



# 2010

## LOCAL SCHOOL COUNCIL ELECTION GUIDE

Office of Local School Council Relations  
125 S. Clark, 5<sup>th</sup> Floor  
Chicago, IL 60603  
773-553-1400  
773-553-3332 (TTY)



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## IMPORTANT REMINDERS

- The deadline for nomination forms to be submitted at the **school where the candidate intends to run is 3:00 p.m., March 11, 2010. No faxes will be accepted. This deadline will NOT be extended.**
- Nomination forms will be accepted at the Office of Local School Council Relations; the deadline for filing in the Office of Local School Council Relations, 125 S. Clark Street, 5<sup>th</sup> Floor, is 3:00 p.m. on March 4, 2010. No faxes will be accepted.
- Matrícula Consular is an acceptable, official form of identification.
- The deadline for Applications for Election Judges is March 12, 2010.

**For additional information, contact:**

**Election Central**  
**Office of Local School Council Relations**  
125 South Clark Street, 5<sup>th</sup> Floor  
Chicago, Illinois 60603  
773.553.1400(phone)  
773.553.1402 (fax)  
773.553.3332 (TTY)





Office of Local School Council Relations

**The following timeline provides an accurate and concise overview of actions and deadlines involved in the election of Local School Council members.**

DATES	ACTIVITY
<b>2009</b> 11/16 - 11/20	Principal sends Letter I to parents including nomination procedures, election timeline, candidate eligibility and challenge rules.
<b>2009-2010</b> 11/16 - 3/11	Nomination forms will be accepted during this period at the school where the candidate will run. Faxed forms will <u>NOT</u> be accepted.
11/16 - 3/12	Judge applications will be accepted during this period at any school, Area Office, or the Office of Local School Council Relations.
<b>2010</b> By 1/15	LSC develops plan to publicize election, sets Candidate Forum date, sets meeting date for certification of election results and informs the Area Office of these dates.
1/15 - 4/15	Principal/LSC publicizes date of Candidate Forum and Literature Distribution Day.
3/04	Deadline (3:00 p.m.) for candidates who wish to submit their nomination papers to Central Office, Local School Council Relations, 125 S. Clark, 5 <sup>th</sup> Floor, Suite 502. Faxed nomination forms will <u>NOT</u> be accepted.
3/11	Schools receive candidate pollwatcher credentials. Final Deadline (3:00 p.m.) for submission of nomination papers to the school where the candidate is running. Faxed copies will <u>NOT</u> be accepted. <u>There will be NO EXTENSION.</u> NOTE: <i>Nomination papers will not be accepted at the central office on this date.</i>
3/15	Principal posts final list of candidates (Form 4-10) and candidate statements (if any). Principal sends Letter II to parents (list of candidates, date of forum, and date of the election).
3/16	Deadline (3:00 p.m.) for the principal to notify the Office of LSC Relations of need for sign language interpreter for Candidate Forum. Deadline (3:00 p.m.) for the principal to notify the Office of LSC Relations of need for judges who speak a language other than English. Deadline (3:00 p.m.) for principal to deliver copies of all nomination papers, (Forms 01-10, 02-10, 10-10, 13-10, 14-10 and 25-10), copies of 2 ID's, and, a copy of Form 4-10 to the Area Office. Principal delivers copies of all original nomination papers and a copy of Form 4-10 to Office of LSC Relations via mail run by 12p.m., Attention: José Alvarez, 125 S. Clark Street, 5 <sup>th</sup> Floor, Suite 502, GSR#: 125. NOTE: <i>School retains a copy of all nomination forms.</i>
3/18	Deadline (5:00 p.m.) to file Pre-Election Challenge Candidate Eligibility forms with the Law Department. Challenge Forms may be faxed to 773-553-1769 or 1702. <u>Challenger must request and retain the fax receipt.</u>

**2010 LOCAL SCHOOL COUNCIL ELECTION TIMELINE**



Office of Local School Council Relations

**The following timeline provides an accurate and concise overview of actions and deadlines involved in the election of Local School Council members.**

<b>DATES</b>	<b>ACTIVITY</b>
3/22	Law Department sends list of challenged Candidates, by school, to appropriate school and Area Offices by 12:00p.m.
3/22 - 3/26	<p>Candidate Forums are held by the school's principal/LSC with notice to parents and the school community.</p> <p>Principal distributes pollwatcher credentials to candidates at Candidate Forum.</p> <p>Principal/LSC conducts lottery for ballot position for candidates during the Candidate Forum.</p> <p>Principal/LSC publicizes election date, time, and location.</p>
4/5 – 4/09	<p>Pre-Election Candidate Challenge Hearings.</p> <p>Election Day materials and election equipment delivered to schools.</p> <p>Principal inspects election materials and reports any missing material immediately to the Office of LSC Relations.</p>
4/06	<p>Deadline to select election judges for each school.</p> <p>8:30 a.m. Area Office conducts ballot position lottery for schools that failed to do so. Information on candidate position on the ballot faxed to appropriate schools.</p> <p>Principal prepares and posts specimen ballot in lottery order by candidate type: parent, community, teacher and student (if applicable), by 12:00p.m.</p> <p>NOTE: <i>The principal includes all candidates, even candidates who were challenged.</i></p> <p>Deadline (5:00 p.m.) to file Withdrawal of Candidacy Form with Area Office</p>
4/07	<p>Area Office faxes Certification of Candidates Form (Form 26-10 to schools by 12:00p.m.)</p> <p>Principal posts list of staff eligible to vote by 12:00p.m.</p> <p>Deadline (3:00 p.m.) for civic organizations to apply for pollwatcher credentials.</p>
4/09	3:00 p.m. Candidates inspect Candidate Ballot Lists and inform principal of errors.
4/15	<p>The Chief Executive Officer (or designee) rules on Pre-Election Candidate Challenges, and the Law Department forwards challenge results to all relevant parties by 5:00 p.m.</p> <p>Deadline (3:00 p.m.) for principal to distribute pollwatcher credentials to remaining candidates.</p>

**2010 LOCAL SCHOOL COUNCIL ELECTION TIMELINE**



Office of Local School Council Relations

The following timeline provides an accurate and concise overview of actions and deadlines involved in the election of Local School Council members.

DATES	ACTIVITY
4/15	Deadline (3:00 p.m.) for candidates to deliver candidate literature to school in packages of 35.
4/16	Area Office faxes Supplemental Certification of Candidates (Form 27-10) to affected schools by 12:00p.m.
4/19	<p>9:00 a.m. Principal posts revised candidate specimen ballots (<i>if necessary</i>) with names in lottery order.</p> <p>Literature distribution for parent and community candidates. Principal sends all candidates' literature home with students.</p> <p>Final deadline 3:00 p.m. for all candidates to inspect Revised Candidate Ballot Lists and inform principal of errors.</p> <p>Deadline (3:00 p.m.) for staff to inform principal of errors to staff list.</p>
4/19 – 4/21	<p>High school principal conducts student non-binding advisory poll.</p> <p>NOTE: Remember to remove student campaign literature the day before the student non-binding poll.</p>
4/20	<p>Principal corrects errors on ballots, prints official ballots, and secures ballots until the day of election.</p> <p>Principal posts official candidate specimen ballots.</p> <p>Principal removes all campaign literature and Candidate Statements by 3:00 p.m.</p>
<p>▶▶ 4/21 &amp; 4/22 ◀◀ Election Days</p>	<p>Principal and Engineer arrive at the school by 5:15 a.m.</p> <p>Judges arrive at the school by 5:30 a.m.</p> <p>Polls open at 6:00 a.m. and close at 7:00 p.m. (<i>If polls open late, then they must remain open after 7:00 p.m. the same number of minutes they opened late.</i>)</p> <p>NOTE: Report Card Pickup day has changed again for Elementary and High Schools</p>
	<p style="text-align: center;"><b>Elementary Schools – Wednesday, April 21</b> <b>High Schools – Thursday, April 22</b></p> <p>Elections for parents and community representatives.</p> <p>Non-binding advisory poll for teachers.</p> <p>Principal will post the total vote results for all candidates after the count is final on election night and will enter all vote totals into computer and notify the Area Office before leaving the school. High schools must enter all student vote results.</p>

**2010 LOCAL SCHOOL COUNCIL ELECTION TIMELINE**



Office of Local School Council Relations

**The following timeline provides an accurate and concise overview of actions and deadlines involved in the election of Local School Council members.**

DATES	ACTIVITY
4/23	<p>Deadline (12:00p.m.) for Security Envelope B to be forwarded to Area Office by principal.</p> <p>NOTE: <i>All other Security Envelopes (A, C, D, E, F, G, and H) should be stored in the school safe for two years. Ballot Boxes, Privacy Screens and Spindles must be secured for pick-up by Board of Education trucks.</i></p> <p>Deadline (5:00 p.m.) for Security Envelopes B in the Area offices to be delivered to Office of LSC Relations.</p>
4/30	<p>Deadline (5:00 p.m.) to file challenges to election results with Law Department. Challenge Forms may be faxed to 773-553-1769 or 1702. <u>Challenger must request and retain the fax receipt</u></p> <p>Challenge Forms may be faxed to 773-553-1769 or 1702. <u>Challenger must request and retain the fax receipt.</u></p> <p>Deadline (8:00 p.m.) for LSCs to convene meeting to certify the results of the election and break parent or community ties (if any) by lottery.</p>
5/3	<p>Deadline (12:00p.m.) for LSC to file Certification of Results with Area Office.</p> <p>Area Office breaks parent or community ties and certifies election results (3:00 p.m. deadline) if LSC fails to hold its certification meeting or if no quorum was present.</p>
5/10 – 5/28	Post-Election Challenge Hearings.
6/04	The Chief Executive Officer, or designee, rules on Post-Election challenges by 3:00 p.m.
6/23	Board of Education appoints teacher and high school student representatives.
7/01 – 7/14	Annual LSC Organizational Meetings.

**2010 LOCAL SCHOOL COUNCIL ELECTION TIMELINE**

## PART I – GENERAL RULES AND PROCEDURES

### **Local School Councils**

LSCs are encouraged to:

- Provide outreach activities to promote a more inclusive attitude for candidate and voter participation
- Provide support to principals as they perform their election duties before and after the election
- Plan and publicize the date, time and place of the Candidate Forum by ensuring that posters and other publicity materials are prominently displayed in the school and the school community
- Develop a format for the Candidate Forum including the announcement that candidates will be listed in lottery order on the ballot, set rules for the candidate presentations
- Work with the Principal to locate an accessible polling place
- Develop a plan for the systematic removal of campaign literature from inside the school by the end of school on the day before the election and from the surrounding community after the election

After the election, LSCs must hold a meeting to certify the results of the election and to hold a lottery, if necessary, to break candidate vote total ties. This meeting must be held no later than **8:00 p.m. April 30**. The date for this public meeting should be set by **January 15, 2010**.

