

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, 7-2.4, 7-2.5, 7-2.6, 7-2.7, 7-4, 7-4.1,
6 7-5, 7-6, 7-7, 7-8, 7-9, 7-10, 7-11, 7-12, 7-29, 12-24, 16-2,
7 and 32-4.6 and by adding Sections 7-01a, 7-01b, 7-10.5, 7-31,
8 and 10-22.35B as follows:

9 (105 ILCS 5/5-1) (from Ch. 122, par. 5-1)

10 Sec. 5-1. County school units.

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

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

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

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

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

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

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

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

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

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

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

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

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

22 -----

23 OFFICIAL BALLOT

24	Shall the offices of township	
25	treasurer and	YES
26	trustee of	-----

1 schools of Township NO

2 Range be abolished?

3 -----

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

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

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

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

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

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

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

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

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

1 township treasurer and trustee of schools of that township are
2 abolished bears to the aggregate number of pupils in average
3 daily attendance in all of those districts as so reported for
4 that school year.

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

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

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

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

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

15 (105 ILCS 5/7-01a new)

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

1 (105 ILCS 5/7-01b new)

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

8 (105 ILCS 5/7-04) (from Ch. 122, par. 7-04)

9 Sec. 7-04. Districts in educational service regions of
10 2,000,000 or more inhabitants.

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

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

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

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

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

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

24 (b) Except as otherwise provided in this Section, all other
25 provisions of this Article shall apply to any proceedings under
26 this Article to change the boundaries of any school district

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

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

17 (105 ILCS 5/7-1) (from Ch. 122, par. 7-1)

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

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

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

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

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

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

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

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

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

24 Where there is only one school building in an approved
25 operating district, the building and building site may not be
26 included in any detachment proceeding ~~unless petitioned by~~

1 ~~two thirds of the registered voters within the entire district~~
2 ~~wherein the school is located.~~

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

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

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

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

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

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

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

21 (105 ILCS 5/7-2a) (from Ch. 122, par. 7-2a)

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

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

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

1 and control, as defined by Section 3-14.2 of this Code, of the
2 school district being dissolved.

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

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

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

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

1 ~~and those said provisions of subsection (h) of Section 24-11 of~~
2 ~~this Code shall apply to said transferred teachers. In the~~
3 ~~event that the territory is added to 2 or more districts, the~~
4 ~~decision on which positions shall be transferred to which~~
5 ~~annexing districts shall be made giving consideration to the~~
6 ~~proportionate percent of pupils transferred and the annexing~~
7 ~~districts' staffing needs, and the transfer of specific~~
8 ~~individuals into such positions shall be based upon the request~~
9 ~~of those teachers in order of seniority in the dissolving~~
10 ~~district. The contractual continued service status of any~~
11 ~~teacher thereby transferred to an annexing district is not lost~~
12 ~~and the different board is subject to this Act with respect to~~
13 ~~such transferred teacher in the same manner as if such teacher~~
14 ~~was that district's employee and had been its employee during~~
15 ~~the time such teacher was actually employed by the board of the~~
16 ~~dissolving district from which the position was transferred.~~

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

18 (105 ILCS 5/7-2.4) (from Ch. 122, par. 7-2.4)

19 Sec. 7-2.4. A petition for detachment of territory from a
20 special charter district with annexation to another school
21 district, for detachment of territory from a school district
22 with annexation to a special charter district, or for
23 dissolution of a school district with annexation to a special
24 charter district ~~for annexation to or detachment of territory~~
25 ~~from a special charter school district~~ must be filed with the

1 governing body of the special charter district, and a certified
2 copy thereof must be sent to each other detaching, dissolving,
3 or annexing school district ~~affected~~ and to the regional county
4 board of school trustees of the region county in which the
5 regional county superintendent has supervision and control, as
6 defined in Section 3-14.2 of this Code, of the detaching or
7 dissolving district ~~from which the petition seeks to have~~
8 ~~territory detached, or if territory is being detached from more~~
9 ~~than one county, to the county board of school trustees of the~~
10 ~~county in which the county superintendent has supervision over~~
11 ~~the greatest portion of such territory. A petition request for~~
12 such annexation or detachment of territory must be filed by the
13 school board of the detaching or dissolving district, by a
14 majority of the legal resident voters in the dissolving
15 district, or by two-thirds of a combination of the legal
16 resident voters and the owners of record of any real estate
17 with no legal resident voters in any territory proposed to be
18 ~~may be initiated by any district affected by such proposed~~
19 ~~annexation or detachment of territory by a petition signed by~~
20 ~~the board of education and by 25% or 1,000 of the legal voters~~
21 ~~of the district, whichever is less, or by 50% of the legal~~
22 ~~voters residing in any territory requesting to be annexed or~~
23 detached. If any of the territory proposed to be detached
24 contains real estate with no legal resident voters, petitioners
25 shall deliver the petition by certified mail, return receipt
26 requested, to all owners of record of any real estate with no

1 legal resident voters. Proof of the delivery must be presented
2 as evidence at any hearing required by Section 7-2.6 of this
3 Code. Any owner of record of real estate with no legal resident
4 voters in any territory proposed to be detached may either sign
5 the petition in person and before the circulator as described
6 in Section 7-1 of this Code or return the petition with his or
7 her notarized signature to be included as a petitioner. No
8 person may sign a petition in the capacity of both a legal
9 resident voter and owner of record. If there are no legal
10 resident voters ~~residing~~ within the territory proposed to be
11 detached ~~or annexed~~, then the petition must ~~may~~ be signed by
12 all 50% of the owners of record of the real estate of the
13 territory. Petitions must contain all of the elements set forth
14 in subsection (a) of Section 7-1 of this Code.

15 Where there is only one school building in an approved
16 operating school district, the building and building site may
17 not be included in any detachment proceeding ~~unless the~~
18 ~~petition is signed by 2/3 of the eligible voters within the~~
19 ~~entire district wherein the school is located.~~

20 (Source: Laws 1967, p. 2540.)

21 (105 ILCS 5/7-2.5) (from Ch. 122, par. 7-2.5)

22 Sec. 7-2.5. If no objection to the dissolution ~~annexation~~
23 or detachment of territory~~7~~ prayed for in a petition under
24 Section 7-2.4 of this Code~~7~~ is filed with the special charter
25 school district or with the regional board of school trustees

1 within 30 days after ~~notice of~~ the filing of such petition ~~for~~
2 ~~annexation or detachment is given to each district affected,~~
3 the dissolution ~~annexation~~ or detachment of territory takes
4 effect, subject to Section 7-9 of this Code Act. However, if an
5 objection to the proposed dissolution ~~annexation~~ or detachment
6 of territory is filed with either the special charter district
7 or the regional board of school trustees, the regional board of
8 school trustees, within 15 days after receiving the objection,
9 shall appoint 2 legal resident voters from the district or
10 districts under its ~~their~~ jurisdiction and involved in the
11 proposed dissolution ~~annexation~~ or detachment of territory,
12 subject to the approval of the boards of education of the
13 districts involved in the proposed dissolution or detachment of
14 territory ~~affected~~, and the board or governing body of the
15 special charter district shall appoint 2 legal resident voters
16 from the special charter district. Those 4 appointees shall
17 meet within 20 days of their appointment and by a majority vote
18 select 3 persons who reside outside the jurisdiction of the
19 districts involved in ~~affected by~~ the proposed dissolution
20 ~~annexation~~ or detachment of territory and who have a
21 demonstrated interest and background in education. If a
22 majority of the original 4 appointees cannot agree on the
23 selection of the 3 additional members within 20 days of their
24 appointment, the State Board of Education shall select the 3
25 additional persons, subject to the same criteria as required
26 when selection is by the 4 appointees. The 4 appointees and the

1 3 additional persons selected under this Section constitute the
2 Hearing Board and 4 members shall constitute a quorum.

