AGENDA

1. Public Participation

2. Minutes of the December Governmental Relations Committee Meeting (pp. 2-8)

*3. Discuss Cumulative Waiver Report (Winnie Tuthill) (Plenary Packet pp. 98-120)

*4. Discuss 2001 Policy Statement regarding Physical Development and Health. (pp. 9-17) (Winnie Tuthill)

*5. Discuss School District Reorganization Legislative Initiative (pp. 18-98) (Jonathan Furr, Deb Vespa, Lou Ferratier, Michelle Heninger, Renee Vilatte)

6. Discuss ISBE Legislative Proposals & General Assembly Legislative Update (p. 99) (Mark Kolaz, Nicole Wills, Josh Jacobs)

7. Discuss State Board Legislative Breakfast (Mark Kolaz, Nicole Wills, Josh Jacobs) (p. 100)

8. Additional Items

* Items listed with an asterisk (*) will be discussed in committee and action may be taken in the plenary session.
Committee Members Present
Brenda Holmes, Chair
Chris Ward
Jesse Ruiz
Dean Clark

Other Board Members
N/A

Staff Present
Randy Dunn
Mark Kolaz
Nicole Wills
Josh Jacobs
Jon Furr

Committee Members Absent
Darrell Morrison, IEA
Laura Arterburn - IFT

Others Present
Winnie Tuthill
Chris Koch
Darren Reisberg
Jean Ladage

1. PUBLIC PARTICIPATION:
Committee Chair Brenda Holmes indicated that State Senator Chris Lauzen had been present at the meeting earlier to speak during the public participation time, but was unable to stay when the previous committee ran long. Senator Lauzen left an informational sheet with Superintendent Dunn giving a synopsis of legislation he intends to pursue in the spring and on which he like the Board’s support (see attached). The proposal requires background checks of employees of private schools recognized and registered with ISBE. His synopsis stated that this measure is a necessity; the system is already in place for background checks because public school employees are required to have the checks and the cost is a necessary expense.

Phyllis Pickett (36 year teacher from Lake Park High School in Roselle, member of the Illinois Association of Health, Physical Education, Recreation and Dance (IAHPERD)). Ms. Pickett passed out a packet of information that included a copy of the Physical Education Application Addendum, which ISBE requests districts fill out when submitting physical education waiver applications. She stated that the form was easier to fill this out when health was a required component of the ISAT. However, Illinois still has performance descriptors for physical education at every grade level that can be used. Ms. Pickett believes that if schools are teaching to the standards, they should be able to report on the form how they meet, exceed or do not meet the standards. Furthermore she indicated if a school is not able to fill out the waiver addendum, then it should be obvious that they are not teaching to the standards. She believes that at the very least, districts can administer a National Standard Fitness Assessment (i.e. FitnessGram) that can be used to gather data. She requested that the standards for physical education be kept high and the Board not get rid of the policy of requesting physical education assessment data.

Beth Mahar (35 year teacher and a member of IAHPERD) Ms. Mahar focused her remarks on SB 211, which updates the definition of physical education. She believes the changes, which IAHPERD supported, corresponds with the State Learning Standards for physical education by providing a template for a school to develop a curriculum that teaches to the standards. She also indicated her support for the waiver hearing being held on a separate night than the regularly schedule board meeting. She stated that she has tracked waiver requests through her organization and these changes were made as a result of abuses of in the earlier years (i.e. posting notices on the back of the teacher’s lounge door or not putting the physical education waivers as a separate item on the school board agenda). As a result, the intent of the separate night waiver was to tighten up the waiver process. Dr. Mahar believes the separate night is a better process that allows the community greater input.

Beth Verner (Teaches at Illinois State University – Past-President of IAHPERD)). Ms. Verner referenced a website (www.kidseatwell.org) and a two-page printout provided by Illinois Net, a group funded through ISBE. The two-page document provides a model template for developing a local school wellness policy. Dr. Verner believes discontinuing the requirement for assessment data is tantamount to disregarding accountability and doesn’t believe that’s what the Board wishes to do. She also believes that physical education should be apart of the School Report Card.
Frederick L. Kelley, Jr. (IAHPERD) Mr. Kelley stated that Illinois is a nationally recognized state because of the requirement for physical education. Anything that reduces these standards and makes it easier to get a waiver would be taking a step backwards from this position.

Lisa Jones (American Heart Association) Ms. Jones stated that the AMA would like to continue to see the waiver hearings be held on a separate day. The AMA is also against eliminating the request for physical education assessment data because it believes that it would negatively impact student health by removing accountability.

Elliot Regenstein (Governor’s Office) Mr. Regenstein stated that Board members received a letter from the American Academy of Pediatrics on the subject of physical education waivers and the Governor’s Office couldn’t agree more with the contents of the letter. The Governor’s office hopes the end product of the discussions is a policy that is sensible to implement, has real accountability and focuses on the objective of making sure kids get physical education that is of the highest quality possible.

Laura Arterburn (Illinois Federation of Teachers) Stated that she echoes the thoughts of the previous speakers. She also urged the Board to make updates to the policy if needed, but to make sure the requirements for physical education classes are not eliminated. Ms. Arterburn also addressed Senator Lauzen’s proposal requiring private schools to do background checks. She questioned whether it might be better to take a study of all private schools to determine the number that do not require background checks. Additionally she wondered if this might be movement to go for funding for private schools since they would be required to do the same things as public schools.

2. Information Item
   The revised committee notes were made apart of the record.

3. Cumulative Waiver Report Executive Summary Review
   Brenda Holmes stated that the Cumulative Waiver report is a statutory obligation of the Board. Staff has presented certain recommendations and based on discussions, a final report will be adopted in January.

   Winnie Tuthill stated that one of the recommendations would eliminate the need for holiday waiver modifications. Holiday modifications top the list of waiver modifications and are routinely approved as long as the public notice has been handled correctly. Staff has recommended for several years that this is an area that is ripe for local control.

   Winnie stated that the second recommendation is in response to the growing number of requests from districts to increase the fee that they can charge for driver’s education: More than 65% of waiver applications received on this topic have come in the last three years. Last session, both a Representative and Senator attempted ld raise the fee limit, but neither was successful.

   Brenda Holmes suggested the Board continue to recommend to the General Assembly that the holiday waiver requirement be eliminated and the driver’s education fee be raised.

   Dean Clark stated that because ISBE is required to make recommendations, he believes those recommendations should go forward, but questions whether any legislative action on the part of the Board will be possible in looking at a shortened legislative calendar for the spring. Furthermore, he stated that he believes it is a waste of time to be dealing with waivers that are continuously approved.

   Jesse Ruiz concurred with remarks made by Dean Clark.

   Brenda Holmes also stated that at some other time the Committee should probably need to revisit other topics the Board might want to recommend as legislative change.

   Dean Clark stated that he has concerns regarding whether smaller districts could use a higher fee as a means to discontinue the driver’s education program. The fee is unquestionably too low but he doesn’t want to see the fee as a reason to eliminate the programs.
Brenda Holmes asked if it was the consensus of the committee that they ask the full Board to allow the inclusion of the holiday waivers and drivers education fee to be included as recommendations in the Cumulative Waiver Report.

Jesse Ruiz moved the question and Dean Clark seconded the motion.

Winnie Tuthill also stated that the only other item of note in the report is that the Board has been asked to respond to a legislator in terms of what waivers have never been disapproved. In drafting the Cumulative Waiver Report, staff has included data that shows that 88.6% of all recommendations the General Assembly has received have been approved and only 11.4% have been disapproved. The largest category of disapprovals has been for substitute teacher waivers. Denial of substitute teacher waiver requests has largely taken place during the last several years.

The vote was unanimous (4-0).

Brenda Holmes suggested that the motion takes care of agenda item #5 and stated that it was the consensus of the Governmental Relations Committee that the Agency pass along the statistical information that staff has prepared, the recommendations for holiday waivers and drivers education fees and indicate that the Board will continue to look at this issue to see if there are other areas that should be addressed in the future. Brenda further clarified that the recommendation also states that that holiday or individual be commemorated in some way.

4. BOARD POLICY FOR P.E. WAIVER ASSESSMENT

Brenda Holmes stated that at the November Governmental Relations Committee meeting, committee members stated that they would not support codification of the 2001 Board policy requesting physical education assessment data. In light of that, four alternative suggestions were made by staff to address physical education waivers. The goal for the committee was to discuss issue and have staff bring forward recommendations for January meeting.

Winnie Tuthill stated that staff attempted to present a number of options to the committee. Retention of the current policy as it is currently isn’t really possible because of the elimination of the testing for ISAT. Also, for a clarification, Winnie stated that gathering assessment data isn’t a requirement, it is a Board policy. However, the General Assembly has, in the last couple of sessions, listened to the recommendations of the State Board and denied a number of waiver applications for districts that have not submitted such data. It is a policy, not a rule or law. Winnie explained that information submitted by districts must be taken some what at face value because it is self-reported.

Chris Ward asked whether the policy was prompted by the desire to bring further accountability to the physical education waiver process.

Winnie Tuthill responded that in the spring of 2001, ISBE staff had come to Board members with a suggestion that the physical education waiver process be expanded to make it easier to get a waiver. The Board reacted strongly against this suggestion and indicated they wanted to make it harder to get a physical education waiver.

Dean Clark stated that there has been at least one district that has had a waiver in place for ten years. In the case of that district, those students could have gone through the district with very little physical activity. He stated that he is opposed to waiving physical education as routine, although certain circumstances are warranted. He believes the Board needs to look at the underlying philosophy behind physical education waivers and then go from there.

Brenda Holmes stated that part of what prompted the policy in 2001 was that waivers were being submitted and approved with regularity. The Board at that time felt they needed to make sure that those students would be receiving instruction or physical activity in spite of the waiver. The issue is difficult in terms of the assessment because while it may be easy for a district to test physical activity, it is more difficult to assess the actual health standards. Winnie has provided some options to deal with this question.
The first option is to retain the policy, but make minor revisions to reflect the provisions in ISAT. Brenda Holmes asked the representatives from IAHPERD if they have any suggestions for dealing with this issue.

Dr. Beth Verner stated that in the absence of ISAT, there are two nationally known assessments. Brenda Holmes stated that she doesn’t believe that covers the area where the problem exists. Dr. Verner also stated that physical fitness is related to just one learning goal. Goals 19 & 21 have to do with movement skills and team building. Those two goals are difficult to assess on standardized assessments; however, the school could be locally assessing and teaching to those goals. Dr. Verner believes the answer would be one standardized tool instead of every district having its own assessment.

Option number two makes more extensive revisions to the policy. These changes would require a more in-depth discussion with Curriculum & Assessment staff to make sure there is a valid and reliable test. Brenda Holmes stated that part of her concern with this suggestion is the question of where the money comes from if we are requiring a standardized state assessment.

Jon Furr stated that with regards to Options 1 & 2, SB 3000 dictates that ISBE not adopt policies that have the force of rules without going through the rulemaking process. To the extent that we say by policy that districts must do something in order for ISBE to take action, we get dangerously close to the prohibition in SB 3000.

Option 3 is that the present policy be revised to consider adding some additional exemptions to those currently allowed. Jon Furr stated that the staff recommendations for this option attempt to get at what the underlying policy of the physical education waiver is and what circumstances the Board believes constitutes consideration for a waiver. Some suggestions for this option would include waivers for inadequate facilities, student participation in other forms of physical activity and NCLB provisions for schools in warning or watch status.

Brenda Holmes stated she had concerns regarding option three because districts may wonder how far they must rationalize the issue in order to get State Board staff to approve.

Option 4 is to eliminate the current policy. Brenda Holmes stated that she believes the Board should think long and hard about eliminating the policy because the goal is not to diminish the daily physical education requirement, to increase the number of waiver suggestions or to burden staff with additional work in judging on a case-by-case basis.

He recommended leaving the policy alone for now and look at data to see if there are some trend changes.

Brenda Holmes suggested modifying the policy to reflect the changes of ISAT. Elliot Regenstein has offered to bring together individuals from the committee and others to discuss the issue prior to the January committee.

Jesse Ruiz stated that option two is the most appealing but he does not believe the agency is prepared to go there yet. He moved that staff prepare a report for January meeting. Dr. Ward seconds the motion. The recommendation for the time will be for the modification of the 2001 physical education policy on waivers to include the language that there is no longer an ISAT assessment component in the policy. The vote was unanimous.

Winnie Tuthill stated that there may be other portions of the assessment policy that may be out of date and asked if staff and the committee could look at those issues also. The Committee agreed with this suggestion.

5. **ISBE LEGISLATIVE PROPOSALS**

Brenda Holmes stated that staff had made a specific request that legislative proposal 3 (Less Red Tape) and proposal 6 (Special Education Due Process) be endorsed by the Governmental Relations Committee and the Board of Education.
Jesse Ruiz made a motion that the Committee support staff recommendations and the motion was seconded by Dean Clark. This motion was approved unanimously.

Nicole Wills stated that all proposals that are being presented before the committee have come from staff. The tentative adjournment date for the spring session is April 7th and because of that, staff anticipates limited legislation moving forward. The proposals that staff feel are particularly vital are those that the committee has just made the motion on. For the rest of the proposals, staff would like the committee to indicate support or disapproval should an appropriate vehicle come available for the agency to pursue. This does not mean that the Agency will definitely move forward with any proposals supported by the committee, only that the Agency has a certain amount of latitude for the future.

ISBE staff member Toni Waggoner participated via phone regarding proposals 9 & 10. Both of these proposals stem from changes that passed during 2004. Toni Waggoner explained the technical aspects to the legislative proposal and Brenda Holmes explained the political reality of making this type of change. Brenda Holmes suggested engaging in discussions with CPS and the suburban districts since they are the entities that would be most effected by losing a portion of their aid. Brenda Holmes stated that if there is ever to be additional study on school funding reform, the two proposals would have to be apart of it. The committee agreed that staff should continue looking at this issue, but not move forward with legislation at this time.

Toni Waggoner also presented information on legislative proposal #1, which would reduce the scheduled number of General State Aid payments from 24 to 22. Toni had done some historical research regarding General State Aid payments. Prior to FY 82, payments were made August to June and the two June payments were double payments. In FY 82, half of the June payments were held off until July, so in FY 82 there were technically only 22 payments. Starting in FY 83 to FY 93 there were two payments a month from August to July. FY 98 was the first year a payment was advanced from July into June. From FY 99 through FY 05, both payments from July have been advanced to June. Under proposal #1, the payment schedule would be from August to June. Each payment would be 1/22 of GSA instead of 1/24. This eliminates the worry for districts of whether or not the last two payments will be advanced into the current fiscal year. Dean Clark stated that many districts will perceive that they will be getting two less payments and will not understand that they are getting their money without having to wait for the Governor to authorize the Comptroller to advance the payments. The Governmental Relations Committee voted unanimously to allow the proposal to move forward if an appropriate vehicle becomes available.

Robert Wolfe, Division Administrator for the External Assurance Division participated via phone for legislative proposal 8, which provides for extraordinary circumstances when calculating average daily attendance. Robert explained that state aid is calculated by average daily attendance. Each reporting period is a compilation of all buildings in the district and all attendance days. The purpose of the proposal is to address the problem of one building having a different calendar than the rest of the district to do extraordinary circumstances. If an extraordinary circumstance happened for one building (example given was a water main break) and the district was to have less days of attendance for that building, the average daily attendance for the entire district would go down and the district would receive less GSA. With the proposed change, the district would not be penalized because one building lost a day during the best three months ADA. There is no appeal process for districts that could lose as a result of one of these circumstances. Dean Clark stated that the key to this issue is what type of extraordinary circumstances would apply and who would make that determination. Jon Furr offered to work with the External Assurance division on this issue should it move forward to define the parameters of extraordinary circumstances. The committee decided that this issue bears further study and should not be pursued at this time.

Becky McCabe, Division Administrator of the Assessment Division presented on three proposals: #15 – student remediation; #16 PSAE as a graduation requirement and # 17 - testing window. Becky McCabe stated that proposal #17 was the one the Assessment Division preferred move if only one proposal were allowed to go forward. This proposal would affect the window for taking the ISAT examination for grades three through eight that are affected by spring break. These changes would allow better test security for testing materials and provide for year around schools. The
Governmental Relations Committee voted unanimously to allow the proposal to move forward if an appropriate vehicle becomes available.

Proposal #15 changes existing statute dealing with student remediation when a student is two or more grade levels behind in school. Currently the tool used to determine what is done with students in the remediation process is state and local assessments. These proposed changes would expand the type of evaluations that could be used in determining student remediation beyond assessments. Brenda Holmes made the suggestion that perhaps this issue could be included in the Less Red Tape legislative initiative.

Proposal #16 removes the requirement for the Prairie State Achievement Exam (PSAE) as a graduation requirement. Students in the eleventh grade would still be required to take the examination. This proposed change is not an attempt to reduce graduation standards. This law was an ISBE supported legislative change a few years ago. Information had been received that districts were holding students as sophomores for a longer period of time so that they then missed their junior year and moved straight to the senior year, effectively missing taking the PSAE. The change a few years ago was an attempt to make sure those students were tested. However, the PSAE can be taken when a student is a senior for the purpose of increasing the score for their transcript. So, the requirement for the PSAE doesn’t meet the intent of the initial legislation and requires a tremendous amount of work for districts. Brenda Holmes stated that she is concerned that we would be going back to the General Assembly to change something that we had just requested legislative change on. She made a recommendation that the issue be looked at further and perhaps brought back in a later legislative session. The committee agreed that this proposal would not move forward at this time.

Proposal #2 was tabled at the request of General Counsel Jon Furr to be looked at during a later time due to a lack of legislative capacity.

Proposal #4 cleans up language from HB 1324 that passed during the previous spring session by addressing an issue that the Accountability and School Support Divisions caught. The committee agreed that if staff found an appropriate avenue for this proposal it could be pursued.

The committee also agreed that for proposals #5 and #7 if staff found an appropriate avenue for these proposals they could be pursued.

All of the certification proposals were tabled to be looked at another time.

The committee recommended not taking any action on proposals #14 and #19 as they do not directly effect ISBE operations. Proposal #19 resembles HB 1475 from Representative Roger Eddy and ISBE stayed neutral on this legislation during the previous spring session. It was decided that ISBE would continue to stay neutral on HB 1475 unless directly asked by the sponsor to support the legislation and then the Board would re-look at the issue.

Assistant Superintendent of Special Education Chris Koch responded to several questions from the committee regarding legislative proposal #3. Brenda Holmes asked, “Does this legislation go beyond the federal statute in areas that are going to affect local districts financially or from a program standpoint or from a paperwork standpoint?” Chris Koch replied, “No in terms of the alignment of IDEA to Article 14. The only approach we took on this was to align Article 14 to IDEA as the primary role. However, keep in mind that Article 14 previously covered more than federal law required. There are a lot of things in this legislation that are going to streamline our administrative process. For example, the application process for hearing officers, the training of hearing officers and the reappointment of hearing officers. That will have no effect on local districts, but it is in excess of federal requirements because it is not required.”

6. **ADJOURN:** The Governmental Relations Committee meeting adjourned at 5:45.
Consistent Public Policy for Background Checks in State-
Recognized Non-Public Schools

I. Concept Description:
In order to receive Illinois voluntary state recognition, non-
public schools should conduct the same staff background
checks with the same rules for public transparency (disclosure)
as those required under existing Public School Code… no
more burdensome nor lenient.

II. Purpose: To protect all Illinois school children.

III. Background:

1. We don’t want any of our children abused.

2. Effective background checks that can be verified prevent
exposure to child abuse.

3. Completion of background checks and the dates when they
were performed should be public information.

4. Unfortunately, this is not the case in non-public schools
seeking State of Illinois Recognition, and some of the most
grievous cases of abuse have occurred in non-public
schools. (Campabello)

5. Same procedure, same transparency and mandatory
disclosure (only for those seeking official state
recognition.)

IV. Objections/Answers:

2. Necessity – Consistent standard of protection only in cases
where recognition is sought.
3. Practicality – State Police check is currently possible; FBI
checks may need federal authorization. Do what we can now.
4. Precedence – Immunization, fire drills, days of school, other
safety requirements.
TO: Illinois State Board of Education
FROM: Dr. Randy J. Dunn, State Superintendent of Education
Jonathan Furr, General Counsel

Agenda Topic: ISBE 2001 Policy for Physical Education Waiver Requests

Materials: Policy Statement Regarding Physical Development and Health

Staff Contacts: Winnie Tuthill and Shelley Helton

Purpose of Agenda Item
The purpose of this agenda item is for the Board to authorize the retention of the current policy for physical education waiver requests, while making necessary revisions to reflect the changes in the Illinois Standards Achievement Test (ISAT) that have occurred since 2001.

Expected Outcome(s) of Agenda Item
It is expected that staff will receive the Board’s authorization to retain the current policy for physical education waiver requests.

Background Information
The State Board’s policy on physical education waiver requests was discussed at both its November and December 2005 meetings. These discussions were prompted by a Senate inquiry as to whether the Board planned to introduce legislation in the spring of 2006 that would codify the existing policy. The decision was made not to codify the policy but to consider a range of alternatives to the existing policy. These alternatives were presented during the December Board meeting.

Analysis and Implications for Policy, Budget, Legislative Action and Communications
Since October of 1995 waivers of daily physical education (105 ILCS 5/27-6) have been requested by more than 230 school districts, or 26.4 percent of all school districts in Illinois. While the School Code allows districts to provide some exemptions from physical education in high school, these exemptions do not include elementary grades and do not cover the wide range of circumstances leading districts to apply for a waiver.

Retention, revision, or elimination of current policy
The current policy was enacted by the State Board in the spring of 2001 after Board members rejected a staff recommendation that would have broadened the allowable exemptions from daily physical education. The policy was communicated to districts during the summer, and, since the fall of 2001, it has resulted in some degree of physical education assessment information being submitted by most applicants along with their waiver requests.

Now that the policy has been in place for several years, Board members have had time to review its strengths and weaknesses, particularly when they discuss the bi-annual waiver report to the General Assembly and decide whether to make recommendations on physical education and other petitions. During fall of 2005 legislators asked the Board if they intended to put the policy into law. As a result of this request, members of the Governmental Relations Committee
discussed the current policy with staff in November 2005 and directed staff to prepare possible alternatives for consideration.

At the December meeting of the Governmental Relations Committee, Board members heard public comments on the current physical education policy and then analyzed the following options presented by staff:

1. **Retention of the existing policy**, with necessary minor revisions;
2. **Adoption of more extensive revisions to the policy**, with the goal of incorporating the most current information on effective assessments for physical education;
3. **Restructuring the current policy** to provide for a review of applications based on criteria other than assessment data; and
4. **Elimination of the current policy**.

Board members also noted that more than two thirds (68 percent) of all physical education petitions approved since 1995 have been waivers of the School Code transmitted to the Illinois General Assembly for action. Therefore, Board members also considered two legislative options that could be recommended were the Board to vote to eliminate the existing physical education policy:

5. **Limiting the circumstances** under which applicants could request a waiver of physical education; and
6. **Limiting the terms for which physical education waivers could be requested or renewed**.

Board members voted to retain the current policy and revise it as necessary (Option 1), with the understanding that the policy would continue to be discussed in the future.

**Budget Implications:** None

**Legislative Action:** None

**Communication:** The revised policy will be communicated to waiver applicants through the Superintendent's Weekly Bulletin, and will also be included on the State Board's Waivers website at: [http://www.isbe.net/isbewaivers/default.htm](http://www.isbe.net/isbewaivers/default.htm)

**Pros and Cons of Various Actions**
In its analysis of the options listed above, the Board considered pros and cons for each alternative. In choosing to retain the existing policy, the Board noted that, while assessment data submitted by applicants are self-reported and Board staff cannot verify the validity of the assessments used or the reliability of the data obtained, the following positive points outweighed other considerations:

- The State Board supports the daily physical education requirement for students in grades K-12;
- The law requiring such instruction is strongly endorsed by Governor Blagojevich and by organizations that advocate the importance of daily physical education for students’ physical and mental well-being;
- Illinois is considered a national leader in its stance on daily physical education, as it is now the only state that still requires daily instruction for all grades, K-12; and
In accordance with the School Code, all districts should have local assessments in place to measure all of the Illinois Learning Standards.

**Superintendent’s Recommendation**
Authorize retention of the Board’s existing policy on physical education waiver requests, with necessary revisions.

I recommend that the following motion be adopted:

The State Board of Education hereby authorizes retention of the existing Board policy for physical education waivers, to include such minor revisions as are necessary to bring the policy up to date with recent changes to the Illinois Standards Achievement Test.

**Next Steps**
Staff will make necessary revisions to the Board’s existing policy and publicize them to waiver applicants.

In addition, on January 10, 2006, the Governor’s Office is hosting a meeting for members of the State Board, Board staff, and representatives from several physical education, health, teachers’ union, and educational administration organizations to continue to discuss the Board’s physical education policy. Information from this meeting will be shared with the Board.
Physical Education Programs and Physical Education Waiver/Modification Requests

In March 2001, the State Board of Education adopted a policy to guide its decision-making regarding physical education waiver and modification requests (Attachment A). As a result of this policy, the State Board has requested that each applicant submit with its physical education waiver/modification request information about its students' achievement of the Illinois Learning Standards for Physical Development and Health (specifically Goals 19 through 21). In addition, an applicant should describe the opportunities to be afforded students to achieve these standards in instances where they are not engaged in physical education on a daily basis.

