



Elementary Secondary Education Committee

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09500HB5399ham001

LRB095 19345 NHT 47366 a

1 AMENDMENT TO HOUSE BILL 5399

2 AMENDMENT NO. _____. Amend House Bill 5399 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Section
5 11E-35 as follows:

6 (105 ILCS 5/11E-35)

7 Sec. 11E-35. Petition filing.

8 (a) A petition shall be filed with the regional
9 superintendent of schools of the educational service region in
10 which the territory described in the petition or that part of
11 the territory with the greater percentage of equalized assessed
12 valuation is situated. The petition must do the following:

13 (1) be signed by at least 50 legal resident voters or
14 10% of the legal resident voters, whichever is less,
15 residing within each affected district; or

16 (2) be approved by the school board in each affected

1 district.

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

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

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

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

7 (C) for or against the establishment of a combined
8 elementary district;

9 (D) for or against the establishment of a combined
10 high school district;

11 (E) for or against the establishment of a combined
12 unit district;

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

15 (G) for or against the establishment of a unit
16 district from both dual district and unit district
17 territory;

18 (H) for or against the establishment of a combined
19 high school - unit district from a combination of one
20 or more high school districts and one or more unit
21 districts;

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

25 (J) for or against the establishment of an optional
26 elementary unit district from a combination of a

1 substantially coterminous dual district; or

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

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

8 (3) A specification of the maximum tax rates for
9 various purposes the proposed district or districts shall
10 be authorized to levy for various purposes and, if
11 applicable, the specifications related to the Property Tax
12 Extension Limitation Law, in accordance with Section
13 11E-80 of this Code.

14 (4) A description of how supplementary State deficit
15 difference payments made under subsection (c) of Section
16 11E-135 of this Code will be allocated among the new
17 districts proposed to be formed.

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

22 (6) If desired, a request that at that same election as
23 the reorganization proposition a school board or boards be
24 elected on a separate ballot or ballots to serve as the
25 school board or boards of the proposed new district or
26 districts. Any election of board members at the same

1 election at which the proposition to create the district or
2 districts to be served by the board or boards is submitted
3 to the voters shall proceed under the supervision of the
4 regional superintendent of schools as provided in Section
5 11E-55 of this Code.

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

20 (7.5) If desired, a request that the referendum at
21 which the proposition is submitted for the purpose of
22 voting for or against the establishment of a combined unit
23 district include as part of the proposition the election of
24 board members by a combination of members representing each
25 of the forming unit districts and members at large rather
26 than solely members at large. The format for the election

1 of the new unit district school board must be defined in
2 the petition. When 4 or more unit school districts are
3 involved and a combination of board members representing
4 each of the forming unit school districts and at-large
5 formats are used, one member must be elected from each of
6 the forming unit school districts. The remaining members
7 may be elected on an at-large basis, provided that none of
8 the forming unit school districts have a majority on the
9 resulting unit district school board. When 3 unit school
10 districts are involved and a combination of board members
11 representing each of the forming unit school districts and
12 at-large formats are used, 2 members must be elected from
13 each of the forming unit school districts. The remaining
14 member must be elected at large. When 2 unit school
15 districts are involved and a combination of board members
16 representing each of the forming unit school districts and
17 at-large formats are used, 3 members must be elected from
18 each of the forming unit school districts. The remaining
19 member must be elected at large.

20 (8) If desired, a request that the referendum at which
21 the proposition is submitted for the purpose of voting for
22 or against the establishment of a unit to dual conversion
23 include as part of the proposition the election of board
24 members for the new high school district (i) on an at large
25 basis, (ii) with board members representing each of the
26 forming elementary school districts, or (iii) a

1 combination of both. The format for the election of the new
2 high school board must be defined in the petition. When 4
3 or more unit school districts and a combination of board
4 members representing each of the forming elementary school
5 districts are involved and at large formats are used, one
6 member must be elected from each of the forming elementary
7 school districts. The remaining members may be elected on
8 an at large basis, provided that none of the underlying
9 elementary school districts have a majority on the
10 resulting high school board. When 3 unit school districts
11 and a combination of board members representing each of the
12 forming elementary school districts are involved and at
13 large formats are used, 2 members must be elected from each
14 of the forming elementary school districts. The remaining
15 member must be elected at large.

16 (9) If desired, a request that the referendum at which
17 the proposition shall be submitted include a proposition on
18 a separate ballot authorizing the issuance of bonds by the
19 district or districts when organized in accordance with
20 this Article. However, if the petition is submitted for the
21 purpose of voting for or against the establishment of an
22 optional elementary unit district, the petition may
23 request only that the referendum at which the proposition
24 is submitted include a proposition on a separate ballot
25 authorizing the issuance of bonds for high school purposes
26 (and not elementary purposes) by the district when

1 organized in accordance with this Article. The principal
2 amount of the bonds and the purposes of issuance, including
3 a specification of elementary or high school purposes if
4 the proposed issuance is to be made by a combined high
5 school - unit district, shall be stated in the petition and
6 in all notices and propositions submitted thereunder.

7 (10) A designation of a committee of ten of the
8 petitioners as attorney in fact for all petitioners, any 7
9 of whom may at any time, prior to the final decision of the
10 regional superintendent of schools, amend the petition in
11 all respects (except that, for a unit district formation,
12 there may not be an increase or decrease of more than 25%
13 of the territory to be included in the proposed district)
14 and make binding stipulations on behalf of all petitioners
15 as to any question with respect to the petition, including
16 the power to stipulate to accountings or the waiver thereof
17 between school districts.

18 (c) The regional superintendent of schools shall not accept
19 for filing under the authority of this Section any petition
20 that includes any territory already included as part of the
21 territory described in another pending petition filed under the
22 authority of this Section.

23 (d) (1) Those designated as the Committee of Ten shall serve
24 in that capacity until such time as the regional superintendent
25 of schools determines that, because of death, resignation,
26 transfer of residency from the territory, failure to qualify,

1 or any other reason, the office of a particular member of the
2 Committee of Ten is vacant. Upon determination by the regional
3 superintendent of schools that these vacancies exist, he or she
4 shall declare the vacancies and shall notify the remaining
5 members to appoint a petitioner or petitioners, as the case may
6 be, to fill the vacancies in the Committee of Ten so
7 designated. An appointment by the Committee of Ten to fill a
8 vacancy shall be made by a simple majority vote of the
9 designated remaining members.

10 (2) Failure of a person designated as a member of the
11 Committee of Ten to sign the petition shall not disqualify that
12 person as a member of the Committee of Ten, and that person may
13 sign the petition at any time prior to final disposition of the
14 petition and the conclusion of the proceedings to form a new
15 school district or districts, including all litigation
16 pertaining to the petition or proceedings.

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

20 (4) The regional superintendent of schools may accept a
21 stipulation made by the Committee of Ten instead of evidence or
22 proof of the matter stipulated or may refuse to accept the
23 stipulation, provided that the regional superintendent sets
24 forth the basis for the refusal.

25 (5) The Committee of Ten may voluntarily dismiss its
26 petition at any time before the petition is approved by either

1 the regional superintendent of schools or State Superintendent
2 of Education.

3 (Source: P.A. 94-1019, eff. 7-10-06.)

4 Section 99. Effective date. This Act takes effect January
5 1, 2009.".