

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing Section
5 10-22.22b as follows:

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

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

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

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

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

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

15

16 Dated (insert date).

17 The proposition shall be in substantially the following form:

18 -----

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

YES

NO

1 School to School

2 District(s) No.?

3 -----

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

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

22 When the deactivation of school facilities becomes
23 effective pursuant to this Section, the provisions of
24 subsection (h) of Section 24-11 of this Code relative to the
25 contractual continued service status of teachers having
26 contractual continued service whose positions are transferred

1 from one board to the control of a different board shall apply,
2 and the positions at the school facilities being deactivated
3 held by teachers, as that term is defined in subsection (a) of
4 Section 24-11 of this Code, having contractual continued
5 service with the school district at the time of the
6 deactivation shall be transferred to the control of the board
7 or boards who shall be receiving the district's students on
8 the following basis:

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

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

24 The contractual continued service status of any teacher
25 thereby transferred to another district is not lost and the
26 receiving board is subject to the School Code with respect to

1 such transferred teacher in the same manner as if such teacher
2 was the district's employee during the time such teacher was
3 actually employed by the board of the deactivating district
4 from which the position was transferred.

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

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

25 (B) positions of such educational support personnel
26 employees that were full-time positions and as to which

1 there is no selection left under subdivision (A) shall be
2 transferred to the appropriate board.

3 The length of continuing service of any educational support
4 personnel employee thereby transferred to another district is
5 not lost and the receiving board is subject to this Code with
6 respect to that transferred educational support personnel
7 employee in the same manner as if the educational support
8 personnel employee was the district's employee during the time
9 the educational support personnel employee was actually
10 employed by the board of the deactivating district from which
11 the position was transferred.

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

26

NOTICE OF REFERENDUM TO

1 REACTIVATE THE SCHOOL FACILITY

2 IN SCHOOL DISTRICT NO.

3 Notice is hereby given that on (insert date), a referendum
4 will be held in County (Counties) for the purpose of
5 voting for or against the proposition to reactivate the
6 School facility in School District No. and to
7 discontinue sending pupils of School District No. to
8 School District(s) No.

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

11

12 Dated (insert date).

13 The proposition shall be in substantially the following form:

14 -----

15 Shall the Board
16 of Education of School YES
17 District No.,

18 County, Illinois,
19 be authorized to -----

20 reactivate the School
21 facility and to discontinue sending
22 pupils of School District No. NO
23 to School District(s) No.?

24 -----

25 (c) The school board of any unit school district which

1 experienced a strike by a majority of its certified employees
2 that endured for over 6 months during the regular school term
3 of the 1986-1987 school year, and which during the ensuing
4 1987-1988 school year had an enrollment in grades 9 through 12
5 of less than 125 students may, when in its judgment the
6 interests of the district and of the students therein will be
7 best served thereby, deactivate the high school facilities
8 within the district for the regular term of the 1988-1989
9 school year and, for that school year only, send the students
10 of such high school in grades 9 through 12 to schools in
11 adjoining or adjacent districts. Such action may only be
12 taken: (a) by proper resolution of the school board
13 deactivating its high school facilities and the approval, by
14 proper resolution, of the school board of the receiving
15 district or districts, and (b) pursuant to a contract between
16 the sending and each receiving district, which contract or
17 contracts: (i) shall provide for the reassignment of all
18 students of the deactivated high school in grades 9 through 12
19 to the receiving district or districts; (ii) shall apply only
20 to the regular school term of the 1988-1989 school year; (iii)
21 shall not be subject to renewal or extension; and (iv) shall
22 require the sending district to pay to the receiving district
23 the cost of educating each student who is reassigned to the
24 receiving district, such costs to be an amount agreed upon by
25 the sending and receiving district but not less than the per
26 capita cost of maintaining the high school in the receiving

1 district during the 1987-1988 school year. Any high school
2 facility deactivated pursuant to this subsection for the
3 regular school term of the 1988-1989 school year shall be
4 reactivated by operation of law as of the end of the regular
5 term of the 1988-1989 school year. The status as a unit school
6 district of a district which deactivates its high school
7 facilities pursuant to this subsection shall not be affected
8 by reason of such deactivation of its high school facilities
9 and such district shall continue to be deemed in law a school
10 district maintaining grades kindergarten through 12 for all
11 purposes relating to the levy, extension, collection and
12 payment of the taxes of the district under Article 17 for the
13 1988-1989 school year.

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

20 (Source: P.A. 99-657, eff. 7-28-16.)