



Rep. Elizabeth Hernandez

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LRB100 11178 MLM 22099 a

1 AMENDMENT TO HOUSE BILL 3786

2 AMENDMENT NO. _____. Amend House Bill 3786 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections
5 27A-5, 34-2.1, 34-2.2, 34-2.3, 34-2.3b, 34-2.4b, 34-8.3, and
6 34-8.4 as follows:

7 (105 ILCS 5/27A-5)
8 (Text of Section before amendment by P.A. 99-927)
9 Sec. 27A-5. Charter school; legal entity; requirements.

10 (a) A charter school shall be a public, nonsectarian,
11 nonreligious, non-home based, and non-profit school. A charter
12 school shall be organized and operated as a nonprofit
13 corporation or other discrete, legal, nonprofit entity
14 authorized under the laws of the State of Illinois.

15 (b) A charter school may be established under this Article
16 by creating a new school or by converting an existing public

1 school or attendance center to charter school status. Beginning
2 on April 16, 2003 (the effective date of Public Act 93-3), in
3 all new applications to establish a charter school in a city
4 having a population exceeding 500,000, operation of the charter
5 school shall be limited to one campus. The changes made to this
6 Section by Public Act 93-3 do not apply to charter schools
7 existing or approved on or before April 16, 2003 (the effective
8 date of Public Act 93-3).

9 (b-5) In this subsection (b-5), "virtual-schooling" means
10 a cyber school where students engage in online curriculum and
11 instruction via the Internet and electronic communication with
12 their teachers at remote locations and with students
13 participating at different times.

14 From April 1, 2013 through December 31, 2016, there is a
15 moratorium on the establishment of charter schools with
16 virtual-schooling components in school districts other than a
17 school district organized under Article 34 of this Code. This
18 moratorium does not apply to a charter school with
19 virtual-schooling components existing or approved prior to
20 April 1, 2013 or to the renewal of the charter of a charter
21 school with virtual-schooling components already approved
22 prior to April 1, 2013.

23 On or before March 1, 2014, the Commission shall submit to
24 the General Assembly a report on the effect of
25 virtual-schooling, including without limitation the effect on
26 student performance, the costs associated with

1 virtual-schooling, and issues with oversight. The report shall
2 include policy recommendations for virtual-schooling.

3 (c) A charter school shall be administered and governed by
4 its board of directors or other governing body in the manner
5 provided in its charter. The governing body of a charter school
6 shall be subject to the Freedom of Information Act and the Open
7 Meetings Act. Any charter school operating within a school
8 district organized under Article 34 of this Code shall be
9 administered by a local school council established pursuant to
10 Section 34-2.1 of this Code, with all the normal and usual
11 powers afforded to a local school council operating in a public
12 school.

13 (d) For purposes of this subsection (d), "non-curricular
14 health and safety requirement" means any health and safety
15 requirement created by statute or rule to provide, maintain,
16 preserve, or safeguard safe or healthful conditions for
17 students and school personnel or to eliminate, reduce, or
18 prevent threats to the health and safety of students and school
19 personnel. "Non-curricular health and safety requirement" does
20 not include any course of study or specialized instructional
21 requirement for which the State Board has established goals and
22 learning standards or which is designed primarily to impart
23 knowledge and skills for students to master and apply as an
24 outcome of their education.

25 A charter school shall comply with all non-curricular
26 health and safety requirements applicable to public schools

1 under the laws of the State of Illinois. On or before September
2 1, 2015, the State Board shall promulgate and post on its
3 Internet website a list of non-curricular health and safety
4 requirements that a charter school must meet. The list shall be
5 updated annually no later than September 1. Any charter
6 contract between a charter school and its authorizer must
7 contain a provision that requires the charter school to follow
8 the list of all non-curricular health and safety requirements
9 promulgated by the State Board and any non-curricular health
10 and safety requirements added by the State Board to such list
11 during the term of the charter. Nothing in this subsection (d)
12 precludes an authorizer from including non-curricular health
13 and safety requirements in a charter school contract that are
14 not contained in the list promulgated by the State Board,
15 including non-curricular health and safety requirements of the
16 authorizing local school board.

17 (e) Except as otherwise provided in the School Code, a
18 charter school shall not charge tuition; provided that a
19 charter school may charge reasonable fees for textbooks,
20 instructional materials, and student activities.

21 (f) A charter school shall be responsible for the
22 management and operation of its fiscal affairs including, but
23 not limited to, the preparation of its budget. An audit of each
24 charter school's finances shall be conducted annually by an
25 outside, independent contractor retained by the charter
26 school. To ensure financial accountability for the use of

1 public funds, on or before December 1 of every year of
2 operation, each charter school shall submit to its authorizer
3 and the State Board a copy of its audit and a copy of the Form
4 990 the charter school filed that year with the federal
5 Internal Revenue Service. In addition, if deemed necessary for
6 proper financial oversight of the charter school, an authorizer
7 may require quarterly financial statements from each charter
8 school.

