



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/05/04, by Mike Boland

SYNOPSIS AS INTRODUCED:

105 ILCS 5/11A-8	from Ch. 122, par. 11A-8
105 ILCS 5/11B-7	from Ch. 122, par. 11B-7

Amends the School Code concerning the organization of unit and combined school districts. Provides that referenda to elect board members at large must pass by a majority of those voting at the election in each congressional township of more than 100 inhabitants (now, in each congressional township, including those of less than 100 inhabitants). Effective immediately.

LRB093 18329 NHT 44035 b

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 changing Sections
5 11A-8 and 11B-7 as follows:

6 (105 ILCS 5/11A-8) (from Ch. 122, par. 11A-8)
7 Sec. 11A-8. Passage requirements.

8 (a) Except as otherwise provided by Section 11A-7, the
9 proposition to create a community unit school district shall be
10 submitted only to the voters of the territory which comprises
11 the proposed community unit school district, and if a majority
12 of the voters in each of the affected school districts voting
13 at such election vote in favor of the establishment of such
14 community unit school district, the proposition shall be deemed
15 to have passed. Unless the board of education of a new
16 community unit school district is elected at the same election
17 at which the proposition establishing that district is deemed
18 to have passed, the regional superintendent of schools shall
19 order an election to be held on the next regularly scheduled
20 election date for the purpose of electing a board of education
21 for that district. In either event, the board of education
22 elected for a new community unit school district created under
23 this Article shall consist of 7 members who shall have the
24 terms and the powers and duties of school boards as defined in
25 Article 10 of this Act. Nomination papers filed under this
26 Section are not valid unless the candidate named therein files
27 with the regional superintendent a receipt from the county
28 clerk showing that the candidate has filed a statement of
29 economic interests as required by the Illinois Governmental
30 Ethics Act. Such statement shall be so filed either previously
31 during the calendar year in which his nomination papers were
32 filed or within the period for the filing of nomination papers

1 in accordance with the general election law. The regional
2 superintendent shall perform the election duties assigned by
3 law to the secretary of a school board for such election, and
4 shall certify the officers and candidates therefor pursuant to
5 the general election law.

6 (b) Except as otherwise provided in subsection (c), for
7 school districts formed before January 1, 1975, if the
8 territory of such district is greater than 2 congressional
9 townships or 72 square miles, then not more than 3 board
10 members may be selected from any one congressional township,
11 but congressional townships of less than 100 inhabitants shall
12 not be considered for the purpose of such mandatory board
13 representation, and in any such community unit district where
14 at least 75% but not more than 90% of the population is in one
15 congressional township 4 board members shall be selected
16 therefrom and 3 board members shall be selected from the rest
17 of the district, but in any such community unit district where
18 more than 90% of the population is in one congressional
19 township all board members may be selected from one or more
20 congressional townships; and whenever the territory of any
21 community unit district shall consist of not more than 2
22 congressional townships or 72 square miles, but shall consist
23 of more than one congressional township, or 36 square miles,
24 outside of the corporate limits of any city, village or
25 incorporated town within the school district, not more than 5
26 board members shall be selected from any city, village or
27 incorporated town in such school district.

28 (c) The provisions of subsection (b) for mandatory board
29 representation shall no longer apply to a community unit school
30 district formed prior to January 1, 1975, and the members of
31 the board of education shall be elected at large from within
32 that school district and without restriction by area of
33 residence within the district if both of the following
34 conditions are met with respect to that district:

35 (1) A proposition for the election of board members at
36 large and without restriction by area of residence within

1 the district rather than in accordance with the provisions
2 of subsection (b) for mandatory board representation is
3 submitted to the school district's voters at a regular
4 school election or at the general election as provided in
5 this subsection (c).

6 (2) A majority of those voting at the election in each
7 congressional township of more than 100 inhabitants
8 comprising the territory of the school district, ~~including~~
9 ~~any congressional township of less than 100 inhabitants,~~
10 vote in favor of the proposition.

