



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB2614

by Rep. Margo McDermed

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-21.4a  
105 ILCS 5/34-8.1

from Ch. 122, par. 10-21.4a  
from Ch. 122, par. 34-8.1

Amends the School Code. Requires a principal to report to the superintendent all non-public sources of revenue for a school, including, but not limited to, revenue received through fundraisers, grants, and donations, so long as the sources of revenue equal or exceed \$1,000 and the funds are transferred into the school district's educational fund or operations and maintenance fund.

LRB100 11119 MLM 21384 b

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Sections  
5 10-21.4a and 34-8.1 as follows:

6 (105 ILCS 5/10-21.4a) (from Ch. 122, par. 10-21.4a)

7 Sec. 10-21.4a. Principals and assistant principals -  
8 Duties. To employ principals and assistant principals who hold  
9 valid supervisory or administrative certificates. The  
10 principal, with the assistance of any assistant principals,  
11 shall supervise the operation of attendance centers as the  
12 board shall determine necessary. In an attendance center having  
13 fewer than 4 teachers, a head teacher who does not qualify as a  
14 principal may be assigned in the place of a principal.

15 The principal, with the assistance of any assistant  
16 principals, shall assume administrative responsibilities and  
17 instructional leadership, under the supervision of the  
18 superintendent, and in accordance with reasonable rules and  
19 regulations of the board, for the planning, operation and  
20 evaluation of the educational program of the attendance area to  
21 which he or she is assigned. However, in districts under a  
22 Financial Oversight Panel pursuant to Section 1A-8 for  
23 violating a financial plan, the duties and responsibilities of

1 principals and assistant principals in relation to the  
2 financial and business operations of the district shall be  
3 approved by the Panel. In the event the Board refuses or fails  
4 to follow a directive or comply with an information request of  
5 the Panel, the performance of those duties shall be subject to  
6 the direction of the Panel.

7 School boards shall specify in their formal job description  
8 for principals that his or her primary responsibility is in the  
9 improvement of instruction. A majority of the time spent by a  
10 principal shall be spent on curriculum and staff development  
11 through both formal and informal activities, establishing  
12 clear lines of communication regarding school goals,  
13 accomplishments, practices and policies with parents and  
14 teachers.

15 Unless residency within a school district is made an  
16 express condition of a person's employment or continued  
17 employment as a principal or assistant principal of that school  
18 district at the time of the person's initial employment as a  
19 principal or assistant principal of that district, residency  
20 within that school district may not at any time thereafter be  
21 made a condition of that person's employment or continued  
22 employment as a principal or assistant principal of the  
23 district, without regard to whether the person's initial  
24 employment as a principal or assistant principal of the  
25 district began before or begins on or after the effective date  
26 of this amendatory Act of 1996 and without regard to whether

1 that person's residency within or outside of the district began  
2 or was changed before or begins or changes on or after that  
3 effective date. In no event shall residency within a school  
4 district be considered in determining the compensation of a  
5 principal or assistant principal or the assignment or transfer  
6 of a principal or assistant principal to an attendance center  
7 of the district.

8 School boards shall ensure that their principals and  
9 assistant principals are evaluated on their instructional  
10 leadership ability and their ability to maintain a positive  
11 education and learning climate.

12 It shall also be the responsibility of the principal to  
13 utilize resources of proper law enforcement agencies when the  
14 safety and welfare of students and teachers are threatened by  
15 illegal use of drugs and alcohol, by illegal use or possession  
16 of weapons, or by illegal gang activity.

17 The principal shall submit recommendations to the  
18 superintendent concerning the appointment, retention,  
19 promotion and assignment of all personnel assigned to the  
20 attendance center.

21 The principal shall report to the superintendent all  
22 non-public sources of revenue for the school, including, but  
23 not limited to, revenue received through fundraisers, grants,  
24 and donations, so long as the sources of revenue equal or  
25 exceed \$1,000 and the funds are transferred into the school  
26 district's educational fund or operations and maintenance

1 fund.

2 (Source: P.A. 97-217, eff. 7-28-11; 98-59, eff. 1-1-14.)

