



Rep. Chapin Rose

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09400HB0363ham001

LRB094 02464 RAS 44286 a

1 AMENDMENT TO HOUSE BILL 363

2 AMENDMENT NO. _____. Amend House Bill 363 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections
5 7-02 and 7-11 as follows:

6 (105 ILCS 5/7-02) (from Ch. 122, par. 7-02)

7 Sec. 7-02. Limitations. The provisions of this Article
8 providing for the change in school district boundaries by
9 detachment, annexation, division or dissolution, or by any
10 combination of those methods, are subject to the provisions of
11 this Section. Whenever due to fire, explosion, tornado or any
12 Act of God the school buildings or one or more of the principal
13 school buildings comprising an attendance center within a
14 school district are destroyed or substantially destroyed and
15 rendered unfit for school purposes, the provisions of this
16 Article shall not be available to permit a division of that
17 district, or a dissolution, detachment or annexation of any
18 part thereof, or any combination of such results during a
19 period from the date of such destruction or substantial
20 destruction until 30 days after the second regular election of
21 board members following such destruction or substantial
22 destruction. Nothing in this Section shall be deemed to
23 prohibit the combining of the entire district with another
24 entire district or with other entire districts during such

1 period pursuant to the provisions of Article 11A or 11B.

2 No public funds may be used to urge any elector to vote for
3 or against a proposition under this Article. This Section does
4 not prohibit the use of public funds for dissemination of
5 factual information relative to a proposition appearing on an
6 election ballot.

7 (Source: P.A. 85-833.)

8 (105 ILCS 5/7-11) (from Ch. 122, par. 7-11)

9 Sec. 7-11. Annexation of dissolved non-operating
10 districts. If any school district has become dissolved as
11 provided in Section 5-32, ~~or if a petition for dissolution is~~
12 ~~filed under subsection (b) of Section 7-2a,~~ the regional board
13 of school trustees shall attach the territory of such dissolved
14 district to one or more districts and, if the territory is
15 added to 2 or more districts, shall divide the property of the
16 dissolved district among the districts to which its territory
17 is added, in the manner provided for the division of property
18 in case of the organization of a new district from a part of
19 another district. The regional board of school trustees of the
20 region in which the regional superintendent has supervision
21 over the school district that is dissolved shall have all power
22 necessary to annex the territory of the dissolved district as
23 provided in this Section, including the power to attach the
24 territory to a school district under the supervision of the
25 regional superintendent of another educational service region.
26 The annexation of the territory of a dissolved school district
27 under this Section shall entitle the school districts involved
28 in the annexation to payments from the State Board of Education
29 under subsection (A) (5) (m) of Section 18-8 or subsection (I) of
30 Section 18-8.05 and under Sections 18-8.2 and 18-8.3 in the
31 same manner and to the same extent authorized in the case of
32 other annexations under this Article. Other provisions of this
33 Article 7 of The School Code shall apply to and govern

1 dissolutions and annexations under this Section ~~and Section~~
2 ~~7-2a~~, except that it is the intent of the General Assembly that
3 in the case of conflict the provisions of this Section ~~and~~
4 ~~Section 7-2a~~ shall control over the other provisions of this
5 Article.

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

34 The decision of the regional board of school trustees in

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

20 Notwithstanding the foregoing provisions of this Section
21 or any other provision of law to the contrary, the school board
22 of the Mt. Morris School District is authorized to donate to
23 the City of Mount Morris, Illinois the school building and
24 other real property used as a school site by the Mt. Morris
25 School District at the time of its dissolution, by appropriate
26 resolution adopted by the school board of the district prior to
27 the dissolution of the district; and upon the adoption of a
28 resolution by the school board donating the school building and
29 school site to the City of Mount Morris, Illinois as authorized
30 by this Section, the regional board of school trustees or other
31 school officials holding legal title to the school building and
32 school site so donated shall immediately convey the same to the
33 City of Mt. Morris, Illinois.

34 (Source: P.A. 90-548, eff. 1-1-98.)

1 (105 ILCS 5/7-2a rep.)

2 Section 10. The School Code is amended by repealing Section
3 7-2a.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.".