



Rep. Brandon W. Phelps

Filed: 4/19/2007

09500HB1847ham001

LRB095 08702 NHT 35052 a

1 AMENDMENT TO HOUSE BILL 1847

2 AMENDMENT NO. _____. Amend House Bill 1847 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections
5 10-22.22b, 10-23.5, and 11E-110 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

1 proper resolution, of the school board of the receiving
 2 district. The board of the district contemplating deactivation
 3 shall, by proper resolution, cause the proposition to
 4 deactivate the school facility to be submitted to the voters of
 5 the district at a regularly scheduled election. Notice shall be
 6 published at least 10 days prior to the date of the election at
 7 least once in one or more newspapers published in the district
 8 or, if no newspaper is published in the district, in one or
 9 more newspapers with a general circulation within the district.
 10 The notice shall be substantially in the following form:

11 NOTICE OF REFERENDUM TO
 12 DEACTIVATE THE ... SCHOOL FACILITY
 13 IN SCHOOL DISTRICT NO.

14 Notice is hereby given that on (insert date), a referendum
 15 will be held in County (Counties) for the purpose of
 16 voting for or against the proposition to deactivate the
 17 School facility in School District No. and to send
 18 pupils in School to School District(s) No.

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

21 A..... B.....

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

24 The proposition shall be in substantially the following form:

25 -----

1 Shall the Board
 2 of Education of School
 3 District No.,
 4 County, Illinois, be
 5 authorized to deactivate
 6 the School facility
 7 and to send pupils in
 8 School to School
 9 District(s) No.?

YES

NO

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

26 The sending district shall pay to the receiving district an

1 amount agreed upon by the 2 districts.

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

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

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

1 The contractual continued service status of any teacher
2 thereby transferred to another district is not lost and the
3 receiving board is subject to the School Code with respect to
4 such transferred teacher in the same manner as if such teacher
5 was the district's employee during the time such teacher was
6 actually employed by the board of the deactivating district
7 from which the position was transferred.

8 When the deactivation of school facilities becomes
9 effective pursuant to this Section, the provisions of
10 subsection (b) of Section 10-23.5 of this Code relative to the
11 transfer of educational support personnel employees shall
12 apply, and the positions at the school facilities being
13 deactivated that are held by educational support personnel
14 employees at the time of the deactivation shall be transferred
15 to the control of the board or boards that will be receiving
16 the district's students on the following basis:

17 (A) positions of such educational support personnel
18 employees that were full-time positions shall be
19 transferred to the control of whichever of the boards the
20 employees request, with the educational support personnel
21 employees making these requests proceeding in the order of
22 those with the greatest length of continuing service with
23 the board to those with the shortest length of continuing
24 service with the board, provided that the number selecting
25 one board over another board or other boards must not
26 exceed that proportion of students going to such board or

1 boards; and

2 (B) positions of such educational support personnel
3 employees that were full-time positions and as to which
4 there is no selection left under subdivision (A) shall be
5 transferred to the appropriate board.

6 The length of continuing service of any educational support
7 personnel employee thereby transferred to another district is
8 not lost and the receiving board is subject to this Code with
9 respect to that transferred educational support personnel
10 employee in the same manner as if the educational support
11 personnel employee was the district's employee during the time
12 the educational support personnel employee was actually
13 employed by the board of the deactivating district from which
14 the position was transferred.

15 (b) The provisions of this subsection shall not apply to
16 the reactivation of a high school facility which is deactivated
17 under subsection (c). The sending district may, with the
18 approval of the voters in the district, reactivate the school
19 facility which was deactivated. The board of the district
20 seeking to reactivate the school facility shall, by proper
21 resolution, cause the proposition to reactivate to be submitted
22 to the voters of the district at a regularly scheduled
23 election. Notice shall be published at least 10 days prior to
24 the date of the election at least once in one or more
25 newspapers published in the district or, if no newspaper is
26 published in the district, in one or more newspapers with a

1 general circulation within the district. The notice shall be
2 substantially in the following form:

3 NOTICE OF REFERENDUM TO
4 REACTIVATE THE SCHOOL FACILITY
5 IN SCHOOL DISTRICT NO.

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

12 The polls will be opened at ... o'clock .. m., and closed
13 at ... 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 YES
21 District No.,
22 County, Illinois,
23 be authorized to -----
24 reactivate the School
25 facility and to discontinue sending

1 pupils of School District No. NO
 2 to School District(s) No.?