3 (105 ILCS 5/34-8.1) (from Ch. 122, par. 34-8.1)

4 Sec. 34-8.1. Principals. Principals shall be employed to  
5 supervise the operation of each attendance center. Their powers  
6 and duties shall include but not be limited to the authority  
7 (i) to direct, supervise, evaluate, and suspend with or without  
8 pay or otherwise discipline all teachers, assistant  
9 principals, and other employees assigned to the attendance  
10 center in accordance with board rules and policies and (ii) to  
11 direct all other persons assigned to the attendance center  
12 pursuant to a contract with a third party to provide services  
13 to the school system. The right to employ, discharge, and  
14 layoff shall be vested solely with the board, provided that  
15 decisions to discharge or suspend non-certified employees,  
16 including disciplinary layoffs, and the termination of  
17 certified employees from employment pursuant to a layoff or  
18 reassignment policy are subject to review under the grievance  
19 resolution procedure adopted pursuant to subsection (c) of  
20 Section 10 of the Illinois Educational Labor Relations Act. The  
21 grievance resolution procedure adopted by the board shall  
22 provide for final and binding arbitration, and,  
23 notwithstanding any other provision of law to the contrary, the  
24 arbitrator's decision may include all make-whole relief,  
25 including without limitation reinstatement. The principal

1 shall fill positions by appointment as provided in this Section  
2 and may make recommendations to the board regarding the  
3 employment, discharge, or layoff of any individual. The  
4 authority of the principal shall include the authority to  
5 direct the hours during which the attendance center shall be  
6 open and available for use provided the use complies with board  
7 rules and policies, to determine when and what operations shall  
8 be conducted within those hours, and to schedule staff within  
9 those hours. Under the direction of, and subject to the  
10 authority of the principal, the Engineer In Charge shall be  
11 accountable for the safe, economical operation of the plant and  
12 grounds and shall also be responsible for orientation,  
13 training, and supervising the work of Engineers, Trainees,  
14 school maintenance assistants, custodial workers and other  
15 plant operation employees under his or her direction.

16 There shall be established by the board a system of  
17 semi-annual evaluations conducted by the principal as to  
18 performance of the engineer in charge. Nothing in this Section  
19 shall prevent the principal from conducting additional  
20 evaluations. An overall numerical rating shall be given by the  
21 principal based on the evaluation conducted by the principal.  
22 An unsatisfactory numerical rating shall result in  
23 disciplinary action, which may include, without limitation and  
24 in the judgment of the principal, loss of promotion or bidding  
25 procedure, reprimand, suspension with or without pay, or  
26 recommended dismissal. The board shall establish procedures

1 for conducting the evaluation and reporting the results to the  
2 engineer in charge.

3 Under the direction of, and subject to the authority of,  
4 the principal, the Food Service Manager is responsible at all  
5 times for the proper operation and maintenance of the lunch  
6 room to which he is assigned and shall also be responsible for  
7 the orientation, training, and supervising the work of cooks,  
8 bakers, porters, and lunchroom attendants under his or her  
9 direction.

10 There shall be established by the Board a system of  
11 semi-annual evaluations conducted by the principal as to the  
12 performance of the food service manager. Nothing in this  
13 Section shall prevent the principal from conducting additional  
14 evaluations. An overall numerical rating shall be given by the  
15 principal based on the evaluation conducted by the principal.  
16 An unsatisfactory numerical rating shall result in  
17 disciplinary action which may include, without limitation and  
18 in the judgment of the principal, loss of promotion or bidding  
19 procedure, reprimand, suspension with or without pay, or  
20 recommended dismissal. The board shall establish rules for  
21 conducting the evaluation and reporting the results to the food  
22 service manager.

23 Nothing in this Section shall be interpreted to require the  
24 employment or assignment of an Engineer-In-Charge or a Food  
25 Service Manager for each attendance center.

26 Principals shall be employed to supervise the educational

1 operation of each attendance center. If a principal is absent  
2 due to extended illness or leave of absence, an assistant  
3 principal may be assigned as acting principal for a period not  
4 to exceed 100 school days. Each principal shall assume  
5 administrative responsibility and instructional leadership, in  
6 accordance with reasonable rules and regulations of the board,  
7 for the planning, operation and evaluation of the educational  
8 program of the attendance center to which he is assigned. The  
9 principal shall submit recommendations to the general  
10 superintendent concerning the appointment, dismissal,  
11 retention, promotion, and assignment of all personnel assigned  
12 to the attendance center; provided, that from and after  
13 September 1, 1989: (i) if any vacancy occurs in a position at  
14 the attendance center or if an additional or new position is  
15 created at the attendance center, that position shall be filled  
16 by appointment made by the principal in accordance with  
17 procedures established and provided by the Board whenever the  
18 majority of the duties included in that position are to be  
19 performed at the attendance center which is under the  
20 principal's supervision, and each such appointment so made by  
21 the principal shall be made and based upon merit and ability to  
22 perform in that position without regard to seniority or length  
23 of service, provided, that such appointments shall be subject  
24 to the Board's desegregation obligations, including but not  
25 limited to the Consent Decree and Desegregation Plan in U.S. v.  
26 Chicago Board of Education; (ii) the principal shall submit



