

AN ACT concerning education.

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

Section 5. The School Code is amended by changing Sections 5-1, 7-04, 7-1, 7-2a, 7-2.4, 7-2.5, 7-2.6, 7-2.7, 7-4, 7-4.1, 7-5, 7-6, 7-7, 7-8, 7-9, 7-10, 7-11, 7-12, 7-29, 12-24, 16-2, and 32-4.6 and by adding Sections 7-01a, 7-01b, 7-10.5, 7-31, and 10-22.35B as follows:

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

Sec. 5-1. County school units.

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

(b) Notwithstanding subsections (a) and (c), the school board of any elementary school district having a fall, 1989 aggregate enrollment of at least 2,500 but less than 6,500 pupils and having boundaries that are coterminous with the boundaries of a high school district, and the school board of any high school district having a fall, 1989 aggregate enrollment of at least 2,500 but less than 6,500 pupils and having boundaries that are coterminous with the boundaries of an elementary school district, may, whenever the territory of such school district forms a part of a Class II county school unit, by proper resolution withdraw such school district from the jurisdiction and authority of the trustees of schools of the township in which such school district is located and from the jurisdiction and authority of the township treasurer in such Class II county school unit; provided that the school board of any such school district shall, upon the adoption and passage of such resolution, thereupon elect or appoint its own school treasurer as provided in Section 8-1. Upon the adoption and passage of such resolution and the election or appointment by the school board of its own school treasurer: (1) the trustees of schools in such township shall no longer have or exercise any powers and duties with respect to the school district governed by such school board or with respect to the school business, operations or assets of such school district; and (2) all books and records of the township trustees relating to the school business and affairs of such school district

shall be transferred and delivered to the school board of such school district. Upon the effective date of this amendatory Act of 1993, the legal title to, and all right, title and interest formerly held by the township trustees in any school buildings and school sites used and occupied by the school board of such school district for school purposes, that legal title, right, title and interest thereafter having been transferred to and vested in the regional board of school trustees under P.A. 87-473 until the abolition of that regional board of school trustees by P.A. 87-969, shall be deemed transferred by operation of law to and shall vest in the school board of that school district.

Notwithstanding subsections (a) and (c), the school boards of Oak Park & River Forest District 200, Oak Park Elementary School District 97, and River Forest School District 90 may, by proper resolution, withdraw from the jurisdiction and authority of the trustees of schools of Proviso and Cicero Townships and the township treasurer, provided that the school board shall, upon the adoption and passage of the resolution, elect or appoint its own school treasurer as provided in Section 8-1 of this Code. Upon the adoption and passage of the resolution and the election or appointment by the school board of its own school treasurer: (1) the trustees of schools in the township or townships shall no longer have or exercise any powers or duties with respect to the school district or with respect to the school business, operations, or assets of the

school district; (2) all books and records of the trustees of schools and all moneys, securities, loanable funds, and other assets relating to the school business and affairs of the school district shall be transferred and delivered to the school board; and (3) all legal title to and all right, title, and interest formerly held by the trustees of schools in any common school lands, school buildings, or school sites used and occupied by the school board and all rights of property and causes of action pertaining to or constituting a part of the common school lands, buildings, or sites shall be deemed transferred by operation of law to and shall vest in the school board.

Notwithstanding subsections (a) and (c), the respective school boards of Berwyn North School District 98, Berwyn South School District 100, Cicero School District 99, and J.S. Morton High School District 201 may, by proper resolution, withdraw from the jurisdiction and authority of the trustees of schools of Cicero Township and the township treasurer, provided that the school board shall, upon the adoption and passage of the resolution, elect or appoint its own school treasurer as provided in Section 8-1 of this Code. Upon the adoption and passage of the resolution and the election or appointment by the school board of its own school treasurer: (1) the trustees of schools in the township shall no longer have or exercise any powers or duties with respect to the school district or with respect to the school business, operations, or assets of the

school district; (2) all books and records of the trustees of schools and all moneys, securities, loanable funds, and other assets relating to the school business and affairs of the school district shall be transferred and delivered to the school board; and (3) all legal title to and all right, title, and interest formerly held by the trustees of schools in any common school lands, school buildings, or school sites used and occupied by the school board and all rights of property and causes of action pertaining to or constituting a part of the common school lands, buildings, or sites shall be deemed transferred by operation of law to and shall vest in the school board.

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

(1) During the same 30 day period, each school board of each elementary and unit school district that is subject to the jurisdiction and authority of the township treasurer and trustees of schools of the township in which those offices are sought to be abolished gives written notice by certified mail, return receipt requested to the township treasurer and trustees of schools of that township of the date of a meeting of the school board, to be held not more than 90 nor less than 60 days after the date when the

notice is given, at which meeting the school board is to consider and vote upon the question of whether there shall be submitted to the electors of the school district a proposition to abolish the offices of township treasurer and trustee of schools of that township. None of the notices given under this paragraph to the township treasurer and trustees of schools of a township shall be deemed sufficient or in compliance with the requirements of this paragraph unless all of those notices are given within the same 30 day period.

(2) Each school board of each elementary and unit school district that is subject to the jurisdiction and authority of the township treasurer and trustees of schools of the township in which those offices are sought to be abolished, by the affirmative vote of at least 5 members of the school board at a school board meeting of which notice is given as required by paragraph (1) of this subsection, adopts a resolution requiring the secretary of the school board to certify to the proper election authorities for submission to the electors of the school district at the next consolidated election in accordance with the general election law a proposition to abolish the offices of township treasurer and trustee of schools of that township. None of the resolutions adopted under this paragraph by any elementary or unit school districts that are subject to the jurisdiction and authority of the township treasurer and

trustees of schools of the township in which those offices are sought to be abolished shall be deemed in compliance with the requirements of this paragraph or sufficient to authorize submission of the proposition to abolish those offices to a referendum of the electors in any such school district unless all of the school boards of all of the elementary and unit school districts that are subject to the jurisdiction and authority of the township treasurer and trustees of schools of that township adopt such a resolution in accordance with the provisions of this paragraph.

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

OFFICIAL BALLOT

Shall the offices of township
 treasurer and
 trustee of

YES

schools of Township NO
Range be abolished?

(4) At the consolidated election at which the proposition to abolish the offices of township treasurer and trustee of schools of a township is submitted to the electors of each elementary and unit school district that is subject to the jurisdiction and authority of the township treasurer and trustee of schools of that township, a majority of the electors voting on the proposition in each such elementary and unit school district votes in favor of the proposition as submitted to them.

If in each elementary and unit school district that is subject to the jurisdiction and authority of the township treasurer and trustees of schools of the township in which those offices are sought to be abolished a majority of the electors in each such district voting at the consolidated election on the proposition to abolish the offices of township treasurer and trustee of schools of that township votes in favor of the proposition as submitted to them, the proposition shall be deemed to have passed; but if in any such elementary or unit school district a majority of the electors voting on that proposition in that district fails to vote in favor of the proposition as submitted to them, then notwithstanding the vote of the electors in any other such elementary or unit school district on that proposition the proposition shall not be

deemed to have passed in any of those elementary or unit school districts, and the offices of township treasurer and trustee of schools of the township in which those offices were sought to be abolished shall not be abolished, unless in each of those elementary and unit school districts remaining subject to the jurisdiction and authority of the township treasurer and trustees of schools of that township proceedings are again initiated to abolish those offices and all of the proceedings and conditions prescribed in paragraphs (1) through (4) of this subsection are repeated and met in each of those elementary and unit school districts.

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

The electors in all of the school districts subject to the jurisdiction and authority of the township treasurer and trustees of schools of the township in which those offices are sought to be abolished shall vote at the consolidated election on the proposition to abolish the offices of township treasurer and trustee of schools of

that township. If a majority of the electors in all of the school districts combined voting on the proposition vote in favor of the proposition, then the proposition shall be deemed to have passed; but if a majority of the electors voting on the proposition in all of the school district fails to vote in favor of the proposition as submitted to them, then the proposition shall not be deemed to have passed and the offices of township treasurer and trustee of schools of the township in which those offices were sought to be abolished shall not be abolished, unless and until the proceedings detailed in paragraphs (1) through (3) of this subsection and the conditions set forth in this paragraph are met.

