

Sec. 6-28. LSC Member Eligibility.

A. Definitions

Wherever used in this Section, the following words and phrases shall have the following meaning:

Parent: Means a (a) biological or adoptive parent, (b) stepparent or (c) legal guardian of an enrolled student of an attendance center.

Stepparent: means a person who is (a) married to the child's parent, a party to a civil union with the child's parent or the domestic partner of the child's parent, (b) resides with the child and (c) exercises care and custody of the child. In order to establish that he/she exercises care and custody of a child, the stepparent must provide: (i) a marriage certificate, civil union certificate or domestic partner documentation, and (ii) a sworn affidavit by the biological or adoptive parent attesting that the stepparent, in conjunction with the parent, does exercise care and custody of the child. Other evidence that may demonstrate care and custody includes but is not limited to the following: (iii) the child is declared as a dependent on the stepparent's most recent income tax return; (iv) the child is covered under the stepparent's health insurance; or (v) the child is listed as the stepparent's child for Medicare, Social Security, Medicaid or other public aid programs. This Board Rule shall not be construed to give stepparents any right of access to student records except as provided in the Illinois School Student Records Act (105 ILCS 10/1 et seq.).

Legal guardian: means a person who has been formally appointed guardian of a child by a court of competent jurisdiction.

Local School Council or LSC: means an elected Local School Council or an appointed Local School Council or Board of Governors, except when otherwise noted.

Employed at the School: Means to receive compensation and act under the direction and supervision of a principal or his/her designee who oversees the detail of the person's work. An employee of a third party may not serve on a Local School Council at a school at which he or she is employed, however, he or she may be eligible to serve at another school.

Employed by the Board of Education: Means to be in the employ of the Board of Education whether or not employed at the school.

Enrolled in a School: means that the student is currently attending the school at which the parent or legal guardian serves. Graduation is on the last day of the academic school year or semester and not on the date of a graduation ceremony

or commencement exercise. Pursuant to the Illinois School Code, the last day of

the academic year or semester is determined by the Board of Education.

B. Eligibility

Persons who have been elected to serve on a Local School Council may serve and continue to serve for the length of their term provided they meet and continue to meet the eligibility requirements set forth below.

1. A person may serve and continue to serve as a parent representative as long as he/she:

- (i) has a child enrolled in the school in which he/she serves;
- (ii) is not employed at the school in which he/she serves; and
- (iii) is not employed by the Board of Education.

If a parent representative of a Local School Council ceases or fails to have a child enrolled in the school at which membership on the Local School Council at which he/she serves, for reasons other than graduation or voluntary transfer of the child, or becomes an employee of the Board of Education, the parent's membership on the Local School Council and all voting rights shall be terminated immediately upon the written determination of ineligibility by the General Counsel following the challenge procedures set forth below. In cases where the parent representative's membership ends due to graduation of his or her child, he or she serves until the end of the school year or semester in which his or her child graduates. In cases where the parent representative's membership ends due to the voluntary transfer of the child, the parent's membership and voting rights shall be terminated as of the date of the transfer.

2. A person may serve and continue to serve as a community representative as long as he/she:

- i. resides in the attendance area served by the school;
- ii. is not employed at the school in which he/she serves;
- iii. is not employed by the Board of Education; and
- iv. is not a parent of a student enrolled at the school.

If a community representative ceases to reside within the attendance area or voting boundaries of, or has a child enrolled in, the school at which he/she serves, or becomes an employee of the school or Board of Education, his or her membership on the Local School Council and all voting rights are terminated immediately upon the written determination of ineligibility by the Chief Executive Officer or designee following the challenge procedures set forth below.

3. A teacher representative may continue to serve as long as he or she is employed and assigned to perform a majority of his or her duties at the school,

provided that if a teacher representative resigns from employment with the Board of Education, or resigns from the Local School Council or voluntarily transfers to another attendance center, the teacher's membership on the Local School Council and all voting rights are terminated immediately as of the date the teacher's resignation is received by the Board of Education, or as of the date the teacher's Local School Council resignation is received by the Local School Council or the effective date of the teacher's voluntary transfer to another attendance center.