### PRINCIPALS OR DESIGNEES

Principals or their designees are charged with the performance of selected administrative duties and responsibilities relative to activities before the election, on Election Day, and after the election as outlined in this 2010 Local School Council Election Guide.

On Election Day, principals or their designees must be on site by 5:15 a.m., remain until polls close and results are entered into the computer database. Principals are to arrange for administrative coverage for the day. [No vacation day will be granted for working on Election Day.]

The Principal shall take all reasonable steps to see that no school resources (human or material) are used to promote the candidacy of any candidate or group of candidates, as prohibited by law. Members of the attendance center staff that either use, or allow to be used, the resources of the school in violation of this provision are put on notice that they are subject to disciplinary action. Violations should be reported to

(773) 553-1400. Additionally, members of the school staff who advocate for any candidate in the school or within 50 feet of any school entrance on Election Day will be subject to disciplinary action.

### **Notices**

The Principal will post notices regarding nominating procedures, election timeline, and candidate eligibility (including challenge procedures) no later than **November 20, 2009**.

### **Map**

A clear and accurate map, defining the school attendance area or established voting district for multi-area schools and indicating nearby schools, must be posted. This map, as well as a written description of the school's boundaries, must also be made available to judges on Election Day and to potential candidates for determining eligibility and campaign boundaries. To obtain boundary information:

- Go to <http://schoollocator.cps.k12.il.us>
- Accept Disclaimer
- Enter school address in the "search by address" box
- Click "find your home school"
- Click on the correct address
- Click on your school's name (in blue)
- Map will re-load, outlining boundary in red

For schools that accept children from all over the city, the voting district boundaries have been established through Board action; a copy of the board report has been sent to these schools. For additional information, call (773) 553-1400.

### **1<sup>st</sup> Letter to Parents**

Between **November 16 and 20** the Principal will send a letter to all parents with their children, informing them of the Local School Council election process. The form of the letter will be uniform for all schools and will be provided by the Board of Education in English, Spanish, and other languages as needed. It will also be available upon request in Braille. For information, call the Election Hotline at (773) 553-1400 (voice) or at (773) 553-3332 (TTY). Included in this first letter will be notification of the nomination procedures, election timeline, and candidate eligibility requirements (including challenge procedures).

### **Nomination Papers**

The Principal will provide and collect original nomination forms for parent, community, teacher, and high school student representatives (if applicable) **until 3:00 p.m., March 11, 2010**. The Office of Local School Council Relations will collect original nomination forms until **3:00 p.m., March 4, 2010**. All candidates must complete the Criminal Conviction Disclosure Form, among other forms, and submit copies of two (2) pieces of identification as part of the nomination process. These nomination forms and related documents are available upon request in Braille, Spanish, and other languages. For information call the Election Hotline at (773) 553-1400 (voice) or at (773) 553-3332 (TTY). No faxes will be accepted. **The Principal (or his/her designee) shall collect all original nomination documents and may not refuse to accept any nomination forms during the filing period (no faxes)**. A photocopy of Form 1-10, the Candidate Nomination Form, or the perforated

receipt, shall be issued indicating the date and time when nomination forms were received. The Principal will photocopy or record the two forms of identification submitted by or for candidates.

The period for filing nomination papers for all candidates begins November 16, 2009 and ends at 3:00 p.m. on March 11, 2010. No nomination forms will be accepted in the Office of Local School Council Relations after 3:00 p.m., March 4, 2010. No faxes will be accepted; there will be NO extension to the deadline.

### **Public Candidate Information**

Within 24 hours after the first candidate filing, the Principal will post in a public place in the school (a) list of all filed candidates (using Form 4-10), (b) the original copies of Candidate Statements (if filed), and (c) information about the availability of nomination documents for inspection. This form 4-10 (Candidates for the Local School Council) must be updated as nomination papers are received. The candidate names should appear on the form in the order of filing.

### **Deliver Nomination Papers**

The Principal will photocopy all nomination papers. The photocopies of these documents and the photocopies of the forms of identification submitted by candidates will be maintained in a file by the Principal. This file should be accessible for review by the public upon request with the exception of the Telephone Number Disclosure Form (this form should not be made available to the public). The originals and photocopies of the forms of identification submitted by the candidates must be forwarded by the principal to the Office of Local School Council Relations, Attention: José Alvarez, 125 S. Clark, St., 5<sup>th</sup> Flr., GSR 125, no later than **12:00 p.m., March 16**. A complete copy of this package should be delivered to the Area Office no later than **12:00 p.m., March 16**.

### **Computer Entry of Candidates**

The Principal must ensure that candidate information is logged in the CPS main computer system (IMPACT) in the "SIR" section (in the LSC, LSCEUP application). The information should be maintained up to date.

### **Election Judges**

Application forms for persons interested in becoming election judges will be available at each attendance center. The Principal (or his/her designee) will accept judge applications through **March 12, 2010**.

The Principal must ensure that election judge application information is logged in the CPS main computer system daily using, IMPACT, in the "SIR" section (in the LSC, LSCEUP application).

Between **November 16 and March 12**, the Principal must deliver all judge applications received at the school to the Area Office on an on-going basis for selection and assignments. After **March 12**, the Principal should check with the Election Judge Coordinator to ascertain whether applications should still be accepted.

### **2<sup>nd</sup> Letter to Parents**

The Principal will send a second letter on **March 15, 2010** to all parents which will include a list of the candidates using Form 4-10 (Candidates for the Local School Council), which

was updated and posted every day a candidate filed; information about the date of the Candidate Forum; and the election date, voting hours, location, and a reminder to bring two (2) pieces of identification on Election Day to prove eligibility to vote.

### **Candidate Forum**

The Principal will work with the LSC to arrange for at least one public forum to be held between **March 22 and March 26, 2010**, when all parent and community representative candidates are invited to make presentations. Under the Americans with Disabilities Act of 1990 (ADA), the Candidate Forum should be held in a location accessible to persons with disabilities. Sign language interpreters must be provided at the forum if they are requested in advance. For further information on providing access to voters with disabilities contact Michael Rowder, (773) 553-2698 (voice) or (773) 553-2699 (TTY). The Principal and the LSC will issue an invitation to each parent and community representative candidate to appear at the forum. Notice of the forum date will be posted by **January 15**.

The Principal and LSC will publicize the date, time, and place of the Candidate Forum and the election by posting notices at each attendance center and in public places within the voting boundaries, in addition to other ways to promote participation.

### **Pollwatcher Credentials**

The Principal will distribute six (6) candidate pollwatcher credentials to each candidate (preferably at the Candidate Forum). The Principal will provide secure storage for all undistributed credentials and maintain accurate records of distribution. (*Refer to Pollwatcher Credential section*).

### **Literature Distribution Day**

The Principal will provide information to parent/community candidates regarding the total number of students at the school so campaign literature may be produced in sufficient quantities for distribution. The Principal will oversee the distribution of all candidates' literature on **April 19**. Staff literature may be distributed in individual staff mailboxes on **April 19**. (*Refer to Literature Distribution Day Section*).

## ***Preparing for Election Day***

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### **Election Day Materials**

The Principal (or his or her designee) will receive and sign for delivery of election materials. The election materials must be accessible to judges at 5:30 a.m. on Election Day.

### **Polling Place Location**

The Principal shall locate the polling place in an adequately heated and lighted location in the school, which is accessible to persons with disabilities. Voting areas for people with disabilities must be located in an accessible area with a clear path of travel from a primary entrance (or one well marked as an alternate entrance for persons with disabilities). The path of travel must be at least 32 inches wide and free from any obstacles. In addition, at wheelchair access voting stations, the table on which such voters may vote must have a minimum of underside clearance of 27 inches

from the floor to accommodate wheelchair users. Such a table must be located prior to Election Day and placed in the voting room. If such a table cannot be found, the secure placement of wooden blocks under the legs of an otherwise appropriate table will convert the table to the required specifications. The location or conversion of such a table should take place prior to Election Day.

### **Other Election Day Materials**

The Principal will provide the following materials and resources and make them available in the polling place no later than 5:15 a.m. on Election Day: tables, chairs, pens, masking tape, a stapler, string, thumb tacks, and the election materials delivered to the school for the conduct of the election. The principal will provide the judges with a light lunch around 12:00 noon and a light dinner after 7:00 p.m.

### **Map for Election Judges**

The election judges will be provided with a written description of the school boundaries and a map defining the school attendance area or established voting district for multi-area schools so voter eligibility may be determined. Adjacent schools should be noted on the map so that community voters can be directed to another school if they have come to the wrong school to vote.

### **List of Staff**

The Principal will prepare and post, by **12:00 p.m., Wednesday, April 7**, a comprehensive list of all staff eligible to vote for teacher representatives at that attendance center. This list should include only those staff members that work the majority of their time at that attendance center. Inadvertent inclusion or exclusion of individual staff names should be brought to the attention of the Principal by **3:00 p.m., April 19**. Unresolved disputes shall be resolved for the CEO by the Area Office on or before Election Day.

### **Electioneering by Staff**

The Principal will inform all staff of the prohibition against electioneering anywhere inside the school throughout Election Day. This prohibition applies to candidate signs, posters, handouts, lists, and discussions of candidates and slates of candidates during parent conferences. The Principal should warn that offending staff members will be disciplined.

### **Specimen Ballots**

The Principal will prepare and post specimen candidate ballots as described in the Posting Specimen Ballots Section.

### **Telephone Access**

The Principal will provide access to a working telephone which should be made accessible to election judges or other election workers at all times while they are in the building, particularly at 5:30 a.m. before school opens and also during the counting and recording of the votes.

### **Engineer**

The Principal will confirm with the Area Office, at least two weeks before the election, that an administrator and the engineer will be present at 5:15 a.m. to open the school on Election Day and will remain present until all votes are counted and recorded and the Principal or designee officially closes the school.

### **School Security**

The Principal will confirm with the Area Office that a school security person (if any) will be present at 5:15 a.m. on Election Day and will remain present until all votes are counted and recorded and the school is officially closed by the Principal or designee. If the school does not have a security person, the Principal should contact the Department of Safety and Security, (773) 553-6900.

