

1 AN ACT concerning the State Board of Education.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Election Code is amended by changing
5 Sections 2A-1.2, 10-9, 22-1, 22-7, and 22-8 and adding
6 Section 2A-56 as follows:

7 (10 ILCS 5/2A-1.2) (from Ch. 46, par. 2A-1.2)

8 Sec. 2A-1.2. Consolidated Schedule of Elections -
9 Offices Designated.

10 (a) At the general election in the appropriate
11 even-numbered years, the following offices shall be filled or
12 shall be on the ballot as otherwise required by this Code:

13 (1) Elector of President and Vice President of the
14 United States;

15 (2) United States Senator and United States
16 Representative;

17 (3) State Executive Branch elected officers;

18 (4) State Senator and State Representative;

19 (5) County elected officers, including State's
20 Attorney, County Board member, County Commissioners, and
21 elected President of the County Board or County Chief
22 Executive;

23 (6) Circuit Court Clerk;

24 (7) Regional Superintendent of Schools, except in
25 counties or educational service regions in which that
26 office has been abolished;

27 (8) Judges of the Supreme, Appellate and Circuit
28 Courts, on the question of retention, to fill vacancies
29 and newly created judicial offices;

30 (9) (Blank);

31 (10) Trustee of the Metropolitan Sanitary District

1 of Chicago, and elected Trustee of other Sanitary
2 Districts;

3 (11) Special District elected officers, not
4 otherwise designated in this Section, where the statute
5 creating or authorizing the creation of the district
6 requires an annual election and permits or requires
7 election of candidates of political parties;

8 (12) Members of the State Board of Education.

9 (b) At the general primary election:

10 (1) in each even-numbered year candidates of
11 political parties shall be nominated for those offices to
12 be filled at the general election in that year, except
13 where pursuant to law nomination of candidates of
14 political parties is made by caucus.

15 (2) in the appropriate even-numbered years the
16 political party offices of State central committeeman,
17 township committeeman, ward committeeman, and precinct
18 committeeman shall be filled and delegates and alternate
19 delegates to the National nominating conventions shall be
20 elected as may be required pursuant to this Code. In the
21 even-numbered years in which a Presidential election is
22 to be held, candidates in the Presidential preference
23 primary shall also be on the ballot.

24 (3) in each even-numbered year, where the
25 municipality has provided for annual elections to elect
26 municipal officers pursuant to Section 6(f) or Section 7
27 of Article VII of the Constitution, pursuant to the
28 Illinois Municipal Code or pursuant to the municipal
29 charter, the offices of such municipal officers shall be
30 filled at an election held on the date of the general
31 primary election, provided that the municipal election
32 shall be a nonpartisan election where required by the
33 Illinois Municipal Code. For partisan municipal
34 elections in even-numbered years, a primary to nominate

1 candidates for municipal office to be elected at the
2 general primary election shall be held on the Tuesday 6
3 weeks preceding that election.

4 (4) in each school district which has adopted the
5 provisions of Article 33 of the School Code, successors
6 to the members of the board of education whose terms
7 expire in the year in which the general primary is held
8 shall be elected.

9 (c) At the consolidated election in the appropriate
10 odd-numbered years, the following offices shall be filled:

11 (1) Municipal officers, provided that in
12 municipalities in which candidates for alderman or other
13 municipal office are not permitted by law to be
14 candidates of political parties, the runoff election
15 where required by law, or the nonpartisan election where
16 required by law, shall be held on the date of the
17 consolidated election; and provided further, in the case
18 of municipal officers provided for by an ordinance
19 providing the form of government of the municipality
20 pursuant to Section 7 of Article VII of the Constitution,
21 such offices shall be filled by election or by runoff
22 election as may be provided by such ordinance;

23 (2) Village and incorporated town library
24 directors;

25 (3) City boards of stadium commissioners;

26 (4) Commissioners of park districts;

27 (5) Trustees of public library districts;

28 (6) Special District elected officers, not
29 otherwise designated in this section, where the statute
30 creating or authorizing the creation of the district
31 permits or requires election of candidates of political
32 parties;

33 (7) Township officers, including township park
34 commissioners, township library directors, and boards of

