



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1446

Introduced 2/7/2023, by Sen. Suzy Glowiak Hilton

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.25o	
105 ILCS 5/2-3.196 new	
105 ILCS 5/10-22.25b	from Ch. 122, par. 10-22.25b
105 ILCS 5/34-2.3	from Ch. 122, par. 34-2.3

Amends the School Code. Provides that by no later than July 1, 2024, the State Board of Education shall make available to schools, on its Internet website, resource materials developed in consultation with stakeholders regarding a student wearing any articles of clothing or items that have cultural or religious significance to the student if those articles of clothing or items are not obscene or derogatory toward others and the right of a student to wear or accessorize graduation attire with certain items. Provides that a school uniform or dress code policy adopted by a school board, local school council, or registered or recognized nonpublic elementary or secondary school may not prohibit a student from wearing any articles of clothing or items that have cultural or religious significance to the student if those articles of clothing or items are not obscene or derogatory toward others and may not prohibit the right of a student to wear or accessorize the student's graduation attire with items associated with the student's cultural or ethnic identity or any protected characteristic or category identified in the Illinois Human Rights Act, including, but not limited to, Native American items of cultural significance.

LRB103 26328 RJT 52689 b

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing Sections
5 2-3.25o, 10-22.25b, and 34-2.3 and by adding Section 2-3.196
6 as follows:

7 (105 ILCS 5/2-3.25o)

8 Sec. 2-3.25o. Registration and recognition of non-public
9 elementary and secondary schools.

10 (a) Findings. The General Assembly finds and declares (i)
11 that the Constitution of the State of Illinois provides that a
12 "fundamental goal of the People of the State is the
13 educational development of all persons to the limits of their
14 capacities" and (ii) that the educational development of every
15 school student serves the public purposes of the State. In
16 order to ensure that all Illinois students and teachers have
17 the opportunity to enroll and work in State-approved
18 educational institutions and programs, the State Board of
19 Education shall provide for the voluntary registration and
20 recognition of non-public elementary and secondary schools.

21 (b) Registration. All non-public elementary and secondary
22 schools in the State of Illinois may voluntarily register with
23 the State Board of Education on an annual basis. Registration

1 shall be completed in conformance with procedures prescribed
2 by the State Board of Education. Information required for
3 registration shall include assurances of compliance (i) with
4 federal and State laws regarding health examination and
5 immunization, attendance, length of term, and
6 nondiscrimination, including assurances that the school will
7 not prohibit hairstyles historically associated with race,
8 ethnicity, or hair texture, including, but not limited to,
9 protective hairstyles such as braids, locks, and twists, will
10 not prohibit a student from wearing any articles of clothing
11 or items that have cultural or religious significance to the
12 student if those articles of clothing or items are not obscene
13 or derogatory toward others, and will not prohibit the right
14 of a student to wear or accessorize the student's graduation
15 attire with items associated with the student's cultural or
16 ethnic identity or any protected characteristic or category
17 identified in subsection (Q) of Section 1-103 of the Illinois
18 Human Rights Act, including but not limited to, Native
19 American items of cultural significance, and (ii) with
20 applicable fire and health safety requirements.

21 (c) Recognition. All non-public elementary and secondary
22 schools in the State of Illinois may voluntarily seek the
23 status of "Non-public School Recognition" from the State Board
24 of Education. This status may be obtained by compliance with
25 administrative guidelines and review procedures as prescribed
26 by the State Board of Education. The guidelines and procedures

1 must recognize that some of the aims and the financial bases of
2 non-public schools are different from public schools and will
3 not be identical to those for public schools, nor will they be
4 more burdensome. The guidelines and procedures must also
5 recognize the diversity of non-public schools and shall not
6 impinge upon the noneducational relationships between those
7 schools and their clientele.

