



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB1651

Introduced 2/22/2007, by Rep. Roger L. Eddy

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-22.22b

from Ch. 122, par. 10-22.22b

Amends the School Code. With respect to deactivation and reactivation of a school facility, removes references to the regional superintendent of schools from the notice of referendum form.

LRB095 09155 NHT 31797 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

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

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

6 (105 ILCS 5/10-22.22b) (from Ch. 122, par. 10-22.22b)

7 Sec. 10-22.22b. (a) The provisions of this subsection shall  
8 not apply to the deactivation of a high school facility under  
9 subsection (c). Where in its judgment the interests of the  
10 district and of the students therein will be best served, to  
11 deactivate any high school facility or elementary school  
12 facility in the district and send the students of such high  
13 school in grades 9 through 12 or such elementary school in  
14 grades kindergarten through 8, as applicable, to schools in  
15 other districts. Such action may be taken only with the  
16 approval of the voters in the district and the approval, by  
17 proper resolution, of the school board of the receiving  
18 district. The board of the district contemplating deactivation  
19 shall, by proper resolution, cause the proposition to  
20 deactivate the school facility to be submitted to the voters of  
21 the district at a regularly scheduled election. Notice shall be  
22 published at least 10 days prior to the date of the election at  
23 least once in one or more newspapers published in the district

1 or, if no newspaper is published in the district, in one or  
2 more newspapers with a general circulation within the district.  
3 The notice shall be substantially in the following form:

4 NOTICE OF REFERENDUM TO  
5 DEACTIVATE THE ... SCHOOL FACILITY  
6 IN SCHOOL DISTRICT NO. ....

7 Notice is hereby given that on (insert date), a referendum  
8 will be held in ..... County (Counties) for the purpose of  
9 voting for or against the proposition to deactivate the .....  
10 School facility in School District No. .... and to send  
11 pupils in ..... School to School District(s) No. ....

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

14 A..... B.....

15 Dated (insert date).

16 ~~Regional Superintendent of Schools~~

17 The proposition shall be in substantially the following form:

18 -----

19 Shall the Board  
20 of Education of School  
21 District No. ....,  
22 ..... County, Illinois, be  
23 authorized to deactivate  
24 the .... School facility  
25 and to send pupils in .....

YES

-----

NO

1 School to School

2 District(s) No. ....?

3 -----

4 If the majority of those voting upon the proposition in the  
5 district contemplating deactivation vote in favor of the  
6 proposition, the board of that district, upon approval of the  
7 board of the receiving district, shall execute a contract with  
8 the receiving district providing for the reassignment of  
9 students to the receiving district. If the deactivating  
10 district seeks to send its students to more than one district,  
11 it shall execute a contract with each receiving district. The  
12 length of the contract shall be for 2 school years, but the  
13 districts may renew the contract for additional one year or 2  
14 year periods. Contract renewals shall be executed by January 1  
15 of the year in which the existing contract expires. If the  
16 majority of those voting upon the proposition do not vote in  
17 favor of the proposition, the school facility may not be  
18 deactivated.

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

21 When the deactivation of school facilities becomes  
22 effective pursuant to this Section, the provisions of Section  
23 24-12 relative to the contractual continued service status of  
24 teachers having contractual continued service whose positions  
25 are transferred from one board to the control of a different  
26 board shall apply, and the positions at the school facilities

1 being deactivated held by teachers, as that term is defined in  
2 Section 24-11, having contractual continued service with the  
3 school district at the time of the deactivation shall be  
4 transferred to the control of the board or boards who shall be  
5 receiving the district's students on the following basis:

6 (1) positions of such teachers in contractual  
7 continued service that were full time positions shall be  
8 transferred to the control of whichever of such boards such  
9 teachers shall request with the teachers making such  
10 requests proceeding in the order of those with the greatest  
11 length of continuing service with the board to those with  
12 the shortest length of continuing service with the board,  
13 provided that the number selecting one board over another  
14 board or other boards shall not exceed that proportion of  
15 the school students going to such board or boards; and

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

20 The contractual continued service status of any teacher  
21 thereby transferred to another district is not lost and the  
22 receiving board is subject to the School Code with respect to  
23 such transferred teacher in the same manner as if such teacher  
24 was the district's employee during the time such teacher was  
25 actually employed by the board of the deactivating district  
26 from which the position was transferred.

