

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing Sections
5 10-22.22b, 10-23.5, and 11E-110 as follows:

6 (105 ILCS 5/10-22.22b) (from Ch. 122, par. 10-22.22b)

7 Sec. 10-22.22b. (a) The provisions of this subsection shall
8 not apply to the deactivation of a high school facility under
9 subsection (c). Where in its judgment the interests of the
10 district and of the students therein will be best served, to
11 deactivate any high school facility or elementary school
12 facility in the district and send the students of such high
13 school in grades 9 through 12 or such elementary school in
14 grades kindergarten through 8, as applicable, to schools in
15 other districts. Such action may be taken only with the
16 approval of the voters in the district and the approval, by
17 proper resolution, of the school board of the receiving
18 district. The board of the district contemplating deactivation
19 shall, by proper resolution, cause the proposition to
20 deactivate the school facility to be submitted to the voters of
21 the district at a regularly scheduled election. Notice shall be
22 published at least 10 days prior to the date of the election at
23 least once in one or more newspapers published in the district

1 or, if no newspaper is published in the district, in one or
2 more newspapers with a general circulation within the district.
3 The notice shall be substantially in the following form:

4 NOTICE OF REFERENDUM TO
5 DEACTIVATE THE ... SCHOOL FACILITY
6 IN SCHOOL DISTRICT NO.

7 Notice is hereby given that on (insert date), a referendum
8 will be held in County (Counties) for the purpose of
9 voting for or against the proposition to deactivate the
10 School facility in School District No. and to send
11 pupils in School to School District(s) No.

12 The polls will be open at o'clock ... m., and close at
13 o'clock ... m. of the same day.

14 A..... B.....

15 Dated (insert date).

16 Regional Superintendent of Schools

17 The proposition shall be in substantially the following form:

18 -----

19 Shall the Board
20 of Education of School
21 District No.,
22 County, Illinois, be
23 authorized to deactivate
24 the School facility
25 and to send pupils in

YES

NO

1 School to School

2 District(s) No.?

3 -----

4 If the majority of those voting upon the proposition in the
5 district contemplating deactivation vote in favor of the
6 proposition, the board of that district, upon approval of the
7 board of the receiving district, shall execute a contract with
8 the receiving district providing for the reassignment of
9 students to the receiving district. If the deactivating
10 district seeks to send its students to more than one district,
11 it shall execute a contract with each receiving district. The
12 length of the contract shall be for 2 school years, but the
13 districts may renew the contract for additional one year or 2
14 year periods. Contract renewals shall be executed by January 1
15 of the year in which the existing contract expires. If the
16 majority of those voting upon the proposition do not vote in
17 favor of the proposition, the school facility may not be
18 deactivated.

19 The sending district shall pay to the receiving district an
20 amount agreed upon by the 2 districts.

21 When the deactivation of school facilities becomes
22 effective pursuant to this Section, the provisions of Section
23 24-12 relative to the contractual continued service status of
24 teachers having contractual continued service whose positions
25 are transferred from one board to the control of a different
26 board shall apply, and the positions at the school facilities

1 being deactivated held by teachers, as that term is defined in
2 Section 24-11, having contractual continued service with the
3 school district at the time of the deactivation shall be
4 transferred to the control of the board or boards who shall be
5 receiving the district's students on the following basis:

6 (1) positions of such teachers in contractual
7 continued service that were full time positions shall be
8 transferred to the control of whichever of such boards such
9 teachers shall request with the teachers making such
10 requests proceeding in the order of those with the greatest
11 length of continuing service with the board to those with
12 the shortest length of continuing service with the board,
13 provided that the number selecting one board over another
14 board or other boards shall not exceed that proportion of
15 the school students going to such board or boards; and

16 (2) positions of such teachers in contractual
17 continued service that were full time positions and as to
18 which there is no selection left under subparagraph 1
19 hereof shall be transferred to the appropriate board.

20 The contractual continued service status of any teacher
21 thereby transferred to another district is not lost and the
22 receiving board is subject to the School Code with respect to
23 such transferred teacher in the same manner as if such teacher
24 was the district's employee during the time such teacher was
25 actually employed by the board of the deactivating district
26 from which the position was transferred.

