



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2612

by Rep. Robert W. Pritchard

SYNOPSIS AS INTRODUCED:

See Index

Amends the Boundary Changes Article of the School Code. Makes changes concerning the purpose and applicability of the Article; defining "legal resident voter"; school districts in educational service regions of 2,000,000 or more inhabitants; changing boundaries by detachment or dissolution; petitions for dissolution; the requirements for granting petitions; copies of a petition; a detachment set aside upon petition; petition filing, notices, hearings, and decisions; the Administrative Review Law; a limitation on successive petitions; the effective date of a change; maps showing changes; teacher transfer; the annexation of dissolved non-operating districts; termination of offices; a limitation on contesting boundary changes; and the applicability of the amendatory Act. Repeals provisions concerning county references, a change of boundaries in 2 or more counties, special charter districts, an election ordered by the regional superintendent of schools, the annexation of territory eliminated from a non-high school district, the title to school sites and buildings, and the distribution of accumulated funds. Makes related changes in other Articles of the School Code. Effective July 1, 2017.

LRB100 06182 NHT 16216 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 School Code is amended by changing Sections
5 5-1, 7-04, 7-1, 7-2a, 7-4, 7-4.1, 7-5, 7-6, 7-7, 7-8, 7-9,
6 7-10, 7-11, 7-12, 7-29, 12-24, 16-2, and 32-4.6 and by adding
7 Sections 7-01a, 7-01b, 7-10.5, 7-31, and 10-22.35B as follows:

8 (105 ILCS 5/5-1) (from Ch. 122, par. 5-1)

9 Sec. 5-1. County school units.

10 (a) The territory in each county, exclusive of any school
11 district governed by any special act which requires the
12 district to appoint its own school treasurer, shall constitute
13 a county school unit. County school units of less than
14 2,000,000 inhabitants shall be known as Class I county school
15 units and the office of township trustees, where existing on
16 July 1, 1962, in such units shall be abolished on that date and
17 all books and records of such former township trustees shall be
18 forthwith thereafter transferred to the county board of school
19 trustees. County school units of 2,000,000 or more inhabitants
20 shall be known as Class II county school units and shall retain
21 the office of township trustees unless otherwise provided in
22 subsection (b) or (c).

23 (b) Notwithstanding subsections (a) and (c), the school

1 board of any elementary school district having a fall, 1989
2 aggregate enrollment of at least 2,500 but less than 6,500
3 pupils and having boundaries that are coterminous with the
4 boundaries of a high school district, and the school board of
5 any high school district having a fall, 1989 aggregate
6 enrollment of at least 2,500 but less than 6,500 pupils and
7 having boundaries that are coterminous with the boundaries of
8 an elementary school district, may, whenever the territory of
9 such school district forms a part of a Class II county school
10 unit, by proper resolution withdraw such school district from
11 the jurisdiction and authority of the trustees of schools of
12 the township in which such school district is located and from
13 the jurisdiction and authority of the township treasurer in
14 such Class II county school unit; provided that the school
15 board of any such school district shall, upon the adoption and
16 passage of such resolution, thereupon elect or appoint its own
17 school treasurer as provided in Section 8-1. Upon the adoption
18 and passage of such resolution and the election or appointment
19 by the school board of its own school treasurer: (1) the
20 trustees of schools in such township shall no longer have or
21 exercise any powers and duties with respect to the school
22 district governed by such school board or with respect to the
23 school business, operations or assets of such school district;
24 and (2) all books and records of the township trustees relating
25 to the school business and affairs of such school district
26 shall be transferred and delivered to the school board of such

1 school district. Upon the effective date of this amendatory Act
2 of 1993, the legal title to, and all right, title and interest
3 formerly held by the township trustees in any school buildings
4 and school sites used and occupied by the school board of such
5 school district for school purposes, that legal title, right,
6 title and interest thereafter having been transferred to and
7 vested in the regional board of school trustees under P.A.
8 87-473 until the abolition of that regional board of school
9 trustees by P.A. 87-969, shall be deemed transferred by
10 operation of law to and shall vest in the school board of that
11 school district.

12 Notwithstanding subsections (a) and (c), the school boards
13 of Oak Park & River Forest District 200, Oak Park Elementary
14 School District 97, and River Forest School District 90 may, by
15 proper resolution, withdraw from the jurisdiction and
16 authority of the trustees of schools of Proviso and Cicero
17 Townships and the township treasurer, provided that the school
18 board shall, upon the adoption and passage of the resolution,
19 elect or appoint its own school treasurer as provided in
20 Section 8-1 of this Code. Upon the adoption and passage of the
21 resolution and the election or appointment by the school board
22 of its own school treasurer: (1) the trustees of schools in the
23 township or townships shall no longer have or exercise any
24 powers or duties with respect to the school district or with
25 respect to the school business, operations, or assets of the
26 school district; (2) all books and records of the trustees of

1 schools and all moneys, securities, loanable funds, and other
2 assets relating to the school business and affairs of the
3 school district shall be transferred and delivered to the
4 school board; and (3) all legal title to and all right, title,
5 and interest formerly held by the trustees of schools in any
6 common school lands, school buildings, or school sites used and
7 occupied by the school board and all rights of property and
8 causes of action pertaining to or constituting a part of the
9 common school lands, buildings, or sites shall be deemed
10 transferred by operation of law to and shall vest in the school
11 board.

12 Notwithstanding subsections (a) and (c), the respective
13 school boards of Berwyn North School District 98, Berwyn South
14 School District 100, Cicero School District 99, and J.S. Morton
15 High School District 201 may, by proper resolution, withdraw
16 from the jurisdiction and authority of the trustees of schools
17 of Cicero Township and the township treasurer, provided that
18 the school board shall, upon the adoption and passage of the
19 resolution, elect or appoint its own school treasurer as
20 provided in Section 8-1 of this Code. Upon the adoption and
21 passage of the resolution and the election or appointment by
22 the school board of its own school treasurer: (1) the trustees
23 of schools in the township shall no longer have or exercise any
24 powers or duties with respect to the school district or with
25 respect to the school business, operations, or assets of the
26 school district; (2) all books and records of the trustees of

1 schools and all moneys, securities, loanable funds, and other
2 assets relating to the school business and affairs of the
3 school district shall be transferred and delivered to the
4 school board; and (3) all legal title to and all right, title,
5 and interest formerly held by the trustees of schools in any
6 common school lands, school buildings, or school sites used and
7 occupied by the school board and all rights of property and
8 causes of action pertaining to or constituting a part of the
9 common school lands, buildings, or sites shall be deemed
10 transferred by operation of law to and shall vest in the school
11 board.

12 (c) Notwithstanding the provisions of subsection (a), the
13 offices of township treasurer and trustee of schools of any
14 township located in a Class II county school unit shall be
15 abolished as provided in this subsection if all of the
16 following conditions are met:

17 (1) During the same 30 day period, each school board of
18 each elementary and unit school district that is subject to
19 the jurisdiction and authority of the township treasurer
20 and trustees of schools of the township in which those
21 offices are sought to be abolished gives written notice by
22 certified mail, return receipt requested to the township
23 treasurer and trustees of schools of that township of the
24 date of a meeting of the school board, to be held not more
25 than 90 nor less than 60 days after the date when the
26 notice is given, at which meeting the school board is to

1 consider and vote upon the question of whether there shall
2 be submitted to the electors of the school district a
3 proposition to abolish the offices of township treasurer
4 and trustee of schools of that township. None of the
5 notices given under this paragraph to the township
6 treasurer and trustees of schools of a township shall be
7 deemed sufficient or in compliance with the requirements of
8 this paragraph unless all of those notices are given within
9 the same 30 day period.

10 (2) Each school board of each elementary and unit
11 school district that is subject to the jurisdiction and
12 authority of the township treasurer and trustees of schools
13 of the township in which those offices are sought to be
14 abolished, by the affirmative vote of at least 5 members of
15 the school board at a school board meeting of which notice
16 is given as required by paragraph (1) of this subsection,
17 adopts a resolution requiring the secretary of the school
18 board to certify to the proper election authorities for
19 submission to the electors of the school district at the
20 next consolidated election in accordance with the general
21 election law a proposition to abolish the offices of
22 township treasurer and trustee of schools of that township.
23 None of the resolutions adopted under this paragraph by any
24 elementary or unit school districts that are subject to the
25 jurisdiction and authority of the township treasurer and
26 trustees of schools of the township in which those offices

1 are sought to be abolished shall be deemed in compliance
 2 with the requirements of this paragraph or sufficient to
 3 authorize submission of the proposition to abolish those
 4 offices to a referendum of the electors in any such school
 5 district unless all of the school boards of all of the
 6 elementary and unit school districts that are subject to
 7 the jurisdiction and authority of the township treasurer
 8 and trustees of schools of that township adopt such a
 9 resolution in accordance with the provisions of this
 10 paragraph.

11 (3) The school boards of all of the elementary and unit
 12 school districts that are subject to the jurisdiction and
 13 authority of the township treasurer and trustees of schools
 14 of the township in which those offices are sought to be
 15 abolished submit a proposition to abolish the offices of
 16 township treasurer and trustee of schools of that township
 17 to the electors of their respective school districts at the
 18 same consolidated election in accordance with the general
 19 election law, the ballot in each such district to be in
 20 substantially the following form:

21 -----

22 OFFICIAL BALLOT

23	Shall the offices of township	
24	treasurer and	YES
25	trustee of	-----
26	schools of Township	NO

1 Range be abolished?

2 -----

3 (4) At the consolidated election at which the
4 proposition to abolish the offices of township treasurer
5 and trustee of schools of a township is submitted to the
6 electors of each elementary and unit school district that
7 is subject to the jurisdiction and authority of the
8 township treasurer and trustee of schools of that township,
9 a majority of the electors voting on the proposition in
10 each such elementary and unit school district votes in
11 favor of the proposition as submitted to them.

12 If in each elementary and unit school district that is
13 subject to the jurisdiction and authority of the township
14 treasurer and trustees of schools of the township in which
15 those offices are sought to be abolished a majority of the
16 electors in each such district voting at the consolidated
17 election on the proposition to abolish the offices of township
18 treasurer and trustee of schools of that township votes in
19 favor of the proposition as submitted to them, the proposition
20 shall be deemed to have passed; but if in any such elementary
21 or unit school district a majority of the electors voting on
22 that proposition in that district fails to vote in favor of the
23 proposition as submitted to them, then notwithstanding the vote
24 of the electors in any other such elementary or unit school
25 district on that proposition the proposition shall not be
26 deemed to have passed in any of those elementary or unit school

1 districts, and the offices of township treasurer and trustee of
2 schools of the township in which those offices were sought to
3 be abolished shall not be abolished, unless in each of those
4 elementary and unit school districts remaining subject to the
5 jurisdiction and authority of the township treasurer and
6 trustees of schools of that township proceedings are again
7 initiated to abolish those offices and all of the proceedings
8 and conditions prescribed in paragraphs (1) through (4) of this
9 subsection are repeated and met in each of those elementary and
10 unit school districts.

