



Elementary Secondary Education Committee

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1 AMENDMENT TO SENATE BILL 3547

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3547 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections  
5 2-3.51.5, 18-17, 27A-11.5, 28-6, 28-8, 28-9, 28-14, 28-15,  
6 28-17, 28-20, 28-21, 34-2.3, and 34-19 and by adding Section  
7 28-19.5 as follows:

8 (105 ILCS 5/2-3.51.5)

9 Sec. 2-3.51.5. School Safety and Educational Improvement  
10 Block Grant Program. To improve the level of education and  
11 safety of students from kindergarten through grade 12 in school  
12 districts and State-recognized, non-public schools. The State  
13 Board of Education is authorized to fund a School Safety and  
14 Educational Improvement Block Grant Program.

15 (1) For school districts, the program shall provide funding  
16 for school safety, textbooks and software, electronic

1 textbooks and the technological equipment necessary to gain  
2 access to and use electronic textbooks, teacher training and  
3 curriculum development, school improvements, remediation  
4 programs under subsection (a) of Section 2-3.64, school report  
5 cards under Section 10-17a, and criminal history records checks  
6 under Sections 10-21.9 and 34-18.5. For State-recognized,  
7 non-public schools, the program shall provide funding for  
8 secular textbooks and software, criminal history records  
9 checks, and health and safety mandates to the extent that the  
10 funds are expended for purely secular purposes. A school  
11 district or laboratory school as defined in Section 18-8 or  
12 18-8.05 is not required to file an application in order to  
13 receive the categorical funding to which it is entitled under  
14 this Section. Funds for the School Safety and Educational  
15 Improvement Block Grant Program shall be distributed to school  
16 districts and laboratory schools based on the prior year's best  
17 3 months average daily attendance. Funds for the School Safety  
18 and Educational Improvement Block Grant Program shall be  
19 distributed to State-recognized, non-public schools based on  
20 the average daily attendance figure for the previous school  
21 year provided to the State Board of Education. The State Board  
22 of Education shall develop an application that requires  
23 State-recognized, non-public schools to submit average daily  
24 attendance figures. A State-recognized, non-public school must  
25 submit the application and average daily attendance figure  
26 prior to receiving funds under this Section. The State Board of

1 Education shall promulgate rules and regulations necessary for  
2 the implementation of this program.

3 (2) Distribution of moneys to school districts and  
4 State-recognized, non-public schools shall be made in 2  
5 semi-annual installments, one payment on or before October 30,  
6 and one payment prior to April 30, of each fiscal year.

7 (3) Grants under the School Safety and Educational  
8 Improvement Block Grant Program shall be awarded provided there  
9 is an appropriation for the program, and funding levels for  
10 each district shall be prorated according to the amount of the  
11 appropriation.

12 (4) The provisions of this Section are in the public  
13 interest, are for the public benefit, and serve secular public  
14 purposes.

15 (Source: P.A. 95-707, eff. 1-11-08.)

16 (105 ILCS 5/18-17) (from Ch. 122, par. 18-17)

17 Sec. 18-17. The State Board of Education shall provide the  
18 loan of secular textbooks and electronic textbooks and the  
19 technological equipment necessary to gain access to and use  
20 electronic textbooks listed for use by the State Board of  
21 Education free of charge to any student in this State who is  
22 enrolled in grades kindergarten through 12 at a public school  
23 or at a school other than a public school which is in  
24 compliance with the compulsory attendance laws of this State  
25 and Title VI of the Civil Rights Act of 1964. The foregoing

1 service shall be provided directly to the students at their  
2 request or at the request of their parents or guardians. The  
3 State Board of Education shall adopt appropriate regulations to  
4 administer this Section and to facilitate the equitable  
5 participation of all students eligible for benefits hereunder,  
6 including provisions authorizing the exchange, trade or  
7 transfer of loaned secular textbooks and electronic textbooks  
8 and the technological equipment necessary to gain access to and  
9 use electronic textbooks between schools or school districts  
10 for students enrolled in such schools or districts. The bonding  
11 requirements of Sections 28-1 and 28-2 of this Code do not  
12 apply to the loan of secular textbooks under this Section.  
13 After secular textbooks and electronic textbooks and the  
14 technological equipment necessary to gain access to and use  
15 electronic textbooks have been on loan under this Section for a  
16 period of 5 years or more, such textbooks and electronic  
17 textbooks and the technological equipment necessary to gain  
18 access to and use electronic textbooks may be disposed of by  
19 school districts in such manner as their respective school  
20 boards shall determine following written notification to the  
21 State Board of Education and expiration of a reasonable waiting  
22 period not to exceed 30 days. Loaned textbooks and electronic  
23 textbooks and the technological equipment necessary to gain  
24 access to and use electronic textbooks may not be disposed of  
25 out-of-State or sold without the prior approval of the State  
26 Board of Education.