3 Within 10 days after the Hearing Board has been selected
4 the regional superintendent of schools of the region in which
5 the special charter district is located shall call an
6 organization meeting of said Hearing Board.

7 (Source: P.A. 81-1508.)

8 (105 ILCS 5/7-2.6) (from Ch. 122, par. 7-2.6)

9 Sec. 7-2.6. At its organization meeting, the Hearing Board
10 shall choose from its membership a chairman and a secretary.
11 The secretary shall cause a copy of such petition to be sent to
12 the president of the school ~~each~~ board of each detaching or
13 dissolving and annexing school district ~~any district involved~~
14 ~~in the proposed boundary change,~~ and shall cause a notice
15 thereof to be published once in a newspaper having general
16 circulation within the area of the detaching or dissolving and
17 annexing territory described in the petition ~~for the proposed~~
18 ~~change of boundaries~~. The petitioners shall pay the expenses of
19 publishing the notice and ~~of~~ any transcript taken at the
20 hearing and mailing the final order. In case of an appeal from
21 the decision of the Hearing Board, the appellants shall pay the
22 cost of preparing the record for appeal. The notice must state
23 when the petition was filed, the description of the detaching
24 territory or name of the dissolving district, the name of the
25 annexing district, the prayer of the petition, and the day and

1 time on and location in which the hearing upon the petition
2 will be held, which ~~day~~ may not be more than 30 ~~45~~ nor less than
3 15 calendar ~~10~~ days after the publication of notice. Any
4 additional expense not enumerated above shall be borne equally
5 by the school districts involved.

6 The Hearing Board shall hear the petition and determine the
7 sufficiency thereof and may adjourn the hearing from time to
8 time or continue the matter for want of sufficient notice or
9 for other good cause. The Hearing Board (a) shall hear evidence
10 as to the school needs and conditions of the territory in the
11 area within and adjacent thereto, and as to the ability of the
12 districts affected to meet the standards of recognition as
13 prescribed by the State Board of Education, (b) shall take into
14 consideration the division of funds and assets which will
15 result from any change of boundaries, and the will of the
16 people of the area affected, and (c) shall determine whether it
17 is to the best interests of the schools of the area and the
18 educational welfare of the pupils should such change in
19 boundaries be granted.

20 The Hearing Board may administer oaths, determine the
21 admissibility of evidence, and issue subpoenas for the
22 attendance of witnesses and subpoena duces tecum for the
23 production of documents. At the hearing, ~~any resident in the~~
24 ~~territory prescribed in the petition, or~~ any resident in any
25 detaching, dissolving, or annexing school district or any
26 representative of a detaching, dissolving, or annexing school

1 ~~district affected by the proposed change of boundaries,~~ may
2 appear in person or by attorney in support of the petition or
3 to object to the granting of the petition and may present ~~give~~
4 evidence in support of his or her position through either oral
5 or written testimony. At the conclusion of the hearing, the
6 Hearing Board shall, within 30 days, enter an order either
7 granting or denying the petition. The Hearing Board shall
8 deliver a certified copy of the order by certified mail, return
9 receipt requested, and shall deliver to the petitioners; the
10 president of the school board of each detaching or dissolving
11 and annexing district; any person providing testimony in
12 support of or opposition to the petition at the hearing; ~~to~~
13 ~~all affected districts, to any person who has filed his or her~~
14 ~~appearance in writing at the hearing or to any attorney who~~
15 ~~appears for any person;~~ to any objector who testified at such
16 ~~hearing,~~ and ~~to~~ the regional superintendent of schools who has
17 supervision and control, as defined in Section 3-14.2 of this
18 Code, of each detaching or dissolving and annexing district of
19 ~~each region in which the territory or any district affected~~
20 ~~lies, a certified copy of its order by registered mail. The~~
21 Hearing Board is not required to send a copy of the Hearing
22 Board's order to those attending the hearing but not
23 participating. The final order shall be in writing and include
24 findings of fact, conclusions of law, and the decision to grant
25 or deny the petition.

26 Within 10 days after service of the certified copy of the

1 order granting or denying the petition, any person so served
2 may petition for rehearing ~~and upon sufficient cause being~~
3 ~~shown, the Hearing Board may grant a rehearing.~~ The petition
4 for rehearing shall specify the reason for the request. The
5 Hearing Board shall first determine whether there is sufficient
6 cause for a rehearing. If so determined, then the Hearing Board
7 shall allow the petition to be heard anew in its entirety in
8 accordance with all procedures in this Section. The party
9 requesting a rehearing shall pay the expenses of publishing the
10 notice and of any transcript taken at the hearing. The filing
11 of a petition for rehearing operates as a stay of enforcement
12 until the Hearing Board ~~board~~ enters its final order on that
13 petition for rehearing.

14 (Source: P.A. 84-551.)

15 (105 ILCS 5/7-2.7) (from Ch. 122, par. 7-2.7)

16 Sec. 7-2.7. The decision of the Hearing Board under Section
17 7-2.6 is an "administrative decision" as defined in Section
18 3-101 of the Code of Civil Procedure, and any resident, ~~who~~
19 ~~appears at the hearings, or any~~ petitioner, ~~or board of~~
20 education entitled to receive a certified copy of the Hearing
21 Board's order ~~of any district affected,~~ may, within 35 days
22 after a copy of the decision sought to be reviewed was served
23 by certified mail, return receipt requested, upon the resident,
24 petitioner, or board of education, ~~registered mail upon the~~
25 ~~party affected thereby,~~ file a complaint for a judicial review

1 of that decision in accordance with the Administrative Review
2 Law and the rules adopted pursuant thereto. The commencement of
3 any action for judicial review operates as a stay of
4 enforcement, and ~~no~~ further proceedings must not ~~may~~ be had
5 until final disposition of such review. Any change in
6 boundaries resulting from the proceedings under Sections 7-2.4
7 through 7-2.7 takes effect on the date determined pursuant to
8 Section 7-9 of this Code Act.

9 (Source: P.A. 84-551.)