### **Election Day**

Wednesday, April 21, 2010 - Elementary Schools  
Thursday, April 22, 2010 - High Schools

On Election Day, the Principal's role in the election process is that of a resource person. The election judges have sole responsibility for the conduct of the election. They will follow the procedures outlined in the Judge of Election Manual and will contact the Election Hotline or consult a Monitor, if present, if they have questions. Decisions of the Monitor; Area Office and Election Central must be followed.

The administrative duties of the Principal or designee on Election Day are:

- The Principal will arrange for administrative coverage from 5:15 a.m. until the polls close, all votes are tallied and the election results are entered in the computer database. The principal will identify parents, guardians and primary care-givers.
- Training Receipt - At the beginning of the day, the Principal will check with each election judge upon arrival to be sure he or she has a training receipt. In order to serve, each judge must provide a receipt for attending a judges' training class. The receipts are then stapled to the Judge of Election Pay Voucher.
- Judge Payment - The Principal will prepare checks while both signers of the checks are still in the school. The principal will issue paychecks to each election judge after all votes have been counted and recorded and all materials have been packed. Central Service staff deployed as standby judges will not receive a judge stipend.
- Spindle Count – The Principal will enter voter turnout information into the CPS main computer system using LSCEUP at **12:00 p.m. and 3:00 p.m.** The total number of parent and community voters combined (voter turnout) may be obtained from the election judges who will provide the top number of the spindled Applications for Ballot on the judges' table.

- Arrange for coffee/tea and rolls/donuts in the morning, a light lunch (**12:00 p.m.**) and dinner (after **7:00 p.m.**) for the election judges.
- High school Principals must remember to enter the results of the student non-binding poll by **3:00 p.m. April 22** on LSCEUP.
- At **7:00 p.m.**, the Principal will enter the total number of voters by category- - parents, community members, and staff - - in the CPS main computer system. The exact number of parent and community voters will be calculated by election judges by counting the number of community votes on the Community Sign-In Sheet and subtracting that number from the last-numbered Application for Ballot on the spindle. The total number of staff voters may be obtained from the yellow Staff Sign-In Sheet(s). The three separate totals for parent, community, and teacher voters shall be entered immediately into the CPS main computer using LSCEUP.
- The Principal must enter final vote totals for each candidate into the CPS main computer system [IMPACT] **on LSCEUP as soon as the count is confirmed on election night.**
- The Principal must **post the vote totals for all candidates in a publicly accessible spot in the school after the count is final on election night.**
- The Principal will receive all security envelopes from the election judges for placement in a locked school safe. These envelopes **contain two (2) sets** of the Certificate of Results and Summary Report of Election Results; used Applications for Ballot; school staff and community sign-in sheets; counted, challenged, excess, defective, spoiled-overcast; and unused ballots for both the Parent/Community Representative election and the Teacher Non-Binding Advisory Poll.

### ***Post- Election Day***

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By **12:00 p.m. on April 23** the Principal will deliver Security Envelope B to the Area Office. The Security Envelope must contain sets of the Certificates of Results and Summary Report of Election Results for the Parent/Community Representative Election and the Teacher Non-Binding Advisory Poll, as well as results of the Student Non-Binding Advisory Poll (if applicable). Envelopes A, C, D, E, and F, remain in the school safe for two years.

### **Reconciliation of Funds Provided for Judges**

Each school will receive an Electronic Data Interchange (E.D.I.) deposit to cover payment to the election judges. This check is to be deposited in the school's internal account. The Principal (or his/her designee) will reconcile the allocation and the expenditures and will prepare and forward this reconciliation report, with appropriate supporting documentation (such as election judge training receipts) to the Area Office. The Principal will maintain copies of all reconciliation information forwarded. Unspent supply money need not be returned.

## AREA OFFICES

Area Offices are charged with the performance of selected administrative duties and responsibilities relative to pre-election, Election Day, and post-election activities as outlined in this Guide to Local School Council Elections. The Area Offices are also responsible for the resolution of certain election-related disputes as they arise.

### ***Preparing for Election Day***

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Area Offices will track the entry of candidate information and election judge applicants on the CPS main computer system by each school within their area, including AMP schools. They will alert principals when daily entry does not occur.

### **Nomination Papers**

Area Offices will receive copies of all candidate nomination forms from each school on **March 16**. This includes the Nomination Form with attached photocopies of identification documents proving eligibility, Telephone Number Disclosure Form, Criminal Conviction Disclosure Form, the Candidate Statement Form (if submitted), and Teacher and Student Information Form, where applicable. (See Nomination Procedure Section)

### **Ballot Position Lotteries**

Area Office will conduct ballot position lotteries for schools not complying with their own lottery responsibilities on **April 6** and fax lottery position to appropriate schools.

### **Pre-Election Candidate Eligibility Challenges**

The Law Department will receive pre-election challenge petitions by **March 18, 2010** by **5:00 p.m.** and will forward a list indicating the challenges filed, to the Area Office in school order by **12:00 p.m. March 22, 2010**. The Law Department will log all Pre-Election Challenge Petitions received. At the end of the pre-election challenge period, Area Offices will issue the Certification of Candidates (Form 26-10), which will include every candidate against whom no pre-election challenge has been filed.

The Chief Executive Officer or designee will consider the recommendations of Hearing Officers and will issue rulings on challenges. (*Refer to Pre-Election Challenges to Candidate Eligibility Section and Pre-Election Challenge Rules for Hearings.*) After all challenges for a school have been ruled upon, the Area Office will issue a Supplemental Certification of Candidates Form 27-10, to confirm ballot access for every candidate for whom the challenge was unsuccessful.

### **Withdrawal of Candidacy Forms**

The Area Office will accept, log and forward to the appropriate school any Withdrawal of Candidacy forms received (*See Withdrawal of Candidacy Section*).

### **Assign Election Judges**

With the assistance of Judge Placement Officers, and no later than **April 6**, the Area Office will screen and make final assignments of a balanced panel of judges to serve at

each school from among the judge applicants forwarded by the schools or received in their offices (*Refer to Election Judges Section*).

### ***Election Day***

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Wednesday, April 21, 2010 - Elementary Schools  
Thursday, April 22, 2010 - High Schools

#### **Standby Election Judges**

On Election Day, the Area Office, with the assistance of Judge Placement Officers, will deploy standby judges. Priority should be given to assigning standby judges who can serve schools with special language needs.

#### **Deployment of Additional Judges**

At **3:00 p.m.** on Election Day, after the combined number of parent and community voters who have applied for a ballot [spindle count] has been entered on the CPS main computer system, the Area Office will make (with the assistance of Judge Placement Officers) an assessment of schools which might require an extra election judge(s).

#### **Dispute Resolution**

If a monitor is not available, the Area Office and Election Central Personnel will be available to resolve Election Day disputes with the advice of the Law Department, from 6:00 a.m. when the polls open until all ballots are counted and recorded.

### ***Post-Election Day***

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#### **Receive Election Materials**

Area Offices will receive Security Envelope B containing Certificates of Results and Summary Reports of Election Results for the Parent/Community Representative Election and the Teacher Non-Binding Advisory Poll, as well as results of the Student Non-Binding Advisory Poll, from each school by **12:00 p.m., April 23**. If such material is not received, the Area Office will immediately contact the principals of the schools that are not in compliance. The Area Office will deliver Security Envelopes B to the Office of Local School Council Relations by **5:00 p.m. on April 23**.

#### **Break Candidate Ties/Issue Certification of Election Results**

On **May 3, 2010**, the Area Office will conduct a public lottery to break candidate vote total ties if any incumbent LSC fails to do so, or if there is no quorum of LSC members present at the meeting. The Area Office, on behalf of the CEO, will also issue a Certification of Election Results, as determined by the election judges, for all LSCs that are unable to do so.

#### **Post-Election Challenges**

The Law Department will receive and log all post-election challenges to election results received in the period after the election. The Chief Executive Officer or designee will work with the Law Department and the post-election challenge hearing officers to resolve and issue official rulings on all post-election challenges.

After all post-election challenges, including the conduct of any recounts or new elections ordered are resolved the Area Offices will issue Supplemental Certifications of Election Results declaring the results of the elections which were subject to post-election challenges.

**Reconciliation of Funds**

Area Offices will receive the reconciliation documentation of monies allocated for purposes of the LSC elections from each school. This must be forwarded along with school checks for any unspent monies to the Office of Local School Council Relations. *(Unspent supply money need not be returned.)*

**For additional information, contact:**



**Election Central**  
**Office of Local School Council Relations**  
125 South Clark Street, 5<sup>th</sup> Floor  
Chicago, Illinois 60603  
773.553.1400 (phone)  
773.553.1402 (fax)  
773.553.3332 (TTY)

## PART II - SPECIFIC RULES AND PROCEDURES

### Overview

Chicago Public Schools Local School Councils consist of the Principal, six (6) parents, two (2) teachers and two (2) community residents who live within the school's attendance area (or established voting district in the case of a multi area school), and one full-time high school student at the high school level. Candidates may not be a relative of the Principal. No representative candidate may have been convicted of the following felonies: 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, or aggravated criminal sexual abuse. No representative candidate may have been convicted of controlled substance trafficking, criminal drug conspiracy or street gang criminal drug conspiracy within ten years of nomination. Neither parent nor community representative candidates may be employees of the Board of Education.

Local School Council elections are to be held every even numbered year, during second semester Report Card Pickup day. The LSC elections are conducted by the Board of Education in consultation with the existing Local School Councils.

### **Nominating Procedures**

Candidates for parent, community, teacher and high school student representative may obtain blank copies of the nomination forms from any Chicago public school, the Area Offices, and the Office of Local School Council Relations located at the Central Service Center (125 S. Clark St., 5<sup>th</sup> Floor). Forms are also available for download at [www.cps.edu](http://www.cps.edu).

Copies of this 2010 Local School Council Election Guide are available at the Office of Local School Council Relations. The guide and nomination forms may be reproduced as needed.

### **Complete nomination packets must include:**

- Candidate Nomination Form
- Criminal Conviction Disclosure Form
- Telephone Number Disclosure Form
- Candidate Statement Form (*Optional*)
- Teacher Information Form (*Teacher candidates only*)
- Student Information Form (*High school student candidates only*)

Copies of these nomination forms are also available upon request in Braille, Spanish and other languages. For more information, call the Election Hotline, (773) 553-1400 (voice) or (773) 553-3332 (TTY).

