

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 Election Code is amended by changing Section
5 28-2 as follows:

6 (10 ILCS 5/28-2) (from Ch. 46, par. 28-2)

7 Sec. 28-2. (a) Except as otherwise provided in this
8 Section, petitions for the submission of public questions to
9 referendum must be filed with the appropriate officer or board
10 not less than 78 days prior to a regular election to be
11 eligible for submission on the ballot at such election; and
12 petitions for the submission of a question under Section 18-120
13 of the Property Tax Code must be filed with the appropriate
14 officer or board not more than 10 months nor less than 6 months
15 prior to the election at which such question is to be submitted
16 to the voters.

17 (b) However, petitions for the submission of a public
18 question to referendum which proposes the creation or formation
19 of a political subdivision must be filed with the appropriate
20 officer or board not less than 108 days prior to a regular
21 election to be eligible for submission on the ballot at such
22 election.

23 (c) Resolutions or ordinances of governing boards of
24 political subdivisions which initiate the submission of public
25 questions pursuant to law must be adopted not less than 65 days
26 before a regularly scheduled election to be eligible for
27 submission on the ballot at such election.

28 (d) A petition, resolution or ordinance initiating the
29 submission of a public question may specify a regular election
30 at which the question is to be submitted, and must so specify
31 if the statute authorizing the public question requires
32 submission at a particular election. However, no petition,

1 resolution or ordinance initiating the submission of a public
2 question, other than a legislative resolution initiating an
3 amendment to the Constitution, may specify such submission at
4 an election more than one year, or 15 months in the case of a
5 back door referendum as defined in subsection (f), after the
6 date on which it is filed or adopted, as the case may be. A
7 petition, resolution or ordinance initiating a public question
8 which specifies a particular election at which the question is
9 to be submitted shall be so limited, and shall not be valid as
10 to any other election, other than an emergency referendum
11 ordered pursuant to Section 2A-1.4.

12 (e) If a petition initiating a public question does not
13 specify a regularly scheduled election, the public question
14 shall be submitted to referendum at the next regular election
15 occurring not less than 78 days after the filing of the
16 petition, or not less than 108 days after the filing of a
17 petition for referendum to create a political subdivision. If a
18 resolution or ordinance initiating a public question does not
19 specify a regularly scheduled election, the public question
20 shall be submitted to referendum at the next regular election
21 occurring not less than 65 days after the adoption of the
22 resolution or ordinance.

23 (f) In the case of back door referenda, any limitations in
24 another statute authorizing such a referendum which restrict
25 the time in which the initiating petition may be validly filed
26 shall apply to such petition, in addition to the filing
27 deadlines specified in this Section for submission at a
28 particular election. In the case of any back door referendum,
29 the publication of the ordinance or resolution of the political
30 subdivision shall include a notice of (1) the specific number
31 of voters required to sign a petition requesting that a public
32 question be submitted to the voters of the subdivision; (2) the
33 time within which the petition must be filed; and (3) the date
34 of the prospective referendum. The secretary or clerk of the
35 political subdivision shall provide a petition form to any
36 individual requesting one. The legal sufficiency of that form,

1 if provided by the secretary or clerk of the political
 2 subdivision, cannot be the basis of a challenge to placing the
 3 back door referendum on the ballot. As used herein, a "back
 4 door referendum" is the submission of a public question to the
 5 voters of a political subdivision, initiated by a petition of
 6 voters or residents of such political subdivision, to determine
 7 whether an action by the governing body of such subdivision
 8 shall be adopted or rejected.

9 (g) A petition for the incorporation or formation of a new
 10 political subdivision whose officers are to be elected rather
 11 than appointed must have attached to it an affidavit attesting
 12 that at least 108 days and no more than 138 days prior to such
 13 election notice of intention to file such petition was
 14 published in a newspaper published within the proposed
 15 political subdivision, or if none, in a newspaper of general
 16 circulation within the territory of the proposed political
 17 subdivision in substantially the following form:

18 NOTICE OF PETITION TO FORM A NEW.....

19 Residents of the territory described below are notified
 20 that a petition will or has been filed in the Office
 21 of.....requesting a referendum to establish a
 22 new....., to be called the.....

23 *The officers of the new.....will be elected on the
 24 same day as the referendum. Candidates for the governing board
 25 of the new.....may file nominating petitions with the officer
 26 named above until.....

27 The territory proposed to comprise the new.....is
 28 described as follows:

29 (description of territory included in petition)

30 (signature).....

31 Name and address of person or persons proposing
 32 the new political subdivision.

33 * Where applicable.

34 Failure to file such affidavit, or failure to publish the
 35 required notice with the correct information contained therein
 36 shall render the petition, and any referendum held pursuant to

1 such petition, null and void.

2 Notwithstanding the foregoing provisions of this
3 subsection (g) or any other provisions of this Code, the
4 publication of notice and affidavit requirements of this
5 subsection (g) shall not apply to any petition filed under
6 Article 7 or 11E, ~~7A, 11A, 11B, or 11D~~ of the School Code nor to
7 any referendum held pursuant to any such petition, and neither
8 any petition filed under any of those Articles nor any
9 referendum held pursuant to any such petition shall be rendered
10 null and void because of the failure to file an affidavit or
11 publish a notice with respect to the petition or referendum as
12 required under this subsection (g) for petitions that are not
13 filed under any of those Articles of the School Code.

14 (Source: P.A. 94-30, eff. 6-14-05; 94-578, eff. 8-12-05;
15 revised 8-19-05.)

16 Section 10. The School Code is amended by changing Sections
17 1B-21, 5-32, 7-02, 7-6, 7-11, 9-11.2, 9-12, 10-10, 10-11,
18 10-16, 10-21.12, 11C-6, 11C-9, 17-2, 17-3, 17-5, 18-8.05, 19-1,
19 and 20-2 and by adding Section 10-10.5 and Article 11E as
20 follows:

21 (105 ILCS 5/1B-21)

22 Sec. 1B-21. Dissolution and annexation. Any school
23 district that before the effective date of this amendatory Act
24 of 1994 has received approval from its regional board of school
25 trustees to dissolve and annex to an adjoining district and
26 that has had the appointment of a Financial Oversight Panel
27 under this Article 1B to assist its continued operation during
28 the appeal of the decision of the regional board of school
29 trustees shall be dissolved and annexed to the adjoining
30 district approved in the decision of the regional board of
31 school trustees, effective July 1, 1994. Except as otherwise
32 provided by this amendatory Act of 1994, the dissolution and
33 annexation shall be governed by Article 7 of the School Code
34 and be treated as if the dissolution and annexation had taken

1 effect pursuant to the decision of the regional board of school
2 trustees. The annexing district's supplementary State aid
3 payable under Section 11E-135 ~~18-8.3~~ of this ~~the School~~ Code
4 shall be calculated as of June 30 prior to the date of the
5 decision of the regional board of school trustees.

6 (Source: P.A. 88-535.)

7 (105 ILCS 5/5-32) (from Ch. 122, par. 5-32)

8 Sec. 5-32. Failure to maintain schools - Transportation and
9 tuition. If any school district other than a non-high school
10 district shall for 1 year fail to maintain within the
11 boundaries of the school district a recognized public school as
12 required by law, such district shall become automatically
13 dissolved and the property and territory of such district shall
14 be disposed of in the manner provided for the disposal of
15 territory and property in Section 7-11 of this Act. However, a
16 school district shall not be dissolved where the State Board of
17 Education and the regional superintendent of the region in
18 which a district has legally authorized the building of a
19 school and legally selected a school house site and has issued
20 bonds for such building shall jointly find and certify that
21 such building has been authorized, site selected and bonds
22 issued.

23 If a district has its territory included within a petition
24 to form a community unit district under Article 11E ~~11~~ of this
25 Code Act, that district may not be dissolved under this Section
26 until the end of the school year in which all proceedings
27 relating to formation of that community unit district are
28 finally concluded, whether by disallowance of the petition, by
29 referendum, by a final court decision or otherwise. Until such
30 proceedings are finally concluded, the regional superintendent
31 having jurisdiction of the district that is not maintaining a
32 recognized school shall assign the pupils of that district to
33 an adjoining school district, ~~subject to Section 11-12 of this~~
34 ~~Act and~~ subject to the requirement that the district from which
35 the pupils are so assigned shall pay tuition for such pupils to

1 the district to which the pupils are assigned, in accordance
2 with Section 10-20.12a of this Act or in such lesser amount as
3 may be agreed to by the 2 districts.

4 However, until July 1, 1969 or one year after the entry of
5 a final decision by a court of competent jurisdiction in the
6 event of litigation with respect to any of the matters set
7 forth in this Section, whichever is the later, notwithstanding
8 the provisions of this Section, any protectorate high school
9 district composed of contiguous and compact territory having
10 not less than 2,000 inhabitants and which has an equalized
11 assessed valuation of not less than \$6,000,000, shall be and
12 remain a protectorate high school district if a majority of the
13 pupils attend a high school in a special charter district
14 maintaining grades 1 through 12 and if during that period the
15 voters of the district, by referendum to be ordered by the
16 board, vote in favor of the proposition that such district
17 maintain and operate a high school within such district, and
18 also authorize the purchase of a school site, the building of a
19 school building and the issuance of bonds for such purpose,
20 which bonds are duly issued. The Board shall certify the
21 proposition to the proper election authorities for submission,
22 in accordance with the general election law.

23 The proposition to maintain and operate a high school
24 within such district shall be in substantially the following
25 form:

26 -----
27 Shall
28 High School District Number, YES
29 County, Illinois,
30 maintain and operate a high school -----
31 within that High School
32 District and for the benefit NO
33 of the pupils residing therein?

34 -----
35 and is approved if a majority of the voters voting on the
36 proposition is in favor thereof. The proposition of purchasing

1 a school site, the building of a school building and the
2 issuance of bonds for such purpose shall be submitted to the
3 voters and may be voted upon at the same election that the
4 proposition of maintaining and operating a high school within
5 the district is submitted or at any regularly scheduled
6 election subsequent thereto as may be ordered by the board.
7 Thereupon, that protectorate high school district shall
8 thereafter exist as a community high school district and
9 possess and enjoy all of the powers, duties and authorities of
10 a community high school district ~~organized~~ under Article 12 of
11 this Act.

12 Throughout its existence as a protectorate district and
13 until the legal voters residing in the district have determined
14 to maintain and operate a high school within the district and
15 have been authorized to purchase a school site, build a school
16 building and to issue bonds for such purpose and which bonds
17 are duly issued, or until the dissolution of the district as
18 required by this Section, such protectorate district may use
19 its funds to pay for the tuition and transportation of the
20 pupils in such district that attend a high school in a special
21 charter district maintaining grades 1 through 12. A
22 protectorate high school district is defined to be a district
23 which does not own or operate its own school buildings.

24 (Source: P.A. 81-1550.)

25 (105 ILCS 5/7-02) (from Ch. 122, par. 7-02)

26 Sec. 7-02. Limitations. The provisions of this Article
27 providing for the change in school district boundaries by
28 detachment, annexation, division or dissolution, or by any
29 combination of those methods, are subject to the provisions of
30 this Section. Whenever due to fire, explosion, tornado or any
31 Act of God the school buildings or one or more of the principal
32 school buildings comprising an attendance center within a
33 school district are destroyed or substantially destroyed and
34 rendered unfit for school purposes, the provisions of this
35 Article shall not be available to permit a division of that

1 district, or a dissolution, detachment or annexation of any
2 part thereof, or any combination of such results during a
3 period from the date of such destruction or substantial
4 destruction until 30 days after the second regular election of
5 board members following such destruction or substantial
6 destruction. Nothing in this Section shall be deemed to
7 prohibit the combining of the entire district with another
8 entire district or with other entire districts during such
9 period pursuant to the provisions of Article 11E ~~11A or 11B~~.

10 (Source: P.A. 85-833.)

11 (105 ILCS 5/7-6) (from Ch. 122, par. 7-6)

12 Sec. 7-6. Petition filing; Notice; Hearing; Decision.

13 (a) Upon the filing of a petition with the secretary of the
14 regional board of school trustees under the provisions of
15 Section 7-1 or 7-2 of this Act the secretary shall cause a copy
16 of such petition to be given to each board of any district
17 involved in the proposed boundary change and shall cause a
18 notice thereof to be published once in a newspaper having
19 general circulation within the area of the territory described
20 in the petition for the proposed change of boundaries.

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

34 (b-5) If a petition filed under subsection (a) of Section
35 7-1 or under Section 7-2 proposes to annex all the territory of

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

13 (c) When a petition contains more than 10 signatures the
14 petition shall designate a committee of 10 of the petitioners
15 as attorney in fact for all petitioners, any 7 of whom may make
16 binding stipulations on behalf of all petitioners as to any
17 question with respect to the petition or hearing or joint
18 hearing, and the regional board of school trustees, or regional
19 boards of school trustees in cases of a joint hearing may
20 accept such stipulation in lieu of evidence or proof of the
21 matter stipulated. The committee of petitioners shall have the
22 same power to stipulate to accountings or waiver thereof
23 between school districts; however, the regional board of school
24 trustees, or regional boards of school trustees in cases of a
25 joint hearing may refuse to accept such stipulation. Those
26 designated as the committee of 10 shall serve in that capacity
27 until such time as the regional superintendent of schools or
28 the committee of 10 determines that, because of death,
29 resignation, transfer of residency from the territory, or
30 failure to qualify, the office of a particular member of the
31 committee of 10 is vacant. Upon determination that a vacancy
32 exists, the remaining members shall appoint a petitioner to
33 fill the designated vacancy on the committee of 10. The
34 appointment of any new members by the committee of 10 shall be
35 made by a simple majority vote of the remaining designated
36 members.

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

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

14 (f) The notice shall state when the petition was filed, the
15 description of the territory, the prayer of the petition and
16 the return day on which the hearing or joint hearing upon the
17 petition will be held which shall not be more than 15 nor less
18 than 10 days after the publication of notice.

19 (g) On such return day or on a day to which the regional
20 board of school trustees, or regional boards of school trustees
21 in cases of a joint hearing shall continue the hearing or joint
22 hearing the regional board of school trustees, or regional
23 boards of school trustees in cases of a joint hearing shall
24 hear the petition but may adjourn the hearing or joint hearing
25 from time to time or may continue the matter for want of
26 sufficient notice or other good cause.

27 (h) Prior to the hearing or joint hearing the secretary of
28 the regional board of school trustees shall submit to the
29 regional board of school trustees, or regional boards of school
30 trustees in cases of a joint hearing maps showing the districts
31 involved, a written report of financial and educational
32 conditions of districts involved and the probable effect of the
33 proposed changes. The reports and maps submitted shall be made
34 a part of the record of the proceedings of the regional board
35 of school trustees, or regional boards of school trustees in
36 cases of a joint hearing. A copy of the report and maps

1 submitted shall be sent by the secretary of the regional board
2 of school trustees to each board of the districts involved, not
3 less than 5 days prior to the day upon which the hearing or
4 joint hearing is to be held.

5 (i) The regional board of school trustees, or regional
6 boards of school trustees in cases of a joint hearing shall
7 hear evidence as to the school needs and conditions of the
8 territory in the area within and adjacent thereto and as to the
9 ability of the districts affected to meet the standards of
10 recognition as prescribed by the State Board of Education, and
11 shall take into consideration the division of funds and assets
12 which will result from the change of boundaries and shall
13 determine whether it is to the best interests of the schools of
14 the area and the educational welfare of the pupils that such
15 change in boundaries be granted, and in case non-high school
16 territory is contained in the petition the normal high school
17 attendance pattern of the children shall be taken into
18 consideration. If the non-high school territory overlies an
19 elementary district, a part of which is in a high school
20 district, such territory may be annexed to such high school
21 district even though not contiguous to the high school
22 district. However, upon resolution by the regional board of
23 school trustees, or regional boards of school trustees in cases
24 of a joint hearing the secretary or secretaries thereof shall
25 conduct the hearing or joint hearing upon any boundary petition
26 and present a transcript of such hearing to the trustees who
27 shall base their decision upon the transcript, maps and
28 information and any presentation of counsel.

29 (j) At the hearing or joint hearing any resident of the
30 territory described in the petition or any resident in any
31 district affected by the proposed change of boundaries may
32 appear in person or by an attorney in support of the petition
33 or to object to the granting of the petition and may present
34 evidence in support of his position.

35 (k) At the conclusion of the hearing, other than a joint
36 hearing, the regional superintendent of schools as ex officio

1 member of the regional board of school trustees shall within 30
2 days enter an order either granting or denying the petition and
3 shall deliver to the committee of petitioners, if any, and any
4 person who has filed his appearance in writing at the hearing
5 and any attorney who appears for any person and any objector
6 who testifies at the hearing and the regional superintendent of
7 schools a certified copy of its order.

8 (1) Notwithstanding the foregoing provisions of this
9 Section, if within 9 months after a petition is submitted under
10 the provisions of Section 7-1 the petition is not approved or
11 denied by the regional board of school trustees and the order
12 approving or denying that petition entered and a copy thereof
13 served as provided in this Section, the school boards or
14 registered voters of the districts affected that submitted the
15 petition (or the committee of 10, or an attorney acting on its
16 behalf, if designated in the petition) may submit a copy of the
17 petition directly to the State Superintendent of Education for
18 approval or denial. The copy of the petition as so submitted
19 shall be accompanied by a record of all proceedings had with
20 respect to the petition up to the time the copy of the petition
21 is submitted to the State Superintendent of Education
22 (including a copy of any notice given or published, any
23 certificate or other proof of publication, copies of any maps
24 or written report of the financial and educational conditions
25 of the school districts affected if furnished by the secretary
26 of the regional board of school trustees, copies of any
27 amendments to the petition and stipulations made, accepted or
28 refused, a transcript of any hearing or part of a hearing held,
29 continued or adjourned on the petition, and any orders entered
30 with respect to the petition or any hearing held thereon). The
31 school boards, registered voters or committee of 10 submitting
32 the petition and record of proceedings to the State
33 Superintendent of Education shall give written notice by
34 certified mail, return receipt requested to the regional board
35 of school trustees and to the secretary of that board that the
36 petition has been submitted to the State Superintendent of

1 Education for approval or denial, and shall furnish a copy of
2 the notice so given to the State Superintendent of Education.
3 The cost of assembling the record of proceedings for submission
4 to the State Superintendent of Education shall be the
5 responsibility of the school boards, registered voters or
6 committee of 10 that submits the petition and record of
7 proceedings to the State Superintendent of Education. When a
8 petition is submitted to the State Superintendent of Education
9 in accordance with the provisions of this paragraph:

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

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

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

30 (4) If so directed by the State Superintendent of
31 Education, the regional superintendent of schools shall
32 submit to the State Superintendent of Education and to such
33 school boards as the State Superintendent of Education
34 shall prescribe accurate maps and a written report of the
35 financial and educational conditions of the districts
36 affected and the probable effect of the proposed boundary

1 changes.

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

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

15 (m) Within 10 days after the conclusion of a joint hearing
16 required under the provisions of Section 7-2, each regional
17 board of school trustees shall meet together and render a
18 decision with regard to the joint hearing on the petition. If
19 the regional boards of school trustees fail to enter a joint
20 order either granting or denying the petition, the regional
21 superintendent of schools for the educational service region in
22 which the joint hearing is held shall enter an order denying
23 the petition, and within 30 days after the conclusion of the
24 joint hearing shall deliver a copy of the order denying the
25 petition to the regional boards of school trustees of each
26 region affected, to the committee of petitioners, if any, to
27 any person who has filed his appearance in writing at the
28 hearing and to any attorney who appears for any person at the
29 joint hearing. If the regional boards of school trustees enter
30 a joint order either granting or denying the petition, the
31 regional superintendent of schools for the educational service
32 region in which the joint hearing is held shall, within 30 days
33 of the conclusion of the hearing, deliver a copy of the joint
34 order to those same committees and persons as are entitled to
35 receive copies of the regional superintendent's order in cases
36 where the regional boards of school trustees have failed to

1 enter a joint order.

2 (n) Within 10 days after service of a copy of the order
3 granting or denying the petition, any person so served may
4 petition for a rehearing and, upon sufficient cause being
5 shown, a rehearing may be granted. The filing of a petition for
6 rehearing shall operate as a stay of enforcement until the
7 regional board of school trustees, or regional boards of school
8 trustees in cases of a joint hearing, or State Superintendent
9 of Education in cases determined under subsection (l) of this
10 Section enter the final order on such petition for rehearing.

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

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

22 (105 ILCS 5/7-11) (from Ch. 122, par. 7-11)

23 Sec. 7-11. Annexation of dissolved non-operating
24 districts. If any school district has become dissolved as
25 provided in Section 5-32, or if a petition for dissolution is
26 filed under subsection (b) of Section 7-2a, the regional board
27 of school trustees shall attach the territory of such dissolved
28 district to one or more districts and, if the territory is
29 added to 2 or more districts, shall divide the property of the
30 dissolved district among the districts to which its territory
31 is added, in the manner provided for the division of property
32 in case of the organization of a new district from a part of
33 another district. The regional board of school trustees of the
34 region in which the regional superintendent has supervision
35 over the school district that is dissolved shall have all power

1 necessary to annex the territory of the dissolved district as
2 provided in this Section, including the power to attach the
3 territory to a school district under the supervision of the
4 regional superintendent of another educational service region.
5 The annexation of the territory of a dissolved school district
6 under this Section shall entitle the school districts involved
7 in the annexation to payments from the State Board of Education
8 ~~under subsection (A) (5) (m) of Section 18-8 or subsection (I) of~~
9 ~~Section 18-8.05 and under Sections 18-8.2 and 18-8.3~~ in the
10 same manner and to the same extent authorized in the case of
11 other annexations under this Article. Other provisions of this
12 Article 7 of The School Code shall apply to and govern
13 dissolutions and annexations under this Section and Section
14 7-2a, except that it is the intent of the General Assembly that
15 in the case of conflict the provisions of this Section and
16 Section 7-2a shall control over the other provisions of this
17 Article.

18 The regional board of school trustees shall give notice of
19 a hearing, to be held not less than 50 days nor more than 70
20 days after a school district is dissolved under Section 5-32 or
21 a petition is filed under subsection (b) of Section 7-2a, on
22 the disposition of the territory of such school district by
23 publishing a notice thereof at least once each week for 2
24 successive weeks in at least one newspaper having a general
25 circulation within the area of the territory involved. At such
26 hearing, the regional board of school trustees shall hear
27 evidence as to the school needs and conditions of the territory
28 and of the area within and adjacent thereto, and shall take
29 into consideration the educational welfare of the pupils of the
30 territory and the normal high school attendance pattern of the
31 children. In the case of an elementary school district if all
32 the eighth grade graduates of such district customarily attend
33 high school in the same high school district, the regional
34 board of school trustees shall, unless it be impossible because
35 of the restrictions of a special charter district, annex the
36 territory of the district to a contiguous elementary school

1 district whose eighth grade graduates customarily attend that
2 high school, and that has an elementary school building nearest
3 to the center of the territory to be annexed, but if such
4 eighth grade graduates customarily attend more than one high
5 school the regional board of school trustees shall determine
6 the attendance pattern of such graduates and divide the
7 territory of the district among the contiguous elementary
8 districts whose graduates attend the same respective high
9 schools.

10 The decision of the regional board of school trustees in
11 such matter shall be issued within 10 days after the conclusion
12 of the hearing and deemed an "administrative decision" as
13 defined in Section 3-101 of the Code of Civil Procedure and any
14 resident who appears at the hearing or any petitioner may
15 within 10 days after a copy of the decision sought to be
16 reviewed was served by registered mail upon the party affected
17 thereby file a complaint for the judicial review of such
18 decision in accordance with the "Administrative Review Law",
19 and all amendments and modifications thereof and the rules
20 adopted pursuant thereto. The commencement of any action for
21 review shall operate as a stay of enforcement, and no further
22 proceedings shall be had until final disposition of such
23 review. The final decision of the regional board of school
24 trustees or of any court upon judicial review shall become
25 effective under Section 7-9 in the case of a petition for
26 dissolution filed under subsection (b) of Section 7-2a, and a
27 final decision shall become effective immediately following
28 the date no further appeal is allowable in the case of a
29 district dissolved under Section 5-32.

30 Notwithstanding the foregoing provisions of this Section
31 or any other provision of law to the contrary, the school board
32 of the Mt. Morris School District is authorized to donate to
33 the City of Mount Morris, Illinois the school building and
34 other real property used as a school site by the Mt. Morris
35 School District at the time of its dissolution, by appropriate
36 resolution adopted by the school board of the district prior to

1 the dissolution of the district; and upon the adoption of a
2 resolution by the school board donating the school building and
3 school site to the City of Mount Morris, Illinois as authorized
4 by this Section, the regional board of school trustees or other
5 school officials holding legal title to the school building and
6 school site so donated shall immediately convey the same to the
7 City of Mt. Morris, Illinois.

8 (Source: P.A. 90-548, eff. 1-1-98.)

9 (105 ILCS 5/9-11.2) (from Ch. 122, par. 9-11.2)

10 Sec. 9-11.2. For all school districts electing candidates
11 to a board of education in a manner other than at large,
12 candidates not elected at large who file nominating petitions
13 for a full term shall be grouped together by area of residence
14 as follows:

15 (1) by congressional townships, or

16 (2) according to incorporated or unincorporated areas.

17 For all school districts electing candidates to a board of
18 education in a manner other than at large, candidates not
19 elected at large who file nominating petitions for an unexpired
20 term shall be grouped together by area of residence as follows:

21 (1) by congressional townships, or

22 (2) according to incorporated or unincorporated areas.

23 Candidate groupings by area of residence for unexpired
24 terms shall precede the candidate groupings by area of
25 residence for full terms on the ballot. In all instances,
26 however, the ballot order of each candidate grouping shall be
27 determined by the order of petition filing or lottery held
28 pursuant to Section 9-11.1 in the following manner:

29 The area of residence of the candidate determined to be
30 first by order of petition filing or by lottery shall be listed
31 first among the candidate groupings on the ballot. All other
32 candidates from the same area of residence will follow
33 according to order of petition filing or the lottery. The area
34 of residence of the candidate determined to be second by the
35 order of petition filing or the lottery shall be listed second

1 among the candidate groupings on the ballot. All other
2 candidates from the same area of residence will follow
3 according to the order of petition filing or the lottery. The
4 ballot order of additional candidate groupings by area of
5 residence shall be established in a like manner.

6 In any school district that elects its board members
7 according to area of residence and that has one or more
8 unexpired terms to be filled at an election, the winner or
9 winners of the unexpired term or terms shall be determined
10 first and independently of those running for full terms. The
11 winners of the full terms shall then be determined taking into
12 consideration the areas of residence of those elected to fill
13 the unexpired term or terms.

14 "Area of Residence" means congressional township and
15 incorporated and unincorporated territories.

16 "Affected school district" means either of the 2 entire
17 elementary school districts that are formed into a combined
18 school district ~~established as provided in subsection (a 5) of~~
19 ~~Section 11B-7.~~

20 (Source: P.A. 93-1079, eff. 1-21-05.)

21 (105 ILCS 5/9-12) (from Ch. 122, par. 9-12)

22 Sec. 9-12. Ballots for the election of school officers
23 shall be in one of the following forms:

24 (FORMAT 1

25 Ballot position for candidates shall be determined by the
26 order of petition filing or lottery held pursuant to Section
27 9-11.1.

28 This format is used by Boards of School Directors. School
29 Directors are elected at large.)

30 OFFICIAL BALLOT
31 FOR MEMBERS OF THE BOARD OF SCHOOL
32 DIRECTORS TO SERVE AN UNEXPIRED 2-YEAR TERM
33 VOTE FOR
34 ()

1 ()

2 ()

3 FOR MEMBERS OF THE BOARD OF SCHOOL

4 DIRECTORS TO SERVE A FULL 4-YEAR TERM

5 VOTE FOR

6 ()

7 ()

8 ()

9 (FORMAT 2

10 Ballot position for candidates shall be determined by the
11 order of petition filing or lottery held pursuant to Section
12 9-11.1.

13 This format is used when school board members are elected
14 at large. Membership on the school board is not restricted by
15 area of residence.

16 Types of school districts generally using this format are:

17 Common school districts;

18 Community unit and community consolidated school districts
19 formed on or after January 1, 1975;

20 Community unit school districts formed prior to January 1,
21 1975 that elect board members at large and without restriction
22 by area of residence within the district under subsection (c)
23 of Section 11A-8 (now repealed);

24 Community unit, community consolidated and combined school
25 districts in which more than 90% of the population is in one
26 congressional township;

27 High school districts in which less than 15% of the taxable
28 property is located in unincorporated territory; and unit
29 districts (OLD TYPE);

30 Combined school districts formed on or after July 1, 1983;

31 Combined school districts formed before July 1, 1983 and
32 community consolidated school districts that elect board
33 members at large and without restriction by area of residence
34 within the district under subsection (c) of Section 11B-7 (now
35 repealed).)

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OFFICIAL BALLOT
FOR MEMBERS OF THE BOARD OF
EDUCATION TO SERVE AN UNEXPIRED 2-YEAR TERM

VOTE FOR

- ()
- ()
- ()

FOR MEMBERS OF THE BOARD OF
EDUCATION TO SERVE A FULL 4-YEAR TERM

VOTE FOR

- ()
- ()
- ()

(FORMAT 3

Ballot position for incorporated and unincorporated areas shall be determined by the order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.

This format is used by community unit, community consolidated and combined school districts when the territory is less than 2 congressional townships, or 72 square miles, but consists of more than one congressional township, or 36 square miles, outside of the corporate limits of any city, village or incorporated town within the school district. The School Code requires that not more than 5 board members shall be selected from any city, village or incorporated town in the school district. At least two board members must reside in the unincorporated area of the school district.

Except for those community unit school districts formed before January 1, 1975 that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11A-8 (now repealed) and except for combined school districts formed before July 1, 1983 and community consolidated school districts that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11B-7 (now

1 repealed), this format applies to community unit and community
2 consolidated school districts formed prior to January 1, 1975
3 and combined school districts formed prior to July 1, 1983.)

4 OFFICIAL BALLOT

5 Instructions to voter: The board of education shall be
6 composed of members from both the incorporated and the
7 unincorporated area; not more than 5 board members shall be
8 selected from any city, village or incorporated town.

9 ON THE BASIS OF EXISTING BOARD MEMBERSHIP, NOT MORE THAN
10 MAY BE ELECTED FROM THE INCORPORATED AREAS.

11 FOR MEMBERS OF THE BOARD OF EDUCATION

12 TO SERVE AN UNEXPIRED 2-YEAR TERM

13 THE AREA OF RESIDENCE OF THOSE ELECTED TO FILL UNEXPIRED TERMS

14 IS TAKEN INTO CONSIDERATION IN DETERMINING THE WINNERS OF THE

15 FULL TERMS.

16 VOTE FOR A TOTAL OF

17 Area

18 ()

19 ()

20 Area

21 ()

22 ()

23 FOR MEMBERS OF THE BOARD OF EDUCATION

24 TO SERVE A FULL 4-YEAR TERM

25 VOTE FOR A TOTAL OF

26 Area

27 ()

28 ()

29 Area

30 ()

31 ()

32 (FORMAT 4

33 Ballot position for township areas shall be determined by
34 the order of petition filing or lottery held pursuant to

1 Sections 9-11.1 and 9-11.2.

2 Except for those community unit school districts formed
3 prior to January 1, 1975 that elect board members at large and
4 without restriction by area of residence within the district
5 under subsection (c) of Section 11A-8 (now repealed) and except
6 for those combined school districts formed before July 1, 1983
7 and community consolidated school districts that elect board
8 members at large and without restriction by area of residence
9 within the district under subsection (c) of Section 11B-7 (now
10 repealed), this format applies to community unit and community
11 consolidated school districts formed prior to January 1, 1975
12 and combined school districts formed prior to July 1, 1983 when
13 the territory of the school district is greater than 2
14 congressional townships, or 72 square miles. This format
15 applies only when less than 75% of the population is in one
16 congressional township. Congressional townships of less than
17 100 inhabitants shall not be considered for the purpose of such
18 mandatory board representation. In this case, not more than 3
19 board members may be selected from any one congressional
20 township.)

21 OFFICIAL BALLOT

22 Instructions to voter: Membership on the board of education
23 is restricted to a maximum of 3 members from any congressional
24 township.

25 ON THE BASIS OF EXISTING BOARD MEMBERSHIP, MEMBERS MAY BE
26 ELECTED IN THE FOLLOWING NUMBERS FROM EACH CONGRESSIONAL
27 TOWNSHIP.

28 NOT MORE THAN MAY BE ELECTED FROM TOWNSHIP RANGE
29

30 NOT MORE THAN MAY BE ELECTED FROM TOWNSHIP RANGE
31

32 NOT MORE THAN MAY BE ELECTED FROM TOWNSHIP RANGE
33

34 (Include each remaining congressional township in district
35 as needed)

1 FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
 2 AN UNEXPIRED 2-YEAR TERM
 3 THE AREA OF RESIDENCE OF THOSE ELECTED TO FILL UNEXPIRED TERMS
 4 IS TAKEN INTO CONSIDERATION IN DETERMINING THE WINNERS OF THE
 5 FULL TERMS.

6 VOTE FOR A TOTAL OF

7 Township Range
 8 ()
 9 ()

10 Township Range
 11 ()
 12 ()

13 FOR MEMBERS OF THE BOARD OF
 14 EDUCATION TO SERVE A FULL 4-YEAR TERM

15 VOTE FOR A TOTAL OF

16 Township Range
 17 ()
 18 ()

19 Township Range
 20 ()
 21 ()

22 (FORMAT 5

23 Ballot position for township areas shall be determined by
 24 the order of petition filing or lottery held pursuant to
 25 Sections 9-11.1 and 9-11.2.

26 Except for those community unit school districts formed
 27 before January 1, 1975 that elect board members at large and
 28 without restriction by area of residence within the district
 29 under subsection (c) of Section 11A-8 (now repealed) and except
 30 for those combined school districts formed before July 1, 1983
 31 and community consolidated school districts that elect board
 32 members at large and without restriction by area of residence
 33 within the district under subsection (c) of Section 11B-7 (now
 34 repealed), this format is used by community unit and community
 35 consolidated school districts formed prior to January 1, 1975,

1 and combined school districts formed prior to July 1, 1983,
 2 when the territory of the school district is greater than 2
 3 congressional townships, or 72 square miles and when at least
 4 75%, but not more than 90%, of the population resides in one
 5 congressional township. In this case, 4 school board members
 6 shall be selected from that one congressional township and the
 7 3 remaining board members shall be selected from the rest of
 8 the district. If a school district from which school board
 9 members are to be selected is located in a county under
 10 township organization and if the surveyed boundaries of a
 11 congressional township from which one or more of those school
 12 board members is to be selected, as described by township
 13 number and range, are coterminous with the boundaries of the
 14 township as identified by the township name assigned to it as a
 15 political subdivision of the State, then that township may be
 16 referred to on the ballot by both its township name and by
 17 township number and range.)

18 OFFICIAL BALLOT

19 Instructions to voter: Membership on the board of education
 20 is to consist of 4 members from the congressional township that
 21 has at least 75% but not more than 90% of the population, and 3
 22 board members from the remaining congressional townships in the
 23 school district.

24 ON THE BASIS OF EXISTING BOARD MEMBERSHIP, MEMBERS MAY BE
 25 ELECTED IN THE FOLLOWING NUMBERS FROM EACH CONGRESSIONAL
 26 TOWNSHIP.

27 FOR MEMBER OF THE BOARD OF EDUCATION
 28 TO SERVE AN UNEXPIRED 2-YEAR TERM
 29 FROM (name)..... TOWNSHIP RANGE

30 VOTE FOR ONE

31 ().....
 32 ().....

33 FOR MEMBERS OF THE BOARD OF EDUCATION

34 TO SERVE A FULL 4-YEAR TERM

35 VOTE FOR

1 shall be elected from (name)..... Township Range
2

3 (name)..... TOWNSHIP RANGE

4 ()

5 ()

6 VOTE FOR

7 board members shall be elected from the remaining
8 congressional townships.

9 The Remaining Congressional Townships

10 ()

11 ()

12 (FORMAT 6

13 Ballot position for candidates shall be determined by the
14 order of petition filing or lottery held pursuant to Section
15 9-11.1.

16 This format is used by school districts in which voters
17 have approved a referendum to elect school board members by
18 school board district. The school district is then divided into
19 7 school board districts, each of which elects one member to
20 the board of education.)

21 OFFICIAL BALLOT

22 DISTRICT (1 through 7)

23 FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE

24 AN UNEXPIRED 2-YEAR TERM

25 VOTE FOR ONE

26 ()

27 ()

28 ()

29 (-OR-)

30 OFFICIAL BALLOT

31 DISTRICT (1 through 7)

32 FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE

33 A FULL 4-YEAR TERM

34 VOTE FOR ONE

35 ()

1 ()
2 ()

3 REVERSE SIDE:

4 OFFICIAL BALLOT

5 DISTRICT (1 through 7)

6 (Precinct name or number)

7 School District No., County, Illinois

8 Election Tuesday (insert date)

9 (facsimile signature of Election Authority)

10 (County)

11 (FORMAT 7

12 Ballot position for incorporated and unincorporated areas
13 shall be determined by the order of petition filing or lottery
14 held pursuant to Sections 9-11.1 and 9-11.2.

15 This format is used by high school districts if more than
16 15% but less than 30% of the taxable property is located in the
17 unincorporated territory of the school district. In this case,
18 at least one board member shall be a resident of the
19 unincorporated territory.)

20 OFFICIAL BALLOT

21 Instructions to voter: More than 15% but less than 30% of
22 the taxable property of this high school district is located in
23 the unincorporated territory of the district, therefore, at
24 least one board member shall be a resident of the
25 unincorporated areas.

26 ON THE BASIS OF EXISTING BOARD MEMBERSHIP, AT LEAST ONE
27 MEMBER SHALL BE ELECTED FROM THE UNINCORPORATED AREA.

28 FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE

29 AN UNEXPIRED 2-YEAR TERM

30 THE AREA OF RESIDENCE OF THOSE ELECTED TO FILL UNEXPIRED TERMS
31 IS TAKEN INTO CONSIDERATION IN DETERMINING THE WINNERS OF THE
32 FULL TERMS.

33 VOTE FOR A TOTAL OF

34 Area

1 ()

2 ()

3 Area

4 ()

5 ()

6 FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE

7 A FULL 4-YEAR TERM

8 VOTE FOR A TOTAL OF

9 Area

10 ()

11 ()

12 Area

13 ()

14 ()

15 (FORMAT 7a

16 Ballot position for candidates shall be determined by the
17 order of petition filing or lottery held pursuant to Sections
18 9-11.1 and 9-11.2.

19 This format is used by high school districts if more than
20 15% but less than 30% of the taxable property is located in the
21 unincorporated territory of the school district and on the
22 basis of existing board membership no board member is required
23 to be elected from the unincorporated area.)

24 OFFICIAL BALLOT

25 Instruction to voter: More than 15% but less than 30% of
26 the taxable property of this high school district is located in
27 the unincorporated territory of the district, therefore, at
28 least one board member shall be a resident of the
29 unincorporated areas.

