



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB0476

by Rep. Thaddeus Jones

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-3	from Ch. 122, par. 10-3
105 ILCS 5/10-10	from Ch. 122, par. 10-10
105 ILCS 5/33-2	from Ch. 122, par. 33-2
105 ILCS 5/34-4	from Ch. 122, par. 34-4
110 ILCS 805/3-7	from Ch. 122, par. 103-7
110 ILCS 805/7-2	from Ch. 122, par. 107-2

Amends the School Code and the Public Community College Act. With respect to school boards of school districts and boards of trustees of community college districts, provides that a person may not serve as a board member for more than 2 terms of office that begin on or after the effective date of the amendatory Act.

LRB100 05504 NHT 15515 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 10-3, 10-10, 33-2, and 34-4 as follows:

6 (105 ILCS 5/10-3) (from Ch. 122, par. 10-3)

7 Sec. 10-3. Eligibility of directors. Any person who, on the  
8 date of his or her election, is a citizen of the United States,  
9 of the age of 18 years or over, is a resident of the State and  
10 of the territory of the district for at least one year  
11 immediately preceding his or her election, is a registered  
12 voter as provided in the general election law, is not a school  
13 trustee or a school treasurer, and is not a child sex offender  
14 as defined in Section 11-9.3 of the Criminal Code of 2012 shall  
15 be eligible to the office of school director. However, a person  
16 may not serve as a school director for more than 2 terms of  
17 office that begin on or after the effective date of this  
18 amendatory Act of the 100th General Assembly. A person is  
19 considered to serve a term of office for the purpose of this  
20 prohibition if the person is elected or appointed to serve any  
21 portion of the term.

22 (Source: P.A. 97-1150, eff. 1-25-13.)

1 (105 ILCS 5/10-10) (from Ch. 122, par. 10-10)

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

1 term. If at the regular school election held in the first  
2 odd-numbered year after the determination to elect members for  
3 6 year terms 3 members are elected, they shall serve for a 6  
4 year term; and of the members elected at the next regular  
5 school election 2 shall serve for a term of 2 years and 2 shall  
6 serve for a term of 6 years. Thereafter members elected in such  
7 districts shall be elected to a 6 year term. If at the regular  
8 school election held in the first odd-numbered year after the  
9 determination to elect members for 6 year terms 4 members are  
10 elected, 3 shall serve for a term of 6 years and one shall  
11 serve for a term of 2 years; and of the members elected at the  
12 next regular school election 2 shall serve for terms of 6 years  
13 and 2 shall serve for terms of 2 years. Thereafter members  
14 elected in such districts shall be elected to a 6 year term. If  
15 at the regular school election held in the first odd-numbered  
16 year after the determination to elect members for a 6 year term  
17 5 members are elected, 3 shall serve for a term of 6 years and 2  
18 shall serve for a term of 2 years; and of the members elected  
19 at the next regular school election 2 shall serve for terms of  
20 6 years and 2 shall serve for terms of 2 years. Thereafter  
21 members elected in such districts shall be elected to a 6 year  
22 term. An election for board members shall not be held in school  
23 districts which by consolidation, annexation or otherwise  
24 shall cease to exist as a school district within 6 months after  
25 the election date, and the term of all board members which  
26 would otherwise terminate shall be continued until such

1 district shall cease to exist. Each member, on the date of his  
2 or her election, shall be a citizen of the United States of the  
3 age of 18 years or over, shall be a resident of the State and  
4 the territory of the district for at least one year immediately  
5 preceding his or her election, shall be a registered voter as  
6 provided in the general election law, shall not be a school  
7 trustee, must not have been removed from a school board  
8 pursuant to Section 2-3.25f-5 of this Code (unless subsequently  
9 appointed as a member of an Independent Authority or if it has  
10 been 10 years since the abolition of the Independent Authority  
11 in the district), and shall not be a child sex offender as  
12 defined in Section 11-9.3 of the Criminal Code of 2012. A  
13 person may not serve as a board member for more than 2 terms of  
14 office that begin on or after the effective date of this  
15 amendatory Act of the 100th General Assembly. A person is  
16 considered to serve a term of office for the purpose of this  
17 prohibition if the person is elected or appointed to serve any  
18 portion of the term. When the board of education is the  
19 successor of the school directors, all rights of property, and  
20 all rights regarding causes of action existing or vested in  
21 such directors, shall vest in it as fully as they were vested  
22 in the school directors. Terms of members are subject to  
23 Section 2A-54 of the Election Code.