- Eligible applicants submitting a new waiver or modification request of the physical education mandate, or a request to renew a previously approved application, are asked to submit “baseline information” on the performance of their students against the Illinois Learning Standards for Physical Development and Health (PD/H). (See Physical Education Application Addendum at [http://www.isbe.net/isbewaivers/html/application.htm](http://www.isbe.net/isbewaivers/html/application.htm).)
- Each applicant must also describe how it plans to ensure that students affected by the waiver/modification can continue to make progress in relation to the PD/H standards.
- The State Board of Education will use both the applicant's baseline performance data and the applicant's plans for continued student progress in relation to the PD/H standards in its consideration of the applicant's physical education waiver/modification request.
- If the waiver/modification request is approved, then the district will be asked to support any subsequent request to renew the application with data about student performance relative to its baseline data.

Specific details about these procedures are provided in Attachment B. Should you have any questions about the waiver or modification process after reviewing this material, please call Winnie Tuthill, Rules and Waivers Division, at 217/782-5270.
Policy Statement Regarding Physical Development and Health
adopted by the Illinois State Board of Education,___________ 2006

The State Board of Education is committed to ensuring that Illinois students are able to meet the Illinois Learning Standards for Physical Development and Health.

Because requests to waive or modify the physical education requirements may curtail or eliminate students’ learning opportunities in relation to these Standards, the State Board expects that districts making such requests will provide documentation regarding their students’ achievement of the Learning Standards for Physical Development and Health.

By a date certain, districts requesting a waiver from or modification to the physical education and health mandate will be asked to provide baseline data to show how well their students are meeting the Illinois Learning Standards in Physical Development and Health. Districts requesting a renewal of an approved physical education waiver or modification will be asked to document improved student achievement of the Illinois Learning Standards for Physical Development and Health in relation to the baseline data.

State Board decisions to recommend that the General Assembly deny requests to “waive” the physical education requirements will be made on an individual basis, with consideration given to the evidence of student achievement, the implications of the specific waiver proposal for student learning opportunities and future student achievement in physical development and health, and whether the request meets any of the criteria for denial stated in the law - i.e., the request:

- is not based on sound educational practices;
- endangers the health or safety of the students or staff;
- compromises equal opportunities for learning;
- fails to demonstrate that the intent of the mandate can be met in a more effective, efficient, or economical manner; or
- does not have improved student performance as a primary goal.
Information to Support Waiver/Modification Requests

Each applicant for a waiver or modification of the daily physical education mandate (Section 27-6 of the School Code) is asked to provide information about its students' achievement relative to the Illinois Learning Standards for Physical Development and Health (PD/H), specifically those that address Goals 19 through 21.

Each applicant is asked to provide:
• A description of the assessment(s) it uses to measure student achievement of the PD/H standards;
• Baseline data that show students' current achievement relative to the PD/H standards; and
• A description of how the applicant plans to assure that, if the request is approved, students affected by the waiver or modification will continue to make progress toward meeting or exceeding the PD/H standards.

Format

An addendum to the waiver application is available on the State Board's website (see http://www.isbe.net/isbewaivers/html/application.htm). The format of the addendum will help you provide the requested physical education information in a succinct and understandable way.

Decision Criteria

The information provided by an applicant to support its physical education waiver or modification request will be used by the State Board to determine if the request should be considered for disapproval, based on whether the information indicates that the proposed waiver or modification:
• is not based on sound educational practices;
• endangers the health or safety of the students or staff;
• compromises equal opportunities for learning;
• fails to demonstrate that the intent of the mandate can be met in a more effective, efficient or economical manner; or
• does not have improved student performance as the primary goal.

Decision Process

All waiver/modification requests are reviewed by staff members who are
knowledgeable about the waiver law and the subject matter being addressed in
the application. A determination is made as to whether the application and the
physical education addendum are complete. Action on any request is not taken
until the application is complete.

As indicated in its policy, the State Board is particularly concerned about waiver
requests that will result in students not having equal learning opportunities in
relation to the PD/H standards. Therefore, the information provided by the
applicant will be critical in determining whether a waiver request is transmitted to
the General Assembly with a recommendation that that body deny the request.
The process is explained more fully below.

Physical Education Modification Requests. Requests to offer physical education
on less than a daily basis are generally considered to be waivers of Section 27-6
of the School Code. The exceptions to that determination are requests to
provide physical education for an amount of time that is comparable to what
would have been provided daily (i.e., block scheduling). While block scheduling
of physical education may now be done without submitting a modification
request, there may be other cases in which an application is classified as a
modification, rather than a waiver, of daily physical education. In such cases:
• The State Board of Education must either approve or disapprove a
  modification request within 45 days of the agency’s receipt of the application.
• If the State Superintendent recommends that the State Board deny a
  modification request, then the district making application will have an
  opportunity to discuss its request with the State Board during a regularly
  scheduled public meeting before any action is taken.

Physical Education Waiver Requests. If the request is for a waiver of the School
Code mandate, then the district is notified that the request will be forwarded to
the General Assembly as part of the semi-annual report. Before the report is
sent to the General Assembly, State Board members review the waiver requests
and any recommendations from the State Superintendent. The State Board will
take one or more of the following actions regarding a waiver of a School Code
mandate:
• to forward the waiver request to the General Assembly without comment;
• to recommend that the General Assembly deny the waiver request, based on
  a recommendation from the State Superintendent (the district submitting such
  a request will have an opportunity to discuss its proposal with the State Board
during a regularly scheduled public meeting before such a recommendation is
acted by the Board); and/or
• to provide comment about specific areas of concern that the Board believes
  should be brought to the attention of the General Assembly.

Before the General Assembly acts on waiver requests, the House and Senate
education committees hold hearings, and districts have an opportunity to discuss
their individual requests with the members of those committees. Those waiver
requests that are not disapproved by the General Assembly (as part of a joint resolution that must be adopted by a majority in each House) are considered to be approved.

Data Options

Districts can support their waiver/Modification requests with data from any assessment or assessments that they believe show how their students are achieving in relation to the PD/H standards.

Many districts routinely use classroom assessments, either commercial or of their own design, to evaluate their students' knowledge and skills in physical education. Data from such assessments can be used as support for waiver or modification requests, if the data clearly show an alignment to the PD/H standards.

To support the development and use of high-quality, standards-aligned classroom assessments, the State Board has placed sample classroom assessments and rubrics on its website (see http://www.isbe.net/i1s/pdh/capd.htm). Another resource allows users to review standards-aligned classroom lessons by grade level and standard (see http://standards.isbe.net/vision/standards/standards_search.asp).

Illinois Standards Achievement Test (ISAT). Applicants with grade levels tested by the science ISAT for achievement of the PD/H standards or those that have recently participated in the voluntary grade 9 and 10 physical education assessment should no longer continue to submit those results from the 2004-05 school year (re: 2004 results). P.A. 93-838, effective July 30, 2004, has eliminated the requirement that the State Board provide a state assessment in the area of physical development and health, starting with the spring 2005 administration of the ISAT.

Illustrations

The following examples illustrate the kind of assessment and achievement information that applicants can provide to support their requests.

School District X: The district administers a teacher-developed physical fitness test for all students in kindergarten through grade 6. The test covers strength, agility, coordination, endurance, etc., and there are performance standards for each area of the test. Student performance is as follows:
- Kindergarten – 67 percent meet or exceed standards
- Grade 1 – 70 percent meet or exceed standards
- Grade 2 – 64 percent meet or exceed standards, etc.

School District Y: All students in grades 9 through 12 (except those exempted
via board policy consistent with Section 27-6(b) of the School Code) are given a Fitnessgram assessment each spring. An average of 59 percent of students at all grade levels meet the fitness levels.

School District Z: Students take the Presidential Fitness Test each year. Of the 690 students in the district, 512 received the fitness certificate. In addition, fitness is assessed as an ongoing part of the physical education program, which emphasizes health awareness and cardiovascular strength.

Additional Information and Resources

Additional information about physical education assessments and related issues can be obtained via the following websites. Please note that this information is provided to help you explore options and does not indicate an endorsement of the specific information on each.

www.presidentschallenge.org
http://www.cooperinst.org/ftgmain.asp
http://www.pecentral.org
http://www.aahperd.org
http://www.pelinks4u.org
http://www.humankinetics.com
http://www.pe4life.com
http://www.healthfirstusa.com
http://www.americanheart.org

Additional Assistance

If you would like to talk to teachers who have had experience with assessing student achievement against the PD/H standards and with aligning physical education programs to the Illinois Learning Standards, we would be happy to put you in contact with the Illinois Association for Health, Physical Education, Recreation and Dance (IAHPERD).

That organization has a consultant directory and can also link you to individuals who have expertise in specific areas of interest. Please contact Glenn Steinhausen at gsteinha@isbe.net to request such a contact.
TO: Members of the Board Government Relations Committee

FROM: Randy Dunn, State Superintendent
Jonathan Furr, General Counsel


Materials: December 13, 2005 Memorandum to the Board
Annotated Legislative Proposal
Chart Comparing New Article 11E to Existing Reorganization Articles

Staff Contact(s): Jonathan Furr
Deb Vespa
Lou Ferratier
Michelle Heninger
Renee Vilatte

Purpose of Agenda Item
To present the school district reorganization legislative proposal to the Government Relations Committee.

Relationship to/Implications for the State Board’s Strategic Plan
A Strategic Objective under GOAL 3 Expanding Data-Informed School Management & Support Practices, includes fostering and providing additional incentives for school district reorganization of multiple types. By removing barriers and creating more opportunities for voluntary reorganizations, the legislative proposal supports this Strategic Objective.

Expected Outcome(s) of Agenda Item
For informational purposes. The Board may choose to take action in plenary session in support of the legislative proposal.

Background Information
Attached is a memorandum describing the reorganization legislative proposal, the version of the proposal submitted to the Legislative Reference Bureau, and a chart comparing the new Article 11E to existing reorganization articles of the School Code. The legislative proposal includes footnotes to explain various provisions and to indicate where aspects of the proposal are found in current law.
To: Members of the State Board of Education

From: Dr. Randy J. Dunn, State Superintendent of Education
      Jonathan Furr, General Counsel, Illinois State Board of Education

Date: December 13, 2005


State Board of Education staff have, in collaboration with the Governor’s Office, prepared draft legislation to add greater flexibility and efficiency to the school district reorganization process, while consolidating and streamlining the reorganization provisions of the School Code. The draft includes only options that ensure that any reorganization will be approved by voters in the affected districts, and thereby be entirely voluntary. Further, the proposal ensures that no reorganization will raise taxes without a separate referendum.

The main components of the legislation are described below.

1. Provides Greater Flexibility and Efficiency, and Removes Unnecessary Barriers to Reorganizations:

The proposal makes a number of substantive changes to existing law to create more opportunities for voluntary reorganizations. Specifically, the proposal:

A. Authorizes elementary districts within the same high school district to consolidate with each other, even if the elementary districts are not contiguous (Section 11E-20(a)(2));
B. Eliminates minimum equalized assessed valuation and population requirements for the formation of unit districts (Section 11E-25);
C. Authorizes an elementary district or districts to form a unit district with a high school district even if not all elementary districts approve. Only the approval of the high school district and the merging elementary districts is required. An opt-in provision allows a non-merging elementary to join with the unit district solely on the vote of that elementary district, so that if an elementary district that could join the unit district did not immediately join the unit district, the elementary district could later change its mind without needing additional approval form the newly-formed unit district (Section 11E-30);
D. Allows a high school district to combine with a unit district so long as both districts approve the referendum and are physically contiguous. The feeder elementary districts to the high school district do not have to join in the
consolidation, but can later opt-in to the unit district through approval of the voters within that elementary district (Section 11E-30); and

E. Creates a stair-step mechanism to reduce the maximum tax levy gradually over time, to allow districts to recognize the benefits of consolidation as their tax levy decreases (Section 11E-70(c); Section 17-2(b));

2. **Consolidates Duplicative Articles and Standardizes the Reorganization Process:**

The January 2003 report by the Governor’s Commission on Revising the School Code suggested the consolidation of Articles 7A, 11A, 11B and 11D of the School Code into a new Article 11E. The proposal drafted for the spring legislative session adopts the approach of the Commission. By combining these processes into one article, school administrators, attorneys, regional superintendents and ISBE staff can work from common statutory language when dealing with various types of reorganizations.

The proposal further streamlines the Commission’s recommendation by standardizing several aspects of the process. For example:

- **A.** The requirements for resident signatures or board approval of petitions are the same for all reorganizations (Section 11E-35);
- **B.** The hearing requirements are the same for all reorganizations (Section 11E-45);
- **C.** The process for review and approval of the petition by the regional superintendent is the same for all reorganizations (Section 11E-50); and
- **D.** The voting requirements are generally consistent for all types of reorganizations (Section 11E-65).

Attached is the current draft of the legislative proposal and a chart comparing the proposal to the reorganization articles under current law. Over the next month, we will be working with interested constituents to finalize this proposal for the General Assembly’s consideration. We also hope to discuss the proposal with you at the January Government Relations Committee meeting.

Please do not hesitate to contact either of us if you have any questions or comments in the interim.

Attachments
AN ACT in relation to education.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Election Code is amended by changing Section 28-2 as follows:

(10 ILCS 5/28-2) (from Ch. 46, par. 28-2)
(Text of Section from P.A. 94-30)

Sec. 28-2. (a) Except as otherwise provided in this Section, petitions for the submission of public questions to referendum must be filed with the appropriate officer or board not less than 78 days prior to a regular election to be eligible for submission on the ballot at such election; and petitions for the submission of a question under Section 18-120 of the Property Tax Code must be filed with the appropriate officer or board not more than 10 months nor less than 6 months prior to the election at which such question is to be submitted to the voters.

(b) However, petitions for the submission of a public question to referendum which proposes the creation or formation of a political subdivision must be filed with the appropriate officer or board not less than 108 days prior to a regular election to be eligible for submission on the ballot at such election.

(c) Resolutions or ordinances of governing boards of political subdivisions which initiate the submission of public questions pursuant to law must be adopted not less than 65 days before a regularly scheduled election to be eligible for submission on the ballot at such election.

(d) A petition, resolution or ordinance initiating the submission of a public question may specify a regular election at which the question is to be submitted, and must so specify if the statute authorizing the public question requires submission at a particular election. However, no petition, resolution or ordinance initiating the submission of a public question, other than a legislative resolution initiating an amendment to the Constitution, may specify such submission at an election more than one year after the date on which it is filed or adopted, as the case may be. A petition, resolution or ordinance initiating a public question which specifies a particular election at which the question is to be submitted shall be so limited, and shall not be valid as to any other election, other than an emergency referendum ordered pursuant to Section 2A-1.4.

(e) If a petition initiating a public question does not specify a regularly scheduled election, the public question shall be submitted to referendum at the next regular election occurring not less than 78 days after the filing of the petition, or not less than 108 days after the filing of a petition for referendum to create a political subdivision. If a resolution or ordinance initiating a public question does not specify a regularly scheduled election, the public question shall be submitted to referendum at the next regular election occurring not less than 65 days after the adoption of the resolution or ordinance.

(f) In the case of back door referenda, any limitations in another statute authorizing such a referendum which restrict the time in which the initiating petition may be validly filed shall apply to such petition, in addition to the filing deadlines specified in this
Section for submission at a particular election. In the case of any back door referendum, the publication of the ordinance or resolution of the political subdivision shall include a notice of (1) the specific number of voters required to sign a petition requesting that a public question be submitted to the voters of the subdivision; (2) the time within which the petition must be filed; and (3) the date of the prospective referendum. The secretary or clerk of the political subdivision shall provide a petition form to any individual requesting one. The legal sufficiency of that form, if provided by the secretary or clerk of the political subdivision, cannot be the basis of a challenge to placing the back door referendum on the ballot. As used herein, a "back door referendum" is the submission of a public question to the voters of a political subdivision, initiated by a petition of voters or residents of such political subdivision, to determine whether an action by the governing body of such subdivision shall be adopted or rejected.

(g) A petition for the incorporation or formation of a new political subdivision whose officers are to be elected rather than appointed must have attached to it an affidavit attesting that at least 108 days and no more than 138 days prior to such election notice of intention to file such petition was published in a newspaper published within the proposed political subdivision, or if none, in a newspaper of general circulation within the territory of the proposed political subdivision in substantially the following form:

NOTICE OF PETITION TO FORM A NEW........

Residents of the territory described below are notified that a petition will or has been filed in the Office of...........requesting a referendum to establish a new........, to be called the............

*The officers of the new........will be elected on the same day as the referendum. Candidates for the governing board of the new......may file nominating petitions with the officer named above until...........

The territory proposed to comprise the new.......is described as follows:

(description of territory included in petition)

(name and address of person or persons proposing the new political subdivision.

* Where applicable.

Failure to file such affidavit, or failure to publish the required notice with the correct information contained therein shall render the petition, and any referendum held pursuant to such petition, null and void.

Notwithstanding the foregoing provisions of this subsection (g) or any other provisions of this Code, the publication of notice and affidavit requirements of this subsection (g) shall not apply to any petition filed under Article 7, 7A, 11A, 11B, or 11D or 11E of the School Code nor to any referendum held pursuant to any such petition, and neither any petition filed under any of those Articles nor any referendum held pursuant to any such petition shall be rendered null and void because of the failure to file an affidavit or publish a notice with respect to the petition or referendum as required under this subsection (g) for petitions that are not filed under any of those Articles of the School Code.

(Source: P.A. 94-30, eff. 6-14-05.)
Section 10. The School Code is amended by changing Sections 1B-21, 5-32, 7-6, 10-10, 10-16, 17-2, 17-3, 17-5, and 18-8.05 and by adding Section 10-10.5 and Article 11E, as follows:

(105 ILCS 5/1B-21)

Sec. 1B-21. Dissolution and annexation. Any school district that before the effective date of this amendatory Act of 1994 has received approval from its regional board of school trustees to dissolve and annex to an adjoining district and that has had the appointment of a Financial Oversight Panel under this Article 1B to assist its continued operation during the appeal of the decision of the regional board of school trustees shall be dissolved and annexed to the adjoining district approved in the decision of the regional board of school trustees, effective July 1, 1994. Except as otherwise provided by this amendatory Act of 1994, the dissolution and annexation shall be governed by Article 7 of the School Code and be treated as if the dissolution and annexation had taken effect pursuant to the decision of the regional board of school trustees. The annexing district's supplementary State aid payable under Section 18-8.05 of the School Code shall be calculated as of June 30 prior to the date of the decision of the regional board of school trustees.

(Source: P.A. 88-535.)

(105 ILCS 5/5-32) (from Ch. 122, par. 5-32)

Sec. 5-32. Failure to maintain schools - Transportation and tuition. If any school district other than a non-high school district shall for 1 year fail to maintain within the boundaries of the school district a recognized public school as required by law, such district shall become automatically dissolved and the property and territory of such district shall be disposed of in the manner provided for the disposal of territory and property in Section 7-11 of this Act. However, a school district shall not be dissolved where the State Board of Education and the regional superintendent of the region in which a district has legally authorized the building of a school and legally selected a school house site and has issued bonds for such building shall jointly find and certify that such building has been authorized, site selected and bonds issued.

If a district has its territory included within a petition to form a community unit district under Article 11 of this Act, that district may not be dissolved under this Section until the end of the school year in which all proceedings relating to formation of that community unit district are finally concluded, whether by disallowance of the petition, by referendum, by a final court decision or otherwise. Until such proceedings are finally concluded, the regional superintendent having jurisdiction of the district that is not maintaining a recognized school shall assign the pupils of that district to an adjoining school district, subject to Section 11-12 of this Act and subject to the requirement that the district from which the pupils are so assigned shall pay tuition for such pupils to the district to which the pupils are assigned, in accordance with Section 10-20.12a of this Act or in such lesser amount as may be agreed to by the 2 districts.

However, until July 1, 1969 or one year after the entry of a final decision by a court of competent jurisdiction in the event of litigation with respect to any of the matters set forth in this Section, whichever is the later, notwithstanding the provisions of this Section, any protectorate high school district composed of contiguous and compact territory having
not less than 2,000 inhabitants and which has an equalized assessed valuation of not less than $6,000,000, shall be and remain a protectorate high school district if a majority of the pupils attend a high school in a special charter district maintaining grades 1 through 12 and if during that period the voters of the district, by referendum to be ordered by the board, vote in favor of the proposition that such district maintain and operate a high school within such district, and also authorize the purchase of a school site, the building of a school building and the issuance of bonds for such purpose, which bonds are duly issued. The Board shall certify the proposition to the proper election authorities for submission, in accordance with the general election law.

The proposition to maintain and operate a high school within such district shall be in substantially the following form:

Shall ......................
High School District Number ......, YES
.......... County, Illinois,
maintain and operate a high school  -------------------------
within that High School
District and for the benefit NO
of the pupils residing therein?

and is approved if a majority of the voters voting on the proposition is in favor thereof.
The proposition of purchasing a school site, the building of a school building and the issuance of bonds for such purpose shall be submitted to the voters and may be voted upon at the same election that the proposition of maintaining and operating a high school within the district is submitted or at any regularly scheduled election subsequent thereto as may be ordered by the board. Thereupon, that protectorate high school district shall thereafter exist as a community high school district and possess and enjoy all of the powers, duties and authorities of a community high school district organized under Article 12 of this Act.

Throughout its existence as a protectorate district and until the legal voters residing in the district have determined to maintain and operate a high school within the district and have been authorized to purchase a school site, build a school building and to issue bonds for such purpose and which bonds are duly issued, or until the dissolution of the district as required by this Section, such protectorate district may use its funds to pay for the tuition and transportation of the pupils in such district that attend a high school in a special charter district maintaining grades 1 through 12. A protectorate high school district is defined to be a district which does not own or operate its own school buildings.

(Source: P.A. 81-1550.)

(105 ILCS 5/7-6) (from Ch. 122, par. 7-6)
Sec. 7-6. Petition filing; Notice; Hearing; Decision.
(a) Upon the filing of a petition with the secretary of the regional board of school trustees under the provisions of Section 7-1 or 7-2 of this Act the secretary shall cause a copy of such petition to be given to each board of any district involved in the proposed boundary change and shall cause a notice thereof to be published once in a newspaper having general circulation within
the area of the territory described in the petition for the proposed change of boundaries.

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

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

(c) When a petition contains more than 10 signatures the petition shall designate a committee of 10 of the petitioners as attorney in fact for all petitioners, any 7 of whom may make binding stipulations on behalf of all petitioners as to any question with respect to the petition or hearing or joint hearing, and the regional board of school trustees, or regional boards of school trustees in cases of a joint hearing may accept such stipulation in lieu of evidence or proof of the matter stipulated. The committee of petitioners shall have the same power to stipulate to accountings or waiver thereof between school districts; however, the regional board of school trustees, or regional boards of school trustees in cases of a joint hearing may refuse to accept such stipulation. Those designated as the committee of 10 shall serve in that capacity until such time as the regional superintendent of schools or the committee of 10 determines that, because of death, resignation, transfer of residency from the territory, or failure to qualify, the office of a particular member of the committee of 10 is vacant. Upon determination that a vacancy exists, the remaining members shall appoint a petitioner to fill the designated vacancy on the committee of 10. The appointment of any new members by the committee of 10 shall be made by a simple majority vote of the remaining designated members.

(d) The petition may be amended to withdraw not to exceed a total of 10% of the territory in the petition at any time prior to the hearing or joint hearing; provided that the petition shall after amendment comply with the requirements as to the number of signatures required on an original petition.
The petitioners shall pay the expenses of publishing the notice and of any transcript taken at the hearing or joint hearing; and in case of an appeal from the decision of the regional board of school trustees, or regional boards of school trustees in cases of a joint hearing, or State Superintendent of Education in cases determined under subsection (l) of this Section, the appellants shall pay the cost of preparing the record for appeal.

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

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

(h) Prior to the hearing or joint hearing the secretary of the regional board of school trustees shall submit to the regional board of school trustees, or regional boards of school trustees in cases of a joint hearing maps showing the districts involved, a written report of financial and educational conditions of districts involved and the probable effect of the proposed changes. The reports and maps submitted shall be made a part of the record of the proceedings of the regional board of school trustees, or regional boards of school trustees in cases of a joint hearing. A copy of the report and maps submitted shall be sent by the secretary of the regional board of school trustees to each board of the districts involved, not less than 5 days prior to the day upon which the hearing or joint hearing is to be held.

(i) The regional board of school trustees, or regional boards of school trustees in cases of a joint hearing shall hear evidence as to the school needs and conditions of the territory in the area within and adjacent thereto and as to the ability of the districts affected to meet the standards of recognition as prescribed by the State Board of Education, and shall take into consideration the division of funds and assets which will result from the change of boundaries and shall determine whether it is to the best interests of the schools of the area and the educational welfare of the pupils that such change in boundaries be granted, and in case non-high school territory is contained in the petition the normal high school attendance pattern of the children shall be taken into consideration. If the non-high school territory overlies an elementary district, a part of which is in a high school district, such territory may be annexed to such high school district even though not contiguous to the high school district. However, upon resolution by the regional board of school trustees, or regional boards of school trustees in cases of a joint hearing the secretary or secretaries thereof shall conduct the hearing or joint hearing upon any boundary petition and present a transcript of such hearing to the trustees who shall base their decision upon the transcript, maps and information and any presentation of counsel.
(j) At the hearing or joint hearing any resident of the territory described in the petition or any resident in any district affected by the proposed change of boundaries may appear in person or by an attorney in support of the petition or to object to the granting of the petition and may present evidence in support of his position.

