



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5374

Introduced 2/9/2024, by Rep. Theresa Mah

SYNOPSIS AS INTRODUCED:

5 ILCS 120/7

105 ILCS 5/34-2.2

from Ch. 122, par. 34-2.2

Amends the Open Meetings Act. Provides if a public body is a local school council organized under the Chicago School District Article of the School Code, then subject to certain requirements, an open or closed meeting subject to the Act may be conducted by audio or video conference, without the physical presence of a quorum of the members, so long as specified conditions are met. Amends the School Code. Provides that at the organizational meeting, the local school council shall take a vote to determine if meetings shall be held in-person or remotely; however, a declaration by the Governor or Director of Public Health limiting the size of or prohibiting an in-person meeting shall supersede a local school council's vote to meet in-person.

LRB103 37520 RJT 67643 b

1 AN ACT concerning government.

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

4 Section 5. The Open Meetings Act is amended by changing
5 Section 7 as follows:

6 (5 ILCS 120/7)

7 Sec. 7. Attendance by a means other than physical
8 presence.

9 (a) If a quorum of the members of the public body is
10 physically present as required by Section 2.01, a majority of
11 the public body may allow a member of that body to attend the
12 meeting by other means if the member is prevented from
13 physically attending because of: (i) personal illness or
14 disability; (ii) employment purposes or the business of the
15 public body; (iii) a family or other emergency; or (iv)
16 unexpected childcare obligations. "Other means" is by video or
17 audio conference.

18 (b) If a member wishes to attend a meeting by other means,
19 the member must notify the recording secretary or clerk of the
20 public body before the meeting unless advance notice is
21 impractical.

22 (c) A majority of the public body may allow a member to
23 attend a meeting by other means only in accordance with and to

1 the extent allowed by rules adopted by the public body. The
2 rules must conform to the requirements and restrictions of
3 this Section, may further limit the extent to which attendance
4 by other means is allowed, and may provide for the giving of
5 additional notice to the public or further facilitate public
6 access to meetings.

7 (d) The limitations of this Section shall not apply to (i)
8 closed meetings of (A) public bodies with statewide
9 jurisdiction, (B) Illinois library systems with jurisdiction
10 over a specific geographic area of more than 4,500 square
11 miles, (C) municipal transit districts with jurisdiction over
12 a specific geographic area of more than 4,500 square miles, or
13 (D) local workforce innovation areas with jurisdiction over a
14 specific geographic area of more than 4,500 square miles or
15 (ii) open or closed meetings of State advisory boards or
16 bodies that do not have authority to make binding
17 recommendations or determinations or to take any other
18 substantive action. State advisory boards or bodies, public
19 bodies with statewide jurisdiction, Illinois library systems
20 with jurisdiction over a specific geographic area of more than
21 4,500 square miles, municipal transit districts with
22 jurisdiction over a specific geographic area of more than
23 4,500 square miles, and local workforce investment areas with
24 jurisdiction over a specific geographic area of more than
25 4,500 square miles, however, may permit members to attend
26 meetings by other means only in accordance with and to the

1 extent allowed by specific procedural rules adopted by the
2 body. For the purposes of this Section, "local workforce
3 innovation area" means any local workforce innovation area or
4 areas designated by the Governor pursuant to the federal
5 Workforce Innovation and Opportunity Act or its reauthorizing
6 legislation.

7 (e) Subject to the requirements of Section 2.06 but
8 notwithstanding any other provision of law, an open or closed
9 meeting subject to this Act may be conducted by audio or video
10 conference, without the physical presence of a quorum of the
11 members, so long as the following conditions are met:

12 (1) the Governor or the Director of the Illinois
13 Department of Public Health has issued a disaster
14 declaration related to public health concerns because of a
15 disaster as defined in Section 4 of the Illinois Emergency
16 Management Agency Act, and all or part of the jurisdiction
17 of the public body is covered by the disaster area;

18 (2) the head of the public body as defined in
19 subsection (e) of Section 2 of the Freedom of Information
20 Act determines that an in-person meeting or a meeting
21 conducted under this Act is not practical or prudent
22 because of a disaster;

23 (3) all members of the body participating in the
24 meeting, wherever their physical location, shall be
25 verified and can hear one another and can hear all
26 discussion and testimony;

1 (4) for open meetings, members of the public present
2 at the regular meeting location of the body can hear all
3 discussion and testimony and all votes of the members of
4 the body, unless attendance at the regular meeting
5 location is not feasible due to the disaster, including
6 the issued disaster declaration, in which case the public
7 body must make alternative arrangements and provide notice
8 pursuant to this Section of such alternative arrangements
9 in a manner to allow any interested member of the public
10 access to contemporaneously hear all discussion,
11 testimony, and roll call votes, such as by offering a
12 telephone number or a web-based link;

13 (5) at least one member of the body, chief legal
14 counsel, or chief administrative officer is physically
15 present at the regular meeting location, unless unfeasible
16 due to the disaster, including the issued disaster
17 declaration; and

18 (6) all votes are conducted by roll call, so each
19 member's vote on each issue can be identified and
20 recorded.

