



Rep. Monique D. Davis

Filed: 5/1/2008

09500HB2212ham001

LRB095 01138 NHT 49691 a

1 AMENDMENT TO HOUSE BILL 2212

2 AMENDMENT NO. _____. Amend House Bill 2212 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 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

1 local school council shall be employees of the Board of
2 Education. In each secondary attendance center, the local
3 school council shall consist of 12 voting members -- the 11
4 voting members described above and one full-time student
5 member, appointed as provided in subsection (m) below. In the
6 event that the chief executive officer of the Chicago School
7 Reform Board of Trustees determines that a local school council
8 is not carrying out its financial duties effectively, the chief
9 executive officer is authorized to appoint a representative of
10 the business community with experience in finance and
11 management to serve as an advisor to the local school council
12 for the purpose of providing advice and assistance to the local
13 school council on fiscal matters. The advisor shall have access
14 to relevant financial records of the local school council. The
15 advisor may attend executive sessions. The chief executive
16 officer shall issue a written policy defining the circumstances
17 under which a local school council is not carrying out its
18 financial duties effectively.

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

1 The membership of each local school council shall be
2 encouraged to be reflective of the racial and ethnic
3 composition of the student population of the attendance center
4 served by the local school council.

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

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

16 (i) The elected members of each local school council
17 shall consist of the 6 parent members and the 2 community
18 resident members.

19 (ii) Each elected member shall be elected by the
20 eligible voters of that attendance center to serve for a
21 two-year term commencing on July 1 immediately following
22 the election described in subsection (c). Eligible voters
23 for each attendance center shall consist of the parents and
24 community residents for that attendance center.

25 (iii) Each eligible voter shall be entitled to cast one
26 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

1 attendance center, and shall utilize such other means as it
2 deems necessary to maximize the involvement of all eligible
3 voters.

4 (f) Nomination. The Council shall publicize the opening of
5 nominations by posting notices at the attendance center, in
6 public places within the attendance boundaries of the
7 attendance center and by distributing notices to the pupils at
8 the attendance center, and shall utilize such other means as it
9 deems necessary to maximize the involvement of all eligible
10 voters. Not less than 2 weeks before the election date, persons
11 eligible to run for the Council shall submit their name, date
12 of birth, social security number, if available, and some
13 evidence of eligibility to the Council. The Council shall
14 encourage nomination of candidates reflecting the
15 racial/ethnic population of the students at the attendance
16 center. Each person nominated who runs as a candidate shall
17 disclose, in a manner determined by the Board, any economic
18 interest held by such person, by such person's spouse or
19 children, or by each business entity in which such person has
20 an ownership interest, in any contract with the Board, any
21 local school council or any public school in the school
22 district. Each person nominated who runs as a candidate shall
23 also disclose, in a manner determined by the Board, if he or
24 she ever has been convicted of any of the offenses specified in
25 subsection (c) of Section 34-18.5; provided that neither this
26 provision nor any other provision of this Section shall be

1 deemed to require the disclosure of any information that is
2 contained in any law enforcement record or juvenile court
3 record that is confidential or whose accessibility or
4 disclosure is restricted or prohibited under Section 5-901 or
5 5-905 of the Juvenile Court Act of 1987. Failure to make such
6 disclosure shall render a person ineligible for election or to
7 serve on the local school council. The same disclosure shall be
8 required of persons under consideration for appointment to the
9 Council pursuant to subsections (l) and (m) of this Section.

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

15 (i) those defined in Section 11-6, 11-9.1, 11-16, 11-17.1,
16 11-19, 11-19.1, 11-19.2, 11-20.1, 12-13, 12-14, 12-14.1,
17 12-15, or 12-16 of the Criminal Code of 1961 or (ii) any
18 offense committed or attempted in any other state or against
19 the laws of the United States, which, if committed or attempted
20 in this State, would have been punishable as one or more of the
21 foregoing offenses. Notwithstanding disclosure, a person who
22 has been convicted of any of the following offenses within the
23 10 years previous to the date of nomination or appointment
24 shall be ineligible for election or appointment to a local
25 school council: (i) those defined in Section 401.1, 405.1, or
26 405.2 of the Illinois Controlled Substances Act or (ii) any

1 offense committed or attempted in any other state or against
2 the laws of the United States, which, if committed or attempted
3 in this State, would have been punishable as one or more of the
4 foregoing offenses.

