

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing 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

1 is not carrying out its financial duties effectively, the chief
2 executive officer is authorized to appoint a representative of
3 the business community with experience in finance and
4 management to serve as an advisor to the local school council
5 for the purpose of providing advice and assistance to the local
6 school council on fiscal matters. The advisor shall have access
7 to relevant financial records of the local school council. The
8 advisor may attend executive sessions. The chief executive
9 officer shall issue a written policy defining the circumstances
10 under which a local school council is not carrying out its
11 financial duties effectively.

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

20 The membership of each local school council shall be
21 encouraged to be reflective of the racial and ethnic
22 composition of the student population of the attendance center
23 served by the local school council.

24 (c) Beginning with the 1995-1996 school year and in every
25 even-numbered year thereafter, the Board shall set second
26 semester Parent Report Card Pick-up Day for Local School

1 Council elections and may schedule elections at year-round
2 schools for the same dates as the remainder of the school
3 system. Elections shall be conducted as provided herein by the
4 Board of Education in consultation with the local school
5 council at each attendance center.

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

9 (i) The elected members of each local school council
10 shall consist of the 6 parent members and the 2 community
11 resident members.

12 (ii) Each elected member shall be elected by the
13 eligible voters of that attendance center to serve for a
14 two-year term commencing on July 1 immediately following
15 the election described in subsection (c). Eligible voters
16 for each attendance center shall consist of the parents and
17 community residents for that attendance center.

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

22 (iv) Each parent voter shall be entitled to vote in the
23 local school council election at each attendance center in
24 which he or she has a child currently enrolled. Each
25 community resident voter shall be entitled to vote in the
26 local school council election at each attendance center for

1 which he or she resides in the applicable attendance area
2 or voting district, as the case may be.

3 (v) Each eligible voter shall be entitled to vote once,
4 but not more than once, in the local school council
5 election at each attendance center at which the voter is
6 eligible to vote.

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

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

16 (e) The Council shall publicize the date and place of the
17 election by posting notices at the attendance center, in public
18 places within the attendance boundaries of the attendance
19 center and by distributing notices to the pupils at the
20 attendance center, and shall utilize such other means as it
21 deems necessary to maximize the involvement of all eligible
22 voters.

23 (f) Nomination. The Council shall publicize the opening of
24 nominations by posting notices at the attendance center, in
25 public places within the attendance boundaries of the
26 attendance center and by distributing notices to the pupils at

1 the attendance center, and shall utilize such other means as it
2 deems necessary to maximize the involvement of all eligible
3 voters. Not less than 2 weeks before the election date, persons
4 eligible to run for the Council shall submit their name, date
5 of birth, social security number, if available, and some
6 evidence of eligibility to the Council. The Council shall
7 encourage nomination of candidates reflecting the
8 racial/ethnic population of the students at the attendance
9 center. Each person nominated who runs as a candidate shall
10 disclose, in a manner determined by the Board, any economic
11 interest held by such person, by such person's spouse or
12 children, or by each business entity in which such person has
13 an ownership interest, in any contract with the Board, any
14 local school council or any public school in the school
15 district. Each person nominated who runs as a candidate shall
16 also disclose, in a manner determined by the Board, if he or
17 she ever has been convicted of any of the offenses specified in
18 subsection (c) of Section 34-18.5; provided that neither this
19 provision nor any other provision of this Section shall be
20 deemed to require the disclosure of any information that is
21 contained in any law enforcement record or juvenile court
22 record that is confidential or whose accessibility or
23 disclosure is restricted or prohibited under Section 5-901 or
24 5-905 of the Juvenile Court Act of 1987. Failure to make such
25 disclosure shall render a person ineligible for election or to
26 serve on the local school council. The same disclosure shall be

1 required of persons under consideration for appointment to the
2 Council pursuant to subsections (l) and (m) of this Section.

3 (f-5) Notwithstanding disclosure, a person who has been
4 convicted of any of the following offenses at any time shall be
5 ineligible for election or appointment to a local school
6 council and ineligible for appointment to a local school
7 council pursuant to subsections (l) and (m) of this Section:

8 (i) those defined in Section 11-6, 11-9.1, 11-16, 11-17.1,
9 11-19, 11-19.1, 11-19.2, 11-20.1, 12-13, 12-14, 12-14.1,
10 12-15, or 12-16 of the Criminal Code of 1961 or (ii) any
11 offense committed or attempted in any other state or against
12 the laws of the United States, which, if committed or attempted
13 in this State, would have been punishable as one or more of the
14 foregoing offenses. Notwithstanding disclosure, a person who
15 has been convicted of any of the following offenses within the
16 10 years previous to the date of nomination or appointment
17 shall be ineligible for election or appointment to a local
18 school council: (i) those defined in Section 401.1, 405.1, or
19 405.2 of the Illinois Controlled Substances Act or (ii) any
20 offense committed or attempted in any other state or against
21 the laws of the United States, which, if committed or attempted
22 in this State, would have been punishable as one or more of the
23 foregoing offenses.

