



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3989

Introduced 1/8/2020, by Rep. Kathleen Willis

SYNOPSIS AS INTRODUCED:

105 ILCS 5/7-04	from Ch. 122, par. 7-04
105 ILCS 5/7-1	from Ch. 122, par. 7-1
105 ILCS 5/7-4.1	from Ch. 122, par. 7-4.1
105 ILCS 5/7-6	from Ch. 122, par. 7-6

Amends the Boundary Changes Article of the School Code. With respect to a county with a population in excess of 3,000,000 in which (i) affected students reside in a municipality with a population not exceeding 15,000, (ii) the elementary school district serving the property to be detached sends students to 2 or more high school districts, (iii) the annexing school district has a high school located in the municipality, (iv) the farthest point from the detached property to the new school is less than 4 miles, and (v) the detachment and annexation will put the entire municipality into a single high school district, provides that a hearing panel (rather than the trustees of schools of the township) shall have and perform all powers, duties, and responsibilities required under the Article to be exercised and performed by a regional board of school trustees; the petition for boundary change may be filed by a number of legal resident voters equal to at least 50% of the number of legal resident voters in the affected territory who voted in the last presidential election; and if there are no legal resident voters, the petitioners may deliver the petition by regular mail to the last taxpayer of record of real estate instead of by certified mail, return receipt requested, to the owner of record. Allows the hearing panel to compare school and district report cards and to consider the community of interest of the petitioners and their children. Effective immediately.

LRB101 15139 NHT 64281 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 Sections
5 7-04, 7-1, 7-4.1, and 7-6 as follows:

6 (105 ILCS 5/7-04) (from Ch. 122, par. 7-04)

7 Sec. 7-04. Districts in educational service regions of
8 2,000,000 or more inhabitants.

9 (a) In all proceedings under this Article to change by
10 detachment, annexation, division, dissolution, or any
11 combination of those methods the boundaries of any school
12 district (other than a school district organized under Article
13 34) located in an educational service region of 2,000,000 or
14 more inhabitants in which the regional board of school trustees
15 is abolished as provided in subsection (a) of Section 6-2, the
16 trustees of schools of the township that has jurisdiction and
17 authority over the detaching or dissolving school district, as
18 the successor under subsection (b) of Section 6-2 to the former
19 regional board of school trustees with respect to all territory
20 located in that school township, shall have, exercise, and
21 perform all powers, duties, and responsibilities required
22 under this Article to be exercised and performed in those
23 proceedings by a regional board of school trustees. However,†

1 ~~provided that~~ if any detaching or dissolving school district
2 involved in those proceedings is not under the jurisdiction and
3 authority of the trustees of schools of a township referred to
4 in subsection (b) of Section 5-1 or if, in a county with a
5 population in excess of 3,000,000, (i) affected students reside
6 in a municipality with a population not exceeding 15,000, (ii)
7 the elementary school district serving the property to be
8 detached sends students to 2 or more high school districts,
9 (iii) the annexing school district has a high school located in
10 the municipality, (iv) the farthest point from the detached
11 property to the new school is less than 4 miles, and (v) the
12 detachment and annexation will put the entire municipality into
13 a single high school district, then a hearing panel as
14 established in this Section shall have, exercise, and perform
15 all powers, duties, and responsibilities required under this
16 Article to be exercised and performed in those proceedings with
17 respect to the detaching or dissolving school district by a
18 regional board of school trustees.

19 (a-5) As applicable, the hearing panel shall be made up of
20 3 persons who have a demonstrated interest and background in
21 education. Each hearing panel member must reside within an
22 educational service region of 2,000,000 or more inhabitants but
23 not within the boundaries of a school district organized under
24 Article 34 of this Code and may not be a current school board
25 member of the detaching or dissolving or annexing school
26 district or a current employee of the detaching or dissolving

1 or annexing school district or hold any county office. None of
2 the hearing panel members may reside within the same school
3 district. All 3 persons must be selected by the chief
4 administrative officer of the educational service center in
5 which the chief administrative officer has supervision and
6 control, as defined in Section 3-14.2 of this Code, of the
7 detaching or dissolving school district. The members of a
8 hearing panel as established in this Section shall serve
9 without remuneration; however, the necessary expenses,
10 including travel, attendant upon any meeting or hearing in
11 relation to a proceeding under this Article must be paid.

