

March 31, 2014

Dear Editor,

The Illinois State Board of Education (ISBE) is pushing forward with legislation, HB 5537, that will allow it to remove locally elected school board members from office for what it deems to be poor governance or bad behavior. Current law already allows for the removal of school board members for repeatedly failing to meet student achievement standards, for being convicted of a crime, and for failing to perform the duties of the office. This legislation allows the ISBE, appointed by the Governor, to remove officials who were duly elected by the parents/voters/taxpayers of the community.

If a school district in the pool of “takeover-eligible” schools fails to receive accreditation from a yet unnamed national education organization, the ISBE will remove the entire school board and appoint an Independent Authority to assume all school board responsibilities (including setting tax levies). Even if an individual member of the school board has, by the ISBE’s own admission, done nothing wrong, he/she will be removed from office, according to the legislation. Further, once the Independent Authority is established, school board elections are “suspended”, not allowing local citizens to have a say in their student’s education at their local schools.

I, and my fellow school board members across the State, have volunteered our service for the sole purpose of betterment of our children’s education. We have gladly taken on the recent laws that enhance school board accountability and transparency. This proposal, however, is a gross overreach of a State government regulatory agency.

Let’s allow our local community to determine our school district policy, budget, and to elect our school board members – not an appointed panel in Springfield. Please tell your legislators to vote “no” on HB 5537.

Sincerely,

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SCHOOL BOARD REMOVAL LEGISLATION (HB 5537)

Background

- Current law allows for the ISBE to remove board members and administrators based on *student achievement* only (based on the original No Child Left Behind federal legislation)
- Current law also automatically *creates a vacancy* on a school board if a board member is convicted of a crime
- Current law allows Regional Superintendents of Schools to *remove school board members* who fail to perform their official duties
- HB 5537 allows the ISBE to remove a school board “specifically related to school board governance”
- School boards eligible for removal would be from a district on the ISBE’s “priority schools” list – generally consisting of the schools in the lowest 5% for student achievement, less than a 60% high school graduation rates, or has a school receiving a school improvement grant
- There are 147 priority schools from 30 school districts currently – 92 of the schools are in the City of Chicago, yet *Chicago Public Schools are exempt from this legislation*
- There would be a new list of priority schools each year

Board Removal Process

- All school boards with a priority school would have to have a needs assessment completed by the ISBE
- After the needs assessment, the schools would go through a months-long review of school board governance by a yet unnamed national education accreditation organization (*with unknown criteria*). If the district fails to receive accreditation, *the ISBE may remove the entire board of education and replace it with an Independent Authority that would operate the district.*
- Each school board member would have the right to individually appeal the ISBE’s decision to remove the board, but the ISBE could only remove the entire school board. *Even if there has been no wrong doing by an individual school board member elected by the community, the ISBE would remove him/her from office.*
- The Independent Authority would consist of five to seven people appointed by the State Superintendent of Education (a majority must be from the school district boundaries). The Independent Authority would “have all of the powers and duties of a board and all other powers necessary to meet its responsibilities and to carry out its purposes”.
- School board *elections would be “suspended”* for two years after establishment of the Independent Authority. Upon the next election, three school board members could be elected. In the next school board election, four school boards could be elected. The Independent Authority stays in place for this entire time period.

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- Once seven members of the board have been elected, the Independent Authority stays in place until the district has another accreditation audit performed and achieves accreditation.
- School board members removed from office *are prohibited from running for election* to the school board for 10 years after the abolishment of the Independent Authority.

Final Points

- Why should an *unelected body, appointed by the Governor*, have the authority to remove from office a person duly elected by the voters of the community?
- Why should a board member who is *innocent* of any wrong doing *be removed from elected office*?
- Why should members of the community *lose their right to vote* for members of public office?
- Should an unaccountable, appointed body have the *authority to set tax levies*?
- Why is the process dependent on an accreditation tool, likely based outside of Illinois, of which *no one has knowledge of standards or criteria*?
- Does the ISBE have the capacity to *take over operation of up to 30 school districts* per year?
- Why is the school district with *the most priority schools* exempt from the legislation?
- *Is another law necessary* when current law automatically removes school board members for conviction of a crime and Regional Superintendents have the power to remove?

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