



Sen. Melinda Bush

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LRB099 16913 NHT 47079 a

1 AMENDMENT TO SENATE BILL 2990

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2990 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections  
5 5-1, 7-04, 7-1, 7-2a, 7-4, 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, 7-01b, 7-10.5, 7-31, and 10-22.35B as  
8 follows:

9 (105 ILCS 5/5-1) (from Ch. 122, par. 5-1)

10 Sec. 5-1. County school units.

11 (a) The territory in each county, exclusive of any school  
12 district governed by any special act which requires the  
13 district to appoint its own school treasurer, shall constitute  
14 a county school unit. County school units of less than  
15 2,000,000 inhabitants shall be known as Class I county school  
16 units and the office of township trustees, where existing on

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 -----

4 OFFICIAL BALLOT

5 Shall the offices of township

6 treasurer and

YES

7 trustee of -----

8 schools of Township .....

NO

9 Range ..... be abolished?

10 -----

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

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

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

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

1 condition is met:

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (105 ILCS 5/7-01b new)

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

13 (105 ILCS 5/7-04) (from Ch. 122, par. 7-04)

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

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

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

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

24 (a-5) As applicable, the hearing panel shall be made up of  
25 3 persons who have a demonstrated interest and background in  
26 education. Each hearing panel member must reside within an

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

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

1 powers, duties, and responsibilities required under this  
2 Article that are otherwise assigned to regional  
3 superintendents of schools.

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

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

23 (105 ILCS 5/7-1) (from Ch. 122, par. 7-1)

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

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

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

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

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

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

24 Petitions for detachment and dissolution ~~Each page of the~~  
25 ~~circulated petition~~ shall include the full prayer of the  
26 petition with a general description of the territory at the top

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

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

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

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

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

26 (b) Any elementary or high school district with 100 or more

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

26 The new school district shall tuition its students to the

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

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

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

1 (105 ILCS 5/7-2a) (from Ch. 122, par. 7-2a)

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

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

1 of the proposed dissolution and to answer questions concerning  
2 the proposed dissolution. The petition shall be filed with and  
3 decided solely by the regional board of school trustees of the  
4 region in which the regional superintendent of schools has  
5 supervision and control, as defined by Section 3-14.2 of this  
6 Code, of the school district being dissolved.

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

23 For all petitions under this Section, the legal resident  
24 voters must be determined by the official voter registration  
25 lists as of the date the petition is filed. No signatures may  
26 be added or withdrawn after the date the petition is filed. The

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

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

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

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

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

(a) If there will be any non-high school territory 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 president of the school board of each  
9 detaching or dissolving and annexing school district ~~involved~~.  
10 The copies need not contain original signatures ~~be signed~~ by  
11 the petitioners as is required of the original 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 receive the  
10 filing of the petition, make the determination of validity in  
11 accordance with subsection (a) of Section 7-1 of this Section,  
12 publish the notice, conduct the hearing, and issue the final  
13 order. Upon the filing of a petition with the secretary of the  
14 regional board of school trustees under the provisions of  
15 Section 7-1 ~~or 7-2~~ of this Code, ~~Act~~ the secretary shall cause  
16 a copy of such petition to be given to the president of the  
17 school ~~each~~ board of each detaching or dissolving and annexing  
18 school ~~any~~ district ~~involved in the proposed boundary change~~  
19 and shall cause a notice thereof to be published once in a  
20 newspaper having general circulation within the area of the  
21 detaching or dissolving and annexing territory described in the  
22 petition ~~for the proposed change of boundaries.~~

23 (b) (Blank). ~~When a joint hearing is required under the~~  
24 ~~provisions of Section 7-2, the secretary also shall cause a~~  
25 ~~copy of the notice to be sent to the regional board of school~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~granted, and in case non-high school territory is contained in~~  
2 ~~the petition the normal high school attendance pattern of the~~  
3 ~~children shall be taken into consideration. If the non-high~~  
4 ~~school territory overlies an elementary district, a part of~~  
5 ~~which is in a high school district, such territory may be~~  
6 ~~annexed to such high school district even though not contiguous~~  
7 ~~to the high school district. However, upon resolution by the~~  
8 ~~regional board of school trustees, or regional boards of school~~  
9 ~~trustees in cases of a joint hearing the secretary or~~  
10 ~~secretaries thereof shall conduct the hearing or joint hearing~~  
11 ~~upon any boundary petition and present a transcript of such~~  
12 ~~hearing to the trustees who shall base their decision upon the~~  
13 ~~transcript, maps and information and any presentation of~~  
14 ~~counsel.~~ In the instance of a change of boundaries through  
15 detachment:

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

25 (2) The community of interest of the petitioners and  
26 their children and the effect detachment will have on the

1 whole child may be considered only if the regional board of  
2 school trustees ~~or the regional boards of school trustees~~  
3 first determines ~~determine~~ that there would be a  
4 significant direct educational benefit to the petitioners'  
5 children if the change in boundaries were allowed.

