



Rep. Jaime M. Andrade, Jr.

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LRB099 11011 MLM 46988 a

1 AMENDMENT TO HOUSE BILL 3239

2 AMENDMENT NO. _____. Amend House Bill 3239 by replacing
3 everything after the enacting clause with the following:

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

1 employment duties at the attendance center who is not a
2 teacher, and 2 community residents. Neither the parents nor the
3 community residents who serve as members of the local school
4 council shall be employees of the Board of Education. In each
5 secondary attendance center, the local school council shall
6 consist of 13 voting members -- the 12 voting members described
7 above and one full-time student member, elected by students
8 beginning with the 2016 local school council election ~~appointed~~
9 ~~as provided in subsection (m) below~~. In the event that the
10 chief executive officer of the Chicago School Reform Board of
11 Trustees determines that a local school council is not carrying
12 out its financial duties effectively, the chief executive
13 officer is authorized to appoint a representative of the
14 business community with experience in finance and management to
15 serve as an advisor to the local school council for the purpose
16 of providing advice and assistance to the local school council
17 on fiscal matters. The advisor shall have access to relevant
18 financial records of the local school council. The advisor may
19 attend executive sessions. The chief executive officer shall
20 issue a written policy defining the circumstances under which a
21 local school council is not carrying out its financial duties
22 effectively.

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

1 elected and qualified. Members so appointed shall have all the
2 powers and duties of local school councils as set forth in this
3 amendatory Act of 1991. The Mayor's appointments shall not
4 require approval by the City Council.

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

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

20 (d) ~~The Beginning with the 1995-96 school year,~~ the
21 following procedures shall apply to the election of local
22 school council members at each attendance center, with
23 subdivisions (i) through (vi) applying to members other than
24 student members:

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). Eligible voters
6 for each attendance center shall consist of the parents and
7 community residents for that attendance center and, for a
8 secondary attendance center, all students enrolled at that
9 secondary attendance center who are 17 years of age or
10 older or who are 16 years of age but will turn 17 years of
11 age before the start of the local school council's next
12 term.

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

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

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

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

10 (vii) At secondary attendance centers, the ~~voting~~
11 student member shall be elected by all 10th and 11th grade
12 students enrolled at the secondary attendance center.
13 Student voters are entitled to cast one vote for a student
14 candidate in addition to being eligible to vote for parent
15 and community resident candidates under this subsection
16 (d). A student member shall be elected ~~appointed as~~
17 ~~provided in subsection (m) below~~ to serve for a one-year
18 term coinciding with the beginning of the terms of the
19 elected parent and community members of the local school
20 council. In order to be eligible to be a student member, a
21 person must attend the secondary attendance center for
22 which he or she is running as a member of the local school
23 council and must be 17 years of age or older or 16 years of
24 age so long as the student will turn 17 years of age before
25 the start of the local school council's next term.

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

1 election by posting notices at the attendance center, in public
2 places within the attendance boundaries of the attendance
3 center and by distributing notices to the pupils at the
4 attendance center, and shall utilize such other means as it
5 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 it
12 deems necessary to maximize the involvement of all eligible
13 voters. Not less than 2 weeks before the election date, persons
14 eligible to run for the Council shall submit their name, date
15 of birth, social security number, if available, and some
16 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 be
11 required of persons under consideration for appointment to the
12 Council pursuant to subsection ~~subsections~~ (l) ~~and (m)~~ of this
13 Section.

14 (f-5) Notwithstanding disclosure, a person who has been
15 convicted of any of the following offenses at any time shall be
16 ineligible for election or appointment to a local school
17 council and ineligible for appointment to a local school
18 council pursuant to subsection ~~subsections~~ (l) ~~and (m)~~ of this
19 Section: (i) those defined in Section 11-1.20, 11-1.30,
20 11-1.40, 11-1.50, 11-1.60, 11-6, 11-9.1, 11-14.4, 11-16,
21 11-17.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-20.1B, 11-20.3,
22 12-13, 12-14, 12-14.1, 12-15, or 12-16, or subdivision (a)(2)
23 of Section 11-14.3, of the Criminal Code of 1961 or the
24 Criminal Code of 2012, or (ii) any offense committed or
25 attempted in any other state or against the laws of the United
26 States, which, if committed or attempted in this State, would

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

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

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

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

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

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

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

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

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

22 (i) The Board shall appoint 2 teachers who are employed
23 and assigned to perform the majority of their employment
24 duties at the attendance center to serve on the local
25 school council of the attendance center for a two-year term
26 coinciding with the terms of the elected parent and

1 community members of that local school council. These
2 appointments shall be made from among those teachers who
3 are nominated in accordance with subsection (f).

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

17 (iii) In the event that a teacher representative is
18 unable to perform his or her employment duties at the
19 school due to illness, disability, leave of absence,
20 disciplinary action, or any other reason, the Board shall
21 declare a temporary vacancy and appoint a replacement
22 teacher representative to serve on the local school council
23 until such time as the teacher member originally appointed
24 pursuant to this subsection (1) resumes service at the
25 attendance center or for the remainder of the term. The
26 replacement teacher representative shall be appointed in

1 the same manner and by the same procedures as teacher
2 representatives are appointed in subdivisions (i) and (ii)
3 of this subsection (1).

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

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

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

1 ~~non-binding, advisory polls shall be transmitted by the~~
2 ~~principal to the Board. However, these preferences shall be~~
3 ~~advisory only and the Board shall maintain absolute~~
4 ~~discretion to appoint student members to local school~~
5 ~~councils, irrespective of the preferences expressed in any~~
6 ~~such poll.~~

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

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

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

26 (p) If less than the specified number of persons is elected

1 within each candidate category, the newly elected local school
2 council shall appoint eligible persons to serve as members of
3 the Council for 2-year ~~two-year~~ terms or, in the case of a
4 student member of a high school council, appoint an eligible
5 person to serve a one-year term.

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

21 (r) (1) If a parent member of a local school council ceases
22 to have any child enrolled in the attendance center governed by
23 the Local School Council due to the graduation or voluntary
24 transfer of a child or children from the attendance center, the
25 parent's membership on the Local School Council and all voting
26 rights are terminated immediately as of the date of the child's

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

24 (2) A person may continue to serve as a community resident
25 member of a local school council as long as he or she resides
26 in the attendance area served by the school and is not employed

1 by the Board nor is a parent of a student enrolled at the
2 school. If a community resident member ceases to be eligible to
3 serve on the Council, he or she shall be removed by the Board
4 subject to a hearing, convened pursuant to Board rule, prior to
5 removal.

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

19 (4) A person may continue to serve as a student member of a
20 high school council as long as he or she is enrolled in the
21 attendance center governed by the council. However, a student
22 graduating from that attendance center at the end of the school
23 year may continue to serve for the remainder of his or her
24 term. If a student member ceases to be eligible to serve on the
25 council, he or she shall be removed by the Board subject to a
26 hearing, convened pursuant to Board rule, prior to removal.

1 (Source: P.A. 96-1412, eff. 1-1-11; 96-1551, eff. 7-1-11;
2 97-1150, eff. 1-25-13.)".