



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4281

Introduced 1/30/2004, by Sandra M. Pihos

SYNOPSIS AS INTRODUCED:

105 ILCS 5/7-2a

from Ch. 122, par. 7-2a

Amends the Boundary Changes Article of the School Code. Provides that a petition for dissolution of a school district that was approved by the regional board of school trustees and that was initiated by the registered voters residing in the district proposed to be dissolved is not effective until the question of dissolution and annexation has been submitted to the electors in each affected school district at a regular election. Makes changes concerning when a school district with a population of less than 5,000 residents may be dissolved and its territory annexed. Effective immediately.

LRB093 16561 NHT 42207 b

1 AN ACT concerning schools.

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 7-2a 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, (i) any petition for dissolution filed under this
9 Article must specify the school district or districts to which
10 all of the territory of the district proposed to be dissolved
11 will be annexed and (ii) any petition for dissolution may be
12 made by the board of education of the district or a majority of
13 the registered legal voters residing in the district proposed
14 to be dissolved. No petition from any other district affected
15 by the proposed dissolution shall be required. A petition
16 approved by the regional board of school trustees that was
17 initiated by the registered voters residing in the district
18 proposed to be dissolved is not effective until the question of
19 dissolution and annexation has been submitted to the electors
20 in each affected school district at a regular election held in
21 accordance with Sections 7-7.5, 7-7.6, and 7-7.7 of this Code.

22 (b) Any school district with a population of less than
23 5,000 residents shall be dissolved and its territory annexed as
24 provided in Section 7-11 by the regional board of school
25 trustees upon the filing with the regional board of school
26 trustees of a request to dissolve ~~of a petition~~ adopted by
27 resolution of the board of education ~~or a petition signed by a~~
28 ~~majority of the registered voters~~ of the district seeking such
29 dissolution. If a petition is initiated by a majority of the
30 registered voters in a school district with a population of
31 less than 5,000 residents and the petition results in the
32 annexation of the district to another school district, then the

1 petition and annexation, if approved by the regional board of
2 school trustees, is not effective until the question of
3 dissolution and annexation has been submitted to the electors
4 in each affected school district at a regular election held in
5 accordance with Sections 7-7.5, 7-7.6, and 7-7.7 of this Code.
6 The regional board of school trustees shall certify the
7 question to the proper election authority after it has
8 exercised its discretion in accordance with Section 7-11 on the
9 issue of annexing the territory of the district being
10 dissolved. No resolution shall be adopted by the board of
11 education or petition shall be adopted or signed under this
12 subsection (b) until the board of education or the petitioners,
13 as the case may be, ~~shall~~ have given at least 10 days' notice
14 to be published once in a newspaper having general circulation
15 in the district and ~~shall~~ have conducted a public informational
16 meeting to inform the residents of the district of the proposed
17 dissolution and to answer questions concerning the proposed
18 dissolution. The resolution or petition shall be filed with and
19 decided solely by the regional board of school trustees of the
20 region in which the regional superintendent of schools has
21 supervision of the school district being dissolved. The
22 regional board of school trustees shall not act on a resolution
23 ~~petition~~ filed by a board of education if within 45 days after
24 giving notice of the hearing required under Section 7-11 a
25 petition in opposition to the resolution ~~petition~~ of the board
26 to dissolve, signed by a majority of the registered voters of
27 the district, is filed with the regional board of school
28 trustees. The regional board of school trustees shall have no
29 authority to deny dissolution requested in a proper resolution
30 ~~petition~~ for dissolution filed by a board of education under
31 this subsection (b), but shall exercise its discretion in
32 accordance with Section 7-11 on the issue of annexing the
33 territory of a district being dissolved, giving consideration
34 to but not being bound by the wishes expressed by the residents
35 of the various school districts that may be affected by such
36 annexation.

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

25 The changes to this Section made by this amendatory Act of
26 the 93rd General Assembly shall apply to any and all
27 proceedings for dissolution and annexation that have not been
28 fully implemented as of, or are initiated on or after, the
29 effective date of this amendatory Act of the 93rd General
30 Assembly.

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

32 Section 99. Effective date. This Act takes effect upon
33 becoming law.