



## 98TH GENERAL ASSEMBLY

### State of Illinois

#### 2013 and 2014

##### HB2267

by Rep. Jehan A. Gordon-Booth

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the School Code. Provides that any school district with an enrollment of less than 750 students shall be dissolved and its territory annexed by the regional board of school trustees upon the filing of a petition. Provides that if, pursuant to petition, all of the territory of a district is to be annexed to another district, then the annexing district and the annexed district need not be contiguous if certain requirements are met and documented. Provides that 2 or more school districts not contiguous to each other, each of which has an enrollment in grades 9 through 12 of less than 600 students, may jointly operate one or more cooperative high schools if certain requirements are met and documented. Provides that (i) any 2 or more entire elementary districts that are not contiguous, (ii) any 2 or more entire high school districts that are not contiguous, or (iii) any 2 or more entire unit districts that are not contiguous may be organized into a combined school district if certain requirements are met and documented. Provides that if (1) a petition is filed for the reorganization of 2 or more school districts that requires a new school building to effectively educate students, (2) the change is granted and approved at an election, and (3) no appeal is taken, then, with the approval of the regional superintendent of schools, the change may become effective after one or more of the school districts have been awarded school construction grants; provides for the voiding of a petition. Makes other changes. Effective immediately.

LRB098 05992 NHT 38607 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 Sections  
5 7-2a, 7-4, 10-22.22c, 11E-20, 11E-45, and 11E-70 as follows:

6 (105 ILCS 5/7-2a) (from Ch. 122, par. 7-2a)

7 Sec. 7-2a. (a) Except as provided in subsection (b) of this  
8 Section, any petition for dissolution filed under this Article  
9 must specify the school district or districts to which all of  
10 the territory of the district proposed to be dissolved will be  
11 annexed. Any petition for dissolution may be made by the board  
12 of education of the district or a majority of the legal voters  
13 residing in the district proposed to be dissolved. No petition  
14 from any other district affected by the proposed dissolution  
15 shall be required.

16 (b) Any school district with a population of less than  
17 5,000 residents or an enrollment of less than 750 students, as  
18 determined by the district's current fall housing report filed  
19 with the State Board of Education, shall be dissolved and its  
20 territory annexed as provided in Section 7-11 by the regional  
21 board of school trustees upon the filing with the regional  
22 board of school trustees of a petition adopted by resolution of  
23 the board of education or a petition signed by a majority of

1 the registered voters of the district seeking such dissolution.  
2 No petition shall be adopted or signed under this subsection  
3 until the board of education or the petitioners, as the case  
4 may be, shall have given at least 10 days' notice to be  
5 published once in a newspaper having general circulation in the  
6 district and shall have conducted a public informational  
7 meeting to inform the residents of the district of the proposed  
8 dissolution and to answer questions concerning the proposed  
9 dissolution. The petition shall be filed with and decided  
10 solely by the regional board of school trustees of the region  
11 in which the regional superintendent of schools has supervision  
12 of the school district being dissolved. The regional board of  
13 school trustees shall not act on a petition filed by a board of  
14 education if within 45 days after giving notice of the hearing  
15 required under Section 7-11 a petition in opposition to the  
16 petition of the board to dissolve, signed by a majority of the  
17 registered voters of the district, is filed with the regional  
18 board of school trustees. The regional board of school trustees  
19 shall have no authority to deny dissolution requested in a  
20 proper petition for dissolution filed under this subsection  
21 (b), but shall exercise its discretion in accordance with  
22 Section 7-11 on the issue of annexing the territory of a  
23 district being dissolved, giving consideration to but not being  
24 bound by the wishes expressed by the residents of the various  
25 school districts that may be affected by such annexation.

26 When dissolution and annexation become effective for

1 purposes of administration and attendance as determined  
2 pursuant to Section 7-11, the positions of teachers in  
3 contractual continued service in the district being dissolved  
4 are transferred to an annexing district or to annexing  
5 districts pursuant to the provisions of Section 24-12 relative  
6 to teachers having contractual continued service status whose  
7 positions are transferred from one board to the control of a  
8 different board, and those said provisions of Section 24-12  
9 shall apply to said transferred teachers. In the event that the  
10 territory is added to 2 or more districts, the decision on  
11 which positions shall be transferred to which annexing  
12 districts shall be made giving consideration to the  
13 proportionate percent of pupils transferred and the annexing  
14 districts' staffing needs, and the transfer of specific  
15 individuals into such positions shall be based upon the request  
16 of those teachers in order of seniority in the dissolving  
17 district. The contractual continued service status of any  
18 teacher thereby transferred to an annexing district is not lost  
19 and the different board is subject to this Act with respect to  
20 such transferred teacher in the same manner as if such teacher  
21 was that district's employee and had been its employee during  
22 the time such teacher was actually employed by the board of the  
23 dissolving district from which the position was transferred.