The completed nomination packet is to be filed with the Principal of the school where the candidate seeks election until **3:00 p.m. March 11, 2010. No faxes will be accepted. The Office of Local School Council Relations will only accept original nomination forms**

**until 3:00 p.m. March 4, 2010.** While candidates need not file their nomination forms in person, the nomination forms must be signed by the candidate and accompanied by identification documentation of the candidate's eligibility for the office sought. There will be no extension of the filing deadline.

### ***Identification Documentation***

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In the case of a community resident, two (2) acceptable forms of identification shall be presented, one of which demonstrates that the candidate, on the last date of filing, resides within the attendance area or voting district. *(The list of identification types in the Voting for Parent and Community Representatives Section lists acceptable types of identification for candidates as well as voters.)*

In the case of a parent, two (2) acceptable pieces of identification must be shown or be present in the school's records which demonstrate that the candidate, on the last day of filing, is the parent or legal guardian of a student enrolled at the school. If the parent identification does not agree with the student records maintained by the school, the parent shall provide some evidence that he or she is the parent or legal guardian of an enrolled student. This may be a student's birth certificate, a court document, a tax return showing the student as a dependent, or other legal document.

### ***Candidate Statement***

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The Candidate Statement is optional. This statement allows each candidate to briefly state his or her qualifications and plans if elected. The Candidate Statement may be completed in the candidate's native language. In schools with more than one language used, a candidate may have his/her candidate statement translated into the other language(s.) If filed, the Candidate Statement must be no more than one side of one (1) page 8.5 x 11 inches in size. The originals of all Candidate Statements filed shall remain posted in the school for public inspection until **April 20**.

### ***Administration of Nomination Papers***

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The Principal, or his or her designee, shall receive all nomination forms during the filing period. All candidates must complete and turn in the Criminal Conviction Disclosure Form (10-10). If the any of the nomination forms are incomplete or the candidate has not submitted adequate identification, the Principal must immediately contact the Office of Local School Council Relations which will make the final decision on whether the candidate shall be on the ballot. A receipt, indicating the date and time when nomination papers were received, shall be issued. The Principal will photocopy or record the form of identification submitted by or for candidates. Incomplete filings may be later supplemented but nominating forms, which are incomplete on the last day of filing, will be reviewed in the Office of Local School Council Relations for final determination.

Candidates will receive either a photocopy of their Candidate Nomination Form or the Nomination Form Receipt which indicates the time and by whom forms were received as well as which forms were filed. The Principal will maintain a file of all completed Candidate Nomination Forms, Criminal Conviction Disclosure Forms, photocopied

identification documents, Teacher & Student Information forms, and optional Candidate Statements and make them available to the public. The Telephone Disclosure Form shall not be made available to the public. After the end of the filing period, by **12:00 p.m. on March 16, 2010**, the originals of all nomination documents (with the exception of the original Candidate Statements, which remain in the school) will be forwarded to the Office of Local School Council Relations, Attention: José Alvarez, 125 S. Clark St., 5<sup>th</sup> Flr., GSR 125. Copies of the nomination forms must also be delivered to the Area Office by **12:00 p.m. on March 16, 2010**. Candidate information will be entered into the CPS main computer system (IMPACT) on a daily basis by the Principal or his or her designee using LSCEUP.

#### **Important Note**

The law requires that names and addresses of local school council members be a matter of public record. Although public disclosure by candidates of their telephone number is not required, disclosure to the Board is required, so the Board can contact a candidate in cases of emergency such as pre or post election challenges. The telephone number information will not be disclosed to the public.

### ***Candidate Eligibility***

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Generally, candidates must be qualified to serve in the positions for which they seek office no later than the last day for filing nomination papers. This means that the qualifications to be a candidate are the same as the qualifications for service on the LSC with the following two exceptions:

1. An employee may be a candidate for election as a parent or community representative but may be automatically disqualified from serving on the LSC unless he or she has resigned from that employment by June 30, 2010.
2. A person who has a child or children who will graduate prior to June 30, 2010 or date set by the Board of Education may run as a community representative, if eligible, provided that this person has no children attending the school in which he or she wishes to serve on June 30, 2010.

No representative candidate may be a relative of the Principal. Relative means a person related to the Principal as spouse or as any of the following, whether by blood, marriage or adoption; parent, son, daughter, step-son, step daughter, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, step-father, step-mother, step-brother, step-sister, half-brother, half-sister, or first cousin.

No representative candidate may have been convicted of the following felonies: 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, or aggravated criminal sexual abuse.

No representative candidate may have been convicted of controlled substance trafficking, criminal drug conspiracy or street gang criminal drug conspiracy within ten years of nomination.

Please refer to the Criminal Conviction Disclosure form for more information.

### **Parents**

Six (6) parents are to be elected to an LSC. Any number of eligible persons may be nominated as long as each candidate meets the eligibility requirements. In order to be nominated or serve as a parent member, a person must:

- Be the parent, step-parent or legal guardian, as defined in Board Rule 6-28, of a child who is enrolled at the school on the final day of filing to be a candidate (once elected, a parent representative is automatically removed from office when his or her child graduates or when the parent voluntarily transfers the child from school);
- Be listed on the student records and/or provide some evidence that he or she is eligible as a parent candidate. This may be a student's birth certificate, a court document, a tax return showing the student as a dependent, or other legal document; and
- Not be an employee of the Chicago Board of Education after June 30, 2010. (employees include, but are not limited to, all faculty, staff, career and civil service employees, bus attendants, school aides, social center aides and "paid volunteers").

### **Community Residents**

Two (2) community residents are to be elected to an LSC. Any number of eligible persons may be nominated. In order to be nominated or serve as a community resident, a person must:

- Live in the attendance area of the school (or the established voting district of multi-area schools);
- Be eighteen (18) years of age or older;
- Not be an employee of the Board of Education after June 30, 2010 (employees include, but are not limited to, all faculty, staff, career and civil service employees, bus attendants, school aides, social center aides and "paid volunteers"); and

#### **Important Note**

##### **Clarifying Board of Education Employment**

The term "volunteer" is often used loosely throughout the school system. To be accurate, a volunteer is limited to someone who receives no payment for services and is reimbursed only for actual out-of-pocket expenses. Payment for any type of service would result in that volunteer being considered an employee, and therefore ineligible to serve as an LSC member. The same is true of "service vendors," "purchase order contractors," and "consultants."

- Not be the parent of a student enrolled at the school served by the LSC.

### **Teachers**

Two (2) teachers are to be appointed to the LSC by the Board of Education following a Non-Binding Advisory Poll. Any number of eligible persons may be nominated as a candidate for the Advisory Poll. Assistant principals are not eligible for appointment as a teacher member of the local school council. Any other person employed full-time by the Board of Education and assigned to the school in a teaching position (or in a position for which qualification as a teacher is required), and who works at and performs the majority of his or her employment duties at the school may be nominated, including PAT/TAT teachers.

### **High School Students**

One Student is to be appointed to each high school LSC by the Board of Education following a Non-Binding Advisory Poll. Any number of eligible students may be nominated as a candidate for the Advisory Poll. A candidate must be a full-time student at the high school where he or she is nominated.

**For additional information, contact:**

**Election Central**  
**Office of Local School Council Relations**

125 South Clark Street, 5<sup>th</sup> Floor  
Chicago, Illinois 60603  
773.553.1400 (phone)  
773.553.1402 (fax)  
773.553.3332 (TTY)



## **PRE-ELECTION CHALLENGES TO CANDIDATE ELIGIBILITY**

### **Overview**

Challenges to candidate eligibility (Pre-Election Challenges) shall be filed or faxed no later than **5:00 p.m. on March 18, 2010** with Deputy General Counsel, Miguel A. Rodriguez, at the Law Department, 125 S. Clark, 7th floor, Fax (773) 553-1769 or 1702. The challenger must request and retain a receipt of the fax. The form for the challenges to candidates' eligibility (Pre-Election Challenge) will be available at every school, Area Office and the Office of Local School Relations located at the Central Service Center, 125 South Clark Street, 5th Floor.

Any person is entitled to file a Pre-Election Challenge. However, no Pre-Election Challenge Petition will be favorably considered unless the challenger states specific facts, which, if true, demonstrate that the candidate challenged is not legally eligible to serve in the office he or she seeks.

The Law Department will review challenges to determine when a challenge requires a hearing or where the challenge can be disposed of without a hearing. The appointed independent Hearing Officers, with the assistance of the Law Department, will hold hearings on referred petitions. The Chief Executive Officer or designee shall consider the recommendation of the Hearing Officer in making a final written decision.

Candidates whose eligibility has not been challenged within the timely filing period of a Pre-Election Challenge will be presumed eligible. Their names will be printed on the official Candidate Ballot.

The Area Office shall certify the official candidates. A copy of this Certification of Candidates (Form 26-10) will be transmitted to the Principal/LSC of each school and one copy will be held for the Office of Local School Council Relations.

### **Hearing Procedures**

After the filing of a Pre-Election Challenge Petition, the Law Department shall notify the challenged candidate. Notification to the challenged candidate shall include a copy of the Pre-Election Challenge Petition, any evidence which was attached to the petition and notification of the date, time and place at which the hearing will be held.

Failure to appear or make arrangements for an alternate hearing date with Deputy General Counsel, Miguel A. Rodriguez, Law Department (773-553-1700) may result in the conduct of the hearing in the challenged candidate's absence. A similar notification shall be transmitted to the challenger. Failure of a challenger to appear may result in the dismissal of the challenged petition.

The appointed Hearing Officers are responsible for conducting hearings and issuing a recommended decision. The decision of the Chief Executive Officer or designee is final.

All hearings for challenges to candidate eligibility will begin **April 5, 2010** and conclude **April 9, 2010**.

The Chief Executive Officer's or designee's decision shall be issued by **5:00 p.m. April 15**. The Area Office shall transmit to each school the Final Supplementary Certificate of Candidates (Form 27-10) by **12:00 p.m. on April 16**.

### **Remedies**

When the pre-election challenge proceedings are over, the Chief Executive Officer or designee shall order appropriate remedies for any deficiencies proved, including (but not limited to) the declaration that the particular Local School Council candidate is ineligible to be a candidate for the position for which he or she seeks election and that his or her name shall not appear on the Candidate Ballot. For example:

- If the candidate has filed for a position for which he or she is ineligible but the candidate is eligible for election in another position, the Chief Executive Officer or designee shall order the appearance of that candidate's name on the Candidate Ballot in the position for which he or she is eligible, if the candidate consents.
- If a candidate has filed for a position at a school at which he or she is ineligible to be a candidate but the candidate is eligible at a different school, the Chief Executive Officer or designee shall order the nomination papers corrected and order the appearance of that candidate's name on the Candidate Ballot at the school at which he or she is eligible, if the candidate consents.