21 (7) Except in the event of a bona fide emergency, 48
22 hours' notice shall be given of a meeting to be held
23 pursuant to this Section. Notice shall be given to all
24 members of the public body, shall be posted on the website
25 of the public body, and shall also be provided to any news
26 media who has requested notice of meetings pursuant to

1 subsection (a) of Section 2.02 of this Act. If the public
2 body declares a bona fide emergency:

3 (A) Notice shall be given pursuant to subsection
4 (a) of Section 2.02 of this Act, and the presiding
5 officer shall state the nature of the emergency at the
6 beginning of the meeting.

7 (B) The public body must comply with the verbatim
8 recording requirements set forth in Section 2.06 of
9 this Act.

10 (8) Each member of the body participating in a meeting
11 by audio or video conference for a meeting held pursuant
12 to this Section is considered present at the meeting for
13 purposes of determining a quorum and participating in all
14 proceedings.

15 (9) In addition to the requirements for open meetings
16 under Section 2.06, public bodies holding open meetings
17 under this subsection (e) must also keep a verbatim record
18 of all their meetings in the form of an audio or video
19 recording. Verbatim records made under this paragraph (9)
20 shall be made available to the public under, and are
21 otherwise subject to, the provisions of Section 2.06.

22 (10) The public body shall bear all costs associated
23 with compliance with this subsection (e).

24 (f) If a public body is a local school council organized
25 under Article 34 of the School Code, then, subject to the
26 requirements of Section 2.06 but notwithstanding any other

1 provision of law, an open or closed meeting subject to this Act
2 may be conducted by audio or video conference, without the
3 physical presence of a quorum of the members, so long as the
4 following conditions are met:

5 (1) All members of the body participating in the
6 meeting, wherever their physical location, shall be
7 verified and can hear one another and can hear all
8 discussion and testimony.

9 (2) For open meetings, members of the public present
10 at the regular meeting location of the body can hear all
11 discussion and testimony and all votes of the members of
12 the body, and the public body must make alternative
13 arrangements and provide notice pursuant to this Section
14 of such alternative arrangements in a manner to allow any
15 interested member of the public access to
16 contemporaneously hear all discussion, testimony, and roll
17 call votes, such as by offering a telephone number or a
18 web-based link.

19 (3) All votes are conducted by roll call, so each
20 member's vote on each issue can be identified and
21 recorded.

22 (4) Except in the event of a bona fide emergency, 48
23 hours' notice shall be given of a meeting to be held
24 pursuant to this Section. Notice shall be given to all
25 members of the public body, shall be posted on the website
26 of the public body, and shall also be provided to any news

1 media who has requested notice of meetings pursuant to
2 subsection (a) of Section 2.02 of this Act. If the public
3 body declares a bona fide emergency:

4 (A) notice shall be given pursuant to subsection
5 (a) of Section 2.02 of this Act, and the presiding
6 officer shall state the nature of the emergency at the
7 beginning of the meeting; and

8 (B) the public body must comply with the verbatim
9 recording requirements set forth in Section 2.06 of
10 this Act.

11 (5) Each member of the body participating in a meeting
12 by audio or video conference for a meeting held pursuant
13 to this Section is considered present at the meeting for
14 purposes of determining a quorum and participating in all
15 proceedings.

16 (6) In addition to the requirements for open meetings
17 under Section 2.06, public bodies holding open meetings
18 under this subsection (f) must also keep a verbatim record
19 of all their meetings in the form of an audio or video
20 recording. Verbatim records made under this paragraph (6)
21 shall be made available to the public under, and are
22 otherwise subject to, the provisions of Section 2.06.

23 (7) The public body shall bear all costs associated
24 with compliance with this subsection (f).

25 (Source: P.A. 103-311, eff. 7-28-23.)

1 Section 10. The School Code is amended by changing Section
2 34-2.2 as follows:

3 (105 ILCS 5/34-2.2) (from Ch. 122, par. 34-2.2)

4 Sec. 34-2.2. Local school councils; manner of operation.

5 (a) The annual organizational meeting of each local school
6 council shall be held at the attendance center or via
7 videoconference or teleconference if guidance from the
8 Department of Public Health or Centers for Disease Control and
9 Prevention limits the size of in-person meetings at the time
10 of the meeting. At the annual organization meeting, which
11 shall be held no sooner than July 1 and no later than July 14,
12 a parent member of the local school council shall be selected
13 by the members of such council as its chairperson, and a
14 secretary shall be selected by the members of such council
15 from among their number, each to serve a term of one year. At
16 the organizational meeting, the local school council shall
17 take a vote to determine if meetings shall be held in-person or
18 remotely; however, a declaration by the Governor or State
19 Director of Public Health limiting the size of or prohibiting
20 an in-person meeting shall supersede a local school council's
21 vote to meet in-person. However, an organizational meeting
22 held by members elected to a local school council under
23 subsection (c-5) of Section 34-2.1 may be held no sooner than
24 January 11, 2021 and no later than January 31, 2021. Whenever a
25 vacancy in the office of chairperson or secretary of a local

