

1 AN ACT concerning elections.

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

4 Section 5. The Election Code is amended by changing  
5 Section 2A-1.1 as follows:

6 (10 ILCS 5/2A-1.1) (from Ch. 46, par. 2A-1.1)

7 Sec. 2A-1.1. All Elections - Consolidated Schedule. (a)  
8 In even-numbered years, the general election shall be held on  
9 the first Tuesday after the first Monday of November; and an  
10 election to be known as the general primary election shall be  
11 held on the third Tuesday in March;

12 (b) In odd-numbered years, an election to be known as  
13 the consolidated election shall be held on the first Tuesday  
14 in May ~~April~~ except as provided in Section 2A-1.1a of this  
15 Act; and an election to be known as the consolidated primary  
16 election shall be held on the third ~~last~~ Tuesday in March  
17 ~~February~~.

18 (c) References in this Code and other statutes to a  
19 consolidated election in April or a regularly scheduled  
20 election in April mean the consolidated election on the first  
21 Tuesday in May of odd-numbered years. References in this Code  
22 and other statutes to a consolidated primary election in  
23 February or a regularly scheduled election in February mean  
24 the consolidated primary election on the third Tuesday in  
25 March of odd-numbered years.

26 (Source: P.A. 90-358, eff. 1-1-98.)

27 Section 10. The School Code is amended by changing  
28 Sections 7A-2, 11A-3, 11B-3 and 33-1 as follows:

29 (105 ILCS 5/7A-2) (from Ch. 122, par. 7A-2)

1           Sec. 7A-2. Petition filing; notice; hearing; decision.  
2   Any petition to dissolve a unit school district, create an  
3   elementary school district therefrom and annex the same  
4   territory to a contiguous high school district as provided in  
5   Section 7A-1 shall be filed with the regional superintendent  
6   of schools of the educational service region in which the  
7   territory described in the petition or the greater portion of  
8   the equalized assessed valuation of such territory is  
9   situated, signed by at least 10% of the voters residing  
10  within each district affected or by the boards of each  
11  district affected. The petition shall: (i) request the  
12  submission of the proposition at a regular scheduled election  
13  for the purpose of voting for or against the dissolution of  
14  such unit school district, creation of an elementary school  
15  district therefrom and annexation of the same territory to an  
16  existing contiguous high school district as provided in  
17  Section 7A-1; (ii) describe the territory of the unit school  
18  district proposed to be dissolved which shall be stated in  
19  the petition to be the same as the territory comprising the  
20  proposed elementary school district and the same as the  
21  territory proposed to be annexed to the existing contiguous  
22  high school district; (iii) describe the territory of the  
23  existing high school district to which the territory proposed  
24  to be annexed is contiguous; and (iv) set forth the maximum  
25  tax rates for educational and operations, building and  
26  maintenance purposes and the purchase of school grounds,  
27  pupil transportation, and fire prevention and safety purposes  
28  which the annexing high school district and the elementary  
29  school district proposed to be created each shall be  
30  authorized to levy.

31           The petition may request that if the proposition to  
32  dissolve a unit school district, create an elementary school  
33  district therefrom, and annex the same territory to a  
34  contiguous high school district is submitted to the voters at

1 the consolidated election which occurs in April of  
2 odd-numbered years, at the general primary election which  
3 occurs in March of even-numbered years, at the nonpartisan  
4 election which occurs in November of odd-numbered years, or  
5 at the general election which occurs in November of  
6 even-numbered years, that at that same election a board of  
7 education be elected on a separate ballot to serve as the  
8 board of education of the proposed new elementary school  
9 district. Any election of board members at the same election  
10 at which the proposition to create the elementary school  
11 district to be served by that board is submitted to the  
12 voters shall proceed under the supervision of the Regional  
13 Superintendent as provided in Section 7A-6.

