



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0697

by Rep. Robert Martwick

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27A-5	
105 ILCS 5/34-1.1	from Ch. 122, par. 34-1.1
105 ILCS 5/34-2.1	from Ch. 122, par. 34-2.1

Amends the Chicago School District Article of the School Code. Creates local school councils for charter schools in Chicago. Provides for the initial and subsequent appointment of members of the councils, and imposes certain limitations on members. Provides for non-binding, advisory polls of teachers at charter schools to choose teacher members of the council. Allows for the filling of vacant positions on the councils. Provides for non-binding, advisory polls for the appointment of student members of the councils. Makes conforming changes. Effective immediately.

LRB100 07841 MLM 17910 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 Sections
5 27A-5, 34-1.1, and 34-2.1 as follows:

6 (105 ILCS 5/27A-5)

7 Sec. 27A-5. Charter school; legal entity; requirements.

8 (a) A charter school shall be a public, nonsectarian,
9 nonreligious, non-home based, and non-profit school. A charter
10 school shall be organized and operated as a nonprofit
11 corporation or other discrete, legal, nonprofit entity
12 authorized under the laws of the State of Illinois.

13 (b) A charter school may be established under this Article
14 by creating a new school or by converting an existing public
15 school or attendance center to charter school status. Beginning
16 on April 16, 2003 (the effective date of Public Act 93-3), in
17 all new applications to establish a charter school in a city
18 having a population exceeding 500,000, operation of the charter
19 school shall be limited to one campus. The changes made to this
20 Section by Public Act 93-3 do not apply to charter schools
21 existing or approved on or before April 16, 2003 (the effective
22 date of Public Act 93-3).

23 (b-5) In this subsection (b-5), "virtual-schooling" means

1 a cyber school where students engage in online curriculum and
2 instruction via the Internet and electronic communication with
3 their teachers at remote locations and with students
4 participating at different times.

5 From April 1, 2013 through December 31, 2016, there is a
6 moratorium on the establishment of charter schools with
7 virtual-schooling components in school districts other than a
8 school district organized under Article 34 of this Code. This
9 moratorium does not apply to a charter school with
10 virtual-schooling components existing or approved prior to
11 April 1, 2013 or to the renewal of the charter of a charter
12 school with virtual-schooling components already approved
13 prior to April 1, 2013.

14 On or before March 1, 2014, the Commission shall submit to
15 the General Assembly a report on the effect of
16 virtual-schooling, including without limitation the effect on
17 student performance, the costs associated with
18 virtual-schooling, and issues with oversight. The report shall
19 include policy recommendations for virtual-schooling.

20 (c) A charter school shall be administered and governed by
21 its board of directors or other governing body in the manner
22 provided in its charter. The governing body of a charter school
23 shall be subject to the Freedom of Information Act and the Open
24 Meetings Act.

25 (d) For purposes of this subsection (d), "non-curricular
26 health and safety requirement" means any health and safety

1 requirement created by statute or rule to provide, maintain,
2 preserve, or safeguard safe or healthful conditions for
3 students and school personnel or to eliminate, reduce, or
4 prevent threats to the health and safety of students and school
5 personnel. "Non-curricular health and safety requirement" does
6 not include any course of study or specialized instructional
7 requirement for which the State Board has established goals and
8 learning standards or which is designed primarily to impart
9 knowledge and skills for students to master and apply as an
10 outcome of their education.

11 A charter school shall comply with all non-curricular
12 health and safety requirements applicable to public schools
13 under the laws of the State of Illinois. On or before September
14 1, 2015, the State Board shall promulgate and post on its
15 Internet website a list of non-curricular health and safety
16 requirements that a charter school must meet. The list shall be
17 updated annually no later than September 1. Any charter
18 contract between a charter school and its authorizer must
19 contain a provision that requires the charter school to follow
20 the list of all non-curricular health and safety requirements
21 promulgated by the State Board and any non-curricular health
22 and safety requirements added by the State Board to such list
23 during the term of the charter. Nothing in this subsection (d)
24 precludes an authorizer from including non-curricular health
25 and safety requirements in a charter school contract that are
26 not contained in the list promulgated by the State Board,

1 including non-curricular health and safety requirements of the
2 authorizing local school board.

