

1 AN ACT concerning schools.

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 adding Section
5 7-31 as follows:

6 (105 ILCS 5/7-31 new)

7 Sec. 7-31. Annexation of contiguous portion of
8 elementary or high school district.

9 (a) In this Section:

10 "Contiguous" means having a common border of not less
11 than 100 linear feet.

12 "Specially qualified professional land surveyor" means a
13 professional land surveyor whose credentials include serving
14 or having served as a paid advisor or consultant to at least
15 2 of the following: any department, board, commission,
16 authority, or other agency of the State of Illinois.

17 (b) Notwithstanding any other provision of this Code,
18 any contiguous portion of an elementary school district must
19 be detached from that district and annexed to an adjoining
20 elementary school district to which the portion is also
21 contiguous and any contiguous portion of a high school
22 district must be detached from that district and annexed to
23 an adjoining school district to which the portion is also
24 contiguous (herein referred to as "the Territory") upon a
25 petition or petitions filed under this Section if all of the
26 following conditions are met with respect to each petition:

27 (1) The Territory is to be detached from a school
28 district that is located predominantly (meaning more than
29 50% of the district's area) in a county of not less
30 than 2,000,000 and is to be annexed into a school
31 district located overwhelmingly (meaning more than 75% of

1 its area) in a county of not less than 750,000 and not
2 more than 1,500,000, and, on the effective date of this
3 amendatory Act of the 93rd General Assembly, the
4 Territory consists of not more than 500 acres of which
5 not more than 300 acres is vacant land and of which not
6 more than 200 acres is either platted for or improved
7 with residences and is located predominately (meaning
8 more than 50% of its area) within a municipality that is
9 (i) located predominantly (meaning more than 50% of the
10 area of the municipality) outside the elementary or high
11 school district from which the Territory is to be
12 detached and (ii) located partly or wholly within the
13 territorial boundaries of the adjoining elementary or
14 high school district to which the Territory is to be
15 annexed. Conclusive proof of the boundaries of each
16 school district and the municipality is a document or
17 documents setting forth the boundaries and certified by
18 the county clerk of each county or by the clerk of the
19 municipality as being a correct copy of records on file
20 with the county clerk or the clerk of the municipality as
21 of a date not more than 60 days before the filing of a
22 petition under this Section. If the records of the
23 respective clerks show boundaries as of different dates,
24 those records are deemed contemporaneous for purposes of
25 this Section.

26 (2) The equalized assessed valuation of the taxable
27 property of the Territory constitutes less than 5% of
28 the equalized assessed valuation of the taxable property
29 of the school district from which it is to be detached.
30 Conclusive proof of the equalized assessed valuation of
31 each district is a document or documents stating the
32 equalized assessed valuation and certified, by the county
33 clerk of a county of not less than 2,000,000 and by the
34 county assessor or township assessor in a county of not

1 less than 750,000 and not more than 1,500,000, as correct
2 by the certifying office as of a date not more than 60
3 days before the filing of a petition under this Section.
4 If the records from the 2 counties show equalized
5 assessed valuation as of different dates, those records
6 are deemed contemporaneous for purposes of this Section.

7 (3) The Territory is predominately (meaning more
8 than 50% of its area) within a municipality that is
9 predominantly (meaning more than 50% of the area of the
10 municipality) within a county of not less than 750,000
11 and not more than 1,500,000. Conclusive proof of
12 boundaries of the municipality is a document or
13 documents setting forth the boundaries and certified by
14 the county clerk of the county in which the municipality
15 is located or by the clerk of the municipality as correct
16 as of a date not more than 60 days before the filing of a
17 petition under this Section.

18 (4) The Territory, as of a date not more than 60
19 days before the filing of a petition, has not been
20 developed with structures for commercial, office, or
21 industrial uses, except for temporary buildings or
22 structures constructed pursuant to a permit or permits by
23 the applicable permitting authority for an initial term
24 of not more than 15 years. Conclusive proof of the
25 development of the land is a notarized statement, as of a
26 date not more than 60 days before the filing of a
27 petition under this Section, by a specially qualified
28 professional land surveyor licensed by the State of
29 Illinois.

30 (5) The area of the Territory is 5% or less of the
31 area of the school district from which it is to be
32 detached. Conclusive proof of the areas is a notarized
33 written statement by a specially qualified professional
34 land surveyor licensed by the State of Illinois.

1 (6) Travel on public roads within 5 miles from the
2 Territory to schools in the school district from which
3 the Territory is to be detached requires crossing an
4 interstate highway. Travel on public roads within 5 miles
5 from the Territory to schools in the school district to
6 which the Territory is to be annexed does not require
7 crossing an interstate highway. Conclusive proof of the
8 facts in this paragraph (6) is a notarized written
9 statement by a specially qualified professional land
10 surveyor licensed by the State of Illinois.

11 (c) No school district may lose more than 5% of its
12 equalized assessed valuation nor more than 5% of its
13 territory through petitions filed under this Section. If a
14 petition seeks to detach territory that would result in a
15 cumulative total of more than 5% of the district's equalized
16 assessed valuation or more than 5% of the district's
17 territory being detached under this Section, the petition
18 shall be denied without prejudice to its being filed pursuant
19 to Section 7-6 of this Code.

20 (d) Conclusive proof of the population of a county is
21 the most recent federal decennial census.