12 (a-10) The petition must be filed with the trustees of
13 schools of the township with jurisdiction and authority over
14 the detaching or dissolving school district or with the chief
15 administrative officer of the educational service center in
16 which the chief administrative officer has supervision and
17 control, as defined in Section 3-14.2 of this Code, of the
18 detaching or dissolving school district, as applicable. The
19 chief administrative officer of the educational service center
20 or a person designated by the trustees of schools of the
21 township, as applicable, shall have, exercise, and perform all
22 powers, duties, and responsibilities required under this
23 Article that are otherwise assigned to regional
24 superintendents of schools.

25 (b) Except as otherwise provided in this Section, all other
26 provisions of this Article shall apply to any proceedings under

1 this Article to change the boundaries of any school district
2 located in an educational service region having 2,000,000 or
3 more inhabitants in the same manner that those provisions apply
4 to any proceedings to change the boundaries of any school
5 district located in any other educational service region;
6 provided, that any reference in those other provisions to the
7 regional board of school trustees shall mean, with respect to
8 all territory within an educational service region containing
9 2,000,000 or more inhabitants that formerly was served by a
10 regional board of school trustees abolished under subsection
11 (a) of Section 6-2, the trustees of schools of the township
12 that is the successor under subsection (b) of Section 6-2 to
13 the former regional board of school trustees with respect to
14 the territory included within that school township or school
15 district or the hearing panel as established by this Section.

16 (Source: P.A. 100-374, eff. 8-25-17.)

17 (105 ILCS 5/7-1) (from Ch. 122, par. 7-1)

18 Sec. 7-1. Changing boundaries by detachment or
19 dissolution.

20 (a) School district boundaries may be changed by
21 detachment, annexation, division or dissolution or any
22 combination thereof by the regional board of school trustees or
23 by the State Superintendent of Education as provided in
24 subsection (1) of Section 7-6.

25 The petition must be filed with and decided solely by the

1 regional board of school trustees of the region in which the
2 regional superintendent of schools has supervision and
3 control, as defined in Section 3-14.2 of this Code, of the
4 detaching or dissolving school district. The petition may be
5 filed in any office operated by the regional superintendent
6 with supervision and control, as defined in Section 3-14.2 of
7 this Code, of the detaching or dissolving school district.

8 A petition for boundary change must be filed by the school
9 board of the detaching or dissolving district, by a majority of
10 the legal resident voters in the dissolving district, or by
11 two-thirds of a combination of the legal resident voters and
12 the owners of record of any real estate with no legal resident
13 voters in any territory proposed to be detached. However, in a
14 county with a population in excess of 3,000,000 in which (i)
15 affected students reside in a municipality with a population
16 not exceeding 15,000, (ii) the elementary school district
17 servicing the property to be detached sends students to 2 or more
18 high school districts, (iii) the annexing school district has a
19 high school located in the municipality, (iv) the farthest
20 point from the detached property to the new school is less than
21 4 miles, and (v) the detachment and annexation will put the
22 entire municipality into a single high school district, the
23 petition may be filed by a number of legal resident voters
24 equal to at least 50% of the number of legal resident voters in
25 the affected territory who voted in the last presidential
26 election. If any of the territory proposed to be detached

