



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5914

by Rep. Chapin Rose

SYNOPSIS AS INTRODUCED:

10 ILCS 5/2A-1.2	from Ch. 46, par. 2A-1.2
10 ILCS 5/2A-56 new	
10 ILCS 5/10-9	from Ch. 46, par. 10-9
10 ILCS 5/22-1	from Ch. 46, par. 22-1
10 ILCS 5/22-7	from Ch. 46, par. 22-7
105 ILCS 5/1A-1	from Ch. 122, par. 1A-1
105 ILCS 5/1A-2	from Ch. 122, par. 1A-2
105 ILCS 5/1A-2.1	from Ch. 122, par. 1A-2.1
105 ILCS 5/1A-4	from Ch. 122, par. 1A-4

Amends the Election Code and the School Code. Provides for a State Board of Education consisting of 7 members elected on a nonpartisan basis at the general election in 2010 and every 6 years thereafter (now, the Board consists of 9 members appointed by the Governor with the advice and consent of the Senate). Provides that 3 members shall be elected from the First Judicial District and one member shall be elected from each of the 4 other judicial districts. Terminates the term of each member of the Board who is in office on January 1, 2011 when all of the new elected members take office. Provides that when the new elected members take office and every 2 years thereafter, one member of the Board shall be elected by the members of the Board to serve as chairperson (now, the chairperson is appointed by the Governor with the advice and consent of the Senate). Makes related changes.

LRB095 14820 NHT 40760 b

FISCAL NOTE ACT
MAY APPLY

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 Election Code is amended by changing
5 Sections 2A-1.2, 10-9, 22-1, and 22-7 and adding Section 2A-56
6 as follows:

7 (10 ILCS 5/2A-1.2) (from Ch. 46, par. 2A-1.2)

8 Sec. 2A-1.2. Consolidated Schedule of Elections - Offices
9 Designated.

10 (a) At the general election in the appropriate
11 even-numbered years, the following offices shall be filled or
12 shall be on the ballot as otherwise required by this Code:

13 (1) Elector of President and Vice President of the
14 United States;

15 (2) United States Senator and United States
16 Representative;

17 (3) State Executive Branch elected officers;

18 (4) State Senator and State Representative;

19 (5) County elected officers, including State's
20 Attorney, County Board member, County Commissioners, and
21 elected President of the County Board or County Chief
22 Executive;

23 (6) Circuit Court Clerk;

1 (7) Regional Superintendent of Schools, except in
2 counties or educational service regions in which that
3 office has been abolished;

4 (8) Judges of the Supreme, Appellate and Circuit
5 Courts, on the question of retention, to fill vacancies and
6 newly created judicial offices;

7 (9) (Blank);

8 (10) Trustee of the Metropolitan Sanitary District of
9 Chicago, and elected Trustee of other Sanitary Districts;

10 (11) Special District elected officers, not otherwise
11 designated in this Section, where the statute creating or
12 authorizing the creation of the district requires an annual
13 election and permits or requires election of candidates of
14 political parties;~~;~~

15 (12) Members of the State Board of Education.

16 (b) At the general primary election:

17 (1) in each even-numbered year candidates of political
18 parties shall be nominated for those offices to be filled
19 at the general election in that year, except where pursuant
20 to law nomination of candidates of political parties is
21 made by caucus.

22 (2) in the appropriate even-numbered years the
23 political party offices of State central committeeman,
24 township committeeman, ward committeeman, and precinct
25 committeeman shall be filled and delegates and alternate
26 delegates to the National nominating conventions shall be

1 elected as may be required pursuant to this Code. In the
2 even-numbered years in which a Presidential election is to
3 be held, candidates in the Presidential preference primary
4 shall also be on the ballot.

5 (3) in each even-numbered year, where the municipality
6 has provided for annual elections to elect municipal
7 officers pursuant to Section 6(f) or Section 7 of Article
8 VII of the Constitution, pursuant to the Illinois Municipal
9 Code or pursuant to the municipal charter, the offices of
10 such municipal officers shall be filled at an election held
11 on the date of the general primary election, provided that
12 the municipal election shall be a nonpartisan election
13 where required by the Illinois Municipal Code. For partisan
14 municipal elections in even-numbered years, a primary to
15 nominate candidates for municipal office to be elected at
16 the general primary election shall be held on the Tuesday 6
17 weeks preceding that election.

18 (4) in each school district which has adopted the
19 provisions of Article 33 of the School Code, successors to
20 the members of the board of education whose terms expire in
21 the year in which the general primary is held shall be
22 elected.

23 (c) At the consolidated election in the appropriate
24 odd-numbered years, the following offices shall be filled:

25 (1) Municipal officers, provided that in
26 municipalities in which candidates for alderman or other

1 municipal office are not permitted by law to be candidates
2 of political parties, the runoff election where required by
3 law, or the nonpartisan election where required by law,
4 shall be held on the date of the consolidated election; and
5 provided further, in the case of municipal officers
6 provided for by an ordinance providing the form of
7 government of the municipality pursuant to Section 7 of
8 Article VII of the Constitution, such offices shall be
9 filled by election or by runoff election as may be provided
10 by such ordinance;

11 (2) Village and incorporated town library directors;

12 (3) City boards of stadium commissioners;

13 (4) Commissioners of park districts;

14 (5) Trustees of public library districts;

15 (6) Special District elected officers, not otherwise
16 designated in this section, where the statute creating or
17 authorizing the creation of the district permits or
18 requires election of candidates of political parties;

19 (7) Township officers, including township park
20 commissioners, township library directors, and boards of
21 managers of community buildings, and Multi-Township
22 Assessors;

23 (8) Highway commissioners and road district clerks;

