



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB1377

Introduced 2/9/2007, by Sen. John J. Millner

SYNOPSIS AS INTRODUCED:

See Index

Creates the Meeting Local Educational Needs Law of the School Code. Allows for a petition to request submission of a proposition at a regularly scheduled election for the purpose of voting for or against the division of an existing community unit school district into 2 parts, (i) a compact and contiguous area that is proposed for detachment from the existing district and establishment as a separate community unit school district and (ii) the remainder of the original, existing district. Provides that the original district must have an enrollment of more than 30,000 students and be located in 2 or more municipalities and 2 or more counties and the petition, if successful, must result in 2 community unit school districts, each with an anticipated enrollment of at least 5,000 students. Contains provisions concerning the election area, the referendum, the creation of the new district (including election of a new school board and the powers of that board), the transfer of employment and collective bargaining, the accounting and division of assets, tax rates, transfer students, bonded indebtedness, and limitations on contesting boundary changes and successive petitions. Makes a related change in provisions of the School Code concerning debt limits. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB095 07043 NHT 27166 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 adding Article 11F
5 and by changing Section 19-1 as follows:

6 (105 ILCS 5/Art. 11F heading new)

7 ARTICLE 11F. DIVISION OF LARGE SCHOOL DISTRICTS

8 (105 ILCS 5/11F-1 new)

9 Sec. 11F-1. Short title. This Article may be cited as the
10 Meeting Local Educational Needs Law.

11 (105 ILCS 5/11F-5 new)

12 Sec. 11F-5. Purpose; findings.

13 (a) This Article provides a mechanism whereby a new
14 community unit school district may be established from a
15 portion of the territory of an existing community unit school
16 district.

17 (b) The General Assembly hereby determines and declares all
18 of the following:

19 (1) That the school needs of certain large regions can
20 be better met by smaller school districts that can be more
21 responsive to local needs. In addition, often the needs of

1 children and citizens of a very large district can be
2 better served by reducing the size of the district and thus
3 reducing the scope of its responsibilities.

4 (2) That economic burdens that can result from
5 inadequately met school needs fall both upon a region and
6 upon the State and can include unemployment and
7 underemployment of workers, increased need for public
8 assistance, falling property values, a diminished market
9 for housing, and reduced tax revenues, and, in the event
10 that families migrate elsewhere to find better educational
11 opportunities, the burdens may also fall upon the
12 municipalities and other taxing districts within an area
13 losing population and property value in the form of reduced
14 tax revenues, thereby endangering its financial ability to
15 support necessary governmental services for its remaining
16 inhabitants.

17 (3) That the State has a responsibility to help create
18 a favorable climate for educational opportunities for its
19 citizens by encouraging the development of vibrant and
20 dynamic public school systems in this State.

21 (4) That the main purpose of this Article is to promote
22 improvement in education, thereby reducing the evils
23 attendant upon unemployment and underemployment and the
24 disintegration of community life attendant upon migration
25 of families from a region and falling property values and
26 thereby enhancing the public health, safety, morals,

1 happiness and general welfare of this State.

2 (5) That while a goal of this State is generally to
3 reduce the overall number of school districts in this
4 State, in certain situations very large school districts in
5 this State draw students from multiple municipalities and
6 multiple counties, which can cause the district to lack the
7 uniformity of purpose present in many of this State's
8 largest school districts.

9 (105 ILCS 5/11F-10 new)

10 Sec. 11F-10. Definitions. The following terms, whenever
11 used or referred to in this Article, shall have the following
12 meanings, except in such instances where the context may
13 clearly indicate otherwise:

14 "Detachment" means the detachment of territory as
15 described in Section 11F-25 of this Code.

16 "New Board of Education" means the board of education of a
17 New District, created under this Article.

18 "New District " means a new community unit school district
19 created from a portion of an existing community unit school
20 district under this Article.

21 "Original District" means an existing community unit
22 school district, a portion of whose territory is proposed to be
23 detached to form a New District.

24 "Territory" means a compact and contiguous area that is
25 proposed for detachment from an existing community unit school

1 district and establishment as a separate community unit school
2 district.

3 (105 ILCS 5/11F-15 new)

4 Sec. 11F-15. Petition; election area.

5 (a) A petition under this Article shall be filed with the
6 Regional Superintendent of Schools of the educational service
7 region in which the largest part of the Territory described in
8 the petition is situated, signed by at least 200 voters
9 residing in the Territory. No petition filed or election held
10 under this Article shall be null and void, invalidated, or
11 deemed in noncompliance with the Election Code for failure of
12 any person or persons to publish a notice of intention to file
13 such a petition or to attach an affidavit attesting to the
14 publication of such notice as required under subsection (g) of
15 Section 28-2 of the Election Code for petitions that are not
16 filed under Article 11E of this Code. The petition shall
17 request submission of a proposition at a regularly scheduled
18 election for the purpose of voting for or against the division
19 of an Original District into 2 parts, the Territory and the
20 remainder of the Original District.

21 (b) The petition shall contain the following:

22 (1) A description of the Territory proposed for
23 detachment. Describing the Territory by reference to the
24 boundaries of other political subdivisions is hereby
25 authorized, although not required.

1 (2) Tax rates for the New District.

2 (3) An aggregate extension base for the New District.

3 (4) A request that the question of formation of the New
4 District be placed on the ballot as required in this
5 Article.

6 (5) A request that the board of education be elected on
7 a separate ballot at the same election that the question of
8 formation of the New District is on the ballot.

9 (6) Designation of a Committee of Ten, as provided
10 under subsection (d) of this Section.

11 (c) The petition may contain the following:

12 (1) A Debt Service Extension Base for the New District,
13 if one is desired.

14 (2) A request that a proposition to issue bonds be
15 placed on a separate ballot at the same election as the
16 question of formation of the New District.

17 (3) A request for authority to issue working cash bonds
18 in an amount not to exceed 85% of the aggregate extension
19 base.

20 (d) The petition shall designate a committee of 10 of the
21 petitioners, any 7 of whom may at any time, prior to the final
22 decision of the Regional Superintendent, amend the petition in
23 all respects (except that there may not be an increase or
24 decrease of more than 25% of the Territory to be included in
25 the proposed district) and may make binding stipulations on
26 behalf of all petitioners as to any question with respect to

1 the petition or hearing. The Regional Superintendent may accept
2 such stipulation instead of evidence or proof of the matter
3 stipulated. The committee of petitioners may stipulate to
4 accountings or waiver thereof between school districts
5 pursuant to Article 11C of this Code; however, the Regional
6 Superintendent may refuse to accept the stipulation. Those
7 designated as the Committee of Ten shall serve in such capacity
8 until such time as the Regional Superintendent should determine
9 that, because of death, resignation, transfer of residency from
10 the Territory, or failure to qualify or for any other reason,
11 the office of a particular member of the Committee is vacant.
12 Failure of a person designated as a member of the Committee of
13 Ten to sign the petition shall not disqualify the person as a
14 member of the Committee, and the person may sign the petition
15 at any time prior to final disposition of the petition and the
16 conclusion of the proceedings to form a unit district,
17 including all litigation pertaining to the petition or
18 proceedings. Upon determination by the Regional Superintendent
19 that such vacancies exist, he or she shall so declare the
20 vacancies and shall notify the remaining members to appoint a
21 petitioner or petitioners, as the case may be, to fill the
22 vacancies in the Committee of Ten so designated. Such
23 appointment by the Committee of Ten of any such new membership
24 shall be made by a simple majority vote of the designated
25 remaining members. The Committee of Ten shall act, unless
26 otherwise specified in this Article, by majority vote of the

1 membership. The Committee of Ten may voluntarily dismiss its
2 petition at any time before the final decision of the Regional
3 Superintendent.

