



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1945

Introduced 2/10/2017, by Sen. Jil Tracy

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-5	from Ch. 122, par. 10-5
105 ILCS 5/10-13	from Ch. 122, par. 10-13
105 ILCS 5/10-13.1	from Ch. 122, par. 10-13.1
105 ILCS 5/10-14	from Ch. 122, par. 10-14
105 ILCS 5/10-16	from Ch. 122, par. 10-16
110 ILCS 805/3-8	from Ch. 122, par. 103-8

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 officers are subject to removal by a majority vote of all the board members and, in case of removal or where a vacancy otherwise occurs in any of the offices, the board shall appoint or elect a successor to fill the vacancy. Effective immediately.

LRB100 09200 NHT 21760 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 10-5, 10-13, 10-13.1, 10-14, and 10-16 as follows:

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

7 Sec. 10-5. Organization of board - Report to treasurer and
8 regional superintendent of schools. Within 28 days after the
9 regular election of directors, the directors shall meet and
10 organize by appointing one of their number president and
11 another as clerk, except that when directors are elected at the
12 consolidated elections in April of 1999 and April of 2001, the
13 directors shall meet and organize, in the manner provided by
14 this Section, within 7 days after the first Tuesday after the
15 first Monday of November in each of those 2 years. The clerk
16 shall at once report to the treasurer and regional
17 superintendent of schools the names of the president and clerk
18 so appointed. The president and clerk are subject to removal by
19 a majority vote of all the directors and, in case of removal or
20 where a vacancy otherwise occurs in either of the offices, the
21 board of school directors shall appoint a successor to fill the
22 vacancy. Upon organizing itself as provided in this Section,
23 the board of school directors shall enter upon the discharge of

1 its duties. Terms of members are subject to Section 2A-54 of
2 the Election Code, except as otherwise limited by subsection
3 (c) of Section 10-4.

4 (Source: P.A. 93-847, eff. 7-30-04.)

5 (105 ILCS 5/10-13) (from Ch. 122, par. 10-13)

6 Sec. 10-13. President of board of education. The president
7 of the board of education shall be elected by the members
8 thereof from among their number and serve for 2 years, except
9 that the board by resolution may establish a policy for the
10 term of office to be one year. The president is subject to
11 removal by a majority vote of all the members.

12 He shall preside at all meetings and shall perform such
13 duties as are imposed upon him by law or by action of the board
14 of education. If he is absent from any meeting or refuses to
15 perform his duties, a president pro tempore shall be appointed.
16 The vice-president of the board, if the board elects such
17 officer, shall be appointed the president pro tempore.

18 (Source: P.A. 84-497.)

19 (105 ILCS 5/10-13.1) (from Ch. 122, par. 10-13.1)

20 Sec. 10-13.1. Vice-President of the board of education. A
21 vice-president of the board of education shall be elected by
22 the members thereof from among their number and serve for 2
23 years, except that the board by resolution may establish a
24 policy for the term of office to be one year. The

1 vice-president is subject to removal by a majority vote of all
2 the members and, in case of removal or where a vacancy
3 otherwise occurs in the office, the board shall elect a
4 successor to fill the vacancy.

5 The vice-president shall perform the duties of the
6 president if there is a vacancy in the office of president or
7 in case of the president's absence or inability to act, and
8 other duties imposed upon him by the rules of the board.
9 However, in the event of a permanent vacancy in the office of
10 president, the board shall elect a successor to fill the
11 vacancy of president.

12 (Source: P.A. 85-839.)

13 (105 ILCS 5/10-14) (from Ch. 122, par. 10-14)

14 Sec. 10-14. Secretary of board of education. The secretary
15 of the board of education shall be elected by the board of
16 education and may be a member thereof, who shall serve for 2
17 years, except that the board by resolution may establish a
18 policy for the term of office to be one year. The secretary is
19 subject to removal by a majority vote of all the members and,
20 in case of removal or where a vacancy otherwise occurs in the
21 office, the board shall elect a successor to fill the vacancy.

22 The secretary, if not a member of the board, may receive such
23 compensation as shall be fixed by the board of education prior
24 to the election of the secretary. If the secretary is a member
25 of the board, he or she may receive such compensation not to

1 exceed \$500 per year as shall be fixed by the board and may
2 vote on all questions coming before the board.

3 He shall perform the duties usually pertaining to his
4 office, or to the clerk of a board of directors, and such as
5 are imposed on him by law, or by action of the board of
6 education. If he is absent from any meeting or refuses to
7 perform his duties, a secretary pro tempore who may but need
8 not be a member of the board shall be appointed.

9 (Source: P.A. 86-682.)

10 (105 ILCS 5/10-16) (from Ch. 122, par. 10-16)

11 Sec. 10-16. Organization of Board. Within 28 days after the
12 consolidated election, other than the consolidated elections
13 in 1999 and 2001, the board shall organize by electing its
14 officers and fixing a time and place for the regular meetings.
15 However, when school board members are elected at the
16 consolidated elections held in April of 1999 and April of 2001,
17 the board shall organize within 7 days after the first Tuesday
18 after the first Monday of November in each such year by
19 electing officers and setting the time and place of the regular
20 meetings. Upon organizing itself as provided in this paragraph,
21 the board shall enter upon the discharge of its duties.