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

(l) Notwithstanding the foregoing provisions of this Section, if within 9 months after a petition is submitted under the provisions of Section 7-1 the petition is not approved or denied by the regional board of school trustees and the order approving or denying that petition entered and a copy thereof served as provided in this Section, the school boards or registered voters of the districts affected that submitted the petition (or the committee of 10, or an attorney acting on its behalf, if designated in the petition) may submit a copy of the petition directly to the State Superintendent of Education for approval or denial. The copy of the petition as so submitted shall be accompanied by a record of all proceedings had with respect to the petition up to the time the copy of the petition is submitted to the State Superintendent of Education (including a copy of any notice given or published, any certificate or other proof of publication, copies of any maps or written report of the financial and educational conditions of the school districts affected if furnished by the secretary of the regional board of school trustees, copies of any amendments to the petition and stipulations made, accepted or refused, a transcript of any hearing or part of a hearing held, continued or adjourned on the petition, and any orders entered with respect to the petition or any hearing held thereon). The school boards, registered voters or committee of 10 submitting the petition and record of proceedings to the State Superintendent of Education shall give written notice by certified mail, return receipt requested to the regional board of school trustees and to the secretary of that board that the petition has been submitted to the State Superintendent of Education for approval or denial, and shall furnish a copy of the notice so given to the State Superintendent of Education. The cost of assembling the record of proceedings for submission to the State Superintendent of Education shall be the responsibility of the school boards, registered voters or committee of 10 that submits the petition and record of proceedings to the State Superintendent of Education. When a petition is submitted to the State Superintendent of Education in accordance with the provisions of this paragraph:

(1) The regional board of school trustees loses all jurisdiction over the petition and shall have no further authority to hear, approve, deny or otherwise act with respect to the petition.
(2) All jurisdiction over the petition and the right and duty to hear, approve, deny or otherwise act with respect to the petition is transferred to and shall be assumed and exercised by the State Superintendent of Education.

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

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

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

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

(m) Within 10 days after the conclusion of a joint hearing required under the provisions of Section 7-2, each regional board of school trustees shall meet together and render a decision with regard to the joint hearing on the petition. If the regional boards of school trustees fail to enter a joint order either granting or denying the petition, the regional superintendent of schools for the educational service region in which the joint hearing is held shall enter an order denying the petition, and within 30 days after the conclusion of the joint hearing shall deliver a copy of the order denying the petition to the regional boards of school trustees of each region affected, to the committee of petitioners, if any, to any person who has filed his appearance in writing at the hearing and to any attorney who appears for any person at the joint hearing. If the regional boards of school trustees enter a joint order either granting or denying the petition, the regional superintendent of schools for the educational service region in which the joint hearing is held shall, within 30 days of the conclusion of the hearing, deliver a copy of the joint order to those same committees and persons as are entitled to receive copies of the regional superintendent's order in cases where the regional boards of school
trustees have failed to enter a joint order.

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

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

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

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

Sec. 10-10. Board of education; Term; Vacancy. All school districts having a population of not fewer than 1,000 and not more than 500,000 inhabitants, as ascertained by any special or general census, and not governed by special Acts, shall be governed by a board of education consisting of 7 members, serving without compensation except as herein provided. Each member shall be elected for a term of 4 years except as otherwise provided in subsection (a-5) of Section 11B-7 for the initial members of the board of education of a combined school district to which that subsection applies. If 5 members are elected in 1983 pursuant to the extension of terms provided by law for transition to the consolidated election schedule under the general election law, 2 of those members shall be elected to serve terms of 2 years and 3 shall be elected to serve terms of 4 years; their successors shall serve for a 4 year term. When the voters of a district have voted to elect members of the board of education for 6 year terms, as provided in Section 9-5, the terms of office of members of the board of education of that district expire when their successors assume office but not later than 7 days after such election. If at the regular school election held in the first odd-numbered year after the determination to elect members for 6 year terms 2 members are elected, they shall serve for a 6 year term; and of the members elected at the next regular school election 3 shall serve for a term of 6 years and 2 shall serve a term of 2 years. Thereafter members elected in such districts shall be elected to a 6 year term. If at the regular school election held in the first odd-numbered year after the determination to elect members for 6 year terms 3 members are elected, they shall serve for a 6 year term; and of the members elected at the next regular school election 2 shall serve for a term of 2 years and 2 shall serve for a term of 6 years. Thereafter members elected in such districts shall be elected to a 6 year term. If at the regular school election held in the first odd-numbered year after the determination to elect members for 6 year terms 4 members are elected, 3 shall serve for a term of 6 years and one shall serve for a term of 2 years; and of the members elected at the next regular
school election 2 shall serve for terms of 6 years and 2 shall serve for terms of 2 years. Thereafter members elected in such districts shall be elected to a 6 year term. If at the regular school election held in the first odd-numbered year after the determination to elect members for a 6 year term 5 members are elected, 3 shall serve for a term of 6 years and 2 shall serve for a term of 2 years; and of the members elected at the next regular school election 2 shall serve for terms of 6 years and 2 shall serve for terms of 2 years. Thereafter members elected in such districts shall be elected to a 6 year term. An election for board members shall not be held in school districts which by consolidation, annexation or otherwise shall cease to exist as a school district within 6 months after the election date, and the term of all board members which would otherwise terminate shall be continued until such district shall cease to exist. Each member, on the date of his or her election, shall be a citizen of the United States of the age of 18 years or over, shall be a resident of the State and the territory of the district for at least one year immediately preceding his or her election, shall be a registered voter as provided in the general election law, shall not be a school trustee or a school treasurer, and shall not be a child sex offender as defined in Section 11-9.3 of the Criminal Code of 1961. When the board of education is the successor of the school directors, all rights of property, and all rights regarding causes of action existing or vested in such directors, shall vest in it as fully as they were vested in the school directors. Terms of members are subject to Section 2A-54 of the Election Code.

Nomination papers filed under this Section are not valid unless the candidate named therein files with the secretary of the board of education or with a person designated by the board to receive nominating petitions a receipt from the county clerk showing that the candidate has filed a statement of economic interests as required by the Illinois Governmental Ethics Act. Such receipt shall be so filed either previously during the calendar year in which his nomination papers were filed or within the period for the filing of nomination papers in accordance with the general election law.

Whenever a vacancy occurs, the remaining members shall notify the regional superintendent of that vacancy within 5 days after its occurrence and shall proceed to fill the vacancy until the next regular school election, at which election a successor shall be elected to serve the remainder of the unexpired term. However, if the vacancy occurs with less than 868 days remaining in the term, or if the vacancy occurs less than 88 days before the next regularly scheduled election for this office then the person so appointed shall serve the remainder of the unexpired term, and no election to fill the vacancy shall be held. Should they fail so to act, within 45 days after the vacancy occurs, the regional superintendent of schools under whose supervision and control the district is operating, as defined in Section 3-14.2 of this Act, shall within 30 days after the remaining members have failed to fill the vacancy, fill the vacancy as provided for herein. Upon the regional superintendent's failure to fill the vacancy, the vacancy shall be filled at the next regularly scheduled election. Whether elected or appointed by the remaining members or regional superintendent, the successor shall be an inhabitant of the particular area from which his or her predecessor was elected if the residential requirements contained in Section 11A-8, 11B-7, 10-10.5 or 12-2 of this Act apply.

A board of education may appoint a student to the board to serve in an advisory capacity. The student member shall serve for a term as determined by the board. The board may not grant the student member any voting privileges, but shall consider the
student member as an advisor. The student member may not participate in or attend any
effective session of the board.
(Source: P.A. 93-309, eff. 1-1-04; 94-231, eff. 7-14-05.)

(105 ILCS 5/10-10.5 new)
Sec. 10-10.5. ¹
(a) Special provision for school board election pursuant to community unit school
district formation and combined school district formation. Except as otherwise provided
in subsection (b) of this Section, for community unit school districts formed before
January 1, 1975 and for combined school districts formed before July 1, 1983,

(1) if the territory of the district is greater than 2 congressional townships or 72
square miles, then not more than 3 board members may be selected from any one
congressional township, but congressional townships of less than 100 inhabitants shall
not be considered for the purpose of this mandatory board representation;
(2) in any such community unit school district or combined school district
where at least 75% but not more than 90% of the population is in one congressional
township, 4 board members shall be selected therefrom and 3 board members shall be
selected from the rest of the district, but in any such community unit school district or
combined school district where more than 90% of the population is in one congressional
township all board members may be selected from one or more congressional townships;
and
(3) whenever the territory of any community unit school district or combined
school district shall consist of not more than 2 congressional townships or 72 square
miles, but shall consist of more than one congressional township or 36 square miles,
outside of the corporate limits of any city, village, or incorporated town within the school
district, not more than 5 board members shall be selected from any city, village or
incorporated town in the school district.

(b) Special provision for school board election for community unit school districts
formed before January 1, 1975, and for combined school districts formed before July 1,
1983.

(1) At-large representation. The provisions of subsection (a) of this Section for
mandatory board representation shall no longer apply to a community unit school district
formed before January 1, 1975, to a combined school district formed before July 1, 1983,
or to community consolidated school districts, and the members of the board of education
shall be elected at large from within the school district and without restriction by area of
residence within the district if both of the following conditions are met with respect to
that district:
(A) A proposition for the election of board members at large and without
restriction by area of residence within the district rather than in accordance with the
provisions of subsection (a) of this Section for mandatory board representation is
submitted to the school district’s voters at a regular school election or at the general
election as provided in this subsection (b).

¹ Provisions currently in 105 ILCS 5/11A-8(b) and (c); 105 ILCS 5/11B-7(b) and (c). (Provisions retained
so as not to remove authority currently relied on by school districts.)
(B) A majority of those voting at the election in each congressional
township comprising the territory of the school district, including any congressional
township of less than 100 inhabitants, vote in favor of the proposition.

(2) Submission to voters. The board of education of the school district may by
resolution order submitted or, upon the petition of the lesser of 2,500 or 5% of the school
district’s registered voters, shall order submitted to the school district’s voters at a regular
school election or at the general election the proposition for the election of board
members at large and without restriction by area of residence within the district rather
than in accordance with the provisions of subsection (a) of this Section for mandatory
board representation; and the proposition shall thereupon be certified by the board’s
secretary for submission.

(3) Establishment of Board. If a majority of those voting at the election in each
congressional township comprising the territory of the school district, including any
congressional township of less than 100 inhabitants, vote in favor of the proposition:

(A) the proposition to elect board members at large and without restriction
by area of residence within the district shall be deemed to have passed,

(B) new members of the board shall be elected at large and without
restriction by area of residence within the district at the next regular school election, and

(C) the terms of office of the board members incumbent at the time the
proposition is adopted shall expire when the new board members that are elected at large
and without restriction by area of residence within the district have organized in
accordance with Section 10-16.

(4) Terms of office of new school board. In a community unit school district, a
combined school district, or a community consolidated school district that formerly
elected its members under subsection (a) of this Section to successive terms not
exceeding 4 years, the members elected at large and without restriction by area of
residence within the district shall be elected for a term of 4 years, and in a community
unit school district or combined school district that formerly elected its members under
subsection (a) of this Section to successive terms not exceeding 6 years, the members
elected at large and without restriction by area of residence within the district shall be
elected for a term of 6 years; provided that in each case the terms of the board members
initially elected at large and without restriction by area of residence within the district as
provided in this subsection (b) shall be staggered and determined in accordance with the
provisions of Sections 10-10 and 10-16.

(105 ILCS 5/10-16) (from Ch. 122, par. 10-16)
Sec. 10-16. Organization of Board. Within 28 days after the consolidated election,
other than the consolidated elections in 1999 and 2001, the board shall organize by
electing its officers and fixing a time and place for the regular meetings. However, when
school board members are elected at the consolidated elections held in April of 1999 and
April of 2001, the board shall organize within 7 days after the first Tuesday after the first
Monday of November in each such year by electing officers and setting the time and
place of the regular meetings. Upon organizing itself as provided in this paragraph, the
The regional superintendent of schools having supervision and control, as provided in Section 3-14.2, of a new school district that is governed by the School Code and formed on or after the effective date of this amendatory Act of 1998 shall convene the newly elected board within 7 days after the election of the board of education of that district, whereupon the board shall proceed to organize by electing one of their number as president and electing a secretary, who may or may not be a member. At such meeting the length of term of each of the members shall be determined by lot so that 4 shall serve for 4 years, and 3 for 2 years from the commencement of their terms; provided, however, if such members were not elected at the consolidated election in an odd-numbered year, such initial terms shall be extended to the consolidated election for school board members immediately following the expiration of the initial 4 or 2 year terms. The provisions of this paragraph that relate to the determination of terms by lot shall not apply to the initial members of the board of education of a combined school district who are to be elected to unstaggered terms as provided in subsection (a-5) of Section 11B-7.

The terms of the officers of a board of education shall be for 2 years, except that the terms of the officers elected at the organization meeting in November, 2001 shall expire at the organization meeting in April, 2003; provided that the board by resolution may establish a policy for the terms of office to be one year, and provide for the election of officers.

Special meetings of the board of education may be called by the president or by any 3 members of the board by giving notice thereof in writing, stating the time, place and purpose of the meeting. Such notice may be served by mail 48 hours before such meeting or by personal service 24 hours before such meeting. Public notice of meetings must also be given as prescribed in Sections 2.02 and 2.03 of the Open Meetings Act, as now or hereafter amended.

At each regular and special meeting which is open to the public, members of the public and employees of the district shall be afforded time, subject to reasonable constraints, to comment to or ask questions of the board.

The president or district superintendent shall, at each regular board meeting, report any requests made of the district under provisions of The Freedom of Information Act and shall report the status of the district's response.

(Source: P.A. 93-847, eff. 7-30-04.)

(105 ILCS 5/11E new)

ARTICLE 11E. CONVERSION AND FORMATION OF SCHOOL DISTRICTS

Sec. 11E-5. Purpose and Applicability.
The purpose of this Article is to permit greater flexibility and efficiency in the reorganization and formation of school districts for the improvement of the administration and quality of educational services. This Article applies only to school districts with under 500,000 inhabitants.

Sec. 11E-10. Definitions.

2 Limitation to districts under 500,000 inhabitants found in 105 ILCS 5/11A-1.
In this Article terms will have the meanings ascribed to them as follows:

(a) “affected district” means any school district where all or a major part of the district is included in a petition for reorganization under the provisions of this Article.

(b) “combined high school - unit district” means a school district resulting from the combination of a high school district and a unit district.

(c) “combined school district” means any district resulting from the combination of two or more entire elementary districts, two or more entire high school districts, or two or more entire unit districts.

(d) “dual district” means a high school district and all of its feeder elementary districts collectively.

(e) “elementary district” means a school district organized and established for purposes of providing instruction up to and including grade eight. Elementary districts include common elementary school districts, consolidated elementary school districts, community consolidated school districts, combined elementary districts, and charter elementary districts.

(f) “elementary purposes” means the purposes of providing instruction up to and including grade eight.

(g) “high school district” means a school district organized and established for purposes of providing instruction in grades nine through twelve. High school districts include charter high school districts, township high school districts, consolidated high school districts, community high school districts, and non-high school districts.

(h) “high school purposes” means the purposes of providing instruction in grades nine through twelve.

(i) “k – 12 purposes” means the purposes of providing instruction up to and including grade twelve.

(j) “major part of a district” means that remainder of a school district that does not meet the criteria to be classified as a small part of a district.  

(k) “multi-district conversion” means a school district conversion authorized under Section 11E-15(b).

(l) “optional elementary unit district” means a unit district resulting from the combination of a high school district and the combination of any one or more elementary districts electing to organize as an optional elementary unit district.

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3 Concept currently found in Section 11A-7 of the School Code.
(m) “partial elementary unit district” means either a combined high school – unit district or an optional elementary unit district.

(n) “school board” means either a board of education or a board of school directors.

(o) “school district conversion” means a small unit district conversion or a multi-district conversion.

(p) “small part of a district” means a part of a school district encompassing less than 25% of the land area of the district or less than 8% of the student enrollment and less than 8% of the equalized assessed valuation of the district.  

(q) “small unit district” means a unit district with not more than 250 students enrolled in grades nine through twelve.

(r) “small unit district conversion” means a school district conversion authorized under Section 11E-15(a).

(s) “substantially coterminous” means that the major part of a high school district and the major parts of one or more elementary districts share the same boundaries.

(t) “unit district” means a school district organized and established for purposes of providing instruction up to and including grade twelve. Unit districts include charter (k – 12) districts, community unit districts, community consolidated unit districts, other districts that prior to the adoption of the community consolidated unit district and community unit district authorizing legislation had expanded to provide instruction through the 12th grade (these are commonly referred to as “Old Type” unit districts), and partial elementary unit districts organized pursuant to the provisions of this Article.


(a) Small unit district conversion. A small unit district may be dissolved and converted into an elementary district in accordance with this Article if the following apply:

(1) the elementary district to be created includes all of the territory within the unit district to be dissolved; and

(2) an existing high school district is contiguous to territory within the unit district to be dissolved and the proceedings by which the elementary district is to be created includes the concurrent annexation all of the territory within the unit district that is to be dissolved.

(b) Multi-district conversion.

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4 Concept currently found in Section 11A-7 of the School Code.
5 105 ILCS 5/7A-1.
6 105 ILCS 5/7A-1. Under Article 7A, the State Superintendent must approve the petition.
6 105 ILCS 5/11D-1
Two or more contiguous unit districts or one or more unit districts and one or more high school districts, all of which are contiguous, may, under the provisions of this Article, dissolve and form a single new high school district and new elementary districts that are based upon the boundaries of the dissolved unit districts. No existing school district involved in the proposition may have more than 600 pupils enrolled in grades nine through twelve unless a size waiver is granted by the State Superintendent of Education based upon evidence presented which demonstrates that permitting the district to be involved in the proposition would significantly increase the educational opportunities available to the affected pupils.

Sec. 11E-20. Combined school district formation. 8

(a) Combined elementary districts.  
   (1) The territory of two or more entire contiguous elementary districts may be organized into a combined elementary district under the provisions of this Article.  
   (2) Any two or more entire elementary districts which collectively are within or substantially coterminous with the boundaries of a high school district, regardless of whether the districts are compact and contiguous with each other, may be organized into a combined school district in accordance with this Article.  

(b) Combined high school districts. Any two or more entire contiguous high school districts may be organized into a combined high school district under the provisions of this Article.  

(c) Combined unit districts. Any two or more entire contiguous unit districts may be organized into a combined unit district under the provisions of this Article.  

Sec. 11E-25. Unit district formation.

(a) From dual district territory exclusively.  
Any contiguous and compact territory, no part of which is included within any unit district, may be organized into a unit district as provided in this Article. 9  

(b) From both dual and unit district territory.  
The territory of one or more entire unit districts that are contiguous to each other, plus any contiguous and compact territory no part of which is included within any unit district, and the territory of which taken as a whole is compact may be organized into a unit district as provided in this Article. 10

8 Eliminates minimum equalized assessed valuation and population requirements contained in 105 ILCS 5/11B-2.  
9 Eliminates minimum equalized assessed valuation and population requirements contained in 105 ILCS 5/11A-2.  
10 Section 11A-2 of the School Code provides that “a petition or petitions may be filed hereunder proposing to divide a unit school district into 2 or more parts and proposing to include all of such parts in 2 or more community unit districts.” A similar provision was not added to Article 11E, as ISBE believes the dissolution and annexation of districts is adequately covered in Article 7.
Sec. 11E-30. Partial elementary unit district formation.\textsuperscript{11}

(a) From a combination of high school and unit districts (combined high school - unit district).
One or more entire high school districts and one or more entire unit districts, all of which are contiguous, may be organized into a combined high school - unit district as provided in this Article.

(b) From a combination of a substantially coterminous dual district (optional elementary unit district).
A high school district and two or more elementary districts that collectively are substantially coterminous may seek to organize into an optional elementary unit district as provided in this Article. The optional elementary unit district shall be organized from those districts voting in favor of joining the optional elementary unit district, as determined in accordance with Section 11E-65(b).

(c) Opt-in for elementary districts not voting to join a partial elementary unit district. For five years following the formation of a partial elementary unit district, any elementary district that elected not to join an optional elementary unit district for elementary purposes or any elementary district whose major part is within the boundaries of a high school district that dissolved to become part of a combined high school - unit district may elect to join the partial elementary unit district by filing a petition that requests the submission of the proposition at a regular scheduled election for the purpose of voting for or against joining the partial elementary unit district and complies with the other provisions of this Article. If all eligible elementary districts elect to join a partial elementary unit district in accordance with this subsection, the partial elementary unit district shall thereafter be deemed a unit district for all purposes of this Code.

Sec. 11E-35. Petition filing.\textsuperscript{12}

(a) Petitioners. A petition shall be filed with the regional superintendent of schools of the educational service region in which the territory described in the petition or that part of the territory with the greater percentage of equalized assessed valuation is situated. The petition must:

(1) Be signed by at least 50 legal resident voters or 10% of the legal resident voters, whichever is lesser, residing within each affected district; or
(2) Be approved by the boards of education in each affected district.\textsuperscript{13}

(b) Contents. The petition shall do the following:

\textsuperscript{11} New processes to allow a high school district to combine with a unit district, and to authorize one or more elementary districts to form a unit district with a high school district even if not all elementary districts involved in the petition approve.
\textsuperscript{12} Combines requirements in 105 ILCS 5/7A-2; 105 ILCS 5/11A-3; 105 ILCS 5/11B-3; and 105 ILCS 5/11D-2.
\textsuperscript{13} This Section generally standardizes the petition filing requirements for all types of reorganizations. Section 11A-3 of the School Code allows petitions seeking the formation of a unit district to be filed by at least 200 voters residing in at least ¾ of the districts included in the petition. In the interest of providing consistency for all types of reorganization petitions, this option is not included in Article 11E. ISBE does not believe the exclusion of this option presents a barrier to getting a proposed action on the ballot.
(1) request the submission of the proposition at a regular scheduled election for the purpose of voting:
   (i) for or against a small unit district conversion;
   (ii) for or against a multi-district conversion;
   (iii) for or against the establishment of a combined elementary district;
   (iv) for or against the establishment of a combined high school district;
   (v) for or against the establishment of a combined unit district;
   (vi) for or against the establishment of a unit district from dual district territory exclusively;
   (vii) for or against the establishment of a unit district from both dual district and unit district territory;
   (viii) for or against the establishment of a combined high school - unit district from a combination of one or more high school districts and one or more unit districts;
   (ix) for or against the establishment of an optional elementary unit district from a combination of a substantially coterminous dual district; or
   (x) for or against dissolving and becoming part of a partial elementary unit district.
(2) describe the territory comprising the districts proposed to be dissolved and those to be created;
(3) set forth the maximum tax rates for various purposes the proposed district or districts shall be authorized to levy. If the proposed district or districts are subject to the Property Tax Extension Limitation Law [35 ILCS 200/18-185 et. seq.] then the petition shall also include the additional information required by that Act.14
(4) set forth the manner in which the supplementary State deficit difference payment to be made under Section 11E-115(c) is to be allocated among the new districts proposed to be formed;
(5) shall provide, where applicable, for the division of assets and liabilities to be allocated to the proposed new or annexing school district or districts in the manner provided in Section 11E-85;
(6) may request that at that same election as the reorganization proposition a board or boards of education be elected on a separate ballot or ballots to serve as the board or boards of education of the proposed new district or districts. Any election of board members at the same election at which the proposition to create the district or districts to be served by the board or boards is submitted to the voters shall proceed under the supervision of the regional superintendent of schools as provided in Section 11E-55;
(7) may request that the referendum at which the proposition is submitted for the purpose of voting for or against the establishment of a unit district include as part of the proposition the election of board members by school board district rather than at large. Any petition requesting the election of board members by district shall divide the proposed school district into 7 school board districts, each of which must be compact and contiguous and substantially equal in population to each other school board district. Any election of board members by school board

14 Reference to PTELL information is not included in petition requirements set out in current law.
(8) may request that the referendum at which the proposition is submitted for the purpose of voting for against the establishment of a multi-district conversion include as part of the proposition the election of board members for the new high school district (i) on an at-large basis, (ii) with board members representing each of the forming elementary school districts, or (iii) a combination of both. The format for the election of the new high school board must be defined in the petition submitted to the voters. When 4 or more unit school districts are involved and a combination of board members representing each of the forming elementary school districts and at-large formats are used, one member must be elected from each of the forming elementary school districts. The remaining members may be elected on an at-large basis, provided that none of the underlying elementary school districts have a majority on the resulting high school board. When 3 unit school districts are involved and a combination of board members representing each of the forming elementary school districts and at-large formats are used, 2 members must be elected from each of the forming elementary school districts. The remaining member must be elected at large.

(9) may request that the referendum at which the proposition shall be submitted include a proposition on a separate ballot authorizing the issuance of bonds by the district or districts when organized in accordance with this Article. The principal amount of the bonds and the purposes of issuance shall be stated in the petition and in all notices and propositions submitted thereunder;

and designate a committee of 10 of the petitioners as attorney in fact for all petitioners, any 7 of whom may at any time, prior to the final decision of the regional superintendent of schools, amend the petition in all respects (except that, for a unit district formation, there may not be an increase or decrease of more than 25% of the territory to be included in the proposed district) and make binding stipulations on behalf of all petitioners as to any question with respect to the petition, including the power to stipulate to accountings or the waiver thereof between school districts.

