

SB2402



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2402

Introduced 2/26/2021, by Sen. Thomas Cullerton

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 17466 CMG 22963 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.)