### **Withdrawal of Candidacy**

Candidates who have filed nomination papers may withdraw their candidacy for any reason at any time prior to **5:00 p.m. April 6** by filing an Affidavit of Withdrawal of Candidacy Form (31-10) with the appropriate Area Office. The Affidavit of Withdrawal of Candidacy Form will be available in Area Offices and from the Office of Local School Council Relations, located at the Central Service Center, 125 South Clark Street, 5th Floor, (773) 553-1400 voice or (773) 553-3332 (TTY).

### **Election Judges**

Application for Judge of Election (Form 18-10) will be available at schools, Area Offices, and the Office of Local School Council Relations. Each judge applicant must complete an application form indicating schools where he or she is willing to serve, previous experience, independence as an election judge, bilingual proficiency (if any), and agreeing to attend a training session. The application form should be filed at any one of the schools where the applicant is willing to serve as a judge, an Area Office, or the Office of Local School Council Relations.

The Principal will update information regarding judge applicants on the CPS main computer system using IMPACT, SIR, LSC, and LSCUP. Persons who wish to be judges may apply between **November 16, 2009 and March 12, 2010**. (See *Eligibility Section* for additional information about the application process).

The number of election judges assigned to a particular school is based on enrollment, number of candidates, and anticipated voter turnout. At the end of Election Day, judges will receive compensation for their service and for having attended a training session.

### **Judge Selection, Notification and Eligibility**

With the assistance of Judge Placement Officers, and no later than **April 6**, the Area Office will screen and make final assignments of judges to serve at each school from among the judge applicants. Schools may not have all of their recruited judges assigned to their school. Screening will assure that judges meet eligibility requirements and criteria for balance. Surplus election judges will be assigned to schools where needed.

The names and addresses of the assigned judges at each school will be entered in the CPS main computer system. Judges will be notified by mail of their assignment and training information.

#### **Important Note**

It is essential that **NO** election judge is appointed who has a personal stake or interest in the outcome of the LSC election so that even the appearance of partiality or favoritism is avoided. It is also important that as many judges as possible are experienced with election procedures. The Office of Local School Council Relations shall have the final decision on where judges will serve.

### **All election judges must attend training or they will not be eligible to serve.**

#### **Eligibility to Serve as an Election Judge**

- Election judges must be 18 years of age or older. Chicago Public School high school students may serve as election judges at high schools where they do not attend.
- Candidates in a Local School Council election may not serve as judges at the school where they are candidates.
- Immediate family members (spouse, parents, children, grandparents, and grandchildren) of LSC candidates and the Principal, or other persons residing in the same household as Local School Council candidates or the Principal, may not serve at the candidate's or Principal's school.
- Board of Education employees, with the approval of their direct supervisor, may serve as judges, at a school where they are not employed.
- Each election judge must attend an election judge training session or he or she may not serve and will not be paid.

### Criteria for a Panel of Judges

All judges must be able to speak, read, and write English, be skilled in basic mathematics, and be generally competent. The ideal panel of election judges should include:

- Judges who are bilingual in English and in the home language of any substantial number of the school's parents and community residents. It is very important to recruit bilingual judges who can explain the voting system in the language of the voters.
- Judges who have experience with previous LSC elections or regular elections.
- Judges (non-partisan and trained about the potential for vote fraud).
- Judges who reflect the racial and ethnic makeup of the student body.
- Judges who are familiar with the boundaries and streets around the school and who live close enough to get to the school at 5:30 a.m. on the morning of the election and to get home after all votes are counted and recorded.

#### Important Note

The Judge of Election Manual will be available in English and Spanish, however all forms used by judges will be published only in English.

### Duties of Election Judges

Judges have the responsibility for the conduct of the election at the polling place. Judges will arrive before the polls open to set up the polling place. Judges will decide questions of voter eligibility and perform all other Election Day procedures described in detail in the Judge of Election Manual, including the counting and recording of votes for parent and community representatives, and the poll results for teacher representatives. They have authority as arbitrators and adjudicators of election disputes in the polling place. They are encouraged to address questions to any election monitor present or the Election Hotline (773) 553-1400.

#### Important Note

Judges must follow the instructions of the CPS monitors, Area Office and/or Election Central.

### Election Judge Training

Mandatory training sessions will be conducted for all election judges. Judges will receive a receipt for attending training that must be presented to the Principal on Election Day. Election judges who fail to attend training may not serve and will not be paid if they are unable to provide such a receipt.

### Posting/Publication of Candidates

A list of candidates, in the order of filing and by category of candidate (parent, community, teacher, and high school student, if applicable) shall be posted and maintained in each school by the Principal using the Candidates for the Local School

Council Form (Form 4-10). On each day that there is a candidate filing, this form shall be updated and photocopied. The master shall remain with the Principal, and the photocopy shall be hand signed, dated, and posted. The Principal shall include the final copy of this list of candidates, in the order of filing, with Letter II that pupils take home no later than **March 15, 2010**.

The Principal should facilitate the posting of the list of parent and community representative candidates in public places in the community.

### **Candidate Forums**

The Principal, in consultation with the Local School Council, shall arrange for at least one public forum for all parent and community representative candidates, and, if desired, teacher representative candidates, between **March 22 to March 26**. Under the 1990 Americans with Disabilities Act, (ADA), the Candidate Forum should be held in a location accessible to persons with disabilities, even if it is necessary to hold the forum in a location other than the school.

Minimal accessibility includes a location without even a single step at the entrance and no steps to the site where the forum takes place unless there is also a ramp, lift or elevator to provide access. There should be a clear path of travel from the entrance to the forum area at least 32" wide and free of any obstacles. If possible, there should be a restroom with a wheelchair accessible stall, again with a clear path of travel from the entrance and forum site.

The announcement of the Candidate Forum should note that any person needing a sign language interpreter or other accommodations must submit their request by calling the Office of Local School Council Relations, (773) 553-1400 (voice) or (773) 553-3332 (TTY) by **3:00 p.m. on March 16**. The announcement should also indicate that the location is wheelchair accessible.

An agenda, which should allow all candidates to present their qualifications and goals, if elected, should be developed by the incumbent LSC.

Each parent and community representative candidate shall be invited to make a presentation at the school's Candidate Forum.

### **Ballot Position Lottery at Candidate Forums**

At each school's Candidates Forum, the LSC shall conduct a public lottery to determine the randomly selected ballot position for each candidate. Other methods of determining ballot order, such as alphabetical listing or order of filing are not permitted. Should a local school council fail to hold a ballot position lottery complying with these rules, the Area Office will hold a lottery by **8:30 a.m. on April 6**.

The ballot position lottery shall be conducted as follows:

- The names of each and every candidate from every category should be written on slips of paper of uniform size and color.

- A separate lottery should be conducted for each category (parent, community, teacher, student).
- First, the slips of paper with names of parent candidates should be folded in a uniform fashion and placed in a large glass or plastic bowl. Someone other than the Principal, a candidate, or an announced supporter of a candidate should be chosen to draw the names. The person selected to draw the names should reach into the bowl and vigorously stir around the folded slips of paper bearing parent candidate names. Averting his or her eyes, the person should draw out one folded slip of paper, open it, and announce the name. The name should then be written on a blackboard, flip chart, poster board, or something large enough for the public present to view.
- The drawing of names should continue in the same manner until all the slips with parent candidate names have been drawn. Then the drawing should proceed with the community candidates. The drawing for teacher candidates and then (if necessary) the high school student candidates may take place as detailed below.
- Make sure the numbers assigned to the candidates correspond to the official parent, community, and teacher candidate ballot.
  - The numbers assigned to parent representatives must be 1 through 26.
  - The numbers assigned to community representatives must be 27 through 52.
  - The numbers assigned to teacher representatives must be 53 through 78.

**Important Note**

Candidates whose eligibility has been challenged should be included in specimen ballots and be allowed to speak at the Forum. If a candidate is ruled ineligible, his or her name will not be printed on the Final Candidate Ballot but a blank space next to the ineligible candidate's ballot position number will remain. This will allow all other candidates to retain their number position.

For Teacher Non-Binding Advisory Poll candidates, the lottery may be conducted at an open staff meeting during the school day.

For Student Non-Binding Advisory Poll candidates, there should be a school assembly (or similar public occasion) in which the high school student candidates present their candidacies. Should such an assembly not be held, the student candidates should present at the Candidate Forum.

***Literature Distribution Day***

Monday, **April 19** has been established as the citywide date for the distribution of campaign literature through the school, for **all parent and community candidates or groups of candidates**. To be distributed, campaign literature must meet the following criteria:

- Literature must be limited to a single 8-1/2 by 11 page (printed on one or both sides).
- Literature must be delivered to the school by 3:00 p.m. on April 15.
- Candidates must provide sufficient copies (1 per student) for distribution. Information about total student enrollment may be obtained from each school.
- Candidates must divide their campaign literature into stacks of 35 for easy classroom distribution.
- School resources may not be used for the reproduction of campaign literature as described below.

### ***Use of School Resources***

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Members of the school staff are specifically precluded by the law from using resources of the school to endorse or promote any candidate or group (slate) of candidates. School resources include both human and material resources, such as paper, staff during working hours, copying facilities, space for meeting(s) for particular candidates or groups of candidates, or telephone services.

Staff members who either use, or allow to be used, resources of the school are in violation of this provision of the state law and are put on notice that they are subject to disciplinary action that may include suspension of up to thirty (30) days without pay.

### ***Campaign Contributions - Disclosure Requirement***

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The law requires that if a candidate or slate of candidates exceeds \$1000 (one thousand dollars) in campaign contributions from any person or group, an initial D-1 Statement of Organization form must be filed no later than thirty (30) days later with the Cook County Clerk's office or the State Board of Elections disclosing said contribution. Call (312) 603-4743 for further information.

### ***Candidate Ballot Lists - Posting Ballots***

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By **12:00 p.m. on April 6**, the Principal shall post outside the school office, for public and candidate inspection, one copy of the Parent/Community Specimen Candidate Ballot and one copy of the Specimen Teacher Non-Binding Advisory Poll Ballot with the word "SPECIMEN" written across the bottom.