30 ON THE BASIS OF EXISTING BOARD MEMBERSHIP, MEMBERS MAY BE
31 ELECTED FROM ANY AREA OR AREAS.

32 FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE

33 AN UNEXPIRED 2-YEAR TERM

34 VOTE FOR

1 ()

2 ()

3 ()

4 FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE

5 A FULL 4-YEAR TERM

6 VOTE FOR

7 ()

8 ()

9 ()

10 (FORMAT 8

11 Ballot position for incorporated and unincorporated areas
12 shall be determined by the order of petition filing or lottery
13 held pursuant to Sections 9-11.1 and 9-11.2.

14 This format is used by high school districts if more than
15 30% of the taxable property is located in the unincorporated
16 territory of the school district. In this case, at least two
17 board members shall be residents of the unincorporated
18 territory.)

19 OFFICIAL BALLOT

20 Instructions to voters: Thirty percent (30%) or more of the
21 taxable property of this high school district is located in the
22 unincorporated territory of the district, therefore, at least
23 two board members shall be residents of the unincorporated
24 territory.

25 ON THE BASIS OF EXISTING BOARD MEMBERSHIP, AT LEAST 2
26 MEMBERS SHALL BE ELECTED FROM THE UNINCORPORATED AREA.

27 FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE

28 AN UNEXPIRED 2-YEAR TERM

29 THE AREA OF RESIDENCE OF THOSE ELECTED TO FILL UNEXPIRED TERMS
30 IS TAKEN INTO CONSIDERATION IN DETERMINING THE WINNERS OF THE
31 FULL TERMS.

32 VOTE FOR A TOTAL OF

33 Area

34 ()

1 ()

2 Area

3 ()

4 ()

5 FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE

6 A FULL 4-YEAR TERM

7 VOTE FOR A TOTAL OF

8 Area

9 ()

10 ()

11 Area

12 ()

13 ()

14 (FORMAT 8a

15 Ballot position for incorporated and unincorporated areas
16 shall be determined by the order of petition filing or lottery
17 held pursuant to Sections 9-11.1 and 9-11.2.

18 This format is used by high school districts if more than
19 30% of the taxable property is located in the unincorporated
20 territory of the school district. In this case, at least two
21 board members shall be residents of the unincorporated
22 territory.)

23 OFFICIAL BALLOT

24 Instructions to voters: Thirty percent (30%) or more of the
25 taxable property of this high school district is located in the
26 unincorporated territory of the district, therefore, at least
27 two board members shall be residents of the unincorporated
28 territory.

29 ON THE BASIS OF EXISTING BOARD MEMBERSHIP, AT LEAST ONE
30 MEMBER SHALL BE ELECTED FROM THE UNINCORPORATED AREA.

31 FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE

32 AN UNEXPIRED 2-YEAR TERM

33 THE AREA OF RESIDENCE OF THOSE ELECTED TO FILL UNEXPIRED TERMS
34 IS TAKEN INTO CONSIDERATION IN DETERMINING THE WINNERS OF THE

1 FULL TERMS.
 2 VOTE FOR A TOTAL OF
 3 Area
 4 ()
 5 ()
 6 Area
 7 ()
 8 ()

9 FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE

10 A FULL 4-YEAR TERM

11 VOTE FOR A TOTAL OF

12 Area
 13 ()
 14 ()
 15 Area
 16 ()
 17 ()

18 (FORMAT 8b

19 Ballot position for incorporated and unincorporated areas
 20 shall be determined by the order of petition filing or lottery
 21 held pursuant to Sections 9-11.1 and 9-11.2.

22 This format is used by high school districts if more than
 23 30% of the taxable property is located in the unincorporated
 24 territory of the school district. In this case, at least two
 25 board members shall be residents of the unincorporated
 26 territory.)

27 OFFICIAL BALLOT

28 Instructions to voters: Thirty percent (30%) or more of the
 29 taxable property of this high school district is located in the
 30 unincorporated territory of the district, therefore, at least
 31 two board members shall be residents of the unincorporated
 32 territory.

33 ON THE BASIS OF EXISTING BOARD MEMBERSHIP, MEMBERS MAY BE
 34 ELECTED FROM ANY AREA OR AREAS.

1 FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
2 AN UNEXPIRED 2-YEAR TERM

3 VOTE FOR

4 ()

5 ()

6 ()

7 ()

8 FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
9 A FULL 4-YEAR TERM

10 VOTE FOR

11 ()

12 ()

13 ()

14 ()

15 (Source: P.A. 93-706, eff. 7-9-04; 93-1079, eff. 1-21-05.)

16 (105 ILCS 5/10-10) (from Ch. 122, par. 10-10)

17 Sec. 10-10. Board of education; Term; Vacancy. All school
18 districts having a population of not fewer than 1,000 and not
19 more than 500,000 inhabitants, as ascertained by any special or
20 general census, and not governed by special Acts, shall be
21 governed by a board of education consisting of 7 members,
22 serving without compensation except as herein provided. Each
23 member shall be elected for a term of 4 years ~~except as~~
24 ~~otherwise provided in subsection (a-5) of Section 11B-7~~ for the
25 initial members of the board of education of a combined school
26 district to which that subsection applies. If 5 members are
27 elected in 1983 pursuant to the extension of terms provided by
28 law for transition to the consolidated election schedule under
29 the general election law, 2 of those members shall be elected
30 to serve terms of 2 years and 3 shall be elected to serve terms
31 of 4 years; their successors shall serve for a 4 year term.
32 When the voters of a district have voted to elect members of
33 the board of education for 6 year terms, as provided in Section
34 9-5, the terms of office of members of the board of education
35 of that district expire when their successors assume office but

1 not later than 7 days after such election. If at the regular
2 school election held in the first odd-numbered year after the
3 determination to elect members for 6 year terms 2 members are
4 elected, they shall serve for a 6 year term; and of the members
5 elected at the next regular school election 3 shall serve for a
6 term of 6 years and 2 shall serve a term of 2 years. Thereafter
7 members elected in such districts shall be elected to a 6 year
8 term. If at the regular school election held in the first
9 odd-numbered year after the determination to elect members for
10 6 year terms 3 members are elected, they shall serve for a 6
11 year term; and of the members elected at the next regular
12 school election 2 shall serve for a term of 2 years and 2 shall
13 serve for a term of 6 years. Thereafter members elected in such
14 districts shall be elected to a 6 year term. If at the regular
15 school election held in the first odd-numbered year after the
16 determination to elect members for 6 year terms 4 members are
17 elected, 3 shall serve for a term of 6 years and one shall
18 serve for a term of 2 years; and of the members elected at the
19 next regular school election 2 shall serve for terms of 6 years
20 and 2 shall serve for terms of 2 years. Thereafter members
21 elected in such districts shall be elected to a 6 year term. If
22 at the regular school election held in the first odd-numbered
23 year after the determination to elect members for a 6 year term
24 5 members are elected, 3 shall serve for a term of 6 years and 2
25 shall serve for a term of 2 years; and of the members elected
26 at the next regular school election 2 shall serve for terms of
27 6 years and 2 shall serve for terms of 2 years. Thereafter
28 members elected in such districts shall be elected to a 6 year
29 term. An election for board members shall not be held in school
30 districts which by consolidation, annexation or otherwise
31 shall cease to exist as a school district within 6 months after
32 the election date, and the term of all board members which
33 would otherwise terminate shall be continued until such
34 district shall cease to exist. Each member, on the date of his
35 or her election, shall be a citizen of the United States of the
36 age of 18 years or over, shall be a resident of the State and

1 the territory of the district for at least one year immediately
2 preceding his or her election, shall be a registered voter as
3 provided in the general election law, shall not be a school
4 trustee or a school treasurer, and shall not be a child sex
5 offender as defined in Section 11-9.3 of the Criminal Code of
6 1961. When the board of education is the successor of the
7 school directors, all rights of property, and all rights
8 regarding causes of action existing or vested in such
9 directors, shall vest in it as fully as they were vested in the
10 school directors. Terms of members are subject to Section 2A-54
11 of the Election Code.

12 Nomination papers filed under this Section are not valid
13 unless the candidate named therein files with the secretary of
14 the board of education or with a person designated by the board
15 to receive nominating petitions a receipt from the county clerk
16 showing that the candidate has filed a statement of economic
17 interests as required by the Illinois Governmental Ethics Act.
18 Such receipt shall be so filed either previously during the
19 calendar year in which his nomination papers were filed or
20 within the period for the filing of nomination papers in
21 accordance with the general election law.

22 Whenever a vacancy occurs, the remaining members shall
23 notify the regional superintendent of that vacancy within 5
24 days after its occurrence and shall proceed to fill the vacancy
25 until the next regular school election, at which election a
26 successor shall be elected to serve the remainder of the
27 unexpired term. However, if the vacancy occurs with less than
28 868 days remaining in the term, or if the vacancy occurs less
29 than 88 days before the next regularly scheduled election for
30 this office then the person so appointed shall serve the
31 remainder of the unexpired term, and no election to fill the
32 vacancy shall be held. Should they fail so to act, within 45
33 days after the vacancy occurs, the regional superintendent of
34 schools under whose supervision and control the district is
35 operating, as defined in Section 3-14.2 of this Act, shall
36 within 30 days after the remaining members have failed to fill

1 the vacancy, fill the vacancy as provided for herein. Upon the
2 regional superintendent's failure to fill the vacancy, the
3 vacancy shall be filled at the next regularly scheduled
4 election. Whether elected or appointed by the remaining members
5 or regional superintendent, the successor shall be an
6 inhabitant of the particular area from which his or her
7 predecessor was elected if the residential requirements
8 contained in Section 10-10.5 ~~11A-8, 11B-7,~~ or 12-2 of this Code
9 Act apply.

10 A board of education may appoint a student to the board to
11 serve in an advisory capacity. The student member shall serve
12 for a term as determined by the board. The board may not grant
13 the student member any voting privileges, but shall consider
14 the student member as an advisor. The student member may not
15 participate in or attend any executive session of the board.

16 (Source: P.A. 93-309, eff. 1-1-04; 94-231, eff. 7-14-05.)

17 (105 ILCS 5/10-10.5 new)

18 Sec. 10-10.5. Community unit school district or combined
19 school district formation; school board election.

20 (a) Except as otherwise provided in subsection (b) of this
21 Section, for community unit school districts formed before
22 January 1, 1975 and for combined school districts formed before
23 July 1, 1983, the following provisions apply:

24 (1) if the territory of the district is greater than 2
25 congressional townships or 72 square miles, then not more
26 than 3 board members may be selected from any one
27 congressional township, except that congressional
28 townships of less than 100 inhabitants shall not be
29 considered for the purpose of this mandatory board
30 representation;

31 (2) if in the community unit school district or
32 combined school district at least 75% but not more than 90%
33 of the population is in one congressional township, then 4
34 board members shall be selected from the congressional
35 township and 3 board members shall be selected from the

1 rest of the district, except that if in the community unit
2 school district or combined school district more than 90%
3 of the population is in one congressional township, then
4 all board members may be selected from one or more
5 congressional townships; and

6 (3) if the territory of any community unit school
7 district or combined school district consists of not more
8 than 2 congressional townships or 72 square miles, but
9 consists of more than one congressional township or 36
10 square miles, outside of the corporate limits of any city,
11 village, or incorporated town within the school district,
12 then not more than 5 board members may be selected from any
13 city, village, or incorporated town in the school district.

14 (b) (1) The provisions of subsection (a) of this Section for
15 mandatory board representation shall no longer apply to a
16 community unit school district formed before January 1, 1975,
17 to a combined school district formed before July 1, 1983, or to
18 community consolidated school districts, and the members of the
19 board of education shall be elected at large from within the
20 school district and without restriction by area of residence
21 within the district if both of the following conditions are met
22 with respect to that district:

23 (A) A proposition for the election of board members at
24 large and without restriction by area of residence within
25 the school district rather than in accordance with the
26 provisions of subsection (a) of this Section for mandatory
27 board representation is submitted to the school district's
28 voters at a regular school election or at the general
29 election as provided in this subsection (b).

30 (B) A majority of those voting at the election in each
31 congressional township comprising the territory of the
32 school district, including any congressional township of
33 less than 100 inhabitants, vote in favor of the
34 proposition.

35 (2) The school board may, by resolution, order
36 submitted or, upon the petition of the lesser of 2,500 or

1 5% of the school district's registered voters, shall order
2 submitted to the school district's voters, at a regular
3 school election or at the general election, the proposition
4 for the election of board members at large and without
5 restriction by area of residence within the district rather
6 than in accordance with the provisions of subsection (a) of
7 this Section for mandatory board representation; and the
8 proposition shall thereupon be certified by the board's
9 secretary for submission.

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

15 (A) the proposition to elect board members at large
16 and without restriction by area of residence within the
17 district shall be deemed to have passed,

18 (B) new members of the board shall be elected at
19 large and without restriction by area of residence
20 within the district at the next regular school
21 election, and

22 (C) the terms of office of the board members
23 incumbent at the time the proposition is adopted shall
24 expire when the new board members that are elected at
25 large and without restriction by area of residence
26 within the district have organized in accordance with
27 Section 10-16.

28 (4) In a community unit school district, a combined
29 school district, or a community consolidated school
30 district that formerly elected its members under
31 subsection (a) of this Section to successive terms not
32 exceeding 4 years, the members elected at large and without
33 restriction by area of residence within the district shall
34 be elected for a term of 4 years, and in a community unit
35 school district or combined school district that formerly
36 elected its members under subsection (a) of this Section to

1 successive terms not exceeding 6 years, the members elected
2 at large and without restriction by area of residence
3 within the district shall be elected for a term of 6 years;
4 provided that in each case the terms of the board members
5 initially elected at large and without restriction by area
6 of residence within the district as provided in this
7 subsection (b) shall be staggered and determined in
8 accordance with the provisions of Sections 10-10 and 10-16
9 of this Code.

10 (105 ILCS 5/10-11) (from Ch. 122, par. 10-11)

11 Sec. 10-11. Vacancies. Elective offices become vacant
12 within the meaning of the Act, unless the context indicates
13 otherwise, on the happening of any of the following events,
14 before the expiration of the term of such office:

- 15 1. The death of the incumbent.
- 16 2. His or her resignation in writing filed with the
17 Secretary or Clerk of the Board.
- 18 3. His or her becoming a person under legal disability.
- 19 4. His or her ceasing to be an inhabitant of the district
20 for which he or she was elected.
- 21 5. His or her conviction of an infamous crime, of any
22 offense involving a violation of official oath, or of a violent
23 crime against a child.
- 24 6. His or her removal from office.
- 25 7. The decision of a competent tribunal declaring his or
26 her election void.
- 27 8. His ceasing to be an inhabitant of a particular area
28 from which he was elected, if the residential requirements
29 contained in Section 10-10.5, 11E-35 ~~11A-8, 11B-7~~, or 12-2 of
30 this Code Act are violated.

31 No elective office except as herein otherwise provided
32 becomes vacant until the successor of the incumbent of such
33 office has been appointed or elected, as the case may be, and
34 qualified. The successor shall have the same type of
35 residential qualifications as his or her predecessor and, if

1 the residential requirements contained in Section 10-10.5,
2 11E-35, ~~11A-8, 11B-7,~~ or 12-2 of this Code Act apply, the
3 successor, whether elected or appointed by the remaining
4 members or a regional superintendent, shall be an inhabitant of
5 the particular area from which his or her predecessor was
6 elected.

7 (Source: P.A. 91-376, eff. 1-1-00.)

8 (105 ILCS 5/10-16) (from Ch. 122, par. 10-16)

9 Sec. 10-16. Organization of Board. Within 28 days after the
10 consolidated election, other than the consolidated elections
11 in 1999 and 2001, the board shall organize by electing its
12 officers and fixing a time and place for the regular meetings.
13 However, when school board members are elected at the
14 consolidated elections held in April of 1999 and April of 2001,
15 the board shall organize within 7 days after the first Tuesday
16 after the first Monday of November in each such year by
17 electing officers and setting the time and place of the regular
18 meetings. Upon organizing itself as provided in this paragraph,
19 the board shall enter upon the discharge of its duties.

20 The regional superintendent of schools having supervision
21 and control, as provided in Section 3-14.2, of a new school
22 district that is governed by the School Code and formed on or
23 after the effective date of this amendatory Act of 1998 shall
24 convene the newly elected board within 7 days after the
25 election of the board of education of that district, whereupon
26 the board shall proceed to organize by electing one of their
27 number as president and electing a secretary, who may or may
28 not be a member. At such meeting the length of term of each of
29 the members shall be determined by lot so that 4 shall serve
30 for 4 years, and 3 for 2 years from the commencement of their
31 terms; provided, however, if such members were not elected at
32 the consolidated election in an odd-numbered year, such initial
33 terms shall be extended to the consolidated election for school
34 board members immediately following the expiration of the
35 initial 4 or 2 year terms. The provisions of this paragraph

1 that relate to the determination of terms by lot shall not
2 apply to the initial members of the board of education of a
3 combined school district who are to be elected to unstagged
4 terms ~~as provided in subsection (a-5) of Section 11B-7.~~

5 The terms of the officers of a board of education shall be
6 for 2 years, except that the terms of the officers elected at
7 the organization meeting in November, 2001 shall expire at the
8 organization meeting in April, 2003; provided that the board by
9 resolution may establish a policy for the terms of office to be
10 one year, and provide for the election of officers.

11 Special meetings of the board of education may be called by
12 the president or by any 3 members of the board by giving notice
13 thereof in writing, stating the time, place and purpose of the
14 meeting. Such notice may be served by mail 48 hours before such
15 meeting or by personal service 24 hours before such meeting.
16 Public notice of meetings must also be given as prescribed in
17 Sections 2.02 and 2.03 of the Open Meetings Act, as now or
18 hereafter amended.

19 At each regular and special meeting which is open to the
20 public, members of the public and employees of the district
21 shall be afforded time, subject to reasonable constraints, to
22 comment to or ask questions of the board.

23 The president or district superintendent shall, at each
24 regular board meeting, report any requests made of the district
25 under provisions of The Freedom of Information Act and shall
26 report the status of the district's response.

27 (Source: P.A. 93-847, eff. 7-30-04.)

28 (105 ILCS 5/10-21.12) (from Ch. 122, par. 10-21.12)

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

34 (1) a boundary change or the creation or reorganization of
35 any school district pursuant to Article 7 or 11E, ~~7A, 11A or~~

1 ~~11B~~; or

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

4 (3) the creation, expansion, reduction or dissolution of a
5 special education program pursuant to Section 10-22.31, or the
6 creation, expansion, reduction or dissolution of a joint
7 educational program established under Section 10-22.31a; or

8 (4) the creation, expansion, reduction, termination or
9 dissolution of any joint agreement program operated by a
10 regional superintendent, governing board, or other
11 administrative agent or any program operated pursuant to an
12 Intergovernmental Joint Agreement. The changes made by this
13 amendatory Act of 1990 are declaratory of existing law.

14 (Source: P.A. 94-213, eff. 7-14-05.)

15 (105 ILCS 5/11C-6) (from Ch. 122, par. 11C-6)

16 Sec. 11C-6. Credited unfunded indebtedness. Each district
17 from which territory is taken shall be credited with all
18 unfunded indebtedness of such district and with the estimated
19 cost of operating the schools of the district for the balance
20 of the school year if the district from which territory is
21 taken continues to administer the schools until the succeeding
22 July 1 ~~as provided in Section 11A-10.~~

23 (Source: P.A. 83-686.)

24 (105 ILCS 5/11C-9) (from Ch. 122, par. 11C-9)

25 Sec. 11C-9. Accounting waived. If ~~no stipulation is made as~~
26 ~~provided in Section 11A-3 of this Act or if~~ the stipulation is
27 refused by the regional superintendent the boards of the
28 districts affected by the change in boundaries in the creation
29 of a new district may waive accounting or stipulate as to the
30 valuation of any kind or parcel of property or as to a basis
31 for apportionment ~~other than that provided in Section 11C-7 of~~
32 ~~this Act~~ by concurrent resolution filed with the regional
33 superintendent prior to or within 30 days after the election of
34 the school board for the newly created district. Such

1 resolution shall be subject to the approval of the regional
2 superintendent and if approved, the accounting shall be
3 dispensed with or modified as the resolution may provide.

4 (Source: P.A. 83-686.)

5 (105 ILCS 5/Art. 11E heading new)

6 ARTICLE 11E. CONVERSION AND FORMATION OF SCHOOL DISTRICTS

7 (105 ILCS 5/11E-5 new)

8 Sec. 11E-5. Purpose and applicability. The purpose of this
9 Article is to permit greater flexibility and efficiency in the
10 reorganization and formation of school districts for the
11 improvement of the administration and quality of educational
12 services and for the best interests of pupils. This Article
13 applies only to school districts with under 500,000
14 inhabitants.

15 (105 ILCS 5/11E-10 new)

16 Sec. 11E-10. Definitions. In this Article:

17 "Affected district" means any school district with
18 territory included in a petition for reorganization under this
19 Article that encompasses (i) 25% or more of the total land area
20 of the district, (ii) more than 8% of the student enrollment of
21 the district, or (iii) more than 8% of the equalized assessed
22 valuation of the district.

23 "Combined high school - unit district" means a school
24 district resulting from the combination of a high school
25 district and a unit district.

26 "Combined school district" means any district resulting
27 from the combination of 2 or more entire elementary districts,
28 2 or more entire high school districts, or 2 or more entire
29 unit districts.

30 "Dual district" means a high school district and all of its
31 feeder elementary districts collectively.

32 "Elementary district" means a school district organized
33 and established for purposes of providing instruction up to and

1 including grade 8. "Elementary district" includes common
2 elementary school districts, consolidated elementary school
3 districts, community consolidated school districts, combined
4 elementary districts, and charter elementary districts.

5 "Elementary purposes" means the purposes of providing
6 instruction up to and including grade 8.

7 "High school district" means a school district organized
8 and established for purposes of providing instruction in grades
9 9 through 12. "High school district" includes charter high
10 school districts, township high school districts, consolidated
11 high school districts, community high school districts, and
12 non-high school districts.

13 "High school purposes" means the purposes of providing
14 instruction in grades nine through 12.

15 "High school - unit conversion" means a school district
16 conversion authorized under subsection (a) of Section 11E-15 of
17 this Code.

18 "K through 12 purposes" means the purposes of providing
19 instruction up to and including grade 12.

20 "Multi-unit conversion" means the formation of a combined
21 high school - unit district and one or more new elementary
22 districts as authorized under subsection (b) of Section 11E-30
23 of this Code.

24 "Optional elementary unit district" means a unit district
25 resulting from the combination of a high school district and
26 the combination of any one or more elementary districts
27 electing to organize as an optional elementary unit district.

28 "Partial elementary unit district" means either a combined
29 high school - unit district or an optional elementary unit
30 district.

31 "School board" means either a board of education or a board
32 of school directors.

33 "School district conversion" means a high school - unit
34 conversion or a unit to dual conversion.

35 "School needs" means the needs of the proposed school
36 district and any districts in the area adjacent thereto in

1 relation to, without limitation, providing a full range of high
2 quality educational and extracurricular programs, maintaining
3 a full complement of professional staff to deliver optimal
4 educational services, meeting the program and staff needs of
5 all students, including students with disabilities and
6 students in career and technical education courses, maximizing
7 community involvement in school governance, operating on an
8 economically efficient basis, and maintaining a sufficient
9 local tax base.

10 "Substantially coterminous" means that a high school
11 district and one or more elementary districts share the same
12 boundaries or share the same boundaries except for territory
13 encompassing, for a particular district, (i) less than 25% of
14 the land area of the district, (ii) less than 8% of the student
15 enrollment of the district, and (iii) less than 8% of the
16 equalized assessed valuation of the district.

17 "Unit district" means a school district organized and
18 established for purposes of providing instruction up to and
19 including grade 12. "Unit district" includes charter (K through
20 12) districts, community unit districts, community
21 consolidated unit districts, other districts that, prior to the
22 adoption of the community consolidated unit district and
23 community unit district, authorizing legislation had expanded
24 to provide instruction through the 12th grade (commonly
25 referred to as "Old Type" unit districts), and partial
26 elementary unit districts organized pursuant to the provisions
27 of this Article.

28 "Unit to dual conversion" means a school district
29 conversion authorized under subsection (b) of Section 11E-15 of
30 this Code.

31 (105 ILCS 5/11E-15 new)

32 Sec. 11E-15. School district conversion.

33 (a) One or more unit districts and one or more high school
34 districts, all of which are contiguous, may, under the
35 provisions of this Article, be converted into a dual district

1 through the dissolution of the unit district or districts and
2 the high school district or districts if the following apply:

3 (1) each elementary district to be created includes all
4 of the territory within a unit district to be dissolved;
5 and

6 (2) the high school district to be created includes all
7 of the territory within the unit districts and high school
8 districts to be dissolved.

9 (b) Two or more contiguous unit districts may, under the
10 provisions of this Article, dissolve and form a single new high
11 school district and new elementary districts that are based
12 upon the boundaries of the dissolved unit districts.

13 (105 ILCS 5/11E-20 new)

14 Sec. 11E-20. Combined school district formation.

15 (a) (1) The territory of 2 or more entire contiguous
16 elementary districts may be organized into a combined
17 elementary district under the provisions of this Article.

18 (2) Any 2 or more entire elementary districts that
19 collectively are within or substantially coterminous with
20 the boundaries of a high school district, regardless of
21 whether the districts are compact and contiguous with each
22 other, may be organized into a combined school district in
23 accordance with this Article.

24 (b) Any 2 or more entire contiguous high school districts
25 may be organized into a combined high school district under the
26 provisions of this Article.

27 (c) Any 2 or more entire contiguous unit districts may be
28 organized into a combined unit district under the provisions of
29 this Article.

30 (105 ILCS 5/11E-25 new)

31 Sec. 11E-25. Unit district formation.

32 (a) Any contiguous and compact territory, no part of which
33 is included within any unit district, may be organized into a
34 unit district as provided in this Article.

1 (b) The territory of one or more entire unit districts that
2 are contiguous to each other, plus any contiguous and compact
3 territory no part of which is included within any unit
4 district, and the territory of which taken as a whole is
5 compact may be organized into a unit district as provided in
6 this Article.

7 (105 ILCS 5/11E-30 new)

8 Sec. 11E-30. Partial elementary unit district formation.

9 (a) One or more entire high school districts and one or
10 more entire unit districts, all of which are contiguous, may be
11 organized into a combined high school - unit district as
12 provided in this Article. The combined high school - unit
13 district shall serve all residents of the district for high
14 school purposes and those residents residing in the portion of
15 the territory included within the boundaries of the dissolved
16 unit district or districts for elementary purposes.

17 (b) One or more contiguous unit districts may, as provided
18 in this Article, dissolve and form a single new combined high
19 school - unit district and one or more new elementary
20 districts. The boundaries of the new elementary district or
21 districts shall be based upon the boundaries of the dissolved
22 unit district or districts electing to join the combined high
23 school - unit district only for high school purposes. Territory
24 included within the boundaries of the new elementary district
25 or districts shall be served by the new combined high school -
26 unit district only for high school purposes. All other
27 territory within the combined high school - unit district shall
28 be served by the combined high school - unit district for both
29 high school and elementary purposes.

30 (c) A high school district and 2 or more elementary
31 districts that collectively are substantially coterminous may
32 seek to organize into an optional elementary unit district as
33 provided in this Article. The optional elementary unit district
34 shall serve all residents of the district for high school
35 purposes. The optional elementary unit district shall serve

1 residents of only those elementary districts electing to join
2 the optional elementary unit district, as determined in
3 accordance with subsection (b) of Section 11E-65 of this Code,
4 for elementary purposes. The corporate existence of any
5 elementary district electing not to join the optional
6 elementary unit district in accordance with subsection (b) of
7 Section 11E-65 of this Code shall not be affected by the
8 formation of an optional elementary unit district, and an
9 elementary district electing not to join the optional
10 elementary unit district shall continue to serve residents of
11 the district for elementary purposes.

12 (d) (1) For 5 years following the formation of an optional
13 elementary unit district, any elementary district that elected
14 not to join an optional elementary unit district for elementary
15 purposes may elect to dissolve and combine with the optional
16 elementary unit district by filing a petition that requests the
17 submission of the proposition at a regularly scheduled election
18 for the purpose of voting for or against joining the optional
19 elementary unit district and that complies with the other
20 provisions of this Article.

21 (2) After an election in which an elementary district
22 votes to join an optional elementary unit district in
23 accordance with paragraph (1) of this subsection (d), but
24 prior to the dissolution of the elementary district, the
25 elementary district must first issue funding bonds
26 pursuant to Sections 19-8 and 19-9 of this Code to
27 liquidate any operational deficit or debt incurred or
28 accumulated since the date of the election in which the
29 proposition to form the optional elementary unit district
30 passed. The elementary district shall not be required to
31 comply with the backdoor referenda provisions of Section
32 19-9 of this Code as a condition of issuing the funding
33 bonds. If applicable, the tax levy to pay the debt service
34 on the funding bonds shall not be included in the
35 district's aggregate extension base under Section 18-210
36 of the Property Tax Code. Taxes levied to repay principal

1 and interest on any long term debt incurred or accumulated
2 between the date of the election in which the proposition
3 to form the optional elementary unit district passed and
4 the date of the elementary district's dissolution and
5 joining the optional elementary unit district in
6 accordance with paragraph (1) of this subsection (d) shall
7 be levied and extended only against the territory of the
8 elementary district as it existed prior to dissolution.

9 (3) If all eligible elementary districts elect to join
10 an optional elementary unit district in accordance with
11 this subsection (d), the optional elementary unit district
12 shall thereafter be deemed a unit district for all purposes
13 of this Code.

14 (105 ILCS 5/11E-35 new)

15 Sec. 11E-35. Petition filing.

16 (a) A petition shall be filed with the regional
17 superintendent of schools of the educational service region in
18 which the territory described in the petition or that part of
19 the territory with the greater percentage of equalized assessed
20 valuation is situated. The petition must do the following:

21 (1) be signed by at least 50 legal resident voters or
22 10% of the legal resident voters, whichever is less,
23 residing within each affected district; or

24 (2) be approved by the school board in each affected
25 district.

26 (b) The petition shall contain all of the following:

27 (1) A request to submit the proposition at a regular
28 scheduled election for the purpose of voting:

29 (A) for or against a high school - unit conversion;

30 (B) for or against a unit to dual conversion;

31 (C) for or against the establishment of a combined
32 elementary district;

33 (D) for or against the establishment of a combined
34 high school district;

35 (E) for or against the establishment of a combined

1 unit district;

2 (F) for or against the establishment of a unit
3 district from dual district territory exclusively;

4 (G) for or against the establishment of a unit
5 district from both dual district and unit district
6 territory;

7 (H) for or against the establishment of a combined
8 high school - unit district from a combination of one
9 or more high school districts and one or more unit
10 districts;

11 (I) for or against the establishment of a combined
12 high school - unit district and one or more new
13 elementary districts through a multi-unit conversion;

14 (J) for or against the establishment of an optional
15 elementary unit district from a combination of a
16 substantially coterminous dual district; or

17 (K) for or against dissolving and becoming part of
18 an optional elementary unit district.

19 (2) A description of the territory comprising the
20 districts proposed to be dissolved and those to be created,
21 which, for an entire district, may be a general reference
22 to all of the territory included within that district.

23 (3) A specification of the maximum tax rates for
24 various purposes the proposed district or districts shall
25 be authorized to levy for various purposes and, if
26 applicable, the specifications related to the Property Tax
27 Extension Limitation Law, in accordance with Section
28 11E-80 of this Code.

29 (4) A description of how supplementary State deficit
30 difference payments made under subsection (c) of Section
31 11E-135 of this Code will be allocated among the new
32 districts proposed to be formed.

33 (5) Where applicable, a division of assets and
34 liabilities to be allocated to the proposed new or annexing
35 school district or districts in the manner provided in
36 Section 11E-105 of this Code.

1 (6) If desired, a request that at that same election as
2 the reorganization proposition a school board or boards be
3 elected on a separate ballot or ballots to serve as the
4 school board or boards of the proposed new district or
5 districts. Any election of board members at the same
6 election at which the proposition to create the district or
7 districts to be served by the board or boards is submitted
8 to the voters shall proceed under the supervision of the
9 regional superintendent of schools as provided in Section
10 11E-55 of this Code.

11 (7) If desired, a request that the referendum at which
12 the proposition is submitted for the purpose of voting for
13 or against the establishment of a unit district (other than
14 a partial elementary unit district) include as part of the
15 proposition the election of board members by school board
16 district rather than at large. Any petition requesting the
17 election of board members by district shall divide the
18 proposed school district into 7 school board districts,
19 each of which must be compact and contiguous and
20 substantially equal in population to each other school
21 board district. Any election of board members by school
22 board district shall proceed under the supervision of the
23 regional superintendent of schools as provided in Section
24 11E-55 of this Code.

25 (8) If desired, a request that the referendum at which
26 the proposition is submitted for the purpose of voting for
27 or against the establishment of a unit to dual conversion
28 include as part of the proposition the election of board
29 members for the new high school district (i) on an at large
30 basis, (ii) with board members representing each of the
31 forming elementary school districts, or (iii) a
32 combination of both. The format for the election of the new
33 high school board must be defined in the petition. When 4
34 or more unit school districts and a combination of board
35 members representing each of the forming elementary school
36 districts are involved and at large formats are used, one

1 member must be elected from each of the forming elementary
2 school districts. The remaining members may be elected on
3 an at large basis, provided that none of the underlying
4 elementary school districts have a majority on the
5 resulting high school board. When 3 unit school districts
6 and a combination of board members representing each of the
7 forming elementary school districts are involved and at
8 large formats are used, 2 members must be elected from each
9 of the forming elementary school districts. The remaining
10 member must be elected at large.

11 (9) If desired, a request that the referendum at which
12 the proposition shall be submitted include a proposition on
13 a separate ballot authorizing the issuance of bonds by the
14 district or districts when organized in accordance with
15 this Article. However, if the petition is submitted for the
16 purpose of voting for or against the establishment of an
17 optional elementary unit district, the petition may
18 request only that the referendum at which the proposition
19 is submitted include a proposition on a separate ballot
20 authorizing the issuance of bonds for high school purposes
21 (and not elementary purposes) by the district when
22 organized in accordance with this Article. The principal
23 amount of the bonds and the purposes of issuance, including
24 a specification of elementary or high school purposes if
25 the proposed issuance is to be made by a combined high
26 school - unit district, shall be stated in the petition and
27 in all notices and propositions submitted thereunder.

28 (10) A designation of a committee of ten of the
29 petitioners as attorney in fact for all petitioners, any 7
30 of whom may at any time, prior to the final decision of the
31 regional superintendent of schools, amend the petition in
32 all respects (except that, for a unit district formation,
33 there may not be an increase or decrease of more than 25%
34 of the territory to be included in the proposed district)
35 and make binding stipulations on behalf of all petitioners
36 as to any question with respect to the petition, including

1 the power to stipulate to accountings or the waiver thereof
2 between school districts.

3 (c) The regional superintendent of schools shall not accept
4 for filing under the authority of this Section any petition
5 that includes any territory already included as part of the
6 territory described in another pending petition filed under the
7 authority of this Section.

8 (d) (1) Those designated as the Committee of Ten shall serve
9 in that capacity until such time as the regional superintendent
10 of schools determines that, because of death, resignation,
11 transfer of residency from the territory, failure to qualify,
12 or any other reason, the office of a particular member of the
13 Committee of Ten is vacant. Upon determination by the regional
14 superintendent of schools that these vacancies exist, he or she
15 shall declare the vacancies and shall notify the remaining
16 members to appoint a petitioner or petitioners, as the case may
17 be, to fill the vacancies in the Committee of Ten so
18 designated. An appointment by the Committee of Ten to fill a
19 vacancy shall be made by a simple majority vote of the
20 designated remaining members.

21 (2) Failure of a person designated as a member of the
22 Committee of Ten to sign the petition shall not disqualify
23 that person as a member of the Committee of Ten, and that
24 person may sign the petition at any time prior to final
25 disposition of the petition and the conclusion of the
26 proceedings to form a new school district or districts,
27 including all litigation pertaining to the petition or
28 proceedings.

29 (3) Except as stated in item (10) of subsection (b) of
30 this Section, the Committee of Ten shall act by majority
31 vote of the membership.

32 (4) The regional superintendent of schools may accept a
33 stipulation made by the Committee of Ten instead of
34 evidence or proof of the matter stipulated or may refuse to
35 accept the stipulation, provided that the regional
36 superintendent sets forth the basis for the refusal.

1 (5) The Committee of Ten may voluntarily dismiss its
2 petition at any time before the petition is approved by
3 either the regional superintendent of schools or State
4 Superintendent of Education.

5 (105 ILCS 5/11E-40 new)

6 Sec. 11E-40. Notice and petition amendments.

7 (a) Upon the filing of a petition with the regional
8 superintendent of schools as provided in Section 11E-35 of this
9 Code, the regional superintendent shall do all of the
10 following:

11 (1) Cause a copy of the petition to be given to each
12 school board of the affected districts and the regional
13 superintendent of schools of any other educational service
14 region in which territory described in the petition is
15 situated.

16 (2) Cause a notice thereof to be published at least
17 once each week for 3 successive weeks in at least one
18 newspaper having general circulation within the area of all
19 of the territory of the proposed district or districts. The
20 expense of publishing the notice shall be borne by the
21 petitioners and paid on behalf of the petitioners by the
22 Committee of Ten.

23 (b) The notice shall state all of the following:

24 (1) When and to whom the petition was presented.

25 (2) The prayer of the petition.

26 (3) A description of the territory comprising the
27 districts proposed to be dissolved and those to be created,
28 which, for an entire district, may be a general reference
29 to all of the territory included within that district.

30 (4) If applicable, the proposition to elect, by
31 separate ballot, school board members at the same election,
32 indicating whether the board members are to be elected at
33 large or by school board district.

34 (5) If requested in the petition, the proposition to
35 issue bonds, indicating the amount and purpose thereof.

1 (6) The day on which the hearing on the action proposed
2 in the petition shall be held.

3 (c) The requirements of subsection (g) of Section 28-2 of
4 the Election Code do not apply to any petition filed under this
5 Article. Notwithstanding any provision to the contrary
6 contained in the Election Code, the regional superintendent of
7 schools shall make all determinations regarding the validity of
8 the petition, including without limitation signatures on the
9 petition, subject to State Superintendent and administrative
10 review in accordance with Section 11E-50 of this Code.

11 (d) Prior to the hearing described in Section 11E-45 of
12 this Code, the regional superintendent of schools shall inform
13 the Committee of Ten as to whether the petition, as amended or
14 filed, is proper and in compliance with all applicable petition
15 requirements set forth in the Election Code. If the regional
16 superintendent determines that the petition is not in proper
17 order or not in compliance with any applicable petition
18 requirements set forth in the Election Code, the regional
19 superintendent must identify the specific alleged defects in
20 the petition and include specific recommendations to cure the
21 alleged defects. The Committee of Ten may amend the petition to
22 cure the alleged defects at any time prior to the receipt of
23 the regional superintendent's written order made in accordance
24 with subsection (a) of Section 11E-50 of this Code or may elect
25 not to amend the petition, in which case the Committee of Ten
26 may appeal a denial by the regional superintendent following
27 the hearing in accordance with Section 11E-50 of this Code.

28 (105 ILCS 5/11E-45 new)

29 Sec. 11E-45. Hearing.

30 (a) No more than 15 days after the last date on which the
31 required notice under Section 11E-40 of this Code is published,
32 the regional superintendent of schools with whom the petition
33 is required to be filed shall hold a hearing on the petition.
34 Prior to the hearing, the Committee of Ten shall submit to the
35 regional superintendent maps showing the districts involved

1 and any other information deemed pertinent by the Committee of
2 Ten to the proposed action. The regional superintendent of
3 schools may adjourn the hearing from time to time or may
4 continue the matter for want of sufficient notice or other good
5 cause.

