



Rep. Marlow H. Colvin

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LRB097 08974 NHT 51710 a

1 AMENDMENT TO HOUSE BILL 1851

2 AMENDMENT NO. _____. Amend House Bill 1851 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections
5 34-2.1, 34-2.2, and 34-2.3 as follows:

6 (105 ILCS 5/34-2.1) (from Ch. 122, par. 34-2.1)

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

9 (a) A local school council shall be established for each
10 attendance center within the school district.

11 (1) Prior to the 2012-2013 school year, each ~~Each~~ local
12 school council shall consist of the following 11 ~~12~~ voting
13 members: the principal of the attendance center, 2 teachers
14 employed and assigned to perform the majority of their
15 employment duties at the attendance center, 6 parents of
16 students currently enrolled at the attendance center, ~~one~~

1 ~~employee of the school district employed and assigned to~~
2 ~~perform the majority of his or her employment duties at the~~
3 ~~attendance center who is not a teacher,~~ and 2 community
4 residents. In each secondary attendance center, the local
5 school council shall consist of 12 voting members, the 11
6 voting members described in this paragraph (1) and one
7 full-time student member, appointed as provided in
8 subsection (m) of this Section.

9 (2) Beginning with the 2012-2013 school year, each
10 local school council shall consist of the following 13
11 voting members: the principal of the attendance center, 2
12 teachers employed and assigned to perform the majority of
13 their employment duties at the attendance center, 7 parents
14 of students currently enrolled at the attendance center,
15 one employee of the school district employed and assigned
16 to perform the majority of his or her employment duties at
17 the attendance center who is not a teacher, and 2 community
18 residents. In each secondary attendance center, the local
19 school council shall consist of 14 voting members, the 13
20 voting members described in this paragraph (2) and one
21 full-time student member, appointed as provided in
22 subsection (m) of this Section.

23 (3) Neither the parents nor the community residents who
24 serve as members of the local school council shall be
25 employees of the Board of Education. The non-teacher
26 employee must be a member of a collective bargaining unit.

1 ~~In each secondary attendance center, the local school~~
2 ~~council shall consist of 13 voting members -- the 12 voting~~
3 ~~members described above and one full-time student member,~~
4 ~~appointed as provided in subsection (m) below.~~ In the event
5 that the chief executive officer of the Chicago School
6 Reform Board of Trustees determines that a local school
7 council is not carrying out its financial duties
8 effectively, the chief executive officer is authorized to
9 appoint a representative of the business community with
10 experience in finance and management to serve as an advisor
11 to the local school council for the purpose of providing
12 advice and assistance to the local school council on fiscal
13 matters. The advisor shall have access to relevant
14 financial records of the local school council. The advisor
15 may attend executive sessions. The chief executive officer
16 shall issue a written policy defining the circumstances
17 under which a local school council is not carrying out its
18 financial duties effectively.

19 (b) Within 7 days of January 11, 1991, the Mayor shall
20 appoint the members and officers (a Chairperson who shall be a
21 parent member and a Secretary) of each local school council who
22 shall hold their offices until their successors shall be
23 elected and qualified. Members so appointed shall have all the
24 powers and duties of local school councils as set forth in this
25 amendatory Act of 1991. The Mayor's appointments shall not
26 require approval by the City Council.

1 The membership of each local school council shall be
2 encouraged to be reflective of the racial and ethnic
3 composition of the student population of the attendance center
4 served by the local school council.

5 (c) Beginning with the 1995-1996 school year and in every
6 even-numbered year thereafter, the Board shall set second
7 semester Parent Report Card Pick-up Day for Local School
8 Council elections and may schedule elections at year-round
9 schools for the same dates as the remainder of the school
10 system. Elections shall be conducted as provided herein by the
11 Board of Education in consultation with the local school
12 council at each attendance center.

13 (d) Beginning with the 2011-2012 ~~1995-96~~ school year, the
14 following procedures shall apply to the election of local
15 school council members at each attendance center:

16 (i) The elected members of each local school council
17 shall consist of the 7 ~~6~~ parent members and the 2 community
18 resident members.

19 (ii) Each elected member shall be elected by the
20 eligible voters of that attendance center to serve for a
21 two-year term commencing on July 1 immediately following
22 the election described in subsection (c). Eligible voters
23 for each attendance center shall consist of the parents and
24 community residents for that attendance center.

