



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB2372

Introduced 2/16/2005, by Rep. Robert S. Molaro

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/34-2.1

from Ch. 122, par. 34-2.1

Amends the School Code with regard to the Chicago school district. Provides that no fingerprint images shall be required as part of the initial criminal background investigation conducted concerning incoming local school council members. Provides that these local school council members shall be required to submit their full name, sex, race, date of birth, and social security number. Provides that if the initial criminal background investigation indicates that the person has been convicted of committing or attempting to commit certain enumerated offenses, he or she shall be required to provide fingerprint images, and the Department of State Police and the Federal Bureau of Investigation shall furnish records of convictions, until expunged, to the president of the school board.

LRB094 05761 RAS 35813 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning schools.

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

4 Section 5. The School Code is amended by changing Section  
5 34-2.1 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 11 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 and 2 community residents. Neither the  
16 parents nor the community residents who serve as members of the  
17 local school council shall be employees of the Board of  
18 Education. In each secondary attendance center, the local  
19 school council shall consist of 12 voting members -- the 11  
20 voting members described above and one full-time student  
21 member, appointed as provided in subsection (m) below. In the  
22 event that the chief executive officer of the Chicago School  
23 Reform Board of Trustees determines that a local school council  
24 is not carrying out its financial duties effectively, the chief  
25 executive officer is authorized to appoint a representative of  
26 the business community with experience in finance and  
27 management to serve as an advisor to the local school council  
28 for the purpose of providing advice and assistance to the local  
29 school council on fiscal matters. The advisor shall have access  
30 to relevant financial records of the local school council. The  
31 advisor may attend executive sessions. The chief executive  
32 officer shall issue a written policy defining the circumstances

1 under which a local school council is not carrying out its  
2 financial duties effectively.

3 (b) Within 7 days of January 11, 1991, the Mayor shall  
4 appoint the members and officers (a Chairperson who shall be a  
5 parent member and a Secretary) of each local school council who  
6 shall hold their offices until their successors shall be  
7 elected and qualified. Members so appointed shall have all the  
8 powers and duties of local school councils as set forth in this  
9 amendatory Act of 1991. The Mayor's appointments shall not  
10 require approval by the City Council.

11 The membership of each local school council shall be  
12 encouraged to be reflective of the racial and ethnic  
13 composition of the student population of the attendance center  
14 served by the local school council.

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

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

26 (i) The elected members of each local school council  
27 shall consist of the 6 parent members and the 2 community  
28 resident members.

29 (ii) Each elected member shall be elected by the  
30 eligible voters of that attendance center to serve for a  
31 two-year term commencing on July 1 immediately following  
32 the election described in subsection (c). Eligible voters  
33 for each attendance center shall consist of the parents and  
34 community residents for that attendance center.

35 (iii) Each eligible voter shall be entitled to cast one  
36 vote for up to a total of 5 candidates, irrespective of

1           whether such candidates are parent or community resident  
2           candidates.

3           (iv) Each parent voter shall be entitled to vote in the  
4           local school council election at each attendance center in  
5           which he or she has a child currently enrolled. Each  
6           community resident voter shall be entitled to vote in the  
7           local school council election at each attendance center for  
8           which he or she resides in the applicable attendance area  
9           or voting district, as the case may be.

10          (v) Each eligible voter shall be entitled to vote once,  
11          but not more than once, in the local school council  
12          election at each attendance center at which the voter is  
13          eligible to vote.

14          (vi) The 2 teacher members of each local school council  
15          shall be appointed as provided in subsection (l) below each  
16          to serve for a two-year term coinciding with that of the  
17          elected parent and community resident members.

18          (vii) At secondary attendance centers, the voting  
19          student member shall be appointed as provided in subsection  
20          (m) below to serve for a one-year term coinciding with the  
21          beginning of the terms of the elected parent and community  
22          members of the local school council.

23          (e) The Council shall publicize the date and place of the  
24          election by posting notices at the attendance center, in public  
25          places within the attendance boundaries of the attendance  
26          center and by distributing notices to the pupils at the  
27          attendance center, and shall utilize such other means as it  
28          deems necessary to maximize the involvement of all eligible  
29          voters.

