and routine maintenance.

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

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

28 e. The Local School Council shall have the right to
29 request the principal to close positions and open new ones
30 consistent with the provisions of the local school
31 improvement plan provided that these decisions are
32 consistent with applicable law and collective bargaining
33 agreements. If a position is closed, pursuant to this
34 paragraph, the local school shall have for its use the

1 system-wide average compensation for the closed position.

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

6 g. (Blank).

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

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

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

21 7. To approve a school improvement plan developed as
22 provided in Section 34-2.4. The process and schedule for plan
23 development shall be publicized to the entire school community,
24 and the community shall be afforded the opportunity to make
25 recommendations concerning the plan. At least twice a year the
26 principal and local school council shall report publicly on
27 progress and problems with respect to plan implementation.

28 8. To evaluate the allocation of teaching resources and
29 other certificated and uncertificated staff to the attendance
30 center to determine whether such allocation is consistent with
31 and in furtherance of instructional objectives and school
32 programs reflective of the school improvement plan adopted for
33 the attendance center; and to make recommendations to the
34 board, the general superintendent and the principal concerning

1 any reallocation of teaching resources or other staff whenever
2 the council determines that any such reallocation is
3 appropriate because the qualifications of any existing staff at
4 the attendance center do not adequately match or support
5 instructional objectives or school programs which reflect the
6 school improvement plan.

7 9. To make recommendations to the principal and the general
8 superintendent concerning their respective appointments, ~~after~~
9 ~~August 31, 1989,~~ and in the manner provided by Section 34-8 and
10 Section 34-8.1, of persons to fill any vacant, additional or
11 newly created positions for teachers at the attendance center
12 or at attendance centers which include the attendance center
13 served by the local school council.

14 10. (Blank). ~~To request of the Board the manner in which~~
15 ~~training and assistance shall be provided to the local school~~
16 ~~council. Pursuant to Board guidelines a local school council is~~
17 ~~authorized to direct the Board of Education to contract with~~
18 ~~personnel or not for profit organizations not associated with~~
19 ~~the school district to train or assist council members. If~~
20 ~~training or assistance is provided by contract with personnel~~
21 ~~or organizations not associated with the school district, the~~
22 ~~period of training or assistance shall not exceed 30 hours~~
23 ~~during a given school year; person shall not be employed on a~~
24 ~~continuous basis longer than said period and shall not have~~
25 ~~been employed by the Chicago Board of Education within the~~
26 ~~preceding six months. Council members shall receive training in~~
27 ~~at least the following areas:~~

28 ~~1. school budgets;~~

29 ~~2. educational theory pertinent to the attendance~~
30 ~~center's particular needs, including the development of~~
31 ~~the school improvement plan and the principal's~~
32 ~~performance contract; and~~

33 ~~3. personnel selection.~~

34 ~~Council members shall, to the greatest extent possible,~~

1 ~~complete such training within 90 days of election.~~

2 11. In accordance with systemwide guidelines contained in
3 the System-Wide Educational Reform Goals and Objectives Plan,
4 criteria for evaluation of performance shall be established for
5 local school councils and local school council members. If a
6 local school council persists in noncompliance with systemwide
7 requirements, the Board may impose sanctions and take necessary
8 corrective action, consistent with Section 34-8.3.

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

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

22 14. The local school council may adopt a school uniform or
23 dress code policy that governs the attendance center and that
24 is necessary to maintain the orderly process of a school
25 function or prevent endangerment of student health or safety,
26 consistent with the policies and rules of the Board of
27 Education. A school uniform or dress code policy adopted by a
28 local school council: (i) shall not be applied in such manner
29 as to discipline or deny attendance to a transfer student or
30 any other student for noncompliance with that policy during
31 such period of time as is reasonably necessary to enable the
32 student to acquire a school uniform or otherwise comply with
33 the dress code policy that is in effect at the attendance
34 center into which the student's enrollment is transferred; and

1 (ii) shall include criteria and procedures under which the
2 local school council will accommodate the needs of or otherwise
3 provide appropriate resources to assist a student from an
4 indigent family in complying with an applicable school uniform
5 or dress code policy. A student whose parents or legal
6 guardians object on religious grounds to the student's
7 compliance with an applicable school uniform or dress code
8 policy shall not be required to comply with that policy if the
9 student's parents or legal guardians present to the local
10 school council a signed statement of objection detailing the
11 grounds for the objection.

