



Sen. Mike Simmons

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LRB104 19075 LNS 35074 a

1 AMENDMENT TO SENATE BILL 3361

2 AMENDMENT NO. _____. Amend Senate Bill 3361 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. This Act may be referred to as the Religious
5 Hair and Facial Hair Protections Act. This Act may also be
6 referred to as the Jett Hawkins Law.

7 Section 5. The School Code is amended by changing Sections
8 2-3.25o, 10-22.25b, and 34-2.3 as follows:

9 (105 ILCS 5/2-3.25o)

10 Sec. 2-3.25o. Registration and recognition of non-public
11 elementary and secondary schools.

12 (a) Findings. The General Assembly finds and declares (i)
13 that the Constitution of the State of Illinois provides that a
14 "fundamental goal of the People of the State is the
15 educational development of all persons to the limits of their

1 capacities" and (ii) that the educational development of every
2 school student serves the public purposes of the State. In
3 order to ensure that all Illinois students and teachers have
4 the opportunity to enroll and work in State-approved
5 educational institutions and programs, the State Board of
6 Education shall provide for the voluntary registration and
7 recognition of non-public elementary and secondary schools.

8 (b) Registration. All non-public elementary and secondary
9 schools in the State of Illinois may voluntarily register with
10 the State Board of Education on an annual basis. Registration
11 shall be completed in conformance with procedures prescribed
12 by the State Board of Education. Information required for
13 registration shall include assurances of compliance (i) with
14 federal and State laws regarding health examination and
15 immunization, attendance, length of term, and
16 nondiscrimination, including assurances that the school will
17 not prohibit hairstyles historically associated with race,
18 ethnicity, or hair texture, including, but not limited to,
19 protective hairstyles such as braids, locks, and twists, or
20 religious hairstyles, hair-related religious practices, or
21 facial hair worn in accordance with a student's or employee's
22 sincerely held religious beliefs, observance, or practice,
23 including, but not limited to, uncut hair or sidelocks (known
24 as payot or peyos), or beards, mustaches, or other facial
25 hair, and (ii) with applicable fire and health safety
26 requirements.

1 (c) Recognition. All non-public elementary and secondary
2 schools in the State of Illinois may voluntarily seek the
3 status of "Non-public School Recognition" from the State Board
4 of Education. This status may be obtained by compliance with
5 administrative guidelines and review procedures as prescribed
6 by the State Board of Education. The guidelines and procedures
7 must recognize that some of the aims and the financial bases of
8 non-public schools are different from public schools and will
9 not be identical to those for public schools, nor will they be
10 more burdensome. The guidelines and procedures must also
11 recognize the diversity of non-public schools and shall not
12 impinge upon the noneducational relationships between those
13 schools and their clientele.

14 (c-5) Prohibition against recognition. A non-public
15 elementary or secondary school may not obtain "Non-public
16 School Recognition" status unless the school requires all
17 certified and non-certified applicants for employment with the
18 school, after July 1, 2007, to authorize a fingerprint-based
19 criminal history records check as a condition of employment to
20 determine if such applicants have been convicted of any of the
21 enumerated criminal or drug offenses set forth in Section
22 21B-80 of this Code or have been convicted, within 7 years of
23 the application for employment, of any other felony under the
24 laws of this State or of any offense committed or attempted in
25 any other state or against the laws of the United States that,
26 if committed or attempted in this State, would have been

1 punishable as a felony under the laws of this State.

2 Authorization for the check shall be furnished by the
3 applicant to the school, except that if the applicant is a
4 substitute teacher seeking employment in more than one
5 non-public school, a teacher seeking concurrent part-time
6 employment positions with more than one non-public school (as
7 a reading specialist, special education teacher, or
8 otherwise), or an educational support personnel employee
9 seeking employment positions with more than one non-public
10 school, then only one of the non-public schools employing the
11 individual shall request the authorization. Upon receipt of
12 this authorization, the non-public school shall submit the
13 applicant's name, sex, race, date of birth, social security
14 number, fingerprint images, and other identifiers, as
15 prescribed by the Illinois State Police, to the Illinois State
16 Police.