1 When the deactivation of school facilities becomes
2 effective pursuant to this Section, the provisions of
3 subsection (b) of Section 10-23.5 of this Code relative to the
4 transfer of educational support personnel employees shall
5 apply, and the positions at the school facilities being
6 deactivated that are held by educational support personnel
7 employees at the time of the deactivation shall be transferred
8 to the control of the board or boards that will be receiving
9 the district's students on the following basis:

10 (A) positions of such educational support personnel
11 employees that were full-time positions shall be
12 transferred to the control of whichever of the boards the
13 employees request, with the educational support personnel
14 employees making these requests proceeding in the order of
15 those with the greatest length of continuing service with
16 the board to those with the shortest length of continuing
17 service with the board, provided that the number selecting
18 one board over another board or other boards must not
19 exceed that proportion of students going to such board or
20 boards; and

21 (B) positions of such educational support personnel
22 employees that were full-time positions and as to which
23 there is no selection left under subdivision (A) shall be
24 transferred to the appropriate board.

25 The length of continuing service of any educational support
26 personnel employee thereby transferred to another district is

1 not lost and the receiving board is subject to this Code with
2 respect to that transferred educational support personnel
3 employee in the same manner as if the educational support
4 personnel employee was the district's employee during the time
5 the educational support personnel employee was actually
6 employed by the board of the deactivating district from which
7 the position was transferred.

8 (b) The provisions of this subsection shall not apply to
9 the reactivation of a high school facility which is deactivated
10 under subsection (c). The sending district may, with the
11 approval of the voters in the district, reactivate the school
12 facility which was deactivated. The board of the district
13 seeking to reactivate the school facility shall, by proper
14 resolution, cause the proposition to reactivate to be submitted
15 to the voters of the district at a regularly scheduled
16 election. Notice shall be published at least 10 days prior to
17 the date of the election at least once in one or more
18 newspapers published in the district or, if no newspaper is
19 published in the district, in one or more newspapers with a
20 general circulation within the district. The notice shall be
21 substantially in the following form:

22 NOTICE OF REFERENDUM TO
23 REACTIVATE THE SCHOOL FACILITY
24 IN SCHOOL DISTRICT NO.

25 Notice is hereby given that on (insert date), a referendum
26 will be held in County (Counties) for the purpose of

1 voting for or against the proposition to reactivate the
 2 School facility in School District No. and to discontinue
 3 sending pupils of School District No. to School
 4 District(s) No.

5 The polls will be opened at ... o'clock .. m., and closed
 6 at ... o'clock .. m. of the same day.

7 A..... B.....

8 Dated (insert date).

9 Regional Superintendent of Schools

10 The proposition shall be in substantially the following form:

11 -----

12 Shall the Board
 13 of Education of School YES
 14 District No.,
 15 County, Illinois,
 16 be authorized to -----
 17 reactivate the School
 18 facility and to discontinue sending
 19 pupils of School District No. NO
 20 to School District(s) No.?
 21 -----

22 (c) The school board of any unit school district which
 23 experienced a strike by a majority of its certified employees
 24 that endured for over 6 months during the regular school term
 25 of the 1986-1987 school year, and which during the ensuing

1 1987-1988 school year had an enrollment in grades 9 through 12
2 of less than 125 students may, when in its judgment the
3 interests of the district and of the students therein will be
4 best served thereby, deactivate the high school facilities
5 within the district for the regular term of the 1988-1989
6 school year and, for that school year only, send the students
7 of such high school in grades 9 through 12 to schools in
8 adjoining or adjacent districts. Such action may only be taken:
9 (a) by proper resolution of the school board deactivating its
10 high school facilities and the approval, by proper resolution,
11 of the school board of the receiving district or districts, and
12 (b) pursuant to a contract between the sending and each
13 receiving district, which contract or contracts: (i) shall
14 provide for the reassignment of all students of the deactivated
15 high school in grades 9 through 12 to the receiving district or
16 districts; (ii) shall apply only to the regular school term of
17 the 1988-1989 school year; (iii) shall not be subject to
18 renewal or extension; and (iv) shall require the sending
19 district to pay to the receiving district the cost of educating
20 each student who is reassigned to the receiving district, such
21 costs to be an amount agreed upon by the sending and receiving
22 district but not less than the per capita cost of maintaining
23 the high school in the receiving district during the 1987-1988
24 school year. Any high school facility deactivated pursuant to
25 this subsection for the regular school term of the 1988-1989
26 school year shall be reactivated by operation of law as of the