3 (e) Except as otherwise provided in the School Code, a
4 charter school shall not charge tuition; provided that a
5 charter school may charge reasonable fees for textbooks,
6 instructional materials, and student activities.

7 (f) A charter school shall be responsible for the
8 management and operation of its fiscal affairs including, but
9 not limited to, the preparation of its budget. An audit of each
10 charter school's finances shall be conducted annually by an
11 outside, independent contractor retained by the charter
12 school. To ensure financial accountability for the use of
13 public funds, on or before December 1 of every year of
14 operation, each charter school shall submit to its authorizer
15 and the State Board a copy of its audit and a copy of the Form
16 990 the charter school filed that year with the federal
17 Internal Revenue Service. In addition, if deemed necessary for
18 proper financial oversight of the charter school, an authorizer
19 may require quarterly financial statements from each charter
20 school.

21 (g) A charter school shall comply with all provisions of
22 this Article, the Illinois Educational Labor Relations Act, all
23 federal and State laws and rules applicable to public schools
24 that pertain to special education and the instruction of
25 English learners, and its charter. A charter school is exempt
26 from all other State laws and regulations in this Code

1 governing public schools and local school board policies;
2 however, a charter school is not exempt from the following:

3 (1) Sections 10-21.9 and 34-18.5 of this Code regarding
4 criminal history records checks and checks of the Statewide
5 Sex Offender Database and Statewide Murderer and Violent
6 Offender Against Youth Database of applicants for
7 employment;

8 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
9 34-84a of this Code regarding discipline of students;

10 (3) the Local Governmental and Governmental Employees
11 Tort Immunity Act;

12 (4) Section 108.75 of the General Not For Profit
13 Corporation Act of 1986 regarding indemnification of
14 officers, directors, employees, and agents;

15 (5) the Abused and Neglected Child Reporting Act;

16 (6) the Illinois School Student Records Act;

17 (7) Section 10-17a of this Code regarding school report
18 cards;

19 (8) the P-20 Longitudinal Education Data System Act;

20 (9) Section 27-23.7 of this Code regarding bullying
21 prevention;

22 (10) Section 2-3.162 of this Code regarding student
23 discipline reporting; ~~and~~

24 (11) Section 22-80 of this Code; and-

25 (12) for a charter school in a city having a population
26 exceeding 500,000, Sections 34-1.1 and 34-2.1 of this Code.

1 The change made by Public Act 96-104 to this subsection (g)
2 is declaratory of existing law.

3 (h) A charter school may negotiate and contract with a
4 school district, the governing body of a State college or
5 university or public community college, or any other public or
6 for-profit or nonprofit private entity for: (i) the use of a
7 school building and grounds or any other real property or
8 facilities that the charter school desires to use or convert
9 for use as a charter school site, (ii) the operation and
10 maintenance thereof, and (iii) the provision of any service,
11 activity, or undertaking that the charter school is required to
12 perform in order to carry out the terms of its charter.
13 However, a charter school that is established on or after April
14 16, 2003 (the effective date of Public Act 93-3) and that
15 operates in a city having a population exceeding 500,000 may
16 not contract with a for-profit entity to manage or operate the
17 school during the period that commences on April 16, 2003 (the
18 effective date of Public Act 93-3) and concludes at the end of
19 the 2004-2005 school year. Except as provided in subsection (i)
20 of this Section, a school district may charge a charter school
21 reasonable rent for the use of the district's buildings,
22 grounds, and facilities. Any services for which a charter
23 school contracts with a school district shall be provided by
24 the district at cost. Any services for which a charter school
25 contracts with a local school board or with the governing body
26 of a State college or university or public community college

1 shall be provided by the public entity at cost.

