



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1886

by Rep. Robert Rita

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-0.01 new

Amends the School Code. Provides that within 60 days after the effective date of the amendatory Act, on a date set by the State Board of Education, a special election must be held in each county to elect members to a county school board. Provides that on July 1, 2012, (i) all school districts in this State in existence on June 30, 2012 (other than the Chicago school district) are dissolved; (ii) their school boards are abolished; (iii) the terms of all board members end; and (iv) all of the powers, duties, assets, liabilities, employees, contracts, property, records, pending business, and unexpended funds of each school board are transferred to the appropriate county school board or boards. Provides that on July 1, 2012, each county shall constitute one school district to be governed by a county school board, unless the county school board has divided the county into 2 or more school districts, in which case each of those school districts shall be governed by a school board elected as provided under the Code, and the county school board shall be dissolved upon those school board members taking office. Effective immediately.

LRB097 07616 NHT 47727 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 adding Section
5 10-0.01 as follows:

6 (105 ILCS 5/10-0.01 new)

7 Sec. 10-0.01. County school board; dissolution of existing
8 school districts.

9 (a) This Section applies notwithstanding any other law or
10 special charter to the contrary. This Section applies to all
11 school districts in this State other than a school district
12 organized under Article 34 of this Code.

13 (b) In this Section, "county", with respect to Cook County,
14 means that portion of the county outside of a city of 500,000
15 or more inhabitants.

16 (c) Within 60 days after the effective date of this
17 amendatory Act of the 97th General Assembly, on a date set by
18 the State Board of Education, a special election must be held
19 in each county to elect members to a county school board. The
20 county school board shall consist of 15 members, serving
21 without compensation except as otherwise provided by law. Each
22 member of the county school board shall be elected for a term
23 of 4 years, except that for the initial members of the board,

1 (i) 7 shall be elected to serve a term that begins immediately
2 after being elected and expires upon the initial member's
3 successor being elected at the regular school election in April
4 of 2013 or upon dissolution of the board under subsection (g)
5 of this Section and (ii) 8 shall be elected to serve a term
6 that begins immediately after being elected and expires upon
7 the initial member's successor being elected at the regular
8 school election in April of 2015 or upon dissolution of the
9 board under subsection (g) of this Section.

10 Each member of a county school board, on the date of his or
11 her election, shall be a citizen of the United States of the
12 age of 18 years or over, shall be a resident of this State and
13 the county for at least one year immediately preceding his or
14 her election, shall be a registered voter as provided in the
15 general election law, shall not be a school trustee, and shall
16 not be a child sex offender as defined in Section 11-9.3 of the
17 Criminal Code of 1961.

18 Nomination papers filed under this Section are not valid
19 unless the candidate named therein files with the secretary of
20 the county school board or with a person designated by the
21 board to receive nominating petitions a receipt from the county
22 clerk showing that the candidate has filed a statement of
23 economic interests as required by the Illinois Governmental
24 Ethics Act; however, with respect to initial candidates for the
25 county school board the receipt must be filed with the State
26 Board of Education. The receipt must be so filed either

1 previously during the calendar year in which his or nomination
2 papers were filed or within the period for the filing of
3 nomination papers in accordance with the general election law.

4 A county school board may appoint a student to the board to
5 serve in an advisory capacity. The student member shall serve
6 for a term as determined by the board. The board may not grant
7 the student member any voting privileges, but shall consider
8 the student member as an advisor. The student member may not
9 participate in or attend any executive session of the board.

10 (d) Whenever a vacancy on a county school board occurs, the
11 remaining members shall notify the regional superintendent of
12 schools of that vacancy within 5 days after its occurrence and
13 shall proceed to fill the vacancy until the next regular school
14 election, at which election a successor shall be elected to
15 serve the remainder of the unexpired term. However, if the
16 vacancy occurs with less than 868 days remaining in the term or
17 if the vacancy occurs less than 88 days before the next
18 regularly scheduled election for this office, then the person
19 so appointed shall serve the remainder of the unexpired term,
20 and no election to fill the vacancy shall be held. Should they
21 fail so to act, within 45 days after the vacancy occurs, the
22 regional superintendent of schools for that county shall,
23 within 30 days after the remaining members have failed to fill
24 the vacancy, fill the vacancy as provided for in this Section.
25 Upon the regional superintendent's failure to fill the vacancy,
26 the vacancy shall be filled at the next regularly scheduled

1 election.

2 (e) All provisions of this Code that apply to school boards
3 and school board members also apply to county school boards and
4 county school board members.

5 (f) After members of a county school board have initially
6 been elected, they shall immediately take office and begin the
7 transition to county school districts as provided under
8 subsection (g) of this Section. School districts within the
9 county shall cooperate in all ways necessary to facilitate the
10 transition. Within 90 days after the initial election of county
11 school board members, the board shall divide the county into as
12 many school districts as it deems appropriate in accordance
13 with Article 11E of this Code.

14 (g) On July 1, 2012, (i) all school districts in this State
15 in existence on June 30, 2012 are dissolved; (ii) their school
16 boards are abolished; (iii) the terms of all board members end;
17 (iv) all of the powers, duties, assets, liabilities, employees,
18 contracts, property, records, pending business, and unexpended
19 funds of each school board are transferred to the appropriate
20 county school board or boards; (v) references in statutes,
21 rules, forms, and other documents to a school board shall, in
22 appropriate contexts, be deemed to refer to the county school
23 board; and (vi) rules, resolutions, standards, policies, and
24 procedures of a school board in effect on June 30, 2012 shall
25 be deemed the rules, resolutions, standards, policies, and
26 procedures of the appropriate county school board and shall

1 remain in effect until amended or repealed by the county school
2 board. The rights of school district employees under applicable
3 collective bargaining agreements and retirement plans are not
4 affected by this amendatory Act of the 97th General Assembly.
5 All transferred employees who are members of collective
6 bargaining units shall retain their seniority, continuous
7 service, salary, and accrued benefits.

8 On July 1, 2012, each county shall constitute one school
9 district to be governed by the county school board elected
10 under this Section, unless the county school board has divided
11 the county into 2 or more school districts under subsection (f)
12 of this Section, in which case each of those school districts
13 shall be governed by a school board elected as provided under
14 this Code, and the county school board shall be dissolved upon
15 those school board members taking office.

16 (h) The State Board of Education shall adopt all rules that
17 are necessary to implement this Section.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.