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

17 15a. To grant, in accordance with board rules and policies,
18 the use of assembly halls and classrooms when not otherwise
19 needed, including lighting, heat, and attendants, for public
20 lectures, concerts, and other educational and social
21 activities.

22 15b. To approve, in accordance with board rules and
23 policies, receipts and expenditures for all internal accounts
24 of the attendance center, and to approve all fund-raising
25 activities by nonschool organizations that use the school
26 building.

27 16. (Blank).

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

30 18. In order to carry out their duties of monitoring the
31 school improvement plan, local school council members who have
32 passed their background checks must be issued identification
33 cards or other credentials that entitle them to enter the
34 school building. Each local school council, in consultation

1 with the principal, may develop a policy regarding matters such
2 as frequency and duration of local school council member visits
3 to the attendance center, contact with school staff and
4 students, and observation of classrooms, in order to prevent
5 disruption to the educational process.

6 (Source: P.A. 93-48, eff. 7-1-03.)

7 (105 ILCS 5/34-2.3a) (from Ch. 122, par. 34-2.3a)

8 Sec. 34-2.3a. Recommendations of the Principal. The
9 principal of each attendance center shall be encouraged to make
10 recommendations to the ~~appropriate~~ local school council
11 concerning all educational aspects of the attendance center and
12 shall provide to the local school council, to the maximum
13 extent possible, information necessary for the council to
14 fulfill its duties as provided in Section 34-2.3 of this Code.

15 (Source: P.A. 85-1418; 86-1477.)

16 (105 ILCS 5/34-2.3b)

17 Sec. 34-2.3b. Local School Council Training. The board
18 shall collaborate with universities and other interested
19 entities and individuals to offer training to local school
20 council members on topics relevant to school operations and
21 their responsibilities as local school council members,
22 including but not limited to legal requirements, role
23 differentiation, responsibilities, and authorities, principal
24 evaluation and selection procedures and criteria, and
25 educational theory pertinent to ~~and~~ improving student
26 achievement. Training of local school council members shall be
27 provided at the direction of the board in consultation with the
28 Council of Chicago-area Deans of Education. Incoming local
29 school council members shall be required to complete a 3-day
30 training program, covering these and other topics as determined
31 by the board, ~~provided under this Section~~ within 6 months of
32 taking office. The board shall monitor the compliance of

1 incoming local school council members with the 3-day training
2 program requirement established by this Section. After
3 opportunity for a hearing, the ~~The~~ board shall declare vacant
4 the office of a local school council member who unreasonably
5 fails to complete the 3-day training program provided under
6 this Section within the 6 month period allowed. Any such
7 vacancy shall be filled as provided in paragraph (7) of
8 subsection (i) ~~(e)~~ of Section 34-2.1 by appointment of another
9 person qualified to hold the office. In addition to requiring
10 local school council members to complete the 3-day training
11 program under this Section, the board may encourage local
12 school council members to complete additional training during
13 their term of office and shall provide recognition for
14 individuals completing that additional training. Prior to the
15 regular election of a local school council, the board shall
16 send out requests for proposals concerning the 3-day training.
17 The board is authorized to contract ~~collaborate~~ with
18 universities, non-profits, and other interested organizations
19 and individuals to provide this ~~offer additional~~ training. The
20 board is authorized to use funds from private organizations,
21 non-profits, or any other outside sources as well as its own
22 funds for this purpose. ~~to local school council members on a~~
23 ~~regular basis during their term in office. The board shall not~~
24 ~~be required to bear the cost of the required 3-day training~~
25 ~~program or any additional training provided to local school~~
26 ~~council members under this Section.~~

27 ~~The board shall also offer training to aid local school~~
28 ~~councils in developing principal evaluation procedures and~~
29 ~~criteria. The board shall send out requests for proposals~~
30 ~~concerning this training and is authorized to contract with~~
31 ~~universities, non-profits, and other interested organizations~~
32 ~~and individuals to provide this training. The board is~~
33 ~~authorized to use funds from private organizations,~~
34 ~~non-profits, or any other outside source as well as its own~~

