



# Illinois State Board of Education

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## **BYLAWS OF THE ILLINOIS STATE BOARD OF EDUCATION**

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**BYLAWS OF THE  
ILLINOIS STATE BOARD OF EDUCATION**

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# **BYLAWS OF THE ILLINOIS STATE BOARD OF EDUCATION**

## **ARTICLE I**

### **OBJECT**

The Constitution of the State of Illinois states that a fundamental goal of the People of the State is the educational development of all persons to the limits of their capacities. In addition, the Constitution states that the State shall provide for an efficient system of high quality public educational institutions and services. The State Board of Education shall endeavor to implement these goals. (Article X of the Constitution of the State of Illinois)

## **ARTICLE II**

### **POWERS AND DUTIES**

The State Board of Education shall have such powers and duties as may be specified from time to time in the School Code (105 ILCS 5/1 *et seq.*) or other applicable laws of the State of Illinois or the United States of America. Such powers and duties shall include, but not be limited to, those powers and duties set forth in Section 1A-4 of the School Code attached hereto as Appendix A.

- A. In accordance with Section 1A-4(B) of the School Code, the State Board of Education shall determine the qualifications of and appoint a chief education officer to be known as the State Superintendent of Education. The State Superintendent may be proposed by the Governor and shall serve at the pleasure of the Board and pursuant to a performance-based contract linked to statewide student performance and academic improvement within Illinois schools. A performance-based contract issued for the employment of the State Superintendent of Education shall contain terms and provisions consistent with Section 1A-4(B) of the School Code including, but not limited to, an expiration date no later than the February 1 following each gubernatorial election. The Board shall set the compensation of the State Superintendent of Education and establish his or her duties, powers and responsibilities. (1A-4B)\*

\* Unless otherwise stated in the text, all references are to the School Code of Illinois (105 ILCS 5/1-1 *et seq.*).

- B. The State Board may delegate to the State Superintendent of Education the authority to act on the Board's behalf, provided such delegation is made pursuant to adopted Board policy or the powers delegated are ministerial in nature. The State Board may not delegate authority to the Superintendent to (1) nonrecognize school districts, (2) withhold State payments as a penalty, or (3) make final decisions under the contested case provisions of the Illinois Administrative Procedure Act unless otherwise provided by law. (5/1A-4B)

**ARTICLE III**  
**MEMBERSHIP**

**A. Members and Terms**

1. The members of the State Board of Education shall be appointed by the Governor with the advice and consent of the Senate. (1A-1)
2. The Board shall consist of eight (8) members and a chairperson appointed as follows: 2 appointees from Cook County, one of whom shall be a resident of the City of Chicago and one of whom shall be a resident of that part of Cook County outside the city limits of Chicago; 2 appointees from the five counties contiguous to Cook County; 2 appointees from among the remaining counties in the rest of the State; and 3 appointees selected as members-at-large (one of which shall be the chairperson). (1A-1.b)
3. Vacancies in terms shall be filled by appointment by the Governor with the advice and consent of the Senate for the extent of the unexpired term. If a vacancy in membership occurs at a time when the Senate is not in session, the Governor shall make a temporary appointment until the next meeting of the Senate, when the Governor shall appoint a person to fill that membership for the remainder of the term. If the Senate is not in session when appointments for a full-term are made, the appointments shall be made as in the case of vacancies. (1A-1.b) Of the members whose terms expire on the second Wednesday of January, 2007 and every four years thereafter, at no time may more than two of those members be from one political party. Of the members whose terms expire on the second Wednesday of January, 2009 and every four years thereafter, at no time may more than two of those members be from one political party. Party membership is defined as having voted in the primary of the party in the last primary before appointment. (1A-1.c)
4. All terms shall be for four years, except that the initial terms of the eight members appointed to the Board pursuant to Public Act 93-1036 shall be as set forth in Section 1A-1.b.
5. The State Superintendent of Education shall not serve as a member of the State Board of Education. (1A-2)

**B. Qualifications and Ethics Requirements**

1. The members of the State Board of Education shall be citizens of the United States and residents of the State of Illinois and shall be selected as far as may be practicable on the basis of their knowledge of, or interest and experience in, problems of education. (1A-2)
2. No member of the State Board of Education shall be gainfully employed or administratively connected with any school system, nor have any interest in or benefit from funds provided by the State Board of Education to an institution of higher learning, public or private, within Illinois, nor shall they be members of a school board or board of school trustees of a public or nonpublic school, college, university or technical institution within Illinois.
3. All members of the State Board of Education shall abide by the Board's adopted Code of Conduct attached hereto as Exhibit B, the Conflicts of Interest Policy attached hereto

as Exhibit C, and all requirements set forth in the State Officials and Employees Ethics Act of 2003. (5 ILCS 430/1 *et seq.*)

