

HB2564



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2564

by Rep. Sandra M. Pihos

SYNOPSIS AS INTRODUCED:

105 ILCS 5/7-6

from Ch. 122, par. 7-6

Amends the School Code. Makes a technical change in a Section concerning boundary changes.

LRB098 08947 NHT 39080 b

A BILL FOR

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 changing Section
5 7-6 as follows:

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

7 Sec. 7-6. Petition filing; Notice; Hearing; Decision.

8 (a) Upon the ~~the~~ filing of a petition with the secretary of
9 the regional board of school trustees under the provisions of
10 Section 7-1 or 7-2 of this Act the secretary shall cause a copy
11 of such petition to be given to each board of any district
12 involved in the proposed boundary change and shall cause a
13 notice thereof to be published once in a newspaper having
14 general circulation within the area of the territory described
15 in the petition for the proposed change of boundaries.

16 (b) When a joint hearing is required under the provisions
17 of Section 7-2, the secretary also shall cause a copy of the
18 notice to be sent to the regional board of school trustees of
19 each region affected. Notwithstanding the foregoing provisions
20 of this Section, if the secretary of the regional board of
21 school trustees with whom a petition is filed under Section 7-2
22 fails, within 30 days after the filing of such petition, to
23 cause notice thereof to be published and sent as required by

1 this Section, then the secretary of the regional board of
2 school trustees of any other region affected may cause the
3 required notice to be published and sent, and the joint hearing
4 may be held in any region affected as provided in the notice so
5 published.

6 (b-5) If a petition filed under subsection (a) of Section
7 7-1 or under Section 7-2 proposes to annex all the territory of
8 a school district to another school district, the petition
9 shall request the submission of a proposition at a regular
10 scheduled election for the purpose of voting for or against the
11 annexation of the territory described in the petition to the
12 school district proposing to annex that territory. No petition
13 filed or election held under this Article shall be null and
14 void, invalidated, or deemed in noncompliance with the Election
15 Code because of a failure to publish a notice with respect to
16 the petition or referendum as required under subsection (g) of
17 Section 28-2 of that Code for petitions that are not filed
18 under this Article or Article 11E of this Code.

19 (c) When a petition contains more than 10 signatures the
20 petition shall designate a committee of 10 of the petitioners
21 as attorney in fact for all petitioners, any 7 of whom may make
22 binding stipulations on behalf of all petitioners as to any
23 question with respect to the petition or hearing or joint
24 hearing, and the regional board of school trustees, or regional
25 boards of school trustees in cases of a joint hearing may
26 accept such stipulation in lieu of evidence or proof of the

1 matter stipulated. The committee of petitioners shall have the
2 same power to stipulate to accountings or waiver thereof
3 between school districts; however, the regional board of school
4 trustees, or regional boards of school trustees in cases of a
5 joint hearing may refuse to accept such stipulation. Those
6 designated as the committee of 10 shall serve in that capacity
7 until such time as the regional superintendent of schools or
8 the committee of 10 determines that, because of death,
9 resignation, transfer of residency from the territory, or
10 failure to qualify, the office of a particular member of the
11 committee of 10 is vacant. Upon determination that a vacancy
12 exists, the remaining members shall appoint a petitioner to
13 fill the designated vacancy on the committee of 10. The
14 appointment of any new members by the committee of 10 shall be
15 made by a simple majority vote of the remaining designated
16 members.

17 (d) The petition may be amended to withdraw not to exceed a
18 total of 10% of the territory in the petition at any time prior
19 to the hearing or joint hearing; provided that the petition
20 shall after amendment comply with the requirements as to the
21 number of signatures required on an original petition.

22 (e) The petitioners shall pay the expenses of publishing
23 the notice and of any transcript taken at the hearing or joint
24 hearing; and in case of an appeal from the decision of the
25 regional board of school trustees, or regional boards of school
26 trustees in cases of a joint hearing, or State Superintendent

1 of Education in cases determined under subsection (1) of this
2 Section, the appellants shall pay the cost of preparing the
3 record for appeal.

4 (f) The notice shall state when the petition was filed, the
5 description of the territory, the prayer of the petition and
6 the return day on which the hearing or joint hearing upon the
7 petition will be held which shall not be more than 15 nor less
8 than 10 days after the publication of notice.

