

**HB3389**



**97TH GENERAL ASSEMBLY**

**State of Illinois**

**2011 and 2012**

**HB3389**

Introduced 2/24/2011, by Rep. Jim Watson

**SYNOPSIS AS INTRODUCED:**

105 ILCS 5/10-10.5

Amends the School Code. Makes a technical change in a Section concerning community unit school district or combined school district formation.

LRB097 08906 NHT 49038 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 10-10.5 as follows:

6 (105 ILCS 5/10-10.5)

7 Sec. 10-10.5. Community unit school district or combined  
8 school district formation; school board election.

9 (a) Except as otherwise provided in subsection (b) of this  
10 Section, for community unit school districts formed before  
11 January 1, 1975 and for combined school districts formed before  
12 July 1, 1983, the ~~the~~ following provisions apply:

13 (1) if the territory of the district is greater than 2  
14 congressional townships or 72 square miles, then not more  
15 than 3 board members may be selected from any one  
16 congressional township, except that congressional  
17 townships of less than 100 inhabitants shall not be  
18 considered for the purpose of this mandatory board  
19 representation;

20 (2) if in the community unit school district or  
21 combined school district at least 75% but not more than 90%  
22 of the population is in one congressional township, then 4  
23 board members shall be selected from the congressional

1 township and 3 board members shall be selected from the  
2 rest of the district, except that if in the community unit  
3 school district or combined school district more than 90%  
4 of the population is in one congressional township, then  
5 all board members may be selected from one or more  
6 congressional townships; and

7 (3) if the territory of any community unit school  
8 district or combined school district consists of not more  
9 than 2 congressional townships or 72 square miles, but  
10 consists of more than one congressional township or 36  
11 square miles, outside of the corporate limits of any city,  
12 village, or incorporated town within the school district,  
13 then not more than 5 board members may be selected from any  
14 city, village, or incorporated town in the school district.

15 (b) (1) The provisions of subsection (a) of this Section for  
16 mandatory board representation shall no longer apply to a  
17 community unit school district formed before January 1, 1975,  
18 to a combined school district formed before July 1, 1983, or to  
19 community consolidated school districts, and the members of the  
20 board of education shall be elected at large from within the  
21 school district and without restriction by area of residence  
22 within the district if both of the following conditions are met  
23 with respect to that district:

24 (A) A proposition for the election of board members at  
25 large and without restriction by area of residence within  
26 the school district rather than in accordance with the

1 provisions of subsection (a) of this Section for mandatory  
2 board representation is submitted to the school district's  
3 voters at a regular school election or at the general  
4 election as provided in this subsection (b).

5 (B) A majority of those voting at the election in each  
6 congressional township comprising the territory of the  
7 school district, including any congressional township of  
8 less than 100 inhabitants, vote in favor of the  
9 proposition.

10 (2) The school board may, by resolution, order  
11 submitted or, upon the petition of the lesser of 2,500 or  
12 5% of the school district's registered voters, shall order  
13 submitted to the school district's voters, at a regular  
14 school election or at the general election, the proposition  
15 for the election of board members at large and without  
16 restriction by area of residence within the district rather  
17 than in accordance with the provisions of subsection (a) of  
18 this Section for mandatory board representation; and the  
19 proposition shall thereupon be certified by the board's  
20 secretary for submission.

21 (3) If a majority of those voting at the election in  
22 each congressional township comprising the territory of  
23 the school district, including any congressional township  
24 of less than 100 inhabitants, vote in favor of the  
25 proposition:

26 (A) the proposition to elect board members at large

1           and without restriction by area of residence within the  
2           district shall be deemed to have passed,

3                   (B) new members of the board shall be elected at  
4           large and without restriction by area of residence  
5           within the district at the next regular school  
6           election, and

7                   (C) the terms of office of the board members  
8           incumbent at the time the proposition is adopted shall  
9           expire when the new board members that are elected at  
10          large and without restriction by area of residence  
11          within the district have organized in accordance with  
12          Section 10-16.

13                  (4) In a community unit school district, a combined  
14          school district, or a community consolidated school  
15          district that formerly elected its members under  
16          subsection (a) of this Section to successive terms not  
17          exceeding 4 years, the members elected at large and without  
18          restriction by area of residence within the district shall  
19          be elected for a term of 4 years, and in a community unit  
20          school district or combined school district that formerly  
21          elected its members under subsection (a) of this Section to  
22          successive terms not exceeding 6 years, the members elected  
23          at large and without restriction by area of residence  
24          within the district shall be elected for a term of 6 years;  
25          provided that in each case the terms of the board members  
26          initially elected at large and without restriction by area

1           of residence within the district as provided in this  
2           subsection (b) shall be staggered and determined in  
3           accordance with the provisions of Sections 10-10 and 10-16  
4           of this Code.

5           (Source: P.A. 94-1019, eff. 7-10-06.)