17 The Illinois State Police and Federal Bureau of
18 Investigation shall furnish, pursuant to a fingerprint-based
19 criminal history records check, records of convictions,
20 forever and hereafter, until expunged, to the president or
21 principal of the non-public school that requested the check.
22 The Illinois State Police shall charge that school a fee for
23 conducting such check, which fee must be deposited into the
24 State Police Services Fund and must not exceed the cost of the
25 inquiry. Subject to appropriations for these purposes, the
26 State Superintendent of Education shall reimburse non-public

1 schools for fees paid to obtain criminal history records
2 checks under this Section.

3 A non-public school may not obtain recognition status
4 unless the school also performs a check of the Statewide Sex
5 Offender Database, as authorized by the Sex Offender Community
6 Notification Law, and the Statewide Murderer and Violent
7 Offender Against Youth Database, as authorized by the Murderer
8 and Violent Offender Against Youth Registration Act, for each
9 applicant for employment, after July 1, 2007, to determine
10 whether the applicant has been adjudicated of a sex offense or
11 of a murder or other violent crime against youth. The checks of
12 the Statewide Sex Offender Database and the Statewide Murderer
13 and Violent Offender Against Youth Database must be conducted
14 by the non-public school once for every 5 years that an
15 applicant remains employed by the non-public school.

16 Any information concerning the record of convictions
17 obtained by a non-public school's president or principal under
18 this Section is confidential and may be disseminated only to
19 the governing body of the non-public school or any other
20 person necessary to the decision of hiring the applicant for
21 employment. A copy of the record of convictions obtained from
22 the Illinois State Police shall be provided to the applicant
23 for employment. Upon a check of the Statewide Sex Offender
24 Database, the non-public school shall notify the applicant as
25 to whether or not the applicant has been identified in the Sex
26 Offender Database as a sex offender. Any information

1 concerning the records of conviction obtained by the
2 non-public school's president or principal under this Section
3 for a substitute teacher seeking employment in more than one
4 non-public school, a teacher seeking concurrent part-time
5 employment positions with more than one non-public school (as
6 a reading specialist, special education teacher, or
7 otherwise), or an educational support personnel employee
8 seeking employment positions with more than one non-public
9 school may be shared with another non-public school's
10 principal or president to which the applicant seeks
11 employment. Any unauthorized release of confidential
12 information may be a violation of Section 7 of the Criminal
13 Identification Act.

14 No non-public school may obtain recognition status that
15 knowingly employs a person, hired after July 1, 2007, for whom
16 an Illinois State Police and Federal Bureau of Investigation
17 fingerprint-based criminal history records check and a
18 Statewide Sex Offender Database check has not been initiated
19 or who has been convicted of any offense enumerated in Section
20 21B-80 of this Code or any offense committed or attempted in
21 any other state or against the laws of the United States that,
22 if committed or attempted in this State, would have been
23 punishable as one or more of those offenses. No non-public
24 school may obtain recognition status under this Section that
25 knowingly employs a person who has been found to be the
26 perpetrator of sexual or physical abuse of a minor under 18

1 years of age pursuant to proceedings under Article II of the
2 Juvenile Court Act of 1987.

3 In order to obtain recognition status under this Section,
4 a non-public school must require compliance with the
5 provisions of this subsection (c-5) from all employees of
6 persons or firms holding contracts with the school, including,
7 but not limited to, food service workers, school bus drivers,
8 and other transportation employees, who have direct, daily
9 contact with pupils. Any information concerning the records of
10 conviction or identification as a sex offender of any such
11 employee obtained by the non-public school principal or
12 president must be promptly reported to the school's governing
13 body.

