

1 AN ACT relating to schools.

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  
5 Sections 10-3, 10-10, 10-11, 33-2, and 34-4 as follows:

6 (105 ILCS 5/10-3) (from Ch. 122, par. 10-3)

7 Sec. 10-3. Eligibility of directors. Any person who,  
8 on the date of his or her election, is a citizen of the  
9 United States, of the age of 18 years or over, a resident of  
10 the State and of the territory of the district for at least  
11 one year immediately preceding his or her election, a  
12 registered voter as provided in the general election law, and  
13 ~~is~~ not a school trustee or a school treasurer, shall be  
14 eligible to the office of school director. For school  
15 directors elected or appointed on or after the effective date  
16 of this amendatory Act of the 92nd General Assembly, a person  
17 is not eligible for election or appointment to the board if  
18 he or she has been an active teacher member of an  
19 organization that represents teachers in collective  
20 bargaining negotiations for at least 6 months immediately  
21 preceding the election or appointment. If a school director  
22 who has been elected or appointed on or after the effective  
23 date of this amendatory Act of the 92nd General Assembly  
24 becomes an active teacher member of such an organization,  
25 that membership constitutes a resignation from and creates a  
26 vacancy in the board.

27 (Source: P.A. 81-1490.)

28 (105 ILCS 5/10-10) (from Ch. 122, par. 10-10)

29 Sec. 10-10. Board of education; Term; Vacancy. All  
30 school districts having a population of not fewer than 1,000

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

1 members for 6 year terms 4 members are elected, 3 shall serve  
2 for a term of 6 years and one shall serve for a term of 2  
3 years; and of the members elected at the next regular school  
4 election 2 shall serve for terms of 6 years and 2 shall serve  
5 for terms of 2 years. Thereafter members elected in such  
6 districts shall be elected to a 6 year term. If at the  
7 regular school election held in the first odd-numbered year  
8 after the determination to elect members for a 6 year term 5  
9 members are elected, 3 shall serve for a term of 6 years and  
10 2 shall serve for a term of 2 years; and of the members  
11 elected at the next regular school election 2 shall serve for  
12 terms of 6 years and 2 shall serve for terms of 2 years.  
13 Thereafter members elected in such districts shall be elected  
14 to a 6 year term. An election for board members shall not be  
15 held in school districts which by consolidation, annexation  
16 or otherwise shall cease to exist as a school district within  
17 6 months after the election date, and the term of all board  
18 members which would otherwise terminate shall be continued  
19 until such district shall cease to exist. Each member shall,  
20 on the date of his or her election, be a citizen of the  
21 United States of the age of 18 years or over, be a resident  
22 of the State and the territory of the district for at least  
23 one year immediately preceding his or her election, be a  
24 registered voter as provided in the general election law, and  
25 shall not be a school trustee or a school treasurer. For  
26 board members elected or appointed on or after the effective  
27 date of this amendatory Act of the 92nd General Assembly, a  
28 person is not eligible for election or appointment to the  
29 board if he or she has been an active teacher member of an  
30 organization that represents teachers in collective  
31 bargaining negotiations for at least 6 months immediately  
32 preceding the election or appointment. When the board of  
33 education is the successor of the school directors, all  
34 rights of property, and all rights regarding causes of action

1 existing or vested in such directors, shall vest in it as  
2 fully as they were vested in the school directors. Terms of  
3 members are subject to Section 2A-54 of the Election Code.

4 Nomination papers filed under this Section are not valid  
5 unless the candidate named therein files with the secretary  
6 of the board of education or with a person designated by the  
7 board to receive nominating petitions a receipt from the  
8 county clerk showing that the candidate has filed a statement  
9 of economic interests as required by the Illinois  
10 Governmental Ethics Act. Such receipt shall be so filed  
11 either previously during the calendar year in which his  
12 nomination papers were filed or within the period for the  
13 filing of nomination papers in accordance with the general  
14 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  
18 vacancy until the next regular school election, at which  
19 election a successor shall be elected to serve the remainder  
20 of the unexpired term. However, if the vacancy occurs with  
21 less than 868 days remaining in the term, or if the vacancy  
22 occurs less than 88 days before the next regularly scheduled  
23 election for this office then the person so appointed shall  
24 serve the remainder of the unexpired term, and no election to  
25 fill the vacancy shall be held. Should they fail so to act,  
26 within 45 days after the vacancy occurs, the regional  
27 superintendent of schools under whose supervision and control  
28 the district is operating, as defined in Section 3-14.2 of  
29 this Act, shall within 30 days after the remaining members  
30 have failed to fill the vacancy, fill the vacancy as provided  
31 for herein. Upon the regional superintendent's failure to  
32 fill the vacancy, the vacancy shall be filled at the next  
33 regularly scheduled election. Whether elected or appointed  
34 by the remaining members or regional superintendent, the

1 successor shall be an inhabitant of the particular area from  
2 which his or her predecessor was elected if the residential  
3 requirements contained in Section 11A-8, 11B-7, or 12-2 of  
4 this Act apply.

5 (Source: P.A. 89-129, eff. 7-14-95; 89-579, eff. 7-30-96;  
6 90-358, eff. 1-1-98; 90-459, eff. 8-17-97; 90-655, eff.  
7 7-30-98.)

8 (105 ILCS 5/10-11) (from Ch. 122, par. 10-11)  
9 Sec. 10-11. Vacancies.

