



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB2990

Introduced 2/18/2016, by Sen. Melinda Bush

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Boundary Changes Article of the School Code. Makes changes concerning the purpose and applicability of the Article; school districts in educational service regions of 2,000,000 or more inhabitants; changing boundaries by detachment or dissolution; petitions for dissolution; the requirements for granting petitions; copies of a petition; a detachment set aside upon petition; petition filing, notices, hearings, and decisions; the Administrative Review Law; a limitation on successive petitions; the effective date of a change; maps showing changes; teacher transfer; the annexation of dissolved non-operating districts; termination of offices; annexation compensation; the title to school sites and buildings; and a limitation on contesting boundary changes. Repeals provisions concerning county references, a change of boundaries in 2 or more counties, special charter districts, an election ordered by the regional superintendent of schools, the annexation of territory eliminated from a non-high school district, and the distribution of accumulated funds. Makes related changes in other Articles of the School Code. Effective July 1, 2016.

LRB099 16913 NHT 41260 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing Sections  
5 5-1, 7-04, 7-1, 7-2a, 7-4, 7-4.1, 7-5, 7-6, 7-7, 7-8, 7-9,  
6 7-10, 7-11, 7-12, 7-14A, 7-29, 12-24, 16-2, and 32-4.6 and by  
7 adding Sections 7-01a, 7-10.5, and 10-22.35B as follows:

8 (105 ILCS 5/5-1) (from Ch. 122, par. 5-1)

9 Sec. 5-1. County school units.

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

23 (b) Notwithstanding subsections (a) and (c), the school

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

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

12 Notwithstanding subsections (a) and (c), the school boards  
13 of Oak Park & River Forest District 200, Oak Park Elementary  
14 School District 97, and River Forest School District 90 may, by  
15 proper resolution, withdraw from the jurisdiction and  
16 authority of the trustees of schools of Proviso and Cicero  
17 Townships and the township treasurer, provided that the school  
18 board shall, upon the adoption and passage of the resolution,  
19 elect or appoint its own school treasurer as provided in  
20 Section 8-1 of this Code. Upon the adoption and passage of the  
21 resolution and the election or appointment by the school board  
22 of its own school treasurer: (1) the trustees of schools in the  
23 township or townships shall no longer have or exercise any  
24 powers or duties with respect to the school district or with  
25 respect to the school business, operations, or assets of the  
26 school district; (2) all books and records of the trustees of

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

12 Notwithstanding subsections (a) and (c), the respective  
13 school boards of Berwyn North School District 98, Berwyn South  
14 School District 100, Cicero School District 99, and J.S. Morton  
15 High School District 201 may, by proper resolution, withdraw  
16 from the jurisdiction and authority of the trustees of schools  
17 of Cicero Township and the township treasurer, provided that  
18 the school board shall, upon the adoption and passage of the  
19 resolution, elect or appoint its own school treasurer as  
20 provided in Section 8-1 of this Code. Upon the adoption and  
21 passage of the resolution and the election or appointment by  
22 the school board of its own school treasurer: (1) the trustees  
23 of schools in the township shall no longer have or exercise any  
24 powers or duties with respect to the school district or with  
25 respect to the school business, operations, or assets of the  
26 school district; (2) all books and records of the trustees of

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

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

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

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

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

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

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

21 -----

22 OFFICIAL BALLOT

23	Shall the offices of township	
24	treasurer and	YES
25	trustee of	-----
26	schools of Township .....	NO

1                   Range ..... be abolished?

2                   -----

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

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

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

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

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

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

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

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

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

1 abolished bears to the aggregate number of pupils in average  
2 daily attendance in all of those districts as so reported for  
3 that school year.

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

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

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

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

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

14 (105 ILCS 5/7-01a new)

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

23 (105 ILCS 5/7-04) (from Ch. 122, par. 7-04)

24 Sec. 7-04. Districts in educational service regions of

1 2,000,000 or more inhabitants.

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

1 exercise, and perform all powers, duties, and responsibilities  
2 required under this Article to be exercised and performed in  
3 those proceedings with respect to the detaching or dissolving  
4 ~~the territory of that~~ school district by a regional board of  
5 school trustees.; and provided further that: (i) ~~when any~~  
6 ~~school district affected by those proceedings is located not~~  
7 ~~only in an educational service region of 2,000,000 or more~~  
8 ~~inhabitants but also in 2 or more school townships in that~~  
9 ~~region that each have trustees of schools of the township, then~~  
10 ~~the boundaries of that school district may be changed under~~  
11 ~~this Article by detachment, annexation, division, dissolution,~~  
12 ~~or any combination of those methods only by the concurrent~~  
13 ~~action of, taken following a joint hearing before the trustees~~  
14 ~~of schools of those townships (in that educational service~~  
15 ~~region) in which that school district is located; and (ii) if~~  
16 ~~any part of the school district referred to in item (i) of this~~  
17 ~~subsection also lies within an educational service region that~~  
18 ~~has a regional board of school trustees, the boundaries of that~~  
19 ~~district may be changed under this Article only by the~~  
20 ~~concurrent action of, taken following a joint hearing before~~  
21 ~~the trustees of schools of the townships referred to in item~~  
22 ~~(i) of this subsection and the regional board of school~~  
23 ~~trustees of the educational service region referred to in this~~  
24 ~~item (ii) of this subsection. Whenever concurrent action and~~  
25 ~~joint hearings are required under this subsection, the original~~  
26 ~~petition shall be filed with the trustees of schools of the~~

