



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB0325

Introduced 1/27/2009, by Rep. Mike Fortner

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/8-1

from Ch. 122, par. 8-1

105 ILCS 5/10-10

from Ch. 122, par. 10-10

Amends the School Code. With respect to a school board of an elementary school, high school, or unit school district that forms a part of a Class II county school unit that was under the jurisdiction and authority of the township treasurer and trustees of schools of a township at the time those offices were abolished in that township, allows the school treasurer to also be a member of the school board (now prohibited); provides that if a member of the school board is also school treasurer, he or she shall perform his or her duties as school treasurer without compensation. With respect to school districts having a population of not fewer than 1,000 and not more than 500,000 inhabitants, allows a member of the board of education to also be a school treasurer (now prohibited). Effective immediately.

LRB096 03557 NHT 13582 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 8-1 and 10-10 as follows:

6 (105 ILCS 5/8-1) (from Ch. 122, par. 8-1)

7 Sec. 8-1. Treasurers.

8 (a) Except as otherwise provided in subsections (b) and  
9 (c), in Class II county school units the trustees of schools  
10 shall appoint a treasurer who shall be ex-officio clerk of the  
11 board. The term of the township treasurer shall be for a 2 year  
12 period beginning and ending on the first of July. The treasurer  
13 shall be a resident of the township, but not a trustee, or  
14 school board member. He shall attend all meetings and keep a  
15 record of the official proceedings of the trustees of schools.  
16 Such record shall be open to public inspection. All  
17 proceedings, when recorded, shall be signed by the president  
18 and the clerk. If the clerk is absent, or refuses to perform  
19 any of his duties, a clerk pro tempore may be appointed. For  
20 sufficient cause the treasurer may be removed from office by  
21 the trustees of schools. In case of a vacancy the trustees of  
22 schools shall elect a treasurer for the unexpired term.

23 (b) In Class I county school units, and in each school

1 district which forms a part of a Class II county school unit  
2 but which has withdrawn from the jurisdiction and authority of  
3 the trustees of schools of the township in which such school  
4 district is located and from the jurisdiction and authority of  
5 the township treasurer in such Class II county school unit as  
6 provided in subsection (b) of Section 5-1, each school board  
7 shall either elect one of its members to serve as treasurer  
8 without salary for a period of one year or appoint someone, not  
9 a member of the school board, as its treasurer, and, except as  
10 provided in this Section the board shall fix his compensation.  
11 An appointed treasurer shall serve at the pleasure of the  
12 board. An appointed treasurer shall be at least 21 years of  
13 age, of approved integrity, but not a member of the county  
14 board of school trustees. The records of the treasurer shall be  
15 open to public inspection. Two or more such districts may  
16 appoint the same treasurer. In case of a vacancy caused by the  
17 death, resignation or the removal from office of the school  
18 treasurer the school board shall appoint a treasurer. The  
19 school board may determine the temporary incapacity of its  
20 treasurer occasioned by illness, absence from the district or  
21 any other cause which prevents the prompt performance of his  
22 duties and appoint an acting treasurer to serve until the board  
23 determines such temporary incapacity no longer exists.

24 (c) The school board of each elementary school, high school  
25 and unit school district that forms a part of a Class II county  
26 school unit and that was under the jurisdiction and authority

1 of the township treasurer and trustees of schools of a township  
2 at the time those offices were abolished in that township as  
3 provided in subsection (c) of Section 5-1 shall appoint a  
4 person to serve as treasurer of the school board. The term of  
5 each school treasurer appointed under this subsection shall be  
6 for a 2 year period beginning and ending on the first day of  
7 July. A person appointed under this subsection to serve as  
8 treasurer of a school board shall not be ~~either a member of the~~  
9 ~~school board or~~ the superintendent of schools of the school  
10 district. A person appointed and serving under this subsection  
11 as treasurer of a school board may concurrently serve as the  
12 treasurer of the regional board of school trustees, if selected  
13 to serve in that capacity by the regional board of school  
14 trustees, as provided in subsection (c) of Section 5-1. The  
15 school board shall fix the compensation of its school  
16 treasurer, and for sufficient cause may remove the school  
17 treasurer from office. However, if a member of the school board  
18 is also school treasurer, he or she shall perform his or her  
19 duties as school treasurer without compensation. In the case of  
20 a vacancy, the school board shall appoint a school treasurer  
21 for the unexpired term. The school board may determine the  
22 temporary incapacity of its treasurer due to illness, absence  
23 from the district, or other cause that prevents the prompt  
24 performance of his duties and may appoint an acting treasurer  
25 to serve until the school board determines that the temporary  
26 incapacity of its treasurer no longer exists.

