



Rep. Jaime M. Andrade, Jr.

Filed: 4/14/2016

09900HB3239ham002

LRB099 11011 MLM 47534 a

1 AMENDMENT TO HOUSE BILL 3239

2 AMENDMENT NO. _____. Amend House Bill 3239 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Section
5 34-2.1 as follows:

6 (105 ILCS 5/34-2.1) (from Ch. 122, par. 34-2.1)

7 Sec. 34-2.1. Local School Councils - Composition -
8 Voter-Eligibility - Elections - Terms.

9 (a) A local school council shall be established for each
10 attendance center within the school district. Each local school
11 council shall consist of the following 12 voting members: the
12 principal of the attendance center, 2 teachers employed and
13 assigned to perform the majority of their employment duties at
14 the attendance center, 6 parents of students currently enrolled
15 at the attendance center, one employee of the school district
16 employed and assigned to perform the majority of his or her

1 employment duties at the attendance center who is not a
2 teacher, and 2 community residents. If the community resident
3 member of the local school council attends a secondary
4 attendance center, the student may only be a member of the
5 local school council for the secondary attendance center he or
6 she attends. Neither the parents nor the community residents
7 who serve as members of the local school council shall be
8 employees of the Board of Education. In each secondary
9 attendance center, the local school council shall consist of 13
10 voting members -- the 12 voting members described above and one
11 full-time student member, appointed as provided in subsection
12 (m) below. In the event that the chief executive officer of the
13 Chicago School Reform Board of Trustees determines that a local
14 school council is not carrying out its financial duties
15 effectively, the chief executive officer is authorized to
16 appoint a representative of the business community with
17 experience in finance and management to serve as an advisor to
18 the local school council for the purpose of providing advice
19 and assistance to the local school council on fiscal matters.
20 The advisor shall have access to relevant financial records of
21 the local school council. The advisor may attend executive
22 sessions. The chief executive officer shall issue a written
23 policy defining the circumstances under which a local school
24 council is not carrying out its financial duties effectively.

25 (b) Within 7 days of January 11, 1991, the Mayor shall
26 appoint the members and officers (a Chairperson who shall be a

1 parent member and a Secretary) of each local school council who
2 shall hold their offices until their successors shall be
3 elected and qualified. Members so appointed shall have all the
4 powers and duties of local school councils as set forth in this
5 amendatory Act of 1991. The Mayor's appointments shall not
6 require approval by the City Council.

7 The membership of each local school council shall be
8 encouraged to be reflective of the racial and ethnic
9 composition of the student population of the attendance center
10 served by the local school council.

11 (c) Beginning with the 1995-1996 school year and in every
12 even-numbered year thereafter, the Board shall set second
13 semester Parent Report Card Pick-up Day for Local School
14 Council elections and may schedule elections at year-round
15 schools for the same dates as the remainder of the school
16 system. Elections shall be conducted as provided herein by the
17 Board of Education in consultation with the local school
18 council at each attendance center.

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

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

25 (ii) Each elected member shall be elected by the
26 eligible voters of that attendance center to serve for a

1 two-year term commencing on July 1 immediately following
2 the election described in subsection (c). Eligible voters
3 for each attendance center shall consist of the parents and
4 community residents for that attendance center.

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

9 (iv) Each parent voter shall be entitled to vote in the
10 local school council election at each attendance center in
11 which he or she has a child currently enrolled. Each
12 community resident voter shall be entitled to vote in the
13 local school council election at each attendance center for
14 which he or she resides in the applicable attendance area
15 or voting district, as the case may be.

16 (v) Each eligible voter shall be entitled to vote once,
17 but not more than once, in the local school council
18 election at each attendance center at which the voter is
19 eligible to vote.

20 (vi) The 2 teacher members and the non-teacher employee
21 member of each local school council shall be appointed as
22 provided in subsection (1) below each to serve for a
23 two-year term coinciding with that of the elected parent
24 and community resident members.