10 (105 ILCS 5/7-4) (from Ch. 122, par. 7-4)

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

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

15 (b) (Blank). ~~Unless after granting the petition any~~
16 ~~community unit district, community consolidated district,~~
17 ~~elementary district or high school district created shall have~~
18 ~~a population of at least 2,000 and an equalized assessed~~
19 ~~valuation of at least \$6,000,000 based upon the last value as~~
20 ~~equalized by the Department of Revenue as of the date of filing~~
21 ~~of the petition.~~

22 (c) Unless the territory within ~~any district so created or~~
23 any district whose boundaries are affected by the granting of a
24 petition shall after the granting thereof be compact and
25 contiguous, except as provided in Section 7-6 of this Code or

1 as otherwise provided in this subdivision (c). The fact that a
2 district is divided by territory lying within the corporate
3 limits of the city of Chicago shall not render it non-compact
4 or non-contiguous. If, pursuant to a petition filed under
5 Section 7-1 ~~or 7-2~~ of this Code, all of the territory of a
6 district is to be annexed to another district, then the
7 annexing district and the annexed district need not be
8 contiguous if the following requirements are met and documented
9 within 2 calendar years prior to the petition filing date:

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

12 (2) every district contiguous to the district wishing
13 to be annexed determines that it is not interested in
14 participating in a petition filed under Section 7-1 ~~or 7-2~~
15 of this Code, through a vote of its school board, and
16 documents that non-interest in a letter to the regional
17 board of school trustees containing approved minutes that
18 record the school board vote; and

19 (3) documentation of meeting these requirements are
20 presented as evidence at the hearing required under Section
21 7-6 of this Code.

22 (d) (Blank). ~~To create any school district with a~~
23 ~~population of less than 2,000 unless the State Board of~~
24 ~~Education and the regional superintendent of schools for the~~
25 ~~region in which the proposed district will lie shall certify to~~
26 ~~the regional board or boards of school trustees that the~~

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

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

17 (105 ILCS 5/7-4.1) (from Ch. 122, par. 7-4.1)

18 Sec. 7-4.1. Copies of petition. Each petition submitted
19 under the provisions of Section 7-1 of this Code ~~or 7-2~~ shall
20 include proof of notice to owners of record of real estate with
21 no legal resident voters in any territory proposed to be
22 detached, if applicable, and be accompanied by sufficient
23 copies thereof for distribution to the president of the school
24 board of each detaching or dissolving and annexing school
25 district ~~involved~~. The copies need not contain original

1 signatures ~~be signed~~ by the petitioners as is required of the
2 original petition.

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

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

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

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

18 (105 ILCS 5/7-6) (from Ch. 122, par. 7-6)

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

20 (a) The secretary of the regional board of school trustees
21 or his or her designee, the chief administrative officer of an
22 educational service center under Section 7-04 of this Code or
23 his or her designee, or the person designated by the trustees
24 of schools of the township in accordance with subsection (a-10)

1 of Section 7-04 of this Code, as appropriate, shall receive the
2 filing of the petition, make the determination of validity in
3 accordance with subsection (a) of Section 7-1 of this Section,
4 publish the notice, conduct the hearing, and issue the final
5 order. Upon the filing of a petition with the secretary of the
6 regional board of school trustees under the provisions of
7 Section 7-1 ~~or 7-2~~ of this Code, ~~Act~~ the secretary shall cause
8 a copy of such petition to be given to the president of the
9 school ~~each~~ board of each detaching or dissolving and annexing
10 school ~~any district involved in the proposed boundary change~~
11 and shall cause a notice thereof to be published once in a
12 newspaper having general circulation within the area of the
13 detaching or dissolving and annexing territory described in the
14 petition ~~for the proposed change of boundaries.~~

15 (b) (Blank). ~~When a joint hearing is required under the~~
16 ~~provisions of Section 7-2, the secretary also shall cause a~~
17 ~~copy of the notice to be sent to the regional board of school~~
18 ~~trustees of each region affected. Notwithstanding the~~
19 ~~foregoing provisions of this Section, if the secretary of the~~
20 ~~regional board of school trustees with whom a petition is filed~~
21 ~~under Section 7-2 fails, within 30 days after the filing of~~
22 ~~such petition, to cause notice thereof to be published and sent~~
23 ~~as required by this Section, then the secretary of the regional~~
24 ~~board of school trustees of any other region affected may cause~~
25 ~~the required notice to be published and sent, and the joint~~
26 ~~hearing may be held in any region affected as provided in the~~

1 ~~notice so published.~~

2 (b-5) If a petition filed under ~~subsection (a) of~~ Section
3 7-1 of this Code ~~or under Section 7-2~~ proposes to annex all the
4 territory of a school district to another school district, the
5 petition shall request the submission of a proposition at a
6 regular scheduled election for the purpose of voting for or
7 against the annexation of the territory described in the
8 petition to the school district proposing to annex that
9 territory. No petition filed or election held under this
10 Article shall be null and void, invalidated, or deemed in
11 noncompliance with the Election Code because of a failure to
12 publish a notice with respect to the petition or referendum as
13 required under subsection (g) of Section 28-2 of that Code for
14 petitions that are not filed under this Article or Article 11E
15 of this Code.

16 (c) When a petition contains more than 10 signatures the
17 petition shall designate a committee of 10 of the petitioners
18 as attorney in fact for all petitioners, any 7 of whom may make
19 binding stipulations on behalf of all petitioners as to any
20 question with respect to the petition or hearing ~~or joint~~
21 ~~hearing~~, and the regional board of school trustees, ~~or regional~~
22 ~~boards of school trustees in cases of a joint hearing~~ may
23 accept such stipulation in lieu of evidence or proof of the
24 matter stipulated. The committee of petitioners shall have the
25 same power to stipulate to accountings or waiver thereof
26 between school districts; however, the regional board of school

1 ~~trustees, or regional boards of school trustees in cases of a~~
2 ~~joint hearing~~ may refuse to accept such stipulation. Those
3 designated as the committee of 10 shall serve in that capacity
4 until such time as the regional superintendent of schools or
5 the committee of 10 determines that, because of death,
6 resignation, transfer of residency from the territory, or
7 failure to qualify, the office of a particular member of the
8 committee of 10 is vacant. Upon determination that a vacancy
9 exists, the remaining members shall appoint a petitioner to
10 fill the designated vacancy on the committee of 10. The
11 appointment of any new members by the committee of 10 shall be
12 made by a simple majority vote of the remaining designated
13 members.

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

19 (e) The petitioners shall pay the expenses of publishing
20 the notice and ~~of~~ any transcript taken at the hearing and
21 mailing the final order ~~or joint hearing~~; and, in case of an
22 appeal from the decision of the regional board of school
23 trustees, ~~or regional boards of school trustees in cases of a~~
24 ~~joint hearing~~, or State Superintendent of Education in cases
25 determined under subsection (1) of this Section, the appellants
26 shall pay the cost of preparing the record for appeal. The

1 regional superintendent of schools with whom the petition is
2 filed may request a deposit at the time of filing to cover
3 expenses as provided in this subsection (e).

