

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

1 upon any boundary petition and present a transcript of such
2 hearing to the trustees who shall base their decision upon the
3 transcript, maps and information and any presentation of
4 counsel. In the instance of a change of boundaries through
5 detachment:

6 (1) When considering the effect the detachment will
7 have on the direct educational welfare of the pupils, the
8 regional board of school trustees or the regional boards of
9 school trustees shall consider a comparison of the school
10 report cards for the schools of the affected districts and
11 the school district report cards for the affected districts
12 only if there is no more than a 3% difference in the
13 minority, low socio-economic, and non-English speaking
14 student populations of the relevant schools of the
15 districts.

16 (2) The community of interest of the petitioners and
17 their children and the effect detachment will have on the
18 whole child may be considered only if the regional board of
19 school trustees or the regional boards of school trustees
20 first determine that there would be a significant direct
21 educational benefit to the petitioners' children if the
22 change in boundaries were allowed.

23 (3) The regional board of school trustees or the
24 regional boards of school trustees may consider the
25 difference in the distances from the petitioning area to
26 the current schools and the petitioned-for schools only if

1 the difference is no less than 10 miles shorter to one of
2 the petitioned-for grade centers than it is to the
3 corresponding current grade center.

4 (4) The regional board of school trustees or the
5 regional boards of school trustees may not grant a petition
6 if doing so will increase the percentage of minority, low
7 socio-economic, or non-English speaking students at the
8 school or the district from which the petitioning territory
9 will be detached and will decrease the percentage of those
10 students at the school or district to which the territory
11 will be annexed.

12 (5) The regional board of school trustees or the
13 regional boards of school trustees may not consider whether
14 changing the boundaries will increase the property values
15 of the petitioners' property.

16 The factors in subdivisions (1) through (5) of this
17 subsection (i) are applicable whether or not there are children
18 residing in the petitioning area at the time the hearing is
19 conducted.

20 (j) At the hearing or joint hearing any resident of the
21 territory described in the petition or any resident in any
22 district affected by the proposed change of boundaries may
23 appear in person or by an attorney in support of the petition
24 or to object to the granting of the petition and may present
25 evidence in support of his position.

26 (k) At the conclusion of the hearing, other than a joint

1 hearing, the regional superintendent of schools as ex officio
2 member of the regional board of school trustees shall within 30
3 days enter an order either granting or denying the petition and
4 shall deliver to the committee of petitioners, if any, and any
5 person who has filed his appearance in writing at the hearing
6 and any attorney who appears for any person and any objector
7 who testifies at the hearing and the regional superintendent of
8 schools a certified copy of its order.

9 (1) Notwithstanding the foregoing provisions of this
10 Section, if within 9 months after a petition is submitted under
11 the provisions of Section 7-1 the petition is not approved or
12 denied by the regional board of school trustees and the order
13 approving or denying that petition entered and a copy thereof
14 served as provided in this Section, the school boards or
15 registered voters of the districts affected that submitted the
16 petition (or the committee of 10, or an attorney acting on its
17 behalf, if designated in the petition) may submit a copy of the
18 petition directly to the State Superintendent of Education for
19 approval or denial. The copy of the petition as so submitted
20 shall be accompanied by a record of all proceedings had with
21 respect to the petition up to the time the copy of the petition
22 is submitted to the State Superintendent of Education
23 (including a copy of any notice given or published, any
24 certificate or other proof of publication, copies of any maps
25 or written report of the financial and educational conditions
26 of the school districts affected if furnished by the secretary

1 of the regional board of school trustees, copies of any
2 amendments to the petition and stipulations made, accepted or
3 refused, a transcript of any hearing or part of a hearing held,
4 continued or adjourned on the petition, and any orders entered
5 with respect to the petition or any hearing held thereon). The
6 school boards, registered voters or committee of 10 submitting
7 the petition and record of proceedings to the State
8 Superintendent of Education shall give written notice by
9 certified mail, return receipt requested to the regional board
10 of school trustees and to the secretary of that board that the
11 petition has been submitted to the State Superintendent of
12 Education for approval or denial, and shall furnish a copy of
13 the notice so given to the State Superintendent of Education.
14 The cost of assembling the record of proceedings for submission
15 to the State Superintendent of Education shall be the
16 responsibility of the school boards, registered voters or
17 committee of 10 that submits the petition and record of
18 proceedings to the State Superintendent of Education. When a
19 petition is submitted to the State Superintendent of Education
20 in accordance with the provisions of this paragraph:

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

25 (2) All jurisdiction over the petition and the right
26 and duty to hear, approve, deny or otherwise act with

1 respect to the petition is transferred to and shall be
2 assumed and exercised by the State Superintendent of
3 Education.