1           As used in this Section, "textbook" means any book or book  
2 substitute which a pupil uses as a text or text substitute,  
3 including electronic textbooks, in a particular class or  
4 program. It shall include books, reusable workbooks, manuals,  
5 whether bound or in loose leaf form, ~~and~~ instructional computer  
6 software, and electronic textbooks and the technological  
7 equipment necessary to gain access to and use electronic  
8 textbooks intended as a principal source of study material for  
9 a given class or group of students. "Textbook" also includes  
10 science curriculum materials in a kit format that includes  
11 pre-packaged consumable materials if (i) it is shown that the  
12 materials serve as a textbook substitute, (ii) the materials  
13 are for use by pupils as a principal learning resource, (iii)  
14 each component of the materials is integrally necessary to  
15 teach the requirements of the intended course, (iv) the kit  
16 includes teacher guidance materials, and (v) the purchase of  
17 individual consumable materials is not allowed.

18       (Source: P.A. 93-212, eff. 7-18-03; 94-927, eff. 1-1-07.)

19           (105 ILCS 5/27A-11.5)

20           Sec. 27A-11.5. State financing. The State Board of  
21 Education shall make the following funds available to school  
22 districts and charter schools:

23           (1) From a separate appropriation made to the State  
24 Board for purposes of this subdivision (1), the State Board  
25 shall make transition impact aid available to school

1 districts that approve a new charter school or that have  
2 funds withheld by the State Board to fund a new charter  
3 school that is chartered by the State Board. The amount of  
4 the aid shall equal 90% of the per capita funding paid to  
5 the charter school during the first year of its initial  
6 charter term, 65% of the per capita funding paid to the  
7 charter school during the second year of its initial term,  
8 and 35% of the per capita funding paid to the charter  
9 school during the third year of its initial term. This  
10 transition impact aid shall be paid to the local school  
11 board in equal quarterly installments, with the payment of  
12 the installment for the first quarter being made by August  
13 1st immediately preceding the first, second, and third  
14 years of the initial term. The district shall file an  
15 application for this aid with the State Board in a format  
16 designated by the State Board. If the appropriation is  
17 insufficient in any year to pay all approved claims, the  
18 impact aid shall be prorated. However, for fiscal year  
19 2004, the State Board of Education shall pay approved  
20 claims only for charter schools with a valid charter  
21 granted prior to June 1, 2003. If any funds remain after  
22 these claims have been paid, then the State Board of  
23 Education may pay all other approved claims on a pro rata  
24 basis. Transition impact aid shall be paid beginning in the  
25 1999-2000 school year for charter schools that are in the  
26 first, second, or third year of their initial term.

1 Transition impact aid shall not be paid for any charter  
2 school that is proposed and created by one or more boards  
3 of education, as authorized under the provisions of Public  
4 Act 91-405.

5 (2) From a separate appropriation made for the purpose  
6 of this subdivision (2), the State Board shall make grants  
7 to charter schools to pay their start-up costs of acquiring  
8 educational materials and supplies, textbooks, electronic  
9 textbooks and the technological equipment necessary to  
10 gain access to and use electronic textbooks, furniture, and  
11 other equipment needed during their initial term. The State  
12 Board shall annually establish the time and manner of  
13 application for these grants, which shall not exceed \$250  
14 per student enrolled in the charter school.