1 managers of community buildings, and Multi-Township
2 Assessors;

3 (8) Highway commissioners and road district clerks;

4 (9) Members of school boards in school districts
5 which adopt Article 33 of the School Code;

6 (10) The directors and chairman of the Chain O
7 Lakes - Fox River Waterway Management Agency;

8 (11) Forest preserve district commissioners elected
9 under Section 3.5 of the Downstate Forest Preserve
10 District Act;

11 (12) Elected members of school boards, school
12 trustees, directors of boards of school directors,
13 trustees of county boards of school trustees (except in
14 counties or educational service regions having a
15 population of 2,000,000 or more inhabitants) and members
16 of boards of school inspectors, except school boards in
17 school districts that adopt Article 33 of the School
18 Code;

19 (13) Members of Community College district boards;

20 (14) Trustees of Fire Protection Districts;

21 (15) Commissioners of the Springfield Metropolitan
22 Exposition and Auditorium Authority;

23 (16) Elected Trustees of Tuberculosis Sanitarium
24 Districts;

25 (17) Elected Officers of special districts not
26 otherwise designated in this Section for which the law
27 governing those districts does not permit candidates of
28 political parties.

29 (d) At the consolidated primary election in each
30 odd-numbered year, candidates of political parties shall be
31 nominated for those offices to be filled at the consolidated
32 election in that year, except where pursuant to law
33 nomination of candidates of political parties is made by
34 caucus, and except those offices listed in paragraphs (12)

1 through (17) of subsection (c).

2 At the consolidated primary election in the appropriate
3 odd-numbered years, the mayor, clerk, treasurer, and aldermen
4 shall be elected in municipalities in which candidates for
5 mayor, clerk, treasurer, or alderman are not permitted by law
6 to be candidates of political parties, subject to runoff
7 elections to be held at the consolidated election as may be
8 required by law, and municipal officers shall be nominated in
9 a nonpartisan election in municipalities in which pursuant to
10 law candidates for such office are not permitted to be
11 candidates of political parties.

12 At the consolidated primary election in the appropriate
13 odd-numbered years, municipal officers shall be nominated or
14 elected, or elected subject to a runoff, as may be provided
15 by an ordinance providing a form of government of the
16 municipality pursuant to Section 7 of Article VII of the
17 Constitution.

18 (e) (Blank).

19 (f) At any election established in Section 2A-1.1,
20 public questions may be submitted to voters pursuant to this
21 Code and any special election otherwise required or
22 authorized by law or by court order may be conducted pursuant
23 to this Code.

24 Notwithstanding the regular dates for election of
25 officers established in this Article, whenever a referendum
26 is held for the establishment of a political subdivision
27 whose officers are to be elected, the initial officers shall
28 be elected at the election at which such referendum is held
29 if otherwise so provided by law. In such cases, the election
30 of the initial officers shall be subject to the referendum.

31 Notwithstanding the regular dates for election of
32 officials established in this Article, any community college
33 district which becomes effective by operation of law pursuant
34 to Section 6-6.1 of the Public Community College Act, as now

1 or hereafter amended, shall elect the initial district board
2 members at the next regularly scheduled election following
3 the effective date of the new district.

4 (g) At any election established in Section 2A-1.1, if in
5 any precinct there are no offices or public questions
6 required to be on the ballot under this Code then no election
7 shall be held in the precinct on that date.

8 (h) There may be conducted a referendum in accordance
9 with the provisions of Division 6-4 of the Counties Code.

10 (Source: P.A. 89-5, eff. 1-1-96; 89-95, eff. 1-1-96; 89-626,
11 eff. 8-9-96; 90-358, eff. 1-1-98.)

12 (10 ILCS 5/2A-56 new)

13 Sec. 2A-56. State Board of Education; time of election.
14 Members of the State Board of Education shall be elected at
15 the general election in 2004 and at the general election
16 every 6 years thereafter.

17 (10 ILCS 5/10-9) (from Ch. 46, par. 10-9)

18 Sec. 10-9. The following electoral boards are designated
19 for the purpose of hearing and passing upon the objector's
20 petition described in Section 10-8.