4 (3) The State Superintendent of Education shall not be
5 required to repeat any proceedings that were conducted in
6 accordance with the provisions of this Section prior to the
7 time jurisdiction over the petition is transferred to him,
8 but the State Superintendent of Education shall be required
9 to give and publish any notices and hold or complete any
10 hearings that were not given, held or completed by the
11 regional board of school trustees or its secretary as
12 required by this Section prior to the time jurisdiction
13 over the petition is transferred to the State
14 Superintendent of Education.

15 (4) If so directed by the State Superintendent of
16 Education, the regional superintendent of schools shall
17 submit to the State Superintendent of Education and to such
18 school boards as the State Superintendent of Education
19 shall prescribe accurate maps and a written report of the
20 financial and educational conditions of the districts
21 affected and the probable effect of the proposed boundary
22 changes.

23 (5) The State Superintendent is authorized to conduct
24 further hearings, or appoint a hearing officer to conduct
25 further hearings, on the petition even though a hearing
26 thereon was held as provided in this Section prior to the

1 time jurisdiction over the petition is transferred to the
2 State Superintendent of Education.

3 (6) The State Superintendent of Education or the
4 hearing officer shall hear evidence and approve or deny the
5 petition and shall enter an order to that effect and
6 deliver and serve the same as required in other cases to be
7 done by the regional board of school trustees and the
8 regional superintendent of schools as an ex officio member
9 of that board.

10 (m) Within 10 days after the conclusion of a joint hearing
11 required under the provisions of Section 7-2, each regional
12 board of school trustees shall meet together and render a
13 decision with regard to the joint hearing on the petition. If
14 the regional boards of school trustees fail to enter a joint
15 order either granting or denying the petition, the regional
16 superintendent of schools for the educational service region in
17 which the joint hearing is held shall enter an order denying
18 the petition, and within 30 days after the conclusion of the
19 joint hearing shall deliver a copy of the order denying the
20 petition to the regional boards of school trustees of each
21 region affected, to the committee of petitioners, if any, to
22 any person who has filed his appearance in writing at the
23 hearing and to any attorney who appears for any person at the
24 joint hearing. If the regional boards of school trustees enter
25 a joint order either granting or denying the petition, the
26 regional superintendent of schools for the educational service

1 region in which the joint hearing is held shall, within 30 days
2 of the conclusion of the hearing, deliver a copy of the joint
3 order to those same committees and persons as are entitled to
4 receive copies of the regional superintendent's order in cases
5 where the regional boards of school trustees have failed to
6 enter a joint order.

7 (n) Within 10 days after service of a copy of the order
8 granting or denying the petition, any person so served may
9 petition for a rehearing and, upon sufficient cause being
10 shown, a rehearing may be granted. The filing of a petition for
11 rehearing shall operate as a stay of enforcement until the
12 regional board of school trustees, or regional boards of school
13 trustees in cases of a joint hearing, or State Superintendent
14 of Education in cases determined under subsection (l) of this
15 Section enter the final order on such petition for rehearing.

16 (o) If a petition filed under subsection (a) of Section 7-1
17 or under Section 7-2 is required under the provisions of
18 subsection (b-5) of this Section 7-6 to request submission of a
19 proposition at a regular scheduled election for the purpose of
20 voting for or against the annexation of the territory described
21 in the petition to the school district proposing to annex that
22 territory, and if the petition is granted or approved by the
23 regional board or regional boards of school trustees or by the
24 State Superintendent of Education, the proposition shall be
25 placed on the ballot at the next regular scheduled election.

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

1 (105 ILCS 5/7-14) (from Ch. 122, par. 7-14)