11 The board of education of the school district may by
12 resolution order submitted or, upon the petition of the lesser
13 of 2,500 or 5% of the school district's registered voters,
14 shall order submitted to the school district's voters at a
15 regular school election or at the general election the
16 proposition for the election of board members at large and
17 without restriction by area of residence within the district
18 rather than in accordance with the provisions of subsection (b)
19 for mandatory board representation; and the proposition shall
20 thereupon be certified by the board's secretary for submission.
21 If a majority of those voting at the election in each
22 congressional township of more than 100 inhabitants comprising
23 the territory of the school district, ~~including any~~
24 ~~congressional township of less than 100 inhabitants,~~ vote in
25 favor of the proposition: (i) the proposition to elect board
26 members at large and without restriction by area of residence
27 within the district shall be deemed to have passed, (ii) new
28 members of the board shall be elected at large and without
29 restriction by area of residence within the district at the
30 next regular school election, and (iii) the terms of office of
31 the board members incumbent at the time the proposition is
32 adopted shall expire when the new board members that are
33 elected at large and without restriction by area of residence
34 within the district have organized in accordance with Section
35 10-16. In a community unit school district that formerly
36 elected its members under subsection (b) to successive terms

1 not exceeding 4 years, the members elected at large and without
2 restriction by area of residence within the district shall be
3 elected for a term of 4 years, and in a community unit school
4 district that formerly elected its members under subsection (b)
5 to successive terms not exceeding 6 years, the members elected
6 at large and without restriction by area of residence within
7 the district shall be elected for a term of 6 years; provided,
8 that in each case the terms of the board members initially
9 elected at large and without restriction by area of residence
10 within the district as provided in this subsection shall be
11 staggered and determined in accordance with the provisions of
12 Sections 10-10 and 10-16.

13 (Source: P.A. 89-129, eff. 7-14-95.)

14 (105 ILCS 5/11B-7) (from Ch. 122, par. 11B-7)

15 Sec. 11B-7. Passage requirements.

16 (a) Except as otherwise provided in subsection (a-5) of
17 this Section, if a majority of the electors voting at such
18 election held within the territory of the proposed combined
19 school district vote in favor of the establishment of such
20 combined school district, the proposition shall be deemed to
21 have passed. Unless the board of education of a new combined
22 school district is elected at the same election at which the
23 proposition establishing that district is deemed to have
24 passed, the regional superintendent of schools shall order an
25 election to be held on the next regularly scheduled election
26 date for the purpose of electing a board of education for that
27 district. In either event, the board of education elected for a
28 new combined school district created under this Article shall
29 consist of 7 members who shall have the terms and the powers
30 and duties of school boards as defined in Article 10 of this
31 Act, except that the initial members of the board of education
32 of a new combined school district to which the provisions of
33 subsection (a-5) apply shall be elected to serve terms as
34 provided in subsection (a-5) of this Section. Nomination papers
35 filed under this Section are not valid unless the candidate

1 named therein files with the regional superintendent a receipt
2 from the county clerk showing that the candidate has filed a
3 statement of economic interest as required by the Illinois
4 Governmental Ethics Act. Such statement shall be so filed
5 either previously during the calendar year in which his
6 nomination papers were filed or within the period for the
7 filing of nomination papers in accordance with the general
8 election law. The regional superintendent shall perform the
9 election duties assigned by law to the secretary of a school
10 board for such election, and shall certify the officers and
11 candidates therefor pursuant to the general election law.

12 (a-5) If a petition is filed under this Article to form a
13 combined school district from 2 contiguous, entire elementary
14 school districts (both of which districts are located in a
15 county with a population in excess of 175,000, one of which
16 districts has an enrollment for the 1996-1997 school year of
17 not less than 70 nor more than 75 pupils and not less than 340
18 nor more than 350 registered voters on the effective date of
19 this amendatory Act of 1997, and the other of which districts
20 has an enrollment for the 1996-1997 school year of not less
21 than 275 nor more than 280 pupils and not less than 1600 nor
22 more than 1610 registered voters on the effective date of this
23 amendatory Act of 1997), and if the proposition to establish
24 that combined school district is submitted to the voters at the
25 nonpartisan election in November of 1997 or at any regular
26 scheduled election during calendar year 1998, then the
27 proposition shall be deemed to have passed if and only if a
28 majority of the voters in each of the 2 affected elementary
29 school districts voting at the election vote in favor of the
30 establishment of the combined school district. At the election
31 at which the initial members of the board of education of the
32 new combined school district are elected (whether they are
33 elected at the same election at which the proposition
34 establishing the combined school district is deemed to have
35 passed or at the next regularly scheduled election), one shall
36 be elected at large from within the territory that is to

1 comprise the combined school district, 3 shall be elected by
2 area of residence within the territory that, until the combined
3 school district is established, comprises one of the affected
4 elementary school districts that forms part of the combined
5 school district, and 3 shall be elected by area of residence
6 within the territory that, until the combined school district
7 is established, comprises the other affected elementary school
8 district that forms the remainder of the combined school
9 district. All 7 of the initial board members shall serve for
10 unstagged terms that expire when their successors are elected
11 and have organized in accordance with Section 10-16. The
12 immediate successors in office of the initial board members of
13 the combined school district shall be elected at the regular
14 school election held in calendar year 2001. Those immediate
15 successors and their successors in office shall be elected at
16 large from within the combined school district and without
17 restriction by area of residence for a term of 4 years;
18 provided that the terms of the board members elected at the
19 regular school election held in calendar year 2001 shall be
20 staggered and determined in accordance with the provisions of
21 Section 10-16.