4 Alternatively, if a single municipality encompasses 50% or
5 more of the Territory included in the petition, the petition
6 may be filed by that municipality, by ordinance approved by a
7 two-thirds vote of the corporate authorities, and the corporate
8 authorities by a two-thirds vote thereof may perform any of the
9 activities that the Committee of Ten is authorized to perform.
10 The General Assembly declares that when a home rule
11 municipality files a petition pursuant to this Article, the
12 municipality is deemed to be taking action pertaining to its
13 government and affairs as provided for in Section 6 of Article
14 VII of the Illinois Constitution.

15 (e) The petition shall state that at that same election at
16 which the question of formation of the New District is placed
17 on the ballot, a board of education shall be elected on a
18 separate ballot to serve as the board of education of the
19 proposed New District. The election of board members shall
20 proceed under the supervision of the Regional Superintendent.

21 The petition may also request that the referendum at which
22 the proposition is submitted for the purpose of voting for or
23 against the division of a community unit school district in the
24 Territory include a proposition on a separate ballot
25 authorizing the issuance of bonds by the district when
26 organized, in accordance with this Article. The principal

1 amount of the bonds and the purposes of issuance shall be
2 stated in the petition and in all notices and propositions
3 submitted thereunder.

4 (f) A petition for the division of an Original District
5 into 2 parts may be submitted only with respect to an Original
6 District with an enrollment of more than 30,000 students that
7 is located in 2 or more municipalities and 2 or more counties,
8 and which petition, if successful, would result in 2 community
9 unit school districts, each with an anticipated enrollment of
10 at least 5,000 students.

11 (g) The petition shall be filed with the Regional
12 Superintendent of the educational service region in which the
13 Territory described in the petition or that part of the
14 Territory with the largest part of the proposed New District is
15 located. The Regional Superintendent shall cause a copy of the
16 petition to be given to each school board of any district
17 affected by the proposed formation of the New District and the
18 Regional Superintendent of any other educational service
19 region in which any part of any affected district is located
20 and shall cause a notice thereof to be published at least once
21 each week for 3 successive weeks in at least one newspaper
22 having general circulation within the area of the Territory of
23 the proposed district. The Regional Superintendent shall give
24 such notice within 90 days after receipt of the petition. The
25 notice shall state when and to whom the petition was presented,
26 the prayer of the petition, the description of the Territory of

1 the proposed New District, that school board members for the
2 New District shall be elected on a separate ballot at the same
3 election, if requested in the petition, a statement of the
4 proposition to issue bonds and indicating the amount and
5 purpose thereof, and the day on which the hearing upon the
6 petition will be held. Not more than 15 days after the last
7 date of the required notice, the Regional Superintendent shall
8 hold a hearing on the petition to determine whether the
9 petition is in compliance with the signature, size, location,
10 contiguity, and compactness requirements specified in this
11 Article and to make findings and conclusions regarding the
12 criteria enumerated in this Section.

13 (h) Upon the Regional Superintendent determining that the
14 petition, as filed or amended, is proper and is in compliance
15 with any applicable petition requirements set forth in the
16 Election Code and this Article, he or she shall hear evidence
17 as to the school needs and conditions of the Territory and in
18 the area within and adjacent thereto, take into consideration
19 the division of funds and assets that will result from the
20 organization of the New District, and determine whether such
21 division of funds and assets will permit the New District and
22 the original district sufficient resources to operate viable
23 unit school district programs.

24 The Regional Superintendent shall consider all of the
25 following in reaching his or her decision:

26 (1) The benefit to students that can come from

1 increased involvement with their home municipality,
2 library, and park district, and coordination of activities
3 of those units of local government with activities of the
4 new unit school district.

5 (2) The benefit to students that can come from
6 increased direct coordination of curricular and
7 extracurricular activities among the elementary, middle,
8 and high schools of the New District.

9 (3) Whether the formation of the New District is in the
10 best interests and educational welfare of the whole child,
11 for the children who would attend the schools of the New
12 District, looking at factors that include, but are not
13 limited to, (i) whether the students would benefit from a
14 "community of interest" from the new school district, (ii)
15 whether the community of interest could lead to increased
16 participation in extracurricular activities of the schools
17 of the New District, (iii) whether the community of
18 interest could lead to equivalent or increased
19 participation in the social, religious, and commercial
20 activities of the community, and (iv) whether these same
21 factors would be diminished in a substantial way for the
22 students of the Original District.

23 At the hearing, any resident in the proposed New District
24 or in any district affected thereby or any Regional
25 Superintendent entitled by this Section to be given a copy of
26 the petition may appear in support of the petition or to object

1 thereto. The Regional Superintendent may adjourn the hearing
2 from time to time. Within 14 days after the conclusion of the
3 hearing, the Regional Superintendent shall make a decision by
4 written order either approving or denying the petition. Upon
5 the Regional Superintendent approving or denying the petition,
6 he or she shall submit the petition and all evidence submitted
7 to the State Superintendent of Education who shall, within 60
8 days after receipt of the decision of the Regional
9 Superintendent, approve or deny the petition.

10 The State Superintendent of Education shall review the
11 entire record of the proceedings held before the Regional
12 Superintendent, including the transcript of the proceedings,
13 and based upon a review of the same, shall affirm the decision
14 of the Regional Superintendent unless the State Superintendent
15 of Education finds that the decision is arbitrary or
16 capricious. If the State Superintendent of Education denies the
17 petition, the reasons for the denial must be communicated to
18 appropriate groups, agencies, or instrumentalities
19 representing the petitioners. If approved by the State
20 Superintendent of Education, the petition must be placed on the
21 ballot at the next regularly scheduled election. If the State
22 Superintendent fails to act to approve or deny within 60 days,
23 the petition shall be deemed approved.

24 The decisions of the Regional Superintendent and the State
25 Superintendent of Education shall be deemed an "administrative
26 decision" as defined in Section 3-101 of the Code of Civil

1 Procedure. Any resident who appears at the hearing, any
2 petitioner, the Committee of Ten, or the board of education of
3 any district affected may, within 35 days after a copy of the
4 decision sought to be reviewed was served by registered mail
5 upon the party affected thereby, apply for a review of the
6 decision in accordance with the Administrative Review Law and
7 the rules adopted pursuant thereto. The commencement of any
8 action for review shall operate as a supersedeas, and no
9 further proceedings shall be had until final disposition of the
10 review.