25 (vii) At secondary attendance centers, the voting
26 student member shall be appointed as provided in subsection

1 (m) below to serve for a one-year term coinciding with the
2 beginning of the terms of the elected parent and community
3 members of the local school council.

4 (e) The Council shall publicize the date and place of the
5 election by posting notices at the attendance center, in public
6 places within the attendance boundaries of the attendance
7 center and by distributing notices to the pupils at the
8 attendance center, and shall utilize such other means as it
9 deems necessary to maximize the involvement of all eligible
10 voters.

11 (f) Nomination. The Council shall publicize the opening of
12 nominations by posting notices at the attendance center, in
13 public places within the attendance boundaries of the
14 attendance center and by distributing notices to the pupils at
15 the attendance center, and shall utilize such other means as it
16 deems necessary to maximize the involvement of all eligible
17 voters. Not less than 2 weeks before the election date, persons
18 eligible to run for the Council shall submit their name, date
19 of birth, social security number, if available, and some
20 evidence of eligibility to the Council. The Council shall
21 encourage nomination of candidates reflecting the
22 racial/ethnic population of the students at the attendance
23 center. Each person nominated who runs as a candidate shall
24 disclose, in a manner determined by the Board, any economic
25 interest held by such person, by such person's spouse or
26 children, or by each business entity in which such person has

1 an ownership interest, in any contract with the Board, any
2 local school council or any public school in the school
3 district. Each person nominated who runs as a candidate shall
4 also disclose, in a manner determined by the Board, if he or
5 she ever has been convicted of any of the offenses specified in
6 subsection (c) of Section 34-18.5; provided that neither this
7 provision nor any other provision of this Section shall be
8 deemed to require the disclosure of any information that is
9 contained in any law enforcement record or juvenile court
10 record that is confidential or whose accessibility or
11 disclosure is restricted or prohibited under Section 5-901 or
12 5-905 of the Juvenile Court Act of 1987. Failure to make such
13 disclosure shall render a person ineligible for election or to
14 serve on the local school council. The same disclosure shall be
15 required of persons under consideration for appointment to the
16 Council pursuant to subsections (l) and (m) of this Section.

17 (f-5) Notwithstanding disclosure, a person who has been
18 convicted of any of the following offenses at any time shall be
19 ineligible for election or appointment to a local school
20 council and ineligible for appointment to a local school
21 council pursuant to subsections (l) and (m) of this Section:
22 (i) those defined in Section 11-1.20, 11-1.30, 11-1.40,
23 11-1.50, 11-1.60, 11-6, 11-9.1, 11-14.4, 11-16, 11-17.1,
24 11-19, 11-19.1, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13,
25 12-14, 12-14.1, 12-15, or 12-16, or subdivision (a)(2) of
26 Section 11-14.3, of the Criminal Code of 1961 or the Criminal

1 Code of 2012, or (ii) any offense committed or attempted in any
2 other state or against the laws of the United States, which, if
3 committed or attempted in this State, would have been
4 punishable as one or more of the foregoing offenses.
5 Notwithstanding disclosure, a person who has been convicted of
6 any of the following offenses within the 10 years previous to
7 the date of nomination or appointment shall be ineligible for
8 election or appointment to a local school council: (i) those
9 defined in Section 401.1, 405.1, or 405.2 of the Illinois
10 Controlled Substances Act or (ii) any offense committed or
11 attempted in any other state or against the laws of the United
12 States, which, if committed or attempted in this State, would
13 have been punishable as one or more of the foregoing offenses.

14 Immediately upon election or appointment, incoming local
15 school council members shall be required to undergo a criminal
16 background investigation, to be completed prior to the member
17 taking office, in order to identify any criminal convictions
18 under the offenses enumerated in Section 34-18.5. The
19 investigation shall be conducted by the Department of State
20 Police in the same manner as provided for in Section 34-18.5.
21 However, notwithstanding Section 34-18.5, the social security
22 number shall be provided only if available. If it is determined
23 at any time that a local school council member or member-elect
24 has been convicted of any of the offenses enumerated in this
25 Section or failed to disclose a conviction of any of the
26 offenses enumerated in Section 34-18.5, the general

1 superintendent shall notify the local school council member or
2 member-elect of such determination and the local school council
3 member or member-elect shall be removed from the local school
4 council by the Board, subject to a hearing, convened pursuant
5 to Board rule, prior to removal.

