



Rep. Robert W. Pritchard

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LRB100 06182 NHT 23299 a

1 AMENDMENT TO HOUSE BILL 2612

2 AMENDMENT NO. _____. Amend House Bill 2612 by replacing
3 everything after the enacting clause with the following:

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

1 July 1, 1962, in such units shall be abolished on that date and
2 all books and records of such former township trustees shall be
3 forthwith thereafter transferred to the county board of school
4 trustees. County school units of 2,000,000 or more inhabitants
5 shall be known as Class II county school units and shall retain
6 the office of township trustees unless otherwise provided in
7 subsection (b) or (c).

8 (b) Notwithstanding subsections (a) and (c), the school
9 board of any elementary school district having a fall, 1989
10 aggregate enrollment of at least 2,500 but less than 6,500
11 pupils and having boundaries that are coterminous with the
12 boundaries of a high school district, and the school board of
13 any high school district having a fall, 1989 aggregate
14 enrollment of at least 2,500 but less than 6,500 pupils and
15 having boundaries that are coterminous with the boundaries of
16 an elementary school district, may, whenever the territory of
17 such school district forms a part of a Class II county school
18 unit, by proper resolution withdraw such school district from
19 the jurisdiction and authority of the trustees of schools of
20 the township in which such school district is located and from
21 the jurisdiction and authority of the township treasurer in
22 such Class II county school unit; provided that the school
23 board of any such school district shall, upon the adoption and
24 passage of such resolution, thereupon elect or appoint its own
25 school treasurer as provided in Section 8-1. Upon the adoption
26 and passage of such resolution and the election or appointment

1 by the school board of its own school treasurer: (1) the
2 trustees of schools in such township shall no longer have or
3 exercise any powers and duties with respect to the school
4 district governed by such school board or with respect to the
5 school business, operations or assets of such school district;
6 and (2) all books and records of the township trustees relating
7 to the school business and affairs of such school district
8 shall be transferred and delivered to the school board of such
9 school district. Upon the effective date of this amendatory Act
10 of 1993, the legal title to, and all right, title and interest
11 formerly held by the township trustees in any school buildings
12 and school sites used and occupied by the school board of such
13 school district for school purposes, that legal title, right,
14 title and interest thereafter having been transferred to and
15 vested in the regional board of school trustees under P.A.
16 87-473 until the abolition of that regional board of school
17 trustees by P.A. 87-969, shall be deemed transferred by
18 operation of law to and shall vest in the school board of that
19 school district.

20 Notwithstanding subsections (a) and (c), the school boards
21 of Oak Park & River Forest District 200, Oak Park Elementary
22 School District 97, and River Forest School District 90 may, by
23 proper resolution, withdraw from the jurisdiction and
24 authority of the trustees of schools of Proviso and Cicero
25 Townships and the township treasurer, provided that the school
26 board shall, upon the adoption and passage of the resolution,

1 elect or appoint its own school treasurer as provided in
2 Section 8-1 of this Code. Upon the adoption and passage of the
3 resolution and the election or appointment by the school board
4 of its own school treasurer: (1) the trustees of schools in the
5 township or townships shall no longer have or exercise any
6 powers or duties with respect to the school district or with
7 respect to the school business, operations, or assets of the
8 school district; (2) all books and records of the trustees of
9 schools and all moneys, securities, loanable funds, and other
10 assets relating to the school business and affairs of the
11 school district shall be transferred and delivered to the
12 school board; and (3) all legal title to and all right, title,
13 and interest formerly held by the trustees of schools in any
14 common school lands, school buildings, or school sites used and
15 occupied by the school board and all rights of property and
16 causes of action pertaining to or constituting a part of the
17 common school lands, buildings, or sites shall be deemed
18 transferred by operation of law to and shall vest in the school
19 board.

20 Notwithstanding subsections (a) and (c), the respective
21 school boards of Berwyn North School District 98, Berwyn South
22 School District 100, Cicero School District 99, and J.S. Morton
23 High School District 201 may, by proper resolution, withdraw
24 from the jurisdiction and authority of the trustees of schools
25 of Cicero Township and the township treasurer, provided that
26 the school board shall, upon the adoption and passage of the

1 resolution, elect or appoint its own school treasurer as
2 provided in Section 8-1 of this Code. Upon the adoption and
3 passage of the resolution and the election or appointment by
4 the school board of its own school treasurer: (1) the trustees
5 of schools in the township shall no longer have or exercise any
6 powers or duties with respect to the school district or with
7 respect to the school business, operations, or assets of the
8 school district; (2) all books and records of the trustees of
9 schools and all moneys, securities, loanable funds, and other
10 assets relating to the school business and affairs of the
11 school district shall be transferred and delivered to the
12 school board; and (3) all legal title to and all right, title,
13 and interest formerly held by the trustees of schools in any
14 common school lands, school buildings, or school sites used and
15 occupied by the school board and all rights of property and
16 causes of action pertaining to or constituting a part of the
17 common school lands, buildings, or sites shall be deemed
18 transferred by operation of law to and shall vest in the school
19 board.

20 (c) Notwithstanding the provisions of subsection (a), the
21 offices of township treasurer and trustee of schools of any
22 township located in a Class II county school unit shall be
23 abolished as provided in this subsection if all of the
24 following conditions are met:

25 (1) During the same 30 day period, each school board of
26 each elementary and unit school district that is subject to

1 the jurisdiction and authority of the township treasurer
2 and trustees of schools of the township in which those
3 offices are sought to be abolished gives written notice by
4 certified mail, return receipt requested to the township
5 treasurer and trustees of schools of that township of the
6 date of a meeting of the school board, to be held not more
7 than 90 nor less than 60 days after the date when the
8 notice is given, at which meeting the school board is to
9 consider and vote upon the question of whether there shall
10 be submitted to the electors of the school district a
11 proposition to abolish the offices of township treasurer
12 and trustee of schools of that township. None of the
13 notices given under this paragraph to the township
14 treasurer and trustees of schools of a township shall be
15 deemed sufficient or in compliance with the requirements of
16 this paragraph unless all of those notices are given within
17 the same 30 day period.