15 (3) The Charter Schools Revolving Loan Fund is created  
16 as a special fund in the State treasury. Federal funds,  
17 such other funds as may be made available for costs  
18 associated with the establishment of charter schools in  
19 Illinois, and amounts repaid by charter schools that have  
20 received a loan from the Charter Schools Revolving Loan  
21 Fund shall be deposited into the Charter Schools Revolving  
22 Loan Fund, and the moneys in the Charter Schools Revolving  
23 Loan Fund shall be appropriated to the State Board and used  
24 to provide interest-free loans to charter schools. These  
25 funds shall be used to pay start-up costs of acquiring  
26 educational materials and supplies, textbooks, electronic

1        textbooks and the technological equipment necessary to  
2        gain access to and use electronic textbooks, furniture, and  
3        other equipment needed in the initial term of the charter  
4        school and for acquiring and remodeling a suitable physical  
5        plant, within the initial term of the charter school. Loans  
6        shall be limited to one loan per charter school and shall  
7        not exceed \$250 per student enrolled in the charter school.  
8        A loan shall be repaid by the end of the initial term of  
9        the charter school. The State Board may deduct amounts  
10       necessary to repay the loan from funds due to the charter  
11       school or may require that the local school board that  
12       authorized the charter school deduct such amounts from  
13       funds due the charter school and remit these amounts to the  
14       State Board, provided that the local school board shall not  
15       be responsible for repayment of the loan. The State Board  
16       may use up to 3% of the appropriation to contract with a  
17       non-profit entity to administer the loan program.

18            (4) A charter school may apply for and receive, subject  
19            to the same restrictions applicable to school districts,  
20            any grant administered by the State Board that is available  
21            for school districts.

22        (Source: P.A. 92-16, eff. 6-28-01; 93-21, eff. 7-1-03.)

23            (105 ILCS 5/28-6) (from Ch. 122, par. 28-6)

24            Sec. 28-6. Adoption of books by school boards - Change.

25        Printed and electronic instructional materials adopted by any



1 board under the provisions of this Article shall be used  
2 exclusively in all public high schools and elementary schools  
3 for which they have been adopted, except that supplementary or  
4 abridged or special editions thereof may be used when  
5 necessary.

6 (Source: P.A. 85-1440.)

7 (105 ILCS 5/28-8) (from Ch. 122, par. 28-8)

8 Sec. 28-8. Purchase by districts for resale at cost. School  
9 districts may purchase textbooks and electronic textbooks and  
10 the technological equipment necessary to gain access to and use  
11 electronic textbooks from the publishers and manufacturers at  
12 the prices listed with the State Board of Education and sell  
13 them to the pupils at the listed prices or at such prices as  
14 will include the cost of transportation and handling.

15 (Source: P.A. 81-1508.)

16 (105 ILCS 5/28-9) (from Ch. 122, par. 28-9)

17 Sec. 28-9. Purchase by districts - Designation of agent for  
18 sale. School districts may purchase out of contingent funds  
19 school textbooks or electronic textbooks, instructional  
20 materials, and the technological equipment necessary to gain  
21 access to and use electronic textbooks from the publishers and  
22 manufacturers at the prices listed with the State Board of  
23 Education and may designate a retail dealer or dealers to act  
24 as the agent of the district in selling them to pupils. Such

1 dealers shall at stated times make settlement with the district  
2 for books sold. Such dealers shall not sell textbooks at prices  
3 which exceed a 10% advance on the net prices as listed with the  
4 State Board of Education.

5 (Source: P.A. 81-1508.)

6 (105 ILCS 5/28-14) (from Ch. 122, par. 28-14)

7 Sec. 28-14. Free textbooks - Referendum - Ballot. Any  
8 school board may, and whenever petitioned so to do by 5% or  
9 more of the voters of such district shall order submitted to  
10 the voters thereof at a regular scheduled election the question  
11 of furnishing free school textbooks or electronic textbooks for  
12 the use of pupils attending the public schools of the district,  
13 and the secretary shall certify the proposition to the proper  
14 election authorities for submission in accordance with the  
15 general election law. The proposition shall be in substantially  
16 the following form:

17 ----- FOR furnishing free textbooks or  
18 electronic textbooks in the public schools.

19 ----- AGAINST furnishing free textbooks  
20 or electronic textbooks in the public schools.