9 (g) A charter school shall comply with all provisions of
10 this Article, the Illinois Educational Labor Relations Act, all
11 federal and State laws and rules applicable to public schools
12 that pertain to special education and the instruction of
13 English learners, and its charter. A charter school is exempt
14 from all other State laws and regulations in this Code
15 governing public schools and local school board policies;
16 however, a charter school is not exempt from the following:

17 (1) Sections 10-21.9 and 34-18.5 of this Code regarding
18 criminal history records checks and checks of the Statewide
19 Sex Offender Database and Statewide Murderer and Violent
20 Offender Against Youth Database of applicants for
21 employment;

22 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
23 34-84a of this Code regarding discipline of students;

24 (3) the Local Governmental and Governmental Employees
25 Tort Immunity Act;

26 (4) Section 108.75 of the General Not For Profit

1 Corporation Act of 1986 regarding indemnification of
2 officers, directors, employees, and agents;

3 (5) the Abused and Neglected Child Reporting Act;

4 (6) the Illinois School Student Records Act;

5 (7) Section 10-17a of this Code regarding school report
6 cards;

7 (8) the P-20 Longitudinal Education Data System Act;

8 (9) Section 27-23.7 of this Code regarding bullying
9 prevention;

10 (10) Section 2-3.162 of this Code regarding student
11 discipline reporting; and

12 (11) Section 22-80 of this Code.

13 The change made by Public Act 96-104 to this subsection (g)
14 is declaratory of existing law.

15 (h) A charter school may negotiate and contract with a
16 school district, the governing body of a State college or
17 university or public community college, or any other public or
18 for-profit or nonprofit private entity for: (i) the use of a
19 school building and grounds or any other real property or
20 facilities that the charter school desires to use or convert
21 for use as a charter school site, (ii) the operation and
22 maintenance thereof, and (iii) the provision of any service,
23 activity, or undertaking that the charter school is required to
24 perform in order to carry out the terms of its charter.
25 However, a charter school that is established on or after April
26 16, 2003 (the effective date of Public Act 93-3) and that

1 operates in a city having a population exceeding 500,000 may
2 not contract with a for-profit entity to manage or operate the
3 school during the period that commences on April 16, 2003 (the
4 effective date of Public Act 93-3) and concludes at the end of
5 the 2004-2005 school year. Except as provided in subsection (i)
6 of this Section, a school district may charge a charter school
7 reasonable rent for the use of the district's buildings,
8 grounds, and facilities. Any services for which a charter
9 school contracts with a school district shall be provided by
10 the district at cost. Any services for which a charter school
11 contracts with a local school board or with the governing body
12 of a State college or university or public community college
13 shall be provided by the public entity at cost.

14 (i) In no event shall a charter school that is established
15 by converting an existing school or attendance center to
16 charter school status be required to pay rent for space that is
17 deemed available, as negotiated and provided in the charter
18 agreement, in school district facilities. However, all other
19 costs for the operation and maintenance of school district
20 facilities that are used by the charter school shall be subject
21 to negotiation between the charter school and the local school
22 board and shall be set forth in the charter.

23 (j) A charter school may limit student enrollment by age or
24 grade level.

25 (k) If the charter school is approved by the Commission,
26 then the Commission charter school is its own local education

1 agency.

2 (Source: P.A. 98-16, eff. 5-24-13; 98-639, eff. 6-9-14; 98-669,
3 eff. 6-26-14; 98-739, eff. 7-16-14; 98-783, eff. 1-1-15;
4 98-1059, eff. 8-26-14; 98-1102, eff. 8-26-14; 99-30, eff.
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22 8-10-15; 99-456, eff. 9-15-16; 99-642, eff. 7-28-16; 99-927,
23 eff. 6-1-17.)

24 (105 ILCS 5/34-2.1) (from Ch. 122, par. 34-2.1)

25 Sec. 34-2.1. Local School Councils - Composition -

1 Voter-Eligibility - Elections - Terms.

2 (a) Notwithstanding any other provision of law, a local
3 school council shall be established for each attendance center
4 within the school district, except for private schools. Each
5 local school council shall consist of the following 12 voting
6 members: the principal of the attendance center, 2 teachers
7 employed and assigned to perform the majority of their
8 employment duties at the attendance center, 6 parents of
9 students currently enrolled at the attendance center, one
10 employee of the school district employed and assigned to
11 perform the majority of his or her employment duties at the
12 attendance center who is not a teacher, and 2 community
13 residents. Neither the parents nor the community residents who
14 serve as members of the local school council shall be employees
15 of the Board of Education. In each secondary attendance center,
16 the local school council shall consist of 13 voting members --
17 the 12 voting members described above and one full-time student
18 member, appointed as provided in subsection (m) below. In each
19 attendance center enrolling students in 7th or 8th grade, one
20 full-time student member shall be appointed as provided in
21 subsection (m) of this Section. In the event that the chief
22 executive officer of the Chicago School Reform Board of
23 Trustees determines that a local school council is not carrying
24 out its financial duties effectively, the chief executive
25 officer is authorized to appoint a representative of the
26 business community with experience in finance and management to

1 serve as an advisor to the local school council for the purpose
2 of providing advice and assistance to the local school council
3 on fiscal matters. The advisor shall have access to relevant
4 financial records of the local school council. The advisor may
5 attend executive sessions. The chief executive officer shall
6 issue a written policy defining the circumstances under which a
7 local school council is not carrying out its financial duties
8 effectively.

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

17 The membership of each local school council shall be
18 encouraged to be reflective of the racial and ethnic
19 composition of the student population of the attendance center
20 served by the local school council.

21 (c) Beginning with the 1995-1996 school year and in every
22 even-numbered year thereafter, the Board shall set second
23 semester Parent Report Card Pick-up Day for Local School
24 Council elections and may schedule elections at year-round
25 schools for the same dates as the remainder of the school
26 system. Elections shall be conducted as provided herein by the

1 Board of Education in consultation with the local school
2 council at each attendance center.

3 (d) Beginning with the 1995-96 school year, the following
4 procedures shall apply to the election of local school council
5 members at each attendance center:

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

9 (ii) Each elected member shall be elected by the
10 eligible voters of that attendance center to serve for a
11 two-year term commencing on July 1 immediately following
12 the election described in subsection (c). Eligible voters
13 for each attendance center shall consist of the parents and
14 community residents for that attendance center.