If a teacher representative resigns from employment with the Board, or resigns from the Local School Council or voluntarily transfers to another attendance center or is absent from employment at the school for an extended and defined period of time due to illness, disability, leave of absence, the initiation of dismissal proceedings, or any other reason, the principal shall notify the Office of the Chief Executive Officer or designee of a teacher representative's permanent or temporary absence. The Office of the Chief Executive Officer or designee shall certify, as appropriate, that a vacancy exists in such teacher representative's position. When a vacancy is certified, the Office of the Chief Executive Officer or designee shall issue written notification to the principal and the Local School Council advising the school to initiate a non-binding staff advisory poll. The school shall forward the results of the poll to the Office the Chief Executive Officer or designee in a timely manner. After receipt of the results, the Board will declare the existence of a permanent or temporary vacancy in the teacher representative's position and will appoint a replacement teacher representative until such time as the absent teacher resumes service at the attendance center or for the remainder of the term, whichever occurs first.

4. A non-teacher staff representative may continue to serve as long as he or she is employed and assigned to perform a majority of his or her duties at the school, provided that if a non-teacher staff representative resigns from employment with the Board of Education, or resigns from the Local School Council or voluntarily transfers to another attendance center, the non-teacher staff representative's membership on the Local School Council and all voting rights are terminated immediately as of the date the non-teacher staff representative's resignation is received by the Board of Education, or as of the date the non-teacher staff representative's Local School Council resignation is received by the Local School Council or the effective date of the non-teacher staff representative's voluntary transfer to another attendance center.

If a non-teacher staff representative resigns from employment with the Board, or resigns from the Local School Council or voluntarily transfers to another attendance center or is absent from employment at the school for an extended and defined period of time due to illness, disability, leave of absence, the initiation of dismissal proceedings, or any other reason, the principal shall notify the Office of the Chief Executive Officer or designee of a non-teacher staff representative's permanent or temporary absence. The Office of the Chief

Executive Officer or designee shall certify, as appropriate, that a vacancy exists in such non-teacher staff representative's position. When a vacancy is certified, the Office of the Chief Executive Officer or designee shall issue written notification to the principal and the Local School Council advising the school to initiate a non-binding staff advisory poll. The school shall forward the results of the poll to the Office the Chief Executive Officer or designee in a timely manner. After receipt of the results, the Board will declare the existence of a permanent or temporary vacancy in the non-teacher staff representative's position and will appoint a replacement non-teacher staff representative until such time as the absent non-teacher staff member resumes service at the attendance center or for the remainder of the term, whichever occurs first.

5. A person may serve as a high school student representative for a one-year term beginning July 1 and ending the following June 30th as long as he/she is and remains enrolled in the high school in which he/she serves on a full-time basis. For students who graduate while serving as a student representative of a Local School Council, their term shall end upon graduation. In cases where the student representative voluntarily transfers from the school, the student's membership and voting rights on the Local School Council shall be terminated as of the date of the transfer. If a high school student representative of a Local School Council ceases to be enrolled on a full-time basis in the school at he/she serves, for reasons other than graduation or voluntary transfer, the student's membership on the Local School Council and all voting rights shall be terminated immediately upon the written determination of ineligibility by the Chief Executive Officer or designee following the challenge procedures set forth below.

C. Audit of Records

The Chief Executive Officer or designee may periodically cause to be reviewed pertinent records relating to individual LSC members in order to discover any relevant changes in an LSC member's eligibility. If such a review indicates that an LSC member does not meet the eligibility criteria in this Board Rule, an investigation shall be conducted in accordance with the Local School Council member removal procedures set forth below.

D. Local School Council Removal Procedures

1. Any person may challenge the eligibility of an LSC member based on the eligibility criteria in this Board Rule. Challenges shall be in writing and shall include:

- a. the name, address, and phone number of the person filing the challenge;
- b. a statement of facts upon which the challenge is based and any evidence which supports the challenger's position.