18 (2) Each school board of each elementary and unit
19 school district that is subject to the jurisdiction and
20 authority of the township treasurer and trustees of schools
21 of the township in which those offices are sought to be
22 abolished, by the affirmative vote of at least 5 members of
23 the school board at a school board meeting of which notice
24 is given as required by paragraph (1) of this subsection,
25 adopts a resolution requiring the secretary of the school
26 board to certify to the proper election authorities for

1 submission to the electors of the school district at the
2 next consolidated election in accordance with the general
3 election law a proposition to abolish the offices of
4 township treasurer and trustee of schools of that township.
5 None of the resolutions adopted under this paragraph by any
6 elementary or unit school districts that are subject to the
7 jurisdiction and authority of the township treasurer and
8 trustees of schools of the township in which those offices
9 are sought to be abolished shall be deemed in compliance
10 with the requirements of this paragraph or sufficient to
11 authorize submission of the proposition to abolish those
12 offices to a referendum of the electors in any such school
13 district unless all of the school boards of all of the
14 elementary and unit school districts that are subject to
15 the jurisdiction and authority of the township treasurer
16 and trustees of schools of that township adopt such a
17 resolution in accordance with the provisions of this
18 paragraph.

19 (3) The school boards of all of the elementary and unit
20 school districts that are subject to the jurisdiction and
21 authority of the township treasurer and trustees of schools
22 of the township in which those offices are sought to be
23 abolished submit a proposition to abolish the offices of
24 township treasurer and trustee of schools of that township
25 to the electors of their respective school districts at the
26 same consolidated election in accordance with the general

1 election law, the ballot in each such district to be in
2 substantially the following form:

3 -----

4 OFFICIAL BALLOT

5 Shall the offices of township

6 treasurer and

YES

7 trustee of -----

8 schools of Township

NO

9 Range be abolished?

10 -----

11 (4) At the consolidated election at which the
12 proposition to abolish the offices of township treasurer
13 and trustee of schools of a township is submitted to the
14 electors of each elementary and unit school district that
15 is subject to the jurisdiction and authority of the
16 township treasurer and trustee of schools of that township,
17 a majority of the electors voting on the proposition in
18 each such elementary and unit school district votes in
19 favor of the proposition as submitted to them.

20 If in each elementary and unit school district that is
21 subject to the jurisdiction and authority of the township
22 treasurer and trustees of schools of the township in which
23 those offices are sought to be abolished a majority of the
24 electors in each such district voting at the consolidated
25 election on the proposition to abolish the offices of township
26 treasurer and trustee of schools of that township votes in

1 favor of the proposition as submitted to them, the proposition
2 shall be deemed to have passed; but if in any such elementary
3 or unit school district a majority of the electors voting on
4 that proposition in that district fails to vote in favor of the
5 proposition as submitted to them, then notwithstanding the vote
6 of the electors in any other such elementary or unit school
7 district on that proposition the proposition shall not be
8 deemed to have passed in any of those elementary or unit school
9 districts, and the offices of township treasurer and trustee of
10 schools of the township in which those offices were sought to
11 be abolished shall not be abolished, unless in each of those
12 elementary and unit school districts remaining subject to the
13 jurisdiction and authority of the township treasurer and
14 trustees of schools of that township proceedings are again
15 initiated to abolish those offices and all of the proceedings
16 and conditions prescribed in paragraphs (1) through (4) of this
17 subsection are repeated and met in each of those elementary and
18 unit school districts.

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

1 condition is met:

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

21 If the proposition to abolish the offices of township
22 treasurer and trustee of schools of a township is deemed to
23 have passed at the consolidated election as provided in this
24 subsection, those offices shall be deemed abolished by
25 operation of law effective on January 1 of the calendar year
26 immediately following the calendar year in which that

1 consolidated election is held, provided that if after the
2 election, the trustees of schools by resolution elect to
3 abolish the offices of township treasurer and trustee of
4 schools effective on July 1 immediately following the election,
5 then the offices shall be abolished on July 1 immediately
6 following the election. On the date that the offices of
7 township treasurer and trustee of schools of a township are
8 deemed abolished by operation of law, the school board of each
9 elementary and unit school district and the school board of
10 each high school district that is subject to the jurisdiction
11 and authority of the township treasurer and trustees of schools
12 of that township at the time those offices are abolished: (i)
13 shall appoint its own school treasurer as provided in Section
14 8-1; and (ii) unless the term of the contract of a township
15 treasurer expires on the date that the office of township
16 treasurer is abolished, shall pay to the former township
17 treasurer its proportionate share of any aggregate
18 compensation that, were the office of township treasurer not
19 abolished at that time, would have been payable to the former
20 township treasurer after that date over the remainder of the
21 term of the contract of the former township treasurer that
22 began prior to but ends after that date. In addition, on the
23 date that the offices of township treasurer and trustee of
24 schools of a township are deemed abolished as provided in this
25 subsection, the school board of each elementary school, high
26 school and unit school district that until that date is subject

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

1 treasurer as provided in this paragraph and each such
2 district's proportionate share of the aggregate amount of the
3 unfunded liability payable to the Illinois Municipal
4 Retirement Fund as provided in this paragraph shall be computed
5 in accordance with the ratio that the number of pupils in
6 average daily attendance in each such district for the school
7 year last ending prior to the date on which the offices of
8 township treasurer and trustee of schools of that township are
9 abolished bears to the aggregate number of pupils in average
10 daily attendance in all of those districts as so reported for
11 that school year.

12 Upon abolition of the offices of township treasurer and
13 trustee of schools of a township as provided in this
14 subsection: (i) the regional board of school trustees, in its
15 corporate capacity, shall be deemed the successor in interest
16 to the former trustees of schools of that township with respect
17 to the common school lands and township loanable funds of the
18 township; (ii) all right, title and interest existing or vested
19 in the former trustees of schools of that township in the
20 common school lands and township loanable funds of the
21 township, and all records, moneys, securities and other assets,
22 rights of property and causes of action pertaining to or
23 constituting a part of those common school lands or township
24 loanable funds, shall be transferred to and deemed vested by
25 operation of law in the regional board of school trustees,
26 which shall hold legal title to, manage and operate all common