1 ~~township in which the territory or greatest portion of the~~  
2 ~~territory being detached is located, or if the territory is~~  
3 ~~being detached from more than one educational service region~~  
4 ~~then with the regional board of school trustees of the region~~  
5 ~~or the trustees of schools of the township in which the~~  
6 ~~territory or greatest portion of the territory being detached~~  
7 ~~is located.~~

8 (a-5) As applicable, the hearing panel shall be made up of  
9 3 persons who have a demonstrated interest and background in  
10 education. Each hearing panel member must reside within an  
11 educational service region of 2,000,000 or more inhabitants but  
12 not within the boundaries of a school district organized under  
13 Article 34 of this Code and may not be a current school board  
14 member of the detaching or dissolving or annexing school  
15 district or a current employee of the detaching or dissolving  
16 or annexing school district or hold any county office. All 3  
17 persons must be selected by the chief administrative officer of  
18 the educational service center in which the chief  
19 administrative officer has supervision and control, as defined  
20 in Section 3-14.2 of this Code, of the detaching or dissolving  
21 school district. The members of a hearing panel as established  
22 in this Section shall serve without remuneration; however, the  
23 necessary expenses, including travel, attendant upon any  
24 meeting or hearing in relation to a proceeding under this  
25 Article must be paid.

26 (a-10) The petition must be filed with the trustees of

1 schools of the township with jurisdiction and authority over  
2 the detaching or dissolving school district or with the chief  
3 administrative officer of the educational service center in  
4 which the chief administrative officer has supervision and  
5 control, as defined in Section 3-14.2 of this Code, of the  
6 detaching or dissolving school district, as applicable. The  
7 chief administrative officer of the educational service center  
8 or a person designated by the trustees of schools of the  
9 township, as applicable, shall have, exercise, and perform all  
10 powers, duties, and responsibilities required under this  
11 Article that are otherwise assigned to regional  
12 superintendents of schools.

13 (b) Except as otherwise provided in this Section, all other  
14 provisions of this Article shall apply to any proceedings under  
15 this Article to change the boundaries of any school district  
16 located in an educational service region having 2,000,000 or  
17 more inhabitants in the same manner that those provisions apply  
18 to any proceedings to change the boundaries of any school  
19 district located in any other educational service region;  
20 provided, that any reference in those other provisions to the  
21 regional board of school trustees shall mean, with respect to  
22 all territory within an educational service region containing  
23 2,000,000 or more inhabitants that formerly was served by a  
24 regional board of school trustees abolished under subsection  
25 (a) of Section 6-2, the trustees of schools of the township ~~or~~  
26 ~~the school board of the school district~~ that is the successor

1 under subsection (b) of Section 6-2 to the former regional  
2 board of school trustees with respect to the territory included  
3 within that school township or school district or the hearing  
4 panel as established by this Section.

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

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

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

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

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

1 with supervision and control, as defined in Section 3-14.2 of  
2 this Code, of the detaching or dissolving school district.

3 A petition for boundary change must be filed by the school  
4 board of the detaching or dissolving district, by a majority of  
5 the legal resident voters in the dissolving district, or by a  
6 combination of two-thirds of the legal resident voters and the  
7 owners of record of any real estate with no legal resident  
8 voters in any territory proposed to be detached. If any of the  
9 territory proposed to be detached contains real estate with no  
10 legal resident voters, petitioners shall deliver the petition  
11 by certified mail, return receipt requested, to all owners of  
12 record of any real estate with no legal resident voters. Proof  
13 of such delivery must be presented as evidence at the hearing  
14 required under Section 7-6 of this Code. Any owner of record of  
15 real estate with no legal resident voters in any territory  
16 proposed to be detached may either sign the petition in person  
17 and before the circulator as described in this Section or  
18 return the petition with his or her notarized signature to be  
19 included as a petitioner. If there are no legal resident voters  
20 within the territory proposed to be detached, then the petition  
21 must be signed by all of the owners of record of the real  
22 estate of the territory. Legal resident ~~Registered~~ voters shall  
23 be determined by the official voter registration lists as of  
24 the date the petition is filed. No signatures shall be added or  
25 withdrawn after the date the petition is filed. The length of  
26 time for signatures to be valid, before filing of the petition,