11 (i) The election must be held in the entire area of the
12 Original District. For electors residing in the Original
13 District, but not in the Territory, the election shall be only
14 on the question of establishing the New District with specified
15 tax rate and extension information and not any other questions.
16 Electors residing in the Territory shall also be asked to vote
17 on another ballot for members of the Board of Education of the
18 New District and may also be asked to vote for or against
19 propositions to issue bonds on behalf of the New District.

20 (105 ILCS 5/11F-20 new)

21 Sec. 11F-20. Referendum.

22 (a) The Regional Superintendent of Schools of the
23 educational service region comprising the largest percentage
24 of the Territory proposed for disconnection is hereby directed
25 to certify a question for the ballot at the next general,

1 general primary, or consolidated election to occur at least 88
2 days after the date of the completion of and rendering of a
3 decision on the hearing. If the Territory encompasses areas
4 that are beyond the jurisdiction of the Regional Superintendent
5 or if a district-wide election is required and the Original
6 District encompasses areas beyond the jurisdiction of the
7 Regional Superintendent, then the Regional Superintendent
8 shall certify the appropriate question or questions to the
9 Regional Superintendent or Superintendents having jurisdiction
10 of such area or areas for placement on the ballot at the same
11 election that the certifying Regional Superintendent will
12 place the question or questions on the ballot.

13 (b) One or more public questions to create a community unit
14 school district under this Article, to elect school board
15 members, and to authorize the issuance of bonds by the newly
16 created district when organized shall be printed on the ballot
17 and submitted at the next regularly scheduled election as set
18 out in this Section, notwithstanding anything to the contrary
19 in Section 28-1 of the Election Code and notwithstanding any
20 other propositions that may be presented at the same election.

21 (c) The referendum shall be conducted in accordance with
22 the general election law, except as specifically stated in this
23 Section.

24 (d) The Notice of the referendum shall be substantially in
25 the following form:

1 NOTICE OF REFERENDUM TO DETACH TERRITORY FROM A CERTAIN UNIT
2 SCHOOL DISTRICT AND TO ESTABLISH A NEW UNIT SCHOOL DISTRICT

3 NOTICE is hereby given that on (insert date), a referendum
4 will be held in part (parts) of county (counties)
5 for the purpose of voting for or against the proposition to
6 detach territory from (here name the district from which the
7 territory is to be detached) and to establish a new unit school
8 district for the following described territory:

9 (here describe the territory as in the petition)

10 The election is called and will be held pursuant to an
11 order of the Regional Superintendent of Schools dated on
12 (insert date), which order states that the tax rates for
13 educational, operations and maintenance, pupil transportation,
14 and fire prevention and safety purposes, respectively, for the
15 proposed new school district shall be as follows for the new
16 school district for the territory described above: tax rates of
17 for educational purposes, for operations and
18 maintenance purposes, for pupil transportation purposes,
19 and for fire prevention and safety purposes, which rates
20 shall constitute the tax rates for the school district, if a
21 majority of the voters voting on the proposition at the
22 referendum vote in favor thereof.

- 1 (5)% for tort immunity;
2 (6)% for health insurance; and
3 (7)% for fire prevention, safety, energy
4 conservation, disabled accessibility, school security, and
5 repair purposes as specified in 105 ILCS 5/17-2.11.

6 The election authority must record the votes as "Yes" or "No".

7 (g) If a majority of the voters voting in the election vote
8 in favor of the New District, then the proposition shall be
9 deemed to have passed, and the New District shall be deemed
10 created with the tax rates specified in the question or other
11 applicable rates as specified in this Code if no rate is
12 specified for a particular tax. Notwithstanding anything to the
13 contrary in Sections 18-210 and 18-212 of the Property Tax
14 Code, the New District shall have the aggregate extension base
15 specified in the question and the debt service extension base
16 specified in the question if one was specified.

17 (105 ILCS 5/11F-25 new)

18 Sec. 11F-25. Creation of New School District.

19 (a) Upon the passage of the referendum, the New District
20 shall be established. The governing and administrative powers
21 of the New District shall be vested in a Board of Education
22 consisting of 7 members, all of whom shall have been elected at
23 large by voters residing in the Territory at the same regularly
24 scheduled election as the election establishing the New

1 District.

2 (b) The terms of all members of the Board of Education
3 shall begin on their election. The 7 members elected pursuant
4 to this Article shall draw lots to determine the length of
5 their terms. Three shall serve for 2-year terms, and 4 shall
6 serve for 4-year terms. The Board of Education shall in all
7 other respects be governed by the provisions of this Code and
8 as qualified and clarified in this Article.

9 (c) The Territory comprising the New District shall be
10 detached from the territory comprising the Original District,
11 effective on July 1 one year after the July 1 following the
12 election of the new Board of Education. Title to all school
13 lands and buildings located within the Territory of the New
14 District and owned by the Board of Education of the Original
15 District as of the effective date of the detachment shall vest
16 in the new Board of Education as of the date of the detachment
17 of the Territory.

18 (d) After the election and the organization of the new
19 Board of Education and prior to the date of detachment as set
20 forth in subsection (c) of this Section, the new Board of
21 Education shall have the power to place all necessary public
22 questions on the ballot of any regularly scheduled election,
23 including, but not limited to, questions for the purposes set
24 out in Section 10-22.36 of this Code, and to do all of the
25 following:

26 (1) Establish the tax levy for the New District in the

1 year immediately preceding the year in which the New
2 District will take effect, in lieu of the levies by the
3 district from which the New District is formed, within the
4 time generally provided by law and in accordance with
5 Section 11F-40 of this Code. The funds produced by such a
6 levy shall be transferred to the New District as generally
7 provided by law at such time as they are received by the
8 county collector.

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

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

18 (4) Engage the services of accountants, architects,
19 attorneys, and other consultants, including, but not
20 limited to, consultants to assist in the search for the
21 superintendent.

22 (5) Plan for the transition from the administration of
23 the schools by the district from which the New District is
24 formed.

25 (6) Bargain collectively, pursuant to the Illinois
26 Educational Labor Relations Act, with the certified

1 exclusive bargaining representative or certified exclusive
2 bargaining representatives of the New District's
3 employees.

4 (7) Expend the funds received from the levy in order to
5 permit the district from which the New District is formed
6 to meet payroll and other essential operating expenses
7 until the New District takes effect for all purposes.

8 (8) Expend the funds received from the levy and any
9 funds received from the district from which the New
10 District is formed, in the exercise of the powers listed in
11 this Section.

12 (9) Issue bonds pursuant to and in accordance with all
13 of the requirements of Section 17-2.11 of this Code, levy
14 taxes upon all taxable property within the New District to
15 pay the principal of and interest on those bonds as
16 provided in Section 17-2.11 of this Code, expend the
17 proceeds of the bonds and enter into any necessary
18 contracts for the work financed therewith as authorized by
19 Section 17-2.11 of this Code and other applicable law, and
20 avail itself of the provisions of other applicable law,
21 including the Omnibus Bond Acts, in connection with the
22 issuance of those bonds.

