

1 AN ACT concerning schools.

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
5 Section 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 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 Code Act the secretary shall cause
11 a copy of such petition to be given to each board of any
12 district involved in the proposed boundary change and shall
13 cause a notice thereof to be published once in a newspaper
14 having general circulation within the area of the territory
15 described in the petition for the proposed change of
16 boundaries.

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

30 (b-5) If a petition filed under subsection (a) of
31 Section 7-1 or under Section 7-2 proposes to annex all the

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

13 (c) When a petition contains more than 10 signatures the
14 petition shall designate a committee of 10 of the petitioners
15 as attorney in fact for all petitioners, any 7 of whom may
16 make binding stipulations on behalf of all petitioners as to
17 any question with respect to the petition or hearing or joint
18 hearing, and the regional board of school trustees, or
19 regional boards of school trustees in cases of a joint
20 hearing may accept such stipulation in lieu of evidence or
21 proof of the matter stipulated. The committee of petitioners
22 shall have the same power to stipulate to accountings or
23 waiver thereof between school districts; however, the
24 regional board of school trustees, or regional boards of
25 school trustees in cases of a joint hearing may refuse to
26 accept such stipulation. Those designated as the committee of
27 10 shall serve in that capacity until such time as the
28 regional superintendent of schools or the committee of 10
29 determines that, because of death, resignation, transfer of
30 residency from the territory, or failure to qualify, the
31 office of a particular member of the committee of 10 is
32 vacant. Upon determination that a vacancy exists, the
33 remaining members shall appoint a petitioner to fill the
34 designated vacancy on the committee of 10. The appointment

1 of any new members by the committee of 10 shall be made by a
2 simple majority vote of the remaining designated members.

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

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

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

22 (g) On such return day or on a day to which the regional
23 board of school trustees, or regional boards of school
24 trustees in cases of a joint hearing shall continue the
25 hearing or joint hearing the regional board of school
26 trustees, or regional boards of school trustees in cases of a
27 joint hearing shall hear the petition but may adjourn the
28 hearing or joint hearing from time to time or may continue
29 the matter for want of sufficient notice or other good cause.

30 (h) Prior to the hearing or joint hearing the secretary
31 of the regional board of school trustees shall submit to the
32 regional board of school trustees, or regional boards of
33 school trustees in cases of a joint hearing maps showing the
34 districts involved, a written report of financial and

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

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

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
10 30 days enter an order either granting or denying the
11 petition and shall deliver to the committee of petitioners,
12 if any, and any person who has filed his appearance in
13 writing at the hearing and any attorney who appears for any
14 person and any objector who testifies at the hearing and the
15 regional superintendent of schools a certified copy of its
16 order.

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

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

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

26 (2) All jurisdiction over the petition and the
27 right and duty to hear, approve, deny or otherwise act
28 with respect to the petition is transferred to and shall
29 be assumed and exercised by the State Superintendent of
30 Education.

31 (3) The State Superintendent of Education shall not
32 be required to repeat any proceedings that were conducted
33 in accordance with the provisions of this Section prior
34 to the time jurisdiction over the petition is transferred

1 to him, but the State Superintendent of Education shall
2 be required to give and publish any notices and hold or
3 complete any hearings that were not given, held or
4 completed by the regional board of school trustees or its
5 secretary as required by this Section prior to the time
6 jurisdiction over the petition is transferred to the
7 State Superintendent of Education.

8 (4) If so directed by the State Superintendent of
9 Education, the regional superintendent of schools shall
10 submit to the State Superintendent of Education and to
11 such school boards as the State Superintendent of
12 Education shall prescribe accurate maps and a written
13 report of the financial and educational conditions of the
14 districts affected and the probable effect of the
15 proposed boundary changes.

16 (5) The State Superintendent is authorized to
17 conduct further hearings, or appoint a hearing officer to
18 conduct further hearings, on the petition even though a
19 hearing thereon was held as provided in this Section
20 prior to the time jurisdiction over the petition is
21 transferred to the State Superintendent of Education.

22 (6) The State Superintendent of Education or the
23 hearing officer shall hear evidence and approve or deny
24 the petition and shall enter an order to that effect and
25 deliver and serve the same as required in other cases to
26 be done by the regional board of school trustees and the
27 regional superintendent of schools as an ex officio
28 member of that board.

29 (m) Within 10 days after the conclusion of a joint
30 hearing required under the provisions of Section 7-2, each
31 regional board of school trustees shall meet together and
32 render a decision with regard to the joint hearing on the
33 petition. If the regional boards of school trustees fail to
34 enter a joint order either granting or denying the petition,

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

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

29 (o) If a petition filed under subsection (a) of Section
30 7-1 or under Section 7-2 is required under the provisions of
31 subsection (b-5) of this Section 7-6 to request submission of
32 a proposition at a regular scheduled election for the purpose
33 of voting for or against the annexation of the territory
34 described in the petition to the school district proposing to

1 annex that territory, and if the petition is granted or
2 approved by the regional board or regional boards of school
3 trustees or by the State Superintendent of Education, the
4 proposition shall be placed on the ballot at the next regular
5 scheduled election.

6 (Source: P.A. 90-459, eff. 8-17-97.)