

1 AN ACT relating to schools.

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
5 Sections 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
8 the date of his or her election, is a citizen of the United
9 States, of the age of 18 years or over, is a resident of the
10 State and of the territory of the district for at least one
11 year immediately preceding his or her election, is a
12 registered voter as provided in the general election law, and
13 is not a school trustee or a school treasurer, and is not a
14 child sex offender as defined in Section 11-9.3 of the
15 Criminal Code of 1961, shall be eligible to the office of
16 school director.

17 (Source: P.A. 81-1490.)

18 (105 ILCS 5/10-10) (from Ch. 122, par. 10-10)

19 Sec. 10-10. Board of education; Term; Vacancy. All
20 school districts having a population of not fewer than 1,000
21 and not more than 500,000 inhabitants, as ascertained by any
22 special or general census, and not governed by special Acts,
23 shall be governed by a board of education consisting of 7
24 members, serving without compensation except as herein
25 provided. Each member shall be elected for a term of 4 years
26 except as otherwise provided in subsection (a-5) of Section
27 11B-7 for the initial members of the board of education of a
28 combined school district to which that subsection applies. If
29 5 members are elected in 1983 pursuant to the extension of
30 terms provided by law for transition to the consolidated

1 election schedule under the general election law, 2 of those
2 members shall be elected to serve terms of 2 years and 3
3 shall be elected to serve terms of 4 years; their successors
4 shall serve for a 4 year term. When the voters of a district
5 have voted to elect members of the board of education for 6
6 year terms, as provided in Section 9-5, the terms of office
7 of members of the board of education of that district expire
8 when their successors assume office but not later than 7 days
9 after such election. If at the regular school election held
10 in the first odd-numbered year after the determination to
11 elect members for 6 year terms 2 members are elected, they
12 shall serve for a 6 year term; and of the members elected at
13 the next regular school election 3 shall serve for a term of
14 6 years and 2 shall serve a term of 2 years. Thereafter
15 members elected in such districts shall be elected to a 6
16 year term. If at the regular school election held in the
17 first odd-numbered year after the determination to elect
18 members for 6 year terms 3 members are elected, they shall
19 serve for a 6 year term; and of the members elected at the
20 next regular school election 2 shall serve for a term of 2
21 years and 2 shall serve for a term of 6 years. Thereafter
22 members elected in such districts shall be elected to a 6
23 year term. If at the regular school election held in the
24 first odd-numbered year after the determination to elect
25 members for 6 year terms 4 members are elected, 3 shall serve
26 for a term of 6 years and one shall serve for a term of 2
27 years; and of the members elected at the next regular school
28 election 2 shall serve for terms of 6 years and 2 shall serve
29 for terms of 2 years. Thereafter members elected in such
30 districts shall be elected to a 6 year term. If at the
31 regular school election held in the first odd-numbered year
32 after the determination to elect members for a 6 year term 5
33 members are elected, 3 shall serve for a term of 6 years and
34 2 shall serve for a term of 2 years; and of the members

1 elected at the next regular school election 2 shall serve for
2 terms of 6 years and 2 shall serve for terms of 2 years.
3 Thereafter members elected in such districts shall be elected
4 to a 6 year term. An election for board members shall not be
5 held in school districts which by consolidation, annexation
6 or otherwise shall cease to exist as a school district within
7 6 months after the election date, and the term of all board
8 members which would otherwise terminate shall be continued
9 until such district shall cease to exist. Each member shall,
10 on the date of his or her election, shall be a citizen of the
11 United States of the age of 18 years or over, shall be a
12 resident of the State and the territory of the district for
13 at least one year immediately preceding his or her election,
14 shall be a registered voter as provided in the general
15 election law, and shall not be a school trustee or a school
16 treasurer, and shall not be a child sex offender as defined
17 in Section 11-9.3 of the Criminal Code of 1961. When the
18 board of education is the successor of the school directors,
19 all rights of property, and all rights regarding causes of
20 action existing or vested in such directors, shall vest in it
21 as fully as they were vested in the school directors. Terms
22 of members are subject to Section 2A-54 of the Election Code.

