



Rep. Robert F. Flider

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1 AMENDMENT TO SENATE BILL 1638

2 AMENDMENT NO. _____. Amend Senate Bill 1638 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections
5 10-1, 10-10, 33-1, and 34-3 and by adding Section 32-3.5 as
6 follows:

7 (105 ILCS 5/10-1) (from Ch. 122, par. 10-1)

8 Sec. 10-1. Board of school directors.

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

16 (b) Upon presentment to the board of school directors of a
17 school district having a population of fewer than 1,000
18 inhabitants of a petition signed by the lesser of 5% or 25 of
19 the registered voters of the district to increase the
20 membership of the district's board of school directors to 7
21 directors and to elect a new 7-member board of school directors
22 to replace the district's existing board of 3 school directors,
23 the clerk or secretary of the board of school directors shall
24 certify the proposition to the proper election authorities for

1 submission to the electors of the district at a regular
2 scheduled election in accordance with the general election law.
3 If the proposition is approved by a majority of those voting on
4 the proposition, the members of the board of school directors
5 of that district thereafter shall be elected in the manner
6 provided by subsection (c) of Section 10-4.

7 (c) A board of school directors may appoint a student to
8 the board to serve in an advisory capacity. The student member
9 shall serve for a term as determined by the board. The board
10 may not grant the student member any voting privileges, but
11 shall consider the student member as an advisor. The student
12 member may not participate in or attend any executive session
13 of the board.

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

15 (105 ILCS 5/10-10) (from Ch. 122, par. 10-10)

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

1 of that district expire when their successors assume office but
2 not later than 7 days after such election. 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 2 members are
5 elected, they shall serve for a 6 year term; and of the members
6 elected at the next regular school election 3 shall serve for a
7 term of 6 years and 2 shall serve a term of 2 years. Thereafter
8 members elected in such districts shall be elected to a 6 year
9 term. If at the regular school election held in the first
10 odd-numbered year after the determination to elect members for
11 6 year terms 3 members are elected, they shall serve for a 6
12 year term; and of the members elected at the next regular
13 school election 2 shall serve for a term of 2 years and 2 shall
14 serve for a term of 6 years. Thereafter members elected in such
15 districts shall be elected to a 6 year term. If at the regular
16 school election held in the first odd-numbered year after the
17 determination to elect members for 6 year terms 4 members are
18 elected, 3 shall serve for a term of 6 years and one shall
19 serve for a term of 2 years; and of the members elected at the
20 next regular school election 2 shall serve for terms of 6 years
21 and 2 shall serve for terms of 2 years. Thereafter members
22 elected in such districts shall be elected to a 6 year term. If
23 at the regular school election held in the first odd-numbered
24 year after the determination to elect members for a 6 year term
25 5 members are elected, 3 shall serve for a term of 6 years and 2
26 shall serve for a term of 2 years; and of the members elected
27 at the next regular school election 2 shall serve for terms of
28 6 years and 2 shall serve for terms of 2 years. Thereafter
29 members elected in such districts shall be elected to a 6 year
30 term. An election for board members shall not be held in school
31 districts which by consolidation, annexation or otherwise
32 shall cease to exist as a school district within 6 months after
33 the election date, and the term of all board members which
34 would otherwise terminate shall be continued until such

1 district shall cease to exist. Each member, on the date of his
2 or her election, shall be a citizen of the United States of the
3 age of 18 years or over, shall be a resident of the State and
4 the territory of the district for at least one year immediately
5 preceding his or her election, shall be a registered voter as
6 provided in the general election law, shall not be a school
7 trustee or a school treasurer, and shall not be a child sex
8 offender as defined in Section 11-9.3 of the Criminal Code of
9 1961. When the board of education is the successor of the
10 school directors, all rights of property, and all rights
11 regarding causes of action existing or vested in such
12 directors, shall vest in it as fully as they were vested in the
13 school directors. Terms of members are subject to Section 2A-54
14 of the Election Code.