6 (b) At the hearing, the regional superintendent of schools
7 shall allow public testimony on the action proposed in the
8 petition. The regional superintendent shall present, or
9 arrange for the presentation of all of the following:

10 (1) Evidence as to the school needs and conditions in
11 the territory described in the petition and the area
12 adjacent thereto.

13 (2) Evidence with respect to the ability of the
14 proposed district or districts to meet standards of
15 recognition as prescribed by the State Board of Education.

16 (3) A consideration of the division of funds and assets
17 that will occur if the petition is approved.

18 (4) A description of the maximum tax rates the proposed
19 district or districts is authorized to levy for various
20 purposes and, if applicable, the specifications related to
21 the Property Tax Extension Limitation Law, in accordance
22 with Section 11E-80 of this Code.

23 (c) Any regional superintendent of schools entitled under
24 the provisions of this Article to be given a copy of the
25 petition and any resident or representative of a school
26 district in which any territory described in the petition is
27 situated may appear in person or by an attorney at law to
28 provide oral or written testimony or both in relation to the
29 action proposed in the petition.

30 (d) The regional superintendent of schools shall arrange
31 for a written transcript of the hearing. The expense of the
32 written transcript shall be borne by the petitioners and paid
33 on behalf of the petitioners by the Committee of Ten.

34 (105 ILCS 5/11E-50 new)

35 Sec. 11E-50. Approval or denial of the petition;

1 administrative review.

2 (a) Within 14 days after the conclusion of the hearing
3 under Section 11E-45 of this Code, the regional superintendent
4 of schools shall take into consideration the school needs and
5 conditions of the affected districts and in the area adjacent
6 thereto, the division of funds and assets that will result from
7 the action described in the petition, the best interests of the
8 schools of the area, and the best interests and the educational
9 welfare of the pupils residing therein and, through a written
10 order, either approve or deny the petition. If the regional
11 superintendent fails to act upon a petition within 14 days
12 after the conclusion of the hearing, the regional
13 superintendent shall be deemed to have denied the petition.

14 (b) Upon approving or denying the petition, the regional
15 superintendent of schools shall submit the petition and all
16 evidence to the State Superintendent of Education. The State
17 Superintendent shall review the petition, the record of the
18 hearing, and the written order of the regional superintendent,
19 if any. Within 21 days after the receipt of the regional
20 superintendent's decision, the State Superintendent shall take
21 into consideration the school needs and conditions of the
22 affected districts and in the area adjacent thereto, the
23 division of funds and assets that will result from the action
24 described in the petition, the best interests of the schools of
25 the area, and the best interests and the educational welfare of
26 the pupils residing therein and, through a written order,
27 either approve or deny the petition. If the State
28 Superintendent denies the petition, the State Superintendent
29 shall set forth in writing the specific basis for the denial.
30 The decision of the State Superintendent shall be deemed an
31 administrative decision as defined in Section 3-101 of the Code
32 of Civil Procedure. The State Superintendent shall provide a
33 copy of the decision by certified mail, return receipt
34 requested, to the Committee of Ten, any person appearing in
35 support or opposition of the petition at the hearing, each
36 school board of a district in which territory described in the

1 petition is situated, the regional superintendent with whom the
2 petition was filed, and the regional superintendent of schools
3 of any other educational service region in which territory
4 described in the petition is situated.

5 (c) Any resident of any territory described in the petition
6 who appears in support of or opposition to the petition at the
7 hearing or any petitioner or school board of any district in
8 which territory described in the petition is situated may,
9 within 35 days after a copy of the decision sought to be
10 reviewed was served by certified mail, return receipt
11 requested, upon the party affected thereby or upon the attorney
12 of record for the party, apply for a review of an
13 administrative decision of the State Superintendent of
14 Education in accordance with the Administrative Review Law and
15 any rules adopted pursuant to the Administrative Review Law.
16 The commencement of any action for review shall operate as a
17 supersedes, and no further proceedings shall be had until final
18 disposition of the review. The circuit court of the county in
19 which the petition is filed with the regional superintendent of
20 schools shall have sole jurisdiction to entertain a complaint
21 for the review.

22 (105 ILCS 5/11E-55 new)

23 Sec. 11E-55. Holding of elections.

24 (a) Elections provided by this Article shall be conducted
25 in accordance with the general election law. The regional
26 superintendent of schools shall perform the election duties
27 assigned by law to the secretary of a school board for the
28 election and shall certify the officers and candidates
29 therefore pursuant to the general election law.

30 (b) Nomination papers filed under this Article are not
31 valid unless the candidate named therein files with the
32 regional superintendent of schools a receipt from the county
33 clerk showing that the candidate has filed a statement of
34 economic interests as required by the Illinois Governmental
35 Ethics Act. This receipt shall be so filed either previously

1 during the calendar year in which his or her nomination papers
2 were filed or within the period for the filing of nomination
3 papers in accordance with the general election law.

4 (c)(1) If the petition requests the election of school
5 board members of the school district proposed to be created at
6 the same election at which the proposition to establish that
7 district is to be submitted to voters or if the regional
8 superintendent of schools finds it to be in the best interest
9 of the districts involved to elect school board members of the
10 school district proposed to be created at a consolidated
11 election or general primary election, then that fact shall be
12 included in the notice of referendum.

13 (2) If the members of the school board of the school
14 district proposed to be created are not to be elected at
15 the same election at which the proposition to establish
16 that district is to be submitted to the voters, then the
17 regional superintendent of schools shall order an election
18 to be held on the next regularly scheduled election date
19 for the purpose of electing a school board for that
20 district.

21 (3) In either event, the school board elected for a new
22 school district or districts created under this Article
23 shall consist of 7 members who shall have the terms and the
24 powers and duties of school boards as provided by statute.

25 (d) All notices regarding propositions for reorganization
26 or creation of new school districts under this Article shall be
27 given in accordance with the general election law in
28 substantially the following form:

29 (1) Notice in high school - unit conversion or unit to
30 dual conversion:

31 NOTICE OF REFERENDUM TO DISSOLVE

32 CERTAIN SCHOOL DISTRICTS AND

33 ESTABLISH CERTAIN NEW SCHOOL DISTRICTS

34 NOTICE is hereby given that on (insert date), a

1 referendum will be held in part(s) of county
 2 (counties) for the purpose of voting for or against the
 3 proposition to dissolve (here identify the school
 4 districts to be dissolved by name and number) and to
 5 establish new school districts for the following described
 6 territory: A new (here specify elementary, high school, or
 7 unit) district shall be formed from (here describe the
 8 territory, which, for territory currently included in an
 9 entire school district, may be a general reference to all
 10 of the territory included within that particular school
 11 district). (Here repeat the territory information for each
 12 new school district.)

13 The election is called and will be held pursuant to an
 14 order of the Regional Superintendent dated on (insert
 15 date), which order states that if a majority of the voters
 16 in each of the affected districts voting on the proposition
 17 at the referendum vote in favor thereof, the tax rates for
 18 various purposes of the new districts shall be as follows:
 19 For the new (here specify elementary, high school, or unit)
 20 district formed from the territory of (here describe
 21 territory, which, for territory currently included in an
 22 entire school district, may be a general reference to all
 23 of the territory included within that particular
 24 district), the tax rates for various purposes shall be
 25 (here specify the maximum tax rates for various purposes
 26 the proposed school district is authorized to levy and, if
 27 applicable, the specifications related to the Property Tax
 28 Extension Limitation Law, in accordance with Section
 29 11E-80 of this Code). (Here repeat the tax rate information
 30 for each new school district.)

31 Dated (insert date).
 32 Regional Superintendent of Schools

33 (2) Notice for combined school district formation:

1 TO ESTABLISH COMBINED SCHOOL DISTRICT

2 NOTICE is hereby given that on (insert date), a
3 referendum will be held in part(s) of county
4 (counties) for the purpose of voting for or against the
5 proposition to establish a combined (here insert
6 elementary, high school, or unit) school district for the
7 following described territory: (here describe the
8 territory, which, for territory currently included in an
9 entire school district, may be a general reference to all
10 of the territory included within that particular school
11 district). The election is called and will be held pursuant
12 to an order of the Regional Superintendent dated on (insert
13 date), which order states that if a majority of the voters
14 in each of the affected school districts voting on the
15 proposition at the referendum vote in favor thereof, the
16 tax rates for various purposes of the proposed combined
17 school district shall be (here specify the maximum tax
18 rates for various purposes the proposed combined school
19 district is authorized to levy and, if applicable, the
20 specifications related to the Property Tax Extension
21 Limitation Law, in accordance with Section 11E-80 of this
22 Code).

23 Dated (insert date).
24 Regional Superintendent of Schools

25 (3) Notice for unit district formation (other than a
26 partial elementary unit district):

27 NOTICE OF REFERENDUM TO ESTABLISH
28 A COMMUNITY UNIT DISTRICT

29 NOTICE is hereby given that on (insert date), a
30 referendum will be held in part(s) of county
31 (counties) for the purpose of voting for or against the
32 proposition to establish a unit district for the following

1 described territory: (here describe the territory, which,
2 for territory currently included in an entire school
3 district, may be a general reference to all of the
4 territory included within that particular school
5 district). The election is called and will be held pursuant
6 to an order of the Regional Superintendent dated on (insert
7 date), which order states that if a majority of the voters
8 in each of the affected school districts voting on the
9 proposition at the referendum vote in favor thereof, the
10 tax rates for various purposes for the proposed unit
11 district shall be (here specify the maximum tax rates for
12 various purposes the proposed unit district shall be
13 authorized to levy and, if applicable, the specifications
14 related to the Property Tax Extension Limitation Law, in
15 accordance with Section 11E-80 of this Code).

16 Dated (insert date).

17 Regional Superintendent of Schools

18 (4) Notice for combined high school - unit district
19 formation:

20 NOTICE OF REFERENDUM

21 TO ESTABLISH COMBINED HIGH SCHOOL - UNIT DISTRICT

22 NOTICE is hereby given that on (insert date), a
23 referendum will be held in part(s) of county
24 (counties) for the purpose of voting for or against the
25 proposition to establish a combined high school - unit
26 district for the following described territory: (here
27 describe the territory, which, for territory currently
28 included in an entire school district, may be a general
29 reference to all of the territory included within that
30 particular school district). The following described
31 territory shall be included in the combined high school -
32 unit district for high school purposes only: (here describe
33 the territory that will be included only for high school

1 purposes, which, for territory currently included in an
 2 entire school district, may be a general reference to all
 3 of the territory included within that particular school
 4 district). The election is called and will be held pursuant
 5 to an order of the Regional Superintendent dated on (insert
 6 date), which order states that if a majority of the voters
 7 in each of the affected school districts voting on the
 8 proposition at the referendum vote in favor thereof, the
 9 tax rates for various purposes for the proposed combined
 10 high school - unit district shall be (here specify the
 11 maximum tax rates for various purposes the proposed
 12 combined high school - unit district shall be authorized to
 13 levy and, if applicable, the specifications related to the
 14 Property Tax Extension Limitation Law, in accordance with
 15 Sections 11E-80 and 11E-90 of this Code).
 16 Dated (insert date).
 17 Regional Superintendent of Schools

18 (5) Notice for multi-unit conversion:

19 NOTICE OF REFERENDUM TO DISSOLVE CERTAIN
 20 UNIT SCHOOL DISTRICTS AND ESTABLISH CERTAIN
 21 NEW SCHOOL DISTRICTS

22 NOTICE is hereby given that on (insert date), a
 23 referendum will be held in part(s) of county
 24 (counties) for the purpose of voting for or against the
 25 proposition to dissolve (here identify the districts to be
 26 dissolved by name and number) and to establish new school
 27 districts for the following described territory: A new
 28 (here specify elementary or combined high school - unit)
 29 district shall be formed from (here describe the territory,
 30 which, for territory currently included in an entire school
 31 district, may be a general reference to all of the
 32 territory included within that particular school
 33 district). (Here repeat the territory information for each

1 new school district.) The following described territory
 2 shall be included in the proposed combined high school -
 3 unit district only for high school purposes: (here describe
 4 the territory that will only be included for high school
 5 purposes, which, for territory currently included in an
 6 entire school district, may be a general reference to all
 7 of the territory included within that particular school
 8 district).

9 The election is called and will be held pursuant to an
 10 order of the Regional Superintendent dated on (insert
 11 date), which order states that if a majority of the voters
 12 in each of the affected districts voting on the proposition
 13 at the referendum vote in favor thereof, the tax rates for
 14 various purposes of the new districts shall be as follows:
 15 For the new elementary district formed from the territory
 16 of (here identify the unit district by name and number) the
 17 tax rates for various purposes shall be (here specify the
 18 maximum tax rates for various purposes the proposed
 19 elementary district is authorized to levy and, if
 20 applicable, the specifications related to the Property Tax
 21 Extension Limitation Law, in accordance with Section
 22 11E-80 of this Code). (Here repeat the tax rate and
 23 Property Tax Extension Limitation Law information for each
 24 new elementary district.) For the new combined high school
 25 - unit district, the tax rates for various purposes shall
 26 be (here specify the maximum tax rates for various purposes
 27 the proposed combined high school - unit district shall be
 28 authorized to levy and, if applicable, the specifications
 29 related to the Property Tax Extension Limitation Law, in
 30 accordance with Sections 11E-80 and 11E-90 of this Code).

31 Dated (insert date).
 32 Regional Superintendent of Schools

33 (6) Notice for optional elementary unit district
 34 formation:

1 NOTICE OF REFERENDUM TO ESTABLISH
 2 AN OPTIONAL ELEMENTARY UNIT DISTRICT

3 NOTICE is hereby given that on (insert date), a
 4 referendum will be held in part(s) of county
 5 (counties) for the purpose of voting for or against the
 6 proposition to establish an optional elementary unit
 7 district for the following described territory: (here
 8 describe the elementary and high school district territory
 9 by name and number). If a majority of the voters in one or
 10 more of the affected elementary districts and in the
 11 affected high school district voting on the proposition at
 12 the referendum vote in favor thereof, all of the territory
 13 included within the affected high school district shall be
 14 included in the optional elementary unit district for high
 15 school purposes. However, only the territory of elementary
 16 districts in which a majority of the voters voting in the
 17 proposition at the referendum vote in favor thereof shall
 18 be included in the optional elementary unit district for
 19 elementary purposes. The election is called and will be
 20 held pursuant to an order of the Regional Superintendent
 21 dated on (insert date), which order states that if a
 22 majority of the voters in one or more of the affected
 23 elementary districts and in the affected high school
 24 district voting on the proposition at the referendum vote
 25 in favor thereof, the tax rates for various purposes for
 26 the proposed optional elementary unit district shall be
 27 (here list the maximum tax rates for various purposes the
 28 proposed optional elementary unit district is authorized
 29 to levy and, if applicable, the specifications related to
 30 the Property Tax Extension Limitation Law, in accordance
 31 with Sections 11E-80 and 11E-95 of this Code).

32 Dated (insert date).

33 Regional Superintendent of Schools

34 (7) Notice for an elementary district to opt into a

1 partial elementary unit district:

2 NOTICE OF REFERENDUM TO JOIN

3 AN OPTIONAL ELEMENTARY UNIT DISTRICT

4 NOTICE is hereby given that on (insert date), a
5 referendum will be held in part(s) of county
6 (counties) for the purpose of voting for or against the
7 proposition to dissolve an elementary district and join an
8 optional elementary unit district for kindergarten through
9 12 grade-level purposes for all of the territory included
10 within (here identify the elementary district by name and
11 number). The election is called and will be held pursuant
12 to an order of the Regional Superintendent dated on (insert
13 date), which order states that if a majority of the voters
14 in the elementary school district voting on the proposition
15 at the referendum vote in favor thereof, the tax rates for
16 various purposes for the optional elementary unit district
17 shall be (here list the maximum tax rates for various
18 purposes the optional elementary unit district is
19 authorized to levy and, if applicable, the specifications
20 related to the Property Tax Extension Limitation Law, in
21 accordance with Sections 11E-80 and 11E-95 of this Code)
22 and the elementary district, prior to dissolution, shall
23 issue funding bonds pursuant to Sections 19-8 and 19-9 of
24 the School Code to liquidate any operational deficit or
25 debt incurred or accumulated since the date of the election
26 in which the proposition to form the optional elementary
27 unit district passed.

28 Dated (insert date).

29 Regional Superintendent of Schools

30 (105 ILCS 5/11E-60 new)

31 Sec. 11E-60. Ballots.

32 (a) Separate ballots shall be used for the election in each
33 affected district. If the petition requests the submission of a

1 proposition for the issuance of bonds, then that question shall
2 be submitted to the voters at the referendum on a separate
3 ballot.

4 (b) Ballots for all reorganization propositions submitted
5 under the provisions of this Article must be in substantially
6 the following form:

7 (1) Ballot for high school - unit conversion or unit to
8 dual conversion:

9 OFFICIAL BALLOT

10 Shall (here identify the districts to be dissolved by
11 name and number) be dissolved and new school districts be
12 established as follows: a new (here specify elementary,
13 high school, or unit) district formed from all of the
14 territory included within (here identify the existing
15 school district by name and number), with the authority to
16 levy taxes for various purposes as follows: (here specify
17 the maximum tax rates for various purposes the new school
18 district is authorized to levy and, if applicable, the
19 specifications related to the Property Tax Extension
20 Limitation Law, in accordance with Section 11E-80 of this
21 Code), each upon all of the taxable property of the school
22 district at the value thereof, as equalized or assessed by
23 the Department of Revenue, and a new (here repeat the
24 information for each new school district)?

25 The election authority must record the votes "Yes" or
26 "No".

27 (2) Ballot for combined school district formation:

28 OFFICIAL BALLOT

29 Shall a combined (here insert elementary, high, or
30 unit) school district, with the authority to levy taxes at

1 the rate of (here specify the maximum tax rates for various
2 purposes the new unit district is authorized to levy and,
3 if applicable, the specifications related to the Property
4 Tax Extension Limitation Law, in accordance with Section
5 11E-80 of this Code), each upon all of the taxable property
6 of the district at the value thereof, as equalized or
7 assessed by the Department of Revenue, be established?

8 The election authority must record the votes "Yes" or
9 "No".

10 (3) Ballot for unit district formation (other than a
11 partial elementary unit district formation):

12 OFFICIAL BALLOT

13 Shall a unit district, with the authority to levy taxes
14 at the rate of (here specify the maximum tax rates for
15 various purposes the new unit district is authorized to
16 levy and, if applicable, the specifications related to the
17 Property Tax Extension Limitation Law, in accordance with
18 Section 11E-80 of this Code), each upon all of the taxable
19 property of the district at the value thereof, as equalized
20 or assessed by the Department of Revenue, be established?

21 The election authority must record the votes "Yes" or
22 "No".

23 (4) Ballot for a combined high school - unit district
24 formation:

25 OFFICIAL BALLOT

26 Shall a combined high school - unit district formed
27 from all of the territory included within (here identify
28 existing school districts by name and number), serving the

1 territory included within (here identify existing school
2 district by name and number) only for high school purposes,
3 with the authority to levy taxes for various purposes as
4 follows:(here specify the maximum tax rates for various
5 purposes the new combined high school - unit district is
6 authorized to levy and, if applicable, the specifications
7 related to the Property Tax Extension Limitation Law, in
8 accordance with Sections 11E-80 and 11E-95 of this Code),
9 each upon all of the taxable property of the district at
10 the value thereof, as equalized or assessed by the
11 Department of Revenue, be established?

12 The election authority must record the votes "Yes" or
13 "No".

14 (5) Ballot for an optional elementary unit district
15 formation:

16 OFFICIAL BALLOT

17 Shall an optional elementary unit district, with the
18 authority to levy taxes at the rate of (here specify the
19 maximum tax rates for various purposes the new optional
20 elementary unit district is authorized to levy and, if
21 applicable, the specifications related to the Property Tax
22 Extension Limitation Law, in accordance with Sections
23 11E-80 and 11E-95 of this Code), each upon all of the
24 taxable property of the district at the value thereof, as
25 equalized or assessed by the Department of Revenue, be
26 established?

27 The election authority must record the votes "Yes" or
28 "No".

29 (6) Ballot for multi-unit conversion:

1 OFFICIAL BALLOT

2 Shall (here identify the districts to be dissolved by
3 name and number) be dissolved and new school districts
4 established as follows: a new elementary district formed
5 from all of the territory included within (here identify
6 the existing school district by name and number), with the
7 authority to levy taxes for various purposes as follows:
8 (here specify the maximum tax rates for various purposes
9 the new school district is authorized to levy and, if
10 applicable, the specifications related to the Property Tax
11 Extension Limitation Law, in accordance with Section
12 11E-80 of this Code), each upon all of the taxable property
13 of the school district at the value thereof, as equalized
14 or assessed by the Department of Revenue, (here repeat the
15 information for each new elementary school district), and a
16 new combined high school - unit district formed from all of
17 the territory included within (here identify the existing
18 school district by name and number), with the authority to
19 levy taxes for various purposes as follows: (here specify
20 the maximum tax rates for various purposes the new combined
21 high school - unit district is authorized to levy and, if
22 applicable, the specifications related to the Property Tax
23 Extension Limitation Law, in accordance with Sections
24 11E-80 and 11E-90 of this Code), each upon all of the
25 taxable property of the school district at the value
26 thereof, as equalized or assessed by the Department of
27 Revenue?

28 The election authority must record the votes "Yes" or
29 "No".

30 (7) Ballot for an elementary school district to
31 dissolve and join an optional elementary unit district:

32 OFFICIAL BALLOT

1 Shall (here identify the elementary district by name
2 and number) be dissolved and join (here identify the
3 optional elementary unit district by name and number), with
4 the authority to levy taxes at the rate of (here specify
5 the maximum tax rates for various purposes the optional
6 elementary unit district is authorized to levy and, if
7 applicable, the specifications related to the Property Tax
8 Extension Limitation Law, in accordance with Sections
9 11E-80 and 11E-95 of this Code), each upon all of the
10 taxable property of the district at the value thereof, as
11 equalized or assessed by the Department of Revenue and
12 shall (here identify the elementary district by name and
13 number), prior to dissolution, issue funding bonds
14 pursuant to Sections 19-8 and 19-9 of the School Code to
15 liquidate any operational deficit or debt incurred or
16 accumulated since the date of the election in which the
17 proposition to form (here identify the optional elementary
18 unit district by name and number) passed?

19 The election authority must record the votes "Yes" or
20 "No".

21 (105 ILCS 5/11E-65 new)

22 Sec. 11E-65. Passage requirements.

23 (a) Except as otherwise provided in subsections (b) and (c)
24 of this Section, if a majority of the electors voting at the
25 election in each affected district vote in favor of the
26 proposition submitted to them, then the proposition shall be
27 deemed to have passed.

28 (b) In the case of an optional elementary unit district to
29 be created as provided in subsection (c) of Section 11E-30 of
30 this Code, if a majority of the electors voting in the high
31 school district and a majority of the voters voting in at least
32 one affected elementary district vote in favor of the
33 proposition submitted to them, then the proposition shall be

1 deemed to have passed and an optional elementary unit district
2 shall be created for all of the territory included in the
3 petition for high school purposes, and for the territory
4 included in the affected elementary districts voting in favor
5 of the proposition for elementary purposes.

6 (c) In the case of an elementary district electing to join
7 an optional elementary unit district in accordance with
8 subsection (d) of Section 11E-30 of this Code, a majority of
9 the electors voting in that elementary district only must vote
10 in favor of the proposition at a regularly scheduled election.

11 (d) (1) If a majority of the voters in at least 2 unit
12 districts have voted in favor of a proposition to create a new
13 unit district, but the proposition was not approved under the
14 standards set forth in subsection (a) of this Section, then the
15 members of the Committee of Ten shall submit an amended
16 petition for consolidation to the school boards of those
17 districts, as long as the territory involved is compact and
18 contiguous. The petition submitted to the school boards shall
19 be identical in form and substance to the petition previously
20 approved by the regional superintendent of schools, with the
21 sole exception that the territory comprising the proposed
22 district shall be amended to include the compact and contiguous
23 territory of those unit districts in which a majority of the
24 voters voted in favor of the proposal.

25 (2) Each school board to which the petition is
26 submitted shall meet and vote to approve or not approve the
27 amended petition no more than 30 days after it has been
28 filed with the school board. The regional superintendent of
29 schools shall make available to each school board with
30 which a petition has been filed all transcripts and records
31 of the previous petition hearing. The school boards shall,
32 by appropriate resolution, approve or disapprove the
33 amended petition. No school board may approve an amended
34 petition unless it first finds that the territory described
35 in the petition is compact and contiguous.

36 (3) If a majority of the members of each school board

1 to whom a petition is submitted votes in favor of the
2 amended petition, then the approved petition shall be
3 transmitted by the secretary of each school board to the
4 State Superintendent of Education, who shall, within 30
5 days after receipt, approve or deny the amended petition
6 based on the criteria stated in subsection (b) of Section
7 11E-50 of this Code. If approved by the State
8 Superintendent of Education, the petition shall be placed
9 on the ballot at the next regularly scheduled election.

10 (105 ILCS 5/11E-70 new)

11 Sec. 11E-70. Effective date of change.

12 (a) If a petition is filed under the authority of this
13 Article, the change is granted and approved at election, and no
14 appeal is taken, the change shall become effective after the
15 time for appeal has run for the purpose of all elections;
16 however, the change shall not affect the administration of the
17 schools until July 1 following the date that the school board
18 election is held for the new district or districts and the
19 school boards of the districts as they existed prior to the
20 change shall exercise the same power and authority over the
21 territory until that date.

22 (b) If any school district is dissolved in accordance with
23 this Article, upon the close of the then current school year,
24 the terms of office of the school board of the dissolved
25 district shall terminate.

26 (c) New districts shall be permitted to organize and elect
27 officers within the time prescribed by the general election
28 law. Additionally, between the date of the organization and the
29 election of officers and the date on which the new district
30 takes effect for all purposes, the new district shall also be
31 permitted, with the stipulation of the districts from which the
32 new district is formed and the approval of the regional
33 superintendent of schools, to take all action necessary or
34 appropriate to do the following:

35 (1) Establish the tax levy for the new district, in

1 lieu of the levies by the districts from which the new
2 district is formed, within the time generally provided by
3 law and in accordance with this Article. The funds produced
4 by the levy shall be transferred to the new district as
5 generally provided by law at such time as they are received
6 by the county collector.

7 (2) Enter into agreements with depositories and direct
8 the deposit and investment of any funds received from the
9 county collector or any other source, all as generally
10 provided by law.

11 (3) Conduct a search for the superintendent of the new
12 district and enter into a contract with the person selected
13 to serve as the superintendent of the new district in
14 accordance with the provisions of this Code generally
15 applicable to the employment of a superintendent.

16 (4) Conduct a search for other administrators and staff
17 of the new district and enter into a contract with these
18 persons in accordance with the provisions of this Code
19 generally applicable to the employment of administrators
20 and other staff.

21 (5) Engage the services of accountants, architects,
22 attorneys, and other consultants, including but not
23 limited to consultants to assist in the search for the
24 superintendent.

25 (6) Plan for the transition from the administration of
26 the schools by the districts from which the new district is
27 formed.

28 (7) Bargain collectively, pursuant to the Illinois
29 Educational Labor Relations Act, with the certified
30 exclusive bargaining representative or certified exclusive
31 bargaining representatives of the new district's
32 employees.

33 (8) Expend the funds received from the levy and any
34 funds received from the districts from which the new
35 district is formed to meet payroll and other essential
36 operating expenses or otherwise in the exercise of the

1 foregoing powers until the new district takes effect for
2 all purposes.

3 (9) Issue bonds authorized in the proposition to form
4 the new district or bonds pursuant to and in accordance
5 with all of the requirements of Section 17-2.11 of this
6 Code, levy taxes upon all of the taxable property within
7 the new district to pay the principal of and interest on
8 those bonds as provided by statute, expend the proceeds of
9 the bonds and enter into any necessary contracts for the
10 work financed therewith as authorized by statute, and avail
11 itself of the provisions of other applicable law, including
12 the Omnibus Bond Acts, in connection with the issuance of
13 those bonds.

14 (d) After the granting of a petition has become final and
15 approved at election, the date when the change becomes
16 effective for purposes of administration and attendance may be
17 accelerated or postponed by stipulation of the school board of
18 each district affected and approval by the regional
19 superintendent of schools with which the original petition is
20 required to be filed.

21 (105 ILCS 5/11E-75 new)

22 Sec. 11E-75. Map showing change. Within 30 days after a new
23 school district has been created or the boundaries of an
24 existing district have been changed under the provisions of
25 this Article, the regional superintendent of schools of any
26 county involved shall make and file with the county clerk of
27 his or her county a map of any districts changed by the action,
28 whereupon the county clerk or county clerks, as the case may
29 be, shall extend taxes against the territory in accordance
30 therewith.

31 (105 ILCS 5/11E-80 new)

32 Sec. 11E-80. Specification of taxing purposes and rates.
33 Whenever taxing purposes and rates are required to be specified
34 or described under this Article for petition, hearing, notice,

1 or ballot requirements, the purposes and rates shall be
2 specified or described in accordance with this Section and,
3 where applicable, shall also include a specification of the
4 aggregate extension base and debt service extension base in
5 accordance with the Property Tax Extension Limitation Law.

6 (1) For the formation of a district not subject to the
7 Property Tax Extension Limitation Law, other than a partial
8 elementary unit district, all of the following must be
9 done:

10 (A) List the maximum rate at which the district
11 will be authorized to levy a tax for educational
12 purposes, operations and maintenance purposes, and
13 pupil transportation purposes (such as% for
14 educational purposes,% for operations and
15 maintenance purposes, and% for pupil
16 transportation purposes), subject to the rate
17 limitations specified in Sections 17-2 and 17-3 of this
18 Code.

19 (B) If it is desired to secure authority to levy
20 other taxes above the statutory permissive rate or, for
21 a unit district, authority to levy taxes for capital
22 improvement purposes at a rate authorized by Section
23 17-2 of this Code, then list the maximum rate at which
24 the district will be authorized to levy a tax for each
25 such purpose (such as% for special educational
26 purposes,% for leasing educational facilities or
27 computer technology purposes,% for capital
28 improvement purposes, and% for fire prevention
29 and safety purposes), subject to all applicable
30 statutory rate limitations.

31 (2) For the formation of a district that is subject to
32 the Property Tax Extension Limitation Law, other than a
33 partial elementary unit district, all of the following must
34 be done:

35 (A) List the purpose for each and every tax that
36 the new district will be authorized to levy (such as

1 educational purposes and operations and maintenance
2 purposes).

3 (B) For each tax purpose listed, specify the
4 maximum rate at which the district will be authorized
5 to levy each tax (such as% for educational
6 purposes and% for operations and maintenance
7 purposes), subject to all applicable statutory rate
8 limitations.

9 (C) Specify the aggregate extension base the
10 district will seek to establish in conformity with the
11 provisions of Section 18-210 of the Property Tax Code.
12 Notwithstanding any provision to the contrary
13 contained in the Property Tax Extension Limitation
14 Law, no notice and referendum requirements other than
15 those set forth in this Article shall be required to
16 establish an aggregate extension base for a new
17 district formed in accordance with this Article.

18 (D) If desired, specify the debt service extension
19 base the district will seek to establish in accordance
20 with Section 18-212 of the Property Tax Code.
21 Notwithstanding any provision to the contrary
22 contained in the Property Tax Extension Limitation
23 Law, no notice and referendum requirements other than
24 those set forth in this Article shall be required to
25 establish a debt service extension base for a new
26 district formed in accordance with this Article.

27 (3) For the formation of a partial elementary unit
28 district not subject to the Property Tax Extension
29 Limitation Law, the purposes and tax rate information
30 required by subsection (b) of Section 11E-90 or subsection
31 (b) of Section 11E-95 of this Code, as applicable, must be
32 specified.

33 (4) For the formation of a partial elementary unit
34 district that is subject to the Property Tax Extension
35 Limitation Law, all of the following must be done:

36 (A) List the purpose for each and every tax that

1 the new district will be authorized to levy, including
2 an indication of whether the tax is for grade K through
3 8 or grade 9 through 12 purposes, to the extent
4 required by Section 11E-90 or 11E-95 of this Code.

5 (B) For each tax purpose listed, list the maximum
6 rate at which the district will be authorized to levy
7 each tax, subject to the rate limitations specified in
8 subsection (b) of Section 11E-90 or subsection (b) of
9 Section 11E-95 of this Code, as applicable, and
10 elsewhere in statute.

11 (C) Specify the aggregate extension base the
12 district will seek to establish in conformity with the
13 provisions of Section 18-210 of the Property Tax Code.
14 Notwithstanding any provision to the contrary
15 contained in the Property Tax Extension Limitation
16 Law, no notice and referendum requirements other than
17 those set forth in this Article shall be required to
18 establish an aggregate extension base for a new
19 district formed in accordance with this Article.

20 (D) If desired, specify the debt service extension
21 base the district will seek to establish in accordance
22 with Section 18-212 of the Property Tax Code.
23 Notwithstanding any provision to the contrary
24 contained in the Property Tax Extension Limitation
25 Law, no notice and referendum requirements other than
26 those set forth in this Article shall be required to
27 establish a debt service extension base for a new
28 district formed in accordance with this Article.

29 (105 ILCS 5/11E-85 new)

30 Sec. 11E-85. Tax levy and borrowing authority, bonds, and
31 working cash funds; districts other than partial elementary
32 unit districts. The school board of any district involved in a
33 school district conversion or the school board of any new
34 district created under the provisions of this Article other
35 than a partial elementary unit district may do any of the

1 following:

2 (1) Levy for the purposes and at not exceeding the
3 rates specified in the petition with respect to each
4 district, which rates thereafter may be increased or
5 decreased in accordance with Sections 17-2 through 17-7 of
6 this Code, and further levy taxes for other purposes as
7 generally permitted by law.

8 (2) Borrow money and issue bonds as authorized in
9 Articles 10 and 19 of this Code and as otherwise permitted
10 by law.

11 (3) Establish, maintain, or re-create a working cash
12 fund as authorized by Article 20 of this Code.

13 (105 ILCS 5/11E-90 new)

14 Sec. 11E-90. Classification of property, taxes, bonds, and
15 funds for combined high school - unit districts.

16 (a) All real property included within the boundaries of a
17 combined high school - unit district created in accordance with
18 this Article shall be classified into either a high school only
19 classification or elementary and high school classification as
20 follows:

21 (1) Real property included within the high school only
22 classification shall include all of the real property
23 included within both the boundaries of the combined high
24 school - unit district and the boundaries of a separate
25 school district organized and established for purposes of
26 providing instruction up to and including grade 8.

27 (2) Real property included within the elementary and
28 high school classification shall include all of the real
29 property of the combined high school - unit district not
30 included in the high school only classification.

31 (b) The petition to establish a combined high school - unit
32 district shall set forth the maximum annual authorized tax
33 rates for the proposed district as follows:

34 (1) The petition to establish a combined high school -
35 unit district must include a maximum annual authorized tax

1 rate for both grade K through 8 educational purposes and
2 grade 9 through 12 educational purposes. The rate for grade
3 K through 8 educational purposes shall not exceed 3.5%. The
4 rate for grade 9 through 12 educational purposes shall not
5 exceed 3.5%. The combined rate for both grade K through 8
6 and grade 9 through 12 educational purposes shall not
7 exceed 4.0%.

8 (2) The petition to establish a combined high school -
9 unit district must include a maximum annual authorized tax
10 rate for both grade K through 8 operations and maintenance
11 purposes and grade 9 through 12 operations and maintenance
12 purposes. The rate for grade K through 8 operations and
13 maintenance purposes shall not exceed 0.55%. The rate for
14 grade 9 through 12 operations and maintenance purposes
15 shall not exceed 0.55%. The combined rate for both grade K
16 through 8 and grade 9 through 12 operations and maintenance
17 purposes shall not exceed 0.75%.

18 (3) The petition to establish a combined high school -
19 unit district must include a maximum annual authorized tax
20 rate for both grade K through 8 special education purposes
21 and grade 9 through 12 special education purposes. The rate
22 for grade K through 8 special education purposes shall not
23 exceed 0.40%. The rate for grade 9 through 12 special
24 education purposes shall not exceed 0.40%.

25 (4) The petition to establish a combined high school -
26 unit district must include a maximum annual authorized tax
27 rate for transportation purposes.

28 (5) If it is desired to secure authority to levy other
29 taxes above the permissive rate applicable to unit
30 districts as specified elsewhere in statute, the petition
31 must include the maximum annual authorized tax rate at
32 which the district will be authorized to levy a tax for
33 each such purpose, not to exceed the maximum rate
34 applicable to unit districts as specified elsewhere in
35 statute.

36 (c) The school board of any new combined high school - unit

1 district created under the provisions of this Article may levy
2 a tax annually upon all of the taxable property of the district
3 at the value as equalized or assessed by the Department of
4 Revenue, as follows:

5 (1) For all real property within the district, rates
6 not to exceed the maximum annual authorized grade 9 through
7 12 educational purposes rate established in accordance
8 with subdivision (1) of subsection (b) of this Section, the
9 maximum annual authorized grade 9 through 12 operation and
10 maintenance purposes rate established in accordance with
11 subdivision (2) of subsection (b) of this Section, the
12 maximum annual authorized grade 9 through 12 special
13 education purposes rate established in accordance with
14 subdivision (3) of subsection (b) of this Section, the
15 maximum annual authorized transportation purposes rate
16 established in accordance with subdivision (4) of
17 subsection (b) of this Section, and for all other purposes,
18 the statutory permissive rate for unit districts or the
19 maximum annual authorized rate for that purpose
20 established in accordance with subdivision (5) of
21 subsection (b) of this Section.

22 (2) For all real property in the district included
23 within the elementary and high school classification, in
24 addition to the rates authorized by subdivision (1) of this
25 subsection (c), rates not to exceed the maximum annual
26 authorized grade K through 8 educational purposes rate
27 established in accordance with subdivision (1) of
28 subsection (b) of this Section, the maximum annual
29 authorized grade K through 8 operation and maintenance
30 purposes rate established in accordance with subdivision
31 (2) of subsection (b) of this Section, and the maximum
32 annual authorized grade K through 8 special education
33 purposes rate established in accordance with subdivision
34 (3) of subsection (b) of this Section.

35 (d) The school board may, subsequent to the formation of
36 the district and in accordance with Sections 17-2 through 17-7

1 of this Code, seek to increase the maximum annual authorized
2 tax rates for any statutorily authorized purpose up to the
3 maximum rate set forth in subsection (b) of this Section or
4 otherwise applicable to unit districts as specified elsewhere
5 in statute, whichever is less, subject to the following
6 approval requirements:

7 (1) The school board may increase the following rates
8 only after submitting a proper resolution to the voters of
9 the district at any regular scheduled election and
10 obtaining approval by both a majority of voters living in
11 the portion of the territory included within the high
12 school only classification voting on the proposition and a
13 majority of voters living in the portion of the territory
14 included within the elementary and high school
15 classification voting on the proposition:

16 (A) The maximum annual authorized grade 9 through
17 12 educational purposes rate established in accordance
18 with subdivision (1) of subsection (b) of this Section,
19 as may be increased thereafter in accordance with this
20 subsection (d).