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

22 Authorization for the check shall be furnished by the
23 applicant to the school, except that if the applicant is a
24 substitute teacher seeking employment in more than one
25 non-public school, a teacher seeking concurrent part-time
26 employment positions with more than one non-public school (as

1 a reading specialist, special education teacher, or
2 otherwise), or an educational support personnel employee
3 seeking employment positions with more than one non-public
4 school, then only one of the non-public schools employing the
5 individual shall request the authorization. Upon receipt of
6 this authorization, the non-public school shall submit the
7 applicant's name, sex, race, date of birth, social security
8 number, fingerprint images, and other identifiers, as
9 prescribed by the Illinois State Police, to the Illinois State
10 Police.

11 The Illinois State Police and Federal Bureau of
12 Investigation shall furnish, pursuant to a fingerprint-based
13 criminal history records check, records of convictions,
14 forever and hereafter, until expunged, to the president or
15 principal of the non-public school that requested the check.
16 The Illinois State Police shall charge that school a fee for
17 conducting such check, which fee must be deposited into the
18 State Police Services Fund and must not exceed the cost of the
19 inquiry. Subject to appropriations for these purposes, the
20 State Superintendent of Education shall reimburse non-public
21 schools for fees paid to obtain criminal history records
22 checks under this Section.

23 A non-public school may not obtain recognition status
24 unless the school also performs a check of the Statewide Sex
25 Offender Database, as authorized by the Sex Offender Community
26 Notification Law, for each applicant for employment, after

1 July 1, 2007, to determine whether the applicant has been
2 adjudicated a sex offender.

3 Any information concerning the record of convictions
4 obtained by a non-public school's president or principal under
5 this Section is confidential and may be disseminated only to
6 the governing body of the non-public school or any other
7 person necessary to the decision of hiring the applicant for
8 employment. A copy of the record of convictions obtained from
9 the Illinois State Police shall be provided to the applicant
10 for employment. Upon a check of the Statewide Sex Offender
11 Database, the non-public school shall notify the applicant as
12 to whether or not the applicant has been identified in the Sex
13 Offender Database as a sex offender. Any information
14 concerning the records of conviction obtained by the
15 non-public school's president or principal under this Section
16 for a substitute teacher seeking employment in more than one
17 non-public school, a teacher seeking concurrent part-time
18 employment positions with more than one non-public school (as
19 a reading specialist, special education teacher, or
20 otherwise), or an educational support personnel employee
21 seeking employment positions with more than one non-public
22 school may be shared with another non-public school's
23 principal or president to which the applicant seeks
24 employment. Any unauthorized release of confidential
25 information may be a violation of Section 7 of the Criminal
26 Identification Act.

1 No non-public school may obtain recognition status that
2 knowingly employs a person, hired after July 1, 2007, for whom
3 an Illinois State Police and Federal Bureau of Investigation
4 fingerprint-based criminal history records check and a
5 Statewide Sex Offender Database check has not been initiated
6 or who has been convicted of any offense enumerated in Section
7 21B-80 of this Code or any offense committed or attempted in
8 any other state or against the laws of the United States that,
9 if committed or attempted in this State, would have been
10 punishable as one or more of those offenses. No non-public
11 school may obtain recognition status under this Section that
12 knowingly employs a person who has been found to be the
13 perpetrator of sexual or physical abuse of a minor under 18
14 years of age pursuant to proceedings under Article II of the
15 Juvenile Court Act of 1987.

16 In order to obtain recognition status under this Section,
17 a non-public school must require compliance with the
18 provisions of this subsection (c-5) from all employees of
19 persons or firms holding contracts with the school, including,
20 but not limited to, food service workers, school bus drivers,
21 and other transportation employees, who have direct, daily
22 contact with pupils. Any information concerning the records of
23 conviction or identification as a sex offender of any such
24 employee obtained by the non-public school principal or
25 president must be promptly reported to the school's governing
26 body.