6 (3) When petitioners cite an annexing district  
7 attendance center or centers in the petition or during  
8 testimony, the regional board of school trustees ~~or the~~  
9 ~~regional boards of school trustees~~ may consider the  
10 difference in the distances from the detaching area to the  
11 current attendance centers and the cited annexing district  
12 attendance centers only if the difference is no less than  
13 10 miles shorter to one of the cited annexing district  
14 attendance centers than it is to the corresponding current  
15 attendance center.

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

26 (5) The regional board of school trustees ~~or the~~

1 ~~regional boards of school trustees~~ may not consider whether  
2 changing the boundaries will increase the property values  
3 of the petitioners' property.

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

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

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

22 (k) At the conclusion of the hearing, the regional  
23 superintendent of schools as secretary to the regional board of  
24 school trustees shall, within 30 days, enter an order either  
25 granting or denying the petition. The regional superintendent  
26 of schools shall deliver a certified copy of the order by

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

25 (1) Notwithstanding the foregoing provisions of this  
26 Section, if within 12 ~~9~~ months after a petition is submitted

1 under the provisions of Section 7-1 the petition is not  
2 approved or denied by the regional board of school trustees and  
3 the order approving or denying that petition entered and a copy  
4 thereof served as provided in this Section, petitioners ~~the~~  
5 ~~school boards or registered voters of the districts affected~~  
6 ~~that submitted the petition (or the committee of 10, or an~~  
7 ~~attorney acting on its behalf, if designated in the petition)~~  
8 may submit a copy of the petition directly to the State  
9 Superintendent of Education for approval or denial. The copy of  
10 the petition as so submitted shall be accompanied by a record  
11 of all proceedings had with respect to the petition up to the  
12 time the copy of the petition is submitted to the State  
13 Superintendent of Education (including a copy of any notice  
14 given or published, any certificate or other proof of  
15 publication, copies of any maps or written report of the  
16 financial and educational conditions of the school districts  
17 affected if furnished by the secretary of the regional board of  
18 school trustees, copies of any amendments to the petition and  
19 stipulations made, accepted or refused, a transcript of any  
20 hearing or part of a hearing held, continued or adjourned on  
21 the petition, and any orders entered with respect to the  
22 petition or any hearing held thereon). The petitioners ~~school~~  
23 ~~boards, registered voters or committee of 10~~ submitting the  
24 petition and record of proceedings to the State Superintendent  
25 of Education shall give written notice by certified mail,  
26 return receipt requested, to the regional board of school

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

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

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

23 (3) The State Superintendent of Education shall not be  
24 required to repeat any proceedings that were conducted in  
25 accordance with the provisions of this Section prior to the  
26 time jurisdiction over the petition is transferred to him,

1 but the State Superintendent of Education shall be required  
2 to give and publish any notices and hold or complete any  
3 hearings that were not given, held or completed by the  
4 regional board of school trustees or its secretary as  
5 required by this Section prior to the time jurisdiction  
6 over the petition is transferred to the State  
7 Superintendent of Education.

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

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

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

1 regional superintendent of schools as secretary ~~an ex~~  
2 ~~officio member~~ of that board.

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

26 (n) Within 10 days after service of a copy of the order

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

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

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

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

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

1 ~~regional board of school trustees conducting a hearing on the~~  
2 ~~transcript.~~ The circuit court of the county in which the  
3 petition is filed with the regional board of school trustees  
4 shall have sole jurisdiction to entertain a complaint for such  
5 review ~~when only one regional board of school trustees must~~  
6 ~~act; however, when the regional boards of school trustees act~~  
7 ~~following a joint hearing, the circuit court of the county in~~  
8 ~~which the joint hearing on the original petition is conducted~~  
9 ~~shall have sole jurisdiction of the complaint for such review.~~

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

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

12 Sec. 7-8. Limitation on successive petitions. No  
13 territory, nor any part thereof, which is involved in any  
14 proceeding to change the boundaries of a school district by  
15 detachment or dissolution from ~~or annexation to~~ such school  
16 district of such territory, and which, after a hearing on the  
17 merits of the petition or referendum vote, is not so detached  
18 or dissolved ~~nor annexed,~~ shall be again involved in  
19 proceedings to change the boundaries of such school district  
20 for at least 2 years after final determination of such first  
21 proceeding, unless during that 2-year period a petition filed  
22 is substantially different than any other previously filed  
23 petition during the previous 2 years or if a school district  
24 involved is identified as a priority district under Section  
25 2-3.25d-5 of this Code, is placed on the financial watch list

1 by the State Board of Education, or is certified as being in  
2 financial difficulty during that 2-year period or if such first  
3 proceeding involved a petition brought under Section 7-2b of  
4 this Article 7. The 2-year period is counted beginning from the  
5 date of a final administrative decision after all appeal  
6 timelines have run, upon final court order after all appeal  
7 timelines have run, or upon the certification of the election  
8 results in the event of a dissolution. The 2-year period is 2  
9 calendar years.