23 Nomination papers filed under this Section are not valid
24 unless the candidate named therein files with the secretary
25 of the board of education or with a person designated by the
26 board to receive nominating petitions a receipt from the
27 county clerk showing that the candidate has filed a statement
28 of economic interests as required by the Illinois
29 Governmental Ethics Act. Such receipt shall be so filed
30 either previously during the calendar year in which his
31 nomination papers were filed or within the period for the
32 filing of nomination papers in accordance with the general
33 election law.

34 Whenever a vacancy occurs, the remaining members shall

1 notify the regional superintendent of that vacancy within 5
2 days after its occurrence and shall proceed to fill the
3 vacancy until the next regular school election, at which
4 election a successor shall be elected to serve the remainder
5 of the unexpired term. However, if the vacancy occurs with
6 less than 868 days remaining in the term, or if the vacancy
7 occurs less than 88 days before the next regularly scheduled
8 election for this office then the person so appointed shall
9 serve the remainder of the unexpired term, and no election to
10 fill the vacancy shall be held. Should they fail so to act,
11 within 45 days after the vacancy occurs, the regional
12 superintendent of schools under whose supervision and control
13 the district is operating, as defined in Section 3-14.2 of
14 this Act, shall within 30 days after the remaining members
15 have failed to fill the vacancy, fill the vacancy as provided
16 for herein. Upon the regional superintendent's failure to
17 fill the vacancy, the vacancy shall be filled at the next
18 regularly scheduled election. Whether elected or appointed
19 by the remaining members or regional superintendent, the
20 successor shall be an inhabitant of the particular area from
21 which his or her predecessor was elected if the residential
22 requirements contained in Section 11A-8, 11B-7, or 12-2 of
23 this Act apply.

24 (Source: P.A. 89-129, eff. 7-14-95; 89-579, eff. 7-30-96;
25 90-358, eff. 1-1-98; 90-459, eff. 8-17-97; 90-655, eff.
26 7-30-98.)

27 (105 ILCS 5/33-2) (from Ch. 122, par. 33-2)
28 Sec. 33-2. Eligibility. To be eligible for election to
29 the board, a person shall be a citizen of the United States,
30 and shall have been a resident of the district for at least
31 one 1 year immediately preceding his or her election, and
32 shall not be a child sex offender as defined in Section
33 11-9.3 of the Criminal Code of 1961. Permanent removal from

1 the 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
6 board of education shall be signed by at least 200 voters of
7 the district; and the polls, whether they be located within a
8 city lying in the district or outside of a city, shall remain
9 open during the hours specified in the Election Code.

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

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

12 Sec. 34-4. Eligibility. To be eligible for appointment
13 to the board, a person shall be a citizen of the United
14 States, shall be a registered voter as provided in the
15 Election Code, ~~as heretofore or hereafter amended,~~ and shall
16 have been a resident of the city for at least 3 years
17 immediately preceding his or her appointment, and shall not
18 be a child sex offender as defined in Section 11-9.3 of the
19 Criminal Code of 1961. Permanent removal from the city by any
20 member of the board during his term of office constitutes a
21 resignation therefrom and creates a vacancy in the board.
22 Except for the President of the Chicago School Reform Board
23 of Trustees who may be paid compensation for his or her
24 services as chief executive officer as determined by the
25 Mayor as provided in subsection (a) of Section 34-3, board
26 members shall serve without any compensation; provided, that
27 board members shall be reimbursed for expenses incurred while
28 in the performance of their duties upon submission of proper
29 receipts or upon submission of a signed voucher in the case
30 of an expense allowance evidencing the amount of such
31 reimbursement or allowance to the president of the board for
32 verification and approval. The board of education may
33 continue to provide health care insurance coverage, employer

1 pension contributions, employee pension contributions, and
2 life insurance premium payments for an employee required to
3 resign from an administrative, teaching, or career service
4 position in order to qualify as a member of the board of
5 education. They shall not hold other public office under the
6 Federal, State or any local government other than that of
7 Director of the Regional Transportation Authority, member of
8 the economic development commission of a city having a
9 population exceeding 500,000, notary public or member of the
10 National Guard, and by accepting any such office while
11 members of the board, or by not resigning any such office
12 held at the time of being appointed to the board within 30
13 days after such appointment, shall be deemed to have vacated
14 their membership in the board.

15 (Source: P.A. 89-15, eff. 5-30-95.)