



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB1638

Introduced 2/24/2005, by Sen. J. Bradley Burzynski - Frank C. Watson

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-1	from Ch. 122, par. 10-1
105 ILCS 5/10-10	from Ch. 122, par. 10-10

Amends the School Code. Allows a school board (other than the Chicago Board of Education) to appoint a student to the board to serve in an advisory capacity for a term as determined by the board. Provides that the board may not grant the student member any voting privileges, but shall consider the student member as an advisor. Effective July 1, 2005.

LRB094 10933 NHT 41507 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 10-1 and 10-10 as follows:

6 (105 ILCS 5/10-1) (from Ch. 122, par. 10-1)
7 Sec. 10-1. Board of school directors.

8 (a) School districts having a population of fewer than 1000
9 inhabitants and not governed by any special act shall be
10 governed by a board of school directors to consist of 3 members
11 who shall be elected in the manner provided in Article 9 of
12 this Act. In consolidated districts and in districts in which
13 the membership of the board of school directors is increased as
14 provided in subsection (b), 7 members shall be so elected.

15 (b) Upon presentment to the board of school directors of a
16 school district having a population of fewer than 1,000
17 inhabitants of a petition signed by the lesser of 5% or 25 of
18 the registered voters of the district to increase the
19 membership of the district's board of school directors to 7
20 directors and to elect a new 7-member board of school directors
21 to replace the district's existing board of 3 school directors,
22 the clerk or secretary of the board of school directors shall
23 certify the proposition to the proper election authorities for
24 submission to the electors of the district at a regular
25 scheduled election in accordance with the general election law.
26 If the proposition is approved by a majority of those voting on
27 the proposition, the members of the board of school directors
28 of that district thereafter shall be elected in the manner
29 provided by subsection (c) of Section 10-4.

30 (c) A board of school directors may appoint a student to
31 the board to serve in an advisory capacity. The student member
32 shall serve for a term as determined by the board. The board

1 may not grant the student member any voting privileges, but
2 shall consider the student member as an advisor.

3 (Source: P.A. 90-757, eff. 8-14-98.)

4 (105 ILCS 5/10-10) (from Ch. 122, par. 10-10)

5 Sec. 10-10. Board of education; Term; Vacancy. All school
6 districts having a population of not fewer than 1,000 and not
7 more than 500,000 inhabitants, as ascertained by any special or
8 general census, and not governed by special Acts, shall be
9 governed by a board of education consisting of 7 members,
10 serving without compensation except as herein provided. Each
11 member shall be elected for a term of 4 years except as
12 otherwise provided in subsection (a-5) of Section 11B-7 for the
13 initial members of the board of education of a combined school
14 district to which that subsection applies. If 5 members are
15 elected in 1983 pursuant to the extension of terms provided by
16 law for transition to the consolidated election schedule under
17 the general election law, 2 of those members shall be elected
18 to serve terms of 2 years and 3 shall be elected to serve terms
19 of 4 years; their successors shall serve for a 4 year term.
20 When the voters of a district have voted to elect members of
21 the board of education for 6 year terms, as provided in Section
22 9-5, the terms of office of members of the board of education
23 of that district expire when their successors assume office but
24 not later than 7 days after such election. If at the regular
25 school election held in the first odd-numbered year after the
26 determination to elect members for 6 year terms 2 members are
27 elected, they shall serve for a 6 year term; and of the members
28 elected at the next regular school election 3 shall serve for a
29 term of 6 years and 2 shall serve a term of 2 years. Thereafter
30 members elected in such districts shall be elected to a 6 year
31 term. If at the regular school election held in the first
32 odd-numbered year after the determination to elect members for
33 6 year terms 3 members are elected, they shall serve for a 6
34 year term; and of the members elected at the next regular
35 school election 2 shall serve for a term of 2 years and 2 shall

1 serve for a term of 6 years. Thereafter members elected in such
2 districts shall be elected to a 6 year term. If at the regular
3 school election held in the first odd-numbered year after the
4 determination to elect members for 6 year terms 4 members are
5 elected, 3 shall serve for a term of 6 years and one shall
6 serve for a term of 2 years; and of the members elected at the
7 next regular school election 2 shall serve for terms of 6 years
8 and 2 shall serve for terms of 2 years. Thereafter members
9 elected in such districts shall be elected to a 6 year term. If
10 at the regular school election held in the first odd-numbered
11 year after the determination to elect members for a 6 year term
12 5 members are elected, 3 shall serve for a term of 6 years and 2
13 shall serve for a term of 2 years; and of the members elected
14 at the next regular school election 2 shall serve for terms of
15 6 years and 2 shall serve for terms of 2 years. Thereafter
16 members elected in such districts shall be elected to a 6 year
17 term. An election for board members shall not be held in school
18 districts which by consolidation, annexation or otherwise
19 shall cease to exist as a school district within 6 months after
20 the election date, and the term of all board members which
21 would otherwise terminate shall be continued until such
22 district shall cease to exist. Each member, on the date of his
23 or her election, shall be a citizen of the United States of the
24 age of 18 years or over, shall be a resident of the State and
25 the territory of the district for at least one year immediately
26 preceding his or her election, shall be a registered voter as
27 provided in the general election law, shall not be a school
28 trustee or a school treasurer, and shall not be a child sex
29 offender as defined in Section 11-9.3 of the Criminal Code of
30 1961. When the board of education is the successor of the
31 school directors, all rights of property, and all rights
32 regarding causes of action existing or vested in such
33 directors, shall vest in it as fully as they were vested in the
34 school directors. Terms of members are subject to Section 2A-54
35 of the Election Code.

36 Nomination papers filed under this Section are not valid

1 unless the candidate named therein files with the secretary of
2 the board of education or with a person designated by the board
3 to receive nominating petitions a receipt from the county clerk
4 showing that the candidate has filed a statement of economic
5 interests as required by the Illinois Governmental Ethics Act.
6 Such receipt shall be so filed either previously during the
7 calendar year in which his nomination papers were filed or
8 within the period for the filing of nomination papers in
9 accordance with the general election law.

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

33 A board of education may appoint a student to the board to
34 serve in an advisory capacity. The student member shall serve
35 for a term as determined by the board. The board may not grant
36 the student member any voting privileges, but shall consider

1 the student member as an advisor.

2 (Source: P.A. 93-309, eff. 1-1-04.)

3 Section 99. Effective date. This Act takes effect July 1,
4 2005.