

HB3093



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB3093

Introduced 2/22/2005, by Rep. Tom Cross

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.

LRB094 06158 NHT 36223 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 except as otherwise provided in subsection (a-5) of Section
15 11B-7 for the initial members of the board of education of a
16 combined school district to which that subsection applies. If 5
17 members are elected in 1983 pursuant to the extension of terms
18 provided by law for transition to the consolidated election
19 schedule under the general election law, 2 of those members
20 shall be elected to serve terms of 2 years and 3 shall be
21 elected to serve terms of 4 years; their successors shall serve
22 for a 4 year term. When the voters of a district have voted to
23 elect members of the board of education for 6 year terms, as
24 provided in Section 9-5, the terms of office of members of the
25 board of education of that district expire when their
26 successors assume office but not later than 7 days after such
27 election. If at the regular school election held in the first
28 odd-numbered year after the determination to elect members for
29 6 year terms 2 members are elected, they shall serve for a 6
30 year term; and of the members elected at the next regular
31 school election 3 shall serve for a term of 6 years and 2 shall
32 serve a term of 2 years. Thereafter members elected in such

1 districts shall be elected to a 6 year term. If at the regular
2 school election held in the first odd-numbered year after the
3 determination to elect members for 6 year terms 3 members are
4 elected, they shall serve for a 6 year term; and of the members
5 elected at the next regular school election 2 shall serve for a
6 term of 2 years and 2 shall serve for a term of 6 years.
7 Thereafter members elected in such districts shall be elected
8 to a 6 year term. If at the regular school election held in the
9 first odd-numbered year after the determination to elect
10 members for 6 year terms 4 members are elected, 3 shall serve
11 for a term of 6 years and one shall serve for a term of 2 years;
12 and of the members elected at the next regular school election
13 2 shall serve for terms of 6 years and 2 shall serve for terms
14 of 2 years. Thereafter members elected in such districts shall
15 be elected to a 6 year term. If at the regular school election
16 held in the first odd-numbered year after the determination to
17 elect members for a 6 year term 5 members are elected, 3 shall
18 serve for a term of 6 years and 2 shall serve for a term of 2
19 years; and of the members elected at the next regular school
20 election 2 shall serve for terms of 6 years and 2 shall serve
21 for terms of 2 years. Thereafter members elected in such
22 districts shall be elected to a 6 year term. An election for
23 board members shall not be held in school districts which by
24 consolidation, annexation or otherwise shall cease to exist as
25 a school district within 6 months after the election date, and
26 the term of all board members which would otherwise terminate
27 shall be continued until such district shall cease to exist.
28 Each member, on the date of his or her election, shall be a
29 citizen of the United States of the age of 18 years or over,
30 shall be a resident of the State and the territory of the
31 district for at least one year immediately preceding his or her
32 election, shall be a registered voter as provided in the
33 general election law, shall not be a school trustee or a school
34 treasurer, and shall not be a child sex offender as defined in
35 Section 11-9.3 of the Criminal Code of 1961. When the board of
36 education is the successor of the school directors, all rights

1 of property, and all rights regarding causes of action existing
2 or vested in such directors, shall vest in it as fully as they
3 were vested in the school directors. Terms of members are
4 subject to Section 2A-54 of the Election Code.

5 Nomination papers filed under this Section are not valid
6 unless the candidate named therein files with the secretary of
7 the board of education or with a person designated by the board
8 to receive nominating petitions a receipt from the county clerk
9 showing that the candidate has filed a statement of economic
10 interests as required by the Illinois Governmental Ethics Act.
11 Such receipt shall be so filed either previously during the
12 calendar year in which his nomination papers were filed or
13 within the period for the filing of nomination papers in
14 accordance with the general election law.

15 Whenever a vacancy occurs, the remaining members shall
16 notify the regional superintendent of that vacancy within 5
17 days after its occurrence and shall proceed to fill the vacancy
18 until the next regular school election, at which election a
19 successor shall be elected to serve the remainder of the
20 unexpired term. However, if the vacancy occurs with less than
21 868 days remaining in the term, or if the vacancy occurs less
22 than 88 days before the next regularly scheduled election for
23 this office then the person so appointed shall serve the
24 remainder of the unexpired term, and no election to fill the
25 vacancy shall be held. Should they fail so to act, within 45
26 days after the vacancy occurs, the regional superintendent of
27 schools under whose supervision and control the district is
28 operating, as defined in Section 3-14.2 of this Act, shall
29 within 30 days after the remaining members have failed to fill
30 the vacancy, fill the vacancy as provided for herein. Upon the
31 regional superintendent's failure to fill the vacancy, the
32 vacancy shall be filled at the next regularly scheduled
33 election. Whether elected or appointed by the remaining members
34 or regional superintendent, the successor shall be an
35 inhabitant of the particular area from which his or her
36 predecessor was elected if the residential requirements

1 contained in Section 11A-8, 11B-7, or 12-2 of this Act apply.
2 (Source: P.A. 93-309, eff. 1-1-04.)