21 -----  
22 If a majority of the votes cast upon the proposition is in  
23 favor of furnishing free textbooks or electronic textbooks, the  
24 governing body shall provide, furnish and sell them as provided  
25 in Section 28--15, but no such books shall be sold until at

1 least 1 year after the election. The furnishing of free  
2 textbooks or electronic textbooks when so adopted shall not be  
3 discontinued within 4 years, and thereafter only by a vote of  
4 the voters of the district upon the same conditions and in  
5 substantially the same manner as the vote for the adoption of  
6 free textbooks or electronic textbooks. No textbook or  
7 electronic textbook furnished under the provisions of this  
8 Article shall contain any denominational or sectarian matter.

9 (Source: P.A. 81-1489.)

10 (105 ILCS 5/28-15) (from Ch. 122, par. 28-15)

11 Sec. 28-15. Textbooks provided and loaned to pupils-Sale to  
12 pupils.

13 The governing body of every school district having voted in  
14 favor of furnishing free textbooks or electronic textbooks  
15 under the provisions of Sections 28--14 through 28--19 shall  
16 provide, at the expense of the district, textbooks or  
17 electronic textbooks for use in the public schools and loan  
18 them free to the pupils. Textbooks so furnished shall remain  
19 the property of the school district. The governing body shall  
20 also provide for the sale of such textbooks or electronic  
21 textbooks at cost to pupils of the schools in the district  
22 wishing to purchase them for their own use.

23 (Source: Laws 1961, p. 31.)

24 (105 ILCS 5/28-17) (from Ch. 122, par. 28-17)

1           Sec. 28-17. Rules for care and preservation.

2           The governing body of each district shall make such rules  
3 as it deems proper for the care and preservation of textbooks  
4 or electronic textbooks so furnished at public expense.

5           (Source: Laws 1961, p. 31.)

6           (105 ILCS 5/28-19.5 new)

7           Sec. 28-19.5. Funding for electronic format of textbooks.

8 Notwithstanding any other provision of law, a school district  
9 may use funding received pursuant to this Code to purchase  
10 State-adopted textbook or instructional materials in an  
11 electronic format or hard-bound format and the technological  
12 equipment necessary to gain access to and use electronic  
13 textbooks or instructional materials if all of the following  
14 conditions are met:

15           (1) It can ensure that each pupil will be provided with  
16 a copy of the instructional materials to use at school and  
17 at home.

18           (2) It will assist the pupil in comprehending the  
19 material.

20           (3) It is economically affordable to the school  
21 district to purchase the electronic textbook.

22 However, providing access to the materials at school and at  
23 home does not require the school district to purchase 2 sets of  
24 materials.

1 (105 ILCS 5/28-20) (from Ch. 122, par. 28-20)

2 Sec. 28-20. Definitions ~~Instructional materials~~.

3 (a) For purposes of this Act the term instructional  
4 materials shall mean both print and non-print materials,  
5 including electronic textbooks, that are used in the  
6 educational process.

7 (b) For purposes of this Article, "textbook" includes  
8 electronic or digital textbooks that are used for educational  
9 purposes.

10 (Source: P.A. 77-2180.)

11 (105 ILCS 5/28-21) (from Ch. 122, par. 28-21)

12 Sec. 28-21. The State Board of Education shall require each  
13 publisher of any printed textbook or electronic textbook that  
14 is listed for use by the State Board of Education under this  
15 Article or that is furnished at public expense under Sections  
16 28-14 through 28-19 and is first published after July 19, 2006  
17 to furnish, as provided in this Section, an accessible  
18 electronic file set of contracted print material to the  
19 National Instructional Materials Access Center, which shall  
20 then be available to the State Board of Education or its  
21 authorized user for the purpose of conversion to an accessible  
22 format for use by a child with a print disability and for  
23 distribution to local education agencies. An "accessible  
24 electronic file" means a file that conforms to specifications  
25 of the national file format adopted by the United States

1 Department of Education. Other terms used in this Section shall  
2 be construed in compliance with the federal Individuals with  
3 Disabilities Education Act and related regulations.

4 (Source: P.A. 95-415, eff. 8-24-07.)

