



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB2003

Introduced 2/26/2021, by Sen. David Koehler

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/32-2.5	from Ch. 122, par. 32-2.5
105 ILCS 5/33-1	from Ch. 122, par. 33-1
105 ILCS 5/33-4	from Ch. 122, par. 33-4

Amends the Article of the School Code concerning special charter districts. With respect to the election of a board of education in a special charter district having a population of over 35,000, provides that the nomination of a candidate for a member of the board of education shall be made by petitions signed by at least 50 voters or 10% of voters, whichever is less, residing in the school district (rather than signed in the aggregate by not less than 200 qualified voters residing in the school district). Amends the Article of the 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.

LRB102 12676 CMG 18015 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 32-2.5, 33-1, and 33-4 as follows:

6 (105 ILCS 5/32-2.5) (from Ch. 122, par. 32-2.5)

7 Sec. 32-2.5. Election of board of education in lieu of  
8 appointive board. In all special charter districts having a  
9 population of over 35,000 by the last federal census, where  
10 the board of directors or board of education is elected or  
11 appointed by the city council of the city, of which school  
12 district such city may form the whole or a part, and where  
13 there are no provisions in the special charter creating such  
14 school district for the election of a board of directors or  
15 board of education, there shall be elected in lieu of the  
16 present governing body a board of education to consist of 7  
17 members. Nomination of a candidate for member of the board of  
18 education shall be made by petitions signed ~~in the aggregate~~  
19 by at least 50 voters or 10% of voters, whichever is less, not  
20 ~~less than 200 qualified voters~~ residing in the school  
21 district, and also by filing with the petitions a statement of  
22 candidacy as provided in the general election law, which  
23 petitions and statements of candidacy shall be filed in the

1 office of the board of education in accordance with the  
2 general election law.

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

14 The county clerk or the county board of election  
15 commissioners shall make certification to the proper election  
16 authority in accordance with the general election law.

17 (Source: P.A. 98-115, eff. 7-29-13.)

18 (105 ILCS 5/33-1) (from Ch. 122, par. 33-1)

19 Sec. 33-1. Board of education; election; terms ~~Education—~~  
20 ~~Election—Terms~~. In all school districts, including special  
21 charter districts having a population of 100,000 and not more  
22 than 500,000, which adopt this Article, as hereinafter  
23 provided, there shall be maintained a system of free schools  
24 in charge of a board of education, which shall be a body  
25 politic and corporate by the name of "Board of Education of the

1 City of....". The board shall consist of 7 members elected by  
2 the voters of the district. Except as provided in Section  
3 33-1b of this Act, the regular election for members of the  
4 board shall be held at the consolidated election in odd  
5 numbered years and at the general primary election in even  
6 numbered years. The law governing the registration of voters  
7 for the primary election shall apply to the regular election.  
8 At the first regular election 7 persons shall be elected as  
9 members of the board. The person who receives the greatest  
10 number of votes shall be elected for a term of 5 years. The 2  
11 persons who receive the second and third greatest number of  
12 votes shall be elected for a term of 4 years. The person who  
13 receives the fourth greatest number of votes shall be elected  
14 for a term of 3 years. The 2 persons who receive the fifth and  
15 sixth greatest number of votes shall be elected for a term of 2  
16 years. The person who receives the seventh greatest number of  
17 votes shall be elected for a term of 1 year. Thereafter, at  
18 each regular election for members of the board, the successors  
19 of the members whose terms expire in the year of election shall  
20 be elected for a term of 5 years, except that members of the  
21 board elected after the effective date of this amendatory Act  
22 of the 102nd General Assembly shall be elected for a term of 4  
23 years and shall serve until their successors are elected and  
24 have qualified. All terms shall commence after the occurrence  
25 of both the following:

26 (1) The election authority has canvassed the votes and

1           proclaimed the results.

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

4           Any vacancy occurring in the membership of the board shall  
5           be filled by appointment until the next regular election for  
6           members of the board.

7           In any school district which has adopted this Article, a  
8           proposition for the election of board members by school board  
9           district rather than at large may be submitted to the voters of  
10          the district at the regular school election of any year in the  
11          manner provided in Section 9-22. If the proposition is  
12          approved by a majority of those voting on the propositions,  
13          the board shall divide the school district into 7 school board  
14          districts as provided in Section 9-22. At the regular school  
15          election in the year following the adoption of such  
16          proposition, one member shall be elected from each school  
17          board district, and the 7 members so elected shall, by lot,  
18          determine one to serve for one year, 2 for 2 years, one for 3  
19          years, 2 for 4 years, and one for 5 years. Thereafter their  
20          respective successors shall be elected for terms of 5 years,  
21          except that members of the board elected after the effective  
22          date of this amendatory Act of the 102nd General Assembly  
23          shall be elected for a term of 4 years and shall serve until  
24          their successors are elected and have qualified. The terms of  
25          all incumbent members expire July 1 of the year following the  
26          adoption of such a proposition.

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

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

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

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

15 (105 ILCS 5/33-4) (from Ch. 122, par. 33-4)

16 Sec. 33-4. Rights, powers, and duties of board. The board  
17 of education shall succeed to all rights, powers, and duties  
18 of the former governing body of the district and shall have all  
19 of the rights, powers, and duties as are provided for other  
20 school boards under Article 10.

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

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.