1 Prior to the commencement of any student teaching
2 experience or required internship (which is referred to as
3 student teaching in this Section) in any non-public elementary
4 or secondary school that has obtained or seeks to obtain
5 recognition status under this Section, a student teacher is
6 required to authorize a fingerprint-based criminal history
7 records check. Authorization for and payment of the costs of
8 the check must be furnished by the student teacher to the chief
9 administrative officer of the non-public school where the
10 student teaching is to be completed. Upon receipt of this
11 authorization and payment, the chief administrative officer of
12 the non-public school shall submit the student teacher's name,
13 sex, race, date of birth, social security number, fingerprint
14 images, and other identifiers, as prescribed by the Illinois
15 State Police, to the Illinois State Police. The Illinois State
16 Police and the Federal Bureau of Investigation shall furnish,
17 pursuant to a fingerprint-based criminal history records
18 check, records of convictions, forever and hereinafter, until
19 expunged, to the chief administrative officer of the
20 non-public school that requested the check. The Illinois State
21 Police shall charge the school a fee for conducting the check,
22 which fee must be passed on to the student teacher, must not
23 exceed the cost of the inquiry, and must be deposited into the
24 State Police Services Fund. The school shall further perform a
25 check of the Statewide Sex Offender Database, as authorized by
26 the Sex Offender Community Notification Law, and of the

1 Statewide Murderer and Violent Offender Against Youth
2 Database, as authorized by the Murderer and Violent Offender
3 Against Youth Registration Act, for each student teacher. No
4 school that has obtained or seeks to obtain recognition status
5 under this Section may knowingly allow a person to student
6 teach for whom a criminal history records check, a Statewide
7 Sex Offender Database check, and a Statewide Murderer and
8 Violent Offender Against Youth Database check have not been
9 completed and reviewed by the chief administrative officer of
10 the non-public school.

11 A copy of the record of convictions obtained from the
12 Illinois State Police must be provided to the student teacher.
13 Any information concerning the record of convictions obtained
14 by the chief administrative officer of the non-public school
15 is confidential and may be transmitted only to the chief
16 administrative officer of the non-public school or his or her
17 designee, the State Superintendent of Education, the State
18 Educator Preparation and Licensure Board, or, for
19 clarification purposes, the Illinois State Police or the
20 Statewide Sex Offender Database or Statewide Murderer and
21 Violent Offender Against Youth Database. Any unauthorized
22 release of confidential information may be a violation of
23 Section 7 of the Criminal Identification Act.

24 No school that has obtained or seeks to obtain recognition
25 status under this Section may knowingly allow a person to
26 student teach who has been convicted of any offense that would

1 subject him or her to license suspension or revocation
2 pursuant to Section 21B-80 of this Code or who has been found
3 to be the perpetrator of sexual or physical abuse of a minor
4 under 18 years of age pursuant to proceedings under Article II
5 of the Juvenile Court Act of 1987.

6 Any school that has obtained or seeks to obtain
7 recognition status under this Section may not prohibit
8 hairstyles historically associated with race, ethnicity, or
9 hair texture, including, but not limited to, protective
10 hairstyles such as braids, locks, and twists, may not prohibit
11 a student from wearing any articles of clothing or items that
12 have cultural or religious significance to the student if
13 those articles of clothing or items are not obscene or
14 derogatory toward others, and may not prohibit the right of a
15 student to wear or accessorize the student's graduation attire
16 with items associated with the student's cultural or ethnic
17 identity or any protected characteristic or category
18 identified in subsection (Q) of Section 1-103 of the Illinois
19 Human Rights Act, including but not limited to, Native
20 American items of cultural significance.

21 (d) Public purposes. The provisions of this Section are in
22 the public interest, for the public benefit, and serve secular
23 public purposes.

24 (e) Definitions ~~Definition~~. For purposes of this Section,
25 (i) a non-public school means any non-profit, non-home-based,
26 and non-public elementary or secondary school that is in

1 compliance with Title VI of the Civil Rights Act of 1964 and
2 attendance at which satisfies the requirements of Section 26-1
3 of this Code; and (ii) "Native American items of cultural
4 significance" means items or objects that are traditionally
5 associated with a federally recognized Native American tribe
6 or have religious or cultural significance to a Native
7 American.

