



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

SB2795

Introduced 1/20/2006, by Sen. George P. Shadid - Miguel del Valle - Deanna Demuzio - John M. Sullivan - Dale E. Risinger

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the School Code. Creates a new Article concerning the conversion and formation of school districts. Contains provisions concerning school district conversions; combined school district formation; unit school district formation; partial elementary unit school district formation; petitions; the holding of an election; taxes, bonds, and working cash funds; the effective date of a change; a map showing the change; assets, liabilities, bonded indebtedness, and tax rates; teachers in contractual continued service; limitations on contesting boundary changes; a limitation on successive petitions; a school district's nonrecognition status; unit district formation and a joint agreement vocational education program; and incentives. Repeals provisions concerning unit school district conversion in districts with not more than 250 students in grades 9 through 12, unit school district formation, school district combination, school district conversion, and supplementary State aid for new, annexing, and resulting districts. Makes related changes in the School Code and Election Code. Effective July 1, 2006.

LRB094 16461 NHT 51721 b

FISCAL NOTE ACT  
MAY APPLY

HOUSING  
AFFORDABILITY  
IMPACT NOTE ACT  
MAY APPLY

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 Election Code is amended by changing Section  
5 28-2 as follows:

6 (10 ILCS 5/28-2) (from Ch. 46, par. 28-2)

7 Sec. 28-2. (a) Except as otherwise provided in this  
8 Section, petitions for the submission of public questions to  
9 referendum must be filed with the appropriate officer or board  
10 not less than 78 days prior to a regular election to be  
11 eligible for submission on the ballot at such election; and  
12 petitions for the submission of a question under Section 18-120  
13 of the Property Tax Code must be filed with the appropriate  
14 officer or board not more than 10 months nor less than 6 months  
15 prior to the election at which such question is to be submitted  
16 to the voters.

17 (b) However, petitions for the submission of a public  
18 question to referendum which proposes the creation or formation  
19 of a political subdivision must be filed with the appropriate  
20 officer or board not less than 108 days prior to a regular  
21 election to be eligible for submission on the ballot at such  
22 election.

23 (c) Resolutions or ordinances of governing boards of  
24 political subdivisions which initiate the submission of public  
25 questions pursuant to law must be adopted not less than 65 days  
26 before a regularly scheduled election to be eligible for  
27 submission on the ballot at such election.

28 (d) A petition, resolution or ordinance initiating the  
29 submission of a public question may specify a regular election  
30 at which the question is to be submitted, and must so specify  
31 if the statute authorizing the public question requires  
32 submission at a particular election. However, no petition,

1 resolution or ordinance initiating the submission of a public  
2 question, other than a legislative resolution initiating an  
3 amendment to the Constitution, may specify such submission at  
4 an election more than one year, or 15 months in the case of a  
5 back door referendum as defined in subsection (f), after the  
6 date on which it is filed or adopted, as the case may be. A  
7 petition, resolution or ordinance initiating a public question  
8 which specifies a particular election at which the question is  
9 to be submitted shall be so limited, and shall not be valid as  
10 to any other election, other than an emergency referendum  
11 ordered pursuant to Section 2A-1.4.

12 (e) If a petition initiating a public question does not  
13 specify a regularly scheduled election, the public question  
14 shall be submitted to referendum at the next regular election  
15 occurring not less than 78 days after the filing of the  
16 petition, or not less than 108 days after the filing of a  
17 petition for referendum to create a political subdivision. If a  
18 resolution or ordinance initiating a public question does not  
19 specify a regularly scheduled election, the public question  
20 shall be submitted to referendum at the next regular election  
21 occurring not less than 65 days after the adoption of the  
22 resolution or ordinance.

23 (f) In the case of back door referenda, any limitations in  
24 another statute authorizing such a referendum which restrict  
25 the time in which the initiating petition may be validly filed  
26 shall apply to such petition, in addition to the filing  
27 deadlines specified in this Section for submission at a  
28 particular election. In the case of any back door referendum,  
29 the publication of the ordinance or resolution of the political  
30 subdivision shall include a notice of (1) the specific number  
31 of voters required to sign a petition requesting that a public  
32 question be submitted to the voters of the subdivision; (2) the  
33 time within which the petition must be filed; and (3) the date  
34 of the prospective referendum. The secretary or clerk of the  
35 political subdivision shall provide a petition form to any  
36 individual requesting one. The legal sufficiency of that form,

1 if provided by the secretary or clerk of the political  
 2 subdivision, cannot be the basis of a challenge to placing the  
 3 back door referendum on the ballot. As used herein, a "back  
 4 door referendum" is the submission of a public question to the  
 5 voters of a political subdivision, initiated by a petition of  
 6 voters or residents of such political subdivision, to determine  
 7 whether an action by the governing body of such subdivision  
 8 shall be adopted or rejected.

9 (g) A petition for the incorporation or formation of a new  
 10 political subdivision whose officers are to be elected rather  
 11 than appointed must have attached to it an affidavit attesting  
 12 that at least 108 days and no more than 138 days prior to such  
 13 election notice of intention to file such petition was  
 14 published in a newspaper published within the proposed  
 15 political subdivision, or if none, in a newspaper of general  
 16 circulation within the territory of the proposed political  
 17 subdivision in substantially the following form:

18 NOTICE OF PETITION TO FORM A NEW.....

19 Residents of the territory described below are notified  
 20 that a petition will or has been filed in the Office  
 21 of.....requesting a referendum to establish a  
 22 new....., to be called the.....

23 \*The officers of the new.....will be elected on the  
 24 same day as the referendum. Candidates for the governing board  
 25 of the new.....may file nominating petitions with the officer  
 26 named above until.....

27 The territory proposed to comprise the new.....is  
 28 described as follows:

29 (description of territory included in petition)

30 (signature).....

31 Name and address of person or persons proposing  
 32 the new political subdivision.

33 \* Where applicable.

34 Failure to file such affidavit, or failure to publish the  
 35 required notice with the correct information contained therein  
 36 shall render the petition, and any referendum held pursuant to

1 such petition, null and void.

2 Notwithstanding the foregoing provisions of this  
3 subsection (g) or any other provisions of this Code, the  
4 publication of notice and affidavit requirements of this  
5 subsection (g) shall not apply to any petition filed under  
6 Article 7 or 11E, ~~7A, 11A, 11B, or 11D~~ of the School Code nor to  
7 any referendum held pursuant to any such petition, and neither  
8 any petition filed under any of those Articles nor any  
9 referendum held pursuant to any such petition shall be rendered  
10 null and void because of the failure to file an affidavit or  
11 publish a notice with respect to the petition or referendum as  
12 required under this subsection (g) for petitions that are not  
13 filed under any of those Articles of the School Code.

14 (Source: P.A. 94-30, eff. 6-14-05; 94-578, eff. 8-12-05;  
15 revised 8-19-05.)

16 Section 10. The School Code is amended by changing Sections  
17 1B-21, 5-32, 7-02, 7-6, 7-11, 9-11.2, 9-12, 10-10, 10-11,  
18 10-16, 10-21.12, 11C-6, 11C-9, 17-2, 17-3, 17-5, 18-8.05, and  
19 19-1 and by adding Section 10-10.5 and Article 11E as follows:

20 (105 ILCS 5/1B-21)

21 Sec. 1B-21. Dissolution and annexation. Any school  
22 district that before the effective date of this amendatory Act  
23 of 1994 has received approval from its regional board of school  
24 trustees to dissolve and annex to an adjoining district and  
25 that has had the appointment of a Financial Oversight Panel  
26 under this Article 1B to assist its continued operation during  
27 the appeal of the decision of the regional board of school  
28 trustees shall be dissolved and annexed to the adjoining  
29 district approved in the decision of the regional board of  
30 school trustees, effective July 1, 1994. Except as otherwise  
31 provided by this amendatory Act of 1994, the dissolution and  
32 annexation shall be governed by Article 7 of the School Code  
33 and be treated as if the dissolution and annexation had taken  
34 effect pursuant to the decision of the regional board of school

1 trustees. The annexing district's supplementary State aid  
2 payable under Section 11E-115 ~~18-8.3~~ of this ~~the School~~ Code  
3 shall be calculated as of June 30 prior to the date of the  
4 decision of the regional board of school trustees.

5 (Source: P.A. 88-535.)

6 (105 ILCS 5/5-32) (from Ch. 122, par. 5-32)

7 Sec. 5-32. Failure to maintain schools - Transportation and  
8 tuition. If any school district other than a non-high school  
9 district shall for 1 year fail to maintain within the  
10 boundaries of the school district a recognized public school as  
11 required by law, such district shall become automatically  
12 dissolved and the property and territory of such district shall  
13 be disposed of in the manner provided for the disposal of  
14 territory and property in Section 7-11 of this Act. However, a  
15 school district shall not be dissolved where the State Board of  
16 Education and the regional superintendent of the region in  
17 which a district has legally authorized the building of a  
18 school and legally selected a school house site and has issued  
19 bonds for such building shall jointly find and certify that  
20 such building has been authorized, site selected and bonds  
21 issued.

22 If a district has its territory included within a petition  
23 to form a community unit district under Article 11E ~~11~~ of this  
24 Code Act, that district may not be dissolved under this Section  
25 until the end of the school year in which all proceedings  
26 relating to formation of that community unit district are  
27 finally concluded, whether by disallowance of the petition, by  
28 referendum, by a final court decision or otherwise. Until such  
29 proceedings are finally concluded, the regional superintendent  
30 having jurisdiction of the district that is not maintaining a  
31 recognized school shall assign the pupils of that district to  
32 an adjoining school district, ~~subject to Section 11-12 of this~~  
33 ~~Act and~~ subject to the requirement that the district from which  
34 the pupils are so assigned shall pay tuition for such pupils to  
35 the district to which the pupils are assigned, in accordance

1 with Section 10-20.12a of this Act or in such lesser amount as  
2 may be agreed to by the 2 districts.

3       However, until July 1, 1969 or one year after the entry of  
4 a final decision by a court of competent jurisdiction in the  
5 event of litigation with respect to any of the matters set  
6 forth in this Section, whichever is the later, notwithstanding  
7 the provisions of this Section, any protectorate high school  
8 district composed of contiguous and compact territory having  
9 not less than 2,000 inhabitants and which has an equalized  
10 assessed valuation of not less than \$6,000,000, shall be and  
11 remain a protectorate high school district if a majority of the  
12 pupils attend a high school in a special charter district  
13 maintaining grades 1 through 12 and if during that period the  
14 voters of the district, by referendum to be ordered by the  
15 board, vote in favor of the proposition that such district  
16 maintain and operate a high school within such district, and  
17 also authorize the purchase of a school site, the building of a  
18 school building and the issuance of bonds for such purpose,  
19 which bonds are duly issued. The Board shall certify the  
20 proposition to the proper election authorities for submission,  
21 in accordance with the general election law.

22       The proposition to maintain and operate a high school  
23 within such district shall be in substantially the following  
24 form:

25 -----  
26 Shall .....  
27 High School District Number .....,       YES  
28 ..... County, Illinois,  
29 maintain and operate a high school -----  
30 within that High School  
31 District and for the benefit       NO  
32 of the pupils residing therein?

33 -----  
34 and is approved if a majority of the voters voting on the  
35 proposition is in favor thereof. The proposition of purchasing  
36 a school site, the building of a school building and the

1 issuance of bonds for such purpose shall be submitted to the  
2 voters and may be voted upon at the same election that the  
3 proposition of maintaining and operating a high school within  
4 the district is submitted or at any regularly scheduled  
5 election subsequent thereto as may be ordered by the board.  
6 Thereupon, that protectorate high school district shall  
7 thereafter exist as a community high school district and  
8 possess and enjoy all of the powers, duties and authorities of  
9 a community high school district ~~organized~~ under Article 12 of  
10 this Act.

11 Throughout its existence as a protectorate district and  
12 until the legal voters residing in the district have determined  
13 to maintain and operate a high school within the district and  
14 have been authorized to purchase a school site, build a school  
15 building and to issue bonds for such purpose and which bonds  
16 are duly issued, or until the dissolution of the district as  
17 required by this Section, such protectorate district may use  
18 its funds to pay for the tuition and transportation of the  
19 pupils in such district that attend a high school in a special  
20 charter district maintaining grades 1 through 12. A  
21 protectorate high school district is defined to be a district  
22 which does not own or operate its own school buildings.

23 (Source: P.A. 81-1550.)

24 (105 ILCS 5/7-02) (from Ch. 122, par. 7-02)

25 Sec. 7-02. Limitations. The provisions of this Article  
26 providing for the change in school district boundaries by  
27 detachment, annexation, division or dissolution, or by any  
28 combination of those methods, are subject to the provisions of  
29 this Section. Whenever due to fire, explosion, tornado or any  
30 Act of God the school buildings or one or more of the principal  
31 school buildings comprising an attendance center within a  
32 school district are destroyed or substantially destroyed and  
33 rendered unfit for school purposes, the provisions of this  
34 Article shall not be available to permit a division of that  
35 district, or a dissolution, detachment or annexation of any



1 part thereof, or any combination of such results during a  
2 period from the date of such destruction or substantial  
3 destruction until 30 days after the second regular election of  
4 board members following such destruction or substantial  
5 destruction. Nothing in this Section shall be deemed to  
6 prohibit the combining of the entire district with another  
7 entire district or with other entire districts during such  
8 period pursuant to the provisions of Article 11E ~~11A or 11B~~.

9 (Source: P.A. 85-833.)

10 (105 ILCS 5/7-6) (from Ch. 122, par. 7-6)

11 Sec. 7-6. Petition filing; Notice; Hearing; Decision.

12 (a) Upon the filing of a petition with the secretary of the  
13 regional board of school trustees under the provisions of  
14 Section 7-1 or 7-2 of this Act the secretary shall cause a copy  
15 of such petition to be given to each board of any district  
16 involved in the proposed boundary change and shall cause a  
17 notice thereof to be published once in a newspaper having  
18 general circulation within the area of the territory described  
19 in the petition for the proposed change of boundaries.

20 (b) When a joint hearing is required under the provisions  
21 of Section 7-2, the secretary also shall cause a copy of the  
22 notice to be sent to the regional board of school trustees of  
23 each region affected. Notwithstanding the foregoing provisions  
24 of this Section, if the secretary of the regional board of  
25 school trustees with whom a petition is filed under Section 7-2  
26 fails, within 30 days after the filing of such petition, to  
27 cause notice thereof to be published and sent as required by  
28 this Section, then the secretary of the regional board of  
29 school trustees of any other region affected may cause the  
30 required notice to be published and sent, and the joint hearing  
31 may be held in any region affected as provided in the notice so  
32 published.

33 (b-5) If a petition filed under subsection (a) of Section  
34 7-1 or under Section 7-2 proposes to annex all the territory of  
35 a school district to another school district, the petition

1 shall request the submission of a proposition at a regular  
2 scheduled election for the purpose of voting for or against the  
3 annexation of the territory described in the petition to the  
4 school district proposing to annex that territory. No petition  
5 filed or election held under this Article shall be null and  
6 void, invalidated, or deemed in noncompliance with the Election  
7 Code because of a failure to publish a notice with respect to  
8 the petition or referendum as required under subsection (g) of  
9 Section 28-2 of that Code for petitions that are not filed  
10 under this Article or Article ~~11E, 7A, 11A, 11B, or 11D~~ of this  
11 ~~the School~~ Code.

12 (c) When a petition contains more than 10 signatures the  
13 petition shall designate a committee of 10 of the petitioners  
14 as attorney in fact for all petitioners, any 7 of whom may make  
15 binding stipulations on behalf of all petitioners as to any  
16 question with respect to the petition or hearing or joint  
17 hearing, and the regional board of school trustees, or regional  
18 boards of school trustees in cases of a joint hearing may  
19 accept such stipulation in lieu of evidence or proof of the  
20 matter stipulated. The committee of petitioners shall have the  
21 same power to stipulate to accountings or waiver thereof  
22 between school districts; however, the regional board of school  
23 trustees, or regional boards of school trustees in cases of a  
24 joint hearing may refuse to accept such stipulation. Those  
25 designated as the committee of 10 shall serve in that capacity  
26 until such time as the regional superintendent of schools or  
27 the committee of 10 determines that, because of death,  
28 resignation, transfer of residency from the territory, or  
29 failure to qualify, the office of a particular member of the  
30 committee of 10 is vacant. Upon determination that a vacancy  
31 exists, the remaining members shall appoint a petitioner to  
32 fill the designated vacancy on the committee of 10. The  
33 appointment of any new members by the committee of 10 shall be  
34 made by a simple majority vote of the remaining designated  
35 members.

36 (d) The petition may be amended to withdraw not to exceed a

1 total of 10% of the territory in the petition at any time prior  
2 to the hearing or joint hearing; provided that the petition  
3 shall after amendment comply with the requirements as to the  
4 number of signatures required on an original petition.

5 (e) The petitioners shall pay the expenses of publishing  
6 the notice and of any transcript taken at the hearing or joint  
7 hearing; and in case of an appeal from the decision of the  
8 regional board of school trustees, or regional boards of school  
9 trustees in cases of a joint hearing, or State Superintendent  
10 of Education in cases determined under subsection (1) of this  
11 Section, the appellants shall pay the cost of preparing the  
12 record for appeal.

13 (f) The notice shall state when the petition was filed, the  
14 description of the territory, the prayer of the petition and  
15 the return day on which the hearing or joint hearing upon the  
16 petition will be held which shall not be more than 15 nor less  
17 than 10 days after the publication of notice.

18 (g) On such return day or on a day to which the regional  
19 board of school trustees, or regional boards of school trustees  
20 in cases of a joint hearing shall continue the hearing or joint  
21 hearing the regional board of school trustees, or regional  
22 boards of school trustees in cases of a joint hearing shall  
23 hear the petition but may adjourn the hearing or joint hearing  
24 from time to time or may continue the matter for want of  
25 sufficient notice or other good cause.

26 (h) Prior to the hearing or joint hearing the secretary of  
27 the regional board of school trustees shall submit to the  
28 regional board of school trustees, or regional boards of school  
29 trustees in cases of a joint hearing maps showing the districts  
30 involved, a written report of financial and educational  
31 conditions of districts involved and the probable effect of the  
32 proposed changes. The reports and maps submitted shall be made  
33 a part of the record of the proceedings of the regional board  
34 of school trustees, or regional boards of school trustees in  
35 cases of a joint hearing. A copy of the report and maps  
36 submitted shall be sent by the secretary of the regional board

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

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

28 (j) At the hearing or joint hearing any resident of the  
29 territory described in the petition or any resident in any  
30 district affected by the proposed change of boundaries may  
31 appear in person or by an attorney in support of the petition  
32 or to object to the granting of the petition and may present  
33 evidence in support of his position.

34 (k) At the conclusion of the hearing, other than a joint  
35 hearing, the regional superintendent of schools as ex officio  
36 member of the regional board of school trustees shall within 30

1 days enter an order either granting or denying the petition and  
2 shall deliver to the committee of petitioners, if any, and any  
3 person who has filed his appearance in writing at the hearing  
4 and any attorney who appears for any person and any objector  
5 who testifies at the hearing and the regional superintendent of  
6 schools a certified copy of its order.

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

1 the notice so given to the State Superintendent of Education.  
2 The cost of assembling the record of proceedings for submission  
3 to the State Superintendent of Education shall be the  
4 responsibility of the school boards, registered voters or  
5 committee of 10 that submits the petition and record of  
6 proceedings to the State Superintendent of Education. When a  
7 petition is submitted to the State Superintendent of Education  
8 in accordance with the provisions of this paragraph:

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

13 (2) All jurisdiction over the petition and the right  
14 and duty to hear, approve, deny or otherwise act with  
15 respect to the petition is transferred to and shall be  
16 assumed and exercised by the State Superintendent of  
17 Education.

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

29 (4) If so directed by the State Superintendent of  
30 Education, the regional superintendent of schools shall  
31 submit to the State Superintendent of Education and to such  
32 school boards as the State Superintendent of Education  
33 shall prescribe accurate maps and a written report of the  
34 financial and educational conditions of the districts  
35 affected and the probable effect of the proposed boundary  
36 changes.

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

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

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

1 (n) Within 10 days after service of a copy of the order  
2 granting or denying the petition, any person so served may  
3 petition for a rehearing and, upon sufficient cause being  
4 shown, a rehearing may be granted. The filing of a petition for  
5 rehearing shall operate as a stay of enforcement until the  
6 regional board of school trustees, or regional boards of school  
7 trustees in cases of a joint hearing, or State Superintendent  
8 of Education in cases determined under subsection (l) of this  
9 Section enter the final order on such petition for rehearing.

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

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

21 (105 ILCS 5/7-11) (from Ch. 122, par. 7-11)

22 Sec. 7-11. Annexation of dissolved non-operating  
23 districts. If any school district has become dissolved as  
24 provided in Section 5-32, or if a petition for dissolution is  
25 filed under subsection (b) of Section 7-2a, the regional board  
26 of school trustees shall attach the territory of such dissolved  
27 district to one or more districts and, if the territory is  
28 added to 2 or more districts, shall divide the property of the  
29 dissolved district among the districts to which its territory  
30 is added, in the manner provided for the division of property  
31 in case of the organization of a new district from a part of  
32 another district. The regional board of school trustees of the  
33 region in which the regional superintendent has supervision  
34 over the school district that is dissolved shall have all power  
35 necessary to annex the territory of the dissolved district as



1 provided in this Section, including the power to attach the  
2 territory to a school district under the supervision of the  
3 regional superintendent of another educational service region.  
4 The annexation of the territory of a dissolved school district  
5 under this Section shall entitle the school districts involved  
6 in the annexation to payments from the State Board of Education  
7 ~~under subsection (A) (5) (m) of Section 18-8 or subsection (I) of~~  
8 ~~Section 18-8.05 and under Sections 18-8.2 and 18-8.3~~ in the  
9 same manner and to the same extent authorized in the case of  
10 other annexations under this Article. Other provisions of this  
11 Article 7 of The School Code shall apply to and govern  
12 dissolutions and annexations under this Section and Section  
13 7-2a, except that it is the intent of the General Assembly that  
14 in the case of conflict the provisions of this Section and  
15 Section 7-2a shall control over the other provisions of this  
16 Article.

17 The regional board of school trustees shall give notice of  
18 a hearing, to be held not less than 50 days nor more than 70  
19 days after a school district is dissolved under Section 5-32 or  
20 a petition is filed under subsection (b) of Section 7-2a, on  
21 the disposition of the territory of such school district by  
22 publishing a notice thereof at least once each week for 2  
23 successive weeks in at least one newspaper having a general  
24 circulation within the area of the territory involved. At such  
25 hearing, the regional board of school trustees shall hear  
26 evidence as to the school needs and conditions of the territory  
27 and of the area within and adjacent thereto, and shall take  
28 into consideration the educational welfare of the pupils of the  
29 territory and the normal high school attendance pattern of the  
30 children. In the case of an elementary school district if all  
31 the eighth grade graduates of such district customarily attend  
32 high school in the same high school district, the regional  
33 board of school trustees shall, unless it be impossible because  
34 of the restrictions of a special charter district, annex the  
35 territory of the district to a contiguous elementary school  
36 district whose eighth grade graduates customarily attend that

1 high school, and that has an elementary school building nearest  
2 to the center of the territory to be annexed, but if such  
3 eighth grade graduates customarily attend more than one high  
4 school the regional board of school trustees shall determine  
5 the attendance pattern of such graduates and divide the  
6 territory of the district among the contiguous elementary  
7 districts whose graduates attend the same respective high  
8 schools.

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

29 Notwithstanding the foregoing provisions of this Section  
30 or any other provision of law to the contrary, the school board  
31 of the Mt. Morris School District is authorized to donate to  
32 the City of Mount Morris, Illinois the school building and  
33 other real property used as a school site by the Mt. Morris  
34 School District at the time of its dissolution, by appropriate  
35 resolution adopted by the school board of the district prior to  
36 the dissolution of the district; and upon the adoption of a

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

7 (Source: P.A. 90-548, eff. 1-1-98.)

8 (105 ILCS 5/9-11.2) (from Ch. 122, par. 9-11.2)

9 Sec. 9-11.2. For all school districts electing candidates  
10 to a board of education in a manner other than at large,  
11 candidates not elected at large who file nominating petitions  
12 for a full term shall be grouped together by area of residence  
13 as follows:

14 (1) by congressional townships, or

15 (2) according to incorporated or unincorporated areas.

16 For all school districts electing candidates to a board of  
17 education in a manner other than at large, candidates not  
18 elected at large who file nominating petitions for an unexpired  
19 term shall be grouped together by area of residence as follows:

20 (1) by congressional townships, or

21 (2) according to incorporated or unincorporated areas.

22 Candidate groupings by area of residence for unexpired  
23 terms shall precede the candidate groupings by area of  
24 residence for full terms on the ballot. In all instances,  
25 however, the ballot order of each candidate grouping shall be  
26 determined by the order of petition filing or lottery held  
27 pursuant to Section 9-11.1 in the following manner:

28 The area of residence of the candidate determined to be  
29 first by order of petition filing or by lottery shall be listed  
30 first among the candidate groupings on the ballot. All other  
31 candidates from the same area of residence will follow  
32 according to order of petition filing or the lottery. The area  
33 of residence of the candidate determined to be second by the  
34 order of petition filing or the lottery shall be listed second  
35 among the candidate groupings on the ballot. All other

1 candidates from the same area of residence will follow  
2 according to the order of petition filing or the lottery. The  
3 ballot order of additional candidate groupings by area of  
4 residence shall be established in a like manner.

5 In any school district that elects its board members  
6 according to area of residence and that has one or more  
7 unexpired terms to be filled at an election, the winner or  
8 winners of the unexpired term or terms shall be determined  
9 first and independently of those running for full terms. The  
10 winners of the full terms shall then be determined taking into  
11 consideration the areas of residence of those elected to fill  
12 the unexpired term or terms.

13 "Area of Residence" means congressional township and  
14 incorporated and unincorporated territories.

15 "Affected school district" means either of the 2 entire  
16 elementary school districts that are formed into a combined  
17 school district ~~established as provided in subsection (a 5) of~~  
18 ~~Section 11B-7.~~

19 (Source: P.A. 93-1079, eff. 1-21-05.)

20 (105 ILCS 5/9-12) (from Ch. 122, par. 9-12)

21 Sec. 9-12. Ballots for the election of school officers  
22 shall be in one of the following forms:

23 (FORMAT 1

24 Ballot position for candidates shall be determined by the  
25 order of petition filing or lottery held pursuant to Section  
26 9-11.1.

27 This format is used by Boards of School Directors. School  
28 Directors are elected at large.)

29 OFFICIAL BALLOT  
30 FOR MEMBERS OF THE BOARD OF SCHOOL  
31 DIRECTORS TO SERVE AN UNEXPIRED 2-YEAR TERM  
32 VOTE FOR . . . .  
33 ( ) .....  
34 ( ) .....

1                   ( ) .....

2                   FOR MEMBERS OF THE BOARD OF SCHOOL

3                   DIRECTORS TO SERVE A FULL 4-YEAR TERM

4                   VOTE FOR .....

5                   ( ) .....

6                   ( ) .....

7                   ( ) .....

8 (FORMAT 2

9           Ballot position for candidates shall be determined by the  
10 order of petition filing or lottery held pursuant to Section  
11 9-11.1.

12           This format is used when school board members are elected  
13 at large. Membership on the school board is not restricted by  
14 area of residence.

15           Types of school districts generally using this format are:

16           Common school districts;

17           Community unit and community consolidated school districts  
18 formed on or after January 1, 1975;

19           Community unit school districts formed prior to January 1,  
20 1975 that elect board members at large and without restriction  
21 by area of residence within the district under subsection (c)  
22 of Section 11A-8 (now repealed);

23           Community unit, community consolidated and combined school  
24 districts in which more than 90% of the population is in one  
25 congressional township;

26           High school districts in which less than 15% of the taxable  
27 property is located in unincorporated territory; and unit  
28 districts (OLD TYPE);

29           Combined school districts formed on or after July 1, 1983;

30           Combined school districts formed before July 1, 1983 and  
31 community consolidated school districts that elect board  
32 members at large and without restriction by area of residence  
33 within the district under subsection (c) of Section 11B-7 (now  
34 repealed).)

1 FOR MEMBERS OF THE BOARD OF  
 2 EDUCATION TO SERVE AN UNEXPIRED 2-YEAR TERM

3 VOTE FOR . . . .  
 4 ( ) .....  
 5 ( ) .....  
 6 ( ) .....

7 FOR MEMBERS OF THE BOARD OF  
 8 EDUCATION TO SERVE A FULL 4-YEAR TERM

9 VOTE FOR . . . .  
 10 ( ) .....  
 11 ( ) .....  
 12 ( ) .....

13 (FORMAT 3

14 Ballot position for incorporated and unincorporated areas  
 15 shall be determined by the order of petition filing or lottery  
 16 held pursuant to Sections 9-11.1 and 9-11.2.

17 This format is used by community unit, community  
 18 consolidated and combined school districts when the territory  
 19 is less than 2 congressional townships, or 72 square miles, but  
 20 consists of more than one congressional township, or 36 square  
 21 miles, outside of the corporate limits of any city, village or  
 22 incorporated town within the school district. The School Code  
 23 requires that not more than 5 board members shall be selected  
 24 from any city, village or incorporated town in the school  
 25 district. At least two board members must reside in the  
 26 unincorporated area of the school district.

27 Except for those community unit school districts formed  
 28 before January 1, 1975 that elect board members at large and  
 29 without restriction by area of residence within the district  
 30 under subsection (c) of Section 11A-8 (now repealed) and except  
 31 for combined school districts formed before July 1, 1983 and  
 32 community consolidated school districts that elect board  
 33 members at large and without restriction by area of residence  
 34 within the district under subsection (c) of Section 11B-7 (now  
 35 repealed), this format applies to community unit and community

1 consolidated school districts formed prior to January 1, 1975  
2 and combined school districts formed prior to July 1, 1983.)

3 OFFICIAL BALLOT

4 Instructions to voter: The board of education shall be  
5 composed of members from both the incorporated and the  
6 unincorporated area; not more than 5 board members shall be  
7 selected from any city, village or incorporated town.

8 ON THE BASIS OF EXISTING BOARD MEMBERSHIP, NOT MORE THAN  
9 .... MAY BE ELECTED FROM THE INCORPORATED AREAS.

10 FOR MEMBERS OF THE BOARD OF EDUCATION

11 TO SERVE AN UNEXPIRED 2-YEAR TERM

12 THE AREA OF RESIDENCE OF THOSE ELECTED TO FILL UNEXPIRED TERMS  
13 IS TAKEN INTO CONSIDERATION IN DETERMINING THE WINNERS OF THE

14 FULL TERMS.

15 VOTE FOR A TOTAL OF ....

16 ..... Area

17 ( ) .....

18 ( ) .....

19 ..... Area

20 ( ) .....

21 ( ) .....

22 FOR MEMBERS OF THE BOARD OF EDUCATION

23 TO SERVE A FULL 4-YEAR TERM

24 VOTE FOR A TOTAL OF ....

25 ..... Area

26 ( ) .....

27 ( ) .....

28 ..... Area

29 ( ) .....

30 ( ) .....

31 (FORMAT 4

32 Ballot position for township areas shall be determined by  
33 the order of petition filing or lottery held pursuant to  
34 Sections 9-11.1 and 9-11.2.

1 Except for those community unit school districts formed  
 2 prior to January 1, 1975 that elect board members at large and  
 3 without restriction by area of residence within the district  
 4 under subsection (c) of Section 11A-8 (now repealed) and except  
 5 for those combined school districts formed before July 1, 1983  
 6 and community consolidated school districts that elect board  
 7 members at large and without restriction by area of residence  
 8 within the district under subsection (c) of Section 11B-7 (now  
 9 repealed), this format applies to community unit and community  
 10 consolidated school districts formed prior to January 1, 1975  
 11 and combined school districts formed prior to July 1, 1983 when  
 12 the territory of the school district is greater than 2  
 13 congressional townships, or 72 square miles. This format  
 14 applies only when less than 75% of the population is in one  
 15 congressional township. Congressional townships of less than  
 16 100 inhabitants shall not be considered for the purpose of such  
 17 mandatory board representation. In this case, not more than 3  
 18 board members may be selected from any one congressional  
 19 township.)

OFFICIAL BALLOT

21 Instructions to voter: Membership on the board of education  
 22 is restricted to a maximum of 3 members from any congressional  
 23 township.

24 ON THE BASIS OF EXISTING BOARD MEMBERSHIP, MEMBERS MAY BE  
 25 ELECTED IN THE FOLLOWING NUMBERS FROM EACH CONGRESSIONAL  
 26 TOWNSHIP.

27 NOT MORE THAN .... MAY BE ELECTED FROM TOWNSHIP .... RANGE  
 28 .....

29 NOT MORE THAN .... MAY BE ELECTED FROM TOWNSHIP .... RANGE  
 30 .....

31 NOT MORE THAN .... MAY BE ELECTED FROM TOWNSHIP .... RANGE  
 32 .....

33 (Include each remaining congressional township in district  
 34 as needed)

35 FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE



1 AN UNEXPIRED 2-YEAR TERM  
 2 THE AREA OF RESIDENCE OF THOSE ELECTED TO FILL UNEXPIRED TERMS  
 3 IS TAKEN INTO CONSIDERATION IN DETERMINING THE WINNERS OF THE  
 4 FULL TERMS.

5 VOTE FOR A TOTAL OF ....

6 Township ..... Range .....

7 ( ) .....

8 ( ) .....

9 Township ..... Range .....

10 ( ) .....

11 ( ) .....

12 FOR MEMBERS OF THE BOARD OF  
 13 EDUCATION TO SERVE A FULL 4-YEAR TERM

14 VOTE FOR A TOTAL OF ....

15 Township ..... Range .....

16 ( ) .....

17 ( ) .....

18 Township ..... Range .....

19 ( ) .....

20 ( ) .....

21 (FORMAT 5

22 Ballot position for township areas shall be determined by  
 23 the order of petition filing or lottery held pursuant to  
 24 Sections 9-11.1 and 9-11.2.

25 Except for those community unit school districts formed  
 26 before January 1, 1975 that elect board members at large and  
 27 without restriction by area of residence within the district  
 28 under subsection (c) of Section 11A-8 (now repealed) and except  
 29 for those combined school districts formed before July 1, 1983  
 30 and community consolidated school districts that elect board  
 31 members at large and without restriction by area of residence  
 32 within the district under subsection (c) of Section 11B-7 (now  
 33 repealed), this format is used by community unit and community  
 34 consolidated school districts formed prior to January 1, 1975,  
 35 and combined school districts formed prior to July 1, 1983,

1 when the territory of the school district is greater than 2  
 2 congressional townships, or 72 square miles and when at least  
 3 75%, but not more than 90%, of the population resides in one  
 4 congressional township. In this case, 4 school board members  
 5 shall be selected from that one congressional township and the  
 6 3 remaining board members shall be selected from the rest of  
 7 the district. If a school district from which school board  
 8 members are to be selected is located in a county under  
 9 township organization and if the surveyed boundaries of a  
 10 congressional township from which one or more of those school  
 11 board members is to be selected, as described by township  
 12 number and range, are coterminous with the boundaries of the  
 13 township as identified by the township name assigned to it as a  
 14 political subdivision of the State, then that township may be  
 15 referred to on the ballot by both its township name and by  
 16 township number and range.)