1 school lands and township loanable funds of the township,
2 receive the rents, issues and profits therefrom, and have and
3 exercise with respect thereto the same powers and duties as are
4 provided by this Code to be exercised by regional boards of
5 school trustees when acting as township land commissioners in
6 counties having at least 220,000 but fewer than 2,000,000
7 inhabitants; (iii) the regional board of school trustees shall
8 select to serve as its treasurer with respect to the common
9 school lands and township loanable funds of the township a
10 person from time to time also serving as the appointed school
11 treasurer of any school district that was subject to the
12 jurisdiction and authority of the township treasurer and
13 trustees of schools of that township at the time those offices
14 were abolished, and the person selected to also serve as
15 treasurer of the regional board of school trustees shall have
16 his compensation for services in that capacity fixed by the
17 regional board of school trustees, to be paid from the township
18 loanable funds, and shall make to the regional board of school
19 trustees the reports required to be made by treasurers of
20 township land commissioners, give bond as required by
21 treasurers of township land commissioners, and perform the
22 duties and exercise the powers of treasurers of township land
23 commissioners; (iv) the regional board of school trustees shall
24 designate in the manner provided by Section 8-7, insofar as
25 applicable, a depository for its treasurer, and the proceeds of
26 all rents, issues and profits from the common school lands and

1 township loanable funds of that township shall be deposited and
2 held in the account maintained for those purposes with that
3 depository and shall be expended and distributed therefrom as
4 provided in Section 15-24 and other applicable provisions of
5 this Code; and (v) whenever there is vested in the trustees of
6 schools of a township at the time that office is abolished
7 under this subsection the legal title to any school buildings
8 or school sites used or occupied for school purposes by any
9 elementary school, high school or unit school district subject
10 to the jurisdiction and authority of those trustees of school
11 at the time that office is abolished, the legal title to those
12 school buildings and school sites shall be deemed transferred
13 by operation of law to and invested in the school board of that
14 school district, in its corporate capacity under Section
15 10-22.35B of this Code ~~7-28~~, the same to be held, sold,
16 exchanged leased or otherwise transferred in accordance with
17 applicable provisions of this Code.

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

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

22 (105 ILCS 5/7-01a new)

23 Sec. 7-01a. Purpose and applicability. The purpose of this
24 Article is to permit greater flexibility and efficiency in the
25 detachment and dissolution of school districts for the

1 improvement of the administration and quality of educational
2 services and for the best interests of pupils. This Article
3 applies only to school districts with under 500,000
4 inhabitants, but includes special charter districts (except
5 those districts organized under Article 34 of this Code) and
6 non-high school districts.

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

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

14 (105 ILCS 5/7-04) (from Ch. 122, par. 7-04)

15 Sec. 7-04. Districts in educational service regions of
16 2,000,000 or more inhabitants.

17 (a) In all proceedings under this Article to change by
18 detachment, annexation, division, dissolution, or any
19 combination of those methods the boundaries of any school
20 district (other than a school district organized under Article
21 34) located in an educational service region of 2,000,000 or
22 more inhabitants in which the regional board of school trustees
23 is abolished as provided in subsection (a) of Section 6-2, the
24 trustees of schools of the township that has jurisdiction and

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

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

25 (a-5) As applicable, the hearing panel shall be made up of
26 3 persons who have a demonstrated interest and background in

1 education. Each hearing panel member must reside within an
2 educational service region of 2,000,000 or more inhabitants but
3 not within the boundaries of a school district organized under
4 Article 34 of this Code and may not be a current school board
5 member of the detaching or dissolving or annexing school
6 district or a current employee of the detaching or dissolving
7 or annexing school district or hold any county office. None of
8 the hearing panel members may reside within the same school
9 district. All 3 persons must be selected by the chief
10 administrative officer of the educational service center in
11 which the chief administrative officer has supervision and
12 control, as defined in Section 3-14.2 of this Code, of the
13 detaching or dissolving school district. The members of a
14 hearing panel as established in this Section shall serve
15 without remuneration; however, the necessary expenses,
16 including travel, attendant upon any meeting or hearing in
17 relation to a proceeding under this Article must be paid.

18 (a-10) The petition must be filed with the trustees of
19 schools of the township with jurisdiction and authority over
20 the detaching or dissolving school district or with the chief
21 administrative officer of the educational service center in
22 which the chief administrative officer has supervision and
23 control, as defined in Section 3-14.2 of this Code, of the
24 detaching or dissolving school district, as applicable. The
25 chief administrative officer of the educational service center
26 or a person designated by the trustees of schools of the

1 township, as applicable, shall have, exercise, and perform all
2 powers, duties, and responsibilities required under this
3 Article that are otherwise assigned to regional
4 superintendents of schools.

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

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

24 (105 ILCS 5/7-1) (from Ch. 122, par. 7-1)

25 Sec. 7-1. Changing ~~Districts in one educational service~~

1 ~~region changing~~ boundaries by detachment or dissolution.

2 (a) School district boundaries ~~lying entirely within any~~
3 ~~educational service region~~ may be changed by detachment,
4 annexation, division or dissolution or any combination thereof
5 by the regional board of school trustees ~~of such region,~~ or by
6 the State Superintendent of Education as provided in subsection
7 (1) of Section 7-6, ~~when petitioned by the boards of each~~
8 ~~district affected or by a majority of the registered voters in~~
9 ~~each district affected or by two thirds of the registered~~
10 ~~voters in any territory proposed to be detached from one or~~
11 ~~more districts or in each of one or more districts proposed to~~
12 ~~be annexed to another district.~~

13 The petition must be filed with and decided solely by the
14 regional board of school trustees of the region in which the
15 regional superintendent of schools has supervision and
16 control, as defined in Section 3-14.2 of this Code, of the
17 detaching or dissolving school district. The petition may be
18 filed in any office operated by the regional superintendent
19 with supervision and control, as defined in Section 3-14.2 of
20 this Code, of the detaching or dissolving school district.

21 A petition for boundary change must be filed by the school
22 board of the detaching or dissolving district, by a majority of
23 the legal resident voters in the dissolving district, or by
24 two-thirds of a combination of the legal resident voters and
25 the owners of record of any real estate with no legal resident
26 voters in any territory proposed to be detached. If any of the

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

1 order or not in compliance with any applicable petition
2 requirements, the regional superintendent may not accept the
3 petition for filing and may return the petition to the
4 petitioners. Any party who is dissatisfied with the
5 determination of the regional superintendent regarding the
6 validity of the petition may appeal the regional
7 superintendent's decision to the regional board of school
8 trustees by motion, and the motion must be heard by the
9 regional board of school trustees prior to any hearing on the
10 merits of the petition. ~~If there are no registered voters~~
11 ~~within the territory proposed to be detached from one or more~~
12 ~~districts, then the petition may be signed by all of the owners~~
13 ~~of record of the real estate of the territory. Notwithstanding~~
14 ~~any other provisions of this Article, if pursuant to a petition~~
15 ~~filed under this subsection all of the territory of a school~~
16 ~~district is to be annexed to another school district, any~~
17 ~~action by the regional board of school trustees or State~~
18 ~~Superintendent of Education in granting or approving the~~
19 ~~petition and any change in school district boundaries pursuant~~
20 ~~to that action is subject to and the change in school district~~
21 ~~boundaries shall not be made except upon approval at a regular~~
22 ~~scheduled election, in the manner provided by Section 7-7.7, of~~
23 ~~a proposition for the annexation of all of the territory of~~
24 ~~that school district to the other school district.~~

