



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB1324**

Introduced 2/9/2005, by Rep. William B. Black

**SYNOPSIS AS INTRODUCED:**

105 ILCS 5/10-21.12	from Ch. 122, par. 10-21.12
105 ILCS 5/10-22.22	from Ch. 122, par. 10-22.22
105 ILCS 5/10-22.22b	from Ch. 122, par. 10-22.22b

Amends the School Code. Allows for the deactivation of an elementary school facility in the same manner as the deactivation of a high school facility. Effective immediately.

LRB094 09007 NHT 39228 b

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing Sections  
5 10-21.12, 10-22.22, and 10-22.22b as follows:

6 (105 ILCS 5/10-21.12) (from Ch. 122, par. 10-21.12)

7 Sec. 10-21.12. Transfer of teachers. The employment of a  
8 teacher transferred from one board or administrative agent to  
9 the control of a new or different board or administrative agent  
10 shall be considered continuous employment if such transfer of  
11 employment occurred by reason of any of the following events:

12 (1) a boundary change or the creation or reorganization of  
13 any school district pursuant to Article 7, 7A, 11A or 11B; or

14 (2) the deactivation or reactivation of any high school or  
15 elementary school pursuant to Section 10-22.22b; or

16 (3) the creation, expansion, reduction or dissolution of a  
17 special education program pursuant to Section 10-22.31, or the  
18 creation, expansion, reduction or dissolution of a joint  
19 educational program established under Section 10-22.31a; or

20 (4) the creation, expansion, reduction, termination or  
21 dissolution of any joint agreement program operated by a  
22 regional superintendent, governing board, or other  
23 administrative agent or any program operated pursuant to an  
24 Intergovernmental Joint Agreement. The changes made by this  
25 amendatory Act of 1990 are declaratory of existing law.

26 (Source: P.A. 86-1441.)

27 (105 ILCS 5/10-22.22) (from Ch. 122, par. 10-22.22)

28 Sec. 10-22.22. Transportation for pupils-Tuition.

29 To provide free transportation for pupils, and where in its  
30 judgment the interests of the district and of the pupils  
31 therein will be best subserved by so doing the school board may

1 permit the pupils in the district or in any particular grade to  
2 attend the schools of other districts and may permit any pupil  
3 to attend an area secondary vocational school operated by a  
4 public school district or a public or non-public vocational  
5 school within the State of Illinois or adjacent states approved  
6 by the Board of Vocational Education, and may provide free  
7 transportation for such pupils and shall pay the tuition of  
8 such pupils in the schools attended; such tuition shall be  
9 based upon per capita cost computed in the following manner:  
10 The cost of conducting and maintaining any area secondary  
11 vocational school facility shall be first determined and shall  
12 include the following expenses applicable only to such  
13 educational facility under rules and regulations established  
14 by the Board of Vocational Education and Rehabilitation as  
15 follows:

16 a. Salaries of teachers, vocational counselors, and  
17 supporting professional workers, necessary non-certified  
18 workers, clerks, custodial employees, and any district taxes  
19 specifically for their pension and retirement benefits.

20 b. Equipment and supplies necessary for program operation.

21 c. Administrative costs.

22 d. Operation of physical plant, including heat, light,  
23 water, repairs, and maintenance.

24 e. Auxiliary service, not including any transportation  
25 cost.

26 From such total cost thus determined there shall be  
27 deducted the State reimbursement due on account of such  
28 educational facility for the same year, not including any State  
29 reimbursement for area secondary vocational school  
30 transportation. Such net cost shall be divided by the average  
31 number of pupils in average daily attendance in such area  
32 secondary vocational school facility for the school year in  
33 order to arrive at the net per capita tuition cost. Such costs  
34 shall be computed on pupils regularly enrolled in an area  
35 secondary vocational school on the basis of one-sixth day for  
36 every class hour attended pursuant to such enrollment.

1 Provided, that the board subject to the approval of the county  
 2 superintendent of schools may determine what schools outside of  
 3 their district such pupils shall attend. This section does not  
 4 require the board of directors or board of education of any  
 5 district to admit pupils from another district.  
 6 ~~Notwithstanding any provisions in this section every school~~  
 7 ~~board shall maintain an elementary school within the district.~~

8 (Source: P.A. 76-1522.)

