

# HB0734



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB0734

by Rep. Fred Crespo

#### 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-2.1	from Ch. 122, par. 1A-2.1

Amends the School Code. Provides that, for State Board of Education appointments made after the effective date of the amendatory Act, 3 of the members of the State Board must represent the educator community. Sets forth the qualifications for these members and makes other changes with regard to the qualifications of members of the State Board.

LRB100 08008 MLM 18090 b

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 1A-1, 1A-2, and 1A-2.1 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 8 members  
10 and a chairperson, who shall be appointed by the Governor with  
11 the advice and consent of the Senate from a pattern of regional  
12 representation as follows: 2 appointees shall be selected from  
13 among those counties of the State other than Cook County and  
14 the 5 counties contiguous to Cook County, one of whom must  
15 represent the educator community; 2 appointees shall be  
16 selected from Cook County, one of whom shall be a resident of  
17 the City of Chicago and one of whom shall be a resident of that  
18 part of Cook County which lies outside the city limits of  
19 Chicago and of whom one must represent the educator community;  
20 2 appointees shall be selected from among the 5 counties of the  
21 State that are contiguous to Cook County, one of whom must  
22 represent the educator community; and 3 members shall be  
23 selected as members-at-large (one of which shall be the

1 chairperson). With respect to the educator community  
2 appointments, no more than one member may be employed as a  
3 district superintendent, principal, school business official,  
4 or teacher and no more than one may be employed by the same  
5 school district or school. The changes made to this Section by  
6 this amendatory Act of the 100th General Assembly apply to  
7 appointments made after the effective date of this amendatory  
8 Act of the 100th General Assembly. The Governor who takes  
9 office on the second Monday of January after his or her  
10 election shall be the person who nominates members to fill  
11 vacancies whose terms begin after that date and before the term  
12 of the next Governor begins.

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

23 The term of the member of the State Board of Education  
24 whose seat was vacant on April 27, 2004 and whose term expires  
25 on January 10, 2007 shall instead terminate on the effective  
26 date of this amendatory Act of the 93rd General Assembly. The

1 member initially appointed pursuant to this amendatory Act of  
2 the 93rd General Assembly to fill this seat shall be the  
3 chairperson and shall serve until the second Wednesday of  
4 January, 2007.

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

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

20 The term of the member of the State Board of Education  
21 whose term expires on January 14, 2009 and who was selected  
22 from among the 5 counties of the State that are contiguous to  
23 Cook County and is a resident of Lake County shall instead  
24 terminate on the effective date of this amendatory Act of the  
25 93rd General Assembly. The member initially appointed pursuant  
26 to this amendatory Act of the 93rd General Assembly to fill

1 this seat shall serve until the second Wednesday of January,  
2 2009.

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

10 (c) Of the 4 members, excluding the chairperson, whose  
11 terms expire on the second Wednesday of January, 2007 and every  
12 4 years thereafter, one of those members must be an at-large  
13 member and at no time may more than 2 of those members be from  
14 one political party. Of the 4 members whose terms expire on the  
15 second Wednesday of January, 2009 and every 4 years thereafter,  
16 one of those members must be an at-large member and at no time  
17 may more than 2 of those members be from one political party.  
18 Party membership is defined as having voted in the primary of  
19 the party in the last primary before appointment.

20 (d) Vacancies in terms shall be filled by appointment by  
21 the Governor with the advice and consent of the Senate for the  
22 extent of the unexpired term. If a vacancy in membership occurs  
23 at a time when the Senate is not in session, the Governor shall  
24 make a temporary appointment until the next meeting of the  
25 Senate, when the Governor shall appoint a person to fill that  
26 membership for the remainder of its term. If the Senate is not

1 in session when appointments for a full term are made, the  
2 appointments shall be made as in the case of vacancies.

3 (Source: P.A. 93-1036, eff. 9-14-04.)

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

5 Sec. 1A-2. Qualifications. The members of the State Board  
6 of Education shall be citizens of the United States and  
7 residents of the State of Illinois and shall be selected as far  
8 as may be practicable on the basis of their knowledge of, or  
9 interest and experience in, problems of public education. No  
10 member of the State Board of Education shall ~~be gainfully~~  
11 ~~employed or administratively connected with any school system,~~  
12 ~~nor have any interest in or~~ benefit from funds provided by the  
13 State Board of Education to an institution of higher learning,  
14 public or private, within Illinois, nor shall members ~~they~~ be  
15 ~~members of a school board or board of~~ school trustees of a  
16 public or nonpublic ~~school,~~ college, university or technical  
17 institution within Illinois. No member shall be appointed to  
18 more than 2 4-year terms. Members shall be reimbursed for all  
19 ordinary and necessary expenses incurred in performing their  
20 duties as members of the Board. Expenses shall be approved by  
21 the Board and be consistent with the laws, policies, and  
22 requirements of the State of Illinois regarding such  
23 expenditures, plus any member may include in his or her claim  
24 for expenses \$50 per day for meeting days.

25 (Source: P.A. 96-328, eff. 8-11-09.)

1 (105 ILCS 5/1A-2.1) (from Ch. 122, par. 1A-2.1)

2 Sec. 1A-2.1. Vacancies. The Governor may remove for  
3 incompetence, neglect of duty, or malfeasance in office any  
4 member of the State Board of Education. A vacancy also exists  
5 on the State Board of Education when one or more of the  
6 following events occur:

7 1. A member dies.

8 2. A member files a written resignation with the Governor.

9 3. A member is adjudicated to be a person under legal  
10 disability under the Probate Act of 1975 or a person subject to  
11 involuntary admission under the Mental Health and  
12 Developmental Disabilities Code.

13 4. A member ceases to be a resident of the region from  
14 which he or she was appointed.

15 5. A member is convicted of an infamous crime or of any  
16 offense involving a violation of his or her duties under this  
17 Code.

18 6. A member fails to maintain the qualifications stated in  
19 Sections 1A-1 and Section 1A-2 of this Code.

20 (Source: P.A. 93-1036, eff. 9-14-04.)