

# **Lesson 1**

## **Local School Council Powers and Duties under the Law**

### **Lesson Objectives**

- To understand the value of local school councils (LSCs) as agents of school improvement.
- To gain basic knowledge of LSC legal roles and responsibilities.
- To become familiar with other laws, rules, and policies that affect LSCs.

**Prepared by Parents United for Responsible Education, October 2006.  
Please refer to the Introduction to this Guide for important background information  
on the development of this document.**

# Lesson 1

## Local School Council Powers and Duties under the Law

### Table of Contents

#### How Local School Councils (LSCs) Improve Schools

- 1-1 LSC Annual Calendar
- 1-2 What's an LSC?
- 1-3 LSCs Improve Schools!
- 1-4 Structure of Educational Governance in Chicago

#### What do LSCs do?

- 1-9 Summary of LSC Powers and Duties
- 1-12 Legal Requirements for the School Improvement Plan and the School Budget
- 1-15 Legal Requirements for Principal Evaluation
- 1-17 Legal Requirements for Renewal or Non-renewal of a Principal's Contract
- 1-20 Challenges to the LSC's Renewal or Non-renewal Decision (Arbitration)
- 1-22 Legal Requirements for Principal Selection
- 1-25 Types of Principals; Principal Vacancies

#### Other Laws, Rules, and Policies that Affect LSCs

- 1-27 The Professional Personnel Leadership Committee (PPLC)
- 1-29 The No Child Left Behind (NCLB) Act
- 1-31 LSC/School Responsibilities for Parent Involvement under NCLB
- 1-35 State and CPS Responsibilities for Parent Involvement under NCLB
- 1-37 Bilingual Education
- 1-39 The Bilingual Advisory Committee and the Chicago Multilingual Parent Council
- 1-40 Special Education and Least Restrictive Environment (LRE)
- 1-42 LSC Roles and Responsibilities to Students with Disabilities under the Corey H. Agreement
- 1-43 LSCs and Probation
- 1-45 Small Schools, Charter Schools, School Closure under Renaissance 2010, New Schools
- 1-47 Educational Crisis
- 1-48 Whistleblower Protection

# **How Local School Councils Improve Schools**

# LSC Annual Calendar

**July 1** Newly elected LSC is seated in even-numbered years.

**July 1 – 14** LSC Annual Organizational Meeting is held to elect Chairperson and Secretary for one-year terms and to set the schedule of the regular meetings for the year.

**October** If the school has a bilingual education program, form a Bilingual Advisory Committee (BAC) and if school has NCLB funds, form a Parent Advisory Committee (PAC) by the first week of October.

Principal convenes the election meeting of the Professional Personnel Leadership Committee (PPLC) by the fifth week of school.

**November** Biannual Progress Report to the public on financial and program status.

**February 1\*** Deadline for LSCs in schools where four-year principal contracts are ending to complete cumulative evaluation and notify current principal in writing regarding the renewal or non-renewal of the contract.

Student non-binding poll conducted during the 22nd week of school during the non-election year.

**April** LSC Election and Teacher/Student Non-Binding Advisory Poll conducted on Report Card Pick-Up Day.  
(even-numbered years)

**April /** Present proposed SIPAAA/ budget to the public for review and comment prior to vote.

**May** Submit approved SIPAAA/budget to the Area Office.

Biannual Progress Report to the public on financial and program status.

**May 1** File the Statements of Economic Interests with the Board of Education Secretary.

LSC submits Principal Performance Evaluation to the contract principal. Within the next 30 days, if the principal requests, LSC and principal meet to discuss evaluation.

**May 15\*** If the LSC does not renew the current principal's contract, the LSC must select a new principal 45 days in advance of the expiration of the contract. If the LSC is unable to select a new contract principal, the LSC must forward the names of three candidates for the position of principal to the Chief Executive Officer.

If a new principal is not selected and the contract expires (June 30<sup>th</sup> for most principal contracts), the general superintendent appoints an interim principal. The interim principal serves until a new contract principal is selected by the LSC with seven affirmative votes.

**May 30\*** Deadline for the LSC to submit a list of three principal candidate names to the Chief Executive Officer.

**June 15** Deliver copy of final evaluation to principal and send a copy to the Area Officer.

\*These dates apply only to contracts which begin on July 1. All other contract deadlines should observe the same lead time: 1) notify the current principal in writing at least 150 days before the contract expires regarding the renewal or non-renewal of his/her four-year performance contract; 2) sign a contract at least 45 days before the current contract expires; and 3) if necessary, send the list of three names to the CEO at least 30 days before the contract expiration date.

## What's an LSC?

<b>What does "LSC" stand for?</b>	Local School Council.
<b>Where do LSCs work?</b>	In most Chicago Public Schools.
<b>Who sits on the LSC?</b>	<b>1</b> school principal. <b>6</b> parents of children at the school. <b>2</b> teachers at the school. <b>2</b> non-parent community residents. <i>In high schools... 1 student.</i>

### How do you become an LSC member?

Parents and community members are elected to two-year terms.

Teachers (two-year term) and students (one-year term) are appointed by the Board of Education after non-binding staff and student polls.

The principal is automatically a member of the LSC.

### What does the LSC do?

The LSC is the policy-making body for the school.

The LSC's main responsibilities are to:

- Help develop, approve, and monitor the school improvement plan.
- Help develop, approve, and monitor the school's budget.
- Evaluate the principal.
- Hire the principal.

**When does the LSC meet?** LSCs set their own schedule of meetings which must be posted in the school. Most LSCs meet once a month. Call your school office for the date and time.

**Who can attend LSC meetings?** Everyone!! LSCs are subject to the Open Meetings Act. This means that the public has a right to know about all LSC meetings, that meetings are open to the public (exceptions are allowed in limited cases), and that all votes must be taken in public.

**How can I become an LSC member?** If you are a parent or guardian of a child enrolled in the school or if you are a member of the community living within the school attendance boundaries, and you are not a Board of Education employee or a relative of the principal, and you meet criminal conviction, ethics, and economic interest requirements, you are eligible to become a candidate for your school's LSC. LSC elections are held on the spring report card pick up day in even years. The next LSC election will be held in the spring of 2008.

# LSCs Improve Schools!

Research has shown that LSCs have a positive impact on school and student progress.

The Consortium on Chicago School Research found LSCs to be very effective.

- Their 1997 LSC survey found, among other things, that **principals view LSC selection of principals very positively**: “Their positive responses stand as a strong endorsement of this most important work of the councils.”
- Their 2003 LSC survey found that 70% of teachers familiar with LSCs said they were **“really helping to make this school better,”** up from 63 percent nine years before.
- A 2006 report, *“The Essential Supports for School Improvement,”* finds that **“elementary schools that made substantial progress (between 1990 and 1996)...had active LSCs and visionary principals.”**

A report by Designs for Change shows **a strong relationship between effective LSCs and schools with test scores trending “substantially up.”** (*The Big Picture*, 2005)

A study by Harvard professor Archon Fung uses LSCs **as a model of civic participation**. Dr. Fung found that LSCs build direct communication and oversight between local officials and the communities they serve, strengthen communities, and **have a positive impact on student achievement**. (*Empowered Participation*, 2004)

A report by the Successful Schools Project of the Community Media Workshop showcased some of the **many improvements made by LSCs** such as:

- Integrating arts into the curriculum.
- Creating collaborative school improvement plans that have lifted schools out of probation.
- Successfully advocating for new school buildings and facilities improvements.
- Involving parents and local businesses in the school’s Character Education program.
- Implementing a family literacy project.

(from *“Sharing Our Successes: The LSC Gold Star Awards 2002”*)

# Structure of Educational Governance in Chicago

## The Local School Council (LSC)

“Local school councils are essential units of educational governance, empowered to make important budgetary, educational, and administrative decisions regarding the Chicago public school system....the legislature has given them the primary responsibility for school governance and improvement under the (School Reform) Act” *(from the 1990 Supreme Court ruling in the Fumarolo v Chicago Public Schools case)*.

LSCs are elected representatives of the parents, community residents, teachers, and, in high schools, students in each school. LSCs select and evaluate the principal, help develop, approve, and monitor the annual school improvement plan and budget, and carry out other important functions at the local school level.

### Accountability

LSCs are accountable to the voters in their school community through elections every two years. The school principal is directly accountable to the LSC. The roles and responsibilities of LSCs are described in detail in this Guide.

## The Area Instruction Office (AIO)

The Chicago Public Schools created seventeen elementary Area Instruction Offices and four high school Area Instruction Offices as administrative sub-units. These 21 Area Offices are in six Clusters (comparable to the Region system used prior to 2002). The Areas incorporate two key educational teams, instruction and management, which work together to serve and support local schools, their students and their communities.