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

11 (g) Prior to the hearing, the secretary of the regional
12 board of school trustees shall submit to the regional board of
13 school trustees maps showing the districts involved and a
14 written report of the financial and educational conditions of
15 the districts involved and the probable effect of the proposed
16 changes. The reports and maps submitted must be made a part of
17 the record of the proceedings of the regional board of school
18 trustees. A copy of the report and maps submitted must be sent
19 by the secretary of the regional board of school trustees to
20 the president of the school board of each detaching or
21 dissolving and annexing school district not less than 5 days
22 prior to the day upon which the hearing is to be held. ~~On such~~
23 ~~return day or on a day to which the regional board of school~~
24 ~~trustees, or regional boards of school trustees in cases of a~~
25 ~~joint hearing shall continue the hearing or joint hearing the~~
26 ~~regional board of school trustees, or regional boards of school~~

1 ~~trustees in cases of a joint hearing shall hear the petition~~
2 ~~but may adjourn the hearing or joint hearing from time to time~~
3 ~~or may continue the matter for want of sufficient notice or~~
4 ~~other good cause.~~

5 (h) On the hearing day or on a day to which the regional
6 board of school trustees shall continue the hearing, the
7 regional board of school trustees shall hear the petition but
8 may adjourn the hearing from time to time or may continue the
9 matter for want of sufficient notice or other good cause. ~~Prior~~
10 ~~to the hearing or joint hearing the secretary of the regional~~
11 ~~board of school trustees shall submit to the regional board of~~
12 ~~school trustees, or regional boards of school trustees in cases~~
13 ~~of a joint hearing maps showing the districts involved, a~~
14 ~~written report of financial and educational conditions of~~
15 ~~districts involved and the probable effect of the proposed~~
16 ~~changes. The reports and maps submitted shall be made a part of~~
17 ~~the record of the proceedings of the regional board of school~~
18 ~~trustees, or regional boards of school trustees in cases of a~~
19 ~~joint hearing. A copy of the report and maps submitted shall be~~
20 ~~sent by the secretary of the regional board of school trustees~~
21 ~~to each board of the districts involved, not less than 5 days~~
22 ~~prior to the day upon which the hearing or joint hearing is to~~
23 ~~be held.~~

24 (h-5) Except for motions and briefs challenging the
25 validity of a petition or otherwise challenging the
26 jurisdiction of the regional board of school trustees to

1 conduct a hearing on a petition and except for motions and
2 briefs related to the type of evidence the regional board of
3 school trustees may consider under subsection (i) of this
4 Section, no other motions, pleadings, briefs, discovery
5 requests, or other like documents may be filed with the
6 regional board of school trustees or served on other parties,
7 and the regional board of school trustees shall have no
8 authority to consider such documents, except that if a legal
9 issue arises during a hearing, then the regional board of
10 school trustees may, at its discretion, request briefs to be
11 submitted to it on that issue.

12 (i) The regional board of school trustees shall hear
13 evidence as to the school needs and conditions of the territory
14 in the area within and adjacent thereto and the effect
15 detachment will have on those needs and conditions and as to
16 the ability of the detaching or dissolving and annexing school
17 districts to meet the standards of recognition as prescribed by
18 the State Board of Education, shall take into consideration the
19 division of funds and assets that will result from the change
20 of boundaries, and shall determine whether it is in the best
21 interests of the schools of the area and the direct educational
22 welfare of the pupils that such change in boundaries be
23 granted. If non-high school territory is contained in the
24 petition, the normal high school attendance pattern of the
25 pupils must be taken into consideration. However, upon
26 resolution by the regional board of school trustees, the

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

1 ~~and present a transcript of such hearing to the trustees who~~
2 ~~shall base their decision upon the transcript, maps and~~
3 ~~information and any presentation of counsel.~~ In the instance of
4 a change of boundaries through detachment:

5 (1) When considering the effect the detachment will
6 have on the direct educational welfare of the pupils, the
7 regional board of school trustees ~~or the regional boards of~~
8 ~~school trustees~~ shall consider a comparison of the school
9 report cards for the schools of the detaching and annexing
10 ~~affected~~ districts and the school district report cards for
11 the detaching and annexing ~~affected~~ districts only if there
12 is no more than a 3% difference in the minority,
13 low-income, and English learner student populations of the
14 relevant schools of the districts.

15 (2) The community of interest of the petitioners and
16 their children and the effect detachment will have on the
17 whole child may be considered only if the regional board of
18 school trustees ~~or the regional boards of school trustees~~
19 first determines ~~determine~~ that there would be a
20 significant direct educational benefit to the petitioners'
21 children if the change in boundaries were allowed.

22 (3) When petitioners cite an annexing district
23 attendance center or centers in the petition or during
24 testimony, the regional board of school trustees ~~or the~~
25 ~~regional boards of school trustees~~ may consider the
26 difference in the distances from the detaching area to the

1 current attendance centers and the cited annexing district
2 attendance centers only if the difference is no less than
3 10 miles shorter to one of the cited annexing district
4 attendance centers than it is to the corresponding current
5 attendance center.

6 (4) The regional board of school trustees ~~or the~~
7 ~~regional boards of school trustees~~ may not grant a petition
8 if doing so will increase the percentage of minority or
9 low-income students or English learners by more than 3% at
10 the attendance center where students in the detaching
11 territory currently attend, provided that if the
12 percentage of any one of those groups also decreases at
13 that attendance center, the regional board ~~or boards~~ may
14 grant the petition upon consideration of other factors
15 under this Section and this Article.

16 (5) The regional board of school trustees ~~or the~~
17 ~~regional boards of school trustees~~ may not consider whether
18 changing the boundaries will increase the property values
19 of the petitioners' property.

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

24 If the regional board of school trustees ~~or the regional~~
25 ~~boards of school trustees~~ grants a petition to change school
26 district boundaries, then the annexing school district shall

1 determine the attendance center or centers that children from
2 the petitioning area shall attend.

3 (j) At the hearing, ~~or joint hearing any resident of the~~
4 ~~territory described in the petition or any resident in any~~
5 detaching, dissolving, or annexing school district or any
6 representative of a detaching, dissolving, or annexing school
7 district affected by the proposed change of boundaries may
8 appear in person or by an attorney in support of the petition
9 or to object to the granting of the petition and may present
10 evidence in support of his or her position through either oral
11 or written testimony.

