



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3602

Introduced 2/14/2020, by Sen. David Koehler

SYNOPSIS AS INTRODUCED:

105 ILCS 5/33-1
105 ILCS 5/33-4

from Ch. 122, par. 33-1
from Ch. 122, par. 33-4

Amends the Article of the School Code concerning school districts from 100,000 to 500,000 inhabitants. Provides that a board of education member shall be elected for a term of 4 years (rather than 5 years) and shall serve until his or her successor is elected and has qualified. Provides that the term of a board of education member commences after (i) the election authority has canvassed the votes and proclaimed the results and (ii) the member-elect has taken the oath of office (rather than on July 1). Specifies that a board of education shall have all of the rights, powers, and duties as are provided for other school boards under the School Boards Article of the Code. Effective immediately.

LRB101 20640 CMG 70290 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 33-1 and 33-4 as follows:

6 (105 ILCS 5/33-1) (from Ch. 122, par. 33-1)

7 Sec. 33-1. Board of education; election; terms ~~Education~~
8 ~~Election~~ ~~Terms~~. In all school districts, including special
9 charter districts having a population of 100,000 and not more
10 than 500,000, which adopt this Article, as hereinafter
11 provided, there shall be maintained a system of free schools in
12 charge of a board of education, which shall be a body politic
13 and corporate by the name of "Board of Education of the City
14 of....". The board shall consist of 7 members elected by the
15 voters of the district. Except as provided in Section 33-1b of
16 this Act, the regular election for members of the board shall
17 be held at the consolidated election in odd numbered years and
18 at the general primary election in even numbered years. The law
19 governing the registration of voters for the primary election
20 shall apply to the regular election. At the first regular
21 election 7 persons shall be elected as members of the board.
22 The person who receives the greatest number of votes shall be
23 elected for a term of 5 years. The 2 persons who receive the

1 second and third greatest number of votes shall be elected for
2 a term of 4 years. The person who receives the fourth greatest
3 number of votes shall be elected for a term of 3 years. The 2
4 persons who receive the fifth and sixth greatest number of
5 votes shall be elected for a term of 2 years. The person who
6 receives the seventh greatest number of votes shall be elected
7 for a term of 1 year. Thereafter, at each regular election for
8 members of the board, the successors of the members whose terms
9 expire in the year of election shall be elected for a term of 5
10 years, except that members of the board elected after the
11 effective date of this amendatory Act of the 101st General
12 Assembly shall be elected for a term of 4 years and shall serve
13 until their successors are elected and have qualified. All
14 terms shall commence after the occurrence of both the
15 following:

16 (1) The election authority has canvassed the votes and
17 proclaimed the results.

18 (2) The member-elect has taken the oath of office on
19 July 1 next succeeding the elections.

20 Any vacancy occurring in the membership of the board shall
21 be filled by appointment until the next regular election for
22 members of the board.

23 In any school district which has adopted this Article, a
24 proposition for the election of board members by school board
25 district rather than at large may be submitted to the voters of
26 the district at the regular school election of any year in the

1 manner provided in Section 9-22. If the proposition is approved
2 by a majority of those voting on the propositions, the board
3 shall divide the school district into 7 school board districts
4 as provided in Section 9-22. At the regular school election in
5 the year following the adoption of such proposition, one member
6 shall be elected from each school board district, and the 7
7 members so elected shall, by lot, determine one to serve for
8 one year, 2 for 2 years, one for 3 years, 2 for 4 years, and one
9 for 5 years. Thereafter their respective successors shall be
10 elected for terms of 5 years, except that members of the board
11 elected after the effective date of this amendatory Act of the
12 101st General Assembly shall be elected for a term of 4 years
13 and shall serve until their successors are elected and have
14 qualified. The terms of all incumbent members expire July 1 of
15 the year following the adoption of such a proposition.

16 Any school district which has adopted this Article may, by
17 referendum in accordance with Section 33-1a, adopt the method
18 of electing members of the board of education provided in that
19 Section.

20 Reapportionment of the voting districts provided for in
21 this Article or created pursuant to a court order, shall be
22 completed pursuant to Section 33-1c.

23 A board of education may appoint a student to the board to
24 serve in an advisory capacity. The student member shall serve
25 for a term as determined by the board. The board may not grant
26 the student member any voting privileges, but shall consider

1 the student member as an advisor. The student member may not
2 participate in or attend any executive session of the board.

3 (Source: P.A. 94-231, eff. 7-14-05; 95-6, eff. 6-20-07.)

4 (105 ILCS 5/33-4) (from Ch. 122, par. 33-4)

5 Sec. 33-4. Rights, powers, and duties of board. The board
6 of education shall succeed to all rights, powers, and duties of
7 the former governing body of the district and shall have all of
8 the rights, powers, and duties as are provided for other school
9 boards under Article 10.

10 (Source: Laws 1961, p. 31.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.