### The Area Instruction Office

- Provides professional development and other support to principals and their schools as determined by local school data analysis and Chicago Public Schools instructional initiatives.
- Monitors instructional practices that lead to improved student achievement.
- Confirms the development and support of new teachers.
- Provides technical support in the alignment of SIPAAA goals to budget allocations.
- Monitors and evaluates principal performance.
- Provides information and support to LSCs.
- Serves as a liaison between area/schools and curriculum offices.

### **Area Instruction Officer (AIO)**

The AIO supports, develops, and coaches principals in providing instructional leadership in area schools. They allocate area instructional support resources to schools based on school performance and need. The AIOs also work with LSCs and other CPS departments to identify, prepare, place, and retain high-quality principals in area schools.

### **Management Support Director (MSD)**

The MSD, supervised by the AIO, is accountable for providing management-related support (student services) to Area schools including LSCs. The MSD is responsible for management-related requests/approvals from Area schools by streamlining management processes to resolve issues at the lowest level and troubleshoot complex/escalated requests by navigating the CPS system.

### **Accountability**

AIOs are directly accountable to the CPS Department of Instruction and School Management and through that department to the Chief Education Officer and the Chief Officer of High School Programs. AIOs evaluate school principals each year and provide the evaluation to the LSC for their consideration in the LSC annual principal evaluation. Contact information for the Area Instruction Offices can be found in the Resources section in the back of this Guide, p.28.

## **The Chicago Board of Education (the Board) and the Chicago Public Schools (CPS)**

The Chicago Board of Education (the Board) oversees the Chicago Public Schools (CPS) which is the nation's third-largest school system. CPS includes more than 600 schools and serves about 415,000 students.

The seven-member Board is appointed by the Mayor of the City of Chicago, who also appoints the Board president. The Board establishes a system wide education plan, approves an annual system budget, and makes rules and policies concerning the overall direction and operation of CPS consistent with the legal authority of LSCs.

The Board meets regularly on the fourth Wednesday of each month at Board headquarters, 125 S. Clark Street, Chicago (unless otherwise announced). The Board holds a 90-minute public participation segment of their meeting which allows members of the public 2 minutes each to present issues and concerns about the schools.

An internet link to the organizational chart for CPS and contact information for key CPS departments can be found in the Resources section in the back of this Guide, p.27.

## **Accountability**

The Board is appointed by and directly accountable to the Mayor who also appointed the current Chief Executive Officer (CEO) of CPS. The CEO oversees the operations of the CPS system.

## **The Local School Council Advisory Board (LSCAB)**

State law created a Local School Council Advisory Board (LSCAB) to provide input to the Board of Education on LSC issues. The LSCAB meets once a month, usually just prior to the Board meeting.

## **Accountability**

The LSCAB has fifteen members who must be current LSC members. Six are elected by LSC members (one per region or cluster). The other nine members are appointed by the Board, which also appoints the LSCAB chair.

## **Illinois State Board of Education (ISBE)**

The Illinois State Board of Education (ISBE) provides leadership, advocacy, and support for the work of school districts, policymakers, and citizens in the area of public education. The board sets educational policies and guidelines for public and private schools, preschool through grade 12, as well as vocational education. It analyzes the aims, needs and requirements of education and recommends legislation to the General Assembly and Governor for the benefit of the more than 2 million school children in Illinois.

ISBE sets learning standards for all schools in the state and provides for annual assessments in compliance with the federal No Child Left Behind act. ISBE prepares annual lists of schools in need of improvement. ISBE monitors the financial status of school districts. ISBE monitors the programmatic and financial activities of CPS and school districts throughout the state, including compliance with bilingual education, special education, and services to low-income children.

ISBE meetings generally switch between Springfield and Chicago.

More information can be found on the ISBE web site, [www.isbe.state.il.us](http://www.isbe.state.il.us).

## **Accountability**

ISBE consists of nine members who are appointed by the Governor with the consent of the Senate. Board members serve four-year terms, with State Board membership limited to two consecutive terms.

## **The United States Department of Education (USDE)**

The United States Department of Education was created in 1980 by combining offices from several federal agencies. Its original directive remains its mission today — to ensure equal access to education and to promote educational excellence throughout the nation. USDE's 4,500 employees and \$71.5 billion budget are dedicated to:

- Establishing policies on federal financial aid for education, and distributing as well as monitoring those funds.
- Collecting data on the nation's schools and disseminating research.
- Focusing national attention on key educational issues.
- Prohibiting discrimination and ensuring equal access to education.

Among the programs administered by the USDE are Head Start, the No Child Left Behind Act (NCLB) and the Individuals with Disabilities Act (IDEA).

- Head Start provides early childhood education and family support for low-income families.
- NCLB provides funding and guidelines for states, districts and schools to offer programs for at-risk students.
- IDEA promotes equal educational opportunity for students with disabilities.

The USDE operates regional Offices for Civil Rights (OCR) to ensure equal access to education and to promote educational excellence throughout the nation through vigorous enforcement of civil rights. OCR serves student populations facing discrimination and the advocates and institutions promoting systemic solutions to civil rights problems. An important responsibility is resolving complaints of discrimination in educational institutions which receive federal funds. Contact information for the OCR office for Illinois can be found in the Resources section of this Guide.

### **Accountability**

The USDE is under the jurisdiction of Congress. The President appoints the Secretary of Education.

More information about the USDE can be found on their web site, [www.ed.gov](http://www.ed.gov).

# What do LSCs do?

# Summary of LSC Powers and Duties

The LSC's specific legal authority over school improvement planning, school budgets, and principal evaluation and selection can be found on the next pages. LSCs of schools on probation have some restrictions on their powers; see p.1-43.

## The School Improvement Plan

The LSC determines the direction of the school in the School Improvement Plan for Advancing Academic Achievement (SIPAAA). The LSC's major SIPAAA responsibilities are to:

- **Provide input** during the development of the plan.
- **Partner** with the principal and **consult** with the Professional Personal Leadership Committee (PPLC), the No Child Left Behind (NCLB) Parent Advisory Committee (in schools with NCLB programs), and the Bilingual Advisory Committee (in schools with bilingual programs).
- **Involve** the school community in planning.
- **Present** the proposed plan to the community for input at a well-publicized meeting.
- **Vote** to approve, to request revisions before approval, or not to approve the plan.
- **Monitor** implementation of the plan.
- **Amend** the plan as needed.
- Participate in the school **annual internal review** to evaluate the success of the plan.
- **Report to the public** twice a year on progress and problems with implementation of the plan.

To support the implementation of the SIPAAA, LSCs also:

- Make recommendations to the principal on **hiring personnel** to fill vacant or newly-created positions.
- Make recommendations to the principal on **textbook selection and curriculum development**.
- Evaluate and make recommendations on **teaching resources and staff**.
- Advise the principal about **school attendance and discipline policies**.
- **Grant use of school facilities** for educational and social activities by outside groups when not needed by the school.
- Consider a **dress code** for the school, if parents request it.

## The School Budget

The LSC determines how school funds and resources are allocated. The LSC's major budget responsibilities are to:

- Use the **SIPAAA** as the basis for budget planning.
- **Partner** with the principal and consult with the Professional Personal Leadership Committee (PPLC) to develop the budget.
- **Present** the proposed budget to the school community for input at a minimum of two well-publicized meetings each year.
- **Consider input** from the PPLC, the No Child Left Behind (NCLB) Parent Advisory Committee (in schools with NCLB programs), and the Bilingual Advisory Committee (in schools with bilingual programs).
- **Review, revise and approve** the entire school budget.
- **Determine** the use of roll-over Supplemental General State Aid funds (formerly State Chapter I).
- **Monitor** the budget throughout the year.
- **Review and approve** the Internal Accounts (cash the school gets for student fees, fund-raising activities, special events, gifts, etc.).
- **Direct** the principal to shift expenditures within funds (with a supermajority vote).
- **Approve** budget amendments.
- Request that the principal **close positions or open new ones**.

## Principal Evaluation and Selection

The LSC directly hires and evaluates the school principal. The LSC's major principal evaluation and selection responsibilities are to:

- **Monitor** the principal's performance throughout the year.
- **Evaluate the principal each year** using a Board-approved evaluation form.
- In the evaluation, **use the criteria** specified in the law and any additional criteria selected by the LSC.
- Evaluate the principal **at the end of the four-year contract**.
- Determine **whether to renew the principal's four-year contract** based on the four-year evaluation.
- **Provide written reasons for non-renewal** if requested by the principal.
- **Provide reasons for a renewal or non-renewal decision** at an arbitration hearing, if one is requested by either the principal or the Chief Executive Officer.
- **Hire a new principal** whenever a vacancy occurs in the principal's position.
- **Establish additional criteria** (addenda) to include in the principal's contract, if desired.

## **Other LSC Duties** (details in Lesson 2)

- Develop a calendar of **LSC training activities**.
- Complete at least **18 hours of training** including six CPS-mandated lessons.
- **Fill LSC vacancies** in a timely manner.
- Encourage the **involvement** of the entire school community.
- Make LSC members **names and addresses** public (making telephone numbers or e-mail addresses public is voluntary).
- Comply with the Illinois **Open Meetings Act** and the **Freedom of Information Act**.
- Submit to system-wide evaluations.
- Comply with all other relevant laws, policies, rules and regulations.