If the proposition to abolish the offices of township treasurer and trustee of schools of a township is deemed to have passed at the consolidated election as provided in this subsection, those offices shall be deemed abolished by operation of law effective on January 1 of the calendar year immediately following the calendar year in which that consolidated election is held, provided that if after the election, the trustees of schools by resolution elect to abolish the offices of township treasurer and trustee of schools effective on July 1 immediately following the election, then the offices shall be abolished on July 1 immediately following the election. On the date that the offices of township treasurer and trustee of schools of a township are

deemed abolished by operation of law, the school board of each elementary and unit school district and the school board of each high school district that is subject to the jurisdiction and authority of the township treasurer and trustees of schools of that township at the time those offices are abolished: (i) shall appoint its own school treasurer as provided in Section 8-1; and (ii) unless the term of the contract of a township treasurer expires on the date that the office of township treasurer is abolished, shall pay to the former township treasurer its proportionate share of any aggregate compensation that, were the office of township treasurer not abolished at that time, would have been payable to the former township treasurer after that date over the remainder of the term of the contract of the former township treasurer that began prior to but ends after that date. In addition, on the date that the offices of township treasurer and trustee of schools of a township are deemed abolished as provided in this subsection, the school board of each elementary school, high school and unit school district that until that date is subject to the jurisdiction and authority of the township treasurer and trustees of schools of that township shall be deemed by operation of law to have agreed and assumed to pay and, when determined, shall pay to the Illinois Municipal Retirement Fund a proportionate share of the unfunded liability existing in that Fund at the time these offices are abolished in that calendar year for all annuities or other benefits then or

thereafter to become payable from that Fund with respect to all periods of service performed prior to that date as a participating employee in that Fund by persons serving during those periods of service as a trustee of schools, township treasurer or regular employee in the office of the township treasurer of that township. That unfunded liability shall be actuarially determined by the board of trustees of the Illinois Municipal Retirement Fund, and the board of trustees shall thereupon notify each school board required to pay a proportionate share of that unfunded liability of the aggregate amount of the unfunded liability so determined. The amount so paid to the Illinois Municipal Retirement Fund by each of those school districts shall be credited to the account of the township in that Fund. For each elementary school, high school and unit school district under the jurisdiction and authority of a township treasurer and trustees of schools of a township in which those offices are abolished as provided in this subsection, each such district's proportionate share of the aggregate compensation payable to the former township treasurer as provided in this paragraph and each such district's proportionate share of the aggregate amount of the unfunded liability payable to the Illinois Municipal Retirement Fund as provided in this paragraph shall be computed in accordance with the ratio that the number of pupils in average daily attendance in each such district for the school year last ending prior to the date on which the offices of

township treasurer and trustee of schools of that township are abolished bears to the aggregate number of pupils in average daily attendance in all of those districts as so reported for that school year.

Upon abolition of the offices of township treasurer and trustee of schools of a township as provided in this subsection: (i) the regional board of school trustees, in its corporate capacity, shall be deemed the successor in interest to the former trustees of schools of that township with respect to the common school lands and township loanable funds of the township; (ii) all right, title and interest existing or vested in the former trustees of schools of that township in the common school lands and township loanable funds of the township, and all records, moneys, securities and other assets, rights of property and causes of action pertaining to or constituting a part of those common school lands or township loanable funds, shall be transferred to and deemed vested by operation of law in the regional board of school trustees, which shall hold legal title to, manage and operate all common school lands and township loanable funds of the township, receive the rents, issues and profits therefrom, and have and exercise with respect thereto the same powers and duties as are provided by this Code to be exercised by regional boards of school trustees when acting as township land commissioners in counties having at least 220,000 but fewer than 2,000,000 inhabitants; (iii) the regional board of school trustees shall

select to serve as its treasurer with respect to the common school lands and township loanable funds of the township a person from time to time also serving as the appointed school treasurer of any school district that was subject to the jurisdiction and authority of the township treasurer and trustees of schools of that township at the time those offices were abolished, and the person selected to also serve as treasurer of the regional board of school trustees shall have his compensation for services in that capacity fixed by the regional board of school trustees, to be paid from the township loanable funds, and shall make to the regional board of school trustees the reports required to be made by treasurers of township land commissioners, give bond as required by treasurers of township land commissioners, and perform the duties and exercise the powers of treasurers of township land commissioners; (iv) the regional board of school trustees shall designate in the manner provided by Section 8-7, insofar as applicable, a depository for its treasurer, and the proceeds of all rents, issues and profits from the common school lands and township loanable funds of that township shall be deposited and held in the account maintained for those purposes with that depository and shall be expended and distributed therefrom as provided in Section 15-24 and other applicable provisions of this Code; and (v) whenever there is vested in the trustees of schools of a township at the time that office is abolished under this subsection the legal title to any school buildings

or school sites used or occupied for school purposes by any elementary school, high school or unit school district subject to the jurisdiction and authority of those trustees of school at the time that office is abolished, the legal title to those school buildings and school sites shall be deemed transferred by operation of law to and invested in the school board of that school district, in its corporate capacity under Section 10-22.35B of this Code ~~7-28~~, the same to be held, sold, exchanged leased or otherwise transferred in accordance with applicable provisions of this Code.

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

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

(105 ILCS 5/7-01a new)

Sec. 7-01a. Purpose and applicability. The purpose of this Article is to permit greater flexibility and efficiency in the detachment and dissolution of school districts for the improvement of the administration and quality of educational services and for the best interests of pupils. This Article applies only to school districts with under 500,000 inhabitants, but includes special charter districts (except those districts organized under Article 34 of this Code) and non-high school districts.

(105 ILCS 5/7-01b new)

Sec. 7-01b. Definition. In this Article, "legal resident voter" means a person who is registered to vote at the time a circulated petition is filed and when the regional board of school trustees renders a decision, at the address shown opposite his or her signature on the petition, and resides in the detaching territory or dissolving school district.

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

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

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

school trustees; provided that if any detaching or dissolving school district involved in ~~affected by~~ those proceedings is not under the jurisdiction and authority of the trustees of schools of a township located in a school township referred to in subsection (b) of Section 5-1 ~~and there are no trustees of schools acting in that township then the school board of any such district, as the successor under subsection (b) of Section 6-2 to the former regional board of school trustees with respect to the territory comprising that school district, a hearing panel as established in this Section~~ shall have, exercise, and perform all powers, duties, and responsibilities required under this Article to be exercised and performed in those proceedings with respect to the detaching or dissolving the territory of that school district by a regional board of school trustees.; ~~and provided further that: (i) when any school district affected by those proceedings is located not only in an educational service region of 2,000,000 or more inhabitants but also in 2 or more school townships in that region that each have trustees of schools of the township, then the boundaries of that school district may be changed under this Article by detachment, annexation, division, dissolution, or any combination of those methods only by the concurrent action of, taken following a joint hearing before the trustees of schools of those townships (in that educational service region) in which that school district is located; and (ii) if any part of the school district referred to in item (i) of this~~

~~subsection also lies within an educational service region that has a regional board of school trustees, the boundaries of that district may be changed under this Article only by the concurrent action of, taken following a joint hearing before the trustees of schools of the townships referred to in item (i) of this subsection and the regional board of school trustees of the educational service region referred to in this item (ii) of this subsection. Whenever concurrent action and joint hearings are required under this subsection, the original petition shall be filed with the trustees of schools of the township in which the territory or greatest portion of the territory being detached is located, or if the territory is being detached from more than one educational service region then with the regional board of school trustees of the region or the trustees of schools of the township in which the territory or greatest portion of the territory being detached is located.~~

(a-5) As applicable, the hearing panel shall be made up of 3 persons who have a demonstrated interest and background in education. Each hearing panel member must reside within an educational service region of 2,000,000 or more inhabitants but not within the boundaries of a school district organized under Article 34 of this Code and may not be a current school board member of the detaching or dissolving or annexing school district or a current employee of the detaching or dissolving or annexing school district or hold any county office. None of

the hearing panel members may reside within the same school district. All 3 persons must be selected by the chief administrative officer of the educational service center in which the chief administrative officer has supervision and control, as defined in Section 3-14.2 of this Code, of the detaching or dissolving school district. The members of a hearing panel as established in this Section shall serve without remuneration; however, the necessary expenses, including travel, attendant upon any meeting or hearing in relation to a proceeding under this Article must be paid.

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

(b) Except as otherwise provided in this Section, all other provisions of this Article shall apply to any proceedings under this Article to change the boundaries of any school district

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

(Source: P.A. 87-969.)

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

Sec. 7-1. Changing Districts in one educational service region — changing boundaries by detachment or dissolution.