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

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

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

25 (B) to determine in the manner provided by subsection (c)

1 of Section 34-2.2 and subdivision 1.5 of this Section whether  
2 the performance contract of the principal shall be renewed; and

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

25 1.5. The local school council's determination of whether to  
26 renew the principal's contract shall be based on an evaluation

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



1 the principal, the local school council shall maintain all  
2 authority to search for and contract with a person to serve as  
3 interim or acting principal, or as the principal of the  
4 attendance center under a 4-year performance contract,  
5 provided that any performance contract entered into by the  
6 local school council shall be voidable or modified in  
7 accordance with the decision of the hearing officer. The  
8 principal may request review only once while at that attendance  
9 center. If a local school council renews the contract of a  
10 principal who failed to obtain a rating of "meets" or "exceeds  
11 expectations" in the general superintendent's evaluation for  
12 the previous year, the general superintendent, within 15 days  
13 after the local school council's decision to renew the  
14 contract, may request a review of the local school council's  
15 principal retention decision by a hearing officer appointed by  
16 the American Arbitration Association. The general  
17 superintendent may request a review only once for that  
18 principal at that attendance center. All requests to review the  
19 retention or non-retention of a principal shall be submitted to  
20 the general superintendent, who shall, in turn, forward such  
21 requests, within 14 days of receipt, to the American  
22 Arbitration Association. The general superintendent shall send  
23 a contemporaneous copy of the request that was forwarded to the  
24 American Arbitration Association to the principal and to each  
25 local school council member and shall inform the local school  
26 council of its rights and responsibilities under the

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

1 incurred by a local school council for representation before a  
2 hearing officer.

3 1.10. The hearing officer shall conduct a hearing, which  
4 shall include (i) a review of the principal's performance,  
5 evaluations, and other evidence of the principal's service at  
6 the school, (ii) reasons provided by the local school council  
7 for its decision, and (iii) documentation evidencing views of  
8 interested persons, including, without limitation, students,  
9 parents, local school council members, school faculty and  
10 staff, the principal, the general superintendent or his or her  
11 designee, and members of the community. The burden of proof in  
12 establishing that the local school council's decision was  
13 arbitrary and capricious shall be on the party requesting the  
14 arbitration, and this party shall sustain the burden by a  
15 preponderance of the evidence. The hearing officer shall set  
16 the local school council decision aside if that decision, in  
17 light of the record developed at the hearing, is arbitrary and  
18 capricious. The decision of the hearing officer may not be  
19 appealed to the Board or the State Board of Education. If the  
20 hearing officer decides that the principal shall be retained,  
21 the retention period shall not exceed 2 years.

22 2. In the event (i) the local school council does not renew  
23 the performance contract of the principal, or the principal  
24 fails to receive a satisfactory rating as provided in  
25 subsection (h) of Section 34-8.3, or the principal is removed  
26 for cause during the term of his or her performance contract in

1 the manner provided by Section 34-85, or a vacancy in the  
2 position of principal otherwise occurs prior to the expiration  
3 of the term of a principal's performance contract, and (ii) the  
4 local school council fails to directly select a new principal  
5 to serve under a 4 year performance contract, the local school  
6 council in such event shall submit to the general  
7 superintendent a list of 3 candidates -- listed in the local  
8 school council's order of preference -- for the position of  
9 principal, one of which shall be selected by the general  
10 superintendent to serve as principal of the attendance center.  
11 If the general superintendent fails or refuses to select one of  
12 the candidates on the list to serve as principal within 30 days  
13 after being furnished with the candidate list, the general  
14 superintendent shall select and place a principal on an interim  
15 basis (i) for a period not to exceed one year or (ii) until the  
16 local school council selects a new principal with 7 affirmative  
17 votes as provided in subsection (c) of Section 34-2.2,  
18 whichever occurs first. If the local school council fails or  
19 refuses to select and appoint a new principal, as specified by  
20 subsection (c) of Section 34-2.2, the general superintendent  
21 may select and appoint a new principal on an interim basis for  
22 an additional year or until a new contract principal is  
23 selected by the local school council. There shall be no  
24 discrimination on the basis of race, sex, creed, color or  
25 disability unrelated to ability to perform in connection with  
26 the submission of candidates for, and the selection of a

