



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2802

by Rep. Emanuel Chris Welch

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-10

from Ch. 122, par. 10-10

Amends the School Code. With regard to boards of education in school districts having a population of not fewer than 1,000 and not more than 500,000 inhabitants, provides that if, whenever a vacancy occurs, members of the board fail to fill the vacancy within 60 (rather than 45) days after the vacancy occurs, the regional superintendent of schools shall fill the vacancy.

LRB101 10065 AXK 55167 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 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 not
9 more than 500,000 inhabitants, as ascertained by any special or
10 general census, and not governed by special Acts, shall be
11 governed by a board of education consisting of 7 members,
12 serving without compensation except as herein provided. Each
13 member shall be elected for a term of 4 years for the initial
14 members of the board of education of a combined school district
15 to which that subsection applies. If 5 members are elected in
16 1983 pursuant to the extension of terms provided by law for
17 transition to the consolidated election schedule under the
18 general election law, 2 of those members shall be elected to
19 serve terms of 2 years and 3 shall be elected to serve terms of
20 4 years; their successors shall serve for a 4 year term. When
21 the voters of a district have voted to elect members of the
22 board of education for 6 year terms, as provided in Section
23 9-5, the terms of office of members of the board of education

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

1 at the next regular school election 2 shall serve for terms of
2 6 years and 2 shall serve for terms of 2 years. Thereafter
3 members elected in such districts shall be elected to a 6 year
4 term. An election for board members shall not be held in school
5 districts which by consolidation, annexation or otherwise
6 shall cease to exist as a school district within 6 months after
7 the election date, and the term of all board members which
8 would otherwise terminate shall be continued until such
9 district shall cease to exist. Each member, on the date of his
10 or her election, shall be a citizen of the United States of the
11 age of 18 years or over, shall be a resident of the State and
12 the territory of the district for at least one year immediately
13 preceding his or her election, shall be a registered voter as
14 provided in the general election law, shall not be a school
15 trustee, must not have been removed from a school board
16 pursuant to Section 2-3.25f-5 of this Code (unless subsequently
17 appointed as a member of an Independent Authority or if it has
18 been 10 years since the abolition of the Independent Authority
19 in the district), and shall not be a child sex offender as
20 defined in Section 11-9.3 of the Criminal Code of 2012. When
21 the board of education is the successor of the school
22 directors, all rights of property, and all rights regarding
23 causes of action existing or vested in such directors, shall
24 vest in it as fully as they were vested in the school
25 directors. Terms of members are subject to Section 2A-54 of the
26 Election Code.

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

12 Whenever a vacancy occurs, the remaining members shall
13 notify the regional superintendent of that vacancy within 5
14 days after its occurrence and shall proceed to fill the vacancy
15 until the next regular school election, at which election a
16 successor shall be elected to serve the remainder of the
17 unexpired term. However, if the vacancy occurs with less than
18 868 days remaining in the term, or if the vacancy occurs less
19 than 88 days before the next regularly scheduled election for
20 this office then the person so appointed shall serve the
21 remainder of the unexpired term, and no election to fill the
22 vacancy shall be held. Should they fail so to act, within 60 ~~45~~
23 days after the vacancy occurs, the regional superintendent of
24 schools under whose supervision and control the district is
25 operating, as defined in Section 3-14.2 of this Act, shall
26 within 30 days after the remaining members have failed to fill

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

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

15 (Source: P.A. 97-1150, eff. 1-25-13; 98-115, eff. 7-29-13;
16 98-1155, eff. 1-9-15.)