



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5820

Introduced 11/10/2020, by Rep. Kambium Buckner, Lamont J. Robinson, Jr. and Curtis J. Tarver, II

SYNOPSIS AS INTRODUCED:

105 ILCS 5/34-2.1	from Ch. 122, par. 34-2.1
105 ILCS 5/34-2.2	from Ch. 122, par. 34-2.2

Amends the Chicago School District Article of the School Code. Provides that beginning with the 2021-2022 school year, the membership of the local school council for each secondary attendance center shall include 3 full-time student members (rather than one full-time student member). Makes related changes. Effective immediately.

LRB101 21953 CMG 72962 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 34-2.1 and 34-2.2 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 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, 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 voting members through the 2020-2021 school year,
23 ~~—~~ the 12 voting members described above and one full-time

1 student member, and 15 voting members beginning with the
2 2021-2022 school year, the 12 voting members described above
3 and 3 full-time student members, appointed as provided in
4 subsection (m) below. In the event that the chief executive
5 officer of the Chicago School Reform Board of Trustees
6 determines that a local school council is not carrying out its
7 financial duties effectively, the chief executive officer is
8 authorized to appoint a representative of the business
9 community with experience in finance and management to serve as
10 an advisor to the local school council for the purpose of
11 providing advice and assistance to the local school council on
12 fiscal matters. The advisor shall have access to relevant
13 financial records of the local school council. The advisor may
14 attend executive sessions. The chief executive officer shall
15 issue a written policy defining the circumstances under which a
16 local school council is not carrying out its financial duties
17 effectively.

18 (b) Within 7 days of January 11, 1991, the Mayor shall
19 appoint the members and officers (a Chairperson who shall be a
20 parent member and a Secretary) of each local school council who
21 shall hold their offices until their successors shall be
22 elected and qualified. Members so appointed shall have all the
23 powers and duties of local school councils as set forth in this
24 amendatory Act of 1991. The Mayor's appointments shall not
25 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 (c-5) Notwithstanding subsection (c), for the local school
13 council election set for the 2019-2020 school year, the Board
14 may hold the election on the first semester Parent Report Card
15 Pick-up Day of the 2020-2021 school year, making any necessary
16 modifications to the election process or date to comply with
17 guidance from the Department of Public Health and the federal
18 Centers for Disease Control and Prevention. The terms of office
19 of all local school council members eligible to serve and
20 seated on or after March 23, 2020 through January 10, 2021 are
21 extended through January 10, 2021, provided that the members
22 continue to meet eligibility requirements for local school
23 council membership.

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

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

4 (ii) Each elected member shall be elected by the
5 eligible voters of that attendance center to serve for a
6 two-year term commencing on July 1 immediately following
7 the election described in subsection (c), except that the
8 terms of members elected to a local school council under
9 subsection (c-5) shall commence on January 11, 2021 and end
10 on July 1, 2022. Eligible voters for each attendance center
11 shall consist of the parents and community residents for
12 that attendance center.

13 (iii) Each eligible voter shall be entitled to cast one
14 vote for up to a total of 5 candidates, irrespective of
15 whether such candidates are parent or community resident
16 candidates.

17 (iv) Each parent voter shall be entitled to vote in the
18 local school council election at each attendance center in
19 which he or she has a child currently enrolled. Each
20 community resident voter shall be entitled to vote in the
21 local school council election at each attendance center for
22 which he or she resides in the applicable attendance area
23 or voting district, as the case may be.

24 (v) Each eligible voter shall be entitled to vote once,
25 but not more than once, in the local school council
26 election at each attendance center at which the voter is

1 eligible to vote.

2 (vi) The 2 teacher members and the non-teacher employee
3 member of each local school council shall be appointed as
4 provided in subsection (l) below each to serve for a
5 two-year term coinciding with that of the elected parent
6 and community resident members. From March 23, 2020 through
7 January 10, 2021, the chief executive officer or his or her
8 designee may make accommodations to fill the vacancy of a
9 teacher or non-teacher employee member of a local school
10 council.