21 1. The State Board of Elections will hear and pass upon
22 objections to the nominations of candidates for State
23 offices, nominations of candidates for members of the State
24 Board of Education, nominations of candidates for
25 congressional, legislative and judicial offices of districts
26 or circuits situated in more than one county, nominations of
27 candidates for the offices of State's attorney or regional
28 superintendent of schools to be elected from more than one
29 county, and petitions for proposed amendments to the
30 Constitution of the State of Illinois as provided for in
31 Section 3 of Article XIV of the Constitution.

32 2. The county officers electoral board to hear and pass

1 upon objections to the nominations of candidates for county
2 offices, for congressional, legislative and judicial offices
3 of a district or circuit coterminous with or less than a
4 county, for school trustees to be voted for by the electors
5 of the county or by the electors of a township of the county,
6 for the office of multi-township assessor where candidates
7 for such office are nominated in accordance with this Code,
8 and for all special district offices, shall be composed of
9 the county clerk, or an assistant designated by the county
10 clerk, the State's attorney of the county or an Assistant
11 State's Attorney designated by the State's Attorney, and the
12 clerk of the circuit court, or an assistant designated by the
13 clerk of the circuit court, of the county, of whom the county
14 clerk or his designee shall be the chairman, except that in
15 any county which has established a county board of election
16 commissioners that board shall constitute the county officers
17 electoral board ex-officio.

18 3. The municipal officers electoral board to hear and
19 pass upon objections to the nominations of candidates for
20 officers of municipalities shall be composed of the mayor or
21 president of the board of trustees of the city, village or
22 incorporated town, and the city, village or incorporated town
23 clerk, and one member of the city council or board of
24 trustees, that member being designated who is eligible to
25 serve on the electoral board and has served the greatest
26 number of years as a member of the city council or board of
27 trustees, of whom the mayor or president of the board of
28 trustees shall be the chairman.

29 4. The township officers electoral board to pass upon
30 objections to the nominations of township officers shall be
31 composed of the township supervisor, the town clerk, and that
32 eligible town trustee elected in the township who has had the
33 longest term of continuous service as town trustee, of whom
34 the township supervisor shall be the chairman.

1 5. The education officers electoral board to hear and
2 pass upon objections to the nominations of candidates for
3 offices in school or community college districts shall be
4 composed of the presiding officer of the school or community
5 college district board, who shall be the chairman, the
6 secretary of the school or community college district board
7 and the eligible elected school or community college board
8 member who has the longest term of continuous service as a
9 board member.

10 6. In all cases, however, where the Congressional or
11 Legislative district is wholly within the jurisdiction of a
12 board of election commissioners and in all cases where the
13 school district or special district is wholly within the
14 jurisdiction of a municipal board of election commissioners
15 and in all cases where the municipality or township is wholly
16 or partially within the jurisdiction of a municipal board of
17 election commissioners, the board of election commissioners
18 shall ex-officio constitute the electoral board.

19 For special districts situated in more than one county,
20 the county officers electoral board of the county in which
21 the principal office of the district is located has
22 jurisdiction to hear and pass upon objections. For purposes
23 of this Section, "special districts" means all political
24 subdivisions other than counties, municipalities, townships
25 and school and community college districts.

26 In the event that any member of the appropriate board is
27 a candidate for the office with relation to which the
28 objector's petition is filed, he shall not be eligible to
29 serve on that board and shall not act as a member of the
30 board and his place shall be filled as follows:

31 a. In the county officers electoral board by the
32 county treasurer, and if he or she is ineligible to
33 serve, by the sheriff of the county.

34 b. In the municipal officers electoral board by the

1 eligible elected city council or board of trustees member
2 who has served the second greatest number of years as a
3 city council or board of trustees member.

4 c. In the township officers electoral board by the
5 eligible elected town trustee who has had the second
6 longest term of continuous service as a town trustee.

7 d. In the education officers electoral board by the
8 eligible elected school or community college district
9 board member who has had the second longest term of
10 continuous service as a board member.