25 (iii) Each eligible voter shall be entitled to cast one
26 vote for up to a total of 5 candidates, irrespective of

1 whether such candidates are parent or community resident
2 candidates.

3 (iv) Each parent voter shall be entitled to vote in the
4 local school council election at each attendance center in
5 which he or she has a child currently enrolled. Each
6 community resident voter shall be entitled to vote in the
7 local school council election at each attendance center for
8 which he or she resides in the applicable attendance area
9 or voting district, as the case may be.

10 (v) Each eligible voter shall be entitled to vote once,
11 but not more than once, in the local school council
12 election at each attendance center at which the voter is
13 eligible to vote.

14 (vi) The 2 teacher members and the non-teacher employee
15 member of each local school council shall be appointed as
16 provided in subsection (l) below each to serve for a
17 two-year term coinciding with that of the elected parent
18 and community resident members.

19 (vii) At secondary attendance centers, the voting
20 student member shall be appointed as provided in subsection
21 (m) below to serve for a one-year term coinciding with the
22 beginning of the terms of the elected parent and community
23 members of the local school council.

24 (e) The Council shall publicize the date and place of the
25 election by posting notices at the attendance center, in public
26 places within the attendance boundaries of the attendance

1 center and by distributing notices to the pupils at the
2 attendance center, and shall utilize such other means as it
3 deems necessary to maximize the involvement of all eligible
4 voters.

5 (f) Nomination. The Council shall publicize the opening of
6 nominations by posting notices at the attendance center, in
7 public places within the attendance boundaries of the
8 attendance center and by distributing notices to the pupils at
9 the attendance center, and shall utilize such other means as it
10 deems necessary to maximize the involvement of all eligible
11 voters. Not less than 2 weeks before the election date, persons
12 eligible to run for the Council shall submit their name, date
13 of birth, social security number, if available, and some
14 evidence of eligibility to the Council. The Council shall
15 encourage nomination of candidates reflecting the
16 racial/ethnic population of the students at the attendance
17 center. Each person nominated who runs as a candidate shall
18 disclose, in a manner determined by the Board, any economic
19 interest held by such person, by such person's spouse or
20 children, or by each business entity in which such person has
21 an ownership interest, in any contract with the Board, any
22 local school council or any public school in the school
23 district. Each person nominated who runs as a candidate shall
24 also disclose, in a manner determined by the Board, if he or
25 she ever has been convicted of any of the offenses specified in
26 subsection (c) of Section 34-18.5; provided that neither this

1 provision nor any other provision of this Section shall be
2 deemed to require the disclosure of any information that is
3 contained in any law enforcement record or juvenile court
4 record that is confidential or whose accessibility or
5 disclosure is restricted or prohibited under Section 5-901 or
6 5-905 of the Juvenile Court Act of 1987. Failure to make such
7 disclosure shall render a person ineligible for election or to
8 serve on the local school council. The same disclosure shall be
9 required of persons under consideration for appointment to the
10 Council pursuant to subsections (l) and (m) of this Section.

11 (f-5) Notwithstanding disclosure, a person who has been
12 convicted of any of the following offenses at any time shall be
13 ineligible for election or appointment to a local school
14 council and ineligible for appointment to a local school
15 council pursuant to subsections (l) and (m) of this Section:

16 (i) those defined in Section 11-6, 11-9.1, 11-16, 11-17.1,
17 11-19, 11-19.1, 11-19.2, 11-20.1, 12-13, 12-14, 12-14.1,
18 12-15, or 12-16 of the Criminal Code of 1961 or (ii) any
19 offense committed or attempted in any other state or against
20 the laws of the United States, which, if committed or attempted
21 in this State, would have been punishable as one or more of the
22 foregoing offenses. Notwithstanding disclosure, a person who
23 has been convicted of any of the following offenses within the
24 10 years previous to the date of nomination or appointment
25 shall be ineligible for election or appointment to a local
26 school council: (i) those defined in Section 401.1, 405.1, or

1 405.2 of the Illinois Controlled Substances Act or (ii) any
2 offense committed or attempted in any other state or against
3 the laws of the United States, which, if committed or attempted
4 in this State, would have been punishable as one or more of the
5 foregoing offenses.

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

24 (g) At least one week before the election date, the Council
25 shall publicize, in the manner provided in subsection (e), the
26 names of persons nominated for election.