1 contains real estate with no legal resident voters, petitioners
2 shall deliver the petition by certified mail, return receipt
3 requested, to all owners of record of any real estate with no
4 legal resident voters. However, in a county with a population
5 in excess of 3,000,000 in which (i) affected students reside in
6 a municipality with a population not exceeding 15,000, (ii) the
7 elementary school district serving the property to be detached
8 sends students to 2 or more high school districts, (iii) the
9 annexing school district has a high school located in the
10 municipality, (iv) the farthest point from the detached
11 property to the new school is less than 4 miles, and (v) the
12 detachment and annexation will put the entire municipality into
13 a single high school district, petitioners may deliver the
14 petition by regular mail to the last taxpayer of record of the
15 real estate. Proof of such delivery must be presented as
16 evidence at the hearing required under Section 7-6 of this
17 Code. Any owner of record (or last taxpayer of record if
18 applicable) of real estate with no legal resident voters in any
19 territory proposed to be detached may either sign the petition
20 in person and before the circulator as described in this
21 Section or return the petition with his or her notarized
22 signature to be included as a petitioner. No person may sign a
23 petition in the capacity of both a legal resident voter and
24 owner of record (or last taxpayer of record if applicable). If
25 there are no legal resident voters within the territory
26 proposed to be detached, then the petition must be signed by

1 all of the owners of record (or last taxpayers of record if
2 applicable) of the real estate of the territory. Legal resident
3 voters shall be determined by the official voter registration
4 lists as of the date the petition is filed. No signatures shall
5 be added or withdrawn after the date the petition is filed. The
6 length of time for signatures to be valid, before filing of the
7 petition, shall not exceed 6 months. Notwithstanding any
8 provision to the contrary contained in the Election Code, the
9 regional superintendent of schools shall make all
10 determinations regarding the validity of the petition,
11 including, without limitation, signatures on the petition. If
12 the regional superintendent determines that the petition is not
13 in proper order or not in compliance with any applicable
14 petition requirements, the regional superintendent may not
15 accept the petition for filing and may return the petition to
16 the petitioners. Any party who is dissatisfied with the
17 determination of the regional superintendent regarding the
18 validity of the petition may appeal the regional
19 superintendent's decision to the regional board of school
20 trustees by motion, and the motion must be heard by the
21 regional board of school trustees prior to any hearing on the
22 merits of the petition.

23 Petitions for detachment and dissolution shall include the
24 full prayer of the petition with a general description of the
25 territory at the top of each page. Each signature contained
26 therein shall match the official signature and address of the

1 legal resident voters as recorded in the office of the county
2 clerk or board of election commissioners, and each petitioner
3 shall record the date of his or her signing. Except in
4 instances of a notarized signature of an owner of record (or
5 last taxpayer of record if applicable) of real estate with no
6 legal resident voters in any territory proposed to be detached,
7 each page of the circulated petition shall be signed by a
8 circulator stating that he or she has witnessed the signature
9 of each petitioner on that page. Detachment petitions
10 containing 10 or fewer signatures may be notarized in lieu of a
11 circulator statement. Each petition shall include an accurate
12 legal description and map of the territory proposed to be
13 detached. If a petition proposes to dissolve an entire
14 district, then the full name and number of the district and a
15 map are sufficient. Each petition shall include the names of
16 petitioners; the district to be dissolved or the district from
17 which the territory is proposed to be detached; the district or
18 districts to which the territory is proposed to be annexed;
19 evidence that the detaching or dissolving territory is compact
20 and contiguous with the annexing district or districts or
21 otherwise meets the requirements set forth in Section 7-4 of
22 this Code; the referendum date, if applicable; and facts that
23 support favorable findings for the factors to be considered by
24 the regional board of school trustees pursuant to Section 7-6
25 of this Code.

26 Where there is only one school building in an approved

1 operating district, the building and building site may not be
2 included in any detachment proceeding.

3 Notwithstanding any other provisions of this Code, if,
4 pursuant to a petition filed under this subsection (a), all of
5 the territory of a school district is to be annexed to another
6 school district, then any action by the regional board of
7 school trustees in granting or approving the petition and any
8 change in school district boundaries pursuant to that action is
9 subject to and the change in school district boundaries may not
10 be made except upon approval, at a regular scheduled election,
11 in the manner provided by Section 7-7.7 of this Code, of a
12 proposition for the annexation of all of the territory of that
13 school district to the other school district.

14 No petition may be filed under this Section to form a new
15 school district under this Article; however, such a petition
16 may be filed under this Section to form a new school district
17 if the boundaries of such new school district lie entirely
18 within the boundaries of a military base or installation
19 operated and maintained by the government of the United States.