# Legal Requirements for the School Improvement Plan and the School Budget

The Illinois School Code requires that all public elementary and high schools have a school improvement plan. The School Improvement Plan for Advancing Academic Achievement (SIPAAA) is a two-year plan for school progress. The budget provides resources to support the plan. The School Reform Act requires that each principal, in partnership with the LSC, prepare a school improvement plan and a school budget.

## School Improvement Plan (SIPAAA) and Budget Approval

- The LSC has the authority to **approve** the School Improvement Plan for Advancing Academic Achievement (SIPAAA) and the entire school budget.
- The SIPAAA must **include the school budget plan** which summarizes the use of all discretionary funds: Supplemental General State Aid (SGSA, formerly State Chapter 1 funds), federal Title 1 funds (now called No Child Left Behind (NCLB) funds), and funds provided for programs and other resources including bilingual, staff development, social center, Safe and Drug Free schools, textbooks, supplies, and internal accounts (including use of funds from school fundraisers).
- The school budget must be **directly connected** to specific programs in the SIPAAA and consistent with allocation formulas established by the Board, Board rules and policies, and collective bargaining agreements.
- LSC members **must receive copies of the proposed SIPAAA and budget** for their careful review well in advance of the meeting where the proposals are to be considered and voted on.
- Approval of the SIPAAA and budget requires a **majority** of the members currently serving. If the SIPAAA or budget are not approved, they must be revised based on LSC recommendations for changes to the proposed programs or budget and then resubmitted to the LSC.

## Internal Accounts

- The annual budget included in the SIPAAA must include a plan for **internal accounts expenditures** including how any fundraising dollars will be spent. Internal accounts contain all money raised and collected by the school with the exception of lunch money
- The LSC has the right to **approve receipts and expenditures** for internal accounts activities. This can be done by making “expenditure and receipt approvals” a monthly agenda item at the LSC meetings.
- The school must obtain the LSC’s approval **prior** to making purchases **over \$1,000.00 in elementary schools or \$2,500.00 in high schools**. LSCs can raise but not lower this limit.

## Principal's SIPAAA and Budget Responsibilities

The principal's SIPAAA and budget responsibilities include the following:

- **Develop** the SIPAAA, including the budget plan, in collaboration with the entire school community.
- Provide each LSC members with **copies of the proposed SIPAAA and budget** for their careful review well in advance of the meeting where the proposals are to be considered.
- Provide all LSC members with a copy of the **final SIPAAA and budget**.
- Provide **all other program and financial information** the LSC needs to monitor, including the Position budget report.
- **Implement** the SIPAAA.
- Provide LSC members with all **audits and reviews** of the programs or operations of the school.

## Schools on Probation

- The SIPAAA and budget plan for **schools on probation** must address specific deficiencies identified by the Board. The CEO or designee (usually the Area Instructional Officer) will develop the specific steps and specific budget expenditures the school will use to correct these deficiencies. LSCs continue to have an important role in schools on probation (see p.1-43).

## Inclusive Process

- All CPS schools must have a **Professional Personnel Leadership Committee (PPLC)** which advises the principal and the LSC regarding the educational program, curriculum, and SIPAAA development and implementation. All schools with bilingual programs must have a **Bilingual Parent Advisory Committee** and all schools with federal Title 1 (NCLB) programs must have an **NCLB Parent Advisory Committee**; these committees also have specific legal rights to advise the principal and LSC on the parts of the SIPAAA and budget related to their programs. Details about these groups can be found starting on p.1-27.
- The principal must include the LSC, the PPLC, other school staff, parents and the community in SIPAAA and budget development.
- The process and schedule for the development of the SIPAAA must be **publicized** to the entire school community in order to guarantee widespread input.
- The LSC must present the proposed SIPAAA and budget to the public for comment prior to voting on them.

## **Monitoring and Evaluating the School Improvement Plan and Budget**

- LSCs are responsible for monitoring the progress of programs and expenditures described in the SIPAAA and budget. This may include but is not limited to the principal's monthly reports on school and student progress and monthly budget reports (including internal accounts reports).
- All Illinois public schools must conduct an **annual internal quality assurance review** that **evaluates the school's success** in student progress toward meeting state learning standards and **identifies areas that need improvement**. The annual review should be the basis for the next SIPAAA.

### **Accountability to the Public**

- The LSC must hold at least **two well-publicized meetings** during the year to report to the public on school and student progress, and to present the proposed SIPAAA, including the proposed budget, to the community before it is approved.
- The LSC must provide the public with a **written annual report** describing the school's educational and budgetary programs and progress.
- **Board approval** is required when any local school purchase exceeds \$10,000.00 for any purchase for items or services requiring a formal bid and \$25,000.00 for any personal service contract and consultants or items not requiring a formal bid.
- It requires a **supermajority vote** of the LSC (7 at an elementary school and 8 at a high school) to transfer or change the use of funds from an original budget allocation to a new one within the same fund.

# Legal Requirements for Principal Evaluation

The LSC is required to evaluate the principal each year and at the end of the four-year contract.

## Steps in the Process

- The LSC must **meet with the principal at least once** during the annual evaluation process as it gathers information to prepare the evaluation.
- The LSC must consider the evaluation of the **Area Instructional Officer (AIO)**.
- The LSC must send a signed, written, approved evaluation to the principal no later than **May 1<sup>st</sup>** of each year.
- Within 30 days after the principal's receipt of the LSC evaluation, the LSC and the principal may **meet to discuss the evaluation**. This would be a good time to develop shared goals or expectations for the coming year, which can be incorporated into the final evaluation.
- The LSC may, but is not required to, adjust the evaluation after this meeting.
- The LSC must send a copy of its final evaluation to the principal and the AIO by **June 15**.
- The LSC **must evaluate** the principal prior to making the decision to renew or not to renew the principal's contract in the year of its expiration.
- Principal evaluation can be done **by the LSC as a whole or by a committee** of the LSC which develops the recommendation and brings it to the LSC for a vote.
- The LSC or committee must comply with the **Open Meetings Act** throughout the process.

## Required Evaluation Criteria

Both the annual and end-of-contract evaluation must assess the following areas:

- Student academic improvement, as defined by the school improvement plan.
- Student absenteeism rates at the school.
- Instructional leadership.
- The effective implementation of programs, policies, or strategies to improve student academic achievement.
- School management.
- **Any factors deemed relevant by the LSC**, including the principal's communication skills, the ability to create and maintain a student-centered learning environment, to develop opportunities for professional development, and to encourage parental involvement and community partnerships to achieve school improvement.
- The LSC must use the Board-approved evaluation format.

## Voting on the Evaluation

- The principal **may not vote** on any issue relating to his or her contract or evaluation.
- High school student LSC representatives may provide input into the evaluation process, but **may not vote** on issues related to the evaluation.
- The evaluation by the LSC must be approved by the affirmative vote of a **majority** of serving members of the LSC. When this vote takes place, the principal and high school student may not be counted when determining if a quorum is present.
- The vote on the evaluation must be taken in an **open meeting**. The motion may state the rating but **the content of the evaluation is confidential**.

**What about evaluating interim principals?** LSCs must evaluate any interim principal who serves in that capacity for one semester or more. It is advisable for the LSC to evaluate any person who is assigned as interim or acting principal at your school for more than a few weeks. Make the results of the evaluation available to the CEO for his or her consideration.

# Legal Requirements for Renewal or Non-renewal of a Principal's Contract

Principal contracts in the Chicago Public Schools are for four years. The LSC decides whether or not to renew the principal's contract at the end of four years.

## Notification Deadline

- The LSC must decide to renew or not to renew the principal's contract no later than **February 1** of the calendar year in which the contract expires or, if the principal's term expires on a date other than June 30, no later than **150 days** before the contract expires.
- The LSC must **notify the principal in writing** of its renewal/non-renewal decision no later than February 1 (for a contract ending on June 30) or 150 days before the contract expires.
- Notice shall be made to the principal by **personal delivery** or by **registered or certified mail** and shall be deemed to have occurred on the date the principal receives the notice.
- If the LSC fails to provide written notice of its decision to the principal according to these deadlines, the Board may **extend the contract** for an additional year.
- The principal may not demand that the LSC make this decision earlier.

## Decision making criteria

The LSC must evaluate the principal's performance **over the four-year term** of the contract using the same criteria specified for the annual evaluation (see p.1-15) prior to making the decision to renew or not to renew.

