



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4292

by Rep. Emanuel Chris Welch

SYNOPSIS AS INTRODUCED:

105 ILCS 5/5-1

from Ch. 122, par. 5-1

Amends the Trustees of Schools Article of the School Code. Allows the school board of any school district whose territory forms a part of a Class II county school unit to withdraw from the jurisdiction and authority of the trustees of schools of the township in which the school district is located and the township treasurer, provided that the school board elects or appoints its own school treasurer. Makes related changes.

LRB098 15086 NHT 50052 b

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 5-1 as follows:

6 (105 ILCS 5/5-1) (from Ch. 122, par. 5-1)

7 Sec. 5-1. County school units.

8 (a) The territory in each county, exclusive of any school
9 district governed by any special act which requires the
10 district to appoint its own school treasurer, shall constitute
11 a county school unit. County school units of less than
12 2,000,000 inhabitants shall be known as Class I county school
13 units and the office of township trustees, where existing on
14 July 1, 1962, in such units shall be abolished on that date and
15 all books and records of such former township trustees shall be
16 forthwith thereafter transferred to the county board of school
17 trustees. County school units of 2,000,000 or more inhabitants
18 shall be known as Class II county school units and shall retain
19 the office of township trustees unless otherwise provided in
20 subsection (b) or (c).

21 (b) Notwithstanding subsections (a) and (c), the school
22 board of any ~~elementary~~ school district ~~having a fall, 1989~~
23 ~~aggregate enrollment of at least 2,500 but less than 6,500~~

1 ~~pupils and having boundaries that are coterminous with the~~
2 ~~boundaries of a high school district, and the school board of~~
3 ~~any high school district having a fall, 1989 aggregate~~
4 ~~enrollment of at least 2,500 but less than 6,500 pupils and~~
5 ~~having boundaries that are coterminous with the boundaries of~~
6 ~~an elementary school district,~~ may, whenever the territory of
7 such school district forms a part of a Class II county school
8 unit, by proper resolution withdraw such school district from
9 the jurisdiction and authority of the trustees of schools of
10 the township in which such school district is located and from
11 the jurisdiction and authority of the township treasurer in
12 such Class II county school unit; provided that the school
13 board of any such school district shall, upon the adoption and
14 passage of such resolution, thereupon elect or appoint its own
15 school treasurer as provided in Section 8-1. ~~Upon the adoption~~
16 ~~and passage of such resolution and the election or appointment~~
17 ~~by the school board of its own school treasurer: (1) the~~
18 ~~trustees of schools in such township shall no longer have or~~
19 ~~exercise any powers and duties with respect to the school~~
20 ~~district governed by such school board or with respect to the~~
21 ~~school business, operations or assets of such school district,~~
22 ~~and (2) all books and records of the township trustees relating~~
23 ~~to the school business and affairs of such school district~~
24 ~~shall be transferred and delivered to the school board of such~~
25 ~~school district. Upon the effective date of this amendatory Act~~
26 ~~of 1993, the legal title to, and all right, title and interest~~

1 ~~formerly held by the township trustees in any school buildings~~
2 ~~and school sites used and occupied by the school board of such~~
3 ~~school district for school purposes, that legal title, right,~~
4 ~~title and interest thereafter having been transferred to and~~
5 ~~vested in the regional board of school trustees under P.A.~~
6 ~~87 473 until the abolition of that regional board of school~~
7 ~~trustees by P.A. 87 969, shall be deemed transferred by~~
8 ~~operation of law to and shall vest in the school board of that~~
9 ~~school district. Notwithstanding subsections (a) and (c), the~~
10 ~~school boards of Oak Park & River Forest District 200, Oak Park~~
11 ~~Elementary School District 97, and River Forest School District~~
12 ~~90 may, by proper resolution, withdraw from the jurisdiction~~
13 ~~and authority of the trustees of schools of Proviso and Cicero~~
14 ~~Townships and the township treasurer, provided that the school~~
15 ~~board shall, upon the adoption and passage of the resolution,~~
16 ~~elect or appoint its own school treasurer as provided in~~
17 ~~Section 8 1 of this Code. Upon the adoption and passage of the~~
18 ~~resolution and the election or appointment by the school board~~
19 ~~of its own school treasurer: (1) the trustees of schools in the~~
20 ~~township or townships shall no longer have or exercise any~~
21 ~~powers or duties with respect to the school district or with~~
22 ~~respect to the school business, operations, or assets of the~~
23 ~~school district; (2) all books and records of the trustees of~~
24 ~~schools and all moneys, securities, loanable funds, and other~~
25 ~~assets relating to the school business and affairs of the~~
26 ~~school district shall be transferred and delivered to the~~