12 (k) At the conclusion of the hearing, the regional
13 superintendent of schools as secretary to the regional board of
14 school trustees shall, within 30 days, enter an order either
15 granting or denying the petition. The regional superintendent
16 of schools shall deliver a certified copy of the order by
17 certified mail, return receipt requested, to the petitioners or
18 committee of petitioners, as applicable; the president of the
19 school board of each detaching or dissolving and annexing
20 district; any person providing testimony in support of or
21 opposition to the petition at the hearing; and any attorney who
22 appears for a person. The regional superintendent of schools
23 shall also deliver a copy of the order to the regional
24 superintendent of schools who has supervision and control, as
25 defined in Section 3-14.2 of this Code, of the annexing
26 district if different from the regional superintendent of

1 schools with whom the petition was filed. The regional
2 superintendent of schools is not required to send a copy of the
3 regional board of school trustees' order to those attending the
4 hearing but not participating. The final order shall be in
5 writing and include findings of fact, conclusions of law, and
6 the decision to grant or deny the petition. ~~At the conclusion~~
7 ~~of the hearing, other than a joint hearing, the regional~~
8 ~~superintendent of schools as ex officio member of the regional~~
9 ~~board of school trustees shall within 30 days enter an order~~
10 ~~either granting or denying the petition and shall deliver to~~
11 ~~the committee of petitioners, if any, and any person who has~~
12 ~~filed his appearance in writing at the hearing and any attorney~~
13 ~~who appears for any person and any objector who testifies at~~
14 ~~the hearing and the regional superintendent of schools a~~
15 ~~certified copy of its order.~~

16 (1) Notwithstanding the foregoing provisions of this
17 Section, if within 12 ~~9~~ months after a petition is submitted
18 under the provisions of Section 7-1 of this Code the petition
19 is not approved or denied by the regional board of school
20 trustees and the order approving or denying that petition
21 entered and a copy thereof served as provided in this Section,
22 petitioners ~~the school boards or registered voters of the~~
23 ~~districts affected that submitted the petition (or the~~
24 ~~committee of 10, or an attorney acting on its behalf, if~~
25 ~~designated in the petition)~~ may submit a copy of the petition
26 directly to the State Superintendent of Education for approval

1 or denial. The copy of the petition as so submitted shall be
2 accompanied by a record of all proceedings had with respect to
3 the petition up to the time the copy of the petition is
4 submitted to the State Superintendent of Education (including a
5 copy of any notice given or published, any certificate or other
6 proof of publication, copies of any maps or written report of
7 the financial and educational conditions of the school
8 districts affected if furnished by the secretary of the
9 regional board of school trustees, copies of any amendments to
10 the petition and stipulations made, accepted or refused, a
11 transcript of any hearing or part of a hearing held, continued
12 or adjourned on the petition, and any orders entered with
13 respect to the petition or any hearing held thereon). The
14 petitioners ~~school boards, registered voters or committee of 10~~
15 submitting the petition and record of proceedings to the State
16 Superintendent of Education shall give written notice by
17 certified mail, return receipt requested, to the regional board
18 of school trustees and to the secretary of that board and to
19 the detaching or dissolving and annexing school districts that
20 the petition has been submitted to the State Superintendent of
21 Education for approval or denial, and shall furnish a copy of
22 the notice so given to the State Superintendent of Education.
23 The cost of assembling the record of proceedings for submission
24 to the State Superintendent of Education shall be the
25 responsibility of the petitioners that submit ~~school boards,~~
26 ~~registered voters or committee of 10 that submits~~ the petition

1 and record of proceedings to the State Superintendent of
2 Education. When a petition is submitted to the State
3 Superintendent of Education in accordance with the provisions
4 of this paragraph:

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

9 (2) All jurisdiction over the petition and the right
10 and duty to hear, approve, deny or otherwise act with
11 respect to the petition is transferred to and shall be
12 assumed and exercised by the State Superintendent of
13 Education.

14 (3) The State Superintendent of Education shall not be
15 required to repeat any proceedings that were conducted in
16 accordance with the provisions of this Section prior to the
17 time jurisdiction over the petition is transferred to him,
18 but the State Superintendent of Education shall be required
19 to give and publish any notices and hold or complete any
20 hearings that were not given, held or completed by the
21 regional board of school trustees or its secretary as
22 required by this Section prior to the time jurisdiction
23 over the petition is transferred to the State
24 Superintendent of Education.

25 (4) If so directed by the State Superintendent of
26 Education, the regional superintendent of schools shall

1 submit to the State Superintendent of Education and to such
2 school boards as the State Superintendent of Education
3 shall prescribe accurate maps and a written report of the
4 financial and educational conditions of the districts
5 affected and the probable effect of the proposed boundary
6 changes.

7 (5) The State Superintendent is authorized to conduct
8 further hearings, or appoint a hearing officer to conduct
9 further hearings, on the petition even though a hearing
10 thereon was held as provided in this Section prior to the
11 time jurisdiction over the petition is transferred to the
12 State Superintendent of Education.

13 (6) The State Superintendent of Education or the
14 hearing officer shall hear evidence and approve or deny the
15 petition and shall enter an order to that effect and
16 deliver and serve the same as required in other cases to be
17 done by the regional board of school trustees and the
18 regional superintendent of schools as secretary ~~an ex~~
19 ~~officio member~~ of that board.

20 (m) (Blank). ~~Within 10 days after the conclusion of a joint~~
21 ~~hearing required under the provisions of Section 7-2, each~~
22 ~~regional board of school trustees shall meet together and~~
23 ~~render a decision with regard to the joint hearing on the~~
24 ~~petition. If the regional boards of school trustees fail to~~
25 ~~enter a joint order either granting or denying the petition,~~
26 ~~the regional superintendent of schools for the educational~~

~~service region in which the joint hearing is held shall enter an order denying the petition, and within 30 days after the conclusion of the joint hearing shall deliver a copy of the order denying the petition to the regional boards of school trustees of each region affected, to the committee of petitioners, if any, to any person who has filed his appearance in writing at the hearing and to any attorney who appears for any person at the joint hearing. If the regional boards of school trustees enter a joint order either granting or denying the petition, the regional superintendent of schools for the educational service region in which the joint hearing is held shall, within 30 days of the conclusion of the hearing, deliver a copy of the joint order to those same committees and persons as are entitled to receive copies of the regional superintendent's order in cases where the regional boards of school trustees have failed to enter a joint order.~~

(n) Within 10 days after service of a copy of the order granting or denying the petition, any person so served may petition for a rehearing ~~and, upon sufficient cause being shown, a rehearing may be granted.~~ The petition for rehearing shall specify the reason for the request. The regional board of school trustees shall first determine whether there is sufficient cause for a rehearing. If so determined, then the regional board of school trustees shall allow the petition to be heard anew in its entirety in accordance with all procedures in this Article. The party requesting a rehearing shall pay the

1 expenses of publishing the notice and of any transcript taken
2 at the hearing. The filing of a petition for rehearing shall
3 operate as a stay of enforcement until the regional board of
4 school trustees, ~~or regional boards of school trustees in cases~~
5 ~~of a joint hearing,~~ or State Superintendent of Education in
6 cases determined under subsection (1) of this Section enters
7 ~~enter~~ the final order on such petition for rehearing.