20 (b) Any elementary or high school district with 100 or more
21 of its students residing upon territory located entirely within
22 a military base or installation operated and maintained by the
23 government of the United States, or any unit school district or
24 any combination of the above mentioned districts with 300 or
25 more of its students residing upon territory located entirely
26 within a military base or installation operated and maintained

1 by the government of the United States, shall, upon the filing
2 with the regional board of school trustees of a petition
3 adopted by resolution of the board of education or a petition
4 signed by a majority of the registered voters residing upon
5 such military base or installation, have all of the territory
6 lying entirely within such military base or installation
7 detached from such school district, and a new school district
8 comprised of such territory shall be created. The petition
9 shall be filed with and decided solely by the regional board of
10 school trustees of the region in which the regional
11 superintendent of schools has supervision and control, as
12 defined by Section 3-14.2 of this Code, of the school district
13 affected. The regional board of school trustees shall have no
14 authority to deny the detachment and creation of a new school
15 district requested in a proper petition filed under this
16 subsection. This subsection shall apply only to those school
17 districts having a population of not fewer than 1,000 and not
18 more than 500,000 residents, as ascertained by any special or
19 general census.

20 The new school district shall tuition its students to the
21 same districts that its students were previously attending and
22 the districts from which the new district was detached shall
23 continue to educate the students from the new district, until
24 the federal government provides other arrangements. The
25 federal government shall pay for the education of such children
26 as required by Section 6 of Public Law 81-874.

1 If a school district created under this subsection (b) has
2 not elected a school board and has not become operational
3 within 2 years after the date of detachment, then this district
4 is automatically dissolved and the territory of this district
5 reverts to the school district from which the territory was
6 detached or any successor district thereto. Any school district
7 created under this subsection (b) on or before September 1,
8 1996 that has not elected a school board and has not been
9 operational since September 1, 1996 is automatically dissolved
10 on the effective date of this amendatory Act of 1999, and on
11 this date the territory of this district reverts to the school
12 district from which the territory was detached. For the
13 automatic dissolution of a school district created under this
14 subsection (b), the regional superintendent of schools who has
15 supervision and control, as defined by Section 3-14.2 of this
16 Code, of the school district from which the territory was
17 detached shall certify to the regional board of school trustees
18 that the school district created under this subsection (b) has
19 been automatically dissolved.

20 (Source: P.A. 100-374, eff. 8-25-17.)

21 (105 ILCS 5/7-4.1) (from Ch. 122, par. 7-4.1)

22 Sec. 7-4.1. Copies of petition. Each petition submitted
23 under the provisions of Section 7-1 of this Code shall include
24 proof of notice to the owners of record (or last taxpayers of
25 record if applicable) of real estate with no legal resident

1 voters in any territory proposed to be detached, if applicable,
2 and be accompanied by sufficient copies thereof for
3 distribution to the president of the school board of each
4 detaching or dissolving and annexing school district. The
5 copies need not contain original signatures by the petitioners
6 as is required of the original petition.

7 (Source: P.A. 100-374, eff. 8-25-17.)

8 (105 ILCS 5/7-6) (from Ch. 122, par. 7-6)

9 Sec. 7-6. Petition filing; notice; hearing; decision.

10 (a) The secretary of the regional board of school trustees
11 or his or her designee, the chief administrative officer of an
12 educational service center under Section 7-04 of this Code or
13 his or her designee, or the person designated by the trustees
14 of schools of the township in accordance with subsection (a-10)
15 of Section 7-04 of this Code, as appropriate, shall receive the
16 filing of the petition, make the determination of validity in
17 accordance with subsection (a) of Section 7-1 of this Section,
18 publish the notice, conduct the hearing, and issue the final
19 order. Upon the filing of a petition with the secretary of the
20 regional board of school trustees under the provisions of
21 Section 7-1 of this Code, the secretary shall cause a copy of
22 such petition to be given to the president of the school board
23 of each detaching or dissolving and annexing school district
24 and shall cause a notice thereof to be published once in a
25 newspaper having general circulation within the area of the

1 detaching or dissolving and annexing territory described in the
2 petition.

3 (b) (Blank).

