

# SB2542



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2542

Introduced 2/26/2021, by Sen. Melinda Bush

### 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.

LRB102 17245 CMG 22713 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  
17 provided by law for transition to the consolidated election  
18 schedule under the general election law, 2 of those members  
19 shall be elected to serve terms of 2 years and 3 shall be  
20 elected to serve terms of 4 years; their successors shall  
21 serve for a 4 year term. When the voters of a district have  
22 voted to elect members of the board of education for 6 year  
23 terms, as provided in Section 9-5, the terms of office of

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

1 for a term of 2 years; and of the members elected at the next  
2 regular school election 2 shall serve for terms of 6 years and  
3 2 shall serve for terms of 2 years. Thereafter members elected  
4 in such districts shall be elected to a 6 year term. An  
5 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  
14 immediately preceding his or her election, shall be a  
15 registered voter as provided in the general election law,  
16 shall not be a school trustee, must not have been removed from  
17 a school board pursuant to Section 2-3.25f-5 of this Code  
18 (unless subsequently appointed as a member of an Independent  
19 Authority or if it has been 10 years since the abolition of the  
20 Independent Authority in the district), and shall not be a  
21 child sex offender as defined in Section 11-9.3 of the  
22 Criminal Code of 2012. When the board of education is the  
23 successor of the school directors, all rights of property, and  
24 all rights regarding causes of action existing or vested in  
25 such directors, shall vest in it as fully as they were vested  
26 in the school directors. Terms of members are subject to

1 Section 2A-54 of the Election Code.

2 Nomination papers filed under this Section are not valid  
3 unless the candidate named therein files with the county clerk  
4 or the county board of election commissioners, as the case may  
5 be, of the county in which the principal office of the school  
6 district is located a receipt from the county clerk showing  
7 that the candidate has filed a statement of economic interests  
8 as required by the Illinois Governmental Ethics Act. Such  
9 receipt shall be so filed either previously during the  
10 calendar year in which his nomination papers were filed or  
11 within the period for the filing of nomination papers in  
12 accordance with the general election law.

13 Whenever a vacancy occurs, the remaining members shall  
14 notify the regional superintendent of that vacancy within 5  
15 days after its occurrence and shall proceed to fill the  
16 vacancy until the next regular school election, at which  
17 election a successor shall be elected to serve the remainder  
18 of the unexpired term. However, if the vacancy occurs with  
19 less than 868 days remaining in the term, or if the vacancy  
20 occurs less than 88 days before the next regularly scheduled  
21 election for this office then the person so appointed shall  
22 serve the remainder of the unexpired term, and no election to  
23 fill the vacancy shall be held. Should they fail so to act,  
24 within 60 days after the vacancy occurs, the regional  
25 superintendent of schools under whose supervision and control  
26 the district is operating, as defined in Section 3-14.2 of

1 this Act, shall within 30 days after the remaining members  
2 have failed to fill the vacancy, fill the vacancy as provided  
3 for herein. Upon the regional superintendent's failure to fill  
4 the vacancy, the vacancy shall be filled at the next regularly  
5 scheduled election. Whether elected or appointed by the  
6 remaining members or regional superintendent, the successor  
7 shall be an inhabitant of the particular area from which his or  
8 her predecessor was elected if the residential requirements  
9 contained in Section 10-10.5 or 12-2 of this Code apply.

10 A board of education may appoint a student to the board to  
11 serve in an advisory capacity. The student member shall serve  
12 for a term as determined by the board. The board may not grant  
13 the student member any voting privileges, but shall consider  
14 the student member as an advisor. The student member may not  
15 participate in or attend any executive session of the board.

16 (Source: P.A. 101-67, eff. 1-1-20.)