



Sen. Cristina H. Pacione-Zayas

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10200HB5285sam001

LRB102 23977 JDS 42461 a

1 AMENDMENT TO HOUSE BILL 5285

2 AMENDMENT NO. _____. Amend House Bill 5285 by replacing
3 everything after the enacting clause with the following:

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

1 layoff shall be vested solely with the board, provided that
2 decisions to discharge or suspend nonlicensed employees,
3 including disciplinary layoffs, and the termination of
4 licensed employees from employment pursuant to a layoff or
5 reassignment policy are subject to review under the grievance
6 resolution procedure adopted pursuant to subsection (c) of
7 Section 10 of the Illinois Educational Labor Relations Act.
8 The grievance resolution procedure adopted by the board shall
9 provide for final and binding arbitration, and,
10 notwithstanding any other provision of law to the contrary,
11 the arbitrator's decision may include all make-whole relief,
12 including without limitation reinstatement. The principal
13 shall fill positions by appointment as provided in this
14 Section and may make recommendations to the board regarding
15 the employment, discharge, or layoff of any individual. The
16 authority of the principal shall include the authority to
17 direct the hours during which the attendance center shall be
18 open and available for use provided the use complies with
19 board rules and policies, to determine when and what
20 operations shall be conducted within those hours, and to
21 schedule staff within those hours. Under the direction of, and
22 subject to the authority of the principal, the Engineer In
23 Charge shall be accountable for the safe, economical operation
24 of the plant and grounds and shall also be responsible for
25 orientation, training, and supervising the work of Engineers,
26 Trainees, school maintenance assistants, custodial workers and

1 other plant operation employees under his or her direction.

2 There shall be established by the board a system of
3 semi-annual evaluations conducted by the principal as to
4 performance of the engineer in charge. Nothing in this Section
5 shall prevent the principal from conducting additional
6 evaluations. An overall numerical rating shall be given by the
7 principal based on the evaluation conducted by the principal.
8 An unsatisfactory numerical rating shall result in
9 disciplinary action, which may include, without limitation and
10 in the judgment of the principal, loss of promotion or bidding
11 procedure, reprimand, suspension with or without pay, or
12 recommended dismissal. The board shall establish procedures
13 for conducting the evaluation and reporting the results to the
14 engineer in charge.

15 Under the direction of, and subject to the authority of,
16 the principal, the Food Service Manager is responsible at all
17 times for the proper operation and maintenance of the lunch
18 room to which he is assigned and shall also be responsible for
19 the orientation, training, and supervising the work of cooks,
20 bakers, porters, and lunchroom attendants under his or her
21 direction.

22 There shall be established by the Board a system of
23 semi-annual evaluations conducted by the principal as to the
24 performance of the food service manager. Nothing in this
25 Section shall prevent the principal from conducting additional
26 evaluations. An overall numerical rating shall be given by the

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

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

12 Principals shall be employed to supervise the educational
13 operation of each attendance center. If a principal is absent
14 due to extended illness or leave of absence, an assistant
15 principal may be assigned as acting principal for a period not
16 to exceed 100 school days. Each principal shall assume
17 administrative responsibility and instructional leadership, in
18 accordance with reasonable rules and regulations of the board,
19 for the planning, operation and evaluation of the educational
20 program of the attendance center to which he is assigned. The
21 principal shall submit recommendations to the general
22 superintendent concerning the appointment, dismissal,
23 retention, promotion, and assignment of all personnel assigned
24 to the attendance center; provided, that from and after
25 September 1, 1989: (i) if any vacancy occurs in a position at
26 the attendance center or if an additional or new position is

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

1 her appointment as principal of the attendance center, without
2 regard to the length of time that he or she has been the
3 principal of that attendance center.

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

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

12 Unless otherwise prohibited by law or by rule of the
13 board, the principal shall provide to local school council
14 members copies of all internal audits and any other pertinent
15 information generated by any audits or reviews of the programs
16 and operation of the attendance center.

17 Each principal shall hold a valid Professional Educator
18 License issued in accordance with Article 21B and endorsed as
19 required by that Article for the position of principal. The
20 board may establish or impose clear, specific, explicit, and
21 objective academic, educational, examination, and experience
22 requirements and criteria that are in addition to those
23 established and required by Article 21B for issuance of a
24 valid license endorsed for the position of principal as a
25 condition of the nomination, selection, appointment,
26 employment, or continued employment of a person as principal

1 of any attendance center, or as a condition of the renewal of
2 any principal's performance contract. If the additional
3 requirements and criteria result or may result in the
4 exclusion of an otherwise qualified and licensed candidate
5 from being eligible for selection to serve as a principal of an
6 attendance center, then the board shall maintain a public
7 database that includes the names of all the candidates who are
8 eligible to be selected as a principal and who do not choose to
9 not have their name included in the database. The board shall
10 give notice of no less than 30 days to all otherwise qualified
11 and licensed candidates each quarter of their ability to be
12 included in the database and shall make updates to the
13 database within no more than 10 days after the end of the
14 quarter for which notice is given.

15 The board must establish standards and procedures to
16 ensure that no candidate is deemed ineligible to be selected
17 as a principal for reasons that are not directly related to the
18 candidate's anticipated performance as a principal. The
19 standards and procedures established by the board must do all
20 of the following:

21 (1) Set forth all of the specific criteria used by the
22 board to make decisions concerning the eligibility of
23 candidates.

24 (2) Provide each candidate with a written,
25 competency-aligned score report and evidence-based
26 rationale related to the scoring criteria for each

1 competency area.

2 (3) Provide remediation goals and other supportive
3 services to assist a candidate in correcting any
4 deficiencies identified by the board in the board's
5 rationale.