22 (e) A petition filed under this Section with respect to
23 the Territory must be filed with the regional board of school
24 trustees of the county where the Territory is located (herein
25 referred to as the Regional Board) at its regular offices not
26 later than the 24 months after the effective date of this
27 amendatory Act of the 93rd General Assembly and (i) in the
28 case of any portion of the Territory not developed with
29 residences, signed by or on behalf of the taxpayers of record
30 of properties constituting 60% or more of the land not so
31 developed and (ii) in the case of any portion of the
32 Territory developed by residences, signed by 60% or more of
33 registered voters residing in the residences. Conclusive
34 proof of who are the taxpayers of record is a document

1 certified by the assessor of the county or township in which
2 the property is located as of a date not more than 60 days
3 before the filing of a petition under this Section.
4 Conclusive proof of who are registered voters is a document
5 certified by the board of election commissioners for the
6 county in which the registered voters reside as of a date not
7 earlier than 60 days before the filing of the petition.
8 Conclusive proof of the area of the Territory and the area of
9 properties within the Territory is a survey or notarized
10 statement, as of a date not more than 60 days before the
11 filing of the petition, by a specially qualified professional
12 land surveyor licensed by the State of Illinois.

13 (f) The Regional Board must (1) hold a hearing on each
14 petition at its regular offices within 90 days after the date
15 of filing; (2) render a decision granting or denying the
16 petition within 30 days after the hearing; and (3) within 14
17 days after the decision, serve a copy of the decision by
18 certified mail, return receipt requested, upon the
19 petitioners and upon the school boards of the school
20 districts from which the territory described in the petition
21 is sought to be detached and to which the territory is sought
22 to be annexed. If petitions are filed pertaining to an
23 elementary school district and a high school district
24 described in this Section, if the petitions pertain to land
25 not developed with residences, and if the 2 petitions are
26 filed within 28 days of each other, the petitions must be
27 consolidated for hearing and heard at the same hearing. If
28 petitions are filed pertaining to an elementary school
29 district and a high school district described in this
30 Section, if the petitions pertain to land developed with
31 residences, and if the petitions are filed within 28 days of
32 each other, the 2 petitions must be consolidated for hearing
33 and heard at the same hearing. If the Regional Board does not
34 serve a copy of the decision within the time and in the

1 manner required, any petitioner has the right to obtain, in
2 the circuit court of the county in which the petition was
3 filed, a mandamus requiring the Regional Board to serve the
4 decision immediately to the parties in the manner required.
5 Upon proof that the Regional Board has not served the
6 decision to the parties or in the manner required, the
7 circuit court must immediately issue the order.

8 The Regional Board has no authority or discretion to hear
9 any evidence or consider any issues at the hearing except
10 those that may be necessary to determine whether the
11 conditions and limitations of this Section have been met. If
12 the Regional Board finds that such conditions and limitations
13 have been met, the Regional Board must grant the petition.

14 The Regional Board must (i) give written notice of the
15 time and place of the hearing not less than 30 days prior to
16 the date of the hearing to the school board of the school
17 district from which the territory described in the petition
18 is to be detached and to the school board of the school
19 district to which the territory is to be annexed and (ii)
20 publish notice of the hearing in a newspaper that is
21 circulated within the county in which the territory described
22 in the petition is located and is circulated within the
23 school districts whose school boards are entitled to notice.

24 (g) If the granting of a petition filed under this
25 Section has become final either through failure to seek
26 administrative review or by the final decision of a court on
27 review, the change in boundaries becomes effective forthwith
28 and for all purposes, except that if granting of the petition
29 becomes final between September 1 of any year and June 30 of
30 the following year, the administration of and attendance at
31 the schools are not affected until July 1 of the following
32 year, at which time the change becomes effective for all
33 purposes. After the granting of the petition becomes final,
34 the date when the change becomes effective for purposes of

1 administration and attendance may, in the case of land
2 improved with residences, be accelerated or postponed either
3 (i) by stipulation of the school boards of the school
4 districts from which the territory described in the petition
5 is detached and to which the territory is annexed or (ii) by
6 stipulation of the registered voters who signed the
7 petition. Their stipulation may be contained in the petition
8 or a separate document signed by them. Their stipulation must
9 be filed with the Regional Board not later than 120 days
10 after approval of their petition. The parent or parents or
11 the guardian of each student in the affected school districts
12 shall have the right to have the student continue in the
13 school that the student is currently attending until
14 graduation from that school or a shorter period if requested.

15 (h) The decision of the Regional Board is a final
16 "administrative decision" as defined in Section 3-101 of the
17 Code of Civil Procedure, and any petitioner or the school
18 board of the school district from which the land is to be
19 detached or of the school district to which the land is to be
20 annexed may, within 35 days after a copy of the decision
21 sought to be reviewed was served by certified mail upon the
22 affected party thereby or upon an attorney of record for such
23 party, apply for a review of the decision in accordance with
24 the Administrative Review Law and the rules adopted pursuant
25 to the Administrative Review Law. Standing to apply for or in
26 any manner seek review of the decision is limited exclusively
27 to a petitioner or school district described in this Section.

28 The commencement of any action for review operates as a
29 supersedeas, and no further proceedings are allowed until
30 final disposition of the review. The circuit court of the
31 county in which the petition is filed with the Regional Board
32 has sole jurisdiction to entertain a complaint for review.

33 (i) This Section (i) is not limited by and operates
34 independently of all other provisions of this Article and

1 (ii) constitutes complete authority for the granting or
2 denial by the Regional Board of a petition filed under this
3 Section when the conditions prescribed by this Section for
4 the filing of that petition are met or not met as the case
5 may be.

6 Section 90. The State Mandates Act is amended by adding
7 Section 8.27 as follows:

8 (30 ILCS 805/8.27 new)

9 Sec. 8.27. Exempt mandate. Notwithstanding Sections 6
10 and 8 of this Act, no reimbursement by the State is required
11 for the implementation of any mandate created by this
12 amendatory Act of the 93rd General Assembly.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.