9 (105 ILCS 5/10-22.22b) (from Ch. 122, par. 10-22.22b)

10 Sec. 10-22.22b. (a) The provisions of this subsection shall  
 11 not apply to the deactivation of a high school facility under  
 12 subsection (c). Where in its judgment the interests of the  
 13 district and of the students therein will be best served, to  
 14 deactivate any high school facility or elementary school  
 15 facility in the district and send the students of such high  
 16 school in grades 9 through 12 or such elementary school in  
 17 grades kindergarten through 8, as applicable, to schools in  
 18 other districts. Such action may be taken only with the  
 19 approval of the voters in the district and the approval, by  
 20 proper resolution, of the school board of the receiving  
 21 district. The board of the district contemplating deactivation  
 22 shall, by proper resolution, cause the proposition to  
 23 deactivate the ~~high~~ school facility to be submitted to the  
 24 voters of the district at a regularly scheduled election.  
 25 Notice shall be published at least 10 days prior to the date of  
 26 the election at least once in one or more newspapers published  
 27 in the district or, if no newspaper is published in the  
 28 district, in one or more newspapers with a general circulation  
 29 within the district. The notice shall be substantially in the  
 30 following form:

31 NOTICE OF REFERENDUM TO  
 32 DEACTIVATE THE ... ~~HIGH~~ SCHOOL FACILITY  
 33 IN SCHOOL DISTRICT NO. ....

34 Notice is hereby given that on (insert date), a referendum  
 35 will be held in ..... County (Counties) for the purpose of

1 voting for or against the proposition to deactivate the .....  
 2 ~~High~~ School facility in School District No. .... and to send  
 3 pupils in ..... ~~High~~ School to School District(s) No. ....

4 The polls will be open at .... o'clock ... m., and close at  
 5 .... o'clock ... m. of the same day.

6 A..... B.....

7 Dated (insert date).

8 Regional Superintendent of Schools

9 The proposition shall be in substantially the following form:

10 -----

11 Shall the Board  
 12 of Education of School  
 13 District No. ...., YES  
 14 ..... County, Illinois, be  
 15 authorized to deactivate -----  
 16 the .... ~~High~~ School facility  
 17 and to send pupils in ..... NO  
 18 ~~High~~ School to School  
 19 District(s) No. ....?

20 -----

21 If the majority of those voting upon the proposition in the  
 22 district contemplating deactivation vote in favor of the  
 23 proposition, the board of that district, upon approval of the  
 24 board of the receiving district, shall execute a contract with  
 25 the receiving district providing for the reassignment of  
 26 students to the receiving district. If the deactivating  
 27 district seeks to send its students to more than one district,  
 28 it shall execute a contract with each receiving district. The  
 29 length of the contract shall be for 2 school years, but the  
 30 districts may renew the contract for additional one year or 2  
 31 year periods. Contract renewals shall be executed by January 1  
 32 of the year in which the existing contract expires. If the  
 33 majority of those voting upon the proposition do not vote in  
 34 favor of the proposition, the school facility may not be  
 35 deactivated.

1 The sending district shall pay to the receiving district an  
2 amount agreed upon by the 2 districts.

3 When the deactivation of ~~high~~ school facilities becomes  
4 effective pursuant to this Section, the provisions of Section  
5 24-12 relative to the contractual continued service status of  
6 teachers having contractual continued service whose positions  
7 are transferred from one board to the control of a different  
8 board shall apply, and the positions at the ~~high~~ school  
9 facilities being deactivated held by teachers, as that term is  
10 defined in Section 24-11, having contractual continued service  
11 with the school district at the time of the deactivation shall  
12 be transferred to the control of the board or boards who shall  
13 be receiving the district's ~~high-school~~ students on the  
14 following basis:

15 (1) positions of such teachers in contractual  
16 continued service that were full time positions shall be  
17 transferred to the control of whichever of such boards such  
18 teachers shall request with the teachers making such  
19 requests proceeding in the order of those with the greatest  
20 length of continuing service with the board to those with  
21 the shortest length of continuing service with the board,  
22 provided that the number selecting one board over another  
23 board or other boards shall not exceed that proportion of  
24 the ~~high~~ school students going to such board or boards; and

25 (2) positions of such teachers in contractual  
26 continued service that were full time positions and as to  
27 which there is no selection left under subparagraph 1  
28 hereof shall be transferred to the appropriate board.

29 The contractual continued service status of any teacher  
30 thereby transferred to another district is not lost and the  
31 receiving board is subject to the School Code with respect to  
32 such transferred teacher in the same manner as if such teacher  
33 was the district's employee during the time such teacher was  
34 actually employed by the board of the deactivating district  
35 from which the position was transferred.