21 (B) The maximum annual authorized grade 9 through
22 12 operation and maintenance purposes rate established
23 in accordance with subdivision (2) of subsection (b) of
24 this Section, as may be increased thereafter in
25 accordance with this subsection (d).

26 (C) The maximum annual authorized grade 9 through
27 12 special education purposes rate established in
28 accordance with subdivision (3) of subsection (b) of
29 this Section, as may be increased thereafter in
30 accordance with this Section.

31 (D) The maximum annual authorized transportation
32 purposes rate established in accordance with
33 subdivision (4) of subsection (b) of this Section, as
34 may be increased thereafter in accordance with this
35 subsection (d).

36 (E) For all other statutorily authorized purposes,

1 any rate exceeding the statutory permissive rate for
2 unit districts established in accordance with
3 subdivision (5) of subsection (b) of this Section, as
4 may be increased thereafter in accordance with this
5 Section.

6 (2) The school board may increase the following rates
7 only after submitting a proper resolution to the voters of
8 the district living in the portion of the territory
9 included within the elementary and high school
10 classification at any regular scheduled election and
11 obtaining approval by a majority of voters living in the
12 portion of the territory included within the elementary and
13 high school classification voting on the proposition:

14 (A) The maximum annual authorized grade K through 8
15 educational purposes rate established in accordance
16 with subdivision (1) of subsection (b) of this Section,
17 as may be increased thereafter in accordance with this
18 subsection (d).

19 (B) The maximum annual authorized grade K through 8
20 operation and maintenance purposes rate established in
21 accordance with subdivision (2) of subsection (b) of
22 this Section, as may be increased thereafter in
23 accordance with this subsection (d).

24 (C) The maximum annual authorized grade K through 8
25 special education purposes rate established in
26 accordance with subdivision (3) of subsection (b) of
27 this Section, as may be increased thereafter in
28 accordance with this Section.

29 (e) The school board may, after submitting a proper
30 resolution to the voters of the district at any regular
31 scheduled election, seek to do either of the following:

32 (1) Increase or decrease the maximum authorized annual
33 tax rate for grade K through 8 educational purposes with an
34 equal corresponding increase or decrease of the maximum
35 authorized annual tax rate for grade 9 through 12
36 educational purposes, such that there is no change in the

1 total combined maximum authorized annual tax rate for both
2 purposes.

3 (2) Increase or decrease the maximum authorized annual
4 tax rate for grade K through 8 operations and maintenance
5 purposes with an equal corresponding increase or decrease
6 of the maximum authorized annual tax rate for grade 9
7 through 12 operations and maintenance purposes, such that
8 there is no change in the total combined maximum authorized
9 annual tax rate for both purposes.

10 Any modification to maximum authorized annual tax rates
11 pursuant to this subsection (e) must be approved by both a
12 majority of voters living in the portion of the territory
13 included within the high school only classification voting on
14 the proposition and a majority of voters living in the portion
15 of the territory included within the elementary and high school
16 classification voting on the proposition. No maximum tax rate
17 secured hereunder may exceed the maximum tax rate for a
18 particular purpose specified elsewhere in statute.

19 (f) The school board may seek to do either of the
20 following:

21 (1) Increase the maximum authorized annual tax rate for
22 either grade K through 8 educational purposes or grade K
23 through 8 operations and maintenance purposes with an equal
24 corresponding decrease being effected to the maximum
25 authorized tax rate for the other fund.

26 (2) Increase the maximum authorized annual tax rate for
27 either grade 9 through 12 educational purposes or grade 9
28 through 12 operations and maintenance purposes with an
29 equal corresponding decrease being effected to the maximum
30 authorized tax rate for the other fund.

31 A proper resolution to increase and concurrently decrease
32 the maximum authorized annual tax rates for grade K through 8
33 purposes in accordance with this subsection (f) shall be
34 submitted to the voters of the district residing in the
35 elementary and high school classification at any regular
36 scheduled election and must be approved by a majority of voters

1 living in the portion of the territory included within the
2 elementary and high school classification voting on the
3 proposition. A proper resolution to increase and concurrently
4 decrease the maximum authorized annual tax rates for grade 9
5 through 12 purposes in accordance with this subsection (f)
6 shall be submitted to all of the voters of the district at any
7 regular scheduled election and must be approved by a majority
8 of voters voting on the proposition. No maximum tax rate
9 secured hereunder may exceed the maximum tax rate for a
10 particular purpose specified elsewhere in statute. The terms
11 and provisions of this subsection (f) shall apply instead of
12 the terms and provisions of Section 17-6.1 of this Code to any
13 concurrent equal increase and decrease in the maximum
14 authorized rates for educational and operations and
15 maintenance purposes by a combined high school - unit district.

16 (g) The school board may borrow money and issue bonds for
17 elementary or high school purposes (but not K through 12
18 purposes) as authorized by Articles 10 and 19 and Section
19 17-2.11 of this Code and as otherwise permitted by law. All
20 notices, resolutions, and ballots related to borrowing money
21 and issuing bonds in accordance with this subsection (g) shall
22 indicate whether the proposed action is for elementary or high
23 school purposes. Taxes to pay the principal of, interest on,
24 and premium, if any, on bonds issued for high school purposes
25 shall be extended against the entire district, and taxes to pay
26 the principal of, interest on, and premium, if any, on bonds
27 issued for elementary purposes shall be extended only against
28 property within the elementary and high school classification.
29 The proposition to issue bonds for high school purposes must be
30 submitted to and approved by a majority of voters of the
31 district voting on the proposition. The proposition to issue
32 bonds for elementary purposes must only be submitted to and
33 approved by a majority of voters living in the portion of the
34 territory proposed to be included or included within the
35 elementary and high school classification voting on the
36 proposition. Notwithstanding the terms and provisions of

1 Section 19-4 of this Code, the board of a combined high school
2 - unit district may not seek to designate any bonds issued for
3 high school purposes as bonds issued for elementary purposes or
4 designate any bonds issued for elementary purposes as bonds
5 issued for high school purposes. Any petition filed in
6 accordance with Section 19-9 of this Code requesting that the
7 proposition to issue bonds for the payment of orders or claims
8 for elementary purposes be submitted to the voters must be
9 signed by 10% or more of the registered voters of the
10 elementary and high school classification. If required
11 pursuant to Section 19-9 of this Code, the proposition to issue
12 bonds for the payment of orders or claims for elementary
13 purposes must only be submitted to and approved by a majority
14 of voters living in the portion of the territory included
15 within the elementary and high school classification voting on
16 the proposition. Taxes to pay the principal of, interest on,
17 and premium, if any, on any refunding bonds issued in
18 accordance with Article 19 of this Code to refund bonds,
19 coupons, or other evidences of indebtedness for bonds issued by
20 the combined high school - unit district for high school
21 purposes or issued by a district that dissolved to form the
22 combined high school - unit district shall be extended against
23 the entire district. Taxes to pay the principal of, interest
24 on, and premium, if any, on any refunding bonds issued in
25 accordance with Article 19 of this Code to refund bonds,
26 coupons, or other evidences of indebtedness for bonds issued by
27 the combined high school - unit district for elementary
28 purposes shall only be extended against the property within the
29 elementary and high school classification.

30 (h) The school board may establish, maintain, or re-create
31 a working cash fund for elementary or high school purposes (but
32 not K through 12 purposes) as authorized by Article 20 of this
33 Code. All notices, resolutions, and ballots related to the
34 establishment of a working cash fund shall indicate whether the
35 working cash fund shall be for elementary or high school
36 purposes. For purposes of Section 20-2 of this Code, taxes to

1 pay the principal of, interest on, and premium, if any, on
2 bonds issued to create a working cash fund for high school
3 purposes shall be extended against the entire district, and
4 taxes to pay the principal of, interest on, and premium, if
5 any, on bonds issued to create a working cash fund for
6 elementary purposes shall be extended only against property
7 within the elementary and high school classification. Any
8 petition filed in accordance with Section 20-7 of this Code
9 requesting that the proposition to issue bonds to establish a
10 working cash fund for elementary purposes be submitted to the
11 voters must be signed by 10% or more of the registered voters
12 of the elementary and high school classification. If required
13 pursuant to Section 20-7 of this Code, the proposition to issue
14 bonds for a working cash fund for elementary purposes must only
15 be submitted to and approved by a majority of voters living in
16 the portion of the territory included within the elementary and
17 high school classification voting on the proposition. Upon the
18 abolishment of the working cash fund for elementary purposes in
19 accordance with Section 20-8 of this Code, the balance shall be
20 transferred to the fund established for the receipt of proceeds
21 from levies specified for grade K through 8 educational
22 purposes. Upon the abolishment of the working cash fund for
23 high school purposes in accordance with Section 20-8 of this
24 Code, the balance shall be transferred to the fund established
25 for the receipt of proceeds from levies specified for grade 9
26 through 12 educational purposes.

27 (i) The school board shall establish separate funds for the
28 receipt of tax proceeds from levies specified for grade K
29 through 8 purposes and grade 9 through 12 purposes in
30 accordance with subdivisions (1) through (3) of subsection (b)
31 of this Section and the receipt of tax and other proceeds from
32 bond issuances for grade K through 8 purposes and grade 9
33 through 12 purposes in accordance with subsection (g) of this
34 Section. Proceeds received from any levy or bond issuance
35 specified for grade K through 8 purposes shall not be used to
36 pay for any staff, equipment, materials, facilities,

1 buildings, land, or services solely related to instruction in
2 grades 9 through 12. Proceeds received from any levy or bond
3 issuance specified for grade 9 through 12 purposes shall not be
4 used to pay for any staff, equipment, materials, facilities,
5 buildings, land, or services solely related to instruction in
6 grades K through 8. Expenses related to staff, equipment,
7 materials, facilities, buildings, land, or services related to
8 instruction in both grades K through 8 and grades 9 through 12
9 may be paid from proceeds received from a levy or bond issuance
10 specified for either grade K through 8 purposes or grade 9
11 through 12 purposes.

12 (j) The school board of a combined high school - unit
13 district may abate or abolish any fund in accordance with this
14 Code, provided that no funds may be transferred from an abated
15 or abolished fund specified for grade K through 8 purposes to a
16 fund specified for grade 9 through 12 purposes, and no funds
17 may be transferred from an abated or abolished fund specified
18 for grade 9 through 12 purposes to a fund specified for grade K
19 through 8 purposes.

20 (k) To the extent the specific requirements for borrowing
21 money, levying taxes, issuing bonds, establishing,
22 maintaining, or re-creating a working cash fund, and
23 transferring funds by a combined high school - unit district
24 set forth in this Section conflicts with any general
25 requirements for school districts set forth in Article 10, 17,
26 19, or 20 of this Code, the requirements set forth in this
27 Section shall control over any such general requirements.

28 (105 ILCS 5/11E-95 new)

29 Sec. 11E-95. Classification of property, taxes, bonds, and
30 funds for optional elementary unit districts.

31 (a) All real property included within the boundaries of an
32 optional elementary unit district created in accordance with
33 this Article shall be classified into either a high school only
34 classification or an elementary and high school classification
35 as follows:

1 (1) Real property included within the high school only
2 classification shall include all of the real property
3 included within both the boundaries of the optional
4 elementary unit district and the boundaries of a separate
5 school district organized and established for purposes of
6 providing instruction up to and including grade 8 that did
7 not elect to join the optional elementary unit district in
8 accordance with this Article.

9 (2) Real property included within the elementary and
10 high school classification shall include all real property
11 of the optional elementary unit district not included in
12 the high school only classification.

13 (b) The petition to establish an optional elementary unit
14 district shall set forth the maximum annual authorized tax
15 rates for the proposed district as follows:

16 (1) The petition must specify a maximum annual
17 authorized tax rate for both grade K through 8 educational
18 purposes and grade 9 through 12 educational purposes. The
19 rate for grade K through 8 educational purposes shall not
20 exceed the highest rate for educational purposes extended
21 by any of the elementary districts included in the petition
22 in the year immediately preceding the creation of the new
23 district. The rate for grade 9 through 12 educational
24 purposes shall be the rate for educational purposes
25 extended by the high school district in the year
26 immediately preceding the creation of the new district.
27 Notwithstanding the foregoing limitations, if any
28 resulting combined rate for both grade K through 8 and
29 grade 9 through 12 educational purposes is less than 4.0%,
30 then the petition may specify a rate for grade K through 8
31 educational purposes and a rate for grade 9 through 12
32 educational purposes that, collectively, do not exceed
33 4.0%.

34 (2) The petition must specify a maximum annual
35 authorized tax rate for both grade K through 8 operations
36 and maintenance purposes and grade 9 through 12 operations

1 and maintenance purposes. The rate for grade K through 8
2 operations and maintenance purposes shall not exceed the
3 highest rate for operations and maintenance purposes
4 extended by any of the elementary districts included in the
5 petition in the year immediately preceding the creation of
6 the new district. The rate for grade 9 through 12
7 operations and maintenance purposes shall be the rate for
8 operations and maintenance purposes extended by the high
9 school district in the year immediately preceding the
10 creation of the new district. Notwithstanding the
11 foregoing limitations, if any resulting combined rate for
12 both grade K through 8 and grade 9 through 12 operations
13 and maintenance purposes is less than 0.75%, then the
14 petition may specify a rate for grade K through 8
15 operations and maintenance purposes and a rate for grade 9
16 through 12 operations and maintenance purposes that,
17 collectively, do not exceed 0.75%.

18 (3) If desired, the petition must specify a maximum
19 annual authorized tax rate for both grade K through 8
20 capital improvement purposes and grade 9 through 12 capital
21 improvement purposes, with the additional descriptive
22 information required by Section 17-2.3 of this Code. The
23 rate for grade K through 8 capital improvement purposes
24 shall not exceed 0.75%. The rate for grade 9 through 12
25 capital improvement purposes shall not exceed 0.75%.

26 (4) The petition must specify a maximum annual
27 authorized tax rate for both grade K through 8 special
28 education purposes and grade 9 through 12 special education
29 purposes. The rate for grade K through 8 special education
30 purposes shall not exceed 0.40%. The rate for grade 9
31 through 12 special education purposes shall not exceed
32 0.40%.

33 (5) The petition must specify a maximum annual
34 authorized tax rate for transportation purposes.

35 (6) If it is desired to secure authority to levy other
36 taxes above the permissive rate applicable to unit

1 districts as specified elsewhere in statute, the petition
2 must specify the maximum annual authorized tax rate at
3 which the district will be authorized to levy a tax for
4 each such purpose, not to exceed the maximum annual
5 authorized tax rate applicable to unit districts as
6 specified elsewhere in statute.

7 (7) The petition may indicate a different rate of
8 reduction for grade K through 8 and grade 9 through 12
9 educational purposes or grade K through 8 and grade 9
10 through 12 operations and maintenance purposes in
11 accordance with and subject to subsection (d) of this
12 Section.

13 (8) The aggregate of all rates specified in accordance
14 with this subsection (b) shall not exceed the highest dual
15 district rate, excluding rates for bond and interest
16 levies, applicable to any territory within the high school
17 district included in the petition in the year immediately
18 preceding the creation of the new district.

19 (c) The school board of any new optional elementary unit
20 district created under the provisions of this Article may levy
21 a tax annually upon all of the taxable property of the district
22 at the value as equalized or assessed by the Department of
23 Revenue as follows:

24 (1) For all real property within the district, rates
25 not to exceed the maximum annual authorized grade 9 through
26 12 educational purposes rate established in accordance
27 with subdivision (1) of subsection (b) of this Section, the
28 maximum annual authorized grade 9 through 12 operation and
29 maintenance purposes rate established in accordance with
30 subdivision (2) of subsection (b) of this Section, the
31 maximum annual authorized grade 9 through 12 capital
32 improvement purposes rate established in accordance with
33 subdivision (3) of subsection (b) of this Section, the
34 maximum annual authorized grade 9 through 12 special
35 education purposes rate established in accordance with
36 subdivision (4) of subsection (b) of this Section, the

1 maximum annual authorized transportation purposes rate
2 established in accordance with subdivision (5) of
3 subsection (b) of this Section, and, for all other
4 purposes, the statutory permissive rate for unit districts
5 or the maximum annual authorized rate for that purpose
6 established in accordance with subdivision (6) of
7 subsection (b) of this Section.

8 (2) For all real property in the district included
9 within the elementary and high school classification, in
10 addition to the rates authorized by subdivision (1) of this
11 subsection (c), rates not to exceed the maximum annual
12 authorized grade K through 8 educational purposes rate
13 established in accordance with subdivision (1) of
14 subsection (b) of this Section, the maximum annual
15 authorized grade K through 8 operation and maintenance
16 purposes rate established in accordance with subdivision
17 (2) of subsection (b) of this Section, the maximum annual
18 authorized grade K through 8 capital improvement purposes
19 rate established in accordance with subdivision (3) of
20 subsection (b) of this Section, and the maximum annual
21 authorized grade K through 8 special education purposes
22 rate established in accordance with subdivision (4) of
23 subsection (b) of this Section.

24 (d)(1) If the combined maximum annual authorized rate for
25 grade K through 8 educational purposes and grade 9 through 12
26 educational purposes exceeds 4.0%, then, beginning with the
27 third year of operation of the new optional elementary unit
28 district and in each subsequent year, the combined maximum
29 annual authorized rate shall be reduced by 0.10% as described
30 in this paragraph (1) or reduced to 4.0%, whichever is less.
31 The annual rate reduction applied to each rate shall be 0.05%,
32 unless a different rate reduction is specified in the petition
33 or the rate of reduction is later modified in accordance with
34 paragraph (4) of this subsection (d). If a different rate
35 reduction is specified in the petition, the combined rate
36 reduction must equal 0.10% each year.

1 (2) If the combined maximum annual authorized rate for
2 grade K through 8 and grade 9 through 12 operations and
3 maintenance purposes exceeds 0.75%, then, beginning with
4 the third year of operation of the new optional elementary
5 unit district and in each subsequent year, the combined
6 maximum annual authorized rate shall be reduced by 0.04% as
7 described in this paragraph (2) or reduced to 0.75%,
8 whichever is less. The annual rate reduction applied to
9 each rate shall be 0.02%, unless a different rate reduction
10 is specified in the petition or the rate of reduction is
11 later modified in accordance with paragraph (4) of this
12 subsection (d). If a different rate reduction is specified
13 in the petition, the combined percentage reduction must
14 equal 0.04% each year.

15 (3) If the combined maximum annual authorized rate for
16 grade K through 8 and grade 9 through 12 capital
17 improvement purposes exceeds 0.75%, then, beginning with
18 the seventh year of operation of the new optional
19 elementary unit district, the combined maximum annual
20 authorized rate shall be reduced to 0.75%, with the
21 reduction applied proportionately to the grade K through 8
22 capital improvement purposes rate and the grade 9 through
23 12 capital improvement purposes rate. Thereafter, the
24 combined maximum annual authorized rate for grade K through
25 8 and grade 9 through 12 capital improvement purposes shall
26 be 0.75%.

27 (4) The school board may, by proper resolution, cause
28 to be submitted to the voters of the district at any
29 regular scheduled election following the formation of the
30 district a proposition to modify the rate reduction for
31 grade K through 8 and grade 9 through 12 educational
32 purposes or grade K through 8 and grade 9 through 12
33 operations and maintenance purposes set forth in this
34 subsection (d), provided that the combined maximum annual
35 authorized rate for educational purposes must be reduced by
36 0.10% each year and the combined maximum annual authorized

1 rate for operations and maintenance purposes must be
2 reduced by 0.04% each year. Any modification to the rate
3 reduction pursuant to this paragraph (4) must be approved
4 by both a majority of voters living in the portion of the
5 territory included within the high school only
6 classification voting on the proposition and a majority of
7 voters living in the portion of the territory included
8 within the elementary and high school classification
9 voting on the proposition.

10 (5) The school board may, by proper resolution, cause
11 to be submitted to the voters of the district at any
12 regular scheduled election following the formation of the
13 district a proposition to maintain, for a period not to
14 exceed 2 years, any maximum annual authorized rate, subject
15 to reduction in accordance with this subsection (d). If a
16 majority of voters living in the district voting on the
17 proposition are in favor thereof, the school board may
18 thereafter, until the authority is revoked in like manner
19 or expires without renewal, levy annually a tax as
20 authorized.

21 (e) The school board may, subsequent to the formation of
22 the district and in accordance with Sections 17-2 through 17-7
23 of this Code, seek to increase the maximum annual authorized
24 tax rates of the district, subject to the following
25 limitations:

26 (i) The combined educational purposes rates may not be
27 increased to a combined rate exceeding 4.0%.

28 (ii) The combined operations and maintenance purposes
29 rates may not be increased to a combined rate exceeding
30 0.75%.

31 (iii) The combined capital improvement purposes rates
32 may not be increased to a combined rate exceeding 0.75%.

33 (iv) The grade K through 8 special education purposes
34 rate may not be increased to a rate exceeding 0.4%.

35 (v) The grade 9 through 12 special education purposes
36 rate may not be increased to a rate exceeding 0.4%.

1 (vi) All other rates may not be increased to a rate
2 exceeding the maximum annual authorized tax rate for unit
3 districts as specified elsewhere in statute.

4 Any such increase shall be subject to the following
5 approval requirements:

6 (1) The school board may increase the following rates
7 only after submitting a proper resolution to the voters of
8 the district at any regular scheduled election and
9 obtaining approval by both a majority of voters living in
10 the portion of the territory included within the high
11 school only classification voting on the proposition and a
12 majority of voters living in the portion of the territory
13 included within the elementary and high school
14 classification voting on the proposition:

15 (A) The maximum annual authorized grade 9 through
16 12 educational purposes rate established in accordance
17 with subdivision (1) of subsection (b) of this Section,
18 as may be increased thereafter in accordance with this
19 subsection (e).

20 (B) The maximum annual authorized grade 9 through
21 12 operation and maintenance purposes rate established
22 in accordance with subdivision (2) of subsection (b) of
23 this Section, as may be increased thereafter in
24 accordance with this subsection (e).

25 (C) The maximum annual authorized grades 9 through
26 12 capital improvement purposes rate established in
27 accordance with subdivision (3) of subsection (b) of
28 this Section, as may be increased thereafter in
29 accordance with this subsection (e).

30 (D) The maximum annual authorized grade 9 through
31 12 special education purposes rate established in
32 accordance with subdivision (4) of subsection (b) of
33 this Section, as may be increased thereafter in
34 accordance with this Section.

35 (E) The maximum annual authorized transportation
36 purposes rate established in accordance with

1 subdivision (5) of subsection (b) of this Section, as
2 may be increased thereafter in accordance with this
3 subsection (e).

4 (F) For all other statutorily authorized purposes,
5 any rate exceeding the statutory permissive rate for
6 unit districts established in accordance with
7 subdivision (6) of subsection (b) of this Section, as
8 may be increased thereafter in accordance with this
9 Section.

10 (2) The school board may increase the following rates
11 only after submitting a proper resolution to the voters of
12 the district living in the portion of the territory
13 included within the elementary and high school
14 classification at any regular scheduled election and
15 obtaining approval by a majority of voters living in the
16 portion of the territory included within the elementary and
17 high school classification voting on the proposition:

18 (A) The maximum annual authorized grade K through 8
19 educational purposes rate established in accordance
20 with subdivision (1) of subsection (b) of this Section,
21 as may be increased thereafter in accordance with this
22 subsection (e).

23 (B) The maximum annual authorized grade K through 8
24 operation and maintenance purposes rate established in
25 accordance with subdivision (2) of subsection (b) of
26 this Section, as may be increased thereafter in
27 accordance with this subsection (e).

28 (C) The maximum annual authorized grade K through 8
29 capital improvement purposes rate established in
30 accordance with subdivision (3) of subsection (b) of
31 this Section, as may be increased thereafter in
32 accordance with this subsection (e).

33 (D) The maximum annual authorized grade K through 8
34 special education purposes rate established in
35 accordance with subdivision (4) of subsection (b) of
36 this Section, as may be increased thereafter in

1 accordance with this Section.

2 (f) The school board may, after submitting a proper
3 resolution to the voters of the district at any regular
4 scheduled election, seek to do either of the following:

5 (1) Increase or decrease the maximum authorized annual
6 tax rate for grade K through 8 educational purposes with an
7 equal corresponding increase or decrease of the maximum
8 authorized annual tax rate for grade 9 through 12
9 educational purposes, such that there is no change in the
10 total combined maximum authorized annual tax rate for both
11 purposes.

12 (2) Increase or decrease the maximum authorized annual
13 tax rate for grade K through 8 operations and maintenance
14 purposes with an equal corresponding increase or decrease
15 of the maximum authorized annual tax rate for grade 9
16 through 12 operations and maintenance purposes, such that
17 there is no change in the total combined maximum authorized
18 annual tax rate for both purposes.

19 Any modification to maximum authorized annual tax rates
20 pursuant to this subsection (f) must be approved by both a
21 majority of voters living in the portion of the territory
22 included within the high school only classification voting on
23 the proposition and a majority of voters living in the portion
24 of the territory included within the elementary and high school
25 classification voting on the proposition. No maximum tax rate
26 secured hereunder may exceed the maximum tax rate for a
27 particular purpose specified elsewhere in statute.

28 (g) The school board may seek to do either of the
29 following:

30 (1) Increase the maximum authorized annual tax rate for
31 either grade K through 8 educational purposes or grade K
32 through 8 operations and maintenance purposes with an equal
33 corresponding decrease being effected to the maximum
34 authorized tax rate for the other fund.

35 (2) Increase the maximum authorized annual tax rate for
36 either grade 9 through 12 educational purposes or grade 9

1 through 12 operations and maintenance purposes with an
2 equal corresponding decrease being effected to the maximum
3 authorized tax rate for the other fund.

4 A proper resolution to increase and concurrently decrease
5 the maximum authorized annual tax rates for grade K through 8
6 purposes in accordance with this subsection (g) shall be
7 submitted to the voters of the district residing in the
8 elementary and high school classification at any regular
9 scheduled election and must be approved by a majority of voters
10 living in the portion of the territory included within the
11 elementary and high school classification voting on the
12 proposition. A proper resolution to increase and concurrently
13 decrease the maximum authorized annual tax rates for grade 9
14 through 12 purposes in accordance with this subsection (g)
15 shall be submitted to all of the voters of the district at any
16 regular scheduled election and must be approved by a majority
17 of voters voting on the proposition. No maximum tax rate
18 secured hereunder may exceed the maximum tax rate for a
19 particular purpose specified elsewhere in statute. The terms
20 and provisions of this subsection (g) shall apply instead of
21 the terms and provisions of Section 17-6.1 of this Code to any
22 concurrent equal increase and decrease in the maximum
23 authorized rates for educational and operations and
24 maintenance purposes by an optional elementary unit district.

25 (h) The school board may borrow money and issue bonds for
26 elementary or high school purposes (but not grade K through 12
27 purposes) as authorized by Articles 10 and 19 and Section
28 17-2.11 of this Code and as otherwise permitted by law. All
29 notices, resolutions, and ballots related to borrowing money
30 and issuing bonds in accordance with this subsection (h) shall
31 indicate whether the proposed action is for elementary or high
32 school purposes. Taxes to pay the principal of, interest on,
33 and premium, if any, on bonds issued for high school purposes
34 shall be extended against the entire district, and taxes to pay
35 the principal of, interest on, and premium, if any, on bonds
36 issued for elementary purposes shall be extended only against

1 property within the elementary and high school classification.
2 The proposition to issue bonds for high school purposes must be
3 submitted to and approved by a majority of voters of the
4 district voting on the proposition. The proposition to issue
5 bonds for elementary purposes must only be submitted to and
6 approved by a majority of voters living in the portion of the
7 territory included within the elementary and high school
8 classification voting on the proposition. Notwithstanding the
9 terms and provisions of Section 19-4 of this Code, the board of
10 an optional elementary unit district may not seek to designate
11 any bonds issued for high school purposes as bonds issued for
12 elementary purposes or designate any bonds issued for
13 elementary purposes as bonds issued for high school purposes.
14 Any petition filed in accordance with Section 19-9 of this Code
15 requesting that the proposition to issue bonds for the payment
16 of orders or claims for elementary purposes be submitted to the
17 voters must be signed by 10% or more of the registered voters
18 of the elementary and high school classification. If required
19 pursuant to Section 19-9 of this Code, the proposition to issue
20 bonds for the payment of orders or claims for elementary
21 purposes must only be submitted to and approved by a majority
22 of voters living in the portion of the territory included
23 within the elementary and high school classification voting on
24 the proposition. Taxes to pay the principal of, interest on,
25 and premium, if any, on any refunding bonds issued in
26 accordance with Article 19 of this Code to refund bonds,
27 coupons, or other evidences of indebtedness for bonds issued by
28 the optional elementary unit district for high school purposes
29 or issued by a district that dissolved to form the optional
30 elementary unit district shall be extended against the entire
31 district. Taxes to pay the principal of, interest on, and
32 premium, if any, on any refunding bonds issued in accordance
33 with Article 19 of this Code to refund bonds, coupons, or other
34 evidences of indebtedness for bonds issued by the optional
35 elementary unit district for elementary purposes shall only be
36 extended against the property within the elementary and high

1 school classification.

2 (i) The school board may establish, maintain, or re-create
3 a working cash fund for elementary or high school purposes (but
4 not grade K through 12 purposes) as authorized by Article 20 of
5 this Code. All notices, resolutions, and ballots related to the
6 establishment of a working cash fund shall indicate whether the
7 working cash fund shall be for elementary or high school
8 purposes. For purposes of Section 20-2 of this Code, taxes to
9 pay the principal of, interest on, and premium, if any, on
10 bonds issued to create a working cash fund for high school
11 purposes shall be extended against the entire district, and
12 taxes to pay the principal of, interest on, and premium, if
13 any, on bonds issued to create a working cash fund for
14 elementary purposes shall be extended only against property
15 within the elementary and high school classification. Any
16 petition filed in accordance with Section 20-7 of this Code
17 requesting that the proposition to issue bonds to establish a
18 working cash fund for elementary purposes be submitted to the
19 voters must be signed by 10% or more of the registered voters
20 of the elementary and high school classification. If required
21 pursuant to Section 20-7 of this Code, the proposition to issue
22 bonds for a working cash fund for elementary purposes must only
23 be submitted to and approved by a majority of voters living in
24 the portion of the territory included within the elementary and
25 high school classification voting on the proposition. Upon the
26 abolishment of the working cash fund for elementary purposes in
27 accordance with Section 20-8 of this Code, the balance shall be
28 transferred to the fund established for the receipt of proceeds
29 from levies specified for grade K through 8 educational
30 purposes. Upon the abolishment of the working cash fund for
31 high school purposes in accordance with Section 20-8 of this
32 Code, the balance shall be transferred to the fund established
33 for the receipt of proceeds from levies specified for grade 9
34 through 12 educational purposes.

35 (j) The school board shall establish separate funds for the
36 receipt of tax proceeds from levies specified for grade K

1 through 8 purposes and grade 9 through 12 purposes in
2 accordance with subdivisions (1) through (4) of subsection (b)
3 of this Section and the receipt of tax and other proceeds from
4 bond issuances for grade K through 8 purposes and grade 9
5 through 12 purposes in accordance with subsection (h) of this
6 Section. Proceeds received from any levy or bond issuance
7 specified for grade K through 8 purposes shall not be used to
8 pay for any staff, equipment, materials, facilities,
9 buildings, land, or services solely related to instruction in
10 grades 9 through 12. Proceeds received from any levy or bond
11 issuance specified for grade 9 through 12 purposes shall not be
12 used to pay for any staff, equipment, materials, facilities,
13 buildings, land, or services solely related to instruction in
14 grades K through 8. Expenses related to staff, equipment,
15 materials, facilities, buildings, land, or services related to
16 instruction in both grades K through 8 and grades 9 through 12
17 may be paid from proceeds received from a levy or bond issuance
18 specified for either grade K through 8 purposes or grade 9
19 through 12 purposes.

20 (k) The school board of an optional elementary unit
21 district may abate or abolish any fund in accordance with this
22 Code, provided that no funds may be transferred from an abated
23 or abolished fund specified for grade K through 8 purposes to a
24 fund specified for grade 9 through 12 purposes, and no funds
25 may be transferred from an abated or abolished fund specified
26 for grade 9 through 12 purposes to a fund specified for grade K
27 through 8 purposes.

28 (l) To the extent that the specific requirements for
29 borrowing money, levying taxes, issuing bonds, establishing,
30 maintaining, or re-creating a working cash fund, and
31 transferring funds by an optional elementary unit district set
32 forth in this Section conflicts with any general requirements
33 for school districts set forth in Article 10, 17, 19, or 20 of
34 this Code, the requirements set forth in this Section shall
35 control over any such general requirements.

1 (105 ILCS 5/11E-100 new)

2 Sec. 11E-100. Timing of extension of tax levies.

3 (a) If the election of the school board of the new district
4 occurs at a regular election and the board of education makes
5 its initial levy or levies in that same year, the county clerk
6 shall extend the levy or levies, notwithstanding any other law
7 that requires the adoption of a budget before the clerk may
8 extend the levy. In addition, the districts from which the new
9 district is formed, by joint agreement and with the approval of
10 the regional superintendent of schools, shall be permitted to
11 amend outstanding levies in the same calendar year in which the
12 creation of the new district is approved at the rates specified
13 in the petition.

14 (b) If the election of the board of education of the new
15 district does not occur in the same calendar year that the
16 proposition to create the new district is approved, the
17 districts from which the new district or districts are formed,
18 by joint agreement and with the approval of the regional
19 superintendent of schools, shall be permitted to levy in the
20 same calendar year in which the creation of the new district is
21 approved at the rates specified in the petition. The county
22 clerks shall extend any such levy notwithstanding any law that
23 requires adoption of a budget before extension of the levy.

24 (105 ILCS 5/11E-105 new)

25 Sec. 11E-105. Assets, liabilities and bonded indebtedness;
26 tax rate.

27 (a) Subject to the terms and provisions of subsections (b)
28 and (c) of this Section, whenever a new district is created
29 under any of the provisions of this Article, the outstanding
30 bonded indebtedness shall be treated as provided in this
31 subsection (a) and in Section 19-29 of this Code. The tax rate
32 for bonded indebtedness shall be determined in the manner
33 provided in Section 19-7 of this Code, and, notwithstanding the
34 creation of any such district, the county clerk or clerks shall
35 annually extend taxes, for each outstanding bond issue against

1 all of the taxable property that was situated within the
2 boundaries of the district, as those boundaries existed at the
3 time of the issuance of the bond issue, regardless of whether
4 the property is still contained in that same district at the
5 time of the extension of the taxes by the county clerk or
6 clerks.

7 (b) For a unit district formation, whenever a part of a
8 district is included within the boundaries of a newly created
9 unit district, the regional superintendent of schools shall
10 cause an accounting to be had between the districts affected by
11 the change in boundaries as provided for in Article 11C of this
12 Code. Whenever the entire territory of 2 or more school
13 districts is organized into a unit district pursuant to a
14 petition filed under this Article, the petition may provide
15 that the entire territory of the new unit district shall assume
16 the bonded indebtedness of the previously existing school
17 districts. In that case, the tax rate for bonded indebtedness
18 shall be determined in the manner provided in Section 19-7 of
19 this Code, except that the county clerk shall annually extend
20 taxes for each outstanding bond issue against all the taxable
21 property situated in the new unit district as it exists after
22 the organization.

23 (c) (1) For a high school-unit conversion, unit to dual
24 conversion, or multi-unit conversion, upon the effective date
25 of the change as provided in Section 11E-70 of this Code and
26 subject to the provisions of paragraph (2) of this subsection
27 (c), each newly created elementary district shall receive all
28 of the assets and assume all of the liabilities and obligations
29 of the dissolved unit district forming the boundary of the
30 newly created elementary district.

31 (2) Notwithstanding the provisions of paragraph (1) of
32 this subsection (c), upon the stipulation of the school
33 board of the school district serving a newly created
34 elementary district for high school purposes and either (i)
35 the school board of the unit district prior to the
36 effective date of its dissolution or (ii) thereafter the

1 school board of the newly created elementary district and
2 with the approval in either case of the regional
3 superintendent of schools of the educational service
4 region in which the territory described in the petition
5 filed under this Article or the greater percentage of
6 equalized assessed valuation of the territory is situated,
7 the assets, liabilities, and obligations of the dissolved
8 unit district may be divided and assumed between and by the
9 newly created elementary district and the school district
10 serving the newly created elementary district for high
11 school purposes, in accordance with the terms and
12 provisions of the stipulation and approval. In this event,
13 the provisions of Section 19-29 shall be applied to
14 determine the debt incurring power of the newly created
15 elementary district and of the school district serving the
16 newly created elementary district for high school
17 purposes.

18 (3) Without regard to whether the receipt of assets and
19 the assumption of liabilities and obligations of the
20 dissolved unit district is determined pursuant to
21 paragraph (1) or (2) of this subsection (c), the tax rate
22 for bonded indebtedness shall be determined in the manner
23 provided in Section 19-7, and, notwithstanding the
24 creation of this new elementary district, the county clerk
25 or clerks shall annually extend taxes for each outstanding
26 bond issue against all of the taxable property that was
27 situated within the boundaries of the dissolved unit
28 district as those boundaries existed at the time of the
29 issuance of the bond issue, regardless of whether the
30 property was still contained in that unit district at the
31 time of its dissolution and regardless of whether the
32 property is contained in the newly created elementary
33 district at the time of the extension of the taxes by the
34 county clerk or clerks.

1 Sec. 11E-110. Teachers in contractual continued service.

2 (a) When a school district conversion or multi-unit
3 conversion becomes effective for purposes of administration
4 and attendance, as determined pursuant to Section 11E-70 of
5 this Code, the provisions of Section 24-12 of this Code
6 relative to the contractual continued service status of
7 teachers having contractual continued service whose positions
8 are transferred from one school board to the control of a new
9 or different school board shall apply, and the positions held
10 by teachers, as that term is defined in Section 24-11 of this
11 Code, having contractual continued service with the unit
12 district at the time of its dissolution shall be transferred on
13 the following basis:

14 (1) positions of teachers in contractual continued
15 service that, during the 5 school years immediately
16 preceding the effective date of the change, as determined
17 under Section 11E-70 of this Code, were full-time positions
18 in which all of the time required of the position was spent
19 in one or more of grades 9 through 12 shall be transferred
20 to the control of the school board of the new high school
21 district or combined high school - unit district, as the
22 case may be;

23 (2) positions of teachers in contractual continued
24 service that, during the 5 school years immediately
25 preceding the effective date of the change, as determined
26 under Section 11E-70 of this Code, were full-time positions
27 in which all of the time required of the position was spent
28 in one or more of grades kindergarten through 8 shall be
29 transferred to the control of the school board of the newly
30 created successor elementary district; and

31 (3) positions of teachers in contractual continued
32 service that were full-time positions not required to be
33 transferred to the control of the school board of the new
34 high school district or combined high school - unit
35 district, as the case may be, or the school board of the
36 newly created successor elementary district under the

1 provisions of subdivision (1) or (2) of this subsection (a)
2 shall be transferred to the control of whichever of the
3 boards the teacher shall request.