14 Prior to the commencement of any student teaching
15 experience or required internship (which is referred to as
16 student teaching in this Section) in any non-public elementary
17 or secondary school that has obtained or seeks to obtain
18 recognition status under this Section, a student teacher is
19 required to authorize a fingerprint-based criminal history
20 records check. Authorization for and payment of the costs of
21 the check must be furnished by the student teacher to the chief
22 administrative officer of the non-public school where the
23 student teaching is to be completed. Upon receipt of this
24 authorization and payment, the chief administrative officer of
25 the non-public school shall submit the student teacher's name,
26 sex, race, date of birth, social security number, fingerprint

1 images, and other identifiers, as prescribed by the Illinois
2 State Police, to the Illinois State Police. The Illinois State
3 Police and the Federal Bureau of Investigation shall furnish,
4 pursuant to a fingerprint-based criminal history records
5 check, records of convictions, forever and hereinafter, until
6 expunged, to the chief administrative officer of the
7 non-public school that requested the check. The Illinois State
8 Police shall charge the school a fee for conducting the check,
9 which fee must be passed on to the student teacher, must not
10 exceed the cost of the inquiry, and must be deposited into the
11 State Police Services Fund. The school shall further perform a
12 check of the Statewide Sex Offender Database, as authorized by
13 the Sex Offender Community Notification Law, and of the
14 Statewide Murderer and Violent Offender Against Youth
15 Database, as authorized by the Murderer and Violent Offender
16 Against Youth Registration Act, for each student teacher. No
17 school that has obtained or seeks to obtain recognition status
18 under this Section may knowingly allow a person to student
19 teach for whom a criminal history records check, a Statewide
20 Sex Offender Database check, and a Statewide Murderer and
21 Violent Offender Against Youth Database check have not been
22 completed and reviewed by the chief administrative officer of
23 the non-public school.

24 A copy of the record of convictions obtained from the
25 Illinois State Police must be provided to the student teacher.
26 Any information concerning the record of convictions obtained

1 by the chief administrative officer of the non-public school
2 is confidential and may be transmitted only to the chief
3 administrative officer of the non-public school or his or her
4 designee, the State Superintendent of Education, the State
5 Educator Preparation and Licensure Board, or, for
6 clarification purposes, the Illinois State Police or the
7 Statewide Sex Offender Database or Statewide Murderer and
8 Violent Offender Against Youth Database. Any unauthorized
9 release of confidential information may be a violation of
10 Section 7 of the Criminal Identification Act.

11 No school that has obtained or seeks to obtain recognition
12 status under this Section may knowingly allow a person to
13 student teach who has been convicted of any offense that would
14 subject him or her to license suspension or revocation
15 pursuant to Section 21B-80 of this Code or who has been found
16 to be the perpetrator of sexual or physical abuse of a minor
17 under 18 years of age pursuant to proceedings under Article II
18 of the Juvenile Court Act of 1987.

19 Any school that has obtained or seeks to obtain
20 recognition status under this Section may not prohibit
21 hairstyles historically associated with race, ethnicity, or
22 hair texture, including, but not limited to, protective
23 hairstyles such as braids, locks, and twists, or religious
24 hairstyles, hair-related religious practices, or facial hair
25 worn in accordance with a student's or employee's sincerely
26 held religious beliefs, observance, or practice, including,

1 but not limited to, uncut hair or sidelocks (known as payot or
2 peyos), or beards, mustaches, or other facial hair.

3 (c-10) Exemption. Notwithstanding any other provision of
4 this Section to the contrary, a non-public, sectarian school
5 that has registered or seeks to register under this Section or
6 that has obtained or seeks to obtain recognition status under
7 this Section is not subject to those requirements of this
8 Section that restrict a school's ability to adopt, enforce, or
9 apply policies regarding religious hairstyles, hair-related
10 religious practices, or facial hair worn in accordance with a
11 student's or employee's sincerely held religious beliefs,
12 observance, or practice.

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

16 (e) Definition. For purposes of this Section, a non-public
17 school means any non-profit, non-home-based, and non-public
18 elementary or secondary school that is in compliance with
19 Title VI of the Civil Rights Act of 1964 and attendance at
20 which satisfies the requirements of Section 26-1 of this Code.