24 (9) Members of school boards in school districts which
25 adopt Article 33 of the School Code;

26 (10) The directors and chairman of the Chain O Lakes -

1 Fox River Waterway Management Agency;

2 (11) Forest preserve district commissioners elected
3 under Section 3.5 of the Downstate Forest Preserve District
4 Act;

5 (12) Elected members of school boards, school
6 trustees, directors of boards of school directors,
7 trustees of county boards of school trustees (except in
8 counties or educational service regions having a
9 population of 2,000,000 or more inhabitants) and members of
10 boards of school inspectors, except school boards in school
11 districts that adopt Article 33 of the School Code;

12 (13) Members of Community College district boards;

13 (14) Trustees of Fire Protection Districts;

14 (15) Commissioners of the Springfield Metropolitan
15 Exposition and Auditorium Authority;

16 (16) Elected Trustees of Tuberculosis Sanitarium
17 Districts;

18 (17) Elected Officers of special districts not
19 otherwise designated in this Section for which the law
20 governing those districts does not permit candidates of
21 political parties.

22 (d) At the consolidated primary election in each
23 odd-numbered year, candidates of political parties shall be
24 nominated for those offices to be filled at the consolidated
25 election in that year, except where pursuant to law nomination
26 of candidates of political parties is made by caucus, and

1 except those offices listed in paragraphs (12) through (17) of
2 subsection (c).

3 At the consolidated primary election in the appropriate
4 odd-numbered years, the mayor, clerk, treasurer, and aldermen
5 shall be elected in municipalities in which candidates for
6 mayor, clerk, treasurer, or alderman are not permitted by law
7 to be candidates of political parties, subject to runoff
8 elections to be held at the consolidated election as may be
9 required by law, and municipal officers shall be nominated in a
10 nonpartisan election in municipalities in which pursuant to law
11 candidates for such office are not permitted to be candidates
12 of political parties.

13 At the consolidated primary election in the appropriate
14 odd-numbered years, municipal officers shall be nominated or
15 elected, or elected subject to a runoff, as may be provided by
16 an ordinance providing a form of government of the municipality
17 pursuant to Section 7 of Article VII of the Constitution.

18 (e) (Blank).

19 (f) At any election established in Section 2A-1.1, public
20 questions may be submitted to voters pursuant to this Code and
21 any special election otherwise required or authorized by law or
22 by court order may be conducted pursuant to this Code.

23 Notwithstanding the regular dates for election of officers
24 established in this Article, whenever a referendum is held for
25 the establishment of a political subdivision whose officers are
26 to be elected, the initial officers shall be elected at the

1 election at which such referendum is held if otherwise so
2 provided by law. In such cases, the election of the initial
3 officers shall be subject to the referendum.

4 Notwithstanding the regular dates for election of
5 officials established in this Article, any community college
6 district which becomes effective by operation of law pursuant
7 to Section 6-6.1 of the Public Community College Act, as now or
8 hereafter amended, shall elect the initial district board
9 members at the next regularly scheduled election following the
10 effective date of the new district.

11 (g) At any election established in Section 2A-1.1, if in
12 any precinct there are no offices or public questions required
13 to be on the ballot under this Code then no election shall be
14 held in the precinct on that date.

15 (h) There may be conducted a referendum in accordance with
16 the provisions of Division 6-4 of the Counties Code.

17 (Source: P.A. 89-5, eff. 1-1-96; 89-95, eff. 1-1-96; 89-626,
18 eff. 8-9-96; 90-358, eff. 1-1-98.)

19 (10 ILCS 5/2A-56 new)

20 Sec. 2A-56. State Board of Education; time of election.
21 Members of the State Board of Education shall be elected at the
22 general election in 2010 and at the general election every 6
23 years thereafter.

24 (10 ILCS 5/10-9) (from Ch. 46, par. 10-9)

1 Sec. 10-9. The following electoral boards are designated
2 for the purpose of hearing and passing upon the objector's
3 petition described in Section 10-8.

4 1. The State Board of Elections will hear and pass upon
5 objections to the nominations of candidates for State offices,
6 nominations of candidates for members of the State Board of
7 Education, nominations of candidates for congressional,
8 legislative and judicial offices of districts, subcircuits, or
9 circuits situated in more than one county, nominations of
10 candidates for the offices of State's attorney or regional
11 superintendent of schools to be elected from more than one
12 county, and petitions for proposed amendments to the
13 Constitution of the State of Illinois as provided for in
14 Section 3 of Article XIV of the Constitution.

15 2. The county officers electoral board to hear and pass
16 upon objections to the nominations of candidates for county
17 offices, for congressional, legislative and judicial offices
18 of a district, subcircuit, or circuit coterminous with or less
19 than a county, for school trustees to be voted for by the
20 electors of the county or by the electors of a township of the
21 county, for the office of multi-township assessor where
22 candidates for such office are nominated in accordance with
23 this Code, and for all special district offices, shall be
24 composed of the county clerk, or an assistant designated by the
25 county clerk, the State's attorney of the county or an
26 Assistant State's Attorney designated by the State's Attorney,

1 and the clerk of the circuit court, or an assistant designated
2 by the clerk of the circuit court, of the county, of whom the
3 county clerk or his designee shall be the chairman, except that
4 in any county which has established a county board of election
5 commissioners that board shall constitute the county officers
6 electoral board ex-officio.

7 3. The municipal officers electoral board to hear and pass
8 upon objections to the nominations of candidates for officers
9 of municipalities shall be composed of the mayor or president
10 of the board of trustees of the city, village or incorporated
11 town, and the city, village or incorporated town clerk, and one
12 member of the city council or board of trustees, that member
13 being designated who is eligible to serve on the electoral
14 board and has served the greatest number of years as a member
15 of the city council or board of trustees, of whom the mayor or
16 president of the board of trustees shall be the chairman.