23 (10) Issue working cash bonds or tax anticipation
24 warrants or both.

25 (e) After the proposition has been approved at election,
26 the date on which the change shall become effective for

1 purposes of administration and attendance may be accelerated or
2 postponed by stipulation of each of the school boards of the
3 New District and the Original District and approved by the
4 Regional Superintendent of Schools with which the original
5 petition is required to be filed.

6 (105 ILCS 5/11F-30 new)

7 Sec. 11F-30. Transfer of employment; collective
8 bargaining.

9 (a) As of the date of detachment and transfer of real
10 property described in Section 11F-25 of this Code, the
11 employment of all full-time, certified employees and of all
12 full-time, educational-support personnel assigned to the
13 buildings located in the New District shall be transferred to
14 the new Board of Education and the New District. Full-time,
15 certified employees and full-time, educational-support
16 personnel who are assigned part-time to a building or buildings
17 that shall be located in the New District and part-time in a
18 building or buildings located in the Original District shall
19 have the right to choose to assign their employment to one
20 District or the other and shall notify the Boards of Education
21 of both Districts of such choice no later than March 1 of the
22 year in which the disconnection described in Section 11F-25 of
23 this Code shall take place.

24 (b) Employees subject to this Section shall suffer no loss
25 of accrued benefits of any kind, and all seniority rights of

1 all such employees shall be honored in the same manner as if no
2 transfer of employment had occurred.

3 (c) The exclusive representative of any group of employees
4 covered by this Section, as "exclusive representative" is
5 defined in Section 2 of the Illinois Educational Labor
6 Relations Act, shall be deemed to be and shall be recognized by
7 the New District as the exclusive representative of employees
8 transferred to the New District. The new Board of Education
9 shall have the duty to bargain with the exclusive
10 representative, subject to the provisions of the Illinois
11 Educational Labor Relations Act.

12 (105 ILCS 5/11F-35 new)

13 Sec. 11F-35. Accounting and division of assets. As soon as
14 may be practicable after the passage of a referendum provided
15 for by this Article, the Regional Superintendent of Schools of
16 the educational service region in which the largest percentage
17 of the New District's Territory is located shall conduct an
18 accounting pursuant to Article 11C of this Code for the purpose
19 of determining an equitable division of school assets and
20 property as between the Original District and the New District.
21 If the result of the accounting is that the Original District
22 would owe money to the New District, then all such costs must
23 be forgiven. If the result of the accounting is that the New
24 District owes money to the Original District, then the New
25 District shall make such payment as provided in Article 11C of

1 this Code. For purposes of the accounting, capital assets and
2 real property must be assessed or appraised on the basis of
3 insurance replacement costs, and financial assets must be
4 assessed by means of an audit. The accounting is subject to
5 administrative review, pursuant to Section 11C-3 of this Code.

6 (105 ILCS 5/11F-40 new)

7 Sec. 11F-40. Tax rates. Initial tax rates shall be as
8 specified in the ballot question in Section 11F-20 of this Code
9 or in other applicable provisions of this Code. If the ballot
10 question is approved, these rates shall be used to develop the
11 initial levy of the New District. After the election, the rates
12 established by the ballot may be increased or decreased in the
13 same manner and within the limits provided by Sections 17-2
14 through 17-7 of this Code and the Property Tax Extension
15 Limitation Law, if applicable.

16 (105 ILCS 5/11F-45 new)

17 Sec. 11F-45. Transfer students under No Child Left Behind
18 Act. For a period of 10 years after the opening of schools in a
19 New District created under this Article, the New District shall
20 accept students electing to transfer from any school in the
21 Original District that fails to make adequate yearly progress
22 for at least 2 consecutive years, as required by the federal No
23 Child Left Behind Act of 2001 and applicable provisions of this
24 Code, in the same manner as if the New District had never been

1 created from territory formerly within the Original District.
2 After 10 years, such transfers shall be subject to agreement
3 between the districts.

4 (105 ILCS 5/11F-50 new)

5 Sec. 11F-50. Bonded indebtedness. Whenever the boundaries
6 of any community unit school district are changed by the
7 detachment of territory and establishment of a New District,
8 the Original District and the New District, as they exist on
9 and after such action, shall each assume the bonded
10 indebtedness, as well as financial obligations to the Capital
11 Development Board pursuant to Section 35-15 of this Code, of
12 all of the territory included therein after such change. The
13 outstanding bonded indebtedness shall be treated as provided in
14 this Section and in Section 19-29 of this Code. The tax rate
15 for bonded indebtedness shall be determined in the manner
16 provided in Section 19-7 of this Code, except that the County
17 Clerk shall annually extend taxes against all of the taxable
18 property situated in the county and contained in each such
19 district as it exists after the formation of the community unit
20 school district provided for in this Article.

21 (105 ILCS 5/11F-55 new)

22 Sec. 11F-55. Limitations on contesting boundary change.
23 Neither the People of the State of Illinois, any person or
24 corporation, private or public, nor any association of persons

1 shall commence an action contesting either directly or
2 indirectly the creation of any new school district under the
3 provisions of this Article, unless the action is commenced (i)
4 within one year after the order providing for the action shall
5 have become final, (ii) within one year after the date of the
6 election provided for in this Article if no proceedings to
7 contest the election are duly instituted within the time
8 permitted by law, or (iii) within one year after the final
9 disposition of any proceedings that may be so instituted to
10 contest the election; however, where a limitation of a shorter
11 period is prescribed by statute, the shorter limitation shall
12 apply, and the limitation set forth in this Section shall not
13 apply to any order where the judge, body, or officer entering
14 the order being challenged did not at the time of the entry of
15 the order have jurisdiction of the subject matter.

16 (105 ILCS 5/11F-60 new)

17 Sec. 11F-60. Limitation on successive petitions. No
18 affected school district shall be again involved in proceedings
19 under this Article for at least 2 years after final
20 determination of the first proceeding, unless during that
21 2-year period a petition filed is substantially different than
22 any other previously filed petition during the previous 2 years
23 or if an affected district is placed on academic watch status
24 or the financial watch list by the State Board of Education or
25 is certified as being in financial difficulty during that

1 2-year period.

2 (105 ILCS 5/19-1) (from Ch. 122, par. 19-1)

3 Sec. 19-1. Debt limitations of school districts.

4 (a) School districts shall not be subject to the provisions
5 limiting their indebtedness prescribed in "An Act to limit the
6 indebtedness of counties having a population of less than
7 500,000 and townships, school districts and other municipal
8 corporations having a population of less than 300,000",
9 approved February 15, 1928, as amended.