30          (f) Nomination. The Council shall publicize the opening of  
31          nominations by posting notices at the attendance center, in  
32          public places within the attendance boundaries of the  
33          attendance center and by distributing notices to the pupils at  
34          the attendance center, and shall utilize such other means as it  
35          deems necessary to maximize the involvement of all eligible  
36          voters. Not less than 2 weeks before the election date, persons

1 eligible to run for the Council shall submit their name, date  
2 of birth, social security number, if available, and some  
3 evidence of eligibility to the Council. The Council shall  
4 encourage nomination of candidates reflecting the  
5 racial/ethnic population of the students at the attendance  
6 center. Each person nominated who runs as a candidate shall  
7 disclose, in a manner determined by the Board, any economic  
8 interest held by such person, by such person's spouse or  
9 children, or by each business entity in which such person has  
10 an ownership interest, in any contract with the Board, any  
11 local school council or any public school in the school  
12 district. Each person nominated who runs as a candidate shall  
13 also disclose, in a manner determined by the Board, if he or  
14 she ever has been convicted of any of the offenses specified in  
15 subsection (c) of Section 34-18.5; provided that neither this  
16 provision nor any other provision of this Section shall be  
17 deemed to require the disclosure of any information that is  
18 contained in any law enforcement record or juvenile court  
19 record that is confidential or whose accessibility or  
20 disclosure is restricted or prohibited under Section 5-901 or  
21 5-905 of the Juvenile Court Act of 1987. Failure to make such  
22 disclosure shall render a person ineligible for election or to  
23 serve on the local school council. The same disclosure shall be  
24 required of persons under consideration for appointment to the  
25 Council pursuant to subsections (l) and (m) of this Section.

26 (f-5) Notwithstanding disclosure, a person who has been  
27 convicted of any of the following offenses at any time shall be  
28 ineligible for election or appointment to a local school  
29 council and ineligible for appointment to a local school  
30 council pursuant to subsections (l) and (m) of this Section:  
31 (i) those defined in Section 11-6, 11-9.1, 11-16, 11-17.1,  
32 11-19, 11-19.1, 11-19.2, 11-20.1, 12-13, 12-14, 12-14.1,  
33 12-15, or 12-16 of the Criminal Code of 1961 or (ii) any  
34 offense committed or attempted in any other state or against  
35 the laws of the United States, which, if committed or attempted  
36 in this State, would have been punishable as one or more of the

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

11 Immediately upon election or appointment, incoming local  
12 school council members shall be required to undergo a criminal  
13 background investigation, to be completed prior to the member  
14 taking office, in order to identify any criminal convictions  
15 under the offenses enumerated in Section 34-18.5. The  
16 investigation shall be conducted by the Department of State  
17 Police in the same manner as provided for in Section 34-18.5;  
18 however, no fingerprint images shall be required as part of the  
19 initial criminal background investigation. Notwithstanding  
20 Section 34-18.5, a local school council member or member-elect  
21 shall be required to submit his or her full name, sex, race,  
22 date of birth, and, if available, social security number.  
23 ~~However, notwithstanding Section 34-18.5, the social security~~  
24 ~~number shall be provided only if available. If the~~  
25 investigation indicates that the person has been convicted of  
26 committing or attempting to commit any of the offenses  
27 enumerated in Section 34-18.5, he or she shall be required to  
28 provide fingerprint images, and the Department of State Police  
29 and the Federal Bureau of Investigation shall furnish, pursuant  
30 to a fingerprint-based criminal history records check, records  
31 of convictions, until expunged, to the president of the Board.  
32 If it is determined at any time that a local school council  
33 member or member-elect has been convicted of any of the  
34 offenses enumerated in this Section or failed to disclose a  
35 conviction of any of the offenses enumerated in Section  
36 34-18.5, the general superintendent shall notify the local

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

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

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

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

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

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

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

24 (i) The Board shall appoint 2 teachers who are employed  
25 and assigned to perform the majority of their employment  
26 duties at the attendance center to serve on the local  
27 school council of the attendance center for a two-year term  
28 coinciding with the terms of the elected parent and  
29 community members of that local school council. These  
30 appointments shall be made from among those teachers who  
31 are nominated in accordance with subsection (f).

32 (ii) A non-binding, advisory poll to ascertain the  
33 preferences of the school staff regarding appointments of  
34 teachers to the local school council for that attendance  
35 center shall be conducted in accordance with the procedures  
36 used to elect parent and community Council

1 representatives. At such poll, each member of the school  
2 staff shall be entitled to indicate his or her preference  
3 for up to 2 candidates from among those who submitted  
4 statements of candidacy as described above. These  
5 preferences shall be advisory only and the Board shall  
6 maintain absolute discretion to appoint teacher members to  
7 local school councils, irrespective of the preferences  
8 expressed in any such poll.