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

17 (c) When a petition contains more than 10 signatures the
18 petition shall designate a committee of 10 of the petitioners
19 as attorney in fact for all petitioners, any 7 of whom may make
20 binding stipulations on behalf of all petitioners as to any
21 question with respect to the petition or hearing, and the
22 regional board of school trustees may accept such stipulation
23 in lieu of evidence or proof of the matter stipulated. The
24 committee of petitioners shall have the same power to stipulate
25 to accountings or waiver thereof between school districts;
26 however, the regional board of school trustees may refuse to

1 accept such stipulation. Those designated as the committee of
2 10 shall serve in that capacity until such time as the regional
3 superintendent of schools or the committee of 10 determines
4 that, because of death, resignation, transfer of residency from
5 the territory, or failure to qualify, the office of a
6 particular member of the committee of 10 is vacant. Upon
7 determination that a vacancy exists, the remaining members
8 shall appoint a petitioner to fill the designated vacancy on
9 the committee of 10. The appointment of any new members by the
10 committee of 10 shall be made by a simple majority vote of the
11 remaining designated members.

12 (d) The petition may be amended to withdraw not to exceed a
13 total of 10% of the territory in the petition at any time prior
14 to the hearing; provided that the petition shall after
15 amendment comply with the requirements as to the number of
16 signatures required on an original petition.

17 (e) The petitioners shall pay the expenses of publishing
18 the notice and any transcript taken at the hearing and mailing
19 the final order; and, in case of an appeal from the decision of
20 the regional board of school trustees or State Superintendent
21 of Education in cases determined under subsection (1) of this
22 Section, the appellants shall pay the cost of preparing the
23 record for appeal. The regional superintendent of schools with
24 whom the petition is filed may request a deposit at the time of
25 filing to cover expenses as provided in this subsection (e).

26 (f) The notice shall state when the petition was filed, the

1 description of the detaching territory or name of the
2 dissolving district, the name of the annexing district, the
3 prayer of the petition, and the day and time on and location in
4 which the hearing upon the petition will be held, which shall
5 not be more than 30 nor less than 15 calendar days after the
6 publication of notice.

7 (g) Prior to the hearing, the secretary of the regional
8 board of school trustees shall submit to the regional board of
9 school trustees maps showing the districts involved and a
10 written report of the financial and educational conditions of
11 the districts involved and the probable effect of the proposed
12 changes. The reports and maps submitted must be made a part of
13 the record of the proceedings of the regional board of school
14 trustees. A copy of the report and maps submitted must be sent
15 by the secretary of the regional board of school trustees to
16 the president of the school board of each detaching or
17 dissolving and annexing school district not less than 5 days
18 prior to the day upon which the hearing is to be held.

19 (h) On the hearing day or on a day to which the regional
20 board of school trustees shall continue the hearing, the
21 regional board of school trustees shall hear the petition but
22 may adjourn the hearing from time to time or may continue the
23 matter for want of sufficient notice or other good cause.

24 (h-5) Except for motions and briefs challenging the
25 validity of a petition or otherwise challenging the
26 jurisdiction of the regional board of school trustees to

1 conduct a hearing on a petition and except for motions and
2 briefs related to the type of evidence the regional board of
3 school trustees may consider under subsection (i) of this
4 Section, no other motions, pleadings, briefs, discovery
5 requests, or other like documents may be filed with the
6 regional board of school trustees or served on other parties,
7 and the regional board of school trustees shall have no
8 authority to consider such documents, except that if a legal
9 issue arises during a hearing, then the regional board of
10 school trustees may, at its discretion, request briefs to be
11 submitted to it on that issue.