1 (b) The provisions of this subsection shall not apply to  
 2 the reactivation of a high school facility which is deactivated  
 3 under subsection (c). The sending district may, with the  
 4 approval of the voters in the district, reactivate the school  
 5 facility which was deactivated. The board of the district  
 6 seeking to reactivate the school facility shall, by proper  
 7 resolution, cause the proposition to reactivate to be submitted  
 8 to the voters of the district at a regularly scheduled  
 9 election. Notice shall be published at least 10 days prior to  
 10 the date of the election at least once in one or more  
 11 newspapers published in the district or, if no newspaper is  
 12 published in the district, in one or more newspapers with a  
 13 general circulation within the district. The notice shall be  
 14 substantially in the following form:

15 NOTICE OF REFERENDUM TO  
 16 REACTIVATE THE ..... SCHOOL FACILITY  
 17 IN SCHOOL DISTRICT NO. ....

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

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

26 A..... B.....

1 Dated (insert date).

2 ~~Regional Superintendent of Schools~~

3 The proposition shall be in substantially the following form:

4 -----

5 Shall the Board

6 of Education of School YES

7 District No. ....,

8 ..... County, Illinois,

9 be authorized to -----

10 reactivate the .... School

11 facility and to discontinue sending

12 pupils of School District No. .... NO

13 to School District(s) No. ....?

14 -----

15 (c) The school board of any unit school district which  
16 experienced a strike by a majority of its certified employees  
17 that endured for over 6 months during the regular school term  
18 of the 1986-1987 school year, and which during the ensuing  
19 1987-1988 school year had an enrollment in grades 9 through 12  
20 of less than 125 students may, when in its judgment the  
21 interests of the district and of the students therein will be  
22 best served thereby, deactivate the high school facilities  
23 within the district for the regular term of the 1988-1989  
24 school year and, for that school year only, send the students  
25 of such high school in grades 9 through 12 to schools in

1 adjoining or adjacent districts. Such action may only be taken:  
2 (a) by proper resolution of the school board deactivating its  
3 high school facilities and the approval, by proper resolution,  
4 of the school board of the receiving district or districts, and  
5 (b) pursuant to a contract between the sending and each  
6 receiving district, which contract or contracts: (i) shall  
7 provide for the reassignment of all students of the deactivated  
8 high school in grades 9 through 12 to the receiving district or  
9 districts; (ii) shall apply only to the regular school term of  
10 the 1988-1989 school year; (iii) shall not be subject to  
11 renewal or extension; and (iv) shall require the sending  
12 district to pay to the receiving district the cost of educating  
13 each student who is reassigned to the receiving district, such  
14 costs to be an amount agreed upon by the sending and receiving  
15 district but not less than the per capita cost of maintaining  
16 the high school in the receiving district during the 1987-1988  
17 school year. Any high school facility deactivated pursuant to  
18 this subsection for the regular school term of the 1988-1989  
19 school year shall be reactivated by operation of law as of the  
20 end of the regular term of the 1988-1989 school year. The  
21 status as a unit school district of a district which  
22 deactivates its high school facilities pursuant to this  
23 subsection shall not be affected by reason of such deactivation  
24 of its high school facilities and such district shall continue  
25 to be deemed in law a school district maintaining grades  
26 kindergarten through 12 for all purposes relating to the levy,



1 extension, collection and payment of the taxes of the district  
2 under Article 17 for the 1988-1989 school year.

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

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