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

1 may appoint a principal on an interim basis for a period not to  
2 exceed one year, during which time the local school council  
3 shall be able to select a new principal with 7 affirmative  
4 votes as provided in subsection (c) of Section 34-2.2. In cases  
5 where a principal is removed for cause or a vacancy otherwise  
6 occurs in the position of principal and the vacancy is not  
7 filled by direct selection by the local school council, the  
8 candidate list shall be submitted by the local school council  
9 to the general superintendent within 90 days after the date  
10 such removal or vacancy occurs. In cases where the local school  
11 council fails or refuses to submit the candidate list to the  
12 general superintendent within 90 days after the date of the  
13 vacancy, the general superintendent may appoint a principal on  
14 an interim basis for a period of one year, during which time  
15 the local school council shall be able to select a new  
16 principal with 7 affirmative votes as provided in subsection  
17 (c) of Section 34-2.2.

18 2.5. Whenever a vacancy in the office of a principal occurs  
19 for any reason, the vacancy shall be filled in the manner  
20 provided by this Section by the selection of a new principal to  
21 serve under a 4 year performance contract.

22 3. To establish additional criteria to be included as part  
23 of the performance contract of its principal, provided that  
24 such additional criteria shall not discriminate on the basis of  
25 race, sex, creed, color or disability unrelated to ability to  
26 perform, and shall not be inconsistent with the uniform 4 year

1 performance contract for principals developed by the board as  
2 provided in Section 34-8.1 of the School Code or with other  
3 provisions of this Article governing the authority and  
4 responsibility of principals.

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

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

19 Beginning in fiscal year 1991 and in each fiscal year  
20 thereafter, the Board may reserve up to 1% of its total fiscal  
21 year budget for distribution on a prioritized basis to schools  
22 throughout the school system in order to assure adequate  
23 programs to meet the needs of special student populations as  
24 determined by the Board. This distribution shall take into  
25 account the needs catalogued in the Systemwide Plan and the  
26 various local school improvement plans of the local school

1 councils. Information about these centrally funded programs  
2 shall be distributed to the local school councils so that their  
3 subsequent planning and programming will account for these  
4 provisions.

5 Beginning in fiscal year 1991 and in each fiscal year  
6 thereafter, from other amounts available in the applicable  
7 fiscal year budget, the board shall allocate a lump sum amount  
8 to each local school based upon such formula as the board shall  
9 determine taking into account the special needs of the student  
10 body. The local school principal shall develop an expenditure  
11 plan in consultation with the local school council, the  
12 professional personnel leadership committee and with all other  
13 school personnel, which reflects the priorities and activities  
14 as described in the school's local school improvement plan and  
15 is consistent with applicable law and collective bargaining  
16 agreements and with board policies and standards; however, the  
17 local school council shall have the right to request waivers of  
18 board policy from the board of education and waivers of  
19 employee collective bargaining agreements pursuant to Section  
20 34-8.1a.

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

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



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

13           b. Other personnel: Funds for other teacher  
14 certificated and uncertificated personnel paid through  
15 non-categorical funds shall be provided according to  
16 system-wide formulas based on student enrollment and the  
17 special needs of the school as determined by the Board.

18           c. Non-compensation items: Appropriations for all  
19 non-compensation items shall be based on system-wide  
20 formulas based on student enrollment and on the special  
21 needs of the school or factors related to the physical  
22 plant, including but not limited to textbooks, electronic  
23 textbooks and the technological equipment necessary to  
24 gain access to and use electronic textbooks, supplies,  
25 electricity, equipment, and routine maintenance.

26           d. Funds for categorical programs: Schools shall

1 receive personnel and funds based on, and shall use such  
2 personnel and funds in accordance with State and Federal  
3 requirements applicable to each categorical program  
4 provided to meet the special needs of the student body  
5 (including but not limited to, Federal Chapter I,  
6 Bilingual, and Special Education).

7 d.1. Funds for State Title I: Each school shall receive  
8 funds based on State and Board requirements applicable to  
9 each State Title I pupil provided to meet the special needs  
10 of the student body. Each school shall receive the  
11 proportion of funds as provided in Section 18-8 to which  
12 they are entitled. These funds shall be spent only with the  
13 budgetary approval of the Local School Council as provided  
14 in Section 34-2.3.

