



Rep. Linda Chapa LaVia

**Filed: 4/4/2011**

09700HB0595ham002

LRB097 03428 NHT 53793 a

1 AMENDMENT TO HOUSE BILL 595

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 595 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Section  
5 7-04 and by adding Section 7-2d as follows:

6 (105 ILCS 5/7-04) (from Ch. 122, par. 7-04)

7 Sec. 7-04. Districts in educational service regions of  
8 2,000,000 or more inhabitants.

9 (a) In all proceedings under this Article to change by  
10 detachment, annexation, division, dissolution, or any  
11 combination of those methods the boundaries of any school  
12 district (other than a school district organized under Article  
13 34) located in an educational service region of 2,000,000 or  
14 more inhabitants in which the regional board of school trustees  
15 is abolished as provided in subsection (a) of Section 6-2, the  
16 trustees of schools of the township in which that school

1 district is located, as the successor under subsection (b) of  
2 Section 6-2 to the former regional board of school trustees  
3 with respect to all territory located in that school township,  
4 shall have, exercise, and perform all powers, duties, and  
5 responsibilities required under this Article to be exercised  
6 and performed in those proceedings by a regional board of  
7 school trustees; provided that if any school district affected  
8 by those proceedings is located in a school township referred  
9 to in subsection (b) of Section 5-1 and there are no trustees  
10 of schools acting in that township, then the governing board of  
11 the educational service center established pursuant to Section  
12 2-3.62 of this Code where the detaching territory is located  
13 ~~school board of any such district, as the successor under~~  
14 ~~subsection (b) of Section 6 2 to the former regional board of~~  
15 ~~school trustees with respect to the territory comprising that~~  
16 ~~school district,~~ shall have, exercise, and perform all powers,  
17 duties, and responsibilities required under this Article to be  
18 exercised and performed in those proceedings with respect to  
19 the territory of that school district by a regional board of  
20 school trustees; and provided further that: (i) when any school  
21 district affected by those proceedings is located not only in  
22 an educational service region of 2,000,000 or more inhabitants  
23 but also in 2 or more school townships in that region that each  
24 have trustees of schools of the township, then the boundaries  
25 of that school district may be changed under this Article by  
26 detachment, annexation, division, dissolution, or any

1 combination of those methods only by the concurrent action of,  
2 taken following a joint hearing before the trustees of schools  
3 of those townships (in that educational service region) in  
4 which that school district is located; and (ii) if any part of  
5 the school district referred to in item (i) of this subsection  
6 also lies within an educational service region that has a  
7 regional board of school trustees, the boundaries of that  
8 district may be changed under this Article only by the  
9 concurrent action of, taken following a joint hearing before  
10 the trustees of schools of the townships referred to in item  
11 (i) of this subsection and the regional board of school  
12 trustees of the educational service region referred to in this  
13 item (ii) of this subsection. Whenever concurrent action and  
14 joint hearings are required under this subsection, the original  
15 petition shall be filed with the trustees of schools of the  
16 township in which the territory or greatest portion of the  
17 territory being detached is located, or if the territory is  
18 being detached from more than one educational service region  
19 then with the regional board of school trustees of the region  
20 or the trustees of schools of the township in which the  
21 territory or greatest portion of the territory being detached  
22 is located.

23 (b) Except as otherwise provided in this Section, all other  
24 provisions of this Article shall apply to any proceedings under  
25 this Article to change the boundaries of any school district  
26 located in an educational service region having 2,000,000 or

1 more inhabitants in the same manner that those provisions apply  
2 to any proceedings to change the boundaries of any school  
3 district located in any other educational service region;  
4 provided, that any reference in those other provisions to the  
5 regional board of school trustees shall mean, with respect to  
6 all territory within an educational service region containing  
7 2,000,000 or more inhabitants that formerly was served by a  
8 regional board of school trustees abolished under subsection  
9 (a) of Section 6-2, the trustees of schools of the township ~~or~~  
10 ~~the school board of the school district~~ that is the successor  
11 under subsection (b) of Section 6-2 to the former regional  
12 board of school trustees with respect to the territory included  
13 within that school township or school district or the governing  
14 board of the educational service center established pursuant to  
15 Section 2-3.62 of this Code where the detaching territory is  
16 located when any school district affected by those proceedings  
17 is located in a school township referred to in subsection (b)  
18 of Section 5-1 of this Code and there are no trustees of  
19 schools acting in that township.

