



Sen. Melinda Bush

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LRB099 03159 SXM 34288 a

1 AMENDMENT TO SENATE BILL 224

2 AMENDMENT NO. _____. Amend Senate Bill 224 by replacing
3 everything after the enacting clause with the following:

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

1 of Section 7-2, the secretary also shall cause a copy of the
2 notice to be sent to the regional board of school trustees of
3 each region affected. Notwithstanding the foregoing provisions
4 of this Section, if the secretary of the regional board of
5 school trustees with whom a petition is filed under Section 7-2
6 fails, within 30 days after the filing of such petition, to
7 cause notice thereof to be published and sent as required by
8 this Section, then the secretary of the regional board of
9 school trustees of any other region affected may cause the
10 required notice to be published and sent, and the joint hearing
11 may be held in any region affected as provided in the notice so
12 published.

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

26 (c) When a petition contains more than 10 signatures the

1 petition shall designate a committee of 10 of the petitioners
2 as attorney in fact for all petitioners, any 7 of whom may make
3 binding stipulations on behalf of all petitioners as to any
4 question with respect to the petition or hearing or joint
5 hearing, and the regional board of school trustees, or regional
6 boards of school trustees in cases of a joint hearing may
7 accept such stipulation in lieu of evidence or proof of the
8 matter stipulated. The committee of petitioners shall have the
9 same power to stipulate to accountings or waiver thereof
10 between school districts; however, the regional board of school
11 trustees, or regional boards of school trustees in cases of a
12 joint hearing may refuse to accept such stipulation. Those
13 designated as the committee of 10 shall serve in that capacity
14 until such time as the regional superintendent of schools or
15 the committee of 10 determines that, because of death,
16 resignation, transfer of residency from the territory, or
17 failure to qualify, the office of a particular member of the
18 committee of 10 is vacant. Upon determination that a vacancy
19 exists, the remaining members shall appoint a petitioner to
20 fill the designated vacancy on the committee of 10. The
21 appointment of any new members by the committee of 10 shall be
22 made by a simple majority vote of the remaining designated
23 members.

24 (d) The petition may be amended to withdraw not to exceed a
25 total of 10% of the territory in the petition at any time prior
26 to the hearing or joint hearing; provided that the petition

1 shall after amendment comply with the requirements as to the
2 number of signatures required on an original petition.

3 (e) The petitioners shall pay the expenses of publishing
4 the notice and of any transcript taken at the hearing or joint
5 hearing; and in case of an appeal from the decision of the
6 regional board of school trustees, or regional boards of school
7 trustees in cases of a joint hearing, or State Superintendent
8 of Education in cases determined under subsection (l) of this
9 Section, the appellants shall pay the cost of preparing the
10 record for appeal.

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

16 (g) On such return day or on a day to which the regional
17 board of school trustees, or regional boards of school trustees
18 in cases of a joint hearing shall continue the hearing or joint
19 hearing the regional board of school trustees, or regional
20 boards of school trustees in cases of a joint hearing shall
21 hear the petition but may adjourn the hearing or joint hearing
22 from time to time or may continue the matter for want of
23 sufficient notice or other good cause.

24 (h) Prior to the hearing or joint hearing the secretary of
25 the regional board of school trustees shall submit to the
26 regional board of school trustees, or regional boards of school

1 trustees in cases of a joint hearing maps showing the districts
2 involved, a written report of financial and educational
3 conditions of districts involved and the probable effect of the
4 proposed changes. The reports and maps submitted shall be made
5 a part of the record of the proceedings of the regional board
6 of school trustees, or regional boards of school trustees in
7 cases of a joint hearing. A copy of the report and maps
8 submitted shall be sent by the secretary of the regional board
9 of school trustees to each board of the districts involved, not
10 less than 5 days prior to the day upon which the hearing or
11 joint hearing is to be held.

12 (i) The regional board of school trustees, or regional
13 boards of school trustees in cases of a joint hearing shall
14 hear evidence as to the school needs and conditions of the
15 territory in the area within and adjacent thereto and the
16 effect detachment will have on those needs and conditions and
17 as to the ability of the districts affected to meet the
18 standards of recognition as prescribed by the State Board of
19 Education, and shall take into consideration the division of
20 funds and assets which will result from the change of
21 boundaries and shall determine whether it is to the best
22 interests of the schools of the area and the direct educational
23 welfare of the pupils that such change in boundaries be
24 granted, and in case non-high school territory is contained in
25 the petition the normal high school attendance pattern of the
26 children shall be taken into consideration. If the non-high

1 school territory overlies an elementary district, a part of
2 which is in a high school district, such territory may be
3 annexed to such high school district even though not contiguous
4 to the high school district. However, upon resolution by the
5 regional board of school trustees, or regional boards of school
6 trustees in cases of a joint hearing the secretary or
7 secretaries thereof shall conduct the hearing or joint hearing
8 upon any boundary petition and present a transcript of such
9 hearing to the trustees who shall base their decision upon the
10 transcript, maps and information and any presentation of
11 counsel. In the instance of a change of boundaries through
12 detachment:

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

23 (2) The community of interest of the petitioners and
24 their children and the effect detachment will have on the
25 whole child may be considered only if the regional board of
26 school trustees or the regional boards of school trustees

1 first determine that there would be a significant direct
2 educational benefit to the petitioners' children if the
3 change in boundaries were allowed.