1 ~~school board; and (3) all legal title to and all right, title,~~
2 ~~and interest formerly held by the trustees of schools in any~~
3 ~~common school lands, school buildings, or school sites used and~~
4 ~~occupied by the school board and all rights of property and~~
5 ~~causes of action pertaining to or constituting a part of the~~
6 ~~common school lands, buildings, or sites shall be deemed~~
7 ~~transferred by operation of law to and shall vest in the school~~
8 ~~board. Notwithstanding subsections (a) and (c), the respective~~
9 ~~school boards of Berwyn North School District 98, Berwyn South~~
10 ~~School District 100, Cicero School District 99, and J.S. Morton~~
11 ~~High School District 201 may, by proper resolution, withdraw~~
12 ~~from the jurisdiction and authority of the trustees of schools~~
13 ~~of Cicero Township and the township treasurer, provided that~~
14 ~~the school board shall, upon the adoption and passage of the~~
15 ~~resolution, elect or appoint its own school treasurer as~~
16 ~~provided in Section 8-1 of this Code. Upon the adoption and~~
17 ~~passage of the resolution and the election or appointment by~~
18 ~~the school board of its own school treasurer: (1) the trustees~~
19 ~~of schools in the township shall no longer have or exercise any~~
20 ~~powers or duties with respect to the school district or with~~
21 ~~respect to the school business, operations, or assets of the~~
22 ~~school district; (2) all books and records of the trustees of~~
23 ~~schools and all moneys, securities, loanable funds, and other~~
24 ~~assets relating to the school business and affairs of the~~
25 ~~school district shall be transferred and delivered to the~~
26 ~~school board; and (3) all legal title to and all right, title,~~

1 and interest formerly held by the trustees of schools in any
2 common school lands, school buildings, or school sites used and
3 occupied by the school board and all rights of property and
4 causes of action pertaining to or constituting a part of the
5 common school lands, buildings, or sites shall be deemed
6 transferred by operation of law to and shall vest in the school
7 board.

8 (c) Notwithstanding the provisions of subsections
9 ~~subsection~~ (a) and (b), the offices of township treasurer and
10 trustee of schools of any township located in a Class II county
11 school unit shall be abolished as provided in this subsection
12 if all of the following conditions are met:

13 (1) During the same 30 day period, each school board of
14 each elementary and unit school district that is subject to
15 the jurisdiction and authority of the township treasurer
16 and trustees of schools of the township in which those
17 offices are sought to be abolished gives written notice by
18 certified mail, return receipt requested to the township
19 treasurer and trustees of schools of that township of the
20 date of a meeting of the school board, to be held not more
21 than 90 nor less than 60 days after the date when the
22 notice is given, at which meeting the school board is to
23 consider and vote upon the question of whether there shall
24 be submitted to the electors of the school district a
25 proposition to abolish the offices of township treasurer
26 and trustee of schools of that township. None of the

1 notices given under this paragraph to the township
2 treasurer and trustees of schools of a township shall be
3 deemed sufficient or in compliance with the requirements of
4 this paragraph unless all of those notices are given within
5 the same 30 day period.

6 (2) Each school board of each elementary and unit
7 school district that is subject to the jurisdiction and
8 authority of the township treasurer and trustees of schools
9 of the township in which those offices are sought to be
10 abolished, by the affirmative vote of at least 5 members of
11 the school board at a school board meeting of which notice
12 is given as required by paragraph (1) of this subsection,
13 adopts a resolution requiring the secretary of the school
14 board to certify to the proper election authorities for
15 submission to the electors of the school district at the
16 next consolidated election in accordance with the general
17 election law a proposition to abolish the offices of
18 township treasurer and trustee of schools of that township.
19 None of the resolutions adopted under this paragraph by any
20 elementary or unit school districts that are subject to the
21 jurisdiction and authority of the township treasurer and
22 trustees of schools of the township in which those offices
23 are sought to be abolished shall be deemed in compliance
24 with the requirements of this paragraph or sufficient to
25 authorize submission of the proposition to abolish those
26 offices to a referendum of the electors in any such school

1 district unless all of the school boards of all of the
 2 elementary and unit school districts that are subject to
 3 the jurisdiction and authority of the township treasurer
 4 and trustees of schools of that township adopt such a
 5 resolution in accordance with the provisions of this
 6 paragraph.