25 Petitions for detachment and dissolution ~~Each page of the~~
26 ~~circulated petition~~ shall include the full prayer of the

1 petition with a general description of the territory at the top
2 of each page. Each, and each signature contained therein shall
3 match the official signature and address of the legal resident
4 registered voters as recorded in the office of the county clerk
5 or board of election commissioners, and each election authority
6 having jurisdiction over the county. Each petitioner shall also
7 record the date of his or her signing. Except in instances of a
8 notarized signature of an owner of record of real estate with
9 no legal resident voters in any territory proposed to be
10 detached, each ~~Each~~ page of the circulated petition shall be
11 signed by a circulator stating that he or she has ~~who has~~
12 witnessed the signature of each petitioner on that page.
13 Detachment petitions containing 10 or fewer signatures may be
14 notarized in lieu of a circulator statement. Each petition
15 shall include an accurate legal description and map of the
16 territory proposed to be detached. If a petition proposes to
17 dissolve an entire district, then the full name and number of
18 the district and a map are sufficient. Each petition shall
19 include the names of petitioners; the district to be dissolved
20 or the district from which the territory is proposed to be
21 detached; the district or districts to which the territory is
22 proposed to be annexed; evidence that the detaching or
23 dissolving territory is compact and contiguous with the
24 annexing district or districts or otherwise meets the
25 requirements set forth in Section 7-4 of this Code; the
26 referendum date, if applicable; and facts that support

1 favorable findings for the factors to be considered by the
2 regional board of school trustees pursuant to Section 7-6 of
3 this Code. ~~The length of time for signatures to be valid,~~
4 ~~before filing of the petition, shall not exceed 6 months.~~

5 Where there is only one school building in an approved
6 operating district, the building and building site may not be
7 included in any detachment proceeding ~~unless petitioned by~~
8 ~~two thirds of the registered voters within the entire district~~
9 ~~wherein the school is located.~~

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

21 No petition may be filed under this Section to form a new
22 school district under this Article; however, such a petition
23 may be filed under this Section to form a new school district
24 if the boundaries of such new school district lie entirely
25 within the boundaries of a military base or installation
26 operated and maintained by the government of the United States.

1 (b) Any elementary or high school district with 100 or more
2 of its students residing upon territory located entirely within
3 a military base or installation operated and maintained by the
4 government of the United States, or any unit school district or
5 any combination of the above mentioned districts with 300 or
6 more of its students residing upon territory located entirely
7 within a military base or installation operated and maintained
8 by the government of the United States, shall, upon the filing
9 with the regional board of school trustees of a petition
10 adopted by resolution of the board of education or a petition
11 signed by a majority of the registered voters residing upon
12 such military base or installation, have all of the territory
13 lying entirely within such military base or installation
14 detached from such school district, and a new school district
15 comprised of such territory shall be created. The petition
16 shall be filed with and decided solely by the regional board of
17 school trustees of the region in which the regional
18 superintendent of schools has supervision and control, as
19 defined by Section 3-14.2 of this Code, of the school district
20 affected. The regional board of school trustees shall have no
21 authority to deny the detachment and creation of a new school
22 district requested in a proper petition filed under this
23 subsection. This subsection shall apply only to those school
24 districts having a population of not fewer than 1,000 and not
25 more than 500,000 residents, as ascertained by any special or
26 general census.

1 The new school district shall tuition its students to the
2 same districts that its students were previously attending and
3 the districts from which the new district was detached shall
4 continue to educate the students from the new district, until
5 the federal government provides other arrangements. The
6 federal government shall pay for the education of such children
7 as required by Section 6 of Public Law 81-874.

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

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

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

3 Sec. 7-2a. (a) (Blank). ~~Except as provided in subsection~~
4 ~~(b) of this Section, any petition for dissolution filed under~~
5 ~~this Article must specify the school district or districts to~~
6 ~~which all of the territory of the district proposed to be~~
7 ~~dissolved will be annexed. Any petition for dissolution may be~~
8 ~~made by the board of education of the district or a majority of~~
9 ~~the legal voters residing in the district proposed to be~~
10 ~~dissolved. No petition from any other district affected by the~~
11 ~~proposed dissolution shall be required.~~

12 (b) Any school district with a population of less than
13 5,000 residents or an enrollment of less than 750 students, as
14 determined by the district's most recent fall enrollment counts
15 as posted on the State Board of Education's website ~~current~~
16 ~~fall housing report filed with the State Board of Education,~~
17 shall be dissolved and its territory annexed as provided in
18 Section 7-11 of this Code by the regional board of school
19 trustees upon the filing ~~with the regional board of school~~
20 ~~trustees~~ of a petition adopted by resolution of the board of
21 education or ~~a petition~~ signed by a majority of the legal
22 resident ~~registered~~ voters of the district seeking such
23 dissolution. No petition shall be adopted or signed under this
24 subsection until the board of education or the petitioners, as
25 the case may be, shall have given at least 10 days' notice to

1 be published once in a newspaper having general circulation in
2 the district and shall have conducted a public informational
3 meeting to inform the residents of the district of the proposed
4 dissolution and to answer questions concerning the proposed
5 dissolution. The petition shall be filed with and decided
6 solely by the regional board of school trustees of the region
7 in which the regional superintendent of schools has supervision
8 and control, as defined by Section 3-14.2 of this Code, of the
9 school district being dissolved.

