



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

**HB3436**

by Rep. Sonya M. Harper

#### 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 respect to a parent or community resident's eligibility to serve on the local school council of an attendance center, allows a parent or community resident who is employed by the Chicago Board of Education and who is assigned to work at one or more attendance centers to serve as a member of the local school council as long as he or she is not assigned to spend the majority of his or her employment at the attendance center for which he or she is to serve as a local school council member (instead of prohibiting any employee of the Board from serving as a parent or community resident member). Effective immediately.

LRB100 10626 MLM 20849 b

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section  
5 34-2.1 as follows:

6 (105 ILCS 5/34-2.1) (from Ch. 122, par. 34-2.1)

7 Sec. 34-2.1. Local School Councils - Composition -  
8 Voter-Eligibility - Elections - Terms.

9 (a) A local school council shall be established for each  
10 attendance center within the school district. Each local school  
11 council shall consist of the following 12 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; however,  
21 a parent or community resident who is employed by the Board and  
22 who is assigned to work at one or more attendance centers may  
23 serve as a member of the local school council as long as he or

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

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

1 require approval by the City Council.

2 The membership of each local school council shall be  
3 encouraged to be reflective of the racial and ethnic  
4 composition of the student population of the attendance center  
5 served by the local school council.

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

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

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

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

26 (iii) Each eligible voter shall be entitled to cast one

1 vote for up to a total of 5 candidates, irrespective of  
2 whether such candidates are parent or community resident  
3 candidates.

4 (iv) Each parent voter shall be entitled to vote in the  
5 local school council election at each attendance center in  
6 which he or she has a child currently enrolled. Each  
7 community resident voter shall be entitled to vote in the  
8 local school council election at each attendance center for  
9 which he or she resides in the applicable attendance area  
10 or voting district, as the case may be.

11 (v) Each eligible voter shall be entitled to vote once,  
12 but not more than once, in the local school council  
13 election at each attendance center at which the voter is  
14 eligible to vote.

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

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

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

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

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

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

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

17 (i) those defined in Section 11-1.20, 11-1.30, 11-1.40,  
18 11-1.50, 11-1.60, 11-6, 11-9.1, 11-14.4, 11-16, 11-17.1,  
19 11-19, 11-19.1, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13,  
20 12-14, 12-14.1, 12-15, or 12-16, or subdivision (a)(2) of  
21 Section 11-14.3, of the Criminal Code of 1961 or the Criminal  
22 Code of 2012, or (ii) any offense committed or attempted in any  
23 other state or against the laws of the United States, which, if  
24 committed or attempted in this State, would have been  
25 punishable as one or more of the foregoing offenses.

26 Notwithstanding disclosure, a person who has been convicted of

1 any of the following offenses within the 10 years previous to  
2 the date of nomination or appointment shall be ineligible for  
3 election or appointment to a local school council: (i) those  
4 defined in Section 401.1, 405.1, or 405.2 of the Illinois  
5 Controlled Substances Act or (ii) any offense committed or  
6 attempted in any other state or against the laws of the United  
7 States, which, if committed or attempted in this State, would  
8 have been punishable as one or more of the foregoing offenses.

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



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

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

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

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

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

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

20 (i) The Board shall appoint 2 teachers who are employed  
21 and assigned to perform the majority of their employment  
22 duties at the attendance center to serve on the local  
23 school council of the attendance center for a two-year term  
24 coinciding with the terms of the elected parent and  
25 community members of that local school council. These  
26 appointments shall be made from among those teachers who

1 are nominated in accordance with subsection (f).

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

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

1 of this subsection (1).

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

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

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

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

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

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

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

24 (p) If less than the specified number of persons is elected  
25 within each candidate category, the newly elected local school  
26 council shall appoint eligible persons to serve as members of

1 the Council for two-year terms.

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

17 (r) (1) If a parent member of a local school council ceases  
18 to have any child enrolled in the attendance center governed by  
19 the Local School Council due to the graduation or voluntary  
20 transfer of a child or children from the attendance center, the  
21 parent's membership on the Local School Council and all voting  
22 rights are terminated immediately as of the date of the child's  
23 graduation or voluntary transfer. If the child of a parent  
24 member of a local school council dies during the member's term  
25 in office, the member may continue to serve on the local school  
26 council for the balance of his or her term. Further, a local

1 school council member may be removed from the Council by a  
2 majority vote of the Council as provided in subsection (c) of  
3 Section 34-2.2 if the Council member has missed 3 consecutive  
4 regular meetings, not including committee meetings, or 5  
5 regular meetings in a 12 month period, not including committee  
6 meetings. If a parent member of a local school council ceases  
7 to be eligible to serve on the Council for any other reason, he  
8 or she shall be removed by the Board subject to a hearing,  
9 convened pursuant to Board rule, prior to removal. A vote to  
10 remove a Council member by the local school council shall only  
11 be valid if the Council member has been notified personally or  
12 by certified mail, mailed to the person's last known address,  
13 of the Council's intent to vote on the Council member's removal  
14 at least 7 days prior to the vote. The Council member in  
15 question shall have the right to explain his or her actions and  
16 shall be eligible to vote on the question of his or her removal  
17 from the Council. The provisions of this subsection shall be  
18 contained within the petitions used to nominate Council  
19 candidates.

20 (2) A person may continue to serve as a community resident  
21 member of a local school council as long as he or she resides  
22 in the attendance area served by the school and is not employed  
23 by the Board, except as otherwise permitted under subsection  
24 (a) of this Section, nor is a parent of a student enrolled at  
25 the school. If a community resident member ceases to be  
26 eligible to serve on the Council, he or she shall be removed by

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

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

16 (s) As used in this Section only, "community resident"  
17 means a person, 17 years of age or older, residing within an  
18 attendance area served by a school, excluding any person who is  
19 a parent of a student enrolled in that school; provided that  
20 with respect to any multi-area school, community resident means  
21 any person, 17 years of age or older, residing within the  
22 voting district established for that school pursuant to Section  
23 34-2.1c, excluding any person who is a parent of a student  
24 enrolled in that school. This definition does not apply to any  
25 provisions concerning school boards.

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

1           Section 99. Effective date. This Act takes effect upon  
2           becoming law.