

DISSOLUTION/ANNEXATION

Dissolution/Annexation is one type of school district reorganization. Other types of reorganizations are:

- ⇒ Consolidation
- ⇒ Conversion
- ⇒ Cooperative High School
- ⇒ Deactivation
- ⇒ Detachment/Annexation

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*.

Dissolution is a form of reorganization where **all** of one school district is incorporated into one or more school districts thereby dissolving the original school district. A new district is not created, a new board is not elected, and the maximum tax rates for the annexing district are not changed. The annexing district may be eligible to receive incentive payments from the state. Refer to the brochure *School District Reorganization At a Glance* for additional information regarding these incentive payments.

School districts with populations of less than 5,000 have an additional option for dissolving. This process is somewhat different and is discussed later in this brochure.

Detachment is the other form of annexation where a portion of one school district is incorporated into one or more other school districts. Details for this process can be found in the brochure *Detachment/Annexation*.

STEPS TO DISSOLUTION:

- ⇒ Petition
- ⇒ Local public hearing
- ⇒ Regional Board of School Trustees approval
- ⇒ Referendum approval

PETITION:

- ⇒ Who may petition
 - The board of education of the district proposed to be dissolved
 - Majority of registered voters residing in the district proposed to be dissolved
- ⇒ Petition is filed with the Regional Superintendent of the region in which the territory to be dissolved is located; if the territory to be dissolved is located in more than one region, the original petition is filed with the Regional Superintendent that has supervision over the greatest portion of such territory with certified copies filed with each other Regional Superintendent (the Regional Superintendents serve as secretaries to their respective Regional Boards of School Trustees)
- ⇒ The petition must specify the school district or districts to which all of the territory of the district proposed to be dissolved will be annexed
- ⇒ The petitioners shall pay the expense of publishing the notice and for any transcript taken at the public hearing
- ⇒ Petitions containing more than ten signatures shall designate a Committee of Ten to represent the petitioners, any seven of whom may make binding stipulations on behalf of all petitioners
- ⇒ If a petition does not result in dissolution, no subsequent petition can be filed for two years after the final determination on

the first petition unless a substantially different petition is filed or a district involved in the first petition is placed on the State Board of Education's academic or financial watch list

LOCAL PUBLIC HEARING:

- ⇒ A joint hearing of the affected Regional Boards of School Trustees will occur if the district to be dissolved is located in more than one region
- ⇒ The Regional Superintendent shall publish in a newspaper of general circulation a notice of petition and the date of hearing on the petition
- ⇒ The Regional Superintendent shall submit to the Regional Board(s) of School Trustees maps showing the districts involved, a written report of financial and educational conditions of the districts involved, and the probable effects of the proposed changes
- ⇒ The hearing on the petition is to be held not more than 15 days nor less than 10 days after publication of notice
- ⇒ Any resident of any district affected may appear and present evidence in support of or in opposition to the petition

REGIONAL BOARD OF SCHOOL TRUSTEES DECISION:

- ⇒ The Regional Board(s) of School Trustees shall consider:
 - School needs and conditions of the territory in the area within and adjacent thereto
 - The ability of districts affected to meet the standards of recognition as prescribed by the State Board of Education
 - The division of funds and assets which will result from the change of boundaries

- Whether such a change is to the best interests of the schools of the area and the educational welfare of the pupils
- ⇒ After a joint hearing:
 - Each Regional Board of School Trustees shall meet to render a decision within ten days
 - If the Regional Boards of School Trustees fail to enter a joint order either granting or denying a petition, the Regional Superintendent for the region in which the joint hearing is held shall enter an order denying the petition
 - All affected regions must approve the petition for the dissolution to take place
- ⇒ If not a joint hearing, the Regional Superintendent shall, within 30 days of the hearing, enter the order of the Regional Board of School Trustees either granting or denying the petition
- ⇒ Within ten days after service of a copy of the order granting or denying the petition, any person so served may petition for a rehearing; upon a showing of sufficient cause, a rehearing may be granted
- ⇒ If a Regional Board of School Trustees has not acted on a Section 7-1 petition within nine months of being submitted, the petitioners may submit their petition to the State Superintendent of Education for approval or denial
- ⇒ The decision rendered is deemed an "administrative decision" as defined in the Code of Civil Procedure
 - Any resident who appears at the hearing or any petitioner or board of education of any district affected may file a complaint for judicial review within 35 days after a copy of the decision sought to be reviewed was

served by registered mail upon the party affected

REFERENDUM APPROVAL:

- ⇒ The proposition must pass by a majority of the voters in each of the dissolving and annexing districts

SMALL DISTRICTS WITH A POPULATION LESS THAN 5,000:

School districts with populations of less than 5,000 may also use Section 7-2a(b) and Section 7-11 of the School Code to dissolve.