1 shall not exceed 6 months. Notwithstanding any provision to the  
2 contrary contained in the Election Code, the regional  
3 superintendent of schools shall make all determinations  
4 regarding the validity of the petition, including, without  
5 limitation, signatures on the petition, subject to  
6 administrative review in accordance with Section 7-7 of this  
7 Code. If the regional superintendent determines that the  
8 petition is not in proper order or not in compliance with any  
9 applicable petition requirements set forth in the Election  
10 Code, the regional superintendent may not accept the petition  
11 for filing and shall return the petition to the petitioners. ~~If~~  
12 ~~there are no registered voters within the territory proposed to~~  
13 ~~be detached from one or more districts, then the petition may~~  
14 ~~be signed by all of the owners of record of the real estate of~~  
15 ~~the territory. Notwithstanding any other provisions of this~~  
16 ~~Article, if pursuant to a petition filed under this subsection~~  
17 ~~all of the territory of a school district is to be annexed to~~  
18 ~~another school district, any action by the regional board of~~  
19 ~~school trustees or State Superintendent of Education in~~  
20 ~~granting or approving the petition and any change in school~~  
21 ~~district boundaries pursuant to that action is subject to and~~  
22 ~~the change in school district boundaries shall not be made~~  
23 ~~except upon approval at a regular scheduled election, in the~~  
24 ~~manner provided by Section 7-7.7, of a proposition for the~~  
25 ~~annexation of all of the territory of that school district to~~  
26 ~~the other school district.~~

1       Petitions for detachment and dissolution shall  
2       substantially comply with the requirements in this Section and  
3       Section 28-3 of the Election Code for petitions for public  
4       policy questions. Petitions ~~Each page of the circulated~~  
5       ~~petition~~ shall include the full prayer of the petition at the  
6       top of each page. Each, ~~and each~~ signature contained therein  
7       shall match the official signature and address of the legal  
8       resident ~~registered~~ voters as recorded in the office of the  
9       county clerk, and each ~~election authority having jurisdiction~~  
10      ~~over the county. Each~~ petitioner shall ~~also~~ record the date of  
11      his or her signing. Except in instances of a notarized  
12      signature of an owner of record of real estate with no legal  
13      resident voters in any territory proposed to be detached, each  
14      ~~Each~~ page of the petition shall be signed by a circulator who  
15      has witnessed the signature of each petitioner on that page. In  
16      any other case of a detachment and within his or her sole  
17      discretion, the regional superintendent may accept  
18      notarization in lieu of a circulator statement. Each petition  
19      shall include an accurate legal description and map of the  
20      territory proposed to be detached. If a petition proposes to  
21      dissolve an entire district, then the full name and number of  
22      the district and a map are sufficient. Each petition shall  
23      include the names of petitioners; the district to be dissolved  
24      or the district from which the territory is proposed to be  
25      detached; the district or districts to which the territory is  
26      proposed to be annexed; evidence that the detaching or

1 dissolving territory is compact and contiguous with the  
2 annexing district or districts or otherwise meets the  
3 requirements set forth in Section 7-4 of this Code; the  
4 referendum date, if applicable; and facts that support  
5 favorable findings for the factors to be considered by the  
6 regional board of school trustees pursuant to Section 7-6 of  
7 this Code. ~~The length of time for signatures to be valid,~~  
8 ~~before filing of the petition, shall not exceed 6 months.~~

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

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

25 No petition may be filed under this Section to form a new  
26 school district under this Article; however, such a petition

1 may be filed under this Section to form a new school district  
2 if the boundaries of such new school district lie entirely  
3 within the boundaries of a military base or installation  
4 operated and maintained by the government of the United States.

5 (b) Any elementary or high school district with 100 or more  
6 of its students residing upon territory located entirely within  
7 a military base or installation operated and maintained by the  
8 government of the United States, or any unit school district or  
9 any combination of the above mentioned districts with 300 or  
10 more of its students residing upon territory located entirely  
11 within a military base or installation operated and maintained  
12 by the government of the United States, shall, upon the filing  
13 with the regional board of school trustees of a petition  
14 adopted by resolution of the board of education or a petition  
15 signed by a majority of the registered voters residing upon  
16 such military base or installation, have all of the territory  
17 lying entirely within such military base or installation  
18 detached from such school district, and a new school district  
19 comprised of such territory shall be created. The petition  
20 shall be filed with and decided solely by the regional board of  
21 school trustees of the region in which the regional  
22 superintendent of schools has supervision and control, as  
23 defined by Section 3-14.2 of this Code, of the school district  
24 affected. The regional board of school trustees shall have no  
25 authority to deny the detachment and creation of a new school  
26 district requested in a proper petition filed under this

1 subsection. This subsection shall apply only to those school  
2 districts having a population of not fewer than 1,000 and not  
3 more than 500,000 residents, as ascertained by any special or  
4 general census.

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

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

1 Code, of the school district from which the territory was  
2 detached shall certify to the regional board of school trustees  
3 that the school district created under this subsection (b) has  
4 been automatically dissolved.

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

6 (105 ILCS 5/7-2a) (from Ch. 122, par. 7-2a)

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

16 (b) Any school district with a population of less than  
17 5,000 residents or an enrollment of less than 750 students, as  
18 determined by the district's current fall housing report filed  
19 with the State Board of Education, shall be dissolved and its  
20 territory annexed as provided in Section 7-11 by the regional  
21 board of school trustees upon the filing ~~with the regional~~  
22 ~~board of school trustees~~ of a petition adopted by resolution of  
23 the board of education or ~~a petition~~ signed by a majority of  
24 the legal resident ~~registered~~ voters of the district seeking  
25 such dissolution. No petition shall be adopted or signed under

1 this subsection until the board of education or the  
2 petitioners, as the case may be, shall have given at least 10  
3 days' notice to be published once in a newspaper having general  
4 circulation in the district and shall have conducted a public  
5 informational meeting to inform the residents of the district  
6 of the proposed dissolution and to answer questions concerning  
7 the proposed dissolution. The petition shall be filed with and  
8 decided solely by the regional board of school trustees of the  
9 region in which the regional superintendent of schools has  
10 supervision and control, as defined by Section 3-14.2 of this  
11 Code, of the school district being dissolved.