(a) School district boundaries ~~lying entirely within any educational service region~~ may be changed by detachment, annexation, division or dissolution or any combination thereof by the regional board of school trustees ~~of such region,~~ or by the State Superintendent of Education as provided in subsection (1) of Section 7-6, ~~when petitioned by the boards of each~~

~~district affected or by a majority of the registered voters in each district affected or by two-thirds of the registered voters in any territory proposed to be detached from one or more districts or in each of one or more districts proposed to be annexed to another district.~~

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

A petition for boundary change must be filed by the school board of the detaching or dissolving district, by a majority of the legal resident voters in the dissolving district, or by two-thirds of a combination of the legal resident voters and the owners of record of any real estate with no legal resident voters in any territory proposed to be detached. If any of the territory proposed to be detached contains real estate with no legal resident voters, petitioners shall deliver the petition by certified mail, return receipt requested, to all owners of record of any real estate with no legal resident voters. Proof of such delivery must be presented as evidence at the hearing required under Section 7-6 of this Code. Any owner of record of real estate with no legal resident voters in any territory

proposed to be detached may either sign the petition in person and before the circulator as described in this Section or return the petition with his or her notarized signature to be included as a petitioner. No person may sign a petition in the capacity of both a legal resident voter and owner of record. If there are no legal resident voters within the territory proposed to be detached, then the petition must be signed by all of the owners of record of the real estate of the territory. Legal resident ~~Registered~~ voters shall be determined by the official voter registration lists as of the date the petition is filed. No signatures shall be added or withdrawn after the date the petition is filed. The length of time for signatures to be valid, before filing of the petition, shall not exceed 6 months. Notwithstanding any provision to the contrary contained in the Election Code, the regional superintendent of schools shall make all determinations regarding the validity of the petition, including, without limitation, signatures on the petition. If the regional superintendent determines that the petition is not in proper order or not in compliance with any applicable petition requirements, the regional superintendent may not accept the petition for filing and may return the petition to the petitioners. Any party who is dissatisfied with the determination of the regional superintendent regarding the validity of the petition may appeal the regional superintendent's decision to the regional board of school

trustees by motion, and the motion must be heard by the regional board of school trustees prior to any hearing on the merits of the petition. ~~If there are no registered voters within the territory proposed to be detached from one or more districts, then the petition may be signed by all of the owners of record of the real estate of the territory. Notwithstanding any other provisions of this Article, if pursuant to a petition filed under this subsection all of the territory of a school district is to be annexed to another school district, any action by the regional board of school trustees or State Superintendent of Education in granting or approving the petition and any change in school district boundaries pursuant to that action is subject to and the change in school district boundaries shall not be made except upon approval at a regular scheduled election, in the manner provided by Section 7-7.7, of a proposition for the annexation of all of the territory of that school district to the other school district.~~

Petitions for detachment and dissolution ~~Each page of the circulated petition shall include the full prayer of the petition with a general description of the territory at the top of each page. Each, and each~~ signature contained therein shall match the official signature and address of the legal resident registered voters as recorded in the office of the county clerk or board of election commissioners, and each ~~election authority having jurisdiction over the county.~~ Each petitioner shall also record the date of his or her signing. Except in instances of a

notarized signature of an owner of record of real estate with no legal resident voters in any territory proposed to be detached, each ~~Each~~ page of the circulated petition shall be signed by a circulator stating that he or she has ~~who has~~ witnessed the signature of each petitioner on that page. Detachment petitions containing 10 or fewer signatures may be notarized in lieu of a circulator statement. Each petition shall include an accurate legal description and map of the territory proposed to be detached. If a petition proposes to dissolve an entire district, then the full name and number of the district and a map are sufficient. Each petition shall include the names of petitioners; the district to be dissolved or the district from which the territory is proposed to be detached; the district or districts to which the territory is proposed to be annexed; evidence that the detaching or dissolving territory is compact and contiguous with the annexing district or districts or otherwise meets the requirements set forth in Section 7-4 of this Code; the referendum date, if applicable; and facts that support favorable findings for the factors to be considered by the regional board of school trustees pursuant to Section 7-6 of this Code. The length of time for signatures to be valid, before filing of the petition, shall not exceed 6 months.

Where there is only one school building in an approved operating district, the building and building site may not be included in any detachment proceeding ~~unless petitioned by~~

~~two thirds of the registered voters within the entire district wherein the school is located.~~

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

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

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

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

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

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

(Source: P.A. 90-459, eff. 8-17-97; 91-460, eff. 8-6-99.)

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

Sec. 7-2a. (a) (Blank). ~~Except as provided in subsection (b) of this Section, any petition for dissolution filed under this Article must specify the school district or districts to which all of the territory of the district proposed to be~~

~~dissolved will be annexed. Any petition for dissolution may be made by the board of education of the district or a majority of the legal voters residing in the district proposed to be dissolved. No petition from any other district affected by the proposed dissolution shall be required.~~

(b) Any school district with a population of less than 5,000 residents or an enrollment of less than 750 students, as determined by the district's most recent fall enrollment counts as posted on the State Board of Education's website ~~current fall housing report filed with the State Board of Education,~~ shall be dissolved and its territory annexed as provided in Section 7-11 of this Code by the regional board of school trustees upon the filing ~~with the regional board of school trustees~~ of a petition adopted by resolution of the board of education or ~~a petition~~ signed by a majority of the legal resident ~~registered~~ voters of the district seeking such dissolution. No petition shall be adopted or signed under this subsection until the board of education or the petitioners, as the case may be, shall have given at least 10 days' notice to be published once in a newspaper having general circulation in the district and shall have conducted a public informational meeting to inform the residents of the district of the proposed dissolution and to answer questions concerning the proposed dissolution. The petition shall be filed with and decided solely by the regional board of school trustees of the region in which the regional superintendent of schools has supervision

and control, as defined by Section 3-14.2 of this Code, of the school district being dissolved.

The regional board of school trustees shall not act on a petition filed by a board of education if within 45 days after giving the first notice of the hearing required under Section 7-11 of this Code a petition in opposition to the petition of the board to dissolve, signed by a majority of the legal resident ~~registered~~ voters of the district, is filed with the regional board of school trustees. In such an event, the dissolution petition is dismissed on procedural grounds by operation of law and the regional board of school trustees shall have no further authority to consider the petition. A dissolution petition dismissed as the result of a valid opposition petition is not subject to the limitation on successive petitions as provided in Section 7-8 of this Code, and a new petition may be filed upon receipt of the regional board of school trustees' notice stating that the original petition was dismissed by operation of law.

For all petitions under this Section, the legal resident voters must be determined by the official voter registration lists as of the date the petition is filed. No signatures may be added or withdrawn after the date the petition is filed. The length of time for signatures to be valid, before filing of the petition, may not exceed 6 months. Notwithstanding any provision to the contrary contained in the Election Code, the regional superintendent of schools shall make all

determinations regarding the validity of the petition, including, without limitation, signatures on the petition. Any party who is dissatisfied with the determination of the regional superintendent regarding the validity of the petition may appeal the regional superintendent's decision to the regional board of school trustees by motion, and the motion must be heard by the regional board of school trustees prior to any hearing on annexing the territory of a district being dissolved. If no opposition petition is timely filed, the ~~The~~ regional board of school trustees shall have no authority to deny dissolution requested in a proper petition for dissolution filed under this Section ~~subsection (b)~~, but shall exercise its discretion in accordance with Section 7-11 of this Code on the issue of annexing the territory of a district being dissolved, giving consideration to but not being bound by the wishes expressed by the residents of the various school districts that may be affected by such annexation.

~~When dissolution and annexation become effective for purposes of administration and attendance as determined pursuant to Section 7-11, the positions of teachers in contractual continued service in the district being dissolved are transferred to an annexing district or to annexing districts pursuant to the provisions of subsection (h) of Section 24-11 of this Code relative to teachers having contractual continued service status whose positions are transferred from one board to the control of a different board,~~

~~and these said provisions of subsection (h) of Section 24-11 of this Code shall apply to said transferred teachers. In the event that the territory is added to 2 or more districts, the decision on which positions shall be transferred to which annexing districts shall be made giving consideration to the proportionate percent of pupils transferred and the annexing districts' staffing needs, and the transfer of specific individuals into such positions shall be based upon the request of those teachers in order of seniority in the dissolving district. The contractual continued service status of any teacher thereby transferred to an annexing district is not lost and the different board is subject to this Act with respect to such transferred teacher in the same manner as if such teacher was that district's employee and had been its employee during the time such teacher was actually employed by the board of the dissolving district from which the position was transferred.~~

(Source: P.A. 98-125, eff. 8-2-13; 99-657, eff. 7-28-16.)

(105 ILCS 5/7-2.4) (from Ch. 122, par. 7-2.4)

Sec. 7-2.4. A petition for detachment of territory from a special charter district with annexation to another school district, for detachment of territory from a school district with annexation to a special charter district, or for dissolution of a school district with annexation to a special charter district ~~for annexation to or detachment of territory from a special charter school district~~ must be filed with the

governing body of the special charter district, and a certified copy thereof must be sent to each other detaching, dissolving, or annexing school district affected and to the regional county board of school trustees of the region county in which the regional county superintendent has supervision and control, as defined in Section 3-14.2 of this Code, of the detaching or dissolving district ~~from which the petition seeks to have territory detached, or if territory is being detached from more than one county, to the county board of school trustees of the county in which the county superintendent has supervision over the greatest portion of such territory.~~ A petition request for such annexation or detachment of territory must be filed by the school board of the detaching or dissolving district, by a majority of the legal resident voters in the dissolving district, or by two-thirds of a combination of the legal resident voters and the owners of record of any real estate with no legal resident voters in any territory proposed to be ~~may be initiated by any district affected by such proposed annexation or detachment of territory by a petition signed by the board of education and by 25% or 1,000 of the legal voters of the district, whichever is less, or by 50% of the legal voters residing in any territory requesting to be annexed or detached.~~ If any of the territory proposed to be detached contains real estate with no legal resident voters, petitioners shall deliver the petition by certified mail, return receipt requested, to all owners of record of any real estate with no

legal resident voters. Proof of the delivery must be presented as evidence at any hearing required by Section 7-2.6 of this Code. Any owner of record of real estate with no legal resident voters in any territory proposed to be detached may either sign the petition in person and before the circulator as described in Section 7-1 of this Code or return the petition with his or her notarized signature to be included as a petitioner. No person may sign a petition in the capacity of both a legal resident voter and owner of record. If there are no legal resident voters ~~residing~~ within the territory proposed to be detached ~~or annexed~~, then the petition must ~~may~~ be signed by all 50% of the owners of record of the real estate of the territory. Petitions must contain all of the elements set forth in subsection (a) of Section 7-1 of this Code.

