

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, 18-8.05, 19-1, and 20-2 and by
19 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-135 ~~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 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

().....

().....

FOR MEMBERS OF THE BOARD OF EDUCATION

TO SERVE A FULL 4-YEAR TERM

VOTE FOR

33
 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 AN UNEXPIRED 2-YEAR TERM

2 VOTE FOR

3 ()

4 ()

5 ()

6 ()

7 FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE

8 A FULL 4-YEAR TERM

9 VOTE FOR

10 ()

11 ()

12 ()

13 ()

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

15 (105 ILCS 5/10-10) (from Ch. 122, par. 10-10)

16 Sec. 10-10. Board of education; Term; Vacancy. All school
17 districts having a population of not fewer than 1,000 and not
18 more than 500,000 inhabitants, as ascertained by any special or
19 general census, and not governed by special Acts, shall be
20 governed by a board of education consisting of 7 members,
21 serving without compensation except as herein provided. Each
22 member shall be elected for a term of 4 years ~~except as~~
23 ~~otherwise provided in subsection (a-5) of Section 11B-7~~ for the
24 initial members of the board of education of a combined school
25 district to which that subsection applies. If 5 members are
26 elected in 1983 pursuant to the extension of terms provided by
27 law for transition to the consolidated election schedule under
28 the general election law, 2 of those members shall be elected
29 to serve terms of 2 years and 3 shall be elected to serve terms
30 of 4 years; their successors shall serve for a 4 year term.
31 When the voters of a district have voted to elect members of
32 the board of education for 6 year terms, as provided in Section
33 9-5, the terms of office of members of the board of education
34 of that district expire when their successors assume office but
35 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, 11E-35 ~~11A-8, 11B-7~~, or 12-2 of
29 this Code 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 11E-35, ~~11A-8, 11B-7~~, or 12-2 of this Code Act apply, the
2 successor, whether elected or appointed by the remaining
3 members or a regional superintendent, shall be an inhabitant of
4 the particular area from which his or her predecessor was
5 elected.

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

7 (105 ILCS 5/10-16) (from Ch. 122, par. 10-16)

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

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

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

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

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

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

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

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

27 (105 ILCS 5/10-21.12) (from Ch. 122, par. 10-21.12)

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

33 (1) a boundary change or the creation or reorganization of
34 any school district pursuant to Article 7 or 11E, ~~7A, 11A or~~
35 ~~11B;~~ or

1 (2) the deactivation or reactivation of any high school or
2 elementary school pursuant to Section 10-22.22b; or

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

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

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

14 (105 ILCS 5/11C-6) (from Ch. 122, par. 11C-6)

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

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

23 (105 ILCS 5/11C-9) (from Ch. 122, par. 11C-9)

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

1 superintendent and if approved, the accounting shall be
2 dispensed with or modified as the resolution may provide.

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

4 (105 ILCS 5/Art. 11E heading new)

5 ARTICLE 11E. CONVERSION AND FORMATION OF SCHOOL DISTRICTS

6 (105 ILCS 5/11E-5 new)

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

14 (105 ILCS 5/11E-10 new)

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

16 "Affected district" means any school district with
17 territory included in a petition for reorganization under this
18 Article that encompasses (i) 25% or more of the total land area
19 of the district, (ii) more than 8% of the student enrollment of
20 the district, or (iii) more than 8% of the equalized assessed
21 valuation of the district.

22 "Combined high school - unit district" means a school
23 district resulting from the combination of a high school
24 district and a unit district.

25 "Combined school district" means any district resulting
26 from the combination of 2 or more entire elementary districts,
27 2 or more entire high school districts, or 2 or more entire
28 unit districts.

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

31 "Elementary district" means a school district organized
32 and established for purposes of providing instruction up to and
33 including grade 8. "Elementary district" includes common

1 elementary school districts, consolidated elementary school
2 districts, community consolidated school districts, combined
3 elementary districts, and charter elementary districts.

4 "Elementary purposes" means the purposes of providing
5 instruction up to and including grade 8.

6 "High school district" means a school district organized
7 and established for purposes of providing instruction in grades
8 9 through 12. "High school district" includes charter high
9 school districts, township high school districts, consolidated
10 high school districts, community high school districts, and
11 non-high school districts.

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

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

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

19 "Multi-unit conversion" means the formation of a combined
20 high school - unit district and one or more new elementary
21 districts as authorized under subsection (b) of Section 11E-30
22 of this Code.

23 "Optional elementary unit district" means a unit district
24 resulting from the combination of a high school district and
25 the combination of any one or more elementary districts
26 electing to organize as an optional elementary unit district.

27 "Partial elementary unit district" means either a combined
28 high school - unit district or an optional elementary unit
29 district.

30 "School board" means either a board of education or a board
31 of school directors.

32 "School district conversion" means a high school - unit
33 conversion or a unit to dual conversion.

34 "School needs" means the needs of the proposed school
35 district and any districts in the area adjacent thereto in
36 relation to, without limitation, providing a full range of high

1 quality educational and extracurricular programs, maintaining
2 a full complement of professional staff to deliver optimal
3 educational services, meeting the program and staff needs of
4 all students, including students with disabilities and
5 students in career and technical education courses, maximizing
6 community involvement in school governance, operating on an
7 economically efficient basis, and maintaining a sufficient
8 local tax base.

9 "Substantially coterminous" means that a high school
10 district and one or more elementary districts share the same
11 boundaries or share the same boundaries except for territory
12 encompassing, for a particular district, (i) less than 25% of
13 the land area of the district, (ii) less than 8% of the student
14 enrollment of the district, and (iii) less than 8% of the
15 equalized assessed valuation of the district.

16 "Unit district" means a school district organized and
17 established for purposes of providing instruction up to and
18 including grade 12. "Unit district" includes charter (K through
19 12) districts, community unit districts, community
20 consolidated unit districts, other districts that, prior to the
21 adoption of the community consolidated unit district and
22 community unit district, authorizing legislation had expanded
23 to provide instruction through the 12th grade (commonly
24 referred to as "Old Type" unit districts), and partial
25 elementary unit districts organized pursuant to the provisions
26 of this Article.

27 "Unit to dual conversion" means a school district
28 conversion authorized under subsection (b) of Section 11E-15 of
29 this Code.

30 (105 ILCS 5/11E-15 new)

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

32 (a) One or more unit districts and one or more high school
33 districts, all of which are contiguous, may, under the
34 provisions of this Article, be converted into a dual district
35 through the dissolution of the unit district or districts and

1 the high school district or districts if the following apply:

2 (1) each elementary district to be created includes all
3 of the territory within a unit district to be dissolved;
4 and

5 (2) the high school district to be created includes all
6 of the territory within the unit districts and high school
7 districts to be dissolved.

8 (b) Two or more contiguous unit districts may, under the
9 provisions of this Article, dissolve and form a single new high
10 school district and new elementary districts that are based
11 upon the boundaries of the dissolved unit districts.

12 (105 ILCS 5/11E-20 new)

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

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

17 (2) Any 2 or more entire elementary districts that
18 collectively are within or substantially coterminous with
19 the boundaries of a high school district, regardless of
20 whether the districts are compact and contiguous with each
21 other, may be organized into a combined school district in
22 accordance with this Article.

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

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

29 (105 ILCS 5/11E-25 new)

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

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

34 (b) The territory of one or more entire unit districts that

1 are contiguous to each other, plus any contiguous and compact
2 territory no part of which is included within any unit
3 district, and the territory of which taken as a whole is
4 compact may be organized into a unit district as provided in
5 this Article.

6 (105 ILCS 5/11E-30 new)

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

8 (a) One or more entire high school districts and one or
9 more entire unit districts, all of which are contiguous, may be
10 organized into a combined high school - unit district as
11 provided in this Article. The combined high school - unit
12 district shall serve all residents of the district for high
13 school purposes and those residents residing in the portion of
14 the territory included within the boundaries of the dissolved
15 unit district or districts for elementary purposes.

16 (b) One or more contiguous unit districts may, as provided
17 in this Article, dissolve and form a single new combined high
18 school - unit district and one or more new elementary
19 districts. The boundaries of the new elementary district or
20 districts shall be based upon the boundaries of the dissolved
21 unit district or districts electing to join the combined high
22 school - unit district only for high school purposes. Territory
23 included within the boundaries of the new elementary district
24 or districts shall be served by the new combined high school -
25 unit district only for high school purposes. All other
26 territory within the combined high school - unit district shall
27 be served by the combined high school - unit district for both
28 high school and elementary purposes.

29 (c) A high school district and 2 or more elementary
30 districts that collectively are substantially coterminous may
31 seek to organize into an optional elementary unit district as
32 provided in this Article, provided that territory comprising at
33 least 51% of the equalized assessed valuation of the high
34 school district is subject to a combined high school and
35 elementary maximum annual authorized tax rate for educational

1 purposes of 4.0% or less. The optional elementary unit district
2 shall serve all residents of the district for high school
3 purposes. The optional elementary unit district shall serve
4 residents of only those elementary districts electing to join
5 the optional elementary unit district, as determined in
6 accordance with subsection (b) of Section 11E-65 of this Code,
7 for elementary purposes. The corporate existence of any
8 elementary district electing not to join the optional
9 elementary unit district in accordance with subsection (b) of
10 Section 11E-65 of this Code shall not be affected by the
11 formation of an optional elementary unit district, and an
12 elementary district electing not to join the optional
13 elementary unit district shall continue to serve residents of
14 the district for elementary purposes.

15 (d) (1) For 5 years following the formation of an optional
16 elementary unit district, any elementary district that elected
17 not to join an optional elementary unit district for elementary
18 purposes may elect to dissolve and combine with the optional
19 elementary unit district by filing a petition that requests the
20 submission of the proposition at a regularly scheduled election
21 for the purpose of voting for or against joining the optional
22 elementary unit district and that complies with the other
23 provisions of this Article.

24 (2) After an election in which an elementary district
25 votes to join an optional elementary unit district in
26 accordance with paragraph (1) of this subsection (d), but
27 prior to the dissolution of the elementary district, the
28 elementary district must first issue funding bonds
29 pursuant to Sections 19-8 and 19-9 of this Code to
30 liquidate any operational deficit or debt incurred or
31 accumulated since the date of the election in which the
32 proposition to form the optional elementary unit district
33 passed. The elementary district shall not be required to
34 comply with the backdoor referenda provisions of Section
35 19-9 of this Code as a condition of issuing the funding
36 bonds. If applicable, the tax levy to pay the debt service

1 on the funding bonds shall not be included in the
2 district's aggregate extension base under Section 18-210
3 of the Property Tax Code. Taxes levied to repay principal
4 and interest on any long term debt incurred or accumulated
5 between the date of the election in which the proposition
6 to form the optional elementary unit district passed and
7 the date of the elementary district's dissolution and
8 joining the optional elementary unit district in
9 accordance with paragraph (1) of this subsection (d) shall
10 be levied and extended only against the territory of the
11 elementary district as it existed prior to dissolution.

12 (3) If all eligible elementary districts elect to join
13 an optional elementary unit district in accordance with
14 this subsection (d), the optional elementary unit district
15 shall thereafter be deemed a unit district for all purposes
16 of this Code.

17 (105 ILCS 5/11E-35 new)

18 Sec. 11E-35. Petition filing.

19 (a) A petition shall be filed with the regional
20 superintendent of schools of the educational service region in
21 which the territory described in the petition or that part of
22 the territory with the greater percentage of equalized assessed
23 valuation is situated. The petition must do the following:

24 (1) be signed by at least 50 legal resident voters or
25 10% of the legal resident voters, whichever is less,
26 residing within each affected district; or

27 (2) be approved by the school board in each affected
28 district.

29 (b) The petition shall contain all of the following:

30 (1) A request to submit the proposition at a regular
31 scheduled election for the purpose of voting:

32 (A) for or against a high school - unit conversion;

33 (B) for or against a unit to dual conversion;

34 (C) for or against the establishment of a combined
35 elementary district;

1 (D) for or against the establishment of a combined
2 high school district;

3 (E) for or against the establishment of a combined
4 unit district;

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

7 (G) for or against the establishment of a unit
8 district from both dual district and unit district
9 territory;

10 (H) for or against the establishment of a combined
11 high school - unit district from a combination of one
12 or more high school districts and one or more unit
13 districts;

14 (I) for or against the establishment of a combined
15 high school - unit district and one or more new
16 elementary districts through a multi-unit conversion;

17 (J) for or against the establishment of an optional
18 elementary unit district from a combination of a
19 substantially coterminous dual district; or

20 (K) for or against dissolving and becoming part of
21 an optional elementary unit district.

22 (2) A description of the territory comprising the
23 districts proposed to be dissolved and those to be created,
24 which, for an entire district, may be a general reference
25 to all of the territory included within that district.

26 (3) A specification of the maximum tax rates for
27 various purposes the proposed district or districts shall
28 be authorized to levy for various purposes and, if
29 applicable, the specifications related to the Property Tax
30 Extension Limitation Law, in accordance with Section
31 11E-80 of this Code.

32 (4) A description of how supplementary State deficit
33 difference payments made under subsection (c) of Section
34 11E-135 of this Code will be allocated among the new
35 districts proposed to be formed.

36 (5) Where applicable, a division of assets and

1 liabilities to be allocated to the proposed new or annexing
2 school district or districts in the manner provided in
3 Section 11E-105 of this Code.

4 (6) If desired, a request that at that same election as
5 the reorganization proposition a school board or boards be
6 elected on a separate ballot or ballots to serve as the
7 school board or boards of the proposed new district or
8 districts. Any election of board members at the same
9 election at which the proposition to create the district or
10 districts to be served by the board or boards is submitted
11 to the voters shall proceed under the supervision of the
12 regional superintendent of schools as provided in Section
13 11E-55 of this Code.

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

28 (8) If desired, a request that the referendum at which
29 the proposition is submitted for the purpose of voting for
30 or against the establishment of a unit to dual conversion
31 include as part of the proposition the election of board
32 members for the new high school district (i) on an at large
33 basis, (ii) with board members representing each of the
34 forming elementary school districts, or (iii) a
35 combination of both. The format for the election of the new
36 high school board must be defined in the petition. When 4

1 or more unit school districts and a combination of board
2 members representing each of the forming elementary school
3 districts are involved and at large formats are used, one
4 member must be elected from each of the forming elementary
5 school districts. The remaining members may be elected on
6 an at large basis, provided that none of the underlying
7 elementary school districts have a majority on the
8 resulting high school board. When 3 unit school districts
9 and a combination of board members representing each of the
10 forming elementary school districts are involved and at
11 large formats are used, 2 members must be elected from each
12 of the forming elementary school districts. The remaining
13 member must be elected at large.

14 (9) If desired, a request that the referendum at which
15 the proposition shall be submitted include a proposition on
16 a separate ballot authorizing the issuance of bonds by the
17 district or districts when organized in accordance with
18 this Article. However, if the petition is submitted for the
19 purpose of voting for or against the establishment of an
20 optional elementary unit district, the petition may
21 request only that the referendum at which the proposition
22 is submitted include a proposition on a separate ballot
23 authorizing the issuance of bonds for high school purposes
24 (and not elementary purposes) by the district when
25 organized in accordance with this Article. The principal
26 amount of the bonds and the purposes of issuance, including
27 a specification of elementary or high school purposes if
28 the proposed issuance is to be made by a combined high
29 school - unit district, shall be stated in the petition and
30 in all notices and propositions submitted thereunder.

31 (10) A designation of a committee of ten of the
32 petitioners as attorney in fact for all petitioners, any 7
33 of whom may at any time, prior to the final decision of the
34 regional superintendent of schools, amend the petition in
35 all respects (except that, for a unit district formation,
36 there may not be an increase or decrease of more than 25%

1 of the territory to be included in the proposed district)
2 and make binding stipulations on behalf of all petitioners
3 as to any question with respect to the petition, including
4 the power to stipulate to accountings or the waiver thereof
5 between school districts.

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

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

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

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

35 (4) The regional superintendent of schools may accept a
36 stipulation made by the Committee of Ten instead of

1 evidence or proof of the matter stipulated or may refuse to
2 accept the stipulation, provided that the regional
3 superintendent sets forth the basis for the refusal.

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

8 (105 ILCS 5/11E-40 new)

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

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

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

19 (2) Cause a notice thereof to be published at least
20 once each week for 3 successive weeks in at least one
21 newspaper having general circulation within the area of all
22 of the territory of the proposed district or districts. The
23 expense of publishing the notice shall be borne by the
24 petitioners and paid on behalf of the petitioners by the
25 Committee of Ten.

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

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

28 (2) The prayer of the petition.

29 (3) A description of the territory comprising the
30 districts proposed to be dissolved and those to be created,
31 which, for an entire district, may be a general reference
32 to all of the territory included within that district.

33 (4) If applicable, the proposition to elect, by
34 separate ballot, school board members at the same election,
35 indicating whether the board members are to be elected at

1 large or by school board district.

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

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

6 (c) The requirements of subsection (g) of Section 28-2 of
7 the Election Code do not apply to any petition filed under this
8 Article. Notwithstanding any provision to the contrary
9 contained in the Election Code, the regional superintendent of
10 schools shall make all determinations regarding the validity of
11 the petition, including without limitation signatures on the
12 petition, subject to State Superintendent and administrative
13 review in accordance with Section 11E-50 of this Code.

14 (d) Prior to the hearing described in Section 11E-45 of
15 this Code, the regional superintendent of schools shall inform
16 the Committee of Ten as to whether the petition, as amended or
17 filed, is proper and in compliance with all applicable petition
18 requirements set forth in the Election Code. If the regional
19 superintendent determines that the petition is not in proper
20 order or not in compliance with any applicable petition
21 requirements set forth in the Election Code, the regional
22 superintendent must identify the specific alleged defects in
23 the petition and include specific recommendations to cure the
24 alleged defects. The Committee of Ten may amend the petition to
25 cure the alleged defects at any time prior to the receipt of
26 the regional superintendent's written order made in accordance
27 with subsection (a) of Section 11E-50 of this Code or may elect
28 not to amend the petition, in which case the Committee of Ten
29 may appeal a denial by the regional superintendent following
30 the hearing in accordance with Section 11E-50 of this Code.

31 (105 ILCS 5/11E-45 new)

32 Sec. 11E-45. Hearing.

33 (a) No more than 15 days after the last date on which the
34 required notice under Section 11E-40 of this Code is published,
35 the regional superintendent of schools with whom the petition

1 is required to be filed shall hold a hearing on the petition.
2 Prior to the hearing, the Committee of Ten shall submit to the
3 regional superintendent maps showing the districts involved
4 and any other information deemed pertinent by the Committee of
5 Ten to the proposed action. The regional superintendent of
6 schools may adjourn the hearing from time to time or may
7 continue the matter for want of sufficient notice or other good
8 cause.

9 (b) At the hearing, the regional superintendent of schools
10 shall allow public testimony on the action proposed in the
11 petition. The regional superintendent shall present, or
12 arrange for the presentation of all of the following:

13 (1) Evidence as to the school needs and conditions in
14 the territory described in the petition and the area
15 adjacent thereto.

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

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

21 (4) A description of the maximum tax rates the proposed
22 district or districts is authorized to levy for various
23 purposes and, if applicable, the specifications related to
24 the Property Tax Extension Limitation Law, in accordance
25 with Section 11E-80 of this Code.

26 (c) Any regional superintendent of schools entitled under
27 the provisions of this Article to be given a copy of the
28 petition and any resident or representative of a school
29 district in which any territory described in the petition is
30 situated may appear in person or by an attorney at law to
31 provide oral or written testimony or both in relation to the
32 action proposed in the petition.

33 (d) The regional superintendent of schools shall arrange
34 for a written transcript of the hearing. The expense of the
35 written transcript shall be borne by the petitioners and paid
36 on behalf of the petitioners by the Committee of Ten.

1 (105 ILCS 5/11E-50 new)

2 Sec. 11E-50. Approval or denial of the petition;
3 administrative review.

4 (a) Within 14 days after the conclusion of the hearing
5 under Section 11E-45 of this Code, the regional superintendent
6 of schools shall take into consideration the school needs and
7 conditions of the affected districts and in the area adjacent
8 thereto, the division of funds and assets that will result from
9 the action described in the petition, the best interests of the
10 schools of the area, and the best interests and the educational
11 welfare of the pupils residing therein and, through a written
12 order, either approve or deny the petition. If the regional
13 superintendent fails to act upon a petition within 14 days
14 after the conclusion of the hearing, the regional
15 superintendent shall be deemed to have denied the petition.

16 (b) Upon approving or denying the petition, the regional
17 superintendent of schools shall submit the petition and all
18 evidence to the State Superintendent of Education. The State
19 Superintendent shall review the petition, the record of the
20 hearing, and the written order of the regional superintendent,
21 if any. Within 21 days after the receipt of the regional
22 superintendent's decision, the State Superintendent shall take
23 into consideration the school needs and conditions of the
24 affected districts and in the area adjacent thereto, the
25 division of funds and assets that will result from the action
26 described in the petition, the best interests of the schools of
27 the area, and the best interests and the educational welfare of
28 the pupils residing therein and, through a written order,
29 either approve or deny the petition. If the State
30 Superintendent denies the petition, the State Superintendent
31 shall set forth in writing the specific basis for the denial.
32 The decision of the State Superintendent shall be deemed an
33 administrative decision as defined in Section 3-101 of the Code
34 of Civil Procedure. The State Superintendent shall provide a
35 copy of the decision by certified mail, return receipt

1 requested, to the Committee of Ten, any person appearing in
2 support or opposition of the petition at the hearing, each
3 school board of a district in which territory described in the
4 petition is situated, the regional superintendent with whom the
5 petition was filed, and the regional superintendent of schools
6 of any other educational service region in which territory
7 described in the petition is situated.

8 (c) Any resident of any territory described in the petition
9 who appears in support of or opposition to the petition at the
10 hearing or any petitioner or school board of any district in
11 which territory described in the petition is situated may,
12 within 35 days after a copy of the decision sought to be
13 reviewed was served by certified mail, return receipt
14 requested, upon the party affected thereby or upon the attorney
15 of record for the party, apply for a review of an
16 administrative decision of the State Superintendent of
17 Education in accordance with the Administrative Review Law and
18 any rules adopted pursuant to the Administrative Review Law.
19 The commencement of any action for review shall operate as a
20 supersedes, and no further proceedings shall be had until final
21 disposition of the review. The circuit court of the county in
22 which the petition is filed with the regional superintendent of
23 schools shall have sole jurisdiction to entertain a complaint
24 for the review.

25 (105 ILCS 5/11E-55 new)

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

27 (a) Elections provided by this Article shall be conducted
28 in accordance with the general election law. The regional
29 superintendent of schools shall perform the election duties
30 assigned by law to the secretary of a school board for the
31 election and shall certify the officers and candidates
32 therefore pursuant to the general election law.