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

1 of law.

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

22 ~~When dissolution and annexation become effective for~~  
23 ~~purposes of administration and attendance as determined~~  
24 ~~pursuant to Section 7-11, the positions of teachers in~~  
25 ~~contractual continued service in the district being dissolved~~  
26 ~~are transferred to an annexing district or to annexing~~

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

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

21 (105 ILCS 5/7-4) (from Ch. 122, par. 7-4)

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

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

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

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

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

23           (2) every district contiguous to the district wishing  
24 to be annexed determines that it is not interested in  
25 participating in a petition filed under Section 7-1 ~~or 7-2~~  
26 of this Code, through a vote of its school board, and

1 documents that non-interest in a letter to the regional  
2 board of school trustees containing approved minutes that  
3 record the school board vote; and

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

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

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

2 (105 ILCS 5/7-4.1) (from Ch. 122, par. 7-4.1)

3 Sec. 7-4.1. Copies of petition. Each petition submitted  
4 under the provisions of Section 7-1 ~~or 7-2~~ shall include proof  
5 of notice to owners of record of real estate with no legal  
6 resident voters in any territory proposed to be detached, if  
7 applicable, and be accompanied by sufficient copies thereof for  
8 distribution to the board of each detaching or dissolving and  
9 annexing school district ~~involved~~. The copies need not be  
10 signed by the petitioners as is required of the original  
11 petition.

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

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

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

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

2 (105 ILCS 5/7-6) (from Ch. 122, par. 7-6)

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

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

21 (b) (Blank). ~~When a joint hearing is required under the~~  
22 ~~provisions of Section 7-2, the secretary also shall cause a~~  
23 ~~copy of the notice to be sent to the regional board of school~~  
24 ~~trustees of each region affected. Notwithstanding the~~  
25 ~~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 or under Section 7-2 proposes to annex all the territory of~~  
11 ~~a school district to another school district, the petition~~  
12 ~~shall request the submission of a proposition at a regular~~  
13 ~~scheduled election for the purpose of voting for or against the~~  
14 ~~annexation of the territory described in the petition to the~~  
15 ~~school district proposing to annex that territory. No petition~~  
16 ~~filed or election held under this Article shall be null and~~  
17 ~~void, invalidated, or deemed in noncompliance with the Election~~  
18 ~~Code because of a failure to publish a notice with respect to~~  
19 ~~the petition or referendum as required under subsection (g) of~~  
20 ~~Section 28-2 of that Code for petitions that are not filed~~  
21 ~~under this Article or Article 11E of this Code.~~

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

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

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

25 (e) The petitioners shall pay the expenses of publishing  
26 the notice and ~~of~~ any transcript taken at the hearing and

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

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

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

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

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

1 ~~prior to the day upon which the hearing or joint hearing is to~~  
2 ~~be held.~~

3 (h-5) Except for motions challenging the validity of a  
4 petition or ability of the secretary of the regional board of  
5 school trustees to accept the filing of a petition under this  
6 Article, no other motions, pleadings, briefs, interrogatories,  
7 or other like documents may be allowed and the regional board  
8 of school trustees shall have no authority to consider such  
9 documents in the administrative proceeding.

10 (i) The regional board of school trustees shall hear  
11 evidence as to the school needs and conditions of the territory  
12 in the area within and adjacent thereto and the effect  
13 detachment will have on those needs and conditions and as to  
14 the ability of the districts affected to meet the standards of  
15 recognition as prescribed by the State Board of Education,  
16 shall take into consideration the division of funds and assets  
17 that will result from the change of boundaries, and shall  
18 determine whether it is in the best interests of the schools of  
19 the area and the direct educational welfare of the pupils that  
20 such change in boundaries be granted. If non-high school  
21 territory is contained in the petition, the normal high school  
22 attendance pattern of the pupils must be taken into  
23 consideration. If the non-high school territory overlies an  
24 elementary district, a part of which is in a high school  
25 district, such territory may be annexed to the high school  
26 district even though the territory is not contiguous to the

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

1 ~~secretaries thereof shall conduct the hearing or joint hearing~~  
2 ~~upon any boundary petition and present a transcript of such~~  
3 ~~hearing to the trustees who shall base their decision upon the~~  
4 ~~transcript, maps and information and any presentation of~~  
5 ~~counsel.~~ In the instance of a change of boundaries through  
6 detachment:

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

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

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

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

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

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

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

25 If the regional board of school trustees ~~or the regional~~  
26 ~~boards of school trustees~~ grants a petition to change school

1 district boundaries, then the annexing school district shall  
2 determine the attendance center or centers that children from  
3 the petitioning area shall attend.