Where there is only one school building in an approved operating school district, the building and building site may not be included in any detachment proceeding ~~unless the petition is signed by 2/3 of the eligible voters within the entire district wherein the school is located.~~

(Source: Laws 1967, p. 2540.)

(105 ILCS 5/7-2.5) (from Ch. 122, par. 7-2.5)

Sec. 7-2.5. If no objection to the dissolution ~~annexation~~ or detachment of territory~~7~~ prayed for in a petition under Section 7-2.4 of this Code~~7~~ is filed with the special charter school district or with the regional board of school trustees

within 30 days after ~~notice of~~ the filing of such petition ~~for annexation or detachment is given to each district affected,~~ the dissolution ~~annexation~~ or detachment of territory takes effect, subject to Section 7-9 of this Code Act. However, if an objection to the proposed dissolution ~~annexation~~ or detachment of territory is filed with either the special charter district or the regional board of school trustees, the regional board of school trustees, within 15 days after receiving the objection, shall appoint 2 legal resident voters from the district or districts under its ~~their~~ jurisdiction and involved in the proposed dissolution ~~annexation~~ or detachment of territory, subject to the approval of the boards of education of the districts involved in the proposed dissolution or detachment of territory ~~affected,~~ and the board or governing body of the special charter district shall appoint 2 legal resident voters from the special charter district. Those 4 appointees shall meet within 20 days of their appointment and by a majority vote select 3 persons who reside outside the jurisdiction of the districts involved in ~~affected by~~ the proposed dissolution ~~annexation~~ or detachment of territory and who have a demonstrated interest and background in education. If a majority of the original 4 appointees cannot agree on the selection of the 3 additional members within 20 days of their appointment, the State Board of Education shall select the 3 additional persons, subject to the same criteria as required when selection is by the 4 appointees. The 4 appointees and the

3 additional persons selected under this Section constitute the Hearing Board and 4 members shall constitute a quorum.

Within 10 days after the Hearing Board has been selected the regional superintendent of schools of the region in which the special charter district is located shall call an organization meeting of said Hearing Board.

(Source: P.A. 81-1508.)

(105 ILCS 5/7-2.6) (from Ch. 122, par. 7-2.6)

Sec. 7-2.6. At its organization meeting, the Hearing Board shall choose from its membership a chairman and a secretary. The secretary shall cause a copy of such petition to be sent to the president of the school ~~each~~ board of each detaching or dissolving and annexing school district ~~any district involved in the proposed boundary change,~~ and shall cause a notice thereof to be published once in a newspaper having general circulation within the area of the detaching or dissolving and annexing territory described in the petition ~~for the proposed change of boundaries~~. The petitioners shall pay the expenses of publishing the notice and ~~of~~ any transcript taken at the hearing and mailing the final order. In case of an appeal from the decision of the Hearing Board, the appellants shall pay the cost of preparing the record for appeal. The notice must state when the petition was filed, the description of the detaching territory or name of the dissolving district, the name of the annexing district, the prayer of the petition, and the day and

time on and location in which the hearing upon the petition will be held, which ~~day~~ may not be more than 30 ~~45~~ nor less than 15 calendar ~~10~~ days after the publication of notice. Any additional expense not enumerated above shall be borne equally by the school districts involved.

The Hearing Board shall hear the petition and determine the sufficiency thereof and may adjourn the hearing from time to time or continue the matter for want of sufficient notice or for other good cause. The Hearing Board (a) shall hear evidence as to the school needs and conditions of the territory in the area within and adjacent thereto, and as to the ability of the districts affected to meet the standards of recognition as prescribed by the State Board of Education, (b) shall take into consideration the division of funds and assets which will result from any change of boundaries, and the will of the people of the area affected, and (c) shall determine whether it is to the best interests of the schools of the area and the educational welfare of the pupils should such change in boundaries be granted.

The Hearing Board may administer oaths, determine the admissibility of evidence, and issue subpoenas for the attendance of witnesses and subpoena duces tecum for the production of documents. At the hearing, ~~any resident in the territory prescribed in the petition, or~~ any resident in any detaching, dissolving, or annexing school district or any representative of a detaching, dissolving, or annexing school

district affected by the proposed change of boundaries, may appear in person or by attorney in support of the petition or to object to the granting of the petition and may present ~~give~~ evidence in support of his or her position through either oral or written testimony. At the conclusion of the hearing, the Hearing Board shall, within 30 days, enter an order either granting or denying the petition. The Hearing Board shall deliver a certified copy of the order by certified mail, return receipt requested, and shall deliver to the petitioners; the president of the school board of each detaching or dissolving and annexing district; any person providing testimony in support of or opposition to the petition at the hearing; ~~to all affected districts, to any person who has filed his or her appearance in writing at the hearing or to any attorney who appears for any person;~~ to any objector who testified at such hearing, and ~~to~~ the regional superintendent of schools who has supervision and control, as defined in Section 3-14.2 of this Code, of each detaching or dissolving and annexing district of each region in which the territory or any district affected lies, a certified copy of its order by registered mail. The Hearing Board is not required to send a copy of the Hearing Board's order to those attending the hearing but not participating. The final order shall be in writing and include findings of fact, conclusions of law, and the decision to grant or deny the petition.

Within 10 days after service of the certified copy of the

order granting or denying the petition, any person so served may petition for rehearing ~~and upon sufficient cause being shown, the Hearing Board may grant a rehearing.~~ The petition for rehearing shall specify the reason for the request. The Hearing Board shall first determine whether there is sufficient cause for a rehearing. If so determined, then the Hearing Board shall allow the petition to be heard anew in its entirety in accordance with all procedures in this Section. The party requesting a rehearing shall pay the expenses of publishing the notice and of any transcript taken at the hearing. The filing of a petition for rehearing operates as a stay of enforcement until the Hearing Board ~~board~~ enters its final order on that petition for rehearing.

(Source: P.A. 84-551.)

(105 ILCS 5/7-2.7) (from Ch. 122, par. 7-2.7)

Sec. 7-2.7. The decision of the Hearing Board under Section 7-2.6 is an "administrative decision" as defined in Section 3-101 of the Code of Civil Procedure, and any resident, ~~who appears at the hearings, or any~~ petitioner, ~~or board of education~~ entitled to receive a certified copy of the Hearing Board's order ~~of any district affected,~~ may, within 35 days after a copy of the decision sought to be reviewed was served by certified mail, return receipt requested, upon the resident, petitioner, or board of education, ~~registered mail upon the party affected thereby,~~ file a complaint for a judicial review

of that decision in accordance with the Administrative Review Law and the rules adopted pursuant thereto. The commencement of any action for judicial review operates as a stay of enforcement, and ~~no~~ further proceedings must not ~~may~~ be had until final disposition of such review. Any change in boundaries resulting from the proceedings under Sections 7-2.4 through 7-2.7 takes effect on the date determined pursuant to Section 7-9 of this Code Act.

(Source: P.A. 84-551.)

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

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

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

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

(c) Unless the territory within ~~any district so created or~~ any district whose boundaries are affected by the granting of a petition shall after the granting thereof be compact and contiguous, except as provided in Section 7-6 of this Code or

as otherwise provided in this subdivision (c). The fact that a district is divided by territory lying within the corporate limits of the city of Chicago shall not render it non-compact or non-contiguous. If, pursuant to a petition filed under Section 7-1 ~~or 7-2~~ of this Code, 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 the following requirements are met and documented within 2 calendar years prior to the petition filing date:

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

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

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

(d) (Blank). ~~To create any school district with a population of less than 2,000 unless the State Board of Education and the regional superintendent of schools for the region in which the proposed district will lie shall certify to the regional board or boards of school trustees that the~~

~~creation of such new district will not interfere with the ultimate reorganization of the territory of such proposed district as a part of a district having a population of 2,000 or more. Notwithstanding any other provisions of this Article, the granting or approval by a regional board or regional boards of school trustees or by the State Superintendent of Education of a petition that under subsection (b 5) of Section 7-6 is required to request the submission of a proposition at a regular scheduled election for the purpose of voting for or against the annexation of the territory described in the petition to the school district proposing to annex that territory is subject to, and any change in school district boundaries pursuant to the granting of the petition shall not be made except upon, approval of the proposition at the election in the manner provided by Section 7-7.7.~~

(Source: P.A. 98-125, eff. 8-2-13.)