OFFICIAL BALLOT

17  
 18 Instructions to voter: Membership on the board of education  
 19 is to consist of 4 members from the congressional township that  
 20 has at least 75% but not more than 90% of the population, and 3  
 21 board members from the remaining congressional townships in the  
 22 school district.

23 ON THE BASIS OF EXISTING BOARD MEMBERSHIP, MEMBERS MAY BE  
 24 ELECTED IN THE FOLLOWING NUMBERS FROM EACH CONGRESSIONAL  
 25 TOWNSHIP.

26 FOR MEMBER OF THE BOARD OF EDUCATION  
 27 TO SERVE AN UNEXPIRED 2-YEAR TERM  
 28 FROM (name)..... TOWNSHIP ..... RANGE .....

VOTE FOR ONE

29  
 30 ( ).....  
 31 ( ).....

32 FOR MEMBERS OF THE BOARD OF EDUCATION  
 33 TO SERVE A FULL 4-YEAR TERM

VOTE FOR .....

34  
 35 ..... shall be elected from (name)..... Township ..... Range

1 .....  
2

(name)..... TOWNSHIP ..... RANGE .....

3 ( ) .....

4 ( ) .....

5 VOTE FOR ....

6 ..... board members shall be elected from the remaining  
7 congressional townships.

8 The Remaining Congressional Townships

9 ( ) .....

10 ( ) .....

11 (FORMAT 6

12 Ballot position for candidates shall be determined by the  
13 order of petition filing or lottery held pursuant to Section  
14 9-11.1.

15 This format is used by school districts in which voters  
16 have approved a referendum to elect school board members by  
17 school board district. The school district is then divided into  
18 7 school board districts, each of which elects one member to  
19 the board of education.)

20 OFFICIAL BALLOT

21 DISTRICT ..... (1 through 7)

22 FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE

23 AN UNEXPIRED 2-YEAR TERM

24 VOTE FOR ONE

25 ( ) .....

26 ( ) .....

27 ( ) .....

28 (-OR-)

29 OFFICIAL BALLOT

30 DISTRICT ..... (1 through 7)

31 FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE

32 A FULL 4-YEAR TERM

33 VOTE FOR ONE

34 ( ) .....

35 ( ) .....

1 ( ) .....

2 REVERSE SIDE:

3 OFFICIAL BALLOT

4 DISTRICT ..... (1 through 7)

5 (Precinct name or number)

6 School District No. ...., ..... County, Illinois

7 Election Tuesday (insert date)

8 (facsimile signature of Election Authority)

9 (County)

10 (FORMAT 7

11 Ballot position for incorporated and unincorporated areas  
12 shall be determined by the order of petition filing or lottery  
13 held pursuant to Sections 9-11.1 and 9-11.2.

14 This format is used by high school districts if more than  
15 15% but less than 30% of the taxable property is located in the  
16 unincorporated territory of the school district. In this case,  
17 at least one board member shall be a resident of the  
18 unincorporated territory.)

19 OFFICIAL BALLOT

20 Instructions to voter: More than 15% but less than 30% of  
21 the taxable property of this high school district is located in  
22 the unincorporated territory of the district, therefore, at  
23 least one board member shall be a resident of the  
24 unincorporated areas.

25 ON THE BASIS OF EXISTING BOARD MEMBERSHIP, AT LEAST ONE  
26 MEMBER SHALL BE ELECTED FROM THE UNINCORPORATED AREA.

27 FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE

28 AN UNEXPIRED 2-YEAR TERM

29 THE AREA OF RESIDENCE OF THOSE ELECTED TO FILL UNEXPIRED TERMS  
30 IS TAKEN INTO CONSIDERATION IN DETERMINING THE WINNERS OF THE  
31 FULL TERMS.

32 VOTE FOR A TOTAL OF ....

33 ..... Area

34 ( ) .....

1 ( ) .....

2 ..... Area

3 ( ) .....

4 ( ) .....

5 FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE

6 A FULL 4-YEAR TERM

7 VOTE FOR A TOTAL OF .....

8 ..... Area

9 ( ) .....

10 ( ) .....

11 ..... Area

12 ( ) .....

13 ( ) .....

14 (FORMAT 7a

15 Ballot position for candidates shall be determined by the  
16 order of petition filing or lottery held pursuant to Sections  
17 9-11.1 and 9-11.2.

18 This format is used by high school districts if more than  
19 15% but less than 30% of the taxable property is located in the  
20 unincorporated territory of the school district and on the  
21 basis of existing board membership no board member is required  
22 to be elected from the unincorporated area.)

23 OFFICIAL BALLOT

24 Instruction to voter: More than 15% but less than 30% of  
25 the taxable property of this high school district is located in  
26 the unincorporated territory of the district, therefore, at  
27 least one board member shall be a resident of the  
28 unincorporated areas.

29 ON THE BASIS OF EXISTING BOARD MEMBERSHIP, MEMBERS MAY BE  
30 ELECTED FROM ANY AREA OR AREAS.

31 FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE

32 AN UNEXPIRED 2-YEAR TERM

33 VOTE FOR .....

34 ( ) .....

1 ( ) .....

2 ( ) .....

3 FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE

4 A FULL 4-YEAR TERM

5 VOTE FOR .....

6 ( ) .....

7 ( ) .....

8 ( ) .....

9 (FORMAT 8

10 Ballot position for incorporated and unincorporated areas  
11 shall be determined by the order of petition filing or lottery  
12 held pursuant to Sections 9-11.1 and 9-11.2.

13 This format is used by high school districts if more than  
14 30% of the taxable property is located in the unincorporated  
15 territory of the school district. In this case, at least two  
16 board members shall be residents of the unincorporated  
17 territory.)

18 OFFICIAL BALLOT

19 Instructions to voters: Thirty percent (30%) or more of the  
20 taxable property of this high school district is located in the  
21 unincorporated territory of the district, therefore, at least  
22 two board members shall be residents of the unincorporated  
23 territory.

24 ON THE BASIS OF EXISTING BOARD MEMBERSHIP, AT LEAST 2  
25 MEMBERS SHALL BE ELECTED FROM THE UNINCORPORATED AREA.

26 FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE

27 AN UNEXPIRED 2-YEAR TERM

28 THE AREA OF RESIDENCE OF THOSE ELECTED TO FILL UNEXPIRED TERMS  
29 IS TAKEN INTO CONSIDERATION IN DETERMINING THE WINNERS OF THE  
30 FULL TERMS.

31 VOTE FOR A TOTAL OF .....

32 ..... Area

33 ( ) .....

34 ( ) .....

1 ..... Area  
 2 ( ) .....  
 3 ( ) .....

4 FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE  
 5 A FULL 4-YEAR TERM

6 VOTE FOR A TOTAL OF ....

7 ..... Area  
 8 ( ) .....  
 9 ( ) .....

10 ..... Area  
 11 ( ) .....  
 12 ( ) .....

13 (FORMAT 8a

14 Ballot position for incorporated and unincorporated areas  
 15 shall be determined by the order of petition filing or lottery  
 16 held pursuant to Sections 9-11.1 and 9-11.2.

17 This format is used by high school districts if more than  
 18 30% of the taxable property is located in the unincorporated  
 19 territory of the school district. In this case, at least two  
 20 board members shall be residents of the unincorporated  
 21 territory.)

22 OFFICIAL BALLOT

23 Instructions to voters: Thirty percent (30%) or more of the  
 24 taxable property of this high school district is located in the  
 25 unincorporated territory of the district, therefore, at least  
 26 two board members shall be residents of the unincorporated  
 27 territory.

28 ON THE BASIS OF EXISTING BOARD MEMBERSHIP, AT LEAST ONE  
 29 MEMBER SHALL BE ELECTED FROM THE UNINCORPORATED AREA.

30 FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE  
 31 AN UNEXPIRED 2-YEAR TERM

32 THE AREA OF RESIDENCE OF THOSE ELECTED TO FILL UNEXPIRED TERMS  
 33 IS TAKEN INTO CONSIDERATION IN DETERMINING THE WINNERS OF THE  
 34 FULL TERMS.

1 VOTE FOR A TOTAL OF ....

2 ..... Area

3 ( ) .....

4 ( ) .....

5 ..... Area

6 ( ) .....

7 ( ) .....

8 FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE

9 A FULL 4-YEAR TERM

10 VOTE FOR A TOTAL OF ....

11 ..... Area

12 ( ) .....

13 ( ) .....

14 ..... Area

15 ( ) .....

16 ( ) .....

17 (FORMAT 8b

18 Ballot position for incorporated and unincorporated areas  
19 shall be determined by the order of petition filing or lottery  
20 held pursuant to Sections 9-11.1 and 9-11.2.

21 This format is used by high school districts if more than  
22 30% of the taxable property is located in the unincorporated  
23 territory of the school district. In this case, at least two  
24 board members shall be residents of the unincorporated  
25 territory.)

26 OFFICIAL BALLOT

27 Instructions to voters: Thirty percent (30%) or more of the  
28 taxable property of this high school district is located in the  
29 unincorporated territory of the district, therefore, at least  
30 two board members shall be residents of the unincorporated  
31 territory.

32 ON THE BASIS OF EXISTING BOARD MEMBERSHIP, MEMBERS MAY BE  
33 ELECTED FROM ANY AREA OR AREAS.

34 FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE



1  
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32  
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35

AN UNEXPIRED 2-YEAR TERM

VOTE FOR . . . .

- ( ) .....
- ( ) .....
- ( ) .....
- ( ) .....

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE

A FULL 4-YEAR TERM

VOTE FOR . . . .

- ( ) .....
- ( ) .....
- ( ) .....
- ( ) .....

(Source: P.A. 93-706, eff. 7-9-04; 93-1079, eff. 1-21-05.)

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

Sec. 10-10. Board of education; Term; Vacancy. All school districts having a population of not fewer than 1,000 and not more than 500,000 inhabitants, as ascertained by any special or general census, and not governed by special Acts, shall be governed by a board of education consisting of 7 members, serving without compensation except as herein provided. Each member shall be elected for a term of 4 years ~~except as otherwise provided in subsection (a-5) of Section 11B-7~~ for the initial members of the board of education of a combined school district to which that subsection applies. If 5 members are elected in 1983 pursuant to the extension of terms provided by law for transition to the consolidated election schedule under the general election law, 2 of those members shall be elected to serve terms of 2 years and 3 shall be elected to serve terms of 4 years; their successors shall serve for a 4 year term. When the voters of a district have voted to elect members of the board of education for 6 year terms, as provided in Section 9-5, the terms of office of members of the board of education of that district expire when their successors assume office but not later than 7 days after such election. If at the regular

1 school election held in the first odd-numbered year after the  
2 determination to elect members for 6 year terms 2 members are  
3 elected, they shall serve for a 6 year term; and of the members  
4 elected at the next regular school election 3 shall serve for a  
5 term of 6 years and 2 shall serve a term of 2 years. Thereafter  
6 members elected in such districts shall be elected to a 6 year  
7 term. If at the regular school election held in the first  
8 odd-numbered year after the determination to elect members for  
9 6 year terms 3 members are elected, they shall serve for a 6  
10 year term; and of the members elected at the next regular  
11 school election 2 shall serve for a term of 2 years and 2 shall  
12 serve for a term of 6 years. Thereafter members elected in such  
13 districts shall be elected to a 6 year term. If at the regular  
14 school election held in the first odd-numbered year after the  
15 determination to elect members for 6 year terms 4 members are  
16 elected, 3 shall serve for a term of 6 years and one shall  
17 serve for a term of 2 years; and of the members elected at the  
18 next regular school election 2 shall serve for terms of 6 years  
19 and 2 shall serve for terms of 2 years. Thereafter members  
20 elected in such districts shall be elected to a 6 year term. If  
21 at the regular school election held in the first odd-numbered  
22 year after the determination to elect members for a 6 year term  
23 5 members are elected, 3 shall serve for a term of 6 years and 2  
24 shall serve for a term of 2 years; and of the members elected  
25 at the next regular school election 2 shall serve for terms of  
26 6 years and 2 shall serve for terms of 2 years. Thereafter  
27 members elected in such districts shall be elected to a 6 year  
28 term. An election for board members shall not be held in school  
29 districts which by consolidation, annexation or otherwise  
30 shall cease to exist as a school district within 6 months after  
31 the election date, and the term of all board members which  
32 would otherwise terminate shall be continued until such  
33 district shall cease to exist. Each member, on the date of his  
34 or her election, shall be a citizen of the United States of the  
35 age of 18 years or over, shall be a resident of the State and  
36 the territory of the district for at least one year immediately

1 preceding his or her election, shall be a registered voter as  
2 provided in the general election law, shall not be a school  
3 trustee or a school treasurer, and shall not be a child sex  
4 offender as defined in Section 11-9.3 of the Criminal Code of  
5 1961. When the board of education is the successor of the  
6 school directors, all rights of property, and all rights  
7 regarding causes of action existing or vested in such  
8 directors, shall vest in it as fully as they were vested in the  
9 school directors. Terms of members are subject to Section 2A-54  
10 of the Election Code.

11       Nomination papers filed under this Section are not valid  
12 unless the candidate named therein files with the secretary of  
13 the board of education or with a person designated by the board  
14 to receive nominating petitions a receipt from the county clerk  
15 showing that the candidate has filed a statement of economic  
16 interests as required by the Illinois Governmental Ethics Act.  
17 Such receipt shall be so filed either previously during the  
18 calendar year in which his nomination papers were filed or  
19 within the period for the filing of nomination papers in  
20 accordance with the general election law.

21       Whenever a vacancy occurs, the remaining members shall  
22 notify the regional superintendent of that vacancy within 5  
23 days after its occurrence and shall proceed to fill the vacancy  
24 until the next regular school election, at which election a  
25 successor shall be elected to serve the remainder of the  
26 unexpired term. However, if the vacancy occurs with less than  
27 868 days remaining in the term, or if the vacancy occurs less  
28 than 88 days before the next regularly scheduled election for  
29 this office then the person so appointed shall serve the  
30 remainder of the unexpired term, and no election to fill the  
31 vacancy shall be held. Should they fail so to act, within 45  
32 days after the vacancy occurs, the regional superintendent of  
33 schools under whose supervision and control the district is  
34 operating, as defined in Section 3-14.2 of this Act, shall  
35 within 30 days after the remaining members have failed to fill  
36 the vacancy, fill the vacancy as provided for herein. Upon the

1 regional superintendent's failure to fill the vacancy, the  
2 vacancy shall be filled at the next regularly scheduled  
3 election. Whether elected or appointed by the remaining members  
4 or regional superintendent, the successor shall be an  
5 inhabitant of the particular area from which his or her  
6 predecessor was elected if the residential requirements  
7 contained in Section 10-10.5 ~~11A-8, 11B-7,~~ or 12-2 of this Code  
8 ~~Act~~ apply.

9 A board of education may appoint a student to the board to  
10 serve in an advisory capacity. The student member shall serve  
11 for a term as determined by the board. The board may not grant  
12 the student member any voting privileges, but shall consider  
13 the student member as an advisor. The student member may not  
14 participate in or attend any executive session of the board.

15 (Source: P.A. 93-309, eff. 1-1-04; 94-231, eff. 7-14-05.)

16 (105 ILCS 5/10-10.5 new)

17 Sec. 10-10.5. Community unit school district or combined  
18 school district formation; school board election.

19 (a) Except as otherwise provided in subsection (b) of this  
20 Section, for community unit school districts formed before  
21 January 1, 1975 and for combined school districts formed before  
22 July 1, 1983, the following provisions apply:

23 (1) if the territory of the district is greater than 2  
24 congressional townships or 72 square miles, then not more  
25 than 3 board members may be selected from any one  
26 congressional township, except that congressional  
27 townships of less than 100 inhabitants shall not be  
28 considered for the purpose of this mandatory board  
29 representation;

30 (2) if in the community unit school district or  
31 combined school district at least 75% but not more than 90%  
32 of the population is in one congressional township, then 4  
33 board members shall be selected from the congressional  
34 township and 3 board members shall be selected from the  
35 rest of the district, except that if in the community unit

1 school district or combined school district more than 90%  
2 of the population is in one congressional township, then  
3 all board members may be selected from one or more  
4 congressional townships; and

5 (3) if the territory of any community unit school  
6 district or combined school district consists of not more  
7 than 2 congressional townships or 72 square miles, but  
8 consists of more than one congressional township or 36  
9 square miles, outside of the corporate limits of any city,  
10 village, or incorporated town within the school district,  
11 then not more than 5 board members may be selected from any  
12 city, village, or incorporated town in the school district.

13 (b) (1) The provisions of subsection (a) of this Section for  
14 mandatory board representation shall no longer apply to a  
15 community unit school district formed before January 1, 1975,  
16 to a combined school district formed before July 1, 1983, or to  
17 community consolidated school districts, and the members of the  
18 board of education shall be elected at large from within the  
19 school district and without restriction by area of residence  
20 within the district if both of the following conditions are met  
21 with respect to that district:

22 (A) A proposition for the election of board members at  
23 large and without restriction by area of residence within  
24 the school district rather than in accordance with the  
25 provisions of subsection (a) of this Section for mandatory  
26 board representation is submitted to the school district's  
27 voters at a regular school election or at the general  
28 election as provided in this subsection (b).

29 (B) A majority of those voting at the election in each  
30 congressional township comprising the territory of the  
31 school district, including any congressional township of  
32 less than 100 inhabitants, vote in favor of the  
33 proposition.

34 (2) The school board may, by resolution, order  
35 submitted or, upon the petition of the lesser of 2,500 or  
36 5% of the school district's registered voters, shall order

1 submitted to the school district's voters, at a regular  
2 school election or at the general election, the proposition  
3 for the election of board members at large and without  
4 restriction by area of residence within the district rather  
5 than in accordance with the provisions of subsection (a) of  
6 this Section for mandatory board representation; and the  
7 proposition shall thereupon be certified by the board's  
8 secretary for submission.

9 (3) If a majority of those voting at the election in  
10 each congressional township comprising the territory of  
11 the school district, including any congressional township  
12 of less than 100 inhabitants, vote in favor of the  
13 proposition:

14 (A) the proposition to elect board members at large  
15 and without restriction by area of residence within the  
16 district shall be deemed to have passed,

17 (B) new members of the board shall be elected at  
18 large and without restriction by area of residence  
19 within the district at the next regular school  
20 election, and

21 (C) the terms of office of the board members  
22 incumbent at the time the proposition is adopted shall  
23 expire when the new board members that are elected at  
24 large and without restriction by area of residence  
25 within the district have organized in accordance with  
26 Section 10-16.

27 (4) In a community unit school district, a combined  
28 school district, or a community consolidated school  
29 district that formerly elected its members under  
30 subsection (a) of this Section to successive terms not  
31 exceeding 4 years, the members elected at large and without  
32 restriction by area of residence within the district shall  
33 be elected for a term of 4 years, and in a community unit  
34 school district or combined school district that formerly  
35 elected its members under subsection (a) of this Section to  
36 successive terms not exceeding 6 years, the members elected

1       at large and without restriction by area of residence  
2       within the district shall be elected for a term of 6 years;  
3       provided that in each case the terms of the board members  
4       initially elected at large and without restriction by area  
5       of residence within the district as provided in this  
6       subsection (b) shall be staggered and determined in  
7       accordance with the provisions of Sections 10-10 and 10-16  
8       of this Code.

9           (105 ILCS 5/10-11) (from Ch. 122, par. 10-11)

10       Sec. 10-11. Vacancies. Elective offices become vacant  
11       within the meaning of the Act, unless the context indicates  
12       otherwise, on the happening of any of the following events,  
13       before the expiration of the term of such office:

- 14           1. The death of the incumbent.
- 15           2. His or her resignation in writing filed with the  
16       Secretary or Clerk of the Board.
- 17           3. His or her becoming a person under legal disability.
- 18           4. His or her ceasing to be an inhabitant of the district  
19       for which he or she was elected.
- 20           5. His or her conviction of an infamous crime, of any  
21       offense involving a violation of official oath, or of a violent  
22       crime against a child.
- 23           6. His or her removal from office.
- 24           7. The decision of a competent tribunal declaring his or  
25       her election void.
- 26           8. His ceasing to be an inhabitant of a particular area  
27       from which he was elected, if the residential requirements  
28       contained in Section 10-10.5 ~~11A-8, 11B-7~~, or 12-2 of this Code  
29       ~~Act~~ are violated.

30       No elective office except as herein otherwise provided  
31       becomes vacant until the successor of the incumbent of such  
32       office has been appointed or elected, as the case may be, and  
33       qualified. The successor shall have the same type of  
34       residential qualifications as his or her predecessor and, if  
35       the residential requirements contained in Section 10-10.5

1 ~~11A-8, 11B-7,~~ or 12-2 of this Code Act apply, the successor,  
2 whether elected or appointed by the remaining members or a  
3 regional superintendent, shall be an inhabitant of the  
4 particular area from which his or her predecessor was elected.

5 (Source: P.A. 91-376, eff. 1-1-00.)

6 (105 ILCS 5/10-16) (from Ch. 122, par. 10-16)

7 Sec. 10-16. Organization of Board. Within 28 days after the  
8 consolidated election, other than the consolidated elections  
9 in 1999 and 2001, the board shall organize by electing its  
10 officers and fixing a time and place for the regular meetings.  
11 However, when school board members are elected at the  
12 consolidated elections held in April of 1999 and April of 2001,  
13 the board shall organize within 7 days after the first Tuesday  
14 after the first Monday of November in each such year by  
15 electing officers and setting the time and place of the regular  
16 meetings. Upon organizing itself as provided in this paragraph,  
17 the board shall enter upon the discharge of its duties.

18 The regional superintendent of schools having supervision  
19 and control, as provided in Section 3-14.2, of a new school  
20 district that is governed by the School Code and formed on or  
21 after the effective date of this amendatory Act of 1998 shall  
22 convene the newly elected board within 7 days after the  
23 election of the board of education of that district, whereupon  
24 the board shall proceed to organize by electing one of their  
25 number as president and electing a secretary, who may or may  
26 not be a member. At such meeting the length of term of each of  
27 the members shall be determined by lot so that 4 shall serve  
28 for 4 years, and 3 for 2 years from the commencement of their  
29 terms; provided, however, if such members were not elected at  
30 the consolidated election in an odd-numbered year, such initial  
31 terms shall be extended to the consolidated election for school  
32 board members immediately following the expiration of the  
33 initial 4 or 2 year terms. The provisions of this paragraph  
34 that relate to the determination of terms by lot shall not  
35 apply to the initial members of the board of education of a



1 combined school district who are to be elected to unstagged  
2 terms ~~as provided in subsection (a-5) of Section 11B-7.~~

3 The terms of the officers of a board of education shall be  
4 for 2 years, except that the terms of the officers elected at  
5 the organization meeting in November, 2001 shall expire at the  
6 organization meeting in April, 2003; provided that the board by  
7 resolution may establish a policy for the terms of office to be  
8 one year, and provide for the election of officers.

9 Special meetings of the board of education may be called by  
10 the president or by any 3 members of the board by giving notice  
11 thereof in writing, stating the time, place and purpose of the  
12 meeting. Such notice may be served by mail 48 hours before such  
13 meeting or by personal service 24 hours before such meeting.  
14 Public notice of meetings must also be given as prescribed in  
15 Sections 2.02 and 2.03 of the Open Meetings Act, as now or  
16 hereafter amended.

17 At each regular and special meeting which is open to the  
18 public, members of the public and employees of the district  
19 shall be afforded time, subject to reasonable constraints, to  
20 comment to or ask questions of the board.

21 The president or district superintendent shall, at each  
22 regular board meeting, report any requests made of the district  
23 under provisions of The Freedom of Information Act and shall  
24 report the status of the district's response.

25 (Source: P.A. 93-847, eff. 7-30-04.)

26 (105 ILCS 5/10-21.12) (from Ch. 122, par. 10-21.12)

27 Sec. 10-21.12. Transfer of teachers. The employment of a  
28 teacher transferred from one board or administrative agent to  
29 the control of a new or different board or administrative agent  
30 shall be considered continuous employment if such transfer of  
31 employment occurred by reason of any of the following events:

32 (1) a boundary change or the creation or reorganization of  
33 any school district pursuant to Article 7 or 11E, ~~7A, 11A or~~  
34 ~~11B~~; or

35 (2) the deactivation or reactivation of any high school or

1 elementary school pursuant to Section 10-22.22b; or

2 (3) the creation, expansion, reduction or dissolution of a  
3 special education program pursuant to Section 10-22.31, or the  
4 creation, expansion, reduction or dissolution of a joint  
5 educational program established under Section 10-22.31a; or

6 (4) the creation, expansion, reduction, termination or  
7 dissolution of any joint agreement program operated by a  
8 regional superintendent, governing board, or other  
9 administrative agent or any program operated pursuant to an  
10 Intergovernmental Joint Agreement. The changes made by this  
11 amendatory Act of 1990 are declaratory of existing law.

12 (Source: P.A. 94-213, eff. 7-14-05.)

13 (105 ILCS 5/11C-6) (from Ch. 122, par. 11C-6)

14 Sec. 11C-6. Credited unfunded indebtedness. Each district  
15 from which territory is taken shall be credited with all  
16 unfunded indebtedness of such district and with the estimated  
17 cost of operating the schools of the district for the balance  
18 of the school year if the district from which territory is  
19 taken continues to administer the schools until the succeeding  
20 July 1 ~~as provided in Section 11A-10.~~

21 (Source: P.A. 83-686.)

22 (105 ILCS 5/11C-9) (from Ch. 122, par. 11C-9)

23 Sec. 11C-9. Accounting waived. If ~~no stipulation is made as~~  
24 ~~provided in Section 11A-3 of this Act or if~~ the stipulation is  
25 refused by the regional superintendent the boards of the  
26 districts affected by the change in boundaries in the creation  
27 of a new district may waive accounting or stipulate as to the  
28 valuation of any kind or parcel of property or as to a basis  
29 for apportionment ~~other than that provided in Section 11C-7 of~~  
30 ~~this Act~~ by concurrent resolution filed with the regional  
31 superintendent prior to or within 30 days after the election of  
32 the school board for the newly created district. Such  
33 resolution shall be subject to the approval of the regional  
34 superintendent and if approved, the accounting shall be

1 dispensed with or modified as the resolution may provide.

2 (Source: P.A. 83-686.)

3 (105 ILCS 5/Art. 11E heading new)

4 ARTICLE 11E. CONVERSION AND FORMATION OF SCHOOL DISTRICTS

5 (105 ILCS 5/11E-5 new)

6 Sec. 11E-5. Purpose and applicability. The purpose of this  
7 Article is to permit greater flexibility and efficiency in the  
8 reorganization and formation of school districts for the  
9 improvement of the administration and quality of educational  
10 services. This Article applies only to school districts with  
11 under 500,000 inhabitants.

12 (105 ILCS 5/11E-10 new)

13 Sec. 11E-10. Definitions. In this Article:

14 "Affected district" means any school district where all or  
15 a major part of the district is included in a petition for  
16 reorganization under the provisions of this Article.

17 "Combined high school - unit district" means a school  
18 district resulting from the combination of a high school  
19 district and a unit district.

20 "Combined school district" means any district resulting  
21 from the combination of 2 or more entire elementary districts,  
22 2 or more entire high school districts, or 2 or more entire  
23 unit districts.

24 "Dual district" means a high school district and all of its  
25 feeder elementary districts collectively.

26 "Elementary district" means a school district organized  
27 and established for purposes of providing instruction up to and  
28 including grade 8. "Elementary district" includes common  
29 elementary school districts, consolidated elementary school  
30 districts, community consolidated school districts, combined  
31 elementary districts, and charter elementary districts.

32 "Elementary purposes" means the purposes of providing  
33 instruction up to and including grade 8.

1 "High school district" means a school district organized  
2 and established for purposes of providing instruction in grades  
3 9 through 12. "High school district" includes charter high  
4 school districts, township high school districts, consolidated  
5 high school districts, community high school districts, and  
6 non-high school districts.

7 "High school purposes" means the purposes of providing  
8 instruction in grades nine through 12.

9 "K through 12 purposes" means the purposes of providing  
10 instruction up to and including grade 12.

11 "Major part" means that remainder of a school district that  
12 does not meet the criteria to be classified as a small part of  
13 a district.

14 "Multi-district conversion" means a school district  
15 conversion authorized under subsection (b) of Section 11E-15 of  
16 this Code.

17 "Optional elementary unit district" means a unit district  
18 resulting from the combination of a high school district and  
19 the combination of any one or more elementary districts  
20 electing to organize as an optional elementary unit district.

21 "Partial elementary unit district" means either a combined  
22 high school - unit district or an optional elementary unit  
23 district.

24 "School board" means either a board of education or a board  
25 of school directors.

26 "School district conversion" means a small unit district  
27 conversion or a multi-district conversion.

28 "Small part of a district" means a part of a school  
29 district encompassing less than 25% of the land area of the  
30 district or less than 8% of the student enrollment and less  
31 than 8% of the equalized assessed valuation of the district.

32 "Small unit district" means a unit district with not more  
33 than 250 students enrolled in grades 9 through 12.

34 "Small unit district conversion" means a school district  
35 conversion authorized under subsection (a) of Section 11E-15 of  
36 this Code.

1       "Substantially coterminous" means that the major part of a  
2 high school district and the major parts of one or more  
3 elementary districts share the same boundaries.

4       "Unit district" means a school district organized and  
5 established for purposes of providing instruction up to and  
6 including grade 12. "Unit district" includes charter (K through  
7 12) districts, community unit districts, community  
8 consolidated unit districts, other districts that, prior to the  
9 adoption of the community consolidated unit district and  
10 community unit district, authorizing legislation had expanded  
11 to provide instruction through the 12th grade (commonly  
12 referred to as "Old Type" unit districts), and partial  
13 elementary unit districts organized pursuant to the provisions  
14 of this Article.

15       (105 ILCS 5/11E-15 new)

16       Sec. 11E-15. School district conversion.

17       (a) A small unit district may be dissolved and converted  
18 into an elementary district in accordance with this Article if  
19 the following apply:

20           (1) the elementary district to be created includes all  
21 of the territory within the unit district to be dissolved;  
22 and

23           (2) an existing high school district is contiguous to  
24 territory within the unit district to be dissolved and the  
25 proceedings by which the elementary district is to be  
26 created includes the concurrent annexation of all of the  
27 territory within the unit district that is to be dissolved.

28       (b) Two or more contiguous unit districts or one or more  
29 unit districts and one or more high school districts, all of  
30 which are contiguous, may, under the provisions of this  
31 Article, dissolve and form a single new high school district  
32 and new elementary districts that are based upon the boundaries  
33 of the dissolved unit districts. No existing school district  
34 involved in the proposition may have more than 600 pupils  
35 enrolled in grades 9 through 12 unless a size waiver is granted

1 by the State Superintendent of Education based upon evidence  
2 presented that demonstrates that permitting the district to be  
3 involved in the proposition would significantly increase the  
4 educational opportunities available to the affected pupils.

5 (105 ILCS 5/11E-20 new)

6 Sec. 11E-20. Combined school district formation.

7 (a) (1) The territory of 2 or more entire contiguous  
8 elementary districts may be organized into a combined  
9 elementary district under the provisions of this Article.

10 (2) Any 2 or more entire elementary districts that  
11 collectively are within or substantially coterminous with  
12 the boundaries of a high school district, regardless of  
13 whether the districts are compact and contiguous with each  
14 other, may be organized into a combined school district in  
15 accordance with this Article.

16 (b) Any 2 or more entire contiguous high school districts  
17 may be organized into a combined high school district under the  
18 provisions of this Article.

19 (c) Any 2 or more entire contiguous unit districts may be  
20 organized into a combined unit district under the provisions of  
21 this Article.

22 (105 ILCS 5/11E-25 new)

23 Sec. 11E-25. Unit district formation.

24 (a) Any contiguous and compact territory, no part of which  
25 is included within any unit district, may be organized into a  
26 unit district as provided in this Article.

27 (b) The territory of one or more entire unit districts that  
28 are contiguous to each other, plus any contiguous and compact  
29 territory no part of which is included within any unit  
30 district, and the territory of which taken as a whole is  
31 compact may be organized into a unit district as provided in  
32 this Article.

33 (105 ILCS 5/11E-30 new)

1       Sec. 11E-30. Partial elementary unit district formation.

2       (a) One or more entire high school districts and one or  
3 more entire unit districts, all of which are contiguous, may be  
4 organized into a combined high school - unit district as  
5 provided in this Article.

6       (b) A high school district and 2 or more elementary  
7 districts that collectively are substantially coterminous may  
8 seek to organize into an optional elementary unit district as  
9 provided in this Article. The optional elementary unit district  
10 shall be organized from those districts voting in favor of  
11 joining the optional elementary unit district, as determined in  
12 accordance with subsection (b) of Section 11E-65 of this Code.

13       (c) For 5 years following the formation of a partial  
14 elementary unit district, any elementary district that elected  
15 not to join an optional elementary unit district for elementary  
16 purposes or any elementary district whose major part is within  
17 the boundaries of a high school district that dissolved to  
18 become part of a combined high school - unit district may elect  
19 to join the partial elementary unit district by filing a  
20 petition that requests the submission of the proposition at a  
21 regularly scheduled election for the purpose of voting for or  
22 against joining the partial elementary unit district and that  
23 complies with the other provisions of this Article. If all  
24 eligible elementary districts elect to join a partial  
25 elementary unit district in accordance with this subsection,  
26 then the partial elementary unit district shall thereafter be  
27 deemed a unit district for all purposes of this Code.

28       (105 ILCS 5/11E-35 new)

29       Sec. 11E-35. Petition filing.

30       (a) A petition shall be filed with the regional  
31 superintendent of schools of the educational service region in  
32 which the territory described in the petition or that part of  
33 the territory with the greater percentage of equalized assessed  
34 valuation is situated. The petition must do the following:

35           (1) be signed by at least 50 legal resident voters or

1 10% of the legal resident voters, whichever is less,  
2 residing within each affected district; or

3 (2) be approved by the school board in each affected  
4 district.

5 (b) The petition may or shall do all of the following:

6 (1) Shall request the submission of the proposition at  
7 a regular scheduled election for the purpose of voting:

8 (A) for or against a small unit district  
9 conversion;

10 (B) for or against a multi-district conversion;

11 (C) for or against the establishment of a combined  
12 elementary district;

13 (D) for or against the establishment of a combined  
14 high school district;

15 (E) for or against the establishment of a combined  
16 unit district;

17 (F) for or against the establishment of a unit  
18 district from dual district territory exclusively;

19 (G) for or against the establishment of a unit  
20 district from both dual district and unit district  
21 territory;

22 (H) for or against the establishment of a combined  
23 high school - unit district from a combination of one  
24 or more high school districts and one or more unit  
25 districts;

26 (I) for or against the establishment of an optional  
27 elementary unit district from a combination of a  
28 substantially coterminous dual district; or

29 (J) for or against dissolving and becoming part of  
30 a partial elementary unit district.

31 (2) Shall describe the territory comprising the  
32 districts proposed to be dissolved and those to be created.

33 (3) Shall set forth the maximum tax rates for various  
34 purposes the proposed district or districts shall be  
35 authorized to levy. If the proposed district or districts  
36 are subject to the Property Tax Extension Limitation Law,



1 then the petition shall also include the additional  
2 information required by that Law.