1 ~~funds for this purpose.~~

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

3 (105 ILCS 5/34-2.4b) (from Ch. 122, par. 34-2.4b)

4 Sec. 34-2.4b. Limited exceptions to local school council
5 governance. Limitation upon applicability. The provisions of
6 Sections 34-2.1, 34-2.2, 34-2.3, 34-2.3a, 34-2.4 and 34-8.3,
7 and those provisions of paragraph 1 of Section 34-18 and
8 paragraph (c) of Section 34A-201a relating to the allocation or
9 application -- by formula or otherwise -- of lump sum amounts
10 and other funds to attendance centers, do ~~shall~~ not apply to
11 attendance centers that have applied for and been designated as
12 a "Small School" by the Board, except as otherwise provided in
13 this Section, and do not apply to the Cook County Juvenile
14 Detention Center and Cook County Jail schools, ~~nor to~~ the
15 district's alternative schools for pregnant girls, ~~nor to~~
16 alternative schools established under Article 13A, ~~nor to~~ the
17 Michael R. Durso School, the Jackson Adult Center, the Hillard
18 Adult Center, the Alternative Transitional School, or any other
19 attendance center designated by the Board as an alternative
20 school, provided that (i) the provisions listed in this Section
21 do apply to schools in any ~~the designation is not applied to a~~
22 school building that has in place, or had in place prior to
23 closing of the school building for the purpose of
24 transformation into one or more Small Schools, a legally
25 constituted local school council, unless that legally
26 constituted local school council or a majority of staff and
27 parents in the school decides that the provisions listed in
28 this Section shall not apply to the new Small School in that
29 building, and (ii) the provisions of paragraph 1 of Section
30 34-18 of this Code, relating to the power of the board of
31 education to allocate supplemental general State aid funds,
32 apply to designated Small Schools if and only if those schools
33 are governed by elected local school councils with the power to

1 determine the use of those funds pursuant to subdivision (4) of
2 Section 34-2.3 and subsection (H) (4) of Section 18-8.05 of this
3 Code); and the board of education shall have and exercise with
4 respect to those schools and with respect to the conduct,
5 operation, affairs and budgets of those schools, and with
6 respect to the principals, teachers and other school staff
7 there employed, the same powers which are exercisable by local
8 school councils with respect to the other attendance centers,
9 principals, teachers and school staff within the district,
10 together with all powers and duties generally exercisable by
11 the board of education with respect to all attendance centers
12 within the district. The board of education shall develop
13 appropriate alternative methods for involving parents,
14 community members and school staff to the maximum extent
15 possible in all of the activities of those schools, and may
16 delegate to the parents, community members and school staff so
17 involved the same powers which are exercisable by local school
18 councils with respect to other attendance centers.

19 (Source: P.A. 90-566, eff. 1-2-98; 91-622, eff. 8-19-99.)

20 (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

21 Sec. 34-18. Powers of the board. The board shall exercise
22 general supervision and jurisdiction over the public education
23 and the public school system of the city, and, except as
24 otherwise provided by this Article, shall have power:

25 1. To make suitable provision for the establishment and
26 maintenance throughout the year or for such portion thereof
27 as it may direct, not less than 9 months, of schools of all
28 grades and kinds, including normal schools, high schools,
29 night schools, schools for defectives and delinquents,
30 parental and truant schools, schools for the blind, the
31 deaf and the crippled, schools or classes in manual
32 training, constructural and vocational teaching, domestic
33 arts and physical culture, vocation and extension schools

1 and lecture courses, and all other educational courses and
2 facilities, including establishing, equipping, maintaining
3 and operating playgrounds and recreational programs, when
4 such programs are conducted in, adjacent to, or connected
5 with any public school under the general supervision and
6 jurisdiction of the board; provided that the calendar for
7 the school term and any changes must be submitted to and
8 approved by the State Board of Education before the
9 calendar or changes may take effect, and provided that in
10 allocating funds from year to year for the operation of all
11 attendance centers within the district, the board shall
12 ensure that supplemental general State aid funds are
13 allocated and applied in accordance with Section 18-8 or
14 18-8.05. To admit to such schools without charge foreign
15 exchange students who are participants in an organized
16 exchange student program which is authorized by the board.
17 The board shall permit all students to enroll in
18 apprenticeship programs in trade schools operated by the
19 board, whether those programs are union-sponsored or not.
20 No student shall be refused admission into or be excluded
21 from any course of instruction offered in the common
22 schools by reason of that student's sex. No student shall
23 be denied equal access to physical education and
24 interscholastic athletic programs supported from school
25 district funds or denied participation in comparable
26 physical education and athletic programs solely by reason
27 of the student's sex. Equal access to programs supported
28 from school district funds and comparable programs will be
29 defined in rules promulgated by the State Board of
30 Education in consultation with the Illinois High School
31 Association. Notwithstanding any other provision of this
32 Article, neither the board of education nor any local
33 school council or other school official shall recommend
34 that children with disabilities be placed into regular