14 When the petition contains more than 10 signatures, the  
15 petition shall designate a committee of 10 of the petitioners  
16 as attorney in fact for all petitioners, any 7 of whom may  
17 make binding stipulations on behalf of all petitioners as to  
18 any question with respect to the petition or hearing,  
19 including the power to stipulate to accountings or waiver  
20 thereof between school districts. The regional  
21 superintendent of schools required to hold a hearing on the  
22 petition as provided in this Section may accept any such  
23 stipulation instead of evidence or proof of the matter  
24 stipulated, or may refuse to accept any such stipulation.

25 Upon the filing of such petition with the regional  
26 superintendent of schools as provided in this Section, such  
27 regional superintendent of schools shall cause a copy of the  
28 petition to be given to the board of each district affected  
29 and to the regional superintendent of schools of any other  
30 educational service region in which any part of the territory  
31 described in the petition is situated. The regional  
32 superintendent of schools with whom the petition is required  
33 to be filed shall cause a notice thereof to be published at  
34 least once each week for 3 successive weeks in at least one

1 newspaper having general circulation within the area of all  
2 territory described in the petition. The notice shall state  
3 when and to whom the petition was presented, the description  
4 of the territory of the unit school district proposed to be  
5 dissolved which shall be stated in the notice to be the same  
6 as the territory comprising the proposed elementary school  
7 district and the same as the territory proposed to be annexed  
8 to the existing contiguous high school district, the  
9 description of the existing high school district to which the  
10 territory proposed to be annexed is contiguous, a statement  
11 of the maximum tax rates for educational and operations,  
12 building and maintenance purposes and the purchase of school  
13 grounds, pupil transportation, and fire prevention and safety  
14 purposes which the annexing high school district and the  
15 proposed elementary school district each shall be authorized  
16 to levy or establish, the prayer of the petition, and the day  
17 on which the hearing upon the petition shall be held. The  
18 petitioners shall pay the expense of publishing the notice.

19 No more than 30 days after the last date on which the  
20 required notice is published the regional superintendent of  
21 schools with whom the petition is required to be filed shall  
22 hold a hearing on the petition, provided that the regional  
23 superintendent of schools may adjourn the hearing from time  
24 to time or may continue the matter for want of sufficient  
25 notice or other good cause. Prior to the hearing the  
26 petitioners shall submit to the regional superintendent of  
27 schools maps showing the districts affected, a written report  
28 of financial and educational conditions of the districts  
29 affected and the probable effect of the proposed dissolution  
30 of the unit school district, creation of an elementary school  
31 district therefrom and annexation of the same territory to  
32 the existing contiguous high school district. The reports  
33 and maps submitted by the petitioners shall be made a part of  
34 the record of proceedings of the regional superintendent of

1 schools holding the hearing, and if the boards of the  
2 districts affected are not the petitioners, such regional  
3 superintendent of schools shall send copies of such reports  
4 and maps to such boards not less than 5 days prior to the  
5 date on which the hearing is to be held.

6 Upon the regional superintendent of schools determining  
7 that the petitioners have paid the expense of publishing the  
8 notice of hearing, that the petition as filed is proper and  
9 -- if the petitioners be voters residing in each district  
10 affected -- that the petition is in compliance with any  
11 applicable petition requirements of the Election Code, the  
12 regional superintendent of schools shall hear evidence as to  
13 the school needs and conditions in all territory described in  
14 the petition and in the area adjacent thereto, shall hear  
15 evidence with respect to the ability of the elementary school  
16 district proposed to be created and the ability of the  
17 contiguous existing high school district, after the proposed  
18 annexation, to meet standards of recognition as prescribed by  
19 the State Board of Education, shall take into consideration  
20 any division of funds or assets if the petition is approved,  
21 and shall determine whether it is for the best interests of  
22 the schools of the area and the educational welfare of the  
23 pupils therein that such unit school district be dissolved,  
24 an elementary school district be created therefrom and the  
25 same territory be annexed to an existing contiguous high  
26 school district. No petition filed under this Article and no  
27 referendum held pursuant to any petition so filed shall be  
28 null and void or invalidated or deemed in noncompliance with  
29 the Election Code because of the failure to publish a notice  
30 of intention to file the petition or to attach to the  
31 petition an affidavit attesting to the publication of that  
32 notice as required under subsection (g) of Section 28-2 of  
33 the Election Code for petitions that are not filed under  
34 Article 7A, 11A, 11B, or 11D of the School Code.