3 (4) Shall set forth the manner in which the  
4 supplementary State deficit difference payment to be made  
5 under subsection (c) of Section 11E-115 of this Code is to  
6 be allocated among the new districts proposed to be formed.

7 (5) Shall provide, where applicable, for the division  
8 of assets and liabilities to be allocated to the proposed  
9 new or annexing school district or districts in the manner  
10 provided in Section 11E-85 of this Code.

11 (6) May request that at that same election as the  
12 reorganization proposition a school board or boards be  
13 elected on a separate ballot or ballots to serve as the  
14 school board or boards of the proposed new district or  
15 districts. Any election of board members at the same  
16 election at which the proposition to create the district or  
17 districts to be served by the board or boards is submitted  
18 to the voters shall proceed under the supervision of the  
19 regional superintendent of schools as provided in Section  
20 11E-55 of this Code.

21 (7) May request that the referendum at which the  
22 proposition is submitted for the purpose of voting for or  
23 against the establishment of a unit district include as  
24 part of the proposition the election of board members by  
25 school board district rather than at large. Any petition  
26 requesting the election of board members by district shall  
27 divide the proposed school district into 7 school board  
28 districts, each of which must be compact and contiguous and  
29 substantially equal in population to each other school  
30 board district. Any election of board members by school  
31 board district shall proceed under the supervision of the  
32 regional superintendent of schools as provided in Section  
33 11E-55 of this Code.

34 (8) May request that the referendum at which the  
35 proposition is submitted for the purpose of voting for or  
36 against the establishment of a multi-district conversion

1 include as part of the proposition the election of board  
2 members for the new high school district (i) on an at large  
3 basis, (ii) with board members representing each of the  
4 forming elementary school districts, or (iii) a  
5 combination of both. The format for the election of the new  
6 high school board must be defined in the petition submitted  
7 to the voters. When 4 or more unit school districts and a  
8 combination of board members representing each of the  
9 forming elementary school districts are involved and at  
10 large formats are used, one member must be elected from  
11 each of the forming elementary school districts. The  
12 remaining members may be elected on an at large basis,  
13 provided that none of the underlying elementary school  
14 districts have a majority on the resulting high school  
15 board. When 3 unit school districts and a combination of  
16 board members representing each of the forming elementary  
17 school districts are involved and at large formats are  
18 used, 2 members must be elected from each of the forming  
19 elementary school districts. The remaining member must be  
20 elected at large.

21 (9) May request that the referendum at which the  
22 proposition shall be submitted include a proposition on a  
23 separate ballot authorizing the issuance of bonds by the  
24 district or districts when organized in accordance with  
25 this Article. The principal amount of the bonds and the  
26 purposes of issuance shall be stated in the petition and in  
27 all notices and propositions submitted thereunder.

28 (10) Shall designate a committee of ten of the  
29 petitioners as attorney in fact for all petitioners, any 7  
30 of whom may at any time, prior to the final decision of the  
31 regional superintendent of schools, amend the petition in  
32 all respects (except that, for a unit district formation,  
33 there may not be an increase or decrease of more than 25%  
34 of the territory to be included in the proposed district)  
35 and make binding stipulations on behalf of all petitioners  
36 as to any question with respect to the petition, including

1 the power to stipulate to accountings or the waiver thereof  
2 between school districts.

3 (c) The regional superintendent of schools shall not accept  
4 for filing under the authority of this Section any petition  
5 that includes any territory already included as part of the  
6 territory described in another petition filed under the  
7 authority of this Section.

8 (d) (1) Those designated as the Committee of Ten shall serve  
9 in that capacity until such time as the regional superintendent  
10 of schools determines that, because of death, resignation,  
11 transfer of residency from the territory, failure to qualify,  
12 or any other reason, the office of a particular member of the  
13 Committee of Ten is vacant. Upon determination by the regional  
14 superintendent of schools that these vacancies exist, he or she  
15 shall declare the vacancies and shall notify the remaining  
16 members to appoint a petitioner or petitioners, as the case may  
17 be, to fill the vacancies in the Committee of Ten so  
18 designated. An appointment by the Committee of Ten to fill a  
19 vacancy shall be made by a simple majority vote of the  
20 designated remaining members.

21 (2) Failure of a person designated as a member of the  
22 Committee of Ten to sign the petition shall not disqualify  
23 that person as a member of the Committee of Ten, and that  
24 person may sign the petition at any time prior to final  
25 disposition of the petition and the conclusion of the  
26 proceedings to form a new school district or districts,  
27 including all litigation pertaining to the petition or  
28 proceedings.

29 (3) Except as stated in item (10) of subsection (b) of  
30 this Section, the Committee of Ten shall act by majority  
31 vote of the membership.

32 (4) The regional superintendent of schools may accept a  
33 stipulation made by the Committee of Ten instead of  
34 evidence or proof of the matter stipulated or may refuse to  
35 accept the stipulation, provided that the regional  
36 superintendent sets forth the basis for the refusal.

1           (5) The Committee of Ten may voluntarily dismiss its  
2           petition at any time before the petition is approved by  
3           either the regional superintendent of schools or State  
4           Superintendent of Education.

5           (105 ILCS 5/11E-40 new)

6           Sec. 11E-40. Notice and petition amendments.

7           (a) Upon the filing of a petition with the regional  
8           superintendent of schools as provided in Section 11E-35 of this  
9           Code, the regional superintendent shall do all of the  
10           following:

11           (1) Cause a copy of the petition to be given to each  
12           school board of the affected districts and the regional  
13           superintendent of schools of any other educational service  
14           region in which territory described in the petition is  
15           situated.

16           (2) Cause a notice thereof to be published at least  
17           once each week for 3 successive weeks in at least one  
18           newspaper having general circulation within the area of all  
19           of the territory of the proposed district or districts. The  
20           regional superintendent and the petitioners shall each pay  
21           half the expense of publishing the notice.

22           (b) The notice shall state all of the following:

23           (1) When and to whom the petition was presented.

24           (2) The prayer of the petition.

25           (3) A description of the territory comprising the  
26           districts proposed to be dissolved and those to be created.

27           (4) If requested in the petition, the proposition to  
28           elect, by separate ballot, school board members at the same  
29           election, indicating whether the board members are to be  
30           elected at-large or by school board district.

31           (5) If requested in the petition, the proposition to  
32           issue bonds, indicating the amount and purpose thereof.

33           (6) The day on which the hearing on the action proposed  
34           in the petition shall be held.

35           (c) No petition filed under this Article and no referendum

1 held pursuant to any petition so filed shall be null and void,  
2 invalidated, or deemed in noncompliance with the Election Code  
3 for the failure of any person or persons seeking the creation  
4 of a new school district or districts under this Article to  
5 publish a notice of intention to file the petition or to attach  
6 an affidavit attesting to the publication of that notice to the  
7 petition as required under subsection (g) of Section 28-2 of  
8 the Election Code.

9 (d) Prior to the hearing described in Section 11E-45 of  
10 this Code, the regional superintendent of schools shall inform  
11 the petitioners as to whether the petition, as amended or  
12 filed, is proper and in compliance with all applicable petition  
13 requirements set forth in the Election Code. If the regional  
14 superintendent determines that the petition is not in proper  
15 order or not in compliance with any applicable petition  
16 requirements set forth in the Election Code, the regional  
17 superintendent must identify the specific defects in the  
18 petition and include specific recommendations to cure the  
19 defects. The petitioners may amend the petition to cure the  
20 defects at any time prior to the receipt of the regional  
21 superintendent's written order made in accordance with  
22 subsection (a) of Section 11E-50 of this Code.

23 (105 ILCS 5/11E-45 new)

24 Sec. 11E-45. Hearing.

25 (a) No more than 15 days after the last date on which the  
26 required notice under Section 11E-40 of this Code is published,  
27 the regional superintendent of schools with whom the petition  
28 is required to be filed shall hold a hearing on the petition.  
29 Prior to the hearing, the petitioners shall submit to the  
30 regional superintendent maps showing the districts involved  
31 and any other information deemed pertinent by the petitioners  
32 to the proposed action. The regional superintendent of schools  
33 may adjourn the hearing from time to time or may continue the  
34 matter for want of sufficient notice or other good cause.

35 (b) At the hearing, the regional superintendent of schools

1 shall allow public testimony on the action proposed in the  
2 petition. The regional superintendent shall present, or  
3 arrange for the presentation of all of the following:

4 (1) Evidence as to the school needs and conditions in  
5 the territory described in the petition and the area  
6 adjacent thereto.

7 (2) Evidence with respect to the ability of the  
8 proposed district or districts to meet standards of  
9 recognition as prescribed by the State Board of Education.

10 (3) A consideration of the division of funds and assets  
11 that will occur if the petition is approved.

12 (4) The maximum tax rates for various purposes the  
13 proposed district or districts shall be authorized to levy,  
14 and, if the proposed district or districts are subject to  
15 the Property Tax Extension Limitation Law, then  
16 information regarding the aggregate extension base, in  
17 conformity with the provisions of Section 18-210 of the  
18 Property Tax Code, and information regarding the debt  
19 service extension base, in conformity with the provisions  
20 of Section 18-212 of the Property Tax Code.

21 (c) Any regional superintendent of schools entitled under  
22 the provisions of this Article to be given a copy of the  
23 petition and any resident of any territory described in the  
24 petition may appear in person or by an attorney at law to  
25 provide oral or written testimony or both in relation to the  
26 action proposed in the petition.

27 (d) The regional superintendent of schools shall arrange  
28 for a written transcript of the hearing. The regional  
29 superintendent and the petitioners shall each pay half the  
30 expense of the written transcript.

31 (105 ILCS 5/11E-50 new)

32 Sec. 11E-50. Approval or denial of the petition;  
33 administrative review.

34 (a) Within 14 days after the conclusion of the hearing  
35 under Section 11E-45 of this Code, the regional superintendent

1 of schools shall take into consideration the school needs and  
2 conditions of the affected districts and in the area adjacent  
3 thereto, the division of funds and assets that will result from  
4 the action described in the petition, and the best interests of  
5 the schools of the area and the educational welfare of the  
6 pupils residing therein and, through a written order, either  
7 approve or deny the petition.

8 (b) The regional superintendent of schools shall provide a  
9 copy of the written order by registered mail to the  
10 petitioners, each school board of the affected districts, the  
11 regional superintendent of schools of any other educational  
12 service region in which territory described in the petition is  
13 situated, and the State Board of Education. A written order  
14 approving the petition shall be deemed an administrative  
15 decision as defined in Section 3-101 of the Code of Civil  
16 Procedure. If the regional superintendent fails to act upon a  
17 petition within 14 days after the conclusion of the hearing,  
18 the regional superintendent shall be deemed to have denied the  
19 petition, and his or her action may be appealed to the State  
20 Superintendent of Education in accordance with subsection (c)  
21 of this Section.

22 (c) Within 21 days after receiving a written order denying  
23 a petition or within 21 days after the expiration of the date  
24 by which the regional superintendent of schools must provide a  
25 written order pursuant to subsection (b) of this Section, the  
26 petitioners may appeal the denial to the State Superintendent  
27 of Education. An appeal to the State Superintendent shall  
28 request the State Superintendent's review of the petition and,  
29 if a written order was provided by the regional superintendent,  
30 specify the provisions of the regional superintendent's order  
31 the petitioners believe to be in error. The State  
32 Superintendent shall review the appeal, the petition, the  
33 record of the hearing, and the written order of the regional  
34 superintendent, if any. Within 14 days after the receipt of the  
35 appeal, the State Superintendent shall take into consideration  
36 the school needs and conditions of the affected districts and

1 in the area adjacent thereto, the division of funds and assets  
2 that will result from the action described in the petition, and  
3 the best interests of the schools of the area and the  
4 educational welfare of the pupils residing therein and, through  
5 a written order, either approve or deny the petition. If the  
6 State Superintendent denies the petition, the State  
7 Superintendent shall set forth in writing the specific basis  
8 for the denial. The decision of the State Superintendent shall  
9 be deemed an administrative decision as defined in Section  
10 3-101 of the Code of Civil Procedure. The State Superintendent  
11 shall provide a copy of the decision by registered mail to the  
12 petitioners, each school board of the affected districts, the  
13 regional superintendent with whom the petition was filed, and  
14 the regional superintendent of schools of any other educational  
15 service region in which territory described in the petition is  
16 situated.

17 (d) Any resident of any territory described in the petition  
18 who appears at the hearing or any petitioner or school board of  
19 any affected district may, within 35 days after a copy of the  
20 decision sought to be reviewed was served by registered mail  
21 upon the party affected thereby or upon the attorney of record  
22 for the party, apply for a review of an administrative decision  
23 of either the regional superintendent of schools or State  
24 Superintendent of Education in accordance with the  
25 Administrative Review Law and the rules adopted pursuant to the  
26 Administrative Review Law. The commencement of any action for  
27 review shall operate as a supersedeas, and no further  
28 proceedings shall be had until final disposition of the review.  
29 The circuit court of the county in which the petition is filed  
30 with the regional superintendent of schools shall have sole  
31 jurisdiction to entertain a complaint for the review.

32 (105 ILCS 5/11E-55 new)

33 Sec. 11E-55. Holding of elections.

34 (a) Elections provided by this Article shall be conducted  
35 in accordance with the general election law. The regional



1 superintendent of schools shall perform the election duties  
2 assigned by law to the secretary of a school board for the  
3 election and shall certify the officers and candidates  
4 therefore pursuant to the general election law.

5 (b) Nomination papers filed under this Article are not  
6 valid unless the candidate named therein files with the  
7 regional superintendent of schools a receipt from the county  
8 clerk showing that the candidate has filed a statement of  
9 economic interests as required by the Illinois Governmental  
10 Ethics Act. This receipt shall be so filed either previously  
11 during the calendar year in which his or her nomination papers  
12 were filed or within the period for the filing of nomination  
13 papers in accordance with the general election law.

14 (c)(1) If the petition requests the election of school  
15 board members of the school district proposed to be created at  
16 the same election at which the proposition to establish that  
17 district is to be submitted to voters or if the regional  
18 superintendent of schools finds it to be in the best interest  
19 of the districts involved to elect school board members of the  
20 school district proposed to be created at that election, then  
21 that fact shall be included in the notice of referendum.

22 (2) If the members of the school board of the school  
23 district proposed to be created are not to be elected at  
24 the same election at which the proposition to establish  
25 that district is to be submitted to the voters, then the  
26 regional superintendent of schools shall order an election  
27 to be held on the next regularly scheduled election date  
28 for the purpose of electing a school board for that  
29 district.

30 (3) In either event, the school board elected for a new  
31 school district or districts created under this Article  
32 shall consist of 7 members who shall have the terms and the  
33 powers and duties of school boards under Article 10 of this  
34 Code and as elsewhere provided by statute.

35 (d) All notices regarding propositions for reorganization  
36 or creation of new school districts under this Article shall be

1 given in accordance with the general election law in  
2 substantially the following form:

3 (1) Notice in small unit district to be dissolved under  
4 a small unit district conversion:

5 NOTICE OF REFERENDUM TO DISSOLVE  
6 A UNIT DISTRICT, TO CREATE  
7 AN ELEMENTARY SCHOOL DISTRICT THEREFROM,  
8 AND TO ANNEX THE TERRITORY THEREIN TO  
9 A CONTIGUOUS HIGH SCHOOL DISTRICT

10 NOTICE is hereby given that on (insert date), a  
11 referendum will be held in part(s) of ..... county  
12 (counties) for the purpose of voting for or against the  
13 proposition to dissolve Unit School District No. .... of  
14 ..... County, Illinois, to create an elementary school  
15 district to be comprised of the same territory that now  
16 comprises the unit district proposed to be so dissolved,  
17 and to annex that same territory to High School District  
18 No. .... of ..... County, Illinois.

19 The territory that now comprises Unit School District  
20 No. .... of ..... County, Illinois, which territory is  
21 the same as the territory that is to comprise the  
22 elementary school district proposed to be created and that  
23 also is the same as the territory that is proposed to be  
24 annexed to High School District No. .... of .....  
25 County, Illinois, is described as follows: (here describe  
26 the territory).

27 The territory that now comprises High School District  
28 No. .... of ..... County, Illinois, which high school  
29 district it is proposed shall annex the territory above  
30 described in this Notice, is described as follows: (here  
31 describe such territory).

32 The election is called and will be held pursuant to an  
33 order of the Regional Superintendent dated on (insert  
34 date), which order states that if a majority of the voters

1 residing in Unit School District No. .... of .....  
 2 County, Illinois and voting at the referendum on the  
 3 proposition vote in favor of the proposition and if by  
 4 separate ballot a majority of the voters residing in High  
 5 School District No. .... of ..... County, Illinois and  
 6 voting at the referendum on the proposition to annex the  
 7 territory first above described in this Notice vote in  
 8 favor thereof, then the tax rates for (here list the  
 9 purposes for which taxing authority is being sought in  
 10 conformity with subsection (f) of this Section) purposes,  
 11 which shall constitute the tax rates for the elementary  
 12 school district so created and for High School District No.  
 13 ..... of ..... County, Illinois upon annexation of the  
 14 territory first above described, shall be: (i) with respect  
 15 to such elementary school district, (here list the maximum  
 16 rates for which taxing authority is being sought in  
 17 conformity with subsection (f) of this Section), and (ii)  
 18 with respect to High School District No. .... of .....  
 19 County, Illinois upon annexation, (here list the maximum  
 20 rates for which taxing authority is being sought in  
 21 conformity with subsection (f) of this Section).

22 Dated (insert date).

23 Regional Superintendent of Schools .....

24 (2) Notice in high school district proposing to annex  
 25 territory under a small unit district conversion:

26 NOTICE OF REFERENDUM  
 27 FOR ANNEXATION BY A HIGH  
 28 SCHOOL DISTRICT OF CONTIGUOUS  
 29 TERRITORY TO BE DISSOLVED  
 30 AS A UNIT DISTRICT

31 NOTICE is hereby given that on (insert date), a  
 32 referendum will be held in part(s) of ..... county  
 33 (counties) for the purpose of voting for or against a

1 proposition that High School District No. .... of .....  
 2 County, Illinois annex certain contiguous territory  
 3 hereinafter described upon the dissolution of the  
 4 contiguous territory as a unit district.

5 The territory that now comprises High School District  
 6 No. .... of ..... County, Illinois is described as  
 7 follows: (here describe the territory). The contiguous  
 8 territory that it is proposed to be annexed by High School  
 9 District No. .... of ..... County, Illinois upon the  
 10 dissolution of the contiguous territory as a unit district  
 11 is described as follows:

12 (here describe the territory).

13 The election is called and will be held pursuant to an  
 14 order of the Regional Superintendent dated on (insert  
 15 date), which order states that if a majority of the voters  
 16 residing in High School District No. .... of .....  
 17 County, Illinois and voting at the referendum on the  
 18 proposition to annex the territory last described above  
 19 vote in favor of the proposition and if by separate ballot  
 20 a majority of the voters residing in the territory last  
 21 described above and voting at the referendum on the  
 22 proposition to dissolve the territory as a unit district,  
 23 create an elementary school district therefrom, and annex  
 24 the territory to High School District No. .... of .....  
 25 County, Illinois vote in favor of such proposition, then  
 26 the tax rates for (here list the purposes for which taxing  
 27 authority is being sought in conformity with subsection (f)  
 28 of this Section) purposes, which shall constitute the tax  
 29 rates for High School District No. .... of ..... County,  
 30 Illinois upon and after annexation of the territory last  
 31 described above, shall be (here list the maximum rates for  
 32 which taxing authority is being sought in conformity with  
 33 subsection (f) of this Section).

34 Dated (insert date).

35 Regional Superintendent of Schools .....

1           (3) Notice for multi-district conversion:

2                   NOTICE OF REFERENDUM TO DISSOLVE CERTAIN SCHOOL  
3                   DISTRICTS AND ESTABLISH CERTAIN NEW SCHOOL DISTRICTS

4           NOTICE is hereby given that on (insert date), a  
5           referendum will be held in part(s) of ..... county  
6           (counties) for the purpose of voting for or against the  
7           proposition to dissolve (here name the districts to be  
8           dissolved) and to establish new school districts for the  
9           following described territory: (here describe the  
10           territory by districts, numbering them). The election is  
11           called and will be held pursuant to an order of the  
12           Regional Superintendent dated on (insert date), which  
13           order states that the tax rates for (here list the purposes  
14           for which taxing authority is being sought in conformity  
15           with subsection (f) of this Section) purposes,  
16           respectively, for the proposed new school districts shall  
17           be as follows (stating the following separately for each of  
18           the new school districts proposed to be established): For  
19           (here state elementary or high school) District No. ....,  
20           tax rates of (here list the maximum rates for which taxing  
21           authority is being sought in conformity with subsection (f)  
22           of this Section), and which rates shall constitute the tax  
23           rates for (here state elementary or high school) District  
24           No. .... if a majority of the voters in each of the  
25           affected districts voting on the proposition at the  
26           referendum vote in favor thereof.

27           Dated (insert date).  
28           Regional Superintendent of Schools .....

29           (4) Notice for combined school district formation:

30                   NOTICE OF REFERENDUM  
31                   TO ESTABLISH COMBINED SCHOOL DISTRICT

1           NOTICE is hereby given that on (insert date), a  
2           referendum will be held in part(s) of ..... county  
3           (counties) for the purpose of voting for or against the  
4           proposition to establish a combined (here insert  
5           elementary, high school, or unit) school district for the  
6           following described territory: (here describe territory by  
7           districts, numbering them). The election is called and will  
8           be held pursuant to an order of the Regional Superintendent  
9           dated on (insert date), which order states that the tax  
10           rates for (here list the purposes for which taxing  
11           authority is being sought in conformity with subsection (f)  
12           of this Section) purposes, respectively, for the proposed  
13           combined school district shall be (here list the maximum  
14           rates for which taxing authority is being sought in  
15           conformity with subsection (f) of this Section), and which  
16           rates shall constitute the tax rates for the combined  
17           school district if a majority of the voters in each of the  
18           affected school districts voting on the proposition at the  
19           referendum vote in favor thereof.

20           Dated (insert date).  
21           Regional Superintendent of Schools .....

22           (5) Notice for unit district formation (other than a  
23           partial elementary unit district):

24                           NOTICE OF REFERENDUM TO ESTABLISH  
25                           A COMMUNITY UNIT DISTRICT

26           NOTICE is hereby given that on (insert date), a  
27           referendum will be held in part(s) of ..... county  
28           (counties) for the purpose of voting for or against the  
29           proposition to establish a unit district for the following  
30           described territory: (here describe territory by districts  
31           or portions thereof, numbering them). The election is  
32           called and will be held pursuant to an order of the  
33           Regional Superintendent dated on (insert date), which

1 order states that the tax rates for (here list the purposes  
 2 for which taxing authority is being sought in conformity  
 3 with subsection (f) of this Section) purposes,  
 4 respectively, for the proposed unit district shall be (here  
 5 list the maximum rates for which taxing authority is being  
 6 sought in conformity with subsection (f) of this Section),  
 7 and which rates shall constitute the tax rates for the unit  
 8 district if a majority of the voters in each of the  
 9 affected school districts voting on the proposition at the  
 10 referendum vote in favor thereof.

11 Dated (insert date).

12 Regional Superintendent of Schools .....

13 (6) Notice for combined high school - unit district  
 14 formation:

15 NOTICE OF REFERENDUM

16 TO ESTABLISH COMBINED HIGH SCHOOL - UNIT DISTRICT

17 NOTICE is hereby given that on (insert date), a  
 18 referendum will be held in part(s) of ..... county  
 19 (counties) for the purpose of voting for or against the  
 20 proposition to establish a combined high school - unit  
 21 district for the following described territory: (here  
 22 describe the territory by districts, numbering them). The  
 23 following described territory shall be included in the  
 24 combined high school - unit district for high school  
 25 purposes only: (here describe territory that will be  
 26 included only for high school purposes). The election is  
 27 called and will be held pursuant to an order of the  
 28 Regional Superintendent dated on (insert date), which  
 29 order states that the tax rates for (here list the K  
 30 through 12 purposes and high school purposes for which  
 31 taxing authority is being sought in conformity with  
 32 subsection (f) of this Section) purposes, respectively,  
 33 for the proposed combined high school - unit district shall

1 be (here list the maximum K through 12 purpose rates and  
 2 the maximum high school purpose rates for which taxing  
 3 authority is being sought in conformity with subsection (f)  
 4 of this Section), and which rates shall constitute the tax  
 5 rates for the combined high school - unit district, if a  
 6 majority of the voters in each of the affected school  
 7 districts voting on the proposition at the referendum vote  
 8 in favor thereof.

9 Dated (insert date).

10 Regional Superintendent of Schools .....

11 (7) Notice for optional elementary unit district  
 12 formation:

13 NOTICE OF REFERENDUM TO ESTABLISH

14 AN OPTIONAL ELEMENTARY UNIT DISTRICT

15 NOTICE is hereby given that on (insert date), a  
 16 referendum will be held in part(s) of ..... county  
 17 (counties) for the purpose of voting for or against the  
 18 proposition to establish an optional elementary unit  
 19 district for the following described territory: (here  
 20 describe the territory by districts or portions thereof,  
 21 numbering them), provided that for elementary purposes,  
 22 the optional elementary unit district shall include only  
 23 those elementary school districts where a majority of the  
 24 voters voting on the proposition at the referendum vote in  
 25 favor thereof. The election is called and will be held  
 26 pursuant to an order of the Regional Superintendent dated  
 27 on (insert date), which order states that the tax rates for  
 28 (here list the K through 12 purposes and high school  
 29 purposes for which taxing authority is being sought in  
 30 conformity with subsection (f) of this Section) purposes,  
 31 respectively, for the proposed optional elementary unit  
 32 district shall be (here list the maximum K through 12  
 33 purpose rates and the maximum high school purpose rates for



1 which taxing authority is being sought in conformity with  
 2 subsection (f) of this Section) shall constitute the tax  
 3 rates for the portion of the optional elementary unit  
 4 district operating for K through 12 purposes and the  
 5 portion of the optional elementary unit district operating  
 6 for high school purposes, respectively, if a majority of  
 7 the voters voting on the proposition in one or more of the  
 8 affected elementary districts and in the affected high  
 9 school district at the referendum vote in favor thereof.

10 Dated (insert date).

11 Regional Superintendent of Schools .....

12 (8) Notice for an elementary district to opt into a  
 13 partial elementary unit district:

14 NOTICE OF REFERENDUM TO JOIN

15 A PARTIAL ELEMENTARY UNIT DISTRICT

16 NOTICE is hereby given that on (insert date), a  
 17 referendum will be held in part(s) of ..... county  
 18 (counties) for the purpose of voting for or against the  
 19 proposition to dissolve an elementary district and join a  
 20 partial elementary unit district for kindergarten through  
 21 12 grade-level purposes for the following described  
 22 territory: (here describe territory by districts or  
 23 portions thereof, numbering them). The election is called  
 24 and will be held pursuant to an order of the Regional  
 25 Superintendent dated on (insert date), which order states  
 26 that the tax rates for (here list the purposes for which  
 27 taxing authority is being sought in conformity with  
 28 subsection (f) of this Section) purposes, respectively,  
 29 for the proposed unit district shall be (here list the  
 30 maximum rates for which taxing authority is being sought in  
 31 conformity with subsection (f) of this Section), and which  
 32 rates shall constitute the tax rates for the unit district  
 33 if a majority of the voters in the elementary school

1 district voting on the proposition at the referendum vote  
2 in favor thereof.

3 Dated (insert date).

4 Regional Superintendent of Schools .....

5 (f) The specification of taxing purposes and rates is as  
6 follows:

7 (1) For a district or districts not subject to the  
8 Property Tax Extension Limitation Law, other than a partial  
9 elementary unit district:

10 (A) List the purposes for taxes subject to rate  
11 limitations specified in Sections 17-2 and 17-3 of this  
12 Code that the new district will be authorized to levy  
13 (such as educational purposes and operations and  
14 maintenance purposes).

15 (B) If it is desired to secure authority to levy  
16 other taxes above the statutory permissive rate, then  
17 these purposes must also be listed (such as special  
18 educational purposes, leasing educational facilities  
19 or computer technology purposes, and fire prevention  
20 and safety purposes).

21 (C) For each tax purpose listed, list the maximum  
22 rate at which the district will be authorized to levy  
23 each tax (such as .....% for educational purposes and  
24 .....% for operations and maintenance purposes).

25 (2) For a district or districts that are subject to the  
26 Property Tax Extension Limitation Law, other than a partial  
27 elementary unit district:

28 (A) List the purpose for each and every tax that  
29 the new district will be authorized to levy (such as  
30 educational purposes and operations and maintenance  
31 purposes).

32 (B) For each tax purpose listed, list the maximum  
33 rate at which the district will be authorized to levy  
34 each tax (such as .....% for educational purposes and  
35 .....% for operations and maintenance purposes).

1           (C) Include the information regarding the  
2 aggregate extension base in conformity with the  
3 provisions of Section 18-210 of the Property Tax Code.

4           (D) Include the information regarding the debt  
5 service extension base in conformity with the  
6 provisions of Section 18-212 of the Property Tax Code,  
7 if desired.

8           (3) For a partial elementary unit district not subject  
9 to the Property Tax Extension Limitation Law:

10           (A) List the purposes for taxes subject to rate  
11 limitations specified in Sections 11E-70, 17-2, and  
12 17-3 of this Code that the new district will be  
13 authorized to levy against property in the territory of  
14 the district incorporated for K through 12 purposes,  
15 followed by the purposes for taxes subject to rate  
16 limitations that the new district will be authorized to  
17 levy against property in the territory of the district  
18 incorporated only for high school purposes (such as for  
19 grades K through 12, educational purposes and  
20 operations and maintenance purposes and for grades 9  
21 through 12, educational purposes and operations and  
22 maintenance purposes).

23           (B) If it is desired to secure authority to levy  
24 other taxes above the statutory permissive rate, then  
25 these purposes must also be listed for both K through  
26 12 and high school purposes (such as for grades K  
27 through 12, special educational purposes, leasing  
28 educational facilities or computer technology  
29 purposes, and fire prevention and safety purposes and  
30 for grades 9 through 12, special educational purposes  
31 and leasing educational facilities or computer  
32 technology purposes).

33           (C) For each tax purpose listed, list the maximum  
34 rate at which the district will be authorized to levy  
35 each tax (such as .....% for K through 12 educational  
36 purposes, .....% for K through 12 operations and

1 maintenance purposes, .....% for 9 through 12  
2 educational purposes, and .....% for 9 through 12  
3 operations and maintenance purposes).

4 (4) For a partial elementary unit district that is  
5 subject to the Property Tax Extension Limitation Law:

6 (A) List the purpose for each and every tax that  
7 the new district will be authorized to levy first for K  
8 through 12 purposes and then for high school purposes  
9 as shown in subdivision (3) of this subsection (f).

10 (B) For each tax purpose listed, list the maximum  
11 rate at which the district will be authorized to levy  
12 each tax as shown in subdivision (3) of this subsection  
13 (f).

14 (C) Include the information regarding the  
15 aggregate extension base in conformity with the  
16 provisions of Section 18-210 of the Property Tax Code.

17 (D) Include the information regarding the debt  
18 service extension base in conformity with the  
19 provisions of Section 18-212 of the Property Tax Code,  
20 if desired.

21 (105 ILCS 5/11E-60 new)

22 Sec. 11E-60. Ballots.

23 (a) Separate ballots shall be used for the election in each  
24 affected district. If the petition requests the submission of a  
25 proposition for the issuance of bonds, then that question shall  
26 be submitted to the voters at the referendum on a separate  
27 ballot.

28 (b) Ballots for all reorganization propositions submitted  
29 under the provisions of this Article must be in substantially  
30 the following form:

31 (1) Ballot in small unit district to be dissolved under  
32 a small unit district conversion:

33 OFFICIAL BALLOT

1           Shall Unit School District No. .... of ..... County,  
2           Illinois be dissolved and converted into a separate  
3           elementary school district, with all territory of the unit  
4           district so dissolved and converted also being annexed to  
5           and incorporated into High School District No. .... of  
6           ..... County, Illinois and shall the elementary school  
7           district so established have the authority to levy taxes at  
8           the rate of ....% for (here list the purposes for which  
9           taxing authority is being sought in conformity with  
10           subsection (c) of this Section) and High School District  
11           No. .... of ..... County, Illinois upon the annexation  
12           have the authority to levy taxes at the rate of ....% for  
13           (here list the purposes for which taxing authority is being  
14           sought in conformity with subsection (c) of this Section),  
15           each upon all of the taxable property of the district at  
16           the value thereof, as equalized or assessed by the  
17           Department of Revenue?

18           The election authority must record the votes "Yes" or  
19           "No".

20           (2) Ballot in high school district proposing to annex  
21           territory under a small unit district conversion:

22           OFFICIAL BALLOT

23           Shall High School District No. .... of ..... County,  
24           Illinois, with the authority to levy taxes at the rate of  
25           ....% for (here list the purposes for which taxing  
26           authority is being sought in conformity with subsection (c)  
27           of this Section), each upon all of the taxable property of  
28           the district at the value thereof, as equalized or assessed  
29           by the Department of Revenue, annex the following described  
30           territory: (here describe the territory of the unit  
31           district proposed to be dissolved)?

1           The election authority must record the votes "Yes" or  
2           "No".

3           (3) Ballot for multi-district conversion:

4           OFFICIAL BALLOT

5           Shall (here name the districts to be dissolved) be  
6           dissolved and (here name the districts to be established)  
7           be established with the authority to levy taxes (here  
8           repeat for each new district by name) at the rate of .....%  
9           for (here list the purposes for which taxing authority is  
10           being sought in conformity with subsection (c) of this  
11           Section), each upon all of the taxable property of the  
12           district at the value thereof, as equalized or assessed by  
13           the Department of Revenue?

14           The election authority must record the votes "Yes" or  
15           "No".

16           (4) Ballot for combined school district formation:

17           OFFICIAL BALLOT

18           Shall a combined (here insert elementary, high, or  
19           unit) school district, with the authority to levy taxes at  
20           the rate of .....% for (here list the purposes for which  
21           taxing authority is being sought in conformity with  
22           subsection (c) of this Section), each upon all of the  
23           taxable property of the district at the value thereof, as  
24           equalized or assessed by the Department of Revenue, be  
25           established?

26           The election authority must record the votes "Yes" or  
27           "No".

1           (5) Ballot for unit district formation (other than a  
2           partial elementary unit district formation):

3           OFFICIAL BALLOT

4           Shall a unit district, with the authority to levy taxes  
5           at the rate of .....% for (here list the purposes for which  
6           taxing authority is being sought in conformity with  
7           subsection (c) of this Section), each upon all of the  
8           taxable property of the district at the value thereof, as  
9           equalized or assessed by the Department of Revenue, be  
10           established?

11           The election authority must record the votes "Yes" or  
12           "No".

13           (6) Ballot for a combined high school - unit district  
14           formation:

15           OFFICIAL BALLOT

16           Shall a combined high school - unit district, with the  
17           authority to levy taxes at the rate of .....% for (here  
18           list the purposes for which taxing authority is being  
19           sought in conformity with subsection (c) of this Section),  
20           each upon all of the taxable property of the district at  
21           the value thereof, as equalized or assessed by the  
22           Department of Revenue, be established?