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

11 (105 ILCS 5/7-9) (from Ch. 122, par. 7-9)

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

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

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

24 (105 ILCS 5/7-10) (from Ch. 122, par. 7-10)

25 Sec. 7-10. Map showing change; filed ~~change~~ Filed. Within

1 30 ~~thirty~~ days after the boundaries of any school district have  
2 been changed, ~~or a new district created under any of the~~  
3 ~~provisions of this Article~~ the regional county superintendent  
4 of schools ~~of any county involved~~ shall make and file with the  
5 county clerk or clerks ~~of his county~~ a map of any detaching,  
6 dissolving, or annexing school districts, ~~involved in any~~  
7 ~~change of boundaries or creation of a new district~~ whereupon  
8 the county clerks shall extend taxes against the territory in  
9 accordance therewith; provided: ~~Provided~~ that if an action to  
10 review such decision under Section 7-7 is taken, the regional  
11 superintendent of schools ~~County Superintendent of Schools~~  
12 shall not file the map with the county clerk until after he or  
13 she is served with a certified copy of the order of the final  
14 disposition of such review.

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

16 (105 ILCS 5/7-10.5 new)

17 Sec. 7-10.5. Teacher transfer. When dissolution and  
18 annexation become effective for purposes of administration and  
19 attendance as determined pursuant to Section 7-9 or 7-11 of  
20 this Code, as applicable, the positions of teachers in  
21 contractual continued service in the district being dissolved  
22 are transferred to an annexing district or to annexing  
23 districts pursuant to the provisions of subsection (h) of  
24 Section 24-11 of this Code relative to teachers having  
25 contractual continued service status whose positions are

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

19 (105 ILCS 5/7-11) (from Ch. 122, par. 7-11)

20 Sec. 7-11. Annexation of dissolved non-operating  
21 districts. If any school district has become dissolved as  
22 provided in Section 5-32, or if a petition for dissolution is  
23 filed under ~~subsection (b) of~~ Section 7-2a, the regional board  
24 of school trustees shall attach the territory of such dissolved  
25 district to one or more districts and, if the territory is

1 added to 2 or more districts, shall divide the property of the  
2 dissolved district among the districts to which its territory  
3 is added, in the manner provided for the division of property  
4 in case of the organization of a new district from a part of  
5 another district. The regional board of school trustees of the  
6 region in which the regional superintendent has supervision and  
7 control, as defined in Section 3-14.2 of this Code, over the  
8 school district that is dissolved shall have all power  
9 necessary to annex the territory of the dissolved district as  
10 provided in this Section, including the power to attach the  
11 territory to a school district under the supervision and  
12 control of the regional superintendent of another educational  
13 service region and, in the case of Leepertown CCSD 175, the  
14 power to attach the territory to a non-contiguous school  
15 district if deemed in the best interests of the schools of the  
16 area and the educational welfare of the pupils involved. The  
17 annexation of the territory of a dissolved school district  
18 under this Section shall entitle the school districts involved  
19 in the annexation to payments from the State Board of Education  
20 in the same manner and to the same extent authorized in the  
21 case of other annexations under this Article. Other provisions  
22 of this Article 7 of The School Code shall apply to and govern  
23 dissolutions and annexations under this Section and Section  
24 7-2a, except that it is the intent of the General Assembly that  
25 in the case of conflict the provisions of this Section and  
26 Section 7-2a shall control over the other provisions of this

1 Article.

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

1 such graduates and divide the territory of the district among  
2 the contiguous elementary districts whose graduates attend the  
3 same respective high schools.

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

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

22 Notwithstanding the foregoing provisions of this Section  
23 or any other provision of law to the contrary, the school board  
24 of the Mt. Morris School District is authorized to donate to  
25 the City of Mount Morris, Illinois the school building and  
26 other real property used as a school site by the Mt. Morris

1 School District at the time of its dissolution, by appropriate  
2 resolution adopted by the school board of the district prior to  
3 the dissolution of the district; and upon the adoption of a  
4 resolution by the school board donating the school building and  
5 school site to the City of Mount Morris, Illinois as authorized  
6 by this Section, the regional board of school trustees or other  
7 school officials holding legal title to the school building and  
8 school site so donated shall immediately convey the same to the  
9 City of Mt. Morris, Illinois.