1 education classrooms unless those children with
2 disabilities are provided with supplementary services to
3 assist them so that they benefit from the regular classroom
4 instruction and are included on the teacher's regular
5 education class register;

6 2. To furnish lunches to pupils, to make a reasonable
7 charge therefor, and to use school funds for the payment of
8 such expenses as the board may determine are necessary in
9 conducting the school lunch program;

10 3. To co-operate with the circuit court;

11 4. To make arrangements with the public or quasi-public
12 libraries and museums for the use of their facilities by
13 teachers and pupils of the public schools;

14 5. To employ dentists and prescribe their duties for
15 the purpose of treating the pupils in the schools, but
16 accepting such treatment shall be optional with parents or
17 guardians;

18 6. To grant the use of assembly halls and classrooms
19 when not otherwise needed, including light, heat, and
20 attendants, for free public lectures, concerts, and other
21 educational and social interests, free of charge, under
22 such provisions and control as the principal of the
23 affected attendance center may prescribe;

24 7. To apportion the pupils to the several schools;
25 provided that no pupil shall be excluded from or segregated
26 in any such school on account of his color, race, sex, or
27 nationality. The board shall take into consideration the
28 prevention of segregation and the elimination of
29 separation of children in public schools because of color,
30 race, sex, or nationality. Except that children may be
31 committed to or attend parental and social adjustment
32 schools established and maintained either for boys or girls
33 only. All records pertaining to the creation, alteration or
34 revision of attendance areas shall be open to the public.

1 Nothing herein shall limit the board's authority to
2 establish multi-area attendance centers or other student
3 assignment systems for desegregation purposes or
4 otherwise, and to apportion the pupils to the several
5 schools. Furthermore, beginning in school year 1994-95,
6 pursuant to a board plan adopted by October 1, 1993, the
7 board shall offer, commencing on a phased-in basis, the
8 opportunity for families within the school district to
9 apply for enrollment of their children in any attendance
10 center within the school district, including any charter,
11 contract, or designated Small School, which does not have
12 selective admission requirements approved by the board.
13 The appropriate geographical area in which such open
14 enrollment may be exercised shall be determined by the
15 board of education. Such children may be admitted to any
16 such attendance center on a space available basis after all
17 children residing within such attendance center's area
18 have been accommodated. If the number of applicants from
19 outside the attendance area exceed the space available,
20 then successful applicants shall be selected by lottery.
21 The board of education's open enrollment plan must include
22 provisions that allow low income students to have access to
23 transportation needed to exercise school choice and that
24 notify all parents about the open enrollment admission and
25 transportation opportunities. Open enrollment shall be in
26 compliance with the provisions of the Consent Decree and
27 Desegregation Plan cited in Section 34-1.01;

28 8. To approve programs and policies for providing
29 transportation services to students. Nothing herein shall
30 be construed to permit or empower the State Board of
31 Education to order, mandate, or require busing or other
32 transportation of pupils for the purpose of achieving
33 racial balance in any school;

34 9. Subject to the limitations in this Article, to

1 establish and approve system-wide curriculum objectives
2 and standards, including graduation standards, which
3 reflect the multi-cultural diversity in the city and are
4 consistent with State law, provided that for all purposes
5 of this Article courses or proficiency in American Sign
6 Language shall be deemed to constitute courses or
7 proficiency in a foreign language; and to employ principals
8 and teachers, appointed as provided in this Article, and
9 fix their compensation. The board shall prepare such
10 reports related to minimal competency testing as may be
11 requested by the State Board of Education, and in addition
12 shall monitor and approve special education and bilingual
13 education programs and policies within the district to
14 assure that appropriate services are provided in
15 accordance with applicable State and federal laws to
16 children requiring services and education in those areas;

