



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5039

Introduced 1/27/2022, by Rep. Janet Yang Rohr

SYNOPSIS AS INTRODUCED:

105 ILCS 5/1A-1	from Ch. 122, par. 1A-1
105 ILCS 5/1A-2	from Ch. 122, par. 1A-2
105 ILCS 5/1A-4	from Ch. 122, par. 1A-4

Amends the State Board of Education Article of the School Code. Provides for the appointment of 2 nonvoting student members to the State Board of Education, selected from students who have served on the State Board of Education's Student Advisory Council, to serve for a one year term. Makes related changes. Effective immediately.

LRB102 22170 CMG 31299 b

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Sections
5 1A-1, 1A-2, and 1A-4 as follows:

6 (105 ILCS 5/1A-1) (from Ch. 122, par. 1A-1)

7 Sec. 1A-1. Members and terms.

8 (a) (Blank).

9 (b) The State Board of Education shall consist of 10 ~~9~~
10 members and a chairperson, who shall be appointed by the
11 Governor with the advice and consent of the Senate from a
12 pattern of regional representation as follows: 2 appointees
13 shall be selected from among those counties of the State other
14 than Cook County and the 5 counties contiguous to Cook County,
15 one of whom must represent the educator community; 2
16 appointees shall be selected from Cook County, one of whom
17 shall be a resident of the City of Chicago and one of whom
18 shall be a resident of that part of Cook County which lies
19 outside the city limits of Chicago and of whom one must
20 represent the educator community; 2 appointees shall be
21 selected from among the 5 counties of the State that are
22 contiguous to Cook County, one of whom must represent the
23 educator community; ~~and~~ 3 members shall be selected as

1 members-at-large (one of which shall be the chairperson); and
2 2 nonvoting student members shall be selected from students
3 who have served on the State Board of Education's Student
4 Advisory Council. With respect to the educator community
5 appointments, no more than one member may be employed as a
6 district superintendent, principal, school business official,
7 or teacher and no more than one may be employed by the same
8 school district or school. The changes made to this Section by
9 this amendatory Act of the 100th General Assembly apply to
10 appointments made after the effective date of this amendatory
11 Act of the 100th General Assembly. The Governor who takes
12 office on the second Monday of January after his or her
13 election shall be the person who nominates members to fill
14 vacancies whose terms begin after that date and before the
15 term of the next Governor begins.

16 The term of each member of the State Board of Education
17 whose term expires on January 12, 2005 shall instead terminate
18 on the effective date of this amendatory Act of the 93rd
19 General Assembly. Of these 3 seats, (i) the member initially
20 appointed pursuant to this amendatory Act of the 93rd General
21 Assembly whose seat was vacant on April 27, 2004 shall serve
22 until the second Wednesday of January, 2009 and (ii) the other
23 2 members initially appointed pursuant to this amendatory Act
24 of the 93rd General Assembly shall serve until the second
25 Wednesday of January, 2007.

26 The term of the member of the State Board of Education

1 whose seat was vacant on April 27, 2004 and whose term expires
2 on January 10, 2007 shall instead terminate on the effective
3 date of this amendatory Act of the 93rd General Assembly. The
4 member initially appointed pursuant to this amendatory Act of
5 the 93rd General Assembly to fill this seat shall be the
6 chairperson and shall serve until the second Wednesday of
7 January, 2007.

8 The term of the member of the State Board of Education
9 whose seat was vacant on May 28, 2004 but after April 27, 2004
10 and whose term expires on January 10, 2007 shall instead
11 terminate on the effective date of this amendatory Act of the
12 93rd General Assembly. The member initially appointed pursuant
13 to this amendatory Act of the 93rd General Assembly to fill
14 this seat shall serve until the second Wednesday of January,
15 2007.

16 The term of the other member of the State Board of
17 Education whose term expires on January 10, 2007 shall instead
18 terminate on the effective date of this amendatory Act of the
19 93rd General Assembly. The member initially appointed pursuant
20 to this amendatory Act of the 93rd General Assembly to fill
21 this seat shall serve until the second Wednesday of January,
22 2007.

23 The term of the member of the State Board of Education
24 whose term expires on January 14, 2009 and who was selected
25 from among the 5 counties of the State that are contiguous to
26 Cook County and is a resident of Lake County shall instead

1 terminate on the effective date of this amendatory Act of the
2 93rd General Assembly. The member initially appointed pursuant
3 to this amendatory Act of the 93rd General Assembly to fill
4 this seat shall serve until the second Wednesday of January,
5 2009.

6 Upon expiration of the terms of the members initially
7 appointed under this amendatory Act of the 93rd General
8 Assembly and members whose terms were not terminated by this
9 amendatory Act of the 93rd General Assembly, their respective
10 successors shall be appointed for terms of 4 years, from the
11 second Wednesday in January of each odd numbered year and
12 until their respective successors are appointed and qualified.