4 (4) With respect to each position to be transferred
5 under the provisions of this subsection (a), the amount of
6 time required of each position to be spent in one or more
7 of grades kindergarten through 8 and 9 through 12 shall be
8 determined with reference to the applicable records of the
9 unit district being dissolved pursuant to stipulation of
10 the school board of the unit district prior to the
11 effective date of its dissolution or thereafter of the
12 school board of the newly created districts and with the
13 approval in either case of the regional superintendent of
14 schools of the educational service region in which the
15 territory described in the petition filed under this
16 Article or the greater percentage of equalized assessed
17 evaluation of the territory is situated; however, if no
18 such stipulation can be agreed upon, the regional
19 superintendent of schools, after hearing any additional
20 relevant and material evidence that any school board
21 desires to submit, shall make the determination.

22 (b) When the creation of a unit district or a combined
23 school district becomes effective for purposes of
24 administration and attendance, as determined pursuant to
25 Section 11E-70 of this Code, the positions of teachers in
26 contractual continued service in the districts involved in the
27 creation of the new district are transferred to the newly
28 created district pursuant to the provisions of Section 24-12 of
29 this Code relative to teachers having contractual continued
30 service status whose positions are transferred from one board
31 to the control of a different board, and those provisions of
32 Section 24-12 shall apply to these transferred teachers. The
33 contractual continued service status of any teacher thereby
34 transferred to the newly created district is not lost and the
35 new school board is subject to this Code with respect to the
36 transferred teacher in the same manner as if the teacher was

1 that district's employee and had been its employee during the
2 time the teacher was actually employed by the school board of
3 the district from which the position was transferred.

4 (105 ILCS 5/11E-115 new)

5 Sec. 11E-115. Limitations on contesting boundary change.
6 Neither the People of the State of Illinois, any person or
7 corporation, private or public, nor any association of persons
8 shall commence an action contesting either directly or
9 indirectly the dissolution, division, annexation, or creation
10 of any new school district under the provisions of this
11 Article, unless the action is commenced within one year after
12 the date of the election provided for in this Article if no
13 proceedings to contest the election are duly instituted within
14 the time permitted by law, or within one year after the final
15 disposition of any proceedings that may be so instituted to
16 contest the election; however, where a limitation of a shorter
17 period is prescribed by statute, the shorter limitation shall
18 apply, and the limitation set forth in this Section shall not
19 apply to any order where the judge, body, or officer entering
20 the order being challenged did not at the time of the entry of
21 the order have jurisdiction of the subject matter.

22 (105 ILCS 5/11E-120 new)

23 Sec. 11E-120. Limitation on successive petitions.
24 (a) No affected district shall be again involved in
25 proceedings under this Article for at least 2 years after a
26 final non-procedural determination of the first proceeding,
27 unless during that 2 year period a petition filed is
28 substantially different than any other previously filed
29 petition during the previous 2 years or if an affected district
30 is placed on academic watch status or the financial watch list
31 by the State Board of Education or is certified as being in
32 financial difficulty during that 2 year period.
33 (b) Nothing contained in this Section shall be deemed to
34 limit or restrict the ability of an elementary district to join

1 an optional elementary unit district in accordance with the
2 terms and provisions of subsection (d) of Section 11E-30 of
3 this Code.

4 (105 ILCS 5/11E-125 new)

5 Sec. 11E-125. Districts not penalized for nonrecognition.
6 Any school district included in a petition for reorganization
7 as authorized under this Article shall not suffer loss of State
8 aid as a result of being placed on nonrecognition status if the
9 district continues to operate and the petition is granted.

10 (105 ILCS 5/11E-130 new)

11 Sec. 11E-130. Unit district formation and joint agreement
12 vocational education program.

13 (a) If a unit district is established under the provisions
14 of this Article and more than 50% of the territory of the unit
15 district is territory that immediately prior to its inclusion
16 in the unit district was included in a high school district or
17 districts that were signatories under the same joint agreement
18 vocational education program, pursuant to the provisions of
19 this Code, then the unit district shall upon its establishment
20 be deemed to be a member and signatory to the joint agreement
21 and shall also have the right to continue to extend taxes under
22 any previous authority to levy a tax under Section 17-2.4 of
23 this Code.

24 (b) In those instances, however, when more than 50% of the
25 territory of any unit district was not, immediately prior to
26 its establishment, included within the territory of a high
27 school district that was a signatory to the same joint
28 agreement vocational education program, then the unit district
29 shall not be deemed upon its establishment to be a signatory to
30 the joint agreement nor shall the unit district be deemed to
31 have the special tax levy rights under Section 17-2.4 of this
32 Code.

33 (c) Nothing in this Section shall be deemed to forbid the
34 unit district from subsequently joining a joint agreement

1 vocational education program and to thereafter levy a tax under
2 Section 17-2.4 of this Code by following the provisions of
3 Section 17-2.4. In the event that any such unit district should
4 subsequently join any such joint agreement vocational
5 education program, it shall be entitled to a fair credit, as
6 computed by the State Board of Education, for any capital
7 contributions previously made to the joint agreement
8 vocational education program from taxes levied against the
9 assessed valuation of property situated in any part of the
10 territory included within the unit district.

11 (105 ILCS 5/11E-135 new)

12 Sec. 11E-135. Incentives. For districts reorganizing under
13 this Article and for a district or districts that annex all of
14 the territory of one or more entire other school districts in
15 accordance with Article 7 of this Code, the following payments
16 shall be made from appropriations made for these purposes:

17 (a)(1) For a combined school district, as defined in
18 Section 11E-20 of this Code, or for a unit district, as defined
19 in Section 11E-25 of this Code, for its first year of
20 existence, the general State aid and supplemental general State
21 aid calculated under Section 18-8.05 of this Code shall be
22 computed for the new district and for the previously existing
23 districts for which property is totally included within the new
24 district. If the computation on the basis of the previously
25 existing districts is greater, a supplementary payment equal to
26 the difference shall be made for the first 4 years of existence
27 of the new district.

28 (2) For a school district that annexes all of the
29 territory of one or more entire other school districts as
30 defined in Article 7 of this Code, for the first year
31 during which the change of boundaries attributable to the
32 annexation becomes effective for all purposes, as
33 determined under Section 7-9 of this Code, the general
34 State aid and supplemental general State aid calculated
35 under Section 18-8.05 of this Code shall be computed for

1 the annexing district as constituted after the annexation
2 and for the annexing and each annexed district as
3 constituted prior to the annexation; and if the computation
4 on the basis of the annexing and annexed districts as
5 constituted prior to the annexation is greater, then a
6 supplementary payment equal to the difference shall be made
7 for the first 4 years of existence of the annexing school
8 district as constituted upon the annexation.

9 (3) For 2 or more school districts that annex all of
10 the territory of one or more entire other school districts,
11 as defined in Article 7 of this Code, for the first year
12 during which the change of boundaries attributable to the
13 annexation becomes effective for all purposes, as
14 determined under Section 7-9 of this Code, the general
15 State aid and supplemental general State aid calculated
16 under Section 18-8.05 of this Code shall be computed for
17 each annexing district as constituted after the annexation
18 and for each annexing and annexed district as constituted
19 prior to the annexation; and if the aggregate of the
20 general State aid and supplemental general State aid as so
21 computed for the annexing districts as constituted after
22 the annexation is less than the aggregate of the general
23 State aid and supplemental general State aid as so computed
24 for the annexing and annexed districts, as constituted
25 prior to the annexation, then a supplementary payment equal
26 to the difference shall be made and allocated between or
27 among the annexing districts, as constituted upon the
28 annexation, for the first 4 years of their existence. The
29 total difference payment shall be allocated between or
30 among the annexing districts in the same ratio as the pupil
31 enrollment from that portion of the annexed district or
32 districts that is annexed to each annexing district bears
33 to the total pupil enrollment from the entire annexed
34 district or districts, as such pupil enrollment is
35 determined for the school year last ending prior to the
36 date when the change of boundaries attributable to the

1 annexation becomes effective for all purposes. The amount
2 of the total difference payment and the amount thereof to
3 be allocated to the annexing districts shall be computed by
4 the State Board of Education on the basis of pupil
5 enrollment and other data that shall be certified to the
6 State Board of Education, on forms that it shall provide
7 for that purpose, by the regional superintendent of schools
8 for each educational service region in which the annexing
9 and annexed districts are located.

10 (4) For a school district conversion, as defined in
11 Section 11E-15 of this Code, or a multi-unit conversion, as
12 defined in subsection (b) of Section 11E-30 of this Code,
13 if in their first year of existence the newly created
14 elementary districts and the newly created high school
15 district, from a school district conversion, or the newly
16 created elementary district or districts and newly created
17 combined high school - unit district, from a multi-unit
18 conversion, qualify for less general State aid under
19 Section 18-8.05 of this Code than would have been payable
20 under Section 18-8.05 for that same year to the previously
21 existing districts, then a supplementary payment equal to
22 that difference shall be made for the first 4 years of
23 existence of the newly created districts. The aggregate
24 amount of each supplementary payment shall be allocated
25 among the newly created districts in the proportion that
26 the deemed pupil enrollment in each district during its
27 first year of existence bears to the actual aggregate pupil
28 enrollment in all of the districts during their first year
29 of existence. For purposes of each allocation:

30 (A) the deemed pupil enrollment of the newly
31 created high school district from a school district
32 conversion shall be an amount equal to its actual pupil
33 enrollment for its first year of existence multiplied
34 by 1.25;

35 (B) the deemed pupil enrollment of each newly
36 created elementary district from a school district

1 conversion shall be an amount equal to its actual pupil
2 enrollment for its first year of existence reduced by
3 an amount equal to the product obtained when the amount
4 by which the newly created high school district's
5 deemed pupil enrollment exceeds its actual pupil
6 enrollment for its first year of existence is
7 multiplied by a fraction, the numerator of which is the
8 actual pupil enrollment of the newly created
9 elementary district for its first year of existence and
10 the denominator of which is the actual aggregate pupil
11 enrollment of all of the newly created elementary
12 districts for their first year of existence;

13 (C) the deemed high school pupil enrollment of the
14 newly created combined high school - unit district from
15 a multi-unit conversion shall be an amount equal to its
16 actual grades 9 through 12 pupil enrollment for its
17 first year of existence multiplied by 1.25; and

18 (D) the deemed elementary pupil enrollment of each
19 newly created district from a multi-unit conversion
20 shall be an amount equal to each district's actual
21 grade K through 8 pupil enrollment for its first year
22 of existence, reduced by an amount equal to the product
23 obtained when the amount by which the newly created
24 combined high school - unit district's deemed high
25 school pupil enrollment exceeds its actual grade 9
26 through 12 pupil enrollment for its first year of
27 existence is multiplied by a fraction, the numerator of
28 which is the actual grade K through 8 pupil enrollment
29 of each newly created district for its first year of
30 existence and the denominator of which is the actual
31 aggregate grade K through 8 pupil enrollment of all
32 such newly created districts for their first year of
33 existence.

34 The aggregate amount of each supplementary payment
35 under this subdivision (4) and the amount thereof to be
36 allocated to the newly created districts shall be computed

1 by the State Board of Education on the basis of pupil
2 enrollment and other data, which shall be certified to the
3 State Board of Education, on forms that it shall provide
4 for that purpose, by the regional superintendent of schools
5 for each educational service region in which the newly
6 created districts are located.

7 (5) For a partial elementary unit district, as defined
8 in subsection (a) or (c) of Section 11E-30 of this Code,
9 if, in the first year of existence, the newly created
10 partial elementary unit district qualifies for less
11 general State aid and supplemental general State aid under
12 Section 18-8.05 of this Code than would have been payable
13 under that Section for that same year to the previously
14 existing districts that formed the partial elementary unit
15 district, then a supplementary payment equal to that
16 difference shall be made to the partial elementary unit
17 district for the first 4 years of existence of that newly
18 created district.

19 (6) For an elementary opt-in, as described in
20 subsection (d) of Section 11E-30 of this Code, the general
21 State aid difference shall be computed in accordance with
22 paragraph (5) of this subsection (a) as if the elementary
23 opt-in was included in an optional elementary unit district
24 at the optional elementary unit district's original
25 effective date. If the calculation in this paragraph (6) is
26 less than that calculated in paragraph (5) of this
27 subsection (a) at the optional elementary unit district's
28 original effective date, then no adjustments may be made.
29 If the calculation in this paragraph (6) is more than that
30 calculated in paragraph (5) of this subsection (a) at the
31 optional elementary unit district's original effective
32 date, then the excess must be paid as follows:

33 (A) If the effective date for the elementary opt-in
34 is one year after the effective date for the optional
35 elementary unit district, 100% of the calculated
36 excess shall be paid to the optional elementary unit

1 district in each of the first 4 years after the
2 effective date of the elementary opt-in.

3 (B) If the effective date for the elementary opt-in
4 is 2 years after the effective date for the optional
5 elementary unit district, 75% of the calculated excess
6 shall be paid to the optional elementary unit district
7 in each of the first 4 years after the effective date
8 of the elementary opt-in.

9 (C) If the effective date for the elementary opt-in
10 is 3 years after the effective date for the optional
11 elementary unit district, 50% of the calculated excess
12 shall be paid to the optional elementary unit district
13 in each of the first 4 years after the effective date
14 of the elementary opt-in.

15 (D) If the effective date for the elementary opt-in
16 is 4 years after the effective date for the optional
17 elementary unit district, 25% of the calculated excess
18 shall be paid to the optional elementary unit district
19 in each of the first 4 years after the effective date
20 of the elementary opt-in.

21 (E) If the effective date for the elementary opt-in
22 is 5 years after the effective date for the optional
23 elementary unit district, the optional elementary unit
24 district is not eligible for any additional incentives
25 due to the elementary opt-in.

26 (7) Claims for financial assistance under this
27 subsection (a) may not be recomputed except as expressly
28 provided under Section 18-8.05 of this Code.

29 (8) Any supplementary payment made under this
30 subsection (a) must be treated as separate from all other
31 payments made pursuant to Section 18-8.05 of this Code.

32 (b)(1) After the formation of a combined school district,
33 as defined in Section 11E-20 of this Code, or a unit district,
34 as defined in Section 11E-25 of this Code, a computation shall
35 be made to determine the difference between the salaries
36 effective in each of the previously existing districts on June

1 30, prior to the creation of the new district. For the first 4
2 years after the formation of the new district, a supplementary
3 State aid reimbursement shall be paid to the new district equal
4 to the difference between the sum of the salaries earned by
5 each of the certificated members of the new district, while
6 employed in one of the previously existing districts during the
7 year immediately preceding the formation of the new district,
8 and the sum of the salaries those certificated members would
9 have been paid during the year immediately prior to the
10 formation of the new district if placed on the salary schedule
11 of the previously existing district with the highest salary
12 schedule.

13 (2) After the territory of one or more school districts
14 is annexed by one or more other school districts as defined
15 in Article 7 of this Code, a computation shall be made to
16 determine the difference between the salaries effective in
17 each annexed district and in the annexing district or
18 districts as they were each constituted on June 30
19 preceding the date when the change of boundaries
20 attributable to the annexation became effective for all
21 purposes, as determined under Section 7-9 of this Code. For
22 the first 4 years after the annexation, a supplementary
23 State aid reimbursement shall be paid to each annexing
24 district as constituted after the annexation equal to the
25 difference between the sum of the salaries earned by each
26 of the certificated members of the annexing district as
27 constituted after the annexation, while employed in an
28 annexed or annexing district during the year immediately
29 preceding the annexation, and the sum of the salaries those
30 certificated members would have been paid during the
31 immediately preceding year if placed on the salary schedule
32 of whichever of the annexing or annexed districts had the
33 highest salary schedule during the immediately preceding
34 year.

35 (3) For each new high school district formed under a
36 school district conversion, as defined in Section 11E-15 of

1 this Code, the State shall make a supplementary payment for
2 4 years equal to the difference between the sum of the
3 salaries earned by each certified member of the new high
4 school district, while employed in one of the previously
5 existing districts, and the sum of the salaries those
6 certified members would have been paid if placed on the
7 salary schedule of the previously existing district with
8 the highest salary schedule.

9 (4) For each newly created partial elementary unit
10 district, the State shall make a supplementary payment for
11 4 years equal to the difference between the sum of the
12 salaries earned by each certified member of the newly
13 created partial elementary unit district, while employed
14 in one of the previously existing districts that formed the
15 partial elementary unit district, and the sum of the
16 salaries those certified members would have been paid if
17 placed on the salary schedule of the previously existing
18 district with the highest salary schedule. The salary
19 schedules used in the calculation shall be those in effect
20 in the previously existing districts for the school year
21 prior to the creation of the new partial elementary unit
22 district.

23 (5) For an elementary district opt-in, as described in
24 subsection (d) of Section 11E-30 of this Code, the salary
25 difference incentive shall be computed in accordance with
26 paragraph (4) of this subsection (b) as if the opted-in
27 elementary district was included in the optional
28 elementary unit district at the optional elementary unit
29 district's original effective date. If the calculation in
30 this paragraph (5) is less than that calculated in
31 paragraph (4) of this subsection (b) at the optional
32 elementary unit district's original effective date, then
33 no adjustments may be made. If the calculation in this
34 paragraph (5) is more than that calculated in paragraph (4)
35 of this subsection (b) at the optional elementary unit
36 district's original effective date, then the excess must be

1 paid as follows:

2 (A) If the effective date for the elementary opt-in
3 is one year after the effective date for the optional
4 elementary unit district, 100% of the calculated
5 excess shall be paid to the optional elementary unit
6 district in each of the first 4 years after the
7 effective date of the elementary opt-in.

8 (B) If the effective date for the elementary opt-in
9 is 2 years after the effective date for the optional
10 elementary unit district, 75% of the calculated excess
11 shall be paid to the optional elementary unit district
12 in each of the first 4 years after the effective date
13 of the elementary opt-in.

14 (C) If the effective date for the elementary opt-in
15 is 3 years after the effective date for the optional
16 elementary unit district, 50% of the calculated excess
17 shall be paid to the optional elementary unit district
18 in each of the first 4 years after the effective date
19 of the elementary opt-in.

20 (D) If the effective date for the elementary opt-in
21 is 4 years after the effective date for the partial
22 elementary unit district, 25% of the calculated excess
23 shall be paid to the optional elementary unit district
24 in each of the first 4 years after the effective date
25 of the elementary opt-in.

26 (E) If the effective date for the elementary opt-in
27 is 5 years after the effective date for the optional
28 elementary unit district, the optional elementary unit
29 district is not eligible for any additional incentives
30 due to the elementary opt-in.

31 (6) The supplementary State aid reimbursement under
32 this subsection (b) shall be treated as separate from all
33 other payments made pursuant to Section 18-8.05 of this
34 Code. In the case of the formation of a new district,
35 reimbursement shall begin during the first year of
36 operation of the new district, and in the case of an

1 annexation of the territory of one or more school districts
2 by one or more other school districts, reimbursement shall
3 begin during the first year when the change in boundaries
4 attributable to the annexation or division becomes
5 effective for all purposes as determined pursuant to
6 Section 7-9 of this Code. Each year that the new, annexing,
7 or resulting district, as the case may be, is entitled to
8 receive reimbursement, the number of eligible certified
9 members who are employed on October 1 in the district shall
10 be certified to the State Board of Education on prescribed
11 forms by October 15 and payment shall be made on or before
12 November 15 of that year.

13 (c) (1) For the first year after the formation of a combined
14 school district, as defined in Section 11E-20 of this Code or a
15 unit district, as defined in Section 11E-25 of this Code, a
16 computation shall be made totaling each previously existing
17 district's audited fund balances in the educational fund,
18 working cash fund, operations and maintenance fund, and
19 transportation fund for the year ending June 30 prior to the
20 referendum for the creation of the new district. The new
21 district shall be paid supplementary State aid equal to the sum
22 of the differences between the deficit of the previously
23 existing district with the smallest deficit and the deficits of
24 each of the other previously existing districts.

25 (2) For the first year after the annexation of all of
26 the territory of one or more entire school districts by
27 another school district, as defined in Article 7 of this
28 Code, computations shall be made, for the year ending June
29 30 prior to the date that the change of boundaries
30 attributable to the annexation is allowed by the
31 affirmative decision issued by the regional board of school
32 trustees under Section 7-6 of this Code, notwithstanding
33 any effort to seek administrative review of the decision,
34 totaling the annexing district's and totaling each annexed
35 district's audited fund balances in their respective
36 educational, working cash, operations and maintenance, and

1 transportation funds. The annexing district as constituted
2 after the annexation shall be paid supplementary State aid
3 equal to the sum of the differences between the deficit of
4 whichever of the annexing or annexed districts as
5 constituted prior to the annexation had the smallest
6 deficit and the deficits of each of the other districts as
7 constituted prior to the annexation.

8 (3) For the first year after the annexation of all of
9 the territory of one or more entire school districts by 2
10 or more other school districts, as defined by Article 7 of
11 this Code, computations shall be made, for the year ending
12 June 30 prior to the date that the change of boundaries
13 attributable to the annexation is allowed by the
14 affirmative decision of the regional board of school
15 trustees under Section 7-6 of this Code, notwithstanding
16 any action for administrative review of the decision,
17 totaling each annexing and annexed district's audited fund
18 balances in their respective educational, working cash,
19 operations and maintenance, and transportation funds. The
20 annexing districts as constituted after the annexation
21 shall be paid supplementary State aid, allocated as
22 provided in this paragraph (3), in an aggregate amount
23 equal to the sum of the differences between the deficit of
24 whichever of the annexing or annexed districts as
25 constituted prior to the annexation had the smallest
26 deficit and the deficits of each of the other districts as
27 constituted prior to the annexation. The aggregate amount
28 of the supplementary State aid payable under this paragraph
29 (3) shall be allocated between or among the annexing
30 districts as follows:

31 (A) the regional superintendent of schools for
32 each educational service region in which an annexed
33 district is located prior to the annexation shall
34 certify to the State Board of Education, on forms that
35 it shall provide for that purpose, the value of all
36 taxable property in each annexed district, as last

1 equalized or assessed by the Department of Revenue
2 prior to the annexation, and the equalized assessed
3 value of each part of the annexed district that was
4 annexed to or included as a part of an annexing
5 district;

6 (B) using equalized assessed values as certified
7 by the regional superintendent of schools under clause
8 (A) of this paragraph (3), the combined audited fund
9 balance deficit of each annexed district as determined
10 under this Section shall be apportioned between or
11 among the annexing districts in the same ratio as the
12 equalized assessed value of that part of the annexed
13 district that was annexed to or included as a part of
14 an annexing district bears to the total equalized
15 assessed value of the annexed district; and

16 (C) the aggregate supplementary State aid payment
17 under this paragraph (3) shall be allocated between or
18 among, and shall be paid to, the annexing districts in
19 the same ratio as the sum of the combined audited fund
20 balance deficit of each annexing district as
21 constituted prior to the annexation, plus all combined
22 audited fund balance deficit amounts apportioned to
23 that annexing district under clause (B) of this
24 subsection, bears to the aggregate of the combined
25 audited fund balance deficits of all of the annexing
26 and annexed districts as constituted prior to the
27 annexation.

28 (4) For the new elementary districts and new high
29 school district formed through a school district
30 conversion, as defined in subsection (b) of Section 11E-15
31 of this Code or the new elementary district or districts
32 and new combined high school - unit district formed through
33 a multi-unit conversion, as defined in subsection (b) of
34 Section 11E-30 of this Code, a computation shall be made
35 totaling each previously existing district's audited fund
36 balances in the educational fund, working cash fund,

1 operations and maintenance fund, and transportation fund
2 for the year ending June 30 prior to the referendum
3 establishing the new districts. In the first year of the
4 new districts, the State shall make a one-time
5 supplementary payment equal to the sum of the differences
6 between the deficit of the previously existing district
7 with the smallest deficit and the deficits of each of the
8 other previously existing districts. A district with a
9 combined balance among the 4 funds that is positive shall
10 be considered to have a deficit of zero. The supplementary
11 payment shall be allocated among the newly formed high
12 school and elementary districts in the manner provided by
13 the petition for the formation of the districts, in the
14 form in which the petition is approved by the regional
15 superintendent of schools or State Superintendent of
16 Education under Section 11E-50 of this Code.

17 (5) For each newly created partial elementary unit
18 district, as defined in subsection (a) or (c) of Section
19 11E-30 of this Code, a computation shall be made totaling
20 the audited fund balances of each previously existing
21 district that formed the new partial elementary unit
22 district in the educational fund, working cash fund,
23 operations and maintenance fund, and transportation fund
24 for the year ending June 30 prior to the referendum for the
25 formation of the partial elementary unit district. In the
26 first year of the new partial elementary unit district, the
27 State shall make a one-time supplementary payment to the
28 new district equal to the sum of the differences between
29 the deficit of the previously existing district with the
30 smallest deficit and the deficits of each of the other
31 previously existing districts. A district with a combined
32 balance among the 4 funds that is positive shall be
33 considered to have a deficit of zero.

34 (6) For an elementary opt-in as defined in subsection
35 (d) of Section 11E-30 of this Code, the deficit fund
36 balance incentive shall be computed in accordance with

1 paragraph (5) of this subsection (c) as if the opted-in
2 elementary was included in the optional elementary unit
3 district at the optional elementary unit district's
4 original effective date. If the calculation in this
5 paragraph (6) is less than that calculated in paragraph (5)
6 of this subsection (c) at the optional elementary unit
7 district's original effective date, then no adjustments
8 may be made. If the calculation in this paragraph (6) is
9 more than that calculated in paragraph (5) of this
10 subsection (c) at the optional elementary unit district's
11 original effective date, then the excess must be paid as
12 follows:

13 (A) If the effective date for the elementary opt-in
14 is one year after the effective date for the optional
15 elementary unit district, 100% of the calculated
16 excess shall be paid to the optional elementary unit
17 district in the first year after the effective date of
18 the elementary opt-in.

19 (B) If the effective date for the elementary opt-in
20 is 2 years after the effective date for the optional
21 elementary unit district, 75% of the calculated excess
22 shall be paid to the optional elementary unit district
23 in the first year after the effective date of the
24 elementary opt-in.

25 (C) If the effective date for the elementary opt-in
26 is 3 years after the effective date for the optional
27 elementary unit district, 50% of the calculated excess
28 shall be paid to the optional elementary unit district
29 in the first year after the effective date of the
30 elementary opt-in.

31 (D) If the effective date for the elementary opt-in
32 is 4 years after the effective date for the optional
33 elementary unit district, 25% of the calculated excess
34 shall be paid to the optional elementary unit district
35 in the first year after the effective date of the
36 elementary opt-in.

1 (E) If the effective date for the elementary opt-in
2 is 5 years after the effective date for the optional
3 elementary unit district, the optional elementary unit
4 district is not eligible for any additional incentives
5 due to the elementary opt-in.

6 (7) For purposes of any calculation required under
7 paragraph (1), (2), (3), (4), (5), or (6) of this
8 subsection (c), a district with a combined fund balance
9 that is positive shall be considered to have a deficit of
10 zero. For purposes of determining each district's audited
11 fund balances in its educational fund, working cash fund,
12 operations and maintenance fund, and transportation fund
13 for the specified year ending June 30, as provided in
14 paragraphs (1), (2), (3), (4), (5), and (6) of this
15 subsection (c), the balance of each fund shall be deemed
16 decreased by an amount equal to the amount of the annual
17 property tax theretofore levied in the fund by the district
18 for collection and payment to the district during the
19 calendar year in which the June 30 fell, but only to the
20 extent that the tax so levied in the fund actually was
21 received by the district on or before or comprised a part
22 of the fund on such June 30. For purposes of determining
23 each district's audited fund balances, a calculation shall
24 be made for each fund to determine the average for the 3
25 years prior to the specified year ending June 30, as
26 provided in paragraphs (1), (2), (3), (4), (5), and (6) of
27 this subsection (c), of the district's expenditures in the
28 categories "purchased services", "supplies and materials",
29 and "capital outlay", as those categories are defined in
30 rules of the State Board of Education. If this 3-year
31 average is less than the district's expenditures in these
32 categories for the specified year ending June 30, as
33 provided in paragraphs (1), (2), (3), (4), (5), and (6) of
34 this subsection (c), then the 3-year average shall be used
35 in calculating the amounts payable under this Section in
36 place of the amounts shown in these categories for the

1 specified year ending June 30, as provided in paragraphs
 2 (1), (2), (3), (4), (5), and (6) of this subsection (c).
 3 Any deficit because of State aid not yet received may not
 4 be considered in determining the June 30 deficits. The same
 5 basis of accounting shall be used by all previously
 6 existing districts and by all annexing or annexed
 7 districts, as constituted prior to the annexation, in
 8 making any computation required under paragraphs (1), (2),
 9 (3), (4), (5), and (6) of this subsection (c).

10 (8) The supplementary State aid payments under this
 11 subsection (c) shall be treated as separate from all other
 12 payments made pursuant to Section 18-8.05 of this Code.

13 (d)(1) Following the formation of a combined school
 14 district, as defined in Section 11E-20 of this Code, a new
 15 elementary district or districts and a new high school district
 16 formed through a school district conversion, as defined in
 17 subsection (b) of Section 11E-15 of this Code, a new partial
 18 elementary unit district, as defined in Section 11E-30 of this
 19 Code, or a new elementary district or districts formed through
 20 a multi-unit conversion, as defined in subsection (b) of
 21 Section 11E-30 of this Code, or the annexation of all of the
 22 territory of one or more entire school districts by one or more
 23 other school districts, as defined in Article 7 of this Code, a
 24 supplementary State aid reimbursement shall be paid for the
 25 number of school years determined under the following table to
 26 each new or annexing district equal to the sum of \$4,000 for
 27 each certified employee who is employed by the district on a
 28 full-time basis for the regular term of the school year:

29 Reorganized District's
 30 Rank by type of
 31 district (unit, high
 32 school, elementary) in
 33 Equalized Assessed
 34 Value Per Pupil by
 35 Quintile

Reorganized District's Rank in Average
Daily Attendance by Quintile

	<u>1st Quintile</u>	<u>2nd Quintile</u>	<u>3rd, 4th, or</u>	<u>5th Quintile</u>
1				
2				
3	<u>1st Quintile</u>	<u>1 year</u>	<u>1 year</u>	<u>1 year</u>
4	<u>2nd Quintile</u>	<u>1 year</u>	<u>2 years</u>	<u>2 years</u>
5	<u>3rd Quintile</u>	<u>2 years</u>	<u>3 years</u>	<u>3 years</u>
6	<u>4th Quintile</u>	<u>2 years</u>	<u>3 years</u>	<u>3 years</u>
7	<u>5th Quintile</u>	<u>2 years</u>	<u>3 years</u>	<u>3 years</u>

8 The State Board of Education shall make a one-time calculation
 9 of a reorganized district's quintile ranks. The average daily
 10 attendance used in this calculation shall be the best 3 months'
 11 average daily attendance for the district's first year. The
 12 equalized assessed value per pupil shall be the district's real
 13 property equalized assessed value used in calculating the
 14 district's first-year general State aid claim, under Section
 15 18-8.05 of this Code, divided by the best 3 months' average
 16 daily attendance.

17 No annexing or resulting school district shall be entitled
 18 to supplementary State aid under this subsection (d) unless the
 19 district acquires at least 30% of the average daily attendance
 20 of the district from which the territory is being detached or
 21 divided.

22 If a district results from multiple reorganizations that
 23 would otherwise qualify the district for multiple payments
 24 under this subsection (d) in any year, then the district shall
 25 receive a single payment only for that year based solely on the
 26 most recent reorganization.

27 (2) For an elementary opt-in, as defined in subsection
 28 (d) of Section 11E-30 of this Code, the full-time certified
 29 staff incentive shall be computed in accordance with
 30 paragraph (1) of this subsection (d), equal to the sum of
 31 \$4,000 for each certified employee of the elementary
 32 district that opts-in who is employed by the optional
 33 elementary unit district on a full-time basis for the
 34 regular term of the school year. The calculation from this
 35 paragraph (2) must be paid as follows:

1 (A) If the effective date for the elementary opt-in
2 is one year after the effective date for the optional
3 elementary unit district, 100% of the amount
4 calculated in this paragraph (2) shall be paid to the
5 optional elementary unit district for the number of
6 years calculated in paragraph (1) of this subsection
7 (d) at the optional elementary unit district's
8 original effective date, starting in the second year
9 after the effective date of the elementary opt-in.

10 (B) If the effective date for the elementary opt-in
11 is 2 years after the effective date for the optional
12 elementary unit district, 75% of the amount calculated
13 in this paragraph (2) shall be paid to the optional
14 elementary unit district for the number of years
15 calculated in paragraph (1) of this subsection (d) at
16 the optional elementary unit district's original
17 effective date, starting in the second year after the
18 effective date of the elementary opt-in.

19 (C) If the effective date for the elementary opt-in
20 is 3 years after the effective date for the optional
21 elementary unit district, 50% of the amount calculated
22 in this paragraph (2) shall be paid to the optional
23 elementary unit district for the number of years
24 calculated in paragraph (1) of this subsection (d) at
25 the optional elementary unit district's original
26 effective date, starting in the second year after the
27 effective date of the elementary opt-in.

28 (D) If the effective date for the elementary opt-in
29 is 4 years after the effective date for the optional
30 elementary unit district, 25% of the amount calculated
31 in this paragraph (2) shall be paid to the optional
32 elementary unit district for the number of years
33 calculated in paragraph (1) of this subsection (d) at
34 the optional elementary unit district's original
35 effective date, starting in the second year after the
36 effective date of the elementary opt-in.

1 (E) If the effective date for the elementary opt-in
2 is 5 years after the effective date for the optional
3 elementary unit district, the optional elementary unit
4 district is not eligible for any additional incentives
5 due to the elementary opt-in.

6 (3) The supplementary State aid reimbursement payable
7 under this subsection (d) shall be separate from and in
8 addition to all other payments made to the district
9 pursuant to any other Section of this Article.

10 (4) During May of each school year for which a
11 supplementary State aid reimbursement is to be paid to a
12 new or annexing school district pursuant to this subsection
13 (d), the school board shall certify to the State Board of
14 Education, on forms furnished to the school board by the
15 State Board of Education for purposes of this subsection
16 (d), the number of certified employees for which the
17 district is entitled to reimbursement under this Section,
18 together with the names, certificate numbers, and
19 positions held by the certified employees.

20 (5) Upon certification by the State Board of Education
21 to the State Comptroller of the amount of the supplementary
22 State aid reimbursement to which a school district is
23 entitled under this subsection (d), the State Comptroller
24 shall draw his or her warrant upon the State Treasurer for
25 the payment thereof to the school district and shall
26 promptly transmit the payment to the school district
27 through the appropriate school treasurer.

28 (105 ILCS 5/17-2) (from Ch. 122, par. 17-2)

29 Sec. 17-2. Tax levies; purposes; rates.

30 (a) Except as otherwise provided in Articles 12 and 13 of
31 this Act, the following maximum rates shall apply to all taxes
32 levied after August 10, 1965, in districts having a population
33 of less than 500,000 inhabitants, including those districts
34 organized under Article 11 of the School Code. The school board
35 of any district having a population of less than 500,000

1 inhabitants may levy a tax annually, at not to exceed the
2 maximum rates and for the specified purposes, upon all the
3 taxable property of the district at the value, as equalized or
4 assessed by the Department of Revenue as follows:

5 (1) districts maintaining only grades 1 through 8, .92%
6 for educational purposes and .25% for operations and
7 maintenance purposes;

8 (2) districts maintaining only grades 9 through 12,
9 .92% for educational purposes and .25% for operations and
10 maintenance purposes;

11 (3) districts maintaining grades 1 through 12, 1.63%
12 for the 1985-86 school year, 1.68% for the 1986-87 school
13 year, 1.75% for the 1987-88 school year and 1.84% for the
14 1988-89 school year and thereafter for educational
15 purposes and .405% for the 1989-90 school year, .435% for
16 the 1990-91 school year, .465% for the 1991-92 school year,
17 and .50% for the 1992-93 school year and thereafter for
18 operations and maintenance purposes;

19 (4) all districts, 0.75% for capital improvement
20 purposes (which is in addition to the levy for operations
21 and maintenance purposes), which tax is to be levied,
22 accumulated for not more than 6 years, and spent for
23 capital improvement purposes (including but not limited to
24 the construction of a new school building or buildings or
25 the purchase of school grounds on which any new school
26 building is to be constructed or located, or both) only in
27 accordance with Section 17-2.3 of this Act;

28 (5) districts maintaining only grades 1 through 8, .12%
29 for transportation purposes, provided that districts
30 maintaining only grades kindergarten through 8 which have
31 an enrollment of at least 2600 students may levy, subject
32 to Section 17-2.2, at not to exceed a maximum rate of .20%
33 for transportation purposes for any school year in which
34 the number of students requiring transportation in the
35 district exceeds by at least 2% the number of students
36 requiring transportation in the district during the

1 preceding school year, as verified in the district's claim
2 for pupil transportation and reimbursement and as
3 certified by the State Board of Education to the county
4 clerk of the county in which such district is located not
5 later than November 15 following the submission of such
6 claim; districts maintaining only grades 9 through 12, .12%
7 for transportation purposes; and districts maintaining
8 grades 1 through 12, .14% for the 1985-86 school year, .16%
9 for the 1986-87 school year, .18% for the 1987-88 school
10 year and .20% for the 1988-89 school year and thereafter,
11 for transportation purposes;

12 (6) districts providing summer classes, .15% for
13 educational purposes, subject to Section 17-2.1 of this
14 Act.

15 Whenever any special charter school district operating
16 grades 1 through 12, has organized or shall organize under the
17 general school law, the district so organized may continue to
18 levy taxes at not to exceed the rate at which taxes were last
19 actually extended by the special charter district, except that
20 if such rate at which taxes were last actually extended by such
21 special charter district was less than the maximum rate for
22 districts maintaining grades 1 through 12 authorized under this
23 Section, such special charter district nevertheless may levy
24 taxes at a rate not to exceed the maximum rate for districts
25 maintaining grades 1 through 12 authorized under this Section,
26 and except that if any such district maintains only grades 1
27 through 8, the board may levy, for educational purposes, at a
28 rate not to exceed the maximum rate for elementary districts
29 authorized under this Section.

30 Maximum rates before or after established in excess of
31 those prescribed shall not be affected by the amendatory Act of
32 1965.

33 (b) Notwithstanding the rate limitations prescribed in
34 subsection (a) of this Section, whenever a new unit school
35 district, other than a partial elementary unit district, is
36 created from any combination of elementary and high school

1 districts, the school board of the new unit district may levy
2 taxes at a maximum rate for educational, operations and
3 maintenance, and capital improvement purposes as follows,
4 provided that the rates are specified in the petition to form
5 the new unit district:

6 (1) The school board may levy taxes at a maximum rate
7 for educational purposes determined by combining a rate not
8 to exceed the highest rate for that purpose extended by any
9 of the elementary districts included in the petition in the
10 year immediately preceding the creation of the new district
11 and a rate not to exceed the highest rate for that purpose
12 extended by any of the high school districts included in
13 the petition in the year immediately preceding the creation
14 of the new district.

15 (2) The school board may levy taxes at a rate for
16 operations and maintenance purposes determined by
17 combining a rate not to exceed the highest rate for that
18 purpose extended by any of the elementary districts
19 included in the petition in the year immediately preceding
20 the creation of the new district and a rate not to exceed
21 the highest rate for that purpose extended by any of the
22 high school districts included in the petition in the year
23 immediately preceding the creation of the new district.

24 (3) The school board may levy taxes at a rate for
25 capital improvement purposes at a rate not to exceed 1.5%.