1           At the hearing any resident of any territory described in  
2 the petition and any regional superintendent of schools  
3 entitled under the provisions of this Section to be given a  
4 copy of the petition by the regional superintendent of  
5 schools conducting the hearing may appear in person or by an  
6 attorney at law in support of or in objection to the prayer  
7 of the petition, and may submit evidence in support of either  
8 such position. A transcript of the proceedings in the  
9 hearing before the regional superintendent of schools shall  
10 be prepared, and the expense of preparing the same shall be  
11 paid by the petitioners.

12           Within 14 days after the conclusion of the hearing, the  
13 regional superintendent of schools shall make a decision  
14 either approving or denying the petition, and shall thereupon  
15 submit the petition and all evidence taken at the hearing to  
16 the State Superintendent of Education who shall, within 30  
17 days thereafter, review the entire record of the proceedings  
18 had before the regional superintendent of schools, including  
19 the transcript of such proceedings, and approve or deny the  
20 petition upon consideration of and in accordance with the  
21 following criteria:

22           (i) whether the proposed elementary school district  
23 and the contiguous existing high school district after  
24 the proposed annexation will have sufficient size (pupil  
25 enrollment) and financial resources (assessed valuation)  
26 to provide and maintain a recognized educational program  
27 for their respective districts as proposed;

28           (ii) whether the dissolution of the unit school  
29 district, creation of an elementary school district  
30 therefrom and annexation of the same territory to the  
31 existing high school district is for the best interests  
32 of the schools of the area and the educational welfare of  
33 the pupils therein; and

34           (iii) whether the territory of the proposed

1 elementary school district and the territory of the  
2 contiguous existing high school district after the  
3 proposed annexation are each compact and contiguous for  
4 school purposes.

5 If the State Superintendent of Education denies the  
6 petition the reasons for such denial shall be communicated to  
7 the boards of each district affected, to any committee  
8 designated as attorney in fact for the petitioners as  
9 provided in this Section, to any regional superintendent of  
10 schools entitled under the provisions of this Section to be  
11 given a copy of the petition by the regional superintendent  
12 of schools who conducted the hearing and to any resident of  
13 any territory described in the petition who appears at the  
14 hearing, or to any attorney at law appearing of record in the  
15 hearing on behalf of any such board, committee, regional  
16 superintendent of schools or resident otherwise entitled to  
17 receive communication of the reasons for such denial; and no  
18 further proceedings shall be had.

19 (Source: P.A. 86-13; 87-10; 87-185; 87-839; 87-1270.)

20 (105 ILCS 5/11A-3) (from Ch. 122, par. 11A-3)

21 Sec. 11A-3. Petition filing; notice; hearing; decision.  
22 A petition shall be filed with the Regional Superintendent of  
23 the region in which the territory described in the petition  
24 or that part of the territory with the greater per cent of  
25 equalized assessed valuation is situated, signed by at least  
26 200 voters residing in at least 3/4 of the school districts  
27 or parts of districts and residing in the territory included  
28 in the petition, or the petition may be filed by the board of  
29 education of each of the school districts wholly or partially  
30 included in the territory described in the petition. A  
31 petition that is not filed by the board of education of each  
32 of the school districts wholly or partially included in the  
33 territory described in the petition must contain signatures

