

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-income, and English learner student  
14 populations of the relevant schools of the districts.

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

22 (3) When petitioners cite an annexing district  
23 attendance center or centers in the petition or during  
24 testimony, the regional board of school trustees or the  
25 regional boards of school trustees may consider the  
26 difference in the distances from the detaching area to the

1 current attendance centers and the cited annexing district  
2 attendance centers only if the difference is no less than  
3 10 miles shorter to one of the cited annexing district  
4 attendance centers than it is to the corresponding current  
5 attendance center.

6 (4) The regional board of school trustees or the  
7 regional boards of school trustees may not grant a petition  
8 if doing so will increase the percentage of minority or  
9 low-income students or English learners by more than 3% at  
10 the attendance center where students in the detaching  
11 territory currently attend, provided that if the  
12 percentage of any one of those groups also decreases at  
13 that attendance center, the regional board or boards may  
14 grant the petition upon consideration of other factors  
15 under this Section and this Article.

16 (5) The regional board of school trustees or the  
17 regional boards of school trustees may not consider whether  
18 changing the boundaries will increase the property values  
19 of the petitioners' property.

20 The factors in subdivisions (1) through (5) of this  
21 subsection (i) are applicable whether or not there are children  
22 residing in the petitioning area at the time the hearing is  
23 conducted.

24 If the regional board of school trustees or the regional  
25 boards of school trustees grants a petition to change school  
26 district boundaries, then the annexing school district shall

1 determine the attendance center or centers that children from  
2 the petitioning area shall attend.

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.)

10 (105 ILCS 5/7-14) (from Ch. 122, par. 7-14)

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

12 (a) Beginning on January 1, 2015, whenever the boundaries  
13 of any school district are changed by the attachment or  
14 detachment of territory, the territory that is detached shall  
15 remain liable for its proportionate share of the bonded  
16 indebtedness of the school district from which the territory is  
17 detached. The annexing district shall not, except pursuant to  
18 the approval of a resolution by the school board of the  
19 annexing district prior to the effective date of the change of  
20 boundaries, assume or be responsible for any of the bonded  
21 indebtedness of the district from which the territory is  
22 detached. If the annexing district does not assume the  
23 detaching territory's proportionate share of the bonded  
24 indebtedness of the district from which the territory is  
25 detaching, a tax rate for that bonded indebtedness shall be

1 determined in the manner provided in Section 19-7 of this Code,  
2 and the county clerk or clerks shall annually extend taxes for  
3 each bond outstanding on the effective date of the change of  
4 boundaries against all of the taxable property situated within  
5 the territory that is detached and within the detaching  
6 district. After the effective date of the change of boundaries,  
7 all of the property situated within the annexing school  
8 district, including the detaching territory, shall be liable  
9 for the bonded indebtedness of that district as it exists on  
10 the effective date of the change of boundaries and any date  
11 thereafter. Except as provided in subsection (b), whenever the  
12 ~~boundaries of any school district are changed by the annexation~~  
13 ~~or detachment of territory, each such district as it exists on~~  
14 ~~and after such action shall assume the bonded indebtedness, as~~  
15 ~~well as financial obligations to the Capital Development Board~~  
16 ~~pursuant to Section 35-15 (now repealed) of this Code, of all~~  
17 ~~the territory included therein after such change. The tax rate~~  
18 ~~for bonded indebtedness shall be determined in the manner~~  
19 ~~provided in Section 19-7 of this Act, except the County Clerk~~  
20 ~~shall annually extend taxes against all the taxable property~~  
21 ~~situated in the county and contained in each such district as~~  
22 ~~it exists after the action. Notwithstanding the provisions of~~  
23 ~~this subsection, if the boundaries of a school district are~~  
24 ~~changed by annexation or detachment of territory after June 30,~~  
25 ~~1987, and prior to September 15, 1987, and if the school~~  
26 ~~district to which territory is being annexed has no outstanding~~

1 ~~bonded indebtedness on the date such annexation occurs, then~~  
2 ~~the annexing school district shall not be liable for any bonded~~  
3 ~~indebtedness of the district from which the territory is~~  
4 ~~detached, and the school district from which the territory is~~  
5 ~~detached shall remain liable for all of its bonded~~  
6 ~~indebtedness.~~

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

1           (c) Notwithstanding the provisions of Section 19-18 of this  
2 Code, upon resolution of the school board, the county clerk  
3 must extend taxes to pay the principal of and interest on any  
4 bonds issued exclusively to refund any bonded indebtedness of  
5 the annexing school district against all of the taxable  
6 property that was situated within the boundaries of the  
7 annexing district as the boundaries existed at the time of the  
8 issuance of the bonded indebtedness being refunded and not  
9 against any of the taxable property in the dissolved school  
10 district, provided that (i) the net interest rate on the  
11 refunding bonds may not exceed the net interest rate on the  
12 refunded bonds, (ii) the final maturity date of the refunding  
13 bonds may not extend beyond the final maturity date of the  
14 refunded bonds, and (iii) the tax levy to pay the refunding  
15 bonds in any levy year may not exceed the tax levy that would  
16 have been required to pay the refunded bonds for that levy  
17 year. The provisions of this subsection (c) are applicable to  
18 school districts that were dissolved and their territory  
19 annexed to another school district pursuant to a referendum  
20 held in April of 2003. The provisions of this subsection (c),  
21 other than this sentence, are inoperative 2 years after the  
22 effective date of this amendatory Act of the 95th General  
23 Assembly.

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