23           The election authority must record the votes "Yes" or  
24           "No".

25           (7) Ballot for an optional elementary unit district  
26           formation:

27           OFFICIAL BALLOT

1           Shall an optional elementary unit district, with the  
 2           authority to levy taxes at the rate of .....% for (here  
 3           list the purposes for which taxing authority is being  
 4           sought in conformity with subsection (c) of this Section),  
 5           each upon all of the taxable property of the district at  
 6           the value thereof, as equalized or assessed by the  
 7           Department of Revenue, be established?

8           The election authority must record the votes "Yes" or  
 9           "No".

10           (8) The ballot for an elementary school district to  
 11           dissolve and join a partial elementary unit district:

12           OFFICIAL BALLOT

13           Shall the elementary district be dissolved and join  
 14           partial elementary unit district (here identify the  
 15           district) serving grades kindergarten through 12, with the  
 16           authority to levy taxes at the rate of .....% for (here  
 17           list the purposes for which taxing authority is being  
 18           sought in conformity with subsection (c) of this Section),  
 19           each upon all of the taxable property of the district at  
 20           the value thereof, as equalized or assessed by the  
 21           Department of Revenue?

22           The election authority must record the votes "Yes" or  
 23           "No".

24           (c) The specification for taxing purposes and rates is as  
 25           follows:

26           (1) For a district or districts not subject to the  
 27           Property Tax Extension Limitation Law, other than a partial  
 28           elementary unit district:

29           (A) List the maximum rate for each of the purposes



1 for taxes subject to rate limitations specified in  
 2 Sections 17-2 and 17-3 of this Code that the new  
 3 district will be authorized to levy (such as .....% for  
 4 educational purposes and .....% for operations and  
 5 maintenance purposes).

6 (B) If it is desired to secure authority to levy  
 7 other taxes above the statutory permissive rate, then  
 8 these purposes must also be listed (such as .....% for  
 9 special educational purposes, .....% for leasing  
 10 educational facilities or computer technology  
 11 purposes, and .....% for fire prevention and safety  
 12 purposes).

13 (2) For a district or districts subject to the Property  
 14 Tax Extension Limitation Law, other than a partial  
 15 elementary unit district:

16 (A) List the maximum rate for each and every tax  
 17 purpose that the new district will be authorized to  
 18 levy (such as .....% for educational purposes and  
 19 .....% for operations and maintenance purposes).

20 (B) Include the information regarding the  
 21 aggregate extension base in conformity with the  
 22 provisions of Section 18-210 of the Property Tax Code.

23 (C) Include the information regarding the debt  
 24 service extension base in conformity with the  
 25 provisions of Section 18-212 of the Property Tax Code,  
 26 if desired.

27 (3) For a partial elementary unit district not subject  
 28 to the Property Tax Extension Limitation Law:

29 (A) List the maximum rate for each of the purposes  
 30 for taxes subject to rate limitations specified in  
 31 Sections 11E-70, 17-2, and 17-3 of this Code that the  
 32 new district will be authorized to levy for K through  
 33 12 purposes and high school purposes (such as .....%  
 34 for educational purposes in grades K through 12, .....%  
 35 for operations and maintenance purposes in grades K  
 36 through 12, .....% for educational purposes in grades 9

1 through 12, and .....% for operations and maintenance  
2 purposes in grades 9 through 12).

3 (B) If it is desired to secure authority to levy  
4 other taxes above the statutory permissive rate, then  
5 these purposes must also be listed (such as .....% for  
6 special educational purposes in grades K through 12 and  
7 .....% for leasing educational facilities or computer  
8 technology purposes in grades 9 through 12).

9 (4) For a partial elementary unit district that is  
10 subject to the Property Tax Extension Limitation Law:

11 (A) List the maximum rate for each and every tax  
12 purpose that the new district will be authorized to  
13 levy for K through 12 purposes and for high school  
14 purposes as shown in subdivision (3) of this subsection  
15 (c).

16 (B) Include the information regarding the  
17 aggregate extension base in conformity with the  
18 provisions of Section 18-210 of the Property Tax Code.

19 (C) Include the information regarding the debt  
20 service extension base in conformity with the  
21 provisions of Section 18-212 of the Property Tax Code,  
22 if desired.

23 (105 ILCS 5/11E-65 new)

24 Sec. 11E-65. Passage requirements.

25 (a) Except as otherwise provided in subsections (b) and (c)  
26 of this Section, if a majority of the electors voting at the  
27 election in each affected district vote in favor of the  
28 proposition submitted to them, then the proposition shall be  
29 deemed to have passed.

30 (b) In the case of an optional elementary unit district to  
31 be created as provided in subsection (b) of Section 11E-30 of  
32 this Code, if a majority of the electors voting in the high  
33 school district and a majority of the voters voting in at least  
34 one affected elementary district vote in favor of the  
35 proposition submitted to them, then the proposition shall be

1 deemed to have passed and an optional elementary unit district  
2 shall be created for all of the territory included in the  
3 petition for high school purposes, and for the territory  
4 included in the affected elementary districts voting in favor  
5 of the proposition for elementary purposes.

6 (c) In the case of an elementary district electing to join  
7 a partial elementary unit district in accordance with  
8 subsection (c) of Section 11E-30 of this Code, a majority of  
9 the electors voting in that elementary district only must vote  
10 in favor of the proposition at a regularly scheduled election.

11 (d) (1) If a majority of the voters in at least 2 unit  
12 districts have voted in favor of a proposition to create a new  
13 unit district, but the proposition was not approved under the  
14 standards set forth in subsection (a) of this Section, then the  
15 members of the Committee of Ten shall submit an amended  
16 petition for consolidation to the school boards of those  
17 districts, as long as the territory involved is compact and  
18 contiguous. The petition submitted to the school boards shall  
19 be identical in form and substance to the petition previously  
20 approved by the regional superintendent of schools, with the  
21 sole exception that the territory comprising the proposed  
22 district shall be amended to include the compact and contiguous  
23 territory of those unit districts in which a majority of the  
24 voters voted in favor of the proposal.

25 (2) Each school board to which the petition is  
26 submitted shall meet and vote to approve or not approve the  
27 amended petition no more than 30 days after it has been  
28 filed with the school board. The regional superintendent of  
29 schools shall make available to each school board with  
30 which a petition has been filed all transcripts and records  
31 of the previous petition hearing. The school boards shall,  
32 by appropriate resolution, approve or disapprove the  
33 amended petition. No school board may approve an amended  
34 petition unless it first finds that the territory described  
35 in the petition is compact and contiguous.

36 (3) If a majority of the members of each school board

1 to whom a petition is submitted votes in favor of the  
2 amended petition, then the approved petition shall be  
3 transmitted by the secretary of each school board to the  
4 State Superintendent of Education, who shall, within 30  
5 days after receipt, approve or deny the amended petition  
6 based on the criteria stated in subsection (c) of Section  
7 11E-50 of this Code. If approved by the State  
8 Superintendent of Education, the petition shall be placed  
9 on the ballot at the next regularly scheduled election.

10 (105 ILCS 5/11E-70 new)

11 Sec. 11E-70. Taxes, bonds, and working cash funds.

12 (a) (1) If the election of the school board of the new  
13 district occurs at a regular election and the school board  
14 makes its initial levy or levies in that same year, the county  
15 clerk shall extend the levy or levies notwithstanding any other  
16 law that requires the adoption of a budget before the clerk may  
17 extend the levy. In addition, the districts from which the new  
18 district is formed, by joint agreement and with the approval of  
19 the regional superintendent of schools, shall be permitted to  
20 amend outstanding levies in the same calendar year in which the  
21 creation of the new district is approved at the rates specified  
22 in the petition.

23 (2) If the election of the school board of the new  
24 district does not occur in the same calendar year that the  
25 proposition to create the new district is approved, then  
26 the districts from which the new district or districts are  
27 formed, by joint agreement and with the approval of the  
28 regional superintendent of schools, shall be permitted to  
29 levy in the same calendar year in which the creation of the  
30 new district is approved at the rates specified in the  
31 petition. The county clerks shall extend any such levy  
32 notwithstanding any law that requires adoption of a budget  
33 before extension of the levy.

34 (b) The school board of any district involved in a school  
35 district conversion or the school board of any new district

1 created under the provisions of this Article other than a  
2 partial elementary unit district may do any of the following:

3 (1) May levy for the purposes and at not exceeding the  
4 rates specified in the petition with respect to each  
5 district, which rates thereafter may be increased or  
6 decreased, in accordance with Sections 17-2 through 17-7 of  
7 this Code, and may further levy taxes for other purposes as  
8 generally permitted by law.

9 (2) May borrow money and issue bonds as authorized  
10 under Articles 10 and 19 of this Code and as otherwise  
11 permitted by law.

12 (3) May establish, maintain, or recreate a working cash  
13 fund as authorized by Article 20 of this Code.

14 (c)(1) For the portion of the territory included for K  
15 through 12 purposes, the school board of any new optional  
16 elementary unit district may levy taxes at a rate, for each  
17 statutorily authorized purpose, determined by combining the  
18 lowest rate for that purpose extended by any of the elementary  
19 districts included in the petition in the year immediately  
20 preceding the creation of the new district and the rate for  
21 that purpose extended by the high school district included in  
22 the petition in the year immediately preceding the creation of  
23 the new district, provided that the rates are specified in the  
24 petition to form the new district. If any resulting combined  
25 elementary and high school rate for any statutorily authorized  
26 purpose is less than the maximum rate otherwise applicable to  
27 unit districts, as specified elsewhere in statute, then the  
28 rate may be specified in the petition and on the ballot at a  
29 rate not exceeding the maximum rate otherwise applicable to  
30 unit districts, as specified elsewhere in statute.

31 (2) For the portion of the territory included only for  
32 high school purposes, the school board of any new optional  
33 elementary unit district may levy taxes at a rate for each  
34 statutorily authorized purpose not exceeding the rate for  
35 that purpose extended by the high school district in the  
36 year immediately preceding the creation of the new

1 district, provided that the rates are specified in the  
2 petition to form the new district.

3 (3) For the portion of the territory included for K  
4 through 12 purposes, beginning with the third year of  
5 operation of the new optional elementary unit district, any  
6 rate determined pursuant to paragraph (1) of this  
7 subsection (c) that exceeds the maximum rate otherwise  
8 applicable to unit districts, as specified elsewhere in  
9 statute, must be reduced by 0.10% each year until the rate  
10 is reduced to the maximum rate otherwise applicable to unit  
11 districts, as specified elsewhere in statute.

12 (4) For the portion of the territory included for K  
13 through 12 purposes, the school board may, subsequent to  
14 the formation of the district and in accordance with  
15 Sections 17-2 through 17-7 of this Code, seek to increase  
16 or decrease the rates for any statutorily authorized  
17 purpose that do not exceed the maximum rate otherwise  
18 applicable to unit districts, as specified elsewhere in  
19 statute, provided that in no case may an increased rate  
20 exceed the maximum rate otherwise applicable to unit  
21 districts, as specified elsewhere in statute. For the  
22 portion of the territory included only for high school  
23 purposes, the school board may, subsequent to the formation  
24 of the district and in accordance with Sections 17-2  
25 through 17-7 of this Code, seek to increase or decrease the  
26 rates determined pursuant to paragraph (2) of this  
27 subsection (c), provided that in no case may an increased  
28 rate exceed the maximum rate otherwise applicable to high  
29 school districts, as specified elsewhere in statute. The  
30 school board may further levy taxes for other purposes as  
31 generally permitted by law.

32 (5) The school board may borrow money and issue bonds,  
33 as authorized by Articles 10 and 19 of this Code,  
34 separately for elementary purposes and for high school  
35 purposes (but not for K through 12 purposes), as provided  
36 in Articles 10 and 19 of this Code and as otherwise

1 permitted by law.

2 (6) The school board may establish, maintain, or  
3 recreate a working cash fund separately for elementary  
4 purposes and for high school purposes (but not for K  
5 through 12 purposes), as authorized by Article 20 of this  
6 Code.

7 (d) (1) For the portion of the territory included for K  
8 through 12 purposes, the school board of any new combined high  
9 school - unit district may levy taxes at a rate, for each  
10 statutorily authorized purpose, not exceeding the rate for that  
11 purpose extended by the unit district included in the petition  
12 in the year immediately preceding the creation of the new  
13 district, provided that the rates are specified in the petition  
14 to form the new district.

15 (2) For the portion of the territory included only for  
16 high school purposes, the school board of any new combined  
17 high school - unit district may levy taxes at a rate, for  
18 each statutorily authorized purpose, not exceeding the  
19 rate for that purpose extended by the high school district  
20 in the year immediately preceding the creation of the new  
21 district, provided that the rates are specified in the  
22 petition to form the new district.

23 (3) For the portion of the territory included for K  
24 through 12 purposes, the school board may, subsequent to  
25 the formation of the district, seek to increase or decrease  
26 the rates determined pursuant to paragraph (1) of this  
27 subsection (d), in accordance with Sections 17-2 through  
28 17-7 of this Code, provided that in no case may an  
29 increased rate exceed the maximum rate otherwise  
30 applicable to unit districts as specified elsewhere in  
31 statute. For the portion of the territory included only for  
32 high school purposes, the school board may, subsequent to  
33 the formation of the district, seek to increase or decrease  
34 the rates determined pursuant to paragraph (2) of this  
35 subsection (d), in accordance with Sections 17-2 through  
36 17-7 of this Code, provided that in no case may an

1 increased rate exceed the maximum rate otherwise  
2 applicable to high school districts, as specified  
3 elsewhere in statute. The school board may further levy  
4 taxes for other purposes as generally permitted by law.

5 (4) The school board may borrow money and issue bonds,  
6 as authorized by Articles 10 and 19 of this Code,  
7 separately for elementary purposes and for high school  
8 purposes (but not for K through 12 purposes), as provided  
9 in Articles 10 and 19 of this Code and as otherwise  
10 permitted by law.

11 (5) The school board may establish, maintain, or  
12 recreate a working cash fund separately for elementary  
13 purposes and high school purposes (but not for K through 12  
14 purposes), as authorized by Article 20 of this Code.

15 (105 ILCS 5/11E-75 new)

16 Sec. 11E-75. Effective date of change.

17 (a) In case a petition is filed after August 1, the change  
18 is granted and approved at election, and no appeal is taken,  
19 the change shall become effective after the time for appeal has  
20 run for the purpose of all elections; however, the change shall  
21 not affect the administration of the schools until July 1  
22 following the date that the school board election is held for  
23 the new district or districts and the school boards of the  
24 districts as they existed prior to the change shall exercise  
25 the same power and authority over the territory until that  
26 date, except that a new district shall be permitted to organize  
27 and elect officers within the time prescribed by the general  
28 election law.

29 (b) For any school district conversion, upon the close of  
30 the then current school year during which any unit district is  
31 dissolved under the provisions of this Article, the terms of  
32 office of the school board of the dissolved unit district shall  
33 terminate.

34 (c) Notwithstanding subsection (a) of this Section, new  
35 districts shall be permitted to organize and elect officers



1 within the time prescribed by the general election law.  
2 Additionally, between the date of the organization and the  
3 election of officers and the date on which the new district  
4 takes effect for all purposes, the new district shall also be  
5 permitted, with the stipulation of the districts from which the  
6 new district is formed and the approval of the regional  
7 superintendent of schools, to take all action necessary or  
8 appropriate to do the following:

9 (1) Establish the tax levy for the new district, in  
10 lieu of the levies by the districts from which the new  
11 district is formed, within the time generally provided by  
12 law and in accordance with Section 11E-70 of this Code. The  
13 funds produced by the levy shall be transferred to the new  
14 district as generally provided by law at such time as they  
15 are received by the county collector.

16 (2) Enter into agreements with depositories and direct  
17 the deposit and investment of any funds received from the  
18 county collector or any other source, all as generally  
19 provided by law.

20 (3) Conduct a search for the superintendent of the new  
21 district and enter into a contract with the person selected  
22 to serve as the superintendent of the new district in  
23 accordance with the provisions of this Code generally  
24 applicable to the employment of a superintendent.

25 (4) Engage the services of accountants, architects,  
26 attorneys, and other consultants, including but not  
27 limited to consultants to assist in the search for the  
28 superintendent.

29 (5) Plan for the transition from the administration of  
30 the schools by the districts from which the new district is  
31 formed.

32 (6) Bargain collectively, pursuant to the Illinois  
33 Educational Labor Relations Act, with the certified  
34 exclusive bargaining representative or certified exclusive  
35 bargaining representatives of the new district's  
36 employees.

1           (7) Expend the funds received from the levy in order to  
2           permit any of the districts from which the new district is  
3           formed to meet payroll and other essential operating  
4           expenses until the new district takes effect for all  
5           purposes.

6           (8) Expend the funds received from the levy, and any  
7           funds received from the districts from which the new  
8           district is formed, in the exercise of the foregoing  
9           powers.

10           (9) Issue bonds pursuant to and in accordance with all  
11           of the requirements of Section 17-2.11 of this Code, levy  
12           taxes upon all of the taxable property within the new  
13           district to pay the principal of and interest on those  
14           bonds as provided in Section 17-2.11 of this Code, expend  
15           the proceeds of the bonds and enter into any necessary  
16           contracts for the work financed therewith as authorized by  
17           Section 17-2.11 of this Code and other applicable law, and  
18           avail themselves of the provisions of other applicable law,  
19           including the Omnibus Bond Acts, in connection with the  
20           issuance of those bonds.

21           (d) After the granting of a petition has become final and  
22           approved at election, the date when the change becomes  
23           effective for purposes of administration and attendance may be  
24           accelerated or postponed by stipulation of the school board of  
25           each district affected and approval by the regional  
26           superintendent of schools with which the original petition is  
27           required to be filed.

28           (105 ILCS 5/11E-80 new)

29           Sec. 11E-80. Map showing change. Within 30 days after a new  
30           school district has been created or the boundaries of an  
31           existing district have been changed under the provisions of  
32           this Article, the regional superintendent of schools of any  
33           county involved shall make and file with the county clerk of  
34           his or her county a map of any districts changed by the action,  
35           whereupon the county clerk or county clerks, as the case may

1 be, shall extend taxes against the territory in accordance  
2 therewith.

3 (105 ILCS 5/11E-85 new)

4 Sec. 11E-85. Assets, liabilities and bonded indebtedness;  
5 tax rate.

6 (a) Subject to the terms and provisions of subsections (b)  
7 and (c) of this Section, whenever a new district is created  
8 under any of the provisions of this Article, the outstanding  
9 bonded indebtedness shall be treated as provided in this  
10 subsection (a) and in Section 19-29 of this Code. The tax rate  
11 for bonded indebtedness shall be determined in the manner  
12 provided in Section 19-7 of this Code, and, notwithstanding the  
13 creation of any such district, the county clerk or clerks shall  
14 annually extend taxes, for each outstanding bond issue against  
15 all of the taxable property that was situated within the  
16 boundaries of the district, as those boundaries existed at the  
17 time of the issuance of the bond issue, regardless of whether  
18 the property is still contained in that same district at the  
19 time of the extension of the taxes by the county clerk or  
20 clerks. Unless the petition, notice, and ballot provide  
21 otherwise, the debt service extension base of any dissolved  
22 district shall be apportioned among the existing or new  
23 districts in the same proportion as the debt service payments.

24 (b) For a unit district formation, whenever a part of a  
25 district is included within the boundaries of a newly created  
26 unit district, the regional superintendent of schools shall  
27 cause an accounting to be had between the districts affected by  
28 the change in boundaries as provided for in Article 11C of this  
29 Code. Whenever the entire territory of 2 or more school  
30 districts is organized into a unit district pursuant to a  
31 petition filed under this Article, the petition may provide  
32 that the entire territory of the new unit district shall assume  
33 the bonded indebtedness of the previously existing school  
34 districts. In that case, the tax rate for bonded indebtedness  
35 shall be determined in the manner provided in Section 19-7 of

1 this Code, except that the county clerk shall annually extend  
2 taxes for each outstanding bond issue against all the taxable  
3 property situated in the new unit district as it exists after  
4 the organization.

5 (c)(1) For a small unit district conversion, upon the  
6 effective date of the change as provided in Section 11E-75 and  
7 subject to the provisions of paragraph (2) of this subsection  
8 (c), the newly created elementary district shall receive all of  
9 the assets and assume all of the liabilities and obligations of  
10 the dissolved unit district.

11 (2) Notwithstanding the provisions of paragraph (1) of  
12 this subsection (c), upon the stipulation of the school  
13 board of the annexing high school district and either (i)  
14 the school board of the unit district prior to the  
15 effective date of its dissolution or (ii) thereafter the  
16 school board of the newly created elementary district and  
17 with the approval in either case of the regional  
18 superintendent of schools of the educational service  
19 region in which the territory described in the petition  
20 filed under this Article or the greater percentage of  
21 equalized assessed valuation of the territory is situated,  
22 the assets, liabilities, and obligations of the dissolved  
23 unit district may be divided and assumed between and by the  
24 newly created elementary district and the annexing high  
25 school district in accordance with the terms and provisions  
26 of the stipulation and approval. In this event, the  
27 provisions of Section 19-29 shall be applied to determine  
28 the debt incurring power of the newly created elementary  
29 district and of the contiguous annexing high school  
30 district.

31 (3) Without regard to whether the receipt of assets and  
32 the assumption of liabilities and obligations of the  
33 dissolved unit district is determined pursuant to  
34 paragraph (1) or (2) of this subsection (c), the tax rate  
35 for bonded indebtedness shall be determined in the manner  
36 provided in Section 19-7, and, notwithstanding the

1 creation of this new elementary district, the county clerk  
2 or clerks shall annually extend taxes for each outstanding  
3 bond issue against all of the taxable property that was  
4 situated within the boundaries of the dissolved unit  
5 district as those boundaries existed at the time of the  
6 issuance of the bond issue, regardless of whether the  
7 property was still contained in that unit district at the  
8 time of its dissolution and regardless of whether the  
9 property is contained in the newly created elementary  
10 district at the time of the extension of the taxes by the  
11 county clerk or clerks.

12 (105 ILCS 5/11E-90 new)

13 Sec. 11E-90. Teachers in contractual continued service.

14 (a) When a small unit district conversion or multi-district  
15 conversion becomes effective for purposes of administration  
16 and attendance, as determined pursuant to Section 11E-75 of  
17 this Code, the provisions of Section 24-12 of this Code  
18 relative to the contractual continued service status of  
19 teachers having contractual continued service whose positions  
20 are transferred from one school board to the control of a new  
21 or different school board shall apply, and the positions held  
22 by teachers, as that term is defined in Section 24-11 of this  
23 Code, having contractual continued service with the unit  
24 district at the time of its dissolution shall be transferred on  
25 the following basis:

26 (1) positions of teachers in contractual continued  
27 service that, during the 5 school years immediately  
28 preceding the effective date of the change, as determined  
29 under Section 11E-75 of this Code, were full-time positions  
30 in which all of the time required of the position was spent  
31 in one or more of grades 9 through 12 shall be transferred  
32 to the control of the school board of the annexing high  
33 school district (for a small unit district conversion) or  
34 new high school district (for a multi-district  
35 conversion);

1           (2) positions of teachers in contractual continued  
2 service that, during the 5 school years immediately  
3 preceding the effective date of the change, as determined  
4 under Section 11E-75 of this Code, were full-time positions  
5 in which all of the time required of the position was spent  
6 in one or more of grades kindergarten through 8 shall be  
7 transferred to the control of the school board of the newly  
8 created successor elementary district; and

9           (3) positions of teachers in contractual continued  
10 service that were full-time positions not required to be  
11 transferred to the control of the board of the annexing or  
12 new high school district or the board of the newly created  
13 successor elementary district under the provisions of  
14 subdivision (1) or (2) of this subsection (a) shall be  
15 transferred to the control of whichever of the boards the  
16 teacher shall request.

17           (4) With respect to each position to be transferred  
18 under the provisions of this subsection (a), the amount of  
19 time required of each position to be spent in one or more  
20 of grades kindergarten through 8 and 9 through 12 shall be  
21 determined with reference to the applicable records of the  
22 unit district being dissolved pursuant to stipulation of  
23 the school board of the unit district prior to the  
24 effective date of its dissolution or thereafter of the  
25 school board of the newly created districts and, in the  
26 case of a small unit district conversion, the annexing high  
27 school district and with the approval in either case of the  
28 regional superintendent of schools of the educational  
29 service region in which the territory described in the  
30 petition filed under this Article or the greater percentage  
31 of equalized assessed evaluation of the territory is  
32 situated; however, if no such stipulation can be agreed  
33 upon, the regional superintendent of schools, after  
34 hearing any additional relevant and material evidence that  
35 any school board desires to submit, shall make the  
36 determination.

1       (b) When the creation of a unit district or a combined  
2 school district becomes effective for purposes of  
3 administration and attendance, as determined pursuant to  
4 Section 11E-75 of this Code, the positions of teachers in  
5 contractual continued service in the districts involved in the  
6 creation of the new district are transferred to the newly  
7 created district pursuant to the provisions of Section 24-12 of  
8 this Code relative to teachers having contractual continued  
9 service status whose positions are transferred from one board  
10 to the control of a different board, and those provisions of  
11 Section 24-12 shall apply to these transferred teachers. The  
12 contractual continued service status of any teacher thereby  
13 transferred to the newly created district is not lost and the  
14 new school board is subject to this Code with respect to the  
15 transferred teacher in the same manner as if the teacher was  
16 that district's employee and had been its employee during the  
17 time the teacher was actually employed by the school board of  
18 the district from which the position was transferred.

19       (105 ILCS 5/11E-95 new)

20       Sec. 11E-95. Limitations on contesting boundary change.  
21 Neither the People of the State of Illinois, any person or  
22 corporation, private or public, nor any association of persons  
23 shall commence an action contesting either directly or  
24 indirectly the dissolution, division, annexation, or creation  
25 of any new school district under the provisions of this  
26 Article, unless the action is commenced within one year after  
27 the order providing for the action has become final, within one  
28 year after the date of the election provided for in this  
29 Article if no proceedings to contest the election are duly  
30 instituted within the time permitted by law, or within one year  
31 after the final disposition of any proceedings that may be so  
32 instituted to contest the election; however, where a limitation  
33 of a shorter period is prescribed by statute, the shorter  
34 limitation shall apply, and the limitation set forth in this  
35 Section shall not apply to any order where the judge, body, or

1 officer entering the order being challenged did not at the time  
2 of the entry of the order have jurisdiction of the subject  
3 matter.

4 (105 ILCS 5/11E-100 new)

5 Sec. 11E-100. Limitation on successive petitions.

6 (a) No affected district shall be again involved in  
7 proceedings under this Article for at least 2 years after final  
8 determination of the first proceeding, unless during that 2  
9 year period a petition filed is substantially different than  
10 any other previously filed petition during the previous 2 years  
11 or if an affected district is placed on academic watch status  
12 or the financial watch list by the State Board of Education or  
13 is certified as being in financial difficulty during that 2  
14 year period.

15 (b) Nothing contained in this Section shall be deemed to  
16 limit or restrict the ability of an elementary district to join  
17 a partial elementary unit district in accordance with the terms  
18 and provisions of subsection (c) of Section 11E-30 of this  
19 Code.

20 (105 ILCS 5/11E-105 new)

21 Sec. 11E-105. Districts not penalized for nonrecognition.

22 Any school district included in a petition for reorganization  
23 as authorized under this Article shall not suffer loss of State  
24 aid as a result of being placed on nonrecognition status if the  
25 district continues to operate and the petition is granted.

26 (105 ILCS 5/11E-110 new)

27 Sec. 11E-110. Unit district formation and joint agreement  
28 vocational education program.

29 (a) If a unit district is established under the provisions  
30 of this Article and more than 50% of the territory of the unit  
31 district is territory that immediately prior to its inclusion  
32 in the unit district was included in a high school district or  
33 districts that were signatories under the same joint agreement



1 vocational education program, pursuant to the provisions of  
2 this Code, then the unit district shall upon its establishment  
3 be deemed to be a member and signatory to the joint agreement  
4 and shall also have the right to continue to extend taxes under  
5 any previous authority to levy a tax under Section 17-2.4 of  
6 this Code.

7 (b) In those instances, however, when more than 50% of the  
8 territory of any unit district was not, immediately prior to  
9 its establishment, included within the territory of a high  
10 school district that was a signatory to the same joint  
11 agreement vocational education program, then the unit district  
12 shall not be deemed upon its establishment to be a signatory to  
13 the joint agreement nor shall the unit district be deemed to  
14 have the special tax levy rights under Section 17-2.4 of this  
15 Code.

16 (c) Nothing in this Section shall be deemed to forbid the  
17 unit district from subsequently joining a joint agreement  
18 vocational education program and to thereafter levy a tax under  
19 Section 17-2.4 of this Code by following the provisions of  
20 Section 17-2.4. In the event that any such unit district should  
21 subsequently join any such joint agreement vocational  
22 education program, it shall be entitled to a fair credit, as  
23 computed by the State Board of Education, for any capital  
24 contributions previously made to the joint agreement  
25 vocational education program from taxes levied against the  
26 assessed valuation of property situated in any part of the  
27 territory included within the unit district.

28 (105 ILCS 5/11E-115 new)

29 Sec. 11E-115. Incentives. For districts reorganizing under  
30 this Article and for a district or districts that annex all of  
31 the territory of one or more entire other school districts in  
32 accordance with Article 7 of this Code, the following payments  
33 shall be made from appropriations made for these purposes:

34 (a) (1) For a combined school district, as defined in  
35 Section 11E-20 of this Code, or for a unit district, as defined

1 in Section 11E-25 of this Code, for its first year of  
2 existence, the general State aid and supplemental general State  
3 aid calculated under Section 18-8.05 of this Code shall be  
4 computed for the new district and for the previously existing  
5 districts for which property is totally included within the new  
6 district. If the computation on the basis of the previously  
7 existing districts is greater, a supplementary payment equal to  
8 the difference shall be made for the first 4 years of existence  
9 of the new district.

10 (2) For a school district that annexes all of the  
11 territory of one or more entire other school districts as  
12 defined in Article 7 or clause (2) of subsection (a) of  
13 Section 11E-15 of this Code, for the first year during  
14 which the change of boundaries attributable to the  
15 annexation becomes effective for all purposes, as  
16 determined under Section 7-9 or 11E-75 of this Code, the  
17 general State aid and supplemental general State aid  
18 calculated under Section 18-8.05 of this Code shall be  
19 computed for the annexing district as constituted after the  
20 annexation and for the annexing and each annexed district  
21 as constituted prior to the annexation; and if the  
22 computation on the basis of the annexing and annexed  
23 districts as constituted prior to the annexation is  
24 greater, then a supplementary payment equal to the  
25 difference shall be made for the first 4 years of existence  
26 of the annexing school district as constituted upon the  
27 annexation.

28 (3) For 2 or more school districts that annex all of  
29 the territory of one or more entire other school districts,  
30 as defined in Article 7 of this Code, for the first year  
31 during which the change of boundaries attributable to the  
32 annexation becomes effective for all purposes, as  
33 determined under Section 7-9 of this Code, the general  
34 State aid and supplemental general State aid calculated  
35 under Section 18-8.05 of this Code shall be computed for  
36 each annexing district as constituted after the annexation

1 and for each annexing and annexed district as constituted  
2 prior to the annexation; and if the aggregate of the  
3 general State aid and supplemental general State aid as so  
4 computed for the annexing districts as constituted after  
5 the annexation is less than the aggregate of the general  
6 State aid and supplemental general State aid as so computed  
7 for the annexing and annexed districts, as constituted  
8 prior to the annexation, then a supplementary payment equal  
9 to the difference shall be made and allocated between or  
10 among the annexing districts, as constituted upon the  
11 annexation, for the first 4 years of their existence. The  
12 total difference payment shall be allocated between or  
13 among the annexing districts in the same ratio as the pupil  
14 enrollment from that portion of the annexed district or  
15 districts that is annexed to each annexing district bears  
16 to the total pupil enrollment from the entire annexed  
17 district or districts, as such pupil enrollment is  
18 determined for the school year last ending prior to the  
19 date when the change of boundaries attributable to the  
20 annexation becomes effective for all purposes. The amount  
21 of the total difference payment and the amount thereof to  
22 be allocated to the annexing districts shall be computed by  
23 the State Board of Education on the basis of pupil  
24 enrollment and other data that shall be certified to the  
25 State Board of Education, on forms that it shall provide  
26 for that purpose, by the regional superintendent of schools  
27 for each educational service region in which the annexing  
28 and annexed districts are located.

29 (4) For a multi-district conversion as defined in  
30 subsection (b) of Section 11E-15 of this Code, if in their  
31 first year of existence the newly created elementary  
32 districts and the newly created high school district  
33 qualify for less general State aid under Section 18-8.05 of  
34 this Code than would have been payable under Section  
35 18-8.05 for that same year to the previously existing  
36 districts, then a supplementary payment equal to that

1 difference shall be made for the first 3 years of existence  
2 of the newly created districts. The aggregate amount of  
3 each supplementary payment shall be allocated among the  
4 newly created districts in the proportion that the deemed  
5 pupil enrollment in each district during its first year of  
6 existence bears to the actual aggregate pupil enrollment in  
7 all of the districts during their first year of existence.  
8 For purposes of each allocation:

9 (A) the deemed pupil enrollment of the newly  
10 created high school district shall be an amount equal  
11 to its actual pupil enrollment for its first year of  
12 existence multiplied by 1.25; and

13 (B) the deemed pupil enrollment of each newly  
14 created elementary district shall be an amount equal to  
15 its actual pupil enrollment for its first year of  
16 existence reduced by an amount equal to the product  
17 obtained when the amount by which the newly created  
18 high school district's deemed pupil enrollment exceeds  
19 its actual pupil enrollment for its first year of  
20 existence is multiplied by a fraction, the numerator of  
21 which is the actual pupil enrollment of the newly  
22 created elementary district for its first year of  
23 existence and the denominator of which is the actual  
24 aggregate pupil enrollment of all of the newly created  
25 elementary districts for their first year of  
26 existence. The aggregate amount of each supplementary  
27 payment under this paragraph (4) and the amount thereof  
28 to be allocated to the newly created districts shall be  
29 computed by the State Board of Education on the basis  
30 of pupil enrollment and other data that shall be  
31 certified to the State Board of Education, on forms  
32 that it shall provide for that purpose, by the regional  
33 superintendent of schools for each educational service  
34 region in which the newly created districts are  
35 located.

36 (5) For a partial elementary unit district, if, in the

1 first year of existence, the newly created partial  
2 elementary unit district qualifies for less general State  
3 aid and supplemental general State aid under Section  
4 18-8.05 of this Code than would have been payable under  
5 that Section for that same year to the previously existing  
6 districts that formed the partial elementary unit  
7 district, then a supplementary payment equal to that  
8 difference shall be made to the partial elementary unit  
9 district for the first 4 years of existence of that newly  
10 created district.

11 (6) For an elementary opt-in, as defined in subsection  
12 (c) of Section 11E-30 of this Code, the General State aid  
13 difference shall be computed in accordance with paragraph  
14 (5) of this subsection (a) as if the elementary opt-in was  
15 included in the partial elementary unit district at the  
16 partial elementary unit district's original effective  
17 date. If the calculation in this paragraph (6) is less than  
18 that calculated in paragraph (5) of this subsection (a) at  
19 the partial elementary unit district's original effective  
20 date, then no adjustments may be made. If the calculation  
21 in this paragraph (6) is more than that calculated in  
22 paragraph (5) of this subsection (a) at the partial  
23 elementary unit district's original effective date, then  
24 the excess must be paid as follows:

25 (A) If the effective date for the elementary opt-in  
26 is one year after the effective date for the partial  
27 elementary unit district, 100% of the calculated  
28 excess shall be paid to the partial elementary unit  
29 district in each of the first 4 years after the  
30 effective date of the elementary opt-in.