2 (i) In no event shall a charter school that is established
3 by converting an existing school or attendance center to
4 charter school status be required to pay rent for space that is
5 deemed available, as negotiated and provided in the charter
6 agreement, in school district facilities. However, all other
7 costs for the operation and maintenance of school district
8 facilities that are used by the charter school shall be subject
9 to negotiation between the charter school and the local school
10 board and shall be set forth in the charter.

11 (j) A charter school may limit student enrollment by age or
12 grade level.

13 (k) If the charter school is approved by the Commission,
14 then the Commission charter school is its own local education
15 agency.

16 (Source: P.A. 98-16, eff. 5-24-13; 98-639, eff. 6-9-14; 98-669,
17 eff. 6-26-14; 98-739, eff. 7-16-14; 98-783, eff. 1-1-15;
18 98-1059, eff. 8-26-14; 98-1102, eff. 8-26-14; 99-30, eff.
19 7-10-15; 99-78, eff. 7-20-15; 99-245, eff. 8-3-15; 99-325, eff.
20 8-10-15; 99-456, eff. 9-15-16; 99-642, eff. 7-28-16.)

21 (105 ILCS 5/34-1.1) (from Ch. 122, par. 34-1.1)

22 Sec. 34-1.1. Definitions. As used in this Article:

23 "Academic Accountability Council" means the Chicago
24 Schools Academic Accountability Council created under Section
25 34-3.4.

1 "Local School Council" means a local school council
2 established under Section 34-2.1.

3 "School" and "attendance center" are used interchangeably
4 to mean any attendance center operated pursuant to this Article
5 and under the direction of one principal and includes any
6 charter school operated pursuant to the Charter Schools Law for
7 the purpose of Section 34-2.1 of this Code.

8 "Secondary Attendance Center" means a school which has
9 students enrolled in grades 9 through 12 (although it may also
10 have students enrolled in grades below grade 9).

11 "Local Attendance Area School" means a school which has a
12 local attendance area established by the board.

13 "Charter school" means a school established under the
14 Charter Schools Law.

15 "Multi-area school" means a school other than a local
16 attendance area school or a charter school.

17 "Contract school" means an attendance center managed and
18 operated by a for-profit or not-for-profit private entity
19 retained by the board to provide instructional and other
20 services to a majority of the pupils enrolled in the attendance
21 center.

22 "Contract turnaround school" means an experimental
23 contract school created by the board to implement alternative
24 governance in an attendance center subject to restructuring or
25 similar intervention under federal law that has not made
26 adequate yearly progress for 5 consecutive years or a time

1 period set forth in federal law.

2 "Parent" means a parent or legal guardian of an enrolled
3 student of an attendance center.

4 Except as otherwise provided in Section 34-2.1 of this
5 Code, "community "Community resident" means a person, 18 years
6 of age or older, residing within an attendance area served by a
7 school, excluding any person who is a parent of a student
8 enrolled in that school; provided that with respect to any
9 multi-area school, community resident means any person, 18
10 years of age or older, residing within the voting district
11 established for that school pursuant to Section 34-2.1c,
12 excluding any person who is a parent of a student enrolled in
13 that school.

14 "School staff" means all certificated and uncertificated
15 school personnel, including all teaching and administrative
16 staff (other than the principal) and including all custodial,
17 food service and other civil service employees, who are
18 employed at and assigned to perform the majority of their
19 employment duties at one attendance center served by the same
20 local school council.

21 "Regular meetings" means the meeting dates established by
22 the local school council at its annual organizational meeting.

23 (Source: P.A. 96-105, eff. 7-30-09.)