33 (b) Nomination papers filed under this Article are not
34 valid unless the candidate named therein files with the
35 regional superintendent of schools a receipt from the county

1 clerk showing that the candidate has filed a statement of
2 economic interests as required by the Illinois Governmental
3 Ethics Act. This receipt shall be so filed either previously
4 during the calendar year in which his or her nomination papers
5 were filed or within the period for the filing of nomination
6 papers in accordance with the general election law.

7 (c)(1) If the petition requests the election of school
8 board members of the school district proposed to be created at
9 the same election at which the proposition to establish that
10 district is to be submitted to voters or if the regional
11 superintendent of schools finds it to be in the best interest
12 of the districts involved to elect school board members of the
13 school district proposed to be created at a consolidated
14 election or general primary election, then that fact shall be
15 included in the notice of referendum.

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

24 (3) In either event, the school board elected for a new
25 school district or districts created under this Article
26 shall consist of 7 members who shall have the terms and the
27 powers and duties of school boards as provided by statute.

28 (d) All notices regarding propositions for reorganization
29 or creation of new school districts under this Article shall be
30 given in accordance with the general election law in
31 substantially the following form:

32 (1) Notice in high school - unit conversion or unit to
33 dual conversion:

34 NOTICE OF REFERENDUM TO DISSOLVE
35 CERTAIN SCHOOL DISTRICTS AND

1 ESTABLISH CERTAIN NEW SCHOOL DISTRICTS

2 NOTICE is hereby given that on (insert date), a
3 referendum will be held in part(s) of county
4 (counties) for the purpose of voting for or against the
5 proposition to dissolve (here identify the school
6 districts to be dissolved by name and number) and to
7 establish new school districts for the following described
8 territory: A new (here specify elementary, high school, or
9 unit) district shall be formed from (here describe the
10 territory, which, for territory currently included in an
11 entire school district, may be a general reference to all
12 of the territory included within that particular school
13 district). (Here repeat the territory information for each
14 new school district.)

15 The election is called and will be held pursuant to an
16 order of the Regional Superintendent dated on (insert
17 date), which order states that if a majority of the voters
18 in each of the affected districts voting on the proposition
19 at the referendum vote in favor thereof, the tax rates for
20 various purposes of the new districts shall be as follows:
21 For the new (here specify elementary, high school, or unit)
22 district formed from the territory of (here describe
23 territory, which, for territory currently included in an
24 entire school district, may be a general reference to all
25 of the territory included within that particular
26 district), the tax rates for various purposes shall be
27 (here specify the maximum tax rates for various purposes
28 the proposed school district is authorized to levy and, if
29 applicable, the specifications related to the Property Tax
30 Extension Limitation Law, in accordance with Section
31 11E-80 of this Code). (Here repeat the tax rate information
32 for each new school district.)

33 Dated (insert date).

34 Regional Superintendent of Schools

1 (2) Notice for combined school district formation:

2 NOTICE OF REFERENDUM
3 TO ESTABLISH COMBINED SCHOOL DISTRICT

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 establish a combined (here insert
8 elementary, high school, or unit) school district for the
9 following described territory: (here describe the
10 territory, which, for territory currently included in an
11 entire school district, may be a general reference to all
12 of the territory included within that particular school
13 district). The election is called and will be held pursuant
14 to an order of the Regional Superintendent dated on (insert
15 date), which order states that if a majority of the voters
16 in each of the affected school districts voting on the
17 proposition at the referendum vote in favor thereof, the
18 tax rates for various purposes of the proposed combined
19 school district shall be (here specify the maximum tax
20 rates for various purposes the proposed combined school
21 district is authorized to levy and, if applicable, the
22 specifications related to the Property Tax Extension
23 Limitation Law, in accordance with Section 11E-80 of this
24 Code).
25 Dated (insert date).
26 Regional Superintendent of Schools

27 (3) Notice for unit district formation (other than a
28 partial elementary unit district):

29 NOTICE OF REFERENDUM TO ESTABLISH
30 A COMMUNITY UNIT DISTRICT

31 NOTICE is hereby given that on (insert date), a

1 referendum will be held in part(s) of county
2 (counties) for the purpose of voting for or against the
3 proposition to establish a unit district for the following
4 described territory: (here describe the territory, which,
5 for territory currently included in an entire school
6 district, may be a general reference to all of the
7 territory included within that particular school
8 district). The election is called and will be held pursuant
9 to an order of the Regional Superintendent dated on (insert
10 date), which order states that if a majority of the voters
11 in each of the affected school districts voting on the
12 proposition at the referendum vote in favor thereof, the
13 tax rates for various purposes for the proposed unit
14 district shall be (here specify the maximum tax rates for
15 various purposes the proposed unit district shall be
16 authorized to levy and, if applicable, the specifications
17 related to the Property Tax Extension Limitation Law, in
18 accordance with Section 11E-80 of this Code).
19 Dated (insert date).
20 Regional Superintendent of Schools

21 (4) Notice for combined high school - unit district
22 formation:

23 NOTICE OF REFERENDUM
24 TO ESTABLISH COMBINED HIGH SCHOOL - UNIT DISTRICT

25 NOTICE is hereby given that on (insert date), a
26 referendum will be held in part(s) of county
27 (counties) for the purpose of voting for or against the
28 proposition to establish a combined high school - unit
29 district for the following described territory: (here
30 describe the territory, which, for territory currently
31 included in an entire school district, may be a general
32 reference to all of the territory included within that
33 particular school district). The following described

1 territory shall be included in the combined high school -
 2 unit district for high school purposes only: (here describe
 3 the territory that will be included only for high school
 4 purposes, which, for territory currently included in an
 5 entire school district, may be a general reference to all
 6 of the territory included within that particular school
 7 district). The election is called and will be held pursuant
 8 to an order of the Regional Superintendent dated on (insert
 9 date), which order states that if a majority of the voters
 10 in each of the affected school districts voting on the
 11 proposition at the referendum vote in favor thereof, the
 12 tax rates for various purposes for the proposed combined
 13 high school - unit district shall be (here specify the
 14 maximum tax rates for various purposes the proposed
 15 combined high school - unit district shall be authorized to
 16 levy and, if applicable, the specifications related to the
 17 Property Tax Extension Limitation Law, in accordance with
 18 Sections 11E-80 and 11E-90 of this Code).
 19 Dated (insert date).
 20 Regional Superintendent of Schools

21 (5) Notice for multi-unit conversion:

22 NOTICE OF REFERENDUM TO DISSOLVE CERTAIN
 23 UNIT SCHOOL DISTRICTS AND ESTABLISH CERTAIN
 24 NEW SCHOOL DISTRICTS

25 NOTICE is hereby given that on (insert date), a
 26 referendum will be held in part(s) of county
 27 (counties) for the purpose of voting for or against the
 28 proposition to dissolve (here identify the districts to be
 29 dissolved by name and number) and to establish new school
 30 districts for the following described territory: A new
 31 (here specify elementary or combined high school - unit)
 32 district shall be formed from (here describe the territory,
 33 which, for territory currently included in an entire school

1 district, may be a general reference to all of the
 2 territory included within that particular school
 3 district). (Here repeat the territory information for each
 4 new school district.) The following described territory
 5 shall be included in the proposed combined high school -
 6 unit district only for high school purposes: (here describe
 7 the territory that will only be included for high school
 8 purposes, which, for territory currently included in an
 9 entire school district, may be a general reference to all
 10 of the territory included within that particular school
 11 district).

12 The election is called and will be held pursuant to an
 13 order of the Regional Superintendent dated on (insert
 14 date), which order states that if a majority of the voters
 15 in each of the affected districts voting on the proposition
 16 at the referendum vote in favor thereof, the tax rates for
 17 various purposes of the new districts shall be as follows:
 18 For the new elementary district formed from the territory
 19 of (here identify the unit district by name and number) the
 20 tax rates for various purposes shall be (here specify the
 21 maximum tax rates for various purposes the proposed
 22 elementary district is authorized to levy and, if
 23 applicable, the specifications related to the Property Tax
 24 Extension Limitation Law, in accordance with Section
 25 11E-80 of this Code). (Here repeat the tax rate and
 26 Property Tax Extension Limitation Law information for each
 27 new elementary district.) For the new combined high school
 28 - unit district, the tax rates for various purposes shall
 29 be (here specify the maximum tax rates for various purposes
 30 the proposed combined high school - unit district shall be
 31 authorized to levy and, if applicable, the specifications
 32 related to the Property Tax Extension Limitation Law, in
 33 accordance with Sections 11E-80 and 11E-90 of this Code).

34 Dated (insert date).

35 Regional Superintendent of Schools

1 (6) Notice for optional elementary unit district
2 formation:

3 NOTICE OF REFERENDUM TO ESTABLISH
4 AN OPTIONAL ELEMENTARY UNIT DISTRICT

5 NOTICE is hereby given that on (insert date), a
6 referendum will be held in part(s) of county
7 (counties) for the purpose of voting for or against the
8 proposition to establish an optional elementary unit
9 district for the following described territory: (here
10 describe the elementary and high school district territory
11 by name and number). If a majority of the voters in one or
12 more of the affected elementary districts and in the
13 affected high school district voting on the proposition at
14 the referendum vote in favor thereof, all of the territory
15 included within the affected high school district shall be
16 included in the optional elementary unit district for high
17 school purposes. However, only the territory of elementary
18 districts in which a majority of the voters voting in the
19 proposition at the referendum vote in favor thereof shall
20 be included in the optional elementary unit district for
21 elementary purposes. The election is called and will be
22 held pursuant to an order of the Regional Superintendent
23 dated on (insert date), which order states that if a
24 majority of the voters in one or more of the affected
25 elementary districts and in the affected high school
26 district voting on the proposition at the referendum vote
27 in favor thereof, the tax rates for various purposes for
28 the proposed optional elementary unit district shall be
29 (here list the maximum tax rates for various purposes the
30 proposed optional elementary unit district is authorized
31 to levy and, if applicable, the specifications related to
32 the Property Tax Extension Limitation Law, in accordance
33 with Sections 11E-80 and 11E-95 of this Code).
34 Dated (insert date).

1 Regional Superintendent of Schools

2 (7) Notice for an elementary district to opt into a
3 partial elementary unit district:

4 NOTICE OF REFERENDUM TO JOIN
5 AN OPTIONAL ELEMENTARY UNIT DISTRICT

6 NOTICE is hereby given that on (insert date), a
7 referendum will be held in part(s) of county
8 (counties) for the purpose of voting for or against the
9 proposition to dissolve an elementary district and join an
10 optional elementary unit district for kindergarten through
11 12 grade-level purposes for all of the territory included
12 within (here identify the elementary district by name and
13 number). The election is called and will be held pursuant
14 to an order of the Regional Superintendent dated on (insert
15 date), which order states that if a majority of the voters
16 in the elementary school district voting on the proposition
17 at the referendum vote in favor thereof, the tax rates for
18 various purposes for the optional elementary unit district
19 shall be (here list the maximum tax rates for various
20 purposes the optional elementary unit district is
21 authorized to levy and, if applicable, the specifications
22 related to the Property Tax Extension Limitation Law, in
23 accordance with Sections 11E-80 and 11E-95 of this Code)
24 and the elementary district, prior to dissolution, shall
25 issue funding bonds pursuant to Sections 19-8 and 19-9 of
26 the School Code to liquidate any operational deficit or
27 debt incurred or accumulated since the date of the election
28 in which the proposition to form the optional elementary
29 unit district passed.

30 Dated (insert date).

31 Regional Superintendent of Schools

1 Sec. 11E-60. Ballots.

2 (a) Separate ballots shall be used for the election in each
3 affected district. If the petition requests the submission of a
4 proposition for the issuance of bonds, then that question shall
5 be submitted to the voters at the referendum on a separate
6 ballot.

7 (b) Ballots for all reorganization propositions submitted
8 under the provisions of this Article must be in substantially
9 the following form:

10 (1) Ballot for high school - unit conversion or unit to
11 dual conversion:

12 OFFICIAL BALLOT

13 Shall (here identify the districts to be dissolved by
14 name and number) be dissolved and new school districts be
15 established as follows: a new (here specify elementary,
16 high school, or unit) district formed from all of the
17 territory included within (here identify the existing
18 school district by name and number), with the authority to
19 levy taxes for various purposes as follows: (here specify
20 the maximum tax rates for various purposes the new school
21 district is authorized to levy and, if applicable, the
22 specifications related to the Property Tax Extension
23 Limitation Law, in accordance with Section 11E-80 of this
24 Code), each upon all of the taxable property of the school
25 district at the value thereof, as equalized or assessed by
26 the Department of Revenue, and a new (here repeat the
27 information for each new school district)?

28 The election authority must record the votes "Yes" or
29 "No".

30 (2) Ballot for combined school district formation:

31 OFFICIAL BALLOT

1 Shall a combined (here insert elementary, high, or
2 unit) school district, with the authority to levy taxes at
3 the rate of (here specify the maximum tax rates for various
4 purposes the new unit district is authorized to levy and,
5 if applicable, the specifications related to the Property
6 Tax Extension Limitation Law, in accordance with Section
7 11E-80 of this Code), each upon all of the taxable property
8 of the district at the value thereof, as equalized or
9 assessed by the Department of Revenue, be established?

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

12 (3) Ballot for unit district formation (other than a
13 partial elementary unit district formation):

14 OFFICIAL BALLOT

15 Shall a unit district, with the authority to levy taxes
16 at the rate of (here specify the maximum tax rates for
17 various purposes the new unit district is authorized to
18 levy and, if applicable, the specifications related to the
19 Property Tax Extension Limitation Law, in accordance with
20 Section 11E-80 of this Code), each upon all of the taxable
21 property of the district at the value thereof, as equalized
22 or assessed by the Department of Revenue, be established?

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

25 (4) Ballot for a combined high school - unit district
26 formation:

27 OFFICIAL BALLOT

1 Shall a combined high school - unit district formed
 2 from all of the territory included within (here identify
 3 existing school districts by name and number), serving the
 4 territory included within (here identify existing school
 5 district by name and number) only for high school purposes,
 6 with the authority to levy taxes for various purposes as
 7 follows:(here specify the maximum tax rates for various
 8 purposes the new combined high school - unit district is
 9 authorized to levy and, if applicable, the specifications
 10 related to the Property Tax Extension Limitation Law, in
 11 accordance with Sections 11E-80 and 11E-95 of this Code),
 12 each upon all of the taxable property of the district at
 13 the value thereof, as equalized or assessed by the
 14 Department of Revenue, be established?

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

17 (5) Ballot for an optional elementary unit district
 18 formation:

19 OFFICIAL BALLOT

20 Shall an optional elementary unit district, with the
 21 authority to levy taxes at the rate of (here specify the
 22 maximum tax rates for various purposes the new optional
 23 elementary unit district is authorized to levy and, if
 24 applicable, the specifications related to the Property Tax
 25 Extension Limitation Law, in accordance with Sections
 26 11E-80 and 11E-95 of this Code), each upon all of the
 27 taxable property of the district at the value thereof, as
 28 equalized or assessed by the Department of Revenue, be
 29 established?

30 The election authority must record the votes "Yes" or
 31 "No".

1 (6) Ballot for multi-unit conversion:

2 OFFICIAL BALLOT

3 Shall (here identify the districts to be dissolved by
4 name and number) be dissolved and new school districts
5 established as follows: a new elementary district formed
6 from all of the territory included within (here identify
7 the existing school district by name and number), with the
8 authority to levy taxes for various purposes as follows:
9 (here specify the maximum tax rates for various purposes
10 the new school district is authorized to levy and, if
11 applicable, the specifications related to the Property Tax
12 Extension Limitation Law, in accordance with Section
13 11E-80 of this Code), each upon all of the taxable property
14 of the school district at the value thereof, as equalized
15 or assessed by the Department of Revenue, (here repeat the
16 information for each new elementary school district), and a
17 new combined high school - unit district formed from all of
18 the territory included within (here identify the existing
19 school district by name and number), with the authority to
20 levy taxes for various purposes as follows: (here specify
21 the maximum tax rates for various purposes the new combined
22 high school - unit district is authorized to levy and, if
23 applicable, the specifications related to the Property Tax
24 Extension Limitation Law, in accordance with Sections
25 11E-80 and 11E-90 of this Code), each upon all of the
26 taxable property of the school district at the value
27 thereof, as equalized or assessed by the Department of
28 Revenue?

29 The election authority must record the votes "Yes" or
30 "No".

31 (7) Ballot for an elementary school district to

1 dissolve and join an optional elementary unit district:

2 OFFICIAL BALLOT

3 Shall (here identify the elementary district by name
4 and number) be dissolved and join (here identify the
5 optional elementary unit district by name and number), with
6 the authority to levy taxes at the rate of (here specify
7 the maximum tax rates for various purposes the optional
8 elementary unit district is authorized to levy and, if
9 applicable, the specifications related to the Property Tax
10 Extension Limitation Law, in accordance with Sections
11 11E-80 and 11E-95 of this Code), each upon all of the
12 taxable property of the district at the value thereof, as
13 equalized or assessed by the Department of Revenue and
14 shall (here identify the elementary district by name and
15 number), prior to dissolution, issue funding bonds
16 pursuant to Sections 19-8 and 19-9 of the School Code to
17 liquidate any operational deficit or debt incurred or
18 accumulated since the date of the election in which the
19 proposition to form (here identify the optional elementary
20 unit district by name and number) passed?

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

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 (c) of Section 11E-30 of
32 this Code, if a majority of the electors voting in the high

1 school district and a majority of the voters voting in at least
2 one affected elementary district vote in favor of the
3 proposition submitted to them, then the proposition shall be
4 deemed to have passed and an optional elementary unit district
5 shall be created for all of the territory included in the
6 petition for high school purposes, and for the territory
7 included in the affected elementary districts voting in favor
8 of the proposition for elementary purposes.

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

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

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

1 petition unless it first finds that the territory described
2 in the petition is compact and contiguous.

3 (3) If a majority of the members of each school board
4 to whom a petition is submitted votes in favor of the
5 amended petition, then the approved petition shall be
6 transmitted by the secretary of each school board to the
7 State Superintendent of Education, who shall, within 30
8 days after receipt, approve or deny the amended petition
9 based on the criteria stated in subsection (b) of Section
10 11E-50 of this Code. If approved by the State
11 Superintendent of Education, the petition shall be placed
12 on the ballot at the next regularly scheduled election.

13 (105 ILCS 5/11E-70 new)

14 Sec. 11E-70. Effective date of change.

15 (a) If a petition is filed under the authority of this
16 Article, the change is granted and approved at election, and no
17 appeal is taken, the change shall become effective after the
18 time for appeal has run for the purpose of all elections;
19 however, the change shall not affect the administration of the
20 schools until July 1 following the date that the school board
21 election is held for the new district or districts and the
22 school boards of the districts as they existed prior to the
23 change shall exercise the same power and authority over the
24 territory until that date.

25 (b) If any school district is dissolved in accordance with
26 this Article, upon the close of the then current school year,
27 the terms of office of the school board of the dissolved
28 district shall terminate.

29 (c) New districts shall be permitted to organize and elect
30 officers within the time prescribed by the general election
31 law. Additionally, between the date of the organization and the
32 election of officers and the date on which the new district
33 takes effect for all purposes, the new district shall also be
34 permitted, with the stipulation of the districts from which the
35 new district is formed and the approval of the regional

1 superintendent of schools, to take all action necessary or
2 appropriate to do the following:

3 (1) Establish the tax levy for the new district, in
4 lieu of the levies by the districts from which the new
5 district is formed, within the time generally provided by
6 law and in accordance with this Article. The funds produced
7 by the levy shall be transferred to the new district as
8 generally provided by law at such time as they are received
9 by the county collector.

10 (2) Enter into agreements with depositories and direct
11 the deposit and investment of any funds received from the
12 county collector or any other source, all as generally
13 provided by law.

14 (3) Conduct a search for the superintendent of the new
15 district and enter into a contract with the person selected
16 to serve as the superintendent of the new district in
17 accordance with the provisions of this Code generally
18 applicable to the employment of a superintendent.

19 (4) Conduct a search for other administrators and staff
20 of the new district and enter into a contract with these
21 persons in accordance with the provisions of this Code
22 generally applicable to the employment of administrators
23 and other staff.

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

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

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

36 (8) Expend the funds received from the levy and any

1 funds received from the districts from which the new
2 district is formed to meet payroll and other essential
3 operating expenses or otherwise in the exercise of the
4 foregoing powers until the new district takes effect for
5 all purposes.

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

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

24 (105 ILCS 5/11E-75 new)

25 Sec. 11E-75. Map showing change. Within 30 days after a new
26 school district has been created or the boundaries of an
27 existing district have been changed under the provisions of
28 this Article, the regional superintendent of schools of any
29 county involved shall make and file with the county clerk of
30 his or her county a map of any districts changed by the action,
31 whereupon the county clerk or county clerks, as the case may
32 be, shall extend taxes against the territory in accordance
33 therewith.

34 (105 ILCS 5/11E-80 new)

1 Sec. 11E-80. Specification of taxing purposes and rates.
 2 Whenever taxing purposes and rates are required to be specified
 3 or described under this Article for petition, hearing, notice,
 4 or ballot requirements, the purposes and rates shall be
 5 specified or described in accordance with this Section and,
 6 where applicable, shall also include a specification of the
 7 aggregate extension base and debt service extension base in
 8 accordance with the Property Tax Extension Limitation Law.

9 (1) For the formation of a district not subject to the
 10 Property Tax Extension Limitation Law, other than a partial
 11 elementary unit district, all of the following must be
 12 done:

13 (A) List the maximum rate at which the district
 14 will be authorized to levy a tax for educational
 15 purposes, operations and maintenance purposes, and
 16 pupil transportation purposes (such as% for
 17 educational purposes,% for operations and
 18 maintenance purposes, and% for pupil
 19 transportation purposes), subject to the rate
 20 limitations specified in Sections 17-2 and 17-3 of this
 21 Code.

22 (B) If it is desired to secure authority to levy
 23 other taxes above the statutory permissive rate, then
 24 list the maximum rate at which the district will be
 25 authorized to levy a tax for each such purpose (such as
 26 % for special educational purposes,% for
 27 leasing educational facilities or computer technology
 28 purposes,% for capital improvement purposes, and
 29 % for fire prevention and safety purposes),
 30 subject to all applicable statutory rate limitations.

31 (2) For the formation of a district that is subject to
 32 the Property Tax Extension Limitation Law, other than a
 33 partial elementary unit district, all of the following must
 34 be done:

35 (A) List the purpose for each and every tax that
 36 the new district will be authorized to levy (such as

1 educational purposes and operations and maintenance
2 purposes).