8 (Source: P.A. 102-360, eff. 1-1-22; 102-538, eff. 8-20-21;
9 102-813, eff. 5-13-22.)

10 (105 ILCS 5/2-3.196 new)

11 Sec. 2-3.196. Clothing resource materials. By no later
12 than July 1, 2024, the State Board of Education shall make
13 available to schools resource materials developed in
14 consultation with stakeholders regarding a student wearing any
15 articles of clothing or items that have cultural or religious
16 significance to the student if those articles of clothing or
17 items are not obscene or derogatory toward others and the
18 right of a student to wear or accessorize the student's
19 graduation attire with items associated with the student's
20 cultural or ethnic identity or any protected characteristic or
21 category identified in subsection (Q) of Section 1-103 of the
22 Illinois Human Rights Act, including but not limited to,
23 Native American items of cultural significance. The State
24 Board of Education shall make the resource materials available
25 on its Internet website.

1 (105 ILCS 5/10-22.25b) (from Ch. 122, par. 10-22.25b)

2 Sec. 10-22.25b. School uniforms. The school board may
3 adopt a school uniform or dress code policy that governs all or
4 certain individual attendance centers and that is necessary to
5 maintain the orderly process of a school function or prevent
6 endangerment of student health or safety. A school uniform or
7 dress code policy adopted by a school board: (i) shall not be
8 applied in such manner as to discipline or deny attendance to a
9 transfer student or any other student for noncompliance with
10 that policy during such period of time as is reasonably
11 necessary to enable the student to acquire a school uniform or
12 otherwise comply with the dress code policy that is in effect
13 at the attendance center or in the district into which the
14 student's enrollment is transferred; (ii) shall include
15 criteria and procedures under which the school board will
16 accommodate the needs of or otherwise provide appropriate
17 resources to assist a student from an indigent family in
18 complying with an applicable school uniform or dress code
19 policy; ~~and~~ (iii) shall not include or apply to hairstyles,
20 including hairstyles historically associated with race,
21 ethnicity, or hair texture, including, but not limited to,
22 protective hairstyles such as braids, locks, and twists; (iv)
23 shall not prohibit a student from wearing any articles of
24 clothing or items that have cultural or religious significance
25 to the student if those articles of clothing or items are not

1 obscene or derogatory toward others; and (v) shall not
2 prohibit the right of a student to wear or accessorize the
3 student's graduation attire with items associated with the
4 student's cultural or ethnic identity or any protected
5 characteristic or category identified in subsection (Q) of
6 Section 1-103 of the Illinois Human Rights Act, including, but
7 not limited to, Native American items of cultural
8 significance. As used in this Section, "Native American items
9 of cultural significance" means items or objects that are
10 traditionally associated with a federally recognized Native
11 American tribe or have religious or cultural significance to a
12 Native American. A student whose parents or legal guardians
13 object on religious grounds to the student's compliance with
14 an applicable school uniform or dress code policy shall not be
15 required to comply with that policy if the student's parents
16 or legal guardians present to the school board a signed
17 statement of objection detailing the grounds for the
18 objection. This Section applies to school boards of all
19 districts, including special charter districts and districts
20 organized under Article 34. If a school board does not comply
21 with the requirements and prohibitions set forth in this
22 Section, the school district is subject to the penalty imposed
23 pursuant to subsection (a) of Section 2-3.25.

24 By no later than July 1, 2022, the State Board of Education
25 shall make available to schools resource materials developed
26 in consultation with stakeholders regarding hairstyles,

1 including hairstyles historically associated with race,
2 ethnicity, or hair texture, including, but not limited to,
3 protective hairstyles such as braids, locks, and twists. The
4 State Board of Education shall make the resource materials
5 available on its Internet website.