11 In the event that the chairman of the electoral board is
12 ineligible to act because of the fact that he is a candidate
13 for the office with relation to which the objector's petition
14 is filed, then the substitute chosen under the provisions of
15 this Section shall be the chairman; In this case, the officer
16 or board with whom the objector's petition is filed, shall
17 transmit the certificate of nomination or nomination papers
18 as the case may be, and the objector's petition to the
19 substitute chairman of the electoral board.

20 When 2 or more eligible individuals, by reason of their
21 terms of service on a city council or board of trustees,
22 township board of trustees, or school or community college
23 district board, qualify to serve on an electoral board, the
24 one to serve shall be chosen by lot.

25 Any vacancies on an electoral board not otherwise filled
26 pursuant to this Section shall be filled by public members
27 appointed by the Chief Judge of the Circuit Court for the
28 county wherein the electoral board hearing is being held upon
29 notification to the Chief Judge of such vacancies. The Chief
30 Judge shall be so notified by a member of the electoral board
31 or the officer or board with whom the objector's petition was
32 filed. In the event that none of the individuals designated
33 by this Section to serve on the electoral board are eligible,
34 the chairman of an electoral board shall be designated by the

1 Chief Judge.

2 (Source: P.A. 87-570.)

3 (10 ILCS 5/22-1) (from Ch. 46, par. 22-1)

4 Sec. 22-1. Abstracts of votes. Within 7 days after the
5 close of the election at which candidates for offices
6 hereinafter named in this Section are voted upon, the county
7 clerks of the respective counties, with the assistance of the
8 chairmen of the county central committees of the Republican
9 and Democratic parties of the county, shall open the returns
10 and make abstracts of the votes on a separate sheet for each
11 of the following:

- 12 A. For Governor and Lieutenant Governor;
- 13 B. For State officers;
- 14 C. For presidential electors;
- 15 D. For United States Senators and Representatives to
16 Congress;
- 17 E. For judges of the Supreme Court;
- 18 F. For judges of the Appellate Court;
- 19 G. For judges of the circuit court;
- 20 H. For Senators and Representatives to the General
21 Assembly;
- 22 I. For State's Attorneys elected from 2 or more
23 counties;
- 24 J. For amendments to the Constitution, and for other
25 propositions submitted to the electors of the entire State;
- 26 K. For county officers and for propositions submitted to
27 the electors of the county only;
- 28 L. For Regional Superintendent of Schools;
- 29 M. For trustees of Sanitary Districts; and
- 30 N. For Trustee of a Regional Board of School Trustees;
31 and-
- 32 O. For members of the State Board of Education.

33 Multiple originals of each of the sheets shall be

1 prepared and one of each shall be turned over to the chairman
2 of the county central committee of each of the then existing
3 established political parties, as defined in Section 10-2, or
4 his duly authorized representative immediately after the
5 completion of the entries on the sheets and before the totals
6 have been compiled.

7 The foregoing abstracts shall be preserved by the county
8 clerk in his office.

9 Whenever any county chairman is also county clerk or
10 whenever any county chairman is unable to serve as a member
11 of such canvassing board the vice-chairman or secretary of
12 his county central committee, in that order, shall serve in
13 his place as member of such canvassing board; provided, that
14 if none of these persons is able to serve, the county
15 chairman may appoint a member of his county central committee
16 to serve as a member of such canvassing board.

17 The powers and duties of the county canvassing board are
18 limited to those specified in this Section. In no event shall
19 such canvassing board open any package in which the ballots
20 have been wrapped or any envelope containing "defective" or
21 "objected to" ballots, or in any manner undertake to examine
22 the ballots used in the election, except as provided in
23 Section 22-9.1 or when directed by a court in an election
24 contest. Nor shall such canvassing board call in the precinct
25 judges of election or any other persons to open or recount
26 the ballots.

27 (Source: P.A. 89-5, eff. 1-1-96.)