8 (o) If a petition ~~filed under subsection (a) of Section 7-1~~
9 ~~or under Section 7-2~~ is required under the provisions of
10 subsection (b-5) of this Section ~~7-6~~ to request submission of a
11 proposition at a regular scheduled election for the purpose of
12 voting for or against the annexation of the territory described
13 in the petition to the school district proposing to annex that
14 territory, and if the petition is granted or approved by the
15 regional board ~~or regional boards~~ of school trustees or by the
16 State Superintendent of Education, the proposition shall be
17 placed on the ballot at the next regular scheduled election.

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

19 (105 ILCS 5/7-7) (from Ch. 122, par. 7-7)

20 Sec. 7-7. Administrative Review Law. The decision of the
21 regional board of school trustees, ~~or the decision of the~~
22 ~~regional boards of school trustees following a joint hearing,~~
23 or the decision of the State Superintendent of Education in
24 cases determined pursuant to subsection (1) of Section 7-6 of
25 this Code, shall be deemed an "administrative decision" as

1 defined in Section 3-101 of the Code of Civil Procedure; and
2 any resident, ~~who appears at the hearing or any petitioner,~~ or
3 board of education entitled to receive a certified copy of the
4 regional board of school trustees' order ~~of any district~~
5 ~~affected~~ may, within 35 days after a copy of the decision
6 sought to be reviewed was served by certified mail, return
7 receipt requested, ~~registered mail~~ upon the resident,
8 petitioner, or board of education, ~~the party affected~~ thereby
9 file a complaint for a judicial review of such decision in
10 accordance with the Administrative Review Law and the rules
11 adopted pursuant thereto. The commencement of any action for
12 judicial review shall operate as a stay of enforcement, and no
13 further proceedings shall be had until final disposition of
14 such review. ~~If the transcript of the hearing is required to be~~
15 ~~presented to another county board of school trustees the time~~
16 ~~within which a complaint for review must be filed shall not~~
17 ~~begin to run until the decision of the regional board of school~~
18 ~~trustees hearing the petition has been granted or denied by the~~
19 ~~regional board of school trustees conducting a hearing on the~~
20 ~~transcript.~~ The circuit court of the county in which the
21 dissolving district or detaching territory is located ~~petition~~
22 ~~is filed with the regional board of school trustees~~ shall have
23 sole jurisdiction to entertain a complaint for such review ~~when~~
24 ~~only one regional board of school trustees must act; however,~~
25 ~~when the regional boards of school trustees act following a~~
26 ~~joint hearing, the circuit court of the county in which the~~

1 ~~joint hearing on the original petition is conducted shall have~~
2 ~~sole jurisdiction of the complaint for such review. In~~
3 instances in which the dissolving district or detaching
4 territory overlies more than one county, the circuit court of
5 the county where a majority of the territory of the dissolving
6 district or a majority of the territory of the detaching
7 territory is located shall have sole jurisdiction to entertain
8 a complaint for such review.

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

10 (105 ILCS 5/7-8) (from Ch. 122, par. 7-8)

11 Sec. 7-8. Limitation on successive petitions. No
12 territory, nor any part thereof, which is involved in any
13 proceeding to change the boundaries of a school district by
14 detachment or dissolution from ~~or annexation to~~ such school
15 district of such territory, and which, after a hearing on the
16 merits of the petition or referendum vote, is not so detached
17 or dissolved ~~nor annexed,~~ shall be again involved in
18 proceedings to change the boundaries of such school district
19 for at least 2 years after final determination of such first
20 proceeding, unless during that 2-year period a petition filed
21 is substantially different than any other previously filed
22 petition during the previous 2 years or if a school district
23 involved is identified as a priority district under Section
24 2-3.25d-5 of this Code, is placed on the financial watch list
25 by the State Board of Education, or is certified as being in

1 financial difficulty during that 2-year period or if such first
2 proceeding involved a petition brought under Section 7-2b of
3 this Article 7. The 2-year period is counted beginning from the
4 date of a final administrative decision after all appeal
5 timelines have run, upon final court order after all appeal
6 timelines have run, or upon the certification of the election
7 results in the event of a dissolution. The 2-year period is 2
8 calendar years.

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

10 (105 ILCS 5/7-9) (from Ch. 122, par. 7-9)

11 Sec. 7-9. Effective date of change. ~~In case a petition is~~
12 ~~filed for the creation of or the change of boundaries of or for~~
13 ~~an election to vote upon a proposition of creating or annexing~~
14 ~~territory to a school district after August 1, as provided in~~
15 ~~this Article, and the change is granted or the election~~
16 ~~carries, and no appeal is taken such change shall become~~
17 ~~effective after the time for appeal has run for the purpose of~~
18 ~~all elections; however, the change shall not affect the~~
19 ~~administration of the schools until July 1 following the date~~
20 ~~the petition is granted or upon which the election is held and~~
21 ~~the school boards of the districts as they existed prior to the~~
22 ~~change shall exercise the same power and authority over such~~
23 ~~territory until such date; however, new districts shall be~~
24 ~~permitted to organize and elect officers within the time~~
25 ~~prescribed by the general election law. In the event that the~~

1 granting of a petition has become final, ~~either~~ through failure
2 to seek Administrative Review, ~~or~~ by the final decision of a
3 court on review if no further appeal is taken, or upon
4 certification of election results in the event of a
5 dissolution, the change in boundaries shall become effective
6 the following July 1 forthwith. The school boards of the
7 districts as they existed prior to the change shall exercise
8 the same power and authority over such territory until such
9 date, unless ~~However, if the granting of the petition becomes~~
10 ~~final between September 1 and June 30 of any year, the~~
11 ~~administration of and attendance at the schools shall not be~~
12 ~~affected until the following July 1, when the change in~~
13 ~~boundaries shall become effective for all purposes. After the~~
14 ~~granting of a petition has become final, the date when the~~
15 ~~change shall become effective for purposes of administration~~
16 ~~and attendance may be~~ accelerated or postponed by stipulation
17 of ~~each of~~ the school boards of each detaching or dissolving
18 and annexing school district and approval ~~affected and approved~~
19 by the regional board of school trustees ~~or by the board of a~~
20 ~~special charter district~~ with which the original petition is
21 required to be filed.

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

23 (105 ILCS 5/7-10) (from Ch. 122, par. 7-10)

24 Sec. 7-10. Map showing change; filed ~~change~~ Filed. Within
25 30 ~~thirty~~ days after the boundaries of any school district have

1 been changed, ~~or a new district created under any of the~~
2 ~~provisions of this Article~~ the regional county superintendent
3 of schools ~~of any county involved~~ shall make and file with the
4 county clerk or clerks ~~of his county~~ a map of any detaching,
5 dissolving, or annexing school districts, ~~involved in any~~
6 ~~change of boundaries or creation of a new district~~ whereupon
7 the county clerks shall extend taxes against the territory in
8 accordance therewith; provided: ~~Provided~~ that if an action to
9 review such decision under Section 7-7 of this Code is taken,
10 the regional superintendent of schools ~~County Superintendent~~
11 ~~of Schools~~ shall not file the map with the county clerk until
12 after he or she is served with a certified copy of the order of
13 the final disposition of such review.