15 e. The Local School Council shall have the right to  
16 request the principal to close positions and open new ones  
17 consistent with the provisions of the local school  
18 improvement plan provided that these decisions are  
19 consistent with applicable law and collective bargaining  
20 agreements. If a position is closed, pursuant to this  
21 paragraph, the local school shall have for its use the  
22 system-wide average compensation for the closed position.

23 f. Operating within existing laws and collective  
24 bargaining agreements, the local school council shall have  
25 the right to direct the principal to shift expenditures  
26 within funds.

1 g. (Blank).

2 Any funds unexpended at the end of the fiscal year shall be  
3 available to the board of education for use as part of its  
4 budget for the following fiscal year.

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

11 6. To advise the principal concerning the attendance and  
12 disciplinary policies for the attendance center, subject to the  
13 provisions of this Article and Article 26, and consistent with  
14 the uniform system of discipline established by the board  
15 pursuant to Section 34-19.

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

23 8. To evaluate the allocation of teaching resources and  
24 other certificated and uncertificated staff to the attendance  
25 center to determine whether such allocation is consistent with  
26 and in furtherance of instructional objectives and school

1 programs reflective of the school improvement plan adopted for  
2 the attendance center; and to make recommendations to the  
3 board, the general superintendent and the principal concerning  
4 any reallocation of teaching resources or other staff whenever  
5 the council determines that any such reallocation is  
6 appropriate because the qualifications of any existing staff at  
7 the attendance center do not adequately match or support  
8 instructional objectives or school programs which reflect the  
9 school improvement plan.

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

17 10. To request of the Board the manner in which training  
18 and assistance shall be provided to the local school council.  
19 Pursuant to Board guidelines a local school council is  
20 authorized to direct the Board of Education to contract with  
21 personnel or not-for-profit organizations not associated with  
22 the school district to train or assist council members. If  
23 training or assistance is provided by contract with personnel  
24 or organizations not associated with the school district, the  
25 period of training or assistance shall not exceed 30 hours  
26 during a given school year; person shall not be employed on a

1 continuous basis longer than said period and shall not have  
2 been employed by the Chicago Board of Education within the  
3 preceding six months. Council members shall receive training in  
4 at least the following areas:

5 1. school budgets;

6 2. educational theory pertinent to the attendance  
7 center's particular needs, including the development of  
8 the school improvement plan and the principal's  
9 performance contract; and

10 3. personnel selection.

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

13 11. In accordance with systemwide guidelines contained in  
14 the System-Wide Educational Reform Goals and Objectives Plan,  
15 criteria for evaluation of performance shall be established for  
16 local school councils and local school council members. If a  
17 local school council persists in noncompliance with systemwide  
18 requirements, the Board may impose sanctions and take necessary  
19 corrective action, consistent with Section 34-8.3.

20 12. Each local school council shall comply with the Open  
21 Meetings Act and the Freedom of Information Act. Each local  
22 school council shall issue and transmit to its school community  
23 a detailed annual report accounting for its activities  
24 programmatically and financially. Each local school council  
25 shall convene at least 2 well-publicized meetings annually with  
26 its entire school community. These meetings shall include

1 presentation of the proposed local school improvement plan, of  
2 the proposed school expenditure plan, and the annual report,  
3 and shall provide an opportunity for public comment.

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

7 14. The local school council may adopt a school uniform or  
8 dress code policy that governs the attendance center and that  
9 is necessary to maintain the orderly process of a school  
10 function or prevent endangerment of student health or safety,  
11 consistent with the policies and rules of the Board of  
12 Education. A school uniform or dress code policy adopted by a  
13 local school council: (i) shall not be applied in such manner  
14 as to discipline or deny attendance to a transfer student or  
15 any other student for noncompliance with that policy during  
16 such period of time as is reasonably necessary to enable the  
17 student to acquire a school uniform or otherwise comply with  
18 the dress code policy that is in effect at the attendance  
19 center into which the student's enrollment is transferred; and  
20 (ii) shall include criteria and procedures under which the  
21 local school council will accommodate the needs of or otherwise  
22 provide appropriate resources to assist a student from an  
23 indigent family in complying with an applicable school uniform  
24 or dress code policy. A student whose parents or legal  
25 guardians object on religious grounds to the student's  
26 compliance with an applicable school uniform or dress code

1 policy shall not be required to comply with that policy if the  
2 student's parents or legal guardians present to the local  
3 school council a signed statement of objection detailing the  
4 grounds for the objection.