1 end of the regular term of the 1988-1989 school year. The
2 status as a unit school district of a district which
3 deactivates its high school facilities pursuant to this
4 subsection shall not be affected by reason of such deactivation
5 of its high school facilities and such district shall continue
6 to be deemed in law a school district maintaining grades
7 kindergarten through 12 for all purposes relating to the levy,
8 extension, collection and payment of the taxes of the district
9 under Article 17 for the 1988-1989 school year.

10 (d) Whenever a school facility is reactivated pursuant to
11 the provisions of this Section, then all teachers in
12 contractual continued service who were honorably dismissed or
13 transferred as part of the deactivation process, in addition to
14 other rights they may have under the School Code, shall be
15 recalled or transferred back to the original district.

16 (Source: P.A. 94-213, eff. 7-14-05.)

17 (105 ILCS 5/10-23.5) (from Ch. 122, par. 10-23.5)

18 Sec. 10-23.5. Educational support personnel employees.

19 (a) To employ such educational support personnel employees
20 as it deems advisable and to define their employment duties;
21 provided that residency within any school district shall not be
22 considered in determining the employment or the compensation of
23 any such employee, or whether to retain, promote, assign or
24 transfer such employee. If an educational support personnel
25 employee is removed or dismissed as a result of a decision of

1 the school board (i) to decrease the number of educational
2 support personnel employees employed by the board or (ii) to
3 discontinue some particular type of educational support
4 service, written notice shall be mailed to the employee and
5 also given the employee either by certified mail, return
6 receipt requested or personal delivery with receipt at least 30
7 days before the employee is removed or dismissed, together with
8 a statement of honorable dismissal and the reason therefor. The
9 employee with the shorter length of continuing service with the
10 district, within the respective category of position, shall be
11 dismissed first unless an alternative method of determining the
12 sequence of dismissal is established in a collective bargaining
13 agreement or contract between the board and any exclusive
14 bargaining agent and except that this provision shall not
15 impair the operation of any affirmative action program in the
16 district, regardless of whether it exists by operation of law
17 or is conducted on a voluntary basis by the board. If the board
18 has any vacancies for the following school term or within one
19 calendar year from the beginning of the following school term,
20 the positions thereby becoming available within a specific
21 category of position shall be tendered to the employees so
22 removed or dismissed from that category of position, so far as
23 they are qualified to hold such positions. Each board shall, in
24 consultation with any exclusive employee representative or
25 bargaining agent, each year establish a list, categorized by
26 positions, showing the length of continuing service of each

1 full time educational support personnel employee who is
2 qualified to hold any such positions, unless an alternative
3 method of determining a sequence of dismissal is established as
4 provided for in this Section, in which case a list shall be
5 made in accordance with the alternative method. Copies of the
6 list shall be distributed to the exclusive employee
7 representative or bargaining agent on or before February 1 of
8 each year. Where an educational support personnel employee is
9 dismissed by the board as a result of a decrease in the number
10 of employees or the discontinuance of the employee's job, the
11 employee shall be paid all earned compensation on or before the
12 third business day following his or her last day of employment.

13 The provisions of this amendatory Act of 1986 relating to
14 residency within any school district shall not apply to cities
15 having a population exceeding 500,000 inhabitants.