3 (B) For each tax purpose listed, specify the
4 maximum rate at which the district will be authorized
5 to levy each tax (such as% for educational
6 purposes and% for operations and maintenance
7 purposes), subject to all applicable statutory rate
8 limitations.

9 (C) Specify the aggregate extension base the
10 district will seek to establish in conformity with the
11 provisions of Section 18-210 of the Property Tax Code.
12 Notwithstanding any provision to the contrary
13 contained in the Property Tax Extension Limitation
14 Law, no notice and referendum requirements other than
15 those set forth in this Article shall be required to
16 establish an aggregate extension base for a new
17 district formed in accordance with this Article.

18 (D) If desired, specify the debt service extension
19 base the district will seek to establish in accordance
20 with Section 18-212 of the Property Tax Code.
21 Notwithstanding any provision to the contrary
22 contained in the Property Tax Extension Limitation
23 Law, no notice and referendum requirements other than
24 those set forth in this Article shall be required to
25 establish a debt service extension base for a new
26 district formed in accordance with this Article.

27 (3) For the formation of a partial elementary unit
28 district not subject to the Property Tax Extension
29 Limitation Law, the purposes and tax rate information
30 required by subsection (b) of Section 11E-90 or subsection
31 (b) of Section 11E-95 of this Code, as applicable, must be
32 specified.

33 (4) For the formation of a partial elementary unit
34 district that is subject to the Property Tax Extension
35 Limitation Law, all of the following must be done:

36 (A) List the purpose for each and every tax that

1 the new district will be authorized to levy, including
2 an indication of whether the tax is for grade K through
3 8 or grade 9 through 12 purposes, to the extent
4 required by Section 11E-90 or 11E-95 of this Code.

5 (B) For each tax purpose listed, list the maximum
6 rate at which the district will be authorized to levy
7 each tax, subject to the rate limitations specified in
8 subsection (b) of Section 11E-90 or subsection (b) of
9 Section 11E-95 of this Code, as applicable, and
10 elsewhere in statute.

11 (C) Specify the aggregate extension base the
12 district will seek to establish in conformity with the
13 provisions of Section 18-210 of the Property Tax Code.
14 Notwithstanding any provision to the contrary
15 contained in the Property Tax Extension Limitation
16 Law, no notice and referendum requirements other than
17 those set forth in this Article shall be required to
18 establish an aggregate extension base for a new
19 district formed in accordance with this Article.

20 (D) If desired, specify the debt service extension
21 base the district will seek to establish in accordance
22 with Section 18-212 of the Property Tax Code.
23 Notwithstanding any provision to the contrary
24 contained in the Property Tax Extension Limitation
25 Law, no notice and referendum requirements other than
26 those set forth in this Article shall be required to
27 establish a debt service extension base for a new
28 district formed in accordance with this Article.

29 (105 ILCS 5/11E-85 new)

30 Sec. 11E-85. Tax levy and borrowing authority, bonds, and
31 working cash funds; districts other than partial elementary
32 unit districts. The school board of any district involved in a
33 school district conversion or the school board of any new
34 district created under the provisions of this Article other
35 than a partial elementary unit district may do any of the

1 following:

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

8 (2) Borrow money and issue bonds as authorized in
9 Articles 10 and 19 of this Code and as otherwise permitted
10 by law.

11 (3) Establish, maintain, or re-create a working cash
12 fund as authorized by Article 20 of this Code.

13 (105 ILCS 5/11E-90 new)

14 Sec. 11E-90. Classification of property, taxes, bonds, and
15 funds for combined high school - unit districts.

16 (a) All real property included within the boundaries of a
17 combined high school - unit district created in accordance with
18 this Article shall be classified into either a high school only
19 classification or elementary and high school classification as
20 follows:

21 (1) Real property included within the high school only
22 classification shall include all of the real property
23 included within both the boundaries of the combined high
24 school - unit district and the boundaries of a separate
25 school district organized and established for purposes of
26 providing instruction up to and including grade 8.

27 (2) Real property included within the elementary and
28 high school classification shall include all of the real
29 property of the combined high school - unit district not
30 included in the high school only classification.

31 (b) The petition to establish a combined high school - unit
32 district shall set forth the maximum annual authorized tax
33 rates for the proposed district as follows:

34 (1) The petition to establish a combined high school -
35 unit district must include a maximum annual authorized tax

1 rate for both grade K through 8 educational purposes and
2 grade 9 through 12 educational purposes. The rate for grade
3 K through 8 educational purposes shall not exceed 3.5%. The
4 rate for grade 9 through 12 educational purposes shall not
5 exceed 3.5%. The combined rate for both grade K through 8
6 and grade 9 through 12 educational purposes shall not
7 exceed 4.0%.

8 (2) The petition to establish a combined high school -
9 unit district must include a maximum annual authorized tax
10 rate for both grade K through 8 operations and maintenance
11 purposes and grade 9 through 12 operations and maintenance
12 purposes. The rate for grade K through 8 operations and
13 maintenance purposes shall not exceed 0.55%. The rate for
14 grade 9 through 12 operations and maintenance purposes
15 shall not exceed 0.55%. The combined rate for both grade K
16 through 8 and grade 9 through 12 operations and maintenance
17 purposes shall not exceed 0.75%.

18 (3) The petition to establish a combined high school -
19 unit district must include a maximum annual authorized tax
20 rate for both grade K through 8 special education purposes
21 and grade 9 through 12 special education purposes. The rate
22 for grade K through 8 special education purposes shall not
23 exceed 0.40%. The rate for grade 9 through 12 special
24 education purposes shall not exceed 0.40%.

25 (4) The petition to establish a combined high school -
26 unit district must include a maximum annual authorized tax
27 rate for transportation purposes.

28 (5) If it is desired to secure authority to levy other
29 taxes above the permissive rate applicable to unit
30 districts as specified elsewhere in statute, the petition
31 must include the maximum annual authorized tax rate at
32 which the district will be authorized to levy a tax for
33 each such purpose, not to exceed the maximum rate
34 applicable to unit districts as specified elsewhere in
35 statute.

36 (c) The school board of any new combined high school - unit

1 district created under the provisions of this Article may levy
2 a tax annually upon all of the taxable property of the district
3 at the value as equalized or assessed by the Department of
4 Revenue, as follows:

5 (1) For all real property within the district, rates
6 not to exceed the maximum annual authorized grade 9 through
7 12 educational purposes rate established in accordance
8 with subdivision (1) of subsection (b) of this Section, the
9 maximum annual authorized grade 9 through 12 operation and
10 maintenance purposes rate established in accordance with
11 subdivision (2) of subsection (b) of this Section, the
12 maximum annual authorized grade 9 through 12 special
13 education purposes rate established in accordance with
14 subdivision (3) of subsection (b) of this Section, the
15 maximum annual authorized transportation purposes rate
16 established in accordance with subdivision (4) of
17 subsection (b) of this Section, and for all other purposes,
18 the statutory permissive rate for unit districts or the
19 maximum annual authorized rate for that purpose
20 established in accordance with subdivision (5) of
21 subsection (b) of this Section.

22 (2) For all real property in the district included
23 within the elementary and high school classification, in
24 addition to the rates authorized by subdivision (1) of this
25 subsection (c), rates not to exceed the maximum annual
26 authorized grade K through 8 educational purposes rate
27 established in accordance with subdivision (1) of
28 subsection (b) of this Section, the maximum annual
29 authorized grade K through 8 operation and maintenance
30 purposes rate established in accordance with subdivision
31 (2) of subsection (b) of this Section, and the maximum
32 annual authorized grade K through 8 special education
33 purposes rate established in accordance with subdivision
34 (3) of subsection (b) of this Section.

35 (d) The school board may, subsequent to the formation of
36 the district and in accordance with Sections 17-2 through 17-7

1 of this Code, seek to increase the maximum annual authorized
2 tax rates for any statutorily authorized purpose up to the
3 maximum rate set forth in subsection (b) of this Section or
4 otherwise applicable to unit districts as specified elsewhere
5 in statute, whichever is less, subject to the following
6 approval requirements:

7 (1) The school board may increase the following rates
8 only after submitting a proper resolution to the voters of
9 the district at any regular scheduled election and
10 obtaining approval by both a majority of voters living in
11 the portion of the territory included within the high
12 school only classification voting on the proposition and a
13 majority of voters living in the portion of the territory
14 included within the elementary and high school
15 classification voting on the proposition:

16 (A) The maximum annual authorized grade 9 through
17 12 educational purposes rate established in accordance
18 with subdivision (1) of subsection (b) of this Section,
19 as may be increased thereafter in accordance with this
20 subsection (d).

21 (B) The maximum annual authorized grade 9 through
22 12 operation and maintenance purposes rate established
23 in accordance with subdivision (2) of subsection (b) of
24 this Section, as may be increased thereafter in
25 accordance with this subsection (d).

26 (C) The maximum annual authorized grade 9 through
27 12 special education purposes rate established in
28 accordance with subdivision (3) of subsection (b) of
29 this Section, as may be increased thereafter in
30 accordance with this Section.

31 (D) The maximum annual authorized transportation
32 purposes rate established in accordance with
33 subdivision (4) of subsection (b) of this Section, as
34 may be increased thereafter in accordance with this
35 subsection (d).

36 (E) For all other statutorily authorized purposes,

1 any rate exceeding the statutory permissive rate for
2 unit districts established in accordance with
3 subdivision (5) of subsection (b) of this Section, as
4 may be increased thereafter in accordance with this
5 Section.

6 (2) The school board may increase the following rates
7 only after submitting a proper resolution to the voters of
8 the district living in the portion of the territory
9 included within the elementary and high school
10 classification at any regular scheduled election and
11 obtaining approval by a majority of voters living in the
12 portion of the territory included within the elementary and
13 high school classification voting on the proposition:

14 (A) The maximum annual authorized grade K through 8
15 educational purposes rate established in accordance
16 with subdivision (1) of subsection (b) of this Section,
17 as may be increased thereafter in accordance with this
18 subsection (d).

19 (B) The maximum annual authorized grade K through 8
20 operation and maintenance purposes rate established in
21 accordance with subdivision (2) of subsection (b) of
22 this Section, as may be increased thereafter in
23 accordance with this subsection (d).

24 (C) The maximum annual authorized grade K through 8
25 special education purposes rate established in
26 accordance with subdivision (3) of subsection (b) of
27 this Section, as may be increased thereafter in
28 accordance with this Section.

29 (e) The school board may, after submitting a proper
30 resolution to the voters of the district at any regular
31 scheduled election, seek to do either of the following:

32 (1) Increase or decrease the maximum authorized annual
33 tax rate for grade K through 8 educational purposes with an
34 equal corresponding increase or decrease of the maximum
35 authorized annual tax rate for grade 9 through 12
36 educational purposes, such that there is no change in the

1 total combined maximum authorized annual tax rate for both
2 purposes.

3 (2) Increase or decrease the maximum authorized annual
4 tax rate for grade K through 8 operations and maintenance
5 purposes with an equal corresponding increase or decrease
6 of the maximum authorized annual tax rate for grade 9
7 through 12 operations and maintenance purposes, such that
8 there is no change in the total combined maximum authorized
9 annual tax rate for both purposes.

10 Any modification to maximum authorized annual tax rates
11 pursuant to this subsection (e) must be approved by both a
12 majority of voters living in the portion of the territory
13 included within the high school only classification voting on
14 the proposition and a majority of voters living in the portion
15 of the territory included within the elementary and high school
16 classification voting on the proposition. No maximum tax rate
17 secured hereunder may exceed the maximum tax rate for a
18 particular purpose specified elsewhere in statute.

19 (f) The school board may seek to do either of the
20 following:

21 (1) Increase the maximum authorized annual tax rate for
22 either grade K through 8 educational purposes or grade K
23 through 8 operations and maintenance purposes with an equal
24 corresponding decrease being effected to the maximum
25 authorized tax rate for the other fund.

26 (2) Increase the maximum authorized annual tax rate for
27 either grade 9 through 12 educational purposes or grade 9
28 through 12 operations and maintenance purposes with an
29 equal corresponding decrease being effected to the maximum
30 authorized tax rate for the other fund.

31 A proper resolution to increase and concurrently decrease
32 the maximum authorized annual tax rates for grade K through 8
33 purposes in accordance with this subsection (f) shall be
34 submitted to the voters of the district residing in the
35 elementary and high school classification at any regular
36 scheduled election and must be approved by a majority of voters

1 living in the portion of the territory included within the
2 elementary and high school classification voting on the
3 proposition. A proper resolution to increase and concurrently
4 decrease the maximum authorized annual tax rates for grade 9
5 through 12 purposes in accordance with this subsection (f)
6 shall be submitted to all of the voters of the district at any
7 regular scheduled election and must be approved by a majority
8 of voters voting on the proposition. No maximum tax rate
9 secured hereunder may exceed the maximum tax rate for a
10 particular purpose specified elsewhere in statute. The terms
11 and provisions of this subsection (f) shall apply instead of
12 the terms and provisions of Section 17-6.1 of this Code to any
13 concurrent equal increase and decrease in the maximum
14 authorized rates for educational and operations and
15 maintenance purposes by a combined high school - unit district.

16 (g) The school board may borrow money and issue bonds for
17 elementary or high school purposes (but not K through 12
18 purposes) as authorized by Articles 10 and 19 and Section
19 17-2.11 of this Code and as otherwise permitted by law. All
20 notices, resolutions, and ballots related to borrowing money
21 and issuing bonds in accordance with this subsection (g) shall
22 indicate whether the proposed action is for elementary or high
23 school purposes. Taxes to pay the principal of, interest on,
24 and premium, if any, on bonds issued for high school purposes
25 shall be extended against the entire district, and taxes to pay
26 the principal of, interest on, and premium, if any, on bonds
27 issued for elementary purposes shall be extended only against
28 property within the elementary and high school classification.
29 The proposition to issue bonds for high school purposes must be
30 submitted to and approved by a majority of voters of the
31 district voting on the proposition. The proposition to issue
32 bonds for elementary purposes must only be submitted to and
33 approved by a majority of voters living in the portion of the
34 territory proposed to be included or included within the
35 elementary and high school classification voting on the
36 proposition. Notwithstanding the terms and provisions of

1 Section 19-4 of this Code, the board of a combined high school
2 - unit district may not seek to designate any bonds issued for
3 high school purposes as bonds issued for elementary purposes or
4 designate any bonds issued for elementary purposes as bonds
5 issued for high school purposes. Any petition filed in
6 accordance with Section 19-9 of this Code requesting that the
7 proposition to issue bonds for the payment of orders or claims
8 for elementary purposes be submitted to the voters must be
9 signed by 10% or more of the registered voters of the
10 elementary and high school classification. If required
11 pursuant to Section 19-9 of this Code, the proposition to issue
12 bonds for the payment of orders or claims for elementary
13 purposes must only be submitted to and approved by a majority
14 of voters living in the portion of the territory included
15 within the elementary and high school classification voting on
16 the proposition. Taxes to pay the principal of, interest on,
17 and premium, if any, on any refunding bonds issued in
18 accordance with Article 19 of this Code to refund bonds,
19 coupons, or other evidences of indebtedness for bonds issued by
20 the combined high school - unit district for high school
21 purposes or issued by a district that dissolved to form the
22 combined high school - unit district shall be extended against
23 the entire district. Taxes to pay the principal of, interest
24 on, and premium, if any, on any refunding bonds issued in
25 accordance with Article 19 of this Code to refund bonds,
26 coupons, or other evidences of indebtedness for bonds issued by
27 the combined high school - unit district for elementary
28 purposes shall only be extended against the property within the
29 elementary and high school classification.

30 (h) The school board may establish, maintain, or re-create
31 a working cash fund for elementary or high school purposes (but
32 not K through 12 purposes) as authorized by Article 20 of this
33 Code. All notices, resolutions, and ballots related to the
34 establishment of a working cash fund shall indicate whether the
35 working cash fund shall be for elementary or high school
36 purposes. For purposes of Section 20-2 of this Code, taxes to

1 pay the principal of, interest on, and premium, if any, on
2 bonds issued to create a working cash fund for high school
3 purposes shall be extended against the entire district, and
4 taxes to pay the principal of, interest on, and premium, if
5 any, on bonds issued to create a working cash fund for
6 elementary purposes shall be extended only against property
7 within the elementary and high school classification. Any
8 petition filed in accordance with Section 20-7 of this Code
9 requesting that the proposition to issue bonds to establish a
10 working cash fund for elementary purposes be submitted to the
11 voters must be signed by 10% or more of the registered voters
12 of the elementary and high school classification. If required
13 pursuant to Section 20-7 of this Code, the proposition to issue
14 bonds for a working cash fund for elementary purposes must only
15 be submitted to and approved by a majority of voters living in
16 the portion of the territory included within the elementary and
17 high school classification voting on the proposition. Upon the
18 abolishment of the working cash fund for elementary purposes in
19 accordance with Section 20-8 of this Code, the balance shall be
20 transferred to the fund established for the receipt of proceeds
21 from levies specified for grade K through 8 educational
22 purposes. Upon the abolishment of the working cash fund for
23 high school purposes in accordance with Section 20-8 of this
24 Code, the balance shall be transferred to the fund established
25 for the receipt of proceeds from levies specified for grade 9
26 through 12 educational purposes.

27 (i) The school board shall establish separate funds for the
28 receipt of tax proceeds from levies specified for grade K
29 through 8 purposes and grade 9 through 12 purposes in
30 accordance with subdivisions (1) through (3) of subsection (b)
31 of this Section and the receipt of tax and other proceeds from
32 bond issuances for grade K through 8 purposes and grade 9
33 through 12 purposes in accordance with subsection (g) of this
34 Section. Proceeds received from any levy or bond issuance
35 specified for grade K through 8 purposes shall not be used to
36 pay for any staff, equipment, materials, facilities,

1 buildings, land, or services solely related to instruction in
2 grades 9 through 12. Proceeds received from any levy or bond
3 issuance specified for grade 9 through 12 purposes shall not be
4 used to pay for any staff, equipment, materials, facilities,
5 buildings, land, or services solely related to instruction in
6 grades K through 8. Expenses related to staff, equipment,
7 materials, facilities, buildings, land, or services related to
8 instruction in both grades K through 8 and grades 9 through 12
9 may be paid from proceeds received from a levy or bond issuance
10 specified for either grade K through 8 purposes or grade 9
11 through 12 purposes.

12 (j) The school board of a combined high school - unit
13 district may abate or abolish any fund in accordance with this
14 Code, provided that no funds may be transferred from an abated
15 or abolished fund specified for grade K through 8 purposes to a
16 fund specified for grade 9 through 12 purposes, and no funds
17 may be transferred from an abated or abolished fund specified
18 for grade 9 through 12 purposes to a fund specified for grade K
19 through 8 purposes.

20 (k) To the extent the specific requirements for borrowing
21 money, levying taxes, issuing bonds, establishing,
22 maintaining, or re-creating a working cash fund, and
23 transferring funds by a combined high school - unit district
24 set forth in this Section conflicts with any general
25 requirements for school districts set forth in Article 10, 17,
26 19, or 20 of this Code, the requirements set forth in this
27 Section shall control over any such general requirements.

28 (105 ILCS 5/11E-95 new)

29 Sec. 11E-95. Classification of property, taxes, bonds, and
30 funds for optional elementary unit districts.

31 (a) All real property included within the boundaries of an
32 optional elementary unit district created in accordance with
33 this Article shall be classified into either a high school only
34 classification or an elementary and high school classification
35 as follows:

1 (1) Real property included within the high school only
2 classification shall include all of the real property
3 included within both the boundaries of the optional
4 elementary unit district and the boundaries of a separate
5 school district organized and established for purposes of
6 providing instruction up to and including grade 8 that did
7 not elect to join the optional elementary unit district in
8 accordance with this Article.

9 (2) Real property included within the elementary and
10 high school classification shall include all real property
11 of the optional elementary unit district not included in
12 the high school only classification.

13 (b) The petition to establish an optional elementary unit
14 district shall set forth the maximum annual authorized tax
15 rates for the proposed district as follows:

16 (1) The petition must specify a maximum annual
17 authorized tax rate for both grade K through 8 educational
18 purposes and grade 9 through 12 educational purposes. The
19 rate for grade K through 8 educational purposes shall not
20 exceed 3.5%. The rate for grade 9 through 12 educational
21 purposes shall not exceed 3.5%. The combined rate for both
22 grade K through 8 and grade 9 through 12 educational
23 purposes shall not exceed 4.0%.

24 (2) The petition must specify a maximum annual
25 authorized tax rate for both grade K through 8 operations
26 and maintenance purposes and grade 9 through 12 operations
27 and maintenance purposes. The rate for grade K through 8
28 operations and maintenance purposes shall not exceed
29 0.55%. The rate for grade 9 through 12 operations and
30 maintenance purposes shall not exceed 0.55%. The combined
31 rate for both grade K through 8 and grade 9 through 12
32 operations and maintenance purposes shall not exceed
33 0.75%.

34 (3) The petition must specify a maximum annual
35 authorized tax rate for both grade K through 8 special
36 education purposes and grade 9 through 12 special education

1 purposes. The rate for grade K through 8 special education
2 purposes shall not exceed 0.40%. The rate for grade 9
3 through 12 special education purposes shall not exceed
4 0.40%.

5 (4) The petition must specify a maximum annual
6 authorized tax rate for transportation purposes.

7 (5) If it is desired to secure authority to levy other
8 taxes above the permissive rate applicable to unit
9 districts as specified elsewhere in statute, the petition
10 must specify the maximum annual authorized tax rate at
11 which the district will be authorized to levy a tax for
12 each such purpose, not to exceed the maximum annual
13 authorized tax rate applicable to unit districts as
14 specified elsewhere in statute.

15 (6) The aggregate of all rates specified in accordance
16 with this subsection (b) shall not exceed the highest dual
17 district rate, excluding rates for bond and interest
18 levies, applicable to any territory within the high school
19 district included in the petition in the year immediately
20 preceding the creation of the new district.

21 (c) The school board of any new optional elementary unit
22 district created under the provisions of this Article may levy
23 a tax annually upon all of the taxable property of the district
24 at the value as equalized or assessed by the Department of
25 Revenue as follows:

26 (1) For all real property within the district, rates
27 not to exceed the maximum annual authorized grade 9 through
28 12 educational purposes rate established in accordance
29 with subdivision (1) of subsection (b) of this Section, the
30 maximum annual authorized grade 9 through 12 operation and
31 maintenance purposes rate established in accordance with
32 subdivision (2) of subsection (b) of this Section, the
33 maximum annual authorized grade 9 through 12 special
34 education purposes rate established in accordance with
35 subdivision (3) of subsection (b) of this Section, the
36 maximum annual authorized transportation purposes rate

1 established in accordance with subdivision (4) of
2 subsection (b) of this Section, and, for all other
3 purposes, the statutory permissive rate for unit districts
4 or the maximum annual authorized rate for that purpose
5 established in accordance with subdivision (5) of
6 subsection (b) of this Section.