24 Nomination papers filed under this Section are not valid  
25 unless the candidate named therein files with the county clerk  
26 or the county board of election commissioners, as the case may

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

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

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

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

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

14 (105 ILCS 5/33-2) (from Ch. 122, par. 33-2)

15 Sec. 33-2. Eligibility. To be eligible for election to the  
16 board, a person shall be a citizen of the United States, shall  
17 have been a resident of the district for at least one year  
18 immediately preceding his or her election, and shall not be a  
19 child sex offender as defined in Section 11-9.3 of the Criminal  
20 Code of 2012. A person may not serve as a board member for more  
21 than 2 terms of office that begin on or after the effective  
22 date of this amendatory Act of the 100th General Assembly. A  
23 person is considered to serve a term of office for the purpose  
24 of this prohibition if the person is elected or appointed to  
25 serve any portion of the term. Permanent removal from the

1 district by any member constitutes a resignation from and  
2 creates a vacancy in the board. Board members shall serve  
3 without compensation.

4 Notwithstanding any provisions to the contrary in any  
5 special charter, petitions nominating candidates for the board  
6 of education shall be signed by at least 200 voters of the  
7 district; and the polls, whether they be located within a city  
8 lying in the district or outside of a city, shall remain open  
9 during the hours specified in the Election Code.

10 (Source: P.A. 97-1150, eff. 1-25-13.)

11 (105 ILCS 5/34-4) (from Ch. 122, par. 34-4)

12 Sec. 34-4. Eligibility. To be eligible for appointment to  
13 the board, a person shall be a citizen of the United States,  
14 shall be a registered voter as provided in the Election Code,  
15 shall have been a resident of the city for at least 3 years  
16 immediately preceding his or her appointment, and shall not be  
17 a child sex offender as defined in Section 11-9.3 of the  
18 Criminal Code of 2012. A person may not serve as a board member  
19 for more than 2 terms of office that begin on or after the  
20 effective date of this amendatory Act of the 100th General  
21 Assembly. A person is considered to serve a term of office for  
22 the purpose of this prohibition if the person is elected or  
23 appointed to serve any portion of the term. Permanent removal  
24 from the city by any member of the board during his term of  
25 office constitutes a resignation therefrom and creates a



1 vacancy in the board. Except for the President of the Chicago  
2 School Reform Board of Trustees who may be paid compensation  
3 for his or her services as chief executive officer as  
4 determined by the Mayor as provided in subsection (a) of  
5 Section 34-3, board members shall serve without any  
6 compensation; provided, that board members shall be reimbursed  
7 for expenses incurred while in the performance of their duties  
8 upon submission of proper receipts or upon submission of a  
9 signed voucher in the case of an expense allowance evidencing  
10 the amount of such reimbursement or allowance to the president  
11 of the board for verification and approval. The board of  
12 education may continue to provide health care insurance  
13 coverage, employer pension contributions, employee pension  
14 contributions, and life insurance premium payments for an  
15 employee required to resign from an administrative, teaching,  
16 or career service position in order to qualify as a member of  
17 the board of education. They shall not hold other public office  
18 under the Federal, State or any local government other than  
19 that of Director of the Regional Transportation Authority,  
20 member of the economic development commission of a city having  
21 a population exceeding 500,000, notary public or member of the  
22 National Guard, and by accepting any such office while members  
23 of the board, or by not resigning any such office held at the  
24 time of being appointed to the board within 30 days after such  
25 appointment, shall be deemed to have vacated their membership  
26 in the board.

1 (Source: P.A. 97-1150, eff. 1-25-13.)

2 Section 10. The Public Community College Act is amended by  
3 changing Sections 3-7 and 7-2 as follows:

4 (110 ILCS 805/3-7) (from Ch. 122, par. 103-7)

5 Sec. 3-7. (a) The election of the members of the board of  
6 trustees shall be nonpartisan and shall be held at the time and  
7 in the manner provided in the general election law.

8 (b) Unless otherwise provided in this Act, members shall be  
9 elected to serve 6 year terms. The term of members elected in  
10 1985 and thereafter shall be from the date the member is  
11 officially determined to be elected to the board by a canvass  
12 conducted pursuant to the Election Code, to the date that the  
13 winner of the seat is officially determined by the canvass  
14 conducted pursuant to the Election Code the next time the seat  
15 on the board is to be filled by election.