1 from 50 legal resident voters from each of the school  
2 districts wholly or partially included in the territory  
3 described in the petition or from 10% of the legal resident  
4 voters from each of the school districts wholly or partially  
5 included in the territory described in the petition,  
6 whichever is lesser. Provided, however, that no petition  
7 filed, or election held under this Article shall be null or  
8 void or invalidated or deemed in noncompliance with the  
9 Election Code for the failure of any person or persons  
10 seeking the creation of a new school district hereunder to  
11 publish a notice of intention to file such petition or to  
12 attach an affidavit attesting to the publication of such  
13 notice to such petition as required under subsection (g) of  
14 Section 28-2 of the Election Code for petitions that are not  
15 filed under Article 7A, 11A, 11B, or 11D of the School Code.  
16 The petition shall (1) request the submission of the  
17 proposition at a regular scheduled election for the purpose  
18 of voting for or against the establishment of a community  
19 unit school district in the territory; (2) describe the  
20 territory comprising the proposed district; (3) set forth the  
21 maximum tax rates for educational, operations and maintenance  
22 and the purchase and improvements of school grounds, pupil  
23 transportation, and fire prevention and safety purposes the  
24 proposed district shall be authorized to levy; and (4)  
25 designate a committee of 10 of the petitioners, any 7 of whom  
26 may at any time, prior to the final decision of the Regional  
27 Superintendent, amend the petition in all respects (except  
28 that there may not be an increase or decrease of more than  
29 25% of the territory to be included in the proposed  
30 district), and may make binding stipulations on behalf of all  
31 petitioners as to any question with respect to the petition  
32 or hearing and the Regional Superintendent may accept such  
33 stipulation instead of evidence or proof of the matter  
34 stipulated, which committee of petitioners may stipulate to



1 accountings or waiver thereof between school districts;  
2 however, the Regional Superintendent may refuse to accept  
3 such stipulation; those designated as the Committee of Ten  
4 shall serve in such capacity until such time as the Regional  
5 Superintendent should determine that, because of death,  
6 resignation, transfer of residency from the territory,  
7 failure to qualify or for any other reason, the office of a  
8 particular member of the Committee is vacant. Failure of a  
9 person designated as a member of the Committee of Ten to sign  
10 the petition, whether filed prior or subsequent to September  
11 23, 1983 (the effective date of P.A. 83-686), shall not  
12 disqualify such person as a member thereof and such person  
13 may sign the petition at any time prior to final disposition  
14 of the petition and the conclusion of the proceedings to form  
15 a unit district, including all litigation pertaining to the  
16 petition or proceedings. Upon determination by the Regional  
17 Superintendent that such vacancies exist, he shall so declare  
18 such vacancies and shall notify the remaining members to  
19 appoint a petitioner or petitioners, as the case may be, to  
20 fill the vacancies in the Committee of Ten so designated.  
21 Such appointment by the Committee of Ten of any such new  
22 membership shall be made by a simple majority vote of the  
23 designated remaining members. The Committee of Ten shall  
24 act, unless otherwise herein specified, by majority vote of  
25 the membership. The Committee of Ten may voluntarily dismiss  
26 their petition at any time before the final decision of the  
27 Regional Superintendent.

28 The petition may request that the referendum at which the  
29 proposition is submitted for the purpose of voting for or  
30 against the establishment of a community unit school district  
31 include as part of the proposition the election of board  
32 members by school board district rather than at large. Any  
33 petition requesting the election of board members by district  
34 shall divide the proposed school district into 7 school board

1 districts, each of which must be compact and contiguous and  
2 substantially equal in population to each other school board  
3 district. Any election of board members by school board  
4 district shall proceed under the supervision of the Regional  
5 Superintendent as provided in Section 11A-8. The Committee of  
6 Ten may amend any petition approved by the Regional  
7 Superintendent and State Superintendent of Education prior to  
8 July 29, 1988 to include as part of the proposition the  
9 election of board members by district as provided above. The  
10 Regional Superintendent shall, following approval by the  
11 State Superintendent of Education, submit the proposition as  
12 provided in the amended petition to the appropriate election  
13 authorities.