7 (2) For all real property in the district included
8 within the elementary and high school classification, in
9 addition to the rates authorized by subdivision (1) of this
10 subsection (c), rates not to exceed the maximum annual
11 authorized grade K through 8 educational purposes rate
12 established in accordance with subdivision (1) of
13 subsection (b) of this Section, the maximum annual
14 authorized grade K through 8 operation and maintenance
15 purposes rate established in accordance with subdivision
16 (2) of subsection (b) of this Section, and the maximum
17 annual authorized grade K through 8 special education
18 purposes rate established in accordance with subdivision
19 (3) of subsection (b) of this Section.

20 (d) The school board may, subsequent to the formation of
21 the district and in accordance with Sections 17-2 through 17-7
22 of this Code, seek to increase the maximum annual authorized
23 tax rates for any statutorily authorized purpose up to the
24 maximum rate set forth in subsection (b) of this Section or
25 otherwise applicable to unit school districts as specified
26 elsewhere in statute, whichever is less, subject to the
27 following approval requirements:

28 (1) The school board may increase the following rates
29 only after submitting a proper resolution to the voters of
30 the district at any regular scheduled election and
31 obtaining approval by both a majority of voters living in
32 the portion of the territory included within the high
33 school only classification voting on the proposition and a
34 majority of voters living in the portion of the territory
35 included within the elementary and high school
36 classification voting on the proposition:

1 (A) The maximum annual authorized grade 9 through
2 12 educational purposes rate established in accordance
3 with subdivision (1) of subsection (b) of this Section,
4 as may be increased thereafter in accordance with this
5 subsection (d).

6 (B) The maximum annual authorized grade 9 through
7 12 operation and maintenance purposes rate established
8 in accordance with subdivision (2) of subsection (b) of
9 this Section, as may be increased thereafter in
10 accordance with this subsection (d).

11 (C) The maximum annual authorized grade 9 through
12 12 special education purposes rate established in
13 accordance with subdivision (3) of subsection (b) of
14 this Section, as may be increased thereafter in
15 accordance with this subsection (d).

16 (D) The maximum annual authorized transportation
17 purposes rate established in accordance with
18 subdivision (4) of subsection (b) of this Section, as
19 may be increased thereafter in accordance with this
20 subsection (d).

21 (E) For all other statutorily authorized purposes,
22 any rate exceeding the statutory permissive rate for
23 unit districts established in accordance with
24 subdivision (5) of subsection (b) of this Section, as
25 may be increased thereafter in accordance with this
26 subsection (d).

27 (2) The school board may increase the following rates
28 only after submitting a proper resolution to the voters of
29 the district living in the portion of the territory
30 included within the elementary and high school
31 classification at any regular scheduled election and
32 obtaining approval by a majority of voters living in the
33 portion of the territory included within the elementary and
34 high school classification voting on the proposition:

35 (A) The maximum annual authorized grade K through 8
36 educational purposes rate established in accordance

1 with subdivision (1) of subsection (b) of this Section,
2 as may be increased thereafter in accordance with this
3 subsection (d).

4 (B) The maximum annual authorized grade K through 8
5 operation and maintenance purposes rate established in
6 accordance with subdivision (2) of subsection (b) of
7 this Section, as may be increased thereafter in
8 accordance with this subsection (d).

9 (C) The maximum annual authorized grade K through 8
10 special education purposes rate established in
11 accordance with subdivision (3) of subsection (b) of
12 this Section, as may be increased thereafter in
13 accordance with this subsection (d).

14 (e) The school board may, after submitting a proper
15 resolution to the voters of the district at any regular
16 scheduled election, seek to do either of the following:

17 (1) Increase or decrease the maximum authorized annual
18 tax rate for grade K through 8 educational purposes with an
19 equal corresponding increase or decrease of the maximum
20 authorized annual tax rate for grade 9 through 12
21 educational purposes, such that there is no change in the
22 total combined maximum authorized annual tax rate for both
23 purposes.

24 (2) Increase or decrease the maximum authorized annual
25 tax rate for grade K through 8 operations and maintenance
26 purposes with an equal corresponding increase or decrease
27 of the maximum authorized annual tax rate for grade 9
28 through 12 operations and maintenance purposes, such that
29 there is no change in the total combined maximum authorized
30 annual tax rate for both purposes.

31 Any modification to maximum authorized annual tax rates
32 pursuant to this subsection (e) must be approved by both a
33 majority of voters living in the portion of the territory
34 included within the high school only classification voting on
35 the proposition and a majority of voters living in the portion
36 of the territory included within the elementary and high school

1 classification voting on the proposition. No maximum tax rate
2 secured hereunder may exceed the maximum tax rate for a
3 particular purpose specified elsewhere in statute.

4 (f) The school board may seek to do either of the
5 following:

6 (1) Increase the maximum authorized annual tax rate for
7 either grade K through 8 educational purposes or grade K
8 through 8 operations and maintenance purposes with an equal
9 corresponding decrease being effected to the maximum
10 authorized tax rate for the other fund.

11 (2) Increase the maximum authorized annual tax rate for
12 either grade 9 through 12 educational purposes or grade 9
13 through 12 operations and maintenance purposes with an
14 equal corresponding decrease being effected to the maximum
15 authorized tax rate for the other fund.

16 A proper resolution to increase and concurrently decrease
17 the maximum authorized annual tax rates for grade K through 8
18 purposes in accordance with this subsection (f) shall be
19 submitted to the voters of the district residing in the
20 elementary and high school classification at any regular
21 scheduled election and must be approved by a majority of voters
22 living in the portion of the territory included within the
23 elementary and high school classification voting on the
24 proposition. A proper resolution to increase and concurrently
25 decrease the maximum authorized annual tax rates for grade 9
26 through 12 purposes in accordance with this subsection (f)
27 shall be submitted to all of the voters of the district at any
28 regular scheduled election and must be approved by a majority
29 of voters voting on the proposition. No maximum tax rate
30 secured hereunder may exceed the maximum tax rate for a
31 particular purpose specified elsewhere in statute. The terms
32 and provisions of this subsection (f) shall apply instead of
33 the terms and provisions of Section 17-6.1 of this Code to any
34 concurrent equal increase and decrease in the maximum
35 authorized rates for educational and operations and
36 maintenance purposes by an optional elementary unit district.

1 (g) The school board may borrow money and issue bonds for
2 elementary or high school purposes (but not grade K through 12
3 purposes) as authorized by Articles 10 and 19 and Section
4 17-2.11 of this Code and as otherwise permitted by law. All
5 notices, resolutions, and ballots related to borrowing money
6 and issuing bonds in accordance with this subsection (g) shall
7 indicate whether the proposed action is for elementary or high
8 school purposes. Taxes to pay the principal of, interest on,
9 and premium, if any, on bonds issued for high school purposes
10 shall be extended against the entire district, and taxes to pay
11 the principal of, interest on, and premium, if any, on bonds
12 issued for elementary purposes shall be extended only against
13 property within the elementary and high school classification.
14 The proposition to issue bonds for high school purposes must be
15 submitted to and approved by a majority of voters of the
16 district voting on the proposition. The proposition to issue
17 bonds for elementary purposes must only be submitted to and
18 approved by a majority of voters living in the portion of the
19 territory included within the elementary and high school
20 classification voting on the proposition. Notwithstanding the
21 terms and provisions of Section 19-4 of this Code, the board of
22 an optional elementary unit district may not seek to designate
23 any bonds issued for high school purposes as bonds issued for
24 elementary purposes or designate any bonds issued for
25 elementary purposes as bonds issued for high school purposes.
26 Any petition filed in accordance with Section 19-9 of this Code
27 requesting that the proposition to issue bonds for the payment
28 of orders or claims for elementary purposes be submitted to the
29 voters must be signed by 10% or more of the registered voters
30 of the elementary and high school classification. If required
31 pursuant to Section 19-9 of this Code, the proposition to issue
32 bonds for the payment of orders or claims for elementary
33 purposes must only be submitted to and approved by a majority
34 of voters living in the portion of the territory included
35 within the elementary and high school classification voting on
36 the proposition. Taxes to pay the principal of, interest on,

1 and premium, if any, on any refunding bonds issued in
2 accordance with Article 19 of this Code to refund bonds,
3 coupons, or other evidences of indebtedness for bonds issued by
4 the optional elementary unit district for high school purposes
5 or issued by a district that dissolved to form the optional
6 elementary unit district shall be extended against the entire
7 district. Taxes to pay the principal of, interest on, and
8 premium, if any, on any refunding bonds issued in accordance
9 with Article 19 of this Code to refund bonds, coupons, or other
10 evidences of indebtedness for bonds issued by the optional
11 elementary unit district for elementary purposes shall only be
12 extended against the property within the elementary and high
13 school classification.

14 (h) The school board may establish, maintain, or re-create
15 a working cash fund for elementary or high school purposes (but
16 not grade K through 12 purposes) as authorized by Article 20 of
17 this Code. All notices, resolutions, and ballots related to the
18 establishment of a working cash fund shall indicate whether the
19 working cash fund shall be for elementary or high school
20 purposes. For purposes of Section 20-2 of this Code, taxes to
21 pay the principal of, interest on, and premium, if any, on
22 bonds issued to create a working cash fund for high school
23 purposes shall be extended against the entire district, and
24 taxes to pay the principal of, interest on, and premium, if
25 any, on bonds issued to create a working cash fund for
26 elementary purposes shall be extended only against property
27 within the elementary and high school classification. Any
28 petition filed in accordance with Section 20-7 of this Code
29 requesting that the proposition to issue bonds to establish a
30 working cash fund for elementary purposes be submitted to the
31 voters must be signed by 10% or more of the registered voters
32 of the elementary and high school classification. If required
33 pursuant to Section 20-7 of this Code, the proposition to issue
34 bonds for a working cash fund for elementary purposes must only
35 be submitted to and approved by a majority of voters living in
36 the portion of the territory included within the elementary and

1 high school classification voting on the proposition. Upon the
2 abolishment of the working cash fund for elementary purposes in
3 accordance with Section 20-8 of this Code, the balance shall be
4 transferred to the fund established for the receipt of proceeds
5 from levies specified for grade K through 8 educational
6 purposes. Upon the abolishment of the working cash fund for
7 high school purposes in accordance with Section 20-8 of this
8 Code, the balance shall be transferred to the fund established
9 for the receipt of proceeds from levies specified for grade 9
10 through 12 educational purposes.

11 (i) The school board shall establish separate funds for the
12 receipt of tax proceeds from levies specified for grade K
13 through 8 purposes and grade 9 through 12 purposes in
14 accordance with subdivisions (1) through (3) of subsection (b)
15 of this Section and the receipt of tax and other proceeds from
16 bond issuances for grade K through 8 purposes and grade 9
17 through 12 purposes in accordance with subsection (g) of this
18 Section. Proceeds received from any levy or bond issuance
19 specified for grade K through 8 purposes shall not be used to
20 pay for any staff, equipment, materials, facilities,
21 buildings, land, or services solely related to instruction in
22 grades 9 through 12. Proceeds received from any levy or bond
23 issuance specified for grade 9 through 12 purposes shall not be
24 used to pay for any staff, equipment, materials, facilities,
25 buildings, land, or services solely related to instruction in
26 grades K through 8. Expenses related to staff, equipment,
27 materials, facilities, buildings, land, or services related to
28 instruction in both grades K through 8 and grades 9 through 12
29 may be paid from proceeds received from a levy or bond issuance
30 specified for either grade K through 8 purposes or grade 9
31 through 12 purposes.

32 (j) The school board of an optional elementary unit
33 district may abate or abolish any fund in accordance with this
34 Code, provided that no funds may be transferred from an abated
35 or abolished fund specified for grade K through 8 purposes to a
36 fund specified for grade 9 through 12 purposes, and no funds

1 may be transferred from an abated or abolished fund specified
2 for grade 9 through 12 purposes to a fund specified for grade K
3 through 8 purposes.

4 (k) To the extent that the specific requirements for
5 borrowing money, levying taxes, issuing bonds, establishing,
6 maintaining, or re-creating a working cash fund, and
7 transferring funds by an optional elementary unit district set
8 forth in this Section conflicts with any general requirements
9 for school districts set forth in Article 10, 17, 19, or 20 of
10 this Code, the requirements set forth in this Section shall
11 control over any such general requirements.

12 (105 ILCS 5/11E-100 new)

13 Sec. 11E-100. Timing of extension of tax levies.

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

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

1 (105 ILCS 5/11E-105 new)

2 Sec. 11E-105. Assets, liabilities and bonded indebtedness;
3 tax rate.

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

19 (b) For a unit district formation, whenever a part of a
20 district is included within the boundaries of a newly created
21 unit district, the regional superintendent of schools shall
22 cause an accounting to be had between the districts affected by
23 the change in boundaries as provided for in Article 11C of this
24 Code. Whenever the entire territory of 2 or more school
25 districts is organized into a unit district pursuant to a
26 petition filed under this Article, the petition may provide
27 that the entire territory of the new unit district shall assume
28 the bonded indebtedness of the previously existing school
29 districts. In that case, the tax rate for bonded indebtedness
30 shall be determined in the manner provided in Section 19-7 of
31 this Code, except that the county clerk shall annually extend
32 taxes for each outstanding bond issue against all the taxable
33 property situated in the new unit district as it exists after
34 the organization.

35 (c) (1) For a high school-unit conversion, unit to dual
36 conversion, or multi-unit conversion, upon the effective date

1 of the change as provided in Section 11E-70 of this Code and
2 subject to the provisions of paragraph (2) of this subsection
3 (c), each newly created elementary district shall receive all
4 of the assets and assume all of the liabilities and obligations
5 of the dissolved unit district forming the boundary of the
6 newly created elementary district.

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

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

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

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

12 Sec. 11E-110. Teachers in contractual continued service.

13 (a) When a school district conversion or multi-unit
14 conversion becomes effective for purposes of administration
15 and attendance, as determined pursuant to Section 11E-70 of
16 this Code, the provisions of Section 24-12 of this Code
17 relative to the contractual continued service status of
18 teachers having contractual continued service whose positions
19 are transferred from one school board to the control of a new
20 or different school board shall apply, and the positions held
21 by teachers, as that term is defined in Section 24-11 of this
22 Code, having contractual continued service with the unit
23 district at the time of its dissolution shall be transferred on
24 the following basis:

25 (1) positions of teachers in contractual continued
26 service that, during the 5 school years immediately
27 preceding the effective date of the change, as determined
28 under Section 11E-70 of this Code, were full-time positions
29 in which all of the time required of the position was spent
30 in one or more of grades 9 through 12 shall be transferred
31 to the control of the school board of the new high school
32 district or combined high school - unit district, as the
33 case may be;

34 (2) positions of teachers in contractual continued
35 service that, during the 5 school years immediately

1 preceding the effective date of the change, as determined
2 under Section 11E-70 of this Code, were full-time positions
3 in which all of the time required of the position was spent
4 in one or more of grades kindergarten through 8 shall be
5 transferred to the control of the school board of the newly
6 created successor elementary district; and

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

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

34 (b) When the creation of a unit district or a combined
35 school district becomes effective for purposes of
36 administration and attendance, as determined pursuant to

1 Section 11E-70 of this Code, the positions of teachers in
2 contractual continued service in the districts involved in the
3 creation of the new district are transferred to the newly
4 created district pursuant to the provisions of Section 24-12 of
5 this Code relative to teachers having contractual continued
6 service status whose positions are transferred from one board
7 to the control of a different board, and those provisions of
8 Section 24-12 shall apply to these transferred teachers. The
9 contractual continued service status of any teacher thereby
10 transferred to the newly created district is not lost and the
11 new school board is subject to this Code with respect to the
12 transferred teacher in the same manner as if the teacher was
13 that district's employee and had been its employee during the
14 time the teacher was actually employed by the school board of
15 the district from which the position was transferred.

16 (105 ILCS 5/11E-115 new)

17 Sec. 11E-115. Limitations on contesting boundary change.
18 Neither the People of the State of Illinois, any person or
19 corporation, private or public, nor any association of persons
20 shall commence an action contesting either directly or
21 indirectly the dissolution, division, annexation, or creation
22 of any new school district under the provisions of this
23 Article, unless the action is commenced within one year after
24 the date of the election provided for in this Article if no
25 proceedings to contest the election are duly instituted within
26 the time permitted by law, or within one year after the final
27 disposition of any proceedings that may be so instituted to
28 contest the election; however, where a limitation of a shorter
29 period is prescribed by statute, the shorter limitation shall
30 apply, and the limitation set forth in this Section shall not
31 apply to any order where the judge, body, or officer entering
32 the order being challenged did not at the time of the entry of
33 the order have jurisdiction of the subject matter.

34 (105 ILCS 5/11E-120 new)

1 Sec. 11E-120. Limitation on successive petitions.

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

11 (b) Nothing contained in this Section shall be deemed to
12 limit or restrict the ability of an elementary district to join
13 an optional elementary unit district in accordance with the
14 terms and provisions of subsection (d) of Section 11E-30 of
15 this Code.

16 (105 ILCS 5/11E-125 new)

17 Sec. 11E-125. Districts not penalized for nonrecognition.
18 Any school district included in a petition for reorganization
19 as authorized under this Article shall not suffer loss of State
20 aid as a result of being placed on nonrecognition status if the
21 district continues to operate and the petition is granted.

22 (105 ILCS 5/11E-130 new)

23 Sec. 11E-130. Unit district formation and joint agreement
24 vocational education program.

25 (a) If a unit district is established under the provisions
26 of this Article and more than 50% of the territory of the unit
27 district is territory that immediately prior to its inclusion
28 in the unit district was included in a high school district or
29 districts that were signatories under the same joint agreement
30 vocational education program, pursuant to the provisions of
31 this Code, then the unit district shall upon its establishment
32 be deemed to be a member and signatory to the joint agreement
33 and shall also have the right to continue to extend taxes under
34 any previous authority to levy a tax under Section 17-2.4 of

1 this Code.

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

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

23 (105 ILCS 5/11E-135 new)

24 Sec. 11E-135. Incentives. For districts reorganizing under
25 this Article and for a district or districts that annex all of
26 the territory of one or more entire other school districts in
27 accordance with Article 7 of this Code, the following payments
28 shall be made from appropriations made for these purposes:

29 (a) (1) For a combined school district, as defined in
30 Section 11E-20 of this Code, or for a unit district, as defined
31 in Section 11E-25 of this Code, for its first year of
32 existence, the general State aid and supplemental general State
33 aid calculated under Section 18-8.05 of this Code shall be
34 computed for the new district and for the previously existing
35 districts for which property is totally included within the new

1 district. If the computation on the basis of the previously
2 existing districts is greater, a supplementary payment equal to
3 the difference shall be made for the first 4 years of existence
4 of the new district.

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

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

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

22 (4) For a school district conversion, as defined in
23 Section 11E-15 of this Code, or a multi-unit conversion, as
24 defined in subsection (b) of Section 11E-30 of this Code,
25 if in their first year of existence the newly created
26 elementary districts and the newly created high school
27 district, from a school district conversion, or the newly
28 created elementary district or districts and newly created
29 combined high school - unit district, from a multi-unit
30 conversion, qualify for less general State aid under
31 Section 18-8.05 of this Code than would have been payable
32 under Section 18-8.05 for that same year to the previously
33 existing districts, then a supplementary payment equal to
34 that difference shall be made for the first 4 years of
35 existence of the newly created districts. The aggregate
36 amount of each supplementary payment shall be allocated

1 among the newly created districts in the proportion that
2 the deemed pupil enrollment in each district during its
3 first year of existence bears to the actual aggregate pupil
4 enrollment in all of the districts during their first year
5 of existence. For purposes of each allocation:

6 (A) the deemed pupil enrollment of the newly
7 created high school district from a school district
8 conversion shall be an amount equal to its actual pupil
9 enrollment for its first year of existence multiplied
10 by 1.25;

11 (B) the deemed pupil enrollment of each newly
12 created elementary district from a school district
13 conversion shall be an amount equal to its actual pupil
14 enrollment for its first year of existence reduced by
15 an amount equal to the product obtained when the amount
16 by which the newly created high school district's
17 deemed pupil enrollment exceeds its actual pupil
18 enrollment for its first year of existence is
19 multiplied by a fraction, the numerator of which is the
20 actual pupil enrollment of the newly created
21 elementary district for its first year of existence and
22 the denominator of which is the actual aggregate pupil
23 enrollment of all of the newly created elementary
24 districts for their first year of existence;

25 (C) the deemed high school pupil enrollment of the
26 newly created combined high school - unit district from
27 a multi-unit conversion shall be an amount equal to its
28 actual grades 9 through 12 pupil enrollment for its
29 first year of existence multiplied by 1.25; and

30 (D) the deemed elementary pupil enrollment of each
31 newly created district from a multi-unit conversion
32 shall be an amount equal to each district's actual
33 grade K through 8 pupil enrollment for its first year
34 of existence, reduced by an amount equal to the product
35 obtained when the amount by which the newly created
36 combined high school - unit district's deemed high

1 school pupil enrollment exceeds its actual grade 9
2 through 12 pupil enrollment for its first year of
3 existence is multiplied by a fraction, the numerator of
4 which is the actual grade K through 8 pupil enrollment
5 of each newly created district for its first year of
6 existence and the denominator of which is the actual
7 aggregate grade K through 8 pupil enrollment of all
8 such newly created districts for their first year of
9 existence.

10 The aggregate amount of each supplementary payment
11 under this subdivision (4) and the amount thereof to be
12 allocated to the newly created districts shall be computed
13 by the State Board of Education on the basis of pupil
14 enrollment and other data, which shall be certified to the
15 State Board of Education, on forms that it shall provide
16 for that purpose, by the regional superintendent of schools
17 for each educational service region in which the newly
18 created districts are located.

19 (5) For a partial elementary unit district, as defined
20 in subsection (a) or (c) of Section 11E-30 of this Code,
21 if, in the first year of existence, the newly created
22 partial elementary unit district qualifies for less
23 general State aid and supplemental general State aid under
24 Section 18-8.05 of this Code than would have been payable
25 under that Section for that same year to the previously
26 existing districts that formed the partial elementary unit
27 district, then a supplementary payment equal to that
28 difference shall be made to the partial elementary unit
29 district for the first 4 years of existence of that newly
30 created district.

