

1 AN ACT concerning education.

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

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

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

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

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

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

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

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

14 A..... B.....

15 Dated (insert date).

16 ~~Regional Superintendent of Schools~~

17 The proposition shall be in substantially the following form:

18 -----

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

YES

NO

1 School to School

2 District(s) No.?

3 -----

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

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

21 When the deactivation of school facilities becomes
22 effective pursuant to this Section, the provisions of Section
23 24-12 relative to the contractual continued service status of
24 teachers having contractual continued service whose positions
25 are transferred from one board to the control of a different
26 board shall apply, and the positions at the school facilities

1 being deactivated held by teachers, as that term is defined in
2 Section 24-11, having contractual continued service with the
3 school district at the time of the deactivation shall be
4 transferred to the control of the board or boards who shall be
5 receiving the district's students on the following basis:

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

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

20 The contractual continued service status of any teacher
21 thereby transferred to another district is not lost and the
22 receiving board is subject to the School Code with respect to
23 such transferred teacher in the same manner as if such teacher
24 was the district's employee during the time such teacher was
25 actually employed by the board of the deactivating district
26 from which the position was transferred.

1 (b) The provisions of this subsection shall not apply to
 2 the reactivation of a high school facility which is deactivated
 3 under subsection (c). The sending district may, with the
 4 approval of the voters in the district, reactivate the school
 5 facility which was deactivated. The board of the district
 6 seeking to reactivate the school facility shall, by proper
 7 resolution, cause the proposition to reactivate to be submitted
 8 to the voters of the district at a regularly scheduled
 9 election. Notice shall be published at least 10 days prior to
 10 the date of the election at least once in one or more
 11 newspapers published in the district or, if no newspaper is
 12 published in the district, in one or more newspapers with a
 13 general circulation within the district. The notice shall be
 14 substantially in the following form:

15 NOTICE OF REFERENDUM TO
 16 REACTIVATE THE SCHOOL FACILITY
 17 IN SCHOOL DISTRICT NO.

18 Notice is hereby given that on (insert date), a referendum
 19 will be held in County (Counties) for the purpose of
 20 voting for or against the proposition to reactivate the
 21 School facility in School District No. and to discontinue
 22 sending pupils of School District No. to School
 23 District(s) No.

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

26 A..... B.....

1 Dated (insert date).

2 ~~Regional Superintendent of Schools~~

3 The proposition shall be in substantially the following form:

4 -----

5 Shall the Board

6 of Education of School YES

7 District No.,

8 County, Illinois,

9 be authorized to -----

10 reactivate the School

11 facility and to discontinue sending

12 pupils of School District No. NO

13 to School District(s) No.?

14 -----

15 (c) The school board of any unit school district which
16 experienced a strike by a majority of its certified employees
17 that endured for over 6 months during the regular school term
18 of the 1986-1987 school year, and which during the ensuing
19 1987-1988 school year had an enrollment in grades 9 through 12
20 of less than 125 students may, when in its judgment the
21 interests of the district and of the students therein will be
22 best served thereby, deactivate the high school facilities
23 within the district for the regular term of the 1988-1989
24 school year and, for that school year only, send the students
25 of such high school in grades 9 through 12 to schools in

1 adjoining or adjacent districts. Such action may only be taken:
2 (a) by proper resolution of the school board deactivating its
3 high school facilities and the approval, by proper resolution,
4 of the school board of the receiving district or districts, and
5 (b) pursuant to a contract between the sending and each
6 receiving district, which contract or contracts: (i) shall
7 provide for the reassignment of all students of the deactivated
8 high school in grades 9 through 12 to the receiving district or
9 districts; (ii) shall apply only to the regular school term of
10 the 1988-1989 school year; (iii) shall not be subject to
11 renewal or extension; and (iv) shall require the sending
12 district to pay to the receiving district the cost of educating
13 each student who is reassigned to the receiving district, such
14 costs to be an amount agreed upon by the sending and receiving
15 district but not less than the per capita cost of maintaining
16 the high school in the receiving district during the 1987-1988
17 school year. Any high school facility deactivated pursuant to
18 this subsection for the regular school term of the 1988-1989
19 school year shall be reactivated by operation of law as of the
20 end of the regular term of the 1988-1989 school year. The
21 status as a unit school district of a district which
22 deactivates its high school facilities pursuant to this
23 subsection shall not be affected by reason of such deactivation
24 of its high school facilities and such district shall continue
25 to be deemed in law a school district maintaining grades
26 kindergarten through 12 for all purposes relating to the levy,

1 extension, collection and payment of the taxes of the district
2 under Article 17 for the 1988-1989 school year.

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

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