- The LSC should **consider previous years' evaluations** by the LSC and the Area Instructional Officer (AIO), but is **not bound by the results** of those evaluations (i.e., previous scores do not need to be averaged in or otherwise factored into the end-of-contract evaluation).
- The LSC should base the decision on their determination of the qualifications needed to provide the **best possible educational leader** for the school.
- The LSC may not base its decision for non-renewal on reasons that could be considered discriminatory; **an LSC may not consider gender, race, color, ethnicity, national origin, religion, creed, age, marital status, parental status, physical or mental disability (if the person can still execute the responsibilities of the position), or sexual orientation.**
- If a teacher representative decides to **become a candidate for the principalship**, he/she must abstain from voting on renewal of the current principal's contract and must resign from the LSC prior to the start of the principal selection process. Otherwise, the teacher representative shall be ineligible to apply for the position of principal at that school.

## Renewing the Contract

- If the LSC decides to renew the contract, the Board, the LSC and the principal shall enter into a **new four-year performance contract**, *unless* the principal fails to meet the requirements for that position legally established by the Board of Education, or a hearing officer overturns the LSC's renewal decision as described on pp.1-20 -21 following this section.
- LSCs may **add criteria (addenda)** to the standard Uniform Principal's Performance Contract. Any additional criteria must be consistent with the contract and Illinois School Code, must not discriminate, and must be approved by the Board's General Counsel prior to execution of the contract. In addition to CPS staff, LSCs may wish to contact independent advocacy groups listed in the Resources section of this Guide, p.43, for more information about contract additions.
- If the LSC renews the contract, the principal, the LSC chair, the LSC secretary, and all LSC members voting "yes" sign **five (5) original contracts and five (5) original certification forms in ink** (the forms can be found in the Resources section of this Guide). Hand deliver one set of the originals to the Department of Human Resources (125 South Clark Street, 2<sup>nd</sup> floor). The other four sets should be distributed to the Office of School and Community Relations, the principal, the LSC for their files, and the Area Office.
- By the next LSC meeting, a copy of the principal's contract should be sent or given to each LSC member.

## Not Renewing the Contract

- If the LSC votes not to renew the contract, or the vote to renew the contract fails to receive the vote of the majority of the members then serving, **there is a vacancy** in the position of principal upon expiration of the current contract.
- Once the vote is taken and the principal has been notified in writing of the results, the LSC may **begin the principal selection process**.
- **The current principal may apply** for the vacant position.
- If the principal requests, the LSC must provide **written reasons** for its non-retention decision. If this happens, you may wish to contact an attorney, since the LSC's written reasons for non-renewal will become a key document if the principal requests a hearing to challenge your decision. Groups listed in the Resources section of this Guide can make referrals to lawyers with experience in these matters.
- The written reasons shall be provided to the principal, with a copy to the Chief Executive Officer (CEO), no later than **February 22** of the calendar year in which the contract expires or, if the principal's term expires on a date other than June 30, 128 days before expiration of the contract.
- The LSC may not renew the contract of a principal who fails to meet any requirement for that position established by the Board of Education.

An LSC's decision to **renew** the contract or **not to renew** the contract can be **challenged** as described on the following pages.

## Challenges to the LSC's Renewal or Non-renewal Decision (Arbitration)

The LSC's decision to **renew** a principal's contract...

- May be challenged by the Chief Executive Officer (CEO) if the principal **failed to obtain a rating of "meets expectations" or "exceeds expectations"** in the CEO/AIO's evaluation for the previous year.
- Must be challenged by the CEO within 15 days after the LSC makes the renewal decision (based on the date of receipt of the written notification to the principal).

The LSC's decision **not to renew** a principal's contract...

- May be challenged by the principal if he/she **obtained a rating of "meets expectations" or "exceeds expectations"** in the CEO/AIO's evaluation for the previous year.
- Must be challenged by the principal within 15 days after the LSC makes the non-renewal decision (based on the date of receipt of the written notification to the principal).

### Independent Review of Renewal or Non-renewal Decision (Arbitration)

#### Process

- These challenges are decided through a review or arbitration hearing conducted by an independent hearing officer appointed by the American Arbitration Association (AAA).
- The CEO must inform the AAA of an arbitration request within 14 days of being notified of the request.
- The two parties to arbitration **select the hearing officer** from lists provided by AAA and according to Illinois State Board of Education rules. If the **principal is** requesting the review of a non-renewal decision, the two parties are the LSC and the principal. If the CEO is requesting the review of a renewal decision, the two parties are the LSC and the CEO.
- The hearing must begin within **45 days** of the CEO's notification to AAA and the LSC.
- Such a review may be requested **only once** for that principal at that school.

**Sample timeline:** So, if an LSC hand-delivers a written non-renewal decision notice to the principal on February 1, the principal or the CEO must request arbitration no later than February 16 (15 days later). If the request is made on the last possible day, February 16, the CEO has until March 2 (14 days later in a non-leap year) to notify both the AAA and the LSC that a hearing has been requested. If the CEO notifies the LSC and the AAA on the last possible day, March 2, the hearing must begin no later than April 16 (45 days later).

## LSC rights under arbitration

- At the same time that notice is sent to AAA, **the CEO must inform each LSC member** of the request, and **must notify each LSC member of their right to legal representation** and that **CPS is required to pay all reasonable costs** of that legal representation. Groups listed in the Resources section of this Guide can make referrals to lawyers with experience in these cases.
- LSCs have the right to **proceed with principal selection** even if a review is requested.

## LSC preparation

- The best preparation for an arbitration hearing is to **carry out careful principal evaluation processes over the years**, including the final evaluation prior to the contract renewal decision and the statement of reasons you prepare to support your decision, if the principal asks for one.
- You may wish to get **outside assistance** from one of the groups listed in the Resources section of this Guide if the principal asks you to prepare a written statement of reasons for non-renewal.
- If your non-retention decision is challenged, you need to **secure legal representation very quickly**, because the hearing process moves very quickly. Remember, CPS must pay the LSC's legal expenses for the arbitration process.
- Be sure that your **records** are up to date, accurate and accessible. This includes records of previous evaluations, the criteria used, school data, survey results, letters, LSC minutes, etc.

## Criteria for decision

The hearing officer's decision will be based on:

- A **review** of the principal's performance, evaluations, and other evidence of the principal's service at the school.
- **Reasons provided by the LSC** for its decision.
- **Documentation** providing views of other interested parties such as staff, CPS officials, the principal, LSC members, parents, students, and members of the community.

## Possible outcomes

- The hearing officer may set aside the LSC decision only if he or she finds that the decision was **arbitrary and capricious**.
- The burden of proof in establishing that the LSC decision was arbitrary and capricious is on the party requesting the arbitration (the principal or the CEO), and he or she has to prove his or her case by having most of the evidence on his or her side (the preponderance of evidence).
- If the hearing officer decides that the principal shall be retained, the hearing officer may extend the principal's contract for a period of no more than **two (2) years**.
- **The decision of the hearing officer is final and may not be appealed.**
- To date, hearing officers have upheld (agreed with) every LSC non-retention decision that has been challenged. No non-retention decision has been overturned.

# Legal Requirements for Principal Selection

In most CPS schools, LSCs have the authority to select a new principal to fill a vacancy. Vacancies are created by an LSC vote not to renew the current principal's contract or for other reasons such as retirement, resignation or death of a contract principal.

## Process

- It is **up to the LSC to determine the process** you will use to search for and select a principal.
- Selection of a new principal to serve under a four-year performance contract should be completed by **May 15** of the year the current principal's contract expires. Remember, **dates will vary** for "off-cycle" contracts.

## Requirements

- **All principal vacancies must be posted** in the CPS Personnel Bulletin. Contact the CPS Human Resources Department at (773) 553-2690.
- At your own expense, LSCs may also **advertise the position in other publications**. You may raise funds for this purpose (see LSC Fundraising Policy link in the Resources section, p.2).
- Principal candidates must **meet the requirements** of the Board's Policy on the Requirements for the Selection of CPS Principals (see <http://policy.cps.k12.il.us/documents/504.1.pdf>.)
- The LSC may not base its selection decision on reasons that could be considered discriminatory; **an LSC may not consider gender, race, color, ethnicity, national origin, religion, creed, age, marital status, parental status, physical or mental disability (if the person can still execute the responsibilities of the position), or sexual orientation.**
- All CPS principal contracts are for **four years**. The LSC may not offer a contract for fewer or more than four years.
- LSCs must use the **standard Uniform Principal's Performance Contract** but you may **add criteria** (addenda) to it. Any additional criteria must be consistent with the contract and Illinois School Code, must not discriminate, and must be approved by the Board's General Counsel prior to execution of the contract. In addition to CPS staff, LSCs may wish to contact independent advocacy groups listed in the Resources section of this Guide, p.43, for more information about contract additions.

## Voting

- The vote to offer a four-year performance contract must be taken in an **open meeting**.
- **Seven (7) votes** are needed to select a new principal, for elementary schools and high schools, regardless of the number of vacancies on the LSC. This is one reason why it is important to maintain a full LSC, filling any vacancies in a timely manner.
- High school student LSC members are not allowed to vote on the principal's contract.