15 (iii) Each eligible voter shall be entitled to cast one
16 vote for up to a total of 5 candidates, irrespective of
17 whether such candidates are parent or community resident
18 candidates.

19 (iv) Each parent voter shall be entitled to vote in the
20 local school council election at each attendance center in
21 which he or she has a child currently enrolled. Each
22 community resident voter shall be entitled to vote in the
23 local school council election at each attendance center for
24 which he or she resides in the applicable attendance area
25 or voting district, as the case may be.

26 (v) Each eligible voter shall be entitled to vote once,

1 but not more than once, in the local school council
2 election at each attendance center at which the voter is
3 eligible to vote.

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

9 (vii) At secondary attendance centers and attendance
10 centers enrolling students in 7th or 8th grade, the voting
11 student member shall be appointed as provided in subsection
12 (m) below to serve for a one-year term coinciding with the
13 beginning of the terms of the elected parent and community
14 members of the local school council.

15 (e) The Council shall publicize the date and place of the
16 election by posting notices at the attendance center, in public
17 places within the attendance boundaries of the attendance
18 center and by distributing notices to the pupils at the
19 attendance center, and shall utilize such other means as it
20 deems necessary to maximize the involvement of all eligible
21 voters.

22 (f) Nomination. The Council shall publicize the opening of
23 nominations by posting notices at the attendance center, in
24 public places within the attendance boundaries of the
25 attendance center and by distributing notices to the pupils at
26 the attendance center, and shall utilize such other means as it

1 deems necessary to maximize the involvement of all eligible
2 voters. Not less than 2 weeks before the election date, persons
3 eligible to run for the Council shall submit their name, date
4 of birth, social security number, if available, and some
5 evidence of eligibility to the Council. The Council shall
6 encourage nomination of candidates reflecting the
7 racial/ethnic population of the students at the attendance
8 center. Each person nominated who runs as a candidate shall
9 disclose, in a manner determined by the Board, any economic
10 interest held by such person, by such person's spouse or
11 children, or by each business entity in which such person has
12 an ownership interest, in any contract with the Board, any
13 local school council or any public school in the school
14 district. Each person nominated who runs as a candidate shall
15 also disclose, in a manner determined by the Board, if he or
16 she ever has been convicted of any of the offenses specified in
17 subsection (c) of Section 34-18.5; provided that neither this
18 provision nor any other provision of this Section shall be
19 deemed to require the disclosure of any information that is
20 contained in any law enforcement record or juvenile court
21 record that is confidential or whose accessibility or
22 disclosure is restricted or prohibited under Section 5-901 or
23 5-905 of the Juvenile Court Act of 1987. Failure to make such
24 disclosure shall render a person ineligible for election or to
25 serve on the local school council. The same disclosure shall be
26 required of persons under consideration for appointment to the

1 Council pursuant to subsections (l) and (m) of this Section.

2 (f-5) Notwithstanding disclosure, a person who has been
3 convicted of any of the following offenses at any time shall be
4 ineligible for election or appointment to a local school
5 council and ineligible for appointment to a local school
6 council pursuant to subsections (l) and (m) of this Section:
7 (i) those defined in Section 11-1.20, 11-1.30, 11-1.40,
8 11-1.50, 11-1.60, 11-6, 11-9.1, 11-14.4, 11-16, 11-17.1,
9 11-19, 11-19.1, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13,
10 12-14, 12-14.1, 12-15, or 12-16, or subdivision (a)(2) of
11 Section 11-14.3, of the Criminal Code of 1961 or the Criminal
12 Code of 2012, or (ii) any offense committed or attempted in any
13 other state or against the laws of the United States, which, if
14 committed or attempted in this State, would have been
15 punishable as one or more of the foregoing offenses.
16 Notwithstanding disclosure, a person who has been convicted of
17 any of the following offenses within the 10 years previous to
18 the date of nomination or appointment shall be ineligible for
19 election or appointment to a local school council: (i) those
20 defined in Section 401.1, 405.1, or 405.2 of the Illinois
21 Controlled Substances Act or (ii) any offense committed or
22 attempted in any other state or against the laws of the United
23 States, which, if committed or attempted in this State, would
24 have been punishable as one or more of the foregoing offenses.

25 Immediately upon election or appointment, incoming local
26 school council members shall be required to undergo a criminal

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

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

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

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

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

1 (k) The general superintendent shall resolve any disputes
2 concerning election procedure or results and shall ensure that,
3 except as provided in subsections (e) and (g), no resources of
4 any attendance center shall be used to endorse or promote any
5 candidate.

6 (l) Beginning with the 1995-1996 school year and in every
7 even numbered year thereafter, the Board shall appoint 2
8 teacher members to each local school council. These
9 appointments shall be made in the following manner:

10 (i) The Board shall appoint 2 teachers who are employed
11 and assigned to perform the majority of their employment
12 duties at the attendance center to serve on the local
13 school council of the attendance center for a two-year term
14 coinciding with the terms of the elected parent and
15 community members of that local school council. These
16 appointments shall be made from among those teachers who
17 are nominated in accordance with subsection (f).

18 (ii) A non-binding, advisory poll to ascertain the
19 preferences of the school staff regarding appointments of
20 teachers to the local school council for that attendance
21 center shall be conducted in accordance with the procedures
22 used to elect parent and community Council
23 representatives. At such poll, each member of the school
24 staff shall be entitled to indicate his or her preference
25 for up to 2 candidates from among those who submitted
26 statements of candidacy as described above. These

1 preferences shall be advisory only and the Board shall
2 maintain absolute discretion to appoint teacher members to
3 local school councils, irrespective of the preferences
4 expressed in any such poll.