14 The petition may request that if the proposition to  
15 create a community unit school district is submitted to the  
16 voters at the consolidated election ~~which occurs in April of~~  
17 ~~odd-numbered years,~~ at the general primary election ~~which~~  
18 ~~occurs in March of even-numbered years, at the nonpartisan~~  
19 ~~election which occurs in November of odd-numbered years,~~ or  
20 at the general election ~~which occurs in November of~~  
21 ~~even-numbered years,~~ that at that same election a board of  
22 education be elected on a separate ballot to serve as the  
23 board of education of the proposed new district. Any  
24 election of board members at the same election at which the  
25 proposition to create the district to be served by that board  
26 is submitted to the voters shall proceed under the  
27 supervision of the Regional Superintendent as provided in  
28 Section 11A-8.

29 The petition may also request that the referendum at  
30 which the proposition shall be submitted for the purpose of  
31 voting for or against the establishment of a community unit  
32 school district in the territory include a proposition on a  
33 separate ballot authorizing the issuance of bonds by the  
34 district when organized, in accordance with this Act. The

1 principal amount of the bonds and the purposes of issuance  
2 shall be stated in such petition and in all notices and  
3 propositions submitted thereunder.

4 A petition to form a new community unit school district  
5 from the entire territory of 2 or more school districts may  
6 also request that the bonded indebtedness of each existing  
7 school district be assumed by the entire territory of the new  
8 community unit school district in the manner provided by  
9 subsection (b) of Section 11A-12.

10 Upon the filing of a petition with the Regional  
11 Superintendent of the Region in which the greater portion of  
12 the equalized assessed valuation of the territory described  
13 in the petition lies, the Regional Superintendent shall cause  
14 a copy of such petition to be given to each board of any  
15 district involved in the proposed formation of the new  
16 district and shall cause a notice thereof to be published at  
17 least once each week for 3 successive weeks in at least one  
18 newspaper having general circulation within the area of the  
19 territory of the proposed district. The notice shall state  
20 when and to whom the petition was presented, the description  
21 of the territory of the proposed district, if requested in  
22 the petition a statement of the proposition to issue bonds  
23 and indicating the amount and purpose thereof, and the day on  
24 which the hearing upon the petition will be held. Not more  
25 than 30 days after the publication of notice the Regional  
26 Superintendent shall hold a hearing on the petition.

27 Upon the Regional Superintendent determining that the  
28 petition, as filed or amended, is proper and is in compliance  
29 with any applicable petition requirements set forth in the  
30 Election Code, he shall hear evidence as to the school needs  
31 and conditions of the territory and in the area within and  
32 adjacent thereto and take into consideration the division of  
33 funds and assets which will result from the organization of  
34 the district, and shall determine whether it is for the best

1 interests of the schools of the area and the educational  
2 welfare of the pupils therein that such district be  
3 organized.

4 At the hearing, any resident in the proposed district or  
5 any district affected thereby may appear in support of the  
6 petition or to object thereto. The Regional Superintendent  
7 may adjourn the hearing from time to time. Within 14 days  
8 after the conclusion of the hearing the Regional  
9 Superintendent shall make a decision either approving or  
10 denying the petition. Upon the Regional Superintendent  
11 approving or denying the petition he shall submit the  
12 petition and all evidence submitted to the State  
13 Superintendent of Education who shall, within 30 days after  
14 the decision of the Regional Superintendent, approve or deny  
15 the petition according to the following criteria:

16 He shall review the entire record of the proceedings had  
17 before the Regional Superintendent, including the transcript  
18 of said proceedings, and based upon a review of the same  
19 shall take into consideration:

20 (1) whether the proposed district will have  
21 sufficient size (pupil enrollment) and financial  
22 resources (assessed valuation) to provide and maintain a  
23 recognized educational program for grades kindergarten  
24 through 12;

25 (2) whether the proposed school district is for the  
26 best interests of the schools of the area and the  
27 educational welfare of the pupils therein; and

28 (3) whether the territory for the proposed school  
29 district is compact and contiguous for school purposes.