11 Notwithstanding the foregoing provisions of this Section
12 or any other provision of the School Code, the offices of
13 township treasurer and trustee of schools of a township that
14 has a population of less than 200,000 and that contains a unit
15 school district and is located in a Class II county school unit
16 shall also be abolished as provided in this subsection if all
17 of the conditions set forth in paragraphs (1), (2), and (3) of
18 this subsection are met and if the following additional
19 condition is met:

20 The electors in all of the school districts subject to
21 the jurisdiction and authority of the township treasurer
22 and trustees of schools of the township in which those
23 offices are sought to be abolished shall vote at the
24 consolidated election on the proposition to abolish the
25 offices of township treasurer and trustee of schools of
26 that township. If a majority of the electors in all of the

1 school districts combined voting on the proposition vote in
2 favor of the proposition, then the proposition shall be
3 deemed to have passed; but if a majority of the electors
4 voting on the proposition in all of the school district
5 fails to vote in favor of the proposition as submitted to
6 them, then the proposition shall not be deemed to have
7 passed and the offices of township treasurer and trustee of
8 schools of the township in which those offices were sought
9 to be abolished shall not be abolished, unless and until
10 the proceedings detailed in paragraphs (1) through (3) of
11 this subsection and the conditions set forth in this
12 paragraph are met.

13 If the proposition to abolish the offices of township
14 treasurer and trustee of schools of a township is deemed to
15 have passed at the consolidated election as provided in this
16 subsection, those offices shall be deemed abolished by
17 operation of law effective on January 1 of the calendar year
18 immediately following the calendar year in which that
19 consolidated election is held, provided that if after the
20 election, the trustees of schools by resolution elect to
21 abolish the offices of township treasurer and trustee of
22 schools effective on July 1 immediately following the election,
23 then the offices shall be abolished on July 1 immediately
24 following the election. On the date that the offices of
25 township treasurer and trustee of schools of a township are
26 deemed abolished by operation of law, the school board of each

1 elementary and unit school district and the school board of
2 each high school district that is subject to the jurisdiction
3 and authority of the township treasurer and trustees of schools
4 of that township at the time those offices are abolished: (i)
5 shall appoint its own school treasurer as provided in Section
6 8-1; and (ii) unless the term of the contract of a township
7 treasurer expires on the date that the office of township
8 treasurer is abolished, shall pay to the former township
9 treasurer its proportionate share of any aggregate
10 compensation that, were the office of township treasurer not
11 abolished at that time, would have been payable to the former
12 township treasurer after that date over the remainder of the
13 term of the contract of the former township treasurer that
14 began prior to but ends after that date. In addition, on the
15 date that the offices of township treasurer and trustee of
16 schools of a township are deemed abolished as provided in this
17 subsection, the school board of each elementary school, high
18 school and unit school district that until that date is subject
19 to the jurisdiction and authority of the township treasurer and
20 trustees of schools of that township shall be deemed by
21 operation of law to have agreed and assumed to pay and, when
22 determined, shall pay to the Illinois Municipal Retirement Fund
23 a proportionate share of the unfunded liability existing in
24 that Fund at the time these offices are abolished in that
25 calendar year for all annuities or other benefits then or
26 thereafter to become payable from that Fund with respect to all

1 periods of service performed prior to that date as a
2 participating employee in that Fund by persons serving during
3 those periods of service as a trustee of schools, township
4 treasurer or regular employee in the office of the township
5 treasurer of that township. That unfunded liability shall be
6 actuarially determined by the board of trustees of the Illinois
7 Municipal Retirement Fund, and the board of trustees shall
8 thereupon notify each school board required to pay a
9 proportionate share of that unfunded liability of the aggregate
10 amount of the unfunded liability so determined. The amount so
11 paid to the Illinois Municipal Retirement Fund by each of those
12 school districts shall be credited to the account of the
13 township in that Fund. For each elementary school, high school
14 and unit school district under the jurisdiction and authority
15 of a township treasurer and trustees of schools of a township
16 in which those offices are abolished as provided in this
17 subsection, each such district's proportionate share of the
18 aggregate compensation payable to the former township
19 treasurer as provided in this paragraph and each such
20 district's proportionate share of the aggregate amount of the
21 unfunded liability payable to the Illinois Municipal
22 Retirement Fund as provided in this paragraph shall be computed
23 in accordance with the ratio that the number of pupils in
24 average daily attendance in each such district for the school
25 year last ending prior to the date on which the offices of
26 township treasurer and trustee of schools of that township are

1 abolished bears to the aggregate number of pupils in average
2 daily attendance in all of those districts as so reported for
3 that school year.

4 Upon abolition of the offices of township treasurer and
5 trustee of schools of a township as provided in this
6 subsection: (i) the regional board of school trustees, in its
7 corporate capacity, shall be deemed the successor in interest
8 to the former trustees of schools of that township with respect
9 to the common school lands and township loanable funds of the
10 township; (ii) all right, title and interest existing or vested
11 in the former trustees of schools of that township in the
12 common school lands and township loanable funds of the
13 township, and all records, moneys, securities and other assets,
14 rights of property and causes of action pertaining to or
15 constituting a part of those common school lands or township
16 loanable funds, shall be transferred to and deemed vested by
17 operation of law in the regional board of school trustees,
18 which shall hold legal title to, manage and operate all common
19 school lands and township loanable funds of the township,
20 receive the rents, issues and profits therefrom, and have and
21 exercise with respect thereto the same powers and duties as are
22 provided by this Code to be exercised by regional boards of
23 school trustees when acting as township land commissioners in
24 counties having at least 220,000 but fewer than 2,000,000
25 inhabitants; (iii) the regional board of school trustees shall
26 select to serve as its treasurer with respect to the common

1 school lands and township loanable funds of the township a
2 person from time to time also serving as the appointed school
3 treasurer of any school district that was subject to the
4 jurisdiction and authority of the township treasurer and
5 trustees of schools of that township at the time those offices
6 were abolished, and the person selected to also serve as
7 treasurer of the regional board of school trustees shall have
8 his compensation for services in that capacity fixed by the
9 regional board of school trustees, to be paid from the township
10 loanable funds, and shall make to the regional board of school
11 trustees the reports required to be made by treasurers of
12 township land commissioners, give bond as required by
13 treasurers of township land commissioners, and perform the
14 duties and exercise the powers of treasurers of township land
15 commissioners; (iv) the regional board of school trustees shall
16 designate in the manner provided by Section 8-7, insofar as
17 applicable, a depository for its treasurer, and the proceeds of
18 all rents, issues and profits from the common school lands and
19 township loanable funds of that township shall be deposited and
20 held in the account maintained for those purposes with that
21 depository and shall be expended and distributed therefrom as
22 provided in Section 15-24 and other applicable provisions of
23 this Code; and (v) whenever there is vested in the trustees of
24 schools of a township at the time that office is abolished
25 under this subsection the legal title to any school buildings
26 or school sites used or occupied for school purposes by any

1 elementary school, high school or unit school district subject
2 to the jurisdiction and authority of those trustees of school
3 at the time that office is abolished, the legal title to those
4 school buildings and school sites shall be deemed transferred
5 by operation of law to and invested in the school board of that
6 school district, in its corporate capacity under Section
7 10-22.35B of this Code ~~7-28~~, the same to be held, sold,
8 exchanged leased or otherwise transferred in accordance with
9 applicable provisions of this Code.

10 Notwithstanding Section 2-3.25g of this Code, a waiver of a
11 mandate established under this Section may not be requested.

12 (Source: P.A. 94-1078, eff. 1-9-07; 94-1105, eff. 6-1-07; 95-4,
13 eff. 5-31-07; 95-876, eff. 8-21-08.)

14 (105 ILCS 5/7-01a new)

15 Sec. 7-01a. Purpose and applicability. The purpose of this
16 Article is to permit greater flexibility and efficiency in the
17 detachment and dissolution of school districts for the
18 improvement of the administration and quality of educational
19 services and for the best interests of pupils. This Article
20 applies only to school districts with under 500,000
21 inhabitants, but includes special charter districts (except
22 those districts organized under Article 34 of this Code) and
23 non-high school districts.

24 (105 ILCS 5/7-01b new)

1 Sec. 7-01b. Definition. In this Article, "legal resident
2 voter" means a person who is registered to vote at the time a
3 circulated petition is filed and when the regional board of
4 school trustees renders a decision, at the address shown
5 opposite his or her signature on the petition, and resides in
6 the detaching territory or dissolving school district.

7 (105 ILCS 5/7-04) (from Ch. 122, par. 7-04)

8 Sec. 7-04. Districts in educational service regions of
9 2,000,000 or more inhabitants.

10 (a) In all proceedings under this Article to change by
11 detachment, annexation, division, dissolution, or any
12 combination of those methods the boundaries of any school
13 district (other than a school district organized under Article
14 34) located in an educational service region of 2,000,000 or
15 more inhabitants in which the regional board of school trustees
16 is abolished as provided in subsection (a) of Section 6-2, the
17 trustees of schools of the township that has jurisdiction and
18 authority over the detaching or dissolving ~~in which that~~ school
19 district ~~is located~~, as the successor under subsection (b) of
20 Section 6-2 to the former regional board of school trustees
21 with respect to all territory located in that school township,
22 shall have, exercise, and perform all powers, duties, and
23 responsibilities required under this Article to be exercised
24 and performed in those proceedings by a regional board of
25 school trustees; provided that if any detaching or dissolving

1 school district involved in ~~affected by~~ those proceedings is
2 not under the jurisdiction and authority of the trustees of
3 schools of a township located in a school township referred to
4 in subsection (b) of Section 5-1 ~~and there are no trustees of~~
5 ~~schools acting in that township then the school board of any~~
6 ~~such district, as the successor under subsection (b) of Section~~
7 ~~6-2 to the former regional board of school trustees with~~
8 ~~respect to the territory comprising that school district, a~~
9 hearing panel as established in this Section shall have,
10 exercise, and perform all powers, duties, and responsibilities
11 required under this Article to be exercised and performed in
12 those proceedings with respect to the detaching or dissolving
13 ~~the territory of that~~ school district by a regional board of
14 school trustees.; ~~and provided further that: (i) when any~~
15 ~~school district affected by those proceedings is located not~~
16 ~~only in an educational service region of 2,000,000 or more~~
17 ~~inhabitants but also in 2 or more school townships in that~~
18 ~~region that each have trustees of schools of the township, then~~
19 ~~the boundaries of that school district may be changed under~~
20 ~~this Article by detachment, annexation, division, dissolution,~~
21 ~~or any combination of those methods only by the concurrent~~
22 ~~action of, taken following a joint hearing before the trustees~~
23 ~~of schools of those townships (in that educational service~~
24 ~~region) in which that school district is located; and (ii) if~~
25 ~~any part of the school district referred to in item (i) of this~~
26 ~~subsection also lies within an educational service region that~~

1 ~~has a regional board of school trustees, the boundaries of that~~
2 ~~district may be changed under this Article only by the~~
3 ~~concurrent action of, taken following a joint hearing before~~
4 ~~the trustees of schools of the townships referred to in item~~
5 ~~(i) of this subsection and the regional board of school~~
6 ~~trustees of the educational service region referred to in this~~
7 ~~item (ii) of this subsection. Whenever concurrent action and~~
8 ~~joint hearings are required under this subsection, the original~~
9 ~~petition shall be filed with the trustees of schools of the~~
10 ~~township in which the territory or greatest portion of the~~
11 ~~territory being detached is located, or if the territory is~~
12 ~~being detached from more than one educational service region~~
13 ~~then with the regional board of school trustees of the region~~
14 ~~or the trustees of schools of the township in which the~~
15 ~~territory or greatest portion of the territory being detached~~
16 ~~is located.~~

17 (a-5) As applicable, the hearing panel shall be made up of
18 3 persons who have a demonstrated interest and background in
19 education. Each hearing panel member must reside within an
20 educational service region of 2,000,000 or more inhabitants but
21 not within the boundaries of a school district organized under
22 Article 34 of this Code and may not be a current school board
23 member of the detaching or dissolving or annexing school
24 district or a current employee of the detaching or dissolving
25 or annexing school district or hold any county office. None of
26 the hearing panel members may reside within the same school

1 district. All 3 persons must be selected by the chief
2 administrative officer of the educational service center in
3 which the chief administrative officer has supervision and
4 control, as defined in Section 3-14.2 of this Code, of the
5 detaching or dissolving school district. The members of a
6 hearing panel as established in this Section shall serve
7 without remuneration; however, the necessary expenses,
8 including travel, attendant upon any meeting or hearing in
9 relation to a proceeding under this Article must be paid.