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

25 Whenever a vacancy occurs, the remaining members shall
26 notify the regional superintendent of that vacancy within 5
27 days after its occurrence and shall proceed to fill the vacancy
28 until the next regular school election, at which election a
29 successor shall be elected to serve the remainder of the
30 unexpired term. However, if the vacancy occurs with less than
31 868 days remaining in the term, or if the vacancy occurs less
32 than 88 days before the next regularly scheduled election for
33 this office then the person so appointed shall serve the
34 remainder of the unexpired term, and no election to fill the

1 vacancy shall be held. Should they fail so to act, within 45
2 days after the vacancy occurs, the regional superintendent of
3 schools under whose supervision and control the district is
4 operating, as defined in Section 3-14.2 of this Act, shall
5 within 30 days after the remaining members have failed to fill
6 the vacancy, fill the vacancy as provided for herein. Upon the
7 regional superintendent's failure to fill the vacancy, the
8 vacancy shall be filled at the next regularly scheduled
9 election. Whether elected or appointed by the remaining members
10 or regional superintendent, the successor shall be an
11 inhabitant of the particular area from which his or her
12 predecessor was elected if the residential requirements
13 contained in Section 11A-8, 11B-7, or 12-2 of this Act apply.

14 A board of education may appoint a student to the board to
15 serve in an advisory capacity. The student member shall serve
16 for a term as determined by the board. The board may not grant
17 the student member any voting privileges, but shall consider
18 the student member as an advisor. The student member may not
19 participate in or attend any executive session of the board.

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

21 (105 ILCS 5/32-3.5 new)

22 Sec. 32-3.5. Student board member. The governing board of a
23 special charter district may appoint a student to the board to
24 serve in an advisory capacity. The student member shall serve
25 for a term as determined by the board. The board may not grant
26 the student member any voting privileges, but shall consider
27 the student member as an advisor. The student member may not
28 participate in or attend any executive session of the board.

29 (105 ILCS 5/33-1) (from Ch. 122, par. 33-1)

30 Sec. 33-1. Board of Education - Election - Terms. In all
31 school districts, including special charter districts having a
32 population of 100,000 and not more than 500,000, which adopt

1 this Article, as hereinafter provided, there shall be
2 maintained a system of free schools in charge of a board of
3 education, which shall be a body politic and corporate by the
4 name of "Board of Education of the City of....". The board
5 shall consist of 7 members elected by the voters of the
6 district. Except as provided in Section 33-1b of this Act, the
7 regular election for members of the board shall be held on the
8 first Tuesday of April in odd numbered years and on the third
9 Tuesday of March in even numbered years. The law governing the
10 registration of voters for the primary election shall apply to
11 the regular election. At the first regular election 7 persons
12 shall be elected as members of the board. The person who
13 receives the greatest number of votes shall be elected for a
14 term of 5 years. The 2 persons who receive the second and third
15 greatest number of votes shall be elected for a term of 4
16 years. The person who receives the fourth greatest number of
17 votes shall be elected for a term of 3 years. The 2 persons who
18 receive the fifth and sixth greatest number of votes shall be
19 elected for a term of 2 years. The person who receives the
20 seventh greatest number of votes shall be elected for a term of
21 1 year. Thereafter, at each regular election for members of the
22 board, the successors of the members whose terms expire in the
23 year of election shall be elected for a term of 5 years. All
24 terms shall commence on July 1 next succeeding the elections.
25 Any vacancy occurring in the membership of the board shall be
26 filled by appointment until the next regular election for
27 members of the board.

28 In any school district which has adopted this Article, a
29 proposition for the election of board members by school board
30 district rather than at large may be submitted to the voters of
31 the district at the regular school election of any year in the
32 manner provided in Section 9-22. If the proposition is approved
33 by a majority of those voting on the propositions, the board
34 shall divide the school district into 7 school board districts

1 as provided in Section 9-22. At the regular school election in
2 the year following the adoption of such proposition, one member
3 shall be elected from each school board district, and the 7
4 members so elected shall, by lot, determine one to serve for
5 one year, 2 for 2 years, one for 3 years, 2 for 4 years, and one
6 for 5 years. Thereafter their respective successors shall be
7 elected for terms of 5 years. The terms of all incumbent
8 members expire July 1 of the year following the adoption of
9 such a proposition.

10 Any school district which has adopted this Article may, by
11 referendum in accordance with Section 33-1a, adopt the method
12 of electing members of the board of education provided in that
13 Section.