22 (b) Except as otherwise provided in subsection (c), for
23 school districts formed before July 1, 1983, if the territory
24 of such district is greater than 2 congressional townships or
25 72 square miles, then not more than 3 board members may be
26 selected from any one congressional township, but
27 congressional townships of less than 100 inhabitants shall not
28 be considered for the purpose of such mandatory board
29 representation, and in any such combined school district where
30 at least 75% but not more than 90% of the population is in one
31 congressional township 4 board members shall be selected
32 therefrom and 3 board members shall be selected from the rest
33 of the district, but in any such combined school district where
34 more than 90% of the population is in one congressional
35 township all board members may be selected from one or more
36 congressional townships; and whenever the territory of any

1 combined school district shall consist of not more than 2
2 congressional townships or 72 square miles, but shall consist
3 of more than one congressional township, or 36 square miles,
4 outside of the corporate limits of any city, village or
5 incorporated town within the school district, not more than 5
6 board members shall be selected from any city, village or
7 incorporated town in such school district.

8 (c) The provisions of subsection (b) for mandatory board
9 representation shall no longer apply to a combined school
10 district formed before July 1, 1983 or to community
11 consolidated school districts, and the members of the board of
12 education shall be elected at large from within the school
13 district and without restriction by area of residence within
14 the district if both of the following conditions are met with
15 respect to that district:

16 (1) A proposition for the election of board members at
17 large and without restriction by area of residence within
18 the district rather than in accordance with the provisions
19 of subsection (b) for mandatory board representation is
20 submitted to the school district's voters at a regular
21 school election or at the general election as provided in
22 this subsection (c).

23 (2) A majority of those voting at the election in each
24 congressional township of more than 100 inhabitants
25 comprising the territory of the school district, ~~including~~
26 ~~any congressional township of less than 100 inhabitants,~~
27 vote in favor of the proposition.

28 The board of education of the school district may by
29 resolution order submitted or, upon the petition of the lesser
30 of 2,500 or 5% of the school district's registered voters,
31 shall order submitted to the school district's voters at a
32 regular school election or at the general election the
33 proposition for the election of board members at large and
34 without restriction by area of residence within the district
35 rather than in accordance with the provisions of subsection (b)
36 for mandatory board representation; and the proposition shall

1 thereupon be certified by the board's secretary for submission.
2 If a majority of those voting at the election in each
3 congressional township of more than 100 inhabitants comprising
4 the territory of the school district, ~~including any~~
5 ~~congressional township of less than 100 inhabitants,~~ vote in
6 favor of the proposition: (i) the proposition to elect board
7 members at large and without restriction by area of residence
8 within the district shall be deemed to have passed, (ii) new
9 members of the board shall be elected at large and without
10 restriction by area of residence within the district at the
11 next regular school election, and (iii) the terms of office of
12 the board members incumbent at the time the proposition is
13 adopted shall expire when the new board members that are
14 elected at large and without restriction by area of residence
15 within the district have organized in accordance with Section
16 10-16. In a combined school district or a community
17 consolidated school district that formerly elected its members
18 under subsection (b) to successive terms not exceeding 4 years,
19 the members elected at large and without restriction by area of
20 residence within the district shall be elected for a term of 4
21 years, and in a combined school district that formerly elected
22 its members under subsection (b) to successive terms not
23 exceeding 6 years, the members elected at large and without
24 restriction by area of residence within the district shall be
25 elected for a term of 6 years; provided, that in each case the
26 terms of the board members initially elected at large and
27 without restriction by area of residence within the district as
28 provided in this subsection shall be staggered and determined
29 in accordance with the provisions of Sections 10-10 and 10-16.
30 (Source: P.A. 89-129, eff. 7-14-95; 89-416, eff. 11-22-95;
31 90-459, eff. 8-17-97.)

32 Section 99. Effective date. This Act takes effect upon
33 becoming law.