10 No school districts maintaining grades K through 8 or 9
11 through 12 shall become indebted in any manner or for any
12 purpose to an amount, including existing indebtedness, in the
13 aggregate exceeding 6.9% on the value of the taxable property
14 therein to be ascertained by the last assessment for State and
15 county taxes or, until January 1, 1983, if greater, the sum
16 that is produced by multiplying the school district's 1978
17 equalized assessed valuation by the debt limitation percentage
18 in effect on January 1, 1979, previous to the incurring of such
19 indebtedness.

20 No school districts maintaining grades K through 12 shall
21 become indebted in any manner or for any purpose to an amount,
22 including existing indebtedness, in the aggregate exceeding
23 13.8% on the value of the taxable property therein to be
24 ascertained by the last assessment for State and county taxes
25 or, until January 1, 1983, if greater, the sum that is produced

1 by multiplying the school district's 1978 equalized assessed
2 valuation by the debt limitation percentage in effect on
3 January 1, 1979, previous to the incurring of such
4 indebtedness.

5 No partial elementary unit district, as defined in Article
6 11E of this Code, shall become indebted in any manner or for
7 any purpose in an amount, including existing indebtedness, in
8 the aggregate exceeding 6.9% of the value of the taxable
9 property of the entire district, to be ascertained by the last
10 assessment for State and county taxes, plus an amount,
11 including existing indebtedness, in the aggregate exceeding
12 6.9% of the value of the taxable property of that portion of
13 the district included in the elementary and high school
14 classification, to be ascertained by the last assessment for
15 State and county taxes. Moreover, no partial elementary unit
16 district, as defined in Article 11E of this Code, shall become
17 indebted on account of bonds issued by the district for high
18 school purposes in the aggregate exceeding 6.9% of the value of
19 the taxable property of the entire district, to be ascertained
20 by the last assessment for State and county taxes, nor shall
21 the district become indebted on account of bonds issued by the
22 district for elementary purposes in the aggregate exceeding
23 6.9% of the value of the taxable property for that portion of
24 the district included in the elementary and high school
25 classification, to be ascertained by the last assessment for
26 State and county taxes.

1 Notwithstanding the provisions of any other law to the
2 contrary, in any case in which the voters of a school district
3 have approved a proposition for the issuance of bonds of such
4 school district at an election held prior to January 1, 1979,
5 and all of the bonds approved at such election have not been
6 issued, the debt limitation applicable to such school district
7 during the calendar year 1979 shall be computed by multiplying
8 the value of taxable property therein, including personal
9 property, as ascertained by the last assessment for State and
10 county taxes, previous to the incurring of such indebtedness,
11 by the percentage limitation applicable to such school district
12 under the provisions of this subsection (a).

13 (b) Notwithstanding the debt limitation prescribed in
14 subsection (a) of this Section, additional indebtedness may be
15 incurred in an amount not to exceed the estimated cost of
16 acquiring or improving school sites or constructing and
17 equipping additional building facilities under the following
18 conditions:

19 (1) Whenever the enrollment of students for the next
20 school year is estimated by the board of education to
21 increase over the actual present enrollment by not less
22 than 35% or by not less than 200 students or the actual
23 present enrollment of students has increased over the
24 previous school year by not less than 35% or by not less
25 than 200 students and the board of education determines
26 that additional school sites or building facilities are

1 required as a result of such increase in enrollment; and

2 (2) When the Regional Superintendent of Schools having
3 jurisdiction over the school district and the State
4 Superintendent of Education concur in such enrollment
5 projection or increase and approve the need for such
6 additional school sites or building facilities and the
7 estimated cost thereof; and

8 (3) When the voters in the school district approve a
9 proposition for the issuance of bonds for the purpose of
10 acquiring or improving such needed school sites or
11 constructing and equipping such needed additional building
12 facilities at an election called and held for that purpose.
13 Notice of such an election shall state that the amount of
14 indebtedness proposed to be incurred would exceed the debt
15 limitation otherwise applicable to the school district.
16 The ballot for such proposition shall state what percentage
17 of the equalized assessed valuation will be outstanding in
18 bonds if the proposed issuance of bonds is approved by the
19 voters; or

20 (4) Notwithstanding the provisions of paragraphs (1)
21 through (3) of this subsection (b), if the school board
22 determines that additional facilities are needed to
23 provide a quality educational program and not less than 2/3
24 of those voting in an election called by the school board
25 on the question approve the issuance of bonds for the
26 construction of such facilities, the school district may

1 issue bonds for this purpose; or

2 (5) Notwithstanding the provisions of paragraphs (1)
3 through (3) of this subsection (b), if (i) the school
4 district has previously availed itself of the provisions of
5 paragraph (4) of this subsection (b) to enable it to issue
6 bonds, (ii) the voters of the school district have not
7 defeated a proposition for the issuance of bonds since the
8 referendum described in paragraph (4) of this subsection
9 (b) was held, (iii) the school board determines that
10 additional facilities are needed to provide a quality
11 educational program, and (iv) a majority of those voting in
12 an election called by the school board on the question
13 approve the issuance of bonds for the construction of such
14 facilities, the school district may issue bonds for this
15 purpose.

16 In no event shall the indebtedness incurred pursuant to
17 this subsection (b) and the existing indebtedness of the school
18 district exceed 15% of the value of the taxable property
19 therein to be ascertained by the last assessment for State and
20 county taxes, previous to the incurring of such indebtedness
21 or, until January 1, 1983, if greater, the sum that is produced
22 by multiplying the school district's 1978 equalized assessed
23 valuation by the debt limitation percentage in effect on
24 January 1, 1979.

25 The indebtedness provided for by this subsection (b) shall
26 be in addition to and in excess of any other debt limitation.

1 (c) Notwithstanding the debt limitation prescribed in
2 subsection (a) of this Section, in any case in which a public
3 question for the issuance of bonds of a proposed school
4 district maintaining grades kindergarten through 12 received
5 at least 60% of the valid ballots cast on the question at an
6 election held on or prior to November 8, 1994, and in which the
7 bonds approved at such election have not been issued, the
8 school district pursuant to the requirements of Section 11A-10
9 (now repealed) may issue the total amount of bonds approved at
10 such election for the purpose stated in the question.

11 (d) 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) and (2) of this
14 subsection (d) may incur an additional indebtedness in an
15 amount not to exceed \$4,500,000, even though the amount of the
16 additional indebtedness authorized by this subsection (d),
17 when incurred and added to the aggregate amount of indebtedness
18 of the district existing immediately prior to the district
19 incurring the additional indebtedness authorized by this
20 subsection (d), causes the aggregate indebtedness of the
21 district to exceed the debt limitation otherwise applicable to
22 that district under subsection (a):

23 (1) The additional indebtedness authorized by this
24 subsection (d) is incurred by the school district through
25 the issuance of bonds under and in accordance with Section
26 17-2.11a for the purpose of replacing a school building

1 which, because of mine subsidence damage, has been closed
2 as provided in paragraph (2) of this subsection (d) or
3 through the issuance of bonds under and in accordance with
4 Section 19-3 for the purpose of increasing the size of, or
5 providing for additional functions in, such replacement
6 school buildings, or both such purposes.