24 (Source: P.A. 86-13; 87-1215.)

25 (105 ILCS 5/7-4) (from Ch. 122, par. 7-4)

1           Sec. 7-4. Requirements for granting petitions. No petition  
2 shall be granted under Section ~~Sections~~ 7-1 or 7-2 of this Code  
3 ~~Act~~:

4           (a) If there will be any non-high school territory  
5 resulting from the granting of the petition.

6           (b) Unless after granting the petition any community unit  
7 district, community consolidated district, elementary district  
8 or high school district created shall have a population of at  
9 least 2,000 and an equalized assessed valuation of at least  
10 \$6,000,000 based upon the last value as equalized by the  
11 Department of Revenue as of the date of filing of the petition.

12           (c) Unless the territory within any district so created or  
13 any district whose boundaries are affected by the granting of a  
14 petition shall after the granting thereof be compact and  
15 contiguous, except as provided in Section 7-6 of this Code or  
16 as otherwise provided in this subdivision (c) Act. The fact  
17 that a district is divided by territory lying within the  
18 corporate limits of the city of Chicago shall not render it  
19 non-compact or non-contiguous. If, pursuant to a petition filed  
20 under Section 7-1 or 7-2 of this Code, all of the territory of  
21 a district is to be annexed to another district, then the  
22 annexing district and the annexed district need not be  
23 contiguous if the following requirements are met and documented  
24 within 2 calendar years prior to the petition filing date:

25           (1) the distance between each district administrative  
26 office is documented as no more than 30 miles;

1           (2) every district contiguous to the district wishing  
2           to be annexed determines that it is not interested in  
3           participating in a petition filed under Section 7-1 or 7-2  
4           of this Code, through a vote of its school board, and  
5           documents that non-interest in a letter to the regional  
6           board of school trustees containing approved minutes that  
7           record the school board vote; and

8           (3) documentation of meeting these requirements are  
9           presented as evidence at the hearing required under Section  
10          7-6 of this Code.

11          (d) To create any school district with a population of less  
12          than 2,000 unless the State Board of Education and the regional  
13          superintendent of schools for the region in which the proposed  
14          district will lie shall certify to the regional board or boards  
15          of school trustees that the creation of such new district will  
16          not interfere with the ultimate reorganization of the territory  
17          of such proposed district as a part of a district having a  
18          population of 2,000 or more. Notwithstanding any other  
19          provisions of this Article, the granting or approval by a  
20          regional board or regional boards of school trustees or by the  
21          State Superintendent of Education of a petition that under  
22          subsection (b-5) of Section 7-6 is required to request the  
23          submission of a proposition at a regular scheduled election for  
24          the purpose of voting for or against the annexation of the  
25          territory described in the petition to the school district  
26          proposing to annex that territory is subject to, and any change

1 in school district boundaries pursuant to the granting of the  
2 petition shall not be made except upon, approval of the  
3 proposition at the election in the manner provided by Section  
4 7-7.7.

5 (Source: P.A. 89-397, eff. 8-20-95; 90-459, eff. 8-17-97.)

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

7 Sec. 10-22.22c. (a) Subject to the following provisions of  
8 this Section two or more contiguous school districts each of  
9 which has an enrollment in grades 9 through 12 of less than 600  
10 students may, when in their judgment the interest of the  
11 districts and of the students therein will be best served,  
12 jointly operate one or more cooperative high schools. Such  
13 action shall be taken for a minimum period of 20 school years,  
14 and may be taken only with the approval of the voters of each  
15 district. A district with 600 or more students enrolled in  
16 grades 9 through 12 may qualify for inclusion with one or more  
17 districts having less than 600 such students by receiving a  
18 size waiver from the State Board of Education based on a  
19 finding that such inclusion would significantly increase the  
20 educational opportunities of the district's students, and by  
21 meeting the other prerequisites of this Section. The board of  
22 each district contemplating such joint operation shall, by  
23 proper resolution, cause the proposition to enter into such  
24 joint operation to be submitted to the voters of the district  
25 at a regularly scheduled election. Notice shall be published at