The Principal must notify all candidates (by letter, or with a telephone call) that the Specimen Candidate Ballot will be posted on **April 6** for inspection. It is incumbent upon candidates to visit the school prior to **3:00 p.m. on April 9** to ascertain if their names are (a) included; (b) correctly spelled; (c) in lottery order; and (d) in the correct candidate category (i.e., parent or community). Candidates should notify the Principal of any errors before **3:00 p.m. on April 9**.

Principals must post a revised Specimen Candidate Ballot by **9:00 a.m. on April 19, 2010** if the Chief Executive Officer or designee's ruling changes the eligibility of a candidate. Parents, community, and teachers may inspect the revised ballots and inform the principal of errors by **3:00 p.m. on April 19, 2010**. The Principal should print and secure the official ballot by **April 20, 2010**.

## ELECTION DAY

### **Voting for Parent and Community Representatives**

Parents, legal guardians and temporary custodians may vote at any school where their children are enrolled. Community residents, 18 years of age or older, may vote at any school in whose attendance area or established voting district (for multi-area schools) they reside.

All parent and community voters must present at least two forms of identification.

For community voters, at least one of form of identification must bear a current residential address within the school's attendance or voting district boundaries and must be from the list below. The second form of identification may be from the list below or any other form of identification deemed reliable by the election judges, such as, but not limited to, a credit or debit card.

Parent voters may present one form of identification from the list below or any other form of identification deemed reliable by the election judges. They must also present at least one form of identification establishing that they are the parent, legal guardian or temporary custodian of a child enrolled at the school, such as, but not limited to, the report card or other school records. The presence of their names on the school's list of students and parents (the "Alpha List") or identification by school personnel as the parent, legal guardian or temporary custodian of an enrolled student may substitute for the form of identification establishing such status to a child enrolled at the school.

Drivers License	Court Documents
State of Illinois ID	Current Residential Lease
Voter Registration Card	Current Utility Bill
Social Security Card	Employer ID
Medi Plan/Medical Aid Card	Student ID
IDPA Card	Matricula Consular
Public Library Card	
Permanent Resident Card	
Other Governmental Agency I.D.	

Absentee voting, proxy voting, and "write-in" candidacies are prohibited.

#### **Important Note**

The item of identification required with the current address must be from the list above and cannot be substituted by any other form of identification.

Board of Education employees may vote as parents at any public school where their children are enrolled and attending. They may vote as community residents at any school in whose attendance area or established voting district (for multi-area schools) they reside. They may vote as staff in the school where they are employed.

## **Teacher Non-Binding Advisory Poll**

The Teacher Non-Binding Advisory Poll is conducted on the same day, in the same place, and in the same manner as elections for parents and community representatives.

In the Teacher Non-Binding Advisory Poll, each member of the school staff is entitled to indicate his or her preference for up to two candidates from among those who submitted Nomination forms. Neither the Principal nor an assistant principal is entitled to vote in the Teacher Non-Binding Advisory Poll and shall not, in any way, influence the outcome of the poll.

The law requires that the Board must exercise "absolute discretion" in the appointment of teacher representatives. The Board shall consider the results of the advisory poll. In its exercise of discretion, the Board shall consider, but is not limited to, consideration of: professional development, professional organizations, and other similar experiences.

Staff members who are full-time Chicago Board of Education employees at the attendance center are entitled to vote for teacher representatives during regular voting hours at the school where they perform the majority of their duties. If a school staff member is not a full-time employee or does not perform a majority of his or her duties at a particular school, he or she is not entitled to vote in the LSC election at the school.

### Examples:

- Full-time food service and custodial personnel are permitted to vote. A bus aide who only works part-time is not. A teacher, or other full-time Board employee, who works at the particular school more than two and a half (2.5) days a week is permitted to vote. A teacher, or other full-time Board employee who works at the particular school two and a half (2.5) days or less per week is not permitted to vote at the school.
- In as much as law defines school staff as personnel employed and assigned to perform the majority of their duties at one attendance center, there will be instances in which full-time Board employees are not entitled to vote as staff in a Teacher Non-Binding Advisory Poll. In no case should a Board employee be entitled to vote in the Teacher Non-Binding Advisory Poll at more than one school.
- Persons employed by third party vendors who work in the school may not vote in the Teacher Non- Binding Advisory Poll.
- If persons present themselves to vote in the Teacher Non-Binding Advisory Poll whose names do not appear on the staff list, the election judges shall consult the Principal.
- Neither proxy nor absentee voting is permitted.

All school staff members shall be included on a list prepared by the Principal for use by the election judges. This list shall be comprehensive and include all full-time employees

who perform the majority of their duties at that attendance center, including TAT, PAT teachers. The list should include faculty, staff, career/civil service employees, custodial personnel and food service personnel who are employed full-time at the school. The staff list will be posted at the school no later than **12:00 p.m. on April 7.**

Security Envelope B containing the Certificate of Results and Summary of Election Results for the Teacher Non-Binding Advisory Poll with the circled names of the four (4) teachers receiving the highest number of votes shall be delivered with the Teacher Information Form by the Principal or his or her designee to the Area Office by **12:00 p.m. on April 23.** The Area Office or his or her designee shall deliver all Security Envelopes B to the Office of Local School Council Relations by **5:00 p.m. on April 23,** for transmittal to the Board of Education.

### **Student Non-Binding Advisory Poll (High Schools Only)**

Students enrolled full-time at a particular high school may indicate their preference for one candidate by participating in the Student Non-Binding Advisory Poll. To be eligible to vote, a high school student must provide a student ID. The Student Non-Binding Advisory Poll will occur on either **April 19, 20 or 21** during an extended division period. Neither proxy nor absentee voting is permitted.

Each high school LSC shall develop election procedures, ballots, and a summary report form for results for the Student Non-Binding Advisory Poll. The procedure must include the participation and observation of student pollwatchers in the counting and recording of votes of the advisory poll.

**Important Note**  
Graduating seniors may **NOT** be seated on July 1.

Results (in a summary report form) of the Student Non-Binding Advisory Poll shall be placed in Security Envelope B on the night of the high school election. This summary report of election results for the Student Non-Binding Advisory Poll shall include the names of the two (2) students receiving the highest number of votes. In case of a tie for student representative, the names of all students receiving the highest vote totals should be forwarded.

Results of the Student Non-Binding Advisory Poll shall be entered on the computer by using LSCEUP by **3:00 p.m. on April 22.**

The summary report shall be added to other materials in Security Envelope B, to be delivered by the Principal or his or her designee to the Area Office by **12:00 p.m. April 23.** The Area Office or his or her designee shall deliver all Security Envelopes B to the Office of Local School Council Relations by **5:00 p.m. April 23** for transmittal to the Board of Education.

The Principal or his or her designee shall deliver the summary report, the Student Information forms, and the Student Candidate Statements (if filed), to the Area Office at the same time that the results from the school polling place (and other documents) are delivered.

The law requires that the Board must exercise "absolute discretion" in the appointment of high school student representatives. The Board shall consider the results of the advisory poll. In its exercise of discretion, the Board shall consider school service, community service, and similar experience.

### **Pollwatcher Credentials**

Pollwatchers play a critical role as part of the checks and balances which assure that every voter's vote is counted and recorded properly.

Six (6) pollwatcher credentials for each parent, community and teacher candidate shall be forwarded to the school. The Principal shall distribute six (6) pollwatcher credentials to each candidate or his or her designee following disposition of any challenges to candidate eligibility. The Principal shall provide secure storage for all undistributed credentials and shall maintain a complete record, including signature of the candidates who have received their credentials.

Civic not-for-profit organizations with an interest in the LSC elections shall be issued pollwatcher credentials by the Office of Local School Relations, 125 South Clark Street, 5th Floor. To qualify, an organization requesting credentials must provide proof of 501(c)(3) status. A community organization is entitled to one (1) credential for every school within the area it covers. Citywide organizations are entitled to one (1) credential for every school holding an LSC election.

Each candidate or qualified civic organization is entitled to one pollwatcher in the polling place at any given time. The pollwatcher may be either the candidate or his or her designee. A pollwatcher will be authorized to observe the election process upon presentation of an official signed credential to the election judges on Election Day. Only credentialed pollwatchers may be present in the polling place on Election Day. This applies to all political organization workers, all Local School Council members, all candidates and their candidate supporters.

After surrendering a signed credential to the election judges, pollwatchers may (a) be present before the polls open as the polling place is being set up; (b) enter and leave the polling place at all times; and (c) observe the closing of the polling place, including counting and recording of the ballots and recording of results.

Pollwatchers have the right to observe the process of identification of qualified voters, challenge a voter's right to vote (*See Special Voter Qualification Problems in the Judge of Election Manual*), inspect each voting station when not in use, and be present and close enough to observe all counting and recording processes. They may not, however, handle any election materials.

### **Electioneering**

Electioneering includes display of candidate buttons, posters or gifts, handing out of sample ballots or other campaign literature, and verbally urging support of (or

opposition to) a candidate or a slate of candidates. There shall be no electioneering within the school buildings on Election Day. All Candidate Statements and election materials shall be taken down throughout the school by **3:00 p.m., on April 20.**

Electioneering shall not occur within 50 feet of any entrance used by the public to enter the building in which the polling place is located. Principals shall inform all school staff that they may not discuss any candidates during the report card pickup process. Security personnel in the school shall be utilized to assist in the enforcement of the electioneering policy. Supervisory security personnel and Chicago Police Department officers shall be deployed as needed.

**For additional information, contact:**

**Election Central  
Office of Local School Council Relations**

125 South Clark Street, 5<sup>th</sup> Floor  
Chicago, Illinois 60603  
773.553.1400 (phone)  
773.553.1402 (fax)  
773.553.3332 (TTY)



## POST-ELECTION DAY

### **Challenges**

Challenges to the election results (post-election challenges) must be filed no later than **5:00 p.m., April 30**, with Deputy General Counsel, Miguel A. Rodriguez, at the Law Department, 125 S. Clark, 7th floor, or fax to (773) 553-1769 or 1702. The challenger must request and retain a receipt of the fax. The Post-Election Challenge Petitions (17-10) will be available at every Area Office and at the Office of Local School Council Relations located at the Central Service Center (125 South Clark Street, 5th Floor). A separate form must be filed for each LSC member challenged. At least five (5) persons eligible to vote at the school must sign a Post-Election Challenge Petition. No challenge shall be considered unless the challengers state specific facts in writing, which, if true, would change which candidates are to be declared elected. Only school staff eligible to vote in the non-binding advisory poll can challenge the results of a Teacher Non-Binding Poll. Only persons eligible to vote in the Parent/Community election can challenge the Parent/Community election.