36 (b) The provisions of this subsection shall not apply to

1 the reactivation of a high school facility which is deactivated  
 2 under subsection (c). The sending district may, with the  
 3 approval of the voters in the district, reactivate the ~~high~~  
 4 school facility which was deactivated. The board of the  
 5 district seeking to reactivate the school facility shall, by  
 6 proper resolution, cause the proposition to reactivate to be  
 7 submitted to the voters of the district at a regularly  
 8 scheduled election. Notice shall be published at least 10 days  
 9 prior to the date of the election at least once in one or more  
 10 newspapers published in the district or, if no newspaper is  
 11 published in the district, in one or more newspapers with a  
 12 general circulation within the district. The notice shall be  
 13 substantially in the following form:

14 NOTICE OF REFERENDUM TO  
 15 REACTIVATE THE ..... ~~HIGH~~ SCHOOL FACILITY  
 16 IN SCHOOL DISTRICT NO. ....

17 Notice is hereby given that on (insert date), a referendum  
 18 will be held in ..... County (Counties) for the purpose of  
 19 voting for or against the proposition to reactivate the .....  
 20 ~~High~~ School facility in School District No. .... and to  
 21 discontinue sending pupils of School District No. .... to  
 22 School District(s) No. ....

23 The polls will be opened at ... o'clock .. m., and closed  
 24 at ... o'clock .. m. of the same day.

25 A..... B.....

26 Dated (insert date).  
 27 Regional Superintendent of Schools

28 The proposition shall be in substantially the following form:

29 -----  
 30 Shall the Board  
 31 of Education of School YES  
 32 District No. ....,  
 33 ..... County, Illinois,  
 34 be authorized to -----  
 35 reactivate the .... ~~High~~ School

1 facility and to discontinue sending  
 2 pupils of School District No. .... NO  
 3 to School District(s) No. ....?

4 -----

5 (c) The school board of any unit school district which  
 6 experienced a strike by a majority of its certified employees  
 7 that endured for over 6 months during the regular school term  
 8 of the 1986-1987 school year, and which during the ensuing  
 9 1987-1988 school year had an enrollment in grades 9 through 12  
 10 of less than 125 students may, when in its judgment the  
 11 interests of the district and of the students therein will be  
 12 best served thereby, deactivate the high school facilities  
 13 within the district for the regular term of the 1988-1989  
 14 school year and, for that school year only, send the students  
 15 of such high school in grades 9 through 12 to schools in  
 16 adjoining or adjacent districts. Such action may only be taken:  
 17 (a) by proper resolution of the school board deactivating its  
 18 high school facilities and the approval, by proper resolution,  
 19 of the school board of the receiving district or districts, and  
 20 (b) pursuant to a contract between the sending and each  
 21 receiving district, which contract or contracts: (i) shall  
 22 provide for the reassignment of all students of the deactivated  
 23 high school in grades 9 through 12 to the receiving district or  
 24 districts; (ii) shall apply only to the regular school term of  
 25 the 1988-1989 school year; (iii) shall not be subject to  
 26 renewal or extension; and (iv) shall require the sending  
 27 district to pay to the receiving district the cost of educating  
 28 each student who is reassigned to the receiving district, such  
 29 costs to be an amount agreed upon by the sending and receiving  
 30 district but not less than the per capita cost of maintaining  
 31 the high school in the receiving district during the 1987-1988  
 32 school year. Any high school facility deactivated pursuant to  
 33 this subsection for the regular school term of the 1988-1989  
 34 school year shall be reactivated by operation of law as of the  
 35 end of the regular term of the 1988-1989 school year. The  
 36 status as a unit school district of a district which



1 deactivates its high school facilities pursuant to this  
2 subsection shall not be affected by reason of such deactivation  
3 of its high school facilities and such district shall continue  
4 to be deemed in law a school district maintaining grades  
5 kindergarten through 12 for all purposes relating to the levy,  
6 extension, collection and payment of the taxes of the district  
7 under Article 17 for the 1988-1989 school year.

8 (d) Whenever a ~~high~~ school facility is reactivated pursuant  
9 to the provisions of this Section, then all teachers in  
10 contractual continued service who were honorably dismissed or  
11 transferred as part of the deactivation process, in addition to  
12 other rights they may have under the School Code, shall be  
13 recalled or transferred back to the original district.

14 (Source: P.A. 91-357, eff. 7-29-99.)

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law.