## Signing the Contract

- Once the principal is selected, the principal, the LSC chair, the LSC secretary, and all LSC members voting "yes" on the motion to offer the contract sign **five (5) original contracts and five (5) original certification forms in ink** (copies can be found in Lesson 6). Hand deliver one set of originals to the Department of Human Resources (125 South Clark Street, 2<sup>nd</sup> floor). The other four sets should be distributed to the Office of School and Community Relations (5<sup>th</sup> floor), the principal, the LSC for their files, and the Area Office.
- By the next LSC meeting, a copy of the principal's contract should be provided to each LSC member.

## Special Circumstances in Principal Selection

### LSC failure to directly select a principal

- If the LSC is unable to select a new principal with seven (7) votes, it shall submit **a list of three candidates** in order of preference to the Chief Executive Officer.
- The LSC shall submit this list no later than **May 30** of the year the current principal's contract expires for contracts ending June 30, or 30 days prior to the expiration of the contract ending on any other date, or **90 days after a removal or vacancy occurs** for any other reason and the LSC has failed to directly select a new principal with seven (7) votes.
- The CEO has 30 days from the date the LSC submits this list to **select one of the candidates** on the list to become the contract principal.
- **If the CEO fails to select from the list** within that time period, the CEO appoints an interim principal to serve for up to one year or until the LSC is able to directly select a principal with seven (7) votes, whichever comes first.
- **If the LSC fails to submit a list**, the same thing happens – the CEO appoints an **interim principal** and the LSC may begin the selection process again. The interim serves for up to one year or until the LSC is able to directly select a principal, whichever comes first.
- There are no consequences in the law if the LSC fails to submit a list of three names or if the CEO fails to select from the list.

**Schools on probation**

- In most schools on probation, the LSC continues to exercise full principal selection authority.
- However, in some cases, the principal has been removed as a part of the Board's probation plan and pursuant to a principal removal hearing. In those cases, the LSC may not begin a principal selection process until the school is removed from probation.
- If your school is on probation, you may wish to check on your principal's status by calling the Office of School and Community Relations, (773) 553-1400.

# Types of Principals

**Contract principals** are selected or retained by the LSC for four-year terms. In schools with assistant principal positions, a new contract principal has the right to replace a currently-serving assistant principal.

**Acting principals** may be assigned to the principal position for up to 100 school days (5 months). They cannot replace the current assistant principal. Acting principals may return to their previous position after their service as an acting principal.

**Interim principals** are appointed to fill the principal position when the LSC has not yet selected a contract principal to fill a vacancy or when the contract principal may be out of the school for an extended period of time. An interim principal has the right to replace a currently-serving assistant principal. Whenever there is a principal vacancy, the CEO shall appoint an interim principal for the school to serve for up to one year or until the LSC selects a principal with seven votes.

Board rules state that only the Chief Executive Officer may appoint an acting or interim principal.

## What is a principal vacancy?

A principal vacancy exists in any one of the following circumstances:

- The previous principal's contract has expired and the LSC has not retained the principal or selected a new principal.
- The principal's contract was terminated by written agreement of the Board, the principal and the Local School Council.
- The principal's contract was terminated due to the principal's misconduct.
- The principal's contract was terminated due to the death or resignation of the principal.
- The principal's state certification was revoked or suspended.
- The principal was removed by the Board for cause or under the Board's powers in schools under probation, educational crisis or intervention.

## What if the principal is absent but still has a current contract?

CPS's position is that there is no vacancy if a contracted principal takes another job in CPS but does not resign as principal. Therefore, CPS will not allow an LSC to advertise a principal vacancy if someone continues to hold a contract for that position, even if that person no longer carries out his or her contractual obligations. LSCs in this situation may wish to seek additional guidance from independent groups listed in the Resources section of this Guide, p.43.

# **Other Laws, Rules, and Policies that Affect LSCs**

# The Professional Personnel Leadership Committee (PPLC)

The school reform law requires that each CPS school establish a Professional Personnel Leadership Committee (PPLC).

## Membership

- The PPLC consists of **up to 9 members**.
- The 2 teacher members of the LSC are automatic members of the PPLC and serve as its **co-chairs**, or one teacher member of the local school council can be chosen by the PPLC to serve as chair.
- Up to 7 additional members will be **elected to the PPLC** each school year. The additional members must be certified classroom teachers or other certificated personnel who are employed at the attendance center (such as assistant principals, counselors, social workers, psychologists, speech therapists, nurses, librarians, itinerant teachers, Full-time Basis Substitutes, and cadre substitutes) and who desire to be members of the committee. The size of the committee shall be determined by the certified classroom teachers and other certificated personnel at the attendance center, including the principal.
- The principal may not serve on the PPLC.

## Purpose

The purpose of the PPLC is to develop and formally present recommendations to the principal and the LSC on all matters of educational program; including but not limited to curriculum, school improvement plan development and implementation, and school budgeting.

## Election

- For the elected PPLC members, the principal shall convene a **publicized meeting of all certified classroom teachers and other certificated personnel** by the **fifth week** of school.
- At this meeting those certified classroom teachers and other certificated personnel present, excluding the principal, shall elect members to serve on the PPLC.
- A staff member eligible to vote may vote for the same number of candidates in the election as the number of members to be elected, but votes shall not be cumulated. Ties shall be determined by lot.
- Vacancies shall be filled in like manner.

## Operations

- All PPLC meetings shall be held **before or after school** with no loss of instructional time.
- PPLC members shall receive no compensation for their activities as committee members.
- In furtherance of its purpose, the PPLC shall have the authority to **gather information** from school staff through interviews, on noninstructional time, without prior approval of the principal, the local school council, the board, the board's chief executive officer, or the chief executive officer's administrative staff.
- The PPLC shall **meet once a month with the principal** to make recommendations to the principal regarding the specific methods and contents of the school's curriculum and to make other educational improvement recommendations approved by the committee.
- A report from the PPLC regarding these matters may be an **agenda item** at each regular meeting of the local school council.
- The principal shall provide the PPLC with the opportunity to **review and make recommendations** regarding the school improvement plan and school budget.
- The teacher members of the LSC may **bring motions** concerning the recommendations approved by the PPLC, which motions shall formally be considered at meetings of the LSC.
- According to a recent ruling by the Illinois Attorney General, PPLC meetings are subject to the Open Meetings Act.

# No Child Left Behind Act (NCLB)

The federal No Child Left Behind Act (NCLB) was signed into law January 8, 2002. It is the latest revision of the 1965 Elementary and Secondary Education Act (ESEA) which is designed to provide extra educational services to low-income and/or low-achieving students.

## NCLB requirements

- **Annual assessment** of all students against state standards in reading and mathematics in grades 3-8 and once in high school.
- Assessment in **science** three times during a student's school career.
- Use of multiple measures to assess students and schools (the law does *not* require sole use of standardized tests). Assessments may include classroom assessments, samples of student work, and other information.
- Reporting of student achievement results by **gender, race/ethnicity, English proficiency status, migrant status, disability status, and economically disadvantaged status**.
- Assessing at least **95%** of the students in each of those subgroups.
- A state definition and timeline for determining whether a school, district, and the state are making **“adequate yearly progress” (AYP)** toward the goal of 100 percent of students meeting state standards by the 2013-2014 school year.
- **Notifying parents** if their children's school has **failed to make AYP**, and of their right to request supplemental educational services or transfer to a better-performing school.
- **Highly qualified teachers** in core academic subjects by 2005-2006 and highly qualified aides or paraprofessionals by 2003.
- **Notifying parents** if their child is assigned to a classroom taught for more than four weeks by a **teacher considered not highly qualified**.
- The use of programs and strategies considered **“scientifically-based”** under NCLB.
- Creation of a state policy that students have a right to attend a **safe school**.

## Consequences for schools and districts failing to make adequate yearly progress (AYP)

- Schools failing to make AYP will be placed on a **“school improvement”** list.
- Students attending schools which have been on the school improvement list for **two** years in a row will be given the option to **transfer to another school** (school choice).
- Districts must provide **supplemental services** such as tutoring or other after school services for students in schools that are on the school improvement list for **three** consecutive years.

- If a school is on the school improvement list for **four** consecutive years, in addition to the above, the district or state must do at least one of the following: replace school staff, new curriculum, decrease school management authority, appoint outside experts, extend school year/day or restructure.
- After **five** consecutive years, districts must take additional actions such as firing staff, privatization, charter school management, state takeover, or other **restructuring** actions.

# LSC/School Responsibilities for Parent Involvement under NCLB

The U. S. Department of Education has developed guidelines concerning the responsibilities of the state, school district, and school in carrying out parent involvement activities under the No Child Left Behind Act (NCLB). According to the guidelines, all schools receiving NCLB funds must form a parent advisory council, have a parental involvement policy (parent compact), notify parents of the compact, support parent volunteering and observation in the classroom, and provide training for parents and teachers on how parents can be partners in their children's education.