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

26 For all petitions under this Section, the legal resident

1 voters must be determined by the official voter registration
2 lists as of the date the petition is filed. No signatures may
3 be added or withdrawn after the date the petition is filed. The
4 length of time for signatures to be valid, before filing of the
5 petition, may not exceed 6 months. Notwithstanding any
6 provision to the contrary contained in the Election Code, the
7 regional superintendent of schools shall make all
8 determinations regarding the validity of the petition,
9 including, without limitation, signatures on the petition. Any
10 party who is dissatisfied with the determination of the
11 regional superintendent regarding the validity of the petition
12 may appeal the regional superintendent's decision to the
13 regional board of school trustees by motion, and the motion
14 must be heard by the regional board of school trustees prior to
15 any hearing on annexing the territory of a district being
16 dissolved. If no opposition petition is timely filed, the ~~The~~
17 regional board of school trustees shall have no authority to
18 deny dissolution requested in a proper petition for dissolution
19 filed under this Section ~~subsection (b)~~, but shall exercise its
20 discretion in accordance with Section 7-11 of this Code on the
21 issue of annexing the territory of a district being dissolved,
22 giving consideration to but not being bound by the wishes
23 expressed by the residents of the various school districts that
24 may be affected by such annexation.

25 ~~When dissolution and annexation become effective for~~
26 ~~purposes of administration and attendance as determined~~

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

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

25 (105 ILCS 5/7-2.4) (from Ch. 122, par. 7-2.4)

1 Sec. 7-2.4. A petition for detachment of territory from a
2 special charter district with annexation to another school
3 district, for detachment of territory from a school district
4 with annexation to a special charter district, or for
5 dissolution of a school district with annexation to a special
6 charter district ~~for annexation to or detachment of territory~~
7 ~~from a special charter school district~~ must be filed with the
8 governing body of the special charter district, and a certified
9 copy thereof must be sent to each other detaching, dissolving,
10 or annexing school district affected and to the regional county
11 board of school trustees of the region county in which the
12 regional county superintendent has supervision and control, as
13 defined in Section 3-14.2 of this Code, of the detaching or
14 dissolving district from which the petition seeks to have
15 territory detached, or if territory is being detached from more
16 than one county, to the county board of school trustees of the
17 county in which the county superintendent has supervision over
18 the greatest portion of such territory. A petition request for
19 such annexation or detachment of territory must be filed by the
20 school board of the detaching or dissolving district, by a
21 majority of the legal resident voters in the dissolving
22 district, or by two-thirds of a combination of the legal
23 resident voters and the owners of record of any real estate
24 with no legal resident voters in any territory proposed to be
25 may be initiated by any district affected by such proposed
26 annexation or detachment of territory by a petition signed by

1 ~~the board of education and by 25% or 1,000 of the legal voters~~
2 ~~of the district, whichever is less, or by 50% of the legal~~
3 ~~voters residing in any territory requesting to be annexed or~~
4 ~~detached. If any of the territory proposed to be detached~~
5 ~~contains real estate with no legal resident voters, petitioners~~
6 ~~shall deliver the petition by certified mail, return receipt~~
7 ~~requested, to all owners of record of any real estate with no~~
8 ~~legal resident voters. Proof of the delivery must be presented~~
9 ~~as evidence at any hearing required by Section 7-2.6 of this~~
10 ~~Code. Any owner of record of real estate with no legal resident~~
11 ~~voters in any territory proposed to be detached may either sign~~
12 ~~the petition in person and before the circulator as described~~
13 ~~in Section 7-1 of this Code or return the petition with his or~~
14 ~~her notarized signature to be included as a petitioner. No~~
15 ~~person may sign a petition in the capacity of both a legal~~
16 ~~resident voter and owner of record.~~ If there are no legal
17 ~~resident~~ voters ~~residing~~ within the territory proposed to be
18 detached ~~or annexed~~, then the petition ~~must~~ ~~may~~ be signed by
19 ~~all~~ ~~50%~~ of the owners of record of the real estate of the
20 territory. ~~Petitions must contain all of the elements set forth~~
21 ~~in subsection (a) of Section 7-1 of this Code.~~

22 Where there is only one school building in an approved
23 operating school district, the building and building site may
24 not be included in any detachment proceeding ~~unless the~~
25 ~~petition is signed by 2/3 of the eligible voters within the~~
26 ~~entire district wherein the school is located.~~

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

2 (105 ILCS 5/7-2.5) (from Ch. 122, par. 7-2.5)

3 Sec. 7-2.5. If no objection to the dissolution ~~annexation~~
4 or detachment of territory~~7~~ prayed for in a petition under
5 Section 7-2.4 of this Code~~7~~ is filed with the special charter
6 school district or with the regional board of school trustees
7 within 30 days after ~~notice of~~ the filing of such petition ~~for~~
8 ~~annexation or detachment is given to each district affected,~~
9 the dissolution ~~annexation~~ or detachment of territory takes
10 effect, subject to Section 7-9 of this Code ~~Act~~. However, if an
11 objection to the proposed dissolution ~~annexation~~ or detachment
12 of territory is filed with either the special charter district
13 or the regional board of school trustees, the regional board of
14 school trustees, within 15 days after receiving the objection,
15 shall appoint 2 legal resident voters from the district or
16 districts under its ~~their~~ jurisdiction and involved in the
17 proposed dissolution ~~annexation~~ or detachment of territory,
18 subject to the approval of the boards of education of the
19 districts involved in the proposed dissolution or detachment of
20 territory ~~affected~~, and the board or governing body of the
21 special charter district shall appoint 2 legal resident voters
22 from the special charter district. Those 4 appointees shall
23 meet within 20 days of their appointment and by a majority vote
24 select 3 persons who reside outside the jurisdiction of the
25 districts involved in ~~affected by~~ the proposed dissolution

1 ~~annexation~~ or detachment of territory and who have a
2 demonstrated interest and background in education. If a
3 majority of the original 4 appointees cannot agree on the
4 selection of the 3 additional members within 20 days of their
5 appointment, the State Board of Education shall select the 3
6 additional persons, subject to the same criteria as required
7 when selection is by the 4 appointees. The 4 appointees and the
8 3 additional persons selected under this Section constitute the
9 Hearing Board and 4 members shall constitute a quorum.

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

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

15 (105 ILCS 5/7-2.6) (from Ch. 122, par. 7-2.6)

16 Sec. 7-2.6. At its organization meeting, the Hearing Board
17 shall choose from its membership a chairman and a secretary.
18 The secretary shall cause a copy of such petition to be sent to
19 the president of the school ~~each~~ board of each detaching or
20 dissolving and annexing school district ~~any district involved~~
21 ~~in the proposed boundary change,~~ and shall cause a notice
22 thereof to be published once in a newspaper having general
23 circulation within the area of the detaching or dissolving and
24 annexing territory described in the petition ~~for the proposed~~
25 ~~change of boundaries~~. The petitioners shall pay the expenses of

1 publishing the notice and ~~of~~ any transcript taken at the
2 hearing and mailing the final order. In case of an appeal from
3 the decision of the Hearing Board, the appellants shall pay the
4 cost of preparing the record for appeal. The notice must state
5 when the petition was filed, the description of the detaching
6 territory or name of the dissolving district, the name of the
7 annexing district, the prayer of the petition, and the day and
8 time on and location in which the hearing upon the petition
9 will be held, which ~~day~~ may not be more than 30 ~~15~~ nor less than
10 15 calendar ~~10~~ days after the publication of notice. Any
11 additional expense not enumerated above shall be borne equally
12 by the school districts involved.

