



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4268

by Rep. Robert F. Martwick

SYNOPSIS AS INTRODUCED:

10 ILCS 5/2A-1.2	from Ch. 46, par. 2A-1.2
10 ILCS 5/2A-48	from Ch. 46, par. 2A-48
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 Election Code and 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. Effective immediately.

LRB099 07028 SXM 36766 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 Election Code is amended by changing
5 Sections 2A-1.2 and 2A-48 as follows:

6 (10 ILCS 5/2A-1.2) (from Ch. 46, par. 2A-1.2)

7 Sec. 2A-1.2. Consolidated Schedule of Elections - Offices
8 Designated.

9 (a) At the general election in the appropriate
10 even-numbered years, the following offices shall be filled or
11 shall be on the ballot as otherwise required by this Code:

12 (1) Elector of President and Vice President of the
13 United States;

14 (2) United States Senator and United States
15 Representative;

16 (3) State Executive Branch elected officers;

17 (4) State Senator and State Representative;

18 (5) County elected officers, including State's
19 Attorney, County Board member, County Commissioners, and
20 elected President of the County Board or County Chief
21 Executive;

22 (6) Circuit Court Clerk;

23 (7) Regional Superintendent of Schools, except in

1 counties or educational service regions in which that
2 office has been abolished;

3 (8) Judges of the Supreme, Appellate and Circuit
4 Courts, on the question of retention, to fill vacancies and
5 newly created judicial offices;

6 (9) (Blank);

7 (10) Trustee of the Metropolitan Sanitary District of
8 Chicago, and elected Trustee of other Sanitary Districts;

9 (11) Special District elected officers, not otherwise
10 designated in this Section, where the statute creating or
11 authorizing the creation of the district requires an annual
12 election and permits or requires election of candidates of
13 political parties.

14 (b) At the general primary election:

15 (1) in each even-numbered year candidates of political
16 parties shall be nominated for those offices to be filled
17 at the general election in that year, except where pursuant
18 to law nomination of candidates of political parties is
19 made by caucus.

20 (2) in the appropriate even-numbered years the
21 political party offices of State central committeeman,
22 township committeeman, ward committeeman, and precinct
23 committeeman shall be filled and delegates and alternate
24 delegates to the National nominating conventions shall be
25 elected as may be required pursuant to this Code. In the
26 even-numbered years in which a Presidential election is to

1 be held, candidates in the Presidential preference primary
2 shall also be on the ballot.

3 (3) in each even-numbered year, where the municipality
4 has provided for annual elections to elect municipal
5 officers pursuant to Section 6(f) or Section 7 of Article
6 VII of the Constitution, pursuant to the Illinois Municipal
7 Code or pursuant to the municipal charter, the offices of
8 such municipal officers shall be filled at an election held
9 on the date of the general primary election, provided that
10 the municipal election shall be a nonpartisan election
11 where required by the Illinois Municipal Code. For partisan
12 municipal elections in even-numbered years, a primary to
13 nominate candidates for municipal office to be elected at
14 the general primary election shall be held on the Tuesday 6
15 weeks preceding that election.

16 (4) in each school district which has adopted the
17 provisions of Article 33 of the School Code, successors to
18 the members of the board of education whose terms expire in
19 the year in which the general primary is held shall be
20 elected.

21 (5) Members of the Chicago Board of Education shall be
22 elected.

23 (c) At the consolidated election in the appropriate
24 odd-numbered years, the following offices shall be filled:

25 (1) Municipal officers, provided that in
26 municipalities in which candidates for alderman or other

1 municipal office are not permitted by law to be candidates
2 of political parties, the runoff election where required by
3 law, or the nonpartisan election where required by law,
4 shall be held on the date of the consolidated election; and
5 provided further, in the case of municipal officers
6 provided for by an ordinance providing the form of
7 government of the municipality pursuant to Section 7 of
8 Article VII of the Constitution, such offices shall be
9 filled by election or by runoff election as may be provided
10 by such ordinance;

11 (2) Village and incorporated town library directors;

12 (3) City boards of stadium commissioners;

13 (4) Commissioners of park districts;

14 (5) Trustees of public library districts;

15 (6) Special District elected officers, not otherwise
16 designated in this section, where the statute creating or
17 authorizing the creation of the district permits or
18 requires election of candidates of political parties;

19 (7) Township officers, including township park
20 commissioners, township library directors, and boards of
21 managers of community buildings, and Multi-Township
22 Assessors;

23 (8) Highway commissioners and road district clerks;

24 (9) Members of school boards in school districts which
25 adopt Article 33 of the School Code;