4 (3) The regional board of school trustees or the
5 regional boards of school trustees may consider the
6 difference in the distances from the petitioning area to
7 the current schools and the petitioned-for schools only if
8 the difference is no less than 10 miles shorter to one of
9 the petitioned-for grade centers than it is to the
10 corresponding current grade center.

11 (4) The regional board of school trustees or the
12 regional boards of school trustees may not grant a petition
13 if doing so will increase the percentage of minority, low
14 socio-economic, or non-English speaking students at the
15 school or the district from which the petitioning territory
16 will be detached and will decrease the percentage of those
17 students at the school or district to which the territory
18 will be annexed.

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

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

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

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

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

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

1 in accordance with the provisions of this paragraph:

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

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

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

22 (4) If so directed by the State Superintendent of
23 Education, the regional superintendent of schools shall
24 submit to the State Superintendent of Education and to such
25 school boards as the State Superintendent of Education
26 shall prescribe accurate maps and a written report of the

1 financial and educational conditions of the districts
2 affected and the probable effect of the proposed boundary
3 changes.

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

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

17 (m) Within 10 days after the conclusion of a joint hearing
18 required under the provisions of Section 7-2, each regional
19 board of school trustees shall meet together and render a
20 decision with regard to the joint hearing on the petition. If
21 the regional boards of school trustees fail to enter a joint
22 order either granting or denying the petition, the regional
23 superintendent of schools for the educational service region in
24 which the joint hearing is held shall enter an order denying
25 the petition, and within 30 days after the conclusion of the
26 joint hearing shall deliver a copy of the order denying the

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

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

23 (o) If a petition filed under subsection (a) of Section 7-1
24 or under Section 7-2 is required under the provisions of
25 subsection (b-5) of this Section 7-6 to request submission of a
26 proposition at a regular scheduled election for the purpose of

1 voting for or against the annexation of the territory described
2 in the petition to the school district proposing to annex that
3 territory, and if the petition is granted or approved by the
4 regional board or regional boards of school trustees or by the
5 State Superintendent of Education, the proposition shall be
6 placed on the ballot at the next regular scheduled election.

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

8 (105 ILCS 5/7-14) (from Ch. 122, par. 7-14)

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

10 (a) Beginning on January 1, 2015, whenever the boundaries
11 of any school district are changed by the attachment or
12 detachment of territory, the territory that is detached shall
13 remain liable for its proportionate share of the bonded
14 indebtedness and financial obligations to the Capital
15 Development Board of the school district from which the
16 territory is detached. The annexing district shall not, except
17 pursuant to the approval of a resolution by the school board of
18 the annexing district prior to the effective date of the change
19 of boundaries, assume or be responsible for any of the bonded
20 indebtedness or financial obligations to the Capital
21 Development Board 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 and financial obligations to the
10 Capital Development Board of that district as it exists on the
11 effective date of the change of boundaries and any date
12 thereafter. ~~Except as provided in subsection (b), whenever the~~
13 ~~boundaries of any school district are changed by the annexation~~
14 ~~or detachment of territory, each such district as it exists on~~
15 ~~and after such action shall assume the bonded indebtedness, as~~
16 ~~well as financial obligations to the Capital Development Board~~
17 ~~pursuant to Section 35-15 (now repealed) of this Code, of all~~
18 ~~the territory included therein after such change. The tax rate~~
19 ~~for bonded indebtedness shall be determined in the manner~~
20 ~~provided in Section 19-7 of this Act, except the County Clerk~~
21 ~~shall annually extend taxes against all the taxable property~~
22 ~~situated in the county and contained in each such district as~~
23 ~~it exists after the action. Notwithstanding the provisions of~~
24 ~~this subsection, if the boundaries of a school district are~~
25 ~~changed by annexation or detachment of territory after June 30,~~
26 ~~1987, and prior to September 15, 1987, and if the school~~

1 ~~district to which territory is being annexed has no outstanding~~
2 ~~bonded indebtedness on the date such annexation occurs, then~~
3 ~~the annexing school district shall not be liable for any bonded~~
4 ~~indebtedness of the district from which the territory is~~
5 ~~detached, and the school district from which the territory is~~
6 ~~detached shall remain liable for all of its bonded~~
7 ~~indebtedness.~~

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

1 the county clerk or clerks.

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

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