



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5356

by Rep. Jim Durkin

SYNOPSIS AS INTRODUCED:

105 ILCS 5/5-1a

from Ch. 122, par. 5-1a

Amends the Trustees of Schools Article of the School Code. Allows the school board of a high school district located in a Class II county school unit to withdraw from the jurisdiction and authority of the trustees of schools and the township treasurer of a township in which all or any part of the school district is located if the school boards of the underlying elementary school districts whose territory includes all or any part of the territory included within that high school district and whose student population represents at least 50% of the total student population of that high school district consent to the proposed withdrawal. Provides that if consent is received and a resolution is adopted and passed, the school board of the withdrawing school district must elect or appoint its own school treasurer. Thereafter, provides that the trustees of schools shall no longer have or exercise any powers and duties with respect to the school district or the school district's business, operations, or assets; requires the township trustees to transfer and deliver to the school board all books and records relating to the school district's business and affairs; and provides that legal title to school buildings and school sites located within the school district shall be deemed transferred by operation of law to and shall vest in the school board. Effective immediately.

LRB101 16923 CMG 66322 b

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing Section
5 5-1a as follows:

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

7 Sec. 5-1a. High school districts.

8 (a) Notwithstanding any other provision of this Article or
9 the School Code, the school board of any high school district
10 that is located in a Class II county school unit and that on or
11 after the effective date of this amendatory Act of 1991 is
12 subject to the jurisdiction and authority of a township
13 treasurer and trustees of schools of a township in which all or
14 any part of that school district is located may not withdraw
15 from the jurisdiction and authority of that township treasurer
16 and those trustees of schools ~~and transfer or otherwise submit~~
17 ~~to the jurisdiction and authority of a township treasurer or~~
18 ~~trustees of school of another township,~~ unless the school
19 boards of the board of each underlying elementary school
20 districts district whose territory includes all or any part of
21 the territory included within that high school district and
22 whose student population represents at least 50% of the total
23 student population of that high school district, by resolution,

1 ~~consent consents~~ to the proposed withdrawal by the school board
2 of that high school district from the jurisdiction and
3 authority of the township treasurer and trustees of schools of
4 the township to which that high school district is subject ~~and~~
5 ~~the transfer or other submission by the school board of that~~
6 ~~high school district to the jurisdiction and authority of a~~
7 ~~township treasurer or trustees of schools of another township.~~

8 Upon withdrawal under this Section by proper resolution,
9 the school board of the withdrawing school district shall, upon
10 the adoption and passage of a resolution, elect or appoint its
11 own school treasurer as provided in Section 8-1. Upon the
12 adoption and passage of a resolution and the election or
13 appointment by the school board of its own school treasurer:
14 (1) the trustees of schools shall no longer have or exercise
15 any powers and duties with respect to the school district
16 governed by the school board or with respect to the school
17 business, operations, or assets of the school district; and (2)
18 all books and records of the township trustees relating to the
19 school business and affairs of the school district shall be
20 transferred and delivered to the school board of the school
21 district. Upon withdrawal, the legal title to and all right,
22 title, and interest formerly held by the township trustees in
23 any school buildings and school sites used and occupied by the
24 school board of the withdrawing school district for school
25 purposes, that legal title, right, title, and interest
26 thereafter having been transferred to and vested in the

1 regional board of school trustees under Public Act 87-473 until
2 the abolition of that regional board of school trustees by
3 Public Act 87-969, shall be deemed transferred by operation of
4 law to and shall vest in the school board of that school
5 district.

6 (b) A high school district that is subject to the
7 jurisdiction and authority of the township treasurer and
8 trustees of schools of a township in which those offices are
9 abolished as provided in subsection (c) of Section 5-1 shall
10 thereupon be required to appoint its own school treasurer as
11 provided in paragraph (4) of subsection (c) of Section 5-1 and
12 subsection (c) of Section 8-1, and shall be subject to and
13 governed by the other changes made to the School Code by this
14 amendatory Act of 1991, insofar as the same are applicable to a
15 high school district.

16 (Source: P.A. 87-473.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.