26 (10) The directors and chairman of the Chain O Lakes -

1 Fox River Waterway Management Agency;

2 (11) Forest preserve district commissioners elected
3 under Section 3.5 of the Downstate Forest Preserve District
4 Act;

5 (12) Elected members of school boards, school
6 trustees, directors of boards of school directors,
7 trustees of county boards of school trustees (except in
8 counties or educational service regions having a
9 population of 2,000,000 or more inhabitants) and members of
10 boards of school inspectors, except school boards in school
11 districts that adopt Article 33 of the School Code and the
12 Chicago Board of Education;

13 (13) Members of Community College district boards;

14 (14) Trustees of Fire Protection Districts;

15 (15) Commissioners of the Springfield Metropolitan
16 Exposition and Auditorium Authority;

17 (16) Elected Trustees of Tuberculosis Sanitarium
18 Districts;

19 (17) Elected Officers of special districts not
20 otherwise designated in this Section for which the law
21 governing those districts does not permit candidates of
22 political parties.

23 (d) At the consolidated primary election in each
24 odd-numbered year, candidates of political parties shall be
25 nominated for those offices to be filled at the consolidated
26 election in that year, except where pursuant to law nomination

1 of candidates of political parties is made by caucus, and
2 except those offices listed in paragraphs (12) through (17) of
3 subsection (c).

4 At the consolidated primary election in the appropriate
5 odd-numbered years, the mayor, clerk, treasurer, and aldermen
6 shall be elected in municipalities in which candidates for
7 mayor, clerk, treasurer, or alderman are not permitted by law
8 to be candidates of political parties, subject to runoff
9 elections to be held at the consolidated election as may be
10 required by law, and municipal officers shall be nominated in a
11 nonpartisan election in municipalities in which pursuant to law
12 candidates for such office are not permitted to be candidates
13 of political parties.

14 At the consolidated primary election in the appropriate
15 odd-numbered years, municipal officers shall be nominated or
16 elected, or elected subject to a runoff, as may be provided by
17 an ordinance providing a form of government of the municipality
18 pursuant to Section 7 of Article VII of the Constitution.

19 (e) (Blank).

20 (f) At any election established in Section 2A-1.1, public
21 questions may be submitted to voters pursuant to this Code and
22 any special election otherwise required or authorized by law or
23 by court order may be conducted pursuant to this Code.

24 Notwithstanding the regular dates for election of officers
25 established in this Article, whenever a referendum is held for
26 the establishment of a political subdivision whose officers are

1 to be elected, the initial officers shall be elected at the
2 election at which such referendum is held if otherwise so
3 provided by law. In such cases, the election of the initial
4 officers shall be subject to the referendum.

5 Notwithstanding the regular dates for election of
6 officials established in this Article, any community college
7 district which becomes effective by operation of law pursuant
8 to Section 6-6.1 of the Public Community College Act, as now or
9 hereafter amended, shall elect the initial district board
10 members at the next regularly scheduled election following the
11 effective date of the new district.

12 (g) At any election established in Section 2A-1.1, if in
13 any precinct there are no offices or public questions required
14 to be on the ballot under this Code then no election shall be
15 held in the precinct on that date.

16 (h) There may be conducted a referendum in accordance with
17 the provisions of Division 6-4 of the Counties Code.

18 (Source: P.A. 89-5, eff. 1-1-96; 89-95, eff. 1-1-96; 89-626,
19 eff. 8-9-96; 90-358, eff. 1-1-98.)

20 (10 ILCS 5/2A-48) (from Ch. 46, par. 2A-48)

21 Sec. 2A-48. Board of School Directors and Board of
22 Education - Member - Time of Election. A member of a Board of
23 School Directors or a member of an elected Board of Education,
24 as the case may be, shall be elected at each consolidated
25 election to succeed each incumbent member whose term ends

1 before the following consolidated election. However, a member
2 of the Chicago Board of Education shall be elected at each
3 general primary election to succeed each incumbent member whose
4 term ends before the following general primary election.

5 (Source: P.A. 90-358, eff. 1-1-98.)

6 Section 10. The School Code is amended by changing Sections
7 34-3, 34-4, and 34-13.1 as follows:

8 (105 ILCS 5/34-3) (from Ch. 122, par. 34-3)

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

11 (a) Within 30 days after the effective date of this
12 amendatory Act of 1995, the terms of all members of the Chicago
13 Board of Education holding office on that date are abolished
14 and the Mayor shall appoint, without the consent or approval of
15 the City Council, a 5 member Chicago School Reform Board of
16 Trustees which shall take office upon the appointment of the
17 fifth member. The Chicago School Reform Board of Trustees and
18 its members shall serve until, and the terms of all members of
19 the Chicago School Reform Board of Trustees shall expire on,
20 June 30, 1999 or upon the appointment of a new Chicago Board of
21 Education as provided in subsection (b), whichever is later.
22 Any vacancy in the membership of the Trustees shall be filled
23 through appointment by the Mayor, without the consent or
24 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) This subsection (b) applies until March 15, 2016.