7 (2) The bonds issued by the school district as provided
8 in paragraph (1) above are issued for the purposes of
9 construction by the school district of a new school
10 building pursuant to Section 17-2.11, to replace an
11 existing school building that, because of mine subsidence
12 damage, is closed as of the end of the 1992-93 school year
13 pursuant to action of the regional superintendent of
14 schools of the educational service region in which the
15 district is located under Section 3-14.22 or are issued for
16 the purpose of increasing the size of, or providing for
17 additional functions in, the new school building being
18 constructed to replace a school building closed as the
19 result of mine subsidence damage, or both such purposes.

20 (e) (Blank).

21 (f) Notwithstanding the provisions of subsection (a) of
22 this Section or of any other law, bonds in not to exceed the
23 aggregate amount of \$5,500,000 and issued by a school district
24 meeting the following criteria shall not be considered
25 indebtedness for purposes of any statutory limitation and may
26 be issued in an amount or amounts, including existing

1 indebtedness, in excess of any heretofore or hereafter imposed
2 statutory limitation as to indebtedness:

3 (1) At the time of the sale of such bonds, the board of
4 education of the district shall have determined by
5 resolution that the enrollment of students in the district
6 is projected to increase by not less than 7% during each of
7 the next succeeding 2 school years.

8 (2) The board of education shall also determine by
9 resolution that the improvements to be financed with the
10 proceeds of the bonds are needed because of the projected
11 enrollment increases.

12 (3) The board of education shall also determine by
13 resolution that the projected increases in enrollment are
14 the result of improvements made or expected to be made to
15 passenger rail facilities located in the school district.

16 Notwithstanding the provisions of subsection (a) of this
17 Section or of any other law, a school district that has availed
18 itself of the provisions of this subsection (f) prior to July
19 22, 2004 (the effective date of Public Act 93-799) may also
20 issue bonds approved by referendum up to an amount, including
21 existing indebtedness, not exceeding 25% of the equalized
22 assessed value of the taxable property in the district if all
23 of the conditions set forth in items (1), (2), and (3) of this
24 subsection (f) are met.

25 (g) Notwithstanding the provisions of subsection (a) of
26 this Section or any other law, bonds in not to exceed an

1 aggregate amount of 25% of the equalized assessed value of the
2 taxable property of a school district and issued by a school
3 district meeting the criteria in paragraphs (i) through (iv) of
4 this subsection shall not be considered indebtedness for
5 purposes of any statutory limitation and may be issued pursuant
6 to resolution of the school board in an amount or amounts,
7 including existing indebtedness, in excess of any statutory
8 limitation of indebtedness heretofore or hereafter imposed:

9 (i) The bonds are issued for the purpose of
10 constructing a new high school building to replace two
11 adjacent existing buildings which together house a single
12 high school, each of which is more than 65 years old, and
13 which together are located on more than 10 acres and less
14 than 11 acres of property.

15 (ii) At the time the resolution authorizing the
16 issuance of the bonds is adopted, the cost of constructing
17 a new school building to replace the existing school
18 building is less than 60% of the cost of repairing the
19 existing school building.

20 (iii) The sale of the bonds occurs before July 1, 1997.

21 (iv) The school district issuing the bonds is a unit
22 school district located in a county of less than 70,000 and
23 more than 50,000 inhabitants, which has an average daily
24 attendance of less than 1,500 and an equalized assessed
25 valuation of less than \$29,000,000.

26 (h) Notwithstanding any other provisions of this Section or

1 the provisions of any other law, until January 1, 1998, a
2 community unit school district maintaining grades K through 12
3 may issue bonds up to an amount, including existing
4 indebtedness, not exceeding 27.6% of the equalized assessed
5 value of the taxable property in the district, if all of the
6 following conditions are met:

7 (i) The school district has an equalized assessed
8 valuation for calendar year 1995 of less than \$24,000,000;

9 (ii) The bonds are issued for the capital improvement,
10 renovation, rehabilitation, or replacement of existing
11 school buildings of the district, all of which buildings
12 were originally constructed not less than 40 years ago;

13 (iii) The voters of the district approve a proposition
14 for the issuance of the bonds at a referendum held after
15 March 19, 1996; and

16 (iv) The bonds are issued pursuant to Sections 19-2
17 through 19-7 of this Code.

18 (i) Notwithstanding any other provisions of this Section or
19 the provisions of any other law, until January 1, 1998, a
20 community unit school district maintaining grades K through 12
21 may issue bonds up to an amount, including existing
22 indebtedness, not exceeding 27% of the equalized assessed value
23 of the taxable property in the district, if all of the
24 following conditions are met:

25 (i) The school district has an equalized assessed
26 valuation for calendar year 1995 of less than \$44,600,000;

1 (ii) The bonds are issued for the capital improvement,
2 renovation, rehabilitation, or replacement of existing
3 school buildings of the district, all of which existing
4 buildings were originally constructed not less than 80
5 years ago;

6 (iii) The voters of the district approve a proposition
7 for the issuance of the bonds at a referendum held after
8 December 31, 1996; and

9 (iv) The bonds are issued pursuant to Sections 19-2
10 through 19-7 of this Code.

11 (j) Notwithstanding any other provisions of this Section or
12 the provisions of any other law, until January 1, 1999, a
13 community unit school district maintaining grades K through 12
14 may issue bonds up to an amount, including existing
15 indebtedness, not exceeding 27% of the equalized assessed value
16 of the taxable property in the district if all of the following
17 conditions are met:

18 (i) The school district has an equalized assessed
19 valuation for calendar year 1995 of less than \$140,000,000
20 and a best 3 months average daily attendance for the
21 1995-96 school year of at least 2,800;

22 (ii) The bonds are issued to purchase a site and build
23 and equip a new high school, and the school district's
24 existing high school was originally constructed not less
25 than 35 years prior to the sale of the bonds;

26 (iii) At the time of the sale of the bonds, the board

1 of education determines by resolution that a new high
2 school is needed because of projected enrollment
3 increases;

4 (iv) At least 60% of those voting in an election held
5 after December 31, 1996 approve a proposition for the
6 issuance of the bonds; and

7 (v) The bonds are issued pursuant to Sections 19-2
8 through 19-7 of this Code.

9 (k) Notwithstanding the debt limitation prescribed in
10 subsection (a) of this Section, a school district that meets
11 all the criteria set forth in paragraphs (1) through (4) of
12 this subsection (k) may issue bonds to incur an additional
13 indebtedness in an amount not to exceed \$4,000,000 even though
14 the amount of the additional indebtedness authorized by this
15 subsection (k), when incurred and added to the aggregate amount
16 of indebtedness of the school district existing immediately
17 prior to the school district incurring such additional
18 indebtedness, causes the aggregate indebtedness of the school
19 district to exceed or increases the amount by which the
20 aggregate indebtedness of the district already exceeds the debt
21 limitation otherwise applicable to that school district under
22 subsection (a):

23 (1) the school district is located in 2 counties, and a
24 referendum to authorize the additional indebtedness was
25 approved by a majority of the voters of the school district
26 voting on the proposition to authorize that indebtedness;

1 (2) the additional indebtedness is for the purpose of
2 financing a multi-purpose room addition to the existing
3 high school;

4 (3) the additional indebtedness, together with the
5 existing indebtedness of the school district, shall not
6 exceed 17.4% of the value of the taxable property in the
7 school district, to be ascertained by the last assessment
8 for State and county taxes; and

9 (4) the bonds evidencing the additional indebtedness
10 are issued, if at all, within 120 days of the effective
11 date of this amendatory Act of 1998.