17 4. The township officers electoral board to pass upon
18 objections to the nominations of township officers shall be
19 composed of the township supervisor, the town clerk, and that
20 eligible town trustee elected in the township who has had the
21 longest term of continuous service as town trustee, of whom the
22 township supervisor shall be the chairman.

23 5. The education officers electoral board to hear and pass
24 upon objections to the nominations of candidates for offices in
25 school or community college districts shall be composed of the
26 presiding officer of the school or community college district

1 board, who shall be the chairman, the secretary of the school
2 or community college district board and the eligible elected
3 school or community college board member who has the longest
4 term of continuous service as a board member.

5 6. In all cases, however, where the Congressional or
6 Legislative district is wholly within the jurisdiction of a
7 board of election commissioners and in all cases where the
8 school district or special district is wholly within the
9 jurisdiction of a municipal board of election commissioners and
10 in all cases where the municipality or township is wholly or
11 partially within the jurisdiction of a municipal board of
12 election commissioners, the board of election commissioners
13 shall ex-officio constitute the electoral board.

14 For special districts situated in more than one county, the
15 county officers electoral board of the county in which the
16 principal office of the district is located has jurisdiction to
17 hear and pass upon objections. For purposes of this Section,
18 "special districts" means all political subdivisions other
19 than counties, municipalities, townships and school and
20 community college districts.

21 In the event that any member of the appropriate board is a
22 candidate for the office with relation to which the objector's
23 petition is filed, he shall not be eligible to serve on that
24 board and shall not act as a member of the board and his place
25 shall be filled as follows:

26 a. In the county officers electoral board by the county

1 treasurer, and if he or she is ineligible to serve, by the
2 sheriff of the county.

3 b. In the municipal officers electoral board by the
4 eligible elected city council or board of trustees member
5 who has served the second greatest number of years as a
6 city council or board of trustees member.

7 c. In the township officers electoral board by the
8 eligible elected town trustee who has had the second
9 longest term of continuous service as a town trustee.

10 d. In the education officers electoral board by the
11 eligible elected school or community college district
12 board member who has had the second longest term of
13 continuous service as a board member.

14 In the event that the chairman of the electoral board is
15 ineligible to act because of the fact that he is a candidate
16 for the office with relation to which the objector's petition
17 is filed, then the substitute chosen under the provisions of
18 this Section shall be the chairman; In this case, the officer
19 or board with whom the objector's petition is filed, shall
20 transmit the certificate of nomination or nomination papers as
21 the case may be, and the objector's petition to the substitute
22 chairman of the electoral board.

23 When 2 or more eligible individuals, by reason of their
24 terms of service on a city council or board of trustees,
25 township board of trustees, or school or community college
26 district board, qualify to serve on an electoral board, the one

1 to serve shall be chosen by lot.

2 Any vacancies on an electoral board not otherwise filled
3 pursuant to this Section shall be filled by public members
4 appointed by the Chief Judge of the Circuit Court for the
5 county wherein the electoral board hearing is being held upon
6 notification to the Chief Judge of such vacancies. The Chief
7 Judge shall be so notified by a member of the electoral board
8 or the officer or board with whom the objector's petition was
9 filed. In the event that none of the individuals designated by
10 this Section to serve on the electoral board are eligible, the
11 chairman of an electoral board shall be designated by the Chief
12 Judge.

13 (Source: P.A. 94-645, eff. 8-22-05.)

14 (10 ILCS 5/22-1) (from Ch. 46, par. 22-1)

15 Sec. 22-1. Abstracts of votes. Within 21 days after the
16 close of the election at which candidates for offices
17 hereinafter named in this Section are voted upon, the election
18 authorities of the respective counties shall open the returns
19 and make abstracts of the votes on a separate sheet for each of
20 the following:

21 A. For Governor and Lieutenant Governor;

22 B. For State officers;

23 C. For presidential electors;

24 D. For United States Senators and Representatives to
25 Congress;

- 1 E. For judges of the Supreme Court;
- 2 F. For judges of the Appellate Court;
- 3 G. For judges of the circuit court;
- 4 H. For Senators and Representatives to the General
5 Assembly;
- 6 I. For State's Attorneys elected from 2 or more
7 counties;
- 8 J. For amendments to the Constitution, and for other
9 propositions submitted to the electors of the entire State;
- 10 K. For county officers and for propositions submitted
11 to the electors of the county only;
- 12 L. For Regional Superintendent of Schools;
- 13 M. For trustees of Sanitary Districts; ~~and~~
- 14 N. For Trustee of a Regional Board of School Trustees;
15 and-
- 16 O. For members of the State Board of Education.

17 Each sheet shall report the returns by precinct or ward.

18 Multiple originals of each of the sheets shall be prepared
19 and one of each shall be turned over to the chairman of the
20 county central committee of each of the then existing
21 established political parties, as defined in Section 10-2, or
22 his duly authorized representative immediately after the
23 completion of the entries on the sheets and before the totals
24 have been compiled.

25 The foregoing abstracts shall be preserved by the election
26 authority in its office.

1 Whenever any county clerk is unable to canvass the vote,
2 the deputy county clerk or a designee of the county clerk shall
3 serve in his or her place.

4 The powers and duties of the election authority canvassing
5 the votes are limited to those specified in this Section.

6 No person who is shown by the election authority's
7 proclamation to have been elected at the consolidated election
8 or general election as a write-in candidate shall take office
9 unless that person has first filed with the certifying office
10 or board a statement of candidacy pursuant to Section 7-10 or
11 Section 10-5, a statement pursuant to Section 7-10.1, and a
12 receipt for filing a statement of economic interests in
13 relation to the unit of government to which he or she has been
14 elected. For officers elected at the consolidated election, the
15 certifying officer shall notify the election authority of the
16 receipt of those documents, and the county clerk shall issue
17 the certification of election under the provisions of Section
18 22-18.