The Law Department will review challenges to determine when a challenge requires a hearing and where the challenge can be disposed of without a hearing.

The appointed Hearing Officers, will conduct hearings on referred petitions. The Chief Executive Officer or designee shall consider the recommendation of the Hearing Officer in making a final written decision.

Within one school day after the last day to file post-election challenges, the Area Office shall certify, as LSC members-elect, all parent and community representative candidates declared to have been elected by the judges of election and against whom no post-election challenge petitions have been filed. One copy of this certification shall be transmitted to the Principal at each school, one copy shall be transmitted to the LSC Chairperson at each school, and one copy shall be transmitted to the Office of Local School Council Relations.

Within one school day after the Chief Executive Officer or designee decides all post-election challenges for each school, the Area Office shall certify, as elected LSC members, all parent and community representative candidates declared to have been elected by the judges of election against whom post-election challenge petitions have been denied.

One copy of this certification shall be transmitted to the Principal of each school, one copy shall be transmitted to the LSC Chairperson at each school, and one copy shall be transmitted to the Office of Local School Council Relations.

### **Hearing Procedures**

After receiving a Post-Election Challenge, the Law Department will notify the challenged LSC member-elect. A copy of the notification shall be sent to the first five valid challengers.

Notification to each challenged LSC member-elect will include a copy of the Post-Election Challenge Petition and notification of the date, time, and place at which a hearing will be held. Failure to appear or make arrangements for an alternate hearing date with Deputy General Counsel Miguel A. Rodriguez, Law Department, (773) 553-1700, may waive that person's right to be heard.

A Hearing Officer will be responsible for the conduct of the hearing and issuing a recommendation to the Chief Executive Officer or designee. The Chief Executive Officer or designee will make the final decision.

All hearings for election results challenges shall begin on **May 10 and conclude by May 28**. Decisions shall be finalized by **3:00 p.m. on June 4**.

### **Remedies**

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When the post-election challenge hearings are over, the Chief Executive Officer or designee shall order appropriate remedies for any deficiencies proved, including (but not limited to); the declaration that the particular Local School Council member-elect is ineligible to serve in the position to which he or she was declared elected; that a recount of ballots shall be conducted and that the person(s) found in the recount to have been elected shall be declared elected; or that, because of unrepaired gross irregularities which substantially affected the integrity of the election process and the outcome of the election, a new election must be conducted.

#### *Examples:*

- If the challenge is based on an allegation that the Local School Council member is ineligible to serve in the capacity for which he or she was elected, and if the challenge is upheld, the challenged member-elect will be declared ineligible to serve. A vacancy in the office will be declared, and once organized; the newly elected Local School Council may fill the vacancy.
- If the challenge is based on an allegation that a candidate is an employee of the Chicago Public Schools, a letter of resignation addressed to the Chief Officer of Human Resources, effective no later than June 30, 2010, will correct the defect and the candidate will be declared elected. If the candidate does not submit a letter of resignation, then the candidate with the next largest vote total for that category will be declared elected.
- If the challenge is based on an allegation of irregularities in the counting and recording of ballots and if the challenge is upheld, a recount supervised by a Hearing Officer shall be ordered. At the conclusion of the recount, the successful candidates shall be declared elected.
- If the challenge is based on an allegation of unrepaired gross irregularities which substantially affected the integrity of the election process and the outcome of the election with regard to some or all categories of candidates and if the

challenge is upheld, the affected portion of the election will be declared null and void and a new election ordered for such category(ies) to be conducted with any additional safeguards necessary to prevent the reoccurrence of the irregularities found.

## **Certification of Results**

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### **Formal Certification of the Election Judge Results**

The LSC must convene a public meeting no later than **8:00 p.m. on April 30**, to formally certify the results of the election and to break any tie by lottery. In anticipation of this meeting, the date of the meeting of the incumbent LSC should be determined by **January 15, 2010**. Notice of such a meeting must be timely and public. Under the Americans with Disabilities Act of 1990 (ADA), this and all other LSC meetings must be held in locations accessible to persons with disabilities.

The law requires that the Local School Council should certify the results determined by the election judges on Election Day and publish the results in the LSC's minutes. The Certification of Election Results by Local School Council form (28-10) must be filled out and signed following any necessary breaking of ties (see immediately below). The certification of results does not imply that the LSC endorses the correctness of the results; only that those were the results declared by the election judges. Any post-election challenge which may be filed is unaffected by this formal certification.

If the LSC fails to have such a meeting, or if there is no quorum of LSC members present, the Area Office will break any ties and will formally certify the results by **3:00 p.m. May 3**.

## **Breaking of Ties**

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In addition to certification of candidates, the meeting of the incumbent LSC shall be the time and place when election candidate ties, if any, are broken. If there is a tie for the sixth position for parent representative or for the second position for community representative, the law provides that the incumbent Local School Council shall determine the winner by lottery. Each affected candidate shall be notified individually of the date, time and place of the tie-breaking portion of the meeting of the LSC.

The names of the candidates who are tied for the last position to be elected for their category of candidate shall be written on slips of paper of uniform size and color. The slips of paper should be folded in a uniform fashion and placed in a large clear glass or plastic bowl.

#### **Important Notes**

When two candidates receive an equal number of votes for top position(s) as parent or community representative, there is no reason to break the tie since both are elected.

If elected, the Teacher Non-Bonding Advisory Poll or the Student Non-Bonding Advisory Poll results in a tie, all names of candidates should be forwarded to the Board of Education. The Board shall break the tie in exercising its mandated appointment discretion.

Someone other than the Principal, the candidates involved, or an announced supporter of a candidate should be chosen to draw the name. The person selected to

draw the name should reach into the bowl and vigorously stir around the folded slips of paper bearing the tied parent or community representative names. Averting his or her eyes, the person should draw out one folded slip of paper, open it, and announce the name.

If the LSC fails to hold such a public Special meeting or if there is no quorum of LSC members present at the Special meeting (7 at high schools, 6 at elementary schools), the Area Office will conduct a public lottery to break any ties by **3:00 p.m. on May 3**. The candidates involved should receive individual notification of the time and location of the Area Office tie-breaking lottery.

### **Organizational Meeting - First Meeting of New LSC**

**Between July 1 and 14**, the newly elected members of the LSC must have their organizational meeting. Although a swearing-in ceremony is not required, a swearing-in may be conducted if the new LSC desires.

Any four members of the new LSC may call the organizational meeting. Under the Open Meetings Act, notice of the meeting and the agenda must be posted at the school at least 48 hours before the meeting.

With a quorum present the new LSC should select a temporary chairperson to preside at the meeting until the permanent chairperson is elected. The election of officers must take place in a public vote; no secret ballots are allowed. If six (6) parents and two (2) community representatives have not been elected, the newly constituted LSC appoints eligible persons to serve. The LSC shall follow the procedures listed in the following section.

### **Filling LSC Vacancies**

If all seats have not been filled at the end of the election process, no post-election challenges remain unresolved, and vacancies exist, the newly constituted LSC shall appoint the necessary number of eligible persons from the constituency of the vacancy to serve (except that any teacher vacancy which are to be filled by the Board after considering the preferences of the school staff as ascertained through a non-binding advisory poll of school staff).

In the event that a parent or community representative vacancy occurs because of resignation or removal during a member's term, the LSC shall appoint an eligible person from the constituency of the vacancy to complete the term. A Candidate Nomination Form, Criminal Conviction Form, Statement of Economic Interests, and Telephone Number Disclosure Form shall be required of all persons considered for a vacancy. Fingerprinting and a criminal background check will be required for all elected or appointed LSC members.

All parents and community appointments are by majority vote of the members then serving on the LSC. Appointment shall take place at a public meeting with appropriate notice under the Open Meetings Act.

If a teacher representative is unable to perform his or her duties at the school due to illness, disability, leave of absence, or any other reason, the CEO or his/her designee shall declare a temporary vacancy and the Board shall appoint a replacement teacher after considering the preferences of the school staff as ascertained through a non-binding advisory poll. This temporary teacher representative shall serve on the LSC until the originally appointed representative resumes service at the attendance center or until the end of the original two-year term. In the event that a teacher representative vacancy occurs because of resignation or removal during a member's term, the Board shall fill the vacancy after considering the preferences of the school staff as ascertained through a non-binding advisory poll.

The Law provides that an LSC member may be removed by majority vote of the LSC if the member misses three consecutive Regular Meetings or five Regular Meetings within a twelve month period (not including committee meetings). Before the LSC votes on removal of any member, that member must be notified personally or by certified letter sent at least seven days prior to the vote of the council's intent to vote on the member's removal. The contested member shall have the right to be heard and to explain the reasons for his or her absence prior to the vote on his or her removal from the council. If the LSC votes to remove a member, a vacancy is created which will be filled in the same manner as described above.

### **Documents Available to Newly Elected LSC Members**

The School Improvement Plan, Principal's contract, school budget, SGSA (State Chapter I) Plan, and LSC Bylaws (if any exist) are available from the School/Principal.

The Office of Local School Council Relations (located at the Central Service Center) can provide, upon request, a Local School Council Leadership Development Guide, Code of Ethics or Principal's contract.

#### **Important Note**

Incoming Local School Council members are required to complete a three-day training program (18 hours) within six (6) months of taking office. The Board must monitor the compliance of incoming local school members with the three-day training program requirement. The Board shall declare vacant the office of a local school council member who fails to complete the three-day training program within the six month period allowed. Any such vacancy shall be filled by the appointment of another person qualified to hold the office. While incumbent LSC members who have completed 18 hours of training are not required to repeat lessons 1-6, due to the changes in legislation, Board rules, and policies, it is strongly recommended. All LSC members must participate in training lessons 7, 8, and 9 designed by the local attendance center.

## PRE-ELECTION CHALLENGES - RULES

**1. Qualification of Petitioner/Filing.** Any person is entitled to present a Pre-Election Challenge Petition. It must be filed Monday through Friday, **before 5:00 p.m., on March 18, 2010**, with Deputy General Counsel, Miguel A. Rodriguez, at the Law Department office, CPS, 125 S. Clark Str., 7th floor, or faxed to (773) 553-1769 or 1702. The challenger must request and retain the fax receipt.

**2. Requirements of a Pre-Election Challenge Petition.** The petition must state specific facts which, if true, demonstrate that the challenged candidate is (or was on the last day for filing of nomination forms) not legally eligible to be a candidate. The petition must be signed by the petitioner and must have been prepared and filed in conformity with all applicable rules.