28 (10 ILCS 5/22-7) (from Ch. 46, par. 22-7)

29 Sec. 22-7. Canvass of votes; declaration and proclamation
30 of result. The State Board of Elections, shall proceed within
31 20 days after the election, and sooner if all the returns are
32 received, to canvass the votes given for United States
33 Senators and Representatives to Congress, State executive

1 officers, members of the State Board of Education, judges of
2 the Supreme Court, judges of the Appellate Court, judges of
3 the Circuit Court, Senators, Representatives to the General
4 Assembly, State's Attorneys and Regional Superintendents of
5 Schools elected from 2 or more counties, respectively, and
6 the persons having the highest number of votes for the
7 respective offices shall be declared duly elected, but if it
8 appears that more than the number of persons to be elected
9 have the highest and an equal number of votes for the same
10 office, the electoral board shall decide by lot which of such
11 persons shall be elected; and to each person duly elected,
12 the Governor shall give a certificate of election or
13 commission, as the case may require, and shall cause
14 proclamation to be made of the result of the canvass, and
15 they shall at the same time and in the same manner, canvass
16 the vote cast upon amendments to the Constitution, and upon
17 other propositions submitted to the electors of the entire
18 State; and the Governor shall cause to be made such
19 proclamation of the result of the canvass as the statutes
20 elsewhere provide. The State Board of Elections shall
21 transmit to the State Comptroller a list of the persons
22 elected to the various offices. The State Board of Elections
23 shall also transmit to the Supreme Court the names of persons
24 elected to judgeships in adversary elections and the names of
25 judges who fail to win retention in office.

26 (Source: P.A. 89-5, eff. 1-1-96.)

27 (10 ILCS 5/22-8) (from Ch. 46, par. 22-8)

28 Sec. 22-8. In municipalities operating under Article 6 of
29 this Act, within 7 days after the close of such election, a
30 judge of the circuit court, with the assistance of the city
31 attorney and the board of election commissioners, who are
32 hereby declared a canvassing board for such city, shall open
33 all returns left respectively, with the election

1 commissioners, the county clerk, and city comptroller, and
2 shall make abstracts or statements of the votes in the
3 following manner, as the case may require, viz: All votes for
4 Governor and Lieutenant Governor on one sheet; all votes for
5 other State officers on another sheet; all votes for members
6 of the State Board of Education on another sheet; all votes
7 for presidential electors on another sheet; all votes for
8 United States Senators and Representatives to Congress on
9 another sheet; all votes for judges of the Supreme Court on
10 another sheet; all votes for judges of the Appellate Court on
11 another sheet; all votes for Judges of the Circuit Court on
12 another sheet; all votes for Senators and Representatives to
13 the General Assembly on another sheet; all votes for State's
14 Attorneys where elected from 2 or more counties on another
15 sheet; all votes for County Officers on another sheet; all
16 votes for City Officers on another sheet; all votes for Town
17 Officers on another sheet; and all votes for any other office
18 on a separate and appropriate sheet; all votes for any
19 proposition, which may be submitted to a vote of the people,
20 on another sheet, and all votes against any proposition,
21 submitted to a vote of the people, on another sheet.

22 Multiple originals of each of the sheets shall be
23 prepared and one of each shall be turned over to the chairman
24 of the county central committee of each of the then existing
25 established political parties, as defined in Section 10-2, or
26 his duly authorized representative immediately after the
27 completion of the entries on the sheets and before the totals
28 have been compiled.

29 (Source: P.A. 77-2626.)

30 Section 10. The School Code is amended by changing
31 Sections 1A-1, 1A-2, 1A-2.1, and 1A-4 as follows:

32 (105 ILCS 5/1A-1) (from Ch. 122, par. 1A-1)

1 Sec. 1A-1. Members and terms.

2 (a) The term of each member of the State Board of
3 Education who is in office on January 1, 2005 ~~the effective~~
4 ~~date of this amendatory Act of 1996~~ shall terminate on
5 ~~January 1, 1997 or~~ when all of the new members initially to
6 be elected ~~appointed~~ under this amendatory Act of the 93rd
7 General Assembly have taken office ~~1996 are appointed by the~~
8 ~~Governor as provided in subsection (b), whichever last~~
9 occurs.