10 (a-10) The petition must be filed with the trustees of
11 schools of the township with jurisdiction and authority over
12 the detaching or dissolving school district or with the chief
13 administrative officer of the educational service center in
14 which the chief administrative officer has supervision and
15 control, as defined in Section 3-14.2 of this Code, of the
16 detaching or dissolving school district, as applicable. The
17 chief administrative officer of the educational service center
18 or a person designated by the trustees of schools of the
19 township, as applicable, shall have, exercise, and perform all
20 powers, duties, and responsibilities required under this
21 Article that are otherwise assigned to regional
22 superintendents of schools.

23 (b) Except as otherwise provided in this Section, all other
24 provisions of this Article shall apply to any proceedings under
25 this Article to change the boundaries of any school district
26 located in an educational service region having 2,000,000 or

1 more inhabitants in the same manner that those provisions apply
2 to any proceedings to change the boundaries of any school
3 district located in any other educational service region;
4 provided, that any reference in those other provisions to the
5 regional board of school trustees shall mean, with respect to
6 all territory within an educational service region containing
7 2,000,000 or more inhabitants that formerly was served by a
8 regional board of school trustees abolished under subsection
9 (a) of Section 6-2, the trustees of schools of the township ~~or~~
10 ~~the school board of the school district~~ that is the successor
11 under subsection (b) of Section 6-2 to the former regional
12 board of school trustees with respect to the territory included
13 within that school township or school district or the hearing
14 panel as established by this Section.

15 (Source: P.A. 87-969.)

16 (105 ILCS 5/7-1) (from Ch. 122, par. 7-1)

17 Sec. 7-1. Changing Districts in one educational service
18 region—changing boundaries by detachment or dissolution.

19 (a) School district boundaries ~~lying entirely within any~~
20 ~~educational service region~~ may be changed by detachment,
21 annexation, division or dissolution or any combination thereof
22 by the regional board of school trustees ~~of such region,~~ or by
23 the State Superintendent of Education as provided in subsection
24 (1) of Section 7-6, ~~when petitioned by the boards of each~~
25 ~~district affected or by a majority of the registered voters in~~

1 ~~each district affected or by two-thirds of the registered~~
2 ~~voters in any territory proposed to be detached from one or~~
3 ~~more districts or in each of one or more districts proposed to~~
4 ~~be annexed to another district.~~

5 The petition must be filed with and decided solely by the
6 regional board of school trustees of the region in which the
7 regional superintendent of schools has supervision and
8 control, as defined in Section 3-14.2 of this Code, of the
9 detaching or dissolving school district. The petition may be
10 filed in any office operated by the regional superintendent
11 with supervision and control, as defined in Section 3-14.2 of
12 this Code, of the detaching or dissolving school district.

13 A petition for boundary change must be filed by the school
14 board of the detaching or dissolving district, by a majority of
15 the legal resident voters in the dissolving district, or by
16 two-thirds of a combination of the legal resident voters and
17 the owners of record of any real estate with no legal resident
18 voters in any territory proposed to be detached. If any of the
19 territory proposed to be detached contains real estate with no
20 legal resident voters, petitioners shall deliver the petition
21 by certified mail, return receipt requested, to all owners of
22 record of any real estate with no legal resident voters. Proof
23 of such delivery must be presented as evidence at the hearing
24 required under Section 7-6 of this Code. Any owner of record of
25 real estate with no legal resident voters in any territory
26 proposed to be detached may either sign the petition in person

1 and before the circulator as described in this Section or
2 return the petition with his or her notarized signature to be
3 included as a petitioner. No person may sign a petition in the
4 capacity of both a legal resident voter and owner of record. If
5 there are no legal resident voters within the territory
6 proposed to be detached, then the petition must be signed by
7 all of the owners of record of the real estate of the
8 territory. Legal resident ~~Registered~~ voters shall be
9 determined by the official voter registration lists as of the
10 date the petition is filed. No signatures shall be added or
11 withdrawn after the date the petition is filed. The length of
12 time for signatures to be valid, before filing of the petition,
13 shall not exceed 6 months. Notwithstanding any provision to the
14 contrary contained in the Election Code, the regional
15 superintendent of schools shall make all determinations
16 regarding the validity of the petition, including, without
17 limitation, signatures on the petition. If the regional
18 superintendent determines that the petition is not in proper
19 order or not in compliance with any applicable petition
20 requirements, the regional superintendent may not accept the
21 petition for filing and may return the petition to the
22 petitioners. Any party who is dissatisfied with the
23 determination of the regional superintendent regarding the
24 validity of the petition may appeal the regional
25 superintendent's decision to the regional board of school
26 trustees by motion, and the motion must be heard by the

1 regional board of school trustees prior to any hearing on the
2 merits of the petition. ~~If there are no registered voters~~
3 ~~within the territory proposed to be detached from one or more~~
4 ~~districts, then the petition may be signed by all of the owners~~
5 ~~of record of the real estate of the territory. Notwithstanding~~
6 ~~any other provisions of this Article, if pursuant to a petition~~
7 ~~filed under this subsection all of the territory of a school~~
8 ~~district is to be annexed to another school district, any~~
9 ~~action by the regional board of school trustees or State~~
10 ~~Superintendent of Education in granting or approving the~~
11 ~~petition and any change in school district boundaries pursuant~~
12 ~~to that action is subject to and the change in school district~~
13 ~~boundaries shall not be made except upon approval at a regular~~
14 ~~scheduled election, in the manner provided by Section 7-7.7, of~~
15 ~~a proposition for the annexation of all of the territory of~~
16 ~~that school district to the other school district.~~

17 Petitions for detachment and dissolution ~~Each page of the~~
18 ~~circulated petition~~ shall include the full prayer of the
19 petition with a general description of the territory at the top
20 of each page. Each, and each signature contained therein shall
21 match the official signature and address of the legal resident
22 ~~registered~~ voters as recorded in the office of the county clerk
23 or board of election commissioners, and each ~~election authority~~
24 ~~having jurisdiction over the county.~~ Each petitioner shall also
25 record the date of his or her signing. Except in instances of a
26 notarized signature of an owner of record of real estate with

1 no legal resident voters in any territory proposed to be
2 detached, each ~~Each~~ page of the circulated petition shall be
3 signed by a circulator stating that he or she has ~~who has~~
4 witnessed the signature of each petitioner on that page.
5 Detachment petitions containing 10 or fewer signatures may be
6 notarized in lieu of a circulator statement. Each petition
7 shall include an accurate legal description and map of the
8 territory proposed to be detached. If a petition proposes to
9 dissolve an entire district, then the full name and number of
10 the district and a map are sufficient. Each petition shall
11 include the names of petitioners; the district to be dissolved
12 or the district from which the territory is proposed to be
13 detached; the district or districts to which the territory is
14 proposed to be annexed; evidence that the detaching or
15 dissolving territory is compact and contiguous with the
16 annexing district or districts or otherwise meets the
17 requirements set forth in Section 7-4 of this Code; the
18 referendum date, if applicable; and facts that support
19 favorable findings for the factors to be considered by the
20 regional board of school trustees pursuant to Section 7-6 of
21 this Code. The length of time for signatures to be valid,
22 ~~before filing of the petition, shall not exceed 6 months.~~

23 Where there is only one school building in an approved
24 operating district, the building and building site may not be
25 included in any detachment proceeding ~~unless petitioned by~~
26 ~~two thirds of the registered voters within the entire district~~

1 ~~wherein the school is located.~~

2 Notwithstanding any other provisions of this Code, if,
3 pursuant to a petition filed under this subsection (a), all of
4 the territory of a school district is to be annexed to another
5 school district, then any action by the regional board of
6 school trustees in granting or approving the petition and any
7 change in school district boundaries pursuant to that action is
8 subject to and the change in school district boundaries may not
9 be made except upon approval, at a regular scheduled election,
10 in the manner provided by Section 7-7.7 of this Code, of a
11 proposition for the annexation of all of the territory of that
12 school district to the other school district.

13 No petition may be filed under this Section to form a new
14 school district under this Article; however, such a petition
15 may be filed under this Section to form a new school district
16 if the boundaries of such new school district lie entirely
17 within the boundaries of a military base or installation
18 operated and maintained by the government of the United States.

19 (b) Any elementary or high school district with 100 or more
20 of its students residing upon territory located entirely within
21 a military base or installation operated and maintained by the
22 government of the United States, or any unit school district or
23 any combination of the above mentioned districts with 300 or
24 more of its students residing upon territory located entirely
25 within a military base or installation operated and maintained
26 by the government of the United States, shall, upon the filing

1 with the regional board of school trustees of a petition
2 adopted by resolution of the board of education or a petition
3 signed by a majority of the registered voters residing upon
4 such military base or installation, have all of the territory
5 lying entirely within such military base or installation
6 detached from such school district, and a new school district
7 comprised of such territory shall be created. The petition
8 shall be filed with and decided solely by the regional board of
9 school trustees of the region in which the regional
10 superintendent of schools has supervision and control, as
11 defined by Section 3-14.2 of this Code, of the school district
12 affected. The regional board of school trustees shall have no
13 authority to deny the detachment and creation of a new school
14 district requested in a proper petition filed under this
15 subsection. This subsection shall apply only to those school
16 districts having a population of not fewer than 1,000 and not
17 more than 500,000 residents, as ascertained by any special or
18 general census.

19 The new school district shall tuition its students to the
20 same districts that its students were previously attending and
21 the districts from which the new district was detached shall
22 continue to educate the students from the new district, until
23 the federal government provides other arrangements. The
24 federal government shall pay for the education of such children
25 as required by Section 6 of Public Law 81-874.

26 If a school district created under this subsection (b) has

1 not elected a school board and has not become operational
2 within 2 years after the date of detachment, then this district
3 is automatically dissolved and the territory of this district
4 reverts to the school district from which the territory was
5 detached or any successor district thereto. Any school district
6 created under this subsection (b) on or before September 1,
7 1996 that has not elected a school board and has not been
8 operational since September 1, 1996 is automatically dissolved
9 on the effective date of this amendatory Act of 1999, and on
10 this date the territory of this district reverts to the school
11 district from which the territory was detached. For the
12 automatic dissolution of a school district created under this
13 subsection (b), the regional superintendent of schools who has
14 supervision and control, as defined by Section 3-14.2 of this
15 Code, of the school district from which the territory was
16 detached shall certify to the regional board of school trustees
17 that the school district created under this subsection (b) has
18 been automatically dissolved.

19 (Source: P.A. 90-459, eff. 8-17-97; 91-460, eff. 8-6-99.)

