



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB2276

Introduced 2/14/2023, by Rep. Eva-Dina Delgado

#### 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.

LRB103 26714 RJT 53077 b

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; voter  
8 eligibility; elections; terms.

9 (a) Beginning with the first local school council election  
10 that occurs after December 3, 2021 (the effective date of  
11 Public Act 102-677), a local school council shall be  
12 established for each attendance center within the school  
13 district, including public small schools within the district.  
14 Each local school council shall consist of the following 12  
15 voting members: the principal of the attendance center, 2  
16 teachers employed and assigned to perform the majority of  
17 their employment duties at the attendance center, 6 parents of  
18 students currently enrolled at the attendance center, one  
19 employee of the school district employed and assigned to  
20 perform the majority of his or her employment duties at the  
21 attendance center who is not a teacher, and 2 community  
22 residents. Neither the parents nor the community residents who  
23 serve as members of the local school council shall be

1 employees of the Board of Education. In each secondary  
2 attendance center, the local school council shall consist of  
3 13 voting members through the 2020-2021 school year, the 12  
4 voting members described above and one full-time student  
5 member, and 15 voting members beginning with the 2021-2022  
6 school year, the 12 voting members described above and 3  
7 full-time student members, appointed as provided in subsection  
8 (m) below. In each attendance center enrolling students in 7th  
9 and 8th grade, one full-time student member shall be appointed  
10 as provided in subsection (m) of this Section. In the event  
11 that the chief executive officer of the Chicago School Reform  
12 Board of Trustees determines that a local school council is  
13 not carrying out its financial duties effectively, the chief  
14 executive officer is authorized to appoint a representative of  
15 the business community with experience in finance and  
16 management to serve as an advisor to the local school council  
17 for the purpose of providing advice and assistance to the  
18 local school council on fiscal matters. The advisor shall have  
19 access to relevant financial records of the local school  
20 council. The advisor may attend executive sessions. The chief  
21 executive officer shall issue a written policy defining the  
22 circumstances under which a local school council is not  
23 carrying out its financial duties effectively.

24 (b) Within 7 days of January 11, 1991, the Mayor shall  
25 appoint the members and officers (a Chairperson who shall be a  
26 parent member and a Secretary) of each local school council

1 who shall hold their offices until their successors shall be  
2 elected and qualified. Members so appointed shall have all the  
3 powers and duties of local school councils as set forth in  
4 Public Act 86-1477. The Mayor's appointments shall not require  
5 approval by the City Council.

6 The membership of each local school council shall be  
7 encouraged to be reflective of the racial and ethnic  
8 composition of the student population of the attendance center  
9 served by the local school council.

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

18 (c-5) Notwithstanding subsection (c), for the local school  
19 council election set for the 2019-2020 school year, the Board  
20 may hold the election on the first semester Parent Report Card  
21 Pick-up Day of the 2020-2021 school year, making any necessary  
22 modifications to the election process or date to comply with  
23 guidance from the Department of Public Health and the federal  
24 Centers for Disease Control and Prevention. The terms of  
25 office of all local school council members eligible to serve  
26 and seated on or after March 23, 2020 through January 10, 2021

1 are extended through January 10, 2021, provided that the  
2 members continue to meet eligibility requirements for local  
3 school council membership.

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

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

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

19 (iii) Each eligible voter shall be entitled to cast  
20 one vote for up to a total of 5 candidates, irrespective of  
21 whether such candidates are parent or community resident  
22 candidates.

23 (iv) Each parent voter shall be entitled to vote in  
24 the local school council election at each attendance  
25 center in which he or she has a child currently enrolled.  
26 Each community resident voter shall be entitled to vote in

1 the local school council election at each attendance  
2 center for which he or she resides in the applicable  
3 attendance area or voting district, as the case may be.

4 (v) Each eligible voter shall be entitled to vote  
5 once, but not more than once, in the local school council  
6 election at each attendance center at which the voter is  
7 eligible to vote.