1           (d) After October 1, 1977, each treasurer in a Class I  
2 county school unit appointed under this Section for his first  
3 term shall have a financial background or related experience or  
4 12 semester hours of credit of college level accounting.

5           (e) After August 14, 1989, any treasurer appointed under  
6 this Section for his first term in Class II county school  
7 units, including any person appointed by a school board to  
8 serve as its treasurer as provided in subsection (c) of this  
9 Section, shall be a certified public accountant or a certified  
10 chief school business official as defined in part (3) of  
11 Section 21-7.3 of this Act. Experience as a township treasurer  
12 in a Class II county school unit prior to July 1, 1989 shall be  
13 deemed the equivalent of certification.

14           (f) Concurrently with the election or appointment of its  
15 own school treasurer by the school board of a school district  
16 which forms a part of a Class II county school unit but which  
17 no longer is subject to the jurisdiction and authority of a  
18 township treasurer or trustees of schools of a township because  
19 the district has withdrawn from the jurisdiction and authority  
20 of the township treasurer and trustees of schools of the  
21 township or because those offices have been abolished as  
22 provided in subsection (b) or (c) of Section 5-1, all funds,  
23 accounts, moneys, notes, bonds, mortgages and effects then held  
24 by such township treasurer on behalf or for the use and benefit  
25 of, or then credited by such township treasurer to any fund or  
26 account of such school district shall thereupon be transferred

1 and paid over by such township treasurer to the school  
2 treasurer elected or appointed by the school board of such  
3 school district. In addition the school treasurer of such  
4 school district shall have the right, at all reasonable times,  
5 to inspect all cash books, loan books, district account books  
6 and journals kept by such township treasurer as provided in  
7 Section 8-5 and to copy or otherwise reproduce such portions  
8 thereof as such school treasurer deems necessary for the  
9 performance of his duties.

10 (g) Upon the abolition of the offices of the township  
11 treasurer and trustee of schools of a township as provided in  
12 subsection (c) of Section 5-1, and subject to the limitation of  
13 subsection (b) of Section 8-5 with respect to certain records  
14 to be surrendered to the regional board of school trustees, and  
15 except as otherwise provided in subsection (c) of Section 5-1  
16 with respect to the common school lands and township loanable  
17 funds of that township and with respect to the records, books  
18 and accounts relating to those common school lands and township  
19 loanable funds, all school funds and accounts, moneys, notes,  
20 bonds, securities, district account books and other documents,  
21 records and effects then held by the former township treasurer  
22 on behalf or for the use and benefit of, or then credited by  
23 the former township treasurer to any fund or account of any  
24 school district that was under the jurisdiction and authority  
25 of the township treasurer at the time the office of that  
26 township treasurer was abolished shall thereupon be

1 transferred and paid over by the former township treasurer to  
2 the appropriate school treasurer appointed by the school board  
3 of each such district under subsection (c) of this Section 8-1.

4 (h) If the school district of a school treasurer elected or  
5 appointed under this Section is receiving emergency State  
6 financial assistance under Article 1B, that school treasurer is  
7 subject to the provisions of Article 1B.

8 (Source: P.A. 89-618, eff. 8-9-96.)

9 (105 ILCS 5/10-10) (from Ch. 122, par. 10-10)

10 Sec. 10-10. Board of education; Term; Vacancy. All school  
11 districts having a population of not fewer than 1,000 and not  
12 more than 500,000 inhabitants, as ascertained by any special or  
13 general census, and not governed by special Acts, shall be  
14 governed by a board of education consisting of 7 members,  
15 serving without compensation except as herein provided. Each  
16 member shall be elected for a term of 4 years for the initial  
17 members of the board of education of a combined school district  
18 to which that subsection applies. If 5 members are elected in  
19 1983 pursuant to the extension of terms provided by law for  
20 transition to the consolidated election schedule under the  
21 general election law, 2 of those members shall be elected to  
22 serve terms of 2 years and 3 shall be elected to serve terms of  
23 4 years; their successors shall serve for a 4 year term. When  
24 the voters of a district have voted to elect members of the  
25 board of education for 6 year terms, as provided in Section