- ⇒ The petition may be filed by the board of education of the district to be dissolved or by a majority of voters in the district to be dissolved
- ⇒ Petitioners must hold a public informational meeting before the petition process starts, giving at least 10 days' notice of the meeting published in a newspaper of general circulation
- ⇒ The petition is filed with and decided solely by the Regional Board of School Trustees whose Regional Superintendent has supervision of the school district to be dissolved
- ⇒ The Regional Board of School Trustees shall hold a hearing not less than 50 days nor more than 70 days after a petition is filed and shall publish a notice of the hearing once each week for two weeks in a newspaper of general circulation
- ⇒ The Regional Board of School Trustees shall have no authority to deny the petition for dissolution but shall exercise its discretion in annexing the dissolved territory
- ⇒ The Regional Board of School Trustees shall not act on a petition filed by a board of education if within 45 days after giving notice of the hearing a petition in

opposition to the petition of the board to dissolve, signed by a majority of the registered voters of the district, is filed with the Regional Board of School Trustees

- ⇒ The decision of the Regional Board of School Trustees shall be issued within 10 days after the conclusion of the hearing
- ⇒ The decision rendered is deemed an "administrative decision" as defined in the Code of Civil Procedure
 - Any resident who appears at the hearing or any petitioner may file a complaint for judicial review within 10 days after a copy of the decision sought to be reviewed was served by registered mail upon the party affected
- ⇒ Districts under 5,000 in population may choose to dissolve under this option or through referendum

FREQUENTLY ASKED QUESTIONS:

Q. Must the annexing or dissolving district assume the payment of outstanding bonds (long-term debt) of the other district?

- A. No. Any long-term debt remains with the taxpayers who voted in favor of the bond issue, unless the respective boards vote to assume the debt.

Q. What are the different incentive payments?

- A. The four incentive payments an annexing district may be eligible for are:
 - ✓ General State Aid Difference (18-8.05(I))
 - ✓ Teacher Salary Difference(18-8.2)
 - ✓ Deficit Fund Balance (18-8.3)
 - ✓ \$4,000 per Full-Time Certified Staff (18-8.5)

A summary of each of these incentive payments is in the brochure *School*

District Reorganization At a Glance or a detailed explanation can be found in the sections of the School Code listed above.

Q. Can the dissolved district be annexed to any other districts?

- A. No. The boundaries of the dissolving and annexing districts must be contiguous (the boundaries must touch).

Q. Will the dissolving district be represented on the annexing district's school board?

- A. The annexing district's school board will remain in effect until the next scheduled school board election when voters in the dissolving district territory could run for open seats on the school board. Another option is for the annexing and dissolving districts to agree to a member of the annexing district's school board resigning and being replaced by a member of the dissolving district's school board. Or, a dissolving district's school board member could be named to the annexing school board as a non-voting, advisory member until the next school board election.

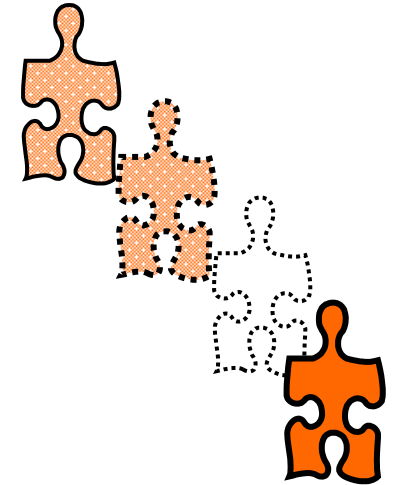
This brochure is not to be used in place of the School Code, but as an informational tool. For specific information regarding dissolutions, refer to Article 7 of the School Code.

For additional information and assistance, please contact the School Business and