24 Immediately upon election or appointment, incoming local
25 school council members shall be required to undergo a criminal
26 background investigation, to be completed prior to the member

1 taking office, in order to identify any criminal convictions
2 under the offenses enumerated in Section 34-18.5. The
3 investigation shall be conducted by the Department of State
4 Police in the same manner as provided for in Section 34-18.5.
5 However, notwithstanding Section 34-18.5, the social security
6 number shall be provided only if available. If it is determined
7 at any time that a local school council member or member-elect
8 has been convicted of any of the offenses enumerated in this
9 Section or failed to disclose a conviction of any of the
10 offenses enumerated in Section 34-18.5, the general
11 superintendent shall notify the local school council member or
12 member-elect of such determination and the local school council
13 member or member-elect shall be removed from the local school
14 council by the Board, subject to a hearing, convened pursuant
15 to Board rule, prior to removal.

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

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

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

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

26 (k) The general superintendent shall resolve any disputes

1 concerning election procedure or results and shall ensure that,
2 except as provided in subsections (e) and (g), no resources of
3 any attendance center shall be used to endorse or promote any
4 candidate.

5 (1) Beginning with the 1995-1996 school year and in every
6 even numbered year thereafter, the Board shall appoint 2
7 teacher members to each local school council. These
8 appointments shall be made in the following manner:

9 (i) The Board shall appoint 2 teachers who are employed
10 and assigned to perform the majority of their employment
11 duties at the attendance center to serve on the local
12 school council of the attendance center for a two-year term
13 coinciding with the terms of the elected parent and
14 community members of that local school council. These
15 appointments shall be made from among those teachers who
16 are nominated in accordance with subsection (f).

17 (ii) A non-binding, advisory poll to ascertain the
18 preferences of the school staff regarding appointments of
19 teachers to the local school council for that attendance
20 center shall be conducted in accordance with the procedures
21 used to elect parent and community Council
22 representatives. At such poll, each member of the school
23 staff shall be entitled to indicate his or her preference
24 for up to 2 candidates from among those who submitted
25 statements of candidacy as described above. These
26 preferences shall be advisory only and the Board shall

1 maintain absolute discretion to appoint teacher members to
2 local school councils, irrespective of the preferences
3 expressed in any such poll.

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

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

21 (i) Appointments shall be made from among those
22 students who submit statements of candidacy to the
23 principal of the attendance center, such statements to be
24 submitted commencing on the first day of the twentieth week
25 of school and continuing for 2 weeks thereafter. The form
26 and manner of such candidacy statements shall be determined

1 by the Board.

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

20 (iii) For the 1995-96 school year only, appointments
21 shall be made from among those students who submitted
22 statements of candidacy to the principal of the attendance
23 center during the first 2 weeks of the school year. The
24 principal shall communicate the results of any nonbinding,
25 advisory poll to the Board. These results shall be advisory
26 only, and the Board shall maintain absolute discretion to

1 appoint student members to local school councils,
2 irrespective of the preferences expressed in any such poll.

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

6 (o) In the event that a vacancy occurs during a member's
7 term, the Council shall appoint a person eligible to serve on
8 the Council, to fill the unexpired term created by the vacancy,
9 except that any teacher vacancy shall be filled by the Board
10 after considering the preferences of the school staff as
11 ascertained through a non-binding advisory poll of school
12 staff.

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

17 (q) The Board shall promulgate rules regarding conflicts of
18 interest and disclosure of economic interests which shall apply
19 to local school council members and which shall require reports
20 or statements to be filed by Council members at regular
21 intervals with the Secretary of the Board. Failure to comply
22 with such rules or intentionally falsifying such reports shall
23 be grounds for disqualification from local school council
24 membership. A vacancy on the Council for disqualification may
25 be so declared by the Secretary of the Board. Rules regarding
26 conflicts of interest and disclosure of economic interests

1 promulgated by the Board shall apply to local school council
2 members. No less than 45 days prior to the deadline, the
3 general superintendent shall provide notice, by mail, to each
4 local school council member of all requirements and forms for
5 compliance with economic interest statements.

6 (r) (1) If a parent member of a local school council ceases
7 to have any child enrolled in the attendance center governed by
8 the Local School Council due to the graduation or voluntary
9 transfer of a child or children from the attendance center, the
10 parent's membership on the Local School Council and all voting
11 rights are terminated immediately as of the date of the child's
12 graduation or voluntary transfer. If the child of a parent
13 member of a local school council dies during the member's term
14 in office, the member may continue to serve on the local school
15 council for the balance of his or her term. Further, a local
16 school council member may be removed from the Council by a
17 majority vote of the Council as provided in subsection (c) of
18 Section 34-2.2 if the Council member has missed 3 consecutive
19 regular meetings, not including committee meetings, or 5
20 regular meetings in a 12 month period, not including committee
21 meetings. If a parent member of a local school council ceases
22 to be eligible to serve on the Council for any other reason, he
23 or she shall be removed by the Board subject to a hearing,
24 convened pursuant to Board rule, prior to removal. A vote to
25 remove a Council member by the local school council shall only
26 be valid if the Council member has been notified personally or

1 by certified mail, mailed to the person's last known address,
2 of the Council's intent to vote on the Council member's removal
3 at least 7 days prior to the vote. The Council member in
4 question shall have the right to explain his or her actions and
5 shall be eligible to vote on the question of his or her removal
6 from the Council. The provisions of this subsection shall be
7 contained within the petitions used to nominate Council
8 candidates.

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

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

1 on a local school council for any other reason, that member
2 shall be removed by the Board subject to a hearing, convened
3 pursuant to Board rule, prior to removal.

4 (Source: P.A. 90-378, eff. 8-14-97; 90-590, eff. 1-1-00;
5 91-622, eff. 8-19-99; 91-728, eff. 6-2-00.)