10 (b) Beginning on January 1, 1997 or when all of the new
11 members initially to be appointed under this subsection are
12 appointed by the Governor, whichever last occurs, and until
13 all of the new members initially to be elected under this
14 amendatory Act of the 93rd General Assembly have taken office
15 thereafter, the State Board of Education shall consist of 9
16 members, who shall be appointed by the Governor with the
17 advice and consent of the Senate from a pattern of regional
18 representation as follows: 2 appointees shall be selected
19 from among those counties of the State other than Cook County
20 and the 5 counties contiguous to Cook County; 2 appointees
21 shall be selected from Cook County, one of whom shall be a
22 resident of the City of Chicago and one of whom shall be a
23 resident of that part of Cook County which lies outside the
24 city limits of Chicago; 2 appointees shall be selected from
25 among the 5 counties of the State that are contiguous to Cook
26 County; and 3 members shall be selected as members-at-large.
27 At no time may more than 5 members of the Board be from one
28 political party until all of the new members initially to be
29 elected under this amendatory Act of the 93rd General
30 Assembly have taken office. Party membership is defined as
31 having voted in the primary of the party in the last primary
32 before appointment. The 9 members initially appointed
33 pursuant to this amendatory Act of 1996 shall draw lots to
34 determine 3 of their number who shall serve until the second

1 Wednesday of January, 2003, 3 of their number who shall serve
2 until the second Wednesday of January, 2001, and 3 of their
3 number who shall serve until the second Wednesday of January,
4 1999. Upon expiration of the terms of the members initially
5 appointed under this amendatory Act of 1996, their respective
6 successors shall serve ~~be appointed for terms of 6 years,~~
7 from the second Wednesday in January of each odd numbered
8 year and until all of the new members initially to be elected
9 under this amendatory Act of the 93rd General Assembly have
10 taken office ~~their respective successors are appointed and~~
11 ~~qualified.~~

12 (c) Beginning on the date when all of the new members
13 initially to be elected under this amendatory Act of the 93rd
14 General Assembly have taken office, the State Board of
15 Education shall consist of 7 members. These members shall be
16 elected on a nonpartisan basis at the general election in
17 2004 and every 6 years thereafter. Three members shall be
18 elected from the First Judicial District (one of whom shall
19 be elected from the City of Chicago and 2 of whom shall be
20 elected from that part of the First Judicial District that
21 lies outside the city limits of Chicago), one member shall be
22 elected from each of the 4 other judicial districts, and 2
23 members shall be elected as members-at-large. A petition for
24 nomination of a candidate for member of the Board
25 representing a judicial district or part of a judicial
26 district shall be signed by at least 0.5% of the total number
27 of registered voters in that judicial district or part of the
28 judicial district. A petition for nomination of a candidate
29 for Board member-at-large shall be signed by at least 0.5% of
30 the total number of register voters in the State. Each
31 elected member shall serve for a term of 6 years, from the
32 second Wednesday of January after his or her election and
33 until his or her successor takes office.

34 (d) Vacancies in terms shall be filled by appointment by

1 the Governor with the advice and consent of the Senate for
 2 the extent of the unexpired term. If a vacancy in membership
 3 occurs at a time when the Senate is not in session, the
 4 Governor shall make a temporary appointment until the next
 5 meeting of the Senate, when the Governor shall appoint a
 6 person to fill that membership for the remainder of its term.
 7 If the Senate is not in session when appointments for a full
 8 term are made under subsection (b) of this Section, the
 9 appointments shall be made as in the case of vacancies. A
 10 person selected to fill a vacancy left by an elected member
 11 representing a judicial district or part of a judicial
 12 district must be a resident of that judicial district or part
 13 of the judicial district.

14 (Source: P.A. 89-610, eff. 8-6-96.)