19 (Source: P.A. 94-645, eff. 8-22-05; 94-647, eff. 1-1-06;
20 95-331, eff. 8-21-07.)

21 (10 ILCS 5/22-7) (from Ch. 46, par. 22-7)

22 Sec. 22-7. Canvass of votes; declaration and proclamation
23 of result. The State Board of Elections, shall proceed within
24 31 days after the election, and sooner if all the returns are
25 received, to canvass the votes given for United States Senators

1 and Representatives to Congress, State executive officers,
2 members of the State Board of Education, judges of the Supreme
3 Court, judges of the Appellate Court, judges of the Circuit
4 Court, Senators, Representatives to the General Assembly,
5 State's Attorneys and Regional Superintendents of Schools
6 elected from 2 or more counties, respectively, and the persons
7 having the highest number of votes for the respective offices
8 shall be declared duly elected, but if it appears that more
9 than the number of persons to be elected have the highest and
10 an equal number of votes for the same office, the electoral
11 board shall decide by lot which of such persons shall be
12 elected; and to each person duly elected, the Governor shall
13 give a certificate of election or commission, as the case may
14 require, and shall cause proclamation to be made of the result
15 of the canvass, and they shall at the same time and in the same
16 manner, canvass the vote cast upon amendments to the
17 Constitution, and upon other propositions submitted to the
18 electors of the entire State; and the Governor shall cause to
19 be made such proclamation of the result of the canvass as the
20 statutes elsewhere provide. The State Board of Elections shall
21 transmit to the State Comptroller a list of the persons elected
22 to the various offices. The State Board of Elections shall also
23 transmit to the Supreme Court the names of persons elected to
24 judgeships in adversary elections and the names of judges who
25 fail to win retention in office.

26 No person who is shown by the canvassing board's

1 proclamation to have been elected at the consolidated election
2 or general election as a write-in candidate shall take office
3 unless that person has first filed with the certifying office
4 or board a statement of candidacy pursuant to Section 7-10 or
5 Section 10-5, a statement pursuant to Section 7-10.1, and a
6 receipt for filing a statement of economic interests in
7 relation to the unit of government to which he or she has been
8 elected. For officers elected at the consolidated election, the
9 certifying officer shall notify the election authority of the
10 receipt of those documents, and the county clerk shall issue
11 the certification of election under the provisions of Section
12 22-18.

13 (Source: P.A. 93-847, eff. 7-30-04; 94-645, eff. 8-22-05.)

14 Section 10. The School Code is amended by changing Sections
15 1A-1, 1A-2, 1A-2.1, and 1A-4 as follows:

16 (105 ILCS 5/1A-1) (from Ch. 122, par. 1A-1)

17 Sec. 1A-1. Members and terms.

18 (a) (Blank).

19 (a-5) The term of each member of the State Board of
20 Education who is in office on January 1, 2011 shall terminate
21 when all of the new members initially to be elected under this
22 amendatory Act of the 95th General Assembly have taken office.

23 (b) Until all of the new members initially to be elected
24 under this amendatory Act of the 95th General Assembly have

1 taken office, the ~~The~~ State Board of Education shall consist of
2 8 members and a chairperson, who shall be appointed by the
3 Governor with the advice and consent of the Senate from a
4 pattern of regional representation as follows: 2 appointees
5 shall be selected from among those counties of the State other
6 than Cook County and the 5 counties contiguous to Cook County;
7 2 appointees shall be selected from Cook County, one of whom
8 shall be a resident of the City of Chicago and one of whom
9 shall be a resident of that part of Cook County which lies
10 outside the city limits of Chicago; 2 appointees shall be
11 selected from among the 5 counties of the State that are
12 contiguous to Cook County; and 3 members shall be selected as
13 members-at-large (one of which shall be the chairperson). The
14 Governor who takes office on the second Monday of January after
15 his or her election shall be the person who nominates members
16 to fill vacancies whose terms begin after that date and before
17 the term of the next Governor begins.

18 The term of each member of the State Board of Education
19 whose term expires on January 12, 2005 shall instead terminate
20 on the effective date of this amendatory Act of the 93rd
21 General Assembly. Of these 3 seats, (i) the member initially
22 appointed pursuant to this amendatory Act of the 93rd General
23 Assembly whose seat was vacant on April 27, 2004 shall serve
24 until the second Wednesday of January, 2009 and (ii) the other
25 2 members initially appointed pursuant to this amendatory Act
26 of the 93rd General Assembly shall serve until the second

1 Wednesday of January, 2007.

2 The term of the member of the State Board of Education
3 whose seat was vacant on April 27, 2004 and whose term expires
4 on January 10, 2007 shall instead terminate on the effective
5 date of this amendatory Act of the 93rd General Assembly. The
6 member initially appointed pursuant to this amendatory Act of
7 the 93rd General Assembly to fill this seat shall be the
8 chairperson and shall serve until the second Wednesday of
9 January, 2007.

10 The term of the member of the State Board of Education
11 whose seat was vacant on May 28, 2004 but after April 27, 2004
12 and whose term expires on January 10, 2007 shall instead
13 terminate on the effective date of this amendatory Act of the
14 93rd General Assembly. The member initially appointed pursuant
15 to this amendatory Act of the 93rd General Assembly to fill
16 this seat shall serve until the second Wednesday of January,
17 2007.