20 (105 ILCS 5/7-2a) (from Ch. 122, par. 7-2a)

21 Sec. 7-2a. (a) (Blank). ~~Except as provided in subsection~~
22 ~~(b) of this Section, any petition for dissolution filed under~~
23 ~~this Article must specify the school district or districts to~~
24 ~~which all of the territory of the district proposed to be~~
25 ~~dissolved will be annexed. Any petition for dissolution may be~~

1 ~~made by the board of education of the district or a majority of~~
2 ~~the legal voters residing in the district proposed to be~~
3 ~~dissolved. No petition from any other district affected by the~~
4 ~~proposed dissolution shall be required.~~

5 (b) Any school district with a population of less than
6 5,000 residents or an enrollment of less than 750 students, as
7 determined by the district's most recent fall enrollment counts
8 as posted on the State Board of Education's website ~~current~~
9 ~~fall housing report filed with the State Board of Education,~~
10 shall be dissolved and its territory annexed as provided in
11 Section 7-11 of this Code by the regional board of school
12 trustees upon the filing ~~with the regional board of school~~
13 ~~trustees~~ of a petition adopted by resolution of the board of
14 education or ~~a petition~~ signed by a majority of the legal
15 resident ~~registered~~ voters of the district seeking such
16 dissolution. No petition shall be adopted or signed under this
17 subsection until the board of education or the petitioners, as
18 the case may be, shall have given at least 10 days' notice to
19 be published once in a newspaper having general circulation in
20 the district and shall have conducted a public informational
21 meeting to inform the residents of the district of the proposed
22 dissolution and to answer questions concerning the proposed
23 dissolution. The petition shall be filed with and decided
24 solely by the regional board of school trustees of the region
25 in which the regional superintendent of schools has supervision
26 and control, as defined by Section 3-14.2 of this Code, of the

1 school district being dissolved.

2 The regional board of school trustees shall not act on a
3 petition filed by a board of education if within 45 days after
4 giving the first notice of the hearing required under Section
5 7-11 of this Code a petition in opposition to the petition of
6 the board to dissolve, signed by a majority of the legal
7 resident ~~registered~~ voters of the district, is filed with the
8 regional board of school trustees. In such an event, the
9 dissolution petition is dismissed on procedural grounds by
10 operation of law and the regional board of school trustees
11 shall have no further authority to consider the petition. A
12 dissolution petition dismissed as the result of a valid
13 opposition petition is not subject to the limitation on
14 successive petitions as provided in Section 7-8 of this Code,
15 and a new petition may be filed upon receipt of the regional
16 board of school trustees' notice stating that the original
17 petition was dismissed by operation of law.

18 For all petitions under this Section, the legal resident
19 voters must be determined by the official voter registration
20 lists as of the date the petition is filed. No signatures may
21 be added or withdrawn after the date the petition is filed. The
22 length of time for signatures to be valid, before filing of the
23 petition, may not exceed 6 months. Notwithstanding any
24 provision to the contrary contained in the Election Code, the
25 regional superintendent of schools shall make all
26 determinations regarding the validity of the petition,

1 including, without limitation, signatures on the petition. Any
2 party who is dissatisfied with the determination of the
3 regional superintendent regarding the validity of the petition
4 may appeal the regional superintendent's decision to the
5 regional board of school trustees by motion, and the motion
6 must be heard by the regional board of school trustees prior to
7 any hearing on annexing the territory of a district being
8 dissolved. If no opposition petition is timely filed, the ~~The~~
9 regional board of school trustees shall have no authority to
10 deny dissolution requested in a proper petition for dissolution
11 filed under this Section ~~subsection (b)~~, but shall exercise its
12 discretion in accordance with Section 7-11 of this Code on the
13 issue of annexing the territory of a district being dissolved,
14 giving consideration to but not being bound by the wishes
15 expressed by the residents of the various school districts that
16 may be affected by such annexation.

17 ~~When dissolution and annexation become effective for~~
18 ~~purposes of administration and attendance as determined~~
19 ~~pursuant to Section 7 11, the positions of teachers in~~
20 ~~contractual continued service in the district being dissolved~~
21 ~~are transferred to an annexing district or to annexing~~
22 ~~districts pursuant to the provisions of subsection (h) of~~
23 ~~Section 24 11 of this Code relative to teachers having~~
24 ~~contractual continued service status whose positions are~~
25 ~~transferred from one board to the control of a different board,~~
26 ~~and those said provisions of subsection (h) of Section 24 11 of~~

~~this Code shall apply to said transferred teachers. In the event that the territory is added to 2 or more districts, the decision on which positions shall be transferred to which annexing districts shall be made giving consideration to the proportionate percent of pupils transferred and the annexing districts' staffing needs, and the transfer of specific individuals into such positions shall be based upon the request of those teachers in order of seniority in the dissolving district. The contractual continued service status of any teacher thereby transferred to an annexing district is not lost and the different board is subject to this Act with respect to such transferred teacher in the same manner as if such teacher was that district's employee and had been its employee during the time such teacher was actually employed by the board of the dissolving district from which the position was transferred.~~

(Source: P.A. 98-125, eff. 8-2-13; 99-657, eff. 7-28-16.)

(105 ILCS 5/7-4) (from Ch. 122, par. 7-4)

Sec. 7-4. Requirements for granting petitions. No petition shall be granted under Section 7-1 ~~or 7-2~~ of this Code:

(a) If there will be any non-high school territory resulting from the granting of the petition.

(b) (Blank). ~~Unless after granting the petition any community unit district, community consolidated district, elementary district or high school district created shall have a population of at least 2,000 and an equalized assessed~~

1 ~~valuation of at least \$6,000,000 based upon the last value as~~
2 ~~equalized by the Department of Revenue as of the date of filing~~
3 ~~of the petition.~~

4 (c) Unless the territory within ~~any district so created or~~
5 any district whose boundaries are affected by the granting of a
6 petition shall after the granting thereof be compact and
7 contiguous, except as provided in Section 7-6 of this Code or
8 as otherwise provided in this subdivision (c). The fact that a
9 district is divided by territory lying within the corporate
10 limits of the city of Chicago shall not render it non-compact
11 or non-contiguous. If, pursuant to a petition filed under
12 Section 7-1 ~~or 7-2~~ of this Code, all of the territory of a
13 district is to be annexed to another district, then the
14 annexing district and the annexed district need not be
15 contiguous if the following requirements are met and documented
16 within 2 calendar years prior to the petition filing date:

17 (1) the distance between each district administrative
18 office is documented as no more than 30 miles;

19 (2) every district contiguous to the district wishing
20 to be annexed determines that it is not interested in
21 participating in a petition filed under Section 7-1 ~~or 7-2~~
22 of this Code, through a vote of its school board, and
23 documents that non-interest in a letter to the regional
24 board of school trustees containing approved minutes that
25 record the school board vote; and

26 (3) documentation of meeting these requirements are

1 presented as evidence at the hearing required under Section
2 7-6 of this Code.

3 (d) (Blank). ~~To create any school district with a~~
4 ~~population of less than 2,000 unless the State Board of~~
5 ~~Education and the regional superintendent of schools for the~~
6 ~~region in which the proposed district will lie shall certify to~~
7 ~~the regional board or boards of school trustees that the~~
8 ~~creation of such new district will not interfere with the~~
9 ~~ultimate reorganization of the territory of such proposed~~
10 ~~district as a part of a district having a population of 2,000~~
11 ~~or more. Notwithstanding any other provisions of this Article,~~
12 ~~the granting or approval by a regional board or regional boards~~
13 ~~of school trustees or by the State Superintendent of Education~~
14 ~~of a petition that under subsection (b-5) of Section 7-6 is~~
15 ~~required to request the submission of a proposition at a~~
16 ~~regular scheduled election for the purpose of voting for or~~
17 ~~against the annexation of the territory described in the~~
18 ~~petition to the school district proposing to annex that~~
19 ~~territory is subject to, and any change in school district~~
20 ~~boundaries pursuant to the granting of the petition shall not~~
21 ~~be made except upon, approval of the proposition at the~~
22 ~~election in the manner provided by Section 7-7.7.~~

23 (Source: P.A. 98-125, eff. 8-2-13.)

24 (105 ILCS 5/7-4.1) (from Ch. 122, par. 7-4.1)

25 Sec. 7-4.1. Copies of petition. Each petition submitted

1 under the provisions of Section 7-1 of this Code ~~or 7-2~~ shall
2 include proof of notice to owners of record of real estate with
3 no legal resident voters in any territory proposed to be
4 detached, if applicable, and be accompanied by sufficient
5 copies thereof for distribution to the president of the school
6 board of each detaching or dissolving and annexing school
7 district ~~involved~~. The copies need not contain original
8 signatures ~~be signed~~ by the petitioners as is required of the
9 original petition.

10 (Source: Laws 1963, p. 3037.)

11 (105 ILCS 5/7-5) (from Ch. 122, par. 7-5)

12 Sec. 7-5. Detachment set aside upon petition. If there is a
13 recognized school district which as a result of detachment is
14 without a school building, the detachment may be set aside by
15 the regional ~~county~~ board of school trustees of the region in
16 county over which the regional ~~county~~ superintendent of schools
17 had supervision and control, as defined in Section 3-14.2 of
18 this Code, prior to the detachment upon petition by two-thirds
19 of the eligible voters in the school district after such
20 detachment and the detached area. The regional ~~county~~ board of
21 school trustees shall conduct a hearing upon the petition as
22 prescribed and in the manner provided in Section 7-6 of this
23 Code.

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

1 (105 ILCS 5/7-6) (from Ch. 122, par. 7-6)

2 Sec. 7-6. Petition filing; notice; hearing; decision.

3 (a) The secretary of the regional board of school trustees
4 or his or her designee, the chief administrative officer of an
5 educational service center under Section 7-04 of this Code or
6 his or her designee, or the person designated by the trustees
7 of schools of the township in accordance with subsection (a-10)
8 of Section 7-04 of this Code, as appropriate, shall receive the
9 filing of the petition, make the determination of validity in
10 accordance with subsection (a) of Section 7-1 of this Section,
11 publish the notice, conduct the hearing, and issue the final
12 order. Upon the filing of a petition with the secretary of the
13 regional board of school trustees under the provisions of
14 Section 7-1 ~~or 7-2~~ of this Code, ~~At~~ the secretary shall cause
15 a copy of such petition to be given to the president of the
16 school ~~each~~ board of each detaching or dissolving and annexing
17 school ~~any~~ district ~~involved in the proposed boundary change~~
18 and shall cause a notice thereof to be published once in a
19 newspaper having general circulation within the area of the
20 detaching or dissolving and annexing territory described in the
21 petition ~~for the proposed change of boundaries.~~

22 (b) (Blank). ~~When a joint hearing is required under the~~
23 ~~provisions of Section 7-2, the secretary also shall cause a~~
24 ~~copy of the notice to be sent to the regional board of school~~
25 ~~trustees of each region affected. Notwithstanding the~~
26 ~~foregoing provisions of this Section, if the secretary of the~~

1 ~~regional board of school trustees with whom a petition is filed~~
2 ~~under Section 7-2 fails, within 30 days after the filing of~~
3 ~~such petition, to cause notice thereof to be published and sent~~
4 ~~as required by this Section, then the secretary of the regional~~
5 ~~board of school trustees of any other region affected may cause~~
6 ~~the required notice to be published and sent, and the joint~~
7 ~~hearing may be held in any region affected as provided in the~~
8 ~~notice so published.~~

9 (b-5) If a petition filed under ~~subsection (a) of Section~~
10 ~~7-1 of this Code or under Section 7-2~~ proposes to annex all the
11 territory of a school district to another school district, the
12 petition shall request the submission of a proposition at a
13 regular scheduled election for the purpose of voting for or
14 against the annexation of the territory described in the
15 petition to the school district proposing to annex that
16 territory. No petition filed or election held under this
17 Article shall be null and void, invalidated, or deemed in
18 noncompliance with the Election Code because of a failure to
19 publish a notice with respect to the petition or referendum as
20 required under subsection (g) of Section 28-2 of that Code for
21 petitions that are not filed under this Article or Article 11E
22 of this Code.