8 (vi) The 2 teacher members and the non-teacher  
9 employee member of each local school council shall be  
10 appointed as provided in subsection (l) below each to  
11 serve for a two-year term coinciding with that of the  
12 elected parent and community resident members. From March  
13 23, 2020 through January 10, 2021, the chief executive  
14 officer or his or her designee may make accommodations to  
15 fill the vacancy of a teacher or non-teacher employee  
16 member of a local school council.

17 (vii) At secondary attendance centers and attendance  
18 centers enrolling students in 7th and 8th grade, the  
19 voting student members shall be appointed as provided in  
20 subsection (m) below to serve for a one-year term  
21 coinciding with the beginning of the terms of the elected  
22 parent and community members of the local school council.  
23 For the 2020-2021 school year, the chief executive officer  
24 or his or her designee may make accommodations to fill the  
25 vacancy of a student member of a local school council.

26 (e) The Council shall publicize the date and place of the

1 election 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  
5 it deems necessary to maximize the involvement of all eligible  
6 voters.

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

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

14 Upon the election or appointment of a local school council  
15 member, the school district shall perform a check of the Dru  
16 Sjodin National Sex Offender Public Website, the Statewide Sex  
17 Offender Database, and the Statewide Murderer and Violent  
18 Offender Against Youth Database. An individual is ineligible  
19 for election or appointment to a local school council if he or  
20 she appears on the Dru Sjodin National Sex Offender Public  
21 Website or the Statewide Sex Offender Database or Statewide  
22 Murderer and Violent Offender Against Youth Database under  
23 Section 34-18.5. If the general superintendent determines at  
24 any time that a local school council member or member-elect  
25 appears on the Dru Sjodin National Sex Offender Public Website  
26 or the Statewide Sex Offender Database or Statewide Murderer



1 and Violent Offender Against Youth Database, the general  
2 superintendent must notify the local school council member or  
3 member-elect of such determination and the local school  
4 council member or member-elect must be removed from the local  
5 school council by the board, subject to a hearing, convened  
6 pursuant to board rule, prior to removal.

7 Notwithstanding any other provision of law to the  
8 contrary, a local school council member must comply with all  
9 applicable board rules and policies regarding employees or  
10 volunteers.

11 (f-5) (Blank). ~~Notwithstanding disclosure, a person who~~  
12 ~~has been convicted of any of the following offenses at any time~~  
13 ~~shall be ineligible for election or appointment to a local~~  
14 ~~school council and ineligible for appointment to a local~~  
15 ~~school council pursuant to subsections (l) and (m) of this~~  
16 ~~Section: (i) those defined in Section 11 1.20, 11 1.30,~~  
17 ~~11 1.40, 11 1.50, 11 1.60, 11 6, 11 9.1, 11 14.4, 11 16,~~  
18 ~~11 17.1, 11 19, 11 19.1, 11 19.2, 11 20.1, 11 20.1B, 11 20.3,~~  
19 ~~12 13, 12 14, 12 14.1, 12 15, or 12 16, or subdivision (a) (2)~~  
20 ~~of Section 11 14.3, of the Criminal Code of 1961 or the~~  
21 ~~Criminal Code of 2012, 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 ~~Notwithstanding disclosure, a person who has been convicted of~~  
26 ~~any of the following offenses within the 10 years previous to~~

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

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

26 (g) At least one week before the election date, the

1 Council shall publicize, in the manner provided in subsection  
2 (e), the names of persons nominated for election.

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

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

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

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

15 (l) Beginning with the first local school council election  
16 that occurs after December 3, 2021 (the effective date of  
17 Public Act 102-677), in every even numbered year, the Board  
18 shall appoint 2 teacher members to each local school council.  
19 These appointments shall be made in the following manner:

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

1 who 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  
6 procedures 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. Prior to the appointment of  
15 staff members to local school councils, the Board shall  
16 make public the vetting process of staff member  
17 candidates. Any staff member seeking candidacy shall be  
18 allowed to make an inquiry to the Board to determine if the  
19 Board may deny the appointment of the staff member. An  
20 inquiry made to the Board shall be made in writing in  
21 accordance with Board procedure.