4 (j) At the hearing, ~~or joint hearing any resident of the~~  
5 ~~territory described 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 an attorney in support of the petition  
10 or to object to the granting of the petition and may present  
11 evidence in support of his or her position through either oral  
12 or written testimony.

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

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

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

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

1 petition is submitted to the State Superintendent of Education  
2 in accordance with the provisions of this paragraph:

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

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

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

23 (4) If so directed by the State Superintendent of  
24 Education, the regional superintendent of schools shall  
25 submit to the State Superintendent of Education and to such  
26 school boards as the State Superintendent of Education

1 shall prescribe accurate maps and a written report of the  
2 financial and educational conditions of the districts  
3 affected and the probable effect of the proposed boundary  
4 changes.

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

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

18 (m) (Blank). ~~Within 10 days after the conclusion of a joint~~  
19 ~~hearing required under the provisions of Section 7-2, each~~  
20 ~~regional board of school trustees shall meet together and~~  
21 ~~render a decision with regard to the joint hearing on the~~  
22 ~~petition. If the regional boards of school trustees fail to~~  
23 ~~enter a joint order either granting or denying the petition,~~  
24 ~~the regional superintendent of schools for the educational~~  
25 ~~service region in which the joint hearing is held shall enter~~  
26 ~~an order denying the petition, and within 30 days after the~~

~~1 conclusion of the joint hearing shall deliver a copy of the  
2 order denying the petition to the regional boards of school  
3 trustees of each region affected, to the committee of  
4 petitioners, if any, to any person who has filed his appearance  
5 in writing at the hearing and to any attorney who appears for  
6 any person at the joint hearing. If the regional boards of  
7 school trustees enter a joint order either granting or denying  
8 the petition, the regional superintendent of schools for the  
9 educational service region in which the joint hearing is held  
10 shall, within 30 days of the conclusion of the hearing, deliver  
11 a copy of the joint order to those same committees and persons  
12 as are entitled to receive copies of the regional  
13 superintendent's order in cases where the regional boards of  
14 school trustees have failed to enter a joint order.~~

15 (n) Within 10 days after service of a copy of the order  
16 granting or denying the petition, any person so served may  
17 petition for a rehearing ~~and, upon sufficient cause being  
18 shown, a rehearing may be granted. The regional board of school  
19 trustees shall first determine whether there is sufficient  
20 cause for a rehearing. If so determined, then the regional  
21 board of school trustees shall allow the petition to be heard  
22 anew in its entirety in accordance with all procedures in this  
23 Article. The party requesting a rehearing shall pay the  
24 expenses of publishing the notice and of any transcript taken  
25 at the hearing. The filing of a petition for rehearing shall  
26 operate as a stay of enforcement until the regional board of~~

1 school trustees,~~or regional boards of school trustees in cases~~  
2 ~~of a joint hearing,~~ or State Superintendent of Education in  
3 cases determined under subsection (1) of this Section enters  
4 ~~enter~~ the final order on such petition for rehearing.

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

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

16 (105 ILCS 5/7-7) (from Ch. 122, par. 7-7)

17 Sec. 7-7. Administrative Review Law. The decision of the  
18 regional board of school trustees,~~or the decision of the~~  
19 ~~regional boards of school trustees following a joint hearing,~~  
20 or the decision of the State Superintendent of Education in  
21 cases determined pursuant to subsection (1) of Section 7-6~~7~~  
22 shall be deemed an "administrative decision" as defined in  
23 Section 3-101 of the Code of Civil Procedure; and any resident,l  
24 ~~who appears at the hearing or any petitioner,~~l or board of  
25 education entitled to receive a certified copy of the regional

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

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

1 (105 ILCS 5/7-8) (from Ch. 122, par. 7-8)

2 Sec. 7-8. Limitation on successive petitions. In this  
3 Section, "substantially different" means the inclusion or  
4 exclusion of territory or other changes to a petition that are  
5 deemed substantial by the regional board of school trustees  
6 hearing the petition. Different petitioners, committee of 10  
7 members, and voter signatures do not constitute a  
8 "substantially different" petition if there are no other  
9 changes to the previous petition.

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

1 date of a final administrative decision after all appeal  
2 timelines have run, upon final court order after all appeal  
3 timelines have run, or upon the certification of the election  
4 results in the event of a dissolution. The 2-year period is 2  
5 calendar years.