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

Sec. 7-4.1. Copies of petition. Each petition submitted under the provisions of Section 7-1 of this Code ~~or 7-2~~ shall include proof of notice to owners of record of real estate with no legal resident voters in any territory proposed to be detached, if applicable, and be accompanied by sufficient copies thereof for distribution to the president of the school board of each detaching or dissolving and annexing school district involved. The copies need not contain original

signatures ~~be signed~~ by the petitioners as is required of the original petition.

(Source: Laws 1963, p. 3037.)

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

Sec. 7-5. Detachment set aside upon petition. If there is a recognized school district which as a result of detachment is without a school building, the detachment may be set aside by the regional ~~county~~ board of school trustees of the region in ~~county over~~ which the regional ~~county~~ superintendent of schools had supervision and control, as defined in Section 3-14.2 of this Code, prior to the detachment upon petition by two-thirds of the eligible voters in the school district after such detachment and the detached area. The regional ~~county~~ board of school trustees shall conduct a hearing upon the petition as prescribed and in the manner provided in Section 7-6 of this Code.

(Source: Laws 1961, p. 31.)

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

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

(a) The secretary of the regional board of school trustees or his or her designee, the chief administrative officer of an educational service center under Section 7-04 of this Code or his or her designee, or the person designated by the trustees of schools of the township in accordance with subsection (a-10)

of Section 7-04 of this Code, as appropriate, shall receive the filing of the petition, make the determination of validity in accordance with subsection (a) of Section 7-1 of this Section, publish the notice, conduct the hearing, and issue the final order. Upon the filing of a petition with the secretary of the regional board of school trustees under the provisions of Section 7-1 ~~or 7-2~~ of this Code, ~~At~~ the secretary shall cause a copy of such petition to be given to the president of the school ~~each~~ board of each detaching or dissolving and annexing school ~~any district involved in the proposed boundary change~~ and shall cause a notice thereof to be published once in a newspaper having general circulation within the area of the detaching or dissolving and annexing territory described in the petition ~~for the proposed change of boundaries.~~

(b) (Blank). ~~When a joint hearing is required under the provisions of Section 7-2, the secretary also shall cause a copy of the notice to be sent to the regional board of school trustees of each region affected. Notwithstanding the foregoing provisions of this Section, if the secretary of the regional board of school trustees with whom a petition is filed under Section 7-2 fails, within 30 days after the filing of such petition, to cause notice thereof to be published and sent as required by this Section, then the secretary of the regional board of school trustees of any other region affected may cause the required notice to be published and sent, and the joint hearing may be held in any region affected as provided in the~~

~~notice so published.~~

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

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

~~trustees, or regional boards of school trustees in cases of a joint hearing~~ may refuse to accept such stipulation. Those designated as the committee of 10 shall serve in that capacity until such time as the regional superintendent of schools or the committee of 10 determines that, because of death, resignation, transfer of residency from the territory, or failure to qualify, the office of a particular member of the committee of 10 is vacant. Upon determination that a vacancy exists, the remaining members shall appoint a petitioner to fill the designated vacancy on the committee of 10. The appointment of any new members by the committee of 10 shall be made by a simple majority vote of the remaining designated members.

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

(e) The petitioners shall pay the expenses of publishing the notice and ~~of~~ any transcript taken at the hearing and mailing the final order ~~or joint hearing~~; and, in case of an appeal from the decision of the regional board of school trustees, ~~or regional boards of school trustees in cases of a joint hearing~~, or State Superintendent of Education in cases determined under subsection (1) of this Section, the appellants shall pay the cost of preparing the record for appeal. The

regional superintendent of schools with whom the petition is filed may request a deposit at the time of filing to cover expenses as provided in this subsection (e).

(f) The notice shall state when the petition was filed, the description of the detaching territory or name of the dissolving district, the name of the annexing district, the prayer of the petition, and the ~~return~~ day and time on and location in which the hearing ~~or joint hearing~~ upon the petition will be held, which shall not be more than 30 ~~15~~ nor less than 15 calendar ~~10~~ days after the publication of notice.

(g) Prior to the hearing, the secretary of the regional board of school trustees shall submit to the regional board of school trustees maps showing the districts involved and a written report of the financial and educational conditions of the districts involved and the probable effect of the proposed changes. The reports and maps submitted must be made a part of the record of the proceedings of the regional board of school trustees. A copy of the report and maps submitted must be sent by the secretary of the regional board of school trustees to the president of the school board of each detaching or dissolving and annexing school district not less than 5 days prior to the day upon which the hearing is to be held. On such return day or on a day to which the regional board of school trustees, or regional boards of school trustees in cases of a joint hearing shall continue the hearing or joint hearing the regional board of school trustees, or regional boards of school

~~trustees in cases of a joint hearing shall hear the petition but may adjourn the hearing or joint hearing from time to time or may continue the matter for want of sufficient notice or other good cause.~~

(h) On the hearing day or on a day to which the regional board of school trustees shall continue the hearing, the regional board of school trustees shall hear the petition but may adjourn the hearing from time to time or may continue the matter for want of sufficient notice or other good cause. ~~Prior to the hearing or joint hearing the secretary of the regional board of school trustees shall submit to the regional board of school trustees, or regional boards of school trustees in cases of a joint hearing maps showing the districts involved, a written report of financial and educational conditions of districts involved and the probable effect of the proposed changes. The reports and maps submitted shall be made a part of the record of the proceedings of the regional board of school trustees, or regional boards of school trustees in cases of a joint hearing. A copy of the report and maps submitted shall be sent by the secretary of the regional board of school trustees to each board of the districts involved, not less than 5 days prior to the day upon which the hearing or joint hearing is to be held.~~

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

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

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

secretary thereof shall conduct the hearing upon any boundary petition and present a transcript of such hearing to the trustees, who shall base their decision upon the transcript, maps, and information and any presentation of counsel. ~~The regional board of school trustees or regional boards of school trustees in cases of a joint hearing shall hear evidence as to the school needs and conditions of the territory in the area within and adjacent thereto and the effect detachment will have on those needs and conditions and as to the ability of the districts affected to meet the standards of recognition as prescribed by the State Board of Education, and shall take into consideration the division of funds and assets which will result from the change of boundaries and shall determine whether it is to the best interests of the schools of the area and the direct educational welfare of the pupils that such change in boundaries be granted, and in case non high school territory is contained in the petition the normal high school attendance pattern of the children shall be taken into consideration. If the non high school territory overlies an elementary district, a part of which is in a high school district, such territory may be annexed to such high school district even though not contiguous to the high school district. However, upon resolution by the regional board of school trustees, or regional boards of school trustees in cases of a joint hearing the secretary or secretaries thereof shall conduct the hearing or joint hearing upon any boundary petition~~

~~and present a transcript of such hearing to the trustees who shall base their decision upon the transcript, maps and information and any presentation of counsel.~~ In the instance of a change of boundaries through detachment:

(1) When considering the effect the detachment will have on the direct educational welfare of the pupils, the regional board of school trustees ~~or the regional boards of school trustees~~ shall consider a comparison of the school report cards for the schools of the detaching and annexing ~~affected~~ districts and the school district report cards for the detaching and annexing ~~affected~~ districts only if there is no more than a 3% difference in the minority, low-income, and English learner student populations of the relevant schools of the districts.

(2) The community of interest of the petitioners and their children and the effect detachment will have on the whole child may be considered only if the regional board of school trustees ~~or the regional boards of school trustees~~ first determines ~~determine~~ that there would be a significant direct educational benefit to the petitioners' children if the change in boundaries were allowed.

(3) When petitioners cite an annexing district attendance center or centers in the petition or during testimony, the regional board of school trustees ~~or the regional boards of school trustees~~ may consider the difference in the distances from the detaching area to the

current attendance centers and the cited annexing district attendance centers only if the difference is no less than 10 miles shorter to one of the cited annexing district attendance centers than it is to the corresponding current attendance center.

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

(5) The regional board of school trustees ~~or the regional boards of school trustees~~ may not consider whether changing the boundaries will increase the property values of the petitioners' property.

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

If the regional board of school trustees ~~or the regional boards of school trustees~~ grants a petition to change school district boundaries, then the annexing school district shall

determine the attendance center or centers that children from the petitioning area shall attend.