23 (c) When a petition contains more than 10 signatures the
24 petition shall designate a committee of 10 of the petitioners
25 as attorney in fact for all petitioners, any 7 of whom may make
26 binding stipulations on behalf of all petitioners as to any

1 question with respect to the petition or hearing ~~or joint~~
2 ~~hearing~~, and the regional board of school trustees, ~~or regional~~
3 ~~boards of school trustees in cases of a joint hearing~~ may
4 accept such stipulation in lieu of evidence or proof of the
5 matter stipulated. The committee of petitioners shall have the
6 same power to stipulate to accountings or waiver thereof
7 between school districts; however, the regional board of school
8 trustees, ~~or regional boards of school trustees in cases of a~~
9 ~~joint hearing~~ may refuse to accept such stipulation. Those
10 designated as the committee of 10 shall serve in that capacity
11 until such time as the regional superintendent of schools or
12 the committee of 10 determines that, because of death,
13 resignation, transfer of residency from the territory, or
14 failure to qualify, the office of a particular member of the
15 committee of 10 is vacant. Upon determination that a vacancy
16 exists, the remaining members shall appoint a petitioner to
17 fill the designated vacancy on the committee of 10. The
18 appointment of any new members by the committee of 10 shall be
19 made by a simple majority vote of the remaining designated
20 members.

21 (d) The petition may be amended to withdraw not to exceed a
22 total of 10% of the territory in the petition at any time prior
23 to the hearing ~~or joint hearing~~; provided that the petition
24 shall after amendment comply with the requirements as to the
25 number of signatures required on an original petition.

26 (e) The petitioners shall pay the expenses of publishing

1 the notice and ~~of~~ any transcript taken at the hearing and
2 mailing the final order ~~or joint hearing~~; and, in case of an
3 appeal from the decision of the regional board of school
4 trustees, ~~or regional boards of school trustees in cases of a~~
5 ~~joint hearing~~, or State Superintendent of Education in cases
6 determined under subsection (1) of this Section, the appellants
7 shall pay the cost of preparing the record for appeal. The
8 regional superintendent of schools with whom the petition is
9 filed may request a deposit at the time of filing to cover
10 expenses as provided in this subsection (e).

11 (f) The notice shall state when the petition was filed, the
12 description of the detaching territory or name of the
13 dissolving district, the name of the annexing district, the
14 prayer of the petition, and the ~~return~~ day and time on and
15 location in which the hearing ~~or joint hearing~~ upon the
16 petition will be held, which shall not be more than 30 ~~15~~ nor
17 less than 15 calendar ~~10~~ days after the publication of notice.

18 (g) Prior to the hearing, the secretary of the regional
19 board of school trustees shall submit to the regional board of
20 school trustees maps showing the districts involved and a
21 written report of the financial and educational conditions of
22 the districts involved and the probable effect of the proposed
23 changes. The reports and maps submitted must be made a part of
24 the record of the proceedings of the regional board of school
25 trustees. A copy of the report and maps submitted must be sent
26 by the secretary of the regional board of school trustees to

1 the president of the school board of each detaching or
2 dissolving and annexing school district not less than 5 days
3 prior to the day upon which the hearing is to be held. On such
4 return day or on a day to which the regional board of school
5 trustees, or regional boards of school trustees in cases of a
6 joint hearing shall continue the hearing or joint hearing the
7 regional board of school trustees, or regional boards of school
8 trustees in cases of a joint hearing shall hear the petition
9 but may adjourn the hearing or joint hearing from time to time
10 or may continue the matter for want of sufficient notice or
11 other good cause.

12 (h) On the hearing day or on a day to which the regional
13 board of school trustees shall continue the hearing, the
14 regional board of school trustees shall hear the petition but
15 may adjourn the hearing from time to time or may continue the
16 matter for want of sufficient notice or other good cause. Prior
17 to the hearing or joint hearing the secretary of the regional
18 board of school trustees shall submit to the regional board of
19 school trustees, or regional boards of school trustees in cases
20 of a joint hearing maps showing the districts involved, a
21 written report of financial and educational conditions of
22 districts involved and the probable effect of the proposed
23 changes. The reports and maps submitted shall be made a part of
24 the record of the proceedings of the regional board of school
25 trustees, or regional boards of school trustees in cases of a
26 joint hearing. A copy of the report and maps submitted shall be

1 ~~sent by the secretary of the regional board of school trustees~~
2 ~~to each board of the districts involved, not less than 5 days~~
3 ~~prior to the day upon which the hearing or joint hearing is to~~
4 ~~be held.~~

5 (h-5) Except for motions and briefs challenging the
6 validity of a petition or otherwise challenging the
7 jurisdiction of the regional board of school trustees to
8 conduct a hearing on a petition and except for motions and
9 briefs related to the type of evidence the regional board of
10 school trustees may consider under subsection (i) of this
11 Section, no other motions, pleadings, briefs, discovery
12 requests, or other like documents may be filed with the
13 regional board of school trustees or served on other parties,
14 and the regional board of school trustees shall have no
15 authority to consider such documents, except that if a legal
16 issue arises during a hearing, then the regional board of
17 school trustees may, at its discretion, request briefs to be
18 submitted to it on that issue.

19 (i) The regional board of school trustees shall hear
20 evidence as to the school needs and conditions of the territory
21 in the area within and adjacent thereto and the effect
22 detachment will have on those needs and conditions and as to
23 the ability of the detaching or dissolving and annexing school
24 districts to meet the standards of recognition as prescribed by
25 the State Board of Education, shall take into consideration the
26 division of funds and assets that will result from the change

1 of boundaries, and shall determine whether it is in the best
2 interests of the schools of the area and the direct educational
3 welfare of the pupils that such change in boundaries be
4 granted. If non-high school territory is contained in the
5 petition, the normal high school attendance pattern of the
6 pupils must be taken into consideration. If the non-high school
7 territory overlies an elementary district, a part of which is
8 in a high school district, such territory may be annexed to the
9 high school district even though the territory is not
10 contiguous to the high school district. However, upon
11 resolution by the regional board of school trustees, the
12 secretary thereof shall conduct the hearing upon any boundary
13 petition and present a transcript of such hearing to the
14 trustees, who shall base their decision upon the transcript,
15 maps, and information and any presentation of counsel. The
16 ~~regional board of school trustees or regional boards of school~~
17 ~~trustees in cases of a joint hearing shall hear evidence as to~~
18 ~~the school needs and conditions of the territory in the area~~
19 ~~within and adjacent thereto and the effect detachment will have~~
20 ~~on those needs and conditions and as to the ability of the~~
21 ~~districts affected to meet the standards of recognition as~~
22 ~~prescribed by the State Board of Education, and shall take into~~
23 ~~consideration the division of funds and assets which will~~
24 ~~result from the change of boundaries and shall determine~~
25 ~~whether it is to the best interests of the schools of the area~~
26 ~~and the direct educational welfare of the pupils that such~~

1 ~~change in boundaries be granted, and in case non-high school~~
2 ~~territory is contained in the petition the normal high school~~
3 ~~attendance pattern of the children shall be taken into~~
4 ~~consideration. If the non-high school territory overlies an~~
5 ~~elementary district, a part of which is in a high school~~
6 ~~district, such territory may be annexed to such high school~~
7 ~~district even though not contiguous to the high school~~
8 ~~district. However, upon resolution by the regional board of~~
9 ~~school trustees, or regional boards of school trustees in cases~~
10 ~~of a joint hearing the secretary or secretaries thereof shall~~
11 ~~conduct the hearing or joint hearing upon any boundary petition~~
12 ~~and present a transcript of such hearing to the trustees who~~
13 ~~shall base their decision upon the transcript, maps and~~
14 ~~information and any presentation of counsel. In the instance of~~
15 a change of boundaries through detachment:

16 (1) When considering the effect the detachment will
17 have on the direct educational welfare of the pupils, the
18 regional board of school trustees ~~or the regional boards of~~
19 ~~school trustees~~ shall consider a comparison of the school
20 report cards for the schools of the detaching and annexing
21 ~~affected~~ districts and the school district report cards for
22 the detaching and annexing ~~affected~~ districts only if there
23 is no more than a 3% difference in the minority,
24 low-income, and English learner student populations of the
25 relevant schools of the districts.

26 (2) The community of interest of the petitioners and

1 their children and the effect detachment will have on the
2 whole child may be considered only if the regional board of
3 school trustees ~~or the regional boards of school trustees~~
4 first determines ~~determine~~ that there would be a
5 significant direct educational benefit to the petitioners'
6 children if the change in boundaries were allowed.

7 (3) When petitioners cite an annexing district
8 attendance center or centers in the petition or during
9 testimony, the regional board of school trustees ~~or the~~
10 ~~regional boards of school trustees~~ may consider the
11 difference in the distances from the detaching area to the
12 current attendance centers and the cited annexing district
13 attendance centers only if the difference is no less than
14 10 miles shorter to one of the cited annexing district
15 attendance centers than it is to the corresponding current
16 attendance center.

17 (4) The regional board of school trustees ~~or the~~
18 ~~regional boards of school trustees~~ may not grant a petition
19 if doing so will increase the percentage of minority or
20 low-income students or English learners by more than 3% at
21 the attendance center where students in the detaching
22 territory currently attend, provided that if the
23 percentage of any one of those groups also decreases at
24 that attendance center, the regional board ~~or boards~~ may
25 grant the petition upon consideration of other factors
26 under this Section and this Article.

1 (5) The regional board of school trustees ~~or the~~
2 ~~regional boards of school trustees~~ may not consider whether
3 changing the boundaries will increase the property values
4 of the petitioners' property.

5 The factors in subdivisions (1) through (5) of this
6 subsection (i) are applicable whether or not there are children
7 residing in the petitioning area at the time the hearing is
8 conducted.

9 If the regional board of school trustees ~~or the regional~~
10 ~~boards of school trustees~~ grants a petition to change school
11 district boundaries, then the annexing school district shall
12 determine the attendance center or centers that children from
13 the petitioning area shall attend.

14 (j) At the hearing, ~~or joint hearing any resident of the~~
15 ~~territory described in the petition or any resident in any~~
16 detaching, dissolving, or annexing school district or any
17 representative of a detaching, dissolving, or annexing school
18 district affected by the proposed change of boundaries may
19 appear in person or by an attorney in support of the petition
20 or to object to the granting of the petition and may present
21 evidence in support of his or her position through either oral
22 or written testimony.

