



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB3951

Introduced 11/4/2010, by Sen. Rickey R. Hendon

#### 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, with 2 members elected from a northern regional district, 2 members elected from a southern regional district, 2 members elected from a western regional district, and one member elected at large. Provides that successor Inspectors General shall be appointed by the Board instead of the Mayor. Effective immediately.

LRB096 24006 NHT 43412 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 12, 2011.

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 12, 2011, 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 by the electors of the school district as  
8 provided in this subsection (b-5) and takes office.

9 Beginning on April 12, 2011, 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 2011 and  
12 every second year thereafter. Prior to the consolidated  
13 election in April of 2011, the State Board of Elections shall  
14 divide the school district into 3 regional districts, a  
15 northern regional district, a southern regional district, and a  
16 western regional district, each of which must be compact,  
17 contiguous, and substantially equal in population to each other  
18 district. Two members shall be elected from the northern  
19 regional district, 2 members shall be elected from the southern  
20 regional district, 2 members shall be elected from the western  
21 regional district, and one member shall be elected at large. In  
22 2021, and in the year following each decennial census  
23 thereafter, the board shall reapportion the regional districts  
24 to reflect the results of the census, and shall divide the  
25 school district into 3 regional districts, a northern regional  
26 district, a southern regional district, and a western regional

1 district, each of which must be compact, contiguous, and  
2 substantially equal in population to each other district. The  
3 division of the school district into regional districts must be  
4 completed and formally approved by a majority of the members of  
5 the board in 2021 and in the year following each decennial  
6 census.

7 A petition for nomination of a regional district candidate  
8 for member of the board must be signed by at least 0.5% of the  
9 total number of registered voters in the regional district in  
10 which the person is a candidate for nomination. A petition for  
11 nomination of an at-large candidate for member of the board  
12 must be signed by at least 10% of the total number of  
13 registered voters in the school district.

14 Each member shall be elected for a term of 4 years,  
15 commencing on the second Tuesday in April of the year in which  
16 the member is elected, and until the member's successor is  
17 elected and has qualified, except that members of the board  
18 elected to terms commencing on April 12, 2011 shall organize on  
19 the date their terms commence, and on that date shall determine  
20 by lot 4 to serve for terms of 4 years and 3 to serve for terms  
21 of 2 years.

22 Each regional district member elected at the consolidated  
23 election in 2011 or thereafter must be a resident of the  
24 regional district he or she represents for at least one year  
25 immediately preceding his or her election, except that in the  
26 first consolidated election for each regional district

1 following reapportionment by the board, a candidate for the  
2 board may be elected from any regional district that contains a  
3 part of the regional district in which he or she resided at the  
4 time of the reapportionment and may be reelected if a resident  
5 of the new regional district he or she represents for one year  
6 prior to reelection.

7 On April 12, 2011 and within 28 days after each  
8 consolidated election thereafter, the board shall organize by  
9 electing its officers and fixing a time and place for the  
10 regular meetings. Upon organizing itself as provided in this  
11 subsection (b-5), the board shall enter upon the discharge of  
12 its duties.

13 Nomination papers filed under this Section are not valid  
14 unless the candidate named therein files with the secretary of  
15 the board or with a person designated by the board to receive  
16 nominating petitions a receipt from the county clerk showing  
17 that the candidate has filed a statement of economic interests  
18 as required by the Illinois Governmental Ethics Act. The  
19 receipt shall be so filed either previously during the calendar  
20 year in which the nomination papers were filed or within the  
21 period for the filing of nomination papers in accordance with  
22 the general election law.

23 Whenever a vacancy in the board occurs, the remaining  
24 members of the board shall notify the Mayor of that vacancy  
25 within 5 days after its occurrence and shall proceed to fill  
26 the vacancy until the next regular school election, at which

1 election a successor shall be elected to serve the remainder of  
2 the unexpired term. However, if the vacancy occurs with less  
3 than 28 months remaining in the term or if the vacancy occurs  
4 less than 88 days before the next regular school election, then  
5 the person so appointed shall serve the remainder of the  
6 unexpired term, and no election to fill the vacancy shall be  
7 held. The successor shall have the same residential and other  
8 qualifications as his or her predecessor. Should the remaining  
9 board members fail so to act within 45 days after the vacancy  
10 occurs, the Mayor shall within 30 days after the remaining  
11 members have failed to fill the vacancy, fill the vacancy as  
12 provided for herein. Upon the Mayor's failure to fill the  
13 vacancy, the vacancy shall be filled at the next regular school  
14 election. The successor shall have the same residential and  
15 other qualifications as his or her predecessor.

16 (b-10) The board shall elect annually from its number a  
17 president and vice-president, in such manner and at such time  
18 as the board determines by its rules. The officers so elected  
19 shall each perform the duties imposed upon their respective  
20 office by the rules of the board, provided that (i) the  
21 president shall preside at meetings of the board and vote as  
22 any other member but have no power of veto, and (ii) the vice  
23 president shall perform the duties of the president if that  
24 office is vacant or the president is absent or unable to act.  
25 The secretary of the Board shall be selected by the Board and  
26 shall be an employee of the Board rather than a member of the

1 Board, notwithstanding subsection (d) of Section 34-3.3. The  
2 duties of the secretary shall be imposed by the rules of the  
3 Board.