6 (4) Include provisions to ensure that no person is
7 discriminated against on the basis of conscious or
8 implicit biases associated with race, color, national
9 origin, or a disability that is unrelated to the person's
10 ability to perform the duties of a principal.

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

22 Within 10 days after the general superintendent or the
23 general superintendent's designee determines that a candidate
24 is ineligible or makes a decision to revoke the eligibility of
25 an administrator, the general superintendent or the general
26 superintendent's designee must notify the candidate or

1 administrator, in writing, of the specific reasons for the
2 general superintendent's or the general superintendent's
3 designee's determination of the candidate's or administrator's
4 ineligibility. Within 30 days after receiving this
5 notification, the candidate or administrator may request that
6 the general superintendent or the general superintendent's
7 designee initiate a review of the decision through the
8 grievance and hearing process established pursuant to this
9 Section.

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

22 If performance evaluations are included in the criteria
23 used by the board in determining that a principal is no longer
24 eligible to seek a principal position at an attendance center,
25 the board's criteria must use the standard of either an
26 unsatisfactory summative evaluation or 2 or more basic or

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

1 or higher summative performance evaluation rating, provided
2 the principal meets all other criteria for eligibility.

3 The board shall specify in its formal job description for
4 principals, and from and after July 1, 1990 shall specify in
5 the 4 year performance contracts for use with respect to all
6 principals, that his or her primary responsibility is in the
7 improvement of instruction. A majority of the time spent by a
8 principal shall be spent on curriculum and staff development
9 through both formal and informal activities, establishing
10 clear lines of communication regarding school goals,
11 accomplishments, practices and policies with parents and
12 teachers. The principal, with the assistance of the local
13 school council, shall develop a school improvement plan as
14 provided in Section 34-2.4 and, upon approval of the plan by
15 the local school council, shall be responsible for directing
16 implementation of the plan. The principal, with the assistance
17 of the professional personnel leadership committee, shall
18 develop the specific methods and contents of the school's
19 curriculum within the board's system-wide curriculum standards
20 and objectives and the requirements of the school improvement
21 plan. The board shall ensure that all principals are evaluated
22 on their instructional leadership ability and their ability to
23 maintain a positive education and learning climate. It shall
24 also be the responsibility of the principal to utilize
25 resources of proper law enforcement agencies when the safety
26 and welfare of students and teachers are threatened by illegal

1 use of drugs and alcohol, by illegal use or possession of
2 weapons, or by illegal gang activity.

3 Nothing in this Section shall prohibit the board and the
4 exclusive representative of the district's teachers from
5 entering into an agreement under Section 34-85c of this Code
6 to establish alternative procedures for teacher evaluation,
7 remediation, and removal for cause after remediation,
8 including an alternative system for peer evaluation and
9 recommendations, for teachers assigned to schools identified
10 in that agreement.

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

1 1, 1989 and prior to July 1, 1990 or July 1, 1991, in a manner
2 other than as provided by Section 34-2.3, shall be deemed by
3 operation of law to be serving under a performance contract
4 which expires on June 30, 1990 or June 30, 1991; and unless
5 such performance contract of any such principal is renewed (or
6 such person is again appointed to serve as principal) in the
7 manner provided by Section 34-2.2 or 34-2.3, the employment of
8 such person as principal shall terminate on June 30, 1990 or
9 June 30, 1991.

10 Commencing on July 1, 1990, or on July 1, 1991, and
11 thereafter, the principal of each attendance center shall be
12 the person selected in the manner provided by Section 34-2.3
13 to serve as principal of that attendance center under a 4 year
14 performance contract. All performance contracts of principals
15 expiring after July 1, 1990, or July 1, 1991, shall commence on
16 the date specified in the contract, and the renewal of their
17 performance contracts and the appointment of principals when
18 their performance contracts are not renewed shall be governed
19 by Sections 34-2.2 and 34-2.3. Whenever a vacancy in the
20 office of a principal occurs for any reason, the vacancy shall
21 be filled by the selection of a new principal to serve under a
22 4 year performance contract in the manner provided by Section
23 34-2.3.

24 The board of education shall develop and prepare, in
25 consultation with the organization representing principals, a
26 performance contract for use at all attendance centers, and

1 shall furnish the same to each local school council. The term
2 of the performance contract shall be 4 years, unless the
3 principal is retained by the decision of a hearing officer
4 pursuant to subdivision 1.5 of Section 34-2.3, in which case
5 the contract shall be extended for 2 years. The performance
6 contract of each principal shall consist of the uniform
7 performance contract, as developed or from time to time
8 modified by the board, and such additional criteria as are
9 established by a local school council pursuant to Section
10 34-2.3 for the performance contract of its principal.

11 During the term of his or her performance contract, a
12 principal may be removed only as provided for in the
13 performance contract except for cause. He or she shall also be
14 obliged to follow the rules of the board of education
15 concerning conduct and efficiency.

16 In the event the performance contract of a principal is
17 not renewed or a principal is not reappointed as principal
18 under a new performance contract, or in the event a principal
19 is appointed to any position of superintendent or higher
20 position, or voluntarily resigns his position of principal,
21 his or her employment as a principal shall terminate and such
22 former principal shall not be reinstated to the position from
23 which he or she was promoted to principal, except that he or
24 she, if otherwise qualified and licensed in accordance with
25 Article 21B, shall be placed by the board on appropriate
26 eligibility lists which it prepares for use in the filling of

1 vacant or additional or newly created positions for teachers.
2 The principal's total years of service to the board as both a
3 teacher and a principal, or in other professional capacities,
4 shall be used in calculating years of experience for purposes
5 of being selected as a teacher into new, additional or vacant
6 positions.

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

14 (Source: P.A. 102-894, eff. 5-20-22.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law."