18 The term of the other member of the State Board of
19 Education whose term expires on January 10, 2007 shall instead
20 terminate on the effective date of this amendatory Act of the
21 93rd General Assembly. The member initially appointed pursuant
22 to this amendatory Act of the 93rd General Assembly to fill
23 this seat shall serve until the second Wednesday of January,
24 2007.

25 The term of the member of the State Board of Education
26 whose term expires on January 14, 2009 and who was selected

1 from among the 5 counties of the State that are contiguous to
2 Cook County and is a resident of Lake County shall instead
3 terminate on the effective date of this amendatory Act of the
4 93rd General Assembly. The member initially appointed pursuant
5 to this amendatory Act of the 93rd General Assembly to fill
6 this seat shall serve until the second Wednesday of January,
7 2009.

8 Upon expiration of the terms of the members initially
9 appointed under this amendatory Act of the 93rd General
10 Assembly and members whose terms were not terminated by this
11 amendatory Act of the 93rd General Assembly, their respective
12 successors shall be appointed for terms that begin on ~~of 4~~
13 ~~years, from~~ the second Wednesday in January of 2007 or 2009,
14 whichever is applicable, ~~each odd numbered year~~ and until all
15 of the new members initially to be elected under this
16 amendatory Act of the 95th General Assembly have taken office
17 ~~their respective successors are appointed and qualified.~~

18 (c) This subsection (c) applies until all of the new
19 members initially to be elected under this amendatory Act of
20 the 95th General Assembly have taken office. Of the 4 members,
21 excluding the chairperson, whose terms expire on the second
22 Wednesday of January, 2007 and every 4 years thereafter, one of
23 those members must be an at-large member and at no time may
24 more than 2 of those members be from one political party. Of
25 the 4 members whose terms expire on the second Wednesday of
26 January, 2009 and every 4 years thereafter, one of those

1 members must be an at-large member and at no time may more than
2 of those members be from one political party. Party
3 membership is defined as having voted in the primary of the
4 party in the last primary before appointment.

5 (c-5) Beginning on the date when all of the new members
6 initially to be elected under this amendatory Act of the 95th
7 General Assembly have taken office, the State Board of
8 Education shall consist of 7 members. These members shall be
9 elected on a nonpartisan basis at the general election in 2010
10 and every 6 years thereafter. Three members shall be elected
11 from the First Judicial District, and one member shall be
12 elected from each of the 4 other judicial districts. A petition
13 for nomination of a candidate for member of the Board shall be
14 signed by at least 0.5% of the total number of registered
15 voters in the judicial district in which the person is a
16 candidate for nomination. Each of these members shall serve for
17 a term of 6 years, from the second Wednesday of January after
18 his or her election and until his or her successor takes
19 office.

20 (d) Vacancies in terms shall be filled by appointment by
21 the Governor with the advice and consent of the Senate for the
22 extent of the unexpired term. If a vacancy in membership occurs
23 at a time when the Senate is not in session, the Governor shall
24 make a temporary appointment until the next meeting of the
25 Senate, when the Governor shall appoint a person to fill that
26 membership for the remainder of its term. If the Senate is not

1 in session when appointments for a full term are made under
2 subsection (b) of this Section, the appointments shall be made
3 as in the case of vacancies. A person selected to fill a
4 vacancy left by an elected member must be a resident of the
5 judicial district from which the elected member was elected.

6 (Source: P.A. 93-1036, eff. 9-14-04.)

7 (105 ILCS 5/1A-2) (from Ch. 122, par. 1A-2)

8 Sec. 1A-2. Qualifications. In order to be a member ~~The~~
9 ~~members~~ of the State Board of Education, a person must be a
10 citizen ~~shall be citizens~~ of the United States and a resident
11 ~~residents~~ of the State of Illinois. To be an elected member, a
12 person must also be a resident of the judicial district from
13 which he or she was elected. Appointed members ~~and~~ shall be
14 selected as far as may be practicable on the basis of their
15 knowledge of, or interest and experience in, problems of public
16 education. No member of the State Board of Education shall be
17 gainfully employed or administratively connected with any
18 school system, nor have any interest in or benefit from funds
19 provided by the State Board of Education to an institution of
20 higher learning, public or private, within Illinois, nor shall
21 they be members of a school board or board of school trustees
22 of a public or nonpublic school, college, university or
23 technical institution within Illinois. No member shall be
24 appointed or elected to more than 2 ~~six-year~~ terms. Members
25 shall be reimbursed for all ordinary and necessary expenses

1 incurred in performing their duties as members of the Board.
2 Expenses shall be approved by the Board and be consistent with
3 the laws, policies, and requirements of the State of Illinois
4 regarding such expenditures, plus any member may include in his
5 claim for expenses \$50 per day for meeting days.

6 (Source: P.A. 90-548, eff. 1-1-98.)

7 (105 ILCS 5/1A-2.1) (from Ch. 122, par. 1A-2.1)

8 Sec. 1A-2.1. Vacancies. The Governor may remove for
9 incompetence, neglect of duty, or malfeasance in office any
10 member of the State Board of Education. A vacancy also exists
11 on the State Board of Education when one or more of the
12 following events occur:

13 1. A member dies.

14 2. A member files a written resignation with the Governor.

15 3. A member is adjudicated to be a person under legal
16 disability under the Probate Act of 1975 or a person subject to
17 involuntary admission under the Mental Health and
18 Developmental Disabilities Code.

19 4. For appointed members, a ~~A~~ member ceases to be a
20 resident of the region from which he or she was appointed.

21 5. A member is convicted of an infamous crime or of any
22 offense involving a violation of his or her duties under this
23 Code.

24 6. A member fails to maintain the qualifications stated in
25 Section 1A-2 of this Code.