11 (vii) At secondary attendance centers, the voting
12 student members ~~member~~ shall be appointed as provided in
13 subsection (m) below to serve for a one-year term
14 coinciding with the beginning of the terms of the elected
15 parent and community members of the local school council.
16 For the 2020-2021 school year, the chief executive officer
17 or his or her designee may make accommodations to fill the
18 vacancy of a student member of a local school council.

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

26 (f) Nomination. The Council shall publicize the opening of

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

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

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

11 (i) those defined in Section 11-1.20, 11-1.30, 11-1.40,
12 11-1.50, 11-1.60, 11-6, 11-9.1, 11-14.4, 11-16, 11-17.1,
13 11-19, 11-19.1, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13,
14 12-14, 12-14.1, 12-15, or 12-16, or subdivision (a)(2) of
15 Section 11-14.3, of the Criminal Code of 1961 or the Criminal
16 Code of 2012, or (ii) any offense committed or attempted in any
17 other state or against the laws of the United States, which, if
18 committed or attempted in this State, would have been
19 punishable as one or more of the foregoing offenses.

20 Notwithstanding disclosure, a person who has been convicted of
21 any of the following offenses within the 10 years previous to
22 the date of nomination or appointment shall be ineligible for
23 election or appointment to a local school council: (i) those
24 defined in Section 401.1, 405.1, or 405.2 of the Illinois
25 Controlled Substances Act or (ii) any offense committed or
26 attempted in any other state or against the laws of the United

1 States, which, if committed or attempted in this State, would
2 have been punishable as one or more of the foregoing offenses.

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

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

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

26 (i) Candidates receiving the highest number of votes shall

1 be declared elected by the Council. In cases of a tie, the
2 Council shall determine the winner by lot.

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

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

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

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

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

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

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

22 (m) Beginning with the 1995-1996 school year through the
23 2020-2021 school year, and in every year thereafter, the Board
24 shall appoint one student member to each secondary attendance
25 center. Beginning with the 2021-2022 school year and for every
26 school year thereafter, the Board shall appoint 3 student

1 members to each secondary attendance center. These
2 appointments shall be made in the following manner:

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

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

1 expressed in any such poll.

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

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

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

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

25 (q) The Board shall promulgate rules regarding conflicts of
26 interest and disclosure of economic interests which shall apply

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

14 (r) (1) If a parent member of a local school council ceases
15 to have any child enrolled in the attendance center governed by
16 the Local School Council due to the graduation or voluntary
17 transfer of a child or children from the attendance center, the
18 parent's membership on the Local School Council and all voting
19 rights are terminated immediately as of the date of the child's
20 graduation or voluntary transfer. If the child of a parent
21 member of a local school council dies during the member's term
22 in office, the member may continue to serve on the local school
23 council for the balance of his or her term. Further, a local
24 school council member may be removed from the Council by a
25 majority vote of the Council as provided in subsection (c) of
26 Section 34-2.2 if the Council member has missed 3 consecutive

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

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

25 (3) A person may continue to serve as a teacher member of a
26 local school council as long as he or she is employed and

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

12 (s) As used in this Section only, "community resident"
13 means a person, 17 years of age or older, residing within an
14 attendance area served by a school, excluding any person who is
15 a parent of a student enrolled in that school; provided that
16 with respect to any multi-area school, community resident means
17 any person, 17 years of age or older, residing within the
18 voting district established for that school pursuant to Section
19 34-2.1c, excluding any person who is a parent of a student
20 enrolled in that school. This definition does not apply to any
21 provisions concerning school boards.

22 (Source: P.A. 101-643, eff. 6-18-20.)