### C. Reimbursement of Expenses

1. Members shall be reimbursed for all ordinary and necessary expenses incurred in performing their duties as members of the Board. (1A-2) All such reimbursement for expenses shall be consistent with the laws, policies and requirements of the State of Illinois and the State Board of Education.
2. Any member may claim \$50 per day over and above expenses for attending a meeting of the Board or one of its committees, or a hearing sponsored by the Board or one of its committees. Board members shall be required to claim the \$50 on an executed expense claim form in order to receive the payment. (1A-2)

## **ARTICLE IV**

### **OFFICERS**

#### A. Elective Officers

1. The officers of the State Board of Education shall be a Chairperson, Vice-Chairperson, and Secretary.
2. The Chairperson shall be selected by the Governor in accordance with Section 1A-1.b.
3. The Vice-Chairperson and Secretary shall be elected from among, and by the membership of the State Board of Education. This election shall take place biennially in February of odd-numbered years.
4. A nominating committee appointed by the Board Chairperson shall recommend a slate of elective officers to the Board for its consideration. Nominations may also be made from the floor. The elective officers shall be elected by roll call ballot.
5. The terms of the Vice-Chairperson and the Secretary shall be for two years, beginning immediately following their election. The Vice-Chairperson and the Secretary shall serve for no more than two consecutive terms in the same office.
6. Vacancies occurring in the elected offices of the Board shall be filled by the Board at the next regular or special meeting thereof for the unexpired term of such officer.

#### B. Duties

1. The Chairperson shall preside over all meetings of the Board, call meetings as herein provided, appoint the members and chairs of all Standing and Temporary committees and advisory bodies, represent the Board in ceremonial and other appropriate situations, appoint Board members to act on behalf of the Board in specified circumstances, and perform such other duties as may be vested in him or her by the Board.
2. The Vice-Chairperson shall preside over all meetings in the absence of the Chairperson and perform such other duties as may be vested in him or her by the Chairperson or the Board.

3. The elected Secretary shall review the record of proceedings at all regular, special and emergency meetings of the Board, take the record of the proceedings at closed meetings of the Board, and perform such other duties pertaining to the office as the Board may from time to time direct. In the event that the Secretary is absent from any regular or special meeting of the Board, the Chairperson shall appoint a Board member in attendance at that meeting to serve as Secretary *Pro Tem*.

## ARTICLE V

### **MEETINGS**

#### A. Regular Meetings

1. The Board shall meet at least once a month unless otherwise provided by the Board.
2. At the beginning of each calendar year, the Board shall have prepared and made public a schedule of all regular meetings, including the dates, time and location of said meetings. (5 ILCS 120/2.02(a)) If a change is made in regular meeting dates, at least ten (10) days' notice of such change shall be given in accordance with Section 2.03 of the Open Meetings Act.
3. At least three days before the date of a regular meeting, the members shall be given written notice\* containing the time, place, and agenda for the meeting, and other related and necessary material. The notice will be sent to each member of the Board at the address provided by the member. Attendance at a meeting shall constitute waiver of notice thereof, except where a member attends a meeting for the express purpose of objecting to the holding of the meeting because the meeting is not lawfully called or convened.

\* All references to written notice shall be interpreted as including electronic mail.

#### B. Special and Emergency Meetings

1. Upon the call of the Board Chairperson or the request of at least one-third of the members of the Board, special meetings may be held to conduct the business of the Board.
2. At least three days in advance of the special meeting, the members of the Board shall be provided with written notice containing the time, place, and purpose of the special meeting, the names of the Board members who called the meeting, and other related and necessary materials.
3. The Board shall consider only those matters included in the call and set forth on the agenda for the special meeting of the Board.
4. Emergency meetings of the Board may be called in the event of a *bona fide* emergency. Notice to Board members for emergency meetings shall be issued in writing as soon as is practical in advance of the emergency meeting. The written notice shall include the time, place and purpose of the emergency meeting.  
(5 ILCS 120/2.02)
5. During emergency meetings, the Board shall consider only those matters directly related to the call for the emergency meeting.