1 (h) Voting shall be in person by secret ballot at the
2 attendance center between the hours of 6:00 a.m. and 7:00 p.m.

3 (i) Candidates receiving the highest number of votes shall
4 be declared elected by the Council. In cases of a tie, the
5 Council shall determine the winner by lot.

6 (j) The Council shall certify the results of the election
7 and shall publish the results in the minutes of the Council.

8 (k) The general superintendent shall resolve any disputes
9 concerning election procedure or results and shall ensure that,
10 except as provided in subsections (e) and (g), no resources of
11 any attendance center shall be used to endorse or promote any
12 candidate.

13 (l) Beginning with the 1995-1996 school year and in every
14 even numbered year thereafter, the Board shall appoint 2
15 teacher members to each local school council. Beginning with
16 the 2011-2012 school year and in every even-numbered year
17 thereafter, the Board shall appoint one non-teacher employee
18 member to each local school council. These appointments shall
19 be made in the following manner:

20 (i) The Board shall appoint 2 teachers who are employed
21 and assigned to perform the majority of their employment
22 duties at the attendance center to serve on the local
23 school council of the attendance center for a two-year term
24 coinciding with the terms of the elected parent and
25 community members of that local school council. These
26 appointments shall be made from among those teachers who

1 are nominated in accordance with subsection (f) of this
2 Section. Beginning with the 2011-2012 school year, the
3 Board shall appoint one non-teacher employee who is
4 employed and assigned to perform the majority of his or her
5 employment duties at the attendance center to serve on the
6 local school council of the attendance center for a 2-year
7 term coinciding with the terms of the elected parent and
8 community members of that local school council. This
9 appointment must be made from among those non-teacher
10 employees who are nominated in accordance with subsection
11 (f) of this Section.

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

26 (iii) In the event that a teacher or non-teacher

1 employee representative is unable to perform his or her
2 employment duties at the school due to illness, disability,
3 leave of absence, disciplinary action, or any other reason,
4 the Board shall declare a temporary vacancy and appoint a
5 replacement teacher or non-teacher employee representative
6 to serve on the local school council until such time as the
7 ~~teacher~~ member originally appointed pursuant to this
8 subsection (l) resumes service at the attendance center or
9 for the remainder of the term. The replacement ~~teacher~~
10 representative shall be appointed in the same manner and by
11 the same procedures as teacher and non-teacher employee
12 representatives are appointed in subdivisions (i) and (ii)
13 of this subsection (l).

14 (m) Beginning with the 1995-1996 school year, and in every
15 year thereafter, the Board shall appoint one student member to
16 each secondary attendance center. These appointments shall be
17 made in the following manner:

18 (i) Appointments shall be made from among those
19 students who submit statements of candidacy to the
20 principal of the attendance center, such statements to be
21 submitted commencing on the first day of the twentieth week
22 of school and continuing for 2 weeks thereafter. The form
23 and manner of such candidacy statements shall be determined
24 by the Board.

25 (ii) During the twenty-second week of school in every
26 year, the principal of each attendance center shall conduct

1 a non-binding, advisory poll to ascertain the preferences
2 of the school students regarding the appointment of a
3 student to the local school council for that attendance
4 center. At such poll, each student shall be entitled to
5 indicate his or her preference for up to one candidate from
6 among those who submitted statements of candidacy as
7 described above. The Board shall promulgate rules to ensure
8 that these non-binding, advisory polls are conducted in a
9 fair and equitable manner and maximize the involvement of
10 all school students. The preferences expressed in these
11 non-binding, advisory polls shall be transmitted by the
12 principal to the Board. However, these preferences shall be
13 advisory only and the Board shall maintain absolute
14 discretion to appoint student members to local school
15 councils, irrespective of the preferences expressed in any
16 such poll.

17 (iii) For the 1995-96 school year only, appointments
18 shall be made from among those students who submitted
19 statements of candidacy to the principal of the attendance
20 center during the first 2 weeks of the school year. The
21 principal shall communicate the results of any nonbinding,
22 advisory poll to the Board. These results shall be advisory
23 only, and the Board shall maintain absolute discretion to
24 appoint student members to local school councils,
25 irrespective of the preferences expressed in any such poll.