2 Sec. 7-14. Bonded indebtedness-Tax rate.

3 (a) Beginning on January 1, 2015, whenever the boundaries
4 of any school district are changed by the attachment or
5 detachment of territory, the territory that is detached shall
6 remain liable for its proportionate share of the bonded
7 indebtedness and financial obligations to the Capital
8 Development Board of the school district from which the
9 territory is detached. The annexing district shall not, except
10 pursuant to the approval of a resolution by the school board of
11 the annexing district prior to the effective date of the change
12 of boundaries, assume or be responsible for any of the bonded
13 indebtedness or financial obligations to the Capital
14 Development Board of the district from which the territory is
15 detached. If the annexing district does not assume the
16 detaching territory's proportionate share of the bonded
17 indebtedness of the district from which the territory is
18 detaching, a tax rate for that bonded indebtedness shall be
19 determined in the manner provided in Section 19-7 of this Code,
20 and the county clerk or clerks shall annually extend taxes for
21 each bond outstanding on the effective date of the change of
22 boundaries against all of the taxable property situated within
23 the territory that is detached and within the detaching
24 district. After the effective date of the change of boundaries,
25 all of the property situated within the annexing school

1 district, including the detaching territory, shall be liable
2 for the bonded indebtedness and financial obligations to the
3 Capital Development Board of that district as it exists on the
4 effective date of the change of boundaries and any date
5 thereafter. ~~Except as provided in subsection (b), whenever the~~
6 ~~boundaries of any school district are changed by the annexation~~
7 ~~or detachment of territory, each such district as it exists on~~
8 ~~and after such action shall assume the bonded indebtedness, as~~
9 ~~well as financial obligations to the Capital Development Board~~
10 ~~pursuant to Section 35-15 (now repealed) of this Code, of all~~
11 ~~the territory included therein after such change. The tax rate~~
12 ~~for bonded indebtedness shall be determined in the manner~~
13 ~~provided in Section 19-7 of this Act, except the County Clerk~~
14 ~~shall annually extend taxes against all the taxable property~~
15 ~~situated in the county and contained in each such district as~~
16 ~~it exists after the action. Notwithstanding the provisions of~~
17 ~~this subsection, if the boundaries of a school district are~~
18 ~~changed by annexation or detachment of territory after June 30,~~
19 ~~1987, and prior to September 15, 1987, and if the school~~
20 ~~district to which territory is being annexed has no outstanding~~
21 ~~bonded indebtedness on the date such annexation occurs, then~~
22 ~~the annexing school district shall not be liable for any bonded~~
23 ~~indebtedness of the district from which the territory is~~
24 ~~detached, and the school district from which the territory is~~
25 ~~detached shall remain liable for all of its bonded~~
26 ~~indebtedness.~~

1 (b) Whenever a school district with bonded indebtedness has
2 become dissolved under this Article and its territory annexed
3 to another district, the annexing district or districts shall
4 not, except by action pursuant to resolution of the school
5 board of the annexing district prior to the effective date of
6 the annexation, assume the bonded indebtedness of the dissolved
7 district; nor, except by action pursuant to resolution of the
8 school board of the dissolving district, shall the territory of
9 the dissolved district assume the bonded indebtedness of the
10 annexing district or districts. If the annexing district or
11 districts do not assume the bonded indebtedness of the
12 dissolved district, a tax rate for the bonded indebtedness
13 shall be determined in the manner provided in Section 19-7, and
14 the county clerk or clerks shall annually extend taxes for each
15 outstanding bond issue against all the taxable property that
16 was situated within the boundaries of the district as the
17 boundaries existed at the time of the issuance of each bond
18 issue regardless of whether the property is still contained in
19 that same district at the time of the extension of the taxes by
20 the county clerk or clerks.

21 (c) Notwithstanding the provisions of Section 19-18 of this
22 Code, upon resolution of the school board, the county clerk
23 must extend taxes to pay the principal of and interest on any
24 bonds issued exclusively to refund any bonded indebtedness of
25 the annexing school district against all of the taxable
26 property that was situated within the boundaries of the

1 annexing district as the boundaries existed at the time of the
2 issuance of the bonded indebtedness being refunded and not
3 against any of the taxable property in the dissolved school
4 district, provided that (i) the net interest rate on the
5 refunding bonds may not exceed the net interest rate on the
6 refunded bonds, (ii) the final maturity date of the refunding
7 bonds may not extend beyond the final maturity date of the
8 refunded bonds, and (iii) the tax levy to pay the refunding
9 bonds in any levy year may not exceed the tax levy that would
10 have been required to pay the refunded bonds for that levy
11 year. The provisions of this subsection (c) are applicable to
12 school districts that were dissolved and their territory
13 annexed to another school district pursuant to a referendum
14 held in April of 2003. The provisions of this subsection (c),
15 other than this sentence, are inoperative 2 years after the
16 effective date of this amendatory Act of the 95th General
17 Assembly.

18 (Source: P.A. 94-1105, eff. 6-1-07; 95-1025, eff. 1-6-09.)