

# HB1192



## 96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB1192

Introduced 2/11/2009, by Rep. Michael K. Smith

### SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-10

from Ch. 122, par. 10-10

Amends the School Code. Makes a technical change in a Section concerning boards of education.

LRB096 09423 NHT 19580 b

A BILL FOR

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 Section  
5 10-10 as follows:

6 (105 ILCS 5/10-10) (from Ch. 122, par. 10-10)

7 Sec. 10-10. Board of education; Term; Vacancy. All school  
8 districts having a population of not fewer than 1,000 and ~~and~~  
9 not more than 500,000 inhabitants, as ascertained by any  
10 special or general census, and not governed by special Acts,  
11 shall be governed by a board of education consisting of 7  
12 members, serving without compensation except as herein  
13 provided. Each member shall be elected for a term of 4 years  
14 for the initial members of the board of education of a combined  
15 school district to which that subsection applies. If 5 members  
16 are elected in 1983 pursuant to the extension of terms provided  
17 by law for transition to the consolidated election schedule  
18 under the general election law, 2 of those members shall be  
19 elected to serve terms of 2 years and 3 shall be elected to  
20 serve terms of 4 years; their successors shall serve for a 4  
21 year term. When the voters of a district have voted to elect  
22 members of the board of education for 6 year terms, as provided  
23 in Section 9-5, the terms of office of members of the board of

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

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

23       Nomination papers filed under this Section are not valid  
24 unless the candidate named therein files with the secretary of  
25 the board of education or with a person designated by the board  
26 to receive nominating petitions a receipt from the county clerk

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

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

1 inhabitant of the particular area from which his or her  
2 predecessor was elected if the residential requirements  
3 contained in Section 10-10.5 or 12-2 of this Code apply.

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

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