### C. Meetings Open to the Public--Open Meetings Act

1. All regular, special and emergency meetings of the Board and its committees (a) shall be open to the public and the press, unless the Board or one of its committees takes action to go into closed session in accordance with the Open Meetings Act; and (b) may take place in the traditional face to face manner, by teleconference or video conference, subject to the physical presence requirements set forth in Sections 2.01 and 7 of the Open Meetings Act (5 ILCS 120/2.01 & 7).
2. Subject to Sections 2.01 and 7 of the Open Meetings Act (5 ILCS 120/2.01 & 7), a quorum of members of the Board or one of its committees must be physically present at the location of an open meeting. If, however, an open meeting is held simultaneously at one of the state educational agency's offices and one or more other locations in a public building, which may include other of its offices, through an interactive video conference and the Board or committee provides public notice and public access as required under the Open Meetings Act for all locations, then members physically present in those locations all count towards determining a quorum. "Public building" means any building or portion thereof owned or leased by any public body.
3. To the extent the physical presence requirements of Section 2.01 and 7 of the Open Meetings Act are applicable, if a quorum of the members of the Board or one of its committees is physically present as required by Section 2.01 of the Open Meetings Act, a majority of the Board or the relevant committee may allow a member of that body to attend the meeting by other means (i.e., video or audio conference) if the member is prevented from physically attending because of: (a) personal illness or disability; (b) employment purposes or the business of the public body; or (c) a family or other emergency. If a member wishes to attend a meeting by other means, the member must notify the staff Secretary (designated in Section V.G of these Bylaws) within 24 hours before the meeting unless advance notice is impractical. Such notice may be made by electronic means and must include the reason for the request and the specific exception under which it falls. The Board or committee must then take a roll call vote at the outset of such meeting to determine whether to permit such member to attend by other means (the requesting member may vote and such vote shall be counted towards the majority required for permission). Any member attending a meeting by other means must identify himself or herself any time he or she speaks during such meeting.
4. Closed sessions of the Board and its committees may be convened only for the purposes authorized in Section 2(c) of the Open Meetings Act, 5 ILCS 120/2(c). No final action may be taken during closed session. Final action on any matter discussed during closed session shall be preceded by a recital in open session on the matter being considered and other information that will inform the public of the business being conducted. (5 ILCS 120/2(d))
5. The Board shall ensure that public notice is given regarding all regular, special and emergency sessions of the Board. Such public notice shall be made in the manner established by law no less than 48 hours prior to regular or special meetings and as soon as practical for emergency meetings (but in any event, prior to the holding of such meeting).
6. Any person or organization may request regular notification of the time, location and purpose of State Board meetings. In addition to such notice, copies of the meeting agendas and materials shall be provided consistent with individual requests.
7. Three or more board members may not gather for the purpose of discussing Board business without adhering to the requirements of the Open Meetings Act.

#### D. Location of Meetings

1. The meetings of the Board shall be held throughout the State, at locations determined in advance by the Board.
2. In the event that the Board or one of its committees meets via video conference, a location shall be identified at which the public may have an opportunity to watch and/or listen to the proceedings.

#### E. Agenda

1. The State Superintendent of Education, under the direction of the Chairperson, shall have prepared, in writing, the agenda for regular, special and emergency meetings.
2. The agenda for regular meetings of the Board shall include, but not be limited to, the following items: Call to Order and Roll Call, Pledge of Allegiance, Consideration of and Possible Actions on Any Requests for Participation in Meeting by Other Means, Approval of Minutes, Reports of the Chairman and the Superintendent, Items for Board Action, Public Participation, Committee and Board Member Reports, and Information Items. The order of business shall be determined during the preparation of the agenda for each meeting, but may be modified at the discretion of the Chairman during the course of the meeting.
3. The Public Participation agenda item for regular meetings of the Board shall include an opportunity for members of the public to present to the Board their comments and recommendations on educationally-relevant issues. Public participation in the Board meeting shall be in compliance with policies and procedures adopted by the Board.
4. The Board shall provide an opportunity for public participation during special and emergency meetings, provided that such public commentary is directly relevant to the issues on the agenda. Public participation in such special and emergency meetings of the Board shall be in compliance with policies and procedures adopted by the Board.
5. The agenda and order of business shall be included in the notice for each regular, special and emergency meeting. The Board shall not take action on any item unless the subject is identified on the published agenda. However, the Board may consider (without taking action on) items not specifically set forth on a regular meeting agenda.

#### F. Quorum/Voting Procedures

1. Five (5) members of the Board shall constitute a quorum. (1A-4E)
2. A majority vote of the members appointed, confirmed, and serving on the Board at the time of the vote is required to approve any action. (1A-4E)
3. A Board member may vote by telephone or video conference provided that he or she is permissibly present under Sections 2.01 and 7 of the Open Meetings Act (5 ILCS 120/2.01 & 7) and Section V.C of these Bylaws and fully participates in the discussion leading to the specific vote and casts his or her own vote. Votes may not be cast by proxy nor in any other form except by personal participation.
4. Every motion or resolution adopted by the Board shall be taken by determining the ayes and nays. A voice vote may be taken on any motion or resolution except for those involving the expenditure of money, action to permit a Board member's attendance by

other means (as discussed in Section V.C of these Bylaws), the convening of a closed session of the Board or the election of officers. A member may request that any motion or resolution be voted upon by call of the roll.

