



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4309

by Rep. Margo McDermed

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.3a new

Amends the School Code. Requires the State Board of Education to appoint an Inspector General who shall be independent of the operations of the State Board and who has the authority to conduct investigations into allegations of or incidents of waste, fraud, and financial mismanagement in public education by a school district (other than the Chicago school district) or its school board or by an employee, contractor, or member of the school board or district. Requires the Inspector General to make recommendations to the State Board about the investigations and provide to the State Board and the General Assembly a summary of reports and investigations made for the previous fiscal year no later than January 1 of each year. Sets forth provisions concerning compensation, appointment, powers and duties, access, and penalties.

LRB099 14422 NHT 38737 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 adding Section
5 2-3.3a as follows:

6 (105 ILCS 5/2-3.3a new)

7 Sec. 2-3.3a. Inspector General.

8 (a) The State Board of Education shall appoint an Inspector
9 General. The Inspector General shall have the authority to
10 conduct investigations into allegations of or incidents of
11 waste, fraud, and financial mismanagement in public education
12 by a school district, other than a school district organized
13 under Article 34 of this Code, or its school board or by an
14 employee, contractor, or member of the school board or
15 district. The Inspector General shall make recommendations to
16 the State Board about the investigations. The State Board shall
17 set the compensation of the Inspector General. The Inspector
18 General shall be appointed by the State Board as soon as
19 practicable after the effective date of this amendatory Act of
20 the 99th General Assembly and shall serve for a term expiring
21 on June 30, 2020 and until his or her successor is appointed
22 and has qualified. Each successor in office shall be appointed
23 by the State Board for a 4-year term expiring on June 30th of

1 an even-numbered year and shall serve until his or her
2 successor is appointed and has qualified. If the Inspector
3 General leaves office or if a vacancy in that office otherwise
4 occurs, the State Board shall appoint a successor to serve
5 under this Section for the remainder of the unexpired term. The
6 Inspector General shall be independent of the operations of the
7 State Board and shall perform other duties requested by the
8 State Board.

9 (b) The Inspector General shall have access to all
10 information and personnel necessary to perform the duties of
11 the office. If the Inspector General determines that a possible
12 criminal act has been committed or that special expertise is
13 required in an investigation, he or she shall immediately
14 notify local law enforcement and the State's Attorney that has
15 jurisdiction in the area encompassing the school district. All
16 investigations conducted by the Inspector General must be
17 conducted in a manner that ensures the preservation of evidence
18 for use in criminal prosecutions.

19 (c) At all times the Inspector General must be granted
20 access to any building or facility that is owned, operated, or
21 leased by a school board or school district.

22 (d) The Inspector General shall have the power to subpoena
23 witnesses and compel the production of records, books, papers,
24 and other documents pertinent to an investigation authorized by
25 this Section. Any person who (i) fails to appear in response to
26 a subpoena, (ii) fails to answer any question, (iii) fails to

1 produce any records, books, papers, or other documents
2 pertinent to an investigation under this Section, or (iv)
3 knowingly gives false testimony during an investigation under
4 this Section is guilty of a Class A misdemeanor.

5 (e) The Inspector General shall provide to the State Board
6 of Education and the General Assembly, as provided in Section
7 3.1 of the General Assembly Organization Act, a summary of
8 reports and investigations made under this Section for the
9 previous fiscal year no later than January 1 of each year. The
10 summaries shall detail the final disposition of the Inspector
11 General's recommendations made to the State Board. The
12 summaries shall not contain any confidential or identifying
13 information concerning the subjects of the reports and
14 investigations. The summaries shall also include detailed
15 recommended administrative actions and matters for
16 consideration by the General Assembly.