1 least 10 days prior to the date of the election at least once  
2 in one or more newspapers published in the district or, if no  
3 newspaper is published in the district, in one or more  
4 newspapers with a general circulation within the district. The  
5 notice shall be substantially in the following form:

6 NOTICE OF REFERENDUM FOR SCHOOL DISTRICT

7 NO. .... AND SCHOOL DISTRICT NO. ....

8 TO JOINTLY OPERATE (A) COOPERATIVE HIGH  
9 SCHOOL (SCHOOLS)

10 Notice is hereby given that on (insert date), a referendum  
11 will be held in ..... County (Counties) for the purpose of  
12 voting for or against the proposition for School District No.  
13 ..... and School District No. .... to jointly operate (a)  
14 cooperative high school (schools).

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

17 A ..... B .....

18 Dated (insert date).

19 Regional Superintendent of Schools

20 The proposition shall be in substantially the following  
21 form:

22 -----

23 Shall the Board of Education of  
24 School District No. ...., .....  
25 County (Counties), Illinois be

YES



1 authorized to enter with  
 2 into an agreement with School -----  
 3 District No. . . . ., . . . . County  
 4 (Counties), Illinois to jointly  
 5 operate (a) cooperative high NO  
 6 school (schools)?

7 -----

8 If the majority of those voting on the proposition in each  
 9 district vote in favor of the proposition, the school boards of  
 10 the participating districts may, if they agree on terms,  
 11 execute a contract for such joint operation subject to the  
 12 following provisions of this Section.

13 (b) The agreement for joint operation of any such  
 14 cooperative high school shall include, but not be limited to,  
 15 provisions for administration, staff, programs, financing,  
 16 facilities, and transportation. Such agreements may be  
 17 modified, extended, or terminated by approval of each of the  
 18 participating districts, provided that a district may withdraw  
 19 from the agreement during its initial 20-year term only if the  
 20 district is reorganizing with one or more districts under other  
 21 provisions of this Code. Even if 2 or more of the participating  
 22 district boards approve an extension of the agreement, any  
 23 other participating district shall, upon failure of its board  
 24 to approve such extension, disengage from such participation at  
 25 the end of the then current agreement term.

26 (c) A governing board, which shall govern the operation of

1 any such cooperative high school, shall be composed of an equal  
2 number of board members from each of the participating  
3 districts, except that where all participating district boards  
4 concur, membership on the governing board may be apportioned to  
5 reflect the number of students in each respective district who  
6 attend the cooperative high school. The membership of the  
7 governing board shall be not less than 6 nor more than 10 and  
8 shall be set by the agreement entered into by the participating  
9 districts. The school board of each participating district  
10 shall select, from its membership, its representatives on the  
11 governing board. The governing board shall prepare and adopt a  
12 budget for the cooperative high school. The governing board  
13 shall administer the cooperative high school in accordance with  
14 the agreement of the districts and shall have the power to  
15 hire, supervise, and terminate staff; to enter into contracts;  
16 to adopt policies for the school; and to take all other actions  
17 necessary and proper for the operation of the school. However,  
18 the governing board may not levy taxes or incur any  
19 indebtedness except within the annual budget approved by the  
20 participating districts.

21 (d) (Blank).

22 (e) Each participating district shall pay its per capita  
23 cost of educating the students residing in its district and  
24 attending any such cooperative high school into the budget for  
25 the maintenance and operation of the cooperative high school.

26 The manner of determining per capita cost shall be set

1     forth in the agreement. Each district shall pay the amount owed  
2     the governing board under the terms of the agreement from the  
3     fund that the district would have used if the district had  
4     incurred the costs directly and may levy taxes and issue bonds  
5     as otherwise authorized for these purposes in order to make  
6     payments to the governing board.

7           (f) Additional school districts having an enrollment in  
8     grades 9 through 12 of less than 600 students may be added to  
9     the agreement in accordance with the process described in  
10    subsection (a) of this Section. In the event additional  
11    districts are added, a new contract shall be executed in  
12    accordance with the provisions of this Section.