12 (1) Notwithstanding any other provisions of this Section or
13 the provisions of any other law, until January 1, 2000, a
14 school district maintaining grades kindergarten through 8 may
15 issue bonds up to an amount, including existing indebtedness,
16 not exceeding 15% of the equalized assessed value of the
17 taxable property in the district if all of the following
18 conditions are met:

19 (i) the district has an equalized assessed valuation
20 for calendar year 1996 of less than \$10,000,000;

21 (ii) the bonds are issued for capital improvement,
22 renovation, rehabilitation, or replacement of one or more
23 school buildings of the district, which buildings were
24 originally constructed not less than 70 years ago;

25 (iii) the voters of the district approve a proposition
26 for the issuance of the bonds at a referendum held on or

1 after March 17, 1998; and

2 (iv) the bonds are issued pursuant to Sections 19-2
3 through 19-7 of this Code.

4 (m) Notwithstanding any other provisions of this Section or
5 the provisions of any other law, until January 1, 1999, an
6 elementary school district maintaining grades K through 8 may
7 issue bonds up to an amount, excluding existing indebtedness,
8 not exceeding 18% of the equalized assessed value of the
9 taxable property in the district, if all of the following
10 conditions are met:

11 (i) The school district has an equalized assessed
12 valuation for calendar year 1995 or less than \$7,700,000;

13 (ii) The school district operates 2 elementary
14 attendance centers that until 1976 were operated as the
15 attendance centers of 2 separate and distinct school
16 districts;

17 (iii) The bonds are issued for the construction of a
18 new elementary school building to replace an existing
19 multi-level elementary school building of the school
20 district that is not handicapped accessible at all levels
21 and parts of which were constructed more than 75 years ago;

22 (iv) The voters of the school district approve a
23 proposition for the issuance of the bonds at a referendum
24 held after July 1, 1998; and

25 (v) The bonds are issued pursuant to Sections 19-2
26 through 19-7 of this Code.

1 (n) Notwithstanding the debt limitation prescribed in
2 subsection (a) of this Section or any other provisions of this
3 Section or of any other law, a school district that meets all
4 of the criteria set forth in paragraphs (i) through (vi) of
5 this subsection (n) may incur additional indebtedness by the
6 issuance of bonds in an amount not exceeding the amount
7 certified by the Capital Development Board to the school
8 district as provided in paragraph (iii) of this subsection (n),
9 even though the amount of the additional indebtedness so
10 authorized, when incurred and added to the aggregate amount of
11 indebtedness of the district existing immediately prior to the
12 district incurring the additional indebtedness authorized by
13 this subsection (n), causes the aggregate indebtedness of the
14 district to exceed the debt limitation otherwise applicable by
15 law to that district:

16 (i) The school district applies to the State Board of
17 Education for a school construction project grant and
18 submits a district facilities plan in support of its
19 application pursuant to Section 5-20 of the School
20 Construction Law.

21 (ii) The school district's application and facilities
22 plan are approved by, and the district receives a grant
23 entitlement for a school construction project issued by,
24 the State Board of Education under the School Construction
25 Law.

26 (iii) The school district has exhausted its bonding

1 capacity or the unused bonding capacity of the district is
2 less than the amount certified by the Capital Development
3 Board to the district under Section 5-15 of the School
4 Construction Law as the dollar amount of the school
5 construction project's cost that the district will be
6 required to finance with non-grant funds in order to
7 receive a school construction project grant under the
8 School Construction Law.

9 (iv) The bonds are issued for a "school construction
10 project", as that term is defined in Section 5-5 of the
11 School Construction Law, in an amount that does not exceed
12 the dollar amount certified, as provided in paragraph (iii)
13 of this subsection (n), by the Capital Development Board to
14 the school district under Section 5-15 of the School
15 Construction Law.

16 (v) The voters of the district approve a proposition
17 for the issuance of the bonds at a referendum held after
18 the criteria specified in paragraphs (i) and (iii) of this
19 subsection (n) are met.

20 (vi) The bonds are issued pursuant to Sections 19-2
21 through 19-7 of the School Code.

22 (o) Notwithstanding any other provisions of this Section or
23 the provisions of any other law, until November 1, 2007, a
24 community unit school district maintaining grades K through 12
25 may issue bonds up to an amount, including existing
26 indebtedness, not exceeding 20% of the equalized assessed value

1 of the taxable property in the district if all of the following
2 conditions are met:

3 (i) the school district has an equalized assessed
4 valuation for calendar year 2001 of at least \$737,000,000
5 and an enrollment for the 2002-2003 school year of at least
6 8,500;

7 (ii) the bonds are issued to purchase school sites,
8 build and equip a new high school, build and equip a new
9 junior high school, build and equip 5 new elementary
10 schools, and make technology and other improvements and
11 additions to existing schools;

12 (iii) at the time of the sale of the bonds, the board
13 of education determines by resolution that the sites and
14 new or improved facilities are needed because of projected
15 enrollment increases;

16 (iv) at least 57% of those voting in a general election
17 held prior to January 1, 2003 approved a proposition for
18 the issuance of the bonds; and

19 (v) the bonds are issued pursuant to Sections 19-2
20 through 19-7 of this Code.

21 (p) Notwithstanding any other provisions of this Section or
22 the provisions of any other law, a community unit school
23 district maintaining grades K through 12 may issue bonds up to
24 an amount, including indebtedness, not exceeding 27% of the
25 equalized assessed value of the taxable property in the
26 district if all of the following conditions are met:

1 (i) The school district has an equalized assessed
2 valuation for calendar year 2001 of at least \$295,741,187
3 and a best 3 months' average daily attendance for the
4 2002-2003 school year of at least 2,394.

5 (ii) The bonds are issued to build and equip 3
6 elementary school buildings; build and equip one middle
7 school building; and alter, repair, improve, and equip all
8 existing school buildings in the district.

9 (iii) At the time of the sale of the bonds, the board
10 of education determines by resolution that the project is
11 needed because of expanding growth in the school district
12 and a projected enrollment increase.

13 (iv) The bonds are issued pursuant to Sections 19-2
14 through 19-7 of this Code.