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

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

26 (h) Voting shall be in person by secret ballot at the

1 attendance center between the hours of 6:00 a.m. and 7:00 p.m.

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

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

7 (k) The general superintendent shall resolve any disputes
8 concerning election procedure or results and shall ensure that,
9 except as provided in subsections (e) and (g), no resources of
10 any attendance center shall be used to endorse or promote any
11 candidate.

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

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

24 (ii) A non-binding, advisory poll to ascertain the
25 preferences of the school staff regarding appointments of
26 teachers to the local school council for that attendance

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

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

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

1 made in the following manner:

2 (i) Appointments shall be made from among those
3 students who submit statements of candidacy to the
4 principal of the attendance center, such statements to be
5 submitted commencing on the first day of the twentieth week
6 of school and continuing for 2 weeks thereafter. The form
7 and manner of such candidacy statements shall be determined
8 by the Board.

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

1 (iii) For the 1995-96 school year only, appointments
2 shall be made from among those students who submitted
3 statements of candidacy to the principal of the attendance
4 center during the first 2 weeks of the school year. The
5 principal shall communicate the results of any nonbinding,
6 advisory poll to the Board. These results shall be advisory
7 only, and the Board shall maintain absolute discretion to
8 appoint student members to local school councils,
9 irrespective of the preferences expressed in any such poll.

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

13 (o) In the event that a vacancy occurs during a member's
14 term, the Council shall appoint a person eligible to serve on
15 the Council, to fill the unexpired term created by the vacancy,
16 except that any teacher vacancy shall be filled by the Board
17 after considering the preferences of the school staff as
18 ascertained through a non-binding advisory poll of school
19 staff.

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

24 (q) The Board shall promulgate rules regarding conflicts of
25 interest and disclosure of economic interests which shall apply
26 to local school council members and which shall require reports

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

13 (r) (1) If a parent member of a local school council ceases
14 to have any child enrolled in the attendance center governed by
15 the Local School Council due to the graduation or voluntary
16 transfer of a child or children from the attendance center, the
17 parent's membership on the Local School Council and all voting
18 rights are terminated immediately as of the date of the child's
19 graduation or voluntary transfer. If the child of a parent
20 member of a local school council dies during the member's term
21 in office, the member may continue to serve on the local school
22 council for the balance of his or her term. Further, a local
23 school council member may be removed from the Council by a
24 majority vote of the Council as provided in subsection (c) of
25 Section 34-2.2 if the Council member has missed 3 consecutive
26 regular meetings, not including committee meetings, or 5

1 regular meetings in a 12 month period, not including committee
2 meetings. If a parent member of a local school council ceases
3 to be eligible to serve on the Council for any other reason, he
4 or she shall be removed by the Board subject to a hearing,
5 convened pursuant to Board rule, prior to removal. A vote to
6 remove a Council member by the local school council shall only
7 be valid if the Council member has been notified personally or
8 by certified mail, mailed to the person's last known address,
9 of the Council's intent to vote on the Council member's removal
10 at least 7 days prior to the vote. The Council member in
11 question shall have the right to explain his or her actions and
12 shall be eligible to vote on the question of his or her removal
13 from the Council. The provisions of this subsection shall be
14 contained within the petitions used to nominate Council
15 candidates.

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

24 (3) A person may continue to serve as a teacher member of a
25 local school council as long as he or she is employed and
26 assigned to perform a majority of his or her duties at the

1 school, provided that if the teacher representative resigns
2 from employment with the Board or voluntarily transfers to
3 another school, the teacher's membership on the local school
4 council and all voting rights are terminated immediately as of
5 the date of the teacher's resignation or upon the date of the
6 teacher's voluntary transfer to another school. If a teacher
7 member of a local school council ceases to be eligible to serve
8 on a local school council for any other reason, that member
9 shall be removed by the Board subject to a hearing, convened
10 pursuant to Board rule, prior to removal.

11 (Source: P.A. 90-378, eff. 8-14-97; 90-590, eff. 1-1-00;
12 91-622, eff. 8-19-99; 91-728, eff. 6-2-00.)".