3 -----

4 (c) The school board of any unit school district which
 5 experienced a strike by a majority of its certified employees
 6 that endured for over 6 months during the regular school term
 7 of the 1986-1987 school year, and which during the ensuing
 8 1987-1988 school year had an enrollment in grades 9 through 12
 9 of less than 125 students may, when in its judgment the
 10 interests of the district and of the students therein will be
 11 best served thereby, deactivate the high school facilities
 12 within the district for the regular term of the 1988-1989
 13 school year and, for that school year only, send the students
 14 of such high school in grades 9 through 12 to schools in
 15 adjoining or adjacent districts. Such action may only be taken:
 16 (a) by proper resolution of the school board deactivating its
 17 high school facilities and the approval, by proper resolution,
 18 of the school board of the receiving district or districts, and
 19 (b) pursuant to a contract between the sending and each
 20 receiving district, which contract or contracts: (i) shall
 21 provide for the reassignment of all students of the deactivated
 22 high school in grades 9 through 12 to the receiving district or
 23 districts; (ii) shall apply only to the regular school term of
 24 the 1988-1989 school year; (iii) shall not be subject to
 25 renewal or extension; and (iv) shall require the sending
 26 district to pay to the receiving district the cost of educating

1 each student who is reassigned to the receiving district, such
2 costs to be an amount agreed upon by the sending and receiving
3 district but not less than the per capita cost of maintaining
4 the high school in the receiving district during the 1987-1988
5 school year. Any high school facility deactivated pursuant to
6 this subsection for the regular school term of the 1988-1989
7 school year shall be reactivated by operation of law as of the
8 end of the regular term of the 1988-1989 school year. The
9 status as a unit school district of a district which
10 deactivates its high school facilities pursuant to this
11 subsection shall not be affected by reason of such deactivation
12 of its high school facilities and such district shall continue
13 to be deemed in law a school district maintaining grades
14 kindergarten through 12 for all purposes relating to the levy,
15 extension, collection and payment of the taxes of the district
16 under Article 17 for the 1988-1989 school year.

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

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

24 (105 ILCS 5/10-23.5) (from Ch. 122, par. 10-23.5)

25 Sec. 10-23.5. Educational support personnel employees.

1 (a) To employ such educational support personnel employees
2 as it deems advisable and to define their employment duties;
3 provided that residency within any school district shall not be
4 considered in determining the employment or the compensation of
5 any such employee, or whether to retain, promote, assign or
6 transfer such employee. If an educational support personnel
7 employee is removed or dismissed as a result of a decision of
8 the school board (i) to decrease the number of educational
9 support personnel employees employed by the board or (ii) to
10 discontinue some particular type of educational support
11 service, written notice shall be mailed to the employee and
12 also given the employee either by certified mail, return
13 receipt requested or personal delivery with receipt at least 30
14 days before the employee is removed or dismissed, together with
15 a statement of honorable dismissal and the reason therefor. The
16 employee with the shorter length of continuing service with the
17 district, within the respective category of position, shall be
18 dismissed first unless an alternative method of determining the
19 sequence of dismissal is established in a collective bargaining
20 agreement or contract between the board and any exclusive
21 bargaining agent and except that this provision shall not
22 impair the operation of any affirmative action program in the
23 district, regardless of whether it exists by operation of law
24 or is conducted on a voluntary basis by the board. If the board
25 has any vacancies for the following school term or within one
26 calendar year from the beginning of the following school term,