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

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

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

1 certification of election results in the event of a  
2 dissolution, the change in boundaries shall become effective  
3 the following July 1 forthwith. The school boards of the  
4 districts as they existed prior to the change shall exercise  
5 the same power and authority over such territory until such  
6 date, unless ~~However, if the granting of the petition becomes~~  
7 ~~final between September 1 and June 30 of any year, the~~  
8 ~~administration of and attendance at the schools shall not be~~  
9 ~~affected until the following July 1, when the change in~~  
10 ~~boundaries shall become effective for all purposes. After the~~  
11 ~~granting of a petition has become final, the date when the~~  
12 ~~change shall become effective for purposes of administration~~  
13 ~~and attendance may be~~ accelerated or postponed by stipulation  
14 of ~~each of~~ the school boards of each detaching or dissolving  
15 and annexing school district and approval ~~affected and approved~~  
16 by the regional board of school trustees ~~or by the board of a~~  
17 ~~special charter district with which the original petition is~~  
18 ~~required to be filed.~~

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

20 (105 ILCS 5/7-10) (from Ch. 122, par. 7-10)

21 Sec. 7-10. Map showing change; filed ~~change Filed~~. Within  
22 30 ~~thirty~~ days after the boundaries of any school district have  
23 been changed, ~~or a new district created under any of the~~  
24 ~~provisions of this Article~~ the regional ~~county~~ superintendent  
25 of schools ~~of any county involved~~ shall make and file with the

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

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

12 (105 ILCS 5/7-10.5 new)

13 Sec. 7-10.5. Teacher transfer. When dissolution and  
14 annexation become effective for purposes of administration and  
15 attendance as determined pursuant to Section 7-9 or 7-11 of  
16 this Code, as applicable, the positions of teachers in  
17 contractual continued service in the district being dissolved  
18 are transferred to an annexing district or to annexing  
19 districts pursuant to the provisions of subsection (h) of  
20 Section 24-11 of this Code relative to teachers having  
21 contractual continued service status whose positions are  
22 transferred from one school board to the control of a different  
23 school board, and those said provisions of subsection (h) of  
24 Section 24-11 of this Code shall apply to the transferred  
25 teachers. In the event that the territory is added to 2 or more

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

15 (105 ILCS 5/7-11) (from Ch. 122, par. 7-11)

16 Sec. 7-11. Annexation of dissolved non-operating  
17 districts. If any school district has become dissolved as  
18 provided in Section 5-32, or if a petition for dissolution is  
19 filed under ~~subsection (b) of~~ Section 7-2a, the regional board  
20 of school trustees shall attach the territory of such dissolved  
21 district to one or more districts and, if the territory is  
22 added to 2 or more districts, shall divide the property of the  
23 dissolved district among the districts to which its territory  
24 is added, in the manner provided for the division of property  
25 in case of the organization of a new district from a part of

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

24 The regional board of school trustees shall give notice of  
25 a hearing, to be held not less than 50 days nor more than 70  
26 days after a school district is dissolved under Section 5-32 or

1 a petition is filed under ~~subsection (b) of~~ Section 7-2a, on  
2 the disposition of the territory of such school district by  
3 publishing a notice thereof at least once each week for 2  
4 successive weeks in at least one newspaper having a general  
5 circulation within the area of the territory involved. At such  
6 hearing, the regional board of school trustees shall hear  
7 evidence as to the school needs and conditions of the territory  
8 and of the area within and adjacent thereto, and shall take  
9 into consideration the educational welfare of the pupils of the  
10 territory and the normal high school attendance pattern of the  
11 children. In the case of an elementary school district, except  
12 for Leepertown CCSD 175, if all the eighth grade graduates of  
13 such district customarily attend high school in the same high  
14 school district, the regional board of school trustees shall,  
15 unless it be impossible because of the restrictions of a  
16 special charter district, annex the territory of the district  
17 to a contiguous elementary school district whose eighth grade  
18 graduates customarily attend that high school, and that has an  
19 elementary school building nearest to the center of the  
20 territory to be annexed, but if such eighth grade graduates  
21 customarily attend more than one high school the regional board  
22 of school trustees shall determine the attendance pattern of  
23 such graduates and divide the territory of the district among  
24 the contiguous elementary districts whose graduates attend the  
25 same respective high schools.

26 At the conclusion of the hearing, the regional

1 superintendent of schools, as secretary to the regional board  
2 of school trustees, shall, within 10 days, enter an order  
3 detailing the annexation of the dissolved district. The  
4 regional superintendent of schools shall deliver a certified  
5 copy of the order by certified mail, return receipt requested,  
6 to the petitioners or committee of petitioners, as applicable;  
7 the school board of each dissolving and annexing district; any  
8 person providing testimony in support of or opposition to the  
9 petition at the hearing; and any attorney who appears for any  
10 person. The regional superintendent of schools shall also  
11 deliver a copy of the order to the regional superintendent of  
12 schools who has supervision and control, as defined in Section  
13 3-14.2 of this Code, of the annexing district, if different  
14 from the regional superintendent of schools with whom the  
15 petition was filed. The regional superintendent of schools is  
16 not required to send a copy of the regional board of school  
17 trustees' order to those attending the hearing but not  
18 participating. The final order shall be in writing and include  
19 findings of fact, conclusions of law, and the annexation  
20 decision. The decision of the regional board of school trustees  
21 shall be ~~The decision of the regional board of school trustees~~  
22 ~~in such matter shall be issued within 10 days after the~~  
23 ~~conclusion of the hearing and~~ deemed an "administrative  
24 decision" as defined in Section 3-101 of the Code of Civil  
25 Procedure and any resident, ~~who appears at the hearing or any~~  
26 petitioner, or school district entitled to receive a certified

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

18 Notwithstanding the foregoing provisions of this Section  
19 or any other provision of law to the contrary, the school board  
20 of the Mt. Morris School District is authorized to donate to  
21 the City of Mount Morris, Illinois the school building and  
22 other real property used as a school site by the Mt. Morris  
23 School District at the time of its dissolution, by appropriate  
24 resolution adopted by the school board of the district prior to  
25 the dissolution of the district; and upon the adoption of a  
26 resolution by the school board donating the school building and

1 school site to the City of Mount Morris, Illinois as authorized  
2 by this Section, the regional board of school trustees or other  
3 school officials holding legal title to the school building and  
4 school site so donated shall immediately convey the same to the  
5 City of Mt. Morris, Illinois.