17 10. To employ non-teaching personnel or utilize
18 volunteer personnel for: (i) non-teaching duties not
19 requiring instructional judgment or evaluation of pupils,
20 including library duties; and (ii) supervising study
21 halls, long distance teaching reception areas used
22 incident to instructional programs transmitted by
23 electronic media such as computers, video, and audio,
24 detention and discipline areas, and school-sponsored
25 extracurricular activities. The board may further utilize
26 volunteer non-certificated personnel or employ
27 non-certificated personnel to assist in the instruction of
28 pupils under the immediate supervision of a teacher holding
29 a valid certificate, directly engaged in teaching subject
30 matter or conducting activities; provided that the teacher
31 shall be continuously aware of the non-certificated
32 persons' activities and shall be able to control or modify
33 them. The general superintendent shall determine
34 qualifications of such personnel and shall prescribe rules

1 for determining the duties and activities to be assigned to
2 such personnel;

3 10.5. To utilize volunteer personnel from a regional
4 School Crisis Assistance Team (S.C.A.T.), created as part
5 of the Safe to Learn Program established pursuant to
6 Section 25 of the Illinois Violence Prevention Act of 1995,
7 to provide assistance to schools in times of violence or
8 other traumatic incidents within a school community by
9 providing crisis intervention services to lessen the
10 effects of emotional trauma on individuals and the
11 community; the School Crisis Assistance Team Steering
12 Committee shall determine the qualifications for
13 volunteers;

14 11. To provide television studio facilities in not to
15 exceed one school building and to provide programs for
16 educational purposes, provided, however, that the board
17 shall not construct, acquire, operate, or maintain a
18 television transmitter; to grant the use of its studio
19 facilities to a licensed television station located in the
20 school district; and to maintain and operate not to exceed
21 one school radio transmitting station and provide programs
22 for educational purposes;

23 12. To offer, if deemed appropriate, outdoor education
24 courses, including field trips within the State of
25 Illinois, or adjacent states, and to use school educational
26 funds for the expense of the said outdoor educational
27 programs, whether within the school district or not;

28 13. During that period of the calendar year not
29 embraced within the regular school term, to provide and
30 conduct courses in subject matters normally embraced in the
31 program of the schools during the regular school term and
32 to give regular school credit for satisfactory completion
33 by the student of such courses as may be approved for
34 credit by the State Board of Education;

1 14. To insure against any loss or liability of the
2 board, the former School Board Nominating Commission,
3 Local School Councils, the Chicago Schools Academic
4 Accountability Council, or the former Subdistrict Councils
5 or of any member, officer, agent or employee thereof,
6 resulting from alleged violations of civil rights arising
7 from incidents occurring on or after September 5, 1967 or
8 from the wrongful or negligent act or omission of any such
9 person whether occurring within or without the school
10 premises, provided the officer, agent or employee was, at
11 the time of the alleged violation of civil rights or
12 wrongful act or omission, acting within the scope of his
13 employment or under direction of the board, the former
14 School Board Nominating Commission, the Chicago Schools
15 Academic Accountability Council, Local School Councils, or
16 the former Subdistrict Councils; and to provide for or
17 participate in insurance plans for its officers and
18 employees, including but not limited to retirement
19 annuities, medical, surgical and hospitalization benefits
20 in such types and amounts as may be determined by the
21 board; provided, however, that the board shall contract for
22 such insurance only with an insurance company authorized to
23 do business in this State. Such insurance may include
24 provision for employees who rely on treatment by prayer or
25 spiritual means alone for healing, in accordance with the
26 tenets and practice of a recognized religious
27 denomination;

28 15. To contract with the corporate authorities of any
29 municipality or the county board of any county, as the case
30 may be, to provide for the regulation of traffic in parking
31 areas of property used for school purposes, in such manner
32 as is provided by Section 11-209 of The Illinois Vehicle
33 Code, approved September 29, 1969, as amended;

34 16. (a) To provide, on an equal basis, access to a high

1 school campus and student directory information to the
2 official recruiting representatives of the armed forces of
3 Illinois and the United States for the purposes of
4 informing students of the educational and career
5 opportunities available in the military if the board has
6 provided such access to persons or groups whose purpose is
7 to acquaint students with educational or occupational
8 opportunities available to them. The board is not required
9 to give greater notice regarding the right of access to
10 recruiting representatives than is given to other persons
11 and groups. In this paragraph 16, "directory information"
12 means a high school student's name, address, and telephone
13 number.