31 (6) For an elementary opt-in, as described in
32 subsection (d) of Section 11E-30 of this Code, the general
33 State aid difference shall be computed in accordance with
34 paragraph (5) of this subsection (a) as if the elementary
35 opt-in was included in an optional elementary unit district
36 at the optional elementary unit district's original

1 effective date. If the calculation in this paragraph (6) is
2 less than that calculated in paragraph (5) of this
3 subsection (a) at the optional elementary unit district's
4 original effective date, then no adjustments may be made.
5 If the calculation in this paragraph (6) is more than that
6 calculated in paragraph (5) of this subsection (a) at the
7 optional elementary unit district's original effective
8 date, then the excess must be paid as follows:

9 (A) If the effective date for the elementary opt-in
10 is one year after the effective date for the optional
11 elementary unit district, 100% of the calculated
12 excess shall be paid to the optional elementary unit
13 district in each of the first 4 years after the
14 effective date of the elementary opt-in.

15 (B) If the effective date for the elementary opt-in
16 is 2 years after the effective date for the optional
17 elementary unit district, 75% of the calculated excess
18 shall be paid to the optional elementary unit district
19 in each of the first 4 years after the effective date
20 of the elementary opt-in.

21 (C) If the effective date for the elementary opt-in
22 is 3 years after the effective date for the optional
23 elementary unit district, 50% of the calculated excess
24 shall be paid to the optional elementary unit district
25 in each of the first 4 years after the effective date
26 of the elementary opt-in.

27 (D) If the effective date for the elementary opt-in
28 is 4 years after the effective date for the optional
29 elementary unit district, 25% of the calculated excess
30 shall be paid to the optional elementary unit district
31 in each of the first 4 years after the effective date
32 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 optional
35 elementary unit district, the optional elementary unit
36 district is not eligible for any additional incentives

1 due to the elementary opt-in.

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

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

8 (b) (1) After the formation of a combined school district,
9 as defined in Section 11E-20 of this Code, or a unit district,
10 as defined in Section 11E-25 of this Code, a computation shall
11 be made to determine the difference between the salaries
12 effective in each of the previously existing districts on June
13 30, prior to the creation of the new district. For the first 4
14 years after the formation of the new district, a supplementary
15 State aid reimbursement shall be paid to the new district equal
16 to the difference between the sum of the salaries earned by
17 each of the certificated members of the new district, while
18 employed in one of the previously existing districts during the
19 year immediately preceding the formation of the new district,
20 and the sum of the salaries those certificated members would
21 have been paid during the year immediately prior to the
22 formation of the new district if placed on the salary schedule
23 of the previously existing district with the highest salary
24 schedule.

25 (2) After the territory of one or more school districts
26 is annexed by one or more other school districts as defined
27 in Article 7 of this Code, a computation shall be made to
28 determine the difference between the salaries effective in
29 each annexed district and in the annexing district or
30 districts as they were each constituted on June 30
31 preceding the date when the change of boundaries
32 attributable to the annexation became effective for all
33 purposes, as determined under Section 7-9 of this Code. For
34 the first 4 years after the annexation, a supplementary
35 State aid reimbursement shall be paid to each annexing
36 district as constituted after the annexation equal to the

1 difference between the sum of the salaries earned by each
2 of the certificated members of the annexing district as
3 constituted after the annexation, while employed in an
4 annexed or annexing district during the year immediately
5 preceding the annexation, and the sum of the salaries those
6 certificated members would have been paid during the
7 immediately preceding year if placed on the salary schedule
8 of whichever of the annexing or annexed districts had the
9 highest salary schedule during the immediately preceding
10 year.

11 (3) For each new high school district formed under a
12 school district conversion, as defined in Section 11E-15 of
13 this Code, the State shall make a supplementary payment for
14 4 years equal to the difference between the sum of the
15 salaries earned by each certified member of the new high
16 school district, while employed in one of the previously
17 existing districts, and the sum of the salaries those
18 certified members would have been paid if placed on the
19 salary schedule of the previously existing district with
20 the highest salary schedule.

21 (4) For each newly created partial elementary unit
22 district, the State shall make a supplementary payment for
23 4 years equal to the difference between the sum of the
24 salaries earned by each certified member of the newly
25 created partial elementary unit district, while employed
26 in one of the previously existing districts that formed the
27 partial elementary unit district, and the sum of the
28 salaries those certified members would have been paid if
29 placed on the salary schedule of the previously existing
30 district with the highest salary schedule. The salary
31 schedules used in the calculation shall be those in effect
32 in the previously existing districts for the school year
33 prior to the creation of the new partial elementary unit
34 district.

35 (5) For an elementary district opt-in, as described in
36 subsection (d) of Section 11E-30 of this Code, the salary

1 difference incentive shall be computed in accordance with
2 paragraph (4) of this subsection (b) as if the opted-in
3 elementary district was included in the optional
4 elementary unit district at the optional elementary unit
5 district's original effective date. If the calculation in
6 this paragraph (5) is less than that calculated in
7 paragraph (4) of this subsection (b) at the optional
8 elementary unit district's original effective date, then
9 no adjustments may be made. If the calculation in this
10 paragraph (5) is more than that calculated in paragraph (4)
11 of this subsection (b) at the optional elementary unit
12 district's original effective date, then the excess must be
13 paid as follows:

14 (A) If the effective date for the elementary opt-in
15 is one year after the effective date for the optional
16 elementary unit district, 100% of the calculated
17 excess shall be paid to the optional elementary unit
18 district in each of the first 4 years after the
19 effective date of the elementary opt-in.

20 (B) If the effective date for the elementary opt-in
21 is 2 years after the effective date for the optional
22 elementary unit district, 75% of the calculated excess
23 shall be paid to the optional elementary unit district
24 in each of the first 4 years after the effective date
25 of the elementary opt-in.

26 (C) If the effective date for the elementary opt-in
27 is 3 years after the effective date for the optional
28 elementary unit district, 50% of the calculated excess
29 shall be paid to the optional elementary unit district
30 in each of the first 4 years after the effective date
31 of the elementary opt-in.

32 (D) If the effective date for the elementary opt-in
33 is 4 years after the effective date for the partial
34 elementary unit district, 25% of the calculated excess
35 shall be paid to the optional elementary unit district
36 in each of the first 4 years after the effective date

1 of the elementary opt-in.

2 (E) If the effective date for the elementary opt-in
3 is 5 years after the effective date for the optional
4 elementary unit district, the optional elementary unit
5 district is not eligible for any additional incentives
6 due to the elementary opt-in.

7 (6) The supplementary State aid reimbursement under
8 this subsection (b) shall be treated as separate from all
9 other payments made pursuant to Section 18-8.05 of this
10 Code. In the case of the formation of a new district,
11 reimbursement shall begin during the first year of
12 operation of the new district, and in the case of an
13 annexation of the territory of one or more school districts
14 by one or more other school districts, reimbursement shall
15 begin during the first year when the change in boundaries
16 attributable to the annexation or division becomes
17 effective for all purposes as determined pursuant to
18 Section 7-9 of this Code. Each year that the new, annexing,
19 or resulting district, as the case may be, is entitled to
20 receive reimbursement, the number of eligible certified
21 members who are employed on October 1 in the district shall
22 be certified to the State Board of Education on prescribed
23 forms by October 15 and payment shall be made on or before
24 November 15 of that year.

25 (c) (1) For the first year after the formation of a combined
26 school district, as defined in Section 11E-20 of this Code or a
27 unit district, as defined in Section 11E-25 of this Code, a
28 computation shall be made totaling each previously existing
29 district's audited fund balances in the educational fund,
30 working cash fund, operations and maintenance fund, and
31 transportation fund for the year ending June 30 prior to the
32 referendum for the creation of the new district. The new
33 district shall be paid supplementary State aid equal to the sum
34 of the differences between the deficit of the previously
35 existing district with the smallest deficit and the deficits of
36 each of the other previously existing districts.

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

20 (3) For the first year after the annexation of all of
21 the territory of one or more entire school districts by 2
22 or more other school districts, as defined by Article 7 of
23 this Code, computations shall be made, for the year ending
24 June 30 prior to the date that the change of boundaries
25 attributable to the annexation is allowed by the
26 affirmative decision of the regional board of school
27 trustees under Section 7-6 of this Code, notwithstanding
28 any action for administrative review of the decision,
29 totaling each annexing and annexed district's audited fund
30 balances in their respective educational, working cash,
31 operations and maintenance, and transportation funds. The
32 annexing districts as constituted after the annexation
33 shall be paid supplementary State aid, allocated as
34 provided in this paragraph (3), in an aggregate amount
35 equal to the sum of the differences between the deficit of
36 whichever of the annexing or annexed districts as

1 constituted prior to the annexation had the smallest
2 deficit and the deficits of each of the other districts as
3 constituted prior to the annexation. The aggregate amount
4 of the supplementary State aid payable under this paragraph
5 (3) shall be allocated between or among the annexing
6 districts as follows:

7 (A) the regional superintendent of schools for
8 each educational service region in which an annexed
9 district is located prior to the annexation shall
10 certify to the State Board of Education, on forms that
11 it shall provide for that purpose, the value of all
12 taxable property in each annexed district, as last
13 equalized or assessed by the Department of Revenue
14 prior to the annexation, and the equalized assessed
15 value of each part of the annexed district that was
16 annexed to or included as a part of an annexing
17 district;

18 (B) using equalized assessed values as certified
19 by the regional superintendent of schools under clause
20 (A) of this paragraph (3), the combined audited fund
21 balance deficit of each annexed district as determined
22 under this Section shall be apportioned between or
23 among the annexing districts in the same ratio as the
24 equalized assessed value of that part of the annexed
25 district that was annexed to or included as a part of
26 an annexing district bears to the total equalized
27 assessed value of the annexed district; and

28 (C) the aggregate supplementary State aid payment
29 under this paragraph (3) shall be allocated between or
30 among, and shall be paid to, the annexing districts in
31 the same ratio as the sum of the combined audited fund
32 balance deficit of each annexing district as
33 constituted prior to the annexation, plus all combined
34 audited fund balance deficit amounts apportioned to
35 that annexing district under clause (B) of this
36 subsection, bears to the aggregate of the combined

1 audited fund balance deficits of all of the annexing
2 and annexed districts as constituted prior to the
3 annexation.

4 (4) For the new elementary districts and new high
5 school district formed through a school district
6 conversion, as defined in subsection (b) of Section 11E-15
7 of this Code or the new elementary district or districts
8 and new combined high school - unit district formed through
9 a multi-unit conversion, as defined in subsection (b) of
10 Section 11E-30 of this Code, a computation shall be made
11 totaling each previously existing district's audited fund
12 balances in the educational fund, working cash fund,
13 operations and maintenance fund, and transportation fund
14 for the year ending June 30 prior to the referendum
15 establishing the new districts. In the first year of the
16 new districts, the State shall make a one-time
17 supplementary payment equal to the sum of the differences
18 between the deficit of the previously existing district
19 with the smallest deficit and the deficits of each of the
20 other previously existing districts. A district with a
21 combined balance among the 4 funds that is positive shall
22 be considered to have a deficit of zero. The supplementary
23 payment shall be allocated among the newly formed high
24 school and elementary districts in the manner provided by
25 the petition for the formation of the districts, in the
26 form in which the petition is approved by the regional
27 superintendent of schools or State Superintendent of
28 Education under Section 11E-50 of this Code.

29 (5) For each newly created partial elementary unit
30 district, as defined in subsection (a) or (c) of Section
31 11E-30 of this Code, a computation shall be made totaling
32 the audited fund balances of each previously existing
33 district that formed the new partial elementary unit
34 district in the educational fund, working cash fund,
35 operations and maintenance fund, and transportation fund
36 for the year ending June 30 prior to the referendum for the

1 formation of the partial elementary unit district. In the
2 first year of the new partial elementary unit district, the
3 State shall make a one-time supplementary payment to the
4 new district equal to the sum of the differences between
5 the deficit of the previously existing district with the
6 smallest deficit and the deficits of each of the other
7 previously existing districts. A district with a combined
8 balance among the 4 funds that is positive shall be
9 considered to have a deficit of zero.

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

25 (A) If the effective date for the elementary opt-in
26 is one year after the effective date for the optional
27 elementary unit district, 100% of the calculated
28 excess shall be paid to the optional elementary unit
29 district in the first year after the effective date of
30 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 optional
33 elementary unit district, 75% of the calculated excess
34 shall be paid to the optional elementary unit district
35 in the first year after the effective date of the
36 elementary opt-in.

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

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

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

18 (7) For purposes of any calculation required under
19 paragraph (1), (2), (3), (4), (5), or (6) of this
20 subsection (c), a district with a combined fund balance
21 that is positive shall be considered to have a deficit of
22 zero. For purposes of determining each district's audited
23 fund balances in its educational fund, working cash fund,
24 operations and maintenance fund, and transportation fund
25 for the specified year ending June 30, as provided in
26 paragraphs (1), (2), (3), (4), (5), and (6) of this
27 subsection (c), the balance of each fund shall be deemed
28 decreased by an amount equal to the amount of the annual
29 property tax theretofore levied in the fund by the district
30 for collection and payment to the district during the
31 calendar year in which the June 30 fell, but only to the
32 extent that the tax so levied in the fund actually was
33 received by the district on or before or comprised a part
34 of the fund on such June 30. For purposes of determining
35 each district's audited fund balances, a calculation shall
36 be made for each fund to determine the average for the 3

1 years prior to the specified year ending June 30, as
2 provided in paragraphs (1), (2), (3), (4), (5), and (6) of
3 this subsection (c), of the district's expenditures in the
4 categories "purchased services", "supplies and materials",
5 and "capital outlay", as those categories are defined in
6 rules of the State Board of Education. If this 3-year
7 average is less than the district's expenditures in these
8 categories for the specified year ending June 30, as
9 provided in paragraphs (1), (2), (3), (4), (5), and (6) of
10 this subsection (c), then the 3-year average shall be used
11 in calculating the amounts payable under this Section in
12 place of the amounts shown in these categories for the
13 specified year ending June 30, as provided in paragraphs
14 (1), (2), (3), (4), (5), and (6) of this subsection (c).
15 Any deficit because of State aid not yet received may not
16 be considered in determining the June 30 deficits. The same
17 basis of accounting shall be used by all previously
18 existing districts and by all annexing or annexed
19 districts, as constituted prior to the annexation, in
20 making any computation required under paragraphs (1), (2),
21 (3), (4), (5), and (6) of this subsection (c).

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

25 (d)(1) Following the formation of a combined school
26 district, as defined in Section 11E-20 of this Code, a new
27 elementary district or districts and a new high school district
28 formed through a school district conversion, as defined in
29 subsection (b) of Section 11E-15 of this Code, a new partial
30 elementary unit district, as defined in Section 11E-30 of this
31 Code, or a new elementary district or districts formed through
32 a multi-unit conversion, as defined in subsection (b) of
33 Section 11E-30 of this Code, or the annexation of all of the
34 territory of one or more entire school districts by one or more
35 other school districts, as defined in Article 7 of this Code, a
36 supplementary State aid reimbursement shall be paid for the

1 number of school years determined under the following table to
 2 each new or annexing district equal to the sum of \$4,000 for
 3 each certified employee who is employed by the district on a
 4 full-time basis for the regular term of the school year:

5	<u>Reorganized District's</u>			
6	<u>Rank by type of</u>			
7	<u>district (unit, high</u>	<u>Reorganized District's Rank in Average</u>		
8	<u>school, elementary) in</u>	<u>Daily Attendance by Quintile</u>		
9	<u>Equalized Assessed</u>			
10	<u>Value Per Pupil by</u>			
11	<u>Quintile</u>			
12		<u>1st Quintile</u>	<u>2nd Quintile</u>	<u>3rd, 4th, or</u>
13				<u>5th Quintile</u>
14	<u>1st Quintile</u>	<u>1 year</u>	<u>1 year</u>	<u>1 year</u>
15	<u>2nd Quintile</u>	<u>1 year</u>	<u>2 years</u>	<u>2 years</u>
16	<u>3rd Quintile</u>	<u>2 years</u>	<u>3 years</u>	<u>3 years</u>
17	<u>4th Quintile</u>	<u>2 years</u>	<u>3 years</u>	<u>3 years</u>
18	<u>5th Quintile</u>	<u>2 years</u>	<u>3 years</u>	<u>3 years</u>

19 The State Board of Education shall make a one-time calculation
 20 of a reorganized district's quintile ranks. The average daily
 21 attendance used in this calculation shall be the best 3 months'
 22 average daily attendance for the district's first year. The
 23 equalized assessed value per pupil shall be the district's real
 24 property equalized assessed value used in calculating the
 25 district's first-year general State aid claim, under Section
 26 18-8.05 of this Code, divided by the best 3 months' average
 27 daily attendance.

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

33 If a district results from multiple reorganizations that
 34 would otherwise qualify the district for multiple payments

1 under this subsection (d) in any year, then the district shall
2 receive a single payment only for that year based solely on the
3 most recent reorganization.

4 (2) For an elementary opt-in, as defined in subsection
5 (d) of Section 11E-30 of this Code, the full-time certified
6 staff incentive shall be computed in accordance with
7 paragraph (1) of this subsection (d), equal to the sum of
8 \$4,000 for each certified employee of the elementary
9 district that opts-in who is employed by the optional
10 elementary unit district on a full-time basis for the
11 regular term of the school year. The calculation from this
12 paragraph (2) must be paid as follows:

13 (A) If the effective date for the elementary opt-in
14 is one year after the effective date for the optional
15 elementary unit district, 100% of the amount
16 calculated in this paragraph (2) shall be paid to the
17 optional elementary unit district for the number of
18 years calculated in paragraph (1) of this subsection
19 (d) at the optional elementary unit district's
20 original effective date, starting in the second year
21 after the effective date of the elementary opt-in.

22 (B) If the effective date for the elementary opt-in
23 is 2 years after the effective date for the optional
24 elementary unit district, 75% of the amount calculated
25 in this paragraph (2) shall be paid to the optional
26 elementary unit district for the number of years
27 calculated in paragraph (1) of this subsection (d) at
28 the optional elementary unit district's original
29 effective date, starting in the second year after the
30 effective date of the elementary opt-in.

31 (C) If the effective date for the elementary opt-in
32 is 3 years after the effective date for the optional
33 elementary unit district, 50% of the amount calculated
34 in this paragraph (2) shall be paid to the optional
35 elementary unit district for the number of years
36 calculated in paragraph (1) of this subsection (d) at

1 the optional elementary unit district's original
2 effective date, starting in the second year after the
3 effective date of the elementary opt-in.

4 (D) If the effective date for the elementary opt-in
5 is 4 years after the effective date for the optional
6 elementary unit district, 25% of the amount calculated
7 in this paragraph (2) shall be paid to the optional
8 elementary unit district for the number of years
9 calculated in paragraph (1) of this subsection (d) at
10 the optional elementary unit district's original
11 effective date, starting in the second year after the
12 effective date 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 optional
15 elementary unit district, the optional elementary unit
16 district is not eligible for any additional incentives
17 due to the elementary opt-in.

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

22 (4) During May of each school year for which a
23 supplementary State aid reimbursement is to be paid to a
24 new or annexing school district pursuant to this subsection
25 (d), the school board shall certify to the State Board of
26 Education, on forms furnished to the school board by the
27 State Board of Education for purposes of this subsection
28 (d), the number of certified employees for which the
29 district is entitled to reimbursement under this Section,
30 together with the names, certificate numbers, and
31 positions held by the certified employees.

32 (5) Upon certification by the State Board of Education
33 to the State Comptroller of the amount of the supplementary
34 State aid reimbursement to which a school district is
35 entitled under this subsection (d), the State Comptroller
36 shall draw his or her warrant upon the State Treasurer for

1 the payment thereof to the school district and shall
2 promptly transmit the payment to the school district
3 through the appropriate school treasurer.

4 (105 ILCS 5/18-8.05)

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

8 (A) General Provisions.

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

25 (2) In addition to general State financial aid, school
26 districts with specified levels or concentrations of pupils
27 from low income households are eligible to receive supplemental
28 general State financial aid grants as provided pursuant to
29 subsection (H). The supplemental State aid grants provided for
30 school districts under subsection (H) shall be appropriated for
31 distribution to school districts as part of the same line item
32 in which the general State financial aid of school districts is
33 appropriated under this Section.

34 (3) To receive financial assistance under this Section,

1 school districts are required to file claims with the State
2 Board of Education, subject to the following requirements:

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

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

22 (c) If a school district operates a full year school
23 under Section 10-19.1, the general State aid to the school
24 district shall be determined by the State Board of
25 Education in accordance with this Section as near as may be
26 applicable.

27 (d) (Blank).

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

32 School districts are not required to exert a minimum
33 Operating Tax Rate in order to qualify for assistance under
34 this Section.

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

1 (a) "Average Daily Attendance": A count of pupil
2 attendance in school, averaged as provided for in
3 subsection (C) and utilized in deriving per pupil financial
4 support levels.

5 (b) "Available Local Resources": A computation of
6 local financial support, calculated on the basis of Average
7 Daily Attendance and derived as provided pursuant to
8 subsection (D).

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

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

18 (e) "Operating Tax Rate": All school district property
19 taxes extended for all purposes, except Bond and Interest,
20 Summer School, Rent, Capital Improvement, and Vocational
21 Education Building purposes.

22 (B) Foundation Level.

23 (1) The Foundation Level is a figure established by the
24 State representing the minimum level of per pupil financial
25 support that should be available to provide for the basic
26 education of each pupil in Average Daily Attendance. As set
27 forth in this Section, each school district is assumed to exert
28 a sufficient local taxing effort such that, in combination with
29 the aggregate of general State financial aid provided the
30 district, an aggregate of State and local resources are
31 available to meet the basic education needs of pupils in the
32 district.

33 (2) For the 1998-1999 school year, the Foundation Level of
34 support is \$4,225. For the 1999-2000 school year, the
35 Foundation Level of support is \$4,325. For the 2000-2001 school

1 year, the Foundation Level of support is \$4,425. For the
2 2001-2002 school year and 2002-2003 school year, the Foundation
3 Level of support is \$4,560. For the 2003-2004 school year, the
4 Foundation Level of support is \$4,810. For the 2004-2005 school
5 year, the Foundation Level of support is \$4,964.

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

10 (C) Average Daily Attendance.

11 (1) For purposes of calculating general State aid pursuant
12 to subsection (E), an Average Daily Attendance figure shall be
13 utilized. The Average Daily Attendance figure for formula
14 calculation purposes shall be the monthly average of the actual
15 number of pupils in attendance of each school district, as
16 further averaged for the best 3 months of pupil attendance for
17 each school district. In compiling the figures for the number
18 of pupils in attendance, school districts and the State Board
19 of Education shall, for purposes of general State aid funding,
20 conform attendance figures to the requirements of subsection
21 (F).