13           (g) Upon formation of the cooperative high school, the  
14    school board of each participating district shall:

15           (1) confer and coordinate with each other and the  
16    governing board, if the governing board is then in  
17    existence, as to staffing needs for the cooperative high  
18    school;

19           (2) in consultation with any exclusive employee  
20    representatives and the governing board, if the governing  
21    board is then in existence, establish a combined list of  
22    teachers in all participating districts, categorized by  
23    positions, showing the length of service and the  
24    contractual continued service status, if any, of each  
25    teacher in each participating district who is qualified to  
26    hold any such positions at the cooperative high school, and

1           then distribute this list to the exclusive employee  
2           representatives on or before February 1 of the school year  
3           prior to the commencement of the operation of the  
4           cooperative high school or within 30 days after the date of  
5           the referendum election if the proposition receives a  
6           majority of those voting in each district, whichever occurs  
7           first. This list is in addition to and not a substitute for  
8           the list mandated by Section 24-12 of this Code; and

9           (3) transfer to the governing board of the cooperative  
10          high school the employment and the position of so many of  
11          the full-time or part-time high school teachers employed by  
12          a participating district as are jointly determined by the  
13          school boards of the participating districts and the  
14          governing board, if the governing board is then in  
15          existence, to be needed at the cooperative high school,  
16          provided that these teacher transfers shall be done:

17               (A) by categories listed on the seniority list  
18               mentioned in subdivision (2) of this subsection (g);

19               (B) in each category, by having teachers in  
20               contractual continued service being transferred before  
21               any teachers who are not in contractual continued  
22               service; and

23               (C) in order from greatest seniority first through  
24               lesser amounts of seniority.

25          A teacher who is not in contractual continued service shall  
26          not be transferred if there is a teacher in contractual

1 continued service in the same category who is qualified to hold  
2 the position that is to be filled.

3 If there are more teachers who have entered upon  
4 contractual continued service than there are available  
5 positions at the cooperative high school or within other  
6 assignments in the district, a school board shall first remove  
7 or dismiss all teachers who have not entered upon contractual  
8 continued service before removing or dismissing any teacher who  
9 has entered upon contractual continued service and who is  
10 legally qualified (i) to hold a position at the cooperative  
11 high school planned to be held by a teacher who has not entered  
12 upon contractual continued service or (ii) to hold another  
13 position in the participating district. As between teachers who  
14 have entered upon contractual continued service, the teacher or  
15 teachers with the shorter length of continuing service in any  
16 of the participating districts shall be dismissed first. Any  
17 teacher dismissed as a result of such a decrease shall be paid  
18 all earned compensation on or before the third business day  
19 following the last day of pupil attendance in the regular  
20 school term. If the school board that has dismissed a teacher  
21 or the governing board has any vacancies for the following  
22 school term or within one calendar year from the beginning of  
23 the following school term, the positions thereby becoming  
24 available shall be tendered to the teachers so removed or  
25 dismissed so far as they are legally qualified to hold such  
26 positions. However, if the number of honorable dismissal

1 notices in all participating districts exceeds 15% of full-time  
2 equivalent positions filled by certified employees (excluding  
3 principals and administrative personnel) during the preceding  
4 school year in all participating districts and if the school  
5 board that has dismissed a teacher or the governing board has  
6 any vacancies for the following school term or within 2  
7 calendar years from the beginning of the following school term,  
8 the positions so becoming available shall be tendered to the  
9 teachers who were so notified, removed, or dismissed whenever  
10 these teachers are legally qualified to hold such positions.

11 The provisions of Section 24-12 of this Code concerning  
12 teachers whose positions are transferred from one board to the  
13 control of a different board shall apply to the teachers who  
14 are transferred. The contractual continued service of any  
15 transferred teacher is not lost and the governing board is  
16 subject to this Code with respect to the teacher in the same  
17 manner as if the teacher had been the governing board's  
18 employee during the time the teacher was actually employed by  
19 the board of the district from which the position and the  
20 teacher's employment were transferred. The time spent in  
21 employment with a participating district by any teacher who has  
22 not yet entered upon contractual continued service and who is  
23 transferred to the governing board is not lost when computing  
24 the time necessary for the teacher to enter upon contractual  
25 continued service, and the governing board is subject to this  
26 Code with respect to the teacher in the same manner as if the

1 teacher had been the governing board's employee during the time  
2 the teacher was actually employed by the school board from  
3 which the position and the teacher's employment were  
4 transferred.