14 (b) If a student or his or her parent or guardian
15 submits a signed, written request to the high school before
16 the end of the student's sophomore year (or if the student
17 is a transfer student, by another time set by the high
18 school) that indicates that the student or his or her
19 parent or guardian does not want the student's directory
20 information to be provided to official recruiting
21 representatives under subsection (a) of this Section, the
22 high school may not provide access to the student's
23 directory information to these recruiting representatives.
24 The high school shall notify its students and their parents
25 or guardians of the provisions of this subsection (b).

26 (c) A high school may require official recruiting
27 representatives of the armed forces of Illinois and the
28 United States to pay a fee for copying and mailing a
29 student's directory information in an amount that is not
30 more than the actual costs incurred by the high school.

31 (d) Information received by an official recruiting
32 representative under this Section may be used only to
33 provide information to students concerning educational and
34 career opportunities available in the military and may not

1 be released to a person who is not involved in recruiting
2 students for the armed forces of Illinois or the United
3 States;

4 17. (a) To sell or market any computer program
5 developed by an employee of the school district, provided
6 that such employee developed the computer program as a
7 direct result of his or her duties with the school district
8 or through the utilization of the school district resources
9 or facilities. The employee who developed the computer
10 program shall be entitled to share in the proceeds of such
11 sale or marketing of the computer program. The distribution
12 of such proceeds between the employee and the school
13 district shall be as agreed upon by the employee and the
14 school district, except that neither the employee nor the
15 school district may receive more than 90% of such proceeds.
16 The negotiation for an employee who is represented by an
17 exclusive bargaining representative may be conducted by
18 such bargaining representative at the employee's request.

19 (b) For the purpose of this paragraph 17:

20 (1) "Computer" means an internally programmed,
21 general purpose digital device capable of
22 automatically accepting data, processing data and
23 supplying the results of the operation.

24 (2) "Computer program" means a series of coded
25 instructions or statements in a form acceptable to a
26 computer, which causes the computer to process data in
27 order to achieve a certain result.

28 (3) "Proceeds" means profits derived from
29 marketing or sale of a product after deducting the
30 expenses of developing and marketing such product;

31 18. To delegate to the general superintendent of
32 schools, by resolution, the authority to approve contracts
33 and expenditures in amounts of \$10,000 or less;

34 19. Upon the written request of an employee, to

1 withhold from the compensation of that employee any dues,
2 payments or contributions payable by such employee to any
3 labor organization as defined in the Illinois Educational
4 Labor Relations Act. Under such arrangement, an amount
5 shall be withheld from each regular payroll period which is
6 equal to the pro rata share of the annual dues plus any
7 payments or contributions, and the board shall transmit
8 such withholdings to the specified labor organization
9 within 10 working days from the time of the withholding;

10 19a. Upon receipt of notice from the comptroller of a
11 municipality with a population of 500,000 or more, a county
12 with a population of 3,000,000 or more, the Cook County
13 Forest Preserve District, the Chicago Park District, the
14 Metropolitan Water Reclamation District, the Chicago
15 Transit Authority, or a housing authority of a municipality
16 with a population of 500,000 or more that a debt is due and
17 owing the municipality, the county, the Cook County Forest
18 Preserve District, the Chicago Park District, the
19 Metropolitan Water Reclamation District, the Chicago
20 Transit Authority, or the housing authority by an employee
21 of the Chicago Board of Education, to withhold, from the
22 compensation of that employee, the amount of the debt that
23 is due and owing and pay the amount withheld to the
24 municipality, the county, the Cook County Forest Preserve
25 District, the Chicago Park District, the Metropolitan
26 Water Reclamation District, the Chicago Transit Authority,
27 or the housing authority; provided, however, that the
28 amount deducted from any one salary or wage payment shall
29 not exceed 25% of the net amount of the payment. Before the
30 Board deducts any amount from any salary or wage of an
31 employee under this paragraph, the municipality, the
32 county, the Cook County Forest Preserve District, the
33 Chicago Park District, the Metropolitan Water Reclamation
34 District, the Chicago Transit Authority, or the housing