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

18 (m) Beginning with the 1995-1996 school year, and in every
19 year thereafter, the Board shall appoint one student member to
20 each secondary attendance center and attendance center
21 enrolling students in 7th or 8th grade, although no attendance
22 center shall have more than one student member. These
23 appointments shall be made in the following manner:

24 (i) Appointments shall be made from among those
25 students who submit statements of candidacy to the
26 principal of the attendance center, such statements to be

1 submitted commencing on the first day of the twentieth week
2 of school and continuing for 2 weeks thereafter. The form
3 and manner of such candidacy statements shall be determined
4 by the Board.

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

23 (iii) For the 1995-96 school year only, appointments
24 shall be made from among those students who submitted
25 statements of candidacy to the principal of the attendance
26 center during the first 2 weeks of the school year. The

1 principal shall communicate the results of any nonbinding,
2 advisory poll to the Board. These results shall be advisory
3 only, and the Board shall maintain absolute discretion to
4 appoint student members to local school councils,
5 irrespective of the preferences expressed in any such poll.

6 (n) The Board may promulgate such other rules and
7 regulations for election procedures as may be deemed necessary
8 to ensure fair elections.

9 (o) In the event that a vacancy occurs during a member's
10 term, the Council shall appoint a person eligible to serve on
11 the Council, to fill the unexpired term created by the vacancy,
12 except that any teacher vacancy shall be filled by the Board
13 after considering the preferences of the school staff as
14 ascertained through a non-binding advisory poll of school
15 staff.

16 (p) If less than the specified number of persons is elected
17 within each candidate category, the newly elected local school
18 council shall appoint eligible persons to serve as members of
19 the Council for two-year terms.

20 (q) The Board shall promulgate rules regarding conflicts of
21 interest and disclosure of economic interests which shall apply
22 to local school council members and which shall require reports
23 or statements to be filed by Council members at regular
24 intervals with the Secretary of the Board. Failure to comply
25 with such rules or intentionally falsifying such reports shall
26 be grounds for disqualification from local school council

1 membership. A vacancy on the Council for disqualification may
2 be so declared by the Secretary of the Board. Rules regarding
3 conflicts of interest and disclosure of economic interests
4 promulgated by the Board shall apply to local school council
5 members. No less than 45 days prior to the deadline, the
6 general superintendent shall provide notice, by mail, to each
7 local school council member of all requirements and forms for
8 compliance with economic interest statements.

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

1 convened pursuant to Board rule, prior to removal. A vote to
2 remove a Council member by the local school council shall only
3 be valid if the Council member has been notified personally or
4 by certified mail, mailed to the person's last known address,
5 of the Council's intent to vote on the Council member's removal
6 at least 7 days prior to the vote. The Council member in
7 question shall have the right to explain his or her actions and
8 shall be eligible to vote on the question of his or her removal
9 from the Council. The provisions of this subsection shall be
10 contained within the petitions used to nominate Council
11 candidates.

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

20 (3) A person may continue to serve as a teacher member of a
21 local school council as long as he or she is employed and
22 assigned to perform a majority of his or her duties at the
23 school, provided that if the teacher representative resigns
24 from employment with the Board or voluntarily transfers to
25 another school, the teacher's membership on the local school
26 council and all voting rights are terminated immediately as of

1 the date of the teacher's resignation or upon the date of the
2 teacher's voluntary transfer to another school. If a teacher
3 member of a local school council ceases to be eligible to serve
4 on a local school council for any other reason, that member
5 shall be removed by the Board subject to a hearing, convened
6 pursuant to Board rule, prior to removal.

7 (s) As used in this Section only, "community resident"
8 means a person, 17 years of age or older, residing within an
9 attendance area served by a school, excluding any person who is
10 a parent of a student enrolled in that school; provided that
11 with respect to any multi-area school, community resident means
12 any person, 17 years of age or older, residing within the
13 voting district established for that school pursuant to Section
14 34-2.1c, excluding any person who is a parent of a student
15 enrolled in that school. This definition does not apply to any
16 provisions concerning school boards.

17 (Source: P.A. 99-597, eff. 1-1-17.)

18 (105 ILCS 5/34-2.2) (from Ch. 122, par. 34-2.2)

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

20 (a) The annual organizational meeting of each local school
21 council shall be held at the attendance center. At the annual
22 organization meeting, which shall be held no sooner than July 1
23 and no later than July 14, a parent member of the local school
24 council shall be selected by the members of such council as its
25 chairperson, and a secretary shall be selected by the members

1 of such council from among their number, each to serve a term
2 of one year. Whenever a vacancy in the office of chairperson or
3 secretary of a local school council shall occur, a new
4 chairperson (who shall be a parent member) or secretary, as the
5 case may be, shall be elected by the members of the local
6 school council from among their number to serve as such
7 chairperson or secretary for the unexpired term of office in
8 which the vacancy occurs. At each annual organizational
9 meeting, the time and place of any regular meetings of the
10 local school council shall be fixed. Special meetings of the
11 local school council may be called by the chairperson or by any
12 4 members by giving notice thereof in writing, specifying the
13 time, place and purpose of the meeting. Public notice of
14 meetings shall also be given in accordance with the Open
15 Meetings Act.

16 (b) Members and officers of the local school council shall
17 serve without compensation and without reimbursement of any
18 expenses incurred in the performance of their duties, except
19 that the board of education may by rule establish a procedure
20 and thereunder provide for reimbursement of members and
21 officers of local school councils for such of their reasonable
22 and necessary expenses (excluding any lodging or meal expenses)
23 incurred in the performance of their duties as the board may
24 deem appropriate.