5. The voting order of members for roll call votes shall be determined in relation to the maker of the motion, with that Board member casting the first vote and subsequent votes taken by calling upon the next person in alphabetical order from the person first to vote.

## G. Minutes

1. Minutes shall be taken of all regular, special and emergency meetings, whether open or closed, and a verbatim record shall be made of all closed meetings in the form of an audio or video recording. Minutes shall include, but not be limited to: (i) the date, time and place of the meeting; (ii) the members of the public body recorded as either present or absent and whether the members were physically present or present by means of video or audio conference; and (iii) a summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken.
2. The Board shall biennially designate a staff Secretary to the Board who shall, on behalf of the elected secretary, take and record the roll of members present at all regular, special and emergency meetings of the Board, record the minutes of these meetings, record the votes for all motions for which a roll call vote is to be taken, keep the official records of the Board, and perform such other duties as are assigned. The elected Secretary shall record the minutes of all closed sessions held by the Board.
3. All minutes of regular, special and emergency meetings of the Board shall be approved by action of the Board. These minutes shall be prepared and submitted in draft form to the members in advance of the date at which the minutes shall be considered for corrections, changes, additions, and final approval.
4. After the Board has approved the minutes of regular, special and emergency Board meetings, the minutes shall be available to the public.
5. Once every six (6) months, the Board shall review the minutes of all closed meetings and make a determination, to be reported in open session, that (i) the need for confidentiality still exists as to all or part of those minutes, or (ii) the minutes or portions thereof no longer require confidential treatment and are available for public inspection. (5 ILCS 120/2.06(d))

## **ARTICLE VI** **COMMITTEES**

### A. Standing Committees

1. The Board shall maintain and charge as indicated the following standing committees which shall present recommendations to the Board:

#### **Governmental Relations Committee**

The Government Relations Committee shall develop legislative principles; review legislative proposals on issues which are not under the purview of another Board Committee; monitor the state and federal legislative sessions, the progress of the Board's legislative proposals and the progress of other education-related legislation in

the General Assembly; monitor education-related legislation in Congress; recommend Board positions and/or action in relation to all of the above; and perform such other responsibilities as are designated by the Board or the Board Chairperson.

This Committee's Chairperson shall be authorized to (a) establish, on an *ad hoc* basis and with the concurrence of the Board Chairperson, such subcommittees as he or she determines are necessary for appropriately fulfilling the Committee's responsibilities; and (b) expand, with the concurrence of the Board Chairperson and with the same notice required pursuant to Section VI.D.2 herein, his or her Committee to a Committee of the Whole for a particular meeting, at which all Board members legally present would have the right to vote and have such vote counted towards the Committee's recommendation.

#### **Finance and Audit Committee**

The Finance and Audit Committee shall develop the State Board of Education's annual budget and monitor its progress in the General Assembly; work to improve the financing of local school districts and other institutions within the purview of the State Board of Education; at least annually, review Board member travel policy and related matters; review agency administrative and operational policies and procedures, including the implementation of policies and procedures relating to contracts; review and approve Requests for Sealed Proposals per policy; provide oversight for the Internal Audit Function; review all external audits of the State Board of Education and the agency response; develop a process for a quarterly review of the State Superintendent's expenses and time allocations and for sharing the results of the review with the entire Board; and perform such other responsibilities as are designated by the Board or the Board Chairperson.

This Committee's Chairperson shall be authorized to (a) establish, on an *ad hoc* basis and with the concurrence of the Board Chairperson, such subcommittees as he or she determines are necessary for appropriately fulfilling the Committee's responsibilities; and (b) expand, with the concurrence of the Board Chairperson and with the same notice required pursuant to Section VI.D.2 herein, his or her Committee to a Committee of the Whole for a particular meeting, at which all Board members legally present would have the right to vote and have such vote counted towards the Committee's recommendation.

#### **Board Operations Committee**

The Board Operations Committee shall plan and coordinate the operational policies and activities of the Board, including but not limited to the following activities: develop processes for the selection and evaluation of the State Superintendent and the staff secretary to the Board; review evaluations of agency senior leadership; review Board operational policies and procedures; plan special Board activities such as recognition and celebration; develop Board meeting calendar, arrange meeting agendas and identify locations; develop procedures for self evaluation of the Board's operation and impact; and review Board Bylaws and recommended changes.