(c) Acceptance of petition. The regional superintendent of schools shall not accept for filing under the authority of this Section any petition that includes any territory already included as part of the territory described in another petition filed under the authority of this Section.

(d) Committee of Ten.

(1) Those designated as the Committee of Ten shall serve in that capacity until such time as the regional superintendent of schools determines that, because of death, resignation, transfer of residency from the territory, failure to qualify, or any other reason, the office of a particular member of the Committee of Ten is vacant. Upon

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15 105 ILCS 5/11A-3 (second and third paragraphs)
16 105 ILCS 5/11D-6
17 105 ILCS 5/11A-3 (fourth paragraph); 105 ILCS 5/11B-3 (third paragraph); 105 ILCS 5/11D-2 (third paragraph)
determination by the regional superintendent of schools that these vacancies exist, he or she shall declare the vacancies and shall notify the remaining members to appoint a petitioner or petitioners, as the case may be, to fill the vacancies in the Committee of Ten so designated. An appointment by the Committee of Ten to fill a vacancy shall be made by a simple majority vote of the designated remaining members.

(2) Failure of a person designated as a member of the Committee of Ten to sign the petition shall not disqualify that person as a member of the Committee of Ten, and that person may sign the petition at any time prior to final disposition of the petition and the conclusion of the proceedings to form a new school district or districts, including all litigation pertaining to the petition or proceedings.

(3) Except as stated in Section 11E-35(b)(10), the Committee of Ten shall act by majority vote of the membership.

(4) The regional superintendent of schools may accept a stipulation made by the Committee of Ten instead of evidence or proof of the matter stipulated, or may refuse to accept the stipulation, provided the regional superintendent sets forth the basis for such refusal.

(5) The Committee of Ten may voluntarily dismiss its petition at any time before the petition is approved by either the regional superintendent or State Superintendent.

Sec. 11E-40. Notice and Petition Amendments.

(a) Actions upon petition filing. Upon the filing of a petition with the regional superintendent of schools as provided in Section 11E-35, the regional superintendent shall:

(1) cause a copy of the petition to be given to each board of the affected districts and the regional superintendent of schools of any other educational service region in which territory described in the petition is situated; and

(2) cause a notice thereof to be published at least once each week for 3 successive weeks in at least one newspaper having general circulation within the area of all territory of the proposed district or districts. The regional superintendent and the petitioners shall each pay half the expense of publishing the notice.

(b) Content. The notice shall state the following:

(1) when and to whom the petition was presented;
(2) the prayer of the petition;
(3) a description of the territory comprising the districts proposed to be dissolved and those to be created;

18 While existing law only requires notice to other regional superintendents for small unit district conversions, Article 11E requires this notice for all types of reorganizations.
19 In Section 7A-2, the petitioners are responsible for paying the expense of the notice. In all reorganizations under current Article 11, the regional superintendent is responsible for paying the expense of the notice.
20 105 ILCS 5/7A-2 (fourth paragraph); 105 ILCS 5/11A-3 (sixth paragraph); 105 ILCS 5/11B-3 (fourth paragraph); 105 ILCS 5/11D-2 (fourth paragraph). In addition to the information set forth in Section 11E-40, Section 7A-2 requires a statement of the maximum tax rates.
(4) if requested in the petition, the proposition to elect, by separate ballot, school board members at the same election, and indicating whether the board members are to be elected at-large or by school board district;

(5) if requested in the petition, the proposition to issue bonds and indicating the amount and purpose thereof; and

(6) the day on which the hearing on the action proposed in the petition shall be held.

c) Failure to publish notice. No petition filed under this Article and no referendum held pursuant to any petition so filed shall be null and void, invalidated, or deemed in noncompliance with the Election Code for the failure of any person or persons seeking the creation of a new school district or districts under this Article to publish a notice of intention to file the petition or to attach an affidavit attesting to the publication of that notice to the petition as required under subsection (g) of Section 28-2 of the Election Code.

d) Amendment of petition. Prior to the hearing described in Section 11E-45, the regional superintendent shall inform the petitioners as to whether the petition, as amended or filed, is proper and in compliance with all applicable petition requirements set forth in the Election Code [10 ILCS 5/1-1 et seq.]. If the regional superintendent determines the petition is not in proper order or not in compliance with any applicable petition requirements set forth in the Election Code, the regional superintendent must identify the specific defects in the petition and include specific recommendations to cure such defects. The petitioners may amend the petition to cure such defects at any time prior to the receipt of the regional superintendent’s written order made in accordance with Section 11E-50(a).

Sec. 11E-45. Hearing.

(a) No more than 15 days after the last date on which the required notice under Section 11E-40 is published, the regional superintendent of schools with whom the petition is required to be filed shall hold a hearing on the petition. Prior to the hearing, the petitioners shall submit to the regional superintendent maps showing the districts involved, and any other information deemed pertinent by the petitioners to the proposed action. The regional superintendent of schools may adjourn the hearing from time to time or may continue the matter for want of sufficient notice or other good cause.

(b) Hearing agenda. At the hearing, the regional superintendent shall allow public testimony on the action proposed in the petition. The regional superintendent shall present, or arrange for the presentation of:

(1) evidence as to the school needs and conditions in the territory described in the petition and the area adjacent thereto;

(2) evidence with respect to the ability of the proposed district or districts to meet standards of recognition as prescribed by the State Board of Education;

(3) a consideration of the division of funds and assets that will occur if the petition is approved; and

(4) the maximum tax rates for various purposes the proposed district or districts shall be authorized to levy, and, if the proposed district or districts are subject to the
Property Tax Extension Limitation Law [35 ILCS 200/18-185 et. sec.], then information regarding the aggregate extension base in conformity with the provisions of Section 210 of the Property Tax Extension Limitation Law [35 ILCS 200/18-210], and information regarding the debt service extension base in conformity with the provisions of Section 212 of the Property Tax Extension Limitation Law [35 ILCS 200/18-212].

(c) Appearance. Any regional superintendent of schools entitled under the provisions of this Article to be given a copy of the petition and any resident of any territory described in the petition may appear in person or by an attorney at law to provide oral and/or written testimony in relation to the action proposed in the petition.

(d) Transcript. The regional superintendent shall arrange for a written transcript of the hearing. The regional superintendent and the petitioners shall each pay half the expense of the written transcript.\(^\text{21}\)

Sec. 11E-50. Approval or Denial of the Petition; Administrative Review.

(a) Within 14 days after the conclusion of the hearing, the regional superintendent shall take into consideration the school needs and conditions of the affected districts and in the area adjacent thereto, the division of funds and assets which will result from the action described in the petition, and the best interests of the schools of the area and the educational welfare of the pupils residing therein and, through a written order, either approve or deny the petition.

(b) The regional superintendent shall provide a copy of the written order by registered mail to the petitioners, each board of the affected districts, the regional superintendent of schools of any other educational service region in which territory described in the petition is situated, and the State Board of Education. A written order approving the petition shall be deemed an administrative decision as defined in Section 3-101 of the Administrative Review Law [735 ILCS 5/3-101].\(^\text{22}\) If the regional superintendent fails to act upon a petition within 14 days after the conclusion of the hearing, the regional superintendent shall be deemed to have denied the petition and such action can be appealed to the State Superintendent in accordance with subsection (c) of this Section 11E-50.

(c) Actions upon denial. Within 21 days of receiving a written order denying a petition or within 21 days after the expiration of the date by which the regional superintendent must provide a written order pursuant to subsection (b), the petitioners may appeal the denial to the State Superintendent of Education. An appeal to the State Superintendent shall request the State Superintendent’s review of the petition and, if a written order was provided by the regional superintendent, specify the provisions of the regional superintendent’s order the petitioners believe to be in error. The State Superintendent shall review the appeal, the petition, the record of the hearing, and the written order of the regional superintendent, if any. Within 14 days after the receipt of the appeal, the State Superintendent shall take into consideration the school needs.

\(^{21}\) Responsibility for cost of the transcript is the responsibility of the petitioners under Section 7A-2. Other reorganization articles do not specifically address this issue.

\(^{22}\) If the regional superintendent approves the petition, the requirement in current law for a separate State Superintendent review is eliminated.
and conditions of the affected districts and in the area adjacent thereto, the division of funds and assets which will result from the action described in the petition, and the best interests of the schools of the area and the educational welfare of the pupils residing therein and, through a written order, either approve or deny the petition. If the State Superintendent denies the petition, the State Superintendent shall set forth in writing the specific basis for such denial. The decision of the State Superintendent shall be deemed an administrative decision as defined in Section 3-101 of the Administrative Review Law. The State Superintendent shall provide a copy of the decision by registered mail to the petitioners, each board of the affected districts, the regional superintendent with whom the petition was filed, and the regional superintendent of schools of any other educational service region in which territory described in the petition is situated.

(d) Administrative Review. Any resident of any territory described in the petition who appears at the hearing or any petitioner or board of education of any affected district may, within 35 days after a copy of the decision sought to be reviewed was served by registered mail upon the party affected thereby, or upon the attorney of record for the party, apply for a review of an administrative decision of either the regional superintendent or State Superintendent in accordance with the Administrative Review Law and the rules adopted pursuant to the Administrative Review Law. The commencement of any action for review shall operate as a supersedeas, and no further proceedings shall be had until final disposition of such review. The circuit court of the county in which the petition is filed with the regional superintendent of schools shall have sole jurisdiction to entertain a complaint for the review.

Sec. 11E-55. Holding of elections.

(a) Elections provided by this Article shall be conducted in accordance with the general election law. The regional superintendent of schools shall perform the election duties assigned by law to the secretary of a school board for the election and shall certify the officers and candidates therefore pursuant to the general election law.

(b) Nomination papers filed under this Article are not valid unless the candidate named therein files with the regional superintendent of schools a receipt from the county clerk showing that the candidate has filed a statement of economic interests as required by the Illinois Governmental Ethics Act. Such receipt shall be so filed either previously during the calendar year in which his or her nomination papers were filed or within the period for the filing of nomination papers in accordance with the general election law.

(c) School board election notice. (1) If the petition requests the election of school board members of the school district(s) proposed to be created at the same election at which the proposition to

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23 105 ILCS 5/7A-3; 105 ILCS 5/11A-4; 105 ILCS 5/11B-4; 105 ILCS 5/11D-3
24 105 ILCS 5/7A-4(a); 105 ILCS 5/7A-6(c); 105 ILCS 5/11A-5(a); 105 ILCS 5/11A-8(a); 105 ILCS 5/11B-5(a); 105 ILCS 5/11B-7(a); 105 ILCS 5/11D-4(a); 105 ILCS 5/11D-6
25 105 ILCS 5/7A-6(c); 105 ILCS 5/11A-8(a); 105 ILCS 5/11B-7(a); 105 ILCS 5/11D-6
26 105 ILCS 5/7A-6(c); 105 ILCS 5/11A-8; 105 ILCS 5/11B-7; 105 ILCS 5/11D-6
establish that district is to be submitted to voters, or if the regional superintendent of schools finds it in the best interest of the districts involved to elect school board members of the school district(s) proposed to be created at such election, that fact shall be included in the notice of referendum.

(2) If the members of the school board(s) of the school district(s) proposed to be created are not to be elected at the same election at which the proposition to establish that district is to be submitted to the voters, the regional superintendent of schools shall order an election to be held on the next regularly scheduled election date for the purpose of electing a board of education for that district.

(3) In either event, the board of education elected for a new school district or districts created under this Article shall consist of 7 members who shall have the terms and the powers and duties of school boards as defined in Sections 10-10 through 10-28 of the School Code and as elsewhere provided by statute.

(d) Notice of reorganization propositions. All notices regarding propositions for reorganization or creation of new school districts under this Article shall be shall be given in accordance with the general election law in substantially the following form:

(1) Notice in small unit district to be dissolved under a small unit district conversion.

NOTICE OF REFERENDUM TO DISSOLVE
A UNIT DISTRICT, TO CREATE
AN ELEMENTARY SCHOOL DISTRICT THEREFROM,
AND TO ANNEX THE TERRITORY THEREIN TO
A CONTIGUOUS HIGH SCHOOL DISTRICT

NOTICE is hereby given that on (insert date), a referendum will be held in part(s) of ...... county (counties) for the purpose of voting for or against the proposition to dissolve Unit School District No. ...... of ...... County, Illinois, to create an elementary school district to be comprised of the same territory which now comprises the unit district proposed to be so dissolved, and to annex that same territory to High School District No. ...... of ...... County, Illinois.

The territory which now comprises Unit School District No. ...... of ...... County, Illinois, which territory is the same as the territory which is to comprise the elementary school district proposed to be created and which also is the same as the territory which is proposed to be annexed to High School District No. ...... of ...... County, Illinois, is described as follows: (Here describe such territory.)

The territory which now comprises High School District No. ...... of ...... County, Illinois, which high school district it is proposed shall annex the territory above described in this Notice, is described as follows: (Here describe such territory.)

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27 A provision was added to give authority to the regional superintendent to order that school board members be elected at the same election even where the petition fails to include such a request if the regional superintendent finds that it is in the best interest of the districts to do so. This solves the practical problem of having to delay an entire reorganization for something that the field considers a technicality; however, an expectation remains that the record should indicate that it is indeed the intention of petitioners to elect board members at the same election as the proposition.

28 105 ILCS 5/7A-4(b)
The election is called and will be held pursuant to an order of the Regional Superintendent dated on (insert date), which order states that if a majority of the voters residing in Unit School District No. ..... of ...... County, Illinois and voting at the referendum on the proposition vote in favor of such proposition, and if by separate ballot a majority of the voters residing in High School District No. ..... of ...... County, Illinois and voting at the referendum on the proposition to annex the territory first above described in this Notice vote in favor thereof, that then the tax rates for (here list the purposes for which taxing authority is being sought in conformity with subsection (f) of this Section) purposes which shall constitute the tax rates for the elementary school district so created and for High School District No. ..... of ...... County, Illinois upon annexation of the territory first above described shall be: (f) with respect to such elementary school district, (here list the maximum rates for which taxing authority is being sought in conformity with subsection (f) of this Section) purposes, and (ii) with respect to High School District No. ..... of ...... County, Illinois upon such annexation, (here list the maximum rates for which taxing authority is being sought in conformity with subsection (f) of this Section) purposes.

Dated (insert date).
Regional Superintendent of Schools ....................................

(2) Notice in high school district proposing to annex territory under a small unit district conversion. 29

NOTICE OF REFERENDUM
FOR ANNEXATION BY A HIGH SCHOOL DISTRICT OF CONTIGUOUS TERRITORY TO BE DISSOLVED AS A UNIT DISTRICT

NOTICE is hereby given that on (insert date), a referendum will be held in part(s) of ...... county (counties) for the purpose of voting for or against a proposition that High School District No. ..... of ...... County, Illinois annex certain contiguous territory hereinafter described upon the dissolution of such contiguous territory as a unit district. The territory which now comprises High School District No. ..... of ...... County, Illinois is described as follows: (Here describe such territory.) The contiguous territory which it is proposed shall be annexed by High School District No. ..... of ...... County, Illinois upon the dissolution of such contiguous territory as a unit district is described as follows: (Here describe such territory.)

The election is called and will be held pursuant to an order of the Regional Superintendent dated on (insert date), which order states that if a majority of the voters residing in High School District No. ..... of ...... County, Illinois and voting at the referendum on the proposition to annex the territory last described above vote in favor of such proposition, and if by separate ballot a majority of the voters residing in the territory last described above and voting at the referendum on the proposition to dissolve such territory as a unit district, to create an elementary school district therefrom and to annex such territory to High School District No. ..... of ...... County, Illinois vote in favor of

29 105 ILCS 5/7A-4(c)
such proposition, that then the tax rates for (here list the purposes for which taxing authority is being sought in conformity with subsection (f) of this Section) purposes which shall constitute the tax rates for High School District No. ..... of ...... County, Illinois upon and after annexation of the territory last described above shall be (here list the maximum rates for which taxing authority is being sought in conformity with subsection (f) of this Section) purposes.
Dated (insert date).
Regional Superintendent of Schools ..............................

(3) Notice for multi-district conversion.\footnote{30}

\textbf{NOTICE OF REFERENDUM TO DISSOLVE CERTAIN SCHOOL DISTRICTS AND ESTABLISH CERTAIN NEW SCHOOL DISTRICTS}

NOTICE is hereby given that on (insert date), a referendum will be held in part(s) of ..... county (counties) for the purpose of voting for or against the proposition to dissolve (here name the districts to be dissolved) and to establish new school districts for the following described territory: (Here describe territory by districts, numbering them.) The election is called and will be held pursuant to an order of the Regional Superintendent dated on (insert date), which order states that the tax rates for (here list the purposes for which taxing authority is being sought in conformity with subsection (f) of this Section) purposes, respectively, for the proposed new school districts shall be as follows (stating the following separately for each of the new school districts proposed to be established): For.... (here state elementary or high school) District No. ..... tax rates of (here list the maximum rates for which taxing authority is being sought in conformity with subsection (f) of this Section) purposes, and which rates shall constitute the tax rates for .... (here state elementary or high school) District No. ..... if a majority of the voters in each of the affected districts voting on the proposition at the referendum vote in favor thereof.
Dated (insert date).
Regional Superintendent of Schools ..............................

(4) Notice for combined school district formation.\footnote{31}

\textbf{NOTICE OF REFERENDUM TO ESTABLISH COMBINED SCHOOL DISTRICT}

NOTICE is hereby given that on (insert date), a referendum will be held in part(s) of ..... county (counties) for the purpose of voting for or against the proposition to establish a combined (here insert elementary, high school, or unit) school district for the following described territory: (Here describe territory by districts, numbering them.) The election is called and will be held pursuant to an order of the Regional Superintendent dated on (insert date), which order states that the tax rates for (here list the purposes for which taxing authority is being sought in conformity with subsection (f) of this Section) purposes, respectively, for said proposed combined school district shall be (here list the maximum rates for which taxing authority is being sought in conformity with subsection (f) of this Section) purposes, and which rates shall constitute the tax rates for the

\footnotesize{\textsuperscript{30} 105 ILCS 5/11D-4}
\footnotesize{\textsuperscript{31} 105 ILCS 5/11B-5(b)}
combined school district, if a majority of the voters in each of the affected school districts voting on the proposition at the referendum vote in favor thereof.

Dated (insert date).
Regional Superintendent of Schools .................................

(5) Notice for unit district formation (other than a partial elementary unit district). 32

NOTICE OF REFERENDUM TO ESTABLISH
A COMMUNITY UNIT DISTRICT

NOTICE is hereby given that on (insert date), a referendum will be held in part(s) of ..... county (counties) for the purpose of voting for or against the proposition to establish a unit district for the following described territory: (Here describe territory by districts or portions thereof, numbering them.) The election is called and will be held pursuant to an order of the Regional Superintendent dated on (insert date), which order states that the tax rates for (here list the purposes for which taxing authority is being sought in conformity with subsection (f) of this Section) purposes, respectively, for the proposed unit district shall be (here list the maximum rates for which taxing authority is being sought in conformity with subsection (f) of this Section) purposes, and which rates shall constitute the tax rates for the unit district, if a majority of the voters in each of the affected school districts voting on the proposition at the referendum vote in favor thereof.

Dated (insert date).
Regional Superintendent of Schools .................................

(6) Notice for combined high school - unit district formation.

NOTICE OF REFERENDUM TO ESTABLISH COMBINED HIGH SCHOOL - UNIT DISTRICT

NOTICE is hereby given that on (insert date), a referendum will be held in part(s) of ..... county (counties) for the purpose of voting for or against the proposition to establish a combined high school - unit district for the following described territory: (Here describe territory by districts, numbering them.) The following described territory shall be included in the combined high school – unit district for high school purposes only: (Here describe territory that will only be included for high school purposes). The election is called and will be held pursuant to an order of the Regional Superintendent dated on (insert date), which order states that the tax rates for (here list the k -12 purposes and high school purposes for which taxing authority is being sought in conformity with subsection (f) of this Section) purposes, respectively, for said proposed combined high school - unit district shall be (here list the maximum k - 12 purpose rates and the maximum high school purpose rates for which taxing authority is being sought in conformity with subsection (f) of this Section), and which rates shall constitute the tax rates for the combined high school – unit district, if a majority of the voters in each of the affected school districts voting on the proposition at the referendum vote in favor thereof.

Dated (insert date).
Regional Superintendent of Schools .................................

32 105 ILCS 5/11A-5(b)
(7) Notice for optional elementary unit district formation.

NOTICE OF REFERENDUM TO ESTABLISH
AN OPTIONAL ELEMENTARY UNIT DISTRICT

NOTICE is hereby given that on (insert date), a referendum will be held in part(s) of ..... county (counties) for the purpose of voting for or against the proposition to establish an optional elementary unit district for the following described territory: (Here describe territory by districts or portions thereof, numbering them); provided, however, for elementary purposes, the optional elementary unit district shall only include those elementary school districts where a majority of the voters voting on the proposition at the referendum vote in favor thereof. The election is called and will be held pursuant to an order of the Regional Superintendent dated on (insert date), which order states that the tax rates for (here list the k - 12 purposes and high school purposes for which taxing authority is being sought in conformity with subsection (f) of this Section) purposes, respectively, for said proposed optional elementary unit district shall be (here list the maximum k - 12 purpose rates and the maximum high school purpose rates for which taxing authority is being sought in conformity with subsection (f) of this Section) shall constitute the tax rates for the portion of the optional elementary unit district operating for k - 12 purposes and the portion of the optional elementary unit district operating for high school purposes respectively, if a majority of the voters voting on the proposition in one or more of the affected elementary districts and in the affected high school district at the referendum vote in favor thereof.

Dated (insert date).
Regional Superintendent of Schools .................................

(8) Notice for an elementary district to opt into a partial elementary unit district

NOTICE OF REFERENDUM TO JOIN
A PARTIAL ELEMENTARY UNIT DISTRICT

NOTICE is hereby given that on (insert date), a referendum will be held in part(s) of ..... county (counties) for the purpose of voting for or against the proposition to dissolve a elementary district and join a partial elementary unit district for kindergarten – 12 grade level purposes for the following described territory: (Here describe territory by districts or portions thereof, numbering them.) The election is called and will be held pursuant to an order of the Regional Superintendent dated on (insert date), which order states that the tax rates for (here list the purposes for which taxing authority is being sought in conformity with subsection (f) of this Section) purposes, respectively, for the proposed unit district shall be (here list the maximum rates for which taxing authority is being sought in conformity with subsection (f) of this Section) purposes, and which rates shall constitute the tax rates for the unit district, if a majority of the voters in the elementary school district voting on the proposition at the referendum vote in favor thereof. Dated (insert date).

Regional Superintendent of Schools .................................
(f) Specification of taxing purposes and rates.  

(1) For a district or districts not subject to the Property Tax Extension Limitation Law [35 ILCS 200/185 et. seq.], other than a partial elementary unit district:

(i) list the purposes for taxes subject to rate limitations specified in Section 11E-70 and Sections 17-2 and 17-3 of the School Code [105 ILCS 5/17-2 and 17-3] that the new district will be authorized to levy against property in the territory of the district incorporated for elementary purposes, followed by the purposes for taxes subject to rate limitations that the new district will be authorized to levy against property in the territory of the district incorporated for high school purposes (e.g. for grades k–8 educational purposes, operations and maintenance purposes, etc.; for grades 9–12 educational purposes, operations and maintenance purposes, etc.).

(ii) if it is desired to secure authority to levy other taxes above the statutory permissive rate, then these purposes should also be listed (e.g. special educational purposes, leasing educational facilities or computer technology purposes, fire prevention and safety purposes, etc.).

(iii) for each tax purpose listed, list the maximum rate at which the district will be authorized to levy each tax (e.g. ____% for educational purposes, ____% for operations and maintenance purposes, etc.).

(2) For a district or districts that is subject to the Property Tax Extension Limitation Law [35 ILCS 200/185 et. seq.], other than a partial elementary unit district:

(i) list the purpose for each and every tax that the new district(s) will be authorized to levy (e.g. educational purposes, operations and maintenance purposes, etc.).

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33 The language in Sections 11 E – 55(f) and 11 E – 60 (c) is designed to allow generic models of the notices and ballots that are adaptable to the particular situation rather than including multiple examples of notices and ballots to deal with the various possible scenarios for each type of reorganization. The current statutory provisions dealing with notices and ballots (7A-4, 7A-5; 11A-5, 11A-6; 11B-5, 11B-6; and 11D-4, 11D-5) do not reflect the content requirements if the district or districts are subject to PTELL: (i) there is no provision for establishing the aggregate extension base to allow for levy of tort taxes, municipal retirement taxes, etc.; (ii) there is no provision for establishing a debt service extension base. In each case in the current language the tax rate for fire prevention and safety purposes is included in the notice and on the ballot but this should only be necessary if the new district is seeking authority to levy for FPS purposes at more than 0.05% (since 17-2.11 provides permissive authority to tax at up to this rate). Section 17-2.11 does contain a provision that by referendum the rate can be increased to up to 0.10%, but there are other levy purposes that include similar provisions (e.g. the Special Ed. Levy, the Facilities leasing levy). Sections 7A-7, 11A-9, 11B-8, and 11D-3 each contain the stipulation that “The board of education may levy taxes for other purposes as generally permitted by law.” If a district is not subject to PTELL and does not wish to have authority above 0.05% for FPS purposes there would seem to be no need to explicitly list it in the notice or on the ballot. Conversely, if they wanted to tax for special education purposes above the permissive rate specified in Section 17-2.2a then that should be explicitly listed on both the notice and the ballot. The same can be said for the facility leasing tax [17-2.2(c)] Also, this language accounts for taxes not subject to rate limit such as tort immunity, municipal retirement, social security, etc.
(ii) for each tax purpose listed, list the maximum rate at which the district will be authorized to levy each tax (e.g. % for educational purposes, % for operations and maintenance purposes, etc.).

