



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1737

Introduced 2/15/2019, by Sen. Omar Aquino

SYNOPSIS AS INTRODUCED:

105 ILCS 5/34-2.1

from Ch. 122, par. 34-2.1

Amends the Chicago School District Article of the School Code. With regard to local school council members, provides that an individual is ineligible for election or appointment to a local school council if he or she appears on the Dru Sjodin National Sex Offender Public Website or the Statewide Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database. Provides that if the general superintendent, upon a check, determines at any time that a local school council member or member-elect appears on the Dru Sjodin National Sex Offender Public Website or the Statewide Sex Offender Database or Statewide Murderer and Violent Offender Against Youth Database, the general superintendent must notify the local school council member or member-elect of such determination and the local school council member or member-elect must be removed from the local school council by the school board, subject to a hearing, convened pursuant to board rule, prior to removal. Provides that notwithstanding any other provision of law to the contrary, a local school council member must comply with all applicable board rules and policies regarding employees or volunteers if he or she engages in school activities beyond the scope of his or her official duty as a council member. Removes provisions regarding ineligibility for election or appointment of a local school council member based on a criminal conviction.

LRB101 09646 AXK 54744 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 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 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 -- the 12 voting members described
23 above and one full-time student member, appointed as provided

1 in subsection (m) below. In the event that the chief executive
2 officer of the Chicago School Reform Board of Trustees
3 determines that a local school council is not carrying out its
4 financial duties effectively, the chief executive officer is
5 authorized to appoint a representative of the business
6 community with experience in finance and management to serve as
7 an advisor to the local school council for the purpose of
8 providing advice and assistance to the local school council on
9 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) An individual is ineligible for election or
8 appointment to a local school council if he or she appears on
9 the Dru Sjodin National Sex Offender Public Website or the
10 Statewide Sex Offender Database or Statewide Murderer and
11 Violent Offender Against Youth Database under Section 34-18.5.
12 If the general superintendent, upon a check, determines at any
13 time that a local school council member or member-elect appears
14 on the Dru Sjodin National Sex Offender Public Website or the
15 Statewide Sex Offender Database or Statewide Murderer and
16 Violent Offender Against Youth Database, the general
17 superintendent must notify the local school council member or
18 member-elect of such determination and the local school council
19 member or member-elect must be removed from the local school
20 council by the board, subject to a hearing, convened pursuant
21 to board rule, prior to removal.

22 Notwithstanding any other provision of law to the contrary,
23 a local school council member must comply with all applicable
24 board rules and policies regarding employees or volunteers if
25 he or she engages in school activities beyond the scope of his
26 or her official duty as a council member. Notwithstanding

1 ~~disclosure, a person who has been convicted of any of the~~
2 ~~following offenses at any time shall be ineligible for election~~
3 ~~or appointment to a local school council and ineligible for~~
4 ~~appointment to a local school council pursuant to subsections~~
5 ~~(l) and (m) of this Section: (i) those defined in Section~~
6 ~~11 1.20, 11 1.30, 11 1.40, 11 1.50, 11 1.60, 11 6, 11 9.1,~~
7 ~~11 14.4, 11 16, 11 17.1, 11 19, 11 19.1, 11 19.2, 11 20.1,~~
8 ~~11 20.1B, 11 20.3, 12 13, 12 14, 12 14.1, 12 15, or 12 16, or~~
9 ~~subdivision (a) (2) of Section 11 14.3, of the Criminal Code of~~
10 ~~1961 or the Criminal Code of 2012, or (ii) any offense~~
11 ~~committed or attempted in any other state or against the laws~~
12 ~~of the United States, which, if committed or attempted in this~~
13 ~~State, would have been punishable as one or more of the~~
14 ~~foregoing offenses. Notwithstanding disclosure, a person who~~
15 ~~has been convicted of any of the following offenses within the~~
16 ~~10 years previous to the date of nomination or appointment~~
17 ~~shall be ineligible for election or appointment to a local~~
18 ~~school council: (i) those defined in Section 401.1, 405.1, or~~
19 ~~405.2 of the Illinois Controlled Substances Act or (ii) any~~
20 ~~offense committed or attempted in any other state or against~~
21 ~~the laws of the United States, which, if committed or attempted~~
22 ~~in this State, would have been punishable as one or more of the~~
23 ~~foregoing offenses.~~

24 ~~Immediately upon election or appointment, incoming local~~
25 ~~school council members shall be required to undergo a criminal~~
26 ~~background investigation, to be completed prior to the member~~

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

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

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

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

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

26 (k) The general superintendent shall resolve any disputes

1 concerning election procedure or results and shall ensure that,
2 except as provided in subsections (e) and (g), no resources of
3 any attendance center shall be used to endorse or promote any
4 candidate.

5 (1) Beginning with the 1995-1996 school year and in every
6 even numbered year thereafter, the Board shall appoint 2
7 teacher members to each local school council. These
8 appointments shall be made in the following manner:

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

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

1 maintain absolute discretion to appoint teacher members to
2 local school councils, irrespective of the preferences
3 expressed in any such poll.

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

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

21 (i) Appointments shall be made from among those
22 students who submit statements of candidacy to the
23 principal of the attendance center, such statements to be
24 submitted commencing on the first day of the twentieth week
25 of school and continuing for 2 weeks thereafter. The form
26 and manner of such candidacy statements shall be determined

1 by the Board.

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

20 (iii) For the 1995-96 school year only, appointments
21 shall be made from among those students who submitted
22 statements of candidacy to the principal of the attendance
23 center during the first 2 weeks of the school year. The
24 principal shall communicate the results of any nonbinding,
25 advisory poll to the Board. These results shall be advisory
26 only, and the Board shall maintain absolute discretion to

1 appoint student members to local school councils,
2 irrespective of the preferences expressed in any such poll.

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

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

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

17 (q) The Board shall promulgate rules regarding conflicts of
18 interest and disclosure of economic interests which shall apply
19 to local school council members and which shall require reports
20 or statements to be filed by Council members at regular
21 intervals with the Secretary of the Board. Failure to comply
22 with such rules or intentionally falsifying such reports shall
23 be grounds for disqualification from local school council
24 membership. A vacancy on the Council for disqualification may
25 be so declared by the Secretary of the Board. Rules regarding
26 conflicts of interest and disclosure of economic interests

1 promulgated by the Board shall apply to local school council
2 members. No less than 45 days prior to the deadline, the
3 general superintendent shall provide notice, by mail, to each
4 local school council member of all requirements and forms for
5 compliance with economic interest statements.

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

1 by certified mail, mailed to the person's last known address,
2 of the Council's intent to vote on the Council member's removal
3 at least 7 days prior to the vote. The Council member in
4 question shall have the right to explain his or her actions and
5 shall be eligible to vote on the question of his or her removal
6 from the Council. The provisions of this subsection shall be
7 contained within the petitions used to nominate Council
8 candidates.

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

17 (3) A person may continue to serve as a teacher member of a
18 local school council as long as he or she is employed and
19 assigned to perform a majority of his or her duties at the
20 school, provided that if the teacher representative resigns
21 from employment with the Board or voluntarily transfers to
22 another school, the teacher's membership on the local school
23 council and all voting rights are terminated immediately as of
24 the date of the teacher's resignation or upon the date of the
25 teacher's voluntary transfer to another school. If a teacher
26 member of a local school council ceases to be eligible to serve

1 on a local school council for any other reason, that member
2 shall be removed by the Board subject to a hearing, convened
3 pursuant to Board 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. This definition does not apply to any
13 provisions concerning school boards.

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