22 The regional superintendent of schools having supervision
23 and control, as provided in Section 3-14.2, of a new school
24 district that is governed by the School Code and formed on or
25 after the effective date of this amendatory Act of 1998 shall

1 convene the newly elected board within 7 days after the
2 election of the board of education of that district, whereupon
3 the board shall proceed to organize by electing one of their
4 number as president and electing a secretary, who may or may
5 not be a member. At such meeting the length of term of each of
6 the members shall be determined by lot so that 4 shall serve
7 for 4 years, and 3 for 2 years from the commencement of their
8 terms; provided, however, if such members were not elected at
9 the consolidated election in an odd-numbered year, such initial
10 terms shall be extended to the consolidated election for school
11 board members immediately following the expiration of the
12 initial 4 or 2 year terms. The provisions of this paragraph
13 that relate to the determination of terms by lot shall not
14 apply to the initial members of the board of education of a
15 combined school district who are to be elected to unstaggered
16 terms.

17 The terms of the officers of a board of education shall be
18 for 2 years, ~~except that the terms of the officers elected at~~
19 ~~the organization meeting in November, 2001 shall expire at the~~
20 ~~organization meeting in April, 2003;~~ provided that the board by
21 resolution may establish a policy for the terms of office to be
22 one year, and provide for the election of officers. Officers
23 are subject to removal by a majority vote of all the members
24 and, in case of removal or where a vacancy otherwise occurs in
25 any of the offices, the board shall elect a successor to fill
26 the vacancy, except as otherwise provided in Section 10-13.1 of

1 this Code.

2 Special meetings of the board of education may be called by
3 the president or by any 3 members of the board by giving notice
4 thereof in writing, stating the time, place and purpose of the
5 meeting. Such notice may be served by mail 48 hours before such
6 meeting or by personal service 24 hours before such meeting.
7 Public notice of meetings must also be given as prescribed in
8 Sections 2.02 and 2.03 of the Open Meetings Act, as now or
9 hereafter amended.

10 At each regular and special meeting which is open to the
11 public, members of the public and employees of the district
12 shall be afforded time, subject to reasonable constraints, to
13 comment to or ask questions of the board.

14 The president or district superintendent shall, at each
15 regular board meeting, report any requests made of the district
16 under provisions of the Freedom of Information Act and shall
17 report the status of the district's response.

18 (Source: P.A. 93-847, eff. 7-30-04; 94-1019, eff. 7-10-06.)

19 Section 10. The Public Community College Act is amended by
20 changing Section 3-8 as follows:

21 (110 ILCS 805/3-8) (from Ch. 122, par. 103-8)

22 Sec. 3-8. In this Section, "reasonable emergency" means any
23 imminent need to maintain the operations or facilities of the
24 community college district and that such need is due to

1 circumstances beyond the control of the board.

2 Following each election and canvass, the new board shall
3 hold its organizational meeting on or before the 28th day after
4 the election. If the election is the initial election ordered
5 by the regional superintendent, the organizational meeting
6 shall be convened by the regional superintendent, who shall
7 preside over the meeting until the election for chairman, vice
8 chairman and secretary of board is completed. At all other
9 organizational meetings, the chairman of the board, or, in his
10 or her absence, the president of the community college or
11 acting chief executive officer of the college shall convene the
12 new board, and conduct the election for chairman, vice chairman
13 and secretary. The board shall then proceed with its
14 organization under the newly elected board officers, and shall
15 fix a time and place for its regular meetings. It shall then
16 enter upon the discharge of its duties. Public notice of the
17 schedule of regular meetings for the next calendar year, as set
18 at the organizational meeting, must be given at the beginning
19 of that calendar year. The terms of board office shall be 2
20 years, except that the board by resolution may establish a
21 policy for the terms of office to be one year, and provide for
22 the election of officers for the remaining one year period.
23 Officers are subject to removal by a majority vote of all the
24 members and, in case of removal or where a vacancy otherwise
25 occurs in any of the offices, the board shall elect a successor
26 to fill the vacancy. Terms of members are subject to Section

1 2A-54 of the Election Code.

2 Beginning 45 days prior to the Tuesday following the first
3 Monday of April in odd-numbered years until the first
4 organizational meeting of the new board, no addendum to modify
5 or amend an employee agreement between a community college
6 district and the district's president, chancellor, or chief
7 executive officer may be agreed to or executed, nor may an
8 employment contract be made and entered into between the board
9 of an established community college district and a president,
10 chancellor, or chief executive officer. If the current board
11 must take such action at any time during the 45 days prior to
12 the Tuesday following the first Monday of April in odd-numbered
13 years until the first organizational meeting of the new board
14 due to a reasonable emergency, then that action shall be
15 terminated on the 60th day after the first organizational
16 meeting, unless the new board, by resolution, reaffirms the
17 agreed-upon addendum or new employment contract.

18 Special meetings of the board may be called by the chairman
19 or by any 3 members of the board by giving notice thereof in
20 writing stating the time, place and purpose of the meeting.
21 Such notice may be served by mail 48 hours before the meeting
22 or by personal service 24 hours before the meeting.

23 At each regular and special meeting which is open to the
24 public, members of the public and employees of the community
25 college district shall be afforded time, subject to reasonable
26 constraints, to comment to or ask questions of the board.

1 (Source: P.A. 99-693, eff. 1-1-17.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.