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

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

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

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

16 (k) The general superintendent shall resolve any disputes
17 concerning election procedure or results and shall ensure that,
18 except as provided in subsections (e) and (g), no resources of
19 any attendance center shall be used to endorse or promote any
20 candidate.

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

25 (i) The Board shall appoint 2 teachers who are employed
26 and assigned to perform the majority of their employment

1 duties at the attendance center to serve on the local
2 school council of the attendance center for a two-year term
3 coinciding with the terms of the elected parent and
4 community members of that local school council. These
5 appointments shall be made from among those teachers who
6 are nominated in accordance with subsection (f).

7 (ii) A non-binding, advisory poll to ascertain the
8 preferences of the school staff regarding appointments of
9 teachers to the local school council for that attendance
10 center shall be conducted in accordance with the procedures
11 used to elect parent and community Council
12 representatives. At such poll, each member of the school
13 staff shall be entitled to indicate his or her preference
14 for up to 2 candidates from among those who submitted
15 statements of candidacy as described above. These
16 preferences shall be advisory only and the Board shall
17 maintain absolute discretion to appoint teacher members to
18 local school councils, irrespective of the preferences
19 expressed in any such poll.

20 (iii) In the event that a teacher representative is
21 unable to perform his or her employment duties at the
22 school due to illness, disability, leave of absence,
23 disciplinary action, or any other reason, the Board shall
24 declare a temporary vacancy and appoint a replacement
25 teacher representative to serve on the local school council
26 until such time as the teacher member originally appointed

1 pursuant to this subsection (l) resumes service at the
2 attendance center or for the remainder of the term. The
3 replacement teacher representative shall be appointed in
4 the same manner and by the same procedures as teacher
5 representatives are appointed in subdivisions (i) and (ii)
6 of this subsection (l).

7 (m) Beginning with the 1995-1996 school year, and in every
8 year thereafter, the Board shall appoint one student member to
9 each secondary attendance center. These appointments shall be
10 made in the following manner:

11 (i) Appointments shall be made from among those
12 students who submit statements of candidacy to the
13 principal of the attendance center, such statements to be
14 submitted commencing on the first day of the twentieth week
15 of school and continuing for 2 weeks thereafter. The form
16 and manner of such candidacy statements shall be determined
17 by the Board.

18 (ii) During the twenty-second week of school in every
19 year, the principal of each attendance center shall conduct
20 a non-binding, advisory poll to ascertain the preferences
21 of the school students regarding the appointment of a
22 student to the local school council for that attendance
23 center. At such poll, each student shall be entitled to
24 indicate his or her preference for up to one candidate from
25 among those who submitted statements of candidacy as
26 described above. The Board shall promulgate rules to ensure

1 that these non-binding, advisory polls are conducted in a
2 fair and equitable manner and maximize the involvement of
3 all school students. The preferences expressed in these
4 non-binding, advisory polls shall be transmitted by the
5 principal to the Board. However, these preferences shall be
6 advisory only and the Board shall maintain absolute
7 discretion to appoint student members to local school
8 councils, irrespective of the preferences expressed in any
9 such poll.

10 (iii) For the 1995-96 school year only, appointments
11 shall be made from among those students who submitted
12 statements of candidacy to the principal of the attendance
13 center during the first 2 weeks of the school year. The
14 principal shall communicate the results of any nonbinding,
15 advisory poll to the Board. These results shall be advisory
16 only, and the Board shall maintain absolute discretion to
17 appoint student members to local school councils,
18 irrespective of the preferences expressed in any such poll.