7 (3) The school boards of all of the elementary and unit
 8 school districts that are subject to the jurisdiction and
 9 authority of the township treasurer and trustees of schools
 10 of the township in which those offices are sought to be
 11 abolished submit a proposition to abolish the offices of
 12 township treasurer and trustee of schools of that township
 13 to the electors of their respective school districts at the
 14 same consolidated election in accordance with the general
 15 election law, the ballot in each such district to be in
 16 substantially the following form:

17 -----
 18 OFFICIAL BALLOT
 19 Shall the offices of township
 20 treasurer and YES
 21 trustee of -----
 22 schools of Township NO
 23 Range be abolished?
 24 -----

25 (4) At the consolidated election at which the
 26 proposition to abolish the offices of township treasurer

1 and trustee of schools of a township is submitted to the
2 electors of each elementary and unit school district that
3 is subject to the jurisdiction and authority of the
4 township treasurer and trustee of schools of that township,
5 a majority of the electors voting on the proposition in
6 each such elementary and unit school district votes in
7 favor of the proposition as submitted to them.

8 If in each elementary and unit school district that is
9 subject to the jurisdiction and authority of the township
10 treasurer and trustees of schools of the township in which
11 those offices are sought to be abolished a majority of the
12 electors in each such district voting at the consolidated
13 election on the proposition to abolish the offices of township
14 treasurer and trustee of schools of that township votes in
15 favor of the proposition as submitted to them, the proposition
16 shall be deemed to have passed; but if in any such elementary
17 or unit school district a majority of the electors voting on
18 that proposition in that district fails to vote in favor of the
19 proposition as submitted to them, then notwithstanding the vote
20 of the electors in any other such elementary or unit school
21 district on that proposition the proposition shall not be
22 deemed to have passed in any of those elementary or unit school
23 districts, and the offices of township treasurer and trustee of
24 schools of the township in which those offices were sought to
25 be abolished shall not be abolished, unless in each of those
26 elementary and unit school districts remaining subject to the

1 jurisdiction and authority of the township treasurer and
2 trustees of schools of that township proceedings are again
3 initiated to abolish those offices and all of the proceedings
4 and conditions prescribed in paragraphs (1) through (4) of this
5 subsection are repeated and met in each of those elementary and
6 unit school districts.

7 Notwithstanding the foregoing provisions of this Section
8 or any other provision of the School Code, the offices of
9 township treasurer and trustee of schools of a township that
10 has a population of less than 200,000 and that contains a unit
11 school district and is located in a Class II county school unit
12 shall also be abolished as provided in this subsection if all
13 of the conditions set forth in paragraphs (1), (2), and (3) of
14 this subsection are met and if the following additional
15 condition is met:

16 The electors in all of the school districts subject to
17 the jurisdiction and authority of the township treasurer
18 and trustees of schools of the township in which those
19 offices are sought to be abolished shall vote at the
20 consolidated election on the proposition to abolish the
21 offices of township treasurer and trustee of schools of
22 that township. If a majority of the electors in all of the
23 school districts combined voting on the proposition vote in
24 favor of the proposition, then the proposition shall be
25 deemed to have passed; but if a majority of the electors
26 voting on the proposition in all of the school district

1 fails to vote in favor of the proposition as submitted to
2 them, then the proposition shall not be deemed to have
3 passed and the offices of township treasurer and trustee of
4 schools of the township in which those offices were sought
5 to be abolished shall not be abolished, unless and until
6 the proceedings detailed in paragraphs (1) through (3) of
7 this subsection and the conditions set forth in this
8 paragraph are met.

9 If the proposition to abolish the offices of township
10 treasurer and trustee of schools of a township is deemed to
11 have passed at the consolidated election as provided in this
12 subsection, those offices shall be deemed abolished by
13 operation of law effective on January 1 of the calendar year
14 immediately following the calendar year in which that
15 consolidated election is held, provided that if after the
16 election, the trustees of schools by resolution elect to
17 abolish the offices of township treasurer and trustee of
18 schools effective on July 1 immediately following the election,
19 then the offices shall be abolished on July 1 immediately
20 following the election. On the date that the offices of
21 township treasurer and trustee of schools of a township are
22 deemed abolished by operation of law, the school board of each
23 elementary and unit school district and the school board of
24 each high school district that is subject to the jurisdiction
25 and authority of the township treasurer and trustees of schools
26 of that township at the time those offices are abolished: (i)

1 shall appoint its own school treasurer as provided in Section
2 8-1; and (ii) unless the term of the contract of a township
3 treasurer expires on the date that the office of township
4 treasurer is abolished, shall pay to the former township
5 treasurer its proportionate share of any aggregate
6 compensation that, were the office of township treasurer not
7 abolished at that time, would have been payable to the former
8 township treasurer after that date over the remainder of the
9 term of the contract of the former township treasurer that
10 began prior to but ends after that date. In addition, on the
11 date that the offices of township treasurer and trustee of
12 schools of a township are deemed abolished as provided in this
13 subsection, the school board of each elementary school, high
14 school and unit school district that until that date is subject
15 to the jurisdiction and authority of the township treasurer and
16 trustees of schools of that township shall be deemed by
17 operation of law to have agreed and assumed to pay and, when
18 determined, shall pay to the Illinois Municipal Retirement Fund
19 a proportionate share of the unfunded liability existing in
20 that Fund at the time these offices are abolished in that
21 calendar year for all annuities or other benefits then or
22 thereafter to become payable from that Fund with respect to all
23 periods of service performed prior to that date as a
24 participating employee in that Fund by persons serving during
25 those periods of service as a trustee of schools, township
26 treasurer or regular employee in the office of the township