23 (k) At the conclusion of the hearing, the regional
24 superintendent of schools as secretary to the regional board of
25 school trustees shall, within 30 days, enter an order either
26 granting or denying the petition. The regional superintendent

1 of schools shall deliver a certified copy of the order by
2 certified mail, return receipt requested, to the petitioners or
3 committee of petitioners, as applicable; the president of the
4 school board of each detaching or dissolving and annexing
5 district; any person providing testimony in support of or
6 opposition to the petition at the hearing; and any attorney who
7 appears for a person. The regional superintendent of schools
8 shall also deliver a copy of the order to the regional
9 superintendent of schools who has supervision and control, as
10 defined in Section 3-14.2 of this Code, of the annexing
11 district if different from the regional superintendent of
12 schools with whom the petition was filed. The regional
13 superintendent of schools is not required to send a copy of the
14 regional board of school trustees' order to those attending the
15 hearing but not participating. The final order shall be in
16 writing and include findings of fact, conclusions of law, and
17 the decision to grant or deny the petition. At the conclusion
18 ~~of the hearing, other than a joint hearing, the regional~~
19 ~~superintendent of schools as ex officio member of the regional~~
20 ~~board of school trustees shall within 30 days enter an order~~
21 ~~either granting or denying the petition and shall deliver to~~
22 ~~the committee of petitioners, if any, and any person who has~~
23 ~~filed his appearance in writing at the hearing and any attorney~~
24 ~~who appears for any person and any objector who testifies at~~
25 ~~the hearing and the regional superintendent of schools a~~
26 ~~certified copy of its order.~~

1 (1) Notwithstanding the foregoing provisions of this
2 Section, if within 12 ~~9~~ months after a petition is submitted
3 under the provisions of Section 7-1 of this Code the petition
4 is not approved or denied by the regional board of school
5 trustees and the order approving or denying that petition
6 entered and a copy thereof served as provided in this Section,
7 petitioners ~~the school boards or registered voters of the~~
8 ~~districts affected that submitted the petition (or the~~
9 ~~committee of 10, or an attorney acting on its behalf, if~~
10 ~~designated in the petition)~~ may submit a copy of the petition
11 directly to the State Superintendent of Education for approval
12 or denial. The copy of the petition as so submitted shall be
13 accompanied by a record of all proceedings had with respect to
14 the petition up to the time the copy of the petition is
15 submitted to the State Superintendent of Education (including a
16 copy of any notice given or published, any certificate or other
17 proof of publication, copies of any maps or written report of
18 the financial and educational conditions of the school
19 districts affected if furnished by the secretary of the
20 regional board of school trustees, copies of any amendments to
21 the petition and stipulations made, accepted or refused, a
22 transcript of any hearing or part of a hearing held, continued
23 or adjourned on the petition, and any orders entered with
24 respect to the petition or any hearing held thereon). The
25 petitioners ~~school boards, registered voters or committee of 10~~
26 submitting the petition and record of proceedings to the State

1 Superintendent of Education shall give written notice by
2 certified mail, return receipt requested, to the regional board
3 of school trustees and to the secretary of that board and to
4 the detaching or dissolving and annexing school districts that
5 the petition has been submitted to the State Superintendent of
6 Education for approval or denial, and shall furnish a copy of
7 the notice so given to the State Superintendent of Education.
8 The cost of assembling the record of proceedings for submission
9 to the State Superintendent of Education shall be the
10 responsibility of the petitioners that submit ~~school boards,~~
11 ~~registered voters or committee of 10 that submits~~ the petition
12 and record of proceedings to the State Superintendent of
13 Education. When a petition is submitted to the State
14 Superintendent of Education in accordance with the provisions
15 of this paragraph:

16 (1) The regional board of school trustees loses all
17 jurisdiction over the petition and shall have no further
18 authority to hear, approve, deny or otherwise act with
19 respect to the petition.

20 (2) All jurisdiction over the petition and the right
21 and duty to hear, approve, deny or otherwise act with
22 respect to the petition is transferred to and shall be
23 assumed and exercised by the State Superintendent of
24 Education.

25 (3) The State Superintendent of Education shall not be
26 required to repeat any proceedings that were conducted in

1 accordance with the provisions of this Section prior to the
2 time jurisdiction over the petition is transferred to him,
3 but the State Superintendent of Education shall be required
4 to give and publish any notices and hold or complete any
5 hearings that were not given, held or completed by the
6 regional board of school trustees or its secretary as
7 required by this Section prior to the time jurisdiction
8 over the petition is transferred to the State
9 Superintendent of Education.

10 (4) If so directed by the State Superintendent of
11 Education, the regional superintendent of schools shall
12 submit to the State Superintendent of Education and to such
13 school boards as the State Superintendent of Education
14 shall prescribe accurate maps and a written report of the
15 financial and educational conditions of the districts
16 affected and the probable effect of the proposed boundary
17 changes.

18 (5) The State Superintendent is authorized to conduct
19 further hearings, or appoint a hearing officer to conduct
20 further hearings, on the petition even though a hearing
21 thereon was held as provided in this Section prior to the
22 time jurisdiction over the petition is transferred to the
23 State Superintendent of Education.

24 (6) The State Superintendent of Education or the
25 hearing officer shall hear evidence and approve or deny the
26 petition and shall enter an order to that effect and

1 deliver and serve the same as required in other cases to be
2 done by the regional board of school trustees and the
3 regional superintendent of schools as secretary ~~an ex~~
4 ~~officio member~~ of that board.

5 (m) (Blank). ~~Within 10 days after the conclusion of a joint~~
6 ~~hearing required under the provisions of Section 7-2, each~~
7 ~~regional board of school trustees shall meet together and~~
8 ~~render a decision with regard to the joint hearing on the~~
9 ~~petition. If the regional boards of school trustees fail to~~
10 ~~enter a joint order either granting or denying the petition,~~
11 ~~the regional superintendent of schools for the educational~~
12 ~~service region in which the joint hearing is held shall enter~~
13 ~~an order denying the petition, and within 30 days after the~~
14 ~~conclusion of the joint hearing shall deliver a copy of the~~
15 ~~order denying the petition to the regional boards of school~~
16 ~~trustees of each region affected, to the committee of~~
17 ~~petitioners, if any, to any person who has filed his appearance~~
18 ~~in writing at the hearing and to any attorney who appears for~~
19 ~~any person at the joint hearing. If the regional boards of~~
20 ~~school trustees enter a joint order either granting or denying~~
21 ~~the petition, the regional superintendent of schools for the~~
22 ~~educational service region in which the joint hearing is held~~
23 ~~shall, within 30 days of the conclusion of the hearing, deliver~~
24 ~~a copy of the joint order to those same committees and persons~~
25 ~~as are entitled to receive copies of the regional~~
26 ~~superintendent's order in cases where the regional boards of~~

1 ~~school trustees have failed to enter a joint order.~~

2 (n) Within 10 days after service of a copy of the order
3 granting or denying the petition, any person so served may
4 petition for a rehearing ~~and, upon sufficient cause being~~
5 ~~shown, a rehearing may be granted.~~ The regional board of school
6 trustees shall first determine whether there is sufficient
7 cause for a rehearing. If so determined, then the regional
8 board of school trustees shall allow the petition to be heard
9 anew in its entirety in accordance with all procedures in this
10 Article. The party requesting a rehearing shall pay the
11 expenses of publishing the notice and of any transcript taken
12 at the hearing. The filing of a petition for rehearing shall
13 operate as a stay of enforcement until the regional board of
14 school trustees, ~~or regional boards of school trustees in cases~~
15 ~~of a joint hearing,~~ or State Superintendent of Education in
16 cases determined under subsection (l) of this Section enters
17 ~~enter~~ the final order on such petition for rehearing.

18 (o) If a petition ~~filed under subsection (a) of Section 7-1~~
19 ~~or under Section 7-2~~ is required under the provisions of
20 subsection (b-5) of this Section ~~7-6~~ to request submission of a
21 proposition at a regular scheduled election for the purpose of
22 voting for or against the annexation of the territory described
23 in the petition to the school district proposing to annex that
24 territory, and if the petition is granted or approved by the
25 regional board ~~or regional boards~~ of school trustees or by the
26 State Superintendent of Education, the proposition shall be

1 placed on the ballot at the next regular scheduled election.

2 (Source: P.A. 99-475, eff. 1-1-16.)

3 (105 ILCS 5/7-7) (from Ch. 122, par. 7-7)

4 Sec. 7-7. Administrative Review Law. The decision of the
5 regional board of school trustees, ~~or the decision of the~~
6 ~~regional boards of school trustees following a joint hearing,~~
7 or the decision of the State Superintendent of Education in
8 cases determined pursuant to subsection (1) of Section 7-6 of
9 this Code, shall be deemed an "administrative decision" as
10 defined in Section 3-101 of the Code of Civil Procedure; and
11 any resident, ~~who appears at the hearing or any petitioner,~~ or
12 board of education entitled to receive a certified copy of the
13 regional board of school trustees' order of any district
14 ~~affected~~ may, within 35 days after a copy of the decision
15 sought to be reviewed was served by certified mail, return
16 receipt requested, ~~registered mail~~ upon the resident,
17 petitioner, or board of education, ~~the party affected thereby~~
18 file a complaint for a judicial review of such decision in
19 accordance with the Administrative Review Law and the rules
20 adopted pursuant thereto. The commencement of any action for
21 judicial review shall operate as a stay of enforcement, and no
22 further proceedings shall be had until final disposition of
23 such review. ~~If the transcript of the hearing is required to be~~
24 ~~presented to another county board of school trustees the time~~
25 ~~within which a complaint for review must be filed shall not~~

1 ~~begin to run until the decision of the regional board of school~~
2 ~~trustees hearing the petition has been granted or denied by the~~
3 ~~regional board of school trustees conducting a hearing on the~~
4 ~~transcript.~~ The circuit court of the county in which the
5 dissolving district or detaching territory is located ~~petition~~
6 ~~is filed with the regional board of school trustees~~ shall have
7 sole jurisdiction to entertain a complaint for such review ~~when~~
8 ~~only one regional board of school trustees must act; however,~~
9 ~~when the regional boards of school trustees act following a~~
10 ~~joint hearing, the circuit court of the county in which the~~
11 ~~joint hearing on the original petition is conducted shall have~~
12 ~~sole jurisdiction of the complaint for such review.~~ In
13 instances in which the dissolving district or detaching
14 territory overlies more than one county, the circuit court of
15 the county where a majority of the territory of the dissolving
16 district or a majority of the territory of the detaching
17 territory is located shall have sole jurisdiction to entertain
18 a complaint for such review.

19 (Source: P.A. 87-210.)

20 (105 ILCS 5/7-8) (from Ch. 122, par. 7-8)

21 Sec. 7-8. Limitation on successive petitions. No
22 territory, nor any part thereof, which is involved in any
23 proceeding to change the boundaries of a school district by
24 detachment or dissolution from ~~or annexation to~~ such school
25 district of such territory, and which, after a hearing on the

1 merits of the petition or referendum vote, is not so detached
2 or dissolved ~~nor annexed,~~ shall be again involved in
3 proceedings to change the boundaries of such school district
4 for at least 2 years after final determination of such first
5 proceeding, unless during that 2-year period a petition filed
6 is substantially different than any other previously filed
7 petition during the previous 2 years or if a school district
8 involved is identified as a priority district under Section
9 2-3.25d-5 of this Code, is placed on the financial watch list
10 by the State Board of Education, or is certified as being in
11 financial difficulty during that 2-year period or if such first
12 proceeding involved a petition brought under Section 7-2b of
13 this Article 7. The 2-year period is counted beginning from the
14 date of a final administrative decision after all appeal
15 timelines have run, upon final court order after all appeal
16 timelines have run, or upon the certification of the election
17 results in the event of a dissolution. The 2-year period is 2
18 calendar years.

19 (Source: P.A. 99-193, eff. 7-30-15.)