30 If the State Superintendent of Education denies the  
31 petition the reasons for such denial shall be communicated to  
32 appropriate groups, agencies or instrumentalities  
33 representing the petitioners.

34 If a majority of the voters in at least 2 community unit

1 school districts have voted in favor of a proposition to  
2 create a new community unit school district, but the  
3 proposition was not approved under the standards set forth in  
4 Section 11A-8 of the School Code, then the members of the  
5 Committee of Ten shall submit an amended petition for  
6 consolidation to the boards of education of those districts  
7 as long as the territory involved is compact and contiguous.  
8 The petition submitted to the boards of education shall be  
9 identical in form and substance to the petition previously  
10 approved by the Regional Superintendent of Schools with the  
11 sole exception that the territory comprising the proposed  
12 district shall be amended to include the compact and  
13 contiguous territory of those community unit school districts  
14 in which a majority of the voters voted in favor of the  
15 proposal.

16 Each board of education to which the petition is  
17 submitted shall meet and vote to approve or not approve the  
18 amended petition no more than 30 days after it has been filed  
19 with the board. The Regional Superintendent shall make  
20 available to each board of education with which a petition  
21 has been filed all transcripts and records of the previous  
22 petition hearing. The boards of education shall, by the  
23 appropriate resolution, approve or disapprove the amended  
24 petition. No board of education may approve an amended  
25 petition unless it first finds that the territory described  
26 in the petition is compact and contiguous.

27 If a majority of the members of each board of education  
28 to whom a petition is submitted votes in favor of the amended  
29 petition, the approved petition shall be transmitted by the  
30 secretary of each board of education to the State  
31 Superintendent of Education who shall, within 30 days of  
32 receipt, approve or deny the amended petition based on the  
33 criteria stated in this Section which governed the State  
34 Superintendent of Education in his initial review of the

1 petition. If approved by the State Superintendent of  
2 Education, the petition shall be placed on the ballot at the  
3 next regularly scheduled election.

4 (Source: P.A. 87-10; 87-185; 87-839; 87-1270; 88-555, eff.  
5 7-27-94.)

6 (105 ILCS 5/11B-3) (from Ch. 122, par. 11B-3)

7 Sec. 11B-3. Petition filing; notice; hearing; decision.  
8 A petition shall be filed with the Regional Superintendent of  
9 the region in which the territory described in the petition  
10 or the greater portion of the equalized assessed valuation of  
11 the territory is situated, signed by at least 10% of the  
12 voters residing within each district included in the  
13 territory or filed by the boards of each school district  
14 affected. The petition shall: (1) request the submission of  
15 the proposition at a regular scheduled election for the  
16 purpose of voting for or against the establishment of a  
17 combined school district in the territory; (2) describe the  
18 territory comprising the proposed district by districts; (3)  
19 set forth the maximum tax rates for educational, operations  
20 and maintenance and the purchase and improvements of school  
21 grounds, pupil transportation and fire prevention and safety  
22 purposes the proposed district shall be authorized to levy;  
23 and (4) designate a committee of 10 of the petitioners, any 7  
24 of whom may at any time prior to the regional  
25 superintendent's final decision amend the petition in all  
26 respects and make binding stipulations on behalf of all  
27 petitioners as to any question with respect to the petition  
28 or hearing, including stipulations for accountings or the  
29 waiver thereof between school districts. The regional  
30 superintendent who is required to hold a hearing on the  
31 petition as provided in this Section may accept any such  
32 stipulation instead of evidence or proof of the matter  
33 stipulated or may refuse to accept the stipulation. Those