12 (i) The regional board of school trustees shall hear
13 evidence as to the school needs and conditions of the territory
14 in the area within and adjacent thereto and the effect
15 detachment will have on those needs and conditions and as to
16 the ability of the detaching or dissolving and annexing school
17 districts to meet the standards of recognition as prescribed by
18 the State Board of Education, shall take into consideration the
19 division of funds and assets that will result from the change
20 of boundaries, and shall determine whether it is in the best
21 interests of the schools of the area and the direct educational
22 welfare of the pupils that such change in boundaries be
23 granted. If non-high school territory is contained in the
24 petition, the normal high school attendance pattern of the
25 pupils must be taken into consideration. However, upon
26 resolution by the regional board of school trustees, the

1 secretary thereof shall conduct the hearing upon any boundary
2 petition and present a transcript of such hearing to the
3 trustees, who shall base their decision upon the transcript,
4 maps, and information and any presentation of counsel. In the
5 instance of a change of boundaries through detachment:

6 (1) When considering the effect the detachment will
7 have on the direct educational welfare of the pupils, the
8 regional board of school trustees shall consider a
9 comparison of the school report cards for the schools of
10 the detaching and annexing districts and the school
11 district report cards for the detaching and annexing
12 districts only if there is no more than a 3% difference in
13 the minority, low-income, and English learner student
14 populations of the relevant schools of the districts.
15 However, in a county with a population in excess of
16 3,000,000 in which (i) affected students reside in a
17 municipality with a population not exceeding 15,000, (ii)
18 the elementary school district serving the property to be
19 detached sends students to 2 or more high school districts,
20 (iii) the annexing school district has a high school
21 located in the municipality, (iv) the farthest point from
22 the detached property to the new school is less than 4
23 miles, and (v) the detachment and annexation will put the
24 entire municipality into a single high school district, the
25 hearing panel established under Section 7-04 may compare
26 school and district report cards.

1 (2) The community of interest of the petitioners and
2 their children and the effect detachment will have on the
3 whole child may be considered only if the regional board of
4 school trustees first determines that there would be a
5 significant direct educational benefit to the petitioners'
6 children if the change in boundaries were allowed. However,
7 in a county with a population in excess of 3,000,000 in
8 which (i) affected students reside in a municipality with a
9 population not exceeding 15,000, (ii) the elementary
10 school district serving the property to be detached sends
11 students to 2 or more high school districts, (iii) the
12 annexing school district has a high school located in the
13 municipality, (iv) the farthest point from the detached
14 property to the new school is less than 4 miles, and (v)
15 the detachment and annexation will put the entire
16 municipality into a single high school district, the
17 hearing panel established under Section 7-04 may consider
18 the community of interest of the petitioners and their
19 children.

20 (3) When petitioners cite an annexing district
21 attendance center or centers in the petition or during
22 testimony, the regional board of school trustees may
23 consider the difference in the distances from the detaching
24 area to the current attendance centers and the cited
25 annexing district attendance centers only if the
26 difference is no less than 10 miles shorter to one of the

1 cited annexing district attendance centers than it is to
2 the corresponding current attendance center.

3 (4) The regional board of school trustees may not grant
4 a petition if doing so will increase the percentage of
5 minority or low-income students or English learners by more
6 than 3% at the attendance center where students in the
7 detaching territory currently attend, provided that if the
8 percentage of any one of those groups also decreases at
9 that attendance center, the regional board may grant the
10 petition upon consideration of other factors under this
11 Section and this Article.

12 (5) The regional board of school trustees may not
13 consider whether changing the boundaries will increase the
14 property values of the petitioners' property.

15 The factors in subdivisions (1) through (5) of this
16 subsection (i) are applicable whether or not there are children
17 residing in the petitioning area at the time the hearing is
18 conducted.

19 If the regional board of school trustees grants a petition
20 to change school district boundaries, then the annexing school
21 district shall determine the attendance center or centers that
22 children from the petitioning area shall attend.

23 (j) At the hearing, any resident in any detaching,
24 dissolving, or annexing school district or any representative
25 of a detaching, dissolving, or annexing school district may
26 appear in person or by an attorney in support of the petition

1 or to object to the granting of the petition and may present
2 evidence in support of his or her position through either oral
3 or written testimony.