6 (Source: P.A. 102-360, eff. 1-1-22.)

7 (105 ILCS 5/34-2.3) (from Ch. 122, par. 34-2.3)

8 Sec. 34-2.3. Local school councils; powers and duties.

9 Each local school council shall have and exercise, consistent
10 with the provisions of this Article and the powers and duties
11 of the board of education, the following powers and duties:

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

1 improvement;

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

6 (C) to directly select, in the manner provided by
7 subsection (c) of Section 34-2.2, a new principal (including a
8 new principal to fill a vacancy) -- without submitting any
9 list of candidates for that position to the general
10 superintendent as provided in paragraph 2 of this Section --
11 to serve under a 4 year performance contract; provided that
12 (i) the determination of whether the principal's performance
13 contract is to be renewed, based upon the evaluation required
14 by subdivision 1.5 of this Section, shall be made no later than
15 150 days prior to the expiration of the current
16 performance-based contract of the principal, (ii) in cases
17 where such performance contract is not renewed -- a direct
18 selection of a new principal -- to serve under a 4 year
19 performance contract shall be made by the local school council
20 no later than 45 days prior to the expiration of the current
21 performance contract of the principal, and (iii) a selection
22 by the local school council of a new principal to fill a
23 vacancy under a 4 year performance contract shall be made
24 within 90 days after the date such vacancy occurs. A Council
25 shall be required, if requested by the principal, to provide
26 in writing the reasons for the council's not renewing the

1 principal's contract.

2 1.5. The local school council's determination of whether
3 to renew the principal's contract shall be based on an
4 evaluation to assess the educational and administrative
5 progress made at the school during the principal's current
6 performance-based contract. The local school council shall
7 base its evaluation on (i) student academic improvement, as
8 defined by the school improvement plan, (ii) student
9 absenteeism rates at the school, (iii) instructional
10 leadership, (iv) the effective implementation of programs,
11 policies, or strategies to improve student academic
12 achievement, (v) school management, and (vi) any other factors
13 deemed relevant by the local school council, including,
14 without limitation, the principal's communication skills and
15 ability to create and maintain a student-centered learning
16 environment, to develop opportunities for professional
17 development, and to encourage parental involvement and
18 community partnerships to achieve school improvement. If a
19 local school council fails to renew the performance contract
20 of a principal rated by the general superintendent, or his or
21 her designee, in the previous years' evaluations as meeting or
22 exceeding expectations, the principal, within 15 days after
23 the local school council's decision not to renew the contract,
24 may request a review of the local school council's principal
25 non-retention decision by a hearing officer appointed by the
26 American Arbitration Association. A local school council

1 member or members or the general superintendent may support
2 the principal's request for review. During the period of the
3 hearing officer's review of the local school council's
4 decision on whether or not to retain the principal, the local
5 school council shall maintain all authority to search for and
6 contract with a person to serve as interim or acting
7 principal, or as the principal of the attendance center under
8 a 4-year performance contract, provided that any performance
9 contract entered into by the local school council shall be
10 voidable or modified in accordance with the decision of the
11 hearing officer. The principal may request review only once
12 while at that attendance center. If a local school council
13 renews the contract of a principal who failed to obtain a
14 rating of "meets" or "exceeds expectations" in the general
15 superintendent's evaluation for the previous year, the general
16 superintendent, within 15 days after the local school
17 council's decision to renew the contract, may request a review
18 of the local school council's principal retention decision by
19 a hearing officer appointed by the American Arbitration
20 Association. The general superintendent may request a review
21 only once for that principal at that attendance center. All
22 requests to review the retention or non-retention of a
23 principal shall be submitted to the general superintendent,
24 who shall, in turn, forward such requests, within 14 days of
25 receipt, to the American Arbitration Association. The general
26 superintendent shall send a contemporaneous copy of the