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

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

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

20 16. (Blank).

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

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

24 (105 ILCS 5/34-19) (from Ch. 122, par. 34-19)

25 Sec. 34-19. By-laws, rules and regulations; business

1 transacted at regular meetings; voting; records. The board  
2 shall, subject to the limitations in this Article, establish  
3 by-laws, rules and regulations, which shall have the force of  
4 ordinances, for the proper maintenance of a uniform system of  
5 discipline for both employees and pupils, and for the entire  
6 management of the schools, and may fix the school age of  
7 pupils, the minimum of which in kindergartens shall not be  
8 under 4 years, except that, based upon an assessment of the  
9 child's readiness, children who have attended a non-public  
10 preschool and continued their education at that school through  
11 kindergarten, were taught in kindergarten by an appropriately  
12 certified teacher, and will attain the age of 6 years on or  
13 before December 31 of the year of the 2009-2010 school term and  
14 each school term thereafter may attend first grade upon  
15 commencement of such term, and in grade schools shall not be  
16 under 6 years. It may expel, suspend or, subject to the  
17 limitations of all policies established or adopted under  
18 Section 14-8.05, otherwise discipline any pupil found guilty of  
19 gross disobedience, misconduct or other violation of the  
20 by-laws, rules and regulations. The bylaws, rules and  
21 regulations of the board shall be enacted, money shall be  
22 appropriated or expended, salaries shall be fixed or changed,  
23 and textbooks, electronic textbooks, and courses of  
24 instruction shall be adopted or changed only at the regular  
25 meetings of the board and by a vote of a majority of the full  
26 membership of the board; provided that notwithstanding any



1 other provision of this Article or the School Code, neither the  
2 board or any local school council may purchase any textbook for  
3 use in any public school of the district from any textbook  
4 publisher that fails to furnish any computer diskettes as  
5 required under Section 28-21. Funds appropriated for textbook  
6 purchases must be available for electronic textbook purchases  
7 and the technological equipment necessary to gain access to and  
8 use electronic textbooks at the local school council's  
9 discretion. The board shall be further encouraged to provide  
10 opportunities for public hearing and testimony before the  
11 adoption of bylaws, rules and regulations. Upon all  
12 propositions requiring for their adoption at least a majority  
13 of all the members of the board the yeas and nays shall be  
14 taken and reported. The by-laws, rules and regulations of the  
15 board shall not be repealed, amended or added to, except by a  
16 vote of 2/3 of the full membership of the board. The board  
17 shall keep a record of all its proceedings. Such records and  
18 all by-laws, rules and regulations, or parts thereof, may be  
19 proved by a copy thereof certified to be such by the secretary  
20 of the board, but if they are printed in book or pamphlet form  
21 which are purported to be published by authority of the board  
22 they need not be otherwise published and the book or pamphlet  
23 shall be received as evidence, without further proof, of the  
24 records, by-laws, rules and regulations, or any part thereof,  
25 as of the dates thereof as shown in such book or pamphlet, in  
26 all courts and places where judicial proceedings are had.

1           Notwithstanding any other provision in this Article or in  
2 the School Code, the board may delegate to the general  
3 superintendent or to the attorney the authorities granted to  
4 the board in the School Code, provided such delegation and  
5 appropriate oversight procedures are made pursuant to board  
6 by-laws, rules and regulations, adopted as herein provided,  
7 except that the board may not delegate its authorities and  
8 responsibilities regarding (1) budget approval obligations;  
9 (2) rule-making functions; (3) desegregation obligations; (4)  
10 real estate acquisition, sale or lease in excess of 10 years as  
11 provided in Section 34-21; (5) the levy of taxes; or (6) any  
12 mandates imposed upon the board by "An Act in relation to  
13 school reform in cities over 500,000, amending Acts herein  
14 named", approved December 12, 1988 (P.A. 85-1418).  
15 (Source: P.A. 96-864, eff. 1-21-10.)

16           Section 99. Effective date. This Act takes effect upon  
17 becoming law."