



Sen. J. Bradley Burzynski

Filed: 2/28/2007

09500SB1157sam001

LRB095 10870 NHT 32392 a

1 AMENDMENT TO SENATE BILL 1157

2 AMENDMENT NO. _____. Amend Senate Bill 1157 by replacing
3 everything after the enacting clause with the following:

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

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

7 Sec. 10-22.25b. School uniforms. The school board shall ~~may~~
8 adopt a school uniform or dress code policy that governs all or
9 certain individual attendance centers and that is necessary to
10 maintain the orderly process of a school function or prevent
11 endangerment of student health or safety. A school uniform or
12 dress code policy adopted by a school board: (i) shall not be
13 applied in such manner as to discipline or deny attendance to a
14 transfer student or any other student for noncompliance with
15 that policy during such period of time as is reasonably
16 necessary to enable the student to acquire a school uniform or

1 otherwise comply with the dress code policy that is in effect
2 at the attendance center or in the district into which the
3 student's enrollment is transferred; and (ii) shall include
4 criteria and procedures under which the school board will
5 accommodate the needs of or otherwise provide appropriate
6 resources to assist a student from an indigent family in
7 complying with an applicable school uniform or dress code
8 policy. A student whose parents or legal guardians object on
9 religious grounds to the student's compliance with an
10 applicable school uniform or dress code policy shall not be
11 required to comply with that policy if the student's parents or
12 legal guardians present to the school board a signed statement
13 of objection detailing the grounds for the objection. This
14 Section applies to school boards of all districts, including
15 special charter districts and districts organized under
16 Article 34.

17 (Source: P.A. 89-610, eff. 8-6-96.)

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. (A) To annually evaluate the performance of the
24 principal of the attendance center using a Board approved
25 principal evaluation form, which shall include the evaluation

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

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

16 (C) to directly select, in the manner provided by
17 subsection (c) of Section 34-2.2, a new principal (including a
18 new principal to fill a vacancy) -- without submitting any list
19 of candidates for that position to the general superintendent
20 as provided in paragraph 2 of this Section -- to serve under a
21 4 year performance contract; provided that (i) the
22 determination of whether the principal's performance contract
23 is to be renewed, based upon the evaluation required by
24 subdivision 1.5 of this Section, shall be made no later than
25 150 days prior to the expiration of the current
26 performance-based contract of the principal, (ii) in cases

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

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

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

1 contract, may request a review of the local school council's
2 principal retention decision by a hearing officer appointed by
3 the American Arbitration Association. The general
4 superintendent may request a review only once for that
5 principal at that attendance center. All requests to review the
6 retention or non-retention of a principal shall be submitted to
7 the general superintendent, who shall, in turn, forward such
8 requests, within 14 days of receipt, to the American
9 Arbitration Association. The general superintendent shall send
10 a contemporaneous copy of the request that was forwarded to the
11 American Arbitration Association to the principal and to each
12 local school council member and shall inform the local school
13 council of its rights and responsibilities under the
14 arbitration process, including the local school council's
15 right to representation and the manner and process by which the
16 Board shall pay the costs of the council's representation. If
17 the local school council retains the principal and the general
18 superintendent requests a review of the retention decision, the
19 local school council and the general superintendent shall be
20 considered parties to the arbitration, a hearing officer shall
21 be chosen between those 2 parties pursuant to procedures
22 promulgated by the State Board of Education, and the principal
23 may retain counsel and participate in the arbitration. If the
24 local school council does not retain the principal and the
25 principal requests a review of the retention decision, the
26 local school council and the principal shall be considered

1 parties to the arbitration and a hearing officer shall be
2 chosen between those 2 parties pursuant to procedures
3 promulgated by the State Board of Education. The hearing shall
4 begin (i) within 45 days after the initial request for review
5 is submitted by the principal to the general superintendent or
6 (ii) if the initial request for review is made by the general
7 superintendent, within 45 days after that request is mailed to
8 the American Arbitration Association. The hearing officer
9 shall render a decision within 45 days after the hearing begins
10 and within 90 days after the initial request for review. The
11 Board shall contract with the American Arbitration Association
12 for all of the hearing officer's reasonable and necessary
13 costs. In addition, the Board shall pay any reasonable costs
14 incurred by a local school council for representation before a
15 hearing officer.

16 1.10. The hearing officer shall conduct a hearing, which
17 shall include (i) a review of the principal's performance,
18 evaluations, and other evidence of the principal's service at
19 the school, (ii) reasons provided by the local school council
20 for its decision, and (iii) documentation evidencing views of
21 interested persons, including, without limitation, students,
22 parents, local school council members, school faculty and
23 staff, the principal, the general superintendent or his or her
24 designee, and members of the community. The burden of proof in
25 establishing that the local school council's decision was
26 arbitrary and capricious shall be on the party requesting the

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

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

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

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

1 an interim basis for a period of one year, during which time
2 the local school council shall be able to select a new
3 principal with 7 affirmative votes as provided in subsection
4 (c) of Section 34-2.2.

5 2.5. Whenever a vacancy in the office of a principal occurs
6 for any reason, the vacancy shall be filled in the manner
7 provided by this Section by the selection of a new principal to
8 serve under a 4 year performance contract.

