



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5582

by Rep. Emanuel Chris Welch

SYNOPSIS AS INTRODUCED:

105 ILCS 5/7-1

from Ch. 122, par. 7-1

Amends the School Code. Provides that in a petition for changing the boundaries of a school district by detachment or dissolution, the signatures on the petition are required to be signed by the qualified voters in their own proper persons only (rather than the requirement that signatures match the official signature and address of the legal resident voters as recorded in the office of the county clerk or board of election commissioners) and opposite the signature of each signer his or her residence address shall be written or printed.

LRB101 19366 CMG 68838 b

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section
5 7-1 as follows:

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

7 Sec. 7-1. Changing boundaries by detachment or
8 dissolution.

9 (a) School district boundaries may be changed by
10 detachment, annexation, division or dissolution or any
11 combination thereof by the regional board of school trustees or
12 by the State Superintendent of Education as provided in
13 subsection (1) of Section 7-6.

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

22 A petition for boundary change must be filed by the school
23 board of the detaching or dissolving district, by a majority of

1 the legal resident voters in the dissolving district, or by
2 two-thirds of a combination of the legal resident voters and
3 the owners of record of any real estate with no legal resident
4 voters in any territory proposed to be detached. If any of the
5 territory proposed to be detached contains real estate with no
6 legal resident voters, petitioners shall deliver the petition
7 by certified mail, return receipt requested, to all owners of
8 record of any real estate with no legal resident voters. Proof
9 of such delivery must be presented as evidence at the hearing
10 required under Section 7-6 of this Code. Any owner of record of
11 real estate with no legal resident voters in any territory
12 proposed to be detached may either sign the petition in person
13 and before the circulator as described in this Section or
14 return the petition with his or her notarized signature to be
15 included as a petitioner. No person may sign a petition in the
16 capacity of both a legal resident voter and owner of record. If
17 there are no legal resident voters within the territory
18 proposed to be detached, then the petition must be signed by
19 all of the owners of record of the real estate of the
20 territory. Legal resident voters shall be determined by the
21 official voter registration lists as of the date the petition
22 is filed. No signatures shall be added or withdrawn after the
23 date the petition is filed. The length of time for signatures
24 to be valid, before filing of the petition, shall not exceed 6
25 months. Notwithstanding any provision to the contrary
26 contained in the Election Code, the regional superintendent of

1 schools shall make all determinations regarding the validity of
2 the petition, including, without limitation, signatures on the
3 petition. If the regional superintendent determines that the
4 petition is not in proper order or not in compliance with any
5 applicable petition requirements, the regional superintendent
6 may not accept the petition for filing and may return the
7 petition to the petitioners. Any party who is dissatisfied with
8 the determination of the regional superintendent regarding the
9 validity of the petition may appeal the regional
10 superintendent's decision to the regional board of school
11 trustees by motion, and the motion must be heard by the
12 regional board of school trustees prior to any hearing on the
13 merits of the petition.

14 Petitions for detachment and dissolution shall include the
15 full prayer of the petition with a general description of the
16 territory at the top of each page. Such petition shall be
17 signed by the qualified voters in their own proper persons
18 only, opposite the signature of each signer his or her
19 residence address shall be written or printed ~~Each signature~~
20 ~~contained therein shall match the official signature and~~
21 ~~address of the legal resident voters as recorded in the office~~
22 ~~of the county clerk or board of election commissioners,~~ and
23 each petitioner shall record the date of his or her signing.
24 Except in instances of a notarized signature of an owner of
25 record of real estate with no legal resident voters in any
26 territory proposed to be detached, each page of the circulated

1 petition shall be signed by a circulator stating that he or she
2 has witnessed the signature of each petitioner on that page.
3 Detachment petitions containing 10 or fewer signatures may be
4 notarized in lieu of a circulator statement. Each petition
5 shall include an accurate legal description and map of the
6 territory proposed to be detached. If a petition proposes to
7 dissolve an entire district, then the full name and number of
8 the district and a map are sufficient. Each petition shall
9 include the names of petitioners; the district to be dissolved
10 or the district from which the territory is proposed to be
11 detached; the district or districts to which the territory is
12 proposed to be annexed; evidence that the detaching or
13 dissolving territory is compact and contiguous with the
14 annexing district or districts or otherwise meets the
15 requirements set forth in Section 7-4 of this Code; the
16 referendum date, if applicable; and facts that support
17 favorable findings for the factors to be considered by the
18 regional board of school trustees pursuant to Section 7-6 of
19 this Code.

20 Where there is only one school building in an approved
21 operating district, the building and building site may not be
22 included in any detachment proceeding.

23 Notwithstanding any other provisions of this Code, if,
24 pursuant to a petition filed under this subsection (a), all of
25 the territory of a school district is to be annexed to another
26 school district, then any action by the regional board of

1 school trustees in granting or approving the petition and any
2 change in school district boundaries pursuant to that action is
3 subject to and the change in school district boundaries may not
4 be made except upon approval, at a regular scheduled election,
5 in the manner provided by Section 7-7.7 of this Code, of a
6 proposition for the annexation of all of the territory of that
7 school district to the other school district.

8 No petition may be filed under this Section to form a new
9 school district under this Article; however, such a petition
10 may be filed under this Section to form a new school district
11 if the boundaries of such new school district lie entirely
12 within the boundaries of a military base or installation
13 operated and maintained by the government of the United States.

14 (b) Any elementary or high school district with 100 or more
15 of its students residing upon territory located entirely within
16 a military base or installation operated and maintained by the
17 government of the United States, or any unit school district or
18 any combination of the above mentioned districts with 300 or
19 more of its students residing upon territory located entirely
20 within a military base or installation operated and maintained
21 by the government of the United States, shall, upon the filing
22 with the regional board of school trustees of a petition
23 adopted by resolution of the board of education or a petition
24 signed by a majority of the registered voters residing upon
25 such military base or installation, have all of the territory
26 lying entirely within such military base or installation

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

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

21 If a school district created under this subsection (b) has
22 not elected a school board and has not become operational
23 within 2 years after the date of detachment, then this district
24 is automatically dissolved and the territory of this district
25 reverts to the school district from which the territory was
26 detached or any successor district thereto. Any school district

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

14 (Source: P.A. 100-374, eff. 8-25-17.)