22 (2) The Average Daily Attendance figures utilized in
23 subsection (E) shall be the requisite attendance data for the
24 school year immediately preceding the school year for which
25 general State aid is being calculated or the average of the
26 attendance data for the 3 preceding school years, whichever is
27 greater. The Average Daily Attendance figures utilized in
28 subsection (H) shall be the requisite attendance data for the
29 school year immediately preceding the school year for which
30 general State aid is being calculated.

31 (D) Available Local Resources.

32 (1) For purposes of calculating general State aid pursuant
33 to subsection (E), a representation of Available Local
34 Resources per pupil, as that term is defined and determined in

1 this subsection, shall be utilized. Available Local Resources
2 per pupil shall include a calculated dollar amount representing
3 local school district revenues from local property taxes and
4 from Corporate Personal Property Replacement Taxes, expressed
5 on the basis of pupils in Average Daily Attendance. Calculation
6 of Available Local Resources shall exclude any tax amnesty
7 funds received as a result of Public Act 93-26.

8 (2) In determining a school district's revenue from local
9 property taxes, the State Board of Education shall utilize the
10 equalized assessed valuation of all taxable property of each
11 school district as of September 30 of the previous year. The
12 equalized assessed valuation utilized shall be obtained and
13 determined as provided in subsection (G).

14 (3) For school districts maintaining grades kindergarten
15 through 12, local property tax revenues per pupil shall be
16 calculated as the product of the applicable equalized assessed
17 valuation for the district multiplied by 3.00%, and divided by
18 the district's Average Daily Attendance figure. For school
19 districts maintaining grades kindergarten through 8, local
20 property tax revenues per pupil shall be calculated as the
21 product of the applicable equalized assessed valuation for the
22 district multiplied by 2.30%, and divided by the district's
23 Average Daily Attendance figure. For school districts
24 maintaining grades 9 through 12, local property tax revenues
25 per pupil shall be the applicable equalized assessed valuation
26 of the district multiplied by 1.05%, and divided by the
27 district's Average Daily Attendance figure.

28 For partial elementary unit districts created pursuant to
29 Article 11E of this Code, local property tax revenues per pupil
30 shall be calculated as the product of the equalized assessed
31 valuation for property within the elementary and high school
32 classification of the partial elementary unit district
33 multiplied by 2.06% and divided by the Average Daily Attendance
34 figure for grades kindergarten through 8, plus the product of
35 the equalized assessed valuation for property within the high
36 school only classification of the partial elementary unit

1 district multiplied by 0.94% and divided by the Average Daily
2 Attendance figure for grades 9 through 12.

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

13 (E) Computation of General State Aid.

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

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

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

1 subject to this paragraph 3 shall be the calculated general
2 State aid per pupil figure multiplied by the Average Daily
3 Attendance of the school district.

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

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

19 (F) Compilation of Average Daily Attendance.

20 (1) Each school district shall, by July 1 of each year,
21 submit to the State Board of Education, on forms prescribed by
22 the State Board of Education, attendance figures for the school
23 year that began in the preceding calendar year. The attendance
24 information so transmitted shall identify the average daily
25 attendance figures for each month of the school year. Beginning
26 with the general State aid claim form for the 2002-2003 school
27 year, districts shall calculate Average Daily Attendance as
28 provided in subdivisions (a), (b), and (c) of this paragraph
29 (1).

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

34 (b) In districts in which all buildings hold year-round
35 classes, days of attendance in July and August shall be

1 added to the month of September and any days of attendance
2 in June shall be added to the month of May.

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

15 Except as otherwise provided in this Section, days of
16 attendance by pupils shall be counted only for sessions of not
17 less than 5 clock hours of school work per day under direct
18 supervision of: (i) teachers, or (ii) non-teaching personnel or
19 volunteer personnel when engaging in non-teaching duties and
20 supervising in those instances specified in subsection (a) of
21 Section 10-22.34 and paragraph 10 of Section 34-18, with pupils
22 of legal school age and in kindergarten and grades 1 through
23 12.

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

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

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

1 school work completed each day to the minimum number of
2 minutes that school work is required to be held that day.

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

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

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

1 full days used for the purposes of this paragraph shall not
2 be considered for computing average daily attendance. Days
3 scheduled for in-service training programs, staff
4 development activities, or parent-teacher conferences may
5 be scheduled separately for different grade levels and
6 different attendance centers of the district.

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

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

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

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

1 attendance in one kindergarten shall be counted, except in
2 case of children who entered the kindergarten in their
3 fifth year whose educational development requires a second
4 year of kindergarten as determined under the rules and
5 regulations of the State Board of Education.

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

17 (G) Equalized Assessed Valuation Data.

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

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

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

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

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

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

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

1 subparagraph (b).

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

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

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

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

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

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

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

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

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

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

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

18 Partial elementary unit districts created in accordance
19 with Article 11E of this Code shall not be eligible for the
20 adjustment in this subsection (G)(3) until the fifth year
21 following the effective date of the reorganization.

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

1 allocation, then for purposes of calculating the district's
2 general State aid pursuant to paragraph (5) of subsection (E),
3 that Extension Limitation Equalized Assessed Valuation shall
4 be utilized to calculate the district's Available Local
5 Resources.

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

18 (H) Supplemental General State Aid.

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

1 be used for supplemental general State aid, which the State
2 Board of Education shall calculate and pay to eligible
3 districts on a prorated basis.

4 (1.5) This paragraph (1.5) applies only to those school
5 years preceding the 2003-2004 school year. For purposes of this
6 subsection (H), the term "Low-Income Concentration Level"
7 shall be the low-income eligible pupil count from the most
8 recently available federal census divided by the Average Daily
9 Attendance of the school district. If, however, (i) the
10 percentage decrease from the 2 most recent federal censuses in
11 the low-income eligible pupil count of a high school district
12 with fewer than 400 students exceeds by 75% or more the
13 percentage change in the total low-income eligible pupil count
14 of contiguous elementary school districts, whose boundaries
15 are coterminous with the high school district, or (ii) a high
16 school district within 2 counties and serving 5 elementary
17 school districts, whose boundaries are coterminous with the
18 high school district, has a percentage decrease from the 2 most
19 recent federal censuses in the low-income eligible pupil count
20 and there is a percentage increase in the total low-income
21 eligible pupil count of a majority of the elementary school
22 districts in excess of 50% from the 2 most recent federal
23 censuses, then the high school district's low-income eligible
24 pupil count from the earlier federal census shall be the number
25 used as the low-income eligible pupil count for the high school
26 district, for purposes of this subsection (H). The changes made
27 to this paragraph (1) by Public Act 92-28 shall apply to
28 supplemental general State aid grants for school years
29 preceding the 2003-2004 school year that are paid in fiscal
30 year 1999 or thereafter and to any State aid payments made in
31 fiscal year 1994 through fiscal year 1998 pursuant to
32 subsection 1(n) of Section 18-8 of this Code (which was
33 repealed on July 1, 1998), and any high school district that is
34 affected by Public Act 92-28 is entitled to a recomputation of
35 its supplemental general State aid grant or State aid paid in
36 any of those fiscal years. This recomputation shall not be

1 affected by any other funding.

2 (1.10) This paragraph (1.10) applies to the 2003-2004
3 school year and each school year thereafter. For purposes of
4 this subsection (H), the term "Low-Income Concentration Level"
5 shall, for each fiscal year, be the low-income eligible pupil
6 count as of July 1 of the immediately preceding fiscal year (as
7 determined by the Department of Human Services based on the
8 number of pupils who are eligible for at least one of the
9 following low income programs: Medicaid, KidCare, TANF, or Food
10 Stamps, excluding pupils who are eligible for services provided
11 by the Department of Children and Family Services, averaged
12 over the 2 immediately preceding fiscal years for fiscal year
13 2004 and over the 3 immediately preceding fiscal years for each
14 fiscal year thereafter) divided by the Average Daily Attendance
15 of the school district.

16 (2) Supplemental general State aid pursuant to this
17 subsection (H) shall be provided as follows for the 1998-1999,
18 1999-2000, and 2000-2001 school years only:

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

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

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

31 (d) For any school district with a Low Income
32 Concentration Level of 60% or more, the grant for the
33 1998-99 school year shall be \$1,900 multiplied by the low
34 income eligible pupil count.

35 (e) For the 1999-2000 school year, the per pupil amount
36 specified in subparagraphs (b), (c), and (d) immediately

1 above shall be increased to \$1,243, \$1,600, and \$2,000,
2 respectively.

3 (f) For the 2000-2001 school year, the per pupil
4 amounts specified in subparagraphs (b), (c), and (d)
5 immediately above shall be \$1,273, \$1,640, and \$2,050,
6 respectively.

7 (2.5) Supplemental general State aid pursuant to this
8 subsection (H) shall be provided as follows for the 2002-2003
9 school year:

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

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

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

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

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

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

34 (2.10) Except as otherwise provided, supplemental general
35 State aid pursuant to this subsection (H) shall be provided as
36 follows for the 2003-2004 school year and each school year

1 thereafter:

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

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

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

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

1 calculated under subsection (a) or (b) of this paragraph
2 (2.10), whichever is applicable, and the grant received during
3 the 2002-2003 school year.

4 (3) School districts with an Average Daily Attendance of
5 more than 1,000 and less than 50,000 that qualify for
6 supplemental general State aid pursuant to this subsection
7 shall submit a plan to the State Board of Education prior to
8 October 30 of each year for the use of the funds resulting from
9 this grant of supplemental general State aid for the
10 improvement of instruction in which priority is given to
11 meeting the education needs of disadvantaged children. Such
12 plan shall be submitted in accordance with rules and
13 regulations promulgated by the State Board of Education.

14 (4) School districts with an Average Daily Attendance of
15 50,000 or more that qualify for supplemental general State aid
16 pursuant to this subsection shall be required to distribute
17 from funds available pursuant to this Section, no less than
18 \$261,000,000 in accordance with the following requirements:

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

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

34 (c) Each attendance center shall be provided by the
35 school district a distribution of noncategorical funds and
36 other categorical funds to which an attendance center is

1 entitled under law in order that the general State aid and
2 supplemental general State aid provided by application of
3 this subsection supplements rather than supplants the
4 noncategorical funds and other categorical funds provided
5 by the school district to the attendance centers.

6 (d) Any funds made available under this subsection that
7 by reason of the provisions of this subsection are not
8 required to be allocated and provided to attendance centers
9 may be used and appropriated by the board of the district
10 for any lawful school purpose.

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

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

1 written notice of intent to modify. Districts may amend
2 approved plans pursuant to rules promulgated by the State
3 Board of Education.

4 Upon notification by the State Board of Education that
5 the district has not submitted a plan prior to July 15 or a
6 modified plan within the time period specified herein, the
7 State aid funds affected by that plan or modified plan
8 shall be withheld by the State Board of Education until a
9 plan or modified plan is submitted.

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

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

1 The State Board of Education shall promulgate rules and
2 regulations to implement the provisions of this
3 subsection. No funds shall be released under this
4 subdivision (H) (4) to any district that has not submitted a
5 plan that has been approved by the State Board of
6 Education.

7 (I) (Blank). ~~General State Aid for Newly Configured School~~
8 ~~Districts.~~

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

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

33 ~~(3) For 2 or more school districts which annex all of the~~
34 ~~territory of one or more entire other school districts, and for~~
35 ~~2 or more community unit districts which result upon the~~

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

1 ~~other data which shall be certified to the State Board of~~
2 ~~Education, on forms which it shall provide for that purpose, by~~
3 ~~the regional superintendent of schools for each educational~~
4 ~~service region in which the annexing and annexed districts, or~~
5 ~~resulting and divided districts are located.~~

6 ~~(3.5) Claims for financial assistance under this~~
7 ~~subsection (I) shall not be recomputed except as expressly~~
8 ~~provided under this Section.~~

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

12 (J) Supplementary Grants in Aid.

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

32 (2) If, as provided in paragraph (1) of this subsection
33 (J), a school district is to receive aggregate general State
34 aid in combination with supplemental general State aid under
35 this Section for the 1998-99 school year and any subsequent

1 school year that in any such school year is less than the
2 amount of the aggregate general State aid entitlement that the
3 district received for the 1997-98 school year, the school
4 district shall also receive, from a separate appropriation made
5 for purposes of this subsection (J), a supplementary payment
6 that is equal to the amount of the difference in the aggregate
7 State aid figures as described in paragraph (1).

8 (3) (Blank).

9 (K) Grants to Laboratory and Alternative Schools.

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

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

28 As used in this Section, "alternative school" means a
29 public school which is created and operated by a Regional
30 Superintendent of Schools and approved by the State Board of
31 Education. Such alternative schools may offer courses of
32 instruction for which credit is given in regular school
33 programs, courses to prepare students for the high school
34 equivalency testing program or vocational and occupational
35 training. A regional superintendent of schools may contract

1 with a school district or a public community college district
2 to operate an alternative school. An alternative school serving
3 more than one educational service region may be established by
4 the regional superintendents of schools of the affected
5 educational service regions. An alternative school serving
6 more than one educational service region may be operated under
7 such terms as the regional superintendents of schools of those
8 educational service regions may agree.

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

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

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

31 (2) (Blank).

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

34 (M) Education Funding Advisory Board.

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

36 The Education Funding Advisory Board shall be deemed

1 established, and the initial members appointed by the Governor
2 to serve as members of the Board shall take office, on the date
3 that the Governor makes his or her appointment of the fifth
4 initial member of the Board, whether those initial members are
5 then serving pursuant to appointment and confirmation or
6 pursuant to temporary appointments that are made by the
7 Governor as in the case of vacancies.

8 The State Board of Education shall provide such staff
9 assistance to the Education Funding Advisory Board as is
10 reasonably required for the proper performance by the Board of
11 its responsibilities.

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

26 (N) (Blank).

27 (O) References.

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

33 (2) References in other laws to State Chapter 1 funds shall
34 be deemed to refer to the supplemental general State aid

1 provided under subsection (H) of this Section.

2 (P) Public Act 93-838 and Public Act 93-808 make inconsistent
3 changes to this Section. Under Section 6 of the Statute on
4 Statutes there is an irreconcilable conflict between Public Act
5 93-808 and Public Act 93-838. Public Act 93-838, being the last
6 acted upon, is controlling. The text of Public Act 93-838 is
7 the law regardless of the text of Public Act 93-808.

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

11 (105 ILCS 5/19-1) (from Ch. 122, par. 19-1)

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

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

14 (a) School districts shall not be subject to the provisions
15 limiting their indebtedness prescribed in "An Act to limit the
16 indebtedness of counties having a population of less than
17 500,000 and townships, school districts and other municipal
18 corporations having a population of less than 300,000",
19 approved February 15, 1928, as amended.

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

30 No school districts maintaining grades K through 12 shall
31 become indebted in any manner or for any purpose to an amount,
32 including existing indebtedness, in the aggregate exceeding
33 13.8% on the value of the taxable property therein to be
34 ascertained by the last assessment for State and county taxes

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, previous to the incurring of such
5 indebtedness.

6 No partial elementary unit district, as defined in Article
7 11E of this Code, shall become indebted in any manner or for
8 any purpose in an amount, including existing indebtedness, in
9 the aggregate exceeding 6.9% of the value of the taxable
10 property of the entire district, to be ascertained by the last
11 assessment for State and county taxes, plus an amount,
12 including existing indebtedness, in the aggregate exceeding
13 6.9% of the value of the taxable property of that portion of
14 the district included in the elementary and high school
15 classification, to be ascertained by the last assessment for
16 State and county taxes. Moreover, no partial elementary unit
17 district, as defined in Article 11E of this Code, shall become
18 indebted on account of bonds issued by the district for high
19 school purposes in the aggregate exceeding 6.9% of the value of
20 the taxable property of the entire district, to be ascertained
21 by the last assessment for State and county taxes, nor shall
22 the district become indebted on account of bonds issued by the
23 district for elementary purposes in the aggregate exceeding
24 6.9% of the value of the taxable property for that portion of
25 the district included in the elementary and high school
26 classification, to be ascertained by the last assessment for
27 State and county taxes.

28 Notwithstanding the provisions of any other law to the
29 contrary, in any case in which the voters of a school district
30 have approved a proposition for the issuance of bonds of such
31 school district at an election held prior to January 1, 1979,
32 and all of the bonds approved at such election have not been
33 issued, the debt limitation applicable to such school district
34 during the calendar year 1979 shall be computed by multiplying
35 the value of taxable property therein, including personal
36 property, as ascertained by the last assessment for State and

1 county taxes, previous to the incurring of such indebtedness,
2 by the percentage limitation applicable to such school district
3 under the provisions of this subsection (a).

4 (b) Notwithstanding the debt limitation prescribed in
5 subsection (a) of this Section, additional indebtedness may be
6 incurred in an amount not to exceed the estimated cost of
7 acquiring or improving school sites or constructing and
8 equipping additional building facilities under the following
9 conditions:

10 (1) Whenever the enrollment of students for the next
11 school year is estimated by the board of education to
12 increase over the actual present enrollment by not less
13 than 35% or by not less than 200 students or the actual
14 present enrollment of students has increased over the
15 previous school year by not less than 35% or by not less
16 than 200 students and the board of education determines
17 that additional school sites or building facilities are
18 required as a result of such increase in enrollment; and

19 (2) When the Regional Superintendent of Schools having
20 jurisdiction over the school district and the State
21 Superintendent of Education concur in such enrollment
22 projection or increase and approve the need for such
23 additional school sites or building facilities and the
24 estimated cost thereof; and

25 (3) When the voters in the school district approve a
26 proposition for the issuance of bonds for the purpose of
27 acquiring or improving such needed school sites or
28 constructing and equipping such needed additional building
29 facilities at an election called and held for that purpose.
30 Notice of such an election shall state that the amount of
31 indebtedness proposed to be incurred would exceed the debt
32 limitation otherwise applicable to the school district.
33 The ballot for such proposition shall state what percentage
34 of the equalized assessed valuation will be outstanding in
35 bonds if the proposed issuance of bonds is approved by the
36 voters; or

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

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

23 In no event shall the indebtedness incurred pursuant to
24 this subsection (b) and the existing indebtedness of the school
25 district exceed 15% of the value of the taxable property
26 therein to be ascertained by the last assessment for State and
27 county taxes, previous to the incurring of such indebtedness
28 or, until January 1, 1983, if greater, the sum that is produced
29 by multiplying the school district's 1978 equalized assessed
30 valuation by the debt limitation percentage in effect on
31 January 1, 1979.

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

34 (c) Notwithstanding the debt limitation prescribed in
35 subsection (a) of this Section, in any case in which a public
36 question for the issuance of bonds of a proposed school

1 district maintaining grades kindergarten through 12 received
2 at least 60% of the valid ballots cast on the question at an
3 election held on or prior to November 8, 1994, and in which the
4 bonds approved at such election have not been issued, the
5 school district pursuant to the requirements of Section 11A-10
6 (now repealed) may issue the total amount of bonds approved at
7 such election for the purpose stated in the question.

8 (d) Notwithstanding the debt limitation prescribed in
9 subsection (a) of this Section, a school district that meets
10 all the criteria set forth in paragraphs (1) and (2) of this
11 subsection (d) may incur an additional indebtedness in an
12 amount not to exceed \$4,500,000, even though the amount of the
13 additional indebtedness authorized by this subsection (d),
14 when incurred and added to the aggregate amount of indebtedness
15 of the district existing immediately prior to the district
16 incurring the additional indebtedness authorized by this
17 subsection (d), causes the aggregate indebtedness of the
18 district to exceed the debt limitation otherwise applicable to
19 that district under subsection (a):

20 (1) The additional indebtedness authorized by this
21 subsection (d) is incurred by the school district through
22 the issuance of bonds under and in accordance with Section
23 17-2.11a for the purpose of replacing a school building
24 which, because of mine subsidence damage, has been closed
25 as provided in paragraph (2) of this subsection (d) or
26 through the issuance of bonds under and in accordance with
27 Section 19-3 for the purpose of increasing the size of, or
28 providing for additional functions in, such replacement
29 school buildings, or both such purposes.

30 (2) The bonds issued by the school district as provided
31 in paragraph (1) above are issued for the purposes of
32 construction by the school district of a new school
33 building pursuant to Section 17-2.11, to replace an
34 existing school building that, because of mine subsidence
35 damage, is closed as of the end of the 1992-93 school year
36 pursuant to action of the regional superintendent of

1 schools of the educational service region in which the
2 district is located under Section 3-14.22 or are issued for
3 the purpose of increasing the size of, or providing for
4 additional functions in, the new school building being
5 constructed to replace a school building closed as the
6 result of mine subsidence damage, or both such purposes.

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

22 (1) The State Board of Education certifies the school
23 district under Section 19-1.5 as a financially distressed
24 district.

25 (2) The additional indebtedness authorized by this
26 subsection (e) is incurred by the financially distressed
27 district during the school year or school years in which
28 the certification of the district as a financially
29 distressed district continues in effect through the
30 issuance of bonds for the lawful school purposes of the
31 district, pursuant to resolution of the school board and
32 without referendum, as provided in paragraph (5) of this
33 subsection.

34 (3) The aggregate amount of bonds issued by the
35 financially distressed district during a fiscal year in
36 which it is authorized to issue bonds under this subsection

1 does not exceed the amount by which the aggregate
2 expenditures of the district for operational purposes
3 during the immediately preceding fiscal year exceeds the
4 amount appropriated for the operational purposes of the
5 district in the annual school budget adopted by the school
6 board of the district for the fiscal year in which the
7 bonds are issued.

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

22 (5) Bonds issued by the financially distressed
23 district under this subsection shall bear interest at a
24 rate not to exceed the maximum rate authorized by law at
25 the time of the making of the contract, shall mature within
26 40 years from their date of issue, and shall be signed by
27 the president of the school board and treasurer of the
28 school district. In order to issue bonds under this
29 subsection, the school board shall adopt a resolution
30 fixing the amount of the bonds, the date of the bonds, the
31 maturities of the bonds, the rates of interest of the
32 bonds, and their place of payment and denomination, and
33 shall provide for the levy and collection of a direct
34 annual tax upon all the taxable property in the district
35 sufficient to pay the principal and interest on the bonds
36 to maturity. Upon the filing in the office of the county

1 clerk of the county in which the financially distressed
2 district is located of a certified copy of the resolution,
3 it is the duty of the county clerk to extend the tax
4 therefor in addition to and in excess of all other taxes at
5 any time authorized to be levied by the district. If bond
6 proceeds from the sale of bonds include a premium or if the
7 proceeds of the bonds are invested as authorized by law,
8 the school board shall determine by resolution whether the
9 interest earned on the investment of bond proceeds or the
10 premium realized on the sale of the bonds is to be used for
11 any of the lawful school purposes for which the bonds were
12 issued or for the payment of the principal indebtedness and
13 interest on the bonds. The proceeds of the bond sale shall
14 be deposited in the educational purposes fund of the
15 district and shall be used to pay operational expenses of
16 the district. This subsection is cumulative and
17 constitutes complete authority for the issuance of bonds as
18 provided in this subsection, notwithstanding any other law
19 to the contrary.