(iii) include the information regarding the aggregate extension base in conformity with the provisions of Section 210 of the Property Tax Extension Limitation Law [35 ILCS 200/18-210].

(iv) include the information regarding the debt service extension base in conformity with the provisions of Section 212 of the Property Tax Extension Limitation Law [35 ILCS 200/18-212] if desired.

(3) For a partial elementary unit district not subject to the Property Tax Extension Limitation Law:

(i) list the purposes for taxes subject to rate limitations specified in Sections 11E-70, 17-2 and 17-3 of the School Code [105 ILCS 5/11E-70, 17-2 and 17-3] that the new district will be authorized to levy against property in the territory of the district incorporated for k - 12 purposes, followed by the purposes for taxes subject to rate limitations that the new district will be authorized to levy against property in the territory of the district incorporated for high school purposes only (e.g. for grades k –12 educational purposes, operations and maintenance purposes, etc.; for grades 9 – 12 educational purposes, operations and maintenance purposes, etc.).

(ii) if it is desired to secure authority to levy other taxes above the statutory permissive rate, then these purposes should also be listed for both k - 12 and high school purposes (e.g. for grades k –12 special educational purposes, leasing educational facilities or computer technology purposes, fire prevention and safety purposes, etc.; for grades 9 – 12 special educational purposes, leasing educational facilities or computer technology purposes, etc.).

(iii) for each tax purpose listed, list the maximum rate at which the district will be authorized to levy each tax (e.g. % for k – 12 educational purposes, % for k-12 operations and maintenance purposes, etc.; % for 9 – 12 educational purposes, % for 9-12 operations and maintenance purposes, etc.).

(4) For a partial elementary unit district that is subject to the Property Tax Extension Limitation Law:

(i) list the purpose for each and every tax that the new district(s) will be authorized to levy first for k - 12 purposes and then for high school purposes as shown in subsection (3) above.

(ii) for each tax purpose listed, list the maximum rate at which the district will be authorized to levy each tax as shown in subsection (3) above.

(iii) include the information regarding the aggregate extension base in conformity with the provisions of Section 210 of the Property Tax Extension Limitation Law [35 ILCS 200/18-210].

(iv) include the information regarding the debt service extension base in conformity with the provisions of Section 212 of the Property Tax Extension Limitation Law [35 ILCS 200/18-212] if desired.
Sec. 11E-60. Ballots.

(a) Separate ballots for each election. Separate ballots shall be used for the election in each affected district. If the petition requests the submission of a proposition for the issuance of bonds, that question shall be submitted to the voters at the referendum on a separate ballot.

(b) Ballots for all reorganization propositions submitted under the provisions of this Article shall be in substantially the following form:

(1) Ballot in small unit district to be dissolved under a small unit district conversion:34

OFFICIAL BALLOT

Shall Unit School District No. .... of ...... County, Illinois be dissolved and converted into a separate elementary school district with all territory of the unit district so dissolved and converted also being annexed to and incorporated into High School District No. .... of ...... County, Illinois, the elementary school district so established to have authority to levy taxes at the rate of (here list the purposes for which taxing authority is being sought in conformity with subsection (c) of this Section) and High School District No. .... of ...... County, Illinois upon such annexation to have authority to levy taxes at the rate of (here list the purposes for which taxing authority is being sought in conformity with subsection (c) of this Section) each upon all the taxable property of each such district at the value thereof, as equalized or assessed by the Department of Revenue

YES ______ NO

(2) Ballot in high school district proposing to annex territory under a small unit district conversion:35

OFFICIAL BALLOT

Shall High School District No. .... of ...... County, Illinois with authority to levy taxes at the rate of (here list the purposes for which taxing authority is being sought in conformity with subsection (c) of this Section), each upon all the taxable property of the district at the value thereof, as equalized or assessed by the Department of Revenue, annex the following described territory: (Here describe the territory of the unit district proposed to be dissolved)?

YES ______ NO

(3) Ballot for multi-district conversion:36

34 105 ILCS 5/7A-5
35 105 ILCS 5/7A-5
36 105 ILCS 5/11D-5
OFFICIAL BALLOT

Shall (here name the districts to be dissolved) be dissolved and (here name the districts to be established) be established with authority to levy taxes (here repeat for each new district by name) at the rate of (here list the purposes for which taxing authority is being sought in conformity with subsection (c) of this Section, each upon all the taxable property of the district at the value thereof, as equalized or assessed by the Department of Revenue?

YES ______ NO

(4) Ballot for combined school district formation. 37

OFFICIAL BALLOT

Shall a combined (here insert elementary, high or unit) school district with authority to levy taxes at the rate of (here list the purposes for which taxing authority is being sought in conformity with subsection (c) of this Section) each upon all the taxable property of the district at the value thereof, as equalized or assessed by the Department of Revenue, be established?

YES ______ NO

(5) Ballot for unit district formation (other than a partial elementary unit district formation). 38

OFFICIAL BALLOT

Shall a unit district with authority to levy taxes at the rate of (here list the purposes for which taxing authority is being sought in conformity with subsection (c) of this Section), each upon all the taxable property of the district at the value thereof, as equalized or assessed by the Department of Revenue, be established?

YES ______ NO

(6) Ballot for a combined high school - unit district formation.

OFFICIAL BALLOT

Shall a combined high school - unit district with authority to levy taxes at the rate of (here list the purposes for which taxing authority is being sought in conformity with subsection (c) of this Section), each upon all the taxable property of the district at the value thereof, as equalized or assessed by the Department of Revenue, be established?

37 105 ILCS 5/11B-6  
38 105 ILCS 5/11A-6
(7) Ballot for an optional elementary unit district formation.

OFFICIAL BALLOT

Shall an optional elementary unit district with authority to levy taxes at the rate of (here list the purposes for which taxing authority is being sought in conformity with subsection (c) of this Section), each upon all the taxable property of the district at the value thereof, as equalized or assessed by the Department of Revenue, be established?

YES ______ NO

(8) The ballot for an elementary school district to dissolve and join a partial elementary unit district.

OFFICIAL BALLOT

Shall the elementary district be dissolved and join partial elementary unit district (here identify the district) serving grade levels Kindergarten – 12 with authority to levy taxes at the rate of (here list the purposes for which taxing authority is being sought in conformity with subsection (c) of this Section) purposes, each upon all the taxable property of the district at the value thereof, as equalized or assessed by the Department of Revenue?

YES ______ NO

(c) Specification of taxing purposes and rates.39

(1) For a district or districts not subject to the Property Tax Extension Limitation Law [35 ILCS 200/185 et. seq.], other than a partial elementary unit district:

(i) list the maximum rate for each of the purposes for taxes subject to rate limitations specified in Sections 17-2 and 17-3 of the School Code [105 ILCS 5/17-2 and 17-3] that the new district(s) will be authorized to levy. (e.g. ___% for educational purposes, ___% for operations and maintenance purposes, etc.).

(ii) if it is desired to secure authority to levy other taxes above the statutory permissive rate, then these purposes should also be listed (e.g. ___% for special educational purposes, ___% for leasing educational facilities or computer technology purposes, ___% for fire prevention and safety purposes, etc.).

(2) For a district or districts subject to the Property Tax Extension Limitation Law [35 ILCS 200/185 et. seq.], other than a partial elementary unit district:

(i) list the maximum rate for each and every tax purpose that the new district(s) will be authorized to levy (e.g. ___% for educational purposes, ___% for operations and maintenance purposes, etc.).

39 See footnote 33.
(ii) include the information regarding the aggregate extension base in conformity with the provisions of Section 210 of the Property Tax Extension Limitation Law [35 ILCS 200/18-210].

(iii) include the information regarding the debt service extension base in conformity with the provisions of Section 212 of the Property Tax Extension Limitation Law [35 ILCS 200/18-212] if desired.

(3) For a partial elementary unit district not subject to the Property Tax Extension Limitation Law:

(i) list the maximum rate for each of the purposes for taxes subject to rate limitations specified Sections 11E-70, 17-2 and 17-3 of the School Code [105 ILCS 5/11E-70, 17-2 and 17-3] that the new district(s) will be authorized to levy for k - 12 purposes and high school purposes (e.g. ___% for educational purposes in grades k - 12, ___% for operations and maintenance purposes in grades k – 12, etc.; ___% for educational purposes in grades 9 - 12, ___% for operations and maintenance purposes in grades 9 – 12, etc.).

(ii) if it is desired to secure authority to levy other taxes above the statutory permissive rate, then these purposes should also be listed (e.g. ___% for special educational purposes in grades k - 12, ___% for leasing educational facilities or computer technology purposes in grades 9 -12, etc.).

(4) For a partial elementary unit district that is subject to the Property Tax Extension Limitation Law:

(i) list the maximum rate for each and every tax purpose that the new district(s) will be authorized to levy for k - 12 purposes and for high school purposes as shown in subsection (3) above.

(ii) include the information regarding the aggregate extension base in conformity with the provisions of Section 210 of the Property Tax Extension Limitation Law.

(iii) include the information regarding the debt service extension base in conformity with the provisions of Section 212 of the Property Tax Extension Limitation Law, if desired.

Sec. 11E-65. Passage requirements.

(a) Except as otherwise provided in subsections (b) and (c), if a majority of the electors voting at the election in each affected district vote in favor of the proposition submitted to them, the proposition shall be deemed to have passed. 40

(b) In the case of an optional elementary unit district to be created as provided in Section 11E -30(b) of this Article, if a majority of the electors voting in the high school district and a majority of the voters voting in at least one affected elementary district vote in favor of the proposition submitted to them, the proposition shall be deemed to have passed and an optional elementary unit district shall be created.

district shall be created for all the territory included in the petition for high school purposes, and for the territory included in the affected elementary districts voting in favor of the proposition for elementary purposes.

(c) In the case of an elementary district electing to join a partial elementary unit district in accordance with Section 11E-30(c), a majority of the electors voting in that elementary district only must vote in favor of the proposition at a regularly scheduled election.

(d) Special provision for unit district formation.41
   (1) If a majority of the voters in at least two unit districts have voted in favor of a proposition to create a new unit district, but the proposition was not approved under the standards set forth in subsection (a) of this Section 11E-65, then the members of the Committee of Ten shall submit an amended petition for consolidation to the boards of education of those districts, as long as the territory involved is compact and contiguous. The petition submitted to the boards of education shall be identical in form and substance to the petition previously approved by the regional superintendent of schools, with the sole exception that the territory comprising the proposed district shall be amended to include the compact and contiguous territory of those unit districts in which a majority of the voters voted in favor of the proposal.
   (2) Each board of education to which the petition is submitted shall meet and vote to approve or not approve the amended petition no more than 30 days after it has been filed with the board. The regional superintendent of schools shall make available to each board of education with which a petition has been filed all transcripts and records of the previous petition hearing. The boards of education shall, by the appropriate resolution, approve or disapprove the amended petition. No board of education may approve an amended petition unless it first finds that the territory described in the petition is compact and contiguous.
   (3) If a majority of the members of each board of education to whom a petition is submitted votes in favor of the amended petition, the approved petition shall be transmitted by the secretary of each board of education to the State Superintendent of Education, who shall, within 30 days of receipt, approve or deny the amended petition based on the criteria stated in subsection (c) of Section 11E-50. If approved by the State Superintendent of Education, the petition shall be placed on the ballot at the next regularly scheduled election.

Sec. 11E-70. Taxes, Bonds, and Working Cash Funds.

(a) Tax Levies.
   (1) If the election of the board of education of the new district occurs at a regular election and the board of education makes its initial levy or levies in that same year, the county clerk shall extend such levy or levies notwithstanding any other law that requires the adoption of a budget before the clerk may extend the levy.42 In addition, the districts from which the new district is formed, by joint agreement and with the

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41 105 ILCS 5/11A-3 (eleventh paragraph)
42 105 ILCS 5/11A-9; 105 ILCS 5/11B-8; 105 ILCS 5/11D-13
approval of the regional superintendent, shall be permitted to amend outstanding
levies in the same calendar year in which the creation of the new district is approved
at the rates specified in the petition.\footnote{105 ILCS 5/11A-9.}

(2) If the election of the board of education of the new district does not occur in the
same calendar year that the proposition to create the new district is approved, the
districts from which the new district or districts are formed, by joint agreement and
with the approval of the regional superintendent, shall be permitted to levy in the
same calendar year in which the creation of the new district is approved at the rates
specified in the petition. The county clerks shall extend any such levy
notwithstanding any law that requires adoption of a budget before extension of the
levy.\footnote{105 ILCS 5/11A-9; 105 ILCS 5/11B-8; 105 ILCS 5/11D-13}

(b) General levy and borrowing authority.\footnote{105 ILCS 5/11A-9; 105 ILCS 5/11B-8; 105 ILCS 5/11D-13} The school board of any district involved in
a school district conversion, or the school board of any new district created under the
provisions of this Article other than a partial elementary unit district:

(1) may levy for the purposes and at not exceeding the rates specified in the
petition with respect to each such district, which rates thereafter may be increased or
decreased in accordance with Sections 17-2 through 17-7, and may further levy taxes for
other purposes as generally permitted by law;
(2) may borrow money and issue bonds as authorized Articles 10 and 19 of the
School Code, and as otherwise permitted by law; and
(3) may establish, maintain, and or recreate a working cash fund as authorized by
Article 20 of the School Code.

c) Optional elementary unit districts.

(1) For the portion of the territory included for k – 12 purposes, the school board
of any new optional elementary unit district may levy taxes at a rate for each statutorily
authorized purpose determined by combining the lowest rate for that purpose extended by
any of the elementary districts included in the petition in the year immediately preceding
the creation of the new district, and the rate for that purpose extended by the high school
district included in the petition in the year immediately preceding the creation of the new
district, provided such rates are specified in the petition to form the new district. If any
resulting combined elementary and high school rate for any statutorily authorized
purpose is less than the maximum rate otherwise applicable to unit districts as specified
elsewhere in statute, then such rate may be specified in the petition and on the ballot at a
rate not exceeding the maximum rate otherwise applicable to unit districts as specified
elsewhere in statute.

(2) For the portion of the territory included for high school purposes only, the
school board of any new optional elementary unit district may levy taxes at a rate for each statutorily authorized purpose at a rate not exceeding the rate for that purpose
extended by the high school district in the year immediately preceding the creation of the new
district, provided such rates are specified in the petition to form the new district.

(3) For the portion of the territory included for k - 12 purposes, beginning with the
third year of operation of the new optional elementary unit district, any rate determined
pursuant to subsection (c)(1) that exceeds the maximum rate otherwise applicable to unit
districts as specified elsewhere in statute shall be reduced by 0.10% each year until such rate is reduced to the maximum rate otherwise applicable to unit districts as specified elsewhere in statute.

(4) For the portion of the territory included for k-12 purposes, the school board may, subsequent to the formation of the district and in accordance with Sections 17-2 through 17-7 of the School Code, seek to increase or decrease the rates for any statutorily authorized purpose that do not exceed the maximum rate otherwise applicable to unit districts as specified elsewhere in statute; provided, however, in no case may an increased rate exceed the maximum rate otherwise applicable to unit districts as specified elsewhere in statute. For the portion of the territory included for high school purposes only, the school board may, subsequent to the formation of the district and in accordance with Sections 17-2 through 17-7 of the School Code, seek to increase or decrease the rates determined pursuant to subsection (c)(2); provided, however, in no case may an increased rate exceed the maximum rate otherwise applicable to high school districts as specified elsewhere in statute. The school board may further levy taxes for other purposes as generally permitted by law.

(5) The school board may borrow money and issue bonds as authorized by Articles 10 and 19 of the School Code separately for elementary purposes and for high school purposes (but not for k-12 purposes) as provided in those Articles, and as otherwise permitted by law.

(6) The school board may establish, maintain, and or recreate a working cash fund separately for elementary purposes and high school purposes (but not for k – 12 purposes) as authorized by Article 20 of the School Code.

(d) Combined high school – unit district.

(1) For the portion of the territory included for k – 12 purposes, the school board of any new combined high school – unit district may levy taxes at a rate for each statutorily authorized purpose at a rate not exceeding the rate for that purpose extended by the unit district included in the petition in the year immediately preceding the creation of the new district, provided such rates are specified in the petition to form the new district.

(2) For the portion of the territory included for high school purposes only, the school board of any new combined high school - unit district may levy taxes at a rate for each statutorily authorized purpose at a rate not exceeding the rate for that purpose extended by the high school district in the year immediately preceding the creation of the new district, provided such rates are specified in the petition to form the new district.

(3) For the portion of the territory included for k - 12 purposes, the school board may, subsequent to the formation of the district, seek to increase or decrease the rates determined pursuant to subsection (d)(1) in accordance with Sections 17-2 through 17-7 of the School Code, provided, however, in no case may an increased rate exceed the maximum rate otherwise applicable to unit districts as specified elsewhere in statute. For the portion of the territory included for high school purposes only, the school board may, subsequent to the formation of the district, seek to increase or decrease the rates determined pursuant to subsection (d)(2) in accordance with Sections 17-2 through 17-7 of the School Code, provided, however, in no case may an increased rate exceed the maximum rate otherwise applicable to high school districts as specified elsewhere in
statute. The school board may further levy taxes for other purposes as generally permitted by law.

(4) The school board may borrow money and issue bonds as authorized by Articles 10 and 19 of the School Code separately for elementary purposes and for high school purposes (but not for k-12 purposes) as provided in those Articles, and as otherwise permitted by law; and

(5) The school board may establish, maintain, and or recreate a working cash fund separately for elementary purposes and high school purposes (but not for k – 12 purposes) as authorized by Article 20 of the School Code.

Sec. 11E-75. Effective date of change.

(a) Authority of prior school districts. In case a petition is filed after August 1, and the change is granted and approved at election and no appeal is taken, the change shall become effective after the time for appeal has run for the purpose of all elections; however, the change shall not affect the administration of the schools until July 1 following the date the board of education election is held for the new district or districts and the school boards of the districts as they existed prior to the change shall exercise the same power and authority over the territory until that date; however, a new district shall be permitted to organize and elect officers within the time prescribed by the general election law. 46

(b) Termination of office. For any school district conversion, upon the close of the then current school year during which any unit district is dissolved under the provisions of this Article, the terms of office of the school board of the dissolved unit district shall terminate. 47

(c) Authority of new district or districts. 48 Notwithstanding subsection (a) of this section, new districts shall be permitted to organize and elect officers within the time prescribed by the general election law. Additionally, between the date of the organization and election of officers and the date on which the new district takes effect for all purposes, the new district shall also be permitted, with the stipulation of the districts from which the new district is formed and the approval of the regional superintendent of schools, to take all action necessary or appropriate to:

(1) Establish the tax levy for the new district, in lieu of the levies by the districts from which the new district is formed, within the time generally provided by law and in accordance with Section 11E-70. The funds produced by the levy shall be transferred to the new district as generally provided by law at such time as they are received by the county collector.

(2) Enter into agreements with depositories and direct the deposit and investment of any funds received from the county collector or any other source, all as generally provided by law.

46 105 ILCS 5/7A-8; 105 ILCS 5/11A-10; 105 ILCS 5/11B-9; 105 ILCS 5/11D-7
47 105 ILCS 5/7A-9
48 105 ILCS 5/7A-8; 105 ILCS 5/11A-10; 105 ILCS 5/11B-9; 105 ILCS 5/11D-7
(3) Conduct a search for the superintendent of the new district and enter into a contract with the person selected to serve as the superintendent of the new district in accordance with the provisions of this Code generally applicable to the employment of the superintendent.

(4) Engage the services of accountants, architects, attorneys, and other consultants, including but not limited to consultants to assist in the search for the superintendent.

(5) Plan for the transition from the administration of the schools by the districts from which the new district is formed.

(6) Bargain collectively, pursuant to the Illinois Educational Labor Relations Act, with the certified exclusive bargaining representative or certified exclusive bargaining representatives of the new district’s employees.

(7) Expend the funds received from the levy in order to permit any of the districts from which the new district is formed to meet payroll and other essential operating expenses until the new district takes effect for all purposes.

(8) Expend the funds received from the levy, and any funds received from the districts from which the new district is formed, in the exercise of the foregoing powers.

(9) Issue bonds pursuant to and in accordance with all of the requirements of Section 17-2.11, levy taxes upon all taxable property within the new district to pay the principal of and interest on those bonds as provided in Section 17-2.11, expend the proceeds of the bonds and enter into any necessary contracts for the work financed therewith as authorized by Section 17-2.11 and other applicable law, and avail themselves of the provisions of other applicable law, including the Omnibus Bond Acts, in connection with the issuance of those bonds.

(d) Acceleration of effective date. After the granting of a petition has become final and approved at election, the date when the change shall become effective for purposes of administration and attendance may be accelerated or postponed by stipulation of each of the school boards of each district affected and approved by the regional superintendent of schools with which the original petition is required to be filed.

Sec. 11E-80. Map showing change.

Within 30 days after a new school district has been created or the boundaries of an existing district have been changed under the provisions of this Article, the regional superintendent of schools of any county involved shall make and file with the county clerk of his or her county a map of any districts changed by the action, whereupon the county clerk or county clerks, as the case may be, shall extend taxes against the territory in accordance therewith.

Sec. 11E-85. Assets, liabilities and bonded indebtedness; tax rate.

(a) Bonded indebtedness. Subject to the terms and provisions of subsections (b) and (c) of this Section 11E-85, whenever a new district is created under any of the provisions

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49 105 ILCS 5/11A-10; 105 ILCS 5/11B-9; 105 ILCS 5/11D-7
50 105 ILCS 5/7A-10; 105 ILCS 5/11A-11; 105 ILCS 5/11B-10; 105 ILCS 5/11D-8
of this Article, the outstanding bonded indebtedness shall be treated as hereinafter provided in this subsection and in Section 19-29 of this Code. The tax rate for bonded indebtedness shall be determined in the manner provided in Section 19-7 of this Code, and not withstanding the creation of any such district, the County Clerk or Clerks shall annually extend for each such outstanding bond issue against all of the taxable property that was situated within the boundaries of the district as such boundaries existed at the time of the issuance of each such bond issue regardless of whether such property is still contained in that same district at the time of the extension of such taxes by the County Clerk or Clerks. Unless the petition, notice and ballot provide otherwise, the debt service extension base of any dissolved district shall be apportioned among the existing or new districts in the same proportion as the debt service payments.

(b) Special provisions for unit district formation. For a unit district formation, whenever a part of a district is included within the boundaries of a newly created unit district, the regional superintendent of schools shall cause an accounting to be had between the districts affected by the change in boundaries as provided for in Article 11C of this Code. Whenever the entire territory of 2 or more school districts is organized into a unit district pursuant to a petition filed under this Article, the petition may provide that the entire territory of the new unit district shall assume the bonded indebtedness of the previously existing school districts. In that case, the tax rate for bonded indebtedness shall be determined in the manner provided in Section 19-7 of this Code, except the county clerk shall annually extend taxes for each outstanding bond issue against all the taxable property situated in the new unit district as it exists after the organization.

(c) Special provision for small unit district conversion.

(1) Elementary district assumption of assets and liabilities of small unit district. For a small unit district conversion, upon the effective date of the change as provided in Section 11E-75 and subject to the provisions of subsection (c)(2) of this Section, the newly created elementary district shall receive all the assets and assume all the liabilities and obligations of the dissolved unit district.

(2) Division of assets and liabilities between elementary and high school districts. Notwithstanding the provisions of subsection (c)(1) of this Section, upon the stipulation of the school board of the annexing high school district and either the school board of the unit district prior to the effective date of its dissolution, or thereafter of the school board of the newly created elementary district, and with the approval in either case of the regional superintendent of schools of the educational service region in which the territory described in the petition filed under this Article or the greater percentage of equalized assessed valuation of the territory is situated, the assets, liabilities, and obligations of the dissolved unit district shall be divided among the newly created elementary district and the annexing high school district.

51 105 ILCS 5/11A-12; 105 ILCS 5/11B-11; 105 ILCS 5/11D-9. References to financial obligations to the Capital Development Board were deleted because these obligations were paid off through the Capital Assistance program in the 1970’s. In subsequent years, CDB has only dealt in grants and has not used lease-purchase financing.
52 105 ILCS 5/11A-13
53 105 ILCS 5/11A-3 (fourth paragraph)
54 105 ILCS 5/11A-12(b)
55 105 ILCS 5/7A-11
district may be divided and assumed between and by the newly created elementary district and the annexing high school district in accordance with the terms and provisions of the stipulation and approval. In such event, the provisions of Section 19-29 shall be applied to determine the debt incurring power of the newly created elementary district and of the contiguous annexing high school district.

