



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5759

Introduced 11/16/2022, by Rep. Kambium Buckner

SYNOPSIS AS INTRODUCED:

105 ILCS 5/34-3

from Ch. 122, par. 34-3

Amends the School Code. Provides that any vacancy in the membership of the Chicago Board of Education shall be filled through appointment by the Mayor for the unexpired term within 30 days (rather than no time limitation). Effective immediately.

LRB102 27756 RJT 39554 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 Section
5 34-3 as follows:

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

7 (Text of Section before amendment by P.A. 102-177)

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

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

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

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

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

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

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

25 (Text of Section after amendment by P.A. 102-177)

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

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

24 (b) This subsection applies until January 15, 2025. Within
25 30 days before the expiration of the terms of the members of
26 the Chicago Reform Board of Trustees as provided in subsection

1 (a), a new Chicago Board of Education consisting of 7 members
2 shall be appointed by the Mayor to take office on the later of
3 July 1, 1999 or the appointment of the seventh member. Three of
4 the members initially so appointed under this subsection shall
5 serve for terms ending June 30, 2002, 4 of the members
6 initially so appointed under this subsection shall serve for
7 terms ending June 30, 2003, and each member initially so
8 appointed shall continue to hold office until his or her
9 successor is appointed and qualified.

10 (b-5) On January 15, 2025, the terms of all members of the
11 Chicago Board of Education appointed under subsection (b) are
12 abolished when the new board, consisting of 21 members, is
13 appointed by the Mayor and elected by the electors of the
14 school district as provided under subsections (b-10) and
15 (b-15) and takes office.

16 (b-10) By December 16, 2024 for a term of office beginning
17 on January 15, 2025, the Mayor shall appoint 10 Chicago Board
18 of Education members to serve terms of 2 years. All appointed
19 members shall serve until a successor is appointed or elected
20 and qualified. Thereafter at the expiration of the term of any
21 member a successor shall be elected and shall hold office for a
22 term of 4 years, from January 15 of the year in which the term
23 commences and until a successor is appointed or elected and
24 qualified. Any vacancy in the appointed membership of the
25 Chicago Board of Education shall be filled through appointment
26 by the Mayor for the unexpired term within 30 days after the

1 vacancy occurs. The terms of the 10 appointed members under
2 this subsection shall end on January 14, 2027. By December 16,
3 2024 for a term of office beginning on January 15, 2025, the
4 Mayor shall appoint a President of the Board for a term of 2
5 years. The board shall elect annually from its number a
6 vice-president, in such manner and at such time as the board
7 determines by its rules. The president appointed by the Mayor
8 and vice-president elected by the board shall each perform the
9 duties imposed upon their respective office by the rules of
10 the board, provided that (i) the president shall preside at
11 meetings of the board and shall only have voting rights to
12 break a voting tie of the other Chicago Board of Education
13 elected and appointed members and (ii) the vice president
14 shall perform the duties of the president if that office is
15 vacant or the president is absent or unable to act. Beginning
16 with the 2026 general election, one member shall be elected at
17 large and serve as the president of the board. After January
18 15, 2027, the president shall preside at meetings of the board
19 and vote as any other member but have no power of veto. The
20 secretary of the Board shall be selected by the Board and shall
21 be an employee of the Board rather than a member of the Board,
22 notwithstanding subsection (d) of Section 34-3.3. The duties
23 of the secretary shall be imposed by the rules of the Board.

24 (b-15) Beginning with the 2024 general election, 10
25 members of the Chicago Board of Education shall be elected to
26 serve a term of 4 years in office beginning on January 15,

1 2025. Beginning with the 2026 general election, 10 members of
2 the Chicago Board of Education shall be elected to serve a term
3 of 4 years in office beginning on January 15, 2027. Whenever a
4 vacancy of a Chicago Board of Education elected board member
5 occurs, the President of the Board shall notify the Mayor of
6 the vacancy within 7 days after its occurrence and shall,
7 within 30 days, fill the vacancy for the remainder of the
8 unexpired term by majority vote of the remaining board
9 members. The successor shall have the same qualifications as
10 his or her predecessor.

11 For purposes of elections conducted under this subsection,
12 the City of Chicago shall be subdivided into electoral
13 districts as provided under subsection (a) of Section
14 34-21.10. From January 15, 2025 to January 14, 2027, each
15 district shall be represented by one elected member and one
16 appointed member. After January 15, 2027, each district shall
17 be represented by one elected member.

18 (b-30) No member shall have, or be an employee or owner of
19 a company that has, a contract with the school district. No
20 former officer, member, or employee of the board shall, within
21 a period of one year immediately after termination of service
22 on the board, knowingly accept employment or receive
23 compensation or fees for services from a person or entity if
24 the officer, member, or employee, during the year immediately
25 preceding termination of service on the board, participated
26 personally and substantially in the award of contracts with

1 the board or the school district, or the issuance of contract
2 change orders with the board or the school district, with a
3 cumulative value of \$25,000 or more to the person or entity, or
4 its parent or subsidiary.

5 (c) The board may appoint a student to the board to serve
6 in an advisory capacity. The student member shall serve for a
7 term as determined by the board. The board may not grant the
8 student member any voting privileges, but shall consider the
9 student member as an advisor. The student member may not
10 participate in or attend any executive session of the board.

11 (Source: P.A. 102-177, eff. 6-1-22; 102-691, eff. 12-17-21.)

12 Section 95. No acceleration or delay. Where this Act makes
13 changes in a statute that is represented in this Act by text
14 that is not yet or no longer in effect (for example, a Section
15 represented by multiple versions), the use of that text does
16 not accelerate or delay the taking effect of (i) the changes
17 made by this Act or (ii) provisions derived from any other
18 Public Act.

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.