13 (c) Of the 4 members, excluding the chairperson, whose
14 terms expire on the second Wednesday of January, 2007 and
15 every 4 years thereafter, one of those members must be an
16 at-large member and at no time may more than 2 of those members
17 be from one political party. Of the 4 members whose terms
18 expire on the second Wednesday of January, 2009 and every 4
19 years thereafter, one of those members must be an at-large
20 member and at no time may more than 2 of those members be from
21 one political party. Party membership is defined as having
22 voted in the primary of the party in the last primary before
23 appointment.

24 (c-5) The 2 additional student members appointed under
25 this amendatory Act of the 102nd General Assembly shall be
26 appointed for a term to expire on the second Wednesday in

1 January, 2023, and their respective successors shall be
2 appointed for terms of one year, from the second Wednesday in
3 January of each year and until their respective successors are
4 appointed and qualified.

5 (d) Vacancies in terms shall be filled by appointment by
6 the Governor with the advice and consent of the Senate for the
7 extent of the unexpired term. If a vacancy in membership
8 occurs at a time when the Senate is not in session, the
9 Governor shall make a temporary appointment until the next
10 meeting of the Senate, when the Governor shall appoint a
11 person to fill that membership for the remainder of its term.
12 If the Senate is not in session when appointments for a full
13 term are made, the appointments shall be made as in the case of
14 vacancies.

15 (Source: P.A. 100-1135, eff. 11-28-18.)

16 (105 ILCS 5/1A-2) (from Ch. 122, par. 1A-2)

17 Sec. 1A-2. Qualifications. The members of the State Board
18 of Education shall be citizens of the United States and
19 residents of the State of Illinois and shall be selected as far
20 as may be practicable on the basis of their knowledge of, or
21 interest and experience in, problems of public education. No
22 member of the State Board of Education shall benefit from
23 funds provided by the State Board of Education to an
24 institution of higher learning, public or private, within
25 Illinois, nor shall members be school trustees of a public or

1 nonpublic college, university or technical institution within
2 Illinois. No member shall be appointed to more than 2 4-year
3 terms, except that a student member shall be appointed to no
4 more than one one-year term. Members shall be reimbursed for
5 all ordinary and necessary expenses incurred in performing
6 their duties as members of the Board. Expenses shall be
7 approved by the Board and be consistent with the laws,
8 policies, and requirements of the State of Illinois regarding
9 such expenditures, plus any member may include in his or her
10 claim for expenses \$50 per day for meeting days.

11 (Source: P.A. 100-1135, eff. 11-28-18.)

12 (105 ILCS 5/1A-4) (from Ch. 122, par. 1A-4)

13 Sec. 1A-4. Powers and duties of the Board.

14 A. (Blank).

15 B. The Board shall determine the qualifications of and
16 appoint a chief education officer, to be known as the State
17 Superintendent of Education, who may be proposed by the
18 Governor and who shall serve at the pleasure of the Board and
19 pursuant to a performance-based contract linked to statewide
20 student performance and academic improvement within Illinois
21 schools. Upon expiration or buyout of the contract of the
22 State Superintendent of Education in office on the effective
23 date of this amendatory Act of the 93rd General Assembly, a
24 State Superintendent of Education shall be appointed by a
25 State Board of Education that includes the 7 new Board members

1 who were appointed to fill seats of members whose terms were
2 terminated on the effective date of this amendatory Act of the
3 93rd General Assembly. Thereafter, a State Superintendent of
4 Education must, at a minimum, be appointed at the beginning of
5 each term of a Governor after that Governor has made
6 appointments to the Board. A performance-based contract issued
7 for the employment of a State Superintendent of Education
8 entered into on or after the effective date of this amendatory
9 Act of the 93rd General Assembly must expire no later than
10 February 1, 2007, and subsequent contracts must expire no
11 later than February 1 each 4 years thereafter. No contract
12 shall be extended or renewed beyond February 1, 2007 and
13 February 1 each 4 years thereafter, but a State Superintendent
14 of Education shall serve until his or her successor is
15 appointed. Each contract entered into on or before January 8,
16 2007 with a State Superintendent of Education must provide
17 that the State Board of Education may terminate the contract
18 for cause, and the State Board of Education shall not
19 thereafter be liable for further payments under the contract.
20 With regard to this amendatory Act of the 93rd General
21 Assembly, it is the intent of the General Assembly that,
22 beginning with the Governor who takes office on the second
23 Monday of January, 2007, a State Superintendent of Education
24 be appointed at the beginning of each term of a Governor after
25 that Governor has made appointments to the Board. The State
26 Superintendent of Education shall not serve as a member of the

1 State Board of Education. The Board shall set the compensation
2 of the State Superintendent of Education who shall serve as
3 the Board's chief executive officer. The Board shall also
4 establish the duties, powers and responsibilities of the State
5 Superintendent, which shall be included in the State
6 Superintendent's performance-based contract along with the
7 goals and indicators of student performance and academic
8 improvement used to measure the performance and effectiveness
9 of the State Superintendent. The State Board of Education may
10 delegate to the State Superintendent of Education the
11 authority to act on the Board's behalf, provided such
12 delegation is made pursuant to adopted board policy or the
13 powers delegated are ministerial in nature. The State Board
14 may not delegate authority under this Section to the State
15 Superintendent to (1) nonrecognize school districts, (2)
16 withhold State payments as a penalty, or (3) make final
17 decisions under the contested case provisions of the Illinois
18 Administrative Procedure Act unless otherwise provided by law.