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

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

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

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

23 (105 ILCS 5/7-14A) (from Ch. 122, par. 7-14A)

24 Sec. 7-14A. Annexation compensation ~~Compensation~~. There

1 shall be no accounting made after a mere change in boundaries  
2 when no new district is created, except that those districts  
3 whose enrollment increases by 90% or more as a result of  
4 annexing territory detached from another district pursuant to  
5 this Article are eligible for supplementary State aid payments  
6 in accordance with Section 11E-135 of this Code. Eligible  
7 annexing districts shall apply to the State Board of Education  
8 for supplementary State aid payments by submitting enrollment  
9 figures for the year immediately preceding and the year  
10 immediately following the effective date of the boundary change  
11 for both the district gaining territory and the district losing  
12 territory. Copies of any intergovernmental agreements between  
13 the district gaining territory and the district losing  
14 territory detailing any transfer of fund balances and staff  
15 must also be submitted. In all instances of changes in  
16 boundaries, the district losing territory shall not count the  
17 average daily attendance of pupils living in the territory  
18 during the year preceding the effective date of the boundary  
19 change in its claim for reimbursement under Section 18-8.05  
20 ~~18-8~~ for the school year following the effective date of the  
21 change in boundaries and the district receiving the territory  
22 shall count the average daily attendance of pupils living in  
23 the territory during the year preceding the effective date of  
24 the boundary change in its claim for reimbursement under  
25 Section 18-8.05 ~~18-8~~ for the school year following the  
26 effective date of the change in boundaries. The changes to this

1 Section made by this amendatory Act of the 95th General  
2 Assembly are intended to be retroactive and applicable to any  
3 annexation taking effect on or after July 1, 2004.

4 (Source: P.A. 95-707, eff. 1-11-08.)

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

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

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

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

4 (105 ILCS 5/10-22.35B new)

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

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

1 of the school district, and the legal title to those school  
2 buildings and school sites shall be deemed transferred by  
3 operation of law to the school district, to be used for school  
4 purposes and held, sold, leased, exchanged, or otherwise  
5 transferred in accordance with law.

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

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

23 (d) Nothing in this Section shall be deemed to apply to any  
24 common school lands or lands granted or exchanged therefor or  
25 to the manner in which such lands are managed and controlled  
26 for the use and benefit of the school township and the schools

1 of the township by the township land commissioners, the  
2 regional board of school trustees (acting as the township land  
3 commissioners), or the trustees of schools of the township,  
4 which hold legal title to those lands; and they may continue to  
5 receive gifts, grants, donations, or legacies made for the use  
6 of the school township and for the schools of the township  
7 generally in the same manner as such gifts, grants, donations,  
8 or legacies were made prior to January 1, 1994.

9 (105 ILCS 5/12-24) (from Ch. 122, par. 12-24)

10 Sec. 12-24. Elimination of non-high school district. The  
11 territory of the non-high school district or unit district not  
12 maintaining a high school in existence on January 1, 1950 of  
13 any county having a population of 500,000 or less shall be  
14 automatically eliminated from the non-high school district or  
15 unit district, unless (1) the non-high school territory is  
16 adjacent to a district created by a special Act whose  
17 boundaries are required by such Act to be coterminous with some  
18 city or village or to a district maintaining grades 1 through  
19 12 and (2) has children in such territory who customarily  
20 attend the high school of such district and (3) has no school  
21 district operating grades 9 through 12 to which such territory  
22 could be annexed without impairing the educational  
23 opportunities of the children of such territory and in such  
24 case the territory shall remain non-high school territory.

25 Any such non-high school district including any unit

1 district not maintaining a high school pursuant to the  
2 provisions of this Section shall pay tuition for high school  
3 students at a rate to be mutually agreed by the boards of  
4 education of each district affected.

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

9 Any non-high school district affected by such elimination  
10 and annexation may continue to exercise all previously  
11 conferred and existing powers pending final administrative or  
12 judicial affirmance thereof.