20 (Source: P.A. 87-969.)

21 (105 ILCS 5/7-2d new)

22 Sec. 7-2d. Elementary school district detachment and  
23 annexation.

24 (a) Notwithstanding any other provision of this Code, any  
25 contiguous portion of an elementary school district may be

1 detached from that district and annexed to an adjoining  
2 elementary school district, upon a petition or petitions filed  
3 under this Section, if the portion of the district to be so  
4 detached and annexed to an adjoining elementary school district  
5 consists of not more than 100 acres of land in an incorporated  
6 area of a municipality in a county of 2,000,000 or more  
7 inhabitants where the adjoining elementary school district to  
8 which it is seeking to be attached is located.

9 (b) A petition filed under this Section must be filed with  
10 the executive director of the educational service center where  
11 the portion of the school district to be so detached and  
12 annexed is located and must be signed by all of the owners of  
13 record of the land that comprises the portion of the school  
14 district that is to be detached and annexed to the adjoining  
15 elementary school district under the provisions of this  
16 Section.

17 (c) The governing board of the educational service center  
18 shall (i) hold a hearing on the petition within 90 days after  
19 the date of filing, (ii) render a decision granting or denying  
20 the petition within 30 days after the hearing, and (iii)  
21 promptly serve a copy of the decision by certified mail, return  
22 receipt requested, upon the petitioners and upon the school  
23 boards of the school districts from which the territory  
24 described in the petition is sought to be detached and to which  
25 that territory is sought to be annexed.

26 The governing board of the educational service center has

1 no authority or discretion to hear any evidence or consider any  
2 issues at the hearing except those that may be necessary to  
3 determine whether the limitations and conditions of this  
4 Section have been met.

5 (d) The executive director of the educational service  
6 center (i) shall give written notice of the time and place of  
7 the hearing, not less than 30 days prior to the date of the  
8 hearing, to the school board of the school district from which  
9 the territory described in the petition is to be detached and  
10 to the school board of the school district to which that  
11 territory is to be annexed and (ii) shall publish notice of the  
12 hearing, not less than 15 days prior to the date of the  
13 hearing, in a newspaper that is published in the county where  
14 the territory described in the petition is located and that has  
15 circulation within the school districts whose school boards are  
16 entitled to written notice of the hearing.

17 (e) In the event that the granting of a petition filed  
18 under this Section has become final, either through failure to  
19 seek administrative review or by the final decision of a court  
20 on review, the change in boundaries shall become effective  
21 forthwith and for all purposes, except that if the granting of  
22 the petition becomes final at any time from September 1 through  
23 June 30 of any year, the administration of and attendance at  
24 the schools shall not be affected until the following July 1,  
25 when the change in boundaries shall become effective for all  
26 purposes. After the granting of a petition has become final,

1 the date when the change shall become effective for purposes of  
2 administration and attendance may be accelerated or postponed  
3 by stipulation of the school boards of the school districts  
4 from which the territory described in the petition is detached  
5 and to which that territory is annexed.

6 (f) The decision of the governing board of the educational  
7 service center shall be deemed an "administrative decision", as  
8 defined in Section 3-101 of the Code of Civil Procedure, and  
9 any petitioner or the school board of a school district  
10 affected by the detachment and annexation of the territory  
11 described in the petition may, within 35 days after a copy of  
12 the decision sought to be reviewed was served by certified mail  
13 upon the party affected thereby or upon the attorney of record  
14 for that party, apply for a review of the decision in  
15 accordance with the Administrative Review Law and the rules  
16 adopted pursuant to the Administrative Review Law.

17 The commencement of any action for review shall operate as  
18 a supersedeas, and no further proceedings shall be had until  
19 final disposition of the review. The circuit court of the  
20 county where the petition is filed with the educational service  
21 center shall have sole jurisdiction to entertain a complaint  
22 for such review.

23 (g) This Section (i) is not limited by and operates  
24 independently of all other provisions of this Article and (ii)  
25 constitutes complete authority for the granting or denial by  
26 the educational service center of a petition filed under this

1 Section if the conditions prescribed by this Section for the  
2 filing of that petition are met.

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.".