

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

31 (c) A board of school directors may appoint a student to  
32 the board to serve in an advisory capacity. The student member

1 shall serve for a term as determined by the board. The board  
2 may not grant the student member any voting privileges, but  
3 shall consider the student member as an advisor. The student  
4 member may not participate in or attend any executive session  
5 of the board.

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

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

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

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

1 school directors. Terms of members are subject to Section 2A-54  
2 of the Election Code.

3 Nomination papers filed under this Section are not valid  
4 unless the candidate named therein files with the secretary of  
5 the board of education or with a person designated by the board  
6 to receive nominating petitions a receipt from the county clerk  
7 showing that the candidate has filed a statement of economic  
8 interests as required by the Illinois Governmental Ethics Act.  
9 Such receipt shall be so filed either previously during the  
10 calendar year in which his nomination papers were filed or  
11 within the period for the filing of nomination papers in  
12 accordance with the general election law.

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

36 A board of education may appoint a student to the board to

1 serve in an advisory capacity. The student member shall serve  
2 for a term as determined by the board. The board may not grant  
3 the student member any voting privileges, but shall consider  
4 the student member as an advisor. The student member may not  
5 participate in or attend any executive session of the board.

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

7 (105 ILCS 5/32-3.5 new)

8 Sec. 32-3.5. Student board member. The governing board of a  
9 special charter district may appoint a student to the board to  
10 serve in an advisory capacity. The student member shall serve  
11 for a term as determined by the board. The board may not grant  
12 the student member any voting privileges, but shall consider  
13 the student member as an advisor. The student member may not  
14 participate in or attend any executive session of the board.

15 (105 ILCS 5/33-1) (from Ch. 122, par. 33-1)

16 Sec. 33-1. Board of Education - Election - Terms. In all  
17 school districts, including special charter districts having a  
18 population of 100,000 and not more than 500,000, which adopt  
19 this Article, as hereinafter provided, there shall be  
20 maintained a system of free schools in charge of a board of  
21 education, which shall be a body politic and corporate by the  
22 name of "Board of Education of the City of....". The board  
23 shall consist of 7 members elected by the voters of the  
24 district. Except as provided in Section 33-1b of this Act, the  
25 regular election for members of the board shall be held on the  
26 first Tuesday of April in odd numbered years and on the third  
27 Tuesday of March in even numbered years. The law governing the  
28 registration of voters for the primary election shall apply to  
29 the regular election. At the first regular election 7 persons  
30 shall be elected as members of the board. The person who  
31 receives the greatest number of votes shall be elected for a  
32 term of 5 years. The 2 persons who receive the second and third  
33 greatest number of votes shall be elected for a term of 4  
34 years. The person who receives the fourth greatest number of

1 votes shall be elected for a term of 3 years. The 2 persons who  
2 receive the fifth and sixth greatest number of votes shall be  
3 elected for a term of 2 years. The person who receives the  
4 seventh greatest number of votes shall be elected for a term of  
5 1 year. Thereafter, at each regular election for members of the  
6 board, the successors of the members whose terms expire in the  
7 year of election shall be elected for a term of 5 years. All  
8 terms shall commence on July 1 next succeeding the elections.  
9 Any vacancy occurring in the membership of the board shall be  
10 filled by appointment until the next regular election for  
11 members of the board.

12 In any school district which has adopted this Article, a  
13 proposition for the election of board members by school board  
14 district rather than at large may be submitted to the voters of  
15 the district at the regular school election of any year in the  
16 manner provided in Section 9-22. If the proposition is approved  
17 by a majority of those voting on the propositions, the board  
18 shall divide the school district into 7 school board districts  
19 as provided in Section 9-22. At the regular school election in  
20 the year following the adoption of such proposition, one member  
21 shall be elected from each school board district, and the 7  
22 members so elected shall, by lot, determine one to serve for  
23 one year, 2 for 2 years, one for 3 years, 2 for 4 years, and one  
24 for 5 years. Thereafter their respective successors shall be  
25 elected for terms of 5 years. The terms of all incumbent  
26 members expire July 1 of the year following the adoption of  
27 such a proposition.