## The Parent Advisory Council (PAC)

- Schools receiving NCLB funds **must have a parent advisory council (PAC)** and must provide opportunities for **meaningful parent input** into the use of the funds.
- The PAC must **include and be chaired by parents** of children served by NCLB funds.
- The PAC **advises the LSC** on school improvement and parent involvement programs paid out of NCLB funds.
- The PACs exist to provide parents/legal guardians, in loco parentis, teachers/staff, and concerned community individuals with the opportunity to **work with the principal and LSC** in the planning, design, implementation, and evaluation of the NCLB program.
- The PAC provides input on **amendments** to and **future NCLB programs**.
- PACs jointly develop and approve a **parent involvement policy** which includes the school-parent compact.
- PACs also provide and share NCLB information updates received from Cluster and Citywide PAC meetings.

## The Parental Involvement Policy (Parent Compact)

- Each school must develop jointly with parents of children participating in NCLB services a **written school parental involvement policy** that describes how the school will carry out the parental involvement requirements of NCLB including the development of a school-parent compact.
- As the policy-making body of the school, **the LSC votes to approve the parental involvement policy** which should be included in the SIPAAA.
- If the school already has a parental involvement policy that applies to all parents, the LSC may **amend that existing policy with input from the PAC**. Schools must update these policies periodically to meet the changing needs of parents and the school.

## Notification

- Each school served under NCLB must **notify parents of its written parental involvement policy** in an understandable and uniform format, including alternative formats upon request, and, to the extent practicable, provide notice and the policy in a language the parents can understand.
- Each school must make its written parental involvement policy **available to the local community**.

## Volunteering and Observing in the Classroom

- According to the NCLB guidelines, **parents must have regular opportunities to volunteer and observe in their child's classroom**.
- These activities **promote a partnership** between the school and parents which helps children achieve the state's high standards.

## Parent training

- Schools and districts must provide **materials and training** to parents in a variety of areas including the state learning standards, how to monitor their children's progress, and how to work with educators to improve their children's achievement.
- States must encourage districts and their schools to offer **family literacy services** using NCLB funds if the district or school finds that a substantial number of NCLB students have parents who do not have a secondary school diploma or its recognized equivalent or who have low levels of literacy.
- Other examples of activities that might be provided include:
  - **Literacy programs** that bond families around reading and using the public library.
  - Providing information about the essential components of **reading instruction** to enable parents to support the instructional practices used by the teacher.
  - Training parents in the **use of the Internet** to enable them to access their children's homework, communicate with teachers, and review information posted about schools in improvement, supplemental educational services, public school choice and other opportunities to promote student achievement.

## Training for school and district staff

Schools and districts must **educate their staffs in how to work with parents** as equal partners.

- With the assistance of parents, schools and districts must educate teachers, pupil services

personnel, principals, and other staff in **the value and utility of the contributions of parents**, and in how to **reach out to, communicate with, and work with parents**, implement and coordinate **parent programs**, and **build ties** between parents and the school.

- Schools and districts may **involve parents in developing this training**, in order to improve its effectiveness.

### **What are NCLB Parent Involvement Funds?**

- The No Child Left Behind (NCLB) law requires that districts receiving NCLB funds, including CPS, reserve at least 1% of the total NCLB allocation to carry out NCLB parental involvement activities, including promoting family literacy and parenting skills. Of the 1% mandatory set-aside, 95% must go directly to NCLB participating schools and must be in addition to the school's regular NCLB allocation.
- Schools receiving these funds **must have a Parent Advisory Council (PAC)** and must provide opportunities for **meaningful parent input** into the use of the funds.

### **Appropriate Use of NCLB Parent Involvement Funds**

- NCLB parent involvement funds are generally to be used for local school programs to **help parents become more involved in their children's education** including learning how to help their children at home and learning how to become more involved in local school improvement activities.
- Schools may pay reasonable and necessary expenses associated with local parental involvement activities, including **transportation and childcare costs**, to enable parents to participate in school-related meetings and training sessions.
- Schools and districts should also arrange school meetings **at a variety of times**.
- In addition, for parents who are unable to attend conferences at school, schools may arrange for and conduct **in-home conferences** between teachers or other educators who work directly with participating children and the children's parents.
- Schools also may provide **training to parents in how to enhance the involvement of other parents**.

### **What about attending out-of-state conferences?**

- Parents are strongly encouraged to attend **local or regionally-based** training opportunities, such as workshops or conferences, when they are the same or similar as those being held out-of-state. NCLB parent involvement funds may be used for costs that are reasonable and necessary to support the attendance of parents of participating children at these workshops and conferences.
- The Chicago area provides a number of such opportunities for parents; **going to out-of-state**

**conference should not be necessary, and takes funds away from services that could reach more parents at the local school level.**

- Paying travel and other costs associated with attendance at out-of-state conferences and workshops may be allowable **in some special cases.**

### **LSCs Determine use of NCLB Parent Involvement Funds**

Under Illinois law, the LSC has the authority to approve expenditure of funds allocated and distributed to the school. This includes allocating and spending NCLB parent involvement funds. However, in exercising its authority over these funds, the LSC must follow NCLB requirements for these funds.

- NCLB does not give PACs the authority to decide how the NCLB funds are spent. The intent of the PAC is to ensure **parents are involved in the process** of determining how the funds are used.
- The LSC must provide the PAC, along with the rest of the school community, **a reasonable opportunity to comment**, both in person and in writing, on how NCLB parent involvement funds are allocated and which activities should be funded.
- Once an LSC has provided a reasonable opportunity for the PAC and others to comment, the LSC is then empowered to **make a final decision** about the use of these funds.

# State and CPS Responsibilities for Parent Involvement under NCLB

## Responsibilities of the Illinois State Board of Education (ISBE)

### Develop a written complaint procedure

States must **adopt written procedures** for receiving and resolving any complaint from an organization or individual that the state, district, or other agency, or group of agencies, is violating a federal statute or regulation that applies to the NCLB parental involvement provisions.

### Inform parents about the complaint procedure

The state's procedures must contain a requirement that school districts **provide adequate information** about the complaint procedures to parents of students.

## Responsibilities of the Chicago Public Schools (CPS)

### Create a district wide parent involvement policy

- Each district receiving NCLB funds, including CPS, must have a **written parent involvement policy** prepared and regularly revised with the input of parents.
- The CPS parent involvement policy is included in the Resources section of this Guide.

### Evaluate parent involvement every year

With the involvement of parents, CPS must **conduct an annual evaluation** of the content and effectiveness of the parental involvement policy in improving the academic quality of the schools, including:

- Identifying **barriers** to greater participation by parents in parental involvement activities, with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background.
- Using the findings of the evaluation to **design strategies** for more effective parental involvement.
- **Revising**, if necessary, the district's parental involvement policies.

### Publicize results of annual school review of school progress

CPS must **publicize and make available the results of its local annual review of each school** (i.e., the review used to determine whether the school is making AYP) to parents, teachers, principals, schools, and the community so that they can continually refine the instructional program.

## **Review and publicize the effectiveness of the actions and activities the schools are carrying out under NCLB**

CPS must **review and publicize** the effectiveness of the actions and activities its schools are carrying out with respect to parental involvement, professional development, and other activities under NCLB.

### **CPS NCLB Parent Involvement Programs**

#### **Parent Resource Service Center (PRSC)**

CPS is also required to offer training and information services to parents of children served by NCLB programs. CPS operates a Parent Resource Service Center (PRSC) at 3663 S. Wabash Avenue. The PRSC center disseminates materials and information, provides computer literacy instruction, assists parents in solving problems that develop in schools within their community and throughout the city, and provides technical assistance for program planning and evaluation. PRSC facilitates programs that empower parents with skills to help them better assist children with homework and to develop and instill positive behaviors in them.

#### **Clusters**

There are six Clusters with PACs that meet each month. The PAC at each school with NCLB programs selects a representative to attend Cluster meetings.

#### **Citywide Parent Advisory Council**

NCLB requires districts to consult with parents about the district parental involvement policies and programs. The Chicago Citywide Parent Advisory Council provides this input at its monthly meetings. For a copy of the agenda or for more information, please contact the Parent Resource Service Center at (773)535-0139.

# **Bilingual Education**

Approximately 65,000 students in the Chicago Public Schools (CPS) are English Language Learners. Article 14-C of the Illinois School Code mandates schools to identify students who come from a non-English language background and assess their English language proficiency when they enroll in a public school for the first time. Once English Language Learners (ELLs) in CPS are identified, they are placed in the Transitional Bilingual Education Program. All bilingual programs in CPS must comply with the Chicago Public Schools Language and Cultural Education Initiatives: A Framework for Success. (\*)

Students must acquire fluency and competence in the English language in order to take full advantage of the academic opportunities available to them. English as a Second Language (ESL) instruction occurs from the first day of a student's enrollment in the Transitional Bilingual Education Program. In 1998 the publication, "English as a Second Language Goals and Standards Pre-K through 12," was developed to delineate what students should know and be able to do at different age, grade and ability levels. This document also standardized ESL instruction throughout all schools implementing Bilingual Education Programs.