1 request that was forwarded to the American Arbitration
2 Association to the principal and to each local school council
3 member and shall inform the local school council of its rights
4 and responsibilities under the arbitration process, including
5 the local school council's right to representation and the
6 manner and process by which the Board shall pay the costs of
7 the council's representation. If the local school council
8 retains the principal and the general superintendent requests
9 a review of the retention decision, the local school council
10 and the general superintendent shall be considered parties to
11 the arbitration, a hearing officer shall be chosen between
12 those 2 parties pursuant to procedures promulgated by the
13 State Board of Education, and the principal may retain counsel
14 and participate in the arbitration. If the local school
15 council does not retain the principal and the principal
16 requests a review of the retention decision, the local school
17 council and the principal shall be considered parties to the
18 arbitration and a hearing officer shall be chosen between
19 those 2 parties pursuant to procedures promulgated by the
20 State Board of Education. The hearing shall begin (i) within
21 45 days after the initial request for review is submitted by
22 the principal to the general superintendent or (ii) if the
23 initial request for review is made by the general
24 superintendent, within 45 days after that request is mailed to
25 the American Arbitration Association. The hearing officer
26 shall render a decision within 45 days after the hearing

1 begins and within 90 days after the initial request for
2 review. The Board shall contract with the American Arbitration
3 Association for all of the hearing officer's reasonable and
4 necessary costs. In addition, the Board shall pay any
5 reasonable costs incurred by a local school council for
6 representation before a hearing officer.

7 1.10. The hearing officer shall conduct a hearing, which
8 shall include (i) a review of the principal's performance,
9 evaluations, and other evidence of the principal's service at
10 the school, (ii) reasons provided by the local school council
11 for its decision, and (iii) documentation evidencing views of
12 interested persons, including, without limitation, students,
13 parents, local school council members, school faculty and
14 staff, the principal, the general superintendent or his or her
15 designee, and members of the community. The burden of proof in
16 establishing that the local school council's decision was
17 arbitrary and capricious shall be on the party requesting the
18 arbitration, and this party shall sustain the burden by a
19 preponderance of the evidence. The hearing officer shall set
20 the local school council decision aside if that decision, in
21 light of the record developed at the hearing, is arbitrary and
22 capricious. The decision of the hearing officer may not be
23 appealed to the Board or the State Board of Education. If the
24 hearing officer decides that the principal shall be retained,
25 the retention period shall not exceed 2 years.

26 2. In the event (i) the local school council does not renew

1 the performance contract of the principal, or the principal
2 fails to receive a satisfactory rating as provided in
3 subsection (h) of Section 34-8.3, or the principal is removed
4 for cause during the term of his or her performance contract in
5 the manner provided by Section 34-85, or a vacancy in the
6 position of principal otherwise occurs prior to the expiration
7 of the term of a principal's performance contract, and (ii)
8 the local school council fails to directly select a new
9 principal to serve under a 4 year performance contract, the
10 local school council in such event shall submit to the general
11 superintendent a list of 3 candidates -- listed in the local
12 school council's order of preference -- for the position of
13 principal, one of which shall be selected by the general
14 superintendent to serve as principal of the attendance center.
15 If the general superintendent fails or refuses to select one
16 of the candidates on the list to serve as principal within 30
17 days after being furnished with the candidate list, the
18 general superintendent shall select and place a principal on
19 an interim basis (i) for a period not to exceed one year or
20 (ii) until the local school council selects a new principal
21 with 7 affirmative votes as provided in subsection (c) of
22 Section 34-2.2, whichever occurs first. If the local school
23 council fails or refuses to select and appoint a new
24 principal, as specified by subsection (c) of Section 34-2.2,
25 the general superintendent may select and appoint a new
26 principal on an interim basis for an additional year or until a

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

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

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

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

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

19 Via a supermajority vote of 8 members of a local school
20 council enrolling students through the 8th grade or 9 members
21 of a local school council at a secondary attendance center or
22 an attendance center enrolling students in grades 7 through
23 12, the Council may transfer allocations pursuant to Section
24 34-2.3 within funds; provided that such a transfer is
25 consistent with applicable law and collective bargaining
26 agreements.

