



Sen. George P. Shadid

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1 AMENDMENT TO SENATE BILL 176

2 AMENDMENT NO. _____. Amend Senate Bill 176 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections
5 11A-2, 11A-8, and 12-11.1 as follows:

6 (105 ILCS 5/11A-2) (from Ch. 122, par. 11A-2)

7 Sec. 11A-2. Organization of community unit districts;
8 territorial requirement. (1) Any contiguous and compact
9 territory of at least \$12,000,000 equalized assessed valuation
10 and having a population of not less than 4,000 and not more
11 than 500,000, no part of which is included within any unit
12 district, may be organized into a community unit school
13 district as provided in this Article; (2) the territory of 2 or
14 more entire unit school districts that are contiguous to each
15 other and the territory of which taken as a whole is compact
16 may be organized into a community unit school district as
17 provided in this Article; or (3) the territory of one or more
18 entire unit school districts that are contiguous to each other
19 plus any contiguous and compact territory, no part of which is
20 included within any unit district, and the territory of which
21 taken as a whole is compact may be organized into a community
22 unit school district as provided in this Article; however, a
23 petition or petitions may be filed hereunder proposing to
24 divide a unit school district into 2 or more parts and

1 proposing to include all of such parts in 2 or more community
2 unit districts. As used in this Section, a unit school district
3 includes, but is not limited to, a special charter unit school
4 district.

5 The territory of any high school district and fewer than
6 all of the elementary school districts included within the high
7 school district may be organized into a community unit school
8 district. Any such elementary school district not
9 participating in the reorganization shall remain an elementary
10 school district, and the territory of that elementary school
11 district shall be designated a non-high school district
12 pursuant to Article 12 of this Code.

13 The regional superintendent shall not accept for filing
14 hereunder any petition which includes therein any territory
15 already included as part of the territory described in another
16 petition filed hereunder. Hearings on a petition filed
17 hereunder shall not be commenced so long as any part of the
18 territory described therein shall include territory described,
19 whether by amendment or otherwise, in another petition filed
20 hereunder. A petition may be filed hereunder which contains
21 less than the required minimum equalized assessed valuation or
22 population requirements provided that such a petition shall not
23 be approved by the regional superintendent and State
24 Superintendent unless it is determined: (1) that there is a
25 compelling reason for granting the petition; (2) that the
26 territory involved cannot currently be organized as part of a
27 petition which meets the minimum requirements; (3) that the
28 granting of the petition will not interfere with the ultimate
29 reorganization of the territory into a school district which
30 meets the minimum requirements; (4) that the granting of the
31 petition is in the best educational interests of the pupils
32 affected; and (5) that the granting of the petition is
33 financially beneficial to the affected school districts.

34 (Source: P.A. 88-555, eff. 7-27-94.)

1 (105 ILCS 5/11A-8) (from Ch. 122, par. 11A-8)

2 Sec. 11A-8. Passage requirements.

3 (a) Except as otherwise provided by Section 11A-7, the
4 proposition to create a community unit school district shall be
5 submitted only to the voters of the territory which comprises
6 the proposed community unit school district, and if a majority
7 of the voters in each of the affected school districts voting
8 at such election vote in favor of the establishment of such
9 community unit school district, the proposition shall be deemed
10 to have passed. However, if a majority of the voters in any
11 affected school district fails to vote in favor of the
12 proposition, then that district's refusal shall not prevent the
13 other affected school districts' reorganization. If such
14 reorganization occurs, then any elementary school district not
15 participating in the reorganization shall remain an elementary
16 school district, and the territory of that elementary school
17 district shall be designated as a non-high school district
18 pursuant to Article 12 of this Code. Unless the board of
19 education of a new community unit school district is elected at
20 the same election at which the proposition establishing that
21 district is deemed to have passed, the regional superintendent
22 of schools shall order an election to be held on the next
23 regularly scheduled election date for the purpose of electing a
24 board of education for that district. In either event, the
25 board of education elected for a new community unit school
26 district created under this Article shall consist of 7 members
27 who shall have the terms and the powers and duties of school
28 boards as defined in Article 10 of this Act. Nomination papers
29 filed under this Section are not valid unless the candidate
30 named therein files with the regional superintendent a receipt
31 from the county clerk showing that the candidate has filed a
32 statement of economic interests as required by the Illinois
33 Governmental Ethics Act. Such statement shall be so filed

1 either previously during the calendar year in which his
2 nomination papers were filed or within the period for the
3 filing of nomination papers in accordance with the general
4 election law. The regional superintendent shall perform the
5 election duties assigned by law to the secretary of a school
6 board for such election, and shall certify the officers and
7 candidates therefor pursuant to the general election law.