4 (k) At the conclusion of the hearing, the regional
5 superintendent of schools as secretary to the regional board of
6 school trustees shall, within 30 days, enter an order either
7 granting or denying the petition. The regional superintendent
8 of schools shall deliver a certified copy of the order by
9 certified mail, return receipt requested, to the petitioners or
10 committee of petitioners, as applicable; the president of the
11 school board of each detaching or dissolving and annexing
12 district; any person providing testimony in support of or
13 opposition to the petition at the hearing; and any attorney who
14 appears for a person. The regional superintendent of schools
15 shall also deliver a copy of the order to the regional
16 superintendent of schools who has supervision and control, as
17 defined in Section 3-14.2 of this Code, of the annexing
18 district if different from the regional superintendent of
19 schools with whom the petition was filed. The regional
20 superintendent of schools is not required to send a copy of the
21 regional board of school trustees' order to those attending the
22 hearing but not participating. The final order shall be in
23 writing and include findings of fact, conclusions of law, and
24 the decision to grant or deny the petition.

25 (l) Notwithstanding the foregoing provisions of this
26 Section, if within 12 months after a petition is submitted

1 under the provisions of Section 7-1 of this Code the petition
2 is not approved or denied by the regional board of school
3 trustees and the order approving or denying that petition
4 entered and a copy thereof served as provided in this Section,
5 petitioners may submit a copy of the petition directly to the
6 State Superintendent of Education for approval or denial. The
7 copy of the petition as so submitted shall be accompanied by a
8 record of all proceedings had with respect to the petition up
9 to the time the copy of the petition is submitted to the State
10 Superintendent of Education (including a copy of any notice
11 given or published, any certificate or other proof of
12 publication, copies of any maps or written report of the
13 financial and educational conditions of the school districts
14 affected if furnished by the secretary of the regional board of
15 school trustees, copies of any amendments to the petition and
16 stipulations made, accepted or refused, a transcript of any
17 hearing or part of a hearing held, continued or adjourned on
18 the petition, and any orders entered with respect to the
19 petition or any hearing held thereon). The petitioners
20 submitting the petition and record of proceedings to the State
21 Superintendent of Education shall give written notice by
22 certified mail, return receipt requested, to the regional board
23 of school trustees and to the secretary of that board and to
24 the detaching or dissolving and annexing school districts that
25 the petition has been submitted to the State Superintendent of
26 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 petitioners that submit the petition and
5 record of proceedings to the State Superintendent of Education.
6 When a petition is submitted to the State Superintendent of
7 Education in accordance with the provisions of this paragraph:

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

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

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

1 Superintendent of Education.

2 (4) If so directed by the State Superintendent of
3 Education, the regional superintendent of schools shall
4 submit to the State Superintendent of Education and to such
5 school boards as the State Superintendent of Education
6 shall prescribe accurate maps and a written report of the
7 financial and educational conditions of the districts
8 affected and the probable effect of the proposed boundary
9 changes.

10 (5) The State Superintendent is authorized to conduct
11 further hearings, or appoint a hearing officer to conduct
12 further hearings, on the petition even though a hearing
13 thereon was held as provided in this Section prior to the
14 time jurisdiction over the petition is transferred to the
15 State Superintendent of Education.

16 (6) The State Superintendent of Education or the
17 hearing officer shall hear evidence and approve or deny the
18 petition and shall enter an order to that effect and
19 deliver and serve the same as required in other cases to be
20 done by the regional board of school trustees and the
21 regional superintendent of schools as secretary of that
22 board.

23 (m) (Blank).

24 (n) Within 10 days after service of a copy of the order
25 granting or denying the petition, any person so served may
26 petition for a rehearing. The petition for rehearing shall

1 specify the reason for the request. The regional board of
2 school trustees shall first determine whether there is
3 sufficient cause for a rehearing. If so determined, then the
4 regional board of school trustees shall allow the petition to
5 be heard anew in its entirety in accordance with all procedures
6 in this Article. The party requesting a rehearing shall pay the
7 expenses of publishing the notice and of any transcript taken
8 at the hearing. The filing of a petition for rehearing shall
9 operate as a stay of enforcement until the regional board of
10 school trustees or State Superintendent of Education in cases
11 determined under subsection (1) of this Section enters the
12 final order on such petition for rehearing.

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

22 (Source: P.A. 99-475, eff. 1-1-16; 100-374, eff. 8-25-17.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.