1 the positions thereby becoming available within a specific
2 category of position shall be tendered to the employees so
3 removed or dismissed from that category of position, so far as
4 they are qualified to hold such positions. Each board shall, in
5 consultation with any exclusive employee representative or
6 bargaining agent, each year establish a list, categorized by
7 positions, showing the length of continuing service of each
8 full time educational support personnel employee who is
9 qualified to hold any such positions, unless an alternative
10 method of determining a sequence of dismissal is established as
11 provided for in this Section, in which case a list shall be
12 made in accordance with the alternative method. Copies of the
13 list shall be distributed to the exclusive employee
14 representative or bargaining agent on or before February 1 of
15 each year. Where an educational support personnel employee is
16 dismissed by the board as a result of a decrease in the number
17 of employees or the discontinuance of the employee's job, the
18 employee shall be paid all earned compensation on or before the
19 third business day following his or her last day of employment.

20 The provisions of this amendatory Act of 1986 relating to
21 residency within any school district shall not apply to cities
22 having a population exceeding 500,000 inhabitants.

23 (b) In the case of a new school district or districts
24 formed in accordance with Article 11E of this Code, a school
25 district or districts that annex all of the territory of one or
26 more entire other school districts in accordance with Article 7

1 of this Code, or a school district receiving students from a
2 deactivated school facility in accordance with Section
3 10-22.22b of this Code, the employment of educational support
4 personnel in the new, annexing, or receiving school district
5 immediately following the reorganization shall be governed by
6 this subsection (b). Lists of the educational support personnel
7 employed in the individual districts for the school year
8 immediately prior to the effective date of the new district or
9 districts, annexation, or deactivation shall be combined for
10 the districts forming the new district or districts, for the
11 annexed and annexing districts, or for the deactivating and
12 receiving districts, as the case may be. The combined list
13 shall be categorized by positions, showing the length of
14 continuing service of each full-time educational support
15 personnel employee who is qualified to hold any such position.
16 If there are more full-time educational support personnel
17 employees on the combined list than there are available
18 positions in the new, annexing, or receiving school district,
19 then the employing school board shall first remove or dismiss
20 those educational support personnel employees with the shorter
21 length of continuing service within the respective category of
22 position, following the procedures outlined in subsection (a)
23 of this Section. The employment and position of each
24 educational support personnel employee on the combined list not
25 so removed or dismissed shall be transferred to the new,
26 annexing, or receiving school board, and the new, annexing, or

1 receiving school board is subject to this Code with respect to
2 any educational support personnel employee so transferred as if
3 the educational support personnel employee had been the new,
4 annexing, or receiving board's employee during the time the
5 educational support personnel employee was actually employed
6 by the school board of the district from which the employment
7 and position were transferred.

8 The changes made by this amendatory Act of the 95th General
9 Assembly shall not apply to the formation of a new district or
10 districts in accordance with Article 11E of this Code, the
11 annexation of one or more entire districts in accordance with
12 Article 7 of this Code, or the deactivation of a school
13 facility in accordance with Section 10-22.22b of this Code
14 effective on or before July 1, 2007.

15 (Source: P.A. 89-618, eff. 8-9-96; 90-548, eff. 1-1-98.)

16 (105 ILCS 5/11E-110)

17 Sec. 11E-110. Teachers in contractual continued service;
18 educational support personnel employees.

19 (a) When a school district conversion or multi-unit
20 conversion becomes effective for purposes of administration
21 and attendance, as determined pursuant to Section 11E-70 of
22 this Code, the provisions of Section 24-12 of this Code
23 relative to the contractual continued service status of
24 teachers having contractual continued service whose positions
25 are transferred from one school board to the control of a new

1 or different school board shall apply, and the positions held
2 by teachers, as that term is defined in Section 24-11 of this
3 Code, having contractual continued service with the unit
4 district at the time of its dissolution shall be transferred on
5 the following basis:

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

15 (2) positions of teachers in contractual continued
16 service that, during the 5 school years immediately
17 preceding the effective date of the change, as determined
18 under Section 11E-70 of this Code, were full-time positions
19 in which all of the time required of the position was spent
20 in one or more of grades kindergarten through 8 shall be
21 transferred to the control of the school board of the newly
22 created successor elementary district; and

23 (3) positions of teachers in contractual continued
24 service that were full-time positions not required to be
25 transferred to the control of the school board of the new
26 high school district or combined high school - unit

1 district, as the case may be, or the school board of the
2 newly created successor elementary district under the
3 provisions of subdivision (1) or (2) of this subsection (a)
4 shall be transferred to the control of whichever of the
5 boards the teacher shall request.