8 (b) Except as otherwise provided in subsection (c), for
9 school districts formed before January 1, 1975, if the
10 territory of such district is greater than 2 congressional
11 townships or 72 square miles, then not more than 3 board
12 members may be selected from any one congressional township,
13 but congressional townships of less than 100 inhabitants shall
14 not be considered for the purpose of such mandatory board
15 representation, and in any such community unit district where
16 at least 75% but not more than 90% of the population is in one
17 congressional township 4 board members shall be selected
18 therefrom and 3 board members shall be selected from the rest
19 of the district, but in any such community unit district where
20 more than 90% of the population is in one congressional
21 township all board members may be selected from one or more
22 congressional townships; and whenever the territory of any
23 community unit district shall consist of not more than 2
24 congressional townships or 72 square miles, but shall consist
25 of more than one congressional township, or 36 square miles,
26 outside of the corporate limits of any city, village or
27 incorporated town within the school district, not more than 5
28 board members shall be selected from any city, village or
29 incorporated town in such school district.

30 (c) The provisions of subsection (b) for mandatory board
31 representation shall no longer apply to a community unit school
32 district formed prior to January 1, 1975, and the members of
33 the board of education shall be elected at large from within
34 that school district and without restriction by area of

1 residence within the district if both of the following
2 conditions are met with respect to that district:

3 (1) A proposition for the election of board members at
4 large and without restriction by area of residence within
5 the district rather than in accordance with the provisions
6 of subsection (b) for mandatory board representation is
7 submitted to the school district's voters at a regular
8 school election or at the general election as provided in
9 this subsection (c).

10 (2) A majority of those voting at the election in each
11 congressional township comprising the territory of the
12 school district, including any congressional township of
13 less than 100 inhabitants, vote in favor of the
14 proposition.

15 The board of education of the school district may by
16 resolution order submitted or, upon the petition of the lesser
17 of 2,500 or 5% of the school district's registered voters,
18 shall order submitted to the school district's voters at a
19 regular school election or at the general election the
20 proposition for the election of board members at large and
21 without restriction by area of residence within the district
22 rather than in accordance with the provisions of subsection (b)
23 for mandatory board representation; and the proposition shall
24 thereupon be certified by the board's secretary for submission.
25 If a majority of those voting at the election in each
26 congressional township comprising the territory of the school
27 district, including any congressional township of less than 100
28 inhabitants, vote in favor of the proposition: (i) the
29 proposition to elect board members at large and without
30 restriction by area of residence within the district shall be
31 deemed to have passed, (ii) new members of the board shall be
32 elected at large and without restriction by area of residence
33 within the district at the next regular school election, and
34 (iii) the terms of office of the board members incumbent at the

1 time the proposition is adopted shall expire when the new board
2 members that are elected at large and without restriction by
3 area of residence within the district have organized in
4 accordance with Section 10-16. In a community unit school
5 district that formerly elected its members under subsection (b)
6 to successive terms not exceeding 4 years, the members elected
7 at large and without restriction by area of residence within
8 the district shall be elected for a term of 4 years, and in a
9 community unit school district that formerly elected its
10 members under subsection (b) to successive terms not exceeding
11 6 years, the members elected at large and without restriction
12 by area of residence within the district shall be elected for a
13 term of 6 years; provided, that in each case the terms of the
14 board members initially elected at large and without
15 restriction by area of residence within the district as
16 provided in this subsection shall be staggered and determined
17 in accordance with the provisions of Sections 10-10 and 10-16.

18 (Source: P.A. 89-129, eff. 7-14-95.)

19 (105 ILCS 5/12-11.1) (from Ch. 122, par. 12-11.1)

20 Sec. 12-11.1. Tax levy.

21 (a) Except as otherwise provided in subsection (b) of this
22 Section, levy ~~Levy~~ a tax annually upon all the taxable property
23 of the district not to exceed 1% of value as equalized or
24 assessed by the Department of Revenue, for the purpose of
25 paying the tuition of all eighth-grade graduates residing
26 within the district attending any recognized high school. The
27 board of education of such nonhigh school district may by
28 proper resolution cause a proposition to increase the annual
29 tax rate for such purpose to be submitted to the voters of such
30 district at any regular scheduled election. The rate shall not
31 be increased at any single referendum more than 0.21% upon the
32 value as equalized or assessed by the Department of Revenue for
33 such purpose, and the maximum rate for such purpose shall not

1 exceed 1.60%. Such amount shall be certified and returned to
2 the county clerk on or before the last Tuesday in September of
3 each year. The certificate shall be signed by the president and
4 the secretary of the board and may be in the following form:

5 CERTIFICATE OF TAX LEVY

6 We hereby certify that we require the sum of dollars
7 to be levied as a special tax to pay the tuition of graduates
8 of the eighth grade residing in the nonhigh school district of
9 County, on the equalized assessed valuation of the taxable
10 property of our nonhigh school district.

11 Signed on (insert date).

12 A..... B....., President

13 C..... D....., Secretary

14 A failure to certify and return the certificate of tax levy
15 to the county clerk in the time required shall not vitiate the
16 assessment.

17 (b) In the case of a non-high school district formed
18 pursuant to Article 11A of this Code, levy a tax at the rate at
19 which residents were previously taxed by the associated high
20 school district. All proceeds from this tax shall be paid to
21 the unit school district to which the non-high school district
22 sends its students. If in any year the yield of the tax is
23 insufficient to cover the tuition charges, then an amount shall
24 be added to the taxes extended within the non-high school
25 district in the following year to repay the deficiency.

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

27 Section 99. Effective date. This Act takes effect July 1,
28 2005."