In CPS there are 275 bilingual programs divided among nine Bilingual Field Facilitators. Each bilingual facilitator is assigned a cluster of Areas and is responsible for providing instructional support as well as monitoring these programs to ensure that they are in compliance with School Code and CPS policies. Instructional support includes demonstrating best practices in English as a Second instruction, home and second language literacy development and in the assessment of second language learners.

## **Transitional Bilingual Education (TBE)**

In schools where there are 20 or more English Language Learners (ELLs) of the same language background, the TBE model is used. English as a Second Language (ESL) is an essential component of the daily program of instruction, from the first day of enrollment. However, the student's first language is used as the medium of instruction to bridge academic success in the Chicago Public Schools core curriculum. During the first and second years of participation, the student is expected to meet the Chicago Academic Standards and Frameworks, including ESL, at grade level. Beginning in the second year, some subjects in the core curriculum are introduced in English, using sheltered English strategies. The amount of time used for instruction in the native language and English in this model varies according to the student's length in the Transitional Bilingual Education Program.

## **Transitional Program of Instruction (TPI)/ English as a Second Language (ESL) Model**

This model may be used in schools where there are 19 or fewer English Language Learners (ELLs) of the same language. Students receive structured English instruction from a teacher with ESL certification. These daily classes are usually part of a pull-out program. Students from different language groups may participate together in the same ESL class, according to their age and English language level. Whenever possible, the student's first language is used for clarification in the classroom when aides or volunteers who speak the students' languages are available.

## **Dual Language Immersion (Two-way Bilingual)**

The Dual Language model is an optional bilingual education program where students participate for at least 4 to 6 years. English-speaking students are paired with students whose first language is the other target language of the school. There are separate times for each language to be used as the medium of instruction of the core curriculum. Students are expected to make the same academic progress in meeting the Chicago Academic Standards and Frameworks, including ESL, as all other students. At the same time, all students are expected to develop age-appropriate fluency and literacy in both English and the other language offered at the school.

## **Newcomer Centers**

Two Newcomer Centers have been established to provide assistance in the native language and provide intensive ESL instruction to older (high school age) immigrant and refugee students who are at risk due to limited schooling because of war or other socio-political situations in their countries. Programs offered at these centers assist students in adjusting to a new language, culture and school environment by offering a wide range of specialized classes and orientation services to them as well as to their families.

\* You can access the "Framework for Success" which guides all CPS bilingual programs at <http://policy.cps.k12.il.us/documents/603.1.pdf> or by calling the Office of Language and Culture, (773) 553-1930.

# **The Bilingual Advisory Committee (BAC) and the Chicago Multilingual Parent Council (CMPC)**

## **The Bilingual Advisory Council (BAC)**

The Illinois School Code requires that each school implementing a state-mandated Transitional Bilingual Education program establish a Bilingual Advisory Committee (BAC) consisting of parents of English Language Learners (ELLs) enrolled in the program.

- The BAC is a **standing committee** of the school's LSC.
- The BAC's function is to advise the school principal, staff, and LSC with regard to ELL's needs and the quality of the bilingual education program provided to them, and to bring to the attention of the LSC academic and administrative concerns of the bilingual education program.
- The BAC is required to hold its first meeting and elect officers no later than the **first week of October** and to have at least **four (4) meetings per school year**.
- The BAC **votes on a recommendation for bilingual fund expenditures** and forwards it to the LSC. The LSC makes the final decision on the overall budget including the use of bilingual funds.
- The ultimate role of the BAC is to help parents of ELLs develop skills to effectively participate in the school, improve their child's academic achievement, and advocate on behalf of all ELLs.

## **The Chicago Multilingual Parent Council (CMPC)**

The Illinois School Code also requires each Illinois school district to establish an advisory committee for the purpose of providing the maximum practical involvement of parents of children in transitional bilingual education programs, affording parents the opportunity to effectively express their views, and ensuring that such programs are planned, operated and evaluated with the involvement of, and in consultation with, parents of children served by the programs. In Chicago, this committee is called the Chicago Multilingual Parent Council (CMPC). The CMPC members are selected by the local BACs and meet monthly.

## **Bilingual Parent Resource Center**

The Bilingual Parent Resource Center is located at the Perez Elementary School, 1241 W. 19th Street, to support and provide opportunities citywide for parents of English Language Learners families and schools to work together to ensure that children succeed both academically and socially. The Bilingual Parent Resource Center functions as a lending library and as a site for a variety of training workshops and basic computer training.

## **Special Education and the Least Restrictive Environment (LRE)**

The federal Individuals with Disabilities Education Act (IDEA) mandates that to the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities, are educated with students who are not disabled. To the maximum extent appropriate, students with disabilities should be educated where they would be educated if not disabled. Special classes, separate schools or other removal of students with disabilities from the regular educational environment should occur only when the nature or severity of the disability of the student is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily. So, in determining the placement of students with disabilities, the first option should be placement in a regular classroom with supplementary aides and supports. This is commonly referred to as the **Least Restrictive Environment (LRE) mandate**.

### **Corey H. Settlement**

In 1992, a class action lawsuit was filed against the Chicago Board of Education (CBE) and the Illinois State Board of Education (ISBE) alleging that students with disabilities in the Chicago Public Schools were not being educated in the Least Restrictive Environment (LRE). The Chicago Board's Settlement Agreement in Corey H., in concert with other CPS initiatives and the Illinois State Board of Education's (ISBE) Corey H. settlement agreement, provides schools the opportunity to progress toward the realization of the LRE commitment for students with disabilities.

### **CPS Education Connection Program**

To ensure that individual schools are implementing the LRE mandate of IDEA, the Chicago Board of Education created the Education Connection program. 238 schools have volunteered to participate in the program. Each school develops an LRE plan that details how the school will develop, expand, and implement special education and related services that integrate students with disabilities with their non-disabled peers and provide them with access to the general education curriculum. The Education Connection program is a three-year commitment with each school having one year to develop its LRE plan and two years within which to implement the plan. The school's LRE plans are approved by the CPS Central Office and the court monitor's office for Corey H compliance. Through the Education Connection program, schools will receive \$110,000, over the three years for staff development and technical assistance to help the school overcome any barriers that exist at that school to educating students with disabilities in the LRE. **The staff development and training should include parents and LSC members. Schools cannot participate in the Education Connection program without LSC approval. All LRE plans must also be approved by the LSC prior to submission to the CPS**

## Central Office.

### ISBE Corey H. Program

Pursuant to the Corey H. settlement agreement made with the Illinois State Board of Education (ISBE), ISBE will monitor approximately 285 schools. The monitoring visits will identify any LRE violations, and the schools will then develop an LRE Corrective Action Plan outlining the staff development needed to address the LRE issues. **As with the Education Connection program, this staff development should include parents and LSC members.** Schools monitored by ISBE have forty-five days after receiving the final ISBE LRE monitoring report during which to develop the LRE Plan. The schools then have two years within which to implement the plan. ISBE LRE monitored schools receive an average of \$57,000 during the two years of implementation. The ISBE LRE monitoring program is not voluntary; ISBE chooses the schools. LSC approval is not required for either participation or submission of the LRE plan. The principal should make the LSC aware that ISBE is monitoring the school regarding LRE issues.

### Principal's Special Education Report to the LSC

- Between February 1<sup>st</sup> and March 15<sup>th</sup> of every school year, the LSC should receive from the principal a report entitled "Principal's Report to the LSC: Services to Students with Disabilities in the Least Restrictive Environment." A copy of the report form is in the Resources section.
- This report outlines for the LSC the school's current special education service delivery models and use of school-based problem solving, along with any recommendations for the following school year.
- This report should be used by the LSC in developing the School Improvement Plan for Advancing Academic Achievement ("SIPAAA"). A school's SIPAAA should include students with disabilities and the school's vision, priority goals and staff development ensure that students with disabilities are educated in the LRE.

### Other special education reporting

- The Board has developed guidelines regarding learning outcomes, testing, and promotion to assist in determining the extent to which students with disabilities will be expected to participate in regular education activities. Scores from the ISAT and PSAE will be publicly reported for students with disabilities who took the test with minor or no accommodations. Individual student's scores will not be reported.
- An Individual Education Program (IEP) Report Card supplements a student's regular report card and reports the student's progress on his/her IEP.
- The School Report Card must include the percentage of students with disabilities that are meeting state standards.

# LSC Roles and Responsibilities to Students with Disabilities under the Corey H. Agreement

- By March 15<sup>th</sup>, review the **Principal's Report to the LSC**: "Services to Students With Disabilities In the Least Restrictive Environment (LRE)." You can find a copy of this report format in the Resources section of this Guide.
- The report should contain information about
  - The school's use of the **school-based problem solving process**, including the types of instructional strategies that have been utilized and their success.
  - Current **LRE configurations** and **service delivery models**.
  - Suggestions for **improving** education programs for students with disabilities.
- Ensure that the **school improvement plan** incorporates students with disabilities and enables them to be educated in the LRE.
- School participation in the CPS Education Connection Program and the LRE plan itself must be **approved by the LSC**.
- School participation in the ISBE LRE monitoring program are selected by ISBE; LSC approval is not required.
- In either case, **LSC members should be included in a school's LRE training**.