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

1 The Hearing Board may administer oaths, determine the
2 admissibility of evidence, and issue subpoenas for the
3 attendance of witnesses and subpoena duces tecum for the
4 production of documents. At the hearing, ~~any resident in the~~
5 ~~territory prescribed in the petition, or any resident in any~~
6 detaching, dissolving, or annexing school district or any
7 representative of a detaching, dissolving, or annexing school
8 district affected by the proposed change of boundaries, may
9 appear in person or by attorney in support of the petition or
10 to object to the granting of the petition and may present ~~give~~
11 evidence in support of his or her position through either oral
12 or written testimony. At the conclusion of the hearing, the
13 Hearing Board shall, within 30 days, enter an order either
14 granting or denying the petition. The Hearing Board shall
15 deliver a certified copy of the order by certified mail, return
16 receipt requested, and shall deliver to the petitioners; the
17 president of the school board of each detaching or dissolving
18 and annexing district; any person providing testimony in
19 support of or opposition to the petition at the hearing; ~~to~~
20 ~~all affected districts, to any person who has filed his or her~~
21 ~~appearance in writing at the hearing or to any attorney who~~
22 appears for any person; ~~to any objector who testified at such~~
23 ~~hearing,~~ and ~~to~~ the regional superintendent of schools who has
24 supervision and control, as defined in Section 3-14.2 of this
25 Code, of each detaching or dissolving and annexing district ~~of~~
26 ~~each region in which the territory or any district affected~~

1 ~~lies, a certified copy of its order by registered mail. The~~
2 Hearing Board is not required to send a copy of the Hearing
3 Board's order to those attending the hearing but not
4 participating. The final order shall be in writing and include
5 findings of fact, conclusions of law, and the decision to grant
6 or deny the petition.

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

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

22 (105 ILCS 5/7-2.7) (from Ch. 122, par. 7-2.7)

23 Sec. 7-2.7. The decision of the Hearing Board under Section
24 7-2.6 is an "administrative decision" as defined in Section
25 3-101 of the Code of Civil Procedure, and any resident, ~~who~~

1 ~~appears at the hearings, or any~~ petitioner, or board of
2 education entitled to receive a certified copy of the Hearing
3 Board's order of any district affected, may, within 35 days
4 after a copy of the decision sought to be reviewed was served
5 by certified mail, return receipt requested, upon the resident,
6 petitioner, or board of education, ~~registered mail upon the~~
7 ~~party affected~~ thereby, file a complaint for a judicial review
8 of that decision in accordance with the Administrative Review
9 Law and the rules adopted pursuant thereto. The commencement of
10 any action for judicial review operates as a stay of
11 enforcement, and ~~no~~ further proceedings must not ~~may~~ be had
12 until final disposition of such review. Any change in
13 boundaries resulting from the proceedings under Sections 7-2.4
14 through 7-2.7 takes effect on the date determined pursuant to
15 Section 7-9 of this Code Act.

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

17 (105 ILCS 5/7-4) (from Ch. 122, par. 7-4)

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

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

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

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

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

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

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

26 (3) documentation of meeting these requirements are

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 of boundaries, and shall determine whether it is in the best
2 interests of the schools of the area and the direct educational
3 welfare of the pupils that such change in boundaries be
4 granted. If non-high school territory is contained in the
5 petition, the normal high school attendance pattern of the
6 pupils must be taken into consideration. However, upon
7 resolution by the regional board of school trustees, the
8 secretary thereof shall conduct the hearing upon any boundary
9 petition and present a transcript of such hearing to the
10 trustees, who shall base their decision upon the transcript,
11 maps, and information and any presentation of counsel. The
12 ~~regional board of school trustees or regional boards of school~~
13 ~~trustees in cases of a joint hearing shall hear evidence as to~~
14 ~~the school needs and conditions of the territory in the area~~
15 ~~within and adjacent thereto and the effect detachment will have~~
16 ~~on those needs and conditions and as to the ability of the~~
17 ~~districts affected to meet the standards of recognition as~~
18 ~~prescribed by the State Board of Education, and shall take into~~
19 ~~consideration the division of funds and assets which will~~
20 ~~result from the change of boundaries and shall determine~~
21 ~~whether it is to the best interests of the schools of the area~~
22 ~~and the direct educational welfare of the pupils that such~~
23 ~~change in boundaries be granted, and in case non-high school~~
24 ~~territory is contained in the petition the normal high school~~
25 ~~attendance pattern of the children shall be taken into~~
26 ~~consideration. If the non high school territory overlies an~~

1 ~~elementary district, a part of which is in a high school~~
2 ~~district, such territory may be annexed to such high school~~
3 ~~district even though not contiguous to the high school~~
4 ~~district. However, upon resolution by the regional board of~~
5 ~~school trustees, or regional boards of school trustees in cases~~
6 ~~of a joint hearing the secretary or secretaries thereof shall~~
7 ~~conduct the hearing or joint hearing upon any boundary petition~~
8 ~~and present a transcript of such hearing to the trustees who~~
9 ~~shall base their decision upon the transcript, maps and~~
10 ~~information and any presentation of counsel. In the instance of~~
11 a change of boundaries through detachment:

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

22 (2) The community of interest of the petitioners and
23 their children and the effect detachment will have on the
24 whole child may be considered only if the regional board of
25 school trustees ~~or the regional boards of school trustees~~
26 first determines ~~determine~~ that there would be a

1 significant direct educational benefit to the petitioners'
2 children if the change in boundaries were allowed.

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

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

23 (5) The regional board of school trustees ~~or the~~
24 ~~regional boards of school trustees~~ may not consider whether
25 changing the boundaries will increase the property values
26 of the petitioners' property.