16 (c) Each member must on the date of his election be a  
17 citizen of the United States, of the age of 18 years or over,  
18 and a resident of the State and the territory which on the date  
19 of the election is included in the community college district  
20 for at least one year immediately preceding his election. A  
21 person may not serve as a board member for more than 2 terms of  
22 office that begin on or after the effective date of this  
23 amendatory Act of the 100th General Assembly. A person is  
24 considered to serve a term of office for the purpose of this

1 prohibition if the person is elected or appointed to serve any  
2 portion of the term. In Community College District No. 526,  
3 each member elected at the consolidated election in 2005 or  
4 thereafter must also be a resident of the trustee district he  
5 or she represents for at least one year immediately preceding  
6 his or her election, except that in the first consolidated  
7 election for each trustee district following reapportionment,  
8 a candidate for the board may be elected from any trustee  
9 district that contains a part of the trustee district in which  
10 he or she resided at the time of the reapportionment and may be  
11 reelected if a resident of the new trustee district he or she  
12 represents for one year prior to reelection. In the event a  
13 person who is a member of a common school board is elected or  
14 appointed to a board of trustees of a community college  
15 district, that person shall be permitted to serve the remainder  
16 of his or her term of office as a member of the common school  
17 board. Upon the expiration of the common school board term,  
18 that person shall not be eligible for election or appointment  
19 to a common school board during the term of office with the  
20 community college district board of trustees.

21 (d) Whenever a vacancy occurs, the remaining members shall  
22 fill the vacancy, and the person so appointed shall serve until  
23 a successor is elected at the next regular election for board  
24 members and is certified in accordance with Sections 22-17 and  
25 22-18 of the Election Code. If the remaining members fail so to  
26 act within 60 days after the vacancy occurs, the chairman of

1 the State Board shall fill that vacancy, and the person so  
2 appointed shall serve until a successor is elected at the next  
3 regular election for board members and is certified in  
4 accordance with Sections 22-17 and 22-18 of the Election Code.  
5 The person appointed to fill the vacancy shall have the same  
6 residential qualifications as his predecessor in office was  
7 required to have. In either instance, if the vacancy occurs  
8 with less than 4 months remaining before the next scheduled  
9 consolidated election, and the term of office of the board  
10 member vacating the position is not scheduled to expire at that  
11 election, then the term of the person so appointed shall extend  
12 through that election and until the succeeding consolidated  
13 election. If the term of office of the board member vacating  
14 the position is scheduled to expire at the upcoming  
15 consolidated election, the appointed member shall serve only  
16 until a successor is elected and qualified at that election.

17 (e) Members of the board shall serve without compensation  
18 but shall be reimbursed for their reasonable expenses incurred  
19 in connection with their service as members. Compensation, for  
20 purposes of this Section, means any salary or other benefits  
21 not expressly authorized by this Act to be provided or paid to,  
22 for or on behalf of members of the board. The board of each  
23 community college district may adopt a policy providing for the  
24 issuance of bank credit cards, for use by any board member who  
25 requests the same in writing and agrees to use the card only  
26 for the reasonable expenses which he or she incurs in

1 connection with his or her service as a board member. Expenses  
2 charged to such credit cards shall be accounted for separately  
3 and shall be submitted to the chief financial officer of the  
4 district for review prior to being reported to the board at its  
5 next regular meeting.

6 (f) Except in an election of the initial board for a new  
7 community college district created pursuant to Section 6-6.1,  
8 the ballot for the election of members of the board for a  
9 community college district shall indicate the length of term  
10 for each office to be filled. In the election of a board for  
11 any community college district, the ballot shall not contain  
12 any political party designation.

13 (Source: P.A. 97-539, eff. 8-23-11.)

14 (110 ILCS 805/7-2) (from Ch. 122, par. 107-2)

15 Sec. 7-2. The board shall consist of 7 members, appointed  
16 by the mayor with the approval of the city council. Prior to  
17 the expiration of the term of any member his successor shall be  
18 appointed in like manner and shall hold office for a term of 3  
19 years from July 1 of the year in which he is appointed and  
20 until his successor is appointed and qualified. Any vacancy in  
21 the membership of the board shall be filled through appointment  
22 by the mayor, with the approval of the city council, for the  
23 unexpired term. If any appointee fails to qualify within 30  
24 days after his appointment, the office shall be filled by a new  
25 appointment for the unexpired term. To be eligible for

1 appointment to a board under this Section, a person must  
2 possess the same qualifications and meet the same requirements  
3 as are prescribed by this Act for members of an elected board  
4 of a community college district. A person may not serve as a  
5 board member for more than 2 terms of office that begin on or  
6 after the effective date of this amendatory Act of the 100th  
7 General Assembly. A person is considered to serve a term of  
8 office for the purpose of this prohibition if the person is  
9 elected or appointed to serve any portion of the term.

10 (Source: P.A. 78-669.)