9 (g) On such return day or on a day to which the regional
10 board of school trustees, or regional boards of school trustees
11 in cases of a joint hearing shall continue the hearing or joint
12 hearing the regional board of school trustees, or regional
13 boards of school trustees in cases of a joint hearing shall
14 hear the petition but may adjourn the hearing or joint hearing
15 from time to time or may continue the matter for want of
16 sufficient notice or other good cause.

17 (h) Prior to the hearing or joint hearing the secretary of
18 the regional board of school trustees shall submit to the
19 regional board of school trustees, or regional boards of school
20 trustees in cases of a joint hearing maps showing the districts
21 involved, a written report of financial and educational
22 conditions of districts involved and the probable effect of the
23 proposed changes. The reports and maps submitted shall be made
24 a part of the record of the proceedings of the regional board
25 of school trustees, or regional boards of school trustees in
26 cases of a joint hearing. A copy of the report and maps

1 submitted shall be sent by the secretary of the regional board
2 of school trustees to each board of the districts involved, not
3 less than 5 days prior to the day upon which the hearing or
4 joint hearing is to be held.

5 (i) The regional board of school trustees, or regional
6 boards of school trustees in cases of a joint hearing shall
7 hear evidence as to the school needs and conditions of the
8 territory in the area within and adjacent thereto and as to the
9 ability of the districts affected to meet the standards of
10 recognition as prescribed by the State Board of Education, and
11 shall take into consideration the division of funds and assets
12 which will result from the change of boundaries and shall
13 determine whether it is to the best interests of the schools of
14 the area and the educational welfare of the pupils that such
15 change in boundaries be granted, and in case non-high school
16 territory is contained in the petition the normal high school
17 attendance pattern of the children shall be taken into
18 consideration. If the non-high school territory overlies an
19 elementary district, a part of which is in a high school
20 district, such territory may be annexed to such high school
21 district even though not contiguous to the high school
22 district. However, upon resolution by the regional board of
23 school trustees, or regional boards of school trustees in cases
24 of a joint hearing the secretary or secretaries thereof shall
25 conduct the hearing or joint hearing upon any boundary petition
26 and present a transcript of such hearing to the trustees who

1 shall base their decision upon the transcript, maps and
2 information and any presentation of counsel.

3 (j) At the hearing or joint hearing any resident of the
4 territory described in the petition or any resident in any
5 district affected by the proposed change of boundaries may
6 appear in person or by an attorney in support of the petition
7 or to object to the granting of the petition and may present
8 evidence in support of his position.

9 (k) At the conclusion of the hearing, other than a joint
10 hearing, the regional superintendent of schools as ex officio
11 member of the regional board of school trustees shall within 30
12 days enter an order either granting or denying the petition and
13 shall deliver to the committee of petitioners, if any, and any
14 person who has filed his appearance in writing at the hearing
15 and any attorney who appears for any person and any objector
16 who testifies at the hearing and the regional superintendent of
17 schools a certified copy of its order.

18 (l) Notwithstanding the foregoing provisions of this
19 Section, if within 9 months after a petition is submitted under
20 the provisions of Section 7-1 the petition is not approved or
21 denied by the regional board of school trustees and the order
22 approving or denying that petition entered and a copy thereof
23 served as provided in this Section, the school boards or
24 registered voters of the districts affected that submitted the
25 petition (or the committee of 10, or an attorney acting on its
26 behalf, if designated in the petition) may submit a copy of the

1 petition directly to the State Superintendent of Education for
2 approval or denial. The copy of the petition as so submitted
3 shall be accompanied by a record of all proceedings had with
4 respect to the petition up to the time the copy of the petition
5 is submitted to the State Superintendent of Education
6 (including a copy of any notice given or published, any
7 certificate or other proof of publication, copies of any maps
8 or written report of the financial and educational conditions
9 of the school districts affected if furnished by the secretary
10 of the regional board of school trustees, copies of any
11 amendments to the petition and stipulations made, accepted or
12 refused, a transcript of any hearing or part of a hearing held,
13 continued or adjourned on the petition, and any orders entered
14 with respect to the petition or any hearing held thereon). The
15 school boards, registered voters or committee of 10 submitting
16 the petition and record of proceedings to the State
17 Superintendent of Education shall give written notice by
18 certified mail, return receipt requested to the regional board
19 of school trustees and to the secretary of that board that the
20 petition has been submitted to the State Superintendent of
21 Education for approval or denial, and shall furnish a copy of
22 the notice so given to the State Superintendent of Education.
23 The cost of assembling the record of proceedings for submission
24 to the State Superintendent of Education shall be the
25 responsibility of the school boards, registered voters or
26 committee of 10 that submits the petition and record of

1 proceedings to the State Superintendent of Education. When a
2 petition is submitted to the State Superintendent of Education
3 in accordance with the provisions of this paragraph:

4 (1) The regional board of school trustees loses all
5 jurisdiction over the petition and shall have no further
6 authority to hear, approve, deny or otherwise act with
7 respect to the petition.