20 (f) Notwithstanding the provisions of subsection (a) of
21 this Section or of any other law, bonds in not to exceed the
22 aggregate amount of \$5,500,000 and issued by a school district
23 meeting the following criteria shall not be considered
24 indebtedness for purposes of any statutory limitation and may
25 be issued in an amount or amounts, including existing
26 indebtedness, in excess of any heretofore or hereafter imposed
27 statutory limitation as to indebtedness:

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

33 (2) The board of education shall also determine by
34 resolution that the improvements to be financed with the
35 proceeds of the bonds are needed because of the projected
36 enrollment increases.

1 (3) The board of education shall also determine by
2 resolution that the projected increases in enrollment are
3 the result of improvements made or expected to be made to
4 passenger rail facilities located in the school district.

5 Notwithstanding the provisions of subsection (a) of this
6 Section or of any other law, a school district that has availed
7 itself of the provisions of this subsection (f) prior to July
8 22, 2004 (the effective date of Public Act 93-799) may also
9 issue bonds approved by referendum up to an amount, including
10 existing indebtedness, not exceeding 25% of the equalized
11 assessed value of the taxable property in the district if all
12 of the conditions set forth in items (1), (2), and (3) of this
13 subsection (f) are met.

14 (g) Notwithstanding the provisions of subsection (a) of
15 this Section or any other law, bonds in not to exceed an
16 aggregate amount of 25% of the equalized assessed value of the
17 taxable property of a school district and issued by a school
18 district meeting the criteria in paragraphs (i) through (iv) of
19 this subsection shall not be considered indebtedness for
20 purposes of any statutory limitation and may be issued pursuant
21 to resolution of the school board in an amount or amounts,
22 including existing indebtedness, in excess of any statutory
23 limitation of indebtedness heretofore or hereafter imposed:

24 (i) The bonds are issued for the purpose of
25 constructing a new high school building to replace two
26 adjacent existing buildings which together house a single
27 high school, each of which is more than 65 years old, and
28 which together are located on more than 10 acres and less
29 than 11 acres of property.

30 (ii) At the time the resolution authorizing the
31 issuance of the bonds is adopted, the cost of constructing
32 a new school building to replace the existing school
33 building is less than 60% of the cost of repairing the
34 existing school building.

35 (iii) The sale of the bonds occurs before July 1, 1997.

36 (iv) The school district issuing the bonds is a unit

1 school district located in a county of less than 70,000 and
2 more than 50,000 inhabitants, which has an average daily
3 attendance of less than 1,500 and an equalized assessed
4 valuation of less than \$29,000,000.

5 (h) Notwithstanding any other provisions of this Section or
6 the provisions of any other law, until January 1, 1998, a
7 community unit school district maintaining grades K through 12
8 may issue bonds up to an amount, including existing
9 indebtedness, not exceeding 27.6% of the equalized assessed
10 value of the taxable property in the district, if all of the
11 following conditions are met:

12 (i) The school district has an equalized assessed
13 valuation for calendar year 1995 of less than \$24,000,000;

14 (ii) The bonds are issued for the capital improvement,
15 renovation, rehabilitation, or replacement of existing
16 school buildings of the district, all of which buildings
17 were originally constructed not less than 40 years ago;

18 (iii) The voters of the district approve a proposition
19 for the issuance of the bonds at a referendum held after
20 March 19, 1996; and

21 (iv) The bonds are issued pursuant to Sections 19-2
22 through 19-7 of this Code.

23 (i) Notwithstanding any other provisions of this Section or
24 the provisions of any other law, until January 1, 1998, a
25 community unit school district maintaining grades K through 12
26 may issue bonds up to an amount, including existing
27 indebtedness, not exceeding 27% of the equalized assessed value
28 of the taxable property in the district, if all of the
29 following conditions are met:

30 (i) The school district has an equalized assessed
31 valuation for calendar year 1995 of less than \$44,600,000;

32 (ii) The bonds are issued for the capital improvement,
33 renovation, rehabilitation, or replacement of existing
34 school buildings of the district, all of which existing
35 buildings were originally constructed not less than 80
36 years ago;

1 (iii) The voters of the district approve a proposition
2 for the issuance of the bonds at a referendum held after
3 December 31, 1996; and

4 (iv) The bonds are issued pursuant to Sections 19-2
5 through 19-7 of this Code.

6 (j) Notwithstanding any other provisions of this Section or
7 the provisions of any other law, until January 1, 1999, 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 27% 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 1995 of less than \$140,000,000
15 and a best 3 months average daily attendance for the
16 1995-96 school year of at least 2,800;

17 (ii) The bonds are issued to purchase a site and build
18 and equip a new high school, and the school district's
19 existing high school was originally constructed not less
20 than 35 years prior to the sale of the bonds;

21 (iii) At the time of the sale of the bonds, the board
22 of education determines by resolution that a new high
23 school is needed because of projected enrollment
24 increases;

25 (iv) At least 60% of those voting in an election held
26 after December 31, 1996 approve a proposition for the
27 issuance of the bonds; and

28 (v) The bonds are issued pursuant to Sections 19-2
29 through 19-7 of this Code.

30 (k) Notwithstanding the debt limitation prescribed in
31 subsection (a) of this Section, a school district that meets
32 all the criteria set forth in paragraphs (1) through (4) of
33 this subsection (k) may issue bonds to incur an additional
34 indebtedness in an amount not to exceed \$4,000,000 even though
35 the amount of the additional indebtedness authorized by this
36 subsection (k), when incurred and added to the aggregate amount

1 of indebtedness of the school district existing immediately
2 prior to the school district incurring such additional
3 indebtedness, causes the aggregate indebtedness of the school
4 district to exceed or increases the amount by which the
5 aggregate indebtedness of the district already exceeds the debt
6 limitation otherwise applicable to that school district under
7 subsection (a):

8 (1) the school district is located in 2 counties, and a
9 referendum to authorize the additional indebtedness was
10 approved by a majority of the voters of the school district
11 voting on the proposition to authorize that indebtedness;

12 (2) the additional indebtedness is for the purpose of
13 financing a multi-purpose room addition to the existing
14 high school;

15 (3) the additional indebtedness, together with the
16 existing indebtedness of the school district, shall not
17 exceed 17.4% of the value of the taxable property in the
18 school district, to be ascertained by the last assessment
19 for State and county taxes; and

20 (4) the bonds evidencing the additional indebtedness
21 are issued, if at all, within 120 days of the effective
22 date of this amendatory Act of 1998.

23 (1) Notwithstanding any other provisions of this Section or
24 the provisions of any other law, until January 1, 2000, a
25 school district maintaining grades kindergarten through 8 may
26 issue bonds up to an amount, including existing indebtedness,
27 not exceeding 15% of the equalized assessed value of the
28 taxable property in the district if all of the following
29 conditions are met:

30 (i) the district has an equalized assessed valuation
31 for calendar year 1996 of less than \$10,000,000;

32 (ii) the bonds are issued for capital improvement,
33 renovation, rehabilitation, or replacement of one or more
34 school buildings of the district, which buildings were
35 originally constructed not less than 70 years ago;

36 (iii) the voters of the district approve a proposition

1 for the issuance of the bonds at a referendum held on or
2 after March 17, 1998; and

3 (iv) the bonds are issued pursuant to Sections 19-2
4 through 19-7 of this Code.

5 (m) Notwithstanding any other provisions of this Section or
6 the provisions of any other law, until January 1, 1999, an
7 elementary school district maintaining grades K through 8 may
8 issue bonds up to an amount, excluding existing indebtedness,
9 not exceeding 18% of the equalized assessed value of the
10 taxable property in the district, if all of the following
11 conditions are met:

12 (i) The school district has an equalized assessed
13 valuation for calendar year 1995 or less than \$7,700,000;

14 (ii) The school district operates 2 elementary
15 attendance centers that until 1976 were operated as the
16 attendance centers of 2 separate and distinct school
17 districts;

18 (iii) The bonds are issued for the construction of a
19 new elementary school building to replace an existing
20 multi-level elementary school building of the school
21 district that is not handicapped accessible at all levels
22 and parts of which were constructed more than 75 years ago;

23 (iv) The voters of the school district approve a
24 proposition for the issuance of the bonds at a referendum
25 held after July 1, 1998; and

26 (v) The bonds are issued pursuant to Sections 19-2
27 through 19-7 of this Code.

28 (n) Notwithstanding the debt limitation prescribed in
29 subsection (a) of this Section or any other provisions of this
30 Section or of any other law, a school district that meets all
31 of the criteria set forth in paragraphs (i) through (vi) of
32 this subsection (n) may incur additional indebtedness by the
33 issuance of bonds in an amount not exceeding the amount
34 certified by the Capital Development Board to the school
35 district as provided in paragraph (iii) of this subsection (n),
36 even though the amount of the additional indebtedness so

1 authorized, when incurred and added to the aggregate amount of
2 indebtedness of the district existing immediately prior to the
3 district incurring the additional indebtedness authorized by
4 this subsection (n), causes the aggregate indebtedness of the
5 district to exceed the debt limitation otherwise applicable by
6 law to that district:

7 (i) The school district applies to the State Board of
8 Education for a school construction project grant and
9 submits a district facilities plan in support of its
10 application pursuant to Section 5-20 of the School
11 Construction Law.

12 (ii) The school district's application and facilities
13 plan are approved by, and the district receives a grant
14 entitlement for a school construction project issued by,
15 the State Board of Education under the School Construction
16 Law.

17 (iii) The school district has exhausted its bonding
18 capacity or the unused bonding capacity of the district is
19 less than the amount certified by the Capital Development
20 Board to the district under Section 5-15 of the School
21 Construction Law as the dollar amount of the school
22 construction project's cost that the district will be
23 required to finance with non-grant funds in order to
24 receive a school construction project grant under the
25 School Construction Law.

26 (iv) The bonds are issued for a "school construction
27 project", as that term is defined in Section 5-5 of the
28 School Construction Law, in an amount that does not exceed
29 the dollar amount certified, as provided in paragraph (iii)
30 of this subsection (n), by the Capital Development Board to
31 the school district under Section 5-15 of the School
32 Construction Law.

33 (v) The voters of the district approve a proposition
34 for the issuance of the bonds at a referendum held after
35 the criteria specified in paragraphs (i) and (iii) of this
36 subsection (n) are met.

1 (vi) The bonds are issued pursuant to Sections 19-2
2 through 19-7 of the School Code.

3 (o) Notwithstanding any other provisions of this Section or
4 the provisions of any other law, until November 1, 2007, a
5 community unit school district maintaining grades K through 12
6 may issue bonds up to an amount, including existing
7 indebtedness, not exceeding 20% of the equalized assessed value
8 of the taxable property in the district if all of the following
9 conditions are met:

10 (i) the school district has an equalized assessed
11 valuation for calendar year 2001 of at least \$737,000,000
12 and an enrollment for the 2002-2003 school year of at least
13 8,500;

14 (ii) the bonds are issued to purchase school sites,
15 build and equip a new high school, build and equip a new
16 junior high school, build and equip 5 new elementary
17 schools, and make technology and other improvements and
18 additions to existing schools;

19 (iii) at the time of the sale of the bonds, the board
20 of education determines by resolution that the sites and
21 new or improved facilities are needed because of projected
22 enrollment increases;

23 (iv) at least 57% of those voting in a general election
24 held prior to January 1, 2003 approved a proposition for
25 the issuance of the bonds; and

26 (v) the bonds are issued pursuant to Sections 19-2
27 through 19-7 of this Code.

28 (p) Notwithstanding any other provisions of this Section or
29 the provisions of any other law, a community unit school
30 district maintaining grades K through 12 may issue bonds up to
31 an amount, including indebtedness, not exceeding 27% of the
32 equalized assessed value of the taxable property in the
33 district if all of the following conditions are met:

34 (i) The school district has an equalized assessed
35 valuation for calendar year 2001 of at least \$295,741,187
36 and a best 3 months' average daily attendance for the

1 2002-2003 school year of at least 2,394.

2 (ii) The bonds are issued to build and equip 3
3 elementary school buildings; build and equip one middle
4 school building; and alter, repair, improve, and equip all
5 existing school buildings in the district.

6 (iii) At the time of the sale of the bonds, the board
7 of education determines by resolution that the project is
8 needed because of expanding growth in the school district
9 and a projected enrollment increase.

10 (iv) The bonds are issued pursuant to Sections 19-2
11 through 19-7 of this Code.

12 (p-5) Notwithstanding any other provisions of this Section
13 or the provisions of any other law, bonds issued by a community
14 unit school district maintaining grades K through 12 shall not
15 be considered indebtedness for purposes of any statutory
16 limitation and may be issued in an amount or amounts, including
17 existing indebtedness, in excess of any heretofore or hereafter
18 imposed statutory limitation as to indebtedness, if all of the
19 following conditions are met:

20 (i) For each of the 4 most recent years, residential
21 property comprises more than 80% of the equalized assessed
22 valuation of the district.

23 (ii) At least 2 school buildings that were constructed
24 40 or more years prior to the issuance of the bonds will be
25 demolished and will be replaced by new buildings or
26 additions to one or more existing buildings.

27 (iii) Voters of the district approve a proposition for
28 the issuance of the bonds at a regularly scheduled
29 election.

30 (iv) At the time of the sale of the bonds, the school
31 board determines by resolution that the new buildings or
32 building additions are needed because of an increase in
33 enrollment projected by the school board.

34 (v) The principal amount of the bonds, including
35 existing indebtedness, does not exceed 25% of the equalized
36 assessed value of the taxable property in the district.

1 (vi) The bonds are issued prior to January 1, 2007,
2 pursuant to Sections 19-2 through 19-7 of this Code.

3 (Source: P.A. 93-13, eff. 6-9-03; 93-799, eff. 7-22-04;
4 93-1045, eff. 10-15-04; 94-721, eff. 1-6-06.)

5 (Text of Section after amendment by P.A. 94-234)

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

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

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

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

33 No partial elementary unit district, as defined in Article
34 11E of this Code, shall become indebted in any manner or for
35 any purpose in an amount, including existing indebtedness, in

1 the aggregate exceeding 6.9% of the value of the taxable
2 property of the entire district, to be ascertained by the last
3 assessment for State and county taxes, plus an amount,
4 including existing indebtedness, in the aggregate exceeding
5 6.9% of the value of the taxable property of that portion of
6 the district included in the elementary and high school
7 classification, to be ascertained by the last assessment for
8 State and county taxes. Moreover, no partial elementary unit
9 district, as defined in Article 11E of this Code, shall become
10 indebted on account of bonds issued by the district for high
11 school purposes in the aggregate exceeding 6.9% of the value of
12 the taxable property of the entire district, to be ascertained
13 by the last assessment for State and county taxes, nor shall
14 the district become indebted on account of bonds issued by the
15 district for elementary purposes in the aggregate exceeding
16 6.9% of the value of the taxable property for that portion of
17 the district included in the elementary and high school
18 classification, to be ascertained by the last assessment for
19 State and county taxes.

20 Notwithstanding the provisions of any other law to the
21 contrary, in any case in which the voters of a school district
22 have approved a proposition for the issuance of bonds of such
23 school district at an election held prior to January 1, 1979,
24 and all of the bonds approved at such election have not been
25 issued, the debt limitation applicable to such school district
26 during the calendar year 1979 shall be computed by multiplying
27 the value of taxable property therein, including personal
28 property, as ascertained by the last assessment for State and
29 county taxes, previous to the incurring of such indebtedness,
30 by the percentage limitation applicable to such school district
31 under the provisions of this subsection (a).

32 (b) Notwithstanding the debt limitation prescribed in
33 subsection (a) of this Section, additional indebtedness may be
34 incurred in an amount not to exceed the estimated cost of
35 acquiring or improving school sites or constructing and
36 equipping additional building facilities under the following

1 conditions:

2 (1) Whenever the enrollment of students for the next
3 school year is estimated by the board of education to
4 increase over the actual present enrollment by not less
5 than 35% or by not less than 200 students or the actual
6 present enrollment of students has increased over the
7 previous school year by not less than 35% or by not less
8 than 200 students and the board of education determines
9 that additional school sites or building facilities are
10 required as a result of such increase in enrollment; and

11 (2) When the Regional Superintendent of Schools having
12 jurisdiction over the school district and the State
13 Superintendent of Education concur in such enrollment
14 projection or increase and approve the need for such
15 additional school sites or building facilities and the
16 estimated cost thereof; and

17 (3) When the voters in the school district approve a
18 proposition for the issuance of bonds for the purpose of
19 acquiring or improving such needed school sites or
20 constructing and equipping such needed additional building
21 facilities at an election called and held for that purpose.
22 Notice of such an election shall state that the amount of
23 indebtedness proposed to be incurred would exceed the debt
24 limitation otherwise applicable to the school district.
25 The ballot for such proposition shall state what percentage
26 of the equalized assessed valuation will be outstanding in
27 bonds if the proposed issuance of bonds is approved by the
28 voters; or

29 (4) Notwithstanding the provisions of paragraphs (1)
30 through (3) of this subsection (b), if the school board
31 determines that additional facilities are needed to
32 provide a quality educational program and not less than 2/3
33 of those voting in an election called by the school board
34 on the question approve the issuance of bonds for the
35 construction of such facilities, the school district may
36 issue bonds for this purpose; or

1 (5) Notwithstanding the provisions of paragraphs (1)
2 through (3) of this subsection (b), if (i) the school
3 district has previously availed itself of the provisions of
4 paragraph (4) of this subsection (b) to enable it to issue
5 bonds, (ii) the voters of the school district have not
6 defeated a proposition for the issuance of bonds since the
7 referendum described in paragraph (4) of this subsection
8 (b) was held, (iii) the school board determines that
9 additional facilities are needed to provide a quality
10 educational program, and (iv) a majority of those voting in
11 an election called by the school board on the question
12 approve the issuance of bonds for the construction of such
13 facilities, the school district may issue bonds for this
14 purpose.

15 In no event shall the indebtedness incurred pursuant to
16 this subsection (b) and the existing indebtedness of the school
17 district exceed 15% of the value of the taxable property
18 therein to be ascertained by the last assessment for State and
19 county taxes, previous to the incurring of such indebtedness
20 or, until January 1, 1983, if greater, the sum that is produced
21 by multiplying the school district's 1978 equalized assessed
22 valuation by the debt limitation percentage in effect on
23 January 1, 1979.

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

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

36 (d) Notwithstanding the debt limitation prescribed in

1 subsection (a) of this Section, a school district that meets
2 all the criteria set forth in paragraphs (1) and (2) of this
3 subsection (d) may incur an additional indebtedness in an
4 amount not to exceed \$4,500,000, even though the amount of the
5 additional indebtedness authorized by this subsection (d),
6 when incurred and added to the aggregate amount of indebtedness
7 of the district existing immediately prior to the district
8 incurring the additional indebtedness authorized by this
9 subsection (d), causes the aggregate indebtedness of the
10 district to exceed the debt limitation otherwise applicable to
11 that district under subsection (a):

12 (1) The additional indebtedness authorized by this
13 subsection (d) is incurred by the school district through
14 the issuance of bonds under and in accordance with Section
15 17-2.11a for the purpose of replacing a school building
16 which, because of mine subsidence damage, has been closed
17 as provided in paragraph (2) of this subsection (d) or
18 through the issuance of bonds under and in accordance with
19 Section 19-3 for the purpose of increasing the size of, or
20 providing for additional functions in, such replacement
21 school buildings, or both such purposes.

22 (2) The bonds issued by the school district as provided
23 in paragraph (1) above are issued for the purposes of
24 construction by the school district of a new school
25 building pursuant to Section 17-2.11, to replace an
26 existing school building that, because of mine subsidence
27 damage, is closed as of the end of the 1992-93 school year
28 pursuant to action of the regional superintendent of
29 schools of the educational service region in which the
30 district is located under Section 3-14.22 or are issued for
31 the purpose of increasing the size of, or providing for
32 additional functions in, the new school building being
33 constructed to replace a school building closed as the
34 result of mine subsidence damage, or both such purposes.

35 (e) (Blank).

36 (f) Notwithstanding the provisions of subsection (a) of

1 this Section or of any other law, bonds in not to exceed the
2 aggregate amount of \$5,500,000 and issued by a school district
3 meeting the following criteria shall not be considered
4 indebtedness for purposes of any statutory limitation and may
5 be issued in an amount or amounts, including existing
6 indebtedness, in excess of any heretofore or hereafter imposed
7 statutory limitation as to indebtedness:

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

13 (2) The board of education shall also determine by
14 resolution that the improvements to be financed with the
15 proceeds of the bonds are needed because of the projected
16 enrollment increases.

17 (3) The board of education shall also determine by
18 resolution that the projected increases in enrollment are
19 the result of improvements made or expected to be made to
20 passenger rail facilities located in the school district.

21 Notwithstanding the provisions of subsection (a) of this
22 Section or of any other law, a school district that has availed
23 itself of the provisions of this subsection (f) prior to July
24 22, 2004 (the effective date of Public Act 93-799) may also
25 issue bonds approved by referendum up to an amount, including
26 existing indebtedness, not exceeding 25% of the equalized
27 assessed value of the taxable property in the district if all
28 of the conditions set forth in items (1), (2), and (3) of this
29 subsection (f) are met.

30 (g) Notwithstanding the provisions of subsection (a) of
31 this Section or any other law, bonds in not to exceed an
32 aggregate amount of 25% of the equalized assessed value of the
33 taxable property of a school district and issued by a school
34 district meeting the criteria in paragraphs (i) through (iv) of
35 this subsection shall not be considered indebtedness for
36 purposes of any statutory limitation and may be issued pursuant

1 to resolution of the school board in an amount or amounts,
2 including existing indebtedness, in excess of any statutory
3 limitation of indebtedness heretofore or hereafter imposed:

4 (i) The bonds are issued for the purpose of
5 constructing a new high school building to replace two
6 adjacent existing buildings which together house a single
7 high school, each of which is more than 65 years old, and
8 which together are located on more than 10 acres and less
9 than 11 acres of property.

10 (ii) At the time the resolution authorizing the
11 issuance of the bonds is adopted, the cost of constructing
12 a new school building to replace the existing school
13 building is less than 60% of the cost of repairing the
14 existing school building.