This Committee's Chairperson shall be authorized to (a) establish, on an *ad hoc* basis and with the concurrence of the Board Chairperson, such subcommittees as he or she determines are necessary to fulfill the Committee's functions; and (b) expand, with the concurrence of the Board Chairperson and with the same notice required pursuant to Section VI.D.2 herein, his or her Committee to a Committee of the Whole for a particular meeting, at which all Board members legally present would have the right to vote and have such vote counted towards the Committee's recommendation.

### **Education Policy Planning Committee**

The Education Policy Planning Committee shall be responsible for developing recommendations for strategic actions by the State Board of Education on issues of short- and long-term relevance to Illinois education. The Committee shall provide a forum for Board discussion about the direction of educational policy and its implications for the State of Illinois educational system. The committee will be responsible for identifying issues of future interest to the Board and studying the implications for education and the State Board of Education. The committee will develop policy topics for Board meeting agendas and a long-term policy development calendar. The unique responsibility of this Committee is to ensure that the Board deals with long-range issues and needs as well as current concerns.

This Committee's Chairperson shall be authorized to (a) establish, on an *ad hoc* basis and with the concurrence of the Board Chairperson, such subcommittees as he or she determines are necessary for appropriately fulfilling the Committee's responsibilities; and (b) expand, with the concurrence of the Board Chairperson and with the same notice required pursuant to Section VI.D.2 herein, his or her Committee to a Committee of the Whole for a particular meeting, at which all Board members legally present would have the right to vote and have such vote counted towards the Committee's recommendation.

2. All Standing Committees shall regularly report to the full Board regarding their work and their recommendations for Board action.

### **B. Membership of Standing Committees**

Biennially, the Board Chairperson shall appoint or reappoint all members and designate the chairperson of the standing Board Committees. The appointments shall be made no later than March 1 of odd-numbered years and take effect on March 1 of that same year.

Any vacancies in the membership of these committees which may occur prior to the annual appointment or reappointment of committee membership shall be filled by appointment of the Board Chairperson. Members of standing committees shall serve for two-year terms.

### **C. Temporary Committees and Advisory Bodies**

1. The Board Chairperson may establish temporary committees and advisory bodies through written notice to the other Board members. Membership of temporary committees shall consist solely of Board members. Membership of advisory bodies may include non-members of the Board.
2. The written notice from the Chairperson shall specify the charges to and membership of a temporary committee or advisory body. The Chairperson shall regularly request reports to the Board concerning their activities, and shall dissolve them when their specific charges have been completed. The Chairperson may fill any vacancies in committee or advisory body membership which may occur.

### **D. Committee and Advisory Body Meetings and Procedures**

1. Committee and advisory body meetings will be held in conjunction with regular meetings of the full Board or at the call of either the committee chairperson or one-third of the committee members.
2. At least three days before each committee or advisory body meeting, the members shall be given notice of the time, place, and agenda of the meeting.

3. Except as allowed by law, all committee and advisory body meetings shall be open meetings in accordance with the Open Meetings Act and Section V.C of these Bylaws.
4. Committees and advisory bodies may conduct their business in meetings of two or more members. A majority of members must approve recommendations to the State Board of Education.
5. A record shall be taken of all committee and advisory body meetings in accordance with Section V.G of these Bylaws.
6. All committees and advisory bodies may conduct public hearings relevant to their responsibilities.

## **ARTICLE VII**

### **PARLIAMENTARY AUTHORITY**

Board meetings shall be conducted according to procedures established by the Board, with parliamentary questions to be resolved by reference to the current edition of *Robert's Rules of Order*.

## **ARTICLE VIII**

### **INDEMNIFICATION**

The Board shall seek from the Office of the Attorney General the indemnification of all of its present and former members to the fullest extent permitted from time to time by the State Employee Indemnification Act (5 ILCS 350/0.01 *et seq.*), or any successor thereto.

## **ARTICLE IX**

### **AMENDMENTS**

Except for those sections prescribed by law, the Bylaws may be amended at a regular or special meeting of the Board by a vote of six Board members provided such amendments have been filed with the State Board staff secretary, in writing, fourteen (14) days prior to such meeting. The staff secretary shall mail a copy thereof to each member of the Board.

EXHIBIT A  
SECTION 1A-4 OF THE SCHOOL CODE

(105 ILCS 5/1A-1) (from Ch. 122, par. 1A-1)  
Sec. 1A-1. Members and terms.

(a) (Blank).