21 (Source: P.A. 102-360, eff. 1-1-22; 102-538, eff. 8-20-21;
22 102-813, eff. 5-13-22; 103-111, eff. 6-29-23; 103-605, eff.
23 7-1-24.)

24 (105 ILCS 5/10-22.25b) (from Ch. 122, par. 10-22.25b)

25 Sec. 10-22.25b. School uniforms.

1 (a) In this Section, "religious hairstyles, hair-related
2 religious practices, or facial hair" means hair length, hair
3 arrangement, head hair, or facial hair maintained, worn, or
4 displayed in accordance with a student's sincerely held
5 religious beliefs, observance, or practice, including, but not
6 limited to, uncut hair, sidelocks (known as payot or peyos),
7 or beards, mustaches, or other facial hair.

8 (b) The school board may adopt a school uniform or dress
9 code policy that governs all or certain individual attendance
10 centers and that is necessary to maintain the orderly process
11 of a school function or prevent endangerment of student health
12 or safety. A school uniform or dress code policy adopted by a
13 school board: (i) shall not be applied in such manner as to
14 discipline or deny attendance to a transfer student or any
15 other student for noncompliance with that policy during such
16 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 or in the district into which the student's enrollment
20 is transferred; (ii) shall include criteria and procedures
21 under which the school board will accommodate the needs of or
22 otherwise provide appropriate resources to assist a student
23 from an indigent family in complying with an applicable school
24 uniform or dress code policy; (iii) shall not include or apply
25 to hairstyles, including hairstyles historically associated
26 with race, ethnicity, or hair texture, including, but not

1 limited to, protective hairstyles such as braids, locks, and
2 twists, or religious hairstyles, hair-related religious
3 practices, or facial hair worn in accordance with a student's
4 sincerely held religious beliefs, observance, or practice,
5 including, but not limited to, uncut hair or sidelocks (known
6 as payot or peyos), or beards, mustaches, or other facial
7 hair; and (iv) shall not prohibit the right of a student to
8 wear or accessorize the student's graduation attire with items
9 associated with the student's cultural, ethnic, or religious
10 identity or any other protected characteristic or category
11 identified in subsection (Q) of Section 1-103 of the Illinois
12 Human Rights Act.

13 Nothing in item (iii) of this subsection (b) prohibits a
14 school from requiring that hair or facial hair be secured,
15 covered, or otherwise controlled during a specific activity if
16 necessary to prevent endangerment of student health or safety,
17 as long as the requirement is applied in the least restrictive
18 manner practicable and does not require cutting, shaving, or
19 other permanent alteration.

20 (c) A student whose parents or legal guardians object on
21 religious grounds to the student's compliance with an
22 applicable school uniform or dress code policy shall not be
23 required to comply with that policy if the student's parents
24 or legal guardians present to the school board a signed
25 statement of objection detailing the grounds for the
26 objection. This Section applies to school boards of all

1 districts, including special charter districts and districts
2 organized under Article 34. If a school board does not comply
3 with the requirements and prohibitions set forth in this
4 Section, the school district is subject to the penalty imposed
5 pursuant to subsection (a) of Section 2-3.25.

6 (d) The ~~By no later than July 1, 2022, the~~ State Board of
7 Education shall make available to schools resource materials
8 developed in consultation with stakeholders regarding
9 hairstyles, including hairstyles historically associated with
10 race, ethnicity, or hair texture, including, but not limited
11 to, protective hairstyles such as braids, locks, and twists,
12 and regarding religious hairstyles, hair-related religious
13 practices, or facial hair worn in accordance with a student's
14 sincerely held religious beliefs, observance, or practice. The
15 State Board of Education shall make the resource materials
16 available on its Internet website.

17 (Source: P.A. 102-360, eff. 1-1-22; 103-463, eff. 8-4-23.)