(j) ~~At the hearing, or joint hearing any resident of the territory described in the petition or any resident in any detaching, dissolving, or annexing school district or any representative of a detaching, dissolving, or annexing school district affected by the proposed change of boundaries~~ may appear in person or by an attorney in support of the petition or to object to the granting of the petition and may present evidence in support of his or her position through either oral or written testimony.

(k) At the conclusion of the hearing, the regional superintendent of schools as secretary to the regional board of school trustees shall, within 30 days, enter an order either granting or denying the petition. The regional superintendent of schools shall deliver a certified copy of the order by certified mail, return receipt requested, to the petitioners or committee of petitioners, as applicable; the president of the school board of each detaching or dissolving and annexing district; any person providing testimony in support of or opposition to the petition at the hearing; and any attorney who appears for a person. The regional superintendent of schools shall also deliver a copy of the order to the regional superintendent of schools who has supervision and control, as defined in Section 3-14.2 of this Code, of the annexing district if different from the regional superintendent of

schools with whom the petition was filed. The regional superintendent of schools is not required to send a copy of the regional board of school trustees' order to those attending the hearing but not participating. The final order shall be in writing and include findings of fact, conclusions of law, and the decision to grant or deny the petition. ~~At the conclusion of the hearing, other than a joint hearing, the regional superintendent of schools as ex officio member of the regional board of school trustees shall within 30 days enter an order either granting or denying the petition and shall deliver to the committee of petitioners, if any, and any person who has filed his appearance in writing at the hearing and any attorney who appears for any person and any objector who testifies at the hearing and the regional superintendent of schools a certified copy of its order.~~

(1) Notwithstanding the foregoing provisions of this Section, if within 12 ~~9~~ months after a petition is submitted under the provisions of Section 7-1 of this Code the petition is not approved or denied by the regional board of school trustees and the order approving or denying that petition entered and a copy thereof served as provided in this Section, petitioners ~~the school boards or registered voters of the districts affected that submitted the petition (or the committee of 10, or an attorney acting on its behalf, if designated in the petition)~~ may submit a copy of the petition directly to the State Superintendent of Education for approval

or denial. The copy of the petition as so submitted shall be accompanied by a record of all proceedings had with respect to the petition up to the time the copy of the petition is submitted to the State Superintendent of Education (including a copy of any notice given or published, any certificate or other proof of publication, copies of any maps or written report of the financial and educational conditions of the school districts affected if furnished by the secretary of the regional board of school trustees, copies of any amendments to the petition and stipulations made, accepted or refused, a transcript of any hearing or part of a hearing held, continued or adjourned on the petition, and any orders entered with respect to the petition or any hearing held thereon). The petitioners ~~school boards, registered voters or committee of 10~~ submitting the petition and record of proceedings to the State Superintendent of Education shall give written notice by certified mail, return receipt requested, to the regional board of school trustees and to the secretary of that board and to the detaching or dissolving and annexing school districts that the petition has been submitted to the State Superintendent of Education for approval or denial, and shall furnish a copy of the notice so given to the State Superintendent of Education. The cost of assembling the record of proceedings for submission to the State Superintendent of Education shall be the responsibility of the petitioners that submit ~~school boards, registered voters or committee of 10 that submits~~ the petition

and record of proceedings to the State Superintendent of Education. When a petition is submitted to the State Superintendent of Education in accordance with the provisions of this paragraph:

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

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

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

(4) If so directed by the State Superintendent of Education, the regional superintendent of schools shall

submit to the State Superintendent of Education and to such school boards as the State Superintendent of Education shall prescribe accurate maps and a written report of the financial and educational conditions of the districts affected and the probable effect of the proposed boundary changes.

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

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

(m) (Blank). ~~Within 10 days after the conclusion of a joint hearing required under the provisions of Section 7-2, each regional board of school trustees shall meet together and render a decision with regard to the joint hearing on the petition. If the regional boards of school trustees fail to enter a joint order either granting or denying the petition, the regional superintendent of schools for the educational~~

~~service region in which the joint hearing is held shall enter an order denying the petition, and within 30 days after the conclusion of the joint hearing shall deliver a copy of the order denying the petition to the regional boards of school trustees of each region affected, to the committee of petitioners, if any, to any person who has filed his appearance in writing at the hearing and to any attorney who appears for any person at the joint hearing. If the regional boards of school trustees enter a joint order either granting or denying the petition, the regional superintendent of schools for the educational service region in which the joint hearing is held shall, within 30 days of the conclusion of the hearing, deliver a copy of the joint order to those same committees and persons as are entitled to receive copies of the regional superintendent's order in cases where the regional boards of school trustees have failed to enter a joint order.~~

(n) Within 10 days after service of a copy of the order granting or denying the petition, any person so served may petition for a rehearing ~~and, upon sufficient cause being shown, a rehearing may be granted.~~ The petition for rehearing shall specify the reason for the request. The regional board of school trustees shall first determine whether there is sufficient cause for a rehearing. If so determined, then the regional board of school trustees shall allow the petition to be heard anew in its entirety in accordance with all procedures in this Article. The party requesting a rehearing shall pay the

expenses of publishing the notice and of any transcript taken at the hearing. The filing of a petition for rehearing shall operate as a stay of enforcement until the regional board of school trustees, ~~or regional boards of school trustees in cases of a joint hearing,~~ or State Superintendent of Education in cases determined under subsection (1) of this Section enters ~~enter~~ the final order on such petition for rehearing.

(o) If a petition ~~filed under subsection (a) of Section 7-1 or under Section 7-2~~ is required under the provisions of subsection (b-5) of this Section ~~7-6~~ to request submission of a proposition at a regular scheduled election for the purpose of voting for or against the annexation of the territory described in the petition to the school district proposing to annex that territory, and if the petition is granted or approved by the regional board ~~or regional boards~~ of school trustees or by the State Superintendent of Education, the proposition shall be placed on the ballot at the next regular scheduled election.

(Source: P.A. 99-475, eff. 1-1-16.)

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

Sec. 7-7. Administrative Review Law. The decision of the regional board of school trustees, ~~or the decision of the regional boards of school trustees following a joint hearing,~~ or the decision of the State Superintendent of Education in cases determined pursuant to subsection (1) of Section 7-6 of this Code, shall be deemed an "administrative decision" as

defined in Section 3-101 of the Code of Civil Procedure; and any resident, ~~who appears at the hearing or any petitioner,~~ or board of education entitled to receive a certified copy of the regional board of school trustees' order ~~of any district affected~~ may, within 35 days after a copy of the decision sought to be reviewed was served by certified mail, return receipt requested, ~~registered mail~~ upon the resident, petitioner, or board of education, ~~the party affected~~ thereby file a complaint for a judicial review of such decision in accordance with the Administrative Review Law and the rules adopted pursuant thereto. The commencement of any action for judicial review shall operate as a stay of enforcement, and no further proceedings shall be had until final disposition of such review. ~~If the transcript of the hearing is required to be presented to another county board of school trustees the time within which a complaint for review must be filed shall not begin to run until the decision of the regional board of school trustees hearing the petition has been granted or denied by the regional board of school trustees conducting a hearing on the transcript.~~ The circuit court of the county in which the dissolving district or detaching territory is located ~~petition is filed with the regional board of school trustees~~ shall have sole jurisdiction to entertain a complaint for such review ~~when only one regional board of school trustees must act; however, when the regional boards of school trustees act following a joint hearing, the circuit court of the county in which the~~

~~joint hearing on the original petition is conducted shall have sole jurisdiction of the complaint for such review. In instances in which the dissolving district or detaching territory overlies more than one county, the circuit court of the county where a majority of the territory of the dissolving district or a majority of the territory of the detaching territory is located shall have sole jurisdiction to entertain a complaint for such review.~~

(Source: P.A. 87-210.)

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

Sec. 7-8. Limitation on successive petitions. No territory, nor any part thereof, which is involved in any proceeding to change the boundaries of a school district by detachment or dissolution from ~~or annexation to~~ such school district of such territory, and which, after a hearing on the merits of the petition or referendum vote, is not so detached or dissolved ~~nor annexed,~~ shall be again involved in proceedings to change the boundaries of such school district for at least 2 years after final determination of such first proceeding, unless during that 2-year period a petition filed is substantially different than any other previously filed petition during the previous 2 years or if a school district involved is identified as a priority district under Section 2-3.25d-5 of this Code, is placed on the financial watch list by the State Board of Education, or is certified as being in

financial difficulty during that 2-year period or if such first proceeding involved a petition brought under Section 7-2b of this Article 7. The 2-year period is counted beginning from the date of a final administrative decision after all appeal timelines have run, upon final court order after all appeal timelines have run, or upon the certification of the election results in the event of a dissolution. The 2-year period is 2 calendar years.

(Source: P.A. 99-193, eff. 7-30-15.)