25 (c) A majority of the full membership of the local school
26 council shall constitute a quorum, and whenever a vote is taken

1 on any measure before the local school council, a quorum being
2 present, the affirmative vote of a majority of the votes of the
3 full membership then serving of the local school council shall
4 determine the outcome thereof; provided that whenever the
5 measure before the local school council is (i) the evaluation
6 of the principal, or (ii) the renewal of his or her performance
7 contract or the inclusion of any provision or modification of
8 the contract, or (iii) the direct selection by the local school
9 council of a new principal (including a new principal to fill a
10 vacancy) to serve under a 4 year performance contract, or (iv)
11 the determination of the names of candidates to be submitted to
12 the general superintendent for the position of principal, the
13 principal and student member of a high school council shall not
14 be counted for purposes of determining whether a quorum is
15 present to act on the measure and shall have no vote thereon;
16 and provided further that 7 affirmative votes of the local
17 school council shall be required for the direct selection by
18 the local school council of a new principal to serve under a 4
19 year performance contract but not for the renewal of a
20 principal's performance contract. A supermajority of 8 votes is
21 required to veto any action proposed or approved pursuant to
22 subsection (d) of Section 34-8.3 of this Code or any action
23 proposed or approved under Section 34-8.4 of this Code.

24 (d) Student members ~~of high school councils~~ shall not be
25 eligible to vote on personnel matters, including but not
26 limited to principal evaluations and contracts and the

1 allocation of teaching and staff resources.

2 (e) The local school council of an attendance center which
3 provides bilingual education shall be encouraged to provide
4 translators at each council meeting to maximize participation
5 of parents and the community.

6 (f) Each local school council of an attendance center which
7 provides bilingual education shall create a Bilingual Advisory
8 Committee or recognize an existing Bilingual Advisory
9 Committee as a standing committee. The Chair and a majority of
10 the members of the advisory committee shall be parents of
11 students in the bilingual education program. The parents on the
12 advisory committee shall be selected by parents of students in
13 the bilingual education program, and the committee shall select
14 a Chair. The advisory committee for each secondary attendance
15 center shall include at least one full-time bilingual education
16 student. The Bilingual Advisory Committee shall serve only in
17 an advisory capacity to the local school council.

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

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

21 (105 ILCS 5/34-2.3) (from Ch. 122, par. 34-2.3)

22 Sec. 34-2.3. Local school councils - Powers and duties.
23 Each local school council shall have and exercise, consistent
24 with the provisions of this Article and the powers and duties
25 of the board of education, the following powers and duties:

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

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

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

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

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

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

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

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

19 1.10. The hearing officer shall conduct a hearing, which
20 shall include (i) a review of the principal's performance,
21 evaluations, and other evidence of the principal's service at
22 the school, (ii) reasons provided by the local school council
23 for its decision, and (iii) documentation evidencing views of
24 interested persons, including, without limitation, students,
25 parents, local school council members, school faculty and
26 staff, the principal, the general superintendent or his or her

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

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

1 If the general superintendent fails or refuses to select one of
2 the candidates on the list to serve as principal within 30 days
3 after being furnished with the candidate list, the general
4 superintendent shall select and place a principal on an interim
5 basis (i) for a period not to exceed one year or (ii) until the
6 local school council selects a new principal with 7 affirmative
7 votes as provided in subsection (c) of Section 34-2.2,
8 whichever occurs first. If the local school council fails or
9 refuses to select and appoint a new principal, as specified by
10 subsection (c) of Section 34-2.2, the general superintendent
11 may select and appoint a new principal on an interim basis for
12 an additional year or until a new contract principal is
13 selected by the local school council. There shall be no
14 discrimination on the basis of race, sex, creed, color or
15 disability unrelated to ability to perform in connection with
16 the submission of candidates for, and the selection of a
17 candidate to serve as principal of an attendance center. No
18 person shall be directly selected, listed as a candidate for,
19 or selected to serve as principal of an attendance center (i)
20 if such person has been removed for cause from employment by
21 the Board or (ii) if such person does not hold a valid
22 administrative certificate issued or exchanged under Article
23 21 and endorsed as required by that Article for the position of
24 principal. A principal whose performance contract is not
25 renewed as provided under subsection (c) of Section 34-2.2 may
26 nevertheless, if otherwise qualified and certified as herein

1 provided and if he or she has received a satisfactory rating as
2 provided in subsection (h) of Section 34-8.3, be included by a
3 local school council as one of the 3 candidates listed in order
4 of preference on any candidate list from which one person is to
5 be selected to serve as principal of the attendance center
6 under a new performance contract. The initial candidate list
7 required to be submitted by a local school council to the
8 general superintendent in cases where the local school council
9 does not renew the performance contract of its principal and
10 does not directly select a new principal to serve under a 4
11 year performance contract shall be submitted not later than 30
12 days prior to the expiration of the current performance
13 contract. In cases where the local school council fails or
14 refuses to submit the candidate list to the general
15 superintendent no later than 30 days prior to the expiration of
16 the incumbent principal's contract, the general superintendent
17 may appoint a principal on an interim basis for a period not to
18 exceed one year, during which time the local school council
19 shall be able to select a new principal with 7 affirmative
20 votes as provided in subsection (c) of Section 34-2.2. In cases
21 where a principal is removed for cause or a vacancy otherwise
22 occurs in the position of principal and the vacancy is not
23 filled by direct selection by the local school council, the
24 candidate list shall be submitted by the local school council
25 to the general superintendent within 90 days after the date
26 such removal or vacancy occurs. In cases where the local school

1 council fails or refuses to submit the candidate list to the
2 general superintendent within 90 days after the date of the
3 vacancy, the general superintendent may appoint a principal on
4 an interim basis for a period of one year, during which time
5 the local school council shall be able to select a new
6 principal with 7 affirmative votes as provided in subsection
7 (c) of Section 34-2.2.