23 (105 ILCS 5/34-2.2) (from Ch. 122, par. 34-2.2)

24 Sec. 34-2.2. Local school councils - Manner of operation.

25 (a) The annual organizational meeting of each local school

1 council shall be held at the attendance center or via
2 videoconference or teleconference if guidance from the
3 Department of Public Health or Centers for Disease Control and
4 Prevention limits the size of in-person meetings at the time of
5 the meeting. At the annual organization meeting, which shall be
6 held no sooner than July 1 and no later than July 14, a parent
7 member of the local school council shall be selected by the
8 members of such council as its chairperson, and a secretary
9 shall be selected by the members of such council from among
10 their number, each to serve a term of one year. However, an
11 organizational meeting held by members elected to a local
12 school council under subsection (c-5) of Section 34-2.1 may be
13 held no sooner than January 11, 2021 and no later than January
14 31, 2021. Whenever a vacancy in the office of chairperson or
15 secretary of a local school council shall occur, a new
16 chairperson (who shall be a parent member) or secretary, as the
17 case may be, shall be elected by the members of the local
18 school council from among their number to serve as such
19 chairperson or secretary for the unexpired term of office in
20 which the vacancy occurs. At each annual organizational
21 meeting, the time and place of any regular meetings of the
22 local school council shall be fixed. Special meetings of the
23 local school council may be called by the chairperson or by any
24 4 members by giving notice thereof in writing, specifying the
25 time, place and purpose of the meeting. Public notice of
26 meetings shall also be given in accordance with the Open

1 Meetings Act.

2 (b) Members and officers of the local school council shall
3 serve without compensation and without reimbursement of any
4 expenses incurred in the performance of their duties, except
5 that the board of education may by rule establish a procedure
6 and thereunder provide for reimbursement of members and
7 officers of local school councils for such of their reasonable
8 and necessary expenses (excluding any lodging or meal expenses)
9 incurred in the performance of their duties as the board may
10 deem appropriate.

11 (c) A majority of the full membership of the local school
12 council shall constitute a quorum, and whenever a vote is taken
13 on any measure before the local school council, a quorum being
14 present, the affirmative vote of a majority of the votes of the
15 full membership then serving of the local school council shall
16 determine the outcome thereof; provided that whenever the
17 measure before the local school council is (i) the evaluation
18 of the principal, or (ii) the renewal of his or her performance
19 contract or the inclusion of any provision or modification of
20 the contract, or (iii) the direct selection by the local school
21 council of a new principal (including a new principal to fill a
22 vacancy) to serve under a 4 year performance contract, or (iv)
23 the determination of the names of candidates to be submitted to
24 the general superintendent for the position of principal, the
25 principal and any student members ~~member~~ of a high school
26 council shall not be counted for purposes of determining

1 whether a quorum is present to act on the measure and shall
2 have no vote thereon; and provided further that 7 affirmative
3 votes of the local school council shall be required for the
4 direct selection by the local school council of a new principal
5 to serve under a 4 year performance contract but not for the
6 renewal of a principal's performance contract.

7 (d) Student members of high school councils shall not be
8 eligible to vote on personnel matters, including but not
9 limited to principal evaluations and contracts and the
10 allocation of teaching and staff resources.

11 (e) The local school council of an attendance center which
12 provides bilingual education shall be encouraged to provide
13 translators at each council meeting to maximize participation
14 of parents and the community.

15 (f) Each local school council of an attendance center which
16 provides bilingual education shall create a Bilingual Advisory
17 Committee or recognize an existing Bilingual Advisory
18 Committee as a standing committee. The Chair and a majority of
19 the members of the advisory committee shall be parents of
20 students in the bilingual education program. The parents on the
21 advisory committee shall be selected by parents of students in
22 the bilingual education program, and the committee shall select
23 a Chair. The advisory committee for each secondary attendance
24 center shall include at least one full-time bilingual education
25 student. The Bilingual Advisory Committee shall serve only in
26 an advisory capacity to the local school council.

1 (g) Local school councils may utilize the services of an
2 arbitration board to resolve intra-council disputes.

3 (Source: P.A. 101-643, eff. 6-18-20.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.