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

14 (105 ILCS 5/16-2) (from Ch. 122, par. 16-2)

15 Sec. 16-2. Joint use of site and building. Whenever the  
16 school boards of two or more school districts have agreed upon  
17 the joint use of any school site and compensation to be paid  
18 therefor, and any such site has been selected in the manner  
19 required by law, it is lawful for such districts to use the  
20 same school site and after payment of the compensation, the  
21 trustees of schools of the township or regional board of school  
22 trustees, as the case may be, by proper instrument in writing  
23 shall declare that title to such site is held for the joint use  
24 of such districts according to the terms of such agreement, and  
25 such districts shall be further authorized to construct,

1 maintain and use a building jointly for the benefit of the  
2 inhabitants thereof. Notwithstanding any other provisions of  
3 this Section:

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

18 (2) If one more but not all of the school boards that are  
19 party to the agreement are school boards that, under subsection  
20 (a) of Section 10-22.35B of this Code ~~7-28~~, are to hold legal  
21 title to the school buildings and school sites of the district,  
22 the interest in the selected site of each school board that is  
23 to hold legal title to the school buildings and school sites of  
24 the district shall be that of a tenant in common; and the  
25 required deed or deeds of conveyance shall be executed and  
26 delivered by the president and secretary or clerk of the

1 trustees of schools of the township, regional board of school  
2 trustees, township land commissioners, or school boards, as the  
3 case may be, to reflect that tenancy in common interest of the  
4 appropriate school board or school boards with the trustees of  
5 schools of the township, regional board of school trustees or  
6 township land commissioners, as the case may be, in the legal  
7 title to the selected site.

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

9 (105 ILCS 5/32-4.6) (from Ch. 122, par. 32-4.6)

10 Sec. 32-4.6. Title, care and custody of property;  
11 supervision and control.

12 The title, care and custody of all schoolhouses and school  
13 sites belonging to districts that are described in Section  
14 32-2.11 and that are not districts whose school boards under  
15 subsection (a) of Section 10-22.35B of this Code ~~7-29~~ are to  
16 hold legal title to school buildings and school sites of the  
17 district shall be vested in the trustees of schools of the  
18 townships in which the districts are situated, but the  
19 supervision and control of such schoolhouses and sites shall be  
20 vested in the board of inspectors of the districts. In all  
21 other cases, the legal title, care, custody and control of  
22 school houses and school sites belonging to districts that are  
23 described in Section 32-2.11, together with the supervision and  
24 control of those school houses and sites, shall be vested in  
25 the board of inspectors of the districts.

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

2 (105 ILCS 5/7-01 rep.)

3 (105 ILCS 5/7-2 rep.)

4 (105 ILCS 5/7-2.3 rep.)

5 (105 ILCS 5/7-2.4 rep.)

6 (105 ILCS 5/7-2.5 rep.)

7 (105 ILCS 5/7-2.6 rep.)

8 (105 ILCS 5/7-2.7 rep.)

9 (105 ILCS 5/7-13 rep.)

10 (105 ILCS 5/7-27 rep.)

11 (105 ILCS 5/7-28 rep.)

12 (105 ILCS 5/7-30 rep.)

13 Section 10. The School Code is amended by repealing  
14 Sections 7-01, 7-2, 7-2.3, 7-2.4, 7-2.5, 7-2.6, 7-2.7, 7-13,  
15 7-27, 7-28, and 7-30.

16 Section 99. Effective date. This Act takes effect July 1,  
17 2016.

1		INDEX
2		Statutes amended in order of appearance
3	105 ILCS 5/5-1	from Ch. 122, par. 5-1
4	105 ILCS 5/7-01a new	
5	105 ILCS 5/7-04	from Ch. 122, par. 7-04
6	105 ILCS 5/7-1	from Ch. 122, par. 7-1
7	105 ILCS 5/7-2a	from Ch. 122, par. 7-2a
8	105 ILCS 5/7-4	from Ch. 122, par. 7-4
9	105 ILCS 5/7-4.1	from Ch. 122, par. 7-4.1
10	105 ILCS 5/7-5	from Ch. 122, par. 7-5
11	105 ILCS 5/7-6	from Ch. 122, par. 7-6
12	105 ILCS 5/7-7	from Ch. 122, par. 7-7
13	105 ILCS 5/7-8	from Ch. 122, par. 7-8
14	105 ILCS 5/7-9	from Ch. 122, par. 7-9
15	105 ILCS 5/7-10	from Ch. 122, par. 7-10
16	105 ILCS 5/7-10.5 new	
17	105 ILCS 5/7-11	from Ch. 122, par. 7-11
18	105 ILCS 5/7-12	from Ch. 122, par. 7-12
19	105 ILCS 5/7-14A	from Ch. 122, par. 7-14A
20	105 ILCS 5/7-29	from Ch. 122, par. 7-29
21	105 ILCS 5/10-22.35B new	
22	105 ILCS 5/12-24	from Ch. 122, par. 12-24
23	105 ILCS 5/16-2	from Ch. 122, par. 16-2
24	105 ILCS 5/32-4.6	from Ch. 122, par. 32-4.6
25	105 ILCS 5/7-01 rep.	

- 1 105 ILCS 5/7-2 rep.
- 2 105 ILCS 5/7-2.3 rep.
- 3 105 ILCS 5/7-2.4 rep.
- 4 105 ILCS 5/7-2.5 rep.
- 5 105 ILCS 5/7-2.6 rep.
- 6 105 ILCS 5/7-2.7 rep.
- 7 105 ILCS 5/7-13 rep.
- 8 105 ILCS 5/7-27 rep.
- 9 105 ILCS 5/7-28 rep.
- 10 105 ILCS 5/7-30 rep.