



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3239

by Rep. Jaime M. Andrade, Jr.

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 the student member of a local school council for a secondary attendance center, provides for his or her a election by 10th and 11th grade students (instead of being appointed by the Chicago Board of Education after a non-binding, advisory poll of student preferences); makes related changes. Requires a person to be in the 12th grade at the beginning of the school year coinciding with his or her term in order to be eligible to be a student member. Allows 10th and 11th grade students to vote for parent and community resident members of a high school council.

LRB099 11011 NHT 31376 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning education.

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

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

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

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

9 (a) A local school council shall be established for each
10 attendance center within the school district. Each local school
11 council shall consist of the following 12 voting members: the
12 principal of the attendance center, 2 teachers employed and
13 assigned to perform the majority of their employment duties at
14 the attendance center, 6 parents of students currently enrolled
15 at the attendance center, one employee of the school district
16 employed and assigned to perform the majority of his or her
17 employment duties at the attendance center who is not a
18 teacher, and 2 community residents. Neither the parents nor the
19 community residents who serve as members of the local school
20 council shall be employees of the Board of Education. In each
21 secondary attendance center, the local school council shall
22 consist of 13 voting members -- the 12 voting members described
23 above and one full-time student member, elected by students

1 ~~beginning with the 2016 local school council election appointed~~
2 ~~as provided in subsection (m) below.~~ In the event that the
3 chief executive officer of the Chicago School Reform Board of
4 Trustees determines that a local school council is not carrying
5 out its financial duties effectively, the chief executive
6 officer is authorized to appoint a representative of the
7 business community with experience in finance and management to
8 serve as an advisor to the local school council for the purpose
9 of providing advice and assistance to the local school council
10 on 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 a
14 local school council is not carrying out its financial duties
15 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 who
19 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) ~~The Beginning with the 1995-1996 school year and in~~
3 ~~every 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. Parent and community resident members of local school
8 councils shall be elected in every even-numbered year. Student
9 members of high school councils shall be elected every year by
10 eligible student voters. Elections shall be conducted as
11 provided herein by the Board of Education in consultation with
12 the local school council at each attendance center.

13 (d) ~~The Beginning with the 1995-96 school year,~~ the
14 following procedures shall apply to the election of local
15 school council members at each attendance center, with
16 subdivisions (i) through (vi) applying to members other than
17 student members:

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

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

1 secondary attendance center, all 10th and 11th grade
2 students enrolled at that attendance center.

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

7 (iv) Each parent voter shall be entitled to vote in the
8 local school council election at each attendance center in
9 which he or she has a child currently enrolled. Each
10 community resident voter shall be entitled to vote in the
11 local school council election at each attendance center for
12 which he or she resides in the applicable attendance area
13 or voting district, as the case may be. Each student voter
14 shall be entitled to vote in the local school council
15 election for the secondary attendance center in which he or
16 she is enrolled.

17 (v) Each eligible voter shall be entitled to vote once,
18 but not more than once, in the local school council
19 election at each attendance center at which the voter is
20 eligible to vote.

21 (vi) The 2 teacher members and the non-teacher employee
22 member of each local school council shall be appointed as
23 provided in subsection (1) below each to serve for a
24 two-year term coinciding with that of the elected parent
25 and community resident members.

26 (vii) At secondary attendance centers, the ~~voting~~

1 student member shall be elected by all 10th and 11th grade
2 students enrolled at the secondary attendance center.
3 Student voters are entitled to cast one vote for a student
4 candidate in addition to being eligible to vote for parent
5 and community resident candidates under this subsection
6 (d). A student member shall be elected ~~appointed as~~
7 ~~provided in subsection (m) below~~ to serve for a one-year
8 term coinciding with the beginning of the terms of the
9 elected parent and community members of the local school
10 council. In order to be eligible to be a student member, a
11 person must be in the 12th grade at the beginning of the
12 school year coinciding with his or her term.