26 (4) If any resulting combined elementary and high
27 school rate authorized pursuant to this subsection (b) is
28 less than the maximum rate otherwise applicable to unit
29 districts as specified elsewhere in statute, then the rate
30 may be specified in the petition and on the ballot at a
31 rate not exceeding the maximum rate applicable to unit
32 districts as specified elsewhere in statute.

33 (5) The aggregate of all rates specified in the
34 petition and on the ballot, excluding rates for bond and
35 interest levies, shall not exceed the highest dual district
36 rate, excluding rates for bond and interest levies,

1 applicable to any territory within the high school district
2 included in the petition in the year immediately preceding
3 the creation of the new district.

4 (c) (1) If a unit school district's maximum authorized rate
5 for educational purposes determined in accordance with
6 subsection (b) of this Section exceeds 4.0%, then, beginning
7 with the third year of operation of the new unit district and
8 in each subsequent year, the rate shall be reduced by 0.10% or
9 reduced to 4.0%, whichever is less.

10 (2) If a unit district's maximum authorized rate for
11 operations and maintenance purposes determined in
12 accordance with subsection (b) of this Section exceeds
13 0.75%, then, beginning with the third year of operation of
14 the new unit district and in each subsequent year, the rate
15 shall be reduced by 0.04% or reduced to 0.75%, whichever is
16 less.

17 (3) If a unit district's maximum authorized rate for
18 capital improvement purposes determined in accordance with
19 subsection (b) of this Section exceeds 0.75%, then,
20 beginning with the seventh year of operation of the new
21 unit district, the rate shall be reduced to 0.75%.
22 Thereafter, the maximum authorized rate for capital
23 improvement purposes shall be 0.75%.

24 (d) The school board of a unit school district may, by
25 proper resolution, cause to be submitted to the voters of the
26 district, at any regular scheduled election following the
27 formation of the district, a proposition to maintain, for a
28 period not to exceed 2 years, any rate determined pursuant to
29 subdivisions (1) or (2) of subsection (b) of this Section,
30 without any decrease required by subsection (c) of this
31 Section. If a majority of the votes cast on the proposition is
32 in favor thereof, the school board may thereafter, until such
33 authority is revoked in like manner or expires without renewal,
34 levy annually a tax as authorized.

35 (e) In a combined school district formation involving one
36 or more partial elementary unit districts and one or more unit

districts that are not partial elementary unit districts, the new district may levy taxes at a maximum rate for a particular purpose that does not exceed the higher of the rate for that purpose of any partial elementary unit district involved in the combination in the year preceding the formation of the new district or the maximum rate for that purpose applicable to unit districts as specified elsewhere in statute.

(Source: P.A. 87-984; 87-1023; 88-45.)

(105 ILCS 5/17-3) (from Ch. 122, par. 17-3)

Sec. 17-3. Additional levies-Submission to voters. The school board in any district having a population of less than 500,000 inhabitants may, by proper resolution, cause a proposition to increase, for a limited period of not less than 3 nor more than 10 years or for an unlimited period, the annual tax rate for educational purposes to be submitted to the voters of such district at a regular scheduled election as follows:

(1) in districts maintaining grades 1 through 8, or grades 9 through 12, the maximum rate for educational purposes shall not exceed 3.5% of the value as equalized or assessed by the Department of Revenue;

(2) in districts maintaining grades 1 through 12 the maximum rate for educational purposes shall not exceed 4.00% of the value as equalized or assessed by the Department of Revenue. ~~except that if a single elementary district and a secondary district having boundaries that are coterminous form a community unit district on or after the effective date of this amendatory Act of the 94th General Assembly and the actual combined rate of the elementary district and secondary district prior to the formation of the community unit district is greater than 4.00%, then the maximum rate for educational purposes for such district shall be the following:~~

~~(A) For 2 years following the formation of the community unit district, the maximum rate shall equal the actual combined rate of the previous elementary~~

1 ~~district and secondary district.~~

2 ~~(B) In each subsequent year, the maximum rate shall~~
3 ~~be reduced by 0.10% or reduced to 4.00%, whichever~~
4 ~~reduction is less. The school board may, by proper~~
5 ~~resolution, cause a proposition to increase the~~
6 ~~reduced rate, not to exceed the maximum rate in clause~~
7 ~~(A), to be submitted to the voters of the district at a~~
8 ~~regular scheduled election as provided under this~~
9 ~~Section. Nothing in this Section shall require that the~~
10 ~~maximum rate for educational purpose for a district~~
11 ~~maintaining grades one through 12 be reduced below~~
12 ~~4.00%.~~

13 If the resolution of the school board seeks to increase the
14 annual tax rate for educational purposes for a limited period
15 of not less than 3 nor more than 10 years, the proposition
16 shall so state and shall identify the years for which the tax
17 increase is sought.

18 If a majority of the votes cast on the proposition is in
19 favor thereof at an election for which the election authorities
20 have given notice either (i) in accordance with Section 12-5 of
21 the Election Code or (ii) by publication of a true and legible
22 copy of the specimen ballot label containing the proposition in
23 the form in which it appeared or will appear on the official
24 ballot label on the day of the election at least 5 days before
25 the day of the election in at least one newspaper published in
26 and having a general circulation in the district, the school
27 board may thereafter, until such authority is revoked in like
28 manner, levy annually the tax so authorized; provided that if
29 the proposition as approved limits the increase in the annual
30 tax rate of the district for educational purposes to a period
31 of not less than 3 nor more than 10 years, the district may,
32 unless such authority is sooner revoked in like manner, levy
33 annually the tax so authorized for the limited number of years
34 approved by a majority of the votes cast on the proposition.
35 Upon expiration of that limited period, the rate at which the
36 district may annually levy its tax for educational purposes

1 shall be the rate provided under Section 17-2, or the rate at
2 which the district last levied its tax for educational purposes
3 prior to approval of the proposition authorizing the levy of
4 that tax at an increased rate, whichever is greater.

5 The school board shall certify the proposition to the
6 proper election authorities in accordance with the general
7 election law.

8 The provisions of this Section concerning notice of the tax
9 rate increase referendum apply only to consolidated primary
10 elections held prior to January 1, 2002 at which not less than
11 55% of the voters voting on the tax rate increase proposition
12 voted in favor of the tax rate increase proposition.

13 (Source: P.A. 94-52, eff. 6-17-05.)

14 (105 ILCS 5/17-5) (from Ch. 122, par. 17-5)

15 Sec. 17-5. Increase tax rates for operations and
16 maintenance purposes- Maximum. The school board in any district
17 having a population of less than 500,000 inhabitants may, by
18 proper resolution, cause a proposition to increase the annual
19 tax rate for operations and maintenance purposes to be
20 submitted to the voters of the district at a regular scheduled
21 election. The board shall certify the proposition to the proper
22 election authority for submission to the elector in accordance
23 with the general election law. In districts maintaining grades
24 1 through 8, or grades 9 through 12, the maximum rate for
25 operations and maintenance purposes shall not exceed .55%; and
26 in districts maintaining grades 1 through 12, the maximum rates
27 for operations and maintenance purposes shall not exceed .75%
28 ~~except that if a single elementary district and a secondary~~
29 ~~district having boundaries that are coterminous on the~~
30 ~~effective date of this amendatory Act form a community unit~~
31 ~~district as authorized under Section 11-6, the maximum rate for~~
32 ~~operation and maintenance purposes for such district shall not~~
33 ~~exceed 1.10% of the value as equalized or assessed by the~~
34 ~~Department of Revenue; and in such district maintaining grades~~
35 ~~1 through 12, funds may, subject to the provisions of Section~~

1 ~~17-5.1 accumulate to not more than 5% of the equalized assessed~~
2 ~~valuation of the district. No such accumulation shall ever be~~
3 ~~transferred or used for any other purpose.~~ If a majority of the
4 votes cast on the proposition is in favor thereof, the school
5 board may thereafter, until such authority is revoked in like
6 manner, levy annually a tax as authorized.

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

8 (105 ILCS 5/18-8.05)

9 Sec. 18-8.05. Basis for apportionment of general State
10 financial aid and supplemental general State aid to the common
11 schools for the 1998-1999 and subsequent school years.

12 (A) General Provisions.

13 (1) The provisions of this Section apply to the 1998-1999
14 and subsequent school years. The system of general State
15 financial aid provided for in this Section is designed to
16 assure that, through a combination of State financial aid and
17 required local resources, the financial support provided each
18 pupil in Average Daily Attendance equals or exceeds a
19 prescribed per pupil Foundation Level. This formula approach
20 imputes a level of per pupil Available Local Resources and
21 provides for the basis to calculate a per pupil level of
22 general State financial aid that, when added to Available Local
23 Resources, equals or exceeds the Foundation Level. The amount
24 of per pupil general State financial aid for school districts,
25 in general, varies in inverse relation to Available Local
26 Resources. Per pupil amounts are based upon each school
27 district's Average Daily Attendance as that term is defined in
28 this Section.

29 (2) In addition to general State financial aid, school
30 districts with specified levels or concentrations of pupils
31 from low income households are eligible to receive supplemental
32 general State financial aid grants as provided pursuant to
33 subsection (H). The supplemental State aid grants provided for
34 school districts under subsection (H) shall be appropriated for

1 distribution to school districts as part of the same line item
2 in which the general State financial aid of school districts is
3 appropriated under this Section.

4 (3) To receive financial assistance under this Section,
5 school districts are required to file claims with the State
6 Board of Education, subject to the following requirements:

7 (a) Any school district which fails for any given
8 school year to maintain school as required by law, or to
9 maintain a recognized school is not eligible to file for
10 such school year any claim upon the Common School Fund. In
11 case of nonrecognition of one or more attendance centers in
12 a school district otherwise operating recognized schools,
13 the claim of the district shall be reduced in the
14 proportion which the Average Daily Attendance in the
15 attendance center or centers bear to the Average Daily
16 Attendance in the school district. A "recognized school"
17 means any public school which meets the standards as
18 established for recognition by the State Board of
19 Education. A school district or attendance center not
20 having recognition status at the end of a school term is
21 entitled to receive State aid payments due upon a legal
22 claim which was filed while it was recognized.

23 (b) School district claims filed under this Section are
24 subject to Sections 18-9, 18-10, and 18-12, except as
25 otherwise provided in this Section.

26 (c) If a school district operates a full year school
27 under Section 10-19.1, the general State aid to the school
28 district shall be determined by the State Board of
29 Education in accordance with this Section as near as may be
30 applicable.

31 (d) (Blank).

32 (4) Except as provided in subsections (H) and (L), the
33 board of any district receiving any of the grants provided for
34 in this Section may apply those funds to any fund so received
35 for which that board is authorized to make expenditures by law.

36 School districts are not required to exert a minimum

1 Operating Tax Rate in order to qualify for assistance under
2 this Section.

3 (5) As used in this Section the following terms, when
4 capitalized, shall have the meaning ascribed herein:

5 (a) "Average Daily Attendance": A count of pupil
6 attendance in school, averaged as provided for in
7 subsection (C) and utilized in deriving per pupil financial
8 support levels.

9 (b) "Available Local Resources": A computation of
10 local financial support, calculated on the basis of Average
11 Daily Attendance and derived as provided pursuant to
12 subsection (D).

13 (c) "Corporate Personal Property Replacement Taxes":
14 Funds paid to local school districts pursuant to "An Act in
15 relation to the abolition of ad valorem personal property
16 tax and the replacement of revenues lost thereby, and
17 amending and repealing certain Acts and parts of Acts in
18 connection therewith", certified August 14, 1979, as
19 amended (Public Act 81-1st S.S.-1).

20 (d) "Foundation Level": A prescribed level of per pupil
21 financial support as provided for in subsection (B).

22 (e) "Operating Tax Rate": All school district property
23 taxes extended for all purposes, except Bond and Interest,
24 Summer School, Rent, Capital Improvement, and Vocational
25 Education Building purposes.

26 (B) Foundation Level.

27 (1) The Foundation Level is a figure established by the
28 State representing the minimum level of per pupil financial
29 support that should be available to provide for the basic
30 education of each pupil in Average Daily Attendance. As set
31 forth in this Section, each school district is assumed to exert
32 a sufficient local taxing effort such that, in combination with
33 the aggregate of general State financial aid provided the
34 district, an aggregate of State and local resources are
35 available to meet the basic education needs of pupils in the

1 district.

2 (2) For the 1998-1999 school year, the Foundation Level of
3 support is \$4,225. For the 1999-2000 school year, the
4 Foundation Level of support is \$4,325. For the 2000-2001 school
5 year, the Foundation Level of support is \$4,425. For the
6 2001-2002 school year and 2002-2003 school year, the Foundation
7 Level of support is \$4,560. For the 2003-2004 school year, the
8 Foundation Level of support is \$4,810. For the 2004-2005 school
9 year, the Foundation Level of support is \$4,964.

10 (3) For the 2005-2006 school year and each school year
11 thereafter, the Foundation Level of support is \$5,164 or such
12 greater amount as may be established by law by the General
13 Assembly.

14 (C) Average Daily Attendance.

15 (1) For purposes of calculating general State aid pursuant
16 to subsection (E), an Average Daily Attendance figure shall be
17 utilized. The Average Daily Attendance figure for formula
18 calculation purposes shall be the monthly average of the actual
19 number of pupils in attendance of each school district, as
20 further averaged for the best 3 months of pupil attendance for
21 each school district. In compiling the figures for the number
22 of pupils in attendance, school districts and the State Board
23 of Education shall, for purposes of general State aid funding,
24 conform attendance figures to the requirements of subsection
25 (F).

26 (2) The Average Daily Attendance figures utilized in
27 subsection (E) shall be the requisite attendance data for the
28 school year immediately preceding the school year for which
29 general State aid is being calculated or the average of the
30 attendance data for the 3 preceding school years, whichever is
31 greater. The Average Daily Attendance figures utilized in
32 subsection (H) shall be the requisite attendance data for the
33 school year immediately preceding the school year for which
34 general State aid is being calculated.

1 (D) Available Local Resources.

2 (1) For purposes of calculating general State aid pursuant
3 to subsection (E), a representation of Available Local
4 Resources per pupil, as that term is defined and determined in
5 this subsection, shall be utilized. Available Local Resources
6 per pupil shall include a calculated dollar amount representing
7 local school district revenues from local property taxes and
8 from Corporate Personal Property Replacement Taxes, expressed
9 on the basis of pupils in Average Daily Attendance. Calculation
10 of Available Local Resources shall exclude any tax amnesty
11 funds received as a result of Public Act 93-26.

12 (2) In determining a school district's revenue from local
13 property taxes, the State Board of Education shall utilize the
14 equalized assessed valuation of all taxable property of each
15 school district as of September 30 of the previous year. The
16 equalized assessed valuation utilized shall be obtained and
17 determined as provided in subsection (G).

18 (3) For school districts maintaining grades kindergarten
19 through 12, local property tax revenues per pupil shall be
20 calculated as the product of the applicable equalized assessed
21 valuation for the district multiplied by 3.00%, and divided by
22 the district's Average Daily Attendance figure. For school
23 districts maintaining grades kindergarten through 8, local
24 property tax revenues per pupil shall be calculated as the
25 product of the applicable equalized assessed valuation for the
26 district multiplied by 2.30%, and divided by the district's
27 Average Daily Attendance figure. For school districts
28 maintaining grades 9 through 12, local property tax revenues
29 per pupil shall be the applicable equalized assessed valuation
30 of the district multiplied by 1.05%, and divided by the
31 district's Average Daily Attendance figure.

32 For partial elementary unit districts created pursuant to
33 Article 11E of this Code, local property tax revenues per pupil
34 shall be calculated as the product of the equalized assessed
35 valuation for property within the elementary and high school
36 classification of the partial elementary unit district

1 multiplied by 2.06% and divided by the Average Daily Attendance
2 figure for grades kindergarten through 8, plus the product of
3 the equalized assessed valuation for property within the high
4 school only classification of the partial elementary unit
5 district multiplied by 0.94% and divided by the Average Daily
6 Attendance figure for grades 9 through 12.

7 (4) The Corporate Personal Property Replacement Taxes paid
8 to each school district during the calendar year 2 years before
9 the calendar year in which a school year begins, divided by the
10 Average Daily Attendance figure for that district, shall be
11 added to the local property tax revenues per pupil as derived
12 by the application of the immediately preceding paragraph (3).
13 The sum of these per pupil figures for each school district
14 shall constitute Available Local Resources as that term is
15 utilized in subsection (E) in the calculation of general State
16 aid.

17 (E) Computation of General State Aid.

18 (1) For each school year, the amount of general State aid
19 allotted to a school district shall be computed by the State
20 Board of Education as provided in this subsection.

21 (2) For any school district for which Available Local
22 Resources per pupil is less than the product of 0.93 times the
23 Foundation Level, general State aid for that district shall be
24 calculated as an amount equal to the Foundation Level minus
25 Available Local Resources, multiplied by the Average Daily
26 Attendance of the school district.

27 (3) For any school district for which Available Local
28 Resources per pupil is equal to or greater than the product of
29 0.93 times the Foundation Level and less than the product of
30 1.75 times the Foundation Level, the general State aid per
31 pupil shall be a decimal proportion of the Foundation Level
32 derived using a linear algorithm. Under this linear algorithm,
33 the calculated general State aid per pupil shall decline in
34 direct linear fashion from 0.07 times the Foundation Level for
35 a school district with Available Local Resources equal to the

1 product of 0.93 times the Foundation Level, to 0.05 times the
2 Foundation Level for a school district with Available Local
3 Resources equal to the product of 1.75 times the Foundation
4 Level. The allocation of general State aid for school districts
5 subject to this paragraph 3 shall be the calculated general
6 State aid per pupil figure multiplied by the Average Daily
7 Attendance of the school district.

8 (4) For any school district for which Available Local
9 Resources per pupil equals or exceeds the product of 1.75 times
10 the Foundation Level, the general State aid for the school
11 district shall be calculated as the product of \$218 multiplied
12 by the Average Daily Attendance of the school district.

13 (5) The amount of general State aid allocated to a school
14 district for the 1999-2000 school year meeting the requirements
15 set forth in paragraph (4) of subsection (G) shall be increased
16 by an amount equal to the general State aid that would have
17 been received by the district for the 1998-1999 school year by
18 utilizing the Extension Limitation Equalized Assessed
19 Valuation as calculated in paragraph (4) of subsection (G) less
20 the general State aid allotted for the 1998-1999 school year.
21 This amount shall be deemed a one time increase, and shall not
22 affect any future general State aid allocations.

23 (F) Compilation of Average Daily Attendance.

24 (1) Each school district shall, by July 1 of each year,
25 submit to the State Board of Education, on forms prescribed by
26 the State Board of Education, attendance figures for the school
27 year that began in the preceding calendar year. The attendance
28 information so transmitted shall identify the average daily
29 attendance figures for each month of the school year. Beginning
30 with the general State aid claim form for the 2002-2003 school
31 year, districts shall calculate Average Daily Attendance as
32 provided in subdivisions (a), (b), and (c) of this paragraph
33 (1).

34 (a) In districts that do not hold year-round classes,
35 days of attendance in August shall be added to the month of

1 September and any days of attendance in June shall be added
2 to the month of May.

3 (b) In districts in which all buildings hold year-round
4 classes, days of attendance in July and August shall be
5 added to the month of September and any days of attendance
6 in June shall be added to the month of May.

7 (c) In districts in which some buildings, but not all,
8 hold year-round classes, for the non-year-round buildings,
9 days of attendance in August shall be added to the month of
10 September and any days of attendance in June shall be added
11 to the month of May. The average daily attendance for the
12 year-round buildings shall be computed as provided in
13 subdivision (b) of this paragraph (1). To calculate the
14 Average Daily Attendance for the district, the average
15 daily attendance for the year-round buildings shall be
16 multiplied by the days in session for the non-year-round
17 buildings for each month and added to the monthly
18 attendance of the non-year-round buildings.

19 Except as otherwise provided in this Section, days of
20 attendance by pupils shall be counted only for sessions of not
21 less than 5 clock hours of school work per day under direct
22 supervision of: (i) teachers, or (ii) non-teaching personnel or
23 volunteer personnel when engaging in non-teaching duties and
24 supervising in those instances specified in subsection (a) of
25 Section 10-22.34 and paragraph 10 of Section 34-18, with pupils
26 of legal school age and in kindergarten and grades 1 through
27 12.

28 Days of attendance by tuition pupils shall be accredited
29 only to the districts that pay the tuition to a recognized
30 school.

31 (2) Days of attendance by pupils of less than 5 clock hours
32 of school shall be subject to the following provisions in the
33 compilation of Average Daily Attendance.

34 (a) Pupils regularly enrolled in a public school for
35 only a part of the school day may be counted on the basis
36 of 1/6 day for every class hour of instruction of 40

1 minutes or more attended pursuant to such enrollment,
2 unless a pupil is enrolled in a block-schedule format of 80
3 minutes or more of instruction, in which case the pupil may
4 be counted on the basis of the proportion of minutes of
5 school work completed each day to the minimum number of
6 minutes that school work is required to be held that day.

7 (b) Days of attendance may be less than 5 clock hours
8 on the opening and closing of the school term, and upon the
9 first day of pupil attendance, if preceded by a day or days
10 utilized as an institute or teachers' workshop.

11 (c) A session of 4 or more clock hours may be counted
12 as a day of attendance upon certification by the regional
13 superintendent, and approved by the State Superintendent
14 of Education to the extent that the district has been
15 forced to use daily multiple sessions.

16 (d) A session of 3 or more clock hours may be counted
17 as a day of attendance (1) when the remainder of the school
18 day or at least 2 hours in the evening of that day is
19 utilized for an in-service training program for teachers,
20 up to a maximum of 5 days per school year of which a
21 maximum of 4 days of such 5 days may be used for
22 parent-teacher conferences, provided a district conducts
23 an in-service training program for teachers which has been
24 approved by the State Superintendent of Education; or, in
25 lieu of 4 such days, 2 full days may be used, in which
26 event each such day may be counted as a day of attendance;
27 and (2) when days in addition to those provided in item (1)
28 are scheduled by a school pursuant to its school
29 improvement plan adopted under Article 34 or its revised or
30 amended school improvement plan adopted under Article 2,
31 provided that (i) such sessions of 3 or more clock hours
32 are scheduled to occur at regular intervals, (ii) the
33 remainder of the school days in which such sessions occur
34 are utilized for in-service training programs or other
35 staff development activities for teachers, and (iii) a
36 sufficient number of minutes of school work under the

1 direct supervision of teachers are added to the school days
2 between such regularly scheduled sessions to accumulate
3 not less than the number of minutes by which such sessions
4 of 3 or more clock hours fall short of 5 clock hours. Any
5 full days used for the purposes of this paragraph shall not
6 be considered for computing average daily attendance. Days
7 scheduled for in-service training programs, staff
8 development activities, or parent-teacher conferences may
9 be scheduled separately for different grade levels and
10 different attendance centers of the district.

11 (e) A session of not less than one clock hour of
12 teaching hospitalized or homebound pupils on-site or by
13 telephone to the classroom may be counted as 1/2 day of
14 attendance, however these pupils must receive 4 or more
15 clock hours of instruction to be counted for a full day of
16 attendance.

17 (f) A session of at least 4 clock hours may be counted
18 as a day of attendance for first grade pupils, and pupils
19 in full day kindergartens, and a session of 2 or more hours
20 may be counted as 1/2 day of attendance by pupils in
21 kindergartens which provide only 1/2 day of attendance.

22 (g) For children with disabilities who are below the
23 age of 6 years and who cannot attend 2 or more clock hours
24 because of their disability or immaturity, a session of not
25 less than one clock hour may be counted as 1/2 day of
26 attendance; however for such children whose educational
27 needs so require a session of 4 or more clock hours may be
28 counted as a full day of attendance.

29 (h) A recognized kindergarten which provides for only
30 1/2 day of attendance by each pupil shall not have more
31 than 1/2 day of attendance counted in any one day. However,
32 kindergartens may count 2 1/2 days of attendance in any 5
33 consecutive school days. When a pupil attends such a
34 kindergarten for 2 half days on any one school day, the
35 pupil shall have the following day as a day absent from
36 school, unless the school district obtains permission in

1 writing from the State Superintendent of Education.
2 Attendance at kindergartens which provide for a full day of
3 attendance by each pupil shall be counted the same as
4 attendance by first grade pupils. Only the first year of
5 attendance in one kindergarten shall be counted, except in
6 case of children who entered the kindergarten in their
7 fifth year whose educational development requires a second
8 year of kindergarten as determined under the rules and
9 regulations of the State Board of Education.

10 (i) On the days when the Prairie State Achievement
11 Examination is administered under subsection (c) of
12 Section 2-3.64 of this Code, the day of attendance for a
13 pupil whose school day must be shortened to accommodate
14 required testing procedures may be less than 5 clock hours
15 and shall be counted towards the 176 days of actual pupil
16 attendance required under Section 10-19 of this Code,
17 provided that a sufficient number of minutes of school work
18 in excess of 5 clock hours are first completed on other
19 school days to compensate for the loss of school work on
20 the examination days.

21 (G) Equalized Assessed Valuation Data.

22 (1) For purposes of the calculation of Available Local
23 Resources required pursuant to subsection (D), the State Board
24 of Education shall secure from the Department of Revenue the
25 value as equalized or assessed by the Department of Revenue of
26 all taxable property of every school district, together with
27 (i) the applicable tax rate used in extending taxes for the
28 funds of the district as of September 30 of the previous year
29 and (ii) the limiting rate for all school districts subject to
30 property tax extension limitations as imposed under the
31 Property Tax Extension Limitation Law.

32 The Department of Revenue shall add to the equalized
33 assessed value of all taxable property of each school district
34 situated entirely or partially within a county that is or was
35 subject to the alternative general homestead exemption

1 provisions of Section 15-176 of the Property Tax Code (a) an
2 amount equal to the total amount by which the homestead
3 exemption allowed under Section 15-176 of the Property Tax Code
4 for real property situated in that school district exceeds the
5 total amount that would have been allowed in that school
6 district if the maximum reduction under Section 15-176 was (i)
7 \$4,500 in Cook County or \$3,500 in all other counties in tax
8 year 2003 or (ii) \$5,000 in all counties in tax year 2004 and
9 thereafter and (b) an amount equal to the aggregate amount for
10 the taxable year of all additional exemptions under Section
11 15-175 of the Property Tax Code for owners with a household
12 income of \$30,000 or less. The county clerk of any county that
13 is or was subject to the alternative general homestead
14 exemption provisions of Section 15-176 of the Property Tax Code
15 shall annually calculate and certify to the Department of
16 Revenue for each school district all homestead exemption
17 amounts under Section 15-176 of the Property Tax Code and all
18 amounts of additional exemptions under Section 15-175 of the
19 Property Tax Code for owners with a household income of \$30,000
20 or less. It is the intent of this paragraph that if the general
21 homestead exemption for a parcel of property is determined
22 under Section 15-176 of the Property Tax Code rather than
23 Section 15-175, then the calculation of Available Local
24 Resources shall not be affected by the difference, if any,
25 between the amount of the general homestead exemption allowed
26 for that parcel of property under Section 15-176 of the
27 Property Tax Code and the amount that would have been allowed
28 had the general homestead exemption for that parcel of property
29 been determined under Section 15-175 of the Property Tax Code.
30 It is further the intent of this paragraph that if additional
31 exemptions are allowed under Section 15-175 of the Property Tax
32 Code for owners with a household income of less than \$30,000,
33 then the calculation of Available Local Resources shall not be
34 affected by the difference, if any, because of those additional
35 exemptions.

36 This equalized assessed valuation, as adjusted further by

1 the requirements of this subsection, shall be utilized in the
2 calculation of Available Local Resources.

3 (2) The equalized assessed valuation in paragraph (1) shall
4 be adjusted, as applicable, in the following manner:

5 (a) For the purposes of calculating State aid under
6 this Section, with respect to any part of a school district
7 within a redevelopment project area in respect to which a
8 municipality has adopted tax increment allocation
9 financing pursuant to the Tax Increment Allocation
10 Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11
11 of the Illinois Municipal Code or the Industrial Jobs
12 Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the
13 Illinois Municipal Code, no part of the current equalized
14 assessed valuation of real property located in any such
15 project area which is attributable to an increase above the
16 total initial equalized assessed valuation of such
17 property shall be used as part of the equalized assessed
18 valuation of the district, until such time as all
19 redevelopment project costs have been paid, as provided in
20 Section 11-74.4-8 of the Tax Increment Allocation
21 Redevelopment Act or in Section 11-74.6-35 of the
22 Industrial Jobs Recovery Law. For the purpose of the
23 equalized assessed valuation of the district, the total
24 initial equalized assessed valuation or the current
25 equalized assessed valuation, whichever is lower, shall be
26 used until such time as all redevelopment project costs
27 have been paid.

28 (b) The real property equalized assessed valuation for
29 a school district shall be adjusted by subtracting from the
30 real property value as equalized or assessed by the
31 Department of Revenue for the district an amount computed
32 by dividing the amount of any abatement of taxes under
33 Section 18-170 of the Property Tax Code by 3.00% for a
34 district maintaining grades kindergarten through 12, by
35 2.30% for a district maintaining grades kindergarten
36 through 8, or by 1.05% for a district maintaining grades 9

1 through 12 and adjusted by an amount computed by dividing
2 the amount of any abatement of taxes under subsection (a)
3 of Section 18-165 of the Property Tax Code by the same
4 percentage rates for district type as specified in this
5 subparagraph (b).

6 (3) For the 1999-2000 school year and each school year
7 thereafter, if a school district meets all of the criteria of
8 this subsection (G) (3), the school district's Available Local
9 Resources shall be calculated under subsection (D) using the
10 district's Extension Limitation Equalized Assessed Valuation
11 as calculated under this subsection (G) (3).

12 For purposes of this subsection (G) (3) the following terms
13 shall have the following meanings:

14 "Budget Year": The school year for which general State
15 aid is calculated and awarded under subsection (E).

16 "Base Tax Year": The property tax levy year used to
17 calculate the Budget Year allocation of general State aid.

18 "Preceding Tax Year": The property tax levy year
19 immediately preceding the Base Tax Year.

20 "Base Tax Year's Tax Extension": The product of the
21 equalized assessed valuation utilized by the County Clerk
22 in the Base Tax Year multiplied by the limiting rate as
23 calculated by the County Clerk and defined in the Property
24 Tax Extension Limitation Law.

25 "Preceding Tax Year's Tax Extension": The product of
26 the equalized assessed valuation utilized by the County
27 Clerk in the Preceding Tax Year multiplied by the Operating
28 Tax Rate as defined in subsection (A).

29 "Extension Limitation Ratio": A numerical ratio,
30 certified by the County Clerk, in which the numerator is
31 the Base Tax Year's Tax Extension and the denominator is
32 the Preceding Tax Year's Tax Extension.

33 "Operating Tax Rate": The operating tax rate as defined
34 in subsection (A).

35 If a school district is subject to property tax extension
36 limitations as imposed under the Property Tax Extension

1 Limitation Law, the State Board of Education shall calculate
2 the Extension Limitation Equalized Assessed Valuation of that
3 district. For the 1999-2000 school year, the Extension
4 Limitation Equalized Assessed Valuation of a school district as
5 calculated by the State Board of Education shall be equal to
6 the product of the district's 1996 Equalized Assessed Valuation
7 and the district's Extension Limitation Ratio. For the
8 2000-2001 school year and each school year thereafter, the
9 Extension Limitation Equalized Assessed Valuation of a school
10 district as calculated by the State Board of Education shall be
11 equal to the product of the Equalized Assessed Valuation last
12 used in the calculation of general State aid and the district's
13 Extension Limitation Ratio. If the Extension Limitation
14 Equalized Assessed Valuation of a school district as calculated
15 under this subsection (G)(3) is less than the district's
16 equalized assessed valuation as calculated pursuant to
17 subsections (G)(1) and (G)(2), then for purposes of calculating
18 the district's general State aid for the Budget Year pursuant
19 to subsection (E), that Extension Limitation Equalized
20 Assessed Valuation shall be utilized to calculate the
21 district's Available Local Resources under subsection (D).

22 Partial elementary unit districts created in accordance
23 with Article 11E of this Code shall not be eligible for the
24 adjustment in this subsection (G)(3) until the fifth year
25 following the effective date of the reorganization.

26 (4) For the purposes of calculating general State aid for
27 the 1999-2000 school year only, if a school district
28 experienced a triennial reassessment on the equalized assessed
29 valuation used in calculating its general State financial aid
30 apportionment for the 1998-1999 school year, the State Board of
31 Education shall calculate the Extension Limitation Equalized
32 Assessed Valuation that would have been used to calculate the
33 district's 1998-1999 general State aid. This amount shall equal
34 the product of the equalized assessed valuation used to
35 calculate general State aid for the 1997-1998 school year and
36 the district's Extension Limitation Ratio. If the Extension

1 Limitation Equalized Assessed Valuation of the school district
2 as calculated under this paragraph (4) is less than the
3 district's equalized assessed valuation utilized in
4 calculating the district's 1998-1999 general State aid
5 allocation, then for purposes of calculating the district's
6 general State aid pursuant to paragraph (5) of subsection (E),
7 that Extension Limitation Equalized Assessed Valuation shall
8 be utilized to calculate the district's Available Local
9 Resources.

10 (5) For school districts having a majority of their
11 equalized assessed valuation in any county except Cook, DuPage,
12 Kane, Lake, McHenry, or Will, if the amount of general State
13 aid allocated to the school district for the 1999-2000 school
14 year under the provisions of subsection (E), (H), and (J) of
15 this Section is less than the amount of general State aid
16 allocated to the district for the 1998-1999 school year under
17 these subsections, then the general State aid of the district
18 for the 1999-2000 school year only shall be increased by the
19 difference between these amounts. The total payments made under
20 this paragraph (5) shall not exceed \$14,000,000. Claims shall
21 be prorated if they exceed \$14,000,000.

22 (H) Supplemental General State Aid.

23 (1) In addition to the general State aid a school district
24 is allotted pursuant to subsection (E), qualifying school
25 districts shall receive a grant, paid in conjunction with a
26 district's payments of general State aid, for supplemental
27 general State aid based upon the concentration level of
28 children from low-income households within the school
29 district. Supplemental State aid grants provided for school
30 districts under this subsection shall be appropriated for
31 distribution to school districts as part of the same line item
32 in which the general State financial aid of school districts is
33 appropriated under this Section. If the appropriation in any
34 fiscal year for general State aid and supplemental general
35 State aid is insufficient to pay the amounts required under the

1 general State aid and supplemental general State aid
2 calculations, then the State Board of Education shall ensure
3 that each school district receives the full amount due for
4 general State aid and the remainder of the appropriation shall
5 be used for supplemental general State aid, which the State
6 Board of Education shall calculate and pay to eligible
7 districts on a prorated basis.

8 (1.5) This paragraph (1.5) applies only to those school
9 years preceding the 2003-2004 school year. For purposes of this
10 subsection (H), the term "Low-Income Concentration Level"
11 shall be the low-income eligible pupil count from the most
12 recently available federal census divided by the Average Daily
13 Attendance of the school district. If, however, (i) the
14 percentage decrease from the 2 most recent federal censuses in
15 the low-income eligible pupil count of a high school district
16 with fewer than 400 students exceeds by 75% or more the
17 percentage change in the total low-income eligible pupil count
18 of contiguous elementary school districts, whose boundaries
19 are coterminous with the high school district, or (ii) a high
20 school district within 2 counties and serving 5 elementary
21 school districts, whose boundaries are coterminous with the
22 high school district, has a percentage decrease from the 2 most
23 recent federal censuses in the low-income eligible pupil count
24 and there is a percentage increase in the total low-income
25 eligible pupil count of a majority of the elementary school
26 districts in excess of 50% from the 2 most recent federal
27 censuses, then the high school district's low-income eligible
28 pupil count from the earlier federal census shall be the number
29 used as the low-income eligible pupil count for the high school
30 district, for purposes of this subsection (H). The changes made
31 to this paragraph (1) by Public Act 92-28 shall apply to
32 supplemental general State aid grants for school years
33 preceding the 2003-2004 school year that are paid in fiscal
34 year 1999 or thereafter and to any State aid payments made in
35 fiscal year 1994 through fiscal year 1998 pursuant to
36 subsection 1(n) of Section 18-8 of this Code (which was

1 repealed on July 1, 1998), and any high school district that is
2 affected by Public Act 92-28 is entitled to a recomputation of
3 its supplemental general State aid grant or State aid paid in
4 any of those fiscal years. This recomputation shall not be
5 affected by any other funding.

6 (1.10) This paragraph (1.10) applies to the 2003-2004
7 school year and each school year thereafter. For purposes of
8 this subsection (H), the term "Low-Income Concentration Level"
9 shall, for each fiscal year, be the low-income eligible pupil
10 count as of July 1 of the immediately preceding fiscal year (as
11 determined by the Department of Human Services based on the
12 number of pupils who are eligible for at least one of the
13 following low income programs: Medicaid, KidCare, TANF, or Food
14 Stamps, excluding pupils who are eligible for services provided
15 by the Department of Children and Family Services, averaged
16 over the 2 immediately preceding fiscal years for fiscal year
17 2004 and over the 3 immediately preceding fiscal years for each
18 fiscal year thereafter) divided by the Average Daily Attendance
19 of the school district.

20 (2) Supplemental general State aid pursuant to this
21 subsection (H) shall be provided as follows for the 1998-1999,
22 1999-2000, and 2000-2001 school years only:

23 (a) For any school district with a Low Income
24 Concentration Level of at least 20% and less than 35%, the
25 grant for any school year shall be \$800 multiplied by the
26 low income eligible pupil count.

27 (b) For any school district with a Low Income
28 Concentration Level of at least 35% and less than 50%, the
29 grant for the 1998-1999 school year shall be \$1,100
30 multiplied by the low income eligible pupil count.

31 (c) For any school district with a Low Income
32 Concentration Level of at least 50% and less than 60%, the
33 grant for the 1998-99 school year shall be \$1,500
34 multiplied by the low income eligible pupil count.

35 (d) For any school district with a Low Income
36 Concentration Level of 60% or more, the grant for the

1 1998-99 school year shall be \$1,900 multiplied by the low
2 income eligible pupil count.

3 (e) For the 1999-2000 school year, the per pupil amount
4 specified in subparagraphs (b), (c), and (d) immediately
5 above shall be increased to \$1,243, \$1,600, and \$2,000,
6 respectively.

7 (f) For the 2000-2001 school year, the per pupil
8 amounts specified in subparagraphs (b), (c), and (d)
9 immediately above shall be \$1,273, \$1,640, and \$2,050,
10 respectively.

11 (2.5) Supplemental general State aid pursuant to this
12 subsection (H) shall be provided as follows for the 2002-2003
13 school year:

14 (a) For any school district with a Low Income
15 Concentration Level of less than 10%, the grant for each
16 school year shall be \$355 multiplied by the low income
17 eligible pupil count.

18 (b) For any school district with a Low Income
19 Concentration Level of at least 10% and less than 20%, the
20 grant for each school year shall be \$675 multiplied by the
21 low income eligible pupil count.

22 (c) For any school district with a Low Income
23 Concentration Level of at least 20% and less than 35%, the
24 grant for each school year shall be \$1,330 multiplied by
25 the low income eligible pupil count.

26 (d) For any school district with a Low Income
27 Concentration Level of at least 35% and less than 50%, the
28 grant for each school year shall be \$1,362 multiplied by
29 the low income eligible pupil count.

30 (e) For any school district with a Low Income
31 Concentration Level of at least 50% and less than 60%, the
32 grant for each school year shall be \$1,680 multiplied by
33 the low income eligible pupil count.