(3) Tax rate for bonded indebtedness. Without regard to whether the receipt of assets and the assumption of liabilities and obligations of the dissolved unit district is determined pursuant to subsections (c)(1) or (c)(2) of this Section, the tax rate for bonded indebtedness shall be determined in the manner provided in Section 19-7, and notwithstanding the creation of this new elementary district, the county clerk or clerks shall annually extend taxes for each outstanding bond issue against all the taxable property that was situated within the boundaries of the dissolved unit district as those boundaries existed at the time of the issuance of each such bond issue, regardless of whether the property was still contained in that unit district at the time of its dissolution and regardless of whether the property is contained in the newly created elementary district at the time of the extension of the taxes by the county clerk or clerks.

Sec. 11E-90. Teachers in contractual continued service.

(a) School district conversions. When a small unit district conversion or multi-district conversion becomes effective for purposes of administration and attendance as determined pursuant to Section 11E-75, the provisions of Section 24-12 relative to the contractual continued service status of teachers having contractual continued service whose positions are transferred from one board to the control of a new or different board shall apply, and the positions held by teachers, as that term is defined in Section 24-11, having contractual continued service with the unit district at the time of its dissolution shall be transferred on the following basis:

(1) positions of such teachers in contractual continued service that, during the 5 school years immediately preceding the effective date of the change as determined under Section 11E-75, were full time positions in which all of the time required of the position was spent with respect to one or more of grades nine through twelve shall be transferred to the control of the board of the annexing high school district (for a small unit district conversion) or new high school district (for a multi-district conversion);

(2) positions of such teachers in contractual continued service that, during the 5 school years immediately preceding the effective date of the change as determined under Section 11E-75, were full time positions in which all of the time required of the position was spent with respect to one or more of grades kindergarten through eight shall be transferred to the control of the board of the newly created successor elementary district; and

(3) positions of such teachers in contractual continued service that were full time positions not required to be transferred to the control of the board of the annexing

56 105 ILCS 5/7A-12; 105 ILCS 5/11D-10
or new high school district or the board of the newly created successor elementary district under the provisions of subdivision (1) or (2) of this subsection (a) shall be transferred to the control of whichever of the boards the teacher shall request.

(4) With respect to each position to be transferred under the provisions of this subsection (a), the amount of time required of each such position to be spent in one or more of grades kindergarten through eight and nine through twelve shall be determined with reference to the applicable records of the unit district being dissolved pursuant to stipulation of the school board of the unit district prior to the effective date of its dissolution, or thereafter of the school board of the newly created districts and, in the case of a small unit district conversion, the annexing high school district, and with the approval in either case of the regional superintendent of schools of the educational service region in which the territory described in the petition filed under this Article or the greater percentage of equalized assessed valuation of the territory is situated; however, if no such stipulation can be agreed upon, the regional superintendent of schools, after hearing any additional relevant and material evidence as any such school board desires to submit, shall make the determination.

(b) Unit district and combined school district formations. When the creation of a unit district or a combined school district becomes effective for purposes of administration and attendance as determined pursuant to Section 11E-75, the positions of teachers in contractual continued service in the districts involved in the creation of the new district are transferred to the newly created district pursuant to the provisions of Section 24-12 relative to teachers having contractual continued service status whose positions are transferred from one board to the control of a different board and those provisions of Section 24-12 shall apply to these transferred teachers. The contractual continued service status of any teacher thereby transferred to the newly created district is not lost and the new board is subject to this Code with respect to the transferred teacher in the same manner as if the teacher was that district’s employee and had been its employee during the time the teacher was actually employed by the board of the district from which the position was transferred.

Sec. 11E-95. Limitations on contesting boundary change.

Neither the People of the State of Illinois, any person or corporation, private or public, nor any association of persons shall commence an action contesting either directly or indirectly the dissolution, division, annexation or creation of any new school district under the provisions of this Article, unless such action is commenced within one year after the order providing for the action shall have become final, within one year after the date of the election provided for in this Article if no proceedings to contest the election are duly instituted within the time permitted by law, or within one year after the final disposition of any proceedings that may be so instituted to contest the election; however, where a limitation of a shorter period is prescribed by statute, the shorter limitation shall apply, and the limitation set forth in this Section shall not apply to any order where the

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57 105 ILCS 5/11A-10; 105 ILCS 5/11B-9. As the definition of “unit district” in Section 11E-10 includes partial elementary unit districts, these same provisions will apply to partial elementary unit districts.

58 105 ILCS 5/7A-15; 105 ILCS 5/11A-4; 105 ILCS 5/11B-12; 105 ILCS 5/11D-12
judge, body, or officer entering the order being challenged did not at the time of the entry of the order have jurisdiction of the subject matter.

Sec. 11E-100. Limitation on successive petitions.

(a) Two-year period. No affected district shall be again involved in proceedings under this Article for at least 2 years after final determination of the first proceeding, unless during that 2 year period a petition filed is substantially different than any other previously filed petition during the previous 2 years or if an affected district is placed on academic watch status or the financial watch list by the State Board of Education or is certified as being in financial difficulty during that 2 year period.59

(b) Not applicable to opt-in by elementary districts. Nothing contained in this Section shall be deemed to limit or restrict the ability of an elementary district to join a partial elementary unit district in accordance with the terms and provisions of Section 11E-30(c).

Sec. 11E-105. Districts not penalized for nonrecognition.60

Any school district included in a petition for reorganization as authorized under this Article shall not suffer loss of State aid as a result of being placed on nonrecognition status if the district continues to operate and the petition is granted.

Sec. 11E-110. Unit district formation and joint agreement vocational education program.61

(a) Majority of territory previously part of joint agreement. Whenever a unit district is established under the provisions of this Article and more than 50% of the territory of the unit district is territory that immediately prior to its inclusion in the unit district was included in a high school district or districts that were signatories under the same joint agreement vocational educational project, pursuant to the provisions of this Code, then the unit district shall upon its establishment be deemed to be a member and signatory to the joint agreement and shall also have the right to continue to extend any previous authority to levy a tax under Section 17-2.4 of this Code.

(b) Majority of territory not previously part of joint agreement. In those instances, however, when more than 50% of the territory of any unit district was not immediately prior to its establishment included within the territory of a high school district that was a signatory to the same joint agreement vocational educational program, then the unit district shall not be deemed upon its establishment to be a signatory to the joint agreement nor shall the unit district be deemed to have the special tax levy rights under Section 17-2.4 of this Code.

(c) General authority to participate in joint agreement. Nothing in this Section shall be deemed to forbid the unit district from subsequently joining any such joint agreement vocational education program and to thereafter levy a tax under Section 17-2.4 of this Code by following the provisions of Section 17-2.4. In the event any such unit district

60 105 ILCS 5/11A-16; 105 ILCS 5/11B-13
61 105 ILCS 5/11A-15
should subsequently join any such joint agreement vocational education program, it
shall be entitled to a fair credit, as computed by the State Board of Education, for any
capital contributions previously made to the joint agreement vocational education
program from taxes levied against the assessed valuation of property situated in any
part of the territory included within the unit district.

Sec. 11E-115 Incentives.

For districts reorganizing under this Article and for a district or districts that annex all of
the territory of one or more entire other school districts in accordance with Article 7, the
following payments shall be made from appropriations made for these purposes:
(a) General State Aid Difference

   (1) For a Combined School District as defined in Section 11E-20 or for a Unit
district as defined in Section 11E-25, for its first year of existence the general State aid
and supplemental general State aid calculated under Section 18-8.05 shall be computed
for the new district and for the previously existing districts for which property is totally
included within the new district. If the computation on the basis of the previously existing
districts is greater, a supplementary payment equal to the difference shall be made for the
first 4 years of existence of the new district.

   (2) For a school district which annexes all of the territory of one or more entire
other school districts as defined in Article 7 or Section 11E-15(a)(2), for the first year
during which the change of boundaries attributable to such annexation becomes effective
for all purposes as determined under Section 7-9 or 11E-75, the general State aid and
supplemental general State aid calculated under Section 18-8.05 shall be computed for
the annexing district as constituted after the annexation and for the annexing and each
annexed district as constituted prior to the annexation; and if the computation on the basis
of the annexing and annexed districts as constituted prior to the annexation is greater, a
supplementary payment equal to the difference shall be made for the first 4 years of
existence of the annexing school district as constituted upon such annexation.

   (3) For 2 or more school districts which annex all of the territory of one or more entire
other school districts as defined in Article 7, for the first year during which the
change of boundaries attributable to such annexation becomes effective for all purposes
as determined under Section 7-9 the general State aid and supplemental general State aid
calculated under Section 18-8.05 shall be computed for each annexing district as
constituted after the annexation and for each annexing and annexed district as constituted
prior to the annexation; and if the aggregate of the general State aid and supplemental
general State aid as so computed for the annexing districts as constituted after the
annexation is less than the aggregate of the general State aid and supplemental general
State aid as so computed for the annexing and annexed districts, as constituted prior to
the annexation, then a supplementary payment equal to the difference shall be made and
allocated between or among the annexing districts, as constituted upon such annexation,
for the first 4 years of their existence. The total difference payment shall be allocated
between or among the annexing districts in the same ratio as the pupil enrollment from
that portion of the annexed district or districts which is annexed to each such annexing

62 105 ILCS 5/18-8.05(I); 105 ILCS 5/11D-11(3)
district bears to the total pupil enrollment from the entire annexed district or districts, as such pupil enrollment is determined for the school year last ending prior to the date when the change of boundaries attributable to the annexation becomes effective for all purposes. The amount of the total difference payment and the amount thereof to be allocated to the annexing districts shall be computed by the State Board of Education on the basis of pupil enrollment and other data which shall be certified to the State Board of Education, on forms which it shall provide for that purpose, by the regional superintendent of schools for each educational service region in which the annexing and annexed districts are located.

(4) For a Multi-District Conversion as defined in Section 11E-15(b), if in their first year of existence the newly created elementary districts and the newly created high school district qualify for less general State aid under Section 18-8.05 than would have been payable under that Section for that same year to the previously existing districts, then a supplementary payment equal to that difference shall be made for the first 3 years of existence of the newly created districts. The aggregate amount of each such supplementary payment shall be allocated among the newly created districts in the proportion that the deemed pupil enrollment in each such district during its first year of existence bears to the actual aggregate pupil enrollment in all such districts during their first year of existence. For purposes of each such allocation:

(i) the deemed pupil enrollment of the newly created high school district shall be an amount equal to its actual pupil enrollment for its first year of existence multiplied by 1.25; and

(ii) the deemed pupil enrollment of each newly created elementary district shall be an amount equal to its actual pupil enrollment for its first year of existence reduced by an amount equal to the product obtained when the amount by which the newly created high school district's deemed pupil enrollment exceeds its actual pupil enrollment for its first year of existence is multiplied by a fraction, the numerator of which is the actual pupil enrollment of the newly created elementary district for its first year of existence, and the denominator of which is the actual aggregate pupil enrollment of all such newly created elementary districts for their first year of existence. The aggregate amount of each supplementary payment under this paragraph and the amount thereof to be allocated to the newly created districts shall be computed by the State Board of Education on the basis of pupil enrollment and other data which shall be certified to the State Board of Education, on forms which it shall provide for that purpose, by the regional superintendent of schools for each educational service region in which the newly created districts are located.

(5) For a partial elementary unit district, if in the first year of existence the newly created partial elementary unit district qualifies for less general State aid and supplemental general State Aid under Section 18-8.05 than would have been payable under that Section for that same year to the previously existing districts that formed the partial elementary unit district, then a supplementary payment equal to that difference shall be made to the partial elementary unit district for the first 4 years of existence of that newly created district.

(6) For an elementary opt-in as defined in Section 11E-30(c), the General State Aid Difference will be computed in accordance with Subsection (5) as if the opted-in
elementary was included in the partial elementary unit district at the partial elementary unit district’s original effective date. If the calculation in this Subsection (6) is less than that calculated in Subsection (5) at the partial elementary unit district’s original effective date, no adjustments will be made. If the calculation in this Subsection (6) is more than that calculated in Subsection (5) at the partial elementary unit district’s original effective date, the excess will be paid as follows:

(i) If the effective date for the elementary opt-in is one year after the effective date for the partial elementary unit district, 100% of the calculated excess shall be paid to the partial elementary unit district in each of the first 4 years after the effective date of the elementary opt-in.

(ii) If the effective date for the elementary opt-in is two years after the effective date for the partial elementary unit district, 75% of the calculated excess shall be paid to the partial elementary unit district in each of the first 4 years after the effective date of the elementary opt-in.

(iii) If the effective date for the elementary opt-in is three years after the effective date for the partial elementary unit district, 50% of the calculated excess shall be paid to the partial elementary unit district in each of the first 4 years after the effective date of the elementary opt-in.

(iv) If the effective date for the elementary opt-in is four years after the effective date for the partial elementary unit district, 25% of the calculated excess shall be paid to the partial elementary unit district in each of the first 4 years after the effective date of the elementary opt-in.

(v) If the effective date for the elementary opt-in is five years after the effective date for the partial elementary unit district, the partial elementary unit district will not be eligible for any additional incentives due to the elementary opt-in.

(7) Claims for financial assistance under this subsection shall not be recomputed except as expressly provided under Section 18-8.05.

(8) Any supplementary payment made under this subsection shall be treated as separate from all other payments made pursuant to this Section 18-8.05.

(b) Salary Difference Incentive

(1) After the formation of a Combined School District as defined in Section 11E-20 or a Unit district as defined in Section 11E-25, a computation shall be made to determine the difference between the salaries effective in each of the previously existing districts on June 30, prior to the creation of the new district. For the first 4 years after the formation of the new district, a supplementary State aid reimbursement shall be paid to the new district equal to the difference between the sum of the salaries earned by each of the certificated members of the new district while employed in one of the previously existing districts during the year immediately preceding the formation of the new district and the sum of the salaries those certificated members would have been paid during the year immediately prior to the formation of the new district if placed on the salary schedule of the previously existing district with the highest salary schedule.

(2) After the territory of one or more school districts is annexed by one or more other school districts as defined in Article 7 or Section 11E-15(a)(2), a computation shall

63 105 ILCS 5/18-8.2; 105 ILCS 5/11D-11(4)
be made to determine the difference between the salaries effective in each such annexed
district and in the annexing district or districts as they each were constituted on June 30
preceding the date when the change of boundaries attributable to such annexation became
effective for all purposes as determined under Section 7-9 or Section 11E-75. For the
first 4 years after any such annexation, a supplementary State aid reimbursement shall be
paid to each annexing district as constituted after the annexation equal to the difference
between the sum of the salaries earned by each of the certificated members of such
annexing district as constituted after the annexation while employed in an annexed or
annexing district during the year immediately preceding the annexation, and the sum of
the salaries those certificated members would have been paid during such immediately
preceding year if placed on the salary schedule of whichever of such annexing or annexed
districts had the highest salary schedule during such immediately preceding year.

(3) For each new high school district formed under a Multi-District Conversion as
defined in Section 11E-15(b), the State shall make a supplementary payment for 3 years
equal to the difference between the sum of the salaries earned by each certified member
of the new high school district while employed in one of the previously existing districts
and the sum of the salaries those certified members would have been paid if placed on the
salary schedule of the previously existing district with the highest salary schedule.

(4) For each newly created partial elementary unit district, the State shall make a
supplementary payment for 4 years equal to the difference between the sum of the
salaries earned by each certified member of the newly created partial elementary unit
district while employed in one of the previously existing districts that formed the partial
elementary unit district and the sum of the salaries those certified members would have
been paid if placed on the salary schedule of the previously existing district with the
highest salary schedule. The salary schedules used in the calculation shall be those in
effect in the previously existing districts for the school year prior to the creation of the
new partial elementary unit district.

(5) For an elementary opt-in as defined in Section 11E-30(c), the Salary
Difference Incentive will be computed in accordance with Subsection (4) as if the opted-
in elementary was included in the partial elementary unit district at the partial elementary
unit district’s original effective date. If the calculation in this Subsection (5) is less than
that calculated in Subsection (4) at the partial elementary unit district’s original effective
date, no adjustments will be made. If the calculation in this Subsection (5) is more than
that calculated in Subsection (4) at the partial elementary unit district’s original effective
date, the excess will be paid as follows:

(i) If the effective date for the elementary opt-in is one year after the
effective date for the partial elementary unit district, 100% of the calculated
excess shall be paid to the partial elementary unit district in each of the first 4
years after the effective date of the elementary opt-in.

(ii) If the effective date for the elementary opt-in is two years after the
effective date for the partial elementary unit district, 75% of the calculated excess
shall be paid to the partial elementary unit district in each of the first 4 years after
the effective date of the elementary opt-in.

(iii) If the effective date for the elementary opt-in is three years after the
effective date for the partial elementary unit district, 50% of the calculated excess

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shall be paid to the partial elementary unit district in each of the first 4 years after the effective date of the elementary opt-in.

(iv) If the effective date for the elementary opt-in is four years after the effective date for the partial elementary unit district, 25% of the calculated excess shall be paid to the partial elementary unit district in each of the first 4 years after the effective date of the elementary opt-in.

(v) If the effective date for the elementary opt-in is five years after the effective date for the partial elementary unit district, the partial elementary unit district will not be eligible for any additional incentives due to the elementary opt-in.

(6) Such supplementary State aid reimbursement shall be treated as separate from all other payments made pursuant to Section 18-8 or 18-8.05. In the case of the formation of a new district, reimbursement shall begin during the first year of operation of the new district; and in the case of an annexation of the territory of one or more school districts by one or more other school districts, reimbursement shall begin during the first year when the change in boundaries attributable to such annexation or division becomes effective for all purposes as determined pursuant to Section 7-9 or 11E-75. Each year any such new, annexing or resulting district, as the case may be, is entitled to receive reimbursement, the number of eligible certified members who are employed on October 1 in any such district shall be certified to the State Board of Education on prescribed forms by October 15 and payment shall be made on or before November 15 of that year.

(c) Deficit Fund Balance Incentive

(1) For the first year after the formation of a Combined School District as defined in Section 11E-20 or a Unit district as defined in Section 11E-25, a computation shall be made totaling each previously existing district's audited fund balances in the educational fund, working cash fund, operations and maintenance fund, and transportation fund for the year ending June 30 prior to the referendum for the creation of the new district. The new district shall be paid supplementary State aid equal to the sum of the differences between the deficit of the previously existing district with the smallest such deficit and the deficits of each of the other previously existing districts.

(2) For the first year after the annexation of all of the territory of one or more entire school districts by another school district as defined in Article 7 or Section 11E-15(a)(2), computations shall be made, for the year ending June 30 prior to the date that the change of boundaries attributable to such annexation is allowed by the affirmative decision issued by the regional board of school trustees under Section 7-6 or the affirmative action of the regional superintendent or State Superintendent under Section 11E-50, notwithstanding any effort to seek administrative review of such decision, totaling the annexing district's and totaling each annexed district's audited fund balances in their respective educational, working cash, operations and maintenance, and transportation funds. The annexing district as constituted after the annexation shall be paid supplementary State aid equal to the sum of the differences between the deficit of whichever of the annexing or annexed districts as constituted prior to the annexation had

64 105 ILCS 5/18-8.3; 105 ILCS 5/11D-11(1)
the smallest deficit and the deficits of each of such other districts as constituted prior to such annexation.

(3) For the first year after the annexation of all of the territory of one or more entire school districts by 2 or more other school districts as defined by Article 7, computations shall be made, for the year ending June 30 prior to the date that the change of boundaries attributable to such annexation is allowed by the affirmative decision of the regional board of school trustees under Section 7-6, notwithstanding any action for administrative review of such decision, totaling each annexing and annexed district's audited fund balances in their respective educational, working cash, operations and maintenance, and transportation funds. The annexing districts as constituted after the annexation shall be paid supplementary State aid, allocated as hereinafter provided, in an aggregate amount equal to the sum of the differences between the deficit of whichever of the annexing or annexed districts as constituted prior to the annexation had the smallest deficit and the deficits of each of such other districts as constituted prior to such annexation. The aggregate amount of the supplementary State aid payable under this subsection shall be allocated between or among the annexing districts as follows:

(i) the regional superintendent of schools for each educational service region in which an annexed district is located prior to the annexation shall certify to the State Board of Education, on forms which it shall provide for that purpose, the value of all taxable property in each such annexed district as last equalized or assessed by the Department of Revenue prior to the annexation, and the equalized assessed value of each part of the annexed district that was annexed to or included as a part of an annexing district;

(ii) using equalized assessed values as certified by the regional superintendent of schools under clause (i) of this subsection, the combined audited fund balance deficit of each annexed district as determined under this Section shall be apportioned between or among the annexing districts in the same ratio as the equalized assessed value of that part of such annexed district which was annexed to or included as a part of an annexing district bears to the total equalized assessed value of such annexed district; and

(iii) the aggregate supplementary State aid payment under this subsection shall be allocated between or among, and shall be paid to, the annexing districts in the same ratio as the sum of the combined audited fund balance deficit of each such annexing district as constituted prior to the annexation plus all combined audited fund balance deficit amounts apportioned to that annexing district under clause (ii) of this subsection bears to the aggregate of the combined audited fund balance deficits of all of the annexing and annexed districts as constituted prior to the annexation.

(4) For the new elementary districts and new high school district formed through a Multi-District Conversion as defined in Section 11E-15(b), a computation shall be made totaling each previously existing district's audited fund balances in the educational fund, working cash fund, operations and maintenance fund, and transportation fund for the year ending June 30 prior to the referendum for the Multi-District Conversion to elementary districts and the formation of the new high school districts. In the first year of the new districts, the State shall make a one-time supplementary payment equal to the sum of the differences between the deficit of the previously existing district with the
smallest deficit and the deficits of each of the other previously existing districts. A district with a combined balance among the four funds that is positive will be considered to have a deficit of zero. The supplementary payment shall be allocated among the newly formed high school and elementary districts in the manner provided by the petition for the formation of such districts, in the form in which such petition is approved by the regional superintendent or State Superintendent under Section 11E-50.

(5) For each newly created partial elementary unit district, a computation shall be made totaling the audited fund balances of each previously existing district that formed the new partial elementary unit district in the educational fund, working cash fund, operations and maintenance fund, and transportation fund for the year ending June 30 prior to the referendum for the formation of the partial elementary unit district. In the first year of the new partial elementary unit district, the State shall make a one-time supplementary payment to the new district equal to the sum of the differences between the deficit of the previously existing district with the smallest deficit and the deficits of each of the other previously existing districts. A district with a combined balance among the four funds that is positive will be considered to have a deficit of zero.

(6) For an elementary opt-in as defined in Section 11E-30(c), the Deficit Fund Balance Incentive will be computed in accordance with Subsection (5) as if the opted-in elementary was included in the partial elementary unit district at the partial elementary unit district’s original effective date. If the calculation in this Subsection (6) is less than that calculated in Subsection (5) at the partial elementary unit district’s original effective date, no adjustments will be made. If the calculation in this Subsection (6) is more than that calculated in Subsection (5) at the partial elementary unit district’s original effective date, the excess will be paid as follows:

(i) If the effective date for the elementary opt-in is one year after the effective date for the partial elementary unit district, 100% of the calculated excess shall be paid to the partial elementary unit district in the first year after the effective date of the elementary opt-in.

(ii) If the effective date for the elementary opt-in is two years after the effective date for the partial elementary unit district, 75% of the calculated excess shall be paid to the partial elementary unit district in the first year after the effective date of the elementary opt-in.

(iii) If the effective date for the elementary opt-in is three years after the effective date for the partial elementary unit district, 50% of the calculated excess shall be paid to the partial elementary unit district in the first year after the effective date of the elementary opt-in.

(iv) If the effective date for the elementary opt-in is four years after the effective date for the partial elementary unit district, 25% of the calculated excess shall be paid to the partial elementary unit district in the first year after the effective date of the elementary opt-in.

(v) If the effective date for the elementary opt-in is five years after the effective date for the partial elementary unit district, the partial elementary unit district will not be eligible for any additional incentives due to the elementary opt-in.

(7) For purposes of any calculation required under subsection (1), (2), (3), (4), (5) or (6), a district with a combined fund balance that is positive will be considered to have
a deficit of zero. For purposes of determining each district's audited fund balances in its educational fund, working cash fund, operations and maintenance fund and transportation fund for the specified year ending June 30 as provided in subsections (1), (2), (3), (4), (5) and (6), the balance of each such fund shall be deemed decreased by an amount equal to the amount of the annual property tax theretofore levied in such fund by the district for collection and payment to the district during the calendar year in which such June 30 fell, but only to the extent that the tax so levied in such fund actually was received by the district on or before, or comprised a part of such fund on such June 30. For purposes of determining each district's audited fund balances, a calculation shall be made for each fund to determine the average for the 3 years prior to the specified year ending June 30 as provided in subsections (1), (2), (3), (4), (5) and (6) of the district's expenditures in the categories "purchased services", "supplies and materials", and "capital outlay", as those categories are defined in rules of the State Board of Education. If this three-year average is less than the district's expenditures in these categories for the specified year ending June 30 as provided in subsections (1), (2), (3), (4), (5) and (6), then the three-year average shall be used in calculating the amounts payable under this Section in place of the amounts shown in these categories for the specified year ending June 30 as provided in subsections (1), (2), (3), (4), (5) and (6). Any deficit because of State aid not yet received shall not be considered in determining such June 30 deficits. The same basis of accounting shall be used by all previously existing districts and by all annexing or annexed districts, as constituted prior to the annexation in making any computation required under subsection (1), (2), (3), (4), (5) and (6).