24 (105 ILCS 5/34-2.1) (from Ch. 122, par. 34-2.1)

25 Sec. 34-2.1. Local School Councils - Composition -

1 Voter-Eligibility - Elections - Terms.

2 (a) A local school council shall be established for each
3 attendance center within the school district. Each local school
4 council shall consist of the following 12 voting members: the
5 principal of the attendance center, 2 teachers employed and
6 assigned to perform the majority of their employment duties at
7 the attendance center, 6 parents of students currently enrolled
8 at the attendance center, one employee of the school district
9 employed and assigned to perform the majority of his or her
10 employment duties at the attendance center who is not a teacher
11 or, in the case of a charter school, one employee of the
12 charter school employed and assigned to perform the majority of
13 his or her employment duties at the charter school who is not a
14 teacher, and 2 community residents. Neither the parents nor the
15 community residents who serve as members of the local school
16 council shall be employees of the Board of Education, any
17 charter management organization, or any educational management
18 organization. In each secondary attendance center, the local
19 school council shall consist of 13 voting members -- the 12
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

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

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

17 Within 30 days after the effective date of this amendatory
18 act of the 100th General Assembly, the Mayor shall appoint the
19 members and officers (a Chairperson who shall be a parent
20 member and a Secretary) of each local school council for all
21 charter schools located within the school district, who shall
22 hold their offices until their successors are elected and
23 qualified. Members so appointed shall have all the powers and
24 duties of members of local school councils. The Mayor's
25 appointments shall not require approval by the City Council.

26 The membership of each local school council shall be

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

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

12 (d) Beginning with the 1995-96 school year and, for charter
13 schools, beginning with the 2017-2018 school year, the
14 following procedures shall apply to the election of local
15 school council 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 and the non-teacher employee
15 member of each local school council shall be appointed as
16 provided in subsection (l) below each to serve for a
17 two-year term coinciding with that of the elected parent
18 and community resident members.

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

24 (e) The Council shall publicize the date and place of the
25 election by posting notices at the attendance center, in public
26 places within the attendance boundaries of the attendance

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

5 (f) Nomination. The Council shall publicize the opening of
6 nominations by posting notices at the attendance center, in
7 public places within the attendance boundaries of the
8 attendance center and by distributing notices to the pupils at
9 the attendance center, and shall utilize such other means as it
10 deems necessary to maximize the involvement of all eligible
11 voters. Not less than 2 weeks before the election date, persons
12 eligible to run for the Council shall submit their name, date
13 of birth, social security number, if available, and some
14 evidence of eligibility to the Council. The Council shall
15 encourage nomination of candidates reflecting the
16 racial/ethnic population of the students at the attendance
17 center. Each person nominated who runs as a candidate shall
18 disclose, in a manner determined by the Board, any economic
19 interest held by such person, by such person's spouse or
20 children, or by each business entity in which such person has
21 an ownership interest, in any contract with the Board, any
22 local school council, ~~or~~ any public school in the school
23 district, any charter school located in the school district,
24 any charter management organization, or any educational
25 management organization. Each person nominated who runs as a
26 candidate shall also disclose, in a manner determined by the

1 Board, if he or she ever has been convicted of any of the
2 offenses specified in subsection (c) of Section 34-18.5;
3 provided that neither this provision nor any other provision of
4 this Section shall be deemed to require the disclosure of any
5 information that is contained in any law enforcement record or
6 juvenile court record that is confidential or whose
7 accessibility or disclosure is restricted or prohibited under
8 Section 5-901 or 5-905 of the Juvenile Court Act of 1987.
9 Failure to make such disclosure shall render a person
10 ineligible for election or to serve on the local school
11 council. The same disclosure shall be required of persons under
12 consideration for appointment to the Council pursuant to
13 subsections (l) and (m) of this Section.

14 (f-5) Notwithstanding disclosure, a person who has been
15 convicted of any of the following offenses at any time shall be
16 ineligible for election or appointment to a local school
17 council and ineligible for appointment to a local school
18 council pursuant to subsections (l) and (m) of this Section:
19 (i) those defined in Section 11-1.20, 11-1.30, 11-1.40,
20 11-1.50, 11-1.60, 11-6, 11-9.1, 11-14.4, 11-16, 11-17.1,
21 11-19, 11-19.1, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13,
22 12-14, 12-14.1, 12-15, or 12-16, or subdivision (a)(2) of
23 Section 11-14.3, of the Criminal Code of 1961 or the Criminal
24 Code of 2012, or (ii) any offense committed or attempted in any
25 other state or against the laws of the United States, which, if
26 committed or attempted in this State, would have been

