

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 Section
5 34-8.1 as follows:

6 (105 ILCS 5/34-8.1) (from Ch. 122, par. 34-8.1)

7 Sec. 34-8.1. Principals. Principals shall be employed to
8 supervise the operation of each attendance center. Their
9 powers and duties shall include but not be limited to the
10 authority (i) to direct, supervise, evaluate, and suspend with
11 or without pay or otherwise discipline all teachers, assistant
12 principals, and other employees assigned to the attendance
13 center in accordance with board rules and policies and (ii) to
14 direct all other persons assigned to the attendance center
15 pursuant to a contract with a third party to provide services
16 to the school system. The right to employ, discharge, and
17 layoff shall be vested solely with the board, provided that
18 decisions to discharge or suspend nonlicensed employees,
19 including disciplinary layoffs, and the termination of
20 licensed employees from employment pursuant to a layoff or
21 reassignment policy are subject to review under the grievance
22 resolution procedure adopted pursuant to subsection (c) of
23 Section 10 of the Illinois Educational Labor Relations Act.

1 The grievance resolution procedure adopted by the board shall
2 provide for final and binding arbitration, and,
3 notwithstanding any other provision of law to the contrary,
4 the arbitrator's decision may include all make-whole relief,
5 including without limitation reinstatement. The principal
6 shall fill positions by appointment as provided in this
7 Section and may make recommendations to the board regarding
8 the employment, discharge, or layoff of any individual. The
9 authority of the principal shall include the authority to
10 direct the hours during which the attendance center shall be
11 open and available for use provided the use complies with
12 board rules and policies, to determine when and what
13 operations shall be conducted within those hours, and to
14 schedule staff within those hours. Under the direction of, and
15 subject to the authority of the principal, the Engineer In
16 Charge shall be accountable for the safe, economical operation
17 of the plant and grounds and shall also be responsible for
18 orientation, training, and supervising the work of Engineers,
19 Trainees, school maintenance assistants, custodial workers and
20 other plant operation employees under his or her direction.

21 There shall be established by the board a system of
22 semi-annual evaluations conducted by the principal as to
23 performance of the engineer in charge. Nothing in this Section
24 shall prevent the principal from conducting additional
25 evaluations. An overall numerical rating shall be given by the
26 principal based on the evaluation conducted by the principal.

1 An unsatisfactory numerical rating shall result in
2 disciplinary action, which may include, without limitation and
3 in the judgment of the principal, loss of promotion or bidding
4 procedure, reprimand, suspension with or without pay, or
5 recommended dismissal. The board shall establish procedures
6 for conducting the evaluation and reporting the results to the
7 engineer in charge.

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

15 There shall be established by the Board a system of
16 semi-annual evaluations conducted by the principal as to the
17 performance of the food service manager. Nothing in this
18 Section shall prevent the principal from conducting additional
19 evaluations. An overall numerical rating shall be given by the
20 principal based on the evaluation conducted by the principal.

21 An unsatisfactory numerical rating shall result in
22 disciplinary action which may include, without limitation and
23 in the judgment of the principal, loss of promotion or bidding
24 procedure, reprimand, suspension with or without pay, or
25 recommended dismissal. The board shall establish rules for
26 conducting the evaluation and reporting the results to the

1 food service manager.

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

5 Principals shall be employed to supervise the educational
6 operation of each attendance center. If a principal is absent
7 due to extended illness or leave of absence, an assistant
8 principal may be assigned as acting principal for a period not
9 to exceed 100 school days. Each principal shall assume
10 administrative responsibility and instructional leadership, in
11 accordance with reasonable rules and regulations of the board,
12 for the planning, operation and evaluation of the educational
13 program of the attendance center to which he is assigned. The
14 principal shall submit recommendations to the general
15 superintendent concerning the appointment, dismissal,
16 retention, promotion, and assignment of all personnel assigned
17 to the attendance center; provided, that from and after
18 September 1, 1989: (i) if any vacancy occurs in a position at
19 the attendance center or if an additional or new position is
20 created at the attendance center, that position shall be
21 filled by appointment made by the principal in accordance with
22 procedures established and provided by the Board whenever the
23 majority of the duties included in that position are to be
24 performed at the attendance center which is under the
25 principal's supervision, and each such appointment so made by
26 the principal shall be made and based upon merit and ability to