1 (Source: P.A. 93-1036, eff. 9-14-04.)

2 (105 ILCS 5/1A-4) (from Ch. 122, par. 1A-4)

3 (Text of Section before amendment by P.A. 95-626)

4 Sec. 1A-4. Powers and duties of the Board.

5 A. (Blank).

6 A-5. When all of the new members initially to be elected
7 under this amendatory Act of the 95th General Assembly have
8 taken office and every 2 years thereafter, one member of the
9 Board shall be elected by the members of Board to serve as
10 chairperson for 2 years.

11 B. The Board shall determine the qualifications of and
12 appoint a chief education officer, to be known as the State
13 Superintendent of Education, ~~who may be proposed by the~~
14 ~~Governor and~~ who shall serve at the pleasure of the Board and
15 pursuant to a performance-based contract linked to statewide
16 student performance and academic improvement within Illinois
17 schools. Upon expiration ~~or buyout~~ of the contract of the State
18 Superintendent of Education in office when all of the new
19 members initially to be elected under ~~on the effective date of~~
20 this amendatory Act of the 95th ~~93rd~~ General Assembly have
21 taken office, a new State Superintendent of Education shall be
22 appointed ~~by a State Board of Education that includes the 7 new~~
23 ~~Board members who were appointed to fill seats of members whose~~
24 ~~terms were terminated on the effective date of this amendatory~~
25 ~~Act of the 93rd General Assembly. Thereafter, a State~~

1 ~~Superintendent of Education must, at a minimum, be appointed at~~
2 ~~the beginning of each term of a Governor after that Governor~~
3 ~~has made appointments to the Board. Beginning when all of the~~
4 ~~new members initially to be elected under this amendatory Act~~
5 ~~of the 95th General Assembly have taken office, no~~
6 ~~performance-based contract issued for the employment of the~~
7 ~~State Superintendent of Education may be for a term longer than~~
8 ~~3 years, and no contract may be extended or renewed prior to~~
9 ~~its scheduled expiration unless the performance and~~
10 ~~improvement goals contained in the contract have been met.~~ A
11 performance-based contract issued for the employment of a State
12 Superintendent of Education entered into before the new members
13 ~~initially to be elected under this amendatory Act of the 95th~~
14 ~~General Assembly have taken office on or after the effective~~
15 ~~date of this amendatory Act of the 93rd General Assembly~~ must
16 expire no later than February 1, 2011 ~~2007,~~ and subsequent
17 ~~contracts must expire no later than February 1 each 4 years~~
18 ~~thereafter. This No contract must not shall be extended or~~
19 renewed beyond February 1, 2011 ~~2007~~ and February 1 each ~~4~~
20 ~~years thereafter,~~ but the a State Superintendent of Education
21 shall serve until his or her successor is appointed. ~~Each~~
22 ~~contract entered into on or before January 8, 2007 with a State~~
23 ~~Superintendent of Education must provide that the State Board~~
24 ~~of Education may terminate the contract for cause, and the~~
25 ~~State Board of Education shall not thereafter be liable for~~
26 ~~further payments under the contract. With regard to this~~

1 ~~amendatory Act of the 93rd General Assembly, it is the intent~~
2 ~~of the General Assembly that, beginning with the Governor who~~
3 ~~takes office on the second Monday of January, 2007, a State~~
4 ~~Superintendent of Education be appointed at the beginning of~~
5 ~~each term of a Governor after that Governor has made~~
6 ~~appointments to the Board.~~ The State Superintendent of
7 Education shall not serve as a member of the State Board of
8 Education. The Board shall set the compensation of the State
9 Superintendent of Education who shall serve as the Board's
10 chief executive officer. The Board shall also establish the
11 duties, powers and responsibilities of the State
12 Superintendent, which shall be included in the State
13 Superintendent's performance-based contract along with the
14 goals and indicators of student performance and academic
15 improvement used to measure the performance and effectiveness
16 of the State Superintendent. The State Board of Education may
17 delegate to the State Superintendent of Education the authority
18 to act on the Board's behalf, provided such delegation is made
19 pursuant to adopted board policy or the powers delegated are
20 ministerial in nature. The State Board may not delegate
21 authority under this Section to the State Superintendent to (1)
22 nonrecognize school districts, (2) withhold State payments as a
23 penalty, or (3) make final decisions under the contested case
24 provisions of the Illinois Administrative Procedure Act unless
25 otherwise provided by law.

26 C. The powers and duties of the State Board of Education

1 shall encompass all duties delegated to the Office of
2 Superintendent of Public Instruction on January 12, 1975,
3 except as the law providing for such powers and duties is
4 thereafter amended, and such other powers and duties as the
5 General Assembly shall designate. The Board shall be
6 responsible for the educational policies and guidelines for
7 public schools, pre-school through grade 12 and Vocational
8 Education in the State of Illinois. The Board shall analyze the
9 present and future aims, needs, and requirements of education
10 in the State of Illinois and recommend to the General Assembly
11 the powers which should be exercised by the Board. The Board
12 shall recommend the passage and the legislation necessary to
13 determine the appropriate relationship between the Board and
14 local boards of education and the various State agencies and
15 shall recommend desirable modifications in the laws which
16 affect schools.

