

AMEND BOARD RULE 6-30
**REMOVAL OF A LOCAL SCHOOL COUNCIL MEMBERS FOR CERTAIN
CRIMINAL CONVICTIONS OR FAILURE TO DISCLOSE CRIMINAL CONVICTIONS**

THE GENERAL COUNSEL RECOMMENDS:

The General Counsel recommends amending Board Rule 6-30 as follows:

DESCRIPTION:

TEXT:

Sec. 6-30. Removal of a Local School Council Members for Certain Criminal Convictions or Failure to Disclose Criminal Convictions. Persons who have been elected to serve on a Local School Council may serve for the length of the term provided that they file a truthful Criminal Conviction Disclosure Form pursuant to Section 34-2.1(f) of the Illinois School Code (105 ILCS 5/34-21(f)), have cleared a criminal background investigation which indicates that they have not been convicted of crimes enumerated in Section 34-2.1(f-5) of the Illinois School Code for which a person is either permanently ineligible for election to or service on a local school council or ineligible for a period of ten (10) years after conviction.

Criminal Conviction Disclosure

All candidates must file a Criminal Conviction Disclosure Form prior to election. A Board conducted criminal background investigation must be completed for each local school council member before they take office. Failure to file a Criminal Conviction Disclosure Form, filing a false or incomplete Criminal Conviction Disclosure Form, or failure to provide information requested by the Illinois State Police if additional information is needed in order to complete the background investigation, shall result in the disqualification from the Local School Council for the remainder of the member's term of office. Additional information requested by the State Police in order to complete a criminal background check may include, but is not limited to, fingerprints or other personal identification information.

Each candidate must submit a Criminal Conviction Disclosure Form to the principal. Principals shall ~~be in charge of collecting and submitting forward~~ Criminal Conviction Disclosure Forms to the Office of School and Community Relations.

Principals shall notify the Office of School and Community Relations of refusals by Council members to file a Criminal Conviction Disclosure Form.

Principals shall maintain on file at their schools copies of the Councils' Criminal Conviction Disclosure Form for public inspection.

Ineligibility Due to Criminal Conviction

A person who has been convicted of any of the following offenses at any time shall be ineligible for election or appointment to a local school council:

Indecent Solicitation of a Child, Sexual Exploitation of a Child, Pandering, Keeping a Place of Juvenile Prostitution, Pimping, Juvenile Pimping, Exploitation of a Child, Child Pornography, Criminal Sexual Assault, Aggravated Criminal Sexual Assault, Predatory Criminal Sexual Assault of a Child, Criminal Sexual Abuse, and Aggravated Criminal Sexual Abuse.

A person who has been convicted of any of the following offenses within the 10 years prior to the date of nomination or appointment shall be ineligible for election or appointment to a local school council:

Controlled Substance Trafficking, Criminal Drug Conspiracy, and Street Gang Criminal Drug Conspiracy.

Determination by the Declaration of Vacancy Office of School and Community Relations

The General Counsel Office of School and Community Relations shall declare a vacancy on the Council for (a) failure to file a Criminal Conviction Disclosure Form, (b) filing a false or incomplete Criminal Conviction Disclosure Form, (c) failure to provide additional information requested by the Illinois State Police in order to complete the background investigation, or (d) having been convicted of a crime for which a person is ineligible to serve on a local school council pursuant to this Board Rule and Section 34-2.1(f-5) of the Illinois School Code. Upon determination by the General Counsel Office of School and Community Relations that a Council member failed to file, or filed a false or incomplete Criminal Conviction Disclosure Form, has failed to provide information necessary for the completion of the background check, or has been convicted of a crime for which a person is ineligible to serve on a local school council pursuant to this Board Rule and Section 34-2.1(f-5) of the Illinois School Code, the General Counsel Office of School and Community Relations shall notify the Council member by certified mail. If the Council member does not file a form or file an amended form within ten (10) days of receiving notice of the determination, the General Counsel Office of School and Community Relations shall declare a vacancy on the Council.

1. Investigation of Ineligibility - The Office of the Chief Executive Officer Office of School and Community Relations shall conduct an investigation of the facts relating to the LSC member's criminal history and the veracity of the LSC member's Criminal Conviction Disclosure Form. The General Counsel shall review the results of the investigation. If the results of the investigation indicate that the LSC member may be ineligible under this Board Rule, the General Counsel shall refer the matter for a hearing.

2. A hearing officer The Office of School and Community Relations presented with a request for removal by the Board of Education shall conduct a hearing on the LSC member's criminal history and the veracity of the LSC member's Criminal Conviction Disclosure Form investigate and afford an opportunity to the challenged LSC member to personally present statements and evidence substantiating his/her eligibility to serve on the council. The hearing officer Office of School and Community Relations shall make a recommended determination to the General Counsel regarding eligibility within two weeks or as soon thereafter as possible.

3. Declaration of Vacancy - Any vacancy on the LSC caused by a disqualification pursuant to this Board Rule shall be declared by the General Counsel Office of School and Community Relations in those cases where a finding of ineligibility is made.

Any vacancy that is declared by the General Counsel Office of School and Community Relations shall be effective on the date that the Office of School and Community Relation's determination is issued; however, the vacancy may be filled only after: (1) the concerned council member fails to appeal within the time allowed; or (2) the concerned council member's appeal is denied. such vacancy shall not be filled until the appeal process is exhausted.

4. Notice of Declaration of Vacancy - The General Counsel Office of School and Community Relations shall forward the determination to the challenged LSC member in writing by regular and certified mail.

Appeal Process

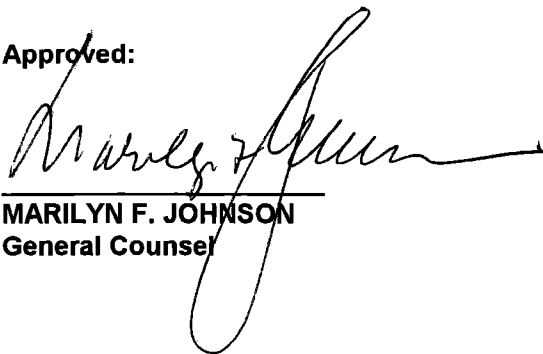
1. Within thirty (30) days of the determination of the General Counsel Office of School and Community Relations, the challenged LSC member may file an appeal of that decision with the Office of the Chief Executive Education Officer or designee. New evidence not readily available at the time that the vacancy was declared may be submitted.

2. The Office of the Chief Executive Education Officer or designee shall review the appeal determination. The decision of the Chief Executive Education Officer shall be final and shall be forwarded to the challenged LSC member, and the affected Local School Council.

Appointment to Vacancy

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

Approved:



MARILYN F. JOHNSON
General Counsel