22 (iii) In the event that a teacher representative is  
23 unable to perform his or her employment duties at the  
24 school due to illness, disability, leave of absence,  
25 disciplinary action, or any other reason, the Board shall  
26 declare a temporary vacancy and appoint a replacement

1 teacher representative to serve on the local school  
2 council until such time as the teacher member originally  
3 appointed pursuant to this subsection (l) resumes service  
4 at the attendance center or for the remainder of the term.  
5 The replacement teacher representative shall be appointed  
6 in the same manner and by the same procedures as teacher  
7 representatives are appointed in subdivisions (i) and (ii)  
8 of this subsection (l).

9 (m) Beginning with the 1995-1996 school year through the  
10 2020-2021 school year, the Board shall appoint one student  
11 member to each secondary attendance center. Beginning with the  
12 2021-2022 school year and for every school year thereafter,  
13 the Board shall appoint 3 student members to the local school  
14 council of each secondary attendance center and one student  
15 member to the local school council of each attendance center  
16 enrolling students in 7th and 8th grade. Students enrolled in  
17 grade 6 or above are eligible to be candidates for a local  
18 school council. No attendance center enrolling students in 7th  
19 and 8th grade may have more than one student member, unless the  
20 attendance center enrolls students in grades 7 through 12, in  
21 which case the attendance center may have a total of 3 student  
22 members on the local school council. The Board may establish  
23 criteria for students to be considered eligible to serve as a  
24 student member. These appointments shall be made in the  
25 following manner:

26 (i) Appointments shall be made from among those

1 students who submit statements of candidacy to the  
2 principal of the attendance center, such statements to be  
3 submitted commencing on the first day of the twentieth  
4 week of school and continuing for 2 weeks thereafter. The  
5 form and manner of such candidacy statements shall be  
6 determined by the Board.

7 (ii) During the twenty-second week of school in every  
8 year, the principal of each attendance center shall  
9 conduct a binding election to ascertain the preferences of  
10 the school students regarding the appointment of students  
11 to the local school council for that attendance center. At  
12 such election, each student shall be entitled to indicate  
13 his or her preference for up to one candidate from among  
14 those who submitted statements of candidacy as described  
15 above. The Board shall promulgate rules to ensure that  
16 these elections are conducted in a fair and equitable  
17 manner and maximize the involvement of all school  
18 students. In the case of a tie vote, the local school  
19 council shall determine the winner by lottery. The  
20 preferences expressed in these elections shall be  
21 transmitted by the principal to the Board. These  
22 preferences shall be binding on the Board.

23 (iii) (Blank).

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

1           (o) In the event that a vacancy occurs during a member's  
2 term, the Council shall appoint a person eligible to serve on  
3 the Council to fill the unexpired term created by the vacancy,  
4 except that any teacher or non-teacher staff vacancy shall be  
5 filled by the Board after considering the preferences of the  
6 school staff as ascertained through a non-binding advisory  
7 poll of school staff. In the case of a student vacancy, the  
8 vacancy shall be filled by the preferences of an election poll  
9 of students.

10          (p) If less than the specified number of persons is  
11 elected within each candidate category, the newly elected  
12 local school council shall appoint eligible persons to serve  
13 as members of the Council for 2-year terms, as provided in  
14 subsection (c-5) of Section 34-2.2 of this Code.

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

1 deadline, the general superintendent shall provide notice, by  
2 mail, to each local school council member of all requirements  
3 and forms for compliance with economic interest statements.

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



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

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

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

1 convened pursuant to Board rule, prior to removal.

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

12 (Source: P.A. 101-643, eff. 6-18-20; 102-194, eff. 7-30-21;  
13 102-538, eff. 8-20-21; 102-677, eff. 12-3-21; 102-813, eff.  
14 5-13-22.)

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law.