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

15 (105 ILCS 5/7-10.5 new)

16 Sec. 7-10.5. Teacher transfer. When dissolution and
17 annexation become effective for purposes of administration and
18 attendance as determined pursuant to Section 7-9 or 7-11 of
19 this Code, as applicable, 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 school board to the control of a different

1 school board, and those said provisions of subsection (h) of
2 Section 24-11 of this Code shall apply to the transferred
3 teachers. In the event that the territory is added to 2 or more
4 districts, the decision on which positions are to be
5 transferred to which annexing districts must be made giving
6 consideration to the proportionate percentage of pupils
7 transferred and the annexing districts' staffing needs, and the
8 transfer of specific individuals into such positions must be
9 based upon the request of those teachers in order of seniority
10 in the dissolving district. The contractual continued service
11 status of any teacher thereby transferred to an annexing
12 district is not lost and the different school board is subject
13 to this Code with respect to the transferred teacher in the
14 same manner as if the teacher was that district's employee and
15 had been its employee during the time the teacher was actually
16 employed by the school board of the dissolving district from
17 which the position was transferred.

18 (105 ILCS 5/7-11) (from Ch. 122, par. 7-11)

19 Sec. 7-11. Annexation of dissolved non-operating
20 districts. If any school district has become dissolved as
21 provided in Section 5-32 of this Code, or if a petition for
22 dissolution is filed under ~~subsection (b) of~~ Section 7-2a of
23 this Code, the regional board of school trustees shall attach
24 the territory of such dissolved district to one or more
25 districts and, if the territory is added to 2 or more

1 districts, shall divide the property of the dissolved district
2 among the districts to which its territory is added, in the
3 manner provided for the division of property in case of the
4 organization of a new district from a part of another district.
5 The regional board of school trustees of the region in which
6 the regional superintendent has supervision and control, as
7 defined in Section 3-14.2 of this Code, over the school
8 district that is dissolved shall have all power necessary to
9 annex the territory of the dissolved district as provided in
10 this Section, including the power to attach the territory to a
11 school district under the supervision and control of the
12 regional superintendent of another educational service region
13 and, in the case of Leepertown CCSD 175, the power to attach
14 the territory to a non-contiguous school district if deemed in
15 the best interests of the schools of the area and the
16 educational welfare of the pupils involved. The annexation of
17 the territory of a dissolved school district under this Section
18 shall entitle the school districts involved in the annexation
19 to payments from the State Board of Education in the same
20 manner and to the same extent authorized in the case of other
21 annexations under this Article. Other provisions of this
22 Article 7 of this ~~The School~~ Code shall apply to and govern
23 dissolutions and annexations under this Section and Section
24 7-2a of this Code, except that it is the intent of the General
25 Assembly that in the case of conflict the provisions of this
26 Section and Section 7-2a of this Code shall control over the

1 other provisions of this Article.

2 The regional board of school trustees shall give notice of
3 a hearing, to be held not less than 50 days nor more than 70
4 days after a school district is dissolved under Section 5-32 of
5 this Code or a petition is filed under ~~subsection (b) of~~
6 Section 7-2a of this Code, on the disposition of the territory
7 of such school district by publishing a notice thereof at least
8 once each week for 2 successive weeks in at least one newspaper
9 having a general circulation within the area of the territory
10 involved. At such hearing, the regional board of school
11 trustees shall hear evidence as to the school needs and
12 conditions of the territory and of the area within and adjacent
13 thereto, and shall take into consideration the educational
14 welfare of the pupils of the territory and the normal high
15 school attendance pattern of the children. In the case of an
16 elementary school district, except for Leepertown CCSD 175, if
17 all the eighth grade graduates of such district customarily
18 attend high school in the same high school district, the
19 regional board of school trustees shall, unless it be
20 impossible because of the restrictions of a special charter
21 district, annex the territory of the district to a contiguous
22 elementary school district whose eighth grade graduates
23 customarily attend that high school, and that has an elementary
24 school building nearest to the center of the territory to be
25 annexed, but if such eighth grade graduates customarily attend
26 more than one high school the regional board of school trustees

1 shall determine the attendance pattern of such graduates and
2 divide the territory of the district among the contiguous
3 elementary districts whose graduates attend the same
4 respective high schools.

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

1 ~~school trustees in such matter shall be issued within 10 days~~
2 ~~after the conclusion of the hearing and deemed an~~
3 "administrative decision" as defined in Section 3-101 of the
4 Code of Civil Procedure, and any resident, ~~who appears at the~~
5 ~~hearing or any petitioner,~~ or school board entitled to receive
6 a certified copy of the regional board of school trustees'
7 order may, within 10 days after a copy of the decision sought
8 to be reviewed was served by certified mail, return receipt
9 requested, ~~registered mail~~ upon the resident, petitioner, or
10 school board, ~~the party affected~~ thereby file a complaint for
11 the judicial review of such decision in accordance with the
12 "Administrative Review Law", ~~and all amendments and~~
13 ~~modifications thereof~~ and the rules adopted pursuant thereto.
14 The commencement of any action for review shall operate as a
15 stay of enforcement, and no further proceedings shall be had
16 until final disposition of such review. The final decision of
17 the regional board of school trustees or of any court upon
18 judicial review shall become effective under Section 7-9 of
19 this Code in the case of a petition for dissolution filed under
20 ~~subsection (b) of~~ Section 7-2a of this Code, and a final
21 decision shall become effective immediately following the date
22 no further appeal is allowable in the case of a district
23 dissolved under Section 5-32 of this Code.

24 Notwithstanding the foregoing provisions of this Section
25 or any other provision of law to the contrary, the school board
26 of the Mt. Morris School District is authorized to donate to

1 the City of Mount Morris, Illinois the school building and
2 other real property used as a school site by the Mt. Morris
3 School District at the time of its dissolution, by appropriate
4 resolution adopted by the school board of the district prior to
5 the dissolution of the district; and upon the adoption of a
6 resolution by the school board donating the school building and
7 school site to the City of Mount Morris, Illinois as authorized
8 by this Section, the regional board of school trustees or other
9 school officials holding legal title to the school building and
10 school site so donated shall immediately convey the same to the
11 City of Mt. Morris, Illinois.

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

13 (105 ILCS 5/7-12) (from Ch. 122, par. 7-12)

14 Sec. 7-12. Termination of office. Upon the close of the
15 then current school year during which any school district is
16 annexed to another school district under any of the provisions
17 of this Article, the terms of office of the school directors or
18 board of education members of the annexed school district shall
19 be terminated and the school board of the annexing district
20 shall perform all the duties and have all the powers of the
21 school board of the annexed district. The annexing district as
22 it is constituted on and after the time of such annexation
23 shall receive all the assets and assume all the obligations and
24 liabilities including the bonded indebtedness of the original
25 annexing district and of the district annexed. The tax rate for

1 such assumed bonded indebtedness shall be determined in the
2 manner provided in Article 19 of this Code Act.