8 (2) All jurisdiction over the petition and the right
9 and duty to hear, approve, deny or otherwise act with
10 respect to the petition is transferred to and shall be
11 assumed and exercised by the State Superintendent of
12 Education.

13 (3) The State Superintendent of Education shall not be
14 required to repeat any proceedings that were conducted in
15 accordance with the provisions of this Section prior to the
16 time jurisdiction over the petition is transferred to him,
17 but the State Superintendent of Education shall be required
18 to give and publish any notices and hold or complete any
19 hearings that were not given, held or completed by the
20 regional board of school trustees or its secretary as
21 required by this Section prior to the time jurisdiction
22 over the petition is transferred to the State
23 Superintendent of Education.

24 (4) If so directed by the State Superintendent of
25 Education, the regional superintendent of schools shall
26 submit to the State Superintendent of Education and to such

1 school boards as the State Superintendent of Education
2 shall prescribe accurate maps and a written report of the
3 financial and educational conditions of the districts
4 affected and the probable effect of the proposed boundary
5 changes.

6 (5) The State Superintendent is authorized to conduct
7 further hearings, or appoint a hearing officer to conduct
8 further hearings, on the petition even though a hearing
9 thereon was held as provided in this Section prior to the
10 time jurisdiction over the petition is transferred to the
11 State Superintendent of Education.

12 (6) The State Superintendent of Education or the
13 hearing officer shall hear evidence and approve or deny the
14 petition and shall enter an order to that effect and
15 deliver and serve the same as required in other cases to be
16 done by the regional board of school trustees and the
17 regional superintendent of schools as an ex officio member
18 of that board.

19 (m) Within 10 days after the conclusion of a joint hearing
20 required under the provisions of Section 7-2, each regional
21 board of school trustees shall meet together and render a
22 decision with regard to the joint hearing on the petition. If
23 the regional boards of school trustees fail to enter a joint
24 order either granting or denying the petition, the regional
25 superintendent of schools for the educational service region in
26 which the joint hearing is held shall enter an order denying

1 the petition, and within 30 days after the conclusion of the
2 joint hearing shall deliver a copy of the order denying the
3 petition to the regional boards of school trustees of each
4 region affected, to the committee of petitioners, if any, to
5 any person who has filed his appearance in writing at the
6 hearing and to any attorney who appears for any person at the
7 joint hearing. If the regional boards of school trustees enter
8 a joint order either granting or denying the petition, the
9 regional superintendent of schools for the educational service
10 region in which the joint hearing is held shall, within 30 days
11 of the conclusion of the hearing, deliver a copy of the joint
12 order to those same committees and persons as are entitled to
13 receive copies of the regional superintendent's order in cases
14 where the regional boards of school trustees have failed to
15 enter a joint order.

16 (n) Within 10 days after service of a copy of the order
17 granting or denying the petition, any person so served may
18 petition for a rehearing and, upon sufficient cause being
19 shown, a rehearing may be granted. The filing of a petition for
20 rehearing shall operate as a stay of enforcement until the
21 regional board of school trustees, or regional boards of school
22 trustees in cases of a joint hearing, or State Superintendent
23 of Education in cases determined under subsection (l) of this
24 Section enter the final order on such petition for rehearing.

25 (o) If a petition filed under subsection (a) of Section 7-1
26 or under Section 7-2 is required under the provisions of

1 subsection (b-5) of this Section 7-6 to request submission of a
2 proposition at a regular scheduled election for the purpose of
3 voting for or against the annexation of the territory described
4 in the petition to the school district proposing to annex that
5 territory, and if the petition is granted or approved by the
6 regional board or regional boards of school trustees or by the
7 State Superintendent of Education, the proposition shall be
8 placed on the ballot at the next regular scheduled election.

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