5 If the cooperative high school is dissolved, any teacher  
6 who was transferred from a participating district shall be  
7 transferred back to the district and Section 24-12 of this Code  
8 shall apply. In that case, a district is subject to this Code  
9 in the same manner as if the teacher transferred back had been  
10 continuously in the service of the receiving district.

11 (h) Upon formation of the cooperative high school, the  
12 school board of each participating district shall:

13 (1) confer and coordinate with each other and the  
14 governing board, if the governing board is then in  
15 existence, as to needs for educational support personnel  
16 for the cooperative high school;

17 (2) in consultation with any exclusive employee  
18 representative or bargaining agent and the governing  
19 board, if the governing board is then in existence,  
20 establish a combined list of educational support personnel  
21 in participating districts, categorized by positions,  
22 showing the length of continuing service of each full-time  
23 educational support personnel employee who is qualified to  
24 hold any such position at the cooperative high school, and  
25 then distribute this list to the exclusive employee  
26 representative or bargaining agent on or before February 1

1 of the school year prior to the commencement of the  
2 operation of the cooperative high school or within 30 days  
3 after the date of the referendum election if the  
4 proposition receives a majority of those voting in each  
5 district, whichever occurs first; and

6 (3) transfer to the governing board of the cooperative  
7 high school the employment and the positions of so many of  
8 the full-time educational support personnel employees  
9 employed by a participating district as are jointly  
10 determined by the school boards of the participating  
11 districts and the governing board, if the governing board  
12 is then in existence, to be needed at the cooperative high  
13 school, provided that the full-time educational personnel  
14 employee transfers shall be done by categories on the  
15 seniority list mentioned in subdivision (2) of this  
16 subsection (h) and done in order from greatest seniority  
17 first through lesser amounts of seniority.

18 If there are more full-time educational support personnel  
19 employees than there are available positions at the cooperative  
20 high school or in the participating district, a school board  
21 shall first remove or dismiss those educational support  
22 personnel employees with the shorter length of continuing  
23 service in any of the participating districts, within the  
24 respective category of position. The governing board is subject  
25 to this Code with respect to the educational support personnel  
26 employee as if the educational support personnel employee had



1 been the governing board's employee during the time the  
2 educational support personnel employee was actually employed  
3 by the school board of the district from which the employment  
4 and position were transferred. Any educational support  
5 personnel employee dismissed as a result of such a decrease  
6 shall be paid all earned compensation on or before the third  
7 business day following his or her last day of employment. If  
8 the school board that has dismissed the educational support  
9 personnel employee or the governing board has any vacancies for  
10 the following school term or within one calendar year from the  
11 beginning of the following school term, the positions thereby  
12 becoming available within a specific category of position shall  
13 be tendered to the employees so removed or dismissed from that  
14 category of position so far as they are legally qualified to  
15 hold such positions. If the cooperative high school is  
16 dissolved, any educational support personnel employee who was  
17 transferred from a participating district shall be transferred  
18 back to the district and Section 10-23.5 of this Code shall  
19 apply. In that case, a district is subject to this Code in the  
20 same manner as if the educational support personnel employee  
21 transferred back had been continuously in the service of the  
22 receiving district.

23 (i) Two or more school districts not contiguous to each  
24 other, each of which has an enrollment in grades 9 through 12  
25 of less than 600 students, may jointly operate one or more  
26 cooperative high schools if the following requirements are met

1 and documented within 2 calendar years prior to the proposition  
2 filing date, pursuant to subsection (a) of this Section:

3 (1) the distance between each district administrative  
4 office is documented as no more than 30 miles;

5 (2) every district contiguous to the district wishing  
6 to operate one or more cooperative high schools under the  
7 provisions of this Section determines that it is not  
8 interested in participating in such joint operation,  
9 through a vote of its school board, and documents that  
10 non-interest in a letter to the districts wishing to form  
11 the cooperative high school containing approved minutes  
12 that record the school board vote;

13 (3) documentation of meeting these requirements is  
14 attached to the board resolution required under subsection  
15 (a) of this Section; and

16 (4) all other provisions of this Section are followed.

17 (Source: P.A. 91-63, eff. 1-1-00; 91-357, eff. 7-29-99.)

18 (105 ILCS 5/11E-20)

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

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

23 (2) Any 2 or more entire elementary districts that  
24 collectively are within or substantially coterminous with  
25 the boundaries of a high school district, regardless of

1 whether the districts are compact and contiguous with each  
2 other, may be organized into a combined school district in  
3 accordance with this Article.

