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SPRINGFIELD

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**OFFICERS:**

Representation of Regional  
Boards of School Trustees by  
State's Attorneys

Honorable Thomas J. Difanis  
State's Attorney, Champaign County  
Court House  
Urbana, Illinois 61801

Dear Mr. Difanis:

This responds to your request for an opinion as to whether or not the State's Attorney is required to represent his county's regional board of school trustees. It is my opinion that he is not.

The regional board of school trustees is "a body corporate and politic". (Ill. Rev. Stat. 1977, ch. 122, par. 6-2.) As such, it has the status of a public corporation and is an entity distinct and separate from other bodies. The regional boards of school trustees are successors to the county boards of school trustees, but, as the name implies, now frequently have jurisdiction over areas comprised of more than one county.

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In 1953, my predecessor issued an opinion stating that members of the board of school trustees, which then was still the county board of school trustees, were county officials. I conclude that this opinion is no longer valid. As you point out, that opinion relied solely on language in the statute that prohibited board members from holding "another county office." From this it was concluded that reference to "another" county office meant that the first office mentioned was a county position. When the legislature created regional boards, however, it changed the statute to prohibit the holding of "any county office." Section 6-5 of The School Code, Ill. Rev. Stat. 1977, ch. 122, par. 6-5.

The change in language requires that the statute be analyzed anew. An examination of it indicates that a member of a regional board is not a county official, for several reasons. The first and most obvious of these is the language change itself. The General Assembly is presumed to know the interpretations that have been placed upon language in a statute that it is amending. The change from "another" to "any" leads to the conclusion that in the transition from the county to the regional system of school districts, the office of board member ceased to be a county position.

The second reason for concluding that regional board members are not county officials is that the regional

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board is "a body politic and corporate." The board is thus an entity distinct and separate from other bodies. In the case of People v. Barrett (1943), 382 Ill. 321, the Supreme Court stated that due to its corporate nature, the University of Illinois was not a branch of the State for the purpose of legal representation. As a result, since the Attorney General was authorized to advise only State officers and agencies, the fact that the University was a corporation removed the duty of representation from the Attorney General. That reasoning is directly applicable to this question because the State's Attorney is required to represent only counties and county officials. Barrett indicates that the separate corporate identity of the regional board removes the duty of representing the board from the State's Attorney.

A lesser, though not insignificant, reason also militates against imposing such a duty of representation. This is the administrative difficulties that would arise in multi-county districts from attempts to allocate work among the separate State's Attorneys. This problem supports, on a purely pragmatic basis, the view that regional board members are not county officers.

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In light of all these considerations, it is my opinion that State's Attorneys have no duty to represent regional boards of school trustees or their members.

Very truly yours,

A T T O R N E Y G E N E R A L