14 Reapportionment of the voting districts provided for in
15 this Article or created pursuant to a court order, shall be
16 completed pursuant to Section 33-1c.

17 A board of education may appoint a student to the board to
18 serve in an advisory capacity. The student member shall serve
19 for a term as determined by the board. The board may not grant
20 the student member any voting privileges, but shall consider
21 the student member as an advisor. The student member may not
22 participate in or attend any executive session of the board.

23 (Source: P.A. 82-1014; 86-1331.)

24 (105 ILCS 5/34-3) (from Ch. 122, par. 34-3)

25 Sec. 34-3. Chicago School Reform Board of Trustees; new
26 Chicago Board of Education; members; term; vacancies.

27 (a) Within 30 days after the effective date of this
28 amendatory Act of 1995, the terms of all members of the Chicago
29 Board of Education holding office on that date are abolished
30 and the Mayor shall appoint, without the consent or approval of
31 the City Council, a 5 member Chicago School Reform Board of
32 Trustees which shall take office upon the appointment of the
33 fifth member. The Chicago School Reform Board of Trustees and

1 its members shall serve until, and the terms of all members of
2 the Chicago School Reform Board of Trustees shall expire on,
3 June 30, 1999 or upon the appointment of a new Chicago Board of
4 Education as provided in subsection (b), whichever is later.
5 Any vacancy in the membership of the Trustees shall be filled
6 through appointment by the Mayor, without the consent or
7 approval of the City Council, for the unexpired term. One of
8 the members appointed by the Mayor to the Trustees shall be
9 designated by the Mayor to serve as President of the Trustees.
10 The Mayor shall appoint a full-time, compensated chief
11 executive officer, and his or her compensation as such chief
12 executive officer shall be determined by the Mayor. The Mayor,
13 at his or her discretion, may appoint the President to serve
14 simultaneously as the chief executive officer.

15 (b) Within 30 days before the expiration of the terms of
16 the members of the Chicago Reform Board of Trustees as provided
17 in subsection (a), a new Chicago Board of Education consisting
18 of 7 members shall be appointed by the Mayor to take office on
19 the later of July 1, 1999 or the appointment of the seventh
20 member. Three of the members initially so appointed under this
21 subsection shall serve for terms ending June 30, 2002, 4 of the
22 members initially so appointed under this subsection shall
23 serve for terms ending June 30, 2003, and each member initially
24 so appointed shall continue to hold office until his or her
25 successor is appointed and qualified. Thereafter at the
26 expiration of the term of any member a successor shall be
27 appointed by the Mayor and shall hold office for a term of 4
28 years, from July 1 of the year in which the term commences and
29 until a successor is appointed and qualified. Any vacancy in
30 the membership of the Chicago Board of Education shall be
31 filled through appointment by the Mayor for the unexpired term.
32 No appointment to membership on the Chicago Board of Education
33 that is made by the Mayor under this subsection shall require
34 the approval of the City Council, whether the appointment is

1 made for a full term or to fill a vacancy for an unexpired term
2 on the Board. The board shall elect annually from its number a
3 president and vice-president, in such manner and at such time
4 as the board determines by its rules. The officers so elected
5 shall each perform the duties imposed upon their respective
6 office by the rules of the board, provided that (i) the
7 president shall preside at meetings of the board and vote as
8 any other member but have no power of veto, and (ii) the vice
9 president shall perform the duties of the president if that
10 office is vacant or the president is absent or unable to act.
11 The secretary of the Board shall be selected by the Board and
12 shall be an employee of the Board rather than a member of the
13 Board, notwithstanding subsection (d) of Section 34-3.3. The
14 duties of the secretary shall be imposed by the rules of the
15 Board.

16 (c) The board may appoint a student to the board to serve
17 in an advisory capacity. The student member shall serve for a
18 term as determined by the board. The board may not grant the
19 student member any voting privileges, but shall consider the
20 student member as an advisor. The student member may not
21 participate in or attend any executive session of the board.

22 (Source: P.A. 89-15, eff. 5-30-95; 90-811, eff. 1-26-99;
23 90-815, eff. 2-11-99.)

24 Section 99. Effective date. This Act takes effect July 1,
25 2005."