

## DEACTIVATION

Deactivation is one type of school district reorganization. Other types of reorganizations are:

- ⇒ Consolidation
- ⇒ Cooperative High School
- ⇒ Detachment/Annexation
- ⇒ Dissolution/Annexation
- ⇒ Partial Elementary Unit
- ⇒ School District Conversion

Details for the above can be found in the individual brochures labeled accordingly or a brief summary of each in the brochure *School District Reorganization At a Glance*.

A Deactivation is beneficial to the districts involved as a result of increased opportunities for students without changing district boundaries. A student's education may be expanded to include class offerings otherwise not available.

Deactivation allows a school board to deactivate an elementary facility or a high school facility and send the students in grades Kindergarten through 8 or grades 9 through 12, on a tuition basis, to schools in another district or districts.

Any high school district, elementary district, or unit district may deactivate a school facility. There is currently no limit on the number of years a district may have a deactivated school facility.

A deactivated school facility can later be reactivated. The procedures for deactivating and reactivating a school facility are very similar.

## STEPS TO DEACTIVATING A SCHOOL FACILITY:

- ⇒ Board resolution and notice by school board contemplating deactivation
- ⇒ Successful referendum in deactivating district
- ⇒ Contract between sending district and receiving district or districts

## DEACTIVATING BOARD RESOLUTION AND NOTICE:

- ⇒ The board of the district contemplating deactivation must, by proper resolution, submit a proposition to the voters at a regularly scheduled election
- ⇒ Notice shall be published at least ten days prior to the election in one or more newspapers published in the district
- ⇒ If there is no newspaper published in the district, the notice should be published in one or more newspapers with a general circulation within the district

## REFERENDUM:

- ⇒ In order to deactivate a school facility, a majority of those voting in the deactivating district must vote in favor of the proposition

## CONTRACT BETWEEN DISTRICTS:

- ⇒ The board of the sending district, upon approval of the board of the receiving district, shall execute a contract with the receiving district for the reassignment of students to the receiving district
- ⇒ If the deactivating district seeks to send its students to more than one district, it shall execute a contract with each receiving district
- ⇒ The length of the contract shall be for two school years, but the districts may renew the contract for additional one year or two year periods

- ⇒ The sending district shall pay to the receiving district an amount agreed upon by the two districts
- ⇒ Discussions between the sending and receiving districts for the acceptance of students in the receiving district(s) may occur prior to the referendum or after the successful referendum to deactivate

## REACTIVATING A SCHOOL FACILITY:

- ⇒ The board of the district seeking to reactivate a school facility must, by proper resolution, submit a proposition to the voters at a regularly scheduled election
- ⇒ Notice shall be published at least ten days prior to the election in one or more newspapers published in the district
- ⇒ If there is no newspaper published in the district, the notice should be published in one or more newspapers with a general circulation within the district
- ⇒ In order to reactivate a school facility, a majority of those voting in the reactivating district must vote in favor of the proposition

## TRANSFER OF STAFF:

- ⇒ The positions held by tenured teachers at the school facility being deactivated shall be transferred to the control of the receiving board or boards who shall treat the transferred teachers in the same manner as if they had earned their tenure in the receiving district(s)
- ⇒ When deactivating to two or more districts, the positions of full-time teachers shall be transferred to the control of whichever board such teachers request with the requests proceeding in the order of those with the greatest length of tenure
  - The number of teachers selecting one district shall not exceed the proportion of students going to such district

- The positions of full-time teachers as to which there is no selection left shall be transferred to the appropriate board
- ⇒ Whenever a school facility is reactivated, all tenured teachers who were honorably dismissed or transferred as part of the deactivation process, in addition to other rights they may have under the School Code, shall be recalled or transferred back to the original district
- ⇒ Public Act 95-0148 gave educational support personnel in a deactivation transfer rights similar to the transfer rights for tenured teachers

### **FREQUENTLY ASKED QUESTIONS:**

- Q. Rather than deactivating, may two districts form an inter-governmental agreement allowing one of the districts to teach all the high school students or all of the elementary school students of the other district?**
- A. No.** Teaching all the high school students or all the elementary school students of another district without going through the deactivation procedures would be an attempt to thwart the current deactivation laws. Therefore, to achieve the goal of one district teaching all the high school students or all the elementary students of the other, the deactivation process from Section 10-22.22b of the School Code must be used.
- Q. What happens to the school facility in the deactivating district?**
- A.** The district can use it for other school purposes, not use it at all, or rent it out; however, it is not recommended that the building be sold or razed because the district may decide to reactivate or the sending and receiving districts may not agree to a renewal of the contract.

- Q. Which district is responsible for providing the transportation of students from the sending to the receiving district?**
- A.** A district which deactivates a school facility remains responsible for providing the necessary transportation. This responsibility can be shifted, however, by agreement, to the receiving district, which may charge the sending district for this cost.
- Q. If a district votes to deactivate a school facility and send its students to more than one district, how are the students distributed among the receiving districts?**
- A.** The law is silent on this matter. Among the options are drawing an attendance center boundary line as part of the agreement or providing, by agreement, for students to choose the school they wish to attend.
- Q. Are there any state financial incentives associated with a deactivation?**
- A. Yes.** The receiving district in a deactivation is eligible for two of the four reorganization incentives, specifically, the Teacher Salary Difference and the \$4,000 per Full-Time Certified Staff incentives.

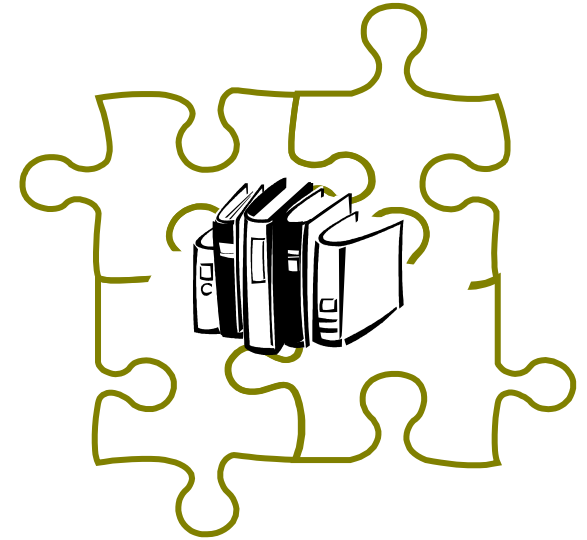
This brochure is not to be used in place of the School Code, but as an informational tool. For specific information regarding deactivation, refer to Article 10, Section 22.22b of the School Code.

**For additional information and assistance, please contact the School Business Services Division of the Illinois State Board of Education at 217/785-8779. Information is also available on the ISBE web page at: [www.isbe.net/sfms/htmls/reorg\\_school.htm](http://www.isbe.net/sfms/htmls/reorg_school.htm)**

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# **Deactivation**

## **At a Glance**



**Illinois State Board of Education**

**Jesse H. Ruiz**  
Board Chair

**Dr. Christopher Koch**  
State Superintendent of Education