15 (105 ILCS 5/1A-2) (from Ch. 122, par. 1A-2)

16 Sec. 1A-2. Qualifications. In order to be a member The
 17 members of the State Board of Education, a person must be a
 18 citizen shall--be--citizens of the United States and a
 19 resident residents of the State of Illinois. To be an
 20 elected member representing a judicial district or part of a
 21 judicial district, a person must also be a resident of that
 22 judicial district or part of the judicial district.
 23 Appointed members and shall be selected as far as may be
 24 practicable on the basis of their knowledge of, or interest
 25 and experience in, problems of public education. No member
 26 of the State Board of Education shall be gainfully employed
 27 or administratively connected with any school system, nor
 28 have any interest in or benefit from funds provided by the
 29 State Board of Education to an institution of higher
 30 learning, public or private, within Illinois, nor shall--they
 31 be a member members of a school board or board of school
 32 trustees of a public or nonpublic school, college, university
 33 or technical institution within Illinois. No member shall be

1 appointed or elected to more than 2 6-year ~~six--year~~ terms.
 2 Members shall be reimbursed for all ordinary and necessary
 3 expenses incurred in performing their duties as members of
 4 the Board. Expenses shall be approved by the Board and be
 5 consistent with the laws, policies, and requirements of the
 6 State of Illinois regarding such expenditures, plus any
 7 member may include in his claim for expenses \$50 per day for
 8 meeting days.

9 (Source: P.A. 90-548, eff. 1-1-98.)

10 (105 ILCS 5/1A-2.1) (from Ch. 122, par. 1A-2.1)

11 Sec. 1A-2.1. Vacancies. A vacancy exists on the State
 12 Board of Education when one or more of the following events
 13 occur:

- 14 1. a member dies;
- 15 2. a member files a written resignation with the
 16 Governor;
- 17 3. a member is adjudicated to be a person under legal
 18 disability under the Probate Act of 1975, as amended, or a
 19 person subject to involuntary admission under the Mental
 20 Health and Developmental Disabilities Code;
- 21 4. (blank); ~~a member ceases to be a resident of the~~
 22 ~~judicial district from which he or she was appointed;~~
- 23 5. a member is convicted of an infamous crime, or of any
 24 offense involving a violation of his or her duties under this
 25 Act;
- 26 6. a member fails to maintain the qualifications stated
 27 in Section 1A-2 of this Act.

28 (Source: P.A. 83-706.)

29 (105 ILCS 5/1A-4) (from Ch. 122, par. 1A-4)

30 Sec. 1A-4. Powers and duties of the Board.

31 A. Except as otherwise provided in this subsection A,
 32 upon the appointment of new Board members as provided in

1 subsection (b) of Section 1A-1 and every 2 years thereafter,
2 the chairperson of the Board shall be selected by the
3 Governor, with the advice and consent of the Senate, from the
4 membership of the Board to serve as chairperson for 2 years.
5 The chairperson selected in 2003 shall serve until all of the
6 new members initially to be elected under this amendatory Act
7 of the 93rd General Assembly have taken office. When all of
8 the new members initially to be elected under this amendatory
9 Act of the 93rd General Assembly have taken office and every
10 2 years thereafter, one member of the Board shall be elected
11 by the members of Board to serve as chairperson for 2 years.

12 B. The Board shall determine the qualifications of and
13 appoint a chief education officer to be known as the State
14 Superintendent of Education who shall serve at the pleasure
15 of the Board and pursuant to a performance-based contract
16 linked to statewide student performance and academic
17 improvement within Illinois schools. No performance-based
18 contract issued for the employment of the State
19 Superintendent of Education shall be for a term longer than 3
20 years and no contract shall be extended or renewed prior to
21 its scheduled expiration unless the performance and
22 improvement goals contained in the contract have been met.
23 The State Superintendent of Education shall not serve as a
24 member of the State Board of Education. The Board shall set
25 the compensation of the State Superintendent of Education who
26 shall serve as the Board's chief executive officer. The Board
27 shall also establish the duties, powers and responsibilities
28 of the State Superintendent, which shall be included in the
29 State Superintendent's performance-based contract along with
30 the goals and indicators of student performance and academic
31 improvement used to measure the performance and effectiveness
32 of the State Superintendent. The State Board of Education may
33 delegate to the State Superintendent of Education the
34 authority to act on the Board's behalf, provided such

1 delegation is made pursuant to adopted board policy or the
2 powers delegated are ministerial in nature. The State Board
3 may not delegate authority under this Section to the State
4 Superintendent to (1) nonrecognize school districts, (2)
5 withhold State payments as a penalty, or (3) make final
6 decisions under the contested case provisions of the Illinois
7 Administrative Procedure Act unless otherwise provided by
8 law.