31 (B) If the effective date for the elementary opt-in  
32 is 2 years after the effective date for the partial  
33 elementary unit district, 75% of the calculated excess  
34 shall be paid to the partial elementary unit district  
35 in each of the first 4 years after the effective date  
36 of the elementary opt-in.

1           (C) If the effective date for the elementary opt-in  
2           is 3 years after the effective date for the partial  
3           elementary unit district, 50% of the calculated excess  
4           shall be paid to the partial elementary unit district  
5           in each of the first 4 years after the effective date  
6           of the elementary opt-in.

7           (D) If the effective date for the elementary opt-in  
8           is 4 years after the effective date for the partial  
9           elementary unit district, 25% of the calculated excess  
10           shall be paid to the partial elementary unit district  
11           in each of the first 4 years after the effective date  
12           of the elementary opt-in.

13           (E) If the effective date for the elementary opt-in  
14           is 5 years after the effective date for the partial  
15           elementary unit district, the partial elementary unit  
16           district is not eligible for any additional incentives  
17           due to the elementary opt-in.

18           (7) Claims for financial assistance under this  
19           subsection (a) may not be recomputed except as expressly  
20           provided under Section 18-8.05 of this Code.

21           (8) Any supplementary payment made under this  
22           subsection (a) must be treated as separate from all other  
23           payments made pursuant to Section 18-8.05 of this Code.

24           (b) (1) After the formation of a combined school district,  
25           as defined in Section 11E-20 of this Code, or a unit district,  
26           as defined in Section 11E-25 of this Code, a computation shall  
27           be made to determine the difference between the salaries  
28           effective in each of the previously existing districts on June  
29           30, prior to the creation of the new district. For the first 4  
30           years after the formation of the new district, a supplementary  
31           State aid reimbursement shall be paid to the new district equal  
32           to the difference between the sum of the salaries earned by  
33           each of the certificated members of the new district, while  
34           employed in one of the previously existing districts during the  
35           year immediately preceding the formation of the new district,  
36           and the sum of the salaries those certificated members would

1 have been paid during the year immediately prior to the  
2 formation of the new district if placed on the salary schedule  
3 of the previously existing district with the highest salary  
4 schedule.

5 (2) After the territory of one or more school districts  
6 is annexed by one or more other school districts as defined  
7 in Article 7 or clause (2) of subsection (a) of Section  
8 11E-15 of this Code, a computation shall be made to  
9 determine the difference between the salaries effective in  
10 each annexed district and in the annexing district or  
11 districts as they were each constituted on June 30  
12 preceding the date when the change of boundaries  
13 attributable to the annexation became effective for all  
14 purposes, as determined under Section 7-9 or Section 11E-75  
15 of this Code. For the first 4 years after the annexation, a  
16 supplementary State aid reimbursement shall be paid to each  
17 annexing district as constituted after the annexation  
18 equal to the difference between the sum of the salaries  
19 earned by each of the certificated members of the annexing  
20 district as constituted after the annexation, while  
21 employed in an annexed or annexing district during the year  
22 immediately preceding the annexation, and the sum of the  
23 salaries those certificated members would have been paid  
24 during the immediately preceding year if placed on the  
25 salary schedule of whichever of the annexing or annexed  
26 districts had the highest salary schedule during the  
27 immediately preceding year.

28 (3) For each new high school district formed under a  
29 multi-district conversion, as defined in Section  
30 subsection (b) of Section 11E-15 of this Code, the State  
31 shall make a supplementary payment for 3 years equal to the  
32 difference between the sum of the salaries earned by each  
33 certified member of the new high school district, while  
34 employed in one of the previously existing districts, and  
35 the sum of the salaries those certified members would have  
36 been paid if placed on the salary schedule of the

1 previously existing district with the highest salary  
2 schedule.

3 (4) For each newly created partial elementary unit  
4 district, the State shall make a supplementary payment for  
5 4 years equal to the difference between the sum of the  
6 salaries earned by each certified member of the newly  
7 created partial elementary unit district, while employed  
8 in one of the previously existing districts that formed the  
9 partial elementary unit district, and the sum of the  
10 salaries those certified members would have been paid if  
11 placed on the salary schedule of the previously existing  
12 district with the highest salary schedule. The salary  
13 schedules used in the calculation shall be those in effect  
14 in the previously existing districts for the school year  
15 prior to the creation of the new partial elementary unit  
16 district.

17 (5) For an elementary opt-in as defined in subsection  
18 (c) of Section 11E-30 of this Code, the salary difference  
19 incentive shall be computed in accordance with paragraph  
20 (4) of this subsection (b) as if the opted-in elementary  
21 was included in the partial elementary unit district at the  
22 partial elementary unit district's original effective  
23 date. If the calculation in this paragraph (5) is less than  
24 that calculated in paragraph (4) of this subsection (b) at  
25 the partial elementary unit district's original effective  
26 date, then no adjustments may be made. If the calculation  
27 in this paragraph (5) is more than that calculated in  
28 paragraph (4) of this subsection (b) at the partial  
29 elementary unit district's original effective date, then  
30 the excess must be paid as follows:

31 (A) If the effective date for the elementary opt-in  
32 is one year after the effective date for the partial  
33 elementary unit district, 100% of the calculated  
34 excess shall be paid to the partial elementary unit  
35 district in each of the first 4 years after the  
36 effective date of the elementary opt-in.



1           (B) If the effective date for the elementary opt-in  
2           is 2 years after the effective date for the partial  
3           elementary unit district, 75% of the calculated excess  
4           shall be paid to the partial elementary unit district  
5           in each of the first 4 years after the effective date  
6           of the elementary opt-in.

7           (C) If the effective date for the elementary opt-in  
8           is 3 years after the effective date for the partial  
9           elementary unit district, 50% of the calculated excess  
10           shall be paid to the partial elementary unit district  
11           in each of the first 4 years after the effective date  
12           of the elementary opt-in.

13           (D) If the effective date for the elementary opt-in  
14           is 4 years after the effective date for the partial  
15           elementary unit district, 25% of the calculated excess  
16           shall be paid to the partial elementary unit district  
17           in each of the first 4 years after the effective date  
18           of the elementary opt-in.

19           (E) If the effective date for the elementary opt-in  
20           is 5 years after the effective date for the partial  
21           elementary unit district, the partial elementary unit  
22           district is not eligible for any additional incentives  
23           due to the elementary opt-in.

24           (6) The supplementary State aid reimbursement under  
25           this subsection (b) shall be treated as separate from all  
26           other payments made pursuant to Section 18-8.05 of this  
27           Code. In the case of the formation of a new district,  
28           reimbursement shall begin during the first year of  
29           operation of the new district, and in the case of an  
30           annexation of the territory of one or more school districts  
31           by one or more other school districts, reimbursement shall  
32           begin during the first year when the change in boundaries  
33           attributable to the annexation or division becomes  
34           effective for all purposes as determined pursuant to  
35           Section 7-9 or 11E-75 of this Code. Each year that the new,  
36           annexing, or resulting district, as the case may be, is

1 entitled to receive reimbursement, the number of eligible  
2 certified members who are employed on October 1 in the  
3 district shall be certified to the State Board of Education  
4 on prescribed forms by October 15 and payment shall be made  
5 on or before November 15 of that year.

6 (c) (1) For the first year after the formation of a combined  
7 school district, as defined in Section 11E-20 of this Code or a  
8 unit district, as defined in Section 11E-25 of this Code, a  
9 computation shall be made totaling each previously existing  
10 district's audited fund balances in the educational fund,  
11 working cash fund, operations and maintenance fund, and  
12 transportation fund for the year ending June 30 prior to the  
13 referendum for the creation of the new district. The new  
14 district shall be paid supplementary State aid equal to the sum  
15 of the differences between the deficit of the previously  
16 existing district with the smallest deficit and the deficits of  
17 each of the other previously existing districts.

18 (2) For the first year after the annexation of all of  
19 the territory of one or more entire school districts by  
20 another school district, as defined in Article 7 or clause  
21 (2) of subsection (a) of Section 11E-15 of this Code,  
22 computations shall be made, for the year ending June 30  
23 prior to the date that the change of boundaries  
24 attributable to the annexation is allowed by the  
25 affirmative decision issued by the regional board of school  
26 trustees under Section 7-6 of this Code or the affirmative  
27 action of the regional superintendent of schools or State  
28 Superintendent of Education under Section 11E-50 of this  
29 Code, notwithstanding any effort to seek administrative  
30 review of the decision, totaling the annexing district's  
31 and totaling each annexed district's audited fund balances  
32 in their respective educational, working cash, operations  
33 and maintenance, and transportation funds. The annexing  
34 district as constituted after the annexation shall be paid  
35 supplementary State aid equal to the sum of the differences  
36 between the deficit of whichever of the annexing or annexed

1 districts as constituted prior to the annexation had the  
2 smallest deficit and the deficits of each of the other  
3 districts as constituted prior to the annexation.

4 (3) For the first year after the annexation of all of  
5 the territory of one or more entire school districts by 2  
6 or more other school districts, as defined by Article 7 of  
7 this Code, computations shall be made, for the year ending  
8 June 30 prior to the date that the change of boundaries  
9 attributable to the annexation is allowed by the  
10 affirmative decision of the regional board of school  
11 trustees under Section 7-6 of this Code, notwithstanding  
12 any action for administrative review of the decision,  
13 totaling each annexing and annexed district's audited fund  
14 balances in their respective educational, working cash,  
15 operations and maintenance, and transportation funds. The  
16 annexing districts as constituted after the annexation  
17 shall be paid supplementary State aid, allocated as  
18 provided in this paragraph (3), in an aggregate amount  
19 equal to the sum of the differences between the deficit of  
20 whichever of the annexing or annexed districts as  
21 constituted prior to the annexation had the smallest  
22 deficit and the deficits of each of the other districts as  
23 constituted prior to the annexation. The aggregate amount  
24 of the supplementary State aid payable under this paragraph  
25 (3) shall be allocated between or among the annexing  
26 districts as follows:

27 (A) the regional superintendent of schools for  
28 each educational service region in which an annexed  
29 district is located prior to the annexation shall  
30 certify to the State Board of Education, on forms that  
31 it shall provide for that purpose, the value of all  
32 taxable property in each annexed district, as last  
33 equalized or assessed by the Department of Revenue  
34 prior to the annexation, and the equalized assessed  
35 value of each part of the annexed district that was  
36 annexed to or included as a part of an annexing

1 district;

2 (B) using equalized assessed values as certified  
3 by the regional superintendent of schools under clause  
4 (A) of this paragraph (3), the combined audited fund  
5 balance deficit of each annexed district as determined  
6 under this Section shall be apportioned between or  
7 among the annexing districts in the same ratio as the  
8 equalized assessed value of that part of the annexed  
9 district that was annexed to or included as a part of  
10 an annexing district bears to the total equalized  
11 assessed value of the annexed district; and

12 (C) the aggregate supplementary State aid payment  
13 under this paragraph (3) shall be allocated between or  
14 among, and shall be paid to, the annexing districts in  
15 the same ratio as the sum of the combined audited fund  
16 balance deficit of each annexing district as  
17 constituted prior to the annexation, plus all combined  
18 audited fund balance deficit amounts apportioned to  
19 that annexing district under clause (B) of this  
20 subsection, bears to the aggregate of the combined  
21 audited fund balance deficits of all of the annexing  
22 and annexed districts as constituted prior to the  
23 annexation.

24 (4) For the new elementary districts and new high  
25 school district formed through a multi-district  
26 conversion, as defined in subsection (b) of Section 11E-15  
27 of this Code, a computation shall be made totaling each  
28 previously existing district's audited fund balances in  
29 the educational fund, working cash fund, operations and  
30 maintenance fund, and transportation fund for the year  
31 ending June 30 prior to the referendum for the  
32 multi-district conversion to elementary districts and the  
33 formation of the new high school districts. In the first  
34 year of the new districts, the State shall make a one-time  
35 supplementary payment equal to the sum of the differences  
36 between the deficit of the previously existing district

1 with the smallest deficit and the deficits of each of the  
2 other previously existing districts. A district with a  
3 combined balance among the 4 funds that is positive shall  
4 be considered to have a deficit of zero. The supplementary  
5 payment shall be allocated among the newly formed high  
6 school and elementary districts in the manner provided by  
7 the petition for the formation of the districts, in the  
8 form in which the petition is approved by the regional  
9 superintendent of schools or State Superintendent of  
10 Education under Section 11E-50 of this Code.

11 (5) For each newly created partial elementary unit  
12 district, a computation shall be made totaling the audited  
13 fund balances of each previously existing district that  
14 formed the new partial elementary unit district in the  
15 educational fund, working cash fund, operations and  
16 maintenance fund, and transportation fund for the year  
17 ending June 30 prior to the referendum for the formation of  
18 the partial elementary unit district. In the first year of  
19 the new partial elementary unit district, the State shall  
20 make a one-time supplementary payment to the new district  
21 equal to the sum of the differences between the deficit of  
22 the previously existing district with the smallest deficit  
23 and the deficits of each of the other previously existing  
24 districts. A district with a combined balance among the 4  
25 funds that is positive shall be considered to have a  
26 deficit of zero.

27 (6) For an elementary opt-in as defined in subsection  
28 (c) of Section 11E-30 of this Code, the deficit fund  
29 balance incentive shall be computed in accordance with  
30 paragraph (5) of this subsection (c) as if the opted-in  
31 elementary was included in the partial elementary unit  
32 district at the partial elementary unit district's  
33 original effective date. If the calculation in this  
34 paragraph (6) is less than that calculated in paragraph (5)  
35 of this subsection (c) at the partial elementary unit  
36 district's original effective date, then no adjustments

1 may be made. If the calculation in this paragraph (6) is  
2 more than that calculated in paragraph (5) of this  
3 subsection (c) at the partial elementary unit district's  
4 original effective date, then the excess must be paid as  
5 follows:

6 (A) If the effective date for the elementary opt-in  
7 is one year after the effective date for the partial  
8 elementary unit district, 100% of the calculated  
9 excess shall be paid to the partial elementary unit  
10 district in the first year after the effective date of  
11 the elementary opt-in.

12 (B) If the effective date for the elementary opt-in  
13 is 2 years after the effective date for the partial  
14 elementary unit district, 75% of the calculated excess  
15 shall be paid to the partial elementary unit district  
16 in the first year after the effective date of the  
17 elementary opt-in.

18 (C) If the effective date for the elementary opt-in  
19 is 3 years after the effective date for the partial  
20 elementary unit district, 50% of the calculated excess  
21 shall be paid to the partial elementary unit district  
22 in the first year after the effective date of the  
23 elementary opt-in.

24 (D) If the effective date for the elementary opt-in  
25 is 4 years after the effective date for the partial  
26 elementary unit district, 25% of the calculated excess  
27 shall be paid to the partial elementary unit district  
28 in the first year after the effective date of the  
29 elementary opt-in.

30 (E) If the effective date for the elementary opt-in  
31 is 5 years after the effective date for the partial  
32 elementary unit district, the partial elementary unit  
33 district is not eligible for any additional incentives  
34 due to the elementary opt-in.

35 (7) For purposes of any calculation required under  
36 paragraph (1), (2), (3), (4), (5), or (6) of this

1 subsection (c), a district with a combined fund balance  
2 that is positive shall be considered to have a deficit of  
3 zero. For purposes of determining each district's audited  
4 fund balances in its educational fund, working cash fund,  
5 operations and maintenance fund, and transportation fund  
6 for the specified year ending June 30, as provided in  
7 paragraphs (1), (2), (3), (4), (5), and (6) of this  
8 subsection (c), the balance of each fund shall be deemed  
9 decreased by an amount equal to the amount of the annual  
10 property tax theretofore levied in the fund by the district  
11 for collection and payment to the district during the  
12 calendar year in which the June 30 fell, but only to the  
13 extent that the tax so levied in the fund actually was  
14 received by the district on or before or comprised a part  
15 of the fund on such June 30. For purposes of determining  
16 each district's audited fund balances, a calculation shall  
17 be made for each fund to determine the average for the 3  
18 years prior to the specified year ending June 30, as  
19 provided in paragraphs (1), (2), (3), (4), (5), and (6) of  
20 this subsection (c), of the district's expenditures in the  
21 categories "purchased services", "supplies and materials",  
22 and "capital outlay", as those categories are defined in  
23 rules of the State Board of Education. If this 3-year  
24 average is less than the district's expenditures in these  
25 categories for the specified year ending June 30, as  
26 provided in paragraphs (1), (2), (3), (4), (5), and (6) of  
27 this subsection (c), then the 3-year average shall be used  
28 in calculating the amounts payable under this Section in  
29 place of the amounts shown in these categories for the  
30 specified year ending June 30, as provided in paragraphs  
31 (1), (2), (3), (4), (5), and (6) of this subsection (c).  
32 Any deficit because of State aid not yet received may not  
33 be considered in determining the June 30 deficits. The same  
34 basis of accounting shall be used by all previously  
35 existing districts and by all annexing or annexed  
36 districts, as constituted prior to the annexation, in

1 making any computation required under paragraphs (1), (2),  
2 (3), (4), (5), and (6) of this subsection (c).

3 (8) The supplementary State aid payments under this  
4 subsection (c) shall be treated as separate from all other  
5 payments made pursuant to Section 18-8.05 of this Code.

6 (d)(1) Following the formation of a combined school  
7 district, as defined in Section 11E-20 of this Code, a new unit  
8 district, as defined in Section 11E-25 of this Code, a new  
9 elementary district formed through a small unit district  
10 conversion, as defined in clause (1) of subsection (a) of  
11 Section 11E-15 of this Code, a new elementary district or  
12 districts and a new high school district formed through a  
13 multi-district conversion, as defined in subsection (b) of  
14 Section 11E-15 of this Code, or a new partial elementary unit  
15 district, as defined in Section 11E-30 of this Code, or the  
16 annexation of all of the territory of one or more entire school  
17 districts by one or more other school districts, as defined in  
18 Article 7 or clause (2) of subsection (a) of Section 11E-15 of  
19 this Code, a supplementary State aid reimbursement shall be  
20 paid for the number of school years determined under the  
21 following table to each new or annexing district equal to the  
22 sum of \$4,000 for each certified employee who is employed by  
23 the district on a full-time basis for the regular term of the  
24 school year:

25 Reorganized District's  
26 Rank by type of  
27 district (unit, high  
28 school, elementary) in  
29 Equalized Assessed  
30 Value Per Pupil by  
31 Quintile

Reorganized District's Rank in Average  
Daily Attendance by Quintile

	<u>1st Quintile</u>	<u>2nd Quintile</u>	<u>3rd, 4th, or</u>	<u>5th Quintile</u>
34	<u>1st Quintile</u>	<u>1 year</u>	<u>1 year</u>	<u>1 year</u>
35	<u>2nd Quintile</u>	<u>1 year</u>	<u>2 years</u>	<u>2 years</u>



1	<u>3rd Quintile</u>	<u>2 years</u>	<u>3 years</u>	<u>3 years</u>
2	<u>4th Quintile</u>	<u>2 years</u>	<u>3 years</u>	<u>3 years</u>
3	<u>5th Quintile</u>	<u>2 years</u>	<u>3 years</u>	<u>3 years</u>

4 The State Board of Education shall make a one-time calculation  
5 of a reorganized district's quintile ranks. The average daily  
6 attendance used in this calculation shall be the best 3 months'  
7 average daily attendance for the district's first year. The  
8 equalized assessed value per pupil shall be the district's real  
9 property equalized assessed value used in calculating the  
10 district's first-year general State aid claim, under Section  
11 18-8.05 of this Code, divided by the best 3 months' average  
12 daily attendance.

13 No annexing or resulting school district shall be entitled  
14 to supplementary State aid under this subsection (d) unless the  
15 district acquires at least 30% of the average daily attendance  
16 of the district from which the territory is being detached or  
17 divided.

18 If a district results from multiple reorganizations that  
19 would otherwise qualify the district for multiple payments  
20 under this subsection (d) in any year, then the district shall  
21 receive a single payment only for that year based solely on the  
22 most recent reorganization.

23 (2) For an elementary opt-in, as defined in subsection  
24 (c) of Section 11E-30 of this Code, the full-time certified  
25 staff incentive shall be computed in accordance with  
26 paragraph (1) of this subsection (d), equal to the sum of  
27 \$4,000 for each certified employee of the elementary  
28 district that opts-in who is employed by the partial  
29 elementary unit district on a full-time basis for the  
30 regular term of the school year. The calculation from this  
31 paragraph (2) must be paid as follows:

32 (A) If the effective date for the elementary opt-in  
33 is one year after the effective date for the partial  
34 elementary unit district, 100% of the amount  
35 calculated in this paragraph (2) shall be paid to the

1 partial elementary unit district for the number of  
2 years calculated in paragraph (1) of this subsection  
3 (d) at the partial elementary unit district's original  
4 effective date, starting in the second year after the  
5 effective date of the elementary opt-in.

6 (B) If the effective date for the elementary opt-in  
7 is 2 years after the effective date for the partial  
8 elementary unit district, 75% of the amount calculated  
9 in this paragraph (2) shall be paid to the partial  
10 elementary unit district for the number of years  
11 calculated in paragraph (1) of this subsection (d) at  
12 the partial elementary unit district's original  
13 effective date, starting in the second year after the  
14 effective date of the elementary opt-in.

15 (C) If the effective date for the elementary opt-in  
16 is 3 years after the effective date for the partial  
17 elementary unit district, 50% of the amount calculated  
18 in this paragraph (2) shall be paid to the partial  
19 elementary unit district for the number of years  
20 calculated in paragraph (1) of this subsection (d) at  
21 the partial elementary unit district's original  
22 effective date, starting in the second year after the  
23 effective date of the elementary opt-in.

24 (D) If the effective date for the elementary opt-in  
25 is 4 years after the effective date for the partial  
26 elementary unit district, 25% of the amount calculated  
27 in this paragraph (2) shall be paid to the partial  
28 elementary unit district for the number of years  
29 calculated in paragraph (1) of this subsection (d) at  
30 the partial elementary unit district's original  
31 effective date, starting in the second year after the  
32 effective date of the elementary opt-in.

33 (E) If the effective date for the elementary opt-in  
34 is 5 years after the effective date for the partial  
35 elementary unit district, the partial elementary unit  
36 district is not eligible for any additional incentives

1 due to the elementary opt-in.

2 (3) The supplementary State aid reimbursement payable  
3 under this subsection (d) shall be separate from and in  
4 addition to all other payments made to the district  
5 pursuant to any other Section of this Article.

6 (4) During May of each school year for which a  
7 supplementary State aid reimbursement is to be paid to a  
8 new or annexing school district pursuant to this subsection  
9 (d), the school board shall certify to the State Board of  
10 Education, on forms furnished to the school board by the  
11 State Board of Education for purposes of this subsection  
12 (d), the number of certified employees for which the  
13 district is entitled to reimbursement under this Section,  
14 together with the names, certificate numbers, and  
15 positions held by the certified employees.

16 (5) Upon certification by the State Board of Education  
17 to the State Comptroller of the amount of the supplementary  
18 State aid reimbursement to which a school district is  
19 entitled under this subsection (d), the State Comptroller  
20 shall draw his or her warrant upon the State Treasurer for  
21 the payment thereof to the school district and shall  
22 promptly transmit the payment to the school district  
23 through the appropriate school treasurer.

24 (105 ILCS 5/17-2) (from Ch. 122, par. 17-2)

25 Sec. 17-2. Tax levies; purposes; rates.

26 (a) Except as otherwise provided in Articles 12 and 13 of  
27 this Act, the following maximum rates shall apply to all taxes  
28 levied after August 10, 1965, in districts having a population  
29 of less than 500,000 inhabitants, including those districts  
30 organized under Article 11 of the School Code. The school board  
31 of any district having a population of less than 500,000  
32 inhabitants may levy a tax annually, at not to exceed the  
33 maximum rates and for the specified purposes, upon all the  
34 taxable property of the district at the value, as equalized or  
35 assessed by the Department of Revenue as follows:

1 (1) districts maintaining only grades 1 through 8, .92%  
2 for educational purposes and .25% for operations and  
3 maintenance purposes;

4 (2) districts maintaining only grades 9 through 12,  
5 .92% for educational purposes and .25% for operations and  
6 maintenance purposes;

7 (3) districts maintaining grades 1 through 12, 1.63%  
8 for the 1985-86 school year, 1.68% for the 1986-87 school  
9 year, 1.75% for the 1987-88 school year and 1.84% for the  
10 1988-89 school year and thereafter for educational  
11 purposes and .405% for the 1989-90 school year, .435% for  
12 the 1990-91 school year, .465% for the 1991-92 school year,  
13 and .50% for the 1992-93 school year and thereafter for  
14 operations and maintenance purposes;

15 (4) all districts, 0.75% for capital improvement  
16 purposes (which is in addition to the levy for operations  
17 and maintenance purposes), which tax is to be levied,  
18 accumulated for not more than 6 years, and spent for  
19 capital improvement purposes (including but not limited to  
20 the construction of a new school building or buildings or  
21 the purchase of school grounds on which any new school  
22 building is to be constructed or located, or both) only in  
23 accordance with Section 17-2.3 of this Act;

24 (5) districts maintaining only grades 1 through 8, .12%  
25 for transportation purposes, provided that districts  
26 maintaining only grades kindergarten through 8 which have  
27 an enrollment of at least 2600 students may levy, subject  
28 to Section 17-2.2, at not to exceed a maximum rate of .20%  
29 for transportation purposes for any school year in which  
30 the number of students requiring transportation in the  
31 district exceeds by at least 2% the number of students  
32 requiring transportation in the district during the  
33 preceding school year, as verified in the district's claim  
34 for pupil transportation and reimbursement and as  
35 certified by the State Board of Education to the county  
36 clerk of the county in which such district is located not

1 later than November 15 following the submission of such  
2 claim; districts maintaining only grades 9 through 12, .12%  
3 for transportation purposes; and districts maintaining  
4 grades 1 through 12, .14% for the 1985-86 school year, .16%  
5 for the 1986-87 school year, .18% for the 1987-88 school  
6 year and .20% for the 1988-89 school year and thereafter,  
7 for transportation purposes;

8 (6) districts providing summer classes, .15% for  
9 educational purposes, subject to Section 17-2.1 of this  
10 Act.

11 Whenever any special charter school district operating  
12 grades 1 through 12, has organized or shall organize under the  
13 general school law, the district so organized may continue to  
14 levy taxes at not to exceed the rate at which taxes were last  
15 actually extended by the special charter district, except that  
16 if such rate at which taxes were last actually extended by such  
17 special charter district was less than the maximum rate for  
18 districts maintaining grades 1 through 12 authorized under this  
19 Section, such special charter district nevertheless may levy  
20 taxes at a rate not to exceed the maximum rate for districts  
21 maintaining grades 1 through 12 authorized under this Section,  
22 and except that if any such district maintains only grades 1  
23 through 8, the board may levy, for educational purposes, at a  
24 rate not to exceed the maximum rate for elementary districts  
25 authorized under this Section.

26 Maximum rates before or after established in excess of  
27 those prescribed shall not be affected by the amendatory Act of  
28 1965.

29 (b) Notwithstanding any other statute to the contrary,  
30 whenever a new unit school district is created from any  
31 combination of elementary and high school districts, the new  
32 unit district may levy taxes at rates determined by combining  
33 the maximum elementary district rates levied by the elementary  
34 district that levies the lowest rate of all of the elementary  
35 districts included in the petition and the maximum high school  
36 district rates levied by the high school district that levies

1 the lowest rates of all of the high school districts included  
2 in the petition, as those rates were extended in the year  
3 immediately preceding the creation of the new unit district,  
4 provided that the rates are specified in the petition to form  
5 the unit district. Beginning with the third year of operation  
6 of the new unit district, the rates levied by the new unit  
7 district shall be reduced by 0.10% each year until the rates  
8 are reduced to the rates otherwise applicable to unit  
9 districts, notwithstanding the terms and provisions of this  
10 subsection (b). For partial elementary unit school district  
11 formations, the terms and provisions of subsections (c) and (d)  
12 of Section 11E-70 of this Code shall apply instead of the terms  
13 and provisions of this subsection (b).

14 (Source: P.A. 87-984; 87-1023; 88-45.)

15 (105 ILCS 5/17-3) (from Ch. 122, par. 17-3)

16 Sec. 17-3. Additional levies-Submission to voters. The  
17 school board in any district having a population of less than  
18 500,000 inhabitants may, by proper resolution, cause a  
19 proposition to increase, for a limited period of not less than  
20 3 nor more than 10 years or for an unlimited period, the annual  
21 tax rate for educational purposes to be submitted to the voters  
22 of such district at a regular scheduled election as follows:

23 (1) in districts maintaining grades 1 through 8, or  
24 grades 9 through 12, the maximum rate for educational  
25 purposes shall not exceed 3.5% of the value as equalized or  
26 assessed by the Department of Revenue;

27 (2) in districts maintaining grades 1 through 12 the  
28 maximum rate for educational purposes shall not exceed  
29 4.00% of the value as equalized or assessed by the  
30 Department of Revenue. ~~except that if a single elementary~~  
31 ~~district and a secondary district having boundaries that~~  
32 ~~are coterminous form a community unit district on or after~~  
33 ~~the effective date of this amendatory Act of the 94th~~  
34 ~~General Assembly and the actual combined rate of the~~  
35 ~~elementary district and secondary district prior to the~~

1 ~~formation of the community unit district is greater than~~  
2 ~~4.00%, then the maximum rate for educational purposes for~~  
3 ~~such district shall be the following:~~

4 ~~(A) For 2 years following the formation of the~~  
5 ~~community unit district, the maximum rate shall equal~~  
6 ~~the actual combined rate of the previous elementary~~  
7 ~~district and secondary district.~~

8 ~~(B) In each subsequent year, the maximum rate shall~~  
9 ~~be reduced by 0.10% or reduced to 4.00%, whichever~~  
10 ~~reduction is less. The school board may, by proper~~  
11 ~~resolution, cause a proposition to increase the~~  
12 ~~reduced rate, not to exceed the maximum rate in clause~~  
13 ~~(A), to be submitted to the voters of the district at a~~  
14 ~~regular scheduled election as provided under this~~  
15 ~~Section. Nothing in this Section shall require that the~~  
16 ~~maximum rate for educational purpose for a district~~  
17 ~~maintaining grades one through 12 be reduced below~~  
18 ~~4.00%.~~

19 If the resolution of the school board seeks to increase the  
20 annual tax rate for educational purposes for a limited period  
21 of not less than 3 nor more than 10 years, the proposition  
22 shall so state and shall identify the years for which the tax  
23 increase is sought.

24 If a majority of the votes cast on the proposition is in  
25 favor thereof at an election for which the election authorities  
26 have given notice either (i) in accordance with Section 12-5 of  
27 the Election Code or (ii) by publication of a true and legible  
28 copy of the specimen ballot label containing the proposition in  
29 the form in which it appeared or will appear on the official  
30 ballot label on the day of the election at least 5 days before  
31 the day of the election in at least one newspaper published in  
32 and having a general circulation in the district, the school  
33 board may thereafter, until such authority is revoked in like  
34 manner, levy annually the tax so authorized; provided that if  
35 the proposition as approved limits the increase in the annual  
36 tax rate of the district for educational purposes to a period

1 of not less than 3 nor more than 10 years, the district may,  
2 unless such authority is sooner revoked in like manner, levy  
3 annually the tax so authorized for the limited number of years  
4 approved by a majority of the votes cast on the proposition.  
5 Upon expiration of that limited period, the rate at which the  
6 district may annually levy its tax for educational purposes  
7 shall be the rate provided under Section 17-2, or the rate at  
8 which the district last levied its tax for educational purposes  
9 prior to approval of the proposition authorizing the levy of  
10 that tax at an increased rate, whichever is greater.

11 The school board shall certify the proposition to the  
12 proper election authorities in accordance with the general  
13 election law.

14 The provisions of this Section concerning notice of the tax  
15 rate increase referendum apply only to consolidated primary  
16 elections held prior to January 1, 2002 at which not less than  
17 55% of the voters voting on the tax rate increase proposition  
18 voted in favor of the tax rate increase proposition.

19 (Source: P.A. 94-52, eff. 6-17-05.)

20 (105 ILCS 5/17-5) (from Ch. 122, par. 17-5)

21 Sec. 17-5. Increase tax rates for operations and  
22 maintenance purposes- Maximum. The school board in any district  
23 having a population of less than 500,000 inhabitants may, by  
24 proper resolution, cause a proposition to increase the annual  
25 tax rate for operations and maintenance purposes to be  
26 submitted to the voters of the district at a regular scheduled  
27 election. The board shall certify the proposition to the proper  
28 election authority for submission to the elector in accordance  
29 with the general election law. In districts maintaining grades  
30 1 through 8, or grades 9 through 12, the maximum rate for  
31 operations and maintenance purposes shall not exceed .55%; and  
32 in districts maintaining grades 1 through 12, the maximum rates  
33 for operations and maintenance purposes shall not exceed .75%,  
34 ~~except that if a single elementary district and a secondary~~  
35 ~~district having boundaries that are coterminous on the~~



1 ~~effective date of this amendatory Act form a community unit~~  
2 ~~district as authorized under Section 11-6, the maximum rate for~~  
3 ~~operation and maintenance purposes for such district shall not~~  
4 ~~exceed 1.10% of the value as equalized or assessed by the~~  
5 ~~Department of Revenue; and in such district maintaining grades~~  
6 ~~1 through 12, funds may, subject to the provisions of Section~~  
7 ~~17-5.1 accumulate to not more than 5% of the equalized assessed~~  
8 ~~valuation of the district. No such accumulation shall ever be~~  
9 ~~transferred or used for any other purpose.~~ If a majority of the  
10 votes cast on the proposition is in favor thereof, the school  
11 board may thereafter, until such authority is revoked in like  
12 manner, levy annually a tax as authorized.

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

14 (105 ILCS 5/18-8.05)

15 Sec. 18-8.05. Basis for apportionment of general State  
16 financial aid and supplemental general State aid to the common  
17 schools for the 1998-1999 and subsequent school years.

18 (A) General Provisions.

19 (1) The provisions of this Section apply to the 1998-1999  
20 and subsequent school years. The system of general State  
21 financial aid provided for in this Section is designed to  
22 assure that, through a combination of State financial aid and  
23 required local resources, the financial support provided each  
24 pupil in Average Daily Attendance equals or exceeds a  
25 prescribed per pupil Foundation Level. This formula approach  
26 imputes a level of per pupil Available Local Resources and  
27 provides for the basis to calculate a per pupil level of  
28 general State financial aid that, when added to Available Local  
29 Resources, equals or exceeds the Foundation Level. The amount  
30 of per pupil general State financial aid for school districts,  
31 in general, varies in inverse relation to Available Local  
32 Resources. Per pupil amounts are based upon each school  
33 district's Average Daily Attendance as that term is defined in  
34 this Section.