26 (n) The Board may promulgate such other rules and

1 regulations for election procedures as may be deemed necessary
2 to ensure fair elections.

3 (o) In the event that a vacancy occurs during a member's
4 term, the Council shall appoint a person eligible to serve on
5 the Council, to fill the unexpired term created by the vacancy,
6 except that any teacher or non-teacher employee vacancy shall
7 be filled by the Board after considering the preferences of the
8 school staff as ascertained through a non-binding advisory poll
9 of school staff.

10 (p) 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 two-year terms.

14 (q) The Board shall promulgate rules regarding conflicts of
15 interest and disclosure of economic interests which shall apply
16 to local school council members and which shall require reports
17 or statements to be filed by Council members at regular
18 intervals with the Secretary of the Board. Failure to comply
19 with such rules or intentionally falsifying such reports shall
20 be grounds for disqualification from local school council
21 membership. A vacancy on the Council for disqualification may
22 be so declared by the Secretary of the Board. Rules regarding
23 conflicts of interest and disclosure of economic interests
24 promulgated by the Board shall apply to local school council
25 members. No less than 45 days prior to the deadline, the
26 general superintendent shall provide notice, by mail, to each

1 local school council member of all requirements and forms for
2 compliance with economic interest statements.

3 (r) (1) If a parent member of a local school council ceases
4 to have any child enrolled in the attendance center governed by
5 the Local School Council due to the graduation or voluntary
6 transfer of a child or children from the attendance center, the
7 parent's membership on the Local School Council and all voting
8 rights are terminated immediately as of the date of the child's
9 graduation or voluntary transfer. If the child of a parent
10 member of a local school council dies during the member's term
11 in office, the member may continue to serve on the local school
12 council for the balance of his or her term. Further, a local
13 school council member may be removed from the Council by a
14 majority vote of the Council as provided in subsection (c) of
15 Section 34-2.2 if the Council member has missed 3 consecutive
16 regular meetings, not including committee meetings, or 5
17 regular meetings in a 12 month period, not including committee
18 meetings. If a parent member of a local school council ceases
19 to be eligible to serve on the Council for any other reason, he
20 or she shall be removed by the Board subject to a hearing,
21 convened pursuant to Board rule, prior to removal. A vote to
22 remove a Council member by the local school council shall only
23 be valid if the Council member has been notified personally or
24 by certified mail, mailed to the person's last known address,
25 of the Council's intent to vote on the Council member's removal
26 at least 7 days prior to the vote. The Council member in

1 question shall have the right to explain his or her actions and
2 shall be eligible to vote on the question of his or her removal
3 from the Council. The provisions of this subsection shall be
4 contained within the petitions used to nominate Council
5 candidates.

6 (2) A person may continue to serve as a community resident
7 member of a local school council as long as he or she resides
8 in the attendance area served by the school and is not employed
9 by the Board nor is a parent of a student enrolled at the
10 school. If a community resident member ceases to be eligible to
11 serve on the Council, he or she shall be removed by the Board
12 subject to a hearing, convened pursuant to Board rule, prior to
13 removal.

14 (3) A person may continue to serve as a teacher or
15 non-teacher employee member of a local school council as long
16 as he or she is employed and assigned to perform a majority of
17 his or her duties at the school, provided that if the teacher
18 or non-teacher employee representative resigns from employment
19 with the Board or voluntarily transfers to another school, that
20 person's ~~the teacher's~~ membership on the local school council
21 and all voting rights are terminated immediately as of the date
22 of his or her ~~the teacher's~~ resignation or upon the date of
23 that member's ~~the teacher's~~ voluntary transfer to another
24 school. If a teacher or non-teacher employee member of a local
25 school council ceases to be eligible to serve on a local school
26 council for any other reason, that member shall be removed by

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

3 (Source: P.A. 95-1015, eff. 12-15-08; 96-1412, eff. 1-1-11.)