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

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

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

19 (k) At the conclusion of the hearing, the regional
20 superintendent of schools as secretary to the regional board of
21 school trustees shall, within 30 days, enter an order either
22 granting or denying the petition. The regional superintendent
23 of schools shall deliver a certified copy of the order by
24 certified mail, return receipt requested, to the petitioners or
25 committee of petitioners, as applicable; the president of the
26 school board of each detaching or dissolving and annexing

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

23 (1) Notwithstanding the foregoing provisions of this
24 Section, if within 12 ~~9~~ months after a petition is submitted
25 under the provisions of Section 7-1 of this Code the petition
26 is not approved or denied by the regional board of school

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

1 the petition has been submitted to the State Superintendent of
2 Education for approval or denial, and shall furnish a copy of
3 the notice so given to the State Superintendent of Education.
4 The cost of assembling the record of proceedings for submission
5 to the State Superintendent of Education shall be the
6 responsibility of the petitioners that submit ~~school boards,~~
7 ~~registered voters or committee of 10 that submits~~ the petition
8 and record of proceedings to the State Superintendent of
9 Education. When a petition is submitted to the State
10 Superintendent of Education in accordance with the provisions
11 of this paragraph:

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

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

21 (3) The State Superintendent of Education shall not be
22 required to repeat any proceedings that were conducted in
23 accordance with the provisions of this Section prior to the
24 time jurisdiction over the petition is transferred to him,
25 but the State Superintendent of Education shall be required
26 to give and publish any notices and hold or complete any

1 hearings that were not given, held or completed by the
2 regional board of school trustees or its secretary as
3 required by this Section prior to the time jurisdiction
4 over the petition is transferred to the State
5 Superintendent of Education.

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

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

20 (6) The State Superintendent of Education or the
21 hearing officer shall hear evidence and approve or deny the
22 petition and shall enter an order to that effect and
23 deliver and serve the same as required in other cases to be
24 done by the regional board of school trustees and the
25 regional superintendent of schools as secretary ~~an ex~~
26 ~~officio member~~ of that board.

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

24 (n) Within 10 days after service of a copy of the order
25 granting or denying the petition, any person so served may
26 petition for a rehearing ~~and, upon sufficient cause being~~

1 ~~shown, a rehearing may be granted.~~ The petition for rehearing
2 shall specify the reason for the request. The regional board of
3 school trustees shall first determine whether there is
4 sufficient cause for a rehearing. If so determined, then the
5 regional board of school trustees shall allow the petition to
6 be heard anew in its entirety in accordance with all procedures
7 in this Article. The party requesting a rehearing shall pay the
8 expenses of publishing the notice and of any transcript taken
9 at the hearing. The filing of a petition for rehearing shall
10 operate as a stay of enforcement until the regional board of
11 school trustees, ~~or regional boards of school trustees in cases~~
12 ~~of a joint hearing,~~ or State Superintendent of Education in
13 cases determined under subsection (1) of this Section enters
14 ~~enter~~ the final order on such petition for rehearing.

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

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

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

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

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

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

17 (105 ILCS 5/7-8) (from Ch. 122, par. 7-8)

18 Sec. 7-8. Limitation on successive petitions. No
19 territory, nor any part thereof, which is involved in any
20 proceeding to change the boundaries of a school district by
21 detachment or dissolution from ~~or annexation to~~ such school
22 district of such territory, and which, after a hearing on the
23 merits of the petition or referendum vote, is not so detached
24 or dissolved ~~nor annexed,~~ shall be again involved in
25 proceedings to change the boundaries of such school district

1 for at least 2 years after final determination of such first
2 proceeding, unless during that 2-year period a petition filed
3 is substantially different than any other previously filed
4 petition during the previous 2 years or if a school district
5 involved is identified as a priority district under Section
6 2-3.25d-5 of this Code, is placed on the financial watch list
7 by the State Board of Education, or is certified as being in
8 financial difficulty during that 2-year period or if such first
9 proceeding involved a petition brought under Section 7-2b of
10 this Article 7. The 2-year period is counted beginning from the
11 date of a final administrative decision after all appeal
12 timelines have run, upon final court order after all appeal
13 timelines have run, or upon the certification of the election
14 results in the event of a dissolution. The 2-year period is 2
15 calendar years.

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

17 (105 ILCS 5/7-9) (from Ch. 122, par. 7-9)

18 Sec. 7-9. Effective date of change. ~~In case a petition is~~
19 ~~filed for the creation of or the change of boundaries of or for~~
20 ~~an election to vote upon a proposition of creating or annexing~~
21 ~~territory to a school district after August 1, as provided in~~
22 ~~this Article, and the change is granted or the election~~
23 ~~carries, and no appeal is taken such change shall become~~
24 ~~effective after the time for appeal has run for the purpose of~~
25 ~~all elections; however, the change shall not affect the~~

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

1 ~~special charter district~~ with which the original petition is
2 required to be filed.

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

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

5 Sec. 7-10. Map showing change; filed ~~change~~ Filed. Within
6 30 ~~thirty~~ days after the boundaries of any school district have
7 been changed, ~~or a new district created under any of the~~
8 ~~provisions of this Article~~ the regional ~~county~~ superintendent
9 of schools ~~of any county involved~~ shall make and file with the
10 county clerk or clerks ~~of his county~~ a map of any detaching,
11 dissolving, or annexing school districts, ~~involved in any~~
12 ~~change of boundaries or creation of a new district~~ whereupon
13 the county clerks shall extend taxes against the territory in
14 accordance therewith; provided: ~~Provided~~ that if an action to
15 review such decision under Section 7-7 of this Code is taken,
16 the regional superintendent of schools ~~County Superintendent~~
17 ~~of Schools~~ shall not file the map with the county clerk until
18 after he or she is served with a certified copy of the order of
19 the final disposition of such review.

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

21 (105 ILCS 5/7-10.5 new)

22 Sec. 7-10.5. Teacher transfer. When dissolution and
23 annexation become effective for purposes of administration and
24 attendance as determined pursuant to Section 7-9 or 7-11 of

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

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

1 manner and to the same extent authorized in the case of other
2 annexations under this Article. Other provisions of this
3 Article 7 of this ~~The School~~ Code shall apply to and govern
4 dissolutions and annexations under this Section and Section
5 7-2a of this Code, except that it is the intent of the General
6 Assembly that in the case of conflict the provisions of this
7 Section and Section 7-2a of this Code shall control over the
8 other provisions of this Article.