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

4 (105 ILCS 5/7-29) (from Ch. 122, par. 7-29)

5 Sec. 7-29. Limitation on contesting boundary change. No
6 ~~Neither the People of the State of Illinois nor any person,~~
7 ~~corporation, private or public, nor any association of persons~~
8 ~~shall commence an action contesting either directly or~~
9 ~~indirectly the annexation of any territory to a school district~~
10 ~~shall commence or the creation of any new school district~~
11 unless brought within 2 calendar years after (i) the order
12 annexing the territory ~~or creating the new district~~ shall have
13 become final in the event of a detachment or (ii) the election
14 results shall have been certified in the event of a
15 dissolution. Where ~~or within 2 years after the date of the~~
16 ~~election creating the new school district if no proceedings to~~
17 ~~contest such election are duly instituted within the time~~
18 ~~permitted by law, or within two years after the final~~
19 ~~disposition of any proceedings which may be so instituted to~~
20 ~~contest such election; however where a limitation of a shorter~~
21 period is prescribed by statute, such shorter limitation shall
22 apply. The, ~~and the~~ limitation set forth in this Section
23 ~~section~~ shall not apply to jurisdictional challenges ~~any order~~
24 ~~where the judge, body or officer entering the order annexing~~
25 ~~the territory or creating the new district did not at the time~~

1 ~~of the entry of such order have jurisdiction of the subject~~
2 ~~matter.~~

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

4 (105 ILCS 5/7-31 new)

5 Sec. 7-31. Applicability of amendatory Act. For any
6 petition filed with the regional superintendent of schools
7 under this Article prior to the effective date of this
8 amendatory Act of the 100th General Assembly, including a
9 petition for a rehearing pursuant to subsection (n) of Section
10 7-6 of this Code, the proposed action described in the
11 petition, including all notices, hearings, administrative
12 decisions, ballots, elections, and passage requirements
13 relating thereto, shall proceed and be in accordance with the
14 law in effect prior to the effective date of this amendatory
15 Act of the 100th General Assembly.

16 (105 ILCS 5/10-22.35B new)

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

18 (a) On January 1, 1994 (the effective date of Public Act
19 88-155): (i) the legal title to all school buildings and school
20 sites used or occupied for school purposes by a school district
21 located in a Class I county school unit or held for the use of
22 any such school district by and in the name of the regional
23 board of school trustees shall vest in the school board of the
24 school district, and the legal title to those school buildings

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

19 (b) The school board of each school district to which
20 subsection (a) of this Section is applicable may receive any
21 gift, grant, donation, or legacy made for the use of any school
22 or for any school purpose within its jurisdiction and shall
23 succeed to any gift, grant, donation, or legacy heretofore
24 received by the regional board of school trustees, either from
25 the township school trustees within their jurisdiction or from
26 any other source, for the use of any school of the district

1 served by the school board or for any other school purpose of
2 that school district. All conveyances of real estate made to
3 the school board of a school district under this Section shall
4 be made to the school board in its corporate name and to its
5 successors in office.

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

10 (d) Nothing in this Section shall be deemed to apply to any
11 common school lands or lands granted or exchanged therefor or
12 to the manner in which such lands are managed and controlled
13 for the use and benefit of the school township and the schools
14 of the township by the township land commissioners, the
15 regional board of school trustees (acting as the township land
16 commissioners), or the trustees of schools of the township,
17 which hold legal title to those lands; and they may continue to
18 receive gifts, grants, donations, or legacies made for the use
19 of the school township and for the schools of the township
20 generally in the same manner as such gifts, grants, donations,
21 or legacies were made prior to January 1, 1994.

22 (105 ILCS 5/12-24) (from Ch. 122, par. 12-24)

23 Sec. 12-24. Elimination of non-high school district. The
24 territory of the non-high school district or unit district not
25 maintaining a high school in existence on January 1, 1950 of

1 any county having a population of 500,000 or less shall be
2 automatically eliminated from the non-high school district or
3 unit district, unless (1) the non-high school territory is
4 adjacent to a district created by a special Act whose
5 boundaries are required by such Act to be coterminous with some
6 city or village or to a district maintaining grades 1 through
7 12 and (2) has children in such territory who customarily
8 attend the high school of such district and (3) has no school
9 district operating grades 9 through 12 to which such territory
10 could be annexed without impairing the educational
11 opportunities of the children of such territory and in such
12 case the territory shall remain non-high school territory.

13 Any such non-high school district including any unit
14 district not maintaining a high school pursuant to the
15 provisions of this Section shall pay tuition for high school
16 students at a rate to be mutually agreed by the boards of
17 education of each district affected.

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

22 Any non-high school district affected by such elimination
23 and annexation may continue to exercise all previously
24 conferred and existing powers pending final administrative or
25 judicial affirmance thereof.

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

1 (105 ILCS 5/16-2) (from Ch. 122, par. 16-2)

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

16 (1) If legal title to the selected site is held in the name
17 of the school board of a school district that has agreed to the
18 joint use of the site with any other school districts, and if
19 those other school districts are also districts whose school
20 boards, under subsection (a) of Section 10-22.35B of this Code
21 ~~7-28~~, are to hold legal title to school buildings and school
22 sites of the district, then upon the execution of the agreement
23 and payment of the compensation in accordance with the terms of
24 the agreement the school boards of the districts shall be
25 deemed to hold legal title to the site as tenants in common,

1 and the required deed or deeds of conveyance shall be executed
2 and delivered by the president and secretary or clerk of the
3 school boards to reflect that legal title to the selected site
4 is held in that manner.

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

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

22 (105 ILCS 5/32-4.6) (from Ch. 122, par. 32-4.6)

23 Sec. 32-4.6. Title, care and custody of property;
24 supervision and control.

25 The title, care and custody of all schoolhouses and school

1 sites belonging to districts that are described in Section
2 32-2.11 and that are not districts whose school boards under
3 subsection (a) of Section 10-22.35B of this Code ~~7-28~~ are to
4 hold legal title to school buildings and school sites of the
5 district shall be vested in the trustees of schools of the
6 townships in which the districts are situated, but the
7 supervision and control of such schoolhouses and sites shall be
8 vested in the board of inspectors of the districts. In all
9 other cases, the legal title, care, custody and control of
10 school houses and school sites belonging to districts that are
11 described in Section 32-2.11, together with the supervision and
12 control of those school houses and sites, shall be vested in
13 the board of inspectors of the districts.

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

15 (105 ILCS 5/7-01 rep.)

16 (105 ILCS 5/7-2 rep.)

17 (105 ILCS 5/7-13 rep.)

18 (105 ILCS 5/7-27 rep.)

19 (105 ILCS 5/7-28 rep.)

20 (105 ILCS 5/7-30 rep.)

21 Section 10. The School Code is amended by repealing
22 Sections 7-01, 7-2, 7-13, 7-27, 7-28, and 7-30.

23 Section 99. Effective date. This Act takes effect July 1,
24 2017.