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

20 (f) Nomination. The Council shall publicize the opening of
21 nominations by posting notices at the attendance center, in
22 public places within the attendance boundaries of the
23 attendance center and by distributing notices to the pupils at
24 the attendance center, and shall utilize such other means as it
25 deems necessary to maximize the involvement of all eligible
26 voters. Not less than 2 weeks before the election date, persons

1 eligible to run for the Council shall submit their name, date
2 of birth, social security number, if available, and some
3 evidence of eligibility to the Council. The Council shall
4 encourage nomination of candidates reflecting the
5 racial/ethnic population of the students at the attendance
6 center. Each person nominated who runs as a candidate shall
7 disclose, in a manner determined by the Board, any economic
8 interest held by such person, by such person's spouse or
9 children, or by each business entity in which such person has
10 an ownership interest, in any contract with the Board, any
11 local school council or any public school in the school
12 district. Each person nominated who runs as a candidate shall
13 also disclose, in a manner determined by the Board, if he or
14 she ever has been convicted of any of the offenses specified in
15 subsection (c) of Section 34-18.5; provided that neither this
16 provision nor any other provision of this Section shall be
17 deemed to require the disclosure of any information that is
18 contained in any law enforcement record or juvenile court
19 record that is confidential or whose accessibility or
20 disclosure is restricted or prohibited under Section 5-901 or
21 5-905 of the Juvenile Court Act of 1987. Failure to make such
22 disclosure shall render a person ineligible for election or to
23 serve on the local school council. The same disclosure shall be
24 required of persons under consideration for appointment to the
25 Council pursuant to subsection ~~subsections~~ (l) ~~and (m)~~ of this
26 Section.

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

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

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

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

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

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

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

26 (k) The general superintendent shall resolve any disputes

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

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

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

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

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

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

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

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

1 ~~by the Board.~~

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

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

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

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

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

13 (p) If less than the specified number of persons is elected
14 within each candidate category, the newly elected local school
15 council shall appoint eligible persons to serve as members of
16 the Council for 2-year ~~two-year~~ terms or, in the case of a
17 student member of a high school council, appoint an eligible
18 person to serve a one-year term.

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

1 be so declared by the Secretary of the Board. Rules regarding
2 conflicts of interest and disclosure of economic interests
3 promulgated by the Board shall apply to local school council
4 members. No less than 45 days prior to the deadline, the
5 general superintendent shall provide notice, by mail, to each
6 local school council member of all requirements and forms for
7 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 by
10 the Local School Council due to the graduation or voluntary
11 transfer of a child or children from the attendance center, the
12 parent's membership on the Local School Council and all voting
13 rights are terminated immediately as of the date of the child's
14 graduation or voluntary transfer. If the child of a parent
15 member of a local school council dies during the member's term
16 in office, the member may continue to serve on the local school
17 council for the balance of his or her term. Further, a local
18 school council member may be removed from the Council by a
19 majority vote of the Council as provided in subsection (c) of
20 Section 34-2.2 if the Council member has missed 3 consecutive
21 regular meetings, not including committee meetings, or 5
22 regular meetings in a 12 month period, not including committee
23 meetings. If a parent member of a local school council ceases
24 to be eligible to serve on the Council for any other reason, he
25 or she shall be removed by the Board subject to a hearing,
26 convened pursuant to Board rule, prior to removal. A vote to

1 remove a Council member by the local school council shall only
2 be valid if the Council member has been notified personally or
3 by certified mail, mailed to the person's last known address,
4 of the Council's intent to vote on the Council member's removal
5 at least 7 days prior to the vote. The Council member in
6 question shall have the right to explain his or her actions and
7 shall be eligible to vote on the question of his or her removal
8 from the Council. The provisions of this subsection shall be
9 contained within the petitions used to nominate Council
10 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 to
16 serve on the Council, he or she shall be removed by the Board
17 subject to a hearing, convened pursuant to Board rule, prior to
18 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 (4) A person may continue to serve as a student member of a
7 high school council as long as he or she is enrolled in the
8 attendance center governed by the council. However, a student
9 graduating from that attendance center at the end of the school
10 year may continue to serve for the remainder of his or her
11 term. If a student member ceases to be eligible to serve on the
12 council, he or she shall be removed by the Board subject to a
13 hearing, convened pursuant to Board rule, prior to removal.

14 (Source: P.A. 96-1412, eff. 1-1-11; 96-1551, eff. 7-1-11;
15 97-1150, eff. 1-25-13.)