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

13 Beginning in fiscal year 1991 and in each fiscal year
14 thereafter, from other amounts available in the applicable
15 fiscal year budget, the board shall allocate a lump sum amount
16 to each local school based upon such formula as the board shall
17 determine taking into account the special needs of the student
18 body. The local school principal shall develop an expenditure
19 plan in consultation with the local school council, the
20 professional personnel leadership committee and with all other
21 school personnel, which reflects the priorities and activities
22 as described in the school's local school improvement plan and
23 is consistent with applicable law and collective bargaining
24 agreements and with board policies and standards; however, the
25 local school council shall have the right to request waivers
26 of board policy from the board of education and waivers of

1 employee collective bargaining agreements pursuant to Section
2 34-8.1a.

3 The expenditure plan developed by the principal with
4 respect to amounts available from the fund for prioritized
5 special needs programs and the allocated lump sum amount must
6 be approved by the local school council.

7 The lump sum allocation shall take into account the
8 following principles:

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

21 b. Other personnel: Funds for other teacher licensed
22 and nonlicensed personnel paid through non-categorical
23 funds shall be provided according to system-wide formulas
24 based on student enrollment and the special needs of the
25 school as determined by the Board.

26 c. Non-compensation items: Appropriations for all

1 non-compensation items shall be based on system-wide
2 formulas based on student enrollment and on the special
3 needs of the school or factors related to the physical
4 plant, including but not limited to textbooks, electronic
5 textbooks and the technological equipment necessary to
6 gain access to and use electronic textbooks, supplies,
7 electricity, equipment, and routine maintenance.

8 d. Funds for categorical programs: Schools shall
9 receive personnel and funds based on, and shall use such
10 personnel and funds in accordance with State and Federal
11 requirements applicable to each categorical program
12 provided to meet the special needs of the student body
13 (including but not limited to, Federal Chapter I,
14 Bilingual, and Special Education).

15 d.1. Funds for State Title I: Each school shall
16 receive funds based on State and Board requirements
17 applicable to each State Title I pupil provided to meet
18 the special needs of the student body. Each school shall
19 receive the proportion of funds as provided in Section
20 18-8 or 18-8.15 to which they are entitled. These funds
21 shall be spent only with the budgetary approval of the
22 Local School Council as provided in Section 34-2.3.

23 e. The Local School Council shall have the right to
24 request the principal to close positions and open new ones
25 consistent with the provisions of the local school
26 improvement plan provided that these decisions are

1 consistent with applicable law and collective bargaining
2 agreements. If a position is closed, pursuant to this
3 paragraph, the local school shall have for its use the
4 system-wide average compensation for the closed position.

5 f. Operating within existing laws and collective
6 bargaining agreements, the local school council shall have
7 the right to direct the principal to shift expenditures
8 within funds.

9 g. (Blank).

10 Any funds unexpended at the end of the fiscal year shall be
11 available to the board of education for use as part of its
12 budget for the following fiscal year.

13 5. To make recommendations to the principal concerning
14 textbook selection and concerning curriculum developed
15 pursuant to the school improvement plan which is consistent
16 with systemwide curriculum objectives in accordance with
17 Sections 34-8 and 34-18 of the School Code and in conformity
18 with the collective bargaining agreement.

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

24 7. To approve a school improvement plan developed as
25 provided in Section 34-2.4. The process and schedule for plan
26 development shall be publicized to the entire school

1 community, and the community shall be afforded the opportunity
2 to make recommendations concerning the plan. At least twice a
3 year the principal and local school council shall report
4 publicly on progress and problems with respect to plan
5 implementation.

