

**SB2385**



**99TH GENERAL ASSEMBLY**

**State of Illinois**

**2015 and 2016**

**SB2385**

Introduced 2/3/2016, by Sen. Napoleon Harris, III

**SYNOPSIS AS INTRODUCED:**

105 ILCS 5/34-3	from Ch. 122, par. 34-3
105 ILCS 5/34-4	from Ch. 122, par. 34-4
105 ILCS 5/34-13.1	

Amends the Chicago School District Article of the School Code. Provides for the election (instead of appointment) of members of the Chicago Board of Education. Provides that successor Inspectors General shall be appointed by the Board instead of the Mayor.

LRB099 19535 NHT 43929 b

FISCAL NOTE ACT  
MAY APPLY

**A BILL FOR**

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 34-3, 34-4, and 34-13.1 as follows:

6 (105 ILCS 5/34-3) (from Ch. 122, par. 34-3)

7 Sec. 34-3. Chicago School Reform Board of Trustees; new  
8 Chicago Board of Education; members; term; vacancies.

9 (a) Within 30 days after the effective date of this  
10 amendatory Act of 1995, the terms of all members of the Chicago  
11 Board of Education holding office on that date are abolished  
12 and the Mayor shall appoint, without the consent or approval of  
13 the City Council, a 5 member Chicago School Reform Board of  
14 Trustees which shall take office upon the appointment of the  
15 fifth member. The Chicago School Reform Board of Trustees and  
16 its members shall serve until, and the terms of all members of  
17 the Chicago School Reform Board of Trustees shall expire on,  
18 June 30, 1999 or upon the appointment of a new Chicago Board of  
19 Education as provided in subsection (b), whichever is later.  
20 Any vacancy in the membership of the Trustees shall be filled  
21 through appointment by the Mayor, without the consent or  
22 approval of the City Council, for the unexpired term. One of  
23 the members appointed by the Mayor to the Trustees shall be

1 designated by the Mayor to serve as President of the Trustees.  
2 The Mayor shall appoint a full-time, compensated chief  
3 executive officer, and his or her compensation as such chief  
4 executive officer shall be determined by the Mayor. The Mayor,  
5 at his or her discretion, may appoint the President to serve  
6 simultaneously as the chief executive officer.

7 (b) This subsection (b) applies until April 18, 2017.

8 Within 30 days before the expiration of the terms of the  
9 members of the Chicago Reform Board of Trustees as provided in  
10 subsection (a), a new Chicago Board of Education consisting of  
11 7 members shall be appointed by the Mayor to take office on the  
12 later of July 1, 1999 or the appointment of the seventh member.  
13 Three of the members initially so appointed under this  
14 subsection shall serve for terms ending June 30, 2002, 4 of the  
15 members initially so appointed under this subsection shall  
16 serve for terms ending June 30, 2003, and each member initially  
17 so appointed shall continue to hold office until his or her  
18 successor is appointed and qualified. Thereafter at the  
19 expiration of the term of any member a successor shall be  
20 appointed by the Mayor and shall hold office for a term of 4  
21 years, from July 1 of the year in which the term commences and  
22 until a successor is appointed and qualified. Any vacancy in  
23 the membership of the Chicago Board of Education shall be  
24 filled through appointment by the Mayor for the unexpired term.  
25 No appointment to membership on the Chicago Board of Education  
26 that is made by the Mayor under this subsection shall require

1 the approval of the City Council, whether the appointment is  
2 made for a full term or to fill a vacancy for an unexpired term  
3 on the Board.

4 (b-5) On April 18, 2017, the terms of all members of the  
5 Chicago Board of Education appointed under subsection (b) of  
6 this Section are abolished when the new board, consisting of 7  
7 members, is elected at large by the electors of the school  
8 district as provided in this subsection (b-5) and takes office.

9 Beginning on April 18, 2017, the school district shall be  
10 governed by a school board consisting of 7 members. An election  
11 shall be held at the consolidated election in April of 2017 and  
12 every second year thereafter. Each member shall be elected for  
13 a term of 4 years, commencing on the second Tuesday in April of  
14 the year in which the member is elected, and until the member's  
15 successor is elected and has qualified, except that members of  
16 the board elected to terms commencing on April 18, 2017 shall  
17 organize on the date their terms commence, and on that date  
18 shall determine by lot 4 to serve for terms of 4 years and 3 to  
19 serve for terms of 2 years.