1 authority shall certify that (i) the employee has been
2 afforded an opportunity for a hearing to dispute the debt
3 that is due and owing the municipality, the county, the
4 Cook County Forest Preserve District, the Chicago Park
5 District, the Metropolitan Water Reclamation District, the
6 Chicago Transit Authority, or the housing authority and
7 (ii) the employee has received notice of a wage deduction
8 order and has been afforded an opportunity for a hearing to
9 object to the order. For purposes of this paragraph, "net
10 amount" means that part of the salary or wage payment
11 remaining after the deduction of any amounts required by
12 law to be deducted and "debt due and owing" means (i) a
13 specified sum of money owed to the municipality, the
14 county, the Cook County Forest Preserve District, the
15 Chicago Park District, the Metropolitan Water Reclamation
16 District, the Chicago Transit Authority, or the housing
17 authority for services, work, or goods, after the period
18 granted for payment has expired, or (ii) a specified sum of
19 money owed to the municipality, the county, the Cook County
20 Forest Preserve District, the Chicago Park District, the
21 Metropolitan Water Reclamation District, the Chicago
22 Transit Authority, or the housing authority pursuant to a
23 court order or order of an administrative hearing officer
24 after the exhaustion of, or the failure to exhaust,
25 judicial review;

26 20. The board is encouraged to employ a sufficient
27 number of certified school counselors to maintain a
28 student/counselor ratio of 250 to 1 by July 1, 1990. Each
29 counselor shall spend at least 75% of his work time in
30 direct contact with students and shall maintain a record of
31 such time;

32 21. To make available to students vocational and career
33 counseling and to establish 5 special career counseling
34 days for students and parents. On these days

1 representatives of local businesses and industries shall
2 be invited to the school campus and shall inform students
3 of career opportunities available to them in the various
4 businesses and industries. Special consideration shall be
5 given to counseling minority students as to career
6 opportunities available to them in various fields. For the
7 purposes of this paragraph, minority student means a person
8 who is:

9 (a) Black (a person having origins in any of the
10 black racial groups in Africa);

11 (b) Hispanic (a person of Spanish or Portuguese
12 culture with origins in Mexico, South or Central
13 America, or the Caribbean islands, regardless of
14 race);

15 (c) Asian American (a person having origins in any
16 of the original peoples of the Far East, Southeast
17 Asia, the Indian Subcontinent or the Pacific Islands);
18 or

19 (d) American Indian or Alaskan Native (a person
20 having origins in any of the original peoples of North
21 America).

22 Counseling days shall not be in lieu of regular school
23 days;

24 22. To report to the State Board of Education the
25 annual student dropout rate and number of students who
26 graduate from, transfer from or otherwise leave bilingual
27 programs;

28 23. Except as otherwise provided in the Abused and
29 Neglected Child Reporting Act or other applicable State or
30 federal law, to permit school officials to withhold, from
31 any person, information on the whereabouts of any child
32 removed from school premises when the child has been taken
33 into protective custody as a victim of suspected child
34 abuse. School officials shall direct such person to the

1 Department of Children and Family Services, or to the local
2 law enforcement agency if appropriate;

3 24. To develop a policy, based on the current state of
4 existing school facilities, projected enrollment and
5 efficient utilization of available resources, for capital
6 improvement of schools and school buildings within the
7 district, addressing in that policy both the relative
8 priority for major repairs, renovations and additions to
9 school facilities, and the advisability or necessity of
10 building new school facilities or closing existing schools
11 to meet current or projected demographic patterns within
12 the district, provided that any policy regarding school
13 closings or the creation of new or different schools in
14 existing school buildings shall be developed after public
15 hearings and debate and with the assistance of
16 representatives of parent, teacher, and community
17 stakeholders;

18 25. To make available to the students in every high
19 school attendance center the ability to take all courses
20 necessary to comply with the Board of Higher Education's
21 college entrance criteria effective in 1993;

22 26. To encourage mid-career changes into the teaching
23 profession, whereby qualified professionals become
24 certified teachers, by allowing credit for professional
25 employment in related fields when determining point of
26 entry on teacher pay scale;

27 27. To provide or contract out training programs for
28 administrative personnel and principals with revised or
29 expanded duties pursuant to this Act in order to assure
30 they have the knowledge and skills to perform their duties;

31 28. To establish a fund for the prioritized special
32 needs programs, and to allocate such funds and other lump
33 sum amounts to each attendance center in a manner
34 consistent with the provisions of part 4 of Section 34-2.3.