16 (b) In the case of a new school district or districts
17 formed in accordance with Article 11E of this Code, a school
18 district or districts that annex all of the territory of one or
19 more entire other school districts in accordance with Article 7
20 of this Code, or a school district receiving students from a
21 deactivated school facility in accordance with Section
22 10-22.22b of this Code, the employment of educational support
23 personnel in the new, annexing, or receiving school district
24 immediately following the reorganization shall be governed by
25 this subsection (b). Lists of the educational support personnel
26 employed in the individual districts for the school year

1 immediately prior to the effective date of the new district or
2 districts, annexation, or deactivation shall be combined for
3 the districts forming the new district or districts, for the
4 annexed and annexing districts, or for the deactivating and
5 receiving districts, as the case may be. The combined list
6 shall be categorized by positions, showing the length of
7 continuing service of each full-time educational support
8 personnel employee who is qualified to hold any such position.
9 If there are more full-time educational support personnel
10 employees on the combined list than there are available
11 positions in the new, annexing, or receiving school district,
12 then the employing school board shall first remove or dismiss
13 those educational support personnel employees with the shorter
14 length of continuing service within the respective category of
15 position, following the procedures outlined in subsection (a)
16 of this Section. The employment and position of each
17 educational support personnel employee on the combined list not
18 so removed or dismissed shall be transferred to the new,
19 annexing, or receiving school board, and the new, annexing, or
20 receiving school board is subject to this Code with respect to
21 any educational support personnel employee so transferred as if
22 the educational support personnel employee had been the new,
23 annexing, or receiving board's employee during the time the
24 educational support personnel employee was actually employed
25 by the school board of the district from which the employment
26 and position were transferred.

1 The changes made by this amendatory Act of the 95th General
2 Assembly shall not apply to the formation of a new district or
3 districts in accordance with Article 11E of this Code, the
4 annexation of one or more entire districts in accordance with
5 Article 7 of this Code, or the deactivation of a school
6 facility in accordance with Section 10-22.22b of this Code
7 effective on or before July 1, 2007.

8 (Source: P.A. 89-618, eff. 8-9-96; 90-548, eff. 1-1-98.)

9 (105 ILCS 5/11E-110)

10 Sec. 11E-110. Teachers in contractual continued service;
11 educational support personnel employees.

12 (a) When a school district conversion or multi-unit
13 conversion becomes effective for purposes of administration
14 and attendance, as determined pursuant to Section 11E-70 of
15 this Code, the provisions of Section 24-12 of this Code
16 relative to the contractual continued service status of
17 teachers having contractual continued service whose positions
18 are transferred from one school board to the control of a new
19 or different school board shall apply, and the positions held
20 by teachers, as that term is defined in Section 24-11 of this
21 Code, having contractual continued service with the unit
22 district at the time of its dissolution shall be transferred on
23 the following basis:

24 (1) positions of teachers in contractual continued
25 service that, during the 5 school years immediately

1 preceding the effective date of the change, as determined
2 under Section 11E-70 of this Code, were full-time positions
3 in which all of the time required of the position was spent
4 in one or more of grades 9 through 12 shall be transferred
5 to the control of the school board of the new high school
6 district or combined high school - unit district, as the
7 case may be;

8 (2) positions of teachers in contractual continued
9 service that, during the 5 school years immediately
10 preceding the effective date of the change, as determined
11 under Section 11E-70 of this Code, were full-time positions
12 in which all of the time required of the position was spent
13 in one or more of grades kindergarten through 8 shall be
14 transferred to the control of the school board of the newly
15 created successor elementary district; and

16 (3) positions of teachers in contractual continued
17 service that were full-time positions not required to be
18 transferred to the control of the school board of the new
19 high school district or combined high school - unit
20 district, as the case may be, or the school board of the
21 newly created successor elementary district under the
22 provisions of subdivision (1) or (2) of this subsection (a)
23 shall be transferred to the control of whichever of the
24 boards the teacher shall request.

25 ~~(4)~~ With respect to each position to be transferred under
26 the provisions of this subsection (a), the amount of time

1 required of each position to be spent in one or more of grades
2 kindergarten through 8 and 9 through 12 shall be determined
3 with reference to the applicable records of the unit district
4 being dissolved pursuant to stipulation of the school board of
5 the unit district prior to the effective date of its
6 dissolution or thereafter of the school board of the newly
7 created districts and with the approval in either case of the
8 regional superintendent of schools of the educational service
9 region in which the territory described in the petition filed
10 under this Article or the greater percentage of equalized
11 assessed evaluation of the territory is situated; however, if
12 no such stipulation can be agreed upon, the regional
13 superintendent of schools, after hearing any additional
14 relevant and material evidence that any school board desires to
15 submit, shall make the determination.