28 Any school district which has adopted this Article may, by  
29 referendum in accordance with Section 33-1a, adopt the method  
30 of electing members of the board of education provided in that  
31 Section.

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

35 A board of education may appoint a student to the board to  
36 serve in an advisory capacity. The student member shall serve

1 for a term as determined by the board. The board may not grant  
2 the student member any voting privileges, but shall consider  
3 the student member as an advisor. The student member may not  
4 participate in or attend any executive session of the board.

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

6 (105 ILCS 5/34-3) (from Ch. 122, par. 34-3)

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

9 (a) Within 30 days after the effective date of this  
10 amendatory Act of 1995, the terms of all members of the Chicago  
11 Board of Education holding office on that date are abolished  
12 and the Mayor shall appoint, without the consent or approval of  
13 the City Council, a 5 member Chicago School Reform Board of  
14 Trustees which shall take office upon the appointment of the  
15 fifth member. The Chicago School Reform Board of Trustees and  
16 its members shall serve until, and the terms of all members of  
17 the Chicago School Reform Board of Trustees shall expire on,  
18 June 30, 1999 or upon the appointment of a new Chicago Board of  
19 Education as provided in subsection (b), whichever is later.  
20 Any vacancy in the membership of the Trustees shall be filled  
21 through appointment by the Mayor, without the consent or  
22 approval of the City Council, for the unexpired term. One of  
23 the members appointed by the Mayor to the Trustees shall be  
24 designated by the Mayor to serve as President of the Trustees.  
25 The Mayor shall appoint a full-time, compensated chief  
26 executive officer, and his or her compensation as such chief  
27 executive officer shall be determined by the Mayor. The Mayor,  
28 at his or her discretion, may appoint the President to serve  
29 simultaneously as the chief executive officer.

30 (b) Within 30 days before the expiration of the terms of  
31 the members of the Chicago Reform Board of Trustees as provided  
32 in subsection (a), a new Chicago Board of Education consisting  
33 of 7 members shall be appointed by the Mayor to take office on  
34 the later of July 1, 1999 or the appointment of the seventh  
35 member. Three of the members initially so appointed under this

1 subsection shall serve for terms ending June 30, 2002, 4 of the  
2 members initially so appointed under this subsection shall  
3 serve for terms ending June 30, 2003, and each member initially  
4 so appointed shall continue to hold office until his or her  
5 successor is appointed and qualified. Thereafter at the  
6 expiration of the term of any member a successor shall be  
7 appointed by the Mayor and shall hold office for a term of 4  
8 years, from July 1 of the year in which the term commences and  
9 until a successor is appointed and qualified. Any vacancy in  
10 the membership of the Chicago Board of Education shall be  
11 filled through appointment by the Mayor for the unexpired term.  
12 No appointment to membership on the Chicago Board of Education  
13 that is made by the Mayor under this subsection shall require  
14 the approval of the City Council, whether the appointment is  
15 made for a full term or to fill a vacancy for an unexpired term  
16 on the Board. The board shall elect annually from its number a  
17 president and vice-president, in such manner and at such time  
18 as the board determines by its rules. The officers so elected  
19 shall each perform the duties imposed upon their respective  
20 office by the rules of the board, provided that (i) the  
21 president shall preside at meetings of the board and vote as  
22 any other member but have no power of veto, and (ii) the vice  
23 president shall perform the duties of the president if that  
24 office is vacant or the president is absent or unable to act.  
25 The secretary of the Board shall be selected by the Board and  
26 shall be an employee of the Board rather than a member of the  
27 Board, notwithstanding subsection (d) of Section 34-3.3. The  
28 duties of the secretary shall be imposed by the rules of the  
29 Board.

30 (c) The board may appoint a student to the board to serve  
31 in an advisory capacity. The student member shall serve for a  
32 term as determined by the board. The board may not grant the  
33 student member any voting privileges, but shall consider the  
34 student member as an advisor. The student member may not  
35 participate in or attend any executive session of the board.

36 (Source: P.A. 89-15, eff. 5-30-95; 90-811, eff. 1-26-99;

1 90-815, eff. 2-11-99.)

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