

**AMEND BOARD RULE 6-28
CHALLENGES TO LSC MEMBER ELIGIBILITY**

THE GENERAL COUNSEL RECOMMENDS:

pending Board Rule 6-28 regarding local school council member

The General Counsel Recommends am

eligibility

Sec. 6-28. Challenges to LSC Member Eligibility.

Definitions:

When used in this Section, the following words and phrases shall have the following meanings:

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

whose (a) married to the child's parent, (b) resides with the child and (c)

Stepparent means a perso

el. In order to establish that he/she exercises care and custody of a child,

exercises care and custody of the child

if a sworn affidavit by the biological parent attests that

the stepparent must provide a marital certificate or

exercise care and custody of the child. Other evidence

that the stepparent is continuing with the parent does ex

demonstrate care and custody includes but is not limited to the following: (iii) the child is declared as a

that may

Board of Education.

(iii) is not employed by the

Local School Council ceases or fails to have a child enrolled in the school at

If a parent representative of a Local

by written determination
as of the date of the

the local school council; and all voting rights are shall be terminated immediately upon the
of ineligibility by the General Council following the challenge procedures set forth below

due to the

child's graduation or voluntary transfer. In cases where the parent representative's membership ends
in a manner other than child's graduation or voluntary transfer, the parent representative shall continue to serve until the end of the school year unless otherwise provided.

the voluntary transfer of

child graduates. In cases where the parent representative's membership ends due to the
membership and voting rights shall be terminated as of the date of the transfer.

the child, the parent's
(Amended 01-25-95)

02-23-00)

may serve and continue to serve as a community representative as long as he/she:

A person may

(I) resides in the attendance area served by the school;

(II) is not employed at the school in which he/she serves;

(III) is not employed by the Board of Education; and

(IV) is not a parent of a student enrolled at the school.

community representative ceases to reside in the attendance area or no longer has a child enrolled in the school

if a

representative of its Board of Education becomes an employee of the Board of Education, the representative shall be ineligible to serve on the Board of Education and all voting rights shall be terminated immediately upon the written determination of the Local School Council.

Local School Council Removal Procedures

Members of an LSC shall be removed in accordance with the provisions of this rule if they fail to maintain the eligibility standards provided by law.

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

- a. a statement of facts upon which the challenge is based and any evidence which supports the challenger's position, reasons for the challenge, and evidence which supports the challenger's position that the local school council member being challenged is no longer eligible to serve.

2. In cases where an allegation of ineligibility under this Board Rule is made by another LSC member or an employee of the Board, the identity of the member or employee making the allegation without his or her written consent shall not be disclosed during any investigation of the matter.

How to File a Challenge as an Employee or Member of the Board

Employees and members of the Board may file a challenge with the Board or the Law Department, but not limited to, the audit of records described above.

An employee or agent with information indicating that an LSC member is not eligible under this Board Rule may initiate an investigation by submitting a written request for investigation to the Law Department.

A Board member under this Board Rule may initiate an investigation by submitting a written request for investigation to the Law Department.

24. Filing of Challenges. All challenges and requests for investigation pursuant to this Rule shall be filed with the Law Department, the Office of School and Community Relations. A petition challenging the eligibility of an LSC member may be filed at any time.

When a challenge is filed, the Board or the Law Department shall conduct an investigation and shall file a report with the Office of School and Community Relations in those cases where a finding of ineligibility is made.

An order of removal shall be issued by the Office of School and Community Relations in those cases where a finding of ineligibility is made.

The General Council shall decide the question of the council member
 The General Council shall declare a vacancy effective on the date the declaration is issued. However, the vacancy
 may be filled only when (1) the concerned council member fails to appeal within the time
 allowed or (2) the concerned council member's appeal is denied.

Office of School and Community
 the determination of each of the parties and the member of
 the General Council shall forward

Appeal Process