



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB6017

Introduced 2/10/2010, by Rep. Marlow H. Colvin

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/34-2.1

from Ch. 122, par. 34-2.1

Amends the Chicago Public Schools Article in the School Code. Provides that each local school council shall consist of the 12 (instead of 11) voting members, which shall include one member who is an employee of the school district employed and assigned to perform the majority of his or her employment duties at the attendance center who is not a teacher. Provides that in each secondary attendance center, the local school council shall consist of 13 (instead of 12) voting members, which shall be 12 (instead of 11) voting members and one full-time student member. Specifies the manner in which the non-teacher employee member is appointed to a local school council.

LRB096 17574 MJR 32931 b

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.)