1 treasurer of that township. That unfunded liability shall be
2 actuarially determined by the board of trustees of the Illinois
3 Municipal Retirement Fund, and the board of trustees shall
4 thereupon notify each school board required to pay a
5 proportionate share of that unfunded liability of the aggregate
6 amount of the unfunded liability so determined. The amount so
7 paid to the Illinois Municipal Retirement Fund by each of those
8 school districts shall be credited to the account of the
9 township in that Fund. For each elementary school, high school
10 and unit school district under the jurisdiction and authority
11 of a township treasurer and trustees of schools of a township
12 in which those offices are abolished as provided in this
13 subsection, each such district's proportionate share of the
14 aggregate compensation payable to the former township
15 treasurer as provided in this paragraph and each such
16 district's proportionate share of the aggregate amount of the
17 unfunded liability payable to the Illinois Municipal
18 Retirement Fund as provided in this paragraph shall be computed
19 in accordance with the ratio that the number of pupils in
20 average daily attendance in each such district for the school
21 year last ending prior to the date on which the offices of
22 township treasurer and trustee of schools of that township are
23 abolished bears to the aggregate number of pupils in average
24 daily attendance in all of those districts as so reported for
25 that school year.

26 Upon abolition of the offices of township treasurer and

1 trustee of schools of a township as provided in this
2 subsection: (i) the regional board of school trustees, in its
3 corporate capacity, shall be deemed the successor in interest
4 to the former trustees of schools of that township with respect
5 to the common school lands and township loanable funds of the
6 township; (ii) all right, title and interest existing or vested
7 in the former trustees of schools of that township in the
8 common school lands and township loanable funds of the
9 township, and all records, moneys, securities and other assets,
10 rights of property and causes of action pertaining to or
11 constituting a part of those common school lands or township
12 loanable funds, shall be transferred to and deemed vested by
13 operation of law in the regional board of school trustees,
14 which shall hold legal title to, manage and operate all common
15 school lands and township loanable funds of the township,
16 receive the rents, issues and profits therefrom, and have and
17 exercise with respect thereto the same powers and duties as are
18 provided by this Code to be exercised by regional boards of
19 school trustees when acting as township land commissioners in
20 counties having at least 220,000 but fewer than 2,000,000
21 inhabitants; (iii) the regional board of school trustees shall
22 select to serve as its treasurer with respect to the common
23 school lands and township loanable funds of the township a
24 person from time to time also serving as the appointed school
25 treasurer of any school district that was subject to the
26 jurisdiction and authority of the township treasurer and

1 trustees of schools of that township at the time those offices
2 were abolished, and the person selected to also serve as
3 treasurer of the regional board of school trustees shall have
4 his compensation for services in that capacity fixed by the
5 regional board of school trustees, to be paid from the township
6 loanable funds, and shall make to the regional board of school
7 trustees the reports required to be made by treasurers of
8 township land commissioners, give bond as required by
9 treasurers of township land commissioners, and perform the
10 duties and exercise the powers of treasurers of township land
11 commissioners; (iv) the regional board of school trustees shall
12 designate in the manner provided by Section 8-7, insofar as
13 applicable, a depository for its treasurer, and the proceeds of
14 all rents, issues and profits from the common school lands and
15 township loanable funds of that township shall be deposited and
16 held in the account maintained for those purposes with that
17 depository and shall be expended and distributed therefrom as
18 provided in Section 15-24 and other applicable provisions of
19 this Code; and (v) whenever there is vested in the trustees of
20 schools of a township at the time that office is abolished
21 under this subsection the legal title to any school buildings
22 or school sites used or occupied for school purposes by any
23 elementary school, high school or unit school district subject
24 to the jurisdiction and authority of those trustees of school
25 at the time that office is abolished, the legal title to those
26 school buildings and school sites shall be deemed transferred

1 by operation of law to and invested in the school board of that
2 school district, in its corporate capacity Section 7-28, the
3 same to be held, sold, exchanged leased or otherwise
4 transferred in accordance with applicable provisions of this
5 Code.

6 Notwithstanding Section 2-3.25g of this Code, a waiver of a
7 mandate established under this Section may not be requested.

8 (Source: P.A. 94-1078, eff. 1-9-07; 94-1105, eff. 6-1-07; 95-4,
9 eff. 5-31-07; 95-876, eff. 8-21-08.)