17 D. Two members of the Board shall be appointed by the
18 chairperson to serve on a standing joint Education Committee, 2
19 others shall be appointed from the Board of Higher Education, 2
20 others shall be appointed by the chairperson of the Illinois
21 Community College Board, and 2 others shall be appointed by the
22 chairperson of the Human Resource Investment Council. The
23 Committee shall be responsible for making recommendations
24 concerning the submission of any workforce development plan or
25 workforce training program required by federal law or under any
26 block grant authority. The Committee will be responsible for

1 developing policy on matters of mutual concern to elementary,
2 secondary and higher education such as Occupational and Career
3 Education, Teacher Preparation and Certification, Educational
4 Finance, Articulation between Elementary, Secondary and Higher
5 Education and Research and Planning. The joint Education
6 Committee shall meet at least quarterly and submit an annual
7 report of its findings, conclusions, and recommendations to the
8 State Board of Education, the Board of Higher Education, the
9 Illinois Community College Board, the Human Resource
10 Investment Council, the Governor, and the General Assembly. All
11 meetings of this Committee shall be official meetings for
12 reimbursement under this Act.

13 E. A majority ~~Five members~~ of the Board shall constitute a
14 quorum. A majority vote of the members ~~appointed, confirmed and~~
15 serving on the Board, excluding members who have been appointed
16 but have not been confirmed, is required to approve any action,
17 except that the 7 new Board members who were appointed to fill
18 seats of members whose terms were terminated on the effective
19 date of this amendatory act of the 93rd General Assembly may
20 vote to approve actions when appointed and serving.

21 The Board shall prepare and submit to the General Assembly
22 and the Governor on or before January 14, 1976 and annually
23 thereafter a report or reports of its findings and
24 recommendations. Such annual report shall contain a separate
25 section which provides a critique and analysis of the status of
26 education in Illinois and which identifies its specific

1 problems and recommends express solutions therefor. Such
2 annual report also shall contain the following information for
3 the preceding year ending on June 30: each act or omission of a
4 school district of which the State Board of Education has
5 knowledge as a consequence of scheduled, approved visits and
6 which constituted a failure by the district to comply with
7 applicable State or federal laws or regulations relating to
8 public education, the name of such district, the date or dates
9 on which the State Board of Education notified the school
10 district of such act or omission, and what action, if any, the
11 school district took with respect thereto after being notified
12 thereof by the State Board of Education. The report shall also
13 include the statewide high school dropout rate by grade level,
14 sex and race and the annual student dropout rate of and the
15 number of students who graduate from, transfer from or
16 otherwise leave bilingual programs. The Auditor General shall
17 annually perform a compliance audit of the State Board of
18 Education's performance of the reporting duty imposed by this
19 amendatory Act of 1986. A regular system of communication with
20 other directly related State agencies shall be implemented.

21 The requirement for reporting to the General Assembly shall
22 be satisfied by filing copies of the report with the Speaker,
23 the Minority Leader and the Clerk of the House of
24 Representatives and the President, the Minority Leader and the
25 Secretary of the Senate and the Legislative Council, as
26 required by Section 3.1 of the General Assembly Organization

1 Act, and filing such additional copies with the State
2 Government Report Distribution Center for the General Assembly
3 as is required under paragraph (t) of Section 7 of the State
4 Library Act.

5 F. Upon all of the new members initially to be elected
6 under this amendatory Act of the 95th General Assembly taking
7 office ~~appointment of the 7 new Board members who were~~
8 ~~appointed to fill seats of members whose terms were terminated~~
9 ~~on the effective date of this amendatory Act of the 93rd~~
10 ~~General Assembly~~, the Board shall review all of its current
11 rules in an effort to streamline procedures, improve
12 efficiency, and eliminate unnecessary forms and paperwork.
13 (Source: P.A. 93-1036, eff. 9-14-04.)

14 (Text of Section after amendment by P.A. 95-626)

15 Sec. 1A-4. Powers and duties of the Board.

16 A. (Blank).

17 A-5. When all of the new members initially to be elected
18 under this amendatory Act of the 95th General Assembly have
19 taken office and every 2 years thereafter, one member of the
20 Board shall be elected by the members of Board to serve as
21 chairperson for 2 years.

22 B. The Board shall determine the qualifications of and
23 appoint a chief education officer, to be known as the State
24 Superintendent of Education, ~~who may be proposed by the~~
25 ~~Governor and~~ who shall serve at the pleasure of the Board and

1 pursuant to a performance-based contract linked to statewide
2 student performance and academic improvement within Illinois
3 schools. Upon expiration ~~or buyout~~ of the contract of the State
4 Superintendent of Education in office when all of the new
5 members initially to be elected under ~~on the effective date of~~
6 this amendatory Act of the 95th ~~93rd~~ General Assembly have
7 taken office, a new State Superintendent of Education shall be
8 appointed ~~by a State Board of Education that includes the 7 new~~
9 ~~Board members who were appointed to fill seats of members whose~~
10 ~~terms were terminated on the effective date of this amendatory~~
11 ~~Act of the 93rd General Assembly. Thereafter, a State~~
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13 ~~the beginning of each term of a Governor after that Governor~~
14 ~~has made appointments to the Board. Beginning when all of the~~
15 new members initially to be elected under this amendatory Act
16 of the 95th General Assembly have taken office, no
17 performance-based contract issued for the employment of the
18 State Superintendent of Education may be for a term longer than
19 3 years, and no contract may be extended or renewed prior to
20 its scheduled expiration unless the performance and
21 improvement goals contained in the contract have been met. A
22 performance-based contract issued for the employment of a State
23 Superintendent of Education entered into before the new members
24 initially to be elected under this amendatory Act of the 95th
25 General Assembly have taken office ~~on or after the effective~~
26 ~~date of this amendatory Act of the 93rd General Assembly must~~