20 (105 ILCS 5/7-9) (from Ch. 122, par. 7-9)

21 Sec. 7-9. Effective date of change. ~~In case a petition is~~
22 ~~filed for the creation of or the change of boundaries of or for~~
23 ~~an election to vote upon a proposition of creating or annexing~~
24 ~~territory to a school district after August 1, as provided in~~
25 ~~this Article, and the change is granted or the election~~

1 ~~earries, and no appeal is taken such change shall become~~
2 ~~effective after the time for appeal has run for the purpose of~~
3 ~~all elections; however, the change shall not affect the~~
4 ~~administration of the schools until July 1 following the date~~
5 ~~the petition is granted or upon which the election is held and~~
6 ~~the school boards of the districts as they existed prior to the~~
7 ~~change shall exercise the same power and authority over such~~
8 ~~territory until such date; however, new districts shall be~~
9 ~~permitted to organize and elect officers within the time~~
10 ~~prescribed by the general election law.~~ In the event that the
11 granting of a petition has become final, ~~either~~ through failure
12 to seek Administrative Review, ~~or~~ by the final decision of a
13 court on review if no further appeal is taken, or upon
14 certification of election results in the event of a
15 dissolution, the change in boundaries shall become effective
16 the following July 1 forthwith. The school boards of the
17 districts as they existed prior to the change shall exercise
18 the same power and authority over such territory until such
19 date, unless However, if the granting of the petition becomes
20 ~~final between September 1 and June 30 of any year, the~~
21 ~~administration of and attendance at the schools shall not be~~
22 ~~affected until the following July 1, when the change in~~
23 ~~boundaries shall become effective for all purposes. After the~~
24 ~~granting of a petition has become final, the date when the~~
25 ~~change shall become effective for purposes of administration~~
26 ~~and attendance may be accelerated or postponed by stipulation~~

1 of ~~each of~~ the school boards of each detaching or dissolving
2 and annexing school district and approval ~~affected and approved~~
3 by the regional board of school trustees ~~or by the board of a~~
4 ~~special charter district~~ with which the original petition is
5 required to be filed.

6 (Source: P.A. 90-459, eff. 8-17-97.)

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

8 Sec. 7-10. Map showing change; filed ~~change Filed~~. Within
9 30 ~~thirty~~ days after the boundaries of any school district have
10 been changed, ~~or a new district created under any of the~~
11 ~~provisions of this Article~~ the regional ~~county~~ superintendent
12 of schools ~~of any county involved~~ shall make and file with the
13 county clerk or clerks ~~of his county~~ a map of any detaching,
14 dissolving, or annexing school districts, ~~involved in any~~
15 ~~change of boundaries or creation of a new district~~ whereupon
16 the county clerks shall extend taxes against the territory in
17 accordance therewith; provided: ~~Provided~~ that if an action to
18 review such decision under Section 7-7 of this Code is taken,
19 the regional superintendent of schools ~~County Superintendent~~
20 ~~of Schools~~ shall not file the map with the county clerk until
21 after he or she is served with a certified copy of the order of
22 the final disposition of such review.

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

24 (105 ILCS 5/7-10.5 new)

1 Sec. 7-10.5. Teacher transfer. When dissolution and
2 annexation become effective for purposes of administration and
3 attendance as determined pursuant to Section 7-9 or 7-11 of
4 this Code, as applicable, the positions of teachers in
5 contractual continued service in the district being dissolved
6 are transferred to an annexing district or to annexing
7 districts pursuant to the provisions of subsection (h) of
8 Section 24-11 of this Code relative to teachers having
9 contractual continued service status whose positions are
10 transferred from one school board to the control of a different
11 school board, and those said provisions of subsection (h) of
12 Section 24-11 of this Code shall apply to the transferred
13 teachers. In the event that the territory is added to 2 or more
14 districts, the decision on which positions are to be
15 transferred to which annexing districts must be made giving
16 consideration to the proportionate percentage of pupils
17 transferred and the annexing districts' staffing needs, and the
18 transfer of specific individuals into such positions must be
19 based upon the request of those teachers in order of seniority
20 in the dissolving district. The contractual continued service
21 status of any teacher thereby transferred to an annexing
22 district is not lost and the different school board is subject
23 to this Code with respect to the transferred teacher in the
24 same manner as if the teacher was that district's employee and
25 had been its employee during the time the teacher was actually
26 employed by the school board of the dissolving district from

1 which the position was transferred.

2 (105 ILCS 5/7-11) (from Ch. 122, par. 7-11)

3 Sec. 7-11. Annexation of dissolved non-operating
4 districts. If any school district has become dissolved as
5 provided in Section 5-32 of this Code, or if a petition for
6 dissolution is filed under ~~subsection (b) of~~ Section 7-2a of
7 this Code, the regional board of school trustees shall attach
8 the territory of such dissolved district to one or more
9 districts and, if the territory is added to 2 or more
10 districts, shall divide the property of the dissolved district
11 among the districts to which its territory is added, in the
12 manner provided for the division of property in case of the
13 organization of a new district from a part of another district.
14 The regional board of school trustees of the region in which
15 the regional superintendent has supervision and control, as
16 defined in Section 3-14.2 of this Code, over the school
17 district that is dissolved shall have all power necessary to
18 annex the territory of the dissolved district as provided in
19 this Section, including the power to attach the territory to a
20 school district under the supervision and control of the
21 regional superintendent of another educational service region
22 and, in the case of Leepertown CCSD 175, the power to attach
23 the territory to a non-contiguous school district if deemed in
24 the best interests of the schools of the area and the
25 educational welfare of the pupils involved. The annexation of

1 the territory of a dissolved school district under this Section
2 shall entitle the school districts involved in the annexation
3 to payments from the State Board of Education in the same
4 manner and to the same extent authorized in the case of other
5 annexations under this Article. Other provisions of this
6 Article 7 of this ~~The School~~ Code shall apply to and govern
7 dissolutions and annexations under this Section and Section
8 7-2a of this Code, except that it is the intent of the General
9 Assembly that in the case of conflict the provisions of this
10 Section and Section 7-2a of this Code shall control over the
11 other provisions of this Article.

12 The regional board of school trustees shall give notice of
13 a hearing, to be held not less than 50 days nor more than 70
14 days after a school district is dissolved under Section 5-32 of
15 this Code or a petition is filed under ~~subsection (b) of~~
16 Section 7-2a of this Code, on the disposition of the territory
17 of such school district by publishing a notice thereof at least
18 once each week for 2 successive weeks in at least one newspaper
19 having a general circulation within the area of the territory
20 involved. At such hearing, the regional board of school
21 trustees shall hear evidence as to the school needs and
22 conditions of the territory and of the area within and adjacent
23 thereto, and shall take into consideration the educational
24 welfare of the pupils of the territory and the normal high
25 school attendance pattern of the children. In the case of an
26 elementary school district, except for Leepertown CCSD 175, if

1 all the eighth grade graduates of such district customarily
2 attend high school in the same high school district, the
3 regional board of school trustees shall, unless it be
4 impossible because of the restrictions of a special charter
5 district, annex the territory of the district to a contiguous
6 elementary school district whose eighth grade graduates
7 customarily attend that high school, and that has an elementary
8 school building nearest to the center of the territory to be
9 annexed, but if such eighth grade graduates customarily attend
10 more than one high school the regional board of school trustees
11 shall determine the attendance pattern of such graduates and
12 divide the territory of the district among the contiguous
13 elementary districts whose graduates attend the same
14 respective high schools.

15 At the conclusion of the hearing, the regional
16 superintendent of schools, as secretary to the regional board
17 of school trustees, shall, within 10 days, enter an order
18 detailing the annexation of the dissolved district. The
19 regional superintendent of schools shall deliver a certified
20 copy of the order by certified mail, return receipt requested,
21 to the petitioners or committee of petitioners, as applicable;
22 the president of the school board of each dissolving and
23 annexing district; any person providing testimony in support of
24 or opposition to the petition at the hearing; and any attorney
25 who appears for any person. The regional superintendent of
26 schools shall also deliver a copy of the order to the regional

1 superintendent of schools who has supervision and control, as
2 defined in Section 3-14.2 of this Code, of the annexing
3 district, if different from the regional superintendent of
4 schools with whom the petition was filed. The regional
5 superintendent of schools is not required to send a copy of the
6 regional board of school trustees' order to those attending the
7 hearing but not participating. The final order shall be in
8 writing and include findings of fact, conclusions of law, and
9 the annexation decision. The decision of the regional board of
10 school trustees shall be ~~The decision of the regional board of~~
11 ~~school trustees in such matter shall be issued within 10 days~~
12 ~~after the conclusion of the hearing and deemed an~~
13 "administrative decision" as defined in Section 3-101 of the
14 Code of Civil Procedure, and any resident, ~~who appears at the~~
15 ~~hearing or any petitioner,~~ or school board entitled to receive
16 a certified copy of the regional board of school trustees'
17 order may, within 10 days after a copy of the decision sought
18 to be reviewed was served by certified mail, return receipt
19 requested, ~~registered mail~~ upon the resident, petitioner, or
20 school board, ~~the party affected~~ thereby file a complaint for
21 the judicial review of such decision in accordance with the
22 "Administrative Review Law", ~~and all amendments and~~
23 ~~modifications thereof~~ and the rules adopted pursuant thereto.
24 The commencement of any action for review shall operate as a
25 stay of enforcement, and no further proceedings shall be had
26 until final disposition of such review. The final decision of

1 the regional board of school trustees or of any court upon
2 judicial review shall become effective under Section 7-9 of
3 this Code in the case of a petition for dissolution filed under
4 ~~subsection (b) of~~ Section 7-2a of this Code, and a final
5 decision shall become effective immediately following the date
6 no further appeal is allowable in the case of a district
7 dissolved under Section 5-32 of this Code.

8 Notwithstanding the foregoing provisions of this Section
9 or any other provision of law to the contrary, the school board
10 of the Mt. Morris School District is authorized to donate to
11 the City of Mount Morris, Illinois the school building and
12 other real property used as a school site by the Mt. Morris
13 School District at the time of its dissolution, by appropriate
14 resolution adopted by the school board of the district prior to
15 the dissolution of the district; and upon the adoption of a
16 resolution by the school board donating the school building and
17 school site to the City of Mount Morris, Illinois as authorized
18 by this Section, the regional board of school trustees or other
19 school officials holding legal title to the school building and
20 school site so donated shall immediately convey the same to the
21 City of Mt. Morris, Illinois.

22 (Source: P.A. 97-656, eff. 1-13-12.)

23 (105 ILCS 5/7-12) (from Ch. 122, par. 7-12)

24 Sec. 7-12. Termination of office. Upon the close of the
25 then current school year during which any school district is

1 annexed to another school district under any of the provisions
2 of this Article, the terms of office of the school directors or
3 board of education members of the annexed school district shall
4 be terminated and the school board of the annexing district
5 shall perform all the duties and have all the powers of the
6 school board of the annexed district. The annexing district as
7 it is constituted on and after the time of such annexation
8 shall receive all the assets and assume all the obligations and
9 liabilities including the bonded indebtedness of the original
10 annexing district and of the district annexed. The tax rate for
11 such assumed bonded indebtedness shall be determined in the
12 manner provided in Article 19 of this Code Act.

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

14 (105 ILCS 5/7-29) (from Ch. 122, par. 7-29)

15 Sec. 7-29. Limitation on contesting boundary change. No
16 ~~Neither the People of the State of Illinois nor any person,~~
17 ~~corporation, private or public, nor any association of persons~~
18 ~~shall commence an action contesting either directly or~~
19 ~~indirectly the annexation of any territory to a school district~~
20 shall commence ~~or the creation of any new school district~~
21 unless brought within 2 calendar years after (i) the order
22 annexing the territory ~~or creating the new district~~ shall have
23 become final in the event of a detachment or (ii) the election
24 results shall have been certified in the event of a
25 dissolution. Where ~~or within 2 years after the date of the~~

1 ~~election creating the new school district if no proceedings to~~
2 ~~contest such election are duly instituted within the time~~
3 ~~permitted by law, or within two years after the final~~
4 ~~disposition of any proceedings which may be so instituted to~~
5 ~~contest such election; however where a limitation of a shorter~~
6 ~~period is prescribed by statute, such shorter limitation shall~~
7 ~~apply. The, and the limitation set forth in this Section~~
8 ~~section shall not apply to jurisdictional challenges any order~~
9 ~~where the judge, body or officer entering the order annexing~~
10 ~~the territory or creating the new district did not at the time~~
11 ~~of the entry of such order have jurisdiction of the subject~~
12 ~~matter.~~

13 (Source: P.A. 86-1334.)