34 (f) For any school district with a Low Income
35 Concentration Level of 60% or more, the grant for each
36 school year shall be \$2,080 multiplied by the low income

1 eligible pupil count.

2 (2.10) Except as otherwise provided, supplemental general
3 State aid pursuant to this subsection (H) shall be provided as
4 follows for the 2003-2004 school year and each school year
5 thereafter:

6 (a) For any school district with a Low Income
7 Concentration Level of 15% or less, the grant for each
8 school year shall be \$355 multiplied by the low income
9 eligible pupil count.

10 (b) For any school district with a Low Income
11 Concentration Level greater than 15%, the grant for each
12 school year shall be \$294.25 added to the product of \$2,700
13 and the square of the Low Income Concentration Level, all
14 multiplied by the low income eligible pupil count.

15 For the 2003-2004 school year, 2004-2005 school year, and
16 2005-2006 school year only, the grant shall be no less than the
17 grant for the 2002-2003 school year. For the 2006-2007 school
18 year only, the grant shall be no less than the grant for the
19 2002-2003 school year multiplied by 0.66. For the 2007-2008
20 school year only, the grant shall be no less than the grant for
21 the 2002-2003 school year multiplied by 0.33. Notwithstanding
22 the provisions of this paragraph to the contrary, if for any
23 school year supplemental general State aid grants are prorated
24 as provided in paragraph (1) of this subsection (H), then the
25 grants under this paragraph shall be prorated.

26 For the 2003-2004 school year only, the grant shall be no
27 greater than the grant received during the 2002-2003 school
28 year added to the product of 0.25 multiplied by the difference
29 between the grant amount calculated under subsection (a) or (b)
30 of this paragraph (2.10), whichever is applicable, and the
31 grant received during the 2002-2003 school year. For the
32 2004-2005 school year only, the grant shall be no greater than
33 the grant received during the 2002-2003 school year added to
34 the product of 0.50 multiplied by the difference between the
35 grant amount calculated under subsection (a) or (b) of this
36 paragraph (2.10), whichever is applicable, and the grant

1 received during the 2002-2003 school year. For the 2005-2006
2 school year only, the grant shall be no greater than the grant
3 received during the 2002-2003 school year added to the product
4 of 0.75 multiplied by the difference between the grant amount
5 calculated under subsection (a) or (b) of this paragraph
6 (2.10), whichever is applicable, and the grant received during
7 the 2002-2003 school year.

8 (3) School districts with an Average Daily Attendance of
9 more than 1,000 and less than 50,000 that qualify for
10 supplemental general State aid pursuant to this subsection
11 shall submit a plan to the State Board of Education prior to
12 October 30 of each year for the use of the funds resulting from
13 this grant of supplemental general State aid for the
14 improvement of instruction in which priority is given to
15 meeting the education needs of disadvantaged children. Such
16 plan shall be submitted in accordance with rules and
17 regulations promulgated by the State Board of Education.

18 (4) School districts with an Average Daily Attendance of
19 50,000 or more that qualify for supplemental general State aid
20 pursuant to this subsection shall be required to distribute
21 from funds available pursuant to this Section, no less than
22 \$261,000,000 in accordance with the following requirements:

23 (a) The required amounts shall be distributed to the
24 attendance centers within the district in proportion to the
25 number of pupils enrolled at each attendance center who are
26 eligible to receive free or reduced-price lunches or
27 breakfasts under the federal Child Nutrition Act of 1966
28 and under the National School Lunch Act during the
29 immediately preceding school year.

30 (b) The distribution of these portions of supplemental
31 and general State aid among attendance centers according to
32 these requirements shall not be compensated for or
33 contravened by adjustments of the total of other funds
34 appropriated to any attendance centers, and the Board of
35 Education shall utilize funding from one or several sources
36 in order to fully implement this provision annually prior

1 to the opening of school.

2 (c) Each attendance center shall be provided by the
3 school district a distribution of noncategorical funds and
4 other categorical funds to which an attendance center is
5 entitled under law in order that the general State aid and
6 supplemental general State aid provided by application of
7 this subsection supplements rather than supplants the
8 noncategorical funds and other categorical funds provided
9 by the school district to the attendance centers.

10 (d) Any funds made available under this subsection that
11 by reason of the provisions of this subsection are not
12 required to be allocated and provided to attendance centers
13 may be used and appropriated by the board of the district
14 for any lawful school purpose.

15 (e) Funds received by an attendance center pursuant to
16 this subsection shall be used by the attendance center at
17 the discretion of the principal and local school council
18 for programs to improve educational opportunities at
19 qualifying schools through the following programs and
20 services: early childhood education, reduced class size or
21 improved adult to student classroom ratio, enrichment
22 programs, remedial assistance, attendance improvement, and
23 other educationally beneficial expenditures which
24 supplement the regular and basic programs as determined by
25 the State Board of Education. Funds provided shall not be
26 expended for any political or lobbying purposes as defined
27 by board rule.

28 (f) Each district subject to the provisions of this
29 subdivision (H) (4) shall submit an acceptable plan to meet
30 the educational needs of disadvantaged children, in
31 compliance with the requirements of this paragraph, to the
32 State Board of Education prior to July 15 of each year.
33 This plan shall be consistent with the decisions of local
34 school councils concerning the school expenditure plans
35 developed in accordance with part 4 of Section 34-2.3. The
36 State Board shall approve or reject the plan within 60 days

1 after its submission. If the plan is rejected, the district
2 shall give written notice of intent to modify the plan
3 within 15 days of the notification of rejection and then
4 submit a modified plan within 30 days after the date of the
5 written notice of intent to modify. Districts may amend
6 approved plans pursuant to rules promulgated by the State
7 Board of Education.

8 Upon notification by the State Board of Education that
9 the district has not submitted a plan prior to July 15 or a
10 modified plan within the time period specified herein, the
11 State aid funds affected by that plan or modified plan
12 shall be withheld by the State Board of Education until a
13 plan or modified plan is submitted.

14 If the district fails to distribute State aid to
15 attendance centers in accordance with an approved plan, the
16 plan for the following year shall allocate funds, in
17 addition to the funds otherwise required by this
18 subsection, to those attendance centers which were
19 underfunded during the previous year in amounts equal to
20 such underfunding.

21 For purposes of determining compliance with this
22 subsection in relation to the requirements of attendance
23 center funding, each district subject to the provisions of
24 this subsection shall submit as a separate document by
25 December 1 of each year a report of expenditure data for
26 the prior year in addition to any modification of its
27 current plan. If it is determined that there has been a
28 failure to comply with the expenditure provisions of this
29 subsection regarding contravention or supplanting, the
30 State Superintendent of Education shall, within 60 days of
31 receipt of the report, notify the district and any affected
32 local school council. The district shall within 45 days of
33 receipt of that notification inform the State
34 Superintendent of Education of the remedial or corrective
35 action to be taken, whether by amendment of the current
36 plan, if feasible, or by adjustment in the plan for the

1 following year. Failure to provide the expenditure report
2 or the notification of remedial or corrective action in a
3 timely manner shall result in a withholding of the affected
4 funds.

5 The State Board of Education shall promulgate rules and
6 regulations to implement the provisions of this
7 subsection. No funds shall be released under this
8 subdivision (H) (4) to any district that has not submitted a
9 plan that has been approved by the State Board of
10 Education.

11 (I) (Blank). ~~General State Aid for Newly Configured School~~
12 ~~Districts.~~

13 ~~(1) For a new school district formed by combining property~~
14 ~~included totally within 2 or more previously existing school~~
15 ~~districts, for its first year of existence the general State~~
16 ~~aid and supplemental general State aid calculated under this~~
17 ~~Section shall be computed for the new district and for the~~
18 ~~previously existing districts for which property is totally~~
19 ~~included within the new district. If the computation on the~~
20 ~~basis of the previously existing districts is greater, a~~
21 ~~supplementary payment equal to the difference shall be made for~~
22 ~~the first 4 years of existence of the new district.~~

23 ~~(2) For a school district which annexes all of the~~
24 ~~territory of one or more entire other school districts, for the~~
25 ~~first year during which the change of boundaries attributable~~
26 ~~to such annexation becomes effective for all purposes as~~
27 ~~determined under Section 7-9 or 7A-8, the general State aid and~~
28 ~~supplemental general State aid calculated under this Section~~
29 ~~shall be computed for the annexing district as constituted~~
30 ~~after the annexation and for the annexing and each annexed~~
31 ~~district as constituted prior to the annexation; and if the~~
32 ~~computation on the basis of the annexing and annexed districts~~
33 ~~as constituted prior to the annexation is greater, a~~
34 ~~supplementary payment equal to the difference shall be made for~~
35 ~~the first 4 years of existence of the annexing school district~~

1 ~~as constituted upon such annexation.~~

2 ~~(3) For 2 or more school districts which annex all of the~~
3 ~~territory of one or more entire other school districts, and for~~
4 ~~2 or more community unit districts which result upon the~~
5 ~~division (pursuant to petition under Section 11A-2) of one or~~
6 ~~more other unit school districts into 2 or more parts and which~~
7 ~~together include all of the parts into which such other unit~~
8 ~~school district or districts are so divided, for the first year~~
9 ~~during which the change of boundaries attributable to such~~
10 ~~annexation or division becomes effective for all purposes as~~
11 ~~determined under Section 7-9 or 11A-10, as the case may be, the~~
12 ~~general State aid and supplemental general State aid calculated~~
13 ~~under this Section shall be computed for each annexing or~~
14 ~~resulting district as constituted after the annexation or~~
15 ~~division and for each annexing and annexed district, or for~~
16 ~~each resulting and divided district, as constituted prior to~~
17 ~~the annexation or division; and if the aggregate of the general~~
18 ~~State aid and supplemental general State aid as so computed for~~
19 ~~the annexing or resulting districts as constituted after the~~
20 ~~annexation or division is less than the aggregate of the~~
21 ~~general State aid and supplemental general State aid as so~~
22 ~~computed for the annexing and annexed districts, or for the~~
23 ~~resulting and divided districts, as constituted prior to the~~
24 ~~annexation or division, then a supplementary payment equal to~~
25 ~~the difference shall be made and allocated between or among the~~
26 ~~annexing or resulting districts, as constituted upon such~~
27 ~~annexation or division, for the first 4 years of their~~
28 ~~existence. The total difference payment shall be allocated~~
29 ~~between or among the annexing or resulting districts in the~~
30 ~~same ratio as the pupil enrollment from that portion of the~~
31 ~~annexed or divided district or districts which is annexed to or~~
32 ~~included in each such annexing or resulting district bears to~~
33 ~~the total pupil enrollment from the entire annexed or divided~~
34 ~~district or districts, as such pupil enrollment is determined~~
35 ~~for the school year last ending prior to the date when the~~
36 ~~change of boundaries attributable to the annexation or division~~

1 ~~becomes effective for all purposes. The amount of the total~~
2 ~~difference payment and the amount thereof to be allocated to~~
3 ~~the annexing or resulting districts shall be computed by the~~
4 ~~State Board of Education on the basis of pupil enrollment and~~
5 ~~other data which shall be certified to the State Board of~~
6 ~~Education, on forms which it shall provide for that purpose, by~~
7 ~~the regional superintendent of schools for each educational~~
8 ~~service region in which the annexing and annexed districts, or~~
9 ~~resulting and divided districts are located.~~

10 ~~(3.5) Claims for financial assistance under this~~
11 ~~subsection (I) shall not be recomputed except as expressly~~
12 ~~provided under this Section.~~

13 ~~(4) Any supplementary payment made under this subsection~~
14 ~~(I) shall be treated as separate from all other payments made~~
15 ~~pursuant to this Section.~~

16 (J) Supplementary Grants in Aid.

17 (1) Notwithstanding any other provisions of this Section,
18 the amount of the aggregate general State aid in combination
19 with supplemental general State aid under this Section for
20 which each school district is eligible shall be no less than
21 the amount of the aggregate general State aid entitlement that
22 was received by the district under Section 18-8 (exclusive of
23 amounts received under subsections 5(p) and 5(p-5) of that
24 Section) for the 1997-98 school year, pursuant to the
25 provisions of that Section as it was then in effect. If a
26 school district qualifies to receive a supplementary payment
27 made under this subsection (J), the amount of the aggregate
28 general State aid in combination with supplemental general
29 State aid under this Section which that district is eligible to
30 receive for each school year shall be no less than the amount
31 of the aggregate general State aid entitlement that was
32 received by the district under Section 18-8 (exclusive of
33 amounts received under subsections 5(p) and 5(p-5) of that
34 Section) for the 1997-1998 school year, pursuant to the
35 provisions of that Section as it was then in effect.

1 (2) If, as provided in paragraph (1) of this subsection
2 (J), a school district is to receive aggregate general State
3 aid in combination with supplemental general State aid under
4 this Section for the 1998-99 school year and any subsequent
5 school year that in any such school year is less than the
6 amount of the aggregate general State aid entitlement that the
7 district received for the 1997-98 school year, the school
8 district shall also receive, from a separate appropriation made
9 for purposes of this subsection (J), a supplementary payment
10 that is equal to the amount of the difference in the aggregate
11 State aid figures as described in paragraph (1).

12 (3) (Blank).

13 (K) Grants to Laboratory and Alternative Schools.

14 In calculating the amount to be paid to the governing board
15 of a public university that operates a laboratory school under
16 this Section or to any alternative school that is operated by a
17 regional superintendent of schools, the State Board of
18 Education shall require by rule such reporting requirements as
19 it deems necessary.

20 As used in this Section, "laboratory school" means a public
21 school which is created and operated by a public university and
22 approved by the State Board of Education. The governing board
23 of a public university which receives funds from the State
24 Board under this subsection (K) may not increase the number of
25 students enrolled in its laboratory school from a single
26 district, if that district is already sending 50 or more
27 students, except under a mutual agreement between the school
28 board of a student's district of residence and the university
29 which operates the laboratory school. A laboratory school may
30 not have more than 1,000 students, excluding students with
31 disabilities in a special education program.

32 As used in this Section, "alternative school" means a
33 public school which is created and operated by a Regional
34 Superintendent of Schools and approved by the State Board of
35 Education. Such alternative schools may offer courses of

1 instruction for which credit is given in regular school
2 programs, courses to prepare students for the high school
3 equivalency testing program or vocational and occupational
4 training. A regional superintendent of schools may contract
5 with a school district or a public community college district
6 to operate an alternative school. An alternative school serving
7 more than one educational service region may be established by
8 the regional superintendents of schools of the affected
9 educational service regions. An alternative school serving
10 more than one educational service region may be operated under
11 such terms as the regional superintendents of schools of those
12 educational service regions may agree.

13 Each laboratory and alternative school shall file, on forms
14 provided by the State Superintendent of Education, an annual
15 State aid claim which states the Average Daily Attendance of
16 the school's students by month. The best 3 months' Average
17 Daily Attendance shall be computed for each school. The general
18 State aid entitlement shall be computed by multiplying the
19 applicable Average Daily Attendance by the Foundation Level as
20 determined under this Section.

21 (L) Payments, Additional Grants in Aid and Other Requirements.

22 (1) For a school district operating under the financial
23 supervision of an Authority created under Article 34A, the
24 general State aid otherwise payable to that district under this
25 Section, but not the supplemental general State aid, shall be
26 reduced by an amount equal to the budget for the operations of
27 the Authority as certified by the Authority to the State Board
28 of Education, and an amount equal to such reduction shall be
29 paid to the Authority created for such district for its
30 operating expenses in the manner provided in Section 18-11. The
31 remainder of general State school aid for any such district
32 shall be paid in accordance with Article 34A when that Article
33 provides for a disposition other than that provided by this
34 Article.

35 (2) (Blank).

1 (3) Summer school. Summer school payments shall be made as
2 provided in Section 18-4.3.

3 (M) Education Funding Advisory Board.

4 The Education Funding Advisory Board, hereinafter in this
5 subsection (M) referred to as the "Board", is hereby created.
6 The Board shall consist of 5 members who are appointed by the
7 Governor, by and with the advice and consent of the Senate. The
8 members appointed shall include representatives of education,
9 business, and the general public. One of the members so
10 appointed shall be designated by the Governor at the time the
11 appointment is made as the chairperson of the Board. The
12 initial members of the Board may be appointed any time after
13 the effective date of this amendatory Act of 1997. The regular
14 term of each member of the Board shall be for 4 years from the
15 third Monday of January of the year in which the term of the
16 member's appointment is to commence, except that of the 5
17 initial members appointed to serve on the Board, the member who
18 is appointed as the chairperson shall serve for a term that
19 commences on the date of his or her appointment and expires on
20 the third Monday of January, 2002, and the remaining 4 members,
21 by lots drawn at the first meeting of the Board that is held
22 after all 5 members are appointed, shall determine 2 of their
23 number to serve for terms that commence on the date of their
24 respective appointments and expire on the third Monday of
25 January, 2001, and 2 of their number to serve for terms that
26 commence on the date of their respective appointments and
27 expire on the third Monday of January, 2000. All members
28 appointed to serve on the Board shall serve until their
29 respective successors are appointed and confirmed. Vacancies
30 shall be filled in the same manner as original appointments. If
31 a vacancy in membership occurs at a time when the Senate is not
32 in session, the Governor shall make a temporary appointment
33 until the next meeting of the Senate, when he or she shall
34 appoint, by and with the advice and consent of the Senate, a
35 person to fill that membership for the unexpired term. If the

1 Senate is not in session when the initial appointments are
2 made, those appointments shall be made as in the case of
3 vacancies.

4 The Education Funding Advisory Board shall be deemed
5 established, and the initial members appointed by the Governor
6 to serve as members of the Board shall take office, on the date
7 that the Governor makes his or her appointment of the fifth
8 initial member of the Board, whether those initial members are
9 then serving pursuant to appointment and confirmation or
10 pursuant to temporary appointments that are made by the
11 Governor as in the case of vacancies.

12 The State Board of Education shall provide such staff
13 assistance to the Education Funding Advisory Board as is
14 reasonably required for the proper performance by the Board of
15 its responsibilities.

16 For school years after the 2000-2001 school year, the
17 Education Funding Advisory Board, in consultation with the
18 State Board of Education, shall make recommendations as
19 provided in this subsection (M) to the General Assembly for the
20 foundation level under subdivision (B)(3) of this Section and
21 for the supplemental general State aid grant level under
22 subsection (H) of this Section for districts with high
23 concentrations of children from poverty. The recommended
24 foundation level shall be determined based on a methodology
25 which incorporates the basic education expenditures of
26 low-spending schools exhibiting high academic performance. The
27 Education Funding Advisory Board shall make such
28 recommendations to the General Assembly on January 1 of odd
29 numbered years, beginning January 1, 2001.

30 (N) (Blank).

31 (O) References.

32 (1) References in other laws to the various subdivisions of
33 Section 18-8 as that Section existed before its repeal and
34 replacement by this Section 18-8.05 shall be deemed to refer to

1 the corresponding provisions of this Section 18-8.05, to the
2 extent that those references remain applicable.

3 (2) References in other laws to State Chapter 1 funds shall
4 be deemed to refer to the supplemental general State aid
5 provided under subsection (H) of this Section.

6 (P) Public Act 93-838 and Public Act 93-808 make inconsistent
7 changes to this Section. Under Section 6 of the Statute on
8 Statutes there is an irreconcilable conflict between Public Act
9 93-808 and Public Act 93-838. Public Act 93-838, being the last
10 acted upon, is controlling. The text of Public Act 93-838 is
11 the law regardless of the text of Public Act 93-808.

12 (Source: P.A. 93-21, eff. 7-1-03; 93-715, eff. 7-12-04; 93-808,
13 eff. 7-26-04; 93-838, eff. 7-30-04; 93-875, eff. 8-6-04; 94-69,
14 eff. 7-1-05; 94-438, eff. 8-4-05; revised 8-22-05.)

15 (105 ILCS 5/19-1) (from Ch. 122, par. 19-1)

16 (Text of Section before amendment by P.A. 94-234)

17 Sec. 19-1. Debt limitations of school districts.

18 (a) School districts shall not be subject to the provisions
19 limiting their indebtedness prescribed in "An Act to limit the
20 indebtedness of counties having a population of less than
21 500,000 and townships, school districts and other municipal
22 corporations having a population of less than 300,000",
23 approved February 15, 1928, as amended.

24 No school districts maintaining grades K through 8 or 9
25 through 12 shall become indebted in any manner or for any
26 purpose to an amount, including existing indebtedness, in the
27 aggregate exceeding 6.9% on the value of the taxable property
28 therein to be ascertained by the last assessment for State and
29 county taxes or, until January 1, 1983, if greater, the sum
30 that is produced by multiplying the school district's 1978
31 equalized assessed valuation by the debt limitation percentage
32 in effect on January 1, 1979, previous to the incurring of such
33 indebtedness.

34 No school districts maintaining grades K through 12 shall

1 become indebted in any manner or for any purpose to an amount,
2 including existing indebtedness, in the aggregate exceeding
3 13.8% on the value of the taxable property therein to be
4 ascertained by the last assessment for State and county taxes
5 or, until January 1, 1983, if greater, the sum that is produced
6 by multiplying the school district's 1978 equalized assessed
7 valuation by the debt limitation percentage in effect on
8 January 1, 1979, previous to the incurring of such
9 indebtedness.

10 No partial elementary unit district, as defined in Article
11 11E of this Code, shall become indebted in any manner or for
12 any purpose in an amount, including existing indebtedness, in
13 the aggregate exceeding 6.9% of the value of the taxable
14 property of the entire district, to be ascertained by the last
15 assessment for State and county taxes, plus an amount,
16 including existing indebtedness, in the aggregate exceeding
17 6.9% of the value of the taxable property of that portion of
18 the district included in the elementary and high school
19 classification, to be ascertained by the last assessment for
20 State and county taxes. Moreover, no partial elementary unit
21 district, as defined in Article 11E of this Code, shall become
22 indebted on account of bonds issued by the district for high
23 school purposes in the aggregate exceeding 6.9% of the value of
24 the taxable property of the entire district, to be ascertained
25 by the last assessment for State and county taxes, nor shall
26 the district become indebted on account of bonds issued by the
27 district for elementary purposes in the aggregate exceeding
28 6.9% of the value of the taxable property for that portion of
29 the district included in the elementary and high school
30 classification, to be ascertained by the last assessment for
31 State and county taxes.

32 Notwithstanding the provisions of any other law to the
33 contrary, in any case in which the voters of a school district
34 have approved a proposition for the issuance of bonds of such
35 school district at an election held prior to January 1, 1979,
36 and all of the bonds approved at such election have not been

1 issued, the debt limitation applicable to such school district
2 during the calendar year 1979 shall be computed by multiplying
3 the value of taxable property therein, including personal
4 property, as ascertained by the last assessment for State and
5 county taxes, previous to the incurring of such indebtedness,
6 by the percentage limitation applicable to such school district
7 under the provisions of this subsection (a).

8 (b) Notwithstanding the debt limitation prescribed in
9 subsection (a) of this Section, additional indebtedness may be
10 incurred in an amount not to exceed the estimated cost of
11 acquiring or improving school sites or constructing and
12 equipping additional building facilities under the following
13 conditions:

14 (1) Whenever the enrollment of students for the next
15 school year is estimated by the board of education to
16 increase over the actual present enrollment by not less
17 than 35% or by not less than 200 students or the actual
18 present enrollment of students has increased over the
19 previous school year by not less than 35% or by not less
20 than 200 students and the board of education determines
21 that additional school sites or building facilities are
22 required as a result of such increase in enrollment; and

23 (2) When the Regional Superintendent of Schools having
24 jurisdiction over the school district and the State
25 Superintendent of Education concur in such enrollment
26 projection or increase and approve the need for such
27 additional school sites or building facilities and the
28 estimated cost thereof; and

29 (3) When the voters in the school district approve a
30 proposition for the issuance of bonds for the purpose of
31 acquiring or improving such needed school sites or
32 constructing and equipping such needed additional building
33 facilities at an election called and held for that purpose.
34 Notice of such an election shall state that the amount of
35 indebtedness proposed to be incurred would exceed the debt
36 limitation otherwise applicable to the school district.

1 The ballot for such proposition shall state what percentage
2 of the equalized assessed valuation will be outstanding in
3 bonds if the proposed issuance of bonds is approved by the
4 voters; or

5 (4) Notwithstanding the provisions of paragraphs (1)
6 through (3) of this subsection (b), if the school board
7 determines that additional facilities are needed to
8 provide a quality educational program and not less than 2/3
9 of those voting in an election called by the school board
10 on the question approve the issuance of bonds for the
11 construction of such facilities, the school district may
12 issue bonds for this purpose; or

13 (5) Notwithstanding the provisions of paragraphs (1)
14 through (3) of this subsection (b), if (i) the school
15 district has previously availed itself of the provisions of
16 paragraph (4) of this subsection (b) to enable it to issue
17 bonds, (ii) the voters of the school district have not
18 defeated a proposition for the issuance of bonds since the
19 referendum described in paragraph (4) of this subsection
20 (b) was held, (iii) the school board determines that
21 additional facilities are needed to provide a quality
22 educational program, and (iv) a majority of those voting in
23 an election called by the school board on the question
24 approve the issuance of bonds for the construction of such
25 facilities, the school district may issue bonds for this
26 purpose.

27 In no event shall the indebtedness incurred pursuant to
28 this subsection (b) and the existing indebtedness of the school
29 district exceed 15% of the value of the taxable property
30 therein to be ascertained by the last assessment for State and
31 county taxes, previous to the incurring of such indebtedness
32 or, until January 1, 1983, if greater, the sum that is produced
33 by multiplying the school district's 1978 equalized assessed
34 valuation by the debt limitation percentage in effect on
35 January 1, 1979.

36 The indebtedness provided for by this subsection (b) shall

1 be in addition to and in excess of any other debt limitation.

2 (c) Notwithstanding the debt limitation prescribed in
3 subsection (a) of this Section, in any case in which a public
4 question for the issuance of bonds of a proposed school
5 district maintaining grades kindergarten through 12 received
6 at least 60% of the valid ballots cast on the question at an
7 election held on or prior to November 8, 1994, and in which the
8 bonds approved at such election have not been issued, the
9 school district pursuant to the requirements of Section 11A-10
10 (now repealed) may issue the total amount of bonds approved at
11 such election for the purpose stated in the question.

12 (d) Notwithstanding the debt limitation prescribed in
13 subsection (a) of this Section, a school district that meets
14 all the criteria set forth in paragraphs (1) and (2) of this
15 subsection (d) may incur an additional indebtedness in an
16 amount not to exceed \$4,500,000, even though the amount of the
17 additional indebtedness authorized by this subsection (d),
18 when incurred and added to the aggregate amount of indebtedness
19 of the district existing immediately prior to the district
20 incurring the additional indebtedness authorized by this
21 subsection (d), causes the aggregate indebtedness of the
22 district to exceed the debt limitation otherwise applicable to
23 that district under subsection (a):

24 (1) The additional indebtedness authorized by this
25 subsection (d) is incurred by the school district through
26 the issuance of bonds under and in accordance with Section
27 17-2.11a for the purpose of replacing a school building
28 which, because of mine subsidence damage, has been closed
29 as provided in paragraph (2) of this subsection (d) or
30 through the issuance of bonds under and in accordance with
31 Section 19-3 for the purpose of increasing the size of, or
32 providing for additional functions in, such replacement
33 school buildings, or both such purposes.

34 (2) The bonds issued by the school district as provided
35 in paragraph (1) above are issued for the purposes of
36 construction by the school district of a new school

1 building pursuant to Section 17-2.11, to replace an
2 existing school building that, because of mine subsidence
3 damage, is closed as of the end of the 1992-93 school year
4 pursuant to action of the regional superintendent of
5 schools of the educational service region in which the
6 district is located under Section 3-14.22 or are issued for
7 the purpose of increasing the size of, or providing for
8 additional functions in, the new school building being
9 constructed to replace a school building closed as the
10 result of mine subsidence damage, or both such purposes.

11 (e) Notwithstanding the debt limitation prescribed in
12 subsection (a) of this Section, a school district that meets
13 all the criteria set forth in paragraphs (1) through (5) of
14 this subsection (e) may, without referendum, incur an
15 additional indebtedness in an amount not to exceed the lesser
16 of \$5,000,000 or 1.5% of the value of the taxable property
17 within the district even though the amount of the additional
18 indebtedness authorized by this subsection (e), when incurred
19 and added to the aggregate amount of indebtedness of the
20 district existing immediately prior to the district incurring
21 that additional indebtedness, causes the aggregate
22 indebtedness of the district to exceed or increases the amount
23 by which the aggregate indebtedness of the district already
24 exceeds the debt limitation otherwise applicable to that
25 district under subsection (a):

26 (1) The State Board of Education certifies the school
27 district under Section 19-1.5 as a financially distressed
28 district.

29 (2) The additional indebtedness authorized by this
30 subsection (e) is incurred by the financially distressed
31 district during the school year or school years in which
32 the certification of the district as a financially
33 distressed district continues in effect through the
34 issuance of bonds for the lawful school purposes of the
35 district, pursuant to resolution of the school board and
36 without referendum, as provided in paragraph (5) of this

1 subsection.

2 (3) The aggregate amount of bonds issued by the
3 financially distressed district during a fiscal year in
4 which it is authorized to issue bonds under this subsection
5 does not exceed the amount by which the aggregate
6 expenditures of the district for operational purposes
7 during the immediately preceding fiscal year exceeds the
8 amount appropriated for the operational purposes of the
9 district in the annual school budget adopted by the school
10 board of the district for the fiscal year in which the
11 bonds are issued.

12 (4) Throughout each fiscal year in which certification
13 of the district as a financially distressed district
14 continues in effect, the district maintains in effect a
15 gross salary expense and gross wage expense freeze policy
16 under which the district expenditures for total employee
17 salaries and wages do not exceed such expenditures for the
18 immediately preceding fiscal year. Nothing in this
19 paragraph, however, shall be deemed to impair or to require
20 impairment of the contractual obligations, including
21 collective bargaining agreements, of the district or to
22 impair or require the impairment of the vested rights of
23 any employee of the district under the terms of any
24 contract or agreement in effect on the effective date of
25 this amendatory Act of 1994.

26 (5) Bonds issued by the financially distressed
27 district under this subsection shall bear interest at a
28 rate not to exceed the maximum rate authorized by law at
29 the time of the making of the contract, shall mature within
30 40 years from their date of issue, and shall be signed by
31 the president of the school board and treasurer of the
32 school district. In order to issue bonds under this
33 subsection, the school board shall adopt a resolution
34 fixing the amount of the bonds, the date of the bonds, the
35 maturities of the bonds, the rates of interest of the
36 bonds, and their place of payment and denomination, and

1 shall provide for the levy and collection of a direct
2 annual tax upon all the taxable property in the district
3 sufficient to pay the principal and interest on the bonds
4 to maturity. Upon the filing in the office of the county
5 clerk of the county in which the financially distressed
6 district is located of a certified copy of the resolution,
7 it is the duty of the county clerk to extend the tax
8 therefor in addition to and in excess of all other taxes at
9 any time authorized to be levied by the district. If bond
10 proceeds from the sale of bonds include a premium or if the
11 proceeds of the bonds are invested as authorized by law,
12 the school board shall determine by resolution whether the
13 interest earned on the investment of bond proceeds or the
14 premium realized on the sale of the bonds is to be used for
15 any of the lawful school purposes for which the bonds were
16 issued or for the payment of the principal indebtedness and
17 interest on the bonds. The proceeds of the bond sale shall
18 be deposited in the educational purposes fund of the
19 district and shall be used to pay operational expenses of
20 the district. This subsection is cumulative and
21 constitutes complete authority for the issuance of bonds as
22 provided in this subsection, notwithstanding any other law
23 to the contrary.

24 (f) Notwithstanding the provisions of subsection (a) of
25 this Section or of any other law, bonds in not to exceed the
26 aggregate amount of \$5,500,000 and issued by a school district
27 meeting the following criteria shall not be considered
28 indebtedness for purposes of any statutory limitation and may
29 be issued in an amount or amounts, including existing
30 indebtedness, in excess of any heretofore or hereafter imposed
31 statutory limitation as to indebtedness:

32 (1) At the time of the sale of such bonds, the board of
33 education of the district shall have determined by
34 resolution that the enrollment of students in the district
35 is projected to increase by not less than 7% during each of
36 the next succeeding 2 school years.

1 (2) The board of education shall also determine by
2 resolution that the improvements to be financed with the
3 proceeds of the bonds are needed because of the projected
4 enrollment increases.

5 (3) The board of education shall also determine by
6 resolution that the projected increases in enrollment are
7 the result of improvements made or expected to be made to
8 passenger rail facilities located in the school district.

9 Notwithstanding the provisions of subsection (a) of this
10 Section or of any other law, a school district that has availed
11 itself of the provisions of this subsection (f) prior to July
12 22, 2004 (the effective date of Public Act 93-799) may also
13 issue bonds approved by referendum up to an amount, including
14 existing indebtedness, not exceeding 25% of the equalized
15 assessed value of the taxable property in the district if all
16 of the conditions set forth in items (1), (2), and (3) of this
17 subsection (f) are met.

18 (g) Notwithstanding the provisions of subsection (a) of
19 this Section or any other law, bonds in not to exceed an
20 aggregate amount of 25% of the equalized assessed value of the
21 taxable property of a school district and issued by a school
22 district meeting the criteria in paragraphs (i) through (iv) of
23 this subsection shall not be considered indebtedness for
24 purposes of any statutory limitation and may be issued pursuant
25 to resolution of the school board in an amount or amounts,
26 including existing indebtedness, in excess of any statutory
27 limitation of indebtedness heretofore or hereafter imposed:

28 (i) The bonds are issued for the purpose of
29 constructing a new high school building to replace two
30 adjacent existing buildings which together house a single
31 high school, each of which is more than 65 years old, and
32 which together are located on more than 10 acres and less
33 than 11 acres of property.

34 (ii) At the time the resolution authorizing the
35 issuance of the bonds is adopted, the cost of constructing
36 a new school building to replace the existing school

1 building is less than 60% of the cost of repairing the
2 existing school building.

3 (iii) The sale of the bonds occurs before July 1, 1997.

4 (iv) The school district issuing the bonds is a unit
5 school district located in a county of less than 70,000 and
6 more than 50,000 inhabitants, which has an average daily
7 attendance of less than 1,500 and an equalized assessed
8 valuation of less than \$29,000,000.

9 (h) Notwithstanding any other provisions of this Section or
10 the provisions of any other law, until January 1, 1998, a
11 community unit school district maintaining grades K through 12
12 may issue bonds up to an amount, including existing
13 indebtedness, not exceeding 27.6% of the equalized assessed
14 value of the taxable property in the district, if all of the
15 following conditions are met:

16 (i) The school district has an equalized assessed
17 valuation for calendar year 1995 of less than \$24,000,000;

18 (ii) The bonds are issued for the capital improvement,
19 renovation, rehabilitation, or replacement of existing
20 school buildings of the district, all of which buildings
21 were originally constructed not less than 40 years ago;

22 (iii) The voters of the district approve a proposition
23 for the issuance of the bonds at a referendum held after
24 March 19, 1996; and

25 (iv) The bonds are issued pursuant to Sections 19-2
26 through 19-7 of this Code.

27 (i) Notwithstanding any other provisions of this Section or
28 the provisions of any other law, until January 1, 1998, a
29 community unit school district maintaining grades K through 12
30 may issue bonds up to an amount, including existing
31 indebtedness, not exceeding 27% of the equalized assessed value
32 of the taxable property in the district, if all of the
33 following conditions are met:

34 (i) The school district has an equalized assessed
35 valuation for calendar year 1995 of less than \$44,600,000;

36 (ii) The bonds are issued for the capital improvement,

1 renovation, rehabilitation, or replacement of existing
2 school buildings of the district, all of which existing
3 buildings were originally constructed not less than 80
4 years ago;

5 (iii) The voters of the district approve a proposition
6 for the issuance of the bonds at a referendum held after
7 December 31, 1996; and

8 (iv) The bonds are issued pursuant to Sections 19-2
9 through 19-7 of this Code.

10 (j) Notwithstanding any other provisions of this Section or
11 the provisions of any other law, until January 1, 1999, a
12 community unit school district maintaining grades K through 12
13 may issue bonds up to an amount, including existing
14 indebtedness, not exceeding 27% of the equalized assessed value
15 of the taxable property in the district if all of the following
16 conditions are met:

17 (i) The school district has an equalized assessed
18 valuation for calendar year 1995 of less than \$140,000,000
19 and a best 3 months average daily attendance for the
20 1995-96 school year of at least 2,800;

21 (ii) The bonds are issued to purchase a site and build
22 and equip a new high school, and the school district's
23 existing high school was originally constructed not less
24 than 35 years prior to the sale of the bonds;

25 (iii) At the time of the sale of the bonds, the board
26 of education determines by resolution that a new high
27 school is needed because of projected enrollment
28 increases;

29 (iv) At least 60% of those voting in an election held
30 after December 31, 1996 approve a proposition for the
31 issuance of the bonds; and

32 (v) The bonds are issued pursuant to Sections 19-2
33 through 19-7 of this Code.

34 (k) Notwithstanding the debt limitation prescribed in
35 subsection (a) of this Section, a school district that meets
36 all the criteria set forth in paragraphs (1) through (4) of

1 this subsection (k) may issue bonds to incur an additional
2 indebtedness in an amount not to exceed \$4,000,000 even though
3 the amount of the additional indebtedness authorized by this
4 subsection (k), when incurred and added to the aggregate amount
5 of indebtedness of the school district existing immediately
6 prior to the school district incurring such additional
7 indebtedness, causes the aggregate indebtedness of the school
8 district to exceed or increases the amount by which the
9 aggregate indebtedness of the district already exceeds the debt
10 limitation otherwise applicable to that school district under
11 subsection (a):

12 (1) the school district is located in 2 counties, and a
13 referendum to authorize the additional indebtedness was
14 approved by a majority of the voters of the school district
15 voting on the proposition to authorize that indebtedness;

16 (2) the additional indebtedness is for the purpose of
17 financing a multi-purpose room addition to the existing
18 high school;

19 (3) the additional indebtedness, together with the
20 existing indebtedness of the school district, shall not
21 exceed 17.4% of the value of the taxable property in the
22 school district, to be ascertained by the last assessment
23 for State and county taxes; and

24 (4) the bonds evidencing the additional indebtedness
25 are issued, if at all, within 120 days of the effective
26 date of this amendatory Act of 1998.

27 (1) Notwithstanding any other provisions of this Section or
28 the provisions of any other law, until January 1, 2000, a
29 school district maintaining grades kindergarten through 8 may
30 issue bonds up to an amount, including existing indebtedness,
31 not exceeding 15% of the equalized assessed value of the
32 taxable property in the district if all of the following
33 conditions are met:

34 (i) the district has an equalized assessed valuation
35 for calendar year 1996 of less than \$10,000,000;

36 (ii) the bonds are issued for capital improvement,

1 renovation, rehabilitation, or replacement of one or more
2 school buildings of the district, which buildings were
3 originally constructed not less than 70 years ago;

4 (iii) the voters of the district approve a proposition
5 for the issuance of the bonds at a referendum held on or
6 after March 17, 1998; and

7 (iv) the bonds are issued pursuant to Sections 19-2
8 through 19-7 of this Code.