## Parent complaint process

Parents of children with disabilities who believe their educational rights are being violated may lodge a complaint with ISBE. The letter of complaint must include the following information:

- Student and parent identifying information.
- School information.
- A statement detailing the alleged violations(s) and the facts on which the statement is based.
- If able, provide necessary documentation such as copies of the Individualized Education Plan (IEP).
- The complaint letter may be sent to:
  - The Illinois State Board of Education
  - Special Education Services Division
  - 100 North First Street
  - Springfield, IL 62777-0001
  - (217) 782-5589

# LSCs and Probation

State law gives the Board the ability to intervene in schools the Board considers troubled or failing.

- Schools were first identified as needing remediation in 1994.
- By 1996, schools where 15% or fewer of their students scored or above the national norms on districtwide standardized tests were placed on probation. This cut off point eventually went up to 40%.
- Over the years, the probation process has utilized a variety of programs and strategies including assigning probation managers, removing principals, and mandating specific reading and math programs.
- More recently, CPS through the AIO has taken control of all discretionary funds of school on probation.

**\*Note:** In general, PURE disagrees with CPS's position on LSC authority in schools on probation. More specifically, we disagree with the statement made in the CPS LSC Reference Guide, Chapter 2, p.30, "For schools on remediation or probation, LSCs lose their power to approve the SIPAAA and Budget." Although the law is somewhat convoluted in what it says about probation, but CPS's interpretation goes far beyond what the law allows. You can read PURE's interpretation below and the actual language of the law about probation in the Resources section beginning on p. 70.

## What does the law say about LSCs and probation?

### Principal selection

- The LSC of a school on probation does not lose the power to select a new principal at the end of a contract or when a vacancy occurs, *unless* the principal has been removed by Board action as a result of probation and after a public hearing.
- In that case, the LSC cannot hire a new principal until the Board acts to remove the school from probation.
- However, the LSC of a school on probation is still required to evaluate the principal every year.

### Probation and the school improvement plan and budget

LSCs of schools on probation lose some but not all of their authority over their school improvement plan and school budget. The following points are specified in the law:

- The Board of Education is required to identify deficiencies of schools on probation.
- The school shall have a school improvement plan and school budget designed to correct those specific deficiencies.
- The plan shall include specific steps the LSC and school staff will take to correct the identified deficiencies.

- The plan shall also include objective criteria by which the school's subsequent progress will be determined.
- The school budget shall include specific expenditures directly calculated to correct educational and operational deficiencies identified at the school by the probation team.
- LSCs of schools on probation maintain their authority over internal accounts, and their responsibility to monitor the school improvement plan and the entire budget including the internal accounts. The LSC must continue to receive all monthly internal accounts, audit, and budget reports.

There are no other restrictions in the law on the SIP and budget authority of LSCs of probation schools. As long as the school's SIP and budget address the specific deficiencies identified by the Board (in the *corrective action plan*), the LSC has the authority to develop and approve additional programs and expenditures that it considers necessary to the improvement of the school.

### **Getting off probation**

By law, the Board must establish, in writing, criteria for determining whether or not a school shall remain on probation. If academic achievement tests are used as the factor for placing a school on probation, the general superintendent shall consider objective criteria, not just an increase in test scores, in deciding whether or not a school shall remain on probation. These criteria shall include attendance, test scores, student mobility rates, poverty rates, bilingual education eligibility, special education, and English language proficiency programs, with progress in these areas being taken into consideration in deciding whether or not a school shall remain on probation.

In recent years, the Board has developed a system of identifying schools for probation which involves a combination of criteria including state test scores, attendance, and student gain or growth. High school scores also include graduation rates.

You can find an internet link to the CPS School Probation and Remediation Policy in the Resources section of this Guide, p.2.

# **Small Schools, Charter Schools, School Closure under Renaissance 2010, New Schools**

Other policies of the Board have an impact on LSCs. For example, when the Board closes a school, the LSC is dissolved. New schools generally open without an LSC, and many will never have an elected LSC. Differences of opinion about the legality of dissolving LSCs in these situations exist in the CPS community. Here are some of the reasons given for why various types of schools do not have an elected LSC. Internet links to the policies are in the Resources section of this Guide, p.2.

## **Small Schools**

In 1995, an amendment to the school reform law allowed certain small schools, specified alternative schools, and “attendance centers designated by the board as an alternative school” to be exempt from the requirement for elected LSCs. This waiver applies to small schools created under a “Request for Proposal” process and housed in buildings where there had not been an LSC. The law specifically states that this waiver is not applicable when schools with existing LSCs are converted to small schools.

However, currently there are no elected LSCs in any small school created by conversion from a larger school, or any other CPS-designated small school.

All these schools are required to have alternative governance bodies which include parents. These bodies are subject to the Open Meetings Act; that is, their meetings should be posted and open to the public, and minutes should be available.

## **Charter Schools**

Charter schools are a statewide, not just a Chicago initiative, although most of the charters that exist in Illinois are in Chicago. Chicago is allowed a total of 30 charters. Many of the first 15 CPS charter schools created multiple campuses under one charter. When the legislature granted CPS 15 more charters, it was with the provision that the 15 new charter schools have only one campus per charter. There were 22 charter schools operating on 35 campuses in Chicago during the 2005-2006 school year.

Charters are not required to have LSCs but all charters must have a plan for involving parents and the community in school governance. Charter boards are subject to the Open Meetings Act and so must hold public meetings and post meeting notices and agendas just like LSCs.

Turning an existing CPS school with an LSC into a charter school requires approval of the LSC. However, such a process has never happened because all CPS charters have been created in facilities where there was never an LSC (such as a parochial school or new construction) or where the school was closed and the LSC dissolved.

## **School Closings and Renaissance 2010**

When CPS closes a school, the LSC is dissolved. In the past three years, 19 schools have closed as part of the Renaissance 2010 plan. The LSCs in all these schools have been dissolved.

- Several closed schools have reopened as charter schools which are not required to have LSCs.
- Others have reopened as contract schools, which do not have LSCs.
- Several military schools have opened, some in new buildings, some in converted high schools. Military schools have appointed LSCs which include members of the military.
- As mentioned above, other closed schools have reopened as small schools without LSCs.

In many of these schools, “elections” for LSC representatives are held at the same time as the regular LSC election, but the members are appointed by the Board. Appointed LSCs do not have the same powers and duties as elected LSCs. Board policy states that small schools can request that the CEO recommend to the Board that the school have an elected LSC. The Board of Education must approve this request. To date, the Board has not approved an elected LSC at any of these schools.

## **New Schools**

Some new schools have held regular LSC elections two or more years after they opened. Some of these are schools built to relieve overcrowding or to provide a school to an under-served community. These “traditional” schools should be in compliance with the law which requires an LSC in every CPS school, except where there is a true exemption.

# Educational Crisis

The school reform law gives the Board the right to determine when a school is in educational crisis and to take immediate corrective action without first placing the school on remediation or probation.

- The Board developed **22 educational crisis criteria**. The list can be found in the Board Policy “Criteria Governing Determination of Educational Crisis” through an internet link on p. 2 of the Resources section of this Guide.
- If the CEO determines that **at least two of the criteria exist at the school**, he or she can declare an educational crisis.

The CEO can take any action to address the educational crisis except the following which require Board approval:

- Ordering **new LSC elections**.
- Ordering that a school be subject to **intervention** as delineated in the school reform law.
- **Reconstitution**.
- Any other non-delegable actions.

For more information about educational crisis, please review the Board policy included in the Resources section or call the Office of School and Community Relations (773-553-1400), the Board Law Department (773-553-1700) or one of the community groups listed in the Resources section.  
p.43.

# Whistle-Blower Protection

## **The school reform law includes specific protection for whistleblowers**

The identity of any Board employee or LSC member who has disclosed information he/she reasonably believes is evidence of (1) a violation of any law, rule, regulation, or policy; (2) waste, fraud or mismanagement; (3) an abuse of authority; or (4) a danger to the health or safety of students or the public, may not be disclosed during any investigation of the information or related matters without the written consent of the employee or LSC member.

Furthermore, no disciplinary action may be taken against such an employee or LSC member for the disclosure of such information. Disciplinary action means any retaliatory action taken against an employee or LSC member by the Board, Board employees, LSCs, or exclusive bargaining representatives of employees. Such action includes, but is not limited to, reprimand, suspension, discharge, demotion, involuntary transfer, harassment, or denial of promotion or voluntary transfer.

A violation of this provision is a Class A misdemeanor.