1 designated as the Committee of Ten shall serve in that  
2 capacity until such time as the regional superintendent  
3 determines that because of death, resignation, transfer of  
4 residency from the territory, failure to qualify or any other  
5 reason the office of a particular member of the Committee is  
6 vacant. Failure of a person designated as a member of the  
7 Committee of Ten to sign the petition shall not disqualify  
8 that person as a member thereof, and that person may sign the  
9 petition at any time prior to final disposition of the  
10 petition and the conclusion of the proceedings to form the  
11 new combined school district, including all litigation  
12 pertaining to the petition or proceedings. Upon  
13 determination by the regional superintendent that vacancies  
14 exist, he shall declare the vacancies and shall notify the  
15 remaining members to appoint a petitioner or petitioners, as  
16 the case may be, to fill the vacancies in the Committee of  
17 Ten so designated. An appointment by the Committee of Ten to  
18 fill any such vacancy shall be made by a simple majority vote  
19 of the designated remaining members. The Committee of Ten  
20 shall act, unless otherwise herein specified, by majority  
21 vote of the membership. The Committee of Ten may voluntarily  
22 dismiss their petition at any time before the final decision  
23 of the Regional Superintendent.

24 The petition may request that if the proposition to  
25 create a combined school district is submitted to the voters  
26 at the consolidated election ~~which occurs in April of~~  
27 ~~odd-numbered years,~~ at the general primary election ~~which~~  
28 ~~occurs in March of even-numbered years,~~ ~~at the nonpartisan~~  
29 ~~election which occurs in November of odd-numbered years,~~ or  
30 at the general election ~~which occurs in November of~~  
31 ~~even-numbered years,~~ that at that same election a board of  
32 education be elected on a separate ballot to serve as the  
33 board of education of the proposed new district. Any  
34 election of board members at the same election at which the

1 proposition to create the district to be served by that board  
2 is submitted to the voters shall proceed under the  
3 supervision of the Regional Superintendent as provided in  
4 Section 11B-7.

5 The petition may also request that the referendum include  
6 a proposition on a separate ballot authorizing the issuance  
7 of bonds by the district when organized in accordance with  
8 this Article. The principal amount of the bonds and the  
9 purposes of the issuance shall be stated in the petition and  
10 in all notices and propositions submitted thereunder.

11 Upon the filing of a petition with the Regional  
12 Superintendent under the provisions of Section 11B-2 of this  
13 Article, the Regional Superintendent shall cause a copy of  
14 such petition to be given to each board of any district  
15 involved in the proposed formation of the new district and  
16 shall cause a notice thereof to be published at least once  
17 each week for 3 successive weeks in at least one newspaper  
18 having general circulation within the area of the territory  
19 of the proposed district. The notice shall state when and to  
20 whom the petition was presented, the description of the  
21 territory of the proposed district, and the day on which the  
22 hearing upon the petition will be held. Not more than 30  
23 days after the publication of notice, the Regional  
24 Superintendent shall hold a hearing on the petition. Prior  
25 to the hearing, the petitioners shall submit to the Regional  
26 Superintendent maps showing the districts involved, and any  
27 other information pertinent to the proposed formation of a  
28 new district. The reports and maps submitted shall be made a  
29 part of the records of the proceedings of the Regional  
30 Superintendent. A copy of the reports and maps submitted  
31 shall be sent to the board of each district involved, not  
32 less than 5 days prior to the date upon which the hearing is  
33 to be held. The Regional Superintendent shall hear evidence  
34 as to the school needs and conditions in the territory which



1 will form the proposed new district and as to the ability of  
2 the proposed new district to meet the standards of  
3 recognition as prescribed by the State Board of Education.

4 At the hearing, any resident in the territory described  
5 in the petition may appear in person or by an attorney in  
6 support of the petition or to object to the granting of the  
7 petition and may present evidence in support of his position.  
8 At the conclusion of the hearing, the Regional Superintendent  
9 of schools shall within 14 days enter an order either  
10 granting or denying the petition and shall deliver to any  
11 attorney of record and affected school board a copy of his  
12 order. Upon the Regional Superintendent approving or denying  
13 the petition he shall submit the petition and all evidence  
14 submitted to the State Superintendent of Education for  
15 review. The Superintendent shall, within 30 days after the  
16 decision of the Regional Superintendent, approve or deny the  
17 petition according to the following criteria:

18 He shall review the entire record of the proceedings had  
19 before the Regional Superintendent, including the transcript  
20 of said proceedings, and based upon a review of the same  
21 shall take into consideration:

22 (1) whether the proposed district will have  
23 sufficient size (pupil enrollment) and financial  
24 resources (assessed valuation) to provide and maintain a  
25 recognized educational program for the proposed school  
26 district;

27 (2) whether the proposed school district is for the  
28 best interests of schools of the area and the educational  
29 welfare of the pupils therein; and

30 (3) whether the territory for the proposed school  
31 district is compact and contiguous for school purposes.

32 If the State Superintendent of Education denies the  
33 petition the reasons for such denial shall be communicated to  
34 appropriate groups, agencies or instrumentalities

1 representing the petitioners and no further proceedings shall  
2 be had.

3 (Source: P.A. 87-10; 87-107; 87-839; 87-1270.)

4 (105 ILCS 5/33-1) (from Ch. 122, par. 33-1)

5 Sec. 33-1. Board of Education - Election - Terms. In  
6 all school districts, including special charter districts  
7 having a population of 100,000 and not more than 500,000,  
8 which adopt this Article, as hereinafter provided, there  
9 shall be maintained a system of free schools in charge of a  
10 board of education, which shall be a body politic and  
11 corporate by the name of "Board of Education of the City  
12 of....". The board shall consist of 7 members elected by the  
13 voters of the district. ~~Except as provided in Section 33-1b~~  
14 ~~of this Act,~~ The regular election for members of the board  
15 shall be held at the consolidated election and at the general  
16 primary election ~~on the first Tuesday of April in odd~~  
17 ~~numbered years and on the third Tuesday of March in even~~  
18 ~~numbered years.~~ The law governing the registration of voters  
19 for the primary election shall apply to the regular election.  
20 At the first regular election 7 persons shall be elected as  
21 members of the board. The person who receives the greatest  
22 number of votes shall be elected for a term of 5 years. The  
23 2 persons who receive the second and third greatest number of  
24 votes shall be elected for a term of 4 years. The person who  
25 receives the fourth greatest number of votes shall be elected  
26 for a term of 3 years. The 2 persons who receive the fifth  
27 and sixth greatest number of votes shall be elected for a  
28 term of 2 years. The person who receives the seventh  
29 greatest number of votes shall be elected for a term of 1  
30 year. Thereafter, at each regular election for members of the  
31 board, the successors of the members whose terms expire in  
32 the year of election shall be elected for a term of 5 years.  
33 All terms shall commence on July 1 next succeeding the

1 elections. Any vacancy occurring in the membership of the  
2 board shall be filled by appointment until the next regular  
3 election for members of the board.

4 In any school district which has adopted this Article, a  
5 proposition for the election of board members by school board  
6 district rather than at large may be submitted to the voters  
7 of the district at the regular school election of any year in  
8 the manner provided in Section 9-22. If the proposition is  
9 approved by a majority of those voting on the propositions,  
10 the board shall divide the school district into 7 school  
11 board districts as provided in Section 9-22. At the regular  
12 school election in the year following the adoption of such  
13 proposition, one member shall be elected from each school  
14 board district, and the 7 members so elected shall, by lot,  
15 determine one to serve for one year, 2 for 2 years, one for 3  
16 years, 2 for 4 years, and one for 5 years. Thereafter their  
17 respective successors shall be elected for terms of 5 years.  
18 The terms of all incumbent members expire July 1 of the year  
19 following the adoption of such a proposition.

20 Any school district which has adopted this Article may,  
21 by referendum in accordance with Section 33-1a, adopt the  
22 method of electing members of the board of education provided  
23 in that Section.

24 Reapportionment of the voting districts provided for in  
25 this Article or created pursuant to a court order, shall be  
26 completed pursuant to Section 33-1c.

27 (Source: P.A. 82-1014; 86-1331.)