14 (105 ILCS 5/7-31 new)

15 Sec. 7-31. Applicability of amendatory Act. For any
16 petition filed with the regional superintendent of schools
17 under this Article prior to the effective date of this
18 amendatory Act of the 100th General Assembly, including a
19 petition for a rehearing pursuant to subsection (n) of Section
20 7-6 of this Code, the proposed action described in the
21 petition, including all notices, hearings, administrative
22 decisions, ballots, elections, and passage requirements
23 relating thereto, shall proceed and be in accordance with the
24 law in effect prior to the effective date of this amendatory
25 Act of the 100th General Assembly.

1 (105 ILCS 5/10-22.35B new)

2 Sec. 10-22.35B. Title to school sites and buildings.

3 (a) On January 1, 1994 (the effective date of Public Act
4 88-155): (i) the legal title to all school buildings and school
5 sites used or occupied for school purposes by a school district
6 located in a Class I county school unit or held for the use of
7 any such school district by and in the name of the regional
8 board of school trustees shall vest in the school board of the
9 school district, and the legal title to those school buildings
10 and school sites shall be deemed transferred by operation of
11 law to the school board of the school district, to be used for
12 school purposes and held, sold, leased, exchanged, or otherwise
13 transferred in accordance with law; and (ii) the legal title to
14 all school buildings and school sites used or occupied for
15 school purposes by a school district that is located in a Class
16 II county school unit and that has withdrawn from the
17 jurisdiction and authority of the trustees of schools of a
18 township and the township treasurer under subsection (b) of
19 Section 5-1 of this Code or held for the use of any such school
20 district by and in the name of the regional board of school
21 trustees at the time that regional board of school trustees was
22 abolished by Public Act 87-969 shall vest in the school board
23 of the school district, and the legal title to those school
24 buildings and school sites shall be deemed transferred by
25 operation of law to the school district, to be used for school

1 purposes and held, sold, leased, exchanged, or otherwise
2 transferred in accordance with law.

3 (b) The school board of each school district to which
4 subsection (a) of this Section is applicable may receive any
5 gift, grant, donation, or legacy made for the use of any school
6 or for any school purpose within its jurisdiction and shall
7 succeed to any gift, grant, donation, or legacy heretofore
8 received by the regional board of school trustees, either from
9 the township school trustees within their jurisdiction or from
10 any other source, for the use of any school of the district
11 served by the school board or for any other school purpose of
12 that school district. All conveyances of real estate made to
13 the school board of a school district under this Section shall
14 be made to the school board in its corporate name and to its
15 successors in office.

16 (c) All school districts and high school districts may take
17 and convey title to real estate to be improved by buildings or
18 other structures for vocational or other educational training
19 as provided in Section 10-23.3 of this Code.

20 (d) Nothing in this Section shall be deemed to apply to any
21 common school lands or lands granted or exchanged therefor or
22 to the manner in which such lands are managed and controlled
23 for the use and benefit of the school township and the schools
24 of the township by the township land commissioners, the
25 regional board of school trustees (acting as the township land
26 commissioners), or the trustees of schools of the township,

1 which hold legal title to those lands; and they may continue to
2 receive gifts, grants, donations, or legacies made for the use
3 of the school township and for the schools of the township
4 generally in the same manner as such gifts, grants, donations,
5 or legacies were made prior to January 1, 1994.

6 (105 ILCS 5/12-24) (from Ch. 122, par. 12-24)

7 Sec. 12-24. Elimination of non-high school district. The
8 territory of the non-high school district or unit district not
9 maintaining a high school in existence on January 1, 1950 of
10 any county having a population of 500,000 or less shall be
11 automatically eliminated from the non-high school district or
12 unit district, unless (1) the non-high school territory is
13 adjacent to a district created by a special Act whose
14 boundaries are required by such Act to be coterminous with some
15 city or village or to a district maintaining grades 1 through
16 12 and (2) has children in such territory who customarily
17 attend the high school of such district and (3) has no school
18 district operating grades 9 through 12 to which such territory
19 could be annexed without impairing the educational
20 opportunities of the children of such territory and in such
21 case the territory shall remain non-high school territory.

22 Any such non-high school district including any unit
23 district not maintaining a high school pursuant to the
24 provisions of this Section shall pay tuition for high school
25 students at a rate to be mutually agreed by the boards of

1 education of each district affected.

2 When territory is eliminated from a non-high school
3 district or unit district not maintaining a high school it
4 shall be annexed by the county board of school trustees as
5 provided in Section 7-27 of this Code (now repealed) ~~Act~~.

6 Any non-high school district affected by such elimination
7 and annexation may continue to exercise all previously
8 conferred and existing powers pending final administrative or
9 judicial affirmance thereof.

10 (Source: P.A. 81-950.)

11 (105 ILCS 5/16-2) (from Ch. 122, par. 16-2)

12 Sec. 16-2. Joint use of site and building. Whenever the
13 school boards of two or more school districts have agreed upon
14 the joint use of any school site and compensation to be paid
15 therefor, and any such site has been selected in the manner
16 required by law, it is lawful for such districts to use the
17 same school site and after payment of the compensation, the
18 trustees of schools of the township or regional board of school
19 trustees, as the case may be, by proper instrument in writing
20 shall declare that title to such site is held for the joint use
21 of such districts according to the terms of such agreement, and
22 such districts shall be further authorized to construct,
23 maintain and use a building jointly for the benefit of the
24 inhabitants thereof. Notwithstanding any other provisions of
25 this Section:

1 (1) If legal title to the selected site is held in the name
2 of the school board of a school district that has agreed to the
3 joint use of the site with any other school districts, and if
4 those other school districts are also districts whose school
5 boards, under subsection (a) of Section 10-22.35B of this Code
6 ~~7-28~~, are to hold legal title to school buildings and school
7 sites of the district, then upon the execution of the agreement
8 and payment of the compensation in accordance with the terms of
9 the agreement the school boards of the districts shall be
10 deemed to hold legal title to the site as tenants in common,
11 and the required deed or deeds of conveyance shall be executed
12 and delivered by the president and secretary or clerk of the
13 school boards to reflect that legal title to the selected site
14 is held in that manner.

15 (2) If one more but not all of the school boards that are
16 party to the agreement are school boards that, under subsection
17 (a) of Section 10-22.35B of this Code ~~7-28~~, are to hold legal
18 title to the school buildings and school sites of the district,
19 the interest in the selected site of each school board that is
20 to hold legal title to the school buildings and school sites of
21 the district shall be that of a tenant in common; and the
22 required deed or deeds of conveyance shall be executed and
23 delivered by the president and secretary or clerk of the
24 trustees of schools of the township, regional board of school
25 trustees, township land commissioners, or school boards, as the
26 case may be, to reflect that tenancy in common interest of the

1 appropriate school board or school boards with the trustees of
2 schools of the township, regional board of school trustees or
3 township land commissioners, as the case may be, in the legal
4 title to the selected site.

5 (Source: P.A. 88-155.)

6 (105 ILCS 5/32-4.6) (from Ch. 122, par. 32-4.6)

7 Sec. 32-4.6. Title, care and custody of property;
8 supervision and control.

9 The title, care and custody of all schoolhouses and school
10 sites belonging to districts that are described in Section
11 32-2.11 and that are not districts whose school boards under
12 subsection (a) of Section 10-22.35B of this Code ~~7-28~~ are to
13 hold legal title to school buildings and school sites of the
14 district shall be vested in the trustees of schools of the
15 townships in which the districts are situated, but the
16 supervision and control of such schoolhouses and sites shall be
17 vested in the board of inspectors of the districts. In all
18 other cases, the legal title, care, custody and control of
19 school houses and school sites belonging to districts that are
20 described in Section 32-2.11, together with the supervision and
21 control of those school houses and sites, shall be vested in
22 the board of inspectors of the districts.

23 (Source: P.A. 88-155.)

24 (105 ILCS 5/7-01 rep.)

- 1 (105 ILCS 5/7-2 rep.)
- 2 (105 ILCS 5/7-2.3 rep.)
- 3 (105 ILCS 5/7-2.4 rep.)
- 4 (105 ILCS 5/7-2.5 rep.)
- 5 (105 ILCS 5/7-2.6 rep.)
- 6 (105 ILCS 5/7-2.7 rep.)
- 7 (105 ILCS 5/7-13 rep.)
- 8 (105 ILCS 5/7-27 rep.)
- 9 (105 ILCS 5/7-28 rep.)
- 10 (105 ILCS 5/7-30 rep.)

11 Section 10. The School Code is amended by repealing
12 Sections 7-01, 7-2, 7-2.3, 7-2.4, 7-2.5, 7-2.6, 7-2.7, 7-13,
13 7-27, 7-28, and 7-30.

14 Section 99. Effective date. This Act takes effect July 1,
15 2017.

1		INDEX
2		Statutes amended in order of appearance
3	105 ILCS 5/5-1	from Ch. 122, par. 5-1
4	105 ILCS 5/7-01a new	
5	105 ILCS 5/7-01b new	
6	105 ILCS 5/7-04	from Ch. 122, par. 7-04
7	105 ILCS 5/7-1	from Ch. 122, par. 7-1
8	105 ILCS 5/7-2a	from Ch. 122, par. 7-2a
9	105 ILCS 5/7-4	from Ch. 122, par. 7-4
10	105 ILCS 5/7-4.1	from Ch. 122, par. 7-4.1
11	105 ILCS 5/7-5	from Ch. 122, par. 7-5
12	105 ILCS 5/7-6	from Ch. 122, par. 7-6
13	105 ILCS 5/7-7	from Ch. 122, par. 7-7
14	105 ILCS 5/7-8	from Ch. 122, par. 7-8
15	105 ILCS 5/7-9	from Ch. 122, par. 7-9
16	105 ILCS 5/7-10	from Ch. 122, par. 7-10
17	105 ILCS 5/7-10.5 new	
18	105 ILCS 5/7-11	from Ch. 122, par. 7-11
19	105 ILCS 5/7-12	from Ch. 122, par. 7-12
20	105 ILCS 5/7-29	from Ch. 122, par. 7-29
21	105 ILCS 5/7-31 new	
22	105 ILCS 5/10-22.35B new	
23	105 ILCS 5/12-24	from Ch. 122, par. 12-24
24	105 ILCS 5/16-2	from Ch. 122, par. 16-2
25	105 ILCS 5/32-4.6	from Ch. 122, par. 32-4.6

- 1 105 ILCS 5/7-01 rep.
- 2 105 ILCS 5/7-2 rep.
- 3 105 ILCS 5/7-2.3 rep.
- 4 105 ILCS 5/7-2.4 rep.
- 5 105 ILCS 5/7-2.5 rep.
- 6 105 ILCS 5/7-2.6 rep.
- 7 105 ILCS 5/7-2.7 rep.
- 8 105 ILCS 5/7-13 rep.
- 9 105 ILCS 5/7-27 rep.
- 10 105 ILCS 5/7-28 rep.
- 11 105 ILCS 5/7-30 rep.