1 perform in that position without regard to seniority or length
2 of service, provided, that such appointments shall be subject
3 to the Board's desegregation obligations, including but not
4 limited to the Consent Decree and Desegregation Plan in U.S.
5 v. Chicago Board of Education; (ii) the principal shall submit
6 recommendations based upon merit and ability to perform in the
7 particular position, without regard to seniority or length of
8 service, to the general superintendent concerning the
9 appointment of any teacher, teacher aide, counselor, clerk,
10 hall guard, security guard and any other personnel which is to
11 be made by the general superintendent whenever less than a
12 majority of the duties of that teacher, teacher aide,
13 counselor, clerk, hall guard, and security guard and any other
14 personnel are to be performed at the attendance center which
15 is under the principal's supervision; and (iii) subject to law
16 and the applicable collective bargaining agreements, the
17 authority and responsibilities of a principal with respect to
18 the evaluation of all teachers and other personnel assigned to
19 an attendance center shall commence immediately upon his or
20 her appointment as principal of the attendance center, without
21 regard to the length of time that he or she has been the
22 principal of that attendance center.

23 Notwithstanding the existence of any other law of this
24 State, nothing in this Act shall prevent the board from
25 entering into a contract with a third party for services
26 currently performed by any employee or bargaining unit member.

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

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

10 Each principal shall hold a valid Professional Educator
11 License issued in accordance with Article 21B and endorsed as
12 required by that Article for the position of principal. The
13 board may establish or impose clear, specific, explicit, and
14 objective academic, educational, examination, and experience
15 requirements and criteria that are in addition to those
16 established and required by Article 21B for issuance of a
17 valid license endorsed for the position of principal as a
18 condition of the nomination, selection, appointment,
19 employment, or continued employment of a person as principal
20 of any attendance center, or as a condition of the renewal of
21 any principal's performance contract. If the additional
22 requirements and criteria result or may result in the
23 exclusion of an otherwise qualified and licensed candidate
24 from being eligible for selection to serve as a principal of an
25 attendance center, then the board shall maintain a public
26 database that includes the names of all the candidates who are

1 eligible to be selected as a principal and who do not choose to
2 not have their name included in the database. The board shall
3 give notice of no less than 30 days to all otherwise qualified
4 and licensed candidates each quarter of their ability to be
5 included in the database and shall make updates to the
6 database within no more than 10 days after the end of the
7 quarter for which notice is given.

8 The board must establish standards and procedures to
9 ensure that no candidate is deemed ineligible to be selected
10 as a principal for reasons that are not directly related to the
11 candidate's anticipated performance as a principal. The
12 standards and procedures established by the board must do all
13 of the following:

14 (1) Set forth all of the specific criteria used by the
15 board to make decisions concerning the eligibility of
16 candidates.

17 (2) Provide each candidate with a written,
18 competency-aligned score report and evidence-based
19 rationale related to the scoring criteria for each
20 competency area.

21 (3) Provide remediation goals and other supportive
22 services to assist a candidate in correcting any
23 deficiencies identified by the board in the board's
24 rationale.

25 (4) Include provisions to ensure that no person is
26 discriminated against on the basis of conscious or

1 implicit biases associated with race, color, national
2 origin, or a disability that is unrelated to the person's
3 ability to perform the duties of a principal.

4 The board, in cooperation with the organization that
5 represents the district's principals and assistant principals,
6 must establish a grievance and hearing procedure for those
7 candidates the general superintendent or the general
8 superintendent's designee has deemed ineligible to serve as
9 principal of an attendance center or whose eligibility has
10 been slated for revocation. The evaluator must be a State
11 Board of Education-trained principal evaluator or must receive
12 such training before rendering a decision. The hearing officer
13 must receive sufficient training in principal evaluation
14 processes and criteria to render an informed decision.

15 Within 10 days after the general superintendent or the
16 general superintendent's designee determines that a candidate
17 is ineligible or makes a decision to revoke the eligibility of
18 an administrator, the general superintendent or the general
19 superintendent's designee must notify the candidate or
20 administrator, in writing, of the specific reasons for the
21 general superintendent's or the general superintendent's
22 designee's determination of the candidate's or administrator's
23 ineligibility. Within 30 days after receiving this
24 notification, the candidate or administrator may request that
25 the general superintendent or the general superintendent's
26 designee initiate a review of the decision through the

1 grievance and hearing process established pursuant to this
2 Section.