4 (105 ILCS 5/34-2.2) (from Ch. 122, par. 34-2.2)

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

6 (a) The annual organizational meeting of each local school
7 council shall be held at the attendance center. At the annual
8 organization meeting, which shall be held no sooner than July 1
9 and no later than July 14, a parent member of the local school
10 council shall be selected by the members of such council as its
11 chairperson, and a secretary shall be selected by the members
12 of such council from among their number, each to serve a term
13 of one year. Whenever a vacancy in the office of chairperson or
14 secretary of a local school council shall occur, a new
15 chairperson (who shall be a parent member) or secretary, as the
16 case may be, shall be elected by the members of the local
17 school council from among their number to serve as such
18 chairperson or secretary for the unexpired term of office in
19 which the vacancy occurs. At each annual organizational
20 meeting, the time and place of any regular meetings of the
21 local school council shall be fixed. Special meetings of the
22 local school council may be called by the chairperson or by any
23 5 4 members by giving notice thereof in writing, specifying the
24 time, place and purpose of the meeting. Public notice of
25 meetings shall also be given in accordance with the Open

1 Meetings Act.

2 (b) Members and officers of the local school council shall
3 serve without compensation and without reimbursement of any
4 expenses incurred in the performance of their duties, except
5 that the board of education may by rule establish a procedure
6 and thereunder provide for reimbursement of members and
7 officers of local school councils for such of their reasonable
8 and necessary expenses (excluding any lodging or meal expenses)
9 incurred in the performance of their duties as the board may
10 deem appropriate.

11 (c) A majority of the full membership of the local school
12 council shall constitute a quorum, and whenever a vote is taken
13 on any measure before the local school council, a quorum being
14 present, the affirmative vote of a majority of the votes of the
15 full membership then serving of the local school council shall
16 determine the outcome thereof; provided that whenever the
17 measure before the local school council is (i) the evaluation
18 of the principal, or (ii) the renewal of his or her performance
19 contract or the inclusion of any provision or modification of
20 the contract, or (iii) the direct selection by the local school
21 council of a new principal (including a new principal to fill a
22 vacancy) to serve under a 4 year performance contract, or (iv)
23 the determination of the names of candidates to be submitted to
24 the general superintendent for the position of principal, the
25 principal and student member of a high school council shall not
26 be counted for purposes of determining whether a quorum is

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

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

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

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

1 (g) Local school councils may utilize the services of an
2 arbitration board to resolve intra-council disputes.

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

4 (105 ILCS 5/34-2.3) (from Ch. 122, par. 34-2.3)

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

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

24 (B) to determine in the manner provided by subsection (c)
25 of Section 34-2.2 and subdivision 1.5 of this Section whether

1 the performance contract of the principal shall be renewed; and

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

24 1.5. The local school council's determination of whether to
25 renew the principal's contract shall be based on an evaluation
26 to assess the educational and administrative progress made at

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

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

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

1 hearing officer.

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

21 2. In the event (i) the local school council does not renew
22 the performance contract of the principal, or the principal
23 fails to receive a satisfactory rating as provided in
24 subsection (h) of Section 34-8.3, or the principal is removed
25 for cause during the term of his or her performance contract in
26 the manner provided by Section 34-85, or a vacancy in the

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

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

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

17 2.5. Whenever a vacancy in the office of a principal occurs
18 for any reason, the vacancy shall be filled in the manner
19 provided by this Section by the selection of a new principal to
20 serve under a 4 year performance contract.

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

1 provided in Section 34-8.1 of the School Code or with other
2 provisions of this Article governing the authority and
3 responsibility of principals.

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

13 Via a supermajority vote of 8 ~~7~~ members of the local school
14 council or 9 ~~8~~ members of a high school local school council,
15 the Council may transfer allocations pursuant to Section 34-2.3
16 within funds; provided that such a transfer is consistent with
17 applicable law and collective bargaining agreements.

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

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

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

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

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

26 a. Teachers: Each school shall be allocated funds equal

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

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

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

25 d. Funds for categorical programs: Schools shall
26 receive personnel and funds based on, and shall use such

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

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

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

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

26 g. (Blank).

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

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

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

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

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

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

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

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

1 been employed by the Chicago Board of Education within the
2 preceding six months. Council members shall receive training in
3 at least the following areas:

4 1. school budgets;

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

9 3. personnel selection.

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

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

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

1 the proposed school expenditure plan, and the annual report,
2 and shall provide an opportunity for public comment.

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

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

1 student's parents or legal guardians present to the local
2 school council a signed statement of objection detailing the
3 grounds for the objection.

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

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

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

19 16. (Blank).

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

22 (Source: P.A. 96-1403, eff. 7-29-10.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law, except that the provisions changing Sections
25 34-2.2 and 34-2.3 of the School Code take effect July 1,

1 2012.".