

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 5-1 as follows:

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

7 Sec. 5-1. County school units.

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

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

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

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

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

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

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

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

12 Notwithstanding subsections (a) and (c) of this Section
13 and upon final judgment, including the exhaustion of all
14 appeals or a settlement between all parties, regarding claims
15 set forth in the case of Township Trustees of Schools Township
16 38 North, Range 12 East v. Lyons Township High School District
17 No. 204 case N. 13 CH 23386 pending in 2018 in the Circuit
18 Court of Cook County, Illinois, County Department, Chancery
19 Division, and all related pending claims, the school board of
20 Lyons Township High School District 204 may commence, by
21 proper resolution, to withdraw from the jurisdiction and
22 authority of the trustees of schools of Lyons Township and the
23 township treasurer, provided that the school board shall, upon
24 the adoption and passage of the resolution, elect or appoint
25 its own school treasurer as provided in Section 8-1 of this
26 Code. Upon the adoption and passage of the resolution and the

1 election or appointment by the school board of its own school
2 treasurer commencing with the first day of the succeeding
3 fiscal year, but not prior to July 1, 2019: (1) the trustees of
4 schools in the township shall no longer have or exercise any
5 powers or duties with respect to the school district or with
6 respect to the school business, operations, or assets of the
7 school district; (2) all books and records of the trustees of
8 schools and all moneys, securities, loanable funds, and other
9 assets relating to the school business and affairs of the
10 school district shall be transferred and delivered to the
11 school board, allowing for a reasonable period of time not to
12 exceed 90 days to liquidate any pooled investments; and (3)
13 all legal title to and all right, title, and interest formerly
14 held by the trustees of schools in any common school lands,
15 school buildings, or school sites used and occupied by the
16 school board and all rights of property and causes of action
17 pertaining to or constituting a part of the common school
18 lands, buildings, or sites shall be deemed transferred by
19 operation of law to and shall vest in the school board. The
20 changes made to this Section by this amendatory Act of the
21 100th General Assembly are prospective only, starting from the
22 effective date of this amendatory Act of the 100th General
23 Assembly, and shall not affect any legal action pending on the
24 effective date of this amendatory Act of the 100th General
25 Assembly in the Illinois courts in which Lyons Township High
26 School District 204 is a listed party.

1 Notwithstanding subsections (a) and (c), the school boards
2 of Glenbrook High School District 225, Northbrook Elementary
3 School District 27, Northbrook School District 28, Sunset
4 Ridge School District 29, Northbrook/Glenview School District
5 30, West Northfield School District 31, and Glenview Community
6 Consolidated School District 34 may, by proper resolution,
7 withdraw from the jurisdiction and authority of the trustees
8 of schools of Northfield and Maine Townships and the township
9 treasurer, provided that the school board shall, upon the
10 adoption and passage of the resolution, elect or appoint its
11 own school treasurer as provided in Section 8-1 of this Code.
12 Upon the adoption and passage of the resolution and the
13 election or appointment by the school board of its own school
14 treasurer: (1) the trustees of schools in the township or
15 townships shall no longer have or exercise any powers or
16 duties with respect to the school district or with respect to
17 the school business, operations, or assets of the school
18 district; (2) all books and records of the trustees of schools
19 and all moneys, securities, loanable funds, and other assets
20 relating to the school business and affairs of the school
21 district shall be transferred and delivered to the school
22 board; and (3) all legal title to and all right, title, and
23 interest formerly held by the trustees of schools in any
24 common school lands, school buildings, or school sites used
25 and occupied by the school board and all rights of property and
26 causes of action pertaining to or constituting a part of the

1 common school lands, buildings, or sites shall be deemed
2 transferred by operation of law to and shall vest in the school
3 board.

4 (c) Notwithstanding the provisions of subsection (a), the
5 offices of township treasurer and trustee of schools of any
6 township located in a Class II county school unit shall be
7 abolished as provided in this subsection if all of the
8 following conditions are met:

9 (1) During the same 30 day period, each school board
10 of each elementary and unit school district that is
11 subject to the jurisdiction and authority of the township
12 treasurer and trustees of schools of the township in which
13 those offices are sought to be abolished gives written
14 notice by certified mail, return receipt requested to the
15 township treasurer and trustees of schools of that
16 township of the date of a meeting of the school board, to
17 be held not more than 90 nor less than 60 days after the
18 date when the notice is given, at which meeting the school
19 board is to consider and vote upon the question of whether
20 there shall be submitted to the electors of the school
21 district a proposition to abolish the offices of township
22 treasurer and trustee of schools of that township. None of
23 the notices given under this paragraph to the township
24 treasurer and trustees of schools of a township shall be
25 deemed sufficient or in compliance with the requirements
26 of this paragraph unless all of those notices are given

1 within the same 30 day period.

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

1 schools of that township adopt such a resolution in
2 accordance with the provisions of this paragraph.