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

22 (o) In the event that a vacancy occurs during a member's
23 term, the Council shall appoint a person eligible to serve on
24 the Council, to fill the unexpired term created by the vacancy,
25 except that any teacher vacancy shall be filled by the Board
26 after considering the preferences of the school staff as

1 ascertained through a non-binding advisory poll of school
2 staff.

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

7 (q) The Board shall promulgate rules regarding conflicts of
8 interest and disclosure of economic interests which shall apply
9 to local school council members and which shall require reports
10 or statements to be filed by Council members at regular
11 intervals with the Secretary of the Board. Failure to comply
12 with such rules or intentionally falsifying such reports shall
13 be grounds for disqualification from local school council
14 membership. A vacancy on the Council for disqualification may
15 be so declared by the Secretary of the Board. Rules regarding
16 conflicts of interest and disclosure of economic interests
17 promulgated by the Board shall apply to local school council
18 members. No less than 45 days prior to the deadline, the
19 general superintendent shall provide notice, by mail, to each
20 local school council member of all requirements and forms for
21 compliance with economic interest statements.

22 (r) (1) If a parent member of a local school council ceases
23 to have any child enrolled in the attendance center governed by
24 the Local School Council due to the graduation or voluntary
25 transfer of a child or children from the attendance center, the
26 parent's membership on the Local School Council and all voting

1 rights are terminated immediately as of the date of the child's
2 graduation or voluntary transfer. If the child of a parent
3 member of a local school council dies during the member's term
4 in office, the member may continue to serve on the local school
5 council for the balance of his or her term. Further, a local
6 school council member may be removed from the Council by a
7 majority vote of the Council as provided in subsection (c) of
8 Section 34-2.2 if the Council member has missed 3 consecutive
9 regular meetings, not including committee meetings, or 5
10 regular meetings in a 12 month period, not including committee
11 meetings. If a parent member of a local school council ceases
12 to be eligible to serve on the Council for any other reason, he
13 or she shall be removed by the Board subject to a hearing,
14 convened pursuant to Board rule, prior to removal. A vote to
15 remove a Council member by the local school council shall only
16 be valid if the Council member has been notified personally or
17 by certified mail, mailed to the person's last known address,
18 of the Council's intent to vote on the Council member's removal
19 at least 7 days prior to the vote. The Council member in
20 question shall have the right to explain his or her actions and
21 shall be eligible to vote on the question of his or her removal
22 from the Council. The provisions of this subsection shall be
23 contained within the petitions used to nominate Council
24 candidates.

25 (2) A person may continue to serve as a community resident
26 member of a local school council as long as he or she resides

1 in the attendance area served by the school and is not employed
2 by the Board nor is a parent of a student enrolled at the
3 school. If a community resident member ceases to be eligible to
4 serve on the Council, he or she shall be removed by the Board
5 subject to a hearing, convened pursuant to Board rule, prior to
6 removal.

7 (3) A person may continue to serve as a teacher member of a
8 local school council as long as he or she is employed and
9 assigned to perform a majority of his or her duties at the
10 school, provided that if the teacher representative resigns
11 from employment with the Board or voluntarily transfers to
12 another school, the teacher's membership on the local school
13 council and all voting rights are terminated immediately as of
14 the date of the teacher's resignation or upon the date of the
15 teacher's voluntary transfer to another school. If a teacher
16 member of a local school council ceases to be eligible to serve
17 on a local school council for any other reason, that member
18 shall be removed by the Board subject to a hearing, convened
19 pursuant to Board rule, prior to removal.

20 (s) As used in this Section only, "community resident"
21 means a person, 17 years of age or older, residing within an
22 attendance area served by a school, excluding any person who is
23 a parent of a student enrolled in that school; provided that
24 with respect to any multi-area school, community resident means
25 any person, 17 years of age or older, residing within the
26 voting district established for that school pursuant to Section

1 34-2.1c, excluding any person who is a parent of a student
2 enrolled in that school. This definition does not apply to any
3 provisions concerning school boards.

4 (Source: P.A. 96-1412, eff. 1-1-11; 96-1551, eff. 7-1-11;
5 97-1150, eff. 1-25-13.)".