(b) The State Board of Education shall consist of 8 members and a chairperson, who shall be appointed by the Governor with the advice and consent of the Senate from a pattern of regional representation as follows: 2 appointees shall be selected from among those counties of the State other than Cook County and the 5 counties contiguous to Cook County; 2 appointees shall be selected from Cook County, one of whom shall be a resident of the City of Chicago and one of whom shall be a resident of that part of Cook County which lies outside the city limits of Chicago; 2 appointees shall be selected from among the 5 counties of the State that are contiguous to Cook County; and 3 members shall be selected as members-at-large (one of which shall be the chairperson). The Governor who takes office on the second Monday of January after his or her election shall be the person who nominates members to fill vacancies whose terms begin after that date and before the term of the next Governor begins.

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

The term of the member of the State Board of Education whose seat was vacant on April 27, 2004 and whose term expires on January 10, 2007 shall instead terminate on the effective date of this amendatory Act of the 93rd General Assembly. The member initially appointed pursuant to this amendatory Act of the 93rd General Assembly to fill this seat shall be the chairperson and shall serve until the second Wednesday of January, 2007.

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

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

The term of the member of the State Board of Education whose term expires on January 14, 2009 and who was selected from among the 5 counties of the State that are contiguous to Cook County and is a resident of Lake County shall instead terminate on the effective date of this

amendatory Act of the 93rd General Assembly. The member initially appointed pursuant to this amendatory Act of the 93rd General Assembly to fill this seat shall serve until the second Wednesday of January, 2009.

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

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

(d) Vacancies in terms shall be filled by appointment by the Governor with the advice and consent of the Senate for the extent of the unexpired term. If a vacancy in membership occurs at a time when the Senate is not in session, the Governor shall make a temporary appointment until the next meeting of the Senate, when the Governor shall appoint a person to fill that membership for the remainder of its term. If the Senate is not in session when appointments for a full term are made, the appointments shall be made as in the case of vacancies.  
(Source: P.A. 93-1036, eff. 9-14-04.)

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

Sec. 1A-2. Qualifications. The members of the State Board of Education shall be citizens of the United States and residents of the State of Illinois and shall be selected as far as may be practicable on the basis of their knowledge of, or interest and experience in, problems of public education. No member of the State Board of Education shall be gainfully employed or administratively connected with any school system, nor have any interest in or benefit from funds provided by the State Board of Education to an institution of higher learning, public or private, within Illinois, nor shall they be members of a school board or board of school trustees of a public or nonpublic school, college, university or technical institution within Illinois. No member shall be appointed to more than 2 six year terms. Members shall be reimbursed for all ordinary and necessary expenses incurred in performing their duties as members of the Board. Expenses shall be approved by the Board and be consistent with the laws, policies, and requirements of the State of Illinois regarding such expenditures, plus any member may include in his claim for expenses \$50 per day for meeting days.  
(Source: P.A. 90-548, eff. 1-1-98.)

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

Sec. 1A-2.1. Vacancies. The Governor may remove for incompetence, neglect of duty, or

malfeasance in office any member of the State Board of Education. A vacancy also exists on the State Board of Education when one or more of the following events occur:

1. A member dies.
2. A member files a written resignation with the Governor.
3. A member is adjudicated to be a person under legal disability under the Probate Act of 1975 or a person subject to involuntary admission under the Mental Health and Developmental Disabilities Code.
4. A member ceases to be a resident of the region from which he or she was appointed.
5. A member is convicted of an infamous crime or of any offense involving a violation of his or her duties under this Code.
6. A member fails to maintain the qualifications stated in Section 1A-2 of this Code.

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

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

Sec. 1A-4. Powers and duties of the Board.