3 (3) The school boards of all of the elementary and
4 unit school districts that are subject to the jurisdiction
5 and authority of the township treasurer and trustees of
6 schools of the township in which those offices are sought
7 to be abolished submit a proposition to abolish the
8 offices of township treasurer and trustee of schools of
9 that township to the electors of their respective school
10 districts at the same consolidated election in accordance
11 with the general election law, the ballot in each such
12 district to be in substantially the following form:

13 -----

14 OFFICIAL BALLOT

15	Shall the offices of township	
16	treasurer and	YES
17	trustee of	-----
18	schools of Township	NO
19	Range be abolished?	

20 -----

21 (4) At the consolidated election at which the
22 proposition to abolish the offices of township treasurer
23 and trustee of schools of a township is submitted to the
24 electors of each elementary and unit school district that
25 is subject to the jurisdiction and authority of the
26 township treasurer and trustee of schools of that

1 township, a majority of the electors voting on the
2 proposition in each such elementary and unit school
3 district votes in favor of the proposition as submitted to
4 them.

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

1 proceedings and conditions prescribed in paragraphs (1)
2 through (4) of this subsection are repeated and met in each of
3 those elementary and unit school districts.

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

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

1 of schools of the township in which those offices were
2 sought to be abolished shall not be abolished, unless and
3 until the proceedings detailed in paragraphs (1) through
4 (3) of this subsection and the conditions set forth in
5 this paragraph are met.

6 If the proposition to abolish the offices of township
7 treasurer and trustee of schools of a township is deemed to
8 have passed at the consolidated election as provided in this
9 subsection, those offices shall be deemed abolished by
10 operation of law effective on January 1 of the calendar year
11 immediately following the calendar year in which that
12 consolidated election is held, provided that if after the
13 election, the trustees of schools by resolution elect to
14 abolish the offices of township treasurer and trustee of
15 schools effective on July 1 immediately following the
16 election, then the offices shall be abolished on July 1
17 immediately following the election. On the date that the
18 offices of township treasurer and trustee of schools of a
19 township are deemed abolished by operation of law, the school
20 board of each elementary and unit school district and the
21 school board of each high school district that is subject to
22 the jurisdiction and authority of the township treasurer and
23 trustees of schools of that township at the time those offices
24 are abolished: (i) shall appoint its own school treasurer as
25 provided in Section 8-1; and (ii) unless the term of the
26 contract of a township treasurer expires on the date that the

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

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

23 Upon abolition of the offices of township treasurer and
24 trustee of schools of a township as provided in this
25 subsection: (i) the regional board of school trustees, in its
26 corporate capacity, shall be deemed the successor in interest

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

1 shall have his compensation for services in that capacity
2 fixed by the regional board of school trustees, to be paid from
3 the township loanable funds, and shall make to the regional
4 board of school trustees the reports required to be made by
5 treasurers of township land commissioners, give bond as
6 required by treasurers of township land commissioners, and
7 perform the duties and exercise the powers of treasurers of
8 township land commissioners; (iv) the regional board of school
9 trustees shall designate in the manner provided by Section
10 8-7, insofar as applicable, a depository for its treasurer,
11 and the proceeds of all rents, issues and profits from the
12 common school lands and township loanable funds of that
13 township shall be deposited and held in the account maintained
14 for those purposes with that depository and shall be expended
15 and distributed therefrom as provided in Section 15-24 and
16 other applicable provisions of this Code; and (v) whenever
17 there is vested in the trustees of schools of a township at the
18 time that office is abolished under this subsection the legal
19 title to any school buildings or school sites used or occupied
20 for school purposes by any elementary school, high school or
21 unit school district subject to the jurisdiction and authority
22 of those trustees of school at the time that office is
23 abolished, the legal title to those school buildings and
24 school sites shall be deemed transferred by operation of law
25 to and invested in the school board of that school district, in
26 its corporate capacity under Section 10-22.35B of this Code,

1 the same to be held, sold, exchanged leased or otherwise
2 transferred in accordance with applicable provisions of this
3 Code.

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

6 (d) Within 3 years after the effective date of this
7 amendatory Act of the 103rd General Assembly, all remaining
8 Class II county school units shall, by proper resolution,
9 withdraw from the jurisdiction and authority of the trustees
10 of schools of the township and the township treasurer. Each
11 school board shall, upon the adoption and passage of this
12 resolution, either (1) elect or appoint its own school
13 treasurer as provided in Section 8-1 of this Code, or (2) enter
14 into a contractual or intergovernmental agreement for these
15 services. The office of township trustees shall dissolve upon
16 the passage of the school board resolution or, if no action is
17 taken, 3 years after the effective date of this amendatory Act
18 of the 103rd General Assembly.

19 Upon adoption and passage of the resolution and the
20 election or appointment by the school board of its own school
21 treasurer, the signing of the contractual or intergovernmental
22 agreement, or upon the statutory dissolution of the office of
23 township trustees: (1) the trustees of schools in the township
24 or townships shall no longer have or exercise any powers or
25 duties with respect to the school district or with respect to
26 the school business, operations, or assets of the school

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

13 (Source: P.A. 103-144, eff. 6-30-23.)