(105 ILCS 5/7-9) (from Ch. 122, par. 7-9)

~~Sec. 7-9. Effective date of change. In case a petition is filed for the creation of or the change of boundaries of or for an election to vote upon a proposition of creating or annexing territory to a school district after August 1, as provided in this Article, and the change is granted or the election carries, and no appeal is taken such change shall become effective after the time for appeal has run for the purpose of all elections; however, the change shall not affect the administration of the schools until July 1 following the date the petition is granted or upon which the election is held and the school boards of the districts as they existed prior to the change shall exercise the same power and authority over such territory until such date; however, new districts shall be permitted to organize and elect officers within the time prescribed by the general election law. In the event that the~~

granting of a petition has become final, ~~either~~ through failure to seek Administrative Review, ~~or~~ by the final decision of a court on review if no further appeal is taken, or upon certification of election results in the event of a dissolution, the change in boundaries shall become effective the following July 1 forthwith. The school boards of the districts as they existed prior to the change shall exercise the same power and authority over such territory until such date, unless ~~However, if the granting of the petition becomes final between September 1 and June 30 of any year, the administration of and attendance at the schools shall not be affected until the following July 1, when the change in boundaries shall become effective for all purposes. After the granting of a petition has become final, the date when the change shall become effective for purposes of administration and attendance may be~~ accelerated or postponed by stipulation of ~~each of~~ the school boards of each detaching or dissolving and annexing school district and approval ~~affected and approved~~ by the regional board of school trustees ~~or by the board of a special charter district~~ with which the original petition is required to be filed.

(Source: P.A. 90-459, eff. 8-17-97.)

(105 ILCS 5/7-10) (from Ch. 122, par. 7-10)

Sec. 7-10. Map showing change; filed ~~change~~ Filed. Within 30 ~~thirty~~ days after the boundaries of any school district have

been changed, ~~or a new district created under any of the provisions of this Article~~ the regional county superintendent of schools ~~of any county involved~~ shall make and file with the county clerk or clerks ~~of his county~~ a map of any detaching, dissolving, or annexing school districts, ~~involved in any change of boundaries or creation of a new district~~ whereupon the county clerks shall extend taxes against the territory in accordance therewith; provided: ~~Provided~~ that if an action to review such decision under Section 7-7 of this Code is taken, the regional superintendent of schools ~~County Superintendent of Schools~~ shall not file the map with the county clerk until after he or she is served with a certified copy of the order of the final disposition of such review.

(Source: Laws 1961, p. 31.)

(105 ILCS 5/7-10.5 new)

Sec. 7-10.5. Teacher transfer. When dissolution and annexation become effective for purposes of administration and attendance as determined pursuant to Section 7-9 or 7-11 of this Code, as applicable, the positions of teachers in contractual continued service in the district being dissolved are transferred to an annexing district or to annexing districts pursuant to the provisions of subsection (h) of Section 24-11 of this Code relative to teachers having contractual continued service status whose positions are transferred from one school board to the control of a different

school board, and those said provisions of subsection (h) of Section 24-11 of this Code shall apply to the transferred teachers. In the event that the territory is added to 2 or more districts, the decision on which positions are to be transferred to which annexing districts must be made giving consideration to the proportionate percentage of pupils transferred and the annexing districts' staffing needs, and the transfer of specific individuals into such positions must be based upon the request of those teachers in order of seniority in the dissolving district. The contractual continued service status of any teacher thereby transferred to an annexing district is not lost and the different school board is subject to this Code with respect to the transferred teacher in the same manner as if the teacher was that district's employee and had been its employee during the time the teacher was actually employed by the school board of the dissolving district from which the position was transferred.

(105 ILCS 5/7-11) (from Ch. 122, par. 7-11)

Sec. 7-11. Annexation of dissolved non-operating districts. If any school district has become dissolved as provided in Section 5-32 of this Code, or if a petition for dissolution is filed under ~~subsection (b) of~~ Section 7-2a of this Code, the regional board of school trustees shall attach the territory of such dissolved district to one or more districts and, if the territory is added to 2 or more

districts, shall divide the property of the dissolved district among the districts to which its territory is added, in the manner provided for the division of property in case of the organization of a new district from a part of another district. The regional board of school trustees of the region in which the regional superintendent has supervision and control, as defined in Section 3-14.2 of this Code, over the school district that is dissolved shall have all power necessary to annex the territory of the dissolved district as provided in this Section, including the power to attach the territory to a school district under the supervision and control of the regional superintendent of another educational service region and, in the case of Leepertown CCSD 175, the power to attach the territory to a non-contiguous school district if deemed in the best interests of the schools of the area and the educational welfare of the pupils involved. The annexation of the territory of a dissolved school district under this Section shall entitle the school districts involved in the annexation to payments from the State Board of Education in the same manner and to the same extent authorized in the case of other annexations under this Article. Other provisions of this Article 7 of this ~~The School~~ Code shall apply to and govern dissolutions and annexations under this Section and Section 7-2a of this Code, except that it is the intent of the General Assembly that in the case of conflict the provisions of this Section and Section 7-2a of this Code shall control over the

other provisions of this Article.

The regional board of school trustees shall give notice of a hearing, to be held not less than 50 days nor more than 70 days after a school district is dissolved under Section 5-32 of this Code or a petition is filed under ~~subsection (b) of~~ Section 7-2a of this Code, on the disposition of the territory of such school district by publishing a notice thereof at least once each week for 2 successive weeks in at least one newspaper having a general circulation within the area of the territory involved. At such hearing, the regional board of school trustees shall hear evidence as to the school needs and conditions of the territory and of the area within and adjacent thereto, and shall take into consideration the educational welfare of the pupils of the territory and the normal high school attendance pattern of the children. In the case of an elementary school district, except for Leepertown CCSD 175, if all the eighth grade graduates of such district customarily attend high school in the same high school district, the regional board of school trustees shall, unless it be impossible because of the restrictions of a special charter district, annex the territory of the district to a contiguous elementary school district whose eighth grade graduates customarily attend that high school, and that has an elementary school building nearest to the center of the territory to be annexed, but if such eighth grade graduates customarily attend more than one high school the regional board of school trustees

shall determine the attendance pattern of such graduates and divide the territory of the district among the contiguous elementary districts whose graduates attend the same respective high schools.

At the conclusion of the hearing, the regional superintendent of schools, as secretary to the regional board of school trustees, shall, within 10 days, enter an order detailing the annexation of the dissolved district. The regional superintendent of schools shall deliver a certified copy of the order by certified mail, return receipt requested, to the petitioners or committee of petitioners, as applicable; the president of the school board of each dissolving and annexing district; any person providing testimony in support of or opposition to the petition at the hearing; and any attorney who appears for any person. The regional superintendent of schools shall also deliver a copy of the order to the regional superintendent of schools who has supervision and control, as defined in Section 3-14.2 of this Code, of the annexing district, if different from the regional superintendent of schools with whom the petition was filed. The regional superintendent of schools is not required to send a copy of the regional board of school trustees' order to those attending the hearing but not participating. The final order shall be in writing and include findings of fact, conclusions of law, and the annexation decision. The decision of the regional board of school trustees shall be ~~The decision of the regional board of~~

~~school trustees in such matter shall be issued within 10 days after the conclusion of the hearing and deemed an "administrative decision" as defined in Section 3-101 of the Code of Civil Procedure, and any resident, who appears at the hearing or any petitioner, or school board entitled to receive a certified copy of the regional board of school trustees' order may, within 10 days after a copy of the decision sought to be reviewed was served by certified mail, return receipt requested, registered mail upon the resident, petitioner, or school board, the party affected thereby file a complaint for the judicial review of such decision in accordance with the "Administrative Review Law", and all amendments and modifications thereof and the rules adopted pursuant thereto. The commencement of any action for review shall operate as a stay of enforcement, and no further proceedings shall be had until final disposition of such review. The final decision of the regional board of school trustees or of any court upon judicial review shall become effective under Section 7-9 of this Code in the case of a petition for dissolution filed under subsection (b) of Section 7-2a of this Code, and a final decision shall become effective immediately following the date no further appeal is allowable in the case of a district dissolved under Section 5-32 of this Code.~~

Notwithstanding the foregoing provisions of this Section or any other provision of law to the contrary, the school board of the Mt. Morris School District is authorized to donate to

the City of Mount Morris, Illinois the school building and other real property used as a school site by the Mt. Morris School District at the time of its dissolution, by appropriate resolution adopted by the school board of the district prior to the dissolution of the district; and upon the adoption of a resolution by the school board donating the school building and school site to the City of Mount Morris, Illinois as authorized by this Section, the regional board of school trustees or other school officials holding legal title to the school building and school site so donated shall immediately convey the same to the City of Mt. Morris, Illinois.

(Source: P.A. 97-656, eff. 1-13-12.)

