

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 12 ~~11~~ voting members:
12 the 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
17 employment duties at the attendance center who is not a
18 teacher, and 2 community residents. Neither the parents nor the
19 community residents who serve as members of the local school
20 council shall be employees of the Board of Education. In each
21 secondary attendance center, the local school council shall
22 consist of 13 ~~12~~ voting members -- the 12 ~~11~~ voting members
23 described above and one full-time student member, appointed as

1 provided in subsection (m) below. In the event that the chief
2 executive officer of the Chicago School Reform Board of
3 Trustees determines that a local school council is not carrying
4 out its financial duties effectively, the chief executive
5 officer is authorized to appoint a representative of the
6 business community with experience in finance and management to
7 serve as an advisor to the local school council for the purpose
8 of providing advice and assistance to the local school council
9 on fiscal matters. The advisor shall have access to relevant
10 financial records of the local school council. The advisor may
11 attend executive sessions. The chief executive officer shall
12 issue a written policy defining the circumstances under which a
13 local school council is not carrying out its financial duties
14 effectively.

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

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

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

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

12 (i) The elected members of each local school council
13 shall consist of the 6 parent members and the 2 community
14 resident members.

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

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

25 (iv) Each parent voter shall be entitled to vote in the
26 local school council election at each attendance center in

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

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

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

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

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

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

1 disclosure is restricted or prohibited under Section 5-901 or
2 5-905 of the Juvenile Court Act of 1987. Failure to make such
3 disclosure shall render a person ineligible for election or to
4 serve on the local school council. The same disclosure shall be
5 required of persons under consideration for appointment to the
6 Council pursuant to subsections (l) and (m) of this Section.

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

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

1 foregoing offenses.

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

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

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

25 (i) Candidates receiving the highest number of votes shall
26 be declared elected by the Council. In cases of a tie, the

1 Council shall determine the winner by lot.

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

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

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

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

21 (ii) A non-binding, advisory poll to ascertain the
22 preferences of the school staff regarding appointments of
23 teachers to the local school council for that attendance
24 center shall be conducted in accordance with the procedures
25 used to elect parent and community Council
26 representatives. At such poll, each member of the school

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

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

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

25 (i) Appointments shall be made from among those
26 students who submit statements of candidacy to the

1 principal of the attendance center, such statements to be
2 submitted commencing on the first day of the twentieth week
3 of school and continuing for 2 weeks thereafter. The form
4 and manner of such candidacy statements shall be determined
5 by the Board.

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

24 (iii) For the 1995-96 school year only, appointments
25 shall be made from among those students who submitted
26 statements of candidacy to the principal of the attendance

1 center during the first 2 weeks of the school year. The
2 principal shall communicate the results of any nonbinding,
3 advisory poll to the Board. These results shall be advisory
4 only, and the Board shall maintain absolute discretion to
5 appoint student members to local school councils,
6 irrespective of the preferences expressed in any such poll.

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

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

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

21 (q) The Board shall promulgate rules regarding conflicts of
22 interest and disclosure of economic interests which shall apply
23 to local school council members and which shall require reports
24 or statements to be filed by Council members at regular
25 intervals with the Secretary of the Board. Failure to comply
26 with such rules or intentionally falsifying such reports shall

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

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

1 or she shall be removed by the Board subject to a hearing,
2 convened pursuant to Board rule, prior to removal. A vote to
3 remove a Council member by the local school council shall only
4 be valid if the Council member has been notified personally or
5 by certified mail, mailed to the person's last known address,
6 of the Council's intent to vote on the Council member's removal
7 at least 7 days prior to the vote. The Council member in
8 question shall have the right to explain his or her actions and
9 shall be eligible to vote on the question of his or her removal
10 from the Council. The provisions of this subsection shall be
11 contained within the petitions used to nominate Council
12 candidates.

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

21 (3) A person may continue to serve as a teacher member of a
22 local school council as long as he or she is employed and
23 assigned to perform a majority of his or her duties at the
24 school, provided that if the teacher representative resigns
25 from employment with the Board or voluntarily transfers to
26 another school, the teacher's membership on the local school

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

8 (Source: P.A. 95-1015, eff. 12-15-08.)