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

23 (a-5) When a school district conversion or multi-unit
24 conversion becomes effective for purposes of administration
25 and attendance, as determined pursuant to Section 11E-70 of
26 this Code, the provisions of subsection (b) of Section 10-23.5

1 of this Code relative to the transfer of educational support
2 personnel employees shall apply, and the positions held by
3 educational support personnel employees shall be transferred
4 on the following basis:

5 (1) positions of educational support personnel
6 employees that, during the 5 school years immediately
7 preceding the effective date of the change, as determined
8 under Section 11E-70 of this Code, were full-time positions
9 in which all of the time required of the position was spent
10 in one or more of grades 9 through 12 shall be transferred
11 to the control of the school board of the new high school
12 district or combined high school - unit district, as the
13 case may be;

14 (2) positions of educational support personnel
15 employees 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 kindergarten through 8 shall be
20 transferred to the control of the school board of the newly
21 created successor elementary district; and

22 (3) positions of educational support personnel
23 employees that were full-time positions not required to be
24 transferred to the control of the school board of the new
25 high school district or combined high school - unit
26 district, as the case may be, or the school board of the

1 newly created successor elementary district under
2 subdivision (1) or (2) of this subsection (a-5) shall be
3 transferred to the control of whichever of the boards the
4 educational support personnel employee requests.

5 With respect to each position to be transferred under this
6 subsection (a-5), the amount of time required of each position
7 to be spent in one or more of grades kindergarten through 8 and
8 9 through 12 shall be determined with reference to the
9 applicable records of the unit district being dissolved
10 pursuant to stipulation of the school board of the unit
11 district prior to the effective date of its dissolution or
12 thereafter of the school board of the newly created districts
13 and with the approval in either case of the regional
14 superintendent of schools of the educational service region in
15 which the 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 such
18 stipulation can be agreed upon, the regional superintendent of
19 schools, after hearing any additional relevant and material
20 evidence that any school board desires to submit, shall make
21 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

1 creation of the new district are transferred to the newly
2 created district pursuant to the provisions of Section 24-12 of
3 this Code relative to teachers having contractual continued
4 service status whose positions are transferred from one board
5 to the control of a different board, and those provisions of
6 Section 24-12 shall apply to these transferred teachers. The
7 contractual continued service status of any teacher thereby
8 transferred to the newly created district is not lost and the
9 new school board is subject to this Code with respect to the
10 transferred teacher in the same manner as if the teacher was
11 that district's employee and had been its employee during the
12 time the teacher was actually employed by the school board of
13 the district from which the position was transferred.

14 (c) When the creation of a unit district or a combined
15 school district becomes effective for purposes of
16 administration and attendance, as determined pursuant to
17 Section 11E-70 of this Code, the positions of educational
18 support personnel employees in the districts involved in the
19 creation of the new district shall be transferred to the newly
20 created district pursuant to subsection (b) of Section 10-23.5
21 of this Code. The length of continuing service of any
22 educational support personnel employee thereby transferred to
23 the newly created district is not lost and the new school board
24 is subject to this Code with respect to the transferred
25 educational support personnel employee in the same manner as if
26 the educational support personnel employee had been that

1 district's employee during the time the educational support
2 personnel employee was actually employed by the school board of
3 the district from which the position was transferred.

4 (Source: P.A. 94-1019, eff. 7-10-06; revised 8-23-06.)

5 Section 90. The State Mandates Act is amended by adding
6 Section 8.31 as follows:

7 (30 ILCS 805/8.31 new)

8 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8
9 of this Act, no reimbursement by the State is required for the
10 implementation of any mandate created by this amendatory Act of
11 the 95th General Assembly.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law."