1 punishable as one or more of the foregoing offenses.
2 Notwithstanding disclosure, a person who has been convicted of
3 any of the following offenses within the 10 years previous to
4 the date of nomination or appointment shall be ineligible for
5 election or appointment to a local school council: (i) those
6 defined in Section 401.1, 405.1, or 405.2 of the Illinois
7 Controlled Substances Act or (ii) any offense committed or
8 attempted in any other state or against the laws of the United
9 States, which, if committed or attempted in this State, would
10 have been punishable as one or more of the 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, notwithstanding Section 34-18.5, the social security
19 number shall be provided only if available. If it is determined
20 at any time that a local school council member or member-elect
21 has been convicted of any of the offenses enumerated in this
22 Section or failed to disclose a conviction of any of the
23 offenses enumerated in Section 34-18.5, the general
24 superintendent shall notify the local school council member or
25 member-elect of such determination and the local school council
26 member or member-elect shall be removed from the local school

1 council by the Board, subject to a hearing, convened pursuant
2 to Board rule, prior to removal.

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

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

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

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

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

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

23 (i) The Board shall appoint 2 teachers who are employed
24 and assigned to perform the majority of their employment
25 duties at the attendance center to serve on the local
26 school council of the attendance center for a two-year term

1 coinciding with the terms of the elected parent and
2 community members of that local school council. These
3 appointments shall be made from among those teachers who
4 are nominated in accordance with subsection (f).

5 (ii) A non-binding, advisory poll to ascertain the
6 preferences of the school staff regarding appointments of
7 teachers to the local school council for that attendance
8 center shall be conducted in accordance with the procedures
9 used to elect parent and community Council
10 representatives. At such poll, each member of the school
11 staff shall be entitled to indicate his or her preference
12 for up to 2 candidates from among those who submitted
13 statements of candidacy as described above. These
14 preferences shall be advisory only and the Board shall
15 maintain absolute discretion to appoint teacher members to
16 local school councils, irrespective of the preferences
17 expressed in any such poll.

18 (iii) In the event that a teacher representative is
19 unable to perform his or her employment duties at the
20 school due to illness, disability, leave of absence,
21 disciplinary action, or any other reason, the Board shall
22 declare a temporary vacancy and appoint a replacement
23 teacher representative to serve on the local school council
24 until such time as the teacher member originally appointed
25 pursuant to this subsection (1) resumes service at the
26 attendance center or for the remainder of the term. The

1 replacement teacher representative shall be appointed in
2 the same manner and by the same procedures as teacher
3 representatives are appointed in subdivisions (i) and (ii)
4 of this subsection (1).

5 (1-5) Beginning with the 2017-2018 school year and in every
6 even-numbered year thereafter, each charter school shall
7 appoint 2 teacher members to the local school council for the
8 charter school. These appointments shall be made in the
9 following manner:

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

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

1 statements of candidacy as described in subsection (f) of
2 this Section. These preferences shall be advisory only and
3 the charter school shall maintain absolute discretion to
4 appoint teacher members to the local school council,
5 irrespective of the preferences expressed in any such poll.

6 (iii) In the event that a teacher representative is
7 unable to perform his or her employment duties at the
8 charter school due to illness, disability, leave of
9 absence, disciplinary action, or any other reason, the
10 charter school shall declare a temporary vacancy and
11 appoint a replacement teacher representative to serve on
12 the local school council until such time as the teacher
13 member originally appointed pursuant to this subsection
14 (1-5) resumes service at the charter school or for the
15 remainder of the term. The replacement teacher
16 representative shall be appointed in the same manner and by
17 the same procedures as teacher representatives are
18 appointed in subdivisions (i) and (ii) of this subsection
19 (1-5).