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

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

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

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

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

18 (C) to directly select, in the manner provided by
19 subsection (c) of Section 34-2.2, a new principal
20 (including a new principal to fill a vacancy) -- without
21 submitting any list of candidates for that position to the
22 general superintendent as provided in subdivision
23 ~~paragraph~~ 2 of this Section -- to serve under a 4 year
24 performance contract; provided that (i) the determination
25 of whether the principal's performance contract is to be
26 renewed, based upon the evaluation required by subdivision

1 1.5 of this Section, shall be made no later than 150 days
2 prior to the expiration of the current performance-based
3 contract of the principal, (ii) in cases where such
4 performance contract is not renewed -- a direct selection
5 of a new principal -- to serve under a 4 year performance
6 contract shall be made by the local school council no
7 later than 45 days prior to the expiration of the current
8 performance contract of the principal, and (iii) a
9 selection by the local school council of a new principal
10 to fill a vacancy under a 4-year ~~4-year~~ performance
11 contract shall be made within 90 days after the date such
12 vacancy occurs. A council ~~Council~~ shall be required, if
13 requested by the principal, to provide in writing the
14 reasons for the council's not renewing the principal's
15 contract.

16 1.5. The local school council's determination of
17 whether to renew the principal's contract shall be based
18 on an evaluation to assess the educational and
19 administrative progress made at the school during the
20 principal's current performance-based contract. The local
21 school council shall base its evaluation on (i) student
22 academic improvement, as defined by the school improvement
23 plan, (ii) student absenteeism rates at the school, (iii)
24 instructional leadership, (iv) the effective
25 implementation of programs, policies, or strategies to
26 improve student academic achievement, (v) school

1 management, and (vi) any other factors deemed relevant by
2 the local school council, including, without limitation,
3 the principal's communication skills and ability to create
4 and maintain a student-centered learning environment, to
5 develop opportunities for professional development, and to
6 encourage parental involvement and community partnerships
7 to achieve school improvement. If a local school council
8 fails to renew the performance contract of a principal
9 rated by the general superintendent, or his or her
10 designee, in the previous years' evaluations as meeting or
11 exceeding expectations, the principal, within 15 days
12 after the local school council's decision not to renew the
13 contract, may request a review of the local school
14 council's principal non-retention decision by a hearing
15 officer appointed by the American Arbitration Association.
16 A local school council member or members or the general
17 superintendent may support the principal's request for
18 review. During the period of the hearing officer's review
19 of the local school council's decision on whether or not
20 to retain the principal, the local school council shall
21 maintain all authority to search for and contract with a
22 person to serve as interim or acting principal, or as the
23 principal of the attendance center under a 4-year
24 performance contract, provided that any performance
25 contract entered into by the local school council shall be
26 voidable or modified in accordance with the decision of

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

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

26 1.10. The hearing officer shall conduct a hearing,

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

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

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

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

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

23 2.5. Whenever a vacancy in the office of a principal
24 occurs for any reason, the vacancy shall be filled in the
25 manner provided by this Section by the selection of a new
26 principal to serve under a 4-year ~~4-year~~ performance

1 contract.

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

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

22 Via a supermajority vote of 8 members of a local
23 school council enrolling students through the 8th grade or
24 9 members of a local school council at a secondary
25 attendance center or an attendance center enrolling
26 students in grades 7 through 12, the Council may transfer

1 allocations pursuant to this Section 34-2.3 within funds;
2 provided that such a transfer is consistent with
3 applicable law and collective bargaining agreements.

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

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

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

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

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

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

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

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

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

23 d.1. Funds for State Title I: Each school shall
24 receive funds based on State and Board requirements
25 applicable to each State Title I pupil provided to
26 meet the special needs of the student body. Each

1 school shall receive the proportion of funds as
2 provided in Section 18-8 or 18-8.15 to which they are
3 entitled. These funds shall be spent only with the
4 budgetary approval of the local school council ~~Local~~
5 ~~School Council~~ as provided in Section 34-2.3.