6 8. To evaluate the allocation of teaching resources and
7 other licensed and nonlicensed staff to the attendance center
8 to determine whether such allocation is consistent with and in
9 furtherance of instructional objectives and school programs
10 reflective of the school improvement plan adopted for the
11 attendance center; and to make recommendations to the board,
12 the general superintendent and the principal concerning any
13 reallocation of teaching resources or other staff whenever the
14 council determines that any such reallocation is appropriate
15 because the qualifications of any existing staff at the
16 attendance center do not adequately match or support
17 instructional objectives or school programs which reflect the
18 school improvement plan.

19 9. To make recommendations to the principal and the
20 general superintendent concerning their respective
21 appointments, after August 31, 1989, and in the manner
22 provided by Section 34-8 and Section 34-8.1, of persons to
23 fill any vacant, additional or newly created positions for
24 teachers at the attendance center or at attendance centers
25 which include the attendance center served by the local school
26 council.

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

15 1. school budgets;

16 2. educational theory pertinent to the attendance
17 center's particular needs, including the development of
18 the school improvement plan and the principal's
19 performance contract; and

20 3. personnel selection.

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

23 11. In accordance with systemwide guidelines contained in
24 the System-Wide Educational Reform Goals and Objectives Plan,
25 criteria for evaluation of performance shall be established
26 for local school councils and local school council members. If

1 a local school council persists in noncompliance with
2 systemwide requirements, the Board may impose sanctions and
3 take necessary corrective action, consistent with Section
4 34-8.3.

5 12. Each local school council shall comply with the Open
6 Meetings Act and the Freedom of Information Act. Each local
7 school council shall issue and transmit to its school
8 community a detailed annual report accounting for its
9 activities programmatically and financially. Each local school
10 council shall convene at least 2 well-publicized meetings
11 annually with its entire school community. These meetings
12 shall include presentation of the proposed local school
13 improvement plan, of the proposed school expenditure plan, and
14 the annual report, and shall provide an opportunity for public
15 comment.

16 13. Each local school council is encouraged to involve
17 additional non-voting members of the school community in
18 facilitating the council's exercise of its responsibilities.

19 14. The local school council may adopt a school uniform or
20 dress code policy that governs the attendance center and that
21 is necessary to maintain the orderly process of a school
22 function or prevent endangerment of student health or safety,
23 consistent with the policies and rules of the Board of
24 Education. A school uniform or dress code policy adopted by a
25 local school council: (i) shall not be applied in such manner
26 as to discipline or deny attendance to a transfer student or

1 any other student for noncompliance with that policy during
2 such period of time as is reasonably necessary to enable the
3 student to acquire a school uniform or otherwise comply with
4 the dress code policy that is in effect at the attendance
5 center into which the student's enrollment is transferred;
6 (ii) shall include criteria and procedures under which the
7 local school council will accommodate the needs of or
8 otherwise provide appropriate resources to assist a student
9 from an indigent family in complying with an applicable school
10 uniform or dress code policy; ~~and~~ (iii) shall not include or
11 apply to hairstyles, including hairstyles historically
12 associated with race, ethnicity, or hair texture, including,
13 but not limited to, protective hairstyles such as braids,
14 locks, and twists; (iv) shall not prohibit a student from
15 wearing any articles of clothing or items that have cultural
16 or religious significance to the student if those articles of
17 clothing or items are not obscene or derogatory toward others;
18 and (v) shall not prohibit the right of a student to wear or
19 accessorize the student's graduation attire with items
20 associated with the student's cultural or ethnic identity or
21 any protected characteristic or category identified in
22 subsection (Q) of Section 1-103 of the Illinois Human Rights
23 Act, including, but not limited to, Native American items of
24 cultural significance. As used in this paragraph 14, "Native
25 American items of cultural significance" means items or
26 objects that are traditionally associated with a federally

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

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

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

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

1 16. (Blank).

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

4 (Source: P.A. 102-360, eff. 1-1-22; 102-677, eff. 12-3-21;
5 102-894, eff. 5-20-22.)