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

11 (105 ILCS 5/7-12) (from Ch. 122, par. 7-12)

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

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

2 (105 ILCS 5/7-14A) (from Ch. 122, par. 7-14A)

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

1 the territory during the year preceding the effective date of  
2 the boundary change in its claim for reimbursement under  
3 Section 18-8.05 ~~18-8~~ for the school year following the  
4 effective date of the change in boundaries. The changes to this  
5 Section made by this amendatory Act of the 95th General  
6 Assembly are intended to be retroactive and applicable to any  
7 annexation taking effect on or after July 1, 2004.

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

9 (105 ILCS 5/7-29) (from Ch. 122, par. 7-29)

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

1 period is prescribed by statute, such shorter limitation shall  
2 apply. ~~The, and the~~ limitation set forth in this Section  
3 ~~section~~ shall not apply to jurisdictional challenges ~~any order~~  
4 ~~where the judge, body or officer entering the order annexing~~  
5 ~~the territory or creating the new district did not at the time~~  
6 ~~of the entry of such order have jurisdiction of the subject~~  
7 ~~matter.~~

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

9 (105 ILCS 5/7-31 new)

10 Sec. 7-31. Applicability of amendatory Act. For any  
11 petition filed with the regional superintendent of schools  
12 under this Article prior to the effective date of this  
13 amendatory Act of the 99th General Assembly, including a  
14 petition for a rehearing pursuant to subsection (n) of Section  
15 7-6 of this Code, the proposed action described in the  
16 petition, including all notices, hearings, administrative  
17 decisions, ballots, elections, and passage requirements  
18 relating thereto, shall proceed and be in accordance with the  
19 law in effect prior to the effective date of this amendatory  
20 Act of the 99th General Assembly.

21 (105 ILCS 5/10-22.35B new)

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

23 (a) On January 1, 1994 (the effective date of Public Act  
24 88-155): (i) the legal title to all school buildings and school

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

24 (b) The school board of each school district to which  
25 subsection (a) of this Section is applicable may receive any  
26 gift, grant, donation, or legacy made for the use of any school

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

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

15 (d) Nothing in this Section shall be deemed to apply to any  
16 common school lands or lands granted or exchanged therefor or  
17 to the manner in which such lands are managed and controlled  
18 for the use and benefit of the school township and the schools  
19 of the township by the township land commissioners, the  
20 regional board of school trustees (acting as the township land  
21 commissioners), or the trustees of schools of the township,  
22 which hold legal title to those lands; and they may continue to  
23 receive gifts, grants, donations, or legacies made for the use  
24 of the school township and for the schools of the township  
25 generally in the same manner as such gifts, grants, donations,  
26 or legacies were made prior to January 1, 1994.

1 (105 ILCS 5/12-24) (from Ch. 122, par. 12-24)

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

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

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

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

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

6 (105 ILCS 5/16-2) (from Ch. 122, par. 16-2)

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

21 (1) If legal title to the selected site is held in the name  
22 of the school board of a school district that has agreed to the  
23 joint use of the site with any other school districts, and if  
24 those other school districts are also districts whose school  
25 boards, under subsection (a) of Section 10-22.35B of this Code

1 ~~7-28~~, are to hold legal title to school buildings and school  
2 sites of the district, then upon the execution of the agreement  
3 and payment of the compensation in accordance with the terms of  
4 the agreement the school boards of the districts shall be  
5 deemed to hold legal title to the site as tenants in common,  
6 and the required deed or deeds of conveyance shall be executed  
7 and delivered by the president and secretary or clerk of the  
8 school boards to reflect that legal title to the selected site  
9 is held in that manner.

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

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

1 (105 ILCS 5/32-4.6) (from Ch. 122, par. 32-4.6)  
2 Sec. 32-4.6. Title, care and custody of property;  
3 supervision and control.

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

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

19 (105 ILCS 5/7-01 rep.)

20 (105 ILCS 5/7-2 rep.)

21 (105 ILCS 5/7-2.3 rep.)

22 (105 ILCS 5/7-2.4 rep.)

23 (105 ILCS 5/7-2.5 rep.)

24 (105 ILCS 5/7-2.6 rep.)

1 (105 ILCS 5/7-2.7 rep.)

2 (105 ILCS 5/7-13 rep.)

3 (105 ILCS 5/7-27 rep.)

4 (105 ILCS 5/7-28 rep.)

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

6 Section 10. The School Code is amended by repealing  
7 Sections 7-01, 7-2, 7-2.3, 7-2.4, 7-2.5, 7-2.6, 7-2.7, 7-13,  
8 7-27, 7-28, and 7-30.

9 Section 99. Effective date. This Act takes effect July 1,  
10 2016.".