1           (2) In addition to general State financial aid, school  
2 districts with specified levels or concentrations of pupils  
3 from low income households are eligible to receive supplemental  
4 general State financial aid grants as provided pursuant to  
5 subsection (H). The supplemental State aid grants provided for  
6 school districts under subsection (H) shall be appropriated for  
7 distribution to school districts as part of the same line item  
8 in which the general State financial aid of school districts is  
9 appropriated under this Section.

10           (3) To receive financial assistance under this Section,  
11 school districts are required to file claims with the State  
12 Board of Education, subject to the following requirements:

13           (a) Any school district which fails for any given  
14 school year to maintain school as required by law, or to  
15 maintain a recognized school is not eligible to file for  
16 such school year any claim upon the Common School Fund. In  
17 case of nonrecognition of one or more attendance centers in  
18 a school district otherwise operating recognized schools,  
19 the claim of the district shall be reduced in the  
20 proportion which the Average Daily Attendance in the  
21 attendance center or centers bear to the Average Daily  
22 Attendance in the school district. A "recognized school"  
23 means any public school which meets the standards as  
24 established for recognition by the State Board of  
25 Education. A school district or attendance center not  
26 having recognition status at the end of a school term is  
27 entitled to receive State aid payments due upon a legal  
28 claim which was filed while it was recognized.

29           (b) School district claims filed under this Section are  
30 subject to Sections 18-9, 18-10, and 18-12, except as  
31 otherwise provided in this Section.

32           (c) If a school district operates a full year school  
33 under Section 10-19.1, the general State aid to the school  
34 district shall be determined by the State Board of  
35 Education in accordance with this Section as near as may be  
36 applicable.

1 (d) (Blank).

2 (4) Except as provided in subsections (H) and (L), the  
3 board of any district receiving any of the grants provided for  
4 in this Section may apply those funds to any fund so received  
5 for which that board is authorized to make expenditures by law.

6 School districts are not required to exert a minimum  
7 Operating Tax Rate in order to qualify for assistance under  
8 this Section.

9 (5) As used in this Section the following terms, when  
10 capitalized, shall have the meaning ascribed herein:

11 (a) "Average Daily Attendance": A count of pupil  
12 attendance in school, averaged as provided for in  
13 subsection (C) and utilized in deriving per pupil financial  
14 support levels.

15 (b) "Available Local Resources": A computation of  
16 local financial support, calculated on the basis of Average  
17 Daily Attendance and derived as provided pursuant to  
18 subsection (D).

19 (c) "Corporate Personal Property Replacement Taxes":  
20 Funds paid to local school districts pursuant to "An Act in  
21 relation to the abolition of ad valorem personal property  
22 tax and the replacement of revenues lost thereby, and  
23 amending and repealing certain Acts and parts of Acts in  
24 connection therewith", certified August 14, 1979, as  
25 amended (Public Act 81-1st S.S.-1).

26 (d) "Foundation Level": A prescribed level of per pupil  
27 financial support as provided for in subsection (B).

28 (e) "Operating Tax Rate": All school district property  
29 taxes extended for all purposes, except Bond and Interest,  
30 Summer School, Rent, Capital Improvement, and Vocational  
31 Education Building purposes.

32 (B) Foundation Level.

33 (1) The Foundation Level is a figure established by the  
34 State representing the minimum level of per pupil financial  
35 support that should be available to provide for the basic

1 education of each pupil in Average Daily Attendance. As set  
2 forth in this Section, each school district is assumed to exert  
3 a sufficient local taxing effort such that, in combination with  
4 the aggregate of general State financial aid provided the  
5 district, an aggregate of State and local resources are  
6 available to meet the basic education needs of pupils in the  
7 district.

8 (2) For the 1998-1999 school year, the Foundation Level of  
9 support is \$4,225. For the 1999-2000 school year, the  
10 Foundation Level of support is \$4,325. For the 2000-2001 school  
11 year, the Foundation Level of support is \$4,425. For the  
12 2001-2002 school year and 2002-2003 school year, the Foundation  
13 Level of support is \$4,560. For the 2003-2004 school year, the  
14 Foundation Level of support is \$4,810. For the 2004-2005 school  
15 year, the Foundation Level of support is \$4,964.

16 (3) For the 2005-2006 school year and each school year  
17 thereafter, the Foundation Level of support is \$5,164 or such  
18 greater amount as may be established by law by the General  
19 Assembly.

20 (C) Average Daily Attendance.

21 (1) For purposes of calculating general State aid pursuant  
22 to subsection (E), an Average Daily Attendance figure shall be  
23 utilized. The Average Daily Attendance figure for formula  
24 calculation purposes shall be the monthly average of the actual  
25 number of pupils in attendance of each school district, as  
26 further averaged for the best 3 months of pupil attendance for  
27 each school district. In compiling the figures for the number  
28 of pupils in attendance, school districts and the State Board  
29 of Education shall, for purposes of general State aid funding,  
30 conform attendance figures to the requirements of subsection  
31 (F).

32 (2) The Average Daily Attendance figures utilized in  
33 subsection (E) shall be the requisite attendance data for the  
34 school year immediately preceding the school year for which  
35 general State aid is being calculated or the average of the

1 attendance data for the 3 preceding school years, whichever is  
2 greater. The Average Daily Attendance figures utilized in  
3 subsection (H) shall be the requisite attendance data for the  
4 school year immediately preceding the school year for which  
5 general State aid is being calculated.

6 (D) Available Local Resources.

7 (1) For purposes of calculating general State aid pursuant  
8 to subsection (E), a representation of Available Local  
9 Resources per pupil, as that term is defined and determined in  
10 this subsection, shall be utilized. Available Local Resources  
11 per pupil shall include a calculated dollar amount representing  
12 local school district revenues from local property taxes and  
13 from Corporate Personal Property Replacement Taxes, expressed  
14 on the basis of pupils in Average Daily Attendance. Calculation  
15 of Available Local Resources shall exclude any tax amnesty  
16 funds received as a result of Public Act 93-26.

17 (2) In determining a school district's revenue from local  
18 property taxes, the State Board of Education shall utilize the  
19 equalized assessed valuation of all taxable property of each  
20 school district as of September 30 of the previous year. The  
21 equalized assessed valuation utilized shall be obtained and  
22 determined as provided in subsection (G).

23 (3) For school districts maintaining grades kindergarten  
24 through 12, local property tax revenues per pupil shall be  
25 calculated as the product of the applicable equalized assessed  
26 valuation for the district multiplied by 3.00%, and divided by  
27 the district's Average Daily Attendance figure. For school  
28 districts maintaining grades kindergarten through 8, local  
29 property tax revenues per pupil shall be calculated as the  
30 product of the applicable equalized assessed valuation for the  
31 district multiplied by 2.30%, and divided by the district's  
32 Average Daily Attendance figure. For school districts  
33 maintaining grades 9 through 12, local property tax revenues  
34 per pupil shall be the applicable equalized assessed valuation  
35 of the district multiplied by 1.05%, and divided by the

1 district's Average Daily Attendance figure.

2 (4) The Corporate Personal Property Replacement Taxes paid  
3 to each school district during the calendar year 2 years before  
4 the calendar year in which a school year begins, divided by the  
5 Average Daily Attendance figure for that district, shall be  
6 added to the local property tax revenues per pupil as derived  
7 by the application of the immediately preceding paragraph (3).  
8 The sum of these per pupil figures for each school district  
9 shall constitute Available Local Resources as that term is  
10 utilized in subsection (E) in the calculation of general State  
11 aid.

12 (E) Computation of General State Aid.

13 (1) For each school year, the amount of general State aid  
14 allotted to a school district shall be computed by the State  
15 Board of Education as provided in this subsection.

16 (2) For any school district for which Available Local  
17 Resources per pupil is less than the product of 0.93 times the  
18 Foundation Level, general State aid for that district shall be  
19 calculated as an amount equal to the Foundation Level minus  
20 Available Local Resources, multiplied by the Average Daily  
21 Attendance of the school district.

22 (3) For any school district for which Available Local  
23 Resources per pupil is equal to or greater than the product of  
24 0.93 times the Foundation Level and less than the product of  
25 1.75 times the Foundation Level, the general State aid per  
26 pupil shall be a decimal proportion of the Foundation Level  
27 derived using a linear algorithm. Under this linear algorithm,  
28 the calculated general State aid per pupil shall decline in  
29 direct linear fashion from 0.07 times the Foundation Level for  
30 a school district with Available Local Resources equal to the  
31 product of 0.93 times the Foundation Level, to 0.05 times the  
32 Foundation Level for a school district with Available Local  
33 Resources equal to the product of 1.75 times the Foundation  
34 Level. The allocation of general State aid for school districts  
35 subject to this paragraph 3 shall be the calculated general

1 State aid per pupil figure multiplied by the Average Daily  
2 Attendance of the school district.

3 (4) For any school district for which Available Local  
4 Resources per pupil equals or exceeds the product of 1.75 times  
5 the Foundation Level, the general State aid for the school  
6 district shall be calculated as the product of \$218 multiplied  
7 by the Average Daily Attendance of the school district.

8 (5) The amount of general State aid allocated to a school  
9 district for the 1999-2000 school year meeting the requirements  
10 set forth in paragraph (4) of subsection (G) shall be increased  
11 by an amount equal to the general State aid that would have  
12 been received by the district for the 1998-1999 school year by  
13 utilizing the Extension Limitation Equalized Assessed  
14 Valuation as calculated in paragraph (4) of subsection (G) less  
15 the general State aid allotted for the 1998-1999 school year.  
16 This amount shall be deemed a one time increase, and shall not  
17 affect any future general State aid allocations.

18 (F) Compilation of Average Daily Attendance.

19 (1) Each school district shall, by July 1 of each year,  
20 submit to the State Board of Education, on forms prescribed by  
21 the State Board of Education, attendance figures for the school  
22 year that began in the preceding calendar year. The attendance  
23 information so transmitted shall identify the average daily  
24 attendance figures for each month of the school year. Beginning  
25 with the general State aid claim form for the 2002-2003 school  
26 year, districts shall calculate Average Daily Attendance as  
27 provided in subdivisions (a), (b), and (c) of this paragraph  
28 (1).

29 (a) In districts that do not hold year-round classes,  
30 days of attendance in August shall be added to the month of  
31 September and any days of attendance in June shall be added  
32 to the month of May.

33 (b) In districts in which all buildings hold year-round  
34 classes, days of attendance in July and August shall be  
35 added to the month of September and any days of attendance

1 in June shall be added to the month of May.

2 (c) In districts in which some buildings, but not all,  
3 hold year-round classes, for the non-year-round buildings,  
4 days of attendance in August shall be added to the month of  
5 September and any days of attendance in June shall be added  
6 to the month of May. The average daily attendance for the  
7 year-round buildings shall be computed as provided in  
8 subdivision (b) of this paragraph (1). To calculate the  
9 Average Daily Attendance for the district, the average  
10 daily attendance for the year-round buildings shall be  
11 multiplied by the days in session for the non-year-round  
12 buildings for each month and added to the monthly  
13 attendance of the non-year-round buildings.

14 Except as otherwise provided in this Section, days of  
15 attendance by pupils shall be counted only for sessions of not  
16 less than 5 clock hours of school work per day under direct  
17 supervision of: (i) teachers, or (ii) non-teaching personnel or  
18 volunteer personnel when engaging in non-teaching duties and  
19 supervising in those instances specified in subsection (a) of  
20 Section 10-22.34 and paragraph 10 of Section 34-18, with pupils  
21 of legal school age and in kindergarten and grades 1 through  
22 12.

23 Days of attendance by tuition pupils shall be accredited  
24 only to the districts that pay the tuition to a recognized  
25 school.

26 (2) Days of attendance by pupils of less than 5 clock hours  
27 of school shall be subject to the following provisions in the  
28 compilation of Average Daily Attendance.

29 (a) Pupils regularly enrolled in a public school for  
30 only a part of the school day may be counted on the basis  
31 of 1/6 day for every class hour of instruction of 40  
32 minutes or more attended pursuant to such enrollment,  
33 unless a pupil is enrolled in a block-schedule format of 80  
34 minutes or more of instruction, in which case the pupil may  
35 be counted on the basis of the proportion of minutes of  
36 school work completed each day to the minimum number of



1 minutes that school work is required to be held that day.

2 (b) Days of attendance may be less than 5 clock hours  
3 on the opening and closing of the school term, and upon the  
4 first day of pupil attendance, if preceded by a day or days  
5 utilized as an institute or teachers' workshop.

6 (c) A session of 4 or more clock hours may be counted  
7 as a day of attendance upon certification by the regional  
8 superintendent, and approved by the State Superintendent  
9 of Education to the extent that the district has been  
10 forced to use daily multiple sessions.

11 (d) A session of 3 or more clock hours may be counted  
12 as a day of attendance (1) when the remainder of the school  
13 day or at least 2 hours in the evening of that day is  
14 utilized for an in-service training program for teachers,  
15 up to a maximum of 5 days per school year of which a  
16 maximum of 4 days of such 5 days may be used for  
17 parent-teacher conferences, provided a district conducts  
18 an in-service training program for teachers which has been  
19 approved by the State Superintendent of Education; or, in  
20 lieu of 4 such days, 2 full days may be used, in which  
21 event each such day may be counted as a day of attendance;  
22 and (2) when days in addition to those provided in item (1)  
23 are scheduled by a school pursuant to its school  
24 improvement plan adopted under Article 34 or its revised or  
25 amended school improvement plan adopted under Article 2,  
26 provided that (i) such sessions of 3 or more clock hours  
27 are scheduled to occur at regular intervals, (ii) the  
28 remainder of the school days in which such sessions occur  
29 are utilized for in-service training programs or other  
30 staff development activities for teachers, and (iii) a  
31 sufficient number of minutes of school work under the  
32 direct supervision of teachers are added to the school days  
33 between such regularly scheduled sessions to accumulate  
34 not less than the number of minutes by which such sessions  
35 of 3 or more clock hours fall short of 5 clock hours. Any  
36 full days used for the purposes of this paragraph shall not

1 be considered for computing average daily attendance. Days  
2 scheduled for in-service training programs, staff  
3 development activities, or parent-teacher conferences may  
4 be scheduled separately for different grade levels and  
5 different attendance centers of the district.

6 (e) A session of not less than one clock hour of  
7 teaching hospitalized or homebound pupils on-site or by  
8 telephone to the classroom may be counted as 1/2 day of  
9 attendance, however these pupils must receive 4 or more  
10 clock hours of instruction to be counted for a full day of  
11 attendance.

12 (f) A session of at least 4 clock hours may be counted  
13 as a day of attendance for first grade pupils, and pupils  
14 in full day kindergartens, and a session of 2 or more hours  
15 may be counted as 1/2 day of attendance by pupils in  
16 kindergartens which provide only 1/2 day of attendance.

17 (g) For children with disabilities who are below the  
18 age of 6 years and who cannot attend 2 or more clock hours  
19 because of their disability or immaturity, a session of not  
20 less than one clock hour may be counted as 1/2 day of  
21 attendance; however for such children whose educational  
22 needs so require a session of 4 or more clock hours may be  
23 counted as a full day of attendance.

24 (h) A recognized kindergarten which provides for only  
25 1/2 day of attendance by each pupil shall not have more  
26 than 1/2 day of attendance counted in any one day. However,  
27 kindergartens may count 2 1/2 days of attendance in any 5  
28 consecutive school days. When a pupil attends such a  
29 kindergarten for 2 half days on any one school day, the  
30 pupil shall have the following day as a day absent from  
31 school, unless the school district obtains permission in  
32 writing from the State Superintendent of Education.  
33 Attendance at kindergartens which provide for a full day of  
34 attendance by each pupil shall be counted the same as  
35 attendance by first grade pupils. Only the first year of  
36 attendance in one kindergarten shall be counted, except in

1 case of children who entered the kindergarten in their  
2 fifth year whose educational development requires a second  
3 year of kindergarten as determined under the rules and  
4 regulations of the State Board of Education.

5 (i) On the days when the Prairie State Achievement  
6 Examination is administered under subsection (c) of  
7 Section 2-3.64 of this Code, the day of attendance for a  
8 pupil whose school day must be shortened to accommodate  
9 required testing procedures may be less than 5 clock hours  
10 and shall be counted towards the 176 days of actual pupil  
11 attendance required under Section 10-19 of this Code,  
12 provided that a sufficient number of minutes of school work  
13 in excess of 5 clock hours are first completed on other  
14 school days to compensate for the loss of school work on  
15 the examination days.

16 (G) Equalized Assessed Valuation Data.

17 (1) For purposes of the calculation of Available Local  
18 Resources required pursuant to subsection (D), the State Board  
19 of Education shall secure from the Department of Revenue the  
20 value as equalized or assessed by the Department of Revenue of  
21 all taxable property of every school district, together with  
22 (i) the applicable tax rate used in extending taxes for the  
23 funds of the district as of September 30 of the previous year  
24 and (ii) the limiting rate for all school districts subject to  
25 property tax extension limitations as imposed under the  
26 Property Tax Extension Limitation Law.

27 The Department of Revenue shall add to the equalized  
28 assessed value of all taxable property of each school district  
29 situated entirely or partially within a county that is or was  
30 subject to the alternative general homestead exemption  
31 provisions of Section 15-176 of the Property Tax Code (a) an  
32 amount equal to the total amount by which the homestead  
33 exemption allowed under Section 15-176 of the Property Tax Code  
34 for real property situated in that school district exceeds the  
35 total amount that would have been allowed in that school

1 district if the maximum reduction under Section 15-176 was (i)  
2 \$4,500 in Cook County or \$3,500 in all other counties in tax  
3 year 2003 or (ii) \$5,000 in all counties in tax year 2004 and  
4 thereafter and (b) an amount equal to the aggregate amount for  
5 the taxable year of all additional exemptions under Section  
6 15-175 of the Property Tax Code for owners with a household  
7 income of \$30,000 or less. The county clerk of any county that  
8 is or was subject to the alternative general homestead  
9 exemption provisions of Section 15-176 of the Property Tax Code  
10 shall annually calculate and certify to the Department of  
11 Revenue for each school district all homestead exemption  
12 amounts under Section 15-176 of the Property Tax Code and all  
13 amounts of additional exemptions under Section 15-175 of the  
14 Property Tax Code for owners with a household income of \$30,000  
15 or less. It is the intent of this paragraph that if the general  
16 homestead exemption for a parcel of property is determined  
17 under Section 15-176 of the Property Tax Code rather than  
18 Section 15-175, then the calculation of Available Local  
19 Resources shall not be affected by the difference, if any,  
20 between the amount of the general homestead exemption allowed  
21 for that parcel of property under Section 15-176 of the  
22 Property Tax Code and the amount that would have been allowed  
23 had the general homestead exemption for that parcel of property  
24 been determined under Section 15-175 of the Property Tax Code.  
25 It is further the intent of this paragraph that if additional  
26 exemptions are allowed under Section 15-175 of the Property Tax  
27 Code for owners with a household income of less than \$30,000,  
28 then the calculation of Available Local Resources shall not be  
29 affected by the difference, if any, because of those additional  
30 exemptions.

31 This equalized assessed valuation, as adjusted further by  
32 the requirements of this subsection, shall be utilized in the  
33 calculation of Available Local Resources.

34 (2) The equalized assessed valuation in paragraph (1) shall  
35 be adjusted, as applicable, in the following manner:

36 (a) For the purposes of calculating State aid under

1 this Section, with respect to any part of a school district  
2 within a redevelopment project area in respect to which a  
3 municipality has adopted tax increment allocation  
4 financing pursuant to the Tax Increment Allocation  
5 Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11  
6 of the Illinois Municipal Code or the Industrial Jobs  
7 Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the  
8 Illinois Municipal Code, no part of the current equalized  
9 assessed valuation of real property located in any such  
10 project area which is attributable to an increase above the  
11 total initial equalized assessed valuation of such  
12 property shall be used as part of the equalized assessed  
13 valuation of the district, until such time as all  
14 redevelopment project costs have been paid, as provided in  
15 Section 11-74.4-8 of the Tax Increment Allocation  
16 Redevelopment Act or in Section 11-74.6-35 of the  
17 Industrial Jobs Recovery Law. For the purpose of the  
18 equalized assessed valuation of the district, the total  
19 initial equalized assessed valuation or the current  
20 equalized assessed valuation, whichever is lower, shall be  
21 used until such time as all redevelopment project costs  
22 have been paid.

23 (b) The real property equalized assessed valuation for  
24 a school district shall be adjusted by subtracting from the  
25 real property value as equalized or assessed by the  
26 Department of Revenue for the district an amount computed  
27 by dividing the amount of any abatement of taxes under  
28 Section 18-170 of the Property Tax Code by 3.00% for a  
29 district maintaining grades kindergarten through 12, by  
30 2.30% for a district maintaining grades kindergarten  
31 through 8, or by 1.05% for a district maintaining grades 9  
32 through 12 and adjusted by an amount computed by dividing  
33 the amount of any abatement of taxes under subsection (a)  
34 of Section 18-165 of the Property Tax Code by the same  
35 percentage rates for district type as specified in this  
36 subparagraph (b).

1 (3) For the 1999-2000 school year and each school year  
2 thereafter, if a school district meets all of the criteria of  
3 this subsection (G) (3), the school district's Available Local  
4 Resources shall be calculated under subsection (D) using the  
5 district's Extension Limitation Equalized Assessed Valuation  
6 as calculated under this subsection (G) (3).

7 For purposes of this subsection (G) (3) the following terms  
8 shall have the following meanings:

9 "Budget Year": The school year for which general State  
10 aid is calculated and awarded under subsection (E).

11 "Base Tax Year": The property tax levy year used to  
12 calculate the Budget Year allocation of general State aid.

13 "Preceding Tax Year": The property tax levy year  
14 immediately preceding the Base Tax Year.

15 "Base Tax Year's Tax Extension": The product of the  
16 equalized assessed valuation utilized by the County Clerk  
17 in the Base Tax Year multiplied by the limiting rate as  
18 calculated by the County Clerk and defined in the Property  
19 Tax Extension Limitation Law.

20 "Preceding Tax Year's Tax Extension": The product of  
21 the equalized assessed valuation utilized by the County  
22 Clerk in the Preceding Tax Year multiplied by the Operating  
23 Tax Rate as defined in subsection (A).

24 "Extension Limitation Ratio": A numerical ratio,  
25 certified by the County Clerk, in which the numerator is  
26 the Base Tax Year's Tax Extension and the denominator is  
27 the Preceding Tax Year's Tax Extension.

28 "Operating Tax Rate": The operating tax rate as defined  
29 in subsection (A).

30 If a school district is subject to property tax extension  
31 limitations as imposed under the Property Tax Extension  
32 Limitation Law, the State Board of Education shall calculate  
33 the Extension Limitation Equalized Assessed Valuation of that  
34 district. For the 1999-2000 school year, the Extension  
35 Limitation Equalized Assessed Valuation of a school district as  
36 calculated by the State Board of Education shall be equal to

1 the product of the district's 1996 Equalized Assessed Valuation  
2 and the district's Extension Limitation Ratio. For the  
3 2000-2001 school year and each school year thereafter, the  
4 Extension Limitation Equalized Assessed Valuation of a school  
5 district as calculated by the State Board of Education shall be  
6 equal to the product of the Equalized Assessed Valuation last  
7 used in the calculation of general State aid and the district's  
8 Extension Limitation Ratio. If the Extension Limitation  
9 Equalized Assessed Valuation of a school district as calculated  
10 under this subsection (G)(3) is less than the district's  
11 equalized assessed valuation as calculated pursuant to  
12 subsections (G)(1) and (G)(2), then for purposes of calculating  
13 the district's general State aid for the Budget Year pursuant  
14 to subsection (E), that Extension Limitation Equalized  
15 Assessed Valuation shall be utilized to calculate the  
16 district's Available Local Resources under subsection (D).

17 (4) For the purposes of calculating general State aid for  
18 the 1999-2000 school year only, if a school district  
19 experienced a triennial reassessment on the equalized assessed  
20 valuation used in calculating its general State financial aid  
21 apportionment for the 1998-1999 school year, the State Board of  
22 Education shall calculate the Extension Limitation Equalized  
23 Assessed Valuation that would have been used to calculate the  
24 district's 1998-1999 general State aid. This amount shall equal  
25 the product of the equalized assessed valuation used to  
26 calculate general State aid for the 1997-1998 school year and  
27 the district's Extension Limitation Ratio. If the Extension  
28 Limitation Equalized Assessed Valuation of the school district  
29 as calculated under this paragraph (4) is less than the  
30 district's equalized assessed valuation utilized in  
31 calculating the district's 1998-1999 general State aid  
32 allocation, then for purposes of calculating the district's  
33 general State aid pursuant to paragraph (5) of subsection (E),  
34 that Extension Limitation Equalized Assessed Valuation shall  
35 be utilized to calculate the district's Available Local  
36 Resources.

1           (5) For school districts having a majority of their  
2 equalized assessed valuation in any county except Cook, DuPage,  
3 Kane, Lake, McHenry, or Will, if the amount of general State  
4 aid allocated to the school district for the 1999-2000 school  
5 year under the provisions of subsection (E), (H), and (J) of  
6 this Section is less than the amount of general State aid  
7 allocated to the district for the 1998-1999 school year under  
8 these subsections, then the general State aid of the district  
9 for the 1999-2000 school year only shall be increased by the  
10 difference between these amounts. The total payments made under  
11 this paragraph (5) shall not exceed \$14,000,000. Claims shall  
12 be prorated if they exceed \$14,000,000.

13       (H) Supplemental General State Aid.

14           (1) In addition to the general State aid a school district  
15 is allotted pursuant to subsection (E), qualifying school  
16 districts shall receive a grant, paid in conjunction with a  
17 district's payments of general State aid, for supplemental  
18 general State aid based upon the concentration level of  
19 children from low-income households within the school  
20 district. Supplemental State aid grants provided for school  
21 districts under this subsection shall be appropriated for  
22 distribution to school districts as part of the same line item  
23 in which the general State financial aid of school districts is  
24 appropriated under this Section. If the appropriation in any  
25 fiscal year for general State aid and supplemental general  
26 State aid is insufficient to pay the amounts required under the  
27 general State aid and supplemental general State aid  
28 calculations, then the State Board of Education shall ensure  
29 that each school district receives the full amount due for  
30 general State aid and the remainder of the appropriation shall  
31 be used for supplemental general State aid, which the State  
32 Board of Education shall calculate and pay to eligible  
33 districts on a prorated basis.

34           (1.5) This paragraph (1.5) applies only to those school  
35 years preceding the 2003-2004 school year. For purposes of this



1 subsection (H), the term "Low-Income Concentration Level"  
2 shall be the low-income eligible pupil count from the most  
3 recently available federal census divided by the Average Daily  
4 Attendance of the school district. If, however, (i) the  
5 percentage decrease from the 2 most recent federal censuses in  
6 the low-income eligible pupil count of a high school district  
7 with fewer than 400 students exceeds by 75% or more the  
8 percentage change in the total low-income eligible pupil count  
9 of contiguous elementary school districts, whose boundaries  
10 are coterminous with the high school district, or (ii) a high  
11 school district within 2 counties and serving 5 elementary  
12 school districts, whose boundaries are coterminous with the  
13 high school district, has a percentage decrease from the 2 most  
14 recent federal censuses in the low-income eligible pupil count  
15 and there is a percentage increase in the total low-income  
16 eligible pupil count of a majority of the elementary school  
17 districts in excess of 50% from the 2 most recent federal  
18 censuses, then the high school district's low-income eligible  
19 pupil count from the earlier federal census shall be the number  
20 used as the low-income eligible pupil count for the high school  
21 district, for purposes of this subsection (H). The changes made  
22 to this paragraph (1) by Public Act 92-28 shall apply to  
23 supplemental general State aid grants for school years  
24 preceding the 2003-2004 school year that are paid in fiscal  
25 year 1999 or thereafter and to any State aid payments made in  
26 fiscal year 1994 through fiscal year 1998 pursuant to  
27 subsection 1(n) of Section 18-8 of this Code (which was  
28 repealed on July 1, 1998), and any high school district that is  
29 affected by Public Act 92-28 is entitled to a recomputation of  
30 its supplemental general State aid grant or State aid paid in  
31 any of those fiscal years. This recomputation shall not be  
32 affected by any other funding.

33 (1.10) This paragraph (1.10) applies to the 2003-2004  
34 school year and each school year thereafter. For purposes of  
35 this subsection (H), the term "Low-Income Concentration Level"  
36 shall, for each fiscal year, be the low-income eligible pupil

1 count as of July 1 of the immediately preceding fiscal year (as  
2 determined by the Department of Human Services based on the  
3 number of pupils who are eligible for at least one of the  
4 following low income programs: Medicaid, KidCare, TANF, or Food  
5 Stamps, excluding pupils who are eligible for services provided  
6 by the Department of Children and Family Services, averaged  
7 over the 2 immediately preceding fiscal years for fiscal year  
8 2004 and over the 3 immediately preceding fiscal years for each  
9 fiscal year thereafter) divided by the Average Daily Attendance  
10 of the school district.

11 (2) Supplemental general State aid pursuant to this  
12 subsection (H) shall be provided as follows for the 1998-1999,  
13 1999-2000, and 2000-2001 school years only:

14 (a) For any school district with a Low Income  
15 Concentration Level of at least 20% and less than 35%, the  
16 grant for any school year shall be \$800 multiplied by the  
17 low income eligible pupil count.

18 (b) For any school district with a Low Income  
19 Concentration Level of at least 35% and less than 50%, the  
20 grant for the 1998-1999 school year shall be \$1,100  
21 multiplied by the low income eligible pupil count.

22 (c) For any school district with a Low Income  
23 Concentration Level of at least 50% and less than 60%, the  
24 grant for the 1998-99 school year shall be \$1,500  
25 multiplied by the low income eligible pupil count.

26 (d) For any school district with a Low Income  
27 Concentration Level of 60% or more, the grant for the  
28 1998-99 school year shall be \$1,900 multiplied by the low  
29 income eligible pupil count.

30 (e) For the 1999-2000 school year, the per pupil amount  
31 specified in subparagraphs (b), (c), and (d) immediately  
32 above shall be increased to \$1,243, \$1,600, and \$2,000,  
33 respectively.

34 (f) For the 2000-2001 school year, the per pupil  
35 amounts specified in subparagraphs (b), (c), and (d)  
36 immediately above shall be \$1,273, \$1,640, and \$2,050,

1           respectively.

2           (2.5) Supplemental general State aid pursuant to this  
3 subsection (H) shall be provided as follows for the 2002-2003  
4 school year:

5           (a) For any school district with a Low Income  
6 Concentration Level of less than 10%, the grant for each  
7 school year shall be \$355 multiplied by the low income  
8 eligible pupil count.

9           (b) For any school district with a Low Income  
10 Concentration Level of at least 10% and less than 20%, the  
11 grant for each school year shall be \$675 multiplied by the  
12 low income eligible pupil count.

13           (c) For any school district with a Low Income  
14 Concentration Level of at least 20% and less than 35%, the  
15 grant for each school year shall be \$1,330 multiplied by  
16 the low income eligible pupil count.

17           (d) For any school district with a Low Income  
18 Concentration Level of at least 35% and less than 50%, the  
19 grant for each school year shall be \$1,362 multiplied by  
20 the low income eligible pupil count.

21           (e) For any school district with a Low Income  
22 Concentration Level of at least 50% and less than 60%, the  
23 grant for each school year shall be \$1,680 multiplied by  
24 the low income eligible pupil count.

25           (f) For any school district with a Low Income  
26 Concentration Level of 60% or more, the grant for each  
27 school year shall be \$2,080 multiplied by the low income  
28 eligible pupil count.

29           (2.10) Except as otherwise provided, supplemental general  
30 State aid pursuant to this subsection (H) shall be provided as  
31 follows for the 2003-2004 school year and each school year  
32 thereafter:

33           (a) For any school district with a Low Income  
34 Concentration Level of 15% or less, the grant for each  
35 school year shall be \$355 multiplied by the low income  
36 eligible pupil count.

1           (b) For any school district with a Low Income  
2           Concentration Level greater than 15%, the grant for each  
3           school year shall be \$294.25 added to the product of \$2,700  
4           and the square of the Low Income Concentration Level, all  
5           multiplied by the low income eligible pupil count.

6           For the 2003-2004 school year, 2004-2005 school year, and  
7           2005-2006 school year only, the grant shall be no less than the  
8           grant for the 2002-2003 school year. For the 2006-2007 school  
9           year only, the grant shall be no less than the grant for the  
10          2002-2003 school year multiplied by 0.66. For the 2007-2008  
11          school year only, the grant shall be no less than the grant for  
12          the 2002-2003 school year multiplied by 0.33. Notwithstanding  
13          the provisions of this paragraph to the contrary, if for any  
14          school year supplemental general State aid grants are prorated  
15          as provided in paragraph (1) of this subsection (H), then the  
16          grants under this paragraph shall be prorated.

17          For the 2003-2004 school year only, the grant shall be no  
18          greater than the grant received during the 2002-2003 school  
19          year added to the product of 0.25 multiplied by the difference  
20          between the grant amount calculated under subsection (a) or (b)  
21          of this paragraph (2.10), whichever is applicable, and the  
22          grant received during the 2002-2003 school year. For the  
23          2004-2005 school year only, the grant shall be no greater than  
24          the grant received during the 2002-2003 school year added to  
25          the product of 0.50 multiplied by the difference between the  
26          grant amount calculated under subsection (a) or (b) of this  
27          paragraph (2.10), whichever is applicable, and the grant  
28          received during the 2002-2003 school year. For the 2005-2006  
29          school year only, the grant shall be no greater than the grant  
30          received during the 2002-2003 school year added to the product  
31          of 0.75 multiplied by the difference between the grant amount  
32          calculated under subsection (a) or (b) of this paragraph  
33          (2.10), whichever is applicable, and the grant received during  
34          the 2002-2003 school year.

35          (3) School districts with an Average Daily Attendance of  
36          more than 1,000 and less than 50,000 that qualify for

1 supplemental general State aid pursuant to this subsection  
2 shall submit a plan to the State Board of Education prior to  
3 October 30 of each year for the use of the funds resulting from  
4 this grant of supplemental general State aid for the  
5 improvement of instruction in which priority is given to  
6 meeting the education needs of disadvantaged children. Such  
7 plan shall be submitted in accordance with rules and  
8 regulations promulgated by the State Board of Education.

9 (4) School districts with an Average Daily Attendance of  
10 50,000 or more that qualify for supplemental general State aid  
11 pursuant to this subsection shall be required to distribute  
12 from funds available pursuant to this Section, no less than  
13 \$261,000,000 in accordance with the following requirements:

14 (a) The required amounts shall be distributed to the  
15 attendance centers within the district in proportion to the  
16 number of pupils enrolled at each attendance center who are  
17 eligible to receive free or reduced-price lunches or  
18 breakfasts under the federal Child Nutrition Act of 1966  
19 and under the National School Lunch Act during the  
20 immediately preceding school year.

21 (b) The distribution of these portions of supplemental  
22 and general State aid among attendance centers according to  
23 these requirements shall not be compensated for or  
24 contravened by adjustments of the total of other funds  
25 appropriated to any attendance centers, and the Board of  
26 Education shall utilize funding from one or several sources  
27 in order to fully implement this provision annually prior  
28 to the opening of school.