20 On April 18, 2017 and within 28 days after each  
21 consolidated election thereafter, the board shall organize by  
22 electing its officers and fixing a time and place for the  
23 regular meetings. Upon organizing itself as provided in this  
24 subsection (b-5), the board shall enter upon the discharge of  
25 its duties.

26 Nomination papers filed under this Section are not valid

1 unless the candidate named therein files with the secretary of  
2 the board or with a person designated by the board to receive  
3 nominating petitions a receipt from the county clerk showing  
4 that the candidate has filed a statement of economic interests  
5 as required by the Illinois Governmental Ethics Act. The  
6 receipt shall be so filed either previously during the calendar  
7 year in which the nomination papers were filed or within the  
8 period for the filing of nomination papers in accordance with  
9 the general election law.

10 Whenever a vacancy in the board occurs, the remaining  
11 members of the board shall notify the Mayor of that vacancy  
12 within 5 days after its occurrence and shall proceed to fill  
13 the vacancy until the next regular school election, at which  
14 election a successor shall be elected to serve the remainder of  
15 the unexpired term. However, if the vacancy occurs with less  
16 than 28 months remaining in the term or if the vacancy occurs  
17 less than 88 days before the next regular school election, then  
18 the person so appointed shall serve the remainder of the  
19 unexpired term, and no election to fill the vacancy shall be  
20 held. The successor shall have the same residential and other  
21 qualifications as his or her predecessor. Should the remaining  
22 board members fail so to act within 45 days after the vacancy  
23 occurs, the Mayor shall within 30 days after the remaining  
24 members have failed to fill the vacancy, fill the vacancy as  
25 provided for herein. Upon the Mayor's failure to fill the  
26 vacancy, the vacancy shall be filled at the next regular school

1 election. The successor shall have the same residential and  
2 other qualifications as his or her predecessor.

3 (b-10) The board shall elect annually from its number a  
4 president and vice-president, in such manner and at such time  
5 as the board determines by its rules. The officers so elected  
6 shall each perform the duties imposed upon their respective  
7 office by the rules of the board, provided that (i) the  
8 president shall preside at meetings of the board and vote as  
9 any other member but have no power of veto, and (ii) the vice  
10 president shall perform the duties of the president if that  
11 office is vacant or the president is absent or unable to act.  
12 The secretary of the Board shall be selected by the Board and  
13 shall be an employee of the Board rather than a member of the  
14 Board, notwithstanding subsection (d) of Section 34-3.3. The  
15 duties of the secretary shall be imposed by the rules of the  
16 Board.

17 (c) The board may appoint a student to the board to serve  
18 in an advisory capacity. The student member shall serve for a  
19 term as determined by the board. The board may not grant the  
20 student member any voting privileges, but shall consider the  
21 student member as an advisor. The student member may not  
22 participate in or attend any executive session of the board.

23 (Source: P.A. 94-231, eff. 7-14-05.)

24 (105 ILCS 5/34-4) (from Ch. 122, par. 34-4)

25 Sec. 34-4. Eligibility. To be eligible for election

1 ~~appointment~~ to the board, a person shall be a citizen of the  
2 United States, shall be a registered voter as provided in the  
3 Election Code, shall have been a resident of the city for at  
4 least 3 years immediately preceding his or her election  
5 ~~appointment~~, and shall not be a child sex offender as defined  
6 in Section 11-9.3 of the Criminal Code of 2012. Permanent  
7 removal from the city by any member of the board during his  
8 term of office constitutes a resignation therefrom and creates  
9 a vacancy in the board. Except for the President of the Chicago  
10 School Reform Board of Trustees who may be paid compensation  
11 for his or her services as chief executive officer as  
12 determined by the Mayor as provided in subsection (a) of  
13 Section 34-3, board members shall serve without any  
14 compensation; provided, that board members shall be reimbursed  
15 for expenses incurred while in the performance of their duties  
16 upon submission of proper receipts or upon submission of a  
17 signed voucher in the case of an expense allowance evidencing  
18 the amount of such reimbursement or allowance to the president  
19 of the board for verification and approval. The board of  
20 education may continue to provide health care insurance  
21 coverage, employer pension contributions, employee pension  
22 contributions, and life insurance premium payments for an  
23 employee required to resign from an administrative, teaching,  
24 or career service position in order to qualify as a member of  
25 the board of education. They shall not hold other public office  
26 under the Federal, State or any local government other than