(8) Such supplementary State aid payments shall be treated as separate from all other payments made pursuant to Section 18-8.

(d) Full-Time Certified Staff Incentive

(1) Following the formation of a Combined School District as defined in Section 11E-20, or of a new Unit district as defined in Section 11E-25, or of a new elementary district formed through a Small Unit district Conversion as defined by Section 11E-15(a)(1), or of a new elementary district or districts and a new high school district formed through a Multi-District Conversion as defined by 11E-15(b), or of a new Partial Elementary Unit District as defined by Section 11E-30, or the annexation of all of the territory of one or more entire school districts by one or more other school districts as defined by Article 7 or Section 11E-15(a)(2), a supplementary State aid reimbursement shall be paid for the number of school years determined under the following table to each new or annexing district equal to the sum of $4,000 for each certified employee who is employed by such district on a full-time basis for the regular term of any such school year:

<table>
<thead>
<tr>
<th>Reorganized District's Rank by type of district (unit, high school, elementary)</th>
<th>Reorganized District's Rank in Average Daily Attendance By Quintile</th>
<th>Reorganized District's Rank in Equalized Assessed Value Per Pupil by Quintile</th>
</tr>
</thead>
<tbody>
<tr>
<td>3rd, 4th</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

65 105 ILCS 5/18-8.5; 105 ILCS 5/11D-11(2)
The State Board of Education shall make a one-time calculation of a reorganized district's quintile ranks. The average daily attendance used in this calculation shall be the best 3 months' average daily attendance for the district's first year. The equalized assessed value per pupil shall be the district's real property equalized assessed value used in calculating the district's first-year general State aid claim divided by the best 3 months' average daily attendance.

No annexing or resulting school district shall be entitled to supplementary State aid under this Section unless such district acquires at least 30% of the average daily attendance of the district from which the territory is being detached or divided.

If a district results from multiple reorganizations that would otherwise qualify the district for multiple payments under this Section in any year, the district shall receive a single payment only for that year based solely on the most recent reorganization.

(2) For an elementary opt-in as defined in Section 11E-30(c), the Full-Time Certified Staff Incentive will be computed in accordance with Subsection (1) equal to the sum of $4,000 for each certified employee of the elementary district that opts-in who is employed by the partial elementary unit district on a full-time basis for the regular term of any such school year. The calculation from this Subsection (2) will be paid as follows:

(i) If the effective date for the elementary opt-in is one year after the effective date for the partial elementary unit district, 100% of the amount calculated in Subsection (2) shall be paid to the partial elementary unit district for the number of years calculated in Subsection (1) at the partial elementary unit district's original effective date, starting in the second year after the effective date of the elementary opt-in.

(ii) If the effective date for the elementary opt-in is two years after the effective date for the partial elementary unit district, 75% of the amount calculated in Subsection (2) shall be paid to the partial elementary unit district for the number of years calculated in Subsection (1) at the partial elementary unit district’s original effective date, starting in the second year after the effective date of the elementary opt-in.

(iii) If the effective date for the elementary opt-in is three years after the effective date for the partial elementary unit district, 50% of the amount calculated in Subsection (2) shall be paid to the partial elementary unit district for the number of years calculated in Subsection (1) at the partial elementary unit district’s original effective date, starting in the second year after the effective date of the elementary opt-in.

(iv) If the effective date for the elementary opt-in is four years after the effective date for the partial elementary unit district, 25% of the amount
calculated in Subsection (2) shall be paid to the partial elementary unit district for the number of years calculated in Subsection (1) at the partial elementary unit district’s original effective date, starting in the second year after the effective date of the elementary opt-in.

(v) If the effective date for the elementary opt-in is five years after the effective date for the partial elementary unit district, the partial elementary unit district will not be eligible for any additional incentives due to the elementary opt-in.

(3) The supplementary State aid reimbursement payable under this Section shall be separate from and in addition to all other payments made to the district pursuant to any other Section of this Article.

(4) During May of each school year for which a supplementary State aid reimbursement is to be paid to a new or annexing school district pursuant to this Section, the school board shall certify to the State Board of Education, on forms furnished to the school board by the State Board of Education for purposes of this Section, the number of certified employees for which the district is entitled to reimbursement under this Section, together with the names, certificate numbers and positions held by such certified employees.

(5) Upon certification by the State Board of Education to the State Comptroller of the amount of the supplementary State aid reimbursement to which a school district is entitled by this Section, the State Comptroller shall draw his warrant upon the State Treasurer for the payment thereof to the school district and shall promptly transmit the payment to the school district through the appropriate school treasurer.

(105 ILCS 5/17-2) (from Ch. 122, par. 17-2)
Sec. 17-2. (a) Tax levies; purposes; rates. Except as otherwise provided in Articles 12 and 13 of this Act, the following maximum rates shall apply to all taxes levied after August 10, 1965, in districts having a population of less than 500,000 inhabitants, including those districts organized under Article 11 of the School Code. The school board of any district having a population of less than 500,000 inhabitants may levy a tax annually, at not to exceed the maximum rates and for the specified purposes, upon all the taxable property of the district at the value, as equalized or assessed by the Department of Revenue as follows:
(1) districts maintaining only grades 1 through 8, .92% for educational purposes and .25% for operations and maintenance purposes;
(2) districts maintaining only grades 9 through 12, .92% for educational purposes and .25% for operations and maintenance purposes;
(3) districts maintaining grades 1 through 12, 1.63% for the 1985-86 school year, 1.68% for the 1986-87 school year, 1.75% for the 1987-88 school year and 1.84% for the 1988-89 school year and thereafter for educational purposes and .405% for the 1989-90 school year, .435% for the 1990-91 school year, .465% for the 1991-92 school year, and .50% for the 1992-93 school year and thereafter for operations and maintenance purposes;
(4) all districts, 0.75% for capital improvement purposes (which is in addition to the levy for operations and maintenance purposes), which tax is to be levied, accumulated for not more than 6 years, and spent for capital improvement purposes (including but not limited
to the construction of a new school building or buildings or the purchase of school
grounds on which any new school building is to be constructed or located, or both) only
in accordance with Section 17-2.3 of this Act;
5) districts maintaining only grades 1 through 8, .12% for transportation purposes,
provided that districts maintaining only grades kindergarten through 8 which have an
enrollment of at least 2600 students may levy, subject to Section 17-2.2, at not to exceed
a maximum rate of .20% for transportation purposes for any school year in which the
number of students requiring transportation in the district exceeds by at least 2% the
number of students requiring transportation in the district during the preceding school
year, as verified in the district's claim for pupil transportation and reimbursement and as
certified by the State Board of Education to the county clerk of the county in which such
district is located not later than November 15 following the submission of such claim;
districts maintaining only grades 9 through 12, .12% for transportation purposes; and
districts maintaining grades 1 through 12, .14% for the 1985-86 school year, .16% for the
1986-87 school year, .18% for the 1987-88 school year and .20% for the 1988-89 school
year and thereafter, for transportation purposes;
(6) districts providing summer classes, .15% for educational purposes, subject to Section
17-2.1 of this Act.

Whenever any special charter school district operating grades 1 through 12, has
organized or shall organize under the general school law, the district so organized may
continue to levy taxes at not to exceed the rate at which taxes were last actually extended
by the special charter district, except that if such rate at which taxes were last actually
extended by such special charter district was less than the maximum rate for districts
maintaining grades 1 through 12 authorized under this Section, such special charter
district nevertheless may levy taxes at a rate not to exceed the maximum rate for districts
maintaining grades 1 through 12 authorized under this Section, and except that if any
such district maintains only grades 1 through 8, the board may levy, for educational
purposes, at a rate not to exceed the maximum rate for elementary districts authorized
under this Section.

Maximum rates before or after established in excess of those prescribed shall not be
affected by the amendatory Act of 1965.

(b) Any other statute to the contrary notwithstanding, whenever a new unit (k -12) district
is created from any combination of elementary (k - 8) and high school (9 -12) districts,
the school board of the new unit district may levy taxes at a rate for each statutorily
authorized purpose determined by combining the lowest rate for that purpose extended by
any of the elementary districts included in the petition in the year immediately preceding
the creation of the new district, and the lowest rate for that purpose extended by any of
the high school districts included in the petition in the year immediately preceding the
creation of the new district, provided such rates are specified in the petition to form the
new district. If any resulting combined elementary and high school rate for any
statutorily authorized purpose is less than the maximum rate otherwise applicable to unit
districts as specified elsewhere in statute, then such rate may be specified in the petition
and on the ballot at a rate not exceeding the maximum rate applicable to unit districts as
specified elsewhere in statute. Beginning with the third year of operation of the new unit district, any rate determined pursuant to this subsection (b) that exceeds the maximum rate otherwise applicable to unit districts as specified elsewhere in statute shall be reduced by 0.10% each year until such rate is reduced to the maximum rate otherwise applicable to unit districts as specified elsewhere in statute. For partial elementary unit district formations, the terms and provisions of Section 11E-70(c) and (d) of this Code shall apply instead of the terms and provisions of this subsection (b).

(105 ILCS 5/17-3) (from Ch. 122, par. 17-3)
Sec. 17-3. Additional levies-Submission to voters. The school board in any district having a population of less than 500,000 inhabitants may, by proper resolution, cause a proposition to increase, for a limited period of not less than 3 nor more than 10 years or for an unlimited period, the annual tax rate for educational purposes to be submitted to the voters of such district at a regular scheduled election as follows:
(1) in districts maintaining grades 1 through 8, or grades 9 through 12, the maximum rate for educational purposes shall not exceed 3.5% of the value as equalized or assessed by the Department of Revenue;
(2) in districts maintaining grades 1 through 12 the maximum rate for educational purposes shall not exceed 4.00% of the value as equalized or assessed by the Department of Revenue, except that if a single elementary district and a secondary district having boundaries that are coterminous form a community unit district on or after the effective date of this amendatory Act of the 94th General Assembly and the actual combined rate of the elementary district and secondary district prior to the formation of the community unit district is greater than 4.00%, then the maximum rate for educational purposes for such district shall be the following:
(A) For 2 years following the formation of the community unit district, the maximum rate shall equal the actual combined rate of the previous elementary district and secondary district.
(B) In each subsequent year, the maximum rate shall be reduced by 0.10% or reduced to 4.00%, whichever reduction is less. The school board may, by proper resolution, cause a proposition to increase the reduced rate, not to exceed the maximum rate in clause (A), to be submitted to the voters of the district at a regular scheduled election as provided under this Section. Nothing in this Section shall require that the maximum rate for educational purpose for a district maintaining grades one through 12 be reduced below 4.00%.

If the resolution of the school board seeks to increase the annual tax rate for educational purposes for a limited period of not less than 3 nor more than 10 years, the proposition shall so state and shall identify the years for which the tax increase is sought.
If a majority of the votes cast on the proposition is in favor thereof at an election for which the election authorities have given notice either (i) in accordance with Section 12-5 of the Election Code or (ii) by publication of a true and legible copy of the specimen ballot label containing the proposition in the form in which it appeared or will appear on the official ballot label on the day of the election at least 5 days before the day of the
election in at least one newspaper published in and having a general circulation in the
district, the school board may thereafter, until such authority is revoked in like manner,
levy annually the tax so authorized; provided that if the proposition as approved limits the
increase in the annual tax rate of the district for educational purposes to a period of not
less than 3 nor more than 10 years, the district may, unless such authority is sooner
revoked in like manner, levy annually the tax so authorized for the limited number of
years approved by a majority of the votes cast on the proposition. Upon expiration of that
limited period, the rate at which the district may annually levy its tax for educational
purposes shall be the rate provided under Section 17-2, or the rate at which the district
last levied its tax for educational purposes prior to approval of the proposition authorizing
the levy of that tax at an increased rate, whichever is greater.

The school board shall certify the proposition to the proper election authorities in
accordance with the general election law.

The provisions of this Section concerning notice of the tax rate increase referendum
apply only to consolidated primary elections held prior to January 1, 2002 at which not
less than 55% of the voters voting on the tax rate increase proposition voted in favor of
the tax rate increase proposition.

(Source: P.A. 94-52, eff. 6-17-05.)

(105 ILCS 5/17-5) (from Ch. 122, par. 17-5)

Sec. 17-5. Increase tax rates for operations and maintenance purposes- Maximum. The
school board in any district having a population of less than 500,000 inhabitants may, by
proper resolution, cause a proposition to increase the annual tax rate for operations and
maintenance purposes to be submitted to the voters of the district at a regular scheduled
election. The board shall certify the proposition to the proper election authority for
submission to the elector in accordance with the general election law. In districts
maintaining grades 1 through 8, or grades 9 through 12, the maximum rate for operations
and maintenance purposes shall not exceed .55%; and in districts maintaining grades 1
through 12, the maximum rates for operations and maintenance purposes shall not exceed
.75%, except that if a single elementary district and a secondary district having
boundaries that are coterminous on the effective date of this amendatory Act form a
community unit district as authorized under Section 11-6, the maximum rate for
operation and maintenance purposes for such district shall not exceed 1.10% of the value
as equalized or assessed by the Department of Revenue; and in such district maintaining
grades 1 through 12, funds may, subject to the provisions of Section 17-5.1 accumulate to
not more than 5% of the equalized assessed valuation of the district. No such
accumulation shall ever be transferred or used for any other purpose. If a majority of the
votes cast on the proposition is in favor thereof, the school board may thereafter, until
such authority is revoked in like manner, levy annually a tax as authorized.

(Source: P.A. 86-1334.)

105 ILCS 5/18-8.05(I)

(I) General State Aid for Newly Configured School Districts.

— (1) For a new school district formed by combining property included totally within 2 or
more previously existing school districts, for its first year of existence the general State
aid and supplemental general State aid calculated under this Section shall be computed
for the new district and for the previously existing districts for which property is totally included within the new district. If the computation on the basis of the previously existing districts is greater, a supplementary payment equal to the difference shall be made for the first 4 years of existence of the new district.

(2) For a school district which annexes all of the territory of one or more entire other school districts, for the first year during which the change of boundaries attributable to such annexation becomes effective for all purposes as determined under Section 7-9 or 7A-8, the general State aid and supplemental general State aid calculated under this Section shall be computed for the annexing district as constituted after the annexation and for the annexing and each annexed district as constituted prior to the annexation; and if the computation on the basis of the annexing and annexed districts as constituted prior to the annexation is greater, a supplementary payment equal to the difference shall be made for the first 4 years of existence of the annexing school district as constituted upon such annexation.

(3) For 2 or more school districts which annex all of the territory of one or more entire other school districts, and for 2 or more community unit districts which result upon the division (pursuant to petition under Section 11A-2) of one or more other unit school districts into 2 or more parts and which together include all of the parts into which such other unit school district or districts are so divided, for the first year during which the change of boundaries attributable to such annexation or division becomes effective for all purposes as determined under Section 7-9 or 11A-10, as the case may be, the general State aid and supplemental general State aid calculated under this Section shall be computed for each annexing or resulting district as constituted after the annexation or division and for each annexing and annexed district, or for each resulting and divided district, as constituted prior to the annexation or division; and if the aggregate of the general State aid and supplemental general State aid as so computed for the annexing or resulting districts as constituted after the annexation or division is less than the aggregate of the general State aid and supplemental general State aid as so computed for the annexing and annexed districts, or for the resulting and divided districts, as constituted prior to the annexation or division, then a supplementary payment equal to the difference shall be made and allocable between or among the annexing or resulting districts, as constituted upon such annexation or division, for the first 4 years of their existence. The total difference payment shall be allocated between or among the annexing or resulting districts in the same ratio as the pupil enrollment from that portion of the annexed or divided district or districts which is annexed to or included in each such annexing or resulting district bears to the total pupil enrollment from the entire annexed or divided district or districts, as such pupil enrollment is determined for the school year last ending prior to the date when the change of boundaries attributable to the annexation or division becomes effective for all purposes. The amount of the total difference payment and the amount thereof to be allocated to the annexing or resulting districts shall be computed by the State Board of Education on the basis of pupil enrollment and other data which shall be certified to the State Board of Education, on forms which it shall provide for that purpose, by the regional superintendent of schools for each educational service region in which the annexing and annexed districts, or resulting and divided districts are located.

(3.5) Claims for financial assistance under this subsection (f) shall not be recomputed except as expressly provided under this Section.
Any supplementary payment made under this subsection (I) shall be treated as separate from all other payments made pursuant to this Section.

Section 15. The School Code is amended by repealing Article 7A in its entirety. (105 ILCS 5/7A)

Section 20. The School Code is amended by repealing Article 11A in its entirety. (105 ILCS 5/11A)

Section 25. The School Code is amended by repealing Article 11B in its entirety. (105 ILCS 5/11B)

Section 30. The School Code is amended by repealing Article 11D in its entirety. (105 ILCS 5/11D)

Section 35: The School Code is amended by repealing Sections 18-8.2, 18-8.3, and 18-8.5.

Section 40. The School Validation Act is amended by changing Section 5 as follows:

(105 ILCS 555/5)

Sec. 5. Validation. In all cases in which, before the effective date of this Act, the regional superintendent of schools was required to publish notice of a referendum to establish a community unit school district in territory comprising 2 community unit school districts, 2 community consolidated school districts, and 2 community high school districts and such notice was not published by the regional superintendent of schools as required by former Section 11A-5, now repealed, of the School Code and a majority of the voters residing in each of the school districts comprising the proposed community unit school district voted in favor of the creation of such community unit school district in the general election held on November 8, 1994, and in which territory at a subsequent election similarly called and held a board of education has been chosen for such district, each such election is hereby made legal and valid and such territory is hereby declared legally and validly organized and established as a community unit school district, and a valid and existing school district.
(Source: P.A. 89-416, eff. 11-22-95.)

Section 45. Savings Clause. Any repeal made by this Act shall not affect or impair any of the following: suits pending or rights existing at the time this Act takes effect; any grant or conveyance made or right acquired or cause of action now existing under any Section, Article or Act repealed by this Act; the validity of any bonds or other obligations issued or sold and constituting valid obligations of the issuing authority at the time this Act takes effect; the validity of any contract; the validity of any tax levied under any law in effect prior to the effective date of this Act; any offense committed, act done, penalty, punishment, or forfeiture incurred or any claim, right, power, or remedy accrued under any law in effect prior to the
effective date of this Act; or the corporate existence or powers of any school district lawfully validated under any law in effect prior to the effective date of this Act. For any petition filed with the regional superintendent of schools under Articles 7A, 11A, 11B or 11D of the School Code prior to the effective date of this Act, the proposed action described in the petition, including all notices, hearings, administrative decisions, ballots, elections and passage requirements relating thereto, shall proceed and be in accordance with the law in effect at the date of the filing.

Section 99. Effective Date. This Act takes effect upon the latter of July 1, 2006 or upon becoming law.
<table>
<thead>
<tr>
<th>Types of districts involved</th>
<th>Detachment/Annexation and Dissolution/Annexation <em>(Article 7)</em> <em>(Not incorporated into Proposed Article 11E)</em></th>
<th>Small Unit District Conversions <em>(Article 7A)</em></th>
<th>Unit School District Formation <em>(Article 11A)</em></th>
<th>School District Combination <em>(Article 11B)</em></th>
<th>School District Conversion <em>(Article 11D)</em></th>
<th>Proposed Article 11E</th>
</tr>
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<tbody>
<tr>
<td>Elementary, high school, or unit districts; for dissolution under 7-2a(b) and 7-11, district dissolving must have less than 5,000 residents</td>
<td>Unit district with less than 250 students in grades 9-12 contiguous to a high school district <em>(7A-1)</em></td>
<td>Dual territory (elementary and high school), 2 or more entire unit districts, one or more entire unit district with dual territory</td>
<td>2 or more entire elementary districts or 2 or more entire high school districts <em>(11B-1)</em></td>
<td>2 or more contiguous unit districts or 1 or more unit and one or more high school districts, all contiguous; none of the districts involved may have more than 600 students in grades 9-12 <em>(11D-1)</em></td>
<td>Depends on type of reorganization involved</td>
<td></td>
</tr>
</tbody>
</table>

| Minimum EAV requirements for involved territory | No | No | At least $12,000,000 EAV for dual territory consolidation; may have consolidation of dual territory with less than minimum EAV if ROE & State Superintendent determine consolidation meets 5 specific factors *(11A-2)* | At least $5,000,000 EAV *(11B-2)* | No | No |