29 (c) Each attendance center shall be provided by the  
30 school district a distribution of noncategorical funds and  
31 other categorical funds to which an attendance center is  
32 entitled under law in order that the general State aid and  
33 supplemental general State aid provided by application of  
34 this subsection supplements rather than supplants the  
35 noncategorical funds and other categorical funds provided  
36 by the school district to the attendance centers.

1 (d) Any funds made available under this subsection that  
2 by reason of the provisions of this subsection are not  
3 required to be allocated and provided to attendance centers  
4 may be used and appropriated by the board of the district  
5 for any lawful school purpose.

6 (e) Funds received by an attendance center pursuant to  
7 this subsection shall be used by the attendance center at  
8 the discretion of the principal and local school council  
9 for programs to improve educational opportunities at  
10 qualifying schools through the following programs and  
11 services: early childhood education, reduced class size or  
12 improved adult to student classroom ratio, enrichment  
13 programs, remedial assistance, attendance improvement, and  
14 other educationally beneficial expenditures which  
15 supplement the regular and basic programs as determined by  
16 the State Board of Education. Funds provided shall not be  
17 expended for any political or lobbying purposes as defined  
18 by board rule.

19 (f) Each district subject to the provisions of this  
20 subdivision (H) (4) shall submit an acceptable plan to meet  
21 the educational needs of disadvantaged children, in  
22 compliance with the requirements of this paragraph, to the  
23 State Board of Education prior to July 15 of each year.  
24 This plan shall be consistent with the decisions of local  
25 school councils concerning the school expenditure plans  
26 developed in accordance with part 4 of Section 34-2.3. The  
27 State Board shall approve or reject the plan within 60 days  
28 after its submission. If the plan is rejected, the district  
29 shall give written notice of intent to modify the plan  
30 within 15 days of the notification of rejection and then  
31 submit a modified plan within 30 days after the date of the  
32 written notice of intent to modify. Districts may amend  
33 approved plans pursuant to rules promulgated by the State  
34 Board of Education.

35 Upon notification by the State Board of Education that  
36 the district has not submitted a plan prior to July 15 or a

1 modified plan within the time period specified herein, the  
2 State aid funds affected by that plan or modified plan  
3 shall be withheld by the State Board of Education until a  
4 plan or modified plan is submitted.

5 If the district fails to distribute State aid to  
6 attendance centers in accordance with an approved plan, the  
7 plan for the following year shall allocate funds, in  
8 addition to the funds otherwise required by this  
9 subsection, to those attendance centers which were  
10 underfunded during the previous year in amounts equal to  
11 such underfunding.

12 For purposes of determining compliance with this  
13 subsection in relation to the requirements of attendance  
14 center funding, each district subject to the provisions of  
15 this subsection shall submit as a separate document by  
16 December 1 of each year a report of expenditure data for  
17 the prior year in addition to any modification of its  
18 current plan. If it is determined that there has been a  
19 failure to comply with the expenditure provisions of this  
20 subsection regarding contravention or supplanting, the  
21 State Superintendent of Education shall, within 60 days of  
22 receipt of the report, notify the district and any affected  
23 local school council. The district shall within 45 days of  
24 receipt of that notification inform the State  
25 Superintendent of Education of the remedial or corrective  
26 action to be taken, whether by amendment of the current  
27 plan, if feasible, or by adjustment in the plan for the  
28 following year. Failure to provide the expenditure report  
29 or the notification of remedial or corrective action in a  
30 timely manner shall result in a withholding of the affected  
31 funds.

32 The State Board of Education shall promulgate rules and  
33 regulations to implement the provisions of this  
34 subsection. No funds shall be released under this  
35 subdivision (H)(4) to any district that has not submitted a  
36 plan that has been approved by the State Board of

1 Education.

2 (I) (Blank). ~~General State Aid for Newly Configured School~~  
3 ~~Districts.~~

4 ~~(1) For a new school district formed by combining property~~  
5 ~~included totally within 2 or more previously existing school~~  
6 ~~districts, for its first year of existence the general State~~  
7 ~~aid and supplemental general State aid calculated under this~~  
8 ~~Section shall be computed for the new district and for the~~  
9 ~~previously existing districts for which property is totally~~  
10 ~~included within the new district. If the computation on the~~  
11 ~~basis of the previously existing districts is greater, a~~  
12 ~~supplementary payment equal to the difference shall be made for~~  
13 ~~the first 4 years of existence of the new district.~~

14 ~~(2) For a school district which annexes all of the~~  
15 ~~territory of one or more entire other school districts, for the~~  
16 ~~first year during which the change of boundaries attributable~~  
17 ~~to such annexation becomes effective for all purposes as~~  
18 ~~determined under Section 7-9 or 7A-8, the general State aid and~~  
19 ~~supplemental general State aid calculated under this Section~~  
20 ~~shall be computed for the annexing district as constituted~~  
21 ~~after the annexation and for the annexing and each annexed~~  
22 ~~district as constituted prior to the annexation; and if the~~  
23 ~~computation on the basis of the annexing and annexed districts~~  
24 ~~as constituted prior to the annexation is greater, a~~  
25 ~~supplementary payment equal to the difference shall be made for~~  
26 ~~the first 4 years of existence of the annexing school district~~  
27 ~~as constituted upon such annexation.~~

28 ~~(3) For 2 or more school districts which annex all of the~~  
29 ~~territory of one or more entire other school districts, and for~~  
30 ~~2 or more community unit districts which result upon the~~  
31 ~~division (pursuant to petition under Section 11A-2) of one or~~  
32 ~~more other unit school districts into 2 or more parts and which~~  
33 ~~together include all of the parts into which such other unit~~  
34 ~~school district or districts are so divided, for the first year~~  
35 ~~during which the change of boundaries attributable to such~~



1 ~~annexation or division becomes effective for all purposes as~~  
2 ~~determined under Section 7-9 or 11A-10, as the case may be, the~~  
3 ~~general State aid and supplemental general State aid calculated~~  
4 ~~under this Section shall be computed for each annexing or~~  
5 ~~resulting district as constituted after the annexation or~~  
6 ~~division and for each annexing and annexed district, or for~~  
7 ~~each resulting and divided district, as constituted prior to~~  
8 ~~the annexation or division; and if the aggregate of the general~~  
9 ~~State aid and supplemental general State aid as so computed for~~  
10 ~~the annexing or resulting districts as constituted after the~~  
11 ~~annexation or division is less than the aggregate of the~~  
12 ~~general State aid and supplemental general State aid as so~~  
13 ~~computed for the annexing and annexed districts, or for the~~  
14 ~~resulting and divided districts, as constituted prior to the~~  
15 ~~annexation or division, then a supplementary payment equal to~~  
16 ~~the difference shall be made and allocated between or among the~~  
17 ~~annexing or resulting districts, as constituted upon such~~  
18 ~~annexation or division, for the first 4 years of their~~  
19 ~~existence. The total difference payment shall be allocated~~  
20 ~~between or among the annexing or resulting districts in the~~  
21 ~~same ratio as the pupil enrollment from that portion of the~~  
22 ~~annexed or divided district or districts which is annexed to or~~  
23 ~~included in each such annexing or resulting district bears to~~  
24 ~~the total pupil enrollment from the entire annexed or divided~~  
25 ~~district or districts, as such pupil enrollment is determined~~  
26 ~~for the school year last ending prior to the date when the~~  
27 ~~change of boundaries attributable to the annexation or division~~  
28 ~~becomes effective for all purposes. The amount of the total~~  
29 ~~difference payment and the amount thereof to be allocated to~~  
30 ~~the annexing or resulting districts shall be computed by the~~  
31 ~~State Board of Education on the basis of pupil enrollment and~~  
32 ~~other data which shall be certified to the State Board of~~  
33 ~~Education, on forms which it shall provide for that purpose, by~~  
34 ~~the regional superintendent of schools for each educational~~  
35 ~~service region in which the annexing and annexed districts, or~~  
36 ~~resulting and divided districts are located.~~

1       ~~(3.5) Claims for financial assistance under this~~  
2 ~~subsection (I) shall not be recomputed except as expressly~~  
3 ~~provided under this Section.~~

4       ~~(4) Any supplementary payment made under this subsection~~  
5 ~~(I) shall be treated as separate from all other payments made~~  
6 ~~pursuant to this Section.~~

7       (J) Supplementary Grants in Aid.

8           (1) Notwithstanding any other provisions of this Section,  
9 the amount of the aggregate general State aid in combination  
10 with supplemental general State aid under this Section for  
11 which each school district is eligible shall be no less than  
12 the amount of the aggregate general State aid entitlement that  
13 was received by the district under Section 18-8 (exclusive of  
14 amounts received under subsections 5(p) and 5(p-5) of that  
15 Section) for the 1997-98 school year, pursuant to the  
16 provisions of that Section as it was then in effect. If a  
17 school district qualifies to receive a supplementary payment  
18 made under this subsection (J), the amount of the aggregate  
19 general State aid in combination with supplemental general  
20 State aid under this Section which that district is eligible to  
21 receive for each school year shall be no less than the amount  
22 of the aggregate general State aid entitlement that was  
23 received by the district under Section 18-8 (exclusive of  
24 amounts received under subsections 5(p) and 5(p-5) of that  
25 Section) for the 1997-1998 school year, pursuant to the  
26 provisions of that Section as it was then in effect.

27           (2) If, as provided in paragraph (1) of this subsection  
28 (J), a school district is to receive aggregate general State  
29 aid in combination with supplemental general State aid under  
30 this Section for the 1998-99 school year and any subsequent  
31 school year that in any such school year is less than the  
32 amount of the aggregate general State aid entitlement that the  
33 district received for the 1997-98 school year, the school  
34 district shall also receive, from a separate appropriation made  
35 for purposes of this subsection (J), a supplementary payment

1 that is equal to the amount of the difference in the aggregate  
2 State aid figures as described in paragraph (1).

3 (3) (Blank).

4 (K) Grants to Laboratory and Alternative Schools.

5 In calculating the amount to be paid to the governing board  
6 of a public university that operates a laboratory school under  
7 this Section or to any alternative school that is operated by a  
8 regional superintendent of schools, the State Board of  
9 Education shall require by rule such reporting requirements as  
10 it deems necessary.

11 As used in this Section, "laboratory school" means a public  
12 school which is created and operated by a public university and  
13 approved by the State Board of Education. The governing board  
14 of a public university which receives funds from the State  
15 Board under this subsection (K) may not increase the number of  
16 students enrolled in its laboratory school from a single  
17 district, if that district is already sending 50 or more  
18 students, except under a mutual agreement between the school  
19 board of a student's district of residence and the university  
20 which operates the laboratory school. A laboratory school may  
21 not have more than 1,000 students, excluding students with  
22 disabilities in a special education program.

23 As used in this Section, "alternative school" means a  
24 public school which is created and operated by a Regional  
25 Superintendent of Schools and approved by the State Board of  
26 Education. Such alternative schools may offer courses of  
27 instruction for which credit is given in regular school  
28 programs, courses to prepare students for the high school  
29 equivalency testing program or vocational and occupational  
30 training. A regional superintendent of schools may contract  
31 with a school district or a public community college district  
32 to operate an alternative school. An alternative school serving  
33 more than one educational service region may be established by  
34 the regional superintendents of schools of the affected  
35 educational service regions. An alternative school serving

1 more than one educational service region may be operated under  
2 such terms as the regional superintendents of schools of those  
3 educational service regions may agree.

4 Each laboratory and alternative school shall file, on forms  
5 provided by the State Superintendent of Education, an annual  
6 State aid claim which states the Average Daily Attendance of  
7 the school's students by month. The best 3 months' Average  
8 Daily Attendance shall be computed for each school. The general  
9 State aid entitlement shall be computed by multiplying the  
10 applicable Average Daily Attendance by the Foundation Level as  
11 determined under this Section.

12 (L) Payments, Additional Grants in Aid and Other Requirements.

13 (1) For a school district operating under the financial  
14 supervision of an Authority created under Article 34A, the  
15 general State aid otherwise payable to that district under this  
16 Section, but not the supplemental general State aid, shall be  
17 reduced by an amount equal to the budget for the operations of  
18 the Authority as certified by the Authority to the State Board  
19 of Education, and an amount equal to such reduction shall be  
20 paid to the Authority created for such district for its  
21 operating expenses in the manner provided in Section 18-11. The  
22 remainder of general State school aid for any such district  
23 shall be paid in accordance with Article 34A when that Article  
24 provides for a disposition other than that provided by this  
25 Article.

26 (2) (Blank).

27 (3) Summer school. Summer school payments shall be made as  
28 provided in Section 18-4.3.

29 (M) Education Funding Advisory Board.

30 The Education Funding Advisory Board, hereinafter in this  
31 subsection (M) referred to as the "Board", is hereby created.  
32 The Board shall consist of 5 members who are appointed by the  
33 Governor, by and with the advice and consent of the Senate. The  
34 members appointed shall include representatives of education,

1 business, and the general public. One of the members so  
2 appointed shall be designated by the Governor at the time the  
3 appointment is made as the chairperson of the Board. The  
4 initial members of the Board may be appointed any time after  
5 the effective date of this amendatory Act of 1997. The regular  
6 term of each member of the Board shall be for 4 years from the  
7 third Monday of January of the year in which the term of the  
8 member's appointment is to commence, except that of the 5  
9 initial members appointed to serve on the Board, the member who  
10 is appointed as the chairperson shall serve for a term that  
11 commences on the date of his or her appointment and expires on  
12 the third Monday of January, 2002, and the remaining 4 members,  
13 by lots drawn at the first meeting of the Board that is held  
14 after all 5 members are appointed, shall determine 2 of their  
15 number to serve for terms that commence on the date of their  
16 respective appointments and expire on the third Monday of  
17 January, 2001, and 2 of their number to serve for terms that  
18 commence on the date of their respective appointments and  
19 expire on the third Monday of January, 2000. All members  
20 appointed to serve on the Board shall serve until their  
21 respective successors are appointed and confirmed. Vacancies  
22 shall be filled in the same manner as original appointments. If  
23 a vacancy in membership occurs at a time when the Senate is not  
24 in session, the Governor shall make a temporary appointment  
25 until the next meeting of the Senate, when he or she shall  
26 appoint, by and with the advice and consent of the Senate, a  
27 person to fill that membership for the unexpired term. If the  
28 Senate is not in session when the initial appointments are  
29 made, those appointments shall be made as in the case of  
30 vacancies.

31 The Education Funding Advisory Board shall be deemed  
32 established, and the initial members appointed by the Governor  
33 to serve as members of the Board shall take office, on the date  
34 that the Governor makes his or her appointment of the fifth  
35 initial member of the Board, whether those initial members are  
36 then serving pursuant to appointment and confirmation or

1 pursuant to temporary appointments that are made by the  
2 Governor as in the case of vacancies.

3 The State Board of Education shall provide such staff  
4 assistance to the Education Funding Advisory Board as is  
5 reasonably required for the proper performance by the Board of  
6 its responsibilities.

7 For school years after the 2000-2001 school year, the  
8 Education Funding Advisory Board, in consultation with the  
9 State Board of Education, shall make recommendations as  
10 provided in this subsection (M) to the General Assembly for the  
11 foundation level under subdivision (B)(3) of this Section and  
12 for the supplemental general State aid grant level under  
13 subsection (H) of this Section for districts with high  
14 concentrations of children from poverty. The recommended  
15 foundation level shall be determined based on a methodology  
16 which incorporates the basic education expenditures of  
17 low-spending schools exhibiting high academic performance. The  
18 Education Funding Advisory Board shall make such  
19 recommendations to the General Assembly on January 1 of odd  
20 numbered years, beginning January 1, 2001.

21 (N) (Blank).

22 (O) References.

23 (1) References in other laws to the various subdivisions of  
24 Section 18-8 as that Section existed before its repeal and  
25 replacement by this Section 18-8.05 shall be deemed to refer to  
26 the corresponding provisions of this Section 18-8.05, to the  
27 extent that those references remain applicable.

28 (2) References in other laws to State Chapter 1 funds shall  
29 be deemed to refer to the supplemental general State aid  
30 provided under subsection (H) of this Section.

31 (P) Public Act 93-838 and Public Act 93-808 make inconsistent  
32 changes to this Section. Under Section 6 of the Statute on  
33 Statutes there is an irreconcilable conflict between Public Act

1 93-808 and Public Act 93-838. Public Act 93-838, being the last  
2 acted upon, is controlling. The text of Public Act 93-838 is  
3 the law regardless of the text of Public Act 93-808.

4 (Source: P.A. 93-21, eff. 7-1-03; 93-715, eff. 7-12-04; 93-808,  
5 eff. 7-26-04; 93-838, eff. 7-30-04; 93-875, eff. 8-6-04; 94-69,  
6 eff. 7-1-05; 94-438, eff. 8-4-05; revised 8-22-05.)

7 (105 ILCS 5/19-1) (from Ch. 122, par. 19-1)

8 (Text of Section before amendment by P.A. 94-234)

9 Sec. 19-1. Debt limitations of school districts.

10 (a) School districts shall not be subject to the provisions  
11 limiting their indebtedness prescribed in "An Act to limit the  
12 indebtedness of counties having a population of less than  
13 500,000 and townships, school districts and other municipal  
14 corporations having a population of less than 300,000",  
15 approved February 15, 1928, as amended.

16 No school districts maintaining grades K through 8 or 9  
17 through 12 shall become indebted in any manner or for any  
18 purpose to an amount, including existing indebtedness, in the  
19 aggregate exceeding 6.9% on the value of the taxable property  
20 therein to be ascertained by the last assessment for State and  
21 county taxes or, until January 1, 1983, if greater, the sum  
22 that is produced by multiplying the school district's 1978  
23 equalized assessed valuation by the debt limitation percentage  
24 in effect on January 1, 1979, previous to the incurring of such  
25 indebtedness.

26 No school districts maintaining grades K through 12 shall  
27 become indebted in any manner or for any purpose to an amount,  
28 including existing indebtedness, in the aggregate exceeding  
29 13.8% on the value of the taxable property therein to be  
30 ascertained by the last assessment for State and county taxes  
31 or, until January 1, 1983, if greater, the sum that is produced  
32 by multiplying the school district's 1978 equalized assessed  
33 valuation by the debt limitation percentage in effect on  
34 January 1, 1979, previous to the incurring of such  
35 indebtedness.

1           Notwithstanding the provisions of any other law to the  
2 contrary, in any case in which the voters of a school district  
3 have approved a proposition for the issuance of bonds of such  
4 school district at an election held prior to January 1, 1979,  
5 and all of the bonds approved at such election have not been  
6 issued, the debt limitation applicable to such school district  
7 during the calendar year 1979 shall be computed by multiplying  
8 the value of taxable property therein, including personal  
9 property, as ascertained by the last assessment for State and  
10 county taxes, previous to the incurring of such indebtedness,  
11 by the percentage limitation applicable to such school district  
12 under the provisions of this subsection (a).

13           (b) Notwithstanding the debt limitation prescribed in  
14 subsection (a) of this Section, additional indebtedness may be  
15 incurred in an amount not to exceed the estimated cost of  
16 acquiring or improving school sites or constructing and  
17 equipping additional building facilities under the following  
18 conditions:

19           (1) Whenever the enrollment of students for the next  
20 school year is estimated by the board of education to  
21 increase over the actual present enrollment by not less  
22 than 35% or by not less than 200 students or the actual  
23 present enrollment of students has increased over the  
24 previous school year by not less than 35% or by not less  
25 than 200 students and the board of education determines  
26 that additional school sites or building facilities are  
27 required as a result of such increase in enrollment; and

28           (2) When the Regional Superintendent of Schools having  
29 jurisdiction over the school district and the State  
30 Superintendent of Education concur in such enrollment  
31 projection or increase and approve the need for such  
32 additional school sites or building facilities and the  
33 estimated cost thereof; and

34           (3) When the voters in the school district approve a  
35 proposition for the issuance of bonds for the purpose of  
36 acquiring or improving such needed school sites or



1 constructing and equipping such needed additional building  
2 facilities at an election called and held for that purpose.  
3 Notice of such an election shall state that the amount of  
4 indebtedness proposed to be incurred would exceed the debt  
5 limitation otherwise applicable to the school district.  
6 The ballot for such proposition shall state what percentage  
7 of the equalized assessed valuation will be outstanding in  
8 bonds if the proposed issuance of bonds is approved by the  
9 voters; or

10 (4) Notwithstanding the provisions of paragraphs (1)  
11 through (3) of this subsection (b), if the school board  
12 determines that additional facilities are needed to  
13 provide a quality educational program and not less than 2/3  
14 of those voting in an election called by the school board  
15 on the question approve the issuance of bonds for the  
16 construction of such facilities, the school district may  
17 issue bonds for this purpose; or

18 (5) Notwithstanding the provisions of paragraphs (1)  
19 through (3) of this subsection (b), if (i) the school  
20 district has previously availed itself of the provisions of  
21 paragraph (4) of this subsection (b) to enable it to issue  
22 bonds, (ii) the voters of the school district have not  
23 defeated a proposition for the issuance of bonds since the  
24 referendum described in paragraph (4) of this subsection  
25 (b) was held, (iii) the school board determines that  
26 additional facilities are needed to provide a quality  
27 educational program, and (iv) a majority of those voting in  
28 an election called by the school board on the question  
29 approve the issuance of bonds for the construction of such  
30 facilities, the school district may issue bonds for this  
31 purpose.

32 In no event shall the indebtedness incurred pursuant to  
33 this subsection (b) and the existing indebtedness of the school  
34 district exceed 15% of the value of the taxable property  
35 therein to be ascertained by the last assessment for State and  
36 county taxes, previous to the incurring of such indebtedness

1 or, until January 1, 1983, if greater, the sum that is produced  
2 by multiplying the school district's 1978 equalized assessed  
3 valuation by the debt limitation percentage in effect on  
4 January 1, 1979.

5 The indebtedness provided for by this subsection (b) shall  
6 be in addition to and in excess of any other debt limitation.

7 (c) Notwithstanding the debt limitation prescribed in  
8 subsection (a) of this Section, in any case in which a public  
9 question for the issuance of bonds of a proposed school  
10 district maintaining grades kindergarten through 12 received  
11 at least 60% of the valid ballots cast on the question at an  
12 election held on or prior to November 8, 1994, and in which the  
13 bonds approved at such election have not been issued, the  
14 school district pursuant to the requirements of Section 11A-10  
15 (now repealed) may issue the total amount of bonds approved at  
16 such election for the purpose stated in the question.

17 (d) Notwithstanding the debt limitation prescribed in  
18 subsection (a) of this Section, a school district that meets  
19 all the criteria set forth in paragraphs (1) and (2) of this  
20 subsection (d) may incur an additional indebtedness in an  
21 amount not to exceed \$4,500,000, even though the amount of the  
22 additional indebtedness authorized by this subsection (d),  
23 when incurred and added to the aggregate amount of indebtedness  
24 of the district existing immediately prior to the district  
25 incurring the additional indebtedness authorized by this  
26 subsection (d), causes the aggregate indebtedness of the  
27 district to exceed the debt limitation otherwise applicable to  
28 that district under subsection (a):

29 (1) The additional indebtedness authorized by this  
30 subsection (d) is incurred by the school district through  
31 the issuance of bonds under and in accordance with Section  
32 17-2.11a for the purpose of replacing a school building  
33 which, because of mine subsidence damage, has been closed  
34 as provided in paragraph (2) of this subsection (d) or  
35 through the issuance of bonds under and in accordance with  
36 Section 19-3 for the purpose of increasing the size of, or

1 providing for additional functions in, such replacement  
2 school buildings, or both such purposes.

3 (2) The bonds issued by the school district as provided  
4 in paragraph (1) above are issued for the purposes of  
5 construction by the school district of a new school  
6 building pursuant to Section 17-2.11, to replace an  
7 existing school building that, because of mine subsidence  
8 damage, is closed as of the end of the 1992-93 school year  
9 pursuant to action of the regional superintendent of  
10 schools of the educational service region in which the  
11 district is located under Section 3-14.22 or are issued for  
12 the purpose of increasing the size of, or providing for  
13 additional functions in, the new school building being  
14 constructed to replace a school building closed as the  
15 result of mine subsidence damage, or both such purposes.

16 (e) Notwithstanding the debt limitation prescribed in  
17 subsection (a) of this Section, a school district that meets  
18 all the criteria set forth in paragraphs (1) through (5) of  
19 this subsection (e) may, without referendum, incur an  
20 additional indebtedness in an amount not to exceed the lesser  
21 of \$5,000,000 or 1.5% of the value of the taxable property  
22 within the district even though the amount of the additional  
23 indebtedness authorized by this subsection (e), when incurred  
24 and added to the aggregate amount of indebtedness of the  
25 district existing immediately prior to the district incurring  
26 that additional indebtedness, causes the aggregate  
27 indebtedness of the district to exceed or increases the amount  
28 by which the aggregate indebtedness of the district already  
29 exceeds the debt limitation otherwise applicable to that  
30 district under subsection (a):

31 (1) The State Board of Education certifies the school  
32 district under Section 19-1.5 as a financially distressed  
33 district.

34 (2) The additional indebtedness authorized by this  
35 subsection (e) is incurred by the financially distressed  
36 district during the school year or school years in which

1 the certification of the district as a financially  
2 distressed district continues in effect through the  
3 issuance of bonds for the lawful school purposes of the  
4 district, pursuant to resolution of the school board and  
5 without referendum, as provided in paragraph (5) of this  
6 subsection.

7 (3) The aggregate amount of bonds issued by the  
8 financially distressed district during a fiscal year in  
9 which it is authorized to issue bonds under this subsection  
10 does not exceed the amount by which the aggregate  
11 expenditures of the district for operational purposes  
12 during the immediately preceding fiscal year exceeds the  
13 amount appropriated for the operational purposes of the  
14 district in the annual school budget adopted by the school  
15 board of the district for the fiscal year in which the  
16 bonds are issued.

17 (4) Throughout each fiscal year in which certification  
18 of the district as a financially distressed district  
19 continues in effect, the district maintains in effect a  
20 gross salary expense and gross wage expense freeze policy  
21 under which the district expenditures for total employee  
22 salaries and wages do not exceed such expenditures for the  
23 immediately preceding fiscal year. Nothing in this  
24 paragraph, however, shall be deemed to impair or to require  
25 impairment of the contractual obligations, including  
26 collective bargaining agreements, of the district or to  
27 impair or require the impairment of the vested rights of  
28 any employee of the district under the terms of any  
29 contract or agreement in effect on the effective date of  
30 this amendatory Act of 1994.

31 (5) Bonds issued by the financially distressed  
32 district under this subsection shall bear interest at a  
33 rate not to exceed the maximum rate authorized by law at  
34 the time of the making of the contract, shall mature within  
35 40 years from their date of issue, and shall be signed by  
36 the president of the school board and treasurer of the

1 school district. In order to issue bonds under this  
2 subsection, the school board shall adopt a resolution  
3 fixing the amount of the bonds, the date of the bonds, the  
4 maturities of the bonds, the rates of interest of the  
5 bonds, and their place of payment and denomination, and  
6 shall provide for the levy and collection of a direct  
7 annual tax upon all the taxable property in the district  
8 sufficient to pay the principal and interest on the bonds  
9 to maturity. Upon the filing in the office of the county  
10 clerk of the county in which the financially distressed  
11 district is located of a certified copy of the resolution,  
12 it is the duty of the county clerk to extend the tax  
13 therefor in addition to and in excess of all other taxes at  
14 any time authorized to be levied by the district. If bond  
15 proceeds from the sale of bonds include a premium or if the  
16 proceeds of the bonds are invested as authorized by law,  
17 the school board shall determine by resolution whether the  
18 interest earned on the investment of bond proceeds or the  
19 premium realized on the sale of the bonds is to be used for  
20 any of the lawful school purposes for which the bonds were  
21 issued or for the payment of the principal indebtedness and  
22 interest on the bonds. The proceeds of the bond sale shall  
23 be deposited in the educational purposes fund of the  
24 district and shall be used to pay operational expenses of  
25 the district. This subsection is cumulative and  
26 constitutes complete authority for the issuance of bonds as  
27 provided in this subsection, notwithstanding any other law  
28 to the contrary.

29 (f) Notwithstanding the provisions of subsection (a) of  
30 this Section or of any other law, bonds in not to exceed the  
31 aggregate amount of \$5,500,000 and issued by a school district  
32 meeting the following criteria shall not be considered  
33 indebtedness for purposes of any statutory limitation and may  
34 be issued in an amount or amounts, including existing  
35 indebtedness, in excess of any heretofore or hereafter imposed  
36 statutory limitation as to indebtedness:

1           (1) At the time of the sale of such bonds, the board of  
2 education of the district shall have determined by  
3 resolution that the enrollment of students in the district  
4 is projected to increase by not less than 7% during each of  
5 the next succeeding 2 school years.

6           (2) The board of education shall also determine by  
7 resolution that the improvements to be financed with the  
8 proceeds of the bonds are needed because of the projected  
9 enrollment increases.

10          (3) The board of education shall also determine by  
11 resolution that the projected increases in enrollment are  
12 the result of improvements made or expected to be made to  
13 passenger rail facilities located in the school district.

14          Notwithstanding the provisions of subsection (a) of this  
15 Section or of any other law, a school district that has availed  
16 itself of the provisions of this subsection (f) prior to July  
17 22, 2004 (the effective date of Public Act 93-799) may also  
18 issue bonds approved by referendum up to an amount, including  
19 existing indebtedness, not exceeding 25% of the equalized  
20 assessed value of the taxable property in the district if all  
21 of the conditions set forth in items (1), (2), and (3) of this  
22 subsection (f) are met.

23          (g) Notwithstanding the provisions of subsection (a) of  
24 this Section or any other law, bonds in not to exceed an  
25 aggregate amount of 25% of the equalized assessed value of the  
26 taxable property of a school district and issued by a school  
27 district meeting the criteria in paragraphs (i) through (iv) of  
28 this subsection shall not be considered indebtedness for  
29 purposes of any statutory limitation and may be issued pursuant  
30 to resolution of the school board in an amount or amounts,  
31 including existing indebtedness, in excess of any statutory  
32 limitation of indebtedness heretofore or hereafter imposed:

33          (i) The bonds are issued for the purpose of  
34 constructing a new high school building to replace two  
35 adjacent existing buildings which together house a single  
36 high school, each of which is more than 65 years old, and

1 which together are located on more than 10 acres and less  
2 than 11 acres of property.

3 (ii) At the time the resolution authorizing the  
4 issuance of the bonds is adopted, the cost of constructing  
5 a new school building to replace the existing school  
6 building is less than 60% of the cost of repairing the  
7 existing school building.

8 (iii) The sale of the bonds occurs before July 1, 1997.

9 (iv) The school district issuing the bonds is a unit  
10 school district located in a county of less than 70,000 and  
11 more than 50,000 inhabitants, which has an average daily  
12 attendance of less than 1,500 and an equalized assessed  
13 valuation of less than \$29,000,000.

14 (h) Notwithstanding any other provisions of this Section or  
15 the provisions of any other law, until January 1, 1998, a  
16 community unit school district maintaining grades K through 12  
17 may issue bonds up to an amount, including existing  
18 indebtedness, not exceeding 27.6% of the equalized assessed  
19 value of the taxable property in the district, if all of the  
20 following conditions are met:

21 (i) The school district has an equalized assessed  
22 valuation for calendar year 1995 of less than \$24,000,000;

23 (ii) The bonds are issued for the capital improvement,  
24 renovation, rehabilitation, or replacement of existing  
25 school buildings of the district, all of which buildings  
26 were originally constructed not less than 40 years ago;

27 (iii) The voters of the district approve a proposition  
28 for the issuance of the bonds at a referendum held after  
29 March 19, 1996; and

30 (iv) The bonds are issued pursuant to Sections 19-2  
31 through 19-7 of this Code.

32 (i) Notwithstanding any other provisions of this Section or  
33 the provisions of any other law, until January 1, 1998, a  
34 community unit school district maintaining grades K through 12  
35 may issue bonds up to an amount, including existing  
36 indebtedness, not exceeding 27% of the equalized assessed value

1 of the taxable property in the district, if all of the  
2 following conditions are met:

3 (i) The school district has an equalized assessed  
4 valuation for calendar year 1995 of less than \$44,600,000;

5 (ii) The bonds are issued for the capital improvement,  
6 renovation, rehabilitation, or replacement of existing  
7 school buildings of the district, all of which existing  
8 buildings were originally constructed not less than 80  
9 years ago;

10 (iii) The voters of the district approve a proposition  
11 for the issuance of the bonds at a referendum held after  
12 December 31, 1996; and

13 (iv) The bonds are issued pursuant to Sections 19-2  
14 through 19-7 of this Code.

15 (j) Notwithstanding any other provisions of this Section or  
16 the provisions of any other law, until January 1, 1999, a  
17 community unit school district maintaining grades K through 12  
18 may issue bonds up to an amount, including existing  
19 indebtedness, not exceeding 27% of the equalized assessed value  
20 of the taxable property in the district if all of the following  
21 conditions are met:

22 (i) The school district has an equalized assessed  
23 valuation for calendar year 1995 of less than \$140,000,000  
24 and a best 3 months average daily attendance for the  
25 1995-96 school year of at least 2,800;

26 (ii) The bonds are issued to purchase a site and build  
27 and equip a new high school, and the school district's  
28 existing high school was originally constructed not less  
29 than 35 years prior to the sale of the bonds;

30 (iii) At the time of the sale of the bonds, the board  
31 of education determines by resolution that a new high  
32 school is needed because of projected enrollment  
33 increases;

34 (iv) At least 60% of those voting in an election held  
35 after December 31, 1996 approve a proposition for the  
36 issuance of the bonds; and



1 (v) The bonds are issued pursuant to Sections 19-2  
2 through 19-7 of this Code.

3 (k) Notwithstanding the debt limitation prescribed in  
4 subsection (a) of this Section, a school district that meets  
5 all the criteria set forth in paragraphs (1) through (4) of  
6 this subsection (k) may issue bonds to incur an additional  
7 indebtedness in an amount not to exceed \$4,000,000 even though  
8 the amount of the additional indebtedness authorized by this  
9 subsection (k), when incurred and added to the aggregate amount  
10 of indebtedness of the school district existing immediately  
11 prior to the school district incurring such additional  
12 indebtedness, causes the aggregate indebtedness of the school  
13 district to exceed or increases the amount by which the  
14 aggregate indebtedness of the district already exceeds the debt  
15 limitation otherwise applicable to that school district under  
16 subsection (a):

17 (1) the school district is located in 2 counties, and a  
18 referendum to authorize the additional indebtedness was  
19 approved by a majority of the voters of the school district  
20 voting on the proposition to authorize that indebtedness;

21 (2) the additional indebtedness is for the purpose of  
22 financing a multi-purpose room addition to the existing  
23 high school;

24 (3) the additional indebtedness, together with the  
25 existing indebtedness of the school district, shall not  
26 exceed 17.4% of the value of the taxable property in the  
27 school district, to be ascertained by the last assessment  
28 for State and county taxes; and

29 (4) the bonds evidencing the additional indebtedness  
30 are issued, if at all, within 120 days of the effective  
31 date of this amendatory Act of 1998.