1 that of Director of the Regional Transportation Authority,  
2 member of the economic development commission of a city having  
3 a population exceeding 500,000, notary public or member of the  
4 National Guard, and by accepting any such office while members  
5 of the board, or by not resigning any such office held at the  
6 time of being elected ~~appointed~~ to the board within 30 days  
7 after such election ~~appointment~~, shall be deemed to have  
8 vacated their membership in the board.

9 (Source: P.A. 97-1150, eff. 1-25-13.)

10 (105 ILCS 5/34-13.1)

11 Sec. 34-13.1. Inspector General.

12 (a) The Inspector General and his office in existence on  
13 the effective date of this amendatory Act of 1995 shall be  
14 transferred to the jurisdiction of the board upon appointment  
15 of the Chicago School Reform Board of Trustees. The Inspector  
16 General shall have the authority to conduct investigations into  
17 allegations of or incidents of waste, fraud, and financial  
18 mismanagement in public education within the jurisdiction of  
19 the board by a local school council member or an employee,  
20 contractor, or member of the board or involving school projects  
21 managed or handled by the Public Building Commission. The  
22 Inspector General shall make recommendations to the board about  
23 the investigations. The Inspector General in office on the  
24 effective date of this amendatory Act of 1996 shall serve for a  
25 term expiring on June 30, 1998. His or her successors in office



1 shall each be appointed by the Mayor, without the consent or  
2 approval of the City Council, for 4 year terms expiring on June  
3 30th of an even numbered year; however, beginning on April 18,  
4 2017, successors shall be appointed by the board instead of the  
5 Mayor. If the Inspector General leaves office or if a vacancy  
6 in that office otherwise occurs, the Mayor shall appoint,  
7 without the consent or approval of the City Council, a  
8 successor to serve under this Section for the remainder of the  
9 unexpired term; however, beginning on April 18, 2017,  
10 successors shall be appointed by the board instead of the  
11 Mayor. The Inspector General shall be independent of the  
12 operations of the board and the School Finance Authority, and  
13 shall perform other duties requested by the board.

14 (b) The Inspector General shall have access to all  
15 information and personnel necessary to perform the duties of  
16 the office. If the Inspector General determines that a possible  
17 criminal act has been committed or that special expertise is  
18 required in the investigation, he or she shall immediately  
19 notify the Chicago Police Department and the Cook County  
20 State's Attorney. All investigations conducted by the  
21 Inspector General shall be conducted in a manner that ensures  
22 the preservation of evidence for use in criminal prosecutions.

23 (c) At all times the Inspector General shall be granted  
24 access to any building or facility that is owned, operated, or  
25 leased by the board, the Public Building Commission, or the  
26 city in trust and for the use and benefit of the schools of the

1 district.

2 (d) The Inspector General shall have the power to subpoena  
3 witnesses and compel the production of books and papers  
4 pertinent to an investigation authorized by this Code. Any  
5 person who (1) fails to appear in response to a subpoena; (2)  
6 fails to answer any question; (3) fails to produce any books or  
7 papers pertinent to an investigation under this Code; or (4)  
8 knowingly gives false testimony during an investigation under  
9 this Code, is guilty of a Class A misdemeanor.

10 (e) The Inspector General shall provide to the board and  
11 the Illinois General Assembly a summary of reports and  
12 investigations made under this Section for the previous fiscal  
13 year no later than January 1 of each year, except that the  
14 Inspector General shall provide the summary of reports and  
15 investigations made under this Section for the period  
16 commencing July 1, 1998 and ending April 30, 1999 no later than  
17 May 1, 1999. The summaries shall detail the final disposition  
18 of those recommendations. The summaries shall not contain any  
19 confidential or identifying information concerning the  
20 subjects of the reports and investigations. The summaries shall  
21 also include detailed recommended administrative actions and  
22 matters for consideration by the General Assembly.

23 (f) (Blank).

24 (g) (Blank).

25 (Source: P.A. 89-15, eff. 5-30-95; 89-698, eff. 1-14-97.)