<p>| Minimum population requirements for involved territory | No | No | Not less than 4,000 nor more than 500,000 for dual territory consolidation; may | Not less than 1,500 nor more than 500,000 <em>(11B-2)</em> | No | No |</p>
<table>
<thead>
<tr>
<th>Detachment/Annexation and Dissolution/Annexation (Article 7) (Not incorporated into Proposed Article 11E)</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>have consolidation of dual territory with less than minimum population if ROE &amp; State Supt determine consolidation meets 5 specific factors (11A-2)</td>
<td></td>
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</tr>
<tr>
<td>Petition filing requirements</td>
<td>May be filed by the boards of each district affected, a majority of registered voters of each district affected, or 2/3 of the registered voters in the territory proposed to be detached; if there are no registered voters in the territory proposed to be detached, the petition may be filed by all owners of record of the real estate of the territory; any petition for dissolution can be filed by the board of education or a majority of voters in the district proposed to be dissolved (7-1; 7-2; 7-2a(a))</td>
<td>Must be signed by at least 10% of the voters residing within each district affected (unit district and high school district) or by the boards of each district affected (7A-2)</td>
<td>Must be signed by 200 voters residing in at least ¾ of the school districts or parts of districts and residing in the territory included in the petition and must contain signatures from the lesser of 50 legal resident voters or 10% of the legal resident voters from each district wholly or partially included in the petition, or must be signed by the boards of each district wholly or partly included in the petition (11B-3)</td>
<td>Must be signed by the lesser of 50 voters or 10% of the voters residing in each affected district (11D-2)</td>
<td>Must be signed by at least 50 legal resident voters or 10% of legal resident voters, or approved by boards of each affected district. (11E-35(a))</td>
</tr>
<tr>
<td>Petition content requirements</td>
<td>Detachment/Annexation and Dissolution/Annexation (Article 7) (Not incorporated into Proposed Article 11E)</td>
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<td>1. If filed under 7-1 or 7-2 and dissolution/annexation, petition shall request submission at regular scheduled election; 2. Except for petitions filed under 7-2a(b), any petition for dissolution must specify annexing school district or districts; 3. For Detachment/Annexation or Dissolution/Annexation, designate Committee of Ten when petition contains more than 10 signatures 4. For a petition for Detachment/Annexation or Dissolution/Annexation filed under Section 7-1, each page of circulated petition shall include the full prayer of the petition; 1. Request submission at regular scheduled election 2. describe territory of unit to be dissolved 3. describe territory of existing high school district 4. set forth maximum tax rates 5. may request election of elementary board members at same election 6. designate Committee of Ten, if petition contains more than 10 signatures. (7A-2)</td>
<td>1. Request submission at regular scheduled election; 2. describe territory of proposed district; 3. set forth maximum tax rates; 4. designate Committee of Ten; 5. may request election of board members by school board districts instead of at-large; 6. may request election of board members at same election; 7. may request issuance of bonds on separate ballot; (11A-3)</td>
<td>1. Request submission at regular scheduled election; 2. describe territory comprising the proposed district by districts; 3. set forth maximum tax rates; 4. designate Committee of Ten 5. may request election of board members at same election; 6. may request issuance of bonds on separate ballot; (11B-3)</td>
<td>1. Request submission at regular scheduled election; 2. describe territory comprising proposed districts; 3. set forth maximum tax rates for each proposed district; 4. set forth manner in which State deficit difference payments will be allocated among new districts; 5. designate Committee of Ten 6. define format for election of the new high school board; 7. provide for the division of assets and liabilities to be allocated to the</td>
<td>1. Request submission at regular scheduled election; 2. describe territory; 3. set forth maximum tax rates; 4. set forth manner in which State deficit difference payments will be allocated among new districts; 5. address division of assets and liabilities; 6. may request election of board members; 7. for units, may request election of board members by district; 8. may request issuance of bonds; 9. designate</td>
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<td>each signature contained therein shall match the official signature and address of the registered voters as recorded in the office of the election authority having jurisdiction over the county; each petitioner shall record the date of his/her signing; each page of the petition shall be signed by a circulator who has witnessed the signature of each petitioner on that page (7-6(b-5), 7-2a(a), 7-6(c), 7-1)</td>
<td>by entire territory of new district (for new district formed from entire territory of 2 or more school districts (11A-3)</td>
<td></td>
<td>proposed new districts 8. may request election of school board for each new district at same election; 9. may request issuance of bonds on separate ballot. (11D-2 and 11D-6 for item #6)</td>
<td>Committee of Ten. 11E-35(b)</td>
<td></td>
</tr>
<tr>
<td>Notice of petition</td>
<td>Notice given, by copy of petition, to board of any district involved in boundary change and to the Regional Board of School Trustees of any region affected (7-6(a) and 7-6(b))</td>
<td>Notice given, by copy of petition, to board of each district affected and any other ROE affected (7A-2)</td>
<td>Notice given, by copy of petition, to board of each district involved in the proposed formation of new district (11A-3)</td>
<td>Notice given, by copy of petition, to board of each district involved in the proposed formation of new district (11B-3)</td>
<td>Notice given to board of each affected district and any other affected ROE (11E-40(a)).</td>
</tr>
<tr>
<td>Committee of Ten requirements</td>
<td>Needed when more than 10 signatures on petition; attorney in fact for all petitioners; may make binding stipulations on</td>
<td>Attorney in fact for all petitioners; may make binding stipulations on behalf of all</td>
<td>Can amend the petition in all respects prior to final decision of ROE (can not have</td>
<td>Can amend the petition in all respects prior to ROE final decision; can make binding</td>
<td>Can amend the petition in all respects (except that, for unit districts, may not</td>
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<td>behalf of all petitioners as to any question with respect to the petition or hearing; power to stipulate to accountings or waiver between school districts (7-6(c))</td>
<td>petitioners as to any question with respect to petition or hearing; power to stipulate to accountings or waiver between school districts (7A-2)</td>
<td>increase or decrease of territory by more than 25%; can make binding stipulations on behalf of all petitioners as to any question with respect to the petition or hearing; can stipulate to accountings or waiver between school districts; may voluntarily dismiss petition at any time before final decision of ROE (11A-3)</td>
<td>stipulations on behalf of all petitioners as to any question with respect to the petition or hearing; can make stipulations for accountings or waiver between school districts; may voluntarily dismiss petition at any time before the final decision of ROE (11B-3)</td>
<td>stipulations on behalf of all petitioners as to any question with respect to the petition or hearing; may voluntarily dismiss petition at any time before the final decision of ROE (11D-2)</td>
<td>increase or decrease territory by more than 25 percent); make binding stipulations on behalf of petitioners (11E-35(b)(9))</td>
</tr>
<tr>
<td>Regional superintendent decision</td>
<td>N/A</td>
<td>Determines whether petitioners have paid expense of notice; determines whether the petition as filed is proper and in compliance with petition requirements of Election Code;</td>
<td>Determines whether petition is proper and in compliance with any applicable petition requirements of Election Code; hears evidence as to the school needs and conditions of the territory which will form the proposed new district and as to the ability of the proposed new district to meet the standards of recognition as</td>
<td>Determines whether petition is proper and in compliance with any applicable petition requirements of Election Code; hears evidence as to school needs and conditions of the territory which will form the proposed new district and as to the ability of the proposed new district to meet the standards of recognition as</td>
<td>Determines whether petition is in proper order and in compliance with Article 11E and Election Code and informs petitioners of such or of defects in petition prior to hearing; (11E-40(d))</td>
</tr>
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<td>hears evidence as to school needs and conditions in all territory described in petition and in area adjacent; hears evidence with respect to ability of elementary district to be created and high school district after annexation to meet standards of recognition; takes into consideration any division of funds or assets; determines whether it is for the best interests of the schools of the area and the educational welfare of the pupils; decision by ROE approving or denying petition must be made within 14 days after the conclusion of hearing (11A-3)</td>
<td>the territory and adjacent area; takes into consideration the division of funds and assets which will result; determines whether it is for the best interests of the schools of the area and the educational welfare of the pupils; decision by ROE approving or denying petition must be made within 14 days after the conclusion of hearing (11B-3)</td>
<td>territory and adjacent area; takes into consideration the division of funds and assets which will result; determines whether it is for the best interests of the schools of the area and the educational welfare of the pupils; decision by ROE approving or denying petition must be made within 14 days after the conclusion of hearing (11D-2)</td>
<td>At the hearing, takes into consideration the school needs and conditions of the affected districts and in the area adjacent thereto, the division of funds and assets which will result from the action described in the petition, and the best interests of the schools of the area and the educational welfare of the pupils residing therein; decision by ROE approving or denying petition must be made within 14 days after the conclusion of the hearing (11E-50(a))</td>
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<tr>
<td>Regional Board of School Trustees</td>
<td>For petition filed under 7-1 or 7-2:</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td><strong>decision</strong></td>
<td>Hearing by Regional Board of School Trustees of each region affected; (7-6(i), 7-6(k), 7-6(m))</td>
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<td>For petition filed under 7-2a(b): Petition decided solely by the Regional Board of School Trustees of the region in which the ROE has supervision over the district to be dissolved; (7-2a(b) and 7-11)</td>
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<tr>
<td><strong>State Superintendent decision</strong></td>
<td>For petitions filed under 7-1, if within 9 months after filing a petition it is not approved or denied by the Regional Board of School Trustees, the petitioners may submit the petition to the State Superintendent for approval or denial; the Regional Board loses all jurisdiction over the petition and all jurisdiction is transferred to the State Supt; the State Supt shall not be required to repeat any</td>
<td>Reviews entire record of proceedings had before ROE; considers whether the proposed elementary district and high school district after annexation will have sufficient size and financial resources to provide and maintain a recognized educational program; considers whether the proposed school district is for the best</td>
<td>Reviews entire record of proceedings had before ROE; considers whether the proposed district will have sufficient size and financial resources to provide and maintain a recognized educational program; considers whether the proposed district is for the best</td>
<td>Reviews entire record of proceedings had before ROE; considers whether proposed districts will have sufficient size and financial resources to provide and maintain a recognized educational program; considers whether proposed districts are for the best interests of the</td>
<td>Petitioners may appeal ROE denial to State Superintendent within 21 days of receiving the written order of denial; the State Superintendent shall review the appeal, the petition, the record of the hearing, and the written order of the ROE; the State Superintendent shall take into</td>
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<thead>
<tr>
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<td>proceedings conducted, but is required to give and publish any notice and hold or complete any hearings that were not given, held, or completed (7-6(l))</td>
<td>program; considers whether the dissolution of the unit school district, creation of an elementary school district therefrom and annexation of the same territory to the existing high school district is for the best interests of the schools of the area and the educational welfare of the pupils; considers whether the territory for the proposed district is compact and contiguous for school purposes; decision made within 30 days of ROE decision (11A-3)</td>
<td>best interest of the schools of the area and the educational welfare of the pupils; considers whether the territory for the proposed district is compact and contiguous for school purposes; decision made within 30 days of ROE decision (11A-2)</td>
<td>interests of schools of the area and the educational welfare of the pupils; considers whether the territory for the proposed district is compact and contiguous for school purposes; decision made within 30 days of ROE decision (11B-3)</td>
<td>schools of the area and the educational welfare of the pupils; considers whether the territory for the proposed school districts is compact and contiguous for school purposes; decision made within 30 days of ROE decision (11D-2)</td>
<td>consideration all items to be taken into consideration at hearing; State Superintendent shall approve or deny the petition within 14 days after receipt of appeal; if the ROE fails to act on petition within 14 days after conclusion of the hearing, the ROE is deemed to have denied the petition and such action can be appealed to the State Superintendent in same manner as when ROE enters an order denying petition. (11E-50(b) and 11E-50(c)) Note: there is no State Superintendent decision needed if</td>
</tr>
<tr>
<td>Timing of notice of petition</td>
<td>Detachment/Annexation and Dissolution/Annexation (Article 7) (Not incorporated into Proposed Article 11E)</td>
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<tr>
<td>For petition filed under 7-1 or 7-2: Prior to Regional Board(s) of School Trustees hearing; notice published once; hearing held not more than 15 nor less than 10 days after notice (7-6(a) and 7-6(f))</td>
<td>Prior to ROE hearing on petition; notice once each week for 3 successive weeks; hearing held not more than 30 days after the last date on which required notice is published (7A-2)</td>
<td>Prior to ROE hearing on petition; notice once each week for 3 successive weeks; hearing held not more than 30 days after publication of notice (11A-3)</td>
<td>Prior to ROE hearing on petition; notice once each week for 3 successive weeks; hearing held not more than 30 days after publication of notice (11B-3)</td>
<td>Prior to ROE hearing on petition; notice once each week for 3 successive weeks; hearing held not more than 30 days after publication of notice (11D-2)</td>
<td>Prior to ROE hearing on petition; notice once each week for 3 successive weeks; hearing held not more than 15 days after the last date on which required notice is published (11E-40(a)(2) and 11E-45(a))</td>
</tr>
<tr>
<td>Content of notice of petition</td>
<td>For petition filed under 7-1 and 7-2: 1. When petition was filed; 2. description of territory; 3. prayer of the petition; 4. day on which the</td>
<td>1. When &amp; to whom petition was presented; 2. description of territory of unit district to be dissolved; 3. description of</td>
<td>1. When &amp; to whom petition was presented; 2. description of territory of proposed district; 3. if requested in the petition a</td>
<td>1. When &amp; to whom petition was presented; 2. description of territory of proposed district; 3. day on which hearing upon</td>
<td>1. when &amp; to whom petition was presented; 2. prayer of petition; 3. description of territory; 4. if requested,</td>
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<td>hearing or joint hearing upon petition will be held (7-6(f)) For petition filed under 7-2a(b): No specifics on contents of notice contained within Section 7-2a(b) or Section 7-11</td>
<td>territory of existing high school district; 4. statement of maximum tax rates; 5. prayer of petition; 6. day on which hearing on petition shall be held (7A-2)</td>
<td>statement of the proposition to issue bonds and the amount and purpose; 4. day on which the hearing upon the petition will be held (11A-3)</td>
<td>petition will be held (11B-3)</td>
<td>statement of the proposition to issue bonds and the amount and purpose; 4. day on which hearing upon petition will be held (11D-2)</td>
<td>proposition to elect board members; 5. if requested, proposition to issue bonds; 6. day on which hearing upon petition will be held. (11E-40(b))</td>
</tr>
<tr>
<td>Payment for notice of hearing</td>
<td>Petitioners pay expense of publishing notice; petitioners also pay expense of transcript taken at hearing or joint hearing (7-6(e))</td>
<td>Petitioners pay expense of publishing notice; petitioners also pay expense of transcript taken at hearing (7A-2)</td>
<td>No specific mention on party responsible for payment of notice; common practice is that ROE office pays for notice under 11A</td>
<td>No specific mention on party responsible for payment of notice; common practice is that ROE office pays for notice under 11B</td>
<td>No specific mention on party responsible for payment of notice; common practice is that ROE office pays for notice under 11D</td>
</tr>
<tr>
<td>Administrative review</td>
<td>Yes For petitions filed under 7-1 or 7-2 – within 35 days of receipt of copy of Regional Board(s) or State Supt decision (7-7) For petitions filed under 7-2a(b) – within 10 days</td>
<td>Yes – within 35 days of receipt of copy of State Supt decision (7A-3)</td>
<td>Yes – within 35 days of receipt of copy of State Supt decision (11A-4)</td>
<td>Yes – within 35 days of receipt of copy of State Supt decision (11B-4)</td>
<td>Yes – within 35 days of receipt of ROE decision approving petition or State Superintendent decision in cases of appeal (11E-50(d))</td>
</tr>
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<td>Detachment/Annexation and Dissolution/Annexation (Article 7) (Not incorporated into Proposed Article 11E)</td>
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<td>of receipt of copy of Regional Board decision (7-11)</td>
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<tr>
<td>Election required?</td>
<td>Yes (7A-4)</td>
<td>Yes (11A-5)</td>
<td>Yes (11B-5)</td>
<td>Yes (11D-4)</td>
<td>Yes. (11E-55)</td>
</tr>
<tr>
<td>Notice of election</td>
<td>In accordance with general election law (7-7.5(b))</td>
<td>In accordance with general election law (7A-4(b) and 7A-4(c))</td>
<td>In accordance with general election law (11A-5(b) and 11A-5(c))</td>
<td>In accordance with general election law (11B-5(b) and 11B-5(c))</td>
<td>In accordance with general election law; contents the same as in existing law. (11E-55(d))</td>
</tr>
<tr>
<td>Election approval requirements</td>
<td>Majority of electors voting at election in each affected district (7-7.7)</td>
<td>Majority of electors voting at election in each affected district (7A-6)</td>
<td>Majority of electors voting at election in each affected district; if territory will be taken from a district to be part of the new unit district and that territory is 25% or more of total land</td>
<td>Majority of electors voting within the territory of the proposed district (11B-7)</td>
<td>Majority of electors voting at election in each affected district (11D-6)</td>
</tr>
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<td>Detachment/Annexation and Dissolution/Annexation (Article 7) (Not incorporated into Proposed Article 11E)</td>
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<tr>
<td>area or student enrollment of territory is greater than 8% and EAV of territory is greater than 8% of the total original district, then all residents of that district are eligible to vote on the consolidation question but not the bond question, if applicable; otherwise, consolidation question submitted only to voters of territory which comprises proposed new district (11A-7 and 11A-8)</td>
<td>Does not affect administration of the schools until July 1 following the date the petition is granted or upon which the election is held (7-9)</td>
<td>Does not affect administration of the schools until July 1 following the date the board of education election is held for the new district (11A-10)</td>
<td>Does not affect administration of the schools until July 1 following the date the board of education election is held (11B-9)</td>
<td>Does not affect administration of the schools until July 1 following the date board of education election is held (11D-7)</td>
<td>at least one elementary district. (11E-65)</td>
</tr>
</tbody>
</table>

**Effective date of change**

Does not affect administration of the schools until July 1 following the date the petition is granted or upon which the election is held (7-9) Does not affect administration of the schools until July 1 following the date the board of education election is held for the new district Does not affect administration of the schools until July 1 following the date the board of education election is held (11A-10) Does not affect administration of the schools until July 1 following the date the board of education election is held (11B-9) Does not affect administration of the schools until July 1 following the date the board of education election is held (11D-7) Does not affect administration of the schools until July 1 following the date the board of education election is held (11E-75)
<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Teachers in contractual</td>
<td>Provisions of Section 24-12 apply (7-2a(b))</td>
<td>Provisions of Section 24-12</td>
<td>Provisions of Section 24-12</td>
<td>Provisions of Section 24-12</td>
<td>No changes to existing law (11E-</td>
</tr>
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<td>Detachment/Annexation and Dissolution/Annexation (Article 7) (Not incorporated into Proposed Article 11E)</td>
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<tr>
<td>continued service</td>
<td>apply; For unit district: 1. positions of teachers in contractual continued service that were in grades 9-12 last 5 years are transferred to annexing high school district 2. positions of teachers in contractual continued services that were in grades K-8 last 5 years are transferred to new elementary district 3. positions of teachers in contractual continued service that don’t fall within #1 or #2 are transferred based on the request of teacher (7A-12)</td>
<td>apply (11A-10)</td>
<td>apply (11B-9)</td>
<td>apply; Teachers having tenure with the districts at the time of their dissolution shall be transferred: 1. to new high school district if employed full time in grades 9-12 for preceding 5 years; 2. to newly created successor elementary district if employed full time in grades K-8 for preceding 5 years; 3. full time teacher not falling within #1 or #2 transferred based on request of teacher to new high school district or newly created successor elementary district (11D-10)</td>
<td>90)</td>
</tr>
<tr>
<td>Limitations on contesting boundary change</td>
<td>Within 2 years after the order annexing the territory is final or within</td>
<td>Within one year after the order providing for action</td>
<td>Within one year after the order providing for action</td>
<td>Within one year after the order providing for action</td>
<td>Not specifically mentioned within Article 11D</td>
</tr>
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<td>No changes to existing law (11E-95)</td>
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<tr>
<td>2 years after the date of the election if no proceedings to contest election are duly instituted or within 2 years after the final disposition of any proceedings which may be so instituted to contest such election (7-29)</td>
<td>is final or within one year after the date of the election if no proceedings to contest election are duly instituted or within one year after the final disposition of any proceedings which may be so instituted to contest such election (7A-13)</td>
<td>is final or within one year after the date of the election if no proceedings to contest election are duly instituted or within one year after the final disposition of any proceedings which may be so instituted to contest such election (11A-14)</td>
<td>is final or within one year after the date of the election if no proceedings to contest election are duly instituted or within one year after the final disposition of any proceedings which may be so instituted to contest such election (11B-12)</td>
<td>is final or within one year after the date of the election if no proceedings to contest election are duly instituted or within one year after the final disposition of any proceedings which may be so instituted to contest such election (11D-12)</td>
<td>No changes to existing law (11E-100)</td>
</tr>
<tr>
<td>Limitation on successive petitions</td>
<td>May not come back with petition within 2 years of final determination of first proceedings unless during those 2 years a petition is filed that is substantially different, a school district involved is placed on academic watch or financial watch by ISBE, or is certified as being in financial difficulty, or if first proceeding involved a petition brought under 7-2b (Annexation of non-coterminous territory)</td>
<td>May not come back with petition within 2 years of final determination of first proceedings unless during those 2 years a petition is filed that is substantially different, a school district involved is placed on academic watch or financial watch by ISBE, or is certified as being in financial difficulty (7A-15)</td>
<td>May not come back with petition within 2 years of final determination of first proceedings unless during those 2 years a petition is filed that is substantially different, a school district involved is placed on academic watch or financial watch by ISBE, or is certified as being in financial difficulty (11A-17)</td>
<td>May not come back with petition within 2 years of final determination of first proceedings unless during those 2 years a petition is filed that is substantially different, a school district involved is placed on academic watch or financial watch by ISBE, or is certified as being in financial difficulty (11B-14)</td>
<td>May not come back with petition within 2 years of final determination of first proceedings unless during those 2 years a petition is filed that is substantially different, a school district involved is placed on academic watch or financial watch by ISBE, or is certified as being in financial difficulty (11D-12)</td>
</tr>
<tr>
<td>Provisions related to nonrecognition</td>
<td>Detachment/Annexation and Dissolution/Annexation (Article 7) (Not incorporated into Proposed Article 11E)</td>
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<td>from an elementary or high school district (7-8)</td>
<td>Any school district included in a petition under Article 11A shall not suffer the loss of State aid as a result of being placed on a nonrecognized status if the district continues to operate and the petition is granted (11A-16)</td>
<td>Any school district included in a petition under Article 11B shall not suffer loss of State aid as a result of being placed on a nonrecognized status if the district continues to operate and the petition is granted (11B-13)</td>
<td>Provision not included within Article 11D</td>
<td>No district included in a reorganization suffers loss of State aid due to nonrecognition if the district continues to operate and petition is granted (11E-105)</td>
<td></td>
</tr>
<tr>
<td>General State Aid Difference Incentive</td>
<td>Detachment/Annexation not eligible for GSA Incentive; in Dissolution/Annexation, annexing district(s) eligible for GSA Incentive (18-8.05(I))</td>
<td>Newly formed high school district eligible for GSA Incentive (18-8.05(I))</td>
<td>Newly formed district eligible for GSA Incentive (18-8.05(I))</td>
<td>Newly formed high school district and newly formed successor elementary district(s) eligible for GSA Incentive (11D-11(3))</td>
<td>No changes to existing law for districts eligible for GSA Difference Incentive under 18-8.05(I); adds partial elementary unit district to list of districts eligible for GSA Difference Incentive (11E-115(a))</td>
</tr>
<tr>
<td>Salary Difference Incentive</td>
<td>Detachment/Annexation not eligible for Salary Difference Incentive; in Annexing high school district eligible for Salary</td>
<td>Newly formed district eligible for Salary Difference</td>
<td>Newly formed district eligible for Salary Difference</td>
<td>Newly formed high school district eligible for Salary</td>
<td>No changes to existing law for districts eligible for</td>
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<tr>
<td>Dissolution/Annexation, annexing district(s) eligible for Salary Difference Incentive (18-8.2)</td>
<td>Difference Incentive (18-8.2)</td>
<td>Incentive (18-8.2)</td>
<td>Incentive (18-8.2)</td>
<td>Difference Incentive (18-8.2)</td>
<td>Salary Difference Incentive under 18-8.2; adds partial elementary unit district to list of districts eligible for Salary Difference Incentive (11E-115(b))</td>
</tr>
<tr>
<td>Deficit Fund Balance Incentive</td>
<td>Detachment/Annexation not eligible for Deficit FB Incentive; in Dissolution/Annexation, annexing district(s) eligible for Deficit FB Incentive (18-8.3)</td>
<td>Annexing high school district eligible for Deficit FB Incentive (18-8.3)</td>
<td>Newly formed district eligible for Deficit FB Incentive (18-8.3)</td>
<td>Newly formed high school district and newly formed successor elementary district(s) eligible for Deficit FB Incentive; petition must include the manner in which Deficit FB Incentive allocated among new districts (11D-11(1) and 11D-2)</td>
<td>No changes to existing law for districts eligible for Deficit FB Incentive under 18-8.3; adds partial elementary unit district to list of districts eligible for Deficit FB Incentive (11E-115(c))</td>
</tr>
<tr>
<td>Full-time certified staff incentive</td>
<td>Detachment/Annexation not eligible for $4,000/Certified Staff Incentive; in Dissolution/Annexation, annexing district(s) eligible for</td>
<td>Annexing high school district and newly formed elementary district eligible for $4,000/Certified Staff Incentive (18-8.5)</td>
<td>Newly formed district eligible for $4,000/Certified Staff Incentive (18-8.5)</td>
<td>Newly formed high school district and newly formed successor elementary district(s) eligible for $4,000/Certified Staff Incentive under 18-8.5; adds partial elementary</td>
<td>No changes to existing law for districts eligible for $4,000/Certified Staff Incentive under 18-8.5; adds partial elementary</td>
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<tr>
<td>$4,000/Certified Staff Incentive if receive at least 30% of the dissolved district Average Daily Attendance (18-8.5)</td>
<td>8.5)</td>
<td></td>
<td></td>
<td>Staff Incentive (11D-11(2))</td>
<td>unit district to list of districts eligible for $4,000/Certified Staff Incentive (11E-115(d))</td>
</tr>
</tbody>
</table>

**Impact of reorganization on tax rates**

In Detachment/Annexation or Dissolution/Annexation, the territory being detached or the district dissolved will be taxed at the rate of the annexing district after the annexation.

Newly formed elementary district may levy taxes at rates for elementary districts in accordance with limitations of 17-2 through 17-7; taxpayers in the original unit district will be taxed at the annexing high school’s rates for 9-12 purposes; Ed, O&M, Transportation, Fire Prevention & Safety rates must be stated in petition for new district (11A-3 and 11A-9).

Newly formed district may levy taxes at rates for unit districts in accordance with limitations of 17-2 through 17-7; Ed, O&M, Transportation, Fire Prevention & Safety rates must be stated in petition for new district (11B-3 and 11B-8).

Newly formed district may levy taxes at rates for elementary districts or high school districts (depending on type of district formed) in accordance with limitations of 17-2 through 17-7; Ed, O&M, Transportation, Fire Prevention & Safety rates must be stated in petition for new district (11D-3 and 11D-13).

Newly formed high school district and newly formed successor elementary district(s) may levy taxes at rates for respective type of district in accordance with limitations of 17-2 through 17-7; Ed, O&M, Transportation, Fire Prevention & Safety rates must be stated in petition for each new district (11D-2 and 11D-13).

Allows optional elementary unit district to levy taxes at rates equal to combined maximum elementary rates and high school rates for districts with lowest maximums involved in the petition for two years; beginning with third year, any excess over rates otherwise applicable to unit districts shall be reduced by 0.10% each year until equal to rates for unit districts; separate levies for K-12 purposes and...
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<tr>
<td>9-12 purposes. (11E-70(c) and 17-2(b)) Allows combined high school-unit district to levy taxes at rates not to exceed the unit district rates as such rates were extended in the year immediately preceding the creation of the new district; separate levies for K-12 purposes and 9-12 purposes; levy for 9-12 purposes shall not exceed the rates levied by the high school district as such rates were extended in the year immediately preceding the creation of the new district (11E-70(d))</td>
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</tbody>
</table>
TO: Governmental Relations Committee

FROM: Mark Kolaz, Assistant Superintendent of Operations
Nicole Wills, Governmental Relations Staff
Josh Jacobs, Governmental Relations Staff

Agenda Topic: ISBE Legislative Proposals and General Assembly Legislative Update

Materials: Materials are not available at the time of print for inclusion in the Board packet, but will be transmitted to the Board as supplemental items.

Staff Contacts: Nicole Wills, Liaison, Governmental Relations Division
Josh Jacobs, Liaison, Governmental Relations Division

Purpose (s) of Agenda Item
To inform Board members about the status of ISBE legislative proposals and education-related legislation introduced by members of the General Assembly.

Expected Outcome(s) of Agenda Item
This item is for informational purposes only.

Background Information

At the December Board meeting, the Board gave approval for a number of ISBE legislative proposals. This information will provide Board members with bill numbers and sponsors of the legislation transmitted to the General Assembly.

Next Steps:
No action will be required of the Board at this time.
TO: Governmental Relations Committee
FROM: Mark Kolaz, Assistant Superintendent of Operations
       Nicole Wills, Governmental Relations Staff
       Josh Jacobs, Governmental Relations Staff

Agenda Topic: Legislative Breakfast

Staff Contacts: Nicole Wills, Liaison, Governmental Relations Division
               Josh Jacobs, Liaison, Governmental Relations Division

Purpose(s) of Agenda Item To discuss options for a breakfast with Legislators and
legislative staff to possibly be held during the February Board meeting.

Expected Outcome(s) of Agenda Item
To provide staff with preferences and a tentative schedule for the breakfast.

Background Information
During the Annual Work Conference, Board members discussed having a breakfast with
Legislators during the spring session. Staff have been looking into various caterers for
the Board’s review.

Suggestions and information will also be provided for possible locations and attendees.

Next Steps
The Board will indicate preferences for catering, location and other aspects of the
breakfast and staff will begin making arrangements.