16 (a-5) When a school district conversion or multi-unit
17 conversion becomes effective for purposes of administration
18 and attendance, as determined pursuant to Section 11E-70 of
19 this Code, the provisions of subsection (b) of Section 10-23.5
20 of this Code relative to the transfer of educational support
21 personnel employees shall apply, and the positions held by
22 educational support personnel employees shall be transferred
23 on the following basis:

24 (1) positions of educational support personnel
25 employees that, during the 5 school years immediately
26 preceding the effective date of the change, as determined

1 under Section 11E-70 of this Code, were full-time positions
2 in which all of the time required of the position was spent
3 in one or more of grades 9 through 12 shall be transferred
4 to the control of the school board of the new high school
5 district or combined high school - unit district, as the
6 case may be;

7 (2) positions of educational support personnel
8 employees that, during the 5 school years immediately
9 preceding the effective date of the change, as determined
10 under Section 11E-70 of this Code, were full-time positions
11 in which all of the time required of the position was spent
12 in one or more of grades kindergarten through 8 shall be
13 transferred to the control of the school board of the newly
14 created successor elementary district; and

15 (3) positions of educational support personnel
16 employees that were full-time positions not required to be
17 transferred to the control of the school board of the new
18 high school district or combined high school - unit
19 district, as the case may be, or the school board of the
20 newly created successor elementary district under
21 subdivision (1) or (2) of this subsection (a-5) shall be
22 transferred to the control of whichever of the boards the
23 educational support personnel employee requests.

24 With respect to each position to be transferred under this
25 subsection (a-5), the amount of time required of each position
26 to be spent in one or more of grades kindergarten through 8 and

1 9 through 12 shall be determined with reference to the
2 applicable records of the unit district being dissolved
3 pursuant to stipulation of the school board of the unit
4 district prior to the effective date of its dissolution or
5 thereafter of the school board of the newly created districts
6 and with the approval in either case of the regional
7 superintendent of schools of the educational service region in
8 which the territory described in the petition filed under this
9 Article or the greater percentage of equalized assessed
10 evaluation of the territory is situated; however, if no such
11 stipulation can be agreed upon, the regional superintendent of
12 schools, after hearing any additional relevant and material
13 evidence that any school board desires to submit, shall make
14 the determination.

15 (b) When the creation of a unit district or a combined
16 school district becomes effective for purposes of
17 administration and attendance, as determined pursuant to
18 Section 11E-70 of this Code, the positions of teachers in
19 contractual continued service in the districts involved in the
20 creation of the new district are transferred to the newly
21 created district pursuant to the provisions of Section 24-12 of
22 this Code relative to teachers having contractual continued
23 service status whose positions are transferred from one board
24 to the control of a different board, and those provisions of
25 Section 24-12 shall apply to these transferred teachers. The
26 contractual continued service status of any teacher thereby

1 transferred to the newly created district is not lost and the
2 new school board is subject to this Code with respect to the
3 transferred teacher in the same manner as if the teacher was
4 that district's employee and had been its employee during the
5 time the teacher was actually employed by the school board of
6 the district from which the position was transferred.

7 (c) When the creation of a unit district or a combined
8 school district becomes effective for purposes of
9 administration and attendance, as determined pursuant to
10 Section 11E-70 of this Code, the positions of educational
11 support personnel employees in the districts involved in the
12 creation of the new district shall be transferred to the newly
13 created district pursuant to subsection (b) of Section 10-23.5
14 of this Code. The length of continuing service of any
15 educational support personnel employee thereby transferred to
16 the newly created district is not lost and the new school board
17 is subject to this Code with respect to the transferred
18 educational support personnel employee in the same manner as if
19 the educational support personnel employee had been that
20 district's employee during the time the educational support
21 personnel employee was actually employed by the school board of
22 the district from which the position was transferred.

23 (Source: P.A. 94-1019, eff. 7-10-06; revised 8-23-06.)

24 Section 90. The State Mandates Act is amended by adding
25 Section 8.31 as follows:

1 (30 ILCS 805/8.31 new)

2 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8
3 of this Act, no reimbursement by the State is required for the
4 implementation of any mandate created by this amendatory Act of
5 the 95th General Assembly.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.