**3. Petitions.** Petitions which do not, on their face state facts upon which relief can be granted, may be denied without a hearing by the Law Department.

**4. Role of Hearing Officers.** The Appointed Hearing Officers shall hear cases and make recommendations. After the filing of a Pre-Election Challenge Petition, the Challenge shall be assigned for hearing [*or, if the petition, on its face, does not state facts upon which relief can be granted, the Challenge will be recommended for dismissal.*]

**5. Hearings.** Hearings pursuant to these rules are public proceedings. Observation, but not public participation, is permitted.

**6. Appearance.** Appearance by a candidate or challenger at a hearing must be in person and/or by a representative with written authorization. All parties must provide the Hearing Officer, at the time of appearance, a telephone number (and a facsimile number, if possible) for notification to the party of any

matter requiring notice in these proceedings. The parties shall be reasonably available by telephone (or facsimile) for receipt of such notification.

**7. Hearing Date.** At the date and time set for a hearing, both the challenger and the candidate must be prepared to present their case. There will be no continuances, except for good cause shown or on the Hearing Officer's own motion.

**8. Conduct of Hearing.** The Hearing Officer shall conduct and preside over all hearings and take necessary action to avoid delay, maintain order, ensure compliance with all notice requirements, and ensure development of a clear and complete record. The Hearing Officer shall have all the powers necessary to conduct a fair and impartial hearing including, but not limited to, the power to:

- a) Conduct the hearing, set the time and place for continued hearings, set times for filing of documents;
- b) Have exclusive control over the conduct of the proceedings, including the manner in which testimony will be presented, the scope and extent of testimony, and the exclusion or inclusion of any witness in order to minimize duplicate or redundant testimony;
- c) Examine witness and have witness testify;
- d) Consider and rule on all motions;
- e) Consider all evidence submitted;
- f) Maintain a record of the proceedings. A transcript will not be prepared as a matter of course. Any party may record

the proceedings with an audio tape recorder or may employ, at the party's own expense, a certified court reporter. A party wishing to rely on a transcript must present a complete and certified copy to the Hearing Officer and all relevant parties at the time of such use. The official record of proceedings, however, shall be that record kept by the Hearing Officer; and

- g) Instruct any party to produce documents relevant to the proceeding.

**9. Order of Presentation Burden of Proof.** The challenger(s), shall have the burden of going forward and of proving, by a preponderance of the evidence, that the Challenge should be sustained. The candidate shall have adequate opportunity to present his or her case.

**10. Failure to Follow Directives.** Failure to adhere to these Rules shall be grounds for dismissal of the Pre-Election Challenge Petition or default of the candidate.

**11. Decisions.** The final decision of the Chief Executive Officer or Designee shall be communicated to the parties as soon thereafter as possible by either facsimile transmission or by telephone message. In addition, a copy of that written decision shall be served on each party by First Class Mail. Within one school day after the Chief Executive Officer or Designee rules on all pre-election challenges, the Area Office shall prepare a Supplemental Certification of Candidates.

The Area Office shall certify as official candidates, all candidates against whom pre-election challenge petitions have been denied. A copy of this Supplemental Certification of Candidates shall be transmitted to the principal of the affected school and its LSC Chairperson.

**12. General Procedures.** In order to comply with the requirements of the

Americans with Disabilities Act and to facilitate participation by persons who are non-English speakers, parties or observers who require sign language interpretation or interpreters must notify the Office of Local School Council Relations at (773) 553-1400, of such requirement at least 24 hours in advance of any hearing.

**13. Notice of Filing and Service.** Service may be made upon any party to the proceeding by filing a copy of the document or papers to be served and an executed Proof of Notice of Filing (as defined in this rule) with Deputy General Counsel, Miguel A. Rodriguez, at the Law Department, Chicago Board of Education, at 125 S. Clark Str., 7th Fl., Chicago, Illinois 60603 by personal delivery or facsimile transmission (fax 773-553-1769 or 1702). The challenger must request and retain the fax receipt. A Proof of Notice of Filing shall contain a verified statement that telephone notice or personal notice of filing has been given to the party, or that a good faith effort to give telephone notice to the party has been made by attempting to telephone the party at least three times with no less than 1/2 hours interval between attempts. Unless otherwise agreed to, all documents to be presented to the Hearing Officer and/or the Law Department are to be filed in the same fashion.

## POST-ELECTION CHALLENGES – RULES

**1. Qualifications of Petitioners.** No fewer than five persons who were entitled to vote in the Local School Council election at a particular school are entitled to present a Post-Election Challenge Petition alleging facts of lack of eligibility of any candidate, or alleging substantial irregularities in the election process at that school.

Persons entitled to vote in the parent/community election may contest the parent/community election and persons entitled to vote in the teacher non-binding poll may contest the teacher non-binding poll. Such Petition shall be filed or faxed to Deputy General Counsel, Miguel A. Rodriguez, at the Law Department, 125 S. Clark, 7th Fl., Fax (773) 553-1769 or 1702. Challenger must request and retain the fax receipt.

**2. Requirements of a Post-Election Challenge Petition.** The petition must allege facts which, if found to be true, would demonstrate that; (1) a particular named person who was declared elected or selected in a non-binding advisory poll is (or was on the last day of filing nomination papers) not eligible to serve or, (2) because of substantial and uncured election violations, the challenged person should not have been declared elected or selected in an advisory poll. Such petition must be signed by all challengers and must have been prepared and filed in conformity with all applicable rules.

**3. Role of the Chief Executive Officer or Designee.** The decision on a post-election challenge shall be based on the evidence presented in the hearing and the determination of whether a person declared elected or selected in a non-binding advisory poll is eligible to serve, whether he or she was so eligible on the final date for filing nomination forms, and whether he or she was properly elected or selected. The decision of the Chief Executive Officer or Designee shall be in writing and shall be made following recommendation of a Hearing Officer, and such decision is final.

**4. Authority of Hearing Officers.** The Appointed Hearing Officers shall hear cases and make recommendations. After the filing of a Post-Election

Challenge Petition or as soon as possible thereafter, the Challenge shall be assigned for hearing, *[or if the petition, on its face, does not state a claim of ineligibility or irregularity sufficient to change the declared results of the election, the Challenge will be recommended for dismissal.]*

**5. Hearings.** Hearings pursuant to these rules are public proceedings. Observation, but not public participation, is permitted.

**6. Appearance.** Appearance by a person challenged or petitioners at any hearing must be in person and/or by any representative of their choice. If the representative appears without the person(s) he or she is representing, written authority to represent said person must be presented to the Hearing Officer. All parties must provide the Hearing Officer, at the time of appearance a telephone number (and a facsimile number, if possible) for notification to the party of any matter requiring notice in these proceedings. The parties shall be reasonably available by telephone (or facsimile) for receipt of such notification during the course of these proceedings.

**7. Hearing Date.** At the date and time set for hearing, both the petitioners and the person challenged must be prepared to present their case. There will be no continuance or resetting, except for good cause shown, or on the Hearing Officer's own motion.

**8. Hearing Officer's Powers.** The Hearing Officer shall conduct and preside over all hearings and take necessary action to avoid delay, maintain order, ensure compliance with all notice requirements and ensure development of a clear and complete record. The Hearing Officer shall have the powers necessary to conduct a fair and impartial hearing including, but limited to, the power to:

- a. Regulate the course of hearings, set the time and place for continued hearings, set time for filing of documents;

- b. Have exclusive control over the conduct of the proceedings, including the manner in which testimony will be presented, the scope and extent of testimony, and the exclusion or inclusion of any witness in order to minimize duplicate or redundant testimony;
- c. Examine witnesses and have witnesses testify;
- d. Consider and rule on all motions;
- e. Consider all evidence presented; and
- f. Maintain a record of the proceedings. A transcript will not be prepared as a matter of course. Any party may record the proceedings with an audio tape recorder or may employ at the party's own expense, a certified court reporter. A party relying on a transcript must present a complete copy to the Hearing Officer and all relevant parties at the time of such use. The official record of proceedings, however, shall be that record kept by the Hearing Officer.

**9. Order of Presentation/Burden of Proof.** The petitioners shall have the burden of going forward and of presenting sufficient evidence to support a decision sustaining the Post-Election Challenge Petition by a preponderance of the evidence.

After the conclusion of the petitioner's case, the person challenged may present his or her case and may offer supporting evidence on his or her behalf.

**10. Failure to Follow Directives.** Failure to adhere to these Rules shall be grounds for dismissal of the Post-Election Challenge Petition or default of the person challenged.

**11. Final Decision by Chief Executive Officer or Designee.** The Chief Executive Officer or Designee shall state its findings in writing (by affirming any Hearing Officer's recommendation or otherwise). The final decision of the Chief Executive Officer or designee shall be communicated to the person challenged and the first five (5) valid petitioners as soon as possible by either facsimile transmission or by telephone message. In addition, a copy of the decision shall be served on the person challenged and the first five (5) valid petitioners by US Mail.

In addition, the Area Office shall prepare a Supplemental Certification of Election Results.

**12. General Procedure.** In order to comply with the requirements of the Americans with Disabilities Act and to facilitate participation and observation by persons who are non-English speakers, parties or observers who require sign language interpretation for other interpretation must notify the Office of Local School Council Relations at (773) 553-1400 of such requirement at least 24 hours in advance of any hearing.

**13. Notice of Filing and Service.** [Only the challenged candidate and the first five (5) valid challengers will be notified]. Service may be made upon any party to the proceeding by filing a copy of the document or papers to be served and an executed Proof of Notice of Filing (as defined in this rule) with Deputy General Counsel, Miguel A. Rodriguez, at the Law Department, Chicago Board of Education, at 125 S. Clark Str., 7th Fl., Chicago, Illinois 60603 by personal delivery of facsimile transmission (fax 773-553-1769 or 1702). The challenger must request and retain the fax receipt. A Proof of Notice of Filing shall contain a verified statement that telephone notice or personal notice of filing has been given to the party, or that a good faith effort to give telephone notice to the party has been made by attempting to telephone the party at least three times with no less than 1/2 hours interval between attempts. Unless otherwise agreed to, all documents to be presented to the Hearing Officer and/or the Law Department are to be filed in the same fashion.

**14. The Board promulgates** the foregoing rules to "ensure fair elections." Illinois School Code, 105 ILCS 5-34-2.1(n). Because the Illinois School Code is silent on the definition of "fair elections" the Hearing Officer may look to election law for guidance to accomplish the purposes of 105 ILCS 5/34-2.1(n)