1 recommendations based upon merit and ability to perform in the  
2 particular position, without regard to seniority or length of  
3 service, to the general superintendent concerning the  
4 appointment of any teacher, teacher aide, counselor, clerk,  
5 hall guard, security guard and any other personnel which is to  
6 be made by the general superintendent whenever less than a  
7 majority of the duties of that teacher, teacher aide,  
8 counselor, clerk, hall guard, and security guard and any other  
9 personnel are to be performed at the attendance center which is  
10 under the principal's supervision; and (iii) subject to law and  
11 the applicable collective bargaining agreements, the authority  
12 and responsibilities of a principal with respect to the  
13 evaluation of all teachers and other personnel assigned to an  
14 attendance center shall commence immediately upon his or her  
15 appointment as principal of the attendance center, without  
16 regard to the length of time that he or she has been the  
17 principal of that attendance center.

18 The principal shall report to the general superintendent or  
19 chief executive officer all non-public sources of revenue for  
20 the attendance center, including, but not limited to, revenue  
21 received through fundraisers, grants, and donations, so long as  
22 the sources of revenue equal or exceed \$1,000 and the funds are  
23 transferred into the school district's educational fund or  
24 operations and maintenance fund.

25 Notwithstanding the existence of any other law of this  
26 State, nothing in this Act shall prevent the board from

1 entering into a contract with a third party for services  
2 currently performed by any employee or bargaining unit member.

3 Notwithstanding any other provision of this Article, each  
4 principal may approve contracts, binding on the board, in the  
5 amount of no more than \$10,000, if the contract is endorsed by  
6 the Local School Council.

7 Unless otherwise prohibited by law or by rule of the board,  
8 the principal shall provide to local school council members  
9 copies of all internal audits and any other pertinent  
10 information generated by any audits or reviews of the programs  
11 and operation of the attendance center.

12 Each principal shall hold a valid administrative  
13 certificate issued or exchanged in accordance with Article 21  
14 and endorsed as required by that Article for the position of  
15 principal. The board may establish or impose academic,  
16 educational, examination, and experience requirements and  
17 criteria that are in addition to those established and required  
18 by Article 21 for issuance of a valid certificate endorsed for  
19 the position of principal as a condition of the nomination,  
20 selection, appointment, employment, or continued employment of  
21 a person as principal of any attendance center, or as a  
22 condition of the renewal of any principal's performance  
23 contract.

24 The board shall specify in its formal job description for  
25 principals, and from and after July 1, 1990 shall specify in  
26 the 4 year performance contracts for use with respect to all

1 principals, that his or her primary responsibility is in the  
2 improvement of instruction. A majority of the time spent by a  
3 principal shall be spent on curriculum and staff development  
4 through both formal and informal activities, establishing  
5 clear lines of communication regarding school goals,  
6 accomplishments, practices and policies with parents and  
7 teachers. The principal, with the assistance of the local  
8 school council, shall develop a school improvement plan as  
9 provided in Section 34-2.4 and, upon approval of the plan by  
10 the local school council, shall be responsible for directing  
11 implementation of the plan. The principal, with the assistance  
12 of the professional personnel leadership committee, shall  
13 develop the specific methods and contents of the school's  
14 curriculum within the board's system-wide curriculum standards  
15 and objectives and the requirements of the school improvement  
16 plan. The board shall ensure that all principals are evaluated  
17 on their instructional leadership ability and their ability to  
18 maintain a positive education and learning climate. It shall  
19 also be the responsibility of the principal to utilize  
20 resources of proper law enforcement agencies when the safety  
21 and welfare of students and teachers are threatened by illegal  
22 use of drugs and alcohol, by illegal use or possession of  
23 weapons, or by illegal gang activity.

24 Nothing in this Section shall prohibit the board and the  
25 exclusive representative of the district's teachers from  
26 entering into an agreement under Section 34-85c of this Code to

1 establish alternative procedures for teacher evaluation,  
2 remediation, and removal for cause after remediation,  
3 including an alternative system for peer evaluation and  
4 recommendations, for teachers assigned to schools identified  
5 in that agreement.