10 (a) Elective offices become vacant within the meaning of  
11 the Act, unless the context indicates otherwise, on the  
12 happening of any of the following events, before the  
13 expiration of the term of such office:

14 (1)- The death of the incumbent.

15 (2)- His or her resignation in writing filed with  
16 the Secretary or Clerk of the Board.

17 (3)- His or her becoming a person under legal  
18 disability.

19 (4)- His or her ceasing to be an inhabitant of the  
20 district for which he or she was elected.

21 (5)- His or her conviction of an infamous crime, of  
22 any offense involving a violation of official oath, or of  
23 a violent crime against a child.

24 (6)- His or her removal from office.

25 (7)- The decision of a competent tribunal declaring  
26 his or her election void.

27 (8)- His ceasing to be an inhabitant of a  
28 particular area from which he was elected, if the  
29 residential requirements contained in Section 11A-8,  
30 11B-7, or 12-2 of this Act are violated.

31 If a board member who has been elected or appointed on or  
32 after the effective date of this amendatory Act of the 92nd  
33 General Assembly becomes an active teacher member of an

1 organization that represents teachers in collective  
2 bargaining negotiations, that membership constitutes a  
3 resignation from and creates a vacancy in the board.

4 (b) No elective office except as herein otherwise  
5 provided becomes vacant until the successor of the incumbent  
6 of such office has been appointed or elected, as the case may  
7 be, and qualified. The successor shall have the same type of  
8 residential qualifications as his or her predecessor and, if  
9 the residential requirements contained in Section 11A-8,  
10 11B-7, or 12-2 of this Act apply, the successor, whether  
11 elected or appointed by the remaining members or a regional  
12 superintendent, shall be an inhabitant of the particular area  
13 from which his or her predecessor was elected.

14 (Source: P.A. 91-376, eff. 1-1-00.)

15 (105 ILCS 5/33-2) (from Ch. 122, par. 33-2)

16 Sec. 33-2. Eligibility. To be eligible for election to  
17 the board, a person shall be a citizen of the United States  
18 and shall have been a resident of the district for at least  
19 one 1 year immediately preceding his or her election.  
20 Permanent removal from the district by any member constitutes  
21 a resignation from and creates a vacancy in the board. For  
22 board members elected or appointed on or after the effective  
23 date of this amendatory Act of the 92nd General Assembly, a  
24 person is not eligible for election or appointment to the  
25 board if he or she has been an active teacher member of an  
26 organization that represents teachers in collective  
27 bargaining negotiations for at least 6 months immediately  
28 preceding the election or appointment. If a board member who  
29 has been elected or appointed on or after the effective date  
30 of this amendatory Act of the 92nd General Assembly becomes  
31 an active teacher member of such an organization, that  
32 membership constitutes a resignation from and creates a  
33 vacancy in the board. Board members shall serve without

1 compensation.

2 Notwithstanding any provisions to the contrary in any  
3 special charter, petitions nominating candidates for the  
4 board of education shall be signed by at least 200 voters of  
5 the district; and the polls, whether they be located within a  
6 city lying in the district or outside of a city, shall remain  
7 open during the hours specified in the Election Code.

8 (Source: Laws 1961, p. 31.)

9 (105 ILCS 5/34-4) (from Ch. 122, par. 34-4)

10 Sec. 34-4. Eligibility. To be eligible for appointment  
11 to the board, a person shall be a citizen of the United  
12 States, shall be a registered voter as provided in the  
13 Election Code, ~~as heretofore or hereafter amended~~, and shall  
14 have been a resident of the city for at least 3 years  
15 immediately preceding his or her appointment. Permanent  
16 removal from the city by any member of the board during his  
17 or her term of office constitutes a resignation therefrom and  
18 creates a vacancy in the board. For board members appointed  
19 on or after the effective date of this amendatory Act of the  
20 92nd General Assembly, a person is not eligible for  
21 appointment to the board if he or she has been an active  
22 teacher member of an organization that represents teachers in  
23 collective bargaining negotiations for at least 6 months  
24 immediately preceding the election or appointment. If a board  
25 member who has been appointed on or after the effective date  
26 of this amendatory Act of the 92nd General Assembly becomes  
27 an active teacher member of such an organization, that  
28 membership constitutes a resignation from and creates a  
29 vacancy in the board. Except for the President of the  
30 Chicago School Reform Board of Trustees who may be paid  
31 compensation for his or her services as chief executive  
32 officer as determined by the Mayor as provided in subsection  
33 (a) of Section 34-3, board members shall serve without any

1 compensation; provided, that board members shall be  
2 reimbursed for expenses incurred while in the performance of  
3 their duties upon submission of proper receipts or upon  
4 submission of a signed voucher in the case of an expense  
5 allowance evidencing the amount of such reimbursement or  
6 allowance to the president of the board for verification and  
7 approval. The board of education may continue to provide  
8 health care insurance coverage, employer pension  
9 contributions, employee pension contributions, and life  
10 insurance premium payments for an employee required to resign  
11 from an administrative, teaching, or career service position  
12 in order to qualify as a member of the board of education.  
13 They shall not hold other public office under the Federal,  
14 State or any local government other than that of Director of  
15 the Regional Transportation Authority, member of the economic  
16 development commission of a city having a population  
17 exceeding 500,000, notary public or member of the National  
18 Guard, and by accepting any such office while members of the  
19 board, or by not resigning any such office held at the time  
20 of being appointed to the board within 30 days after such  
21 appointment, shall be deemed to have vacated their membership  
22 in the board.

23 (Source: P.A. 89-15, eff. 5-30-95.)

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.