



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0148

Introduced 2/9/2021, 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 the school district shall perform a check of the Dru Sjodin National Sex Offender Public Website, the Statewide Sex Offender Database, and the Statewide Murderer and Violent Offender Against Youth Database upon the election or appointment of a local school council member. Provides that if the general superintendent 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 board of education. Provides that a local school council member must comply with all applicable board rules and policies regarding employees or volunteers. Removes provisions regarding ineligibility for election or appointment of a local school council member based upon certain criminal convictions. Effective immediately.

LRB102 10971 CMG 16303 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
11 school council shall consist of the following 12 voting
12 members: the principal of the attendance center, 2 teachers
13 employed and assigned to perform the majority of their
14 employment duties at the attendance center, 6 parents of
15 students currently enrolled at the attendance center, one
16 employee of the school district employed and assigned to
17 perform the majority of his or her employment duties at the
18 attendance center who is not a teacher, and 2 community
19 residents. Neither the parents nor the community residents who
20 serve as members of the local school council shall be
21 employees of the Board of Education. In each secondary
22 attendance center, the local school council shall consist of
23 13 voting members -- the 12 voting members described above and

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

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

24 The membership of each local school council shall be
25 encouraged to be reflective of the racial and ethnic
26 composition of the student population of the attendance center

1 served by the local school council.

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

10 (c-5) Notwithstanding subsection (c), for the local school
11 council election set for the 2019-2020 school year, the Board
12 may hold the election on the first semester Parent Report Card
13 Pick-up Day of the 2020-2021 school year, making any necessary
14 modifications to the election process or date to comply with
15 guidance from the Department of Public Health and the federal
16 Centers for Disease Control and Prevention. The terms of
17 office of all local school council members eligible to serve
18 and seated on or after March 23, 2020 through January 10, 2021
19 are extended through January 10, 2021, provided that the
20 members continue to meet eligibility requirements for local
21 school council membership.

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

25 (i) The elected members of each local school council
26 shall consist of the 6 parent members and the 2 community

1 resident members.

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

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

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

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

26 (vi) The 2 teacher members and the non-teacher

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

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

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

24 (f) Nomination. The Council shall publicize the opening of
25 nominations by posting notices at the attendance center, in
26 public places within the attendance boundaries of the

1 attendance center and by distributing notices to the pupils at
2 the attendance center, and shall utilize such other means as
3 it deems necessary to maximize the involvement of all eligible
4 voters. Not less than 2 weeks before the election date,
5 persons eligible to run for the Council shall submit their
6 name, date of birth, social security number, if available, and
7 some evidence of eligibility to the Council. The Council shall
8 encourage nomination of candidates reflecting the
9 racial/ethnic population of the students at the attendance
10 center. Each person nominated who runs as a candidate shall
11 disclose, in a manner determined by the Board, any economic
12 interest held by such person, by such person's spouse or
13 children, or by each business entity in which such person has
14 an ownership interest, in any contract with the Board, any
15 local school council or any public school in the school
16 district. Each person nominated who runs as a candidate shall
17 also disclose, in a manner determined by the Board, if he or
18 she ever has been convicted of any of the offenses specified in
19 subsection (c) of Section 34-18.5; provided that neither this
20 provision nor any other provision of this Section shall be
21 deemed to require the disclosure of any information that is
22 contained in any law enforcement record or juvenile court
23 record that is confidential or whose accessibility or
24 disclosure is restricted or prohibited under Section 5-901 or
25 5-905 of the Juvenile Court Act of 1987. Failure to make such
26 disclosure shall render a person ineligible for election or to

1 serve on the local school council. The same disclosure shall
2 be required of persons under consideration for appointment to
3 the Council pursuant to subsections (l) and (m) of this
4 Section.

5 Upon the election or appointment of a local school council
6 member, the school district shall perform a check of the Dru
7 Sjodin National Sex Offender Public Website, the Statewide Sex
8 Offender Database, and the Statewide Murderer and Violent
9 Offender Against Youth Database. An individual is ineligible
10 for election or appointment to a local school council if he or
11 she appears on the Dru Sjodin National Sex Offender Public
12 Website or the Statewide Sex Offender Database or Statewide
13 Murderer and Violent Offender Against Youth Database under
14 Section 34-18.5. If the general superintendent determines at
15 any time that a local school council member or member-elect
16 appears on the Dru Sjodin National Sex Offender Public Website
17 or the Statewide Sex Offender Database or Statewide Murderer
18 and Violent Offender Against Youth Database, the general
19 superintendent must notify the local school council member or
20 member-elect of such determination and the local school
21 council member or member-elect must be removed from the local
22 school council by the board, subject to a hearing, convened
23 pursuant to board rule, prior to removal.

24 Notwithstanding any other provision of law to the
25 contrary, a local school council member must comply with all
26 applicable board rules and policies regarding employees or

1 volunteers.

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

25 ~~Immediately upon election or appointment, incoming local~~
26 ~~school council members shall be required to undergo a criminal~~

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

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

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

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

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

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

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

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

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

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

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

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

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

1 form and manner of such candidacy statements shall be
2 determined by the Board.

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

21 (iii) For the 1995-96 school year only, appointments
22 shall be made from among those students who submitted
23 statements of candidacy to the principal of the attendance
24 center during the first 2 weeks of the school year. The
25 principal shall communicate the results of any nonbinding,
26 advisory poll to the Board. These results 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 (n) The Board may promulgate such other rules and
6 regulations for election procedures as may be deemed necessary
7 to ensure fair elections.

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

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

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

1 disqualification may be so declared by the Secretary of the
2 Board. Rules regarding conflicts of interest and disclosure of
3 economic interests promulgated by the Board shall apply to
4 local school council members. No less than 45 days prior to the
5 deadline, the general superintendent shall provide notice, by
6 mail, to each local school council member of all requirements
7 and forms for compliance with economic interest statements.

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

1 to removal. A vote to remove a Council member by the local
2 school council shall only be valid if the Council member has
3 been notified personally or by certified mail, mailed to the
4 person's last known address, of the Council's intent to vote
5 on the Council member's removal at least 7 days prior to the
6 vote. The Council member in question shall have the right to
7 explain his or her actions and shall be eligible to vote on the
8 question of his or her removal from the Council. The
9 provisions of this subsection shall be contained within the
10 petitions used to nominate Council candidates.

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

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

1 teacher's voluntary transfer to another school. If a teacher
2 member of a local school council ceases to be eligible to serve
3 on a local school council for any other reason, that member
4 shall be removed by the Board subject to a hearing, convened
5 pursuant to Board rule, prior to removal.

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

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

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.