



## 93RD GENERAL ASSEMBLY

### State of Illinois

### 2003 and 2004

Introduced 02/06/04, by Michael J. Madigan

#### 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.

LRB093 16816 NHT 42468 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 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 not  
9 more than 500,000 inhabitants, as ascertained by any special or  
10 general census, and not governed by special Acts, shall be  
11 governed by a board of education consisting of 7 members,  
12 serving without compensation except as herein provided. Each  
13 member shall be elected for a term of 4 years except as  
14 otherwise provided in subsection (a-5) of Section 11B-7 of this  
15 Code 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.)