9 3. To establish additional criteria to be included as part
10 of the performance contract of its principal, provided that
11 such additional criteria shall not discriminate on the basis of
12 race, sex, creed, color or disability unrelated to ability to
13 perform, and shall not be inconsistent with the uniform 4 year
14 performance contract for principals developed by the board as
15 provided in Section 34-8.1 of the School Code or with other
16 provisions of this Article governing the authority and
17 responsibility of principals.

18 4. To approve the expenditure plan prepared by the
19 principal with respect to all funds allocated and distributed
20 to the attendance center by the Board. The expenditure plan
21 shall be administered by the principal. Notwithstanding any
22 other provision of this Act or any other law, any expenditure
23 plan approved and administered under this Section 34-2.3 shall
24 be consistent with and subject to the terms of any contract for
25 services with a third party entered into by the Chicago School
26 Reform Board of Trustees or the board under this Act.

1 Via a supermajority vote of 7 members of the local school
2 council or 8 members of a high school local school council, the
3 Council may transfer allocations pursuant to Section 34-2.3
4 within funds; provided that such a transfer is consistent with
5 applicable law and collective bargaining agreements.

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

18 Beginning in fiscal year 1991 and in each fiscal year
19 thereafter, from other amounts available in the applicable
20 fiscal year budget, the board shall allocate a lump sum amount
21 to each local school based upon such formula as the board shall
22 determine taking into account the special needs of the student
23 body. The local school principal shall develop an expenditure
24 plan in consultation with the local school council, the
25 professional personnel leadership committee and with all other
26 school personnel, which reflects the priorities and activities

1 as described in the school's local school improvement plan and
2 is consistent with applicable law and collective bargaining
3 agreements and with board policies and standards; however, the
4 local school council shall have the right to request waivers of
5 board policy from the board of education and waivers of
6 employee collective bargaining agreements pursuant to Section
7 34-8.1a.

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

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

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

26 b. Other personnel: Funds for other teacher

1 certificated and uncertificated personnel paid through
2 non-categorical funds shall be provided according to
3 system-wide formulas based on student enrollment and the
4 special needs of the school as determined by the Board.

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

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

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

26 e. The Local School Council shall have the right to

1 request the principal to close positions and open new ones
2 consistent with the provisions of the local school
3 improvement plan provided that these decisions are
4 consistent with applicable law and collective bargaining
5 agreements. If a position is closed, pursuant to this
6 paragraph, the local school shall have for its use the
7 system-wide average compensation for the closed position.

8 f. Operating within existing laws and collective
9 bargaining agreements, the local school council shall have
10 the right to direct the principal to shift expenditures
11 within funds.

12 g. (Blank).

13 Any funds unexpended at the end of the fiscal year shall be
14 available to the board of education for use as part of its
15 budget for the following fiscal year.

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

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

1 7. To approve a school improvement plan developed as
2 provided in Section 34-2.4. The process and schedule for plan
3 development shall be publicized to the entire school community,
4 and the community shall be afforded the opportunity to make
5 recommendations concerning the plan. At least twice a year the
6 principal and local school council shall report publicly on
7 progress and problems with respect to plan implementation.

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

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

1 served by the local school council.

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

16 1. school budgets;

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

21 3. personnel selection.

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

24 11. In accordance with systemwide guidelines contained in
25 the System-Wide Educational Reform Goals and Objectives Plan,
26 criteria for evaluation of performance shall be established for

1 local school councils and local school council members. If a
2 local school council persists in noncompliance with systemwide
3 requirements, the Board may impose sanctions and take necessary
4 corrective action, consistent with Section 34-8.3.

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

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

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

1 attendance to a transfer student or any other student for
2 noncompliance with that policy during such period of time as is
3 reasonably necessary to enable the student to acquire a school
4 uniform or otherwise comply with the dress code policy that is
5 in effect at the attendance center into which the student's
6 enrollment is transferred; and (ii) shall include criteria and
7 procedures under which the local school council will
8 accommodate the needs of or otherwise provide appropriate
9 resources to assist a student from an indigent family in
10 complying with an applicable school uniform or dress code
11 policy. A student whose parents or legal guardians object on
12 religious grounds to the student's compliance with an
13 applicable school uniform or dress code policy shall not be
14 required to comply with that policy if the student's parents or
15 legal guardians present to the local school council a signed
16 statement of objection detailing the grounds for the objection.

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

22 15a. To grant, in accordance with board rules and policies,
23 the use of assembly halls and classrooms when not otherwise
24 needed, including lighting, heat, and attendants, for public
25 lectures, concerts, and other educational and social
26 activities.

1 15b. To approve, in accordance with board rules and
2 policies, receipts and expenditures for all internal accounts
3 of the attendance center, and to approve all fund-raising
4 activities by nonschool organizations that use the school
5 building.

6 16. (Blank).

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

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

10 Section 90. The State Mandates Act is amended by adding
11 Section 8.31 as follows:

12 (30 ILCS 805/8.31 new)

13 Sec. 8.31. 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 95th General Assembly.

17 Section 99. Effective date. This Act takes effect July 1,
18 2007.".