4 (3) Any 2 or more entire elementary districts that are  
5 not contiguous may be organized into a combined school  
6 district in accordance with this Article if the following  
7 requirements are met and documented within 2 calendar years  
8 prior to the petition filing date:

9 (A) the distance between each district  
10 administrative office is documented as no more than 30  
11 miles; and

12 (B) every district contiguous to a district  
13 wishing to organize into a combined school district  
14 under the provisions of this paragraph (3) determines  
15 that it is not interested in participating in a  
16 petition for a combined school district filed in  
17 accordance with this Article, through a vote of its  
18 school board, and documents that non-interest in a  
19 letter to the regional superintendent of schools  
20 containing approved minutes that record the school  
21 board vote.

22 (b) (1) The territory of ~~Any~~ 2 or more entire contiguous  
23 high school districts may be organized into a combined high  
24 school district under the provisions of this Article.

25 (2) Any 2 or more entire high school districts that are  
26 not contiguous may be organized into a combined school

1 district in accordance with this Article if the following  
2 requirements are met and documented within 2 calendar years  
3 prior to the petition filing date:

4 (A) the distance between each district  
5 administrative office is documented as no more than 30  
6 miles; and

7 (B) every district contiguous to a district  
8 wishing to organize into a combined school district  
9 under the provisions of this paragraph (2) determines  
10 that it is not interested in participating in a  
11 petition for a combined school district filed in  
12 accordance with this Article, through a vote of its  
13 school board, and documents that non-interest in a  
14 letter to the regional superintendent of schools  
15 containing approved minutes that record the school  
16 board vote.

17 (c) (1) The territory of Any 2 or more entire contiguous  
18 unit districts may be organized into a combined unit district  
19 under the provisions of this Article.

20 (2) Any 2 or more entire unit districts that are not  
21 contiguous may be organized into a combined school district  
22 in accordance with this Article if the following  
23 requirements are met and documented within 2 calendar years  
24 prior to the petition filing date:

25 (A) the distance between each district  
26 administrative office is documented as no more than 30

1           miles; and  
2           (B) every district contiguous to the district  
3           wishing to organize into a combined school district  
4           under the provisions of this paragraph (2) determines  
5           that it is not interested in participating in a  
6           petition for a combined school district filed in  
7           accordance with this Article, through a vote of its  
8           school board, and documents that non-interest in a  
9           letter to the regional superintendent of schools  
10           containing approved minutes that record the school  
11           board vote.

12        (Source: P.A. 94-1019, eff. 7-10-06.)

13           (105 ILCS 5/11E-45)

14           Sec. 11E-45. Hearing.

15           (a) No more than 15 days after the last date on which the  
16        required notice under Section 11E-40 of this Code is published,  
17        the regional superintendent of schools with whom the petition  
18        is required to be filed shall hold a hearing on the petition.  
19        Prior to the hearing, the Committee of Ten shall submit to the  
20        regional superintendent maps showing the districts involved  
21        and any other information deemed pertinent by the Committee of  
22        Ten to the proposed action. The regional superintendent of  
23        schools may adjourn the hearing from time to time or may  
24        continue the matter for want of sufficient notice or other good  
25        cause.

1 (b) At the hearing, the regional superintendent of schools  
2 shall allow public testimony on the action proposed in the  
3 petition. The Committee of Ten shall present, or arrange for  
4 the presentation of all of the following:

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

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

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

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

18 (5) For a non-contiguous combined school district, as  
19 specified in paragraph (3) of subsection (a), paragraph (2)  
20 of subsection (b), or paragraph (2) of subsection (c) of  
21 Section 11E-20 of this Code, evidence that the action  
22 proposed in the petition meets the requirements of the  
23 respective paragraph.

24 (c) Any regional superintendent of schools entitled under  
25 the provisions of this Article to be given a copy of the  
26 petition and any resident or representative of a school

1 district in which any territory described in the petition is  
2 situated may appear in person or by an attorney at law to  
3 provide oral or written testimony or both in relation to the  
4 action proposed in the petition.

5 (d) The regional superintendent of schools shall arrange  
6 for a written transcript of the hearing. The expense of the  
7 written transcript shall be borne by the petitioners and paid  
8 on behalf of the petitioners by the Committee of Ten.