15 (iii) The sale of the bonds occurs before July 1, 1997.

16 (iv) The school district issuing the bonds is a unit
17 school district located in a county of less than 70,000 and
18 more than 50,000 inhabitants, which has an average daily
19 attendance of less than 1,500 and an equalized assessed
20 valuation of less than \$29,000,000.

21 (h) Notwithstanding any other provisions of this Section or
22 the provisions of any other law, until January 1, 1998, a
23 community unit school district maintaining grades K through 12
24 may issue bonds up to an amount, including existing
25 indebtedness, not exceeding 27.6% of the equalized assessed
26 value of the taxable property in the district, if all of the
27 following conditions are met:

28 (i) The school district has an equalized assessed
29 valuation for calendar year 1995 of less than \$24,000,000;

30 (ii) The bonds are issued for the capital improvement,
31 renovation, rehabilitation, or replacement of existing
32 school buildings of the district, all of which buildings
33 were originally constructed not less than 40 years ago;

34 (iii) The voters of the district approve a proposition
35 for the issuance of the bonds at a referendum held after
36 March 19, 1996; and

1 (iv) The bonds are issued pursuant to Sections 19-2
2 through 19-7 of this Code.

3 (i) Notwithstanding any other provisions of this Section or
4 the provisions of any other law, until January 1, 1998, a
5 community unit school district maintaining grades K through 12
6 may issue bonds up to an amount, including existing
7 indebtedness, not exceeding 27% of the equalized assessed value
8 of the taxable property in the district, if all of the
9 following conditions are met:

10 (i) The school district has an equalized assessed
11 valuation for calendar year 1995 of less than \$44,600,000;

12 (ii) The bonds are issued for the capital improvement,
13 renovation, rehabilitation, or replacement of existing
14 school buildings of the district, all of which existing
15 buildings were originally constructed not less than 80
16 years ago;

17 (iii) The voters of the district approve a proposition
18 for the issuance of the bonds at a referendum held after
19 December 31, 1996; and

20 (iv) The bonds are issued pursuant to Sections 19-2
21 through 19-7 of this Code.

22 (j) Notwithstanding any other provisions of this Section or
23 the provisions of any other law, until January 1, 1999, a
24 community unit school district maintaining grades K through 12
25 may issue bonds up to an amount, including existing
26 indebtedness, not exceeding 27% of the equalized assessed value
27 of the taxable property in the district if all of the following
28 conditions are met:

29 (i) The school district has an equalized assessed
30 valuation for calendar year 1995 of less than \$140,000,000
31 and a best 3 months average daily attendance for the
32 1995-96 school year of at least 2,800;

33 (ii) The bonds are issued to purchase a site and build
34 and equip a new high school, and the school district's
35 existing high school was originally constructed not less
36 than 35 years prior to the sale of the bonds;

1 (iii) At the time of the sale of the bonds, the board
2 of education determines by resolution that a new high
3 school is needed because of projected enrollment
4 increases;

5 (iv) At least 60% of those voting in an election held
6 after December 31, 1996 approve a proposition for the
7 issuance of the bonds; and

8 (v) The bonds are issued pursuant to Sections 19-2
9 through 19-7 of this Code.

10 (k) Notwithstanding the debt limitation prescribed in
11 subsection (a) of this Section, a school district that meets
12 all the criteria set forth in paragraphs (1) through (4) of
13 this subsection (k) may issue bonds to incur an additional
14 indebtedness in an amount not to exceed \$4,000,000 even though
15 the amount of the additional indebtedness authorized by this
16 subsection (k), when incurred and added to the aggregate amount
17 of indebtedness of the school district existing immediately
18 prior to the school district incurring such additional
19 indebtedness, causes the aggregate indebtedness of the school
20 district to exceed or increases the amount by which the
21 aggregate indebtedness of the district already exceeds the debt
22 limitation otherwise applicable to that school district under
23 subsection (a):

24 (1) the school district is located in 2 counties, and a
25 referendum to authorize the additional indebtedness was
26 approved by a majority of the voters of the school district
27 voting on the proposition to authorize that indebtedness;

28 (2) the additional indebtedness is for the purpose of
29 financing a multi-purpose room addition to the existing
30 high school;

31 (3) the additional indebtedness, together with the
32 existing indebtedness of the school district, shall not
33 exceed 17.4% of the value of the taxable property in the
34 school district, to be ascertained by the last assessment
35 for State and county taxes; and

36 (4) the bonds evidencing the additional indebtedness

1 are issued, if at all, within 120 days of the effective
2 date of this amendatory Act of 1998.

3 (1) Notwithstanding any other provisions of this Section or
4 the provisions of any other law, until January 1, 2000, a
5 school district maintaining grades kindergarten through 8 may
6 issue bonds up to an amount, including existing indebtedness,
7 not exceeding 15% of the equalized assessed value of the
8 taxable property in the district if all of the following
9 conditions are met:

10 (i) the district has an equalized assessed valuation
11 for calendar year 1996 of less than \$10,000,000;

12 (ii) the bonds are issued for capital improvement,
13 renovation, rehabilitation, or replacement of one or more
14 school buildings of the district, which buildings were
15 originally constructed not less than 70 years ago;

16 (iii) the voters of the district approve a proposition
17 for the issuance of the bonds at a referendum held on or
18 after March 17, 1998; and

19 (iv) the bonds are issued pursuant to Sections 19-2
20 through 19-7 of this Code.

21 (m) Notwithstanding any other provisions of this Section or
22 the provisions of any other law, until January 1, 1999, an
23 elementary school district maintaining grades K through 8 may
24 issue bonds up to an amount, excluding existing indebtedness,
25 not exceeding 18% of the equalized assessed value of the
26 taxable property in the district, if all of the following
27 conditions are met:

28 (i) The school district has an equalized assessed
29 valuation for calendar year 1995 or less than \$7,700,000;

30 (ii) The school district operates 2 elementary
31 attendance centers that until 1976 were operated as the
32 attendance centers of 2 separate and distinct school
33 districts;

34 (iii) The bonds are issued for the construction of a
35 new elementary school building to replace an existing
36 multi-level elementary school building of the school

1 district that is not handicapped accessible at all levels
2 and parts of which were constructed more than 75 years ago;

3 (iv) The voters of the school district approve a
4 proposition for the issuance of the bonds at a referendum
5 held after July 1, 1998; and

6 (v) The bonds are issued pursuant to Sections 19-2
7 through 19-7 of this Code.

8 (n) Notwithstanding the debt limitation prescribed in
9 subsection (a) of this Section or any other provisions of this
10 Section or of any other law, a school district that meets all
11 of the criteria set forth in paragraphs (i) through (vi) of
12 this subsection (n) may incur additional indebtedness by the
13 issuance of bonds in an amount not exceeding the amount
14 certified by the Capital Development Board to the school
15 district as provided in paragraph (iii) of this subsection (n),
16 even though the amount of the additional indebtedness so
17 authorized, when incurred and added to the aggregate amount of
18 indebtedness of the district existing immediately prior to the
19 district incurring the additional indebtedness authorized by
20 this subsection (n), causes the aggregate indebtedness of the
21 district to exceed the debt limitation otherwise applicable by
22 law to that district:

23 (i) The school district applies to the State Board of
24 Education for a school construction project grant and
25 submits a district facilities plan in support of its
26 application pursuant to Section 5-20 of the School
27 Construction Law.

28 (ii) The school district's application and facilities
29 plan are approved by, and the district receives a grant
30 entitlement for a school construction project issued by,
31 the State Board of Education under the School Construction
32 Law.

33 (iii) The school district has exhausted its bonding
34 capacity or the unused bonding capacity of the district is
35 less than the amount certified by the Capital Development
36 Board to the district under Section 5-15 of the School

1 Construction Law as the dollar amount of the school
2 construction project's cost that the district will be
3 required to finance with non-grant funds in order to
4 receive a school construction project grant under the
5 School Construction Law.

6 (iv) The bonds are issued for a "school construction
7 project", as that term is defined in Section 5-5 of the
8 School Construction Law, in an amount that does not exceed
9 the dollar amount certified, as provided in paragraph (iii)
10 of this subsection (n), by the Capital Development Board to
11 the school district under Section 5-15 of the School
12 Construction Law.

13 (v) The voters of the district approve a proposition
14 for the issuance of the bonds at a referendum held after
15 the criteria specified in paragraphs (i) and (iii) of this
16 subsection (n) are met.

17 (vi) The bonds are issued pursuant to Sections 19-2
18 through 19-7 of the School Code.

19 (o) Notwithstanding any other provisions of this Section or
20 the provisions of any other law, until November 1, 2007, a
21 community unit school district maintaining grades K through 12
22 may issue bonds up to an amount, including existing
23 indebtedness, not exceeding 20% of the equalized assessed value
24 of the taxable property in the district if all of the following
25 conditions are met:

26 (i) the school district has an equalized assessed
27 valuation for calendar year 2001 of at least \$737,000,000
28 and an enrollment for the 2002-2003 school year of at least
29 8,500;

30 (ii) the bonds are issued to purchase school sites,
31 build and equip a new high school, build and equip a new
32 junior high school, build and equip 5 new elementary
33 schools, and make technology and other improvements and
34 additions to existing schools;

35 (iii) at the time of the sale of the bonds, the board
36 of education determines by resolution that the sites and

1 new or improved facilities are needed because of projected
2 enrollment increases;

3 (iv) at least 57% of those voting in a general election
4 held prior to January 1, 2003 approved a proposition for
5 the issuance of the bonds; and

6 (v) the bonds are issued pursuant to Sections 19-2
7 through 19-7 of this Code.

8 (p) Notwithstanding any other provisions of this Section or
9 the provisions of any other law, a community unit school
10 district maintaining grades K through 12 may issue bonds up to
11 an amount, including indebtedness, not exceeding 27% of the
12 equalized assessed value of the taxable property in the
13 district if all of the following conditions are met:

14 (i) The school district has an equalized assessed
15 valuation for calendar year 2001 of at least \$295,741,187
16 and a best 3 months' average daily attendance for the
17 2002-2003 school year of at least 2,394.

18 (ii) The bonds are issued to build and equip 3
19 elementary school buildings; build and equip one middle
20 school building; and alter, repair, improve, and equip all
21 existing school buildings in the district.

22 (iii) At the time of the sale of the bonds, the board
23 of education determines by resolution that the project is
24 needed because of expanding growth in the school district
25 and a projected enrollment increase.

26 (iv) The bonds are issued pursuant to Sections 19-2
27 through 19-7 of this Code.

28 (p-5) Notwithstanding any other provisions of this Section
29 or the provisions of any other law, bonds issued by a community
30 unit school district maintaining grades K through 12 shall not
31 be considered indebtedness for purposes of any statutory
32 limitation and may be issued in an amount or amounts, including
33 existing indebtedness, in excess of any heretofore or hereafter
34 imposed statutory limitation as to indebtedness, if all of the
35 following conditions are met:

36 (i) For each of the 4 most recent years, residential

1 property comprises more than 80% of the equalized assessed
2 valuation of the district.

3 (ii) At least 2 school buildings that were constructed
4 40 or more years prior to the issuance of the bonds will be
5 demolished and will be replaced by new buildings or
6 additions to one or more existing buildings.

7 (iii) Voters of the district approve a proposition for
8 the issuance of the bonds at a regularly scheduled
9 election.

10 (iv) At the time of the sale of the bonds, the school
11 board determines by resolution that the new buildings or
12 building additions are needed because of an increase in
13 enrollment projected by the school board.

14 (v) The principal amount of the bonds, including
15 existing indebtedness, does not exceed 25% of the equalized
16 assessed value of the taxable property in the district.

17 (vi) The bonds are issued prior to January 1, 2007,
18 pursuant to Sections 19-2 through 19-7 of this Code.

19 (q) A school district must notify the State Board of
20 Education prior to issuing any form of long-term or short-term
21 debt that will result in outstanding debt that exceeds 75% of
22 the debt limit specified in this Section or any other provision
23 of law.

24 (Source: P.A. 93-13, eff. 6-9-03; 93-799, eff. 7-22-04;
25 93-1045, eff. 10-15-04; 94-234, eff. 7-1-06; 94-721, eff.
26 1-6-06.)

27 (105 ILCS 5/20-2) (from Ch. 122, par. 20-2)

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

29 Sec. 20-2. Indebtedness and bonds. For the purpose of
30 creating a working cash fund, the school board of any such
31 district may incur an indebtedness and issue bonds as evidence
32 thereof in an amount or amounts not exceeding in the aggregate
33 85% of the taxes permitted to be levied for educational
34 purposes for the then current year to be determined by
35 multiplying the maximum educational tax rate or rates

1 applicable to such school district by the last assessed
2 valuation or assessed valuations as determined at the time of
3 the issue of said bonds plus 85% of the last known entitlement
4 of such district to taxes as by law now or hereafter enacted or
5 amended, imposed by the General Assembly of the State of
6 Illinois to replace revenue lost by units of local government
7 and school districts as a result of the abolition of ad valorem
8 personal property taxes, pursuant to Article IX, Section 5,
9 paragraph (c) of the Constitution of the State of Illinois,
10 except that a district that is certified under Section 19-1.5
11 as a financially distressed district may incur an indebtedness
12 and issue bonds as evidence thereof in an amount or amounts not
13 exceeding in the aggregate 125% of the taxes permitted to be
14 levied for educational purposes for the then current year to be
15 determined by multiplying the maximum educational tax rate
16 applicable to that school district by the last assessed
17 valuation as determined at the time of the issuance of the
18 bonds plus 125% of the last known entitlement of that district
19 to taxes that by law now or hereafter enacted or amended are
20 imposed by the General Assembly to replace revenue lost by
21 units of local government and school districts as a result of
22 the abolition of ad valorem personal property taxes, pursuant
23 to Article IX, Section 5, paragraph (c) of the Constitution of
24 the State of Illinois. The bonds shall bear interest at not
25 more than the maximum rate authorized by the Bond Authorization
26 Act, as amended at the time of the making of the contract, if
27 issued before January 1, 1972 and not more than the maximum
28 rate authorized by the Bond Authorization Act, as amended at
29 the time of the making of the contract, if issued after January
30 1, 1972 and shall mature within 20 years from the date thereof.
31 Subject to the foregoing limitations as to amount, the bonds
32 may be issued in an amount including existing indebtedness
33 which will not exceed the constitutional limitation as to debt,
34 notwithstanding any statutory debt limitation to the contrary.
35 When bonds have been issued under this Article by a school
36 district that is certified as a financially distressed district

1 under Section 19-1.5, the amount of those bonds, when and after
2 they are issued, whether issued before or after such
3 certification, shall not be considered debt under any statutory
4 debt limitation and shall be excluded from the computation and
5 determination of any statutory or other debt limitation
6 applicable to the financially distressed district. The school
7 board shall before or at the time of issuing the bonds provide
8 for the collection of a direct annual tax upon all the taxable
9 property within the district sufficient to pay the principal
10 thereof at maturity and to pay the interest thereon as it falls
11 due, which tax shall be in addition to the maximum amount of
12 all other taxes, either educational; transportation;
13 operations and maintenance; or fire prevention and safety fund
14 taxes, now or hereafter authorized and in addition to any
15 limitations upon the levy of taxes as provided by Sections 17-2
16 through 17-9. The bonds may be issued redeemable at the option
17 of the school board of the district issuing them on any
18 interest payment date on or after 5 years from date of issue.

19 With respect to instruments for the payment of money issued
20 under this Section either before, on, or after the effective
21 date of this amendatory Act of 1989, it is and always has been
22 the intention of the General Assembly (i) that the Omnibus Bond
23 Acts are and always have been supplementary grants of power to
24 issue instruments in accordance with the Omnibus Bond Acts,
25 regardless of any provision of this Act that may appear to be
26 or to have been more restrictive than those Acts, (ii) that the
27 provisions of this Section are not a limitation on the
28 supplementary authority granted by the Omnibus Bond Acts, and
29 (iii) that instruments issued under this Section within the
30 supplementary authority granted by the Omnibus Bond Acts are
31 not invalid because of any provision of this Act that may
32 appear to be or to have been more restrictive than those Acts.

33 (Source: P.A. 87-984; 88-641, eff. 9-9-94.)

34 (Text of Section after amendment by P.A. 94-234)

35 Sec. 20-2. Indebtedness and bonds. For the purpose of

1 creating a working cash fund, the school board of any such
2 district may incur an indebtedness and issue bonds as evidence
3 thereof in an amount or amounts not exceeding in the aggregate
4 85% of the taxes permitted to be levied for educational
5 purposes for the then current year to be determined by
6 multiplying the maximum educational tax rate or rates
7 applicable to such school district by the last assessed
8 valuation or assessed valuations as determined at the time of
9 the issue of said bonds plus 85% of the last known entitlement
10 of such district to taxes as by law now or hereafter enacted or
11 amended, imposed by the General Assembly of the State of
12 Illinois to replace revenue lost by units of local government
13 and school districts as a result of the abolition of ad valorem
14 personal property taxes, pursuant to Article IX, Section 5,
15 paragraph (c) of the Constitution of the State of Illinois. The
16 bonds shall bear interest at not more than the maximum rate
17 authorized by the Bond Authorization Act, as amended at the
18 time of the making of the contract, if issued before January 1,
19 1972 and not more than the maximum rate authorized by the Bond
20 Authorization Act, as amended at the time of the making of the
21 contract, if issued after January 1, 1972 and shall mature
22 within 20 years from the date thereof. Subject to the foregoing
23 limitations as to amount, the bonds may be issued in an amount
24 including existing indebtedness which will not exceed the
25 constitutional limitation as to debt, notwithstanding any
26 statutory debt limitation to the contrary. The school board
27 shall before or at the time of issuing the bonds provide for
28 the collection of a direct annual tax upon all the taxable
29 property within the district sufficient to pay the principal
30 thereof at maturity and to pay the interest thereon as it falls
31 due, which tax shall be in addition to the maximum amount of
32 all other taxes, either educational; transportation;
33 operations and maintenance; or fire prevention and safety fund
34 taxes, now or hereafter authorized and in addition to any
35 limitations upon the levy of taxes as provided by Sections 17-2
36 through 17-9. The bonds may be issued redeemable at the option

1 of the school board of the district issuing them on any
2 interest payment date on or after 5 years from date of issue.

3 With respect to instruments for the payment of money issued
4 under this Section either before, on, or after the effective
5 date of this amendatory Act of 1989, it is and always has been
6 the intention of the General Assembly (i) that the Omnibus Bond
7 Acts are and always have been supplementary grants of power to
8 issue instruments in accordance with the Omnibus Bond Acts,
9 regardless of any provision of this Act that may appear to be
10 or to have been more restrictive than those Acts, (ii) that the
11 provisions of this Section are not a limitation on the
12 supplementary authority granted by the Omnibus Bond Acts, and
13 (iii) that instruments issued under this Section within the
14 supplementary authority granted by the Omnibus Bond Acts are
15 not invalid because of any provision of this Act that may
16 appear to be or to have been more restrictive than those Acts.
17 (Source: P.A. 94-234, eff. 7-1-06.)

18 (105 ILCS 5/Art. 7A rep.)

19 (105 ILCS 5/Art. 11A rep.)

20 (105 ILCS 5/Art. 11B rep.)

21 (105 ILCS 5/Art. 11D rep.)

22 (105 ILCS 5/18-8.2 rep.)

23 (105 ILCS 5/18-8.3 rep.)

24 (105 ILCS 5/18-8.5 rep.)

25 Section 15. The School Code is amended by repealing
26 Articles 7A, 11A, 11B, and 11D and Sections 18-8.2, 18-8.3, and
27 18-8.5.

28 Section 20. The School District Validation (1995) Act is
29 amended by changing Section 5 as follows:

30 (105 ILCS 555/5)

31 Sec. 5. Validation. In all cases in which, before the
32 effective date of this Act, the regional superintendent of
33 schools was required to publish notice of a referendum to

1 establish a community unit school district in territory
2 comprising 2 community unit school districts, 2 community
3 consolidated school districts, and 2 community high school
4 districts and such notice was not published by the regional
5 superintendent of schools as required by Section 11A-5 of the
6 School Code (now repealed) and a majority of the voters
7 residing in each of the school districts comprising the
8 proposed community unit school district voted in favor of the
9 creation of such community unit school district in the general
10 election held on November 8, 1994, and in which territory at a
11 subsequent election similarly called and held a board of
12 education has been chosen for such district, each such election
13 is hereby made legal and valid and such territory is hereby
14 declared legally and validly organized and established as a
15 community unit school district, and a valid and existing school
16 district.

17 (Source: P.A. 89-416, eff. 11-22-95.)

18 Section 90. Savings clause. Any repeal made by this Act
19 shall not affect or impair any of the following: suits pending
20 or rights existing at the time this Act takes effect; any grant
21 or conveyance made or right acquired or cause of action now
22 existing under any Section, Article, or Act repealed by this
23 Act; the validity of any bonds or other obligations issued or
24 sold and constituting valid obligations of the issuing
25 authority at the time this Act takes effect; the validity of
26 any contract; the validity of any tax levied under any law in
27 effect prior to the effective date of this Act; any offense
28 committed, act done, penalty, punishment, or forfeiture
29 incurred or any claim, right, power, or remedy accrued under
30 any law in effect prior to the effective date of this Act; or
31 the corporate existence or powers of any school district
32 lawfully validated under any law in effect prior to the
33 effective date of this Act. For any petition filed with the
34 regional superintendent of schools under Article 7A, 11A, 11B,
35 or 11D of the School Code prior to the effective date of this

1 Act, the proposed action described in the petition, including
2 all notices, hearings, administrative decisions, ballots,
3 elections, and passage requirements relating thereto, shall
4 proceed and be in accordance with the law in effect at the date
5 of the filing. If the petition is approved by voters at a
6 regularly scheduled election, the resulting school districts
7 are eligible for supplementary State aid payments in accordance
8 with Section 11E-135 of the School Code as if the petition was
9 filed and approved in accordance with Article 11E of the School
10 Code. Any school district eligible for supplementary State aid
11 payments in accordance with subsection (I) of Section 18-8.05
12 or Section 18-8.2, 18-8.3, or 18-8.5 of the School Code prior
13 to the effective date of this Act must have those payments
14 continued in accordance with Section 11E-135 of the School
15 Code.

16 Section 95. No acceleration or delay. Where this Act makes
17 changes in a statute that is represented in this Act by text
18 that is not yet or no longer in effect (for example, a Section
19 represented by multiple versions), the use of that text does
20 not accelerate or delay the taking effect of (i) the changes
21 made by this Act or (ii) provisions derived from any other
22 Public Act.

23 Section 99. Effective date. This Act takes effect July 1,
24 2006.