A. (Blank).

B. The Board shall determine the qualifications of and appoint a chief education officer, to be known as the State Superintendent of Education, who may be proposed by the Governor and who shall serve at the pleasure of the Board and pursuant to a performance-based contract linked to statewide student performance and academic improvement within Illinois schools. Upon expiration or buyout of the contract of the State Superintendent of Education in office on the effective date of this amendatory Act of the 93rd General Assembly, a State Superintendent of Education shall be appointed by a State Board of Education that includes the 7 new Board members who were appointed to fill seats of members whose terms were terminated on the effective date of this amendatory Act of the 93rd General Assembly. Thereafter, a State Superintendent of Education must, at a minimum, be appointed at the beginning of each term of a Governor after that Governor has made appointments to the Board. A performance-based contract issued for the employment of a State Superintendent of Education entered into on or after the effective date of this amendatory Act of the 93rd General Assembly must expire no later than February 1, 2007, and subsequent contracts must expire no later than February 1 each 4 years thereafter. No contract shall be extended or renewed beyond February 1, 2007 and February 1 each 4 years thereafter, but a State Superintendent of Education shall serve until his or her successor is appointed. Each contract entered into on or before January 8, 2007 with a State Superintendent of Education must provide that the State Board of Education may terminate the contract for cause, and the State Board of Education shall not thereafter be liable for further payments under the contract. With regard to this amendatory Act of the 93rd General Assembly, it is the intent of the General Assembly that, beginning with the Governor who takes office on the second Monday of January, 2007, a State Superintendent of Education be appointed at the beginning of each term of a Governor after that Governor has made appointments to the Board. The State Superintendent of Education shall not serve as a member of the State Board of Education. The Board shall set the compensation of the State Superintendent of Education who shall serve as the Board's chief executive officer. The Board shall also establish the duties, powers and responsibilities of the State Superintendent, which shall be included in the State Superintendent's performance-based contract along with the goals and indicators of student performance and academic improvement used to measure the performance and effectiveness of

the State Superintendent. The State Board of Education may delegate to the State Superintendent of Education the authority to act on the Board's behalf, provided such delegation is made pursuant to adopted board policy or the powers delegated are ministerial in nature. The State Board may not delegate authority under this Section to the State Superintendent to (1) nonrecognize school districts, (2) withhold State payments as a penalty, or (3) make final decisions under the contested case provisions of the Illinois Administrative Procedure Act unless otherwise provided by law.

C. The powers and duties of the State Board of Education shall encompass all duties delegated to the Office of Superintendent of Public Instruction on January 12, 1975, except as the law providing for such powers and duties is thereafter amended, and such other powers and duties as the General Assembly shall designate. The Board shall be responsible for the educational policies and guidelines for public schools, pre-school through grade 12 and Vocational Education in the State of Illinois. The Board shall analyze the present and future aims, needs, and requirements of education in the State of Illinois and recommend to the General Assembly the powers which should be exercised by the Board. The Board shall recommend the passage and the legislation necessary to determine the appropriate relationship between the Board and local boards of education and the various State agencies and shall recommend desirable modifications in the laws which affect schools.

D. Two members of the Board shall be appointed by the chairperson to serve on a standing joint Education Committee, 2 others shall be appointed from the Board of Higher Education, 2 others shall be appointed by the chairperson of the Illinois Community College Board, and 2 others shall be appointed by the chairperson of the Human Resource Investment Council. The Committee shall be responsible for making recommendations concerning the submission of any workforce development plan or workforce training program required by federal law or under any block grant authority. The Committee will be responsible for developing policy on matters of mutual concern to elementary, secondary and higher education such as Occupational and Career Education, Teacher Preparation and Certification, Educational Finance, Articulation between Elementary, Secondary and Higher Education and Research and Planning. The joint Education Committee shall meet at least quarterly and submit an annual report of its findings, conclusions, and recommendations to the State Board of Education, the Board of Higher Education, the Illinois Community College Board, the Human Resource Investment Council, the Governor, and the General Assembly. All meetings of this Committee shall be official meetings for reimbursement under this Act. On the effective date of this amendatory Act of the 95th General Assembly, the Joint Education Committee is abolished.

E. Five members of the Board shall constitute a quorum. A majority vote of the members appointed, confirmed and serving on the Board is required to approve any action, except that the 7 new Board members who were appointed to fill seats of members whose terms were terminated on the effective date of this amendatory act of the 93rd General Assembly may vote to approve actions when appointed and serving.

Using the most recently available data, the Board shall prepare and submit to the General Assembly and the Governor on or before January 14, 1976 and annually thereafter a report or reports of its findings and recommendations. Such annual report shall contain a separate section which provides a critique and analysis of the status of education in Illinois and which identifies its specific problems and recommends express solutions therefor. Such annual report also shall

contain the following information for the preceding year ending on June 30: each act or omission of a school district of which the State Board of Education has knowledge as a consequence of scheduled, approved visits and which constituted a failure by the district to comply with applicable State or federal laws or regulations relating to public education, the name of such district, the date or dates on which the State Board of Education notified the school district of such act or omission, and what action, if any, the school district took with respect thereto after being notified thereof by the State Board of Education. The report shall also include the statewide high school dropout rate by grade level, sex and race and the annual student dropout rate of and the number of students who graduate from, transfer from or otherwise leave bilingual programs. The Auditor General shall annually perform a compliance audit of the State Board of Education's performance of the reporting duty imposed by this amendatory Act of 1986. A regular system of communication with other directly related State agencies shall be implemented.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Council, as required by Section 3.1 of the General Assembly Organization Act, and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

F. Upon appointment of the 7 new Board members who were appointed to fill seats of members whose terms were terminated on the effective date of this amendatory Act of the 93rd General Assembly, the Board shall review all of its current rules in an effort to streamline procedures, improve efficiency, and eliminate unnecessary forms and paperwork.