32 (l) Notwithstanding any other provisions of this Section or  
33 the provisions of any other law, until January 1, 2000, a  
34 school district maintaining grades kindergarten through 8 may  
35 issue bonds up to an amount, including existing indebtedness,  
36 not exceeding 15% of the equalized assessed value of the

1 taxable property in the district if all of the following  
2 conditions are met:

3 (i) the district has an equalized assessed valuation  
4 for calendar year 1996 of less than \$10,000,000;

5 (ii) the bonds are issued for capital improvement,  
6 renovation, rehabilitation, or replacement of one or more  
7 school buildings of the district, which buildings were  
8 originally constructed not less than 70 years ago;

9 (iii) the voters of the district approve a proposition  
10 for the issuance of the bonds at a referendum held on or  
11 after March 17, 1998; and

12 (iv) the bonds are issued pursuant to Sections 19-2  
13 through 19-7 of this Code.

14 (m) Notwithstanding any other provisions of this Section or  
15 the provisions of any other law, until January 1, 1999, an  
16 elementary school district maintaining grades K through 8 may  
17 issue bonds up to an amount, excluding existing indebtedness,  
18 not exceeding 18% of the equalized assessed value of the  
19 taxable property in the district, if all of the following  
20 conditions are met:

21 (i) The school district has an equalized assessed  
22 valuation for calendar year 1995 or less than \$7,700,000;

23 (ii) The school district operates 2 elementary  
24 attendance centers that until 1976 were operated as the  
25 attendance centers of 2 separate and distinct school  
26 districts;

27 (iii) The bonds are issued for the construction of a  
28 new elementary school building to replace an existing  
29 multi-level elementary school building of the school  
30 district that is not handicapped accessible at all levels  
31 and parts of which were constructed more than 75 years ago;

32 (iv) The voters of the school district approve a  
33 proposition for the issuance of the bonds at a referendum  
34 held after July 1, 1998; and

35 (v) The bonds are issued pursuant to Sections 19-2  
36 through 19-7 of this Code.

1           (n) Notwithstanding the debt limitation prescribed in  
2 subsection (a) of this Section or any other provisions of this  
3 Section or of any other law, a school district that meets all  
4 of the criteria set forth in paragraphs (i) through (vi) of  
5 this subsection (n) may incur additional indebtedness by the  
6 issuance of bonds in an amount not exceeding the amount  
7 certified by the Capital Development Board to the school  
8 district as provided in paragraph (iii) of this subsection (n),  
9 even though the amount of the additional indebtedness so  
10 authorized, when incurred and added to the aggregate amount of  
11 indebtedness of the district existing immediately prior to the  
12 district incurring the additional indebtedness authorized by  
13 this subsection (n), causes the aggregate indebtedness of the  
14 district to exceed the debt limitation otherwise applicable by  
15 law to that district:

16           (i) The school district applies to the State Board of  
17 Education for a school construction project grant and  
18 submits a district facilities plan in support of its  
19 application pursuant to Section 5-20 of the School  
20 Construction Law.

21           (ii) The school district's application and facilities  
22 plan are approved by, and the district receives a grant  
23 entitlement for a school construction project issued by,  
24 the State Board of Education under the School Construction  
25 Law.

26           (iii) The school district has exhausted its bonding  
27 capacity or the unused bonding capacity of the district is  
28 less than the amount certified by the Capital Development  
29 Board to the district under Section 5-15 of the School  
30 Construction Law as the dollar amount of the school  
31 construction project's cost that the district will be  
32 required to finance with non-grant funds in order to  
33 receive a school construction project grant under the  
34 School Construction Law.

35           (iv) The bonds are issued for a "school construction  
36 project", as that term is defined in Section 5-5 of the

1 School Construction Law, in an amount that does not exceed  
2 the dollar amount certified, as provided in paragraph (iii)  
3 of this subsection (n), by the Capital Development Board to  
4 the school district under Section 5-15 of the School  
5 Construction Law.

6 (v) The voters of the district approve a proposition  
7 for the issuance of the bonds at a referendum held after  
8 the criteria specified in paragraphs (i) and (iii) of this  
9 subsection (n) are met.

10 (vi) The bonds are issued pursuant to Sections 19-2  
11 through 19-7 of the School Code.

12 (o) Notwithstanding any other provisions of this Section or  
13 the provisions of any other law, until November 1, 2007, a  
14 community unit school district maintaining grades K through 12  
15 may issue bonds up to an amount, including existing  
16 indebtedness, not exceeding 20% of the equalized assessed value  
17 of the taxable property in the district if all of the following  
18 conditions are met:

19 (i) the school district has an equalized assessed  
20 valuation for calendar year 2001 of at least \$737,000,000  
21 and an enrollment for the 2002-2003 school year of at least  
22 8,500;

23 (ii) the bonds are issued to purchase school sites,  
24 build and equip a new high school, build and equip a new  
25 junior high school, build and equip 5 new elementary  
26 schools, and make technology and other improvements and  
27 additions to existing schools;

28 (iii) at the time of the sale of the bonds, the board  
29 of education determines by resolution that the sites and  
30 new or improved facilities are needed because of projected  
31 enrollment increases;

32 (iv) at least 57% of those voting in a general election  
33 held prior to January 1, 2003 approved a proposition for  
34 the issuance of the bonds; and

35 (v) the bonds are issued pursuant to Sections 19-2  
36 through 19-7 of this Code.

1 (p) Notwithstanding any other provisions of this Section or  
2 the provisions of any other law, a community unit school  
3 district maintaining grades K through 12 may issue bonds up to  
4 an amount, including indebtedness, not exceeding 27% of the  
5 equalized assessed value of the taxable property in the  
6 district if all of the following conditions are met:

7 (i) The school district has an equalized assessed  
8 valuation for calendar year 2001 of at least \$295,741,187  
9 and a best 3 months' average daily attendance for the  
10 2002-2003 school year of at least 2,394.

11 (ii) The bonds are issued to build and equip 3  
12 elementary school buildings; build and equip one middle  
13 school building; and alter, repair, improve, and equip all  
14 existing school buildings in the district.

15 (iii) At the time of the sale of the bonds, the board  
16 of education determines by resolution that the project is  
17 needed because of expanding growth in the school district  
18 and a projected enrollment increase.

19 (iv) The bonds are issued pursuant to Sections 19-2  
20 through 19-7 of this Code.

21 (p-5) Notwithstanding any other provisions of this Section  
22 or the provisions of any other law, bonds issued by a community  
23 unit school district maintaining grades K through 12 shall not  
24 be considered indebtedness for purposes of any statutory  
25 limitation and may be issued in an amount or amounts, including  
26 existing indebtedness, in excess of any heretofore or hereafter  
27 imposed statutory limitation as to indebtedness, if all of the  
28 following conditions are met:

29 (i) For each of the 4 most recent years, residential  
30 property comprises more than 80% of the equalized assessed  
31 valuation of the district.

32 (ii) At least 2 school buildings that were constructed  
33 40 or more years prior to the issuance of the bonds will be  
34 demolished and will be replaced by new buildings or  
35 additions to one or more existing buildings.

36 (iii) Voters of the district approve a proposition for

1 the issuance of the bonds at a regularly scheduled  
2 election.

3 (iv) At the time of the sale of the bonds, the school  
4 board determines by resolution that the new buildings or  
5 building additions are needed because of an increase in  
6 enrollment projected by the school board.

7 (v) The principal amount of the bonds, including  
8 existing indebtedness, does not exceed 25% of the equalized  
9 assessed value of the taxable property in the district.

10 (vi) The bonds are issued prior to January 1, 2007,  
11 pursuant to Sections 19-2 through 19-7 of this Code.

12 (Source: P.A. 93-13, eff. 6-9-03; 93-799, eff. 7-22-04;  
13 93-1045, eff. 10-15-04; 94-721, eff. 1-6-06.)

14 (Text of Section after amendment by P.A. 94-234)

15 Sec. 19-1. Debt limitations of school districts.

16 (a) School districts shall not be subject to the provisions  
17 limiting their indebtedness prescribed in "An Act to limit the  
18 indebtedness of counties having a population of less than  
19 500,000 and townships, school districts and other municipal  
20 corporations having a population of less than 300,000",  
21 approved February 15, 1928, as amended.

22 No school districts maintaining grades K through 8 or 9  
23 through 12 shall become indebted in any manner or for any  
24 purpose to an amount, including existing indebtedness, in the  
25 aggregate exceeding 6.9% on the value of the taxable property  
26 therein to be ascertained by the last assessment for State and  
27 county taxes or, until January 1, 1983, if greater, the sum  
28 that is produced by multiplying the school district's 1978  
29 equalized assessed valuation by the debt limitation percentage  
30 in effect on January 1, 1979, previous to the incurring of such  
31 indebtedness.

32 No school districts maintaining grades K through 12 shall  
33 become indebted in any manner or for any purpose to an amount,  
34 including existing indebtedness, in the aggregate exceeding  
35 13.8% on the value of the taxable property therein to be

1 ascertained by the last assessment for State and county taxes  
2 or, until January 1, 1983, if greater, the sum that is produced  
3 by multiplying the school district's 1978 equalized assessed  
4 valuation by the debt limitation percentage in effect on  
5 January 1, 1979, previous to the incurring of such  
6 indebtedness.

7 Notwithstanding the provisions of any other law to the  
8 contrary, in any case in which the voters of a school district  
9 have approved a proposition for the issuance of bonds of such  
10 school district at an election held prior to January 1, 1979,  
11 and all of the bonds approved at such election have not been  
12 issued, the debt limitation applicable to such school district  
13 during the calendar year 1979 shall be computed by multiplying  
14 the value of taxable property therein, including personal  
15 property, as ascertained by the last assessment for State and  
16 county taxes, previous to the incurring of such indebtedness,  
17 by the percentage limitation applicable to such school district  
18 under the provisions of this subsection (a).

19 (b) Notwithstanding the debt limitation prescribed in  
20 subsection (a) of this Section, additional indebtedness may be  
21 incurred in an amount not to exceed the estimated cost of  
22 acquiring or improving school sites or constructing and  
23 equipping additional building facilities under the following  
24 conditions:

25 (1) Whenever the enrollment of students for the next  
26 school year is estimated by the board of education to  
27 increase over the actual present enrollment by not less  
28 than 35% or by not less than 200 students or the actual  
29 present enrollment of students has increased over the  
30 previous school year by not less than 35% or by not less  
31 than 200 students and the board of education determines  
32 that additional school sites or building facilities are  
33 required as a result of such increase in enrollment; and

34 (2) When the Regional Superintendent of Schools having  
35 jurisdiction over the school district and the State  
36 Superintendent of Education concur in such enrollment

1 projection or increase and approve the need for such  
2 additional school sites or building facilities and the  
3 estimated cost thereof; and

4 (3) When the voters in the school district approve a  
5 proposition for the issuance of bonds for the purpose of  
6 acquiring or improving such needed school sites or  
7 constructing and equipping such needed additional building  
8 facilities at an election called and held for that purpose.  
9 Notice of such an election shall state that the amount of  
10 indebtedness proposed to be incurred would exceed the debt  
11 limitation otherwise applicable to the school district.  
12 The ballot for such proposition shall state what percentage  
13 of the equalized assessed valuation will be outstanding in  
14 bonds if the proposed issuance of bonds is approved by the  
15 voters; or

16 (4) Notwithstanding the provisions of paragraphs (1)  
17 through (3) of this subsection (b), if the school board  
18 determines that additional facilities are needed to  
19 provide a quality educational program and not less than 2/3  
20 of those voting in an election called by the school board  
21 on the question approve the issuance of bonds for the  
22 construction of such facilities, the school district may  
23 issue bonds for this purpose; or

24 (5) Notwithstanding the provisions of paragraphs (1)  
25 through (3) of this subsection (b), if (i) the school  
26 district has previously availed itself of the provisions of  
27 paragraph (4) of this subsection (b) to enable it to issue  
28 bonds, (ii) the voters of the school district have not  
29 defeated a proposition for the issuance of bonds since the  
30 referendum described in paragraph (4) of this subsection  
31 (b) was held, (iii) the school board determines that  
32 additional facilities are needed to provide a quality  
33 educational program, and (iv) a majority of those voting in  
34 an election called by the school board on the question  
35 approve the issuance of bonds for the construction of such  
36 facilities, the school district may issue bonds for this



1           purpose.

2           In no event shall the indebtedness incurred pursuant to  
3 this subsection (b) and the existing indebtedness of the school  
4 district exceed 15% of the value of the taxable property  
5 therein to be ascertained by the last assessment for State and  
6 county taxes, previous to the incurring of such indebtedness  
7 or, until January 1, 1983, if greater, the sum that is produced  
8 by multiplying the school district's 1978 equalized assessed  
9 valuation by the debt limitation percentage in effect on  
10 January 1, 1979.

11           The indebtedness provided for by this subsection (b) shall  
12 be in addition to and in excess of any other debt limitation.

13           (c) Notwithstanding the debt limitation prescribed in  
14 subsection (a) of this Section, in any case in which a public  
15 question for the issuance of bonds of a proposed school  
16 district maintaining grades kindergarten through 12 received  
17 at least 60% of the valid ballots cast on the question at an  
18 election held on or prior to November 8, 1994, and in which the  
19 bonds approved at such election have not been issued, the  
20 school district pursuant to the requirements of Section 11A-10  
21 (now repealed) may issue the total amount of bonds approved at  
22 such election for the purpose stated in the question.

23           (d) Notwithstanding the debt limitation prescribed in  
24 subsection (a) of this Section, a school district that meets  
25 all the criteria set forth in paragraphs (1) and (2) of this  
26 subsection (d) may incur an additional indebtedness in an  
27 amount not to exceed \$4,500,000, even though the amount of the  
28 additional indebtedness authorized by this subsection (d),  
29 when incurred and added to the aggregate amount of indebtedness  
30 of the district existing immediately prior to the district  
31 incurring the additional indebtedness authorized by this  
32 subsection (d), causes the aggregate indebtedness of the  
33 district to exceed the debt limitation otherwise applicable to  
34 that district under subsection (a):

35           (1) The additional indebtedness authorized by this  
36 subsection (d) is incurred by the school district through

1 the issuance of bonds under and in accordance with Section  
2 17-2.11a for the purpose of replacing a school building  
3 which, because of mine subsidence damage, has been closed  
4 as provided in paragraph (2) of this subsection (d) or  
5 through the issuance of bonds under and in accordance with  
6 Section 19-3 for the purpose of increasing the size of, or  
7 providing for additional functions in, such replacement  
8 school buildings, or both such purposes.

9 (2) The bonds issued by the school district as provided  
10 in paragraph (1) above are issued for the purposes of  
11 construction by the school district of a new school  
12 building pursuant to Section 17-2.11, to replace an  
13 existing school building that, because of mine subsidence  
14 damage, is closed as of the end of the 1992-93 school year  
15 pursuant to action of the regional superintendent of  
16 schools of the educational service region in which the  
17 district is located under Section 3-14.22 or are issued for  
18 the purpose of increasing the size of, or providing for  
19 additional functions in, the new school building being  
20 constructed to replace a school building closed as the  
21 result of mine subsidence damage, or both such purposes.

22 (e) (Blank).

23 (f) Notwithstanding the provisions of subsection (a) of  
24 this Section or of any other law, bonds in not to exceed the  
25 aggregate amount of \$5,500,000 and issued by a school district  
26 meeting the following criteria shall not be considered  
27 indebtedness for purposes of any statutory limitation and may  
28 be issued in an amount or amounts, including existing  
29 indebtedness, in excess of any heretofore or hereafter imposed  
30 statutory limitation as to indebtedness:

31 (1) At the time of the sale of such bonds, the board of  
32 education of the district shall have determined by  
33 resolution that the enrollment of students in the district  
34 is projected to increase by not less than 7% during each of  
35 the next succeeding 2 school years.

36 (2) The board of education shall also determine by

1 resolution that the improvements to be financed with the  
2 proceeds of the bonds are needed because of the projected  
3 enrollment increases.

4 (3) The board of education shall also determine by  
5 resolution that the projected increases in enrollment are  
6 the result of improvements made or expected to be made to  
7 passenger rail facilities located in the school district.

8 Notwithstanding the provisions of subsection (a) of this  
9 Section or of any other law, a school district that has availed  
10 itself of the provisions of this subsection (f) prior to July  
11 22, 2004 (the effective date of Public Act 93-799) may also  
12 issue bonds approved by referendum up to an amount, including  
13 existing indebtedness, not exceeding 25% of the equalized  
14 assessed value of the taxable property in the district if all  
15 of the conditions set forth in items (1), (2), and (3) of this  
16 subsection (f) are met.

17 (g) Notwithstanding the provisions of subsection (a) of  
18 this Section or any other law, bonds in not to exceed an  
19 aggregate amount of 25% of the equalized assessed value of the  
20 taxable property of a school district and issued by a school  
21 district meeting the criteria in paragraphs (i) through (iv) of  
22 this subsection shall not be considered indebtedness for  
23 purposes of any statutory limitation and may be issued pursuant  
24 to resolution of the school board in an amount or amounts,  
25 including existing indebtedness, in excess of any statutory  
26 limitation of indebtedness heretofore or hereafter imposed:

27 (i) The bonds are issued for the purpose of  
28 constructing a new high school building to replace two  
29 adjacent existing buildings which together house a single  
30 high school, each of which is more than 65 years old, and  
31 which together are located on more than 10 acres and less  
32 than 11 acres of property.

33 (ii) At the time the resolution authorizing the  
34 issuance of the bonds is adopted, the cost of constructing  
35 a new school building to replace the existing school  
36 building is less than 60% of the cost of repairing the

1 existing school building.

2 (iii) The sale of the bonds occurs before July 1, 1997.

3 (iv) The school district issuing the bonds is a unit  
4 school district located in a county of less than 70,000 and  
5 more than 50,000 inhabitants, which has an average daily  
6 attendance of less than 1,500 and an equalized assessed  
7 valuation of less than \$29,000,000.

8 (h) Notwithstanding any other provisions of this Section or  
9 the provisions of any other law, until January 1, 1998, a  
10 community unit school district maintaining grades K through 12  
11 may issue bonds up to an amount, including existing  
12 indebtedness, not exceeding 27.6% of the equalized assessed  
13 value of the taxable property in the district, if all of the  
14 following conditions are met:

15 (i) The school district has an equalized assessed  
16 valuation for calendar year 1995 of less than \$24,000,000;

17 (ii) The bonds are issued for the capital improvement,  
18 renovation, rehabilitation, or replacement of existing  
19 school buildings of the district, all of which buildings  
20 were originally constructed not less than 40 years ago;

21 (iii) The voters of the district approve a proposition  
22 for the issuance of the bonds at a referendum held after  
23 March 19, 1996; and

24 (iv) The bonds are issued pursuant to Sections 19-2  
25 through 19-7 of this Code.

26 (i) Notwithstanding any other provisions of this Section or  
27 the provisions of any other law, until January 1, 1998, a  
28 community unit school district maintaining grades K through 12  
29 may issue bonds up to an amount, including existing  
30 indebtedness, not exceeding 27% of the equalized assessed value  
31 of the taxable property in the district, if all of the  
32 following conditions are met:

33 (i) The school district has an equalized assessed  
34 valuation for calendar year 1995 of less than \$44,600,000;

35 (ii) The bonds are issued for the capital improvement,  
36 renovation, rehabilitation, or replacement of existing

1 school buildings of the district, all of which existing  
2 buildings were originally constructed not less than 80  
3 years ago;

4 (iii) The voters of the district approve a proposition  
5 for the issuance of the bonds at a referendum held after  
6 December 31, 1996; and

7 (iv) The bonds are issued pursuant to Sections 19-2  
8 through 19-7 of this Code.

9 (j) Notwithstanding any other provisions of this Section or  
10 the provisions of any other law, until January 1, 1999, a  
11 community unit school district maintaining grades K through 12  
12 may issue bonds up to an amount, including existing  
13 indebtedness, not exceeding 27% of the equalized assessed value  
14 of the taxable property in the district if all of the following  
15 conditions are met:

16 (i) The school district has an equalized assessed  
17 valuation for calendar year 1995 of less than \$140,000,000  
18 and a best 3 months average daily attendance for the  
19 1995-96 school year of at least 2,800;

20 (ii) The bonds are issued to purchase a site and build  
21 and equip a new high school, and the school district's  
22 existing high school was originally constructed not less  
23 than 35 years prior to the sale of the bonds;

24 (iii) At the time of the sale of the bonds, the board  
25 of education determines by resolution that a new high  
26 school is needed because of projected enrollment  
27 increases;

28 (iv) At least 60% of those voting in an election held  
29 after December 31, 1996 approve a proposition for the  
30 issuance of the bonds; and

31 (v) The bonds are issued pursuant to Sections 19-2  
32 through 19-7 of this Code.

33 (k) Notwithstanding the debt limitation prescribed in  
34 subsection (a) of this Section, a school district that meets  
35 all the criteria set forth in paragraphs (1) through (4) of  
36 this subsection (k) may issue bonds to incur an additional

1 indebtedness in an amount not to exceed \$4,000,000 even though  
2 the amount of the additional indebtedness authorized by this  
3 subsection (k), when incurred and added to the aggregate amount  
4 of indebtedness of the school district existing immediately  
5 prior to the school district incurring such additional  
6 indebtedness, causes the aggregate indebtedness of the school  
7 district to exceed or increases the amount by which the  
8 aggregate indebtedness of the district already exceeds the debt  
9 limitation otherwise applicable to that school district under  
10 subsection (a):

11 (1) the school district is located in 2 counties, and a  
12 referendum to authorize the additional indebtedness was  
13 approved by a majority of the voters of the school district  
14 voting on the proposition to authorize that indebtedness;

15 (2) the additional indebtedness is for the purpose of  
16 financing a multi-purpose room addition to the existing  
17 high school;

18 (3) the additional indebtedness, together with the  
19 existing indebtedness of the school district, shall not  
20 exceed 17.4% of the value of the taxable property in the  
21 school district, to be ascertained by the last assessment  
22 for State and county taxes; and

23 (4) the bonds evidencing the additional indebtedness  
24 are issued, if at all, within 120 days of the effective  
25 date of this amendatory Act of 1998.

26 (1) Notwithstanding any other provisions of this Section or  
27 the provisions of any other law, until January 1, 2000, a  
28 school district maintaining grades kindergarten through 8 may  
29 issue bonds up to an amount, including existing indebtedness,  
30 not exceeding 15% of the equalized assessed value of the  
31 taxable property in the district if all of the following  
32 conditions are met:

33 (i) the district has an equalized assessed valuation  
34 for calendar year 1996 of less than \$10,000,000;

35 (ii) the bonds are issued for capital improvement,  
36 renovation, rehabilitation, or replacement of one or more

1 school buildings of the district, which buildings were  
2 originally constructed not less than 70 years ago;

3 (iii) the voters of the district approve a proposition  
4 for the issuance of the bonds at a referendum held on or  
5 after March 17, 1998; and

6 (iv) the bonds are issued pursuant to Sections 19-2  
7 through 19-7 of this Code.

8 (m) Notwithstanding any other provisions of this Section or  
9 the provisions of any other law, until January 1, 1999, an  
10 elementary school district maintaining grades K through 8 may  
11 issue bonds up to an amount, excluding existing indebtedness,  
12 not exceeding 18% of the equalized assessed value of the  
13 taxable property in the district, if all of the following  
14 conditions are met:

15 (i) The school district has an equalized assessed  
16 valuation for calendar year 1995 or less than \$7,700,000;

17 (ii) The school district operates 2 elementary  
18 attendance centers that until 1976 were operated as the  
19 attendance centers of 2 separate and distinct school  
20 districts;

21 (iii) The bonds are issued for the construction of a  
22 new elementary school building to replace an existing  
23 multi-level elementary school building of the school  
24 district that is not handicapped accessible at all levels  
25 and parts of which were constructed more than 75 years ago;

26 (iv) The voters of the school district approve a  
27 proposition for the issuance of the bonds at a referendum  
28 held after July 1, 1998; and

29 (v) The bonds are issued pursuant to Sections 19-2  
30 through 19-7 of this Code.

31 (n) Notwithstanding the debt limitation prescribed in  
32 subsection (a) of this Section or any other provisions of this  
33 Section or of any other law, a school district that meets all  
34 of the criteria set forth in paragraphs (i) through (vi) of  
35 this subsection (n) may incur additional indebtedness by the  
36 issuance of bonds in an amount not exceeding the amount

1 certified by the Capital Development Board to the school  
2 district as provided in paragraph (iii) of this subsection (n),  
3 even though the amount of the additional indebtedness so  
4 authorized, when incurred and added to the aggregate amount of  
5 indebtedness of the district existing immediately prior to the  
6 district incurring the additional indebtedness authorized by  
7 this subsection (n), causes the aggregate indebtedness of the  
8 district to exceed the debt limitation otherwise applicable by  
9 law to that district:

10 (i) The school district applies to the State Board of  
11 Education for a school construction project grant and  
12 submits a district facilities plan in support of its  
13 application pursuant to Section 5-20 of the School  
14 Construction Law.

15 (ii) The school district's application and facilities  
16 plan are approved by, and the district receives a grant  
17 entitlement for a school construction project issued by,  
18 the State Board of Education under the School Construction  
19 Law.

20 (iii) The school district has exhausted its bonding  
21 capacity or the unused bonding capacity of the district is  
22 less than the amount certified by the Capital Development  
23 Board to the district under Section 5-15 of the School  
24 Construction Law as the dollar amount of the school  
25 construction project's cost that the district will be  
26 required to finance with non-grant funds in order to  
27 receive a school construction project grant under the  
28 School Construction Law.

29 (iv) The bonds are issued for a "school construction  
30 project", as that term is defined in Section 5-5 of the  
31 School Construction Law, in an amount that does not exceed  
32 the dollar amount certified, as provided in paragraph (iii)  
33 of this subsection (n), by the Capital Development Board to  
34 the school district under Section 5-15 of the School  
35 Construction Law.

36 (v) The voters of the district approve a proposition



1 for the issuance of the bonds at a referendum held after  
2 the criteria specified in paragraphs (i) and (iii) of this  
3 subsection (n) are met.

4 (vi) The bonds are issued pursuant to Sections 19-2  
5 through 19-7 of the School Code.

6 (o) Notwithstanding any other provisions of this Section or  
7 the provisions of any other law, until November 1, 2007, a  
8 community unit school district maintaining grades K through 12  
9 may issue bonds up to an amount, including existing  
10 indebtedness, not exceeding 20% of the equalized assessed value  
11 of the taxable property in the district if all of the following  
12 conditions are met:

13 (i) the school district has an equalized assessed  
14 valuation for calendar year 2001 of at least \$737,000,000  
15 and an enrollment for the 2002-2003 school year of at least  
16 8,500;

17 (ii) the bonds are issued to purchase school sites,  
18 build and equip a new high school, build and equip a new  
19 junior high school, build and equip 5 new elementary  
20 schools, and make technology and other improvements and  
21 additions to existing schools;

22 (iii) at the time of the sale of the bonds, the board  
23 of education determines by resolution that the sites and  
24 new or improved facilities are needed because of projected  
25 enrollment increases;

26 (iv) at least 57% of those voting in a general election  
27 held prior to January 1, 2003 approved a proposition for  
28 the issuance of the bonds; and

29 (v) the bonds are issued pursuant to Sections 19-2  
30 through 19-7 of this Code.

31 (p) Notwithstanding any other provisions of this Section or  
32 the provisions of any other law, a community unit school  
33 district maintaining grades K through 12 may issue bonds up to  
34 an amount, including indebtedness, not exceeding 27% of the  
35 equalized assessed value of the taxable property in the  
36 district if all of the following conditions are met:

1 (i) The school district has an equalized assessed  
2 valuation for calendar year 2001 of at least \$295,741,187  
3 and a best 3 months' average daily attendance for the  
4 2002-2003 school year of at least 2,394.

5 (ii) The bonds are issued to build and equip 3  
6 elementary school buildings; build and equip one middle  
7 school building; and alter, repair, improve, and equip all  
8 existing school buildings in the district.

9 (iii) At the time of the sale of the bonds, the board  
10 of education determines by resolution that the project is  
11 needed because of expanding growth in the school district  
12 and a projected enrollment increase.

13 (iv) The bonds are issued pursuant to Sections 19-2  
14 through 19-7 of this Code.

15 (p-5) Notwithstanding any other provisions of this Section  
16 or the provisions of any other law, bonds issued by a community  
17 unit school district maintaining grades K through 12 shall not  
18 be considered indebtedness for purposes of any statutory  
19 limitation and may be issued in an amount or amounts, including  
20 existing indebtedness, in excess of any heretofore or hereafter  
21 imposed statutory limitation as to indebtedness, if all of the  
22 following conditions are met:

23 (i) For each of the 4 most recent years, residential  
24 property comprises more than 80% of the equalized assessed  
25 valuation of the district.

26 (ii) At least 2 school buildings that were constructed  
27 40 or more years prior to the issuance of the bonds will be  
28 demolished and will be replaced by new buildings or  
29 additions to one or more existing buildings.

30 (iii) Voters of the district approve a proposition for  
31 the issuance of the bonds at a regularly scheduled  
32 election.

33 (iv) At the time of the sale of the bonds, the school  
34 board determines by resolution that the new buildings or  
35 building additions are needed because of an increase in  
36 enrollment projected by the school board.

1 (v) The principal amount of the bonds, including  
2 existing indebtedness, does not exceed 25% of the equalized  
3 assessed value of the taxable property in the district.

4 (vi) The bonds are issued prior to January 1, 2007,  
5 pursuant to Sections 19-2 through 19-7 of this Code.

6 (q) A school district must notify the State Board of  
7 Education prior to issuing any form of long-term or short-term  
8 debt that will result in outstanding debt that exceeds 75% of  
9 the debt limit specified in this Section or any other provision  
10 of law.

11 (Source: P.A. 93-13, eff. 6-9-03; 93-799, eff. 7-22-04;  
12 93-1045, eff. 10-15-04; 94-234, eff. 7-1-06; 94-721, eff.  
13 1-6-06.)

14 (105 ILCS 5/Art. 7A rep.)

15 (105 ILCS 5/Art. 11A rep.)

16 (105 ILCS 5/Art. 11B rep.)

17 (105 ILCS 5/Art. 11D rep.)

18 (105 ILCS 5/18-8.2 rep.)

19 (105 ILCS 5/18-8.3 rep.)

20 (105 ILCS 5/18-8.5 rep.)

21 Section 15. The School Code is amended by repealing  
22 Articles 7A, 11A, 11B, and 11D and Sections 18-8.2, 18-8.3, and  
23 18-8.5.

24 Section 20. The School District Validation (1995) Act is  
25 amended by changing Section 5 as follows:

26 (105 ILCS 555/5)

27 Sec. 5. Validation. In all cases in which, before the  
28 effective date of this Act, the regional superintendent of  
29 schools was required to publish notice of a referendum to  
30 establish a community unit school district in territory  
31 comprising 2 community unit school districts, 2 community  
32 consolidated school districts, and 2 community high school  
33 districts and such notice was not published by the regional

1 superintendent of schools as required by Section 11A-5 of the  
2 School Code (now repealed) and a majority of the voters  
3 residing in each of the school districts comprising the  
4 proposed community unit school district voted in favor of the  
5 creation of such community unit school district in the general  
6 election held on November 8, 1994, and in which territory at a  
7 subsequent election similarly called and held a board of  
8 education has been chosen for such district, each such election  
9 is hereby made legal and valid and such territory is hereby  
10 declared legally and validly organized and established as a  
11 community unit school district, and a valid and existing school  
12 district.

13 (Source: P.A. 89-416, eff. 11-22-95.)

14 Section 90. Savings clause. Any repeal made by this Act  
15 shall not affect or impair any of the following: suits pending  
16 or rights existing at the time this Act takes effect; any grant  
17 or conveyance made or right acquired or cause of action now  
18 existing under any Section, Article, or Act repealed by this  
19 Act; the validity of any bonds or other obligations issued or  
20 sold and constituting valid obligations of the issuing  
21 authority at the time this Act takes effect; the validity of  
22 any contract; the validity of any tax levied under any law in  
23 effect prior to the effective date of this Act; any offense  
24 committed, act done, penalty, punishment, or forfeiture  
25 incurred or any claim, right, power, or remedy accrued under  
26 any law in effect prior to the effective date of this Act; or  
27 the corporate existence or powers of any school district  
28 lawfully validated under any law in effect prior to the  
29 effective date of this Act. For any petition filed with the  
30 regional superintendent of schools under Article 7A, 11A, 11B,  
31 or 11D of the School Code prior to the effective date of this  
32 Act, the proposed action described in the petition, including  
33 all notices, hearings, administrative decisions, ballots,  
34 elections, and passage requirements relating thereto, shall  
35 proceed and be in accordance with the law in effect at the date

1 of the filing.

2 Section 95. No acceleration or delay. Where this Act makes  
3 changes in a statute that is represented in this Act by text  
4 that is not yet or no longer in effect (for example, a Section  
5 represented by multiple versions), the use of that text does  
6 not accelerate or delay the taking effect of (i) the changes  
7 made by this Act or (ii) provisions derived from any other  
8 Public Act.

9 Section 99. Effective date. This Act takes effect July 1,  
10 2006.

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## INDEX

## Statutes amended in order of appearance

10 ILCS 5/28-2	from Ch. 46, par. 28-2
105 ILCS 5/1B-21	
105 ILCS 5/5-32	from Ch. 122, par. 5-32
105 ILCS 5/7-02	from Ch. 122, par. 7-02
105 ILCS 5/7-6	from Ch. 122, par. 7-6
105 ILCS 5/7-11	from Ch. 122, par. 7-11
105 ILCS 5/9-11.2	from Ch. 122, par. 9-11.2
105 ILCS 5/9-12	from Ch. 122, par. 9-12
105 ILCS 5/10-10	from Ch. 122, par. 10-10
105 ILCS 5/10-10.5 new	
105 ILCS 5/10-11	from Ch. 122, par. 10-11
105 ILCS 5/10-16	from Ch. 122, par. 10-16
105 ILCS 5/10-21.12	from Ch. 122, par. 10-21.12
105 ILCS 5/11C-6	from Ch. 122, par. 11C-6
105 ILCS 5/11C-9	from Ch. 122, par. 11C-9
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105 ILCS 5/11E-5 new	
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105 ILCS 5/11E-65 new	
105 ILCS 5/11E-70 new	
105 ILCS 5/11E-75 new	
105 ILCS 5/11E-80 new	

1	105 ILCS 5/11E-85 new	
2	105 ILCS 5/11E-90 new	
3	105 ILCS 5/11E-95 new	
4	105 ILCS 5/11E-100 new	
5	105 ILCS 5/11E-105 new	
6	105 ILCS 5/11E-110 new	
7	105 ILCS 5/11E-115 new	
8	105 ILCS 5/17-2	from Ch. 122, par. 17-2
9	105 ILCS 5/17-3	from Ch. 122, par. 17-3
10	105 ILCS 5/17-5	from Ch. 122, par. 17-5
11	105 ILCS 5/18-8.05	
12	105 ILCS 5/19-1	from Ch. 122, par. 19-1
13	105 ILCS 5/Art. 7A rep.	
14	105 ILCS 5/Art. 11A rep.	
15	105 ILCS 5/Art. 11B rep.	
16	105 ILCS 5/Art. 11D rep.	
17	105 ILCS 5/18-8.2 rep.	
18	105 ILCS 5/18-8.3 rep.	
19	105 ILCS 5/18-8.5 rep.	
20	105 ILCS 555/5	