



Sen. James F. Clayborne Jr.

**Filed: 3/25/2009**

09600SB1719sam001

LRB096 11128 NHT 24337 a

1 AMENDMENT TO SENATE BILL 1719

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1719 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 (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. Only  
7 residents in the territory of the district proposing the  
8 bond issuance may vote on the bond issuance.

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

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

25 (d) (1) Those designated as the Committee of Ten shall serve  
26 in that capacity until such time as the regional superintendent

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

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

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

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

1           (5) The Committee of Ten may voluntarily dismiss its  
2 petition at any time before a final decision is issued by the  
3 State Superintendent of Education.

4           (e) Notwithstanding subsection (a) of this Section, the  
5 school boards of Signal Hill School District 181 and Harmony  
6 Emge School District 175 shall develop and file with the  
7 applicable regional superintendent of schools the petition  
8 prescribed in subsection (b) of this Section within 120 days  
9 after the effective date of this amendatory Act of the 96th  
10 General Assembly. Notwithstanding paragraph (5) of subsection  
11 (d) of this Section, the Committee of Ten must not voluntarily  
12 dismiss this petition at any time before a final decision is  
13 issued by the State Superintendent of Education.

14 (Source: P.A. 94-1019, eff. 7-10-06; 95-903, eff. 8-25-08.)

15           Section 99. Effective date. This Act takes effect January  
16 1, 2010."