20 (m) Beginning with the 1995-1996 school year, and in every
21 year thereafter, the Board shall appoint one student member to
22 each secondary attendance center that is not a charter school.
23 These appointments shall be made in the following manner:

24 (i) Appointments shall be made from among those
25 students who submit statements of candidacy to the
26 principal of the attendance center, such statements to be

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

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

23 (iii) For the 1995-96 school year only, appointments
24 shall be made from among those students who submitted
25 statements of candidacy to the principal of the attendance
26 center during the first 2 weeks of the school year. The

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

6 (m-5) Beginning with the 2017-2018 school year and in every
7 year thereafter, each charter school shall appoint one student
8 member to each secondary attendance center that is a charter
9 school. These appointments shall be made in the following
10 manner:

11 (i) Except as provided in subdivision (iii) of this
12 subsection (m-5), appointments shall be made from among
13 those students who submit statements of candidacy to the
14 principal of the charter school, such statements to be
15 submitted commencing on the first day of the twentieth week
16 of school and continuing for 2 weeks thereafter. The form
17 and manner of such candidacy statements shall be determined
18 by the charter school.

19 (ii) During the twenty-second week of school in every
20 year, the principal of each charter school shall conduct a
21 non-binding, advisory poll to ascertain the preferences of
22 the school's students regarding the appointment of a
23 student to the local school council for that charter
24 school. At such poll, each student shall be entitled to
25 indicate his or her preference for up to one candidate from
26 among those who submitted statements of candidacy as

1 described in subdivision (i) of this subsection (m-5). The
2 charter school shall adopt rules to ensure that these
3 non-binding, advisory polls are conducted in a fair and
4 equitable manner and maximize the involvement of all school
5 students. The preferences expressed in these non-binding,
6 advisory polls shall be transmitted by the principal to the
7 charter school. However, these preferences shall be
8 advisory only and the charter school shall maintain
9 absolute discretion to appoint student members to the local
10 school council, irrespective of the preferences expressed
11 in any such poll.

12 (iii) For the 2017-2018 school year only, appointments
13 shall be made from among those students who submitted
14 statements of candidacy to the principal of the charter
15 school during the first 2 weeks of the school year. The
16 principal shall communicate the results of any
17 non-binding, advisory poll to the charter school. These
18 results shall be advisory only, and the charter school
19 shall maintain absolute discretion to appoint student
20 members to the local school council, irrespective of the
21 preferences expressed in any such poll.

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

25 (o) In the event that a vacancy occurs during a member's
26 term, the Council shall appoint a person eligible to serve on

1 the Council, to fill the unexpired term created by the vacancy,
2 except that any teacher vacancy shall be filled by the Board
3 or, in the case of a charter school, the charter school shall
4 fill the vacancy, after considering the preferences of the
5 school staff as ascertained through a non-binding advisory poll
6 of school staff.

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

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

26 (r) (1) If a parent member of a local school council ceases

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

1 contained within the petitions used to nominate Council
2 candidates.

3 (2) A person may continue to serve as a community resident
4 member of a local school council as long as he or she resides
5 in the attendance area served by the school or, in the case of
6 a charter school, resides within the attendance area served by
7 the local attendance area school in which the charter school is
8 located and is not employed by the Board, any charter
9 management organization, or any educational management
10 organization 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, in the case of a charter
20 school, resigns from employment with the charter school, or
21 voluntarily transfers to another school, the teacher's
22 membership on the local school council and all voting rights
23 are terminated immediately as of the date of the teacher's
24 resignation or upon the date of the teacher's voluntary
25 transfer to another school. If a teacher member of a local
26 school council ceases to be eligible to serve on a local school

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

4 (s) As used in this Section only, "community resident"
5 means a person, 17 years of age or older, residing within an
6 attendance area served by a school, excluding any person who is
7 a parent of a student enrolled in that school; provided that
8 with respect to any multi-area school, community resident means
9 any person, 17 years of age or older, residing within the
10 voting district established for that school pursuant to Section
11 34-2.1c, excluding any person who is a parent of a student
12 enrolled in that school. With respect to any charter school,
13 "community resident" means any person, 17 years of age or
14 older, residing within the attendance area served by the local
15 attendance area school in which the charter school is located.
16 This definition does not apply to any provisions concerning
17 school boards.

18 (Source: P.A. 99-597, eff. 1-1-17.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.