9 C. The powers and duties of the State Board of Education
10 shall encompass all duties delegated to the Office of
11 Superintendent of Public Instruction on January 12, 1975,
12 except as the law providing for such powers and duties is
13 thereafter amended, and such other powers and duties as the
14 General Assembly shall designate. The Board shall be
15 responsible for the educational policies and guidelines for
16 public schools, pre-school through grade 12 and Vocational
17 Education in the State of Illinois. The Board shall analyze
18 the present and future aims, needs, and requirements of
19 education in the State of Illinois and recommend to the
20 General Assembly the powers which should be exercised by the
21 Board. The Board shall recommend the passage and the
22 legislation necessary to determine the appropriate
23 relationship between the Board and local boards of education
24 and the various State agencies and shall recommend desirable
25 modifications in the laws which affect schools.

26 D. Two members of the Board shall be appointed by the
27 chairperson to serve on a standing joint Education Committee,
28 2 others shall be appointed from the Board of Higher
29 Education, 2 others shall be appointed by the chairperson of
30 the Illinois Community College Board, and 2 others shall be
31 appointed by the chairperson of the Human Resource Investment
32 Council. The Committee shall be responsible for making
33 recommendations concerning the submission of any workforce
34 development plan or workforce training program required by

1 federal law or under any block grant authority. The
2 Committee will be responsible for developing policy on
3 matters of mutual concern to elementary, secondary and higher
4 education such as Occupational and Career Education, Teacher
5 Preparation and Certification, Educational Finance,
6 Articulation between Elementary, Secondary and Higher
7 Education and Research and Planning. The joint Education
8 Committee shall meet at least quarterly and submit an annual
9 report of its findings, conclusions, and recommendations to
10 the State Board of Education, the Board of Higher Education,
11 the Illinois Community College Board, the Human Resource
12 Investment Council, the Governor, and the General Assembly.
13 All meetings of this Committee shall be official meetings for
14 reimbursement under this Act.

15 E. A majority Five-members of the Board shall constitute
16 a quorum. A majority vote of the members appointed,
17 ~~confirmed~~ and serving on the Board, excluding members who
18 have been appointed but have not been confirmed, is required
19 to approve any action.

20 The Board shall prepare and submit to the General
21 Assembly and the Governor on or before January 14, 1976 and
22 annually thereafter a report or reports of its findings and
23 recommendations. Such annual report shall contain a separate
24 section which provides a critique and analysis of the status
25 of education in Illinois and which identifies its specific
26 problems and recommends express solutions therefor. Such
27 annual report also shall contain the following information
28 for the preceding year ending on June 30: each act or
29 omission of a school district of which the State Board of
30 Education has knowledge as a consequence of scheduled,
31 approved visits and which constituted a failure by the
32 district to comply with applicable State or federal laws or
33 regulations relating to public education, the name of such
34 district, the date or dates on which the State Board of

1 Education notified the school district of such act or
2 omission, and what action, if any, the school district took
3 with respect thereto after being notified thereof by the
4 State Board of Education. The report shall also include the
5 statewide high school dropout rate by grade level, sex and
6 race and the annual student dropout rate of and the number of
7 students who graduate from, transfer from or otherwise leave
8 bilingual programs. The Auditor General shall annually
9 perform a compliance audit of the State Board of Education's
10 performance of the reporting duty imposed by this amendatory
11 Act of 1986. A regular system of communication with other
12 directly related State agencies shall be implemented.

13 The requirement for reporting to the General Assembly
14 shall be satisfied by filing copies of the report with the
15 Speaker, the Minority Leader and the Clerk of the House of
16 Representatives and the President, the Minority Leader and
17 the Secretary of the Senate and the Legislative Council, as
18 required by Section 3.1 of the General Assembly Organization
19 Act, and filing such additional copies with the State
20 Government Report Distribution Center for the General
21 Assembly as is required under paragraph (t) of Section 7 of
22 the State Library Act.

23 (Source: P.A. 89-430, eff. 12-15-95; 89-610, eff. 8-6-96;
24 89-698, eff. 1-14-97; 90-548, eff. 1-1-98.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.