15 (p-5) Notwithstanding any other provisions of this Section
16 or the provisions of any other law, bonds issued by a community
17 unit school district maintaining grades K through 12 shall not
18 be considered indebtedness for purposes of any statutory
19 limitation and may be issued in an amount or amounts, including
20 existing indebtedness, in excess of any heretofore or hereafter
21 imposed statutory limitation as to indebtedness, if all of the
22 following conditions are met:

23 (i) For each of the 4 most recent years, residential
24 property comprises more than 80% of the equalized assessed
25 valuation of the district.

26 (ii) At least 2 school buildings that were constructed

1 40 or more years prior to the issuance of the bonds will be
2 demolished and will be replaced by new buildings or
3 additions to one or more existing buildings.

4 (iii) Voters of the district approve a proposition for
5 the issuance of the bonds at a regularly scheduled
6 election.

7 (iv) At the time of the sale of the bonds, the school
8 board determines by resolution that the new buildings or
9 building additions are needed because of an increase in
10 enrollment projected by the school board.

11 (v) The principal amount of the bonds, including
12 existing indebtedness, does not exceed 25% of the equalized
13 assessed value of the taxable property in the district.

14 (vi) The bonds are issued prior to January 1, 2007,
15 pursuant to Sections 19-2 through 19-7 of this Code.

16 (p-10) Notwithstanding any other provisions of this
17 Section or the provisions of any other law, bonds issued by a
18 community consolidated school district maintaining grades K
19 through 8 shall not be considered indebtedness for purposes of
20 any statutory limitation and may be issued in an amount or
21 amounts, including existing indebtedness, in excess of any
22 heretofore or hereafter imposed statutory limitation as to
23 indebtedness, if all of the following conditions are met:

24 (i) For each of the 4 most recent years, residential
25 and farm property comprises more than 80% of the equalized
26 assessed valuation of the district.

1 (ii) The bond proceeds are to be used to acquire and
2 improve school sites and build and equip a school building.

3 (iii) Voters of the district approve a proposition for
4 the issuance of the bonds at a regularly scheduled
5 election.

6 (iv) At the time of the sale of the bonds, the school
7 board determines by resolution that the school sites and
8 building additions are needed because of an increase in
9 enrollment projected by the school board.

10 (v) The principal amount of the bonds, including
11 existing indebtedness, does not exceed 20% of the equalized
12 assessed value of the taxable property in the district.

13 (vi) The bonds are issued prior to January 1, 2007,
14 pursuant to Sections 19-2 through 19-7 of this Code.

15 (p-15) In addition to all other authority to issue bonds,
16 the Oswego Community Unit School District Number 308 may issue
17 bonds with an aggregate principal amount not to exceed
18 \$450,000,000, but only if all of the following conditions are
19 met:

20 (i) The voters of the district have approved a
21 proposition for the bond issue at the general election held
22 on November 7, 2006.

23 (ii) At the time of the sale of the bonds, the school
24 board determines, by resolution, that: (A) the building and
25 equipping of the new high school building, new junior high
26 school buildings, new elementary school buildings, early

1 childhood building, maintenance building, transportation
2 facility, and additions to existing school buildings, the
3 altering, repairing, equipping, and provision of
4 technology improvements to existing school buildings, and
5 the acquisition and improvement of school sites, as the
6 case may be, are required as a result of a projected
7 increase in the enrollment of students in the district; and
8 (B) the sale of bonds for these purposes is authorized by
9 legislation that exempts the debt incurred on the bonds
10 from the district's statutory debt limitation.

11 (iii) The bonds are issued, in one or more bond issues,
12 on or before November 7, 2011, but the aggregate principal
13 amount issued in all such bond issues combined must not
14 exceed \$450,000,000.

15 (iv) The bonds are issued in accordance with this
16 Article 19.

17 (v) The proceeds of the bonds are used only to
18 accomplish those projects approved by the voters at the
19 general election held on November 7, 2006.

20 The debt incurred on any bonds issued under this subsection
21 (p-15) shall not be considered indebtedness for purposes of any
22 statutory debt limitation.

23 (p-20) In addition to all other authority to issue bonds,
24 the Lincoln-Way Community High School District Number 210 may
25 issue bonds with an aggregate principal amount not to exceed
26 \$225,000,000, but only if all of the following conditions are

1 met:

2 (i) The voters of the district have approved a
3 proposition for the bond issue at the general primary
4 election held on March 21, 2006.

5 (ii) At the time of the sale of the bonds, the school
6 board determines, by resolution, that: (A) the building and
7 equipping of the new high school buildings, the altering,
8 repairing, and equipping of existing school buildings, and
9 the improvement of school sites, as the case may be, are
10 required as a result of a projected increase in the
11 enrollment of students in the district; and (B) the sale of
12 bonds for these purposes is authorized by legislation that
13 exempts the debt incurred on the bonds from the district's
14 statutory debt limitation.

15 (iii) The bonds are issued, in one or more bond issues,
16 on or before March 21, 2011, but the aggregate principal
17 amount issued in all such bond issues combined must not
18 exceed \$225,000,000.

19 (iv) The bonds are issued in accordance with this
20 Article 19.

21 (v) The proceeds of the bonds are used only to
22 accomplish those projects approved by the voters at the
23 primary election held on March 21, 2006.

24 The debt incurred on any bonds issued under this subsection
25 (p-20) shall not be considered indebtedness for purposes of any
26 statutory debt limitation.

1 (p-25) Notwithstanding the debt limitation prescribed in
2 subsection (a) of this Section or the provisions of any other
3 law, any indebtedness assumed under Section 19-29 by a new
4 school district formed under the provisions and procedures of
5 Article 11F of this Code shall not be included in the
6 calculation of the new school district's debt limitation
7 pursuant to subsection (a) of this Section.

8 (q) A school district must notify the State Board of
9 Education prior to issuing any form of long-term or short-term
10 debt that will result in outstanding debt that exceeds 75% of
11 the debt limit specified in this Section or any other provision
12 of law.

13 (Source: P.A. 93-13, eff. 6-9-03; 93-799, eff. 7-22-04;
14 93-1045, eff. 10-15-04; 94-234, eff. 7-1-06; 94-721, eff.
15 1-6-06; 94-952, eff. 6-27-06; 94-1019, eff. 7-10-06; 94-1078,
16 eff. 1-9-07.)

17 Section 90. The State Mandates Act is amended by adding
18 Section 8.31 as follows:

19 (30 ILCS 805/8.31 new)

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

24 Section 99. Effective date. This Act takes effect upon

1 becoming law.

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6	105 ILCS 5/11F-5 new	
7	105 ILCS 5/11F-10 new	
8	105 ILCS 5/11F-15 new	
9	105 ILCS 5/11F-20 new	
10	105 ILCS 5/11F-25 new	
11	105 ILCS 5/11F-30 new	
12	105 ILCS 5/11F-35 new	
13	105 ILCS 5/11F-40 new	
14	105 ILCS 5/11F-45 new	
15	105 ILCS 5/11F-50 new	
16	105 ILCS 5/11F-55 new	
17	105 ILCS 5/11F-60 new	
18	105 ILCS 5/19-1	from Ch. 122, par. 19-1
19	30 ILCS 805/8.31 new	