1 expire no later than February 1, 2011 ~~2007~~, and subsequent
2 ~~contracts must expire no later than February 1 each 4 years~~
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4 renewed beyond February 1, 2011 ~~2007~~ and ~~February 1 each 4~~
5 ~~years thereafter~~, but the ~~a~~ State Superintendent of Education
6 shall serve until his or her successor is appointed. ~~Each~~
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9 ~~of Education may terminate the contract for cause, and the~~
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11 ~~further payments under the contract. With regard to this~~
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18 Education shall not serve as a member of the State Board of
19 Education. The Board shall set the compensation of the State
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23 Superintendent, which shall be included in the State
24 Superintendent's performance-based contract along with the
25 goals and indicators of student performance and academic
26 improvement used to measure the performance and effectiveness

1 of the State Superintendent. The State Board of Education may
2 delegate to the State Superintendent of Education the authority
3 to act on the Board's behalf, provided such delegation is made
4 pursuant to adopted board policy or the powers delegated are
5 ministerial in nature. The State Board may not delegate
6 authority under this Section to the State Superintendent to (1)
7 nonrecognize school districts, (2) withhold State payments as a
8 penalty, or (3) make final decisions under the contested case
9 provisions of the Illinois Administrative Procedure Act unless
10 otherwise provided by law.

11 C. The powers and duties of the State Board of Education
12 shall encompass all duties delegated to the Office of
13 Superintendent of Public Instruction on January 12, 1975,
14 except as the law providing for such powers and duties is
15 thereafter amended, and such other powers and duties as the
16 General Assembly shall designate. The Board shall be
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18 public schools, pre-school through grade 12 and Vocational
19 Education in the State of Illinois. The Board shall analyze the
20 present and future aims, needs, and requirements of education
21 in the State of Illinois and recommend to the General Assembly
22 the powers which should be exercised by the Board. The Board
23 shall recommend the passage and the legislation necessary to
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25 local boards of education and the various State agencies and
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3 chairperson to serve on a standing joint Education Committee, 2
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6 Community College Board, and 2 others shall be appointed by the
7 chairperson of the Human Resource Investment Council. The
8 Committee shall be responsible for making recommendations
9 concerning the submission of any workforce development plan or
10 workforce training program required by federal law or under any
11 block grant authority. The Committee will be responsible for
12 developing policy on matters of mutual concern to elementary,
13 secondary and higher education such as Occupational and Career
14 Education, Teacher Preparation and Certification, Educational
15 Finance, Articulation between Elementary, Secondary and Higher
16 Education and Research and Planning. The joint Education
17 Committee shall meet at least quarterly and submit an annual
18 report of its findings, conclusions, and recommendations to the
19 State Board of Education, the Board of Higher Education, the
20 Illinois Community College Board, the Human Resource
21 Investment Council, the Governor, and the General Assembly. All
22 meetings of this Committee shall be official meetings for
23 reimbursement under this Act. On the effective date of this
24 amendatory Act of the 95th General Assembly, the Joint
25 Education Committee is abolished.

26 E. A majority ~~Five members~~ of the Board shall constitute a

1 quorum. A majority vote of the members ~~appointed, confirmed and~~
2 serving on the Board, excluding members who have been appointed
3 but have not been confirmed, is required to approve any action,
4 except that the 7 new Board members who were appointed to fill
5 seats of members whose terms were terminated on the effective
6 date of this amendatory act of the 93rd General Assembly may
7 vote to approve actions when appointed and serving.

8 The Board shall prepare and submit to the General Assembly
9 and the Governor on or before January 14, 1976 and annually
10 thereafter a report or reports of its findings and
11 recommendations. Such annual report shall contain a separate
12 section which provides a critique and analysis of the status of
13 education in Illinois and which identifies its specific
14 problems and recommends express solutions therefor. Such
15 annual report also shall contain the following information for
16 the preceding year ending on June 30: each act or omission of a
17 school district of which the State Board of Education has
18 knowledge as a consequence of scheduled, approved visits and
19 which constituted a failure by the district to comply with
20 applicable State or federal laws or regulations relating to
21 public education, the name of such district, the date or dates
22 on which the State Board of Education notified the school
23 district of such act or omission, and what action, if any, the
24 school district took with respect thereto after being notified
25 thereof by the State Board of Education. The report shall also
26 include the statewide high school dropout rate by grade level,

1 sex and race and the annual student dropout rate of and the
2 number of students who graduate from, transfer from or
3 otherwise leave bilingual programs. The Auditor General shall
4 annually perform a compliance audit of the State Board of
5 Education's performance of the reporting duty imposed by this
6 amendatory Act of 1986. A regular system of communication with
7 other directly related State agencies shall be implemented.

8 The requirement for reporting to the General Assembly shall
9 be satisfied by filing copies of the report with the Speaker,
10 the Minority Leader and the Clerk of the House of
11 Representatives and the President, the Minority Leader and the
12 Secretary of the Senate and the Legislative Council, as
13 required by Section 3.1 of the General Assembly Organization
14 Act, and filing such additional copies with the State
15 Government Report Distribution Center for the General Assembly
16 as is required under paragraph (t) of Section 7 of the State
17 Library Act.

18 F. Upon all of the new members initially to be elected
19 under this amendatory Act of the 95th General Assembly taking
20 office ~~appointment of the 7 new Board members who were~~
21 ~~appointed to fill seats of members whose terms were terminated~~
22 ~~on the effective date of this amendatory Act of the 93rd~~
23 ~~General Assembly~~, the Board shall review all of its current
24 rules in an effort to streamline procedures, improve
25 efficiency, and eliminate unnecessary forms and paperwork.

26 (Source: P.A. 95-626, eff. 6-1-08.)

1 Section 95. No acceleration or delay. Where this Act makes
2 changes in a statute that is represented in this Act by text
3 that is not yet or no longer in effect (for example, a Section
4 represented by multiple versions), the use of that text does
5 not accelerate or delay the taking effect of (i) the changes
6 made by this Act or (ii) provisions derived from any other
7 Public Act.