3 In the case of a principal who is deemed ineligible based
4 on a performance evaluation, the evaluator conducting the
5 review must consider as evidence of the principal's
6 performance any local school council evaluation that covers
7 the same evaluation period. If a decision to revoke
8 eligibility is grieved, the administrator shall remain on the
9 eligibility list until the administrator receives a decision
10 in the grievance. However, prior to any hiring decision, the
11 board may communicate to any local school council that the
12 administrator has a grievance pending while the grievance is
13 pending. The grievance decision shall be binding on the
14 principal and the board.

15 If performance evaluations are included in the criteria
16 used by the board in determining that a principal is no longer
17 eligible to seek a principal position at an attendance center,
18 the board's criteria must use the standard of either an
19 unsatisfactory summative evaluation or 2 or more basic or
20 lower summative performance evaluations within a period of 7
21 school years, except as provided below in the case of a
22 principal who is in his or her first principal position. A
23 principal with summative performance evaluations of basic in
24 the principal's first 2 school years in that role shall not
25 impact a principal's eligibility status if the principal earns
26 an increased numerical rating in at least one competency

1 domain while maintaining ratings on all other competency
2 domains in the school year immediately following the basic
3 rating. A principal who is deemed ineligible based on a
4 performance evaluation may request that the general
5 superintendent review that determination under the grievance
6 procedure, in which case the general superintendent's designee
7 must be a State Board of Education-trained principal
8 evaluator, and, in conducting that review, the general
9 superintendent's designee must consider any local school
10 council evaluation that covers the same evaluation period. If
11 an individual evaluator rates an individual principal as
12 unsatisfactory for the first time, the board may not determine
13 that a principal is no longer eligible to serve as a principal
14 based on performance evaluations from that evaluator if,
15 during the same school term of service, the local school
16 council's evaluation of the principal's performance was
17 distinguished. If a principal has been deemed ineligible based
18 on a performance evaluation, the principal's status is
19 restored to eligible when the principal receives a proficient
20 or higher summative performance evaluation rating, provided
21 the principal meets all other criteria for eligibility.

22 The board shall specify in its formal job description for
23 principals, and from and after July 1, 1990 shall specify in
24 the 4 year performance contracts for use with respect to all
25 principals, that his or her primary responsibility is in the
26 improvement of instruction. A majority of the time spent by a

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

22 Nothing in this Section shall prohibit the board and the
23 exclusive representative of the district's teachers from
24 entering into an agreement under Section 34-85c of this Code
25 to establish alternative procedures for teacher evaluation,
26 remediation, and removal for cause after remediation,

1 including an alternative system for peer evaluation and
2 recommendations, for teachers assigned to schools identified
3 in that agreement.

4 On or before October 1, 1989, the Board of Education, in
5 consultation with any professional organization representing
6 principals in the district, shall promulgate rules and
7 implement a lottery for the purpose of determining whether a
8 principal's existing performance contract (including the
9 performance contract applicable to any principal's position in
10 which a vacancy then exists) expires on June 30, 1990 or on
11 June 30, 1991, and whether the ensuing 4 year performance
12 contract begins on July 1, 1990 or July 1, 1991. The Board of
13 Education shall establish and conduct the lottery in such
14 manner that of all the performance contracts of principals
15 (including the performance contracts applicable to all
16 principal positions in which a vacancy then exists), 50% of
17 such contracts shall expire on June 30, 1990, and 50% shall
18 expire on June 30, 1991. All persons serving as principal on
19 May 1, 1989, and all persons appointed as principal after May
20 1, 1989 and prior to July 1, 1990 or July 1, 1991, in a manner
21 other than as provided by Section 34-2.3, shall be deemed by
22 operation of law to be serving under a performance contract
23 which expires on June 30, 1990 or June 30, 1991; and unless
24 such performance contract of any such principal is renewed (or
25 such person is again appointed to serve as principal) in the
26 manner provided by Section 34-2.2 or 34-2.3, the employment of

1 such person as principal shall terminate on June 30, 1990 or
2 June 30, 1991.

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

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

1 modified by the board, and such additional criteria as are
2 established by a local school council pursuant to Section
3 34-2.3 for the performance contract of its principal.

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

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

26 In the event the performance contract of a principal is

1 not renewed or a principal is not reappointed as principal
2 under a new performance contract, such principal shall be
3 eligible to continue to receive his or her previously provided
4 level of health insurance benefits for a period of 90 days
5 following the non-renewal of the contract at no expense to the
6 principal, provided that such principal has not retired.
7 (Source: P.A. 102-894, eff. 5-20-22.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.