19 C. The powers and duties of the State Board of Education
20 shall encompass all duties delegated to the Office of
21 Superintendent of Public Instruction on January 12, 1975,
22 except as the law providing for such powers and duties is
23 thereafter amended, and such other powers and duties as the
24 General Assembly shall designate. The Board shall be
25 responsible for the educational policies and guidelines for
26 public schools, pre-school through grade 12 and Vocational

1 Education in the State of Illinois. The Board shall analyze
2 the present and future aims, needs, and requirements of
3 education in the State of Illinois and recommend to the
4 General Assembly the powers which should be exercised by the
5 Board. The Board shall recommend the passage and the
6 legislation necessary to determine the appropriate
7 relationship between the Board and local boards of education
8 and the various State agencies and shall recommend desirable
9 modifications in the laws which affect schools.

10 D. Two members of the Board shall be appointed by the
11 chairperson to serve on a standing joint Education Committee,
12 2 others shall be appointed from the Board of Higher
13 Education, 2 others shall be appointed by the chairperson of
14 the Illinois Community College Board, and 2 others shall be
15 appointed by the chairperson of the Human Resource Investment
16 Council. The Committee shall be responsible for making
17 recommendations concerning the submission of any workforce
18 development plan or workforce training program required by
19 federal law or under any block grant authority. The Committee
20 will be responsible for developing policy on matters of mutual
21 concern to elementary, secondary and higher education such as
22 Occupational and Career Education, Teacher Preparation and
23 Certification, Educational Finance, Articulation between
24 Elementary, Secondary and Higher Education and Research and
25 Planning. The joint Education Committee shall meet at least
26 quarterly and submit an annual report of its findings,

1 conclusions, and recommendations to the State Board of
2 Education, the Board of Higher Education, the Illinois
3 Community College Board, the Human Resource Investment
4 Council, the Governor, and the General Assembly. All meetings
5 of this Committee shall be official meetings for reimbursement
6 under this Act. On the effective date of this amendatory Act of
7 the 95th General Assembly, the Joint Education Committee is
8 abolished.

9 E. Six ~~Five~~ members of the Board shall constitute a
10 quorum. A majority vote of the members appointed, confirmed
11 and serving on the Board is required to approve any action,
12 except that the 7 new Board members who were appointed to fill
13 seats of members whose terms were terminated on the effective
14 date of this amendatory act of the 93rd General Assembly may
15 vote to approve actions when appointed and serving.

16 Using the most recently available data, the Board shall
17 prepare and submit to the General Assembly and the Governor on
18 or before January 14, 1976 and annually thereafter a report or
19 reports of its findings and recommendations. Such annual
20 report shall contain a separate section which provides a
21 critique and analysis of the status of education in Illinois
22 and which identifies its specific problems and recommends
23 express solutions therefor. Such annual report also shall
24 contain the following information for the preceding year
25 ending on June 30: each act or omission of a school district of
26 which the State Board of Education has knowledge as a

1 consequence of scheduled, approved visits and which
2 constituted a failure by the district to comply with
3 applicable State or federal laws or regulations relating to
4 public education, the name of such district, the date or dates
5 on which the State Board of Education notified the school
6 district of such act or omission, and what action, if any, the
7 school district took with respect thereto after being notified
8 thereof by the State Board of Education. The report shall also
9 include the statewide high school dropout rate by grade level,
10 sex and race and the annual student dropout rate of and the
11 number of students who graduate from, transfer from or
12 otherwise leave bilingual programs. The Auditor General shall
13 annually perform a compliance audit of the State Board of
14 Education's performance of the reporting duty imposed by this
15 amendatory Act of 1986. A regular system of communication with
16 other directly related State agencies shall be implemented.

17 The requirement for reporting to the General Assembly
18 shall be satisfied by filing copies of the report with the
19 Speaker, the Minority Leader and the Clerk of the House of
20 Representatives and the President, the Minority Leader and the
21 Secretary of the Senate and the Legislative Council, as
22 required by Section 3.1 of the General Assembly Organization
23 Act, and filing such additional copies with the State
24 Government Report Distribution Center for the General Assembly
25 as is required under paragraph (t) of Section 7 of the State
26 Library Act.

1 F. Upon appointment of the 7 new Board members who were
2 appointed to fill seats of members whose terms were terminated
3 on the effective date of this amendatory Act of the 93rd
4 General Assembly, the Board shall review all of its current
5 rules in an effort to streamline procedures, improve
6 efficiency, and eliminate unnecessary forms and paperwork.
7 (Source: P.A. 95-626, eff. 6-1-08; 95-793, eff. 1-1-09.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.