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

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

21 4. To approve the expenditure plan prepared by the
22 principal with respect to all funds allocated and distributed
23 to the attendance center by the Board. The expenditure plan
24 shall be administered by the principal. Notwithstanding any
25 other provision of this Act or any other law, any expenditure
26 plan approved and administered under this Section 34-2.3 shall

1 be consistent with and subject to the terms of any contract for
2 services with a third party entered into by the Chicago School
3 Reform Board of Trustees or the board under this Act.

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

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

21 Beginning in fiscal year 1991 and in each fiscal year
22 thereafter, from other amounts available in the applicable
23 fiscal year budget, the board shall allocate a lump sum amount
24 to each local school based upon such formula as the board shall
25 determine taking into account the special needs of the student
26 body. The local school principal shall develop an expenditure

1 plan in consultation with the local school council, the
2 professional personnel leadership committee and with all other
3 school personnel, which reflects the priorities and activities
4 as described in the school's local school improvement plan and
5 is consistent with applicable law and collective bargaining
6 agreements and with board policies and standards; however, the
7 local school council shall have the right to request waivers of
8 board policy from the board of education and waivers of
9 employee collective bargaining agreements pursuant to Section
10 34-8.1a.

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

15 The lump sum allocation shall take into account the
16 following principles:

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

1 inconsistencies with system-wide allocation formulas or
2 for other legitimate reasons.

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

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

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

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

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

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

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

17 g. (Blank).

18 Any funds unexpended at the end of the fiscal year shall be
19 available to the board of education for use as part of its
20 budget for the following fiscal year.

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

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

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

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

26 9. To make recommendations to the principal and the general

1 superintendent concerning their respective appointments, after
2 August 31, 1989, and in the manner provided by Section 34-8 and
3 Section 34-8.1, of persons to fill any vacant, additional or
4 newly created positions for teachers at the attendance center
5 or at attendance centers which include the attendance center
6 served by the local school council.

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

21 1. school budgets;

22 2. educational theory pertinent to the attendance
23 center's particular needs, including the development of
24 the school improvement plan and the principal's
25 performance contract; and

26 3. personnel selection.

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

3 To assist the local school councils, the board of education
4 shall provide \$2,500 annually to each local school council for
5 the purposes of training and to procure reasonable and
6 necessary office equipment and supplies as each local school
7 council sees fit.

8 11. In accordance with systemwide guidelines contained in
9 the System-Wide Educational Reform Goals and Objectives Plan,
10 criteria for evaluation of performance shall be established for
11 local school councils and local school council members. If a
12 local school council persists in noncompliance with systemwide
13 requirements, the Board may impose sanctions and take necessary
14 corrective action, consistent with Section 34-8.3. Any such
15 action allowed for or taken pursuant to subsection (d) of
16 Section 34-8.3 or Section 34-8.4 of this Code must be vetoed by
17 a supermajority of 8 of the voting members of the local school
18 council.

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 (105 ILCS 5/34-2.3b)

24 Sec. 34-2.3b. Local School Council Training.

25 (a) The LSC Certification Commission, an independent

1 commission, is established to provide fundamental training to
2 members of local school councils and certify each member. The
3 LSC Certification Commission shall be comprised of
4 representatives from the Chicago public school system and
5 representatives from organizations that have provided training
6 to local school council members on and after January 23, 2014.
7 ~~The board shall collaborate with universities and other~~
8 ~~interested entities and individuals to offer training to local~~
9 ~~school council members on topics relevant to school operations~~
10 ~~and their responsibilities as local school council members,~~
11 ~~including but not limited to legal requirements, role~~
12 ~~differentiation, responsibilities, and authorities, and~~
13 ~~improving student achievement.~~

14 (b) Training of local school council members shall be
15 provided at the direction of the LSC Certification Commission,
16 which shall work with universities and other interested
17 entities to develop and administer a required 3-day training
18 program for local school council members ~~board in consultation~~
19 ~~with the Council of Chicago area Deans of Education.~~ Incoming
20 local school council members shall be required to complete a
21 3-day training program provided under this Section within 6
22 months of taking office. The LSC Certification Commission ~~board~~
23 shall monitor the compliance of incoming local school council
24 members with the 3-day training program requirement
25 established by this Section.

26 (c) At the direction of the LSC Certification Commission,

1 ~~the~~ ~~The~~ board shall declare vacant the office of a local school
2 council member who fails to complete the 3-day training program
3 provided under this Section within the 6 month period allowed.
4 Any such vacancy shall be filled as provided in subsection (o)
5 of Section 34-2.1 by appointment of another person qualified to
6 hold the office. ~~In addition to requiring local school council~~
7 ~~members to complete the 3 day training program under this~~
8 ~~Section, the board may encourage local school council members~~
9 ~~to complete additional training during their term of office and~~
10 ~~shall provide recognition for individuals completing that~~
11 ~~additional training. The board is authorized to collaborate~~
12 ~~with universities, non-profits, and other interested~~
13 ~~organizations and individuals to offer additional training to~~
14 ~~local school council members on a regular basis during their~~
15 ~~term in office. The board shall not be required to bear the~~
16 ~~cost of the required 3 day training program or any additional~~
17 ~~training provided to local school council members under this~~
18 ~~Section.~~

19 (d) The LSC Certification Commission ~~board~~ shall also offer
20 training to aid local school councils in developing principal
21 evaluation procedures and criteria. The board shall send out
22 requests for proposals concerning this training and is
23 authorized to contract with universities, non-profits, and
24 other interested organizations and individuals to provide this
25 training. ~~The board is authorized to use funds from private~~
26 ~~organizations, non profits, or any other outside source as well~~

1 ~~as its own funds for this purpose.~~

2 (e) The LSC Certification Commission may request and, upon
3 such request, the board of education shall budget and
4 distribute such funds as are equal to the total allocations for
5 the certification of local school council members under this
6 Section in the year immediately prior. Upon a majority vote of
7 the LSC Certification Commission, that request may exceed the
8 prior year's allocations by 2%.