(Source: P.A. 95-626, eff. 6-1-08; 95-793, eff. 1-1-09.)

EXHIBIT B  
STATE BOARD CODE OF CONDUCT

Adopted May 25, 1997

The Illinois State Board of Education recognizes its responsibility to lead the effort to provide an excellent education for every child in Illinois. The task demands the highest standards of professional and ethical conduct to inspire confidence that this Board will meet the goal. As a member of this Board, I shall do my best to meet these standards:

1. To devote the time, thought and study needed to perform in an exemplary manner my responsibilities as an educational leader, state policy maker and steward of public funds.
2. To work with fellow Board members in a spirit of harmony and cooperation in spite of difference of opinion that may arise during vigorous debate.
3. To base my personal decisions upon all available facts and upon the best thinking that emerges from Board debate; to vote my honest conviction in every case, unswayed by partisan, regional, or other bias; and once the decision has been made, to abide by and uphold the final majority of the Board.
4. To remember that I have no legal authority as an individual outside the meetings of the Board; to conduct my relationships with State Board staff, the public and the media in a manner which is consistent with this fact; and to avoid speaking or giving the appearance of speaking for the Board except when either representing an adopted position of the Board or when designated as its spokesperson.
5. To avoid circumstances that present conflicts of interest or even the appearance of impropriety with respect to my position as a member of the State Board of Education.
6. To maintain strict confidentiality regarding Agency information and executive session matters until privileged information becomes public knowledge.
7. To bear in mind that the primary function of the Board is to establish policy and that the implementation of such policy is the responsibility of the State Superintendent and the staff of the state education agency.
8. To welcome and encourage active participation by citizens in the development of educational policy and to do my utmost to respect and represent perspectives from all parts of the diverse communities we serve across the state.
9. To strive for positive and productive Board relationships with the State Superintendent and Agency staff, and all individuals and groups with whom we work as members of the Illinois State Board of Education.

EXHIBIT C  
STATE BOARD CONFLICTS OF INTEREST POLICY

**1.1. Definitions.** The following Conflicts of Interest Policy shall apply to any matter in which a State Board member has or may have a conflict of interest. A member has a conflict of interest in a matter if the member's interest, either through business, investment or family, might reasonably create the appearance of or result in;

1. using public office for direct or indirect private gain;
2. giving preferential treatment to any organization or person;
3. losing independence or impartiality of action;
4. making a government decision outside official channels; or
5. adversely affecting the confidence of the public in the integrity of the Board.

**1.2. Disclosure.** Prior to the Board taking action on a matter in which a Board member has or may have a conflict of interest, the interested Board member shall disclose such interest to the other Board members and all material facts relating thereto.

**1.3. Determination of Potential Conflict of Interest.** A Board member may use any one of the following procedures to determine whether an interest constitutes a conflict of interest:

- i. The member may request a determination from the General Counsel of the State Board of Education;
- ii. The member may ask the Board to determine whether such an interest constitutes a conflict of interest. The Board shall ask the member with the potential conflict of interest to leave the meeting during such discussions or deliberations on whether a conflict of interest exists. The member with the potential conflict of interest may be counted in determining the existence of a quorum at any meeting of the Board where the interest is discussed but shall not vote on whether a conflict exists. A majority of the non-interested Board members present at a meeting at which a quorum is present must determine whether a conflict exists; or
- iii. The member with the potential conflict of interest may indicate his or her willingness to follow the procedures set forth in Section 1.4 of this Policy absent a determination by the Board that a conflict of interest exists.

**1.4. Procedure When Conflict of Interest Determined.** Upon the Board's determination that a conflict of interest exists:

- i. The Chairperson may appoint a non-interested person to investigate alternatives to the proposed transaction or arrangement;
- ii. The Board must approve the matter involving the conflict of interest by a majority vote of non-interested members as being in the best interest of the Board and for the Board's own benefit; and
- iii. The member with the conflict of interest shall not be present for discussion or vote regarding the matter.

**1.5. Procedures for Adequate Record Keeping.** The minutes of the meeting of the Board shall include: (i) the names of the member(s) who disclosed an actual or potential conflict of interest, the nature of the conflict of interest, and whether the Board determined there may be a conflict of interest; and (ii) the names of the members who were present for discussion and votes relating to the matter, the content of these discussions, and a record of the vote.