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

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

11 (105 ILCS 5/34-4) (from Ch. 122, par. 34-4)

12 Sec. 34-4. Eligibility. To be eligible for election or  
13 appointment to the board, a person shall be a citizen of the  
14 United States, shall be a registered voter as provided in the  
15 Election Code, shall have been a resident of the city for at  
16 least 3 years immediately preceding his or her election or  
17 appointment, and shall not be a child sex offender as defined  
18 in Section 11-9.3 of the Criminal Code of 1961. Permanent  
19 removal from the city by any member of the board during his  
20 term of office constitutes a resignation therefrom and creates  
21 a vacancy in the board. With respect to board members  
22 representing a regional district, permanent removal from the  
23 regional district during his or her term of office constitutes  
24 a resignation therefrom and creates a vacancy in the board.

25 Except for the President of the Chicago School Reform Board of



1 Trustees who may be paid compensation for his or her services  
2 as chief executive officer as determined by the Mayor as  
3 provided in subsection (a) of Section 34-3, board members shall  
4 serve without any compensation; provided, that board members  
5 shall be reimbursed for expenses incurred while in the  
6 performance of their duties upon submission of proper receipts  
7 or upon submission of a signed voucher in the case of an  
8 expense allowance evidencing the amount of such reimbursement  
9 or allowance to the president of the board for verification and  
10 approval. The board of education may continue to provide health  
11 care insurance coverage, employer pension contributions,  
12 employee pension contributions, and life insurance premium  
13 payments for an employee required to resign from an  
14 administrative, teaching, or career service position in order  
15 to qualify as a member of the board of education. They shall  
16 not hold other public office under the Federal, State or any  
17 local government other than that of Director of the Regional  
18 Transportation Authority, member of the economic development  
19 commission of a city having a population exceeding 500,000,  
20 notary public or member of the National Guard, and by accepting  
21 any such office while members of the board, or by not resigning  
22 any such office held at the time of being elected or appointed  
23 to the board within 30 days after such election or appointment,  
24 shall be deemed to have vacated their membership in the board.  
25 (Source: P.A. 93-309, eff. 1-1-04.)

1 (105 ILCS 5/34-13.1)

2 Sec. 34-13.1. Inspector General.

3 (a) The Inspector General and his office in existence on  
4 the effective date of this amendatory Act of 1995 shall be  
5 transferred to the jurisdiction of the board upon appointment  
6 of the Chicago School Reform Board of Trustees. The Inspector  
7 General shall have the authority to conduct investigations into  
8 allegations of or incidents of waste, fraud, and financial  
9 mismanagement in public education within the jurisdiction of  
10 the board by a local school council member or an employee,  
11 contractor, or member of the board or involving school projects  
12 managed or handled by the Public Building Commission. The  
13 Inspector General shall make recommendations to the board about  
14 the investigations. The Inspector General in office on the  
15 effective date of this amendatory Act of 1996 shall serve for a  
16 term expiring on June 30, 1998. His or her successors in office  
17 shall each be appointed by the Mayor, without the consent or  
18 approval of the City Council, for 4 year terms expiring on June  
19 30th of an even numbered year; however, beginning on April 12,  
20 2011, successors shall be appointed by the board instead of the  
21 Mayor. If the Inspector General leaves office or if a vacancy  
22 in that office otherwise occurs, the Mayor shall appoint,  
23 without the consent or approval of the City Council, a  
24 successor to serve under this Section for the remainder of the  
25 unexpired term; however, beginning on April 12, 2011,  
26 successors shall be appointed by the board instead of the

1 Mayor. The Inspector General shall be independent of the  
2 operations of the board and the School Finance Authority, and  
3 shall perform other duties requested by the board.

4 (b) The Inspector General shall have access to all  
5 information and personnel necessary to perform the duties of  
6 the office. If the Inspector General determines that a possible  
7 criminal act has been committed or that special expertise is  
8 required in the investigation, he or she shall immediately  
9 notify the Chicago Police Department and the Cook County  
10 State's Attorney. All investigations conducted by the  
11 Inspector General shall be conducted in a manner that ensures  
12 the preservation of evidence for use in criminal prosecutions.

13 (c) At all times the Inspector General shall be granted  
14 access to any building or facility that is owned, operated, or  
15 leased by the board, the Public Building Commission, or the  
16 city in trust and for the use and benefit of the schools of the  
17 district.

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

26 (e) The Inspector General shall provide to the board and

1 the Illinois General Assembly a summary of reports and  
2 investigations made under this Section for the previous fiscal  
3 year no later than January 1 of each year, except that the  
4 Inspector General shall provide the summary of reports and  
5 investigations made under this Section for the period  
6 commencing July 1, 1998 and ending April 30, 1999 no later than  
7 May 1, 1999. The summaries shall detail the final disposition  
8 of those recommendations. The summaries shall not contain any  
9 confidential or identifying information concerning the  
10 subjects of the reports and investigations. The summaries shall  
11 also include detailed recommended administrative actions and  
12 matters for consideration by the General Assembly.

13 (f) (Blank).

14 (g) (Blank).

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

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law.