6 On or before October 1, 1989, the Board of Education, in  
7 consultation with any professional organization representing  
8 principals in the district, shall promulgate rules and  
9 implement a lottery for the purpose of determining whether a  
10 principal's existing performance contract (including the  
11 performance contract applicable to any principal's position in  
12 which a vacancy then exists) expires on June 30, 1990 or on  
13 June 30, 1991, and whether the ensuing 4 year performance  
14 contract begins on July 1, 1990 or July 1, 1991. The Board of  
15 Education shall establish and conduct the lottery in such  
16 manner that of all the performance contracts of principals  
17 (including the performance contracts applicable to all  
18 principal positions in which a vacancy then exists), 50% of  
19 such contracts shall expire on June 30, 1990, and 50% shall  
20 expire on June 30, 1991. All persons serving as principal on  
21 May 1, 1989, and all persons appointed as principal after May  
22 1, 1989 and prior to July 1, 1990 or July 1, 1991, in a manner  
23 other than as provided by Section 34-2.3, shall be deemed by  
24 operation of law to be serving under a performance contract  
25 which expires on June 30, 1990 or June 30, 1991; and unless  
26 such performance contract of any such principal is renewed (or

1 such person is again appointed to serve as principal) in the  
2 manner provided by Section 34-2.2 or 34-2.3, the employment of  
3 such person as principal shall terminate on June 30, 1990 or  
4 June 30, 1991.

5 Commencing on July 1, 1990, or on July 1, 1991, and  
6 thereafter, the principal of each attendance center shall be  
7 the person selected in the manner provided by Section 34-2.3 to  
8 serve as principal of that attendance center under a 4 year  
9 performance contract. All performance contracts of principals  
10 expiring after July 1, 1990, or July 1, 1991, shall commence on  
11 the date specified in the contract, and the renewal of their  
12 performance contracts and the appointment of principals when  
13 their performance contracts are not renewed shall be governed  
14 by Sections 34-2.2 and 34-2.3. Whenever a vacancy in the office  
15 of a principal occurs for any reason, the vacancy shall be  
16 filled by the selection of a new principal to serve under a 4  
17 year performance contract in the manner provided by Section  
18 34-2.3.

19 The board of education shall develop and prepare, in  
20 consultation with the organization representing principals, a  
21 performance contract for use at all attendance centers, and  
22 shall furnish the same to each local school council. The term  
23 of the performance contract shall be 4 years, unless the  
24 principal is retained by the decision of a hearing officer  
25 pursuant to subdivision 1.5 of Section 34-2.3, in which case  
26 the contract shall be extended for 2 years. The performance

1 contract of each principal shall consist of the uniform  
2 performance contract, as developed or from time to time  
3 modified by the board, and such additional criteria as are  
4 established by a local school council pursuant to Section  
5 34-2.3 for the performance contract of its principal.

6 During the term of his or her performance contract, a  
7 principal may be removed only as provided for in the  
8 performance contract except for cause. He or she shall also be  
9 obliged to follow the rules of the board of education  
10 concerning conduct and efficiency.

11 In the event the performance contract of a principal is not  
12 renewed or a principal is not reappointed as principal under a  
13 new performance contract, or in the event a principal is  
14 appointed to any position of superintendent or higher position,  
15 or voluntarily resigns his position of principal, his or her  
16 employment as a principal shall terminate and such former  
17 principal shall not be reinstated to the position from which he  
18 or she was promoted to principal, except that he or she, if  
19 otherwise qualified and certified in accordance with Article  
20 21, shall be placed by the board on appropriate eligibility  
21 lists which it prepares for use in the filling of vacant or  
22 additional or newly created positions for teachers. The  
23 principal's total years of service to the board as both a  
24 teacher and a principal, or in other professional capacities,  
25 shall be used in calculating years of experience for purposes  
26 of being selected as a teacher into new, additional or vacant

1 positions.

2       In the event the performance contract of a principal is not  
3 renewed or a principal is not reappointed as principal under a  
4 new performance contract, such principal shall be eligible to  
5 continue to receive his or her previously provided level of  
6 health insurance benefits for a period of 90 days following the  
7 non-renewal of the contract at no expense to the principal,  
8 provided that such principal has not retired.

9 (Source: P.A. 99-642, eff. 7-28-16.)