



TYRONE C. FAHNER
ATTORNEY GENERAL
STATE OF ILLINOIS
SPRINGFIELD

April 23, 1981

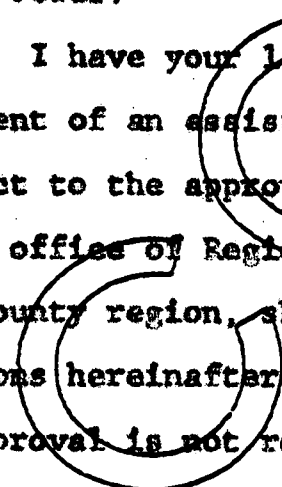
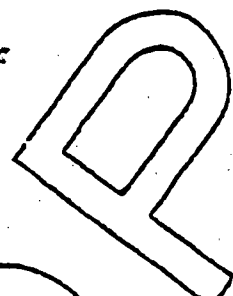
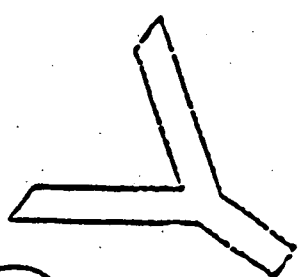
FILE NO. 81-009

OFFICERS:
Assistant Regional Superintendent
of Schools

Honorable L. Patrick Power
State's Attorney
Kankakee County
Courthouse
Kankakee, Illinois 60901

Dear Mr. Power:

I have your letter in which you inquire whether the appointment of an assistant regional superintendent of schools is subject to the approval of the county board, and who should fill the office of Regional Superintendent of Schools of a single-county region, should that position be vacated. For the reasons hereinafter stated, it is my opinion that county board approval is not required for the appointment of an assistant regional superintendent of schools. Should a vacancy occur in the office of Regional Superintendent of Schools of a single-county or of a multi-county region, the unexpired



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term of the Regional Superintendent is to be filled by the assistant regional superintendent.

With regard to your first question, both section 3-15.6 and section 3-15.10 of The School Code (Ill. Rev. Stat. 1979, ch. 122, pars. 3-15.6, 3-15.10), grant a Regional Superintendent the power to hire assistants. Section 3-15.6, which relates to assistants in general, and requires approval by the county board before such assistants are hired, authorizes the Regional Superintendent:

"To employ, with the approval of the county board, such assistants as he needs for the discharge of his duties. * * * "

Section 3-15.10, which is concerned exclusively with the employment of the assistant regional superintendent and specifies his duties, authorizes the Regional Superintendent:

" * * * To employ, in counties or regions of 2,000,000 Inhabitants or less, in addition to any assistants authorized to be employed with the approval of the county board, an assistant county or regional superintendent of schools
* * * .

* * *

(Emphasis added.)

Section 3-15.10 is clear and unambiguous and must be given effect in accordance with its plain meaning. (Bovinette v. City of Mascoutah (1973), 55 Ill. 2d 129, 133.) Therefore, because section 3-15.10 distinguishes the assistant regional superintendent from other assistants appointed by the Regional Superintendent, and because neither that section nor any other

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requires consent of the county board to the appointment of an assistant regional superintendent, it is my opinion that approval of the county board is not a prerequisite to such appointment.

In your second question, you ask who should fill the office of Regional Superintendent of Schools of a single-county region in the event of a vacancy. Under the provisions of section 3A-6 of The School Code (Ill. Rev. Stat. 1979, ch. 122, par. 3A-6), a vacancy in the office of Regional Superintendent is filled by the assistant regional superintendent:

" * * *

If a vacancy in the office of regional superintendent occurs, the first assistant regional superintendent, if he possesses the qualifications required to be elected to the position of regional superintendent, shall serve as regional superintendent for the balance of the unexpired term.

* * * "

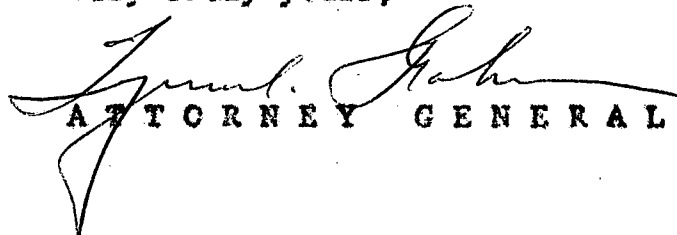
Since the Regional Superintendent has the authority under section 3-15.10 of The School Code to choose the assistant regional superintendent, this section, in effect, authorizes the Regional Superintendent to name the person who would serve out the balance of his term should he vacate his office. I do not see any conflict between this provision and section 8, article VII of the 1970 Illinois Constitution.

On the basis of the above discussion, it is my opinion that should a vacancy occur in the office of Regional

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Superintendent of Schools of a single-county or a multi-county region, the unexpired term of the Regional Superintendent should be filled by the assistant regional superintendent. Due to statutory modifications subsequent to the issuance of opinion No. S-1162 on September 27, 1976, that opinion, in which my predecessor reached a contrary result, is no longer valid.

Very truly yours,


ATTORNEY GENERAL