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

1 that is made by the Mayor under this subsection shall require
2 the approval of the City Council, whether the appointment is
3 made for a full term or to fill a vacancy for an unexpired term
4 on the Board.

5 (b-5) For the purposes of this subsection (b-5):

6 "Parent member" means a member of the board who is the
7 parent or legal guardian of a child enrolled in a public school
8 in the region of election.

9 "Community member" means a member of the board who resides
10 in the region of election.

11 On March 15, 2016, the terms of all members of the Chicago
12 Board of Education appointed under subsection (b) of this
13 Section are abolished when the new board, consisting of 13
14 members, is elected by the electors of the school district as
15 provided in this subsection (b-5) and takes office.

16 Each member shall be elected for a term of 4 years,
17 commencing on the second Tuesday in April of the year in which
18 the member is elected, and until the member's successor is
19 elected and has qualified, except that members of the board
20 elected to terms commencing on March 15, 2016 shall organize on
21 the date their terms commence and on that date shall determine,
22 by lot, 7 members to serve for terms of 4 years and 6 members to
23 serve for terms of 2 years.

24 For purposes of elections conducted pursuant to this
25 subsection (b-5), the City of Chicago shall be subdivided into
26 the following electoral regions for seats on the Chicago Board

1 of Education, each of which must be compact and contiguous and
2 substantially equal in population to each other:

3 (1) Southeast Side.

4 (2) Southwest Side.

5 (3) West/Central Region.

6 (4) North Region.

7 Each region shall be represented by 3 members, except the North
8 Region, which shall be represented by 4 members. Each region's
9 representatives shall consist of 2 parent members and one
10 community member, except the North Region, which shall have 2
11 parent members and 2 community members.

12 On March 15, 2016 and within 28 days after each election
13 thereafter, the board shall organize by electing its officers
14 and fixing a time and place for the regular meetings. At least
15 50% of the board's regular meetings shall take place after
16 regular business hours in order to maximize community
17 participation. Upon organizing itself as provided in this
18 subsection (b-5), the board shall enter upon the discharge of
19 its duties.

20 Nomination papers filed for board election are not valid
21 unless the candidate named therein files with the secretary of
22 the board or with a person designated by the board to receive
23 nominating petitions a receipt from the county clerk showing
24 that the candidate has filed a statement of economic interests
25 as required by the Illinois Governmental Ethics Act. The
26 receipt shall be so filed either previously during the calendar

1 year in which the nomination papers were filed or within the
2 period for the filing of nomination papers in accordance with
3 the general election law.

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

23 (b-10) The board shall elect annually from its number a
24 president and vice-president, in such manner and at such time
25 as the board determines by its rules. The officers so elected
26 shall each perform the duties imposed upon their respective

1 office by the rules of the board, provided that (i) the
2 president shall preside at meetings of the board and vote as
3 any other member but have no power of veto, and (ii) the vice
4 president shall perform the duties of the president if that
5 office is vacant or the president is absent or unable to act.
6 The secretary of the Board shall be selected by the Board and
7 shall be an employee of the Board rather than a member of the
8 Board, notwithstanding subsection (d) of Section 34-3.3. The
9 duties of the secretary shall be imposed by the rules of the
10 Board.

11 (c) The board may appoint a student to the board to serve
12 in an advisory capacity. The student member shall serve for a
13 term as determined by the board. The board may not grant the
14 student member any voting privileges, but shall consider the
15 student member as an advisor. The student member may not
16 participate in or attend any executive session of the board.

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

18 (105 ILCS 5/34-4) (from Ch. 122, par. 34-4)

19 Sec. 34-4. Eligibility.

20 (a) To be eligible for election ~~appointment~~ to the board, a
21 person shall be at least 18 years of age and either (i) a
22 parent or legal guardian of a child currently enrolled in a
23 public school in the region of election the person seeks to
24 represent or (ii) a resident of the region of election that the
25 person seeks to represent. A person is ineligible to run for