9 (iii) In the event that a teacher representative is  
10 unable to perform his or her employment duties at the  
11 school due to illness, disability, leave of absence,  
12 disciplinary action, or any other reason, the Board shall  
13 declare a temporary vacancy and appoint a replacement  
14 teacher representative to serve on the local school council  
15 until such time as the teacher member originally appointed  
16 pursuant to this subsection (1) resumes service at the  
17 attendance center or for the remainder of the term. The  
18 replacement teacher representative shall be appointed in  
19 the same manner and by the same procedures as teacher  
20 representatives are appointed in subdivisions (i) and (ii)  
21 of this subsection (1).

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

26 (i) Appointments shall be made from among those  
27 students who submit statements of candidacy to the  
28 principal of the attendance center, such statements to be  
29 submitted commencing on the first day of the twentieth week  
30 of school and continuing for 2 weeks thereafter. The form  
31 and manner of such candidacy statements shall be determined  
32 by the Board.

33 (ii) During the twenty-second week of school in every  
34 year, the principal of each attendance center shall conduct  
35 a non-binding, advisory poll to ascertain the preferences  
36 of the school students regarding the appointment of a



1 student to the local school council for that attendance  
2 center. At such poll, each student shall be entitled to  
3 indicate his or her preference for up to one candidate from  
4 among those who submitted statements of candidacy as  
5 described above. The Board shall promulgate rules to ensure  
6 that these non-binding, advisory polls are conducted in a  
7 fair and equitable manner and maximize the involvement of  
8 all school students. The preferences expressed in these  
9 non-binding, advisory polls shall be transmitted by the  
10 principal to the Board. However, these preferences shall be  
11 advisory only and the Board shall maintain absolute  
12 discretion to appoint student members to local school  
13 councils, irrespective of the preferences expressed in any  
14 such poll.

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

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

27 (o) In the event that a vacancy occurs during a member's  
28 term, the Council shall appoint a person eligible to serve on  
29 the Council, to fill the unexpired term created by the vacancy,  
30 except that any teacher vacancy shall be filled by the Board  
31 after considering the preferences of the school staff as  
32 ascertained through a non-binding advisory poll of school  
33 staff.

34 (p) If less than the specified number of persons is elected  
35 within each candidate category, the newly elected local school  
36 council shall appoint eligible persons to serve as members of

1 the Council for two-year terms.

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

17 (r) (1) If a parent member of a local school council ceases  
18 to have any child enrolled in the attendance center governed by  
19 the Local School Council due to the graduation or voluntary  
20 transfer of a child or children from the attendance center, the  
21 parent's membership on the Local School Council and all voting  
22 rights are terminated immediately as of the date of the child's  
23 graduation or voluntary transfer. Further, a local school  
24 council member may be removed from the Council by a majority  
25 vote of the Council as provided in subsection (c) of Section  
26 34-2.2 if the Council member has missed 3 consecutive regular  
27 meetings, not including committee meetings, or 5 regular  
28 meetings in a 12 month period, not including committee  
29 meetings. If a parent member of a local school council ceases  
30 to be eligible to serve on the Council for any other reason, he  
31 or she shall be removed by the Board subject to a hearing,  
32 convened pursuant to Board rule, prior to removal. A vote to  
33 remove a Council member by the local school council shall only  
34 be valid if the Council member has been notified personally or  
35 by certified mail, mailed to the person's last known address,  
36 of the Council's intent to vote on the Council member's removal

1 at least 7 days prior to the vote. The Council member in  
2 question shall have the right to explain his or her actions and  
3 shall be eligible to vote on the question of his or her removal  
4 from the Council. The provisions of this subsection shall be  
5 contained within the petitions used to nominate Council  
6 candidates.

7 (2) A person may continue to serve as a community resident  
8 member of a local school council as long as he or she resides  
9 in the attendance area served by the school and is not employed  
10 by the Board nor is a parent of a student enrolled at the  
11 school. If a community resident member ceases to be eligible to  
12 serve on the Council, he or she shall be removed by the Board  
13 subject to a hearing, convened pursuant to Board rule, prior to  
14 removal.

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

28 (Source: P.A. 90-378, eff. 8-14-97; 90-590, eff. 1-1-00;  
29 91-622, eff. 8-19-99; 91-728, eff. 6-2-00.)