9 (m) Notwithstanding any other provisions of this Section or
10 the provisions of any other law, until January 1, 1999, an
11 elementary school district maintaining grades K through 8 may
12 issue bonds up to an amount, excluding existing indebtedness,
13 not exceeding 18% of the equalized assessed value of the
14 taxable property in the district, if all of the following
15 conditions are met:

16 (i) The school district has an equalized assessed
17 valuation for calendar year 1995 or less than \$7,700,000;

18 (ii) The school district operates 2 elementary
19 attendance centers that until 1976 were operated as the
20 attendance centers of 2 separate and distinct school
21 districts;

22 (iii) The bonds are issued for the construction of a
23 new elementary school building to replace an existing
24 multi-level elementary school building of the school
25 district that is not handicapped accessible at all levels
26 and parts of which were constructed more than 75 years ago;

27 (iv) The voters of the school district approve a
28 proposition for the issuance of the bonds at a referendum
29 held after July 1, 1998; and

30 (v) The bonds are issued pursuant to Sections 19-2
31 through 19-7 of this Code.

32 (n) Notwithstanding the debt limitation prescribed in
33 subsection (a) of this Section or any other provisions of this
34 Section or of any other law, a school district that meets all
35 of the criteria set forth in paragraphs (i) through (vi) of
36 this subsection (n) may incur additional indebtedness by the

1 issuance of bonds in an amount not exceeding the amount
2 certified by the Capital Development Board to the school
3 district as provided in paragraph (iii) of this subsection (n),
4 even though the amount of the additional indebtedness so
5 authorized, when incurred and added to the aggregate amount of
6 indebtedness of the district existing immediately prior to the
7 district incurring the additional indebtedness authorized by
8 this subsection (n), causes the aggregate indebtedness of the
9 district to exceed the debt limitation otherwise applicable by
10 law to that district:

11 (i) The school district applies to the State Board of
12 Education for a school construction project grant and
13 submits a district facilities plan in support of its
14 application pursuant to Section 5-20 of the School
15 Construction Law.

16 (ii) The school district's application and facilities
17 plan are approved by, and the district receives a grant
18 entitlement for a school construction project issued by,
19 the State Board of Education under the School Construction
20 Law.

21 (iii) The school district has exhausted its bonding
22 capacity or the unused bonding capacity of the district is
23 less than the amount certified by the Capital Development
24 Board to the district under Section 5-15 of the School
25 Construction Law as the dollar amount of the school
26 construction project's cost that the district will be
27 required to finance with non-grant funds in order to
28 receive a school construction project grant under the
29 School Construction Law.

30 (iv) The bonds are issued for a "school construction
31 project", as that term is defined in Section 5-5 of the
32 School Construction Law, in an amount that does not exceed
33 the dollar amount certified, as provided in paragraph (iii)
34 of this subsection (n), by the Capital Development Board to
35 the school district under Section 5-15 of the School
36 Construction Law.

1 (v) The voters of the district approve a proposition
2 for the issuance of the bonds at a referendum held after
3 the criteria specified in paragraphs (i) and (iii) of this
4 subsection (n) are met.

5 (vi) The bonds are issued pursuant to Sections 19-2
6 through 19-7 of the School Code.

7 (o) Notwithstanding any other provisions of this Section or
8 the provisions of any other law, until November 1, 2007, a
9 community unit school district maintaining grades K through 12
10 may issue bonds up to an amount, including existing
11 indebtedness, not exceeding 20% of the equalized assessed value
12 of the taxable property in the district if all of the following
13 conditions are met:

14 (i) the school district has an equalized assessed
15 valuation for calendar year 2001 of at least \$737,000,000
16 and an enrollment for the 2002-2003 school year of at least
17 8,500;

18 (ii) the bonds are issued to purchase school sites,
19 build and equip a new high school, build and equip a new
20 junior high school, build and equip 5 new elementary
21 schools, and make technology and other improvements and
22 additions to existing schools;

23 (iii) at the time of the sale of the bonds, the board
24 of education determines by resolution that the sites and
25 new or improved facilities are needed because of projected
26 enrollment increases;

27 (iv) at least 57% of those voting in a general election
28 held prior to January 1, 2003 approved a proposition for
29 the issuance of the bonds; and

30 (v) the bonds are issued pursuant to Sections 19-2
31 through 19-7 of this Code.

32 (p) Notwithstanding any other provisions of this Section or
33 the provisions of any other law, a community unit school
34 district maintaining grades K through 12 may issue bonds up to
35 an amount, including indebtedness, not exceeding 27% of the
36 equalized assessed value of the taxable property in the

1 district if all of the following conditions are met:

2 (i) The school district has an equalized assessed
3 valuation for calendar year 2001 of at least \$295,741,187
4 and a best 3 months' average daily attendance for the
5 2002-2003 school year of at least 2,394.

6 (ii) The bonds are issued to build and equip 3
7 elementary school buildings; build and equip one middle
8 school building; and alter, repair, improve, and equip all
9 existing school buildings in the district.

10 (iii) At the time of the sale of the bonds, the board
11 of education determines by resolution that the project is
12 needed because of expanding growth in the school district
13 and a projected enrollment increase.

14 (iv) The bonds are issued pursuant to Sections 19-2
15 through 19-7 of this Code.

16 (p-5) Notwithstanding any other provisions of this Section
17 or the provisions of any other law, bonds issued by a community
18 unit school district maintaining grades K through 12 shall not
19 be considered indebtedness for purposes of any statutory
20 limitation and may be issued in an amount or amounts, including
21 existing indebtedness, in excess of any heretofore or hereafter
22 imposed statutory limitation as to indebtedness, if all of the
23 following conditions are met:

24 (i) For each of the 4 most recent years, residential
25 property comprises more than 80% of the equalized assessed
26 valuation of the district.

27 (ii) At least 2 school buildings that were constructed
28 40 or more years prior to the issuance of the bonds will be
29 demolished and will be replaced by new buildings or
30 additions to one or more existing buildings.

31 (iii) Voters of the district approve a proposition for
32 the issuance of the bonds at a regularly scheduled
33 election.

34 (iv) At the time of the sale of the bonds, the school
35 board determines by resolution that the new buildings or
36 building additions are needed because of an increase in

1 enrollment projected by the school board.

2 (v) The principal amount of the bonds, including
3 existing indebtedness, does not exceed 25% of the equalized
4 assessed value of the taxable property in the district.

5 (vi) The bonds are issued prior to January 1, 2007,
6 pursuant to Sections 19-2 through 19-7 of this Code.

7 (Source: P.A. 93-13, eff. 6-9-03; 93-799, eff. 7-22-04;
8 93-1045, eff. 10-15-04; 94-721, eff. 1-6-06.)

9 (Text of Section after amendment by P.A. 94-234)

10 Sec. 19-1. Debt limitations of school districts.

11 (a) School districts shall not be subject to the provisions
12 limiting their indebtedness prescribed in "An Act to limit the
13 indebtedness of counties having a population of less than
14 500,000 and townships, school districts and other municipal
15 corporations having a population of less than 300,000",
16 approved February 15, 1928, as amended.

17 No school districts maintaining grades K through 8 or 9
18 through 12 shall become indebted in any manner or for any
19 purpose to an amount, including existing indebtedness, in the
20 aggregate exceeding 6.9% on the value of the taxable property
21 therein to be ascertained by the last assessment for State and
22 county taxes or, until January 1, 1983, if greater, the sum
23 that is produced by multiplying the school district's 1978
24 equalized assessed valuation by the debt limitation percentage
25 in effect on January 1, 1979, previous to the incurring of such
26 indebtedness.

27 No school districts maintaining grades K through 12 shall
28 become indebted in any manner or for any purpose to an amount,
29 including existing indebtedness, in the aggregate exceeding
30 13.8% on the value of the taxable property therein to be
31 ascertained by the last assessment for State and county taxes
32 or, until January 1, 1983, if greater, the sum that is produced
33 by multiplying the school district's 1978 equalized assessed
34 valuation by the debt limitation percentage in effect on
35 January 1, 1979, previous to the incurring of such

1 indebtedness.

2 No partial elementary unit district, as defined in Article
3 11E of this Code, shall become indebted in any manner or for
4 any purpose in an amount, including existing indebtedness, in
5 the aggregate exceeding 6.9% of the value of the taxable
6 property of the entire district, to be ascertained by the last
7 assessment for State and county taxes, plus an amount,
8 including existing indebtedness, in the aggregate exceeding
9 6.9% of the value of the taxable property of that portion of
10 the district included in the elementary and high school
11 classification, to be ascertained by the last assessment for
12 State and county taxes. Moreover, no partial elementary unit
13 district, as defined in Article 11E of this Code, shall become
14 indebted on account of bonds issued by the district for high
15 school purposes in the aggregate exceeding 6.9% of the value of
16 the taxable property of the entire district, to be ascertained
17 by the last assessment for State and county taxes, nor shall
18 the district become indebted on account of bonds issued by the
19 district for elementary purposes in the aggregate exceeding
20 6.9% of the value of the taxable property for that portion of
21 the district included in the elementary and high school
22 classification, to be ascertained by the last assessment for
23 State and county taxes.

24 Notwithstanding the provisions of any other law to the
25 contrary, in any case in which the voters of a school district
26 have approved a proposition for the issuance of bonds of such
27 school district at an election held prior to January 1, 1979,
28 and all of the bonds approved at such election have not been
29 issued, the debt limitation applicable to such school district
30 during the calendar year 1979 shall be computed by multiplying
31 the value of taxable property therein, including personal
32 property, as ascertained by the last assessment for State and
33 county taxes, previous to the incurring of such indebtedness,
34 by the percentage limitation applicable to such school district
35 under the provisions of this subsection (a).

36 (b) Notwithstanding the debt limitation prescribed in

1 subsection (a) of this Section, additional indebtedness may be
2 incurred in an amount not to exceed the estimated cost of
3 acquiring or improving school sites or constructing and
4 equipping additional building facilities under the following
5 conditions:

6 (1) Whenever the enrollment of students for the next
7 school year is estimated by the board of education to
8 increase over the actual present enrollment by not less
9 than 35% or by not less than 200 students or the actual
10 present enrollment of students has increased over the
11 previous school year by not less than 35% or by not less
12 than 200 students and the board of education determines
13 that additional school sites or building facilities are
14 required as a result of such increase in enrollment; and

15 (2) When the Regional Superintendent of Schools having
16 jurisdiction over the school district and the State
17 Superintendent of Education concur in such enrollment
18 projection or increase and approve the need for such
19 additional school sites or building facilities and the
20 estimated cost thereof; and

21 (3) When the voters in the school district approve a
22 proposition for the issuance of bonds for the purpose of
23 acquiring or improving such needed school sites or
24 constructing and equipping such needed additional building
25 facilities at an election called and held for that purpose.
26 Notice of such an election shall state that the amount of
27 indebtedness proposed to be incurred would exceed the debt
28 limitation otherwise applicable to the school district.
29 The ballot for such proposition shall state what percentage
30 of the equalized assessed valuation will be outstanding in
31 bonds if the proposed issuance of bonds is approved by the
32 voters; or

33 (4) Notwithstanding the provisions of paragraphs (1)
34 through (3) of this subsection (b), if the school board
35 determines that additional facilities are needed to
36 provide a quality educational program and not less than 2/3

1 of those voting in an election called by the school board
2 on the question approve the issuance of bonds for the
3 construction of such facilities, the school district may
4 issue bonds for this purpose; or

5 (5) Notwithstanding the provisions of paragraphs (1)
6 through (3) of this subsection (b), if (i) the school
7 district has previously availed itself of the provisions of
8 paragraph (4) of this subsection (b) to enable it to issue
9 bonds, (ii) the voters of the school district have not
10 defeated a proposition for the issuance of bonds since the
11 referendum described in paragraph (4) of this subsection
12 (b) was held, (iii) the school board determines that
13 additional facilities are needed to provide a quality
14 educational program, and (iv) a majority of those voting in
15 an election called by the school board on the question
16 approve the issuance of bonds for the construction of such
17 facilities, the school district may issue bonds for this
18 purpose.

19 In no event shall the indebtedness incurred pursuant to
20 this subsection (b) and the existing indebtedness of the school
21 district exceed 15% of the value of the taxable property
22 therein to be ascertained by the last assessment for State and
23 county taxes, previous to the incurring of such indebtedness
24 or, until January 1, 1983, if greater, the sum that is produced
25 by multiplying the school district's 1978 equalized assessed
26 valuation by the debt limitation percentage in effect on
27 January 1, 1979.

28 The indebtedness provided for by this subsection (b) shall
29 be in addition to and in excess of any other debt limitation.

30 (c) Notwithstanding the debt limitation prescribed in
31 subsection (a) of this Section, in any case in which a public
32 question for the issuance of bonds of a proposed school
33 district maintaining grades kindergarten through 12 received
34 at least 60% of the valid ballots cast on the question at an
35 election held on or prior to November 8, 1994, and in which the
36 bonds approved at such election have not been issued, the

1 school district pursuant to the requirements of Section 11A-10
2 (now repealed) may issue the total amount of bonds approved at
3 such election for the purpose stated in the question.

4 (d) Notwithstanding the debt limitation prescribed in
5 subsection (a) of this Section, a school district that meets
6 all the criteria set forth in paragraphs (1) and (2) of this
7 subsection (d) may incur an additional indebtedness in an
8 amount not to exceed \$4,500,000, even though the amount of the
9 additional indebtedness authorized by this subsection (d),
10 when incurred and added to the aggregate amount of indebtedness
11 of the district existing immediately prior to the district
12 incurring the additional indebtedness authorized by this
13 subsection (d), causes the aggregate indebtedness of the
14 district to exceed the debt limitation otherwise applicable to
15 that district under subsection (a):

16 (1) The additional indebtedness authorized by this
17 subsection (d) is incurred by the school district through
18 the issuance of bonds under and in accordance with Section
19 17-2.11a for the purpose of replacing a school building
20 which, because of mine subsidence damage, has been closed
21 as provided in paragraph (2) of this subsection (d) or
22 through the issuance of bonds under and in accordance with
23 Section 19-3 for the purpose of increasing the size of, or
24 providing for additional functions in, such replacement
25 school buildings, or both such purposes.

26 (2) The bonds issued by the school district as provided
27 in paragraph (1) above are issued for the purposes of
28 construction by the school district of a new school
29 building pursuant to Section 17-2.11, to replace an
30 existing school building that, because of mine subsidence
31 damage, is closed as of the end of the 1992-93 school year
32 pursuant to action of the regional superintendent of
33 schools of the educational service region in which the
34 district is located under Section 3-14.22 or are issued for
35 the purpose of increasing the size of, or providing for
36 additional functions in, the new school building being

1 constructed to replace a school building closed as the
2 result of mine subsidence damage, or both such purposes.

3 (e) (Blank).

4 (f) Notwithstanding the provisions of subsection (a) of
5 this Section or of any other law, bonds in not to exceed the
6 aggregate amount of \$5,500,000 and issued by a school district
7 meeting the following criteria shall not be considered
8 indebtedness for purposes of any statutory limitation and may
9 be issued in an amount or amounts, including existing
10 indebtedness, in excess of any heretofore or hereafter imposed
11 statutory limitation as to indebtedness:

12 (1) At the time of the sale of such bonds, the board of
13 education of the district shall have determined by
14 resolution that the enrollment of students in the district
15 is projected to increase by not less than 7% during each of
16 the next succeeding 2 school years.

17 (2) The board of education shall also determine by
18 resolution that the improvements to be financed with the
19 proceeds of the bonds are needed because of the projected
20 enrollment increases.

21 (3) The board of education shall also determine by
22 resolution that the projected increases in enrollment are
23 the result of improvements made or expected to be made to
24 passenger rail facilities located in the school district.

25 Notwithstanding the provisions of subsection (a) of this
26 Section or of any other law, a school district that has availed
27 itself of the provisions of this subsection (f) prior to July
28 22, 2004 (the effective date of Public Act 93-799) may also
29 issue bonds approved by referendum up to an amount, including
30 existing indebtedness, not exceeding 25% of the equalized
31 assessed value of the taxable property in the district if all
32 of the conditions set forth in items (1), (2), and (3) of this
33 subsection (f) are met.

34 (g) Notwithstanding the provisions of subsection (a) of
35 this Section or any other law, bonds in not to exceed an
36 aggregate amount of 25% of the equalized assessed value of the

1 taxable property of a school district and issued by a school
2 district meeting the criteria in paragraphs (i) through (iv) of
3 this subsection shall not be considered indebtedness for
4 purposes of any statutory limitation and may be issued pursuant
5 to resolution of the school board in an amount or amounts,
6 including existing indebtedness, in excess of any statutory
7 limitation of indebtedness heretofore or hereafter imposed:

8 (i) The bonds are issued for the purpose of
9 constructing a new high school building to replace two
10 adjacent existing buildings which together house a single
11 high school, each of which is more than 65 years old, and
12 which together are located on more than 10 acres and less
13 than 11 acres of property.

14 (ii) At the time the resolution authorizing the
15 issuance of the bonds is adopted, the cost of constructing
16 a new school building to replace the existing school
17 building is less than 60% of the cost of repairing the
18 existing school building.

19 (iii) The sale of the bonds occurs before July 1, 1997.

20 (iv) The school district issuing the bonds is a unit
21 school district located in a county of less than 70,000 and
22 more than 50,000 inhabitants, which has an average daily
23 attendance of less than 1,500 and an equalized assessed
24 valuation of less than \$29,000,000.

25 (h) Notwithstanding any other provisions of this Section or
26 the provisions of any other law, until January 1, 1998, a
27 community unit school district maintaining grades K through 12
28 may issue bonds up to an amount, including existing
29 indebtedness, not exceeding 27.6% of the equalized assessed
30 value of the taxable property in the district, if all of the
31 following conditions are met:

32 (i) The school district has an equalized assessed
33 valuation for calendar year 1995 of less than \$24,000,000;

34 (ii) The bonds are issued for the capital improvement,
35 renovation, rehabilitation, or replacement of existing
36 school buildings of the district, all of which buildings

1 were originally constructed not less than 40 years ago;

2 (iii) The voters of the district approve a proposition
3 for the issuance of the bonds at a referendum held after
4 March 19, 1996; and

5 (iv) The bonds are issued pursuant to Sections 19-2
6 through 19-7 of this Code.

7 (i) Notwithstanding any other provisions of this Section or
8 the provisions of any other law, until January 1, 1998, a
9 community unit school district maintaining grades K through 12
10 may issue bonds up to an amount, including existing
11 indebtedness, not exceeding 27% of the equalized assessed value
12 of the taxable property in the district, if all of the
13 following conditions are met:

14 (i) The school district has an equalized assessed
15 valuation for calendar year 1995 of less than \$44,600,000;

16 (ii) The bonds are issued for the capital improvement,
17 renovation, rehabilitation, or replacement of existing
18 school buildings of the district, all of which existing
19 buildings were originally constructed not less than 80
20 years ago;

21 (iii) The voters of the district approve a proposition
22 for the issuance of the bonds at a referendum held after
23 December 31, 1996; and

24 (iv) The bonds are issued pursuant to Sections 19-2
25 through 19-7 of this Code.

26 (j) Notwithstanding any other provisions of this Section or
27 the provisions of any other law, until January 1, 1999, a
28 community unit school district maintaining grades K through 12
29 may issue bonds up to an amount, including existing
30 indebtedness, not exceeding 27% of the equalized assessed value
31 of the taxable property in the district if all of the following
32 conditions are met:

33 (i) The school district has an equalized assessed
34 valuation for calendar year 1995 of less than \$140,000,000
35 and a best 3 months average daily attendance for the
36 1995-96 school year of at least 2,800;

1 (ii) The bonds are issued to purchase a site and build
2 and equip a new high school, and the school district's
3 existing high school was originally constructed not less
4 than 35 years prior to the sale of the bonds;

5 (iii) At the time of the sale of the bonds, the board
6 of education determines by resolution that a new high
7 school is needed because of projected enrollment
8 increases;

9 (iv) At least 60% of those voting in an election held
10 after December 31, 1996 approve a proposition for the
11 issuance of the bonds; and

12 (v) The bonds are issued pursuant to Sections 19-2
13 through 19-7 of this Code.

14 (k) Notwithstanding the debt limitation prescribed in
15 subsection (a) of this Section, a school district that meets
16 all the criteria set forth in paragraphs (1) through (4) of
17 this subsection (k) may issue bonds to incur an additional
18 indebtedness in an amount not to exceed \$4,000,000 even though
19 the amount of the additional indebtedness authorized by this
20 subsection (k), when incurred and added to the aggregate amount
21 of indebtedness of the school district existing immediately
22 prior to the school district incurring such additional
23 indebtedness, causes the aggregate indebtedness of the school
24 district to exceed or increases the amount by which the
25 aggregate indebtedness of the district already exceeds the debt
26 limitation otherwise applicable to that school district under
27 subsection (a):

28 (1) the school district is located in 2 counties, and a
29 referendum to authorize the additional indebtedness was
30 approved by a majority of the voters of the school district
31 voting on the proposition to authorize that indebtedness;

32 (2) the additional indebtedness is for the purpose of
33 financing a multi-purpose room addition to the existing
34 high school;

35 (3) the additional indebtedness, together with the
36 existing indebtedness of the school district, shall not

1 exceed 17.4% of the value of the taxable property in the
2 school district, to be ascertained by the last assessment
3 for State and county taxes; and

4 (4) the bonds evidencing the additional indebtedness
5 are issued, if at all, within 120 days of the effective
6 date of this amendatory Act of 1998.

7 (1) Notwithstanding any other provisions of this Section or
8 the provisions of any other law, until January 1, 2000, a
9 school district maintaining grades kindergarten through 8 may
10 issue bonds up to an amount, including existing indebtedness,
11 not exceeding 15% of the equalized assessed value of the
12 taxable property in the district if all of the following
13 conditions are met:

14 (i) the district has an equalized assessed valuation
15 for calendar year 1996 of less than \$10,000,000;

16 (ii) the bonds are issued for capital improvement,
17 renovation, rehabilitation, or replacement of one or more
18 school buildings of the district, which buildings were
19 originally constructed not less than 70 years ago;

20 (iii) the voters of the district approve a proposition
21 for the issuance of the bonds at a referendum held on or
22 after March 17, 1998; and

23 (iv) the bonds are issued pursuant to Sections 19-2
24 through 19-7 of this Code.

25 (m) Notwithstanding any other provisions of this Section or
26 the provisions of any other law, until January 1, 1999, an
27 elementary school district maintaining grades K through 8 may
28 issue bonds up to an amount, excluding existing indebtedness,
29 not exceeding 18% of the equalized assessed value of the
30 taxable property in the district, if all of the following
31 conditions are met:

32 (i) The school district has an equalized assessed
33 valuation for calendar year 1995 or less than \$7,700,000;

34 (ii) The school district operates 2 elementary
35 attendance centers that until 1976 were operated as the
36 attendance centers of 2 separate and distinct school

1 districts;

2 (iii) The bonds are issued for the construction of a
3 new elementary school building to replace an existing
4 multi-level elementary school building of the school
5 district that is not handicapped accessible at all levels
6 and parts of which were constructed more than 75 years ago;

7 (iv) The voters of the school district approve a
8 proposition for the issuance of the bonds at a referendum
9 held after July 1, 1998; and

10 (v) The bonds are issued pursuant to Sections 19-2
11 through 19-7 of this Code.

12 (n) Notwithstanding the debt limitation prescribed in
13 subsection (a) of this Section or any other provisions of this
14 Section or of any other law, a school district that meets all
15 of the criteria set forth in paragraphs (i) through (vi) of
16 this subsection (n) may incur additional indebtedness by the
17 issuance of bonds in an amount not exceeding the amount
18 certified by the Capital Development Board to the school
19 district as provided in paragraph (iii) of this subsection (n),
20 even though the amount of the additional indebtedness so
21 authorized, when incurred and added to the aggregate amount of
22 indebtedness of the district existing immediately prior to the
23 district incurring the additional indebtedness authorized by
24 this subsection (n), causes the aggregate indebtedness of the
25 district to exceed the debt limitation otherwise applicable by
26 law to that district:

27 (i) The school district applies to the State Board of
28 Education for a school construction project grant and
29 submits a district facilities plan in support of its
30 application pursuant to Section 5-20 of the School
31 Construction Law.

32 (ii) The school district's application and facilities
33 plan are approved by, and the district receives a grant
34 entitlement for a school construction project issued by,
35 the State Board of Education under the School Construction
36 Law.

1 (iii) The school district has exhausted its bonding
2 capacity or the unused bonding capacity of the district is
3 less than the amount certified by the Capital Development
4 Board to the district under Section 5-15 of the School
5 Construction Law as the dollar amount of the school
6 construction project's cost that the district will be
7 required to finance with non-grant funds in order to
8 receive a school construction project grant under the
9 School Construction Law.

10 (iv) The bonds are issued for a "school construction
11 project", as that term is defined in Section 5-5 of the
12 School Construction Law, in an amount that does not exceed
13 the dollar amount certified, as provided in paragraph (iii)
14 of this subsection (n), by the Capital Development Board to
15 the school district under Section 5-15 of the School
16 Construction Law.

17 (v) The voters of the district approve a proposition
18 for the issuance of the bonds at a referendum held after
19 the criteria specified in paragraphs (i) and (iii) of this
20 subsection (n) are met.

21 (vi) The bonds are issued pursuant to Sections 19-2
22 through 19-7 of the School Code.

23 (o) Notwithstanding any other provisions of this Section or
24 the provisions of any other law, until November 1, 2007, a
25 community unit school district maintaining grades K through 12
26 may issue bonds up to an amount, including existing
27 indebtedness, not exceeding 20% of the equalized assessed value
28 of the taxable property in the district if all of the following
29 conditions are met:

30 (i) the school district has an equalized assessed
31 valuation for calendar year 2001 of at least \$737,000,000
32 and an enrollment for the 2002-2003 school year of at least
33 8,500;

34 (ii) the bonds are issued to purchase school sites,
35 build and equip a new high school, build and equip a new
36 junior high school, build and equip 5 new elementary

1 schools, and make technology and other improvements and
2 additions to existing schools;

3 (iii) at the time of the sale of the bonds, the board
4 of education determines by resolution that the sites and
5 new or improved facilities are needed because of projected
6 enrollment increases;

7 (iv) at least 57% of those voting in a general election
8 held prior to January 1, 2003 approved a proposition for
9 the issuance of the bonds; and

10 (v) the bonds are issued pursuant to Sections 19-2
11 through 19-7 of this Code.

12 (p) Notwithstanding any other provisions of this Section or
13 the provisions of any other law, a community unit school
14 district maintaining grades K through 12 may issue bonds up to
15 an amount, including indebtedness, not exceeding 27% of the
16 equalized assessed value of the taxable property in the
17 district if all of the following conditions are met:

18 (i) The school district has an equalized assessed
19 valuation for calendar year 2001 of at least \$295,741,187
20 and a best 3 months' average daily attendance for the
21 2002-2003 school year of at least 2,394.

22 (ii) The bonds are issued to build and equip 3
23 elementary school buildings; build and equip one middle
24 school building; and alter, repair, improve, and equip all
25 existing school buildings in the district.

26 (iii) At the time of the sale of the bonds, the board
27 of education determines by resolution that the project is
28 needed because of expanding growth in the school district
29 and a projected enrollment increase.

30 (iv) The bonds are issued pursuant to Sections 19-2
31 through 19-7 of this Code.

32 (p-5) Notwithstanding any other provisions of this Section
33 or the provisions of any other law, bonds issued by a community
34 unit school district maintaining grades K through 12 shall not
35 be considered indebtedness for purposes of any statutory
36 limitation and may be issued in an amount or amounts, including

1 existing indebtedness, in excess of any heretofore or hereafter
2 imposed statutory limitation as to indebtedness, if all of the
3 following conditions are met:

4 (i) For each of the 4 most recent years, residential
5 property comprises more than 80% of the equalized assessed
6 valuation of the district.

7 (ii) At least 2 school buildings that were constructed
8 40 or more years prior to the issuance of the bonds will be
9 demolished and will be replaced by new buildings or
10 additions to one or more existing buildings.

11 (iii) Voters of the district approve a proposition for
12 the issuance of the bonds at a regularly scheduled
13 election.

14 (iv) At the time of the sale of the bonds, the school
15 board determines by resolution that the new buildings or
16 building additions are needed because of an increase in
17 enrollment projected by the school board.

18 (v) The principal amount of the bonds, including
19 existing indebtedness, does not exceed 25% of the equalized
20 assessed value of the taxable property in the district.

21 (vi) The bonds are issued prior to January 1, 2007,
22 pursuant to Sections 19-2 through 19-7 of this Code.

23 (q) A school district must notify the State Board of
24 Education prior to issuing any form of long-term or short-term
25 debt that will result in outstanding debt that exceeds 75% of
26 the debt limit specified in this Section or any other provision
27 of law.

28 (Source: P.A. 93-13, eff. 6-9-03; 93-799, eff. 7-22-04;
29 93-1045, eff. 10-15-04; 94-234, eff. 7-1-06; 94-721, eff.
30 1-6-06.)

31 (105 ILCS 5/20-2) (from Ch. 122, par. 20-2)

32 (Text of Section before amendment by P.A. 94-234)

33 Sec. 20-2. Indebtedness and bonds. For the purpose of
34 creating a working cash fund, the school board of any such
35 district may incur an indebtedness and issue bonds as evidence

1 thereof in an amount or amounts not exceeding in the aggregate
2 85% of the taxes permitted to be levied for educational
3 purposes for the then current year to be determined by
4 multiplying the maximum educational tax rate or rates
5 applicable to such school district by the last assessed
6 valuation or assessed valuations as determined at the time of
7 the issue of said bonds plus 85% of the last known entitlement
8 of such district to taxes as by law now or hereafter enacted or
9 amended, imposed by the General Assembly of the State of
10 Illinois to replace revenue lost by units of local government
11 and school districts as a result of the abolition of ad valorem
12 personal property taxes, pursuant to Article IX, Section 5,
13 paragraph (c) of the Constitution of the State of Illinois,
14 except that a district that is certified under Section 19-1.5
15 as a financially distressed district may incur an indebtedness
16 and issue bonds as evidence thereof in an amount or amounts not
17 exceeding in the aggregate 125% of the taxes permitted to be
18 levied for educational purposes for the then current year to be
19 determined by multiplying the maximum educational tax rate
20 applicable to that school district by the last assessed
21 valuation as determined at the time of the issuance of the
22 bonds plus 125% of the last known entitlement of that district
23 to taxes that by law now or hereafter enacted or amended are
24 imposed by the General Assembly to replace revenue lost by
25 units of local government and school districts as a result of
26 the abolition of ad valorem personal property taxes, pursuant
27 to Article IX, Section 5, paragraph (c) of the Constitution of
28 the State of Illinois. The bonds shall bear interest at not
29 more than the maximum rate authorized by the Bond Authorization
30 Act, as amended at the time of the making of the contract, if
31 issued before January 1, 1972 and not more than the maximum
32 rate authorized by the Bond Authorization Act, as amended at
33 the time of the making of the contract, if issued after January
34 1, 1972 and shall mature within 20 years from the date thereof.
35 Subject to the foregoing limitations as to amount, the bonds
36 may be issued in an amount including existing indebtedness

1 which will not exceed the constitutional limitation as to debt,
2 notwithstanding any statutory debt limitation to the contrary.
3 When bonds have been issued under this Article by a school
4 district that is certified as a financially distressed district
5 under Section 19-1.5, the amount of those bonds, when and after
6 they are issued, whether issued before or after such
7 certification, shall not be considered debt under any statutory
8 debt limitation and shall be excluded from the computation and
9 determination of any statutory or other debt limitation
10 applicable to the financially distressed district. The school
11 board shall before or at the time of issuing the bonds provide
12 for the collection of a direct annual tax upon all the taxable
13 property within the district sufficient to pay the principal
14 thereof at maturity and to pay the interest thereon as it falls
15 due, which tax shall be in addition to the maximum amount of
16 all other taxes, either educational; transportation;
17 operations and maintenance; or fire prevention and safety fund
18 taxes, now or hereafter authorized and in addition to any
19 limitations upon the levy of taxes as provided by Sections 17-2
20 through 17-9. The bonds may be issued redeemable at the option
21 of the school board of the district issuing them on any
22 interest payment date on or after 5 years from date of issue.

23 With respect to instruments for the payment of money issued
24 under this Section either before, on, or after the effective
25 date of this amendatory Act of 1989, it is and always has been
26 the intention of the General Assembly (i) that the Omnibus Bond
27 Acts are and always have been supplementary grants of power to
28 issue instruments in accordance with the Omnibus Bond Acts,
29 regardless of any provision of this Act that may appear to be
30 or to have been more restrictive than those Acts, (ii) that the
31 provisions of this Section are not a limitation on the
32 supplementary authority granted by the Omnibus Bond Acts, and
33 (iii) that instruments issued under this Section within the
34 supplementary authority granted by the Omnibus Bond Acts are
35 not invalid because of any provision of this Act that may
36 appear to be or to have been more restrictive than those Acts.

1 (Source: P.A. 87-984; 88-641, eff. 9-9-94.)

2 (Text of Section after amendment by P.A. 94-234)

3 Sec. 20-2. Indebtedness and bonds. For the purpose of
4 creating a working cash fund, the school board of any such
5 district may incur an indebtedness and issue bonds as evidence
6 thereof in an amount or amounts not exceeding in the aggregate
7 85% of the taxes permitted to be levied for educational
8 purposes for the then current year to be determined by
9 multiplying the maximum educational tax rate or rates
10 applicable to such school district by the last assessed
11 valuation or assessed valuations as determined at the time of
12 the issue of said bonds plus 85% of the last known entitlement
13 of such district to taxes as by law now or hereafter enacted or
14 amended, imposed by the General Assembly of the State of
15 Illinois to replace revenue lost by units of local government
16 and school districts as a result of the abolition of ad valorem
17 personal property taxes, pursuant to Article IX, Section 5,
18 paragraph (c) of the Constitution of the State of Illinois. The
19 bonds shall bear interest at not more than the maximum rate
20 authorized by the Bond Authorization Act, as amended at the
21 time of the making of the contract, if issued before January 1,
22 1972 and not more than the maximum rate authorized by the Bond
23 Authorization Act, as amended at the time of the making of the
24 contract, if issued after January 1, 1972 and shall mature
25 within 20 years from the date thereof. Subject to the foregoing
26 limitations as to amount, the bonds may be issued in an amount
27 including existing indebtedness which will not exceed the
28 constitutional limitation as to debt, notwithstanding any
29 statutory debt limitation to the contrary. The school board
30 shall before or at the time of issuing the bonds provide for
31 the collection of a direct annual tax upon all the taxable
32 property within the district sufficient to pay the principal
33 thereof at maturity and to pay the interest thereon as it falls
34 due, which tax shall be in addition to the maximum amount of
35 all other taxes, either educational; transportation;

1 operations and maintenance; or fire prevention and safety fund
2 taxes, now or hereafter authorized and in addition to any
3 limitations upon the levy of taxes as provided by Sections 17-2
4 through 17-9. The bonds may be issued redeemable at the option
5 of the school board of the district issuing them on any
6 interest payment date on or after 5 years from date of issue.

7 With respect to instruments for the payment of money issued
8 under this Section either before, on, or after the effective
9 date of this amendatory Act of 1989, it is and always has been
10 the intention of the General Assembly (i) that the Omnibus Bond
11 Acts are and always have been supplementary grants of power to
12 issue instruments in accordance with the Omnibus Bond Acts,
13 regardless of any provision of this Act that may appear to be
14 or to have been more restrictive than those Acts, (ii) that the
15 provisions of this Section are not a limitation on the
16 supplementary authority granted by the Omnibus Bond Acts, and
17 (iii) that instruments issued under this Section within the
18 supplementary authority granted by the Omnibus Bond Acts are
19 not invalid because of any provision of this Act that may
20 appear to be or to have been more restrictive than those Acts.

21 (Source: P.A. 94-234, eff. 7-1-06.)

22 (105 ILCS 5/Art. 7A rep.)

23 (105 ILCS 5/Art. 11A rep.)

24 (105 ILCS 5/Art. 11B rep.)

25 (105 ILCS 5/Art. 11D rep.)

26 (105 ILCS 5/18-8.2 rep.)

27 (105 ILCS 5/18-8.3 rep.)

28 (105 ILCS 5/18-8.5 rep.)

29 Section 15. The School Code is amended by repealing
30 Articles 7A, 11A, 11B, and 11D and Sections 18-8.2, 18-8.3, and
31 18-8.5.

32 Section 20. The School District Validation (1995) Act is
33 amended by changing Section 5 as follows:

1 (105 ILCS 555/5)

2 Sec. 5. Validation. In all cases in which, before the
3 effective date of this Act, the regional superintendent of
4 schools was required to publish notice of a referendum to
5 establish a community unit school district in territory
6 comprising 2 community unit school districts, 2 community
7 consolidated school districts, and 2 community high school
8 districts and such notice was not published by the regional
9 superintendent of schools as required by Section 11A-5 of the
10 School Code (now repealed) and a majority of the voters
11 residing in each of the school districts comprising the
12 proposed community unit school district voted in favor of the
13 creation of such community unit school district in the general
14 election held on November 8, 1994, and in which territory at a
15 subsequent election similarly called and held a board of
16 education has been chosen for such district, each such election
17 is hereby made legal and valid and such territory is hereby
18 declared legally and validly organized and established as a
19 community unit school district, and a valid and existing school
20 district.

21 (Source: P.A. 89-416, eff. 11-22-95.)

22 Section 90. Savings clause. Any repeal made by this Act
23 shall not affect or impair any of the following: suits pending
24 or rights existing at the time this Act takes effect; any grant
25 or conveyance made or right acquired or cause of action now
26 existing under any Section, Article, or Act repealed by this
27 Act; the validity of any bonds or other obligations issued or
28 sold and constituting valid obligations of the issuing
29 authority at the time this Act takes effect; the validity of
30 any contract; the validity of any tax levied under any law in
31 effect prior to the effective date of this Act; any offense
32 committed, act done, penalty, punishment, or forfeiture
33 incurred or any claim, right, power, or remedy accrued under
34 any law in effect prior to the effective date of this Act; or
35 the corporate existence or powers of any school district

1 lawfully validated under any law in effect prior to the
2 effective date of this Act. For any petition filed with the
3 regional superintendent of schools under Article 7A, 11A, 11B,
4 or 11D of the School Code prior to the effective date of this
5 Act, the proposed action described in the petition, including
6 all notices, hearings, administrative decisions, ballots,
7 elections, and passage requirements relating thereto, shall
8 proceed and be in accordance with the law in effect at the date
9 of the filing. If the petition is approved by voters at a
10 regularly scheduled election, the resulting school districts
11 are eligible for supplementary State aid payments in accordance
12 with Section 11E-135 of the School Code as if the petition was
13 filed and approved in accordance with Article 11E of the School
14 Code. Any school district eligible for supplementary State aid
15 payments in accordance with subsection (I) of Section 18-8.05
16 or Section 18-8.2, 18-8.3, or 18-8.5 of the School Code prior
17 to the effective date of this Act must have those payments
18 continued in accordance with Section 11E-135 of the School
19 Code.

20 Section 95. No acceleration or delay. Where this Act makes
21 changes in a statute that is represented in this Act by text
22 that is not yet or no longer in effect (for example, a Section
23 represented by multiple versions), the use of that text does
24 not accelerate or delay the taking effect of (i) the changes
25 made by this Act or (ii) provisions derived from any other
26 Public Act.

27 Section 99. Effective date. This Act takes effect July 1,
28 2006.