(105 ILCS 5/7-12) (from Ch. 122, par. 7-12)

Sec. 7-12. Termination of office. Upon the close of the then current school year during which any school district is annexed to another school district under any of the provisions of this Article, the terms of office of the school directors or board of education members of the annexed school district shall be terminated and the school board of the annexing district shall perform all the duties and have all the powers of the school board of the annexed district. The annexing district as it is constituted on and after the time of such annexation shall receive all the assets and assume all the obligations and liabilities including the bonded indebtedness of the original annexing district and of the district annexed. The tax rate for

such assumed bonded indebtedness shall be determined in the manner provided in Article 19 of this Code Act.

(Source: Laws 1961, p. 31.)

(105 ILCS 5/7-29) (from Ch. 122, par. 7-29)

Sec. 7-29. Limitation on contesting boundary change. ~~No~~
~~Neither the People of the State of Illinois nor any person,~~
~~corporation, private or public, nor any association of persons~~
~~shall commence an action contesting either directly or~~
~~indirectly the annexation of any territory to a school district~~
~~shall commence or the creation of any new school district~~
unless brought within 2 calendar years after (i) the order
annexing the territory ~~or creating the new district~~ shall have
become final in the event of a detachment or (ii) the election
results shall have been certified in the event of a
dissolution. Where ~~or within 2 years after the date of the~~
~~election creating the new school district if no proceedings to~~
~~contest such election are duly instituted within the time~~
~~permitted by law, or within two years after the final~~
~~disposition of any proceedings which may be so instituted to~~
~~contest such election; however where a limitation of a shorter~~
period is prescribed by statute, such shorter limitation shall
apply. The, ~~and the~~ limitation set forth in this Section
~~section~~ shall not apply to jurisdictional challenges ~~any order~~
~~where the judge, body or officer entering the order annexing~~
~~the territory or creating the new district did not at the time~~

~~of the entry of such order have jurisdiction of the subject matter.~~

(Source: P.A. 86-1334.)

(105 ILCS 5/7-31 new)

Sec. 7-31. Applicability of amendatory Act. For any petition filed with the regional superintendent of schools under this Article prior to the effective date of this amendatory Act of the 100th General Assembly, including a petition for a rehearing pursuant to subsection (n) of Section 7-6 of this Code, the proposed action described in the petition, including all notices, hearings, administrative decisions, ballots, elections, and passage requirements relating thereto, shall proceed and be in accordance with the law in effect prior to the effective date of this amendatory Act of the 100th General Assembly.

(105 ILCS 5/10-22.35B new)

Sec. 10-22.35B. Title to school sites and buildings.

(a) On January 1, 1994 (the effective date of Public Act 88-155): (i) the legal title to all school buildings and school sites used or occupied for school purposes by a school district located in a Class I county school unit or held for the use of any such school district by and in the name of the regional board of school trustees shall vest in the school board of the school district, and the legal title to those school buildings

and school sites shall be deemed transferred by operation of law to the school board of the school district, to be used for school purposes and held, sold, leased, exchanged, or otherwise transferred in accordance with law; and (ii) the legal title to all school buildings and school sites used or occupied for school purposes by a school district that is located in a Class II county school unit and that has withdrawn from the jurisdiction and authority of the trustees of schools of a township and the township treasurer under subsection (b) of Section 5-1 of this Code or held for the use of any such school district by and in the name of the regional board of school trustees at the time that regional board of school trustees was abolished by Public Act 87-969 shall vest in the school board of the school district, and the legal title to those school buildings and school sites shall be deemed transferred by operation of law to the school district, to be used for school purposes and held, sold, leased, exchanged, or otherwise transferred in accordance with law.

(b) The school board of each school district to which subsection (a) of this Section is applicable may receive any gift, grant, donation, or legacy made for the use of any school or for any school purpose within its jurisdiction and shall succeed to any gift, grant, donation, or legacy heretofore received by the regional board of school trustees, either from the township school trustees within their jurisdiction or from any other source, for the use of any school of the district

served by the school board or for any other school purpose of that school district. All conveyances of real estate made to the school board of a school district under this Section shall be made to the school board in its corporate name and to its successors in office.

(c) All school districts and high school districts may take and convey title to real estate to be improved by buildings or other structures for vocational or other educational training as provided in Section 10-23.3 of this Code.

(d) Nothing in this Section shall be deemed to apply to any common school lands or lands granted or exchanged therefor or to the manner in which such lands are managed and controlled for the use and benefit of the school township and the schools of the township by the township land commissioners, the regional board of school trustees (acting as the township land commissioners), or the trustees of schools of the township, which hold legal title to those lands; and they may continue to receive gifts, grants, donations, or legacies made for the use of the school township and for the schools of the township generally in the same manner as such gifts, grants, donations, or legacies were made prior to January 1, 1994.

(105 ILCS 5/12-24) (from Ch. 122, par. 12-24)

Sec. 12-24. Elimination of non-high school district. The territory of the non-high school district or unit district not maintaining a high school in existence on January 1, 1950 of

any county having a population of 500,000 or less shall be automatically eliminated from the non-high school district or unit district, unless (1) the non-high school territory is adjacent to a district created by a special Act whose boundaries are required by such Act to be coterminous with some city or village or to a district maintaining grades 1 through 12 and (2) has children in such territory who customarily attend the high school of such district and (3) has no school district operating grades 9 through 12 to which such territory could be annexed without impairing the educational opportunities of the children of such territory and in such case the territory shall remain non-high school territory.

Any such non-high school district including any unit district not maintaining a high school pursuant to the provisions of this Section shall pay tuition for high school students at a rate to be mutually agreed by the boards of education of each district affected.

When territory is eliminated from a non-high school district or unit district not maintaining a high school it shall be annexed by the county board of school trustees as provided in Section 7-27 of this Code (now repealed) ~~Act~~.

Any non-high school district affected by such elimination and annexation may continue to exercise all previously conferred and existing powers pending final administrative or judicial affirmance thereof.

(Source: P.A. 81-950.)

(105 ILCS 5/16-2) (from Ch. 122, par. 16-2)

Sec. 16-2. Joint use of site and building. Whenever the school boards of two or more school districts have agreed upon the joint use of any school site and compensation to be paid therefor, and any such site has been selected in the manner required by law, it is lawful for such districts to use the same school site and after payment of the compensation, the trustees of schools of the township or regional board of school trustees, as the case may be, by proper instrument in writing shall declare that title to such site is held for the joint use of such districts according to the terms of such agreement, and such districts shall be further authorized to construct, maintain and use a building jointly for the benefit of the inhabitants thereof. Notwithstanding any other provisions of this Section:

(1) If legal title to the selected site is held in the name of the school board of a school district that has agreed to the joint use of the site with any other school districts, and if those other school districts are also districts whose school boards, under subsection (a) of Section 10-22.35B of this Code ~~7-28~~, are to hold legal title to school buildings and school sites of the district, then upon the execution of the agreement and payment of the compensation in accordance with the terms of the agreement the school boards of the districts shall be deemed to hold legal title to the site as tenants in common,

and the required deed or deeds of conveyance shall be executed and delivered by the president and secretary or clerk of the school boards to reflect that legal title to the selected site is held in that manner.

(2) If one more but not all of the school boards that are party to the agreement are school boards that, under subsection (a) of Section 10-22.35B of this Code ~~7-28~~, are to hold legal title to the school buildings and school sites of the district, the interest in the selected site of each school board that is to hold legal title to the school buildings and school sites of the district shall be that of a tenant in common; and the required deed or deeds of conveyance shall be executed and delivered by the president and secretary or clerk of the trustees of schools of the township, regional board of school trustees, township land commissioners, or school boards, as the case may be, to reflect that tenancy in common interest of the appropriate school board or school boards with the trustees of schools of the township, regional board of school trustees or township land commissioners, as the case may be, in the legal title to the selected site.

(Source: P.A. 88-155.)

(105 ILCS 5/32-4.6) (from Ch. 122, par. 32-4.6)

Sec. 32-4.6. Title, care and custody of property; supervision and control.

The title, care and custody of all schoolhouses and school

sites belonging to districts that are described in Section 32-2.11 and that are not districts whose school boards under subsection (a) of Section 10-22.35B of this Code ~~7-28~~ are to hold legal title to school buildings and school sites of the district shall be vested in the trustees of schools of the townships in which the districts are situated, but the supervision and control of such schoolhouses and sites shall be vested in the board of inspectors of the districts. In all other cases, the legal title, care, custody and control of school houses and school sites belonging to districts that are described in Section 32-2.11, together with the supervision and control of those school houses and sites, shall be vested in the board of inspectors of the districts.

(Source: P.A. 88-155.)

(105 ILCS 5/7-01 rep.)

(105 ILCS 5/7-2 rep.)

(105 ILCS 5/7-13 rep.)

(105 ILCS 5/7-27 rep.)

(105 ILCS 5/7-28 rep.)

(105 ILCS 5/7-30 rep.)

Section 10. The School Code is amended by repealing Sections 7-01, 7-2, 7-13, 7-27, 7-28, and 7-30.

Section 99. Effective date. This Act takes effect July 1, 2017.