9 (Source: P.A. 90-100, eff. 7-11-97; 91-622, eff. 8-19-99.)

10 (105 ILCS 5/34-2.4b) (from Ch. 122, par. 34-2.4b)

11 Sec. 34-2.4b. Limitation upon applicability. The
12 ~~provisions of Sections 34-2.1, 34-2.2, 34-2.3, 34-2.3a, 34-2.4~~
13 ~~and 34-8.3, and those~~ provisions of paragraph 1 of Section
14 34-18 and paragraph (c) of Section 34A-201a relating to the
15 allocation or application -- by formula or otherwise -- of lump
16 sum amounts and other funds to attendance centers, shall not
17 apply to attendance centers that have applied for and been
18 designated as a "Small School" by the Board, the Cook County
19 Juvenile Detention Center and Cook County Jail schools, nor to
20 the district's alternative schools for pregnant girls, nor to
21 alternative schools established under Article 13A, nor to a
22 contract school, nor to the Michael R. Durso School, the
23 Jackson Adult Center, the Hillard Adult Center, the Alternative
24 Transitional School, or any other attendance center designated
25 by the Board as an alternative school, provided that the

1 designation is not applied to an attendance center that has in
2 place a legally constituted local school council, except for
3 contract turnaround schools. ~~The board of education shall have
4 and exercise with respect to those schools and with respect to
5 the conduct, operation, affairs and budgets of those schools,
6 and with respect to the principals, teachers and other school
7 staff there employed, the same powers which are exercisable by
8 local school councils with respect to the other attendance
9 centers, principals, teachers and school staff within the
10 district, together with all powers and duties generally
11 exercisable by the board of education with respect to all
12 attendance centers within the district. The board of education
13 shall develop appropriate alternative methods for involving
14 parents, community members and school staff to the maximum
15 extent possible in all of the activities of those schools, and
16 may delegate to the parents, community members and school staff
17 so involved the same powers which are exercisable by local
18 school councils with respect to other attendance centers.~~

19 (Source: P.A. 96-105, eff. 7-30-09.)

20 (105 ILCS 5/34-8.3) (from Ch. 122, par. 34-8.3)

21 Sec. 34-8.3. Remediation and probation of attendance
22 centers.

23 (a) The general superintendent shall monitor the
24 performance of the attendance centers within the district and
25 shall identify attendance centers, pursuant to criteria that

1 the board shall establish, in which:

2 (1) there is a failure to develop, implement, or comply
3 with a school improvement plan;

4 (2) there is a pervasive breakdown in the educational
5 program as indicated by factors, including, but not limited
6 to, the absence of improvement in student reading and math
7 achievement scores, an increased drop-out rate, a
8 decreased graduation rate, and a decrease in rate of
9 student attendance;

10 (3) (blank); or

11 (4) there is a failure or refusal to comply with the
12 provisions of this Act, other applicable laws, collective
13 bargaining agreements, court orders, or with Board rules
14 which the Board is authorized to promulgate.

15 (b) If the general superintendent identifies a
16 nonperforming school as described herein, he or she shall place
17 the attendance center on remediation by developing a
18 remediation plan for the center. The purpose of the remediation
19 plan shall be to correct the deficiencies in the performance of
20 the attendance center by one or more of the following methods:

21 (1) drafting a new school improvement plan;

22 (2) applying to the board for additional funding for
23 training for the local school council;

24 (3) directing implementation of a school improvement
25 plan;

26 (4) mediating disputes or other obstacles to reform or

1 improvement at the attendance center.

2 Nothing in this Section removes any authority of the local
3 school council, which shall retain the right to reject or
4 modify any school improvement plan or implementation thereof.

5 If, however, the general superintendent determines that
6 the problems are not able to be remediated by these methods,
7 the general superintendent shall place the attendance center on
8 probation. The board shall establish guidelines that determine
9 the factors for placing an attendance center on probation.

10 (c) Each school placed on probation shall have a school
11 improvement plan and school budget for correcting deficiencies
12 identified by the board. The plan shall include specific steps
13 that the local school council and school staff must take to
14 correct identified deficiencies and specific objective
15 criteria by which the school's subsequent progress will be
16 determined. The school budget shall include specific
17 expenditures directly calculated to correct educational and
18 operational deficiencies identified at the school by the
19 probation team.

20 (d) Schools placed on probation that, after a maximum of
21 one year, fail to make adequate progress in correcting
22 deficiencies are subject to the following actions by the
23 general superintendent with the approval of the board, after
24 opportunity for a hearing:

25 (1) Ordering new local school council elections.

26 (2) Removing and replacing the principal.

1 (3) Replacement of faculty members, subject to the
2 provisions of Section 24A-5.

3 (4) Reconstitution of the attendance center and
4 replacement and reassignment by the general superintendent
5 of all employees of the attendance center.

6 (5) Intervention under Section 34-8.4.