1 9-5, the terms of office of members of the board of education  
2 of that district expire when their successors assume office but  
3 not later than 7 days after such election. If at the regular  
4 school election held in the first odd-numbered year after the  
5 determination to elect members for 6 year terms 2 members are  
6 elected, they shall serve for a 6 year term; and of the members  
7 elected at the next regular school election 3 shall serve for a  
8 term of 6 years and 2 shall serve a term of 2 years. Thereafter  
9 members elected in such districts shall be elected to a 6 year  
10 term. If at the regular school election held in the first  
11 odd-numbered year after the determination to elect members for  
12 6 year terms 3 members are elected, they shall serve for a 6  
13 year term; and of the members elected at the next regular  
14 school election 2 shall serve for a term of 2 years and 2 shall  
15 serve for a term of 6 years. Thereafter members elected in such  
16 districts shall be elected to a 6 year term. If at the regular  
17 school election held in the first odd-numbered year after the  
18 determination to elect members for 6 year terms 4 members are  
19 elected, 3 shall serve for a term of 6 years and one shall  
20 serve for a term of 2 years; and of the members elected at the  
21 next regular school election 2 shall serve for terms of 6 years  
22 and 2 shall serve for terms of 2 years. Thereafter members  
23 elected in such districts shall be elected to a 6 year term. If  
24 at the regular school election held in the first odd-numbered  
25 year after the determination to elect members for a 6 year term  
26 5 members are elected, 3 shall serve for a term of 6 years and 2



1 shall serve for a term of 2 years; and of the members elected  
2 at the next regular school election 2 shall serve for terms of  
3 6 years and 2 shall serve for terms of 2 years. Thereafter  
4 members elected in such districts shall be elected to a 6 year  
5 term. An election for board members shall not be held in school  
6 districts which by consolidation, annexation or otherwise  
7 shall cease to exist as a school district within 6 months after  
8 the election date, and the term of all board members which  
9 would otherwise terminate shall be continued until such  
10 district shall cease to exist. Each member, on the date of his  
11 or her election, shall be a citizen of the United States of the  
12 age of 18 years or over, shall be a resident of the State and  
13 the territory of the district for at least one year immediately  
14 preceding his or her election, shall be a registered voter as  
15 provided in the general election law, shall not be a school  
16 trustee ~~or a school treasurer~~, and shall not be a child sex  
17 offender as defined in Section 11-9.3 of the Criminal Code of  
18 1961. When the board of education is the successor of the  
19 school directors, all rights of property, and all rights  
20 regarding causes of action existing or vested in such  
21 directors, shall vest in it as fully as they were vested in the  
22 school directors. Terms of members are subject to Section 2A-54  
23 of the Election Code.

24 Nomination papers filed under this Section are not valid  
25 unless the candidate named therein files with the secretary of  
26 the board of education or with a person designated by the board

1 to receive nominating petitions a receipt from the county clerk  
2 showing that the candidate has filed a statement of economic  
3 interests as required by the Illinois Governmental Ethics Act.  
4 Such receipt shall be so filed either previously during the  
5 calendar year in which his nomination papers were filed or  
6 within the period for the filing of nomination papers in  
7 accordance with the general election law.

8 Whenever a vacancy occurs, the remaining members shall  
9 notify the regional superintendent of that vacancy within 5  
10 days after its occurrence and shall proceed to fill the vacancy  
11 until the next regular school election, at which election a  
12 successor shall be elected to serve the remainder of the  
13 unexpired term. However, if the vacancy occurs with less than  
14 868 days remaining in the term, or if the vacancy occurs less  
15 than 88 days before the next regularly scheduled election for  
16 this office then the person so appointed shall serve the  
17 remainder of the unexpired term, and no election to fill the  
18 vacancy shall be held. Should they fail so to act, within 45  
19 days after the vacancy occurs, the regional superintendent of  
20 schools under whose supervision and control the district is  
21 operating, as defined in Section 3-14.2 of this Act, shall  
22 within 30 days after the remaining members have failed to fill  
23 the vacancy, fill the vacancy as provided for herein. Upon the  
24 regional superintendent's failure to fill the vacancy, the  
25 vacancy shall be filled at the next regularly scheduled  
26 election. Whether elected or appointed by the remaining members

1 or regional superintendent, the successor shall be an  
2 inhabitant of the particular area from which his or her  
3 predecessor was elected if the residential requirements  
4 contained in Section 10-10.5 or 12-2 of this Code apply.

5 A board of education may appoint a student to the board to  
6 serve in an advisory capacity. The student member shall serve  
7 for a term as determined by the board. The board may not grant  
8 the student member any voting privileges, but shall consider  
9 the student member as an advisor. The student member may not  
10 participate in or attend any executive session of the board.

11 (Source: P.A. 93-309, eff. 1-1-04; 94-231, eff. 7-14-05;  
12 94-1019, eff. 7-10-06.)

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.