1 office if that person is an employee of the district or a child
2 sex offender as defined in Section 11-9.3 of the Criminal Code
3 of 2012. All persons eligible for election to the board shall
4 obtain no less than 250 signatures on a petition in order to be
5 placed on the ballot ~~a citizen of the United States, shall be a~~
6 ~~registered voter as provided in the Election Code, shall have~~
7 ~~been a resident of the city for at least 3 years immediately~~
8 ~~preceding his or her appointment, and shall not be a child sex~~
9 ~~offender as defined in Section 11-9.3 of the Criminal Code of~~
10 ~~2012.~~ Permanent removal from the city by any member of the
11 board during his or her term of office constitutes a
12 resignation therefrom and creates a vacancy in the board. Board
13 members shall receive compensation of \$50,000 per year, health
14 care insurance coverage, a pension, and life insurance. Board
15 ~~Except for the President of the Chicago School Reform Board of~~
16 ~~Trustees who may be paid compensation for his or her services~~
17 ~~as chief executive officer as determined by the Mayor as~~
18 ~~provided in subsection (a) of Section 34-3, board members shall~~
19 ~~serve without any compensation; provided, that board members~~
20 shall be reimbursed for expenses incurred while in the
21 performance of their duties upon submission of proper receipts
22 or upon submission of a signed voucher in the case of an
23 expense allowance evidencing the amount of such reimbursement
24 or allowance to the president of the board for verification and
25 approval. Board members ~~The board of education may continue to~~
26 ~~provide health care insurance coverage, employer pension~~

1 ~~contributions, employee pension contributions, and life~~
2 ~~insurance premium payments for an employee required to resign~~
3 ~~from an administrative, teaching, or career service position in~~
4 ~~order to qualify as a member of the board of education. They~~
5 shall not hold other public office under the Federal, State or
6 any local government other than that of Director of the
7 Regional Transportation Authority, member of the economic
8 development commission of a city having a population exceeding
9 500,000, notary public or member of the National Guard, and by
10 accepting any such office while members of the board, or by not
11 resigning any such office held at the time of being elected
12 ~~appointed~~ to the board within 30 days after such election
13 ~~appointment~~, shall be deemed to have vacated their membership
14 in the board.

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

16 (105 ILCS 5/34-13.1)

17 Sec. 34-13.1. Inspector General.

18 (a) The Inspector General and his office in existence on
19 the effective date of this amendatory Act of 1995 shall be
20 transferred to the jurisdiction of the board upon appointment
21 of the Chicago School Reform Board of Trustees. The Inspector
22 General shall have the authority to conduct investigations into
23 allegations of or incidents of waste, fraud, and financial
24 mismanagement in public education within the jurisdiction of
25 the board by a local school council member or an employee,

1 contractor, or member of the board or involving school projects
2 managed or handled by the Public Building Commission. The
3 Inspector General shall make recommendations to the board about
4 the investigations. The Inspector General in office on the
5 effective date of this amendatory Act of 1996 shall serve for a
6 term expiring on June 30, 1998. His or her successors in office
7 shall each be appointed by the Mayor, without the consent or
8 approval of the City Council, for 4 year terms expiring on June
9 30th of an even numbered year; however, beginning on March 15,
10 2016, successors shall be appointed by the board instead of the
11 Mayor. If the Inspector General leaves office or if a vacancy
12 in that office otherwise occurs, the Mayor shall appoint,
13 without the consent or approval of the City Council, a
14 successor to serve under this Section for the remainder of the
15 unexpired term; however, beginning on March 15, 2016,
16 successors shall be appointed by the board instead of the
17 Mayor. The Inspector General shall be independent of the
18 operations of the board and the School Finance Authority, and
19 shall perform other duties requested by the board.

20 (b) The Inspector General shall have access to all
21 information and personnel necessary to perform the duties of
22 the office. If the Inspector General determines that a possible
23 criminal act has been committed or that special expertise is
24 required in the investigation, he or she shall immediately
25 notify the Chicago Police Department and the Cook County
26 State's Attorney. All investigations conducted by the

1 Inspector General shall be conducted in a manner that ensures
2 the preservation of evidence for use in criminal prosecutions.

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

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

16 (e) The Inspector General shall provide to the board and
17 the Illinois General Assembly a summary of reports and
18 investigations made under this Section for the previous fiscal
19 year no later than January 1 of each year, except that the
20 Inspector General shall provide the summary of reports and
21 investigations made under this Section for the period
22 commencing July 1, 1998 and ending April 30, 1999 no later than
23 May 1, 1999. The summaries shall detail the final disposition
24 of those recommendations. The summaries shall not contain any
25 confidential or identifying information concerning the
26 subjects of the reports and investigations. The summaries shall

1 also include detailed recommended administrative actions and
2 matters for consideration by the General Assembly.

3 (f) (Blank).

4 (g) (Blank).

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

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.