2. In cases where an allegation of ineligibility under this Board Rule is made by another LSC member or an employee of the Board, the identity of the LSC member or Board employee may not be disclosed during any investigation of the allegation without his or her written consent. 105 ILCS 5/34-2.4(c) (“Whistle Blower Protection”).

3. In addition, the Board, its agents and employees, may act upon anonymous challenges, personal knowledge or other information of council members’ ineligibility including, but not limited to, the audit of records described above. A Board employee or agent with information indicating that an LSC member is not eligible under this Board Rule may initiate an investigation by submitting a written request for investigation to the Law Department.

4. Filing of Challenges - Challenges and requests for investigation pursuant to this Rule shall be filed with the Law Department.

5. Investigation of Ineligibility - The General Counsel shall review challenges and requests for investigation. If the General Counsel determines that the challenge or request has merit, the General Counsel may refer the matter for investigation if additional information is required. The information provided by the challenger(s) and the results of any investigation shall be reviewed by the General Counsel. If the results of the investigation indicate that the LSC member may be ineligible, the General Counsel shall convene a hearing to afford the General Counsel’s representative the opportunity to present evidence of ineligibility and the concerned council member an opportunity to personally present statements and evidence on his or her behalf. The concerned council member shall be notified in writing of the date, time, and place of the hearing, of his or her right to have a representative at the hearing, and the specific basis for his or her alleged ineligibility.

6. A hearing officer shall conduct a hearing and shall afford the General Counsel’s representative the opportunity to present evidence of ineligibility and the concerned council member an opportunity to personally present statements and evidence substantiating his/her eligibility to serve on the council. The General Counsel shall have authority to promulgate rules, including, but not limited to, rules of procedure, procedural manuals and rules of evidence, to govern hearings under this Rule. As soon as possible after the conclusion of the hearing, the hearing officer shall make a recommended finding to the Chief Executive Officer or designee regarding the council member’s eligibility.

7. The Chief Executive Officer or designee shall decide the question of the council member’s eligibility. If the Chief Executive Officer or designee finds that the concerned council member is ineligible to serve based on the eligibility criteria in this Board Rule, the Chief Executive Officer or designee shall declare the member ineligible and a vacancy on the council which shall be effective on the date the Declaration is issued. However, the vacancy may be filled only after:

(1) the concerned council member fails to request reconsideration within the time allowed; or (2) the concerned council member's request for reconsideration is denied.

8. Notice of Declaration of Vacancy - The Chief Executive Officer or designee shall forward the determination to each challenger and challenged LSC member in writing by regular and certified mail and to the affected LSC by regular mail.

E. Request for Reconsideration

1. Within thirty (30) days of the date of a Declaration of Vacancy by the Chief Executive Officer or designee, the challenged LSC member may submit a request to reconsider to the Chief Executive Officer or designee. Failure to request reconsideration within 30 days after the Declaration of the vacancy will render the Declaration of vacancy as final. The request for reconsideration should state specific reasons or grounds for rescinding the Chief Executive Officer or designee's prior determination concerning the council member's eligibility.

2. The Chief Executive Officer or designee shall review the determination. New evidence not readily available at the time that the challenge was filed may be submitted. The decision of the Chief Executive Officer or designee shall be final and shall be forwarded to the challenger, the challenged LSC member, and the affected Local School Council.

F. Appointment to Vacancy

If a challenged parent or community LSC member is found to be ineligible to serve on the elected Local School Council pursuant to this process and a vacancy is declared, the LSC shall fill the vacancy by appointment of a qualified person who meets the eligibility requirements.

If a challenged teacher, non-teacher staff or student LSC member is determined to be ineligible to serve on the elected Local School Council and a vacancy is declared, the Board shall fill the vacancy by appointment of a qualified person who meets the applicable eligibility requirements after a non-binding advisory poll of school staff or students, whichever is appropriate. If a challenged member to an appointed Local School Council or Board of Governors is determined to be ineligible to serve on the council or board and a vacancy is declared, the Board shall fill the vacancy by appointment in accordance with the Board's Policy on Governance of Alternative and Small Schools.