



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB3380

Introduced 2/24/2011, by Rep. William Davis

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Educational Ethics Act. Provides that no person holding an elected or appointed position with a school board, a regional office of education, a local school council, or any other entity with the power to designate, approve, refer, or otherwise influence the award of contracts with any State or local governmental educational entity may (1) solicit or receive any remuneration from an entity or individual whom he or she knows or should have known to have a legislative, economic, or direct pecuniary interest in such contract; (2) accept compensation for performance of his or her duties in the position, with exceptions; or (3) accept any economic opportunity under circumstances in which he or she knows or should know that there is a possibility that the opportunity is being afforded with the intent to influence his or her conduct in the performance of his or her official duties. Provides that whoever knowingly solicits, receives, offers, or pays any remuneration, compensation, gifts, or other economic opportunity in return for (i) referring, recommending, or otherwise assisting in the procurement of State or local government educational contracts or (ii) purchasing, leasing, ordering, arranging for, or otherwise recommending the purchasing, leasing, or ordering of any other good, facility, service, or item via a contract with a State or local governmental educational entity shall be barred from any further contracts or business with a State or local governmental educational entity. Sets forth certain meal and consulting exceptions. Requires specified disclosures to the Office of the Attorney General.

LRB097 08967 NHT 49100 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 1. Short title. This Act may be cited as the  
5 Educational Ethics Act.

6 Section 5. Prohibitions.

7 (a) No person holding an elected or appointed position with  
8 a school board, a regional office of education, a local school  
9 council, or any other entity with the power to designate,  
10 approve, refer, or otherwise influence the award of contracts  
11 with any State or local governmental educational entity may do  
12 any of the following:

13 (1) Solicit or receive any remuneration, directly or  
14 indirectly, overtly or covertly, in cash or in kind, from  
15 an entity or individual whom he or she knows or should have  
16 known to have a legislative, economic, or direct pecuniary  
17 interest in such contract.

18 (2) Accept compensation for performance of his or her  
19 duties in the position, except for payments made as  
20 provided by law or in his or her normal contract or terms  
21 and conditions of employment.

22 (3) Accept any economic opportunity under  
23 circumstances in which he or she knows or should know that

1           there is a possibility that the opportunity is being  
2           afforded with the intent to influence his or her conduct in  
3           the performance of his or her official duties.

4           (b) Whoever knowingly solicits, receives, offers, or pays  
5           any remuneration, compensation, gifts, or other economic  
6           opportunity in return for (i) referring, recommending, or  
7           otherwise assisting in the procurement of State or local  
8           government educational contracts or (ii) purchasing, leasing,  
9           ordering, arranging for, or otherwise recommending the  
10          purchasing, leasing, or ordering of any other good, facility,  
11          service, or item via a contract with a State or local  
12          governmental educational entity shall be barred from any  
13          further contracts or business with a State or local  
14          governmental educational entity.

15          Section 10. Exceptions. Section 5 of this Act does not  
16          apply to any of the following:

17               (1) Meals. In order to provide important and relevant  
18               information, persons under which subsection (a) of Section  
19               5 of this Act applies may take the opportunity to present  
20               information during the working day, including mealtimes.  
21               In connection with such a presentation, it is appropriate  
22               for occasional meals to be offered as a business courtesy  
23               so long as all of the following conditions are met:

24                       (A) The presentation provides scientific or  
25                       educational value.

1 (B) The meal does not exceed \$20 per person.

2 (C) The meal is not part of an entertainment or  
3 recreational event.

4 (D) The meal is provided in a manner constructive  
5 to informational communication.

6 (E) The meal is provided in an in-office setting.

7 (F) The meal is reported to the Office of the  
8 Attorney General.

9 (2) Consulting. Consulting arrangements between  
10 persons under which subsection (a) of Section 5 of this Act  
11 applies and educational professionals are allowable as  
12 long as they conform to all of the following guidelines:

13 (A) A written contract specifies the nature of the  
14 consulting services to be provided and the basis for  
15 payment of those services.

16 (B) A legitimate need for the consulting services  
17 has been clearly identified in writing and in advance  
18 of requesting the services and entering into  
19 arrangements with the prospective consultants.

20 (C) The criteria for selecting consultants are  
21 directly related to the identified purpose and are  
22 reduced to a written instrument, and the persons  
23 responsible for selecting the consultants have the  
24 expertise necessary to evaluate whether the particular  
25 educational professionals meet those criteria.

26 (D) The number of educational professionals

1 retained is not greater than the number reasonably  
2 necessary to achieve the identified purpose.

3 (E) The retaining entity maintains records  
4 concerning and makes appropriate use of the services  
5 provided by consultants, and the records are submitted  
6 to the Office of the Attorney General.

7 (F) The venue and circumstances of any meeting with  
8 consultants are conducive to the consulting services,  
9 and activities related to the services are the primary  
10 focus of the meeting and are disclosed to the Office of  
11 the Attorney General.

12 (G) No recreational or entertainment events are  
13 provided in conjunction with the meeting.

14 Section 15. Disclosures; public information.

15 (a) Any person, whether appointed, elected, or hired, who  
16 holds a position with a school board, a regional office of  
17 education, a local school council, or any other entity with the  
18 power to designate, approve, refer, or otherwise influence the  
19 award of contracts with any State or local governmental  
20 educational entity must file with the Office of the Attorney  
21 General a disclosure of all contracts the person or his or her  
22 spouse or immediate family members living with the person have  
23 with this State and all contracts between this State and any  
24 entity in which the person or his or her spouse or immediate  
25 family members living with the person have a majority financial

1 interest.

2 (b) Any person, whether appointed, elected, or hired, who  
3 holds a position with a school board, a regional office of  
4 education, a local school council, or any other entity with the  
5 power to designate, approve, refer, or otherwise influence the  
6 award of contracts with any State or local governmental  
7 educational entity must disclose the following interests to the  
8 Office of the Attorney General:

9 (1) The name, address, and type of practice of any  
10 professional organization or individual professional  
11 practice in which the person was an officer, director,  
12 associate, partner, or proprietor or served in any advisory  
13 capacity from which income in excess of \$1,200 was derived  
14 during the preceding calendar year.

15 (2) The nature of professional services and the nature  
16 of the entity to which they were rendered if fees exceeding  
17 \$1,200 were received by the person.

18 (3) The name of any entity that has employed the person  
19 during the preceding calendar year.

20 (4) The identity, including the address or legal  
21 description of real estate, of any capital asset from which  
22 a capital gain of \$1,200 or more was realized in the  
23 preceding calendar year.

24 (5) The name of any entity from which a gift or gifts  
25 or honorarium or honoraria, valued singly or in the  
26 aggregate in excess of \$500, was received during the

1 preceding calendar year.

2 (c) All disclosures, records, or reports submitted under  
3 this Act to the Office of the Attorney General must be made  
4 public on the Attorney General's Internet website within 7  
5 business days after receipt.