

1 AN ACT concerning schools.

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 Article
5 1E as follows:

6 (105 ILCS 5/Art. 1E heading new)

7 ARTICLE 1E. ILLINOIS EDUCATIONAL INSPECTOR GENERAL

8 (105 ILCS 5/1E-5 new)

9 Sec. 1E-5. Illinois Educational Inspector General.

10 (a) The State Board of Education shall appoint an
11 Illinois Educational Inspector General, based on a
12 recommendation made by the State Superintendent of Education
13 and with the advice and consent of the Senate, who shall have
14 the authority to conduct investigations into allegations or
15 incidents of waste, fraud, and financial mismanagement in
16 public education grades prekindergarten through 12 by any
17 employee, officer, board member, or contractor of any
18 regional office of education, educational service center,
19 joint agreement program, school district, charter school, or
20 the State Board of Education or involving public educational
21 projects managed or handled by third party agents. The
22 Illinois Educational Inspector General shall be appointed for
23 a term of 3 years and shall be independent of the operation
24 of the State Board of Education.

25 (b) The Illinois Educational Inspector General shall
26 have access to all information and personnel necessary to
27 perform the duties of the office. If the Illinois
28 Educational Inspector General determines that a possible
29 criminal act has been committed or that special expertise is
30 required in the investigation, the Illinois Educational

1 Inspector General shall immediately notify the Illinois State
2 Police and the Illinois Attorney General's Office. All
3 investigations conducted by the Illinois Educational
4 Inspector General shall be conducted in a manner that ensures
5 the preservation of evidence for use in criminal
6 prosecutions.

7 (c) At all times the Illinois Educational Inspector
8 General shall be granted access to any building or facility
9 that is owned or leased by any regional office of education,
10 educational service center, joint agreement program, school
11 district, charter school, or the State Board of Education.

12 (d) The Illinois Educational Inspector General shall
13 have the power to subpoena witnesses and compel the
14 production of books, papers, software, or other materials
15 pertinent to any investigation authorized by this Section.
16 Any subpoena issued under this Section shall contain all of
17 the following information:

18 (1) The alleged violation that is under
19 investigation and the general subject matter of the
20 investigation.

21 (2) The date and place at which the person is
22 required to appear or produce documentary material in his
23 or her possession, custody, or control. The date shall
24 not be less than 10 business days from the date of
25 service of the subpoena.

26 (3) Where documentary material is required to be
27 produced, the documentary material shall be described so
28 as to clearly indicate the material demanded.

29 When documentary material is demanded by subpoena, the
30 subpoena shall not (i) contain any requirement that would be
31 unreasonable or improper if contained in a subpoena duces
32 tecum issued by a court of this State, (ii) require the
33 disclosure of any documentary material that would be
34 privileged or that for any other reason would not be required

1 by a subpoena duces tecum issued by a court of this State,
2 (iii) contain any threat of criminal prosecution for failure
3 to comply, or (iv) compel production of information already
4 within the possession or control of the State Board of
5 Education.

6 If a witness refuses to obey a subpoena issued under this
7 Section, the Illinois Educational Inspector General may
8 petition a circuit court of proper jurisdiction for an order
9 requiring the witness to attend and testify or to produce
10 documentary evidence. The circuit court shall hear the
11 petition, and the Illinois Educational Inspector General
12 shall provide notice of the hearing to the witness, who shall
13 have an opportunity to object to the issuance of the
14 subpoena. If it appears that the witness should testify or
15 should produce documentary evidence, the circuit court may
16 enter an order requiring the witness to obey the subpoena.
17 If the circuit court enters such an order, the Illinois
18 Educational Inspector General shall personally serve a copy
19 of the order to the witness along with a copy of the
20 provisions of this subsection (d), which the Illinois
21 Educational Inspector General shall attach to the order.
22 Failure of a person to obey the court order is a Class A
23 misdemeanor.

24 (e) The Inspector General appointed pursuant to Article
25 34 shall on a monthly basis report to the Illinois
26 Educational Inspector General the status of all pending
27 investigations. The Illinois Educational Inspector General
28 shall have the authority to determine whether, in a specific
29 investigation, a conflict of interest exists between the
30 ability of the Inspector General appointed pursuant to
31 Article 34 to continue to report to, or make recommendations
32 to, the Chicago Board of Education and the Inspector
33 General's ability to conduct the specific investigation. In
34 such instances, the Inspector General appointed pursuant to

1 Article 34 shall report directly to the Illinois Educational
2 Inspector General. This reporting arrangement shall be
3 limited to investigations under this subsection (e).

4 (f) The Illinois Educational Inspector General shall
5 provide to the State Board of Education, the President of the
6 Senate, the Minority Leader of the Senate, the Speaker of the
7 House of Representatives, the Minority Leader of the House of
8 Representatives, and the Governor a summary of reports and
9 investigations made under this Section for the previous
10 fiscal year no later than December 1 of each year. The
11 summary shall detail the final disposition of those reports
12 and investigations and shall also include detailed
13 recommended administrative actions and matters for
14 consideration by the General Assembly. The summary shall not
15 contain any confidential or identifying information
16 concerning the subjects of the reports and investigations,
17 disclosure of which may violate privacy laws or endanger any
18 ongoing investigations.

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.