1 Nothing in this paragraph shall be construed to require any
2 additional appropriations of State funds for this purpose;

3 29. (Blank);

4 30. Notwithstanding any other provision of this Act or
5 any other law to the contrary, to contract with third
6 parties for services otherwise performed by employees,
7 including those in a bargaining unit, and to layoff those
8 employees upon 14 days written notice to the affected
9 employees, provided that:

10 (a) any contract with a third party for the governance
11 and administration of an entire school, as opposed to the
12 provision of a limited number of employees, must ensure
13 that the third party complies with statutes, regulations,
14 rules, and policy provisions concerning the following:

15 (i) student civil rights;

16 (ii) staff civil rights;

17 (iii) health and safety;

18 (iv) performance and financial audits;

19 (v) Local School Council provisions, including
20 required statements of economic disclosure;

21 (vi) the Open Meetings Act;

22 (vii) the Freedom of Information Act;

23 (viii) the Illinois goals and assessment program;

24 (ix) Chicago learning outcomes;

25 (x) Sections 2-3.25a through 2-3.25j of this Code;

26 and

27 (xi) collective bargaining agreements; and

28 (b) any such contract ensures, to the maximum extent
29 practicable, (i) that improved student learning will be the
30 paramount priority and outcome, (ii) the adoption of high,
31 rigorous standards of achievement and outcome for all
32 students and staff, (iii) the use of shared, collegial
33 decision-making among staff, (iv) parental and community
34 integration and involvement, (v) the development of

1 collaborative relationships with health and human services
2 agencies, and (vi) fiscally responsible and efficient use
3 of funds and resources.

4 The ~~These~~ contracts may be for a period not to exceed 5
5 years and may be awarded on a system-wide basis;

6 31. To promulgate rules establishing procedures
7 governing the layoff or reduction in force of employees and
8 the recall of such employees, including, but not limited
9 to, criteria for such layoffs, reductions in force or
10 recall rights of such employees and the weight to be given
11 to any particular criterion. Such criteria shall take into
12 account factors including, but not be limited to,
13 qualifications, certifications, experience, performance
14 ratings or evaluations, and any other factors relating to
15 an employee's job performance;

16 32. To develop a policy to prevent nepotism in the
17 hiring of personnel or the selection of contractors;

18 33. To enter into a partnership agreement, as required
19 by Section 34-3.5 of this Code, and, notwithstanding any
20 other provision of law to the contrary, to promulgate
21 policies, enter into contracts, and take any other action
22 necessary to accomplish the objectives and implement the
23 requirements of that agreement; and

24 34. To establish a Labor Management Council to the
25 board comprised of representatives of the board, the chief
26 executive officer, and those labor organizations that are
27 the exclusive representatives of employees of the board and
28 to promulgate policies and procedures for the operation of
29 the Council.

30 The specifications of the powers herein granted are not to
31 be construed as exclusive but the board shall also exercise all
32 other powers that they may be requisite or proper for the
33 maintenance and the development of a public school system, not
34 inconsistent with the other provisions of this Article or

1 provisions of this Code which apply to all school districts.

2 In addition to the powers herein granted and authorized to
3 be exercised by the board, it shall be the duty of the board to
4 review or to direct independent reviews of special education
5 expenditures and services. The board shall file a report of
6 such review with the General Assembly on or before May 1, 1990.

7 (Source: P.A. 92-109, eff. 7-20-01; 92-527, eff. 6-1-02;
8 92-724, eff. 7-25-02; 93-3, eff. 4-16-03; 93-1036, eff.
9 9-14-04.)

10 Section 90. The State Mandates Act is amended by adding
11 Section 8.29 as follows:

12 (30 ILCS 805/8.29 new)

13 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8
14 of this Act, no reimbursement by the State is required for the
15 implementation of any mandate created by this amendatory Act of
16 the 94th General Assembly."