9 (Source: P.A. 94-1019, eff. 7-10-06; 95-903, eff. 8-25-08.)

10 (105 ILCS 5/11E-70)

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

12 (a) Except as provided in subsections ~~subsection~~ (a-5) and  
13 (a-10) of this Section, if a petition is filed under the  
14 authority of this Article, the change is granted and approved  
15 at election, and no appeal is taken, then the change shall  
16 become effective after the time for appeal has run for the  
17 purpose of all elections; however, the change shall not affect  
18 the administration of the schools until July 1 following the  
19 date that the school board election is held for the new  
20 district or districts and the school boards of the districts as  
21 they existed prior to the change shall exercise the same power  
22 and authority over the territory until that date.

23 (a-5) If a petition is filed under the authority of this  
24 Article for the consolidation of Christopher Unit School  
25 District 99 and Zeigler-Royalton Community Unit School

1 District 188, the change is granted and approved at election,  
2 and no appeal is taken, then the change shall become effective  
3 after one or both of the school districts have been awarded  
4 school construction grants under the School Construction Law.

5 (a-10) If (i) a petition is filed under the authority of  
6 this Article for the reorganization of 2 or more school  
7 districts that requires a new school building to effectively  
8 educate students, (ii) the change is granted and approved at an  
9 election, and (iii) no appeal is taken, then, with the approval  
10 of the regional superintendent of schools, the change may  
11 become effective after one or more of the school districts have  
12 been awarded school construction grants, in accordance with the  
13 School Construction Law. The intent to postpone the  
14 reorganization's effective date must be documented in the  
15 petition, and the petition is void if it does not take effect  
16 within 5 years after being filed. After the referendum approval  
17 and before the effective date of the reorganization, the  
18 petition becomes void if the following requirements are met:

19 (1) the board of each affected district, by proper  
20 resolution, causes the proposition to void the petition to  
21 be submitted to the voters of each affected district at a  
22 regularly scheduled election; and

23 (2) a majority of the electors voting at the election  
24 in each affected district votes in favor of voiding the  
25 petition.

26 (b) If any school district is dissolved in accordance with



1 this Article, upon the close of the then current school year,  
2 the terms of office of the school board of the dissolved  
3 district shall terminate.

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

13 (1) Establish the tax levy for the new district, in  
14 lieu of the levies by the districts from which the new  
15 district is formed, within the time generally provided by  
16 law and in accordance with this Article. The funds produced  
17 by the levy shall be transferred to the new district as  
18 generally provided by law at such time as they are received  
19 by the county collector.

20 (2) Enter into agreements with depositories and direct  
21 the deposit and investment of any funds received from the  
22 county collector or any other source, all as generally  
23 provided by law.

24 (3) Conduct a search for the superintendent of the new  
25 district and enter into a contract with the person selected  
26 to serve as the superintendent of the new district in

1           accordance with the provisions of this Code generally  
2           applicable to the employment of a superintendent.

3           (4) Conduct a search for other administrators and staff  
4           of the new district and enter into a contract with these  
5           persons in accordance with the provisions of this Code  
6           generally applicable to the employment of administrators  
7           and other staff.

8           (5) Engage the services of accountants, architects,  
9           attorneys, and other consultants, including but not  
10          limited to consultants to assist in the search for the  
11          superintendent.

12          (6) Plan for the transition from the administration of  
13          the schools by the districts from which the new district is  
14          formed.

15          (7) Bargain collectively, pursuant to the Illinois  
16          Educational Labor Relations Act, with the certified  
17          exclusive bargaining representative or certified exclusive  
18          bargaining representatives of the new district's  
19          employees.

20          (8) Expend the funds received from the levy and any  
21          funds received from the districts from which the new  
22          district is formed to meet payroll and other essential  
23          operating expenses or otherwise in the exercise of the  
24          foregoing powers until the new district takes effect for  
25          all purposes.

26          (9) Issue bonds authorized in the proposition to form

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

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

18 (Source: P.A. 97-925, eff. 8-10-12.)

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.

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Statutes amended in order of appearance

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105 ILCS 5/7-2a

from Ch. 122, par. 7-2a

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105 ILCS 5/7-4

from Ch. 122, par. 7-4

5

105 ILCS 5/10-22.22c

from Ch. 122, par. 10-22.22c

6

105 ILCS 5/11E-20

7

105 ILCS 5/11E-45

8

105 ILCS 5/11E-70