7 (5.5) Operating an attendance center as a contract
8 turnaround school.

9 (6) Closing of the school.

10 Any action proposed or approved under this subsection (d) is
11 subject to veto by a supermajority of 8 of the voting members
12 of the local school council.

13 (e) Schools placed on probation shall remain on probation
14 from year to year until deficiencies are corrected, even if
15 such schools make acceptable annual progress. The board shall
16 establish, in writing, criteria for determining whether or not
17 a school shall remain on probation. Such criteria shall be
18 delivered to each local school council on or before August 1 of
19 each year. If academic achievement tests are used as the factor
20 for placing a school on probation, the general superintendent
21 shall consider objective criteria, not just an increase in test
22 scores, in deciding whether or not a school shall remain on
23 probation. These criteria shall include attendance, test
24 scores, student mobility rates, poverty rates, bilingual
25 education eligibility, special education, and English language
26 proficiency programs, with progress made in these areas being

1 taken into consideration in deciding whether or not a school
2 shall remain on probation.

3 (f) Where the board has reason to believe that violations
4 of civil rights, or of civil or criminal law have occurred, or
5 when the general superintendent deems that the school is in
6 educational crisis it may take immediate corrective action,
7 including the actions specified in this Section, without first
8 placing the school on remediation or probation. Nothing
9 described herein shall limit the authority of the board as
10 provided by any law of this State. The board shall develop
11 criteria governing the determination regarding when a school is
12 in educational crisis. Such criteria shall be delivered to each
13 local school council on or before August 1 of each year. An
14 action under subsection (d) of this Section shall be subject to
15 veto by a supermajority of 8 of the voting members of the local
16 school council.

17 (g) All persons serving as subdistrict superintendent on
18 May 1, 1995 shall be deemed by operation of law to be serving
19 under a performance contract which expires on June 30, 1995,
20 and the employment of each such person as subdistrict
21 superintendent shall terminate on June 30, 1995. The board
22 shall have no obligation to compensate any such person as a
23 subdistrict superintendent after June 30, 1995.

24 (h) The general superintendent shall, in consultation with
25 local school councils, conduct an annual evaluation of each
26 principal in the district pursuant to guidelines promulgated by

1 the Board of Education.

2 (Source: P.A. 96-105, eff. 7-30-09.)

3 (105 ILCS 5/34-8.4)

4 Sec. 34-8.4. Intervention. The Chicago Schools Academic
5 Accountability Council may recommend to the Chicago School
6 Reform Board of Trustees that any school placed on remediation
7 or probation under Section 34-8.3 or schools that for the 3
8 consecutive school years of 1992-1993, 1993-1994, and
9 1994-1995 have met the State Board of Education's category of
10 "does not meet expectations" be made subject to intervention
11 under this Section 34-8.4. In addition to any powers created
12 under this Section, the Trustees shall have all powers created
13 under Section 34-8.3 with respect to schools subjected to
14 intervention.

15 Prior to subjecting a school to intervention, the Trustees
16 shall conduct a public hearing and make findings of facts
17 concerning the recommendation of the Chicago Schools Academic
18 Accountability Council and the factors causing the failure of
19 the school to adequately perform. The Trustees shall afford an
20 opportunity at the hearing for interested persons to comment
21 about the intervention recommendation. After the hearing has
22 been held and completion of findings of fact, the Trustees
23 shall make a determination whether to subject the school to
24 intervention.

25 If the Trustees determine that a school shall be subject to

1 intervention under this Section, the Trustees shall develop an
2 intervention implementation plan and shall cause a performance
3 evaluation to be made of each employee at the school. Upon
4 consideration of such evaluations, and consistent with the
5 intervention implementation plan, the Trustees may reassign,
6 layoff, or dismiss any employees at the attendance center,
7 notwithstanding the provisions of Sections 24A-5 and 34-85.

8 The chief educational officer shall appoint a principal for
9 the school and shall set the terms and conditions of the
10 principal's contract, which in no case may be longer than 2
11 years. The principal shall select all teachers and
12 non-certified personnel for the school as may be necessary. Any
13 provision of Section 34-8.1 that conflicts with this Section
14 shall not apply to a school subjected to intervention under
15 this Section.

16 If pursuant to this Section, the general superintendent,
17 with the approval of the board, orders new local school council
18 elections, the general superintendent shall carry out the
19 responsibilities of the local school council for a school
20 subject to intervention until the new local school council
21 members are elected and trained.

22 Any action authorized by this Section must be vetoed by a
23 supermajority vote of 8 of the voting members of the local
24 school council for the attendance center affected by the
25 action.

26 Each school year, 5% of the supplemental general State aid

1 funds distributed to a school subject to intervention during
2 that school year under subsection 5(i)(1)(a) of part A of
3 Section 18-8 or subsection (H) of Section 18-8.05 shall be used
4 for employee performance incentives. The Trustees shall
5 prepare a report evaluating the results of any interventions
6 undertaken pursuant to this Section and shall make
7 recommendations concerning implementation of special programs
8 for dealing with underperforming schools on an ongoing basis.
9 This report shall be submitted to the State Superintendent of
10 Education and Mayor of the City of Chicago by January 1, 1999.
11 (Source: P.A. 89-15, eff. 5-30-95; 89-698, eff. 1-14-97;
12 90-548, eff. 1-1-98.)

13 Section 95. No acceleration or delay. Where this Act makes
14 changes in a statute that is represented in this Act by text
15 that is not yet or no longer in effect (for example, a Section
16 represented by multiple versions), the use of that text does
17 not accelerate or delay the taking effect of (i) the changes
18 made by this Act or (ii) provisions derived from any other
19 Public Act.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."