6 e. The local school council ~~Local School Council~~
7 shall have the right to request the principal to close
8 positions and open new ones consistent with the
9 provisions of the local school improvement plan
10 provided that these decisions are consistent with
11 applicable law and collective bargaining agreements.
12 If a position is closed, pursuant to this paragraph,
13 the local school shall have for its use the
14 system-wide average compensation for the closed
15 position.

16 f. Operating within existing laws and collective
17 bargaining agreements, the local school council shall
18 have the right to direct the principal to shift
19 expenditures within funds.

20 g. (Blank).

21 Any funds unexpended at the end of the fiscal year
22 shall be available to the board of education for use as
23 part of its budget for the following fiscal year.

24 5. To make recommendations to the principal concerning
25 textbook selection and concerning curriculum developed
26 pursuant to the school improvement plan which is

1 consistent with systemwide curriculum objectives in
2 accordance with Sections 34-8 and 34-18 of this ~~the School~~
3 Code and in conformity with the collective bargaining
4 agreement.

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

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

18 8. To evaluate the allocation of teaching resources
19 and other licensed and nonlicensed staff to the attendance
20 center to determine whether such allocation is consistent
21 with and in furtherance of instructional objectives and
22 school programs reflective of the school improvement plan
23 adopted for the attendance center; and to make
24 recommendations to the board, the general superintendent,
25 and the principal concerning any reallocation of teaching
26 resources or other staff whenever the council determines

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

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

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

1 within the preceding six months. Council members shall
2 receive training in at least the following areas:

3 1. school budgets;

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

8 3. personnel selection.

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

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

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

1 the proposed local school improvement plan, of the
2 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
7 responsibilities.

8 14. In this subdivision 14, "religious hairstyles,
9 hair-related religious practices, or facial hair" has the
10 meaning given to that term in Section 10-22.25b.

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

1 otherwise provide appropriate resources to assist a
2 student from an indigent family in complying with an
3 applicable school uniform or dress code policy; (iii)
4 shall not include or apply to hairstyles, including
5 hairstyles historically associated with race, ethnicity,
6 or hair texture, including, but not limited to, protective
7 hairstyles such as braids, locks, and twists, or religious
8 hairstyles, hair-related religious practices, or facial
9 hair worn in accordance with a student's sincerely held
10 religious beliefs, observance, or practice, including, but
11 not limited to, uncut hair or sidelocks (known as payot or
12 peyos), or beards, mustaches, or other facial hair; and
13 (iv) shall not prohibit the right of a student to wear or
14 accessorize the student's graduation attire with items
15 associated with the student's cultural, ethnic, or
16 religious identity or any other protected characteristic
17 or category identified in subsection (Q) of Section 1-103
18 of the Illinois Human Rights Act.

19 Nothing in item (iii) of this subdivision 14 prohibits
20 a school from requiring that hair or facial hair be
21 secured, covered, or otherwise controlled during a
22 specific activity if necessary to prevent endangerment of
23 student health or safety, as long as the requirement is
24 applied in the least restrictive manner practicable and
25 does not require cutting, shaving, or other permanent
26 alteration.

1 A student whose parents or legal guardians object on
2 religious grounds to the student's compliance with an
3 applicable school uniform or dress code policy shall not
4 be required to comply with that policy if the student's
5 parents or legal guardians present to the local school
6 council a signed statement of objection detailing the
7 grounds for the objection. If a local school council does
8 not comply with the requirements and prohibitions set
9 forth in this subdivision ~~paragraph~~ 14, the attendance
10 center is subject to the penalty imposed pursuant to
11 subsection (a) of Section 2-3.25.

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

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

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

1 16. (Blank).

2 ~~17.~~ Names and addresses of local school council members
3 shall be a matter of public record.

4 (Source: P.A. 102-360, eff. 1-1-22; 102-677, eff. 12-3-21;
5 102-894, eff. 5-20-22; 103-463, eff. 8-4-23; revised 6-27-25.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.".