1 school council shall occur, a new chairperson (who shall be a
2 parent member) or secretary, as the case may be, shall be
3 elected by the members of the local school council from among
4 their number to serve as such chairperson or secretary for the
5 unexpired term of office in which the vacancy occurs. At each
6 annual organizational meeting, the time and place of any
7 regular meetings of the local school council shall be fixed.
8 Special meetings of the local school council may be called by
9 the chairperson or by any 4 members from an attendance center
10 enrolling students up to grade 8 or any 5 members from a
11 secondary attendance center or an attendance center enrolling
12 students in grades 7 through 12, by giving notice thereof in
13 writing, specifying the time, place and purpose of the
14 meeting. Public notice of meetings shall also be given in
15 accordance with the Open Meetings Act.

16 (b) Members and officers of the local school council shall
17 serve without compensation and without reimbursement of any
18 expenses incurred in the performance of their duties, except
19 that the board of education may by rule establish a procedure
20 and thereunder provide for reimbursement of members and
21 officers of local school councils for such of their reasonable
22 and necessary expenses (excluding any lodging or meal
23 expenses) incurred in the performance of their duties as the
24 board may deem appropriate.

25 (c) A majority of the full membership of the local school
26 council shall constitute a quorum, except as provided in

1 subsection (c-5), and whenever a vote is taken on any measure
2 before the local school council, a quorum being present, the
3 affirmative vote of a majority of the votes of the full
4 membership then serving of the local school council shall
5 determine the outcome thereof; provided that whenever the
6 measure before the local school council is (i) the evaluation
7 of the principal, or (ii) the renewal of his or her performance
8 contract or the inclusion of any provision or modification of
9 the contract, or (iii) the direct selection by the local
10 school council of a new principal (including a new principal
11 to fill a vacancy) to serve under a 4 year performance
12 contract, or (iv) the determination of the names of candidates
13 to be submitted to the general superintendent for the position
14 of principal, the principal and any student members of a local
15 school council shall not be counted for purposes of
16 determining whether a quorum is present to act on the measure
17 and shall have no vote thereon; and provided further that 7
18 affirmative votes of the local school council shall be
19 required for the direct selection by the local school council
20 of a new principal to serve under a 4 year performance contract
21 but not for the renewal of a principal's performance contract.

22 (c-5) If the number of members serving on a local school
23 council at an attendance center enrolling students through the
24 8th grade falls below 7 members due to vacancies, then 4
25 serving members of whom at least 2 are parent or community
26 members of the local school council shall constitute a quorum

1 for the sole purpose of convening a meeting to fill vacancies
2 through appointments in accordance with the process set forth
3 in Section 34-2.1 of this Code. If the number of members
4 serving on a local school council at a secondary attendance
5 center falls below 8 members due to vacancies, then 5 serving
6 members of whom at least 2 are parent or community members of
7 the local school council shall constitute a quorum for the
8 sole purpose of convening a meeting to fill vacancies through
9 appointments in accordance with the process set forth in
10 Section 34-2.1 of this Code. For such purposes, the
11 affirmative vote of a majority of those present shall be
12 required to fill a vacancy through appointment by the local
13 school council.

14 (d) Student members shall not be eligible to vote on
15 personnel matters, including but not limited to principal
16 evaluations and contracts and the allocation of teaching and
17 staff resources.

18 (e) The local school council of an attendance center which
19 provides bilingual education shall be encouraged to provide
20 translators at each council meeting to maximize participation
21 of parents and the community.

22 (f) Each local school council of an attendance center
23 which provides bilingual education shall create a Bilingual
24 Advisory Committee or recognize an existing Bilingual Advisory
25 Committee as a standing committee. The Chair and a majority of
26 the members of the advisory committee shall be parents of

1 students in the bilingual education program. The parents on
2 the advisory committee shall be selected by parents of
3 students in the bilingual education program, and the committee
4 shall select a Chair. The advisory committee for each
5 secondary attendance center shall include at least one
6 full-time bilingual education student. The Bilingual Advisory
7 Committee shall serve only in an advisory capacity to the
8 local school council.

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

11 (Source: P.A. 101-643, eff. 6-18-20; 102-194, eff. 7-30-21;
12 102-296, eff. 8-6-21; 102-677, eff. 12-3-21.)