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

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

12 At the conclusion of the hearing, the regional
13 superintendent of schools, as secretary to the regional board
14 of school trustees, shall, within 10 days, enter an order
15 detailing the annexation of the dissolved district. The
16 regional superintendent of schools shall deliver a certified
17 copy of the order by certified mail, return receipt requested,
18 to the petitioners or committee of petitioners, as applicable;
19 the president of the school board of each dissolving and
20 annexing district; any person providing testimony in support of
21 or opposition to the petition at the hearing; and any attorney
22 who appears for any person. The regional superintendent of
23 schools 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 annexation decision. The decision of the regional board of
7 school trustees shall be ~~The decision of the regional board of~~
8 ~~school trustees in such matter shall be issued within 10 days~~
9 ~~after the conclusion of the hearing and deemed an~~
10 "administrative decision" as defined in Section 3-101 of the
11 Code of Civil Procedure, and any resident, ~~who appears at the~~
12 ~~hearing or any petitioner,~~ or school board entitled to receive
13 a certified copy of the regional board of school trustees'
14 order may, within 10 days after a copy of the decision sought
15 to be reviewed was served by certified mail, return receipt
16 requested, ~~registered mail~~ upon the resident, petitioner, or
17 school board, ~~the party affected~~ thereby file a complaint for
18 the judicial review of such decision in accordance with the
19 "Administrative Review Law", ~~and all amendments and~~
20 ~~modifications thereof~~ and the rules adopted pursuant thereto.
21 The commencement of any action for review shall operate as a
22 stay of enforcement, and no further proceedings shall be had
23 until final disposition of such review. The final decision of
24 the regional board of school trustees or of any court upon
25 judicial review shall become effective under Section 7-9 of
26 this Code in the case of a petition for dissolution filed under

1 ~~subsection (b) of~~ Section 7-2a of this Code, and a final
2 decision shall become effective immediately following the date
3 no further appeal is allowable in the case of a district
4 dissolved under Section 5-32 of this Code.

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

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

20 (105 ILCS 5/7-12) (from Ch. 122, par. 7-12)

21 Sec. 7-12. Termination of office. Upon the close of the
22 then current school year during which any school district is
23 annexed to another school district under any of the provisions
24 of this Article, the terms of office of the school directors or
25 board of education members of the annexed school district shall

1 be terminated and the school board of the annexing district
2 shall perform all the duties and have all the powers of the
3 school board of the annexed district. The annexing district as
4 it is constituted on and after the time of such annexation
5 shall receive all the assets and assume all the obligations and
6 liabilities including the bonded indebtedness of the original
7 annexing district and of the district annexed. The tax rate for
8 such assumed bonded indebtedness shall be determined in the
9 manner provided in Article 19 of this Code Act.

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

11 (105 ILCS 5/7-29) (from Ch. 122, par. 7-29)

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

1 ~~disposition of any proceedings which may be so instituted to~~
2 ~~contest such election; however where a limitation of a shorter~~
3 period is prescribed by statute, such shorter limitation shall
4 apply. ~~The,~~ and the limitation set forth in this Section
5 ~~section~~ shall not apply to jurisdictional challenges ~~any order~~
6 ~~where the judge, body or officer entering the order annexing~~
7 ~~the territory or creating the new district did not at the time~~
8 ~~of the entry of such order have jurisdiction of the subject~~
9 ~~matter.~~

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

11 (105 ILCS 5/7-31 new)

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

23 (105 ILCS 5/10-22.35B new)

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

1 (a) On January 1, 1994 (the effective date of Public Act
2 88-155): (i) the legal title to all school buildings and school
3 sites used or occupied for school purposes by a school district
4 located in a Class I county school unit or held for the use of
5 any such school district by and in the name of the regional
6 board of school trustees shall vest in the school board of the
7 school district, and the legal title to those school buildings
8 and school sites shall be deemed transferred by operation of
9 law to the school board of the school district, to be used for
10 school purposes and held, sold, leased, exchanged, or otherwise
11 transferred in accordance with law; and (ii) the legal title to
12 all school buildings and school sites used or occupied for
13 school purposes by a school district that is located in a Class
14 II county school unit and that has withdrawn from the
15 jurisdiction and authority of the trustees of schools of a
16 township and the township treasurer under subsection (b) of
17 Section 5-1 of this Code or held for the use of any such school
18 district by and in the name of the regional board of school
19 trustees at the time that regional board of school trustees was
20 abolished by Public Act 87-969 shall vest in the school board
21 of the school district, and the legal title to those school
22 buildings and school sites shall be deemed transferred by
23 operation of law to the school district, to be used for school
24 purposes and held, sold, leased, exchanged, or otherwise
25 transferred in accordance with law.

26 (b) The school board of each school district to which

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

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

17 (d) Nothing in this Section shall be deemed to apply to any
18 common school lands or lands granted or exchanged therefor or
19 to the manner in which such lands are managed and controlled
20 for the use and benefit of the school township and the schools
21 of the township by the township land commissioners, the
22 regional board of school trustees (acting as the township land
23 commissioners), or the trustees of schools of the township,
24 which hold legal title to those lands; and they may continue to
25 receive gifts, grants, donations, or legacies made for the use
26 of the school township and for the schools of the township

1 generally in the same manner as such gifts, grants, donations,
2 or legacies were made prior to January 1, 1994.

3 (105 ILCS 5/12-24) (from Ch. 122, par. 12-24)

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

19 Any such non-high school district including any unit
20 district not maintaining a high school pursuant to the
21 provisions of this Section shall pay tuition for high school
22 students at a rate to be mutually agreed by the boards of
23 education of each district affected.

24 When territory is eliminated from a non-high school
25 district or unit district not maintaining a high school it

1 shall be annexed by the county board of school trustees as
2 provided in Section 7-27 of this Code (now repealed) ~~Act~~.

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

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

8 (105 ILCS 5/16-2) (from Ch. 122, par. 16-2)

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

23 (1) If legal title to the selected site is held in the name
24 of the school board of a school district that has agreed to the
25 joint use of the site with any other school districts, and if

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

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

1 title to the selected site.

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

3 (105 ILCS 5/32-4.6) (from Ch. 122, par. 32-4.6)

4 Sec. 32-4.6. Title, care and custody of property;
5 supervision and control.

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

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

21 (105 ILCS 5/7-01 rep.)

22 (105 ILCS 5/7-2 rep.)

23 (105 ILCS 5/7-13 rep.)

24 (105 ILCS 5/7-27 rep.)

1 (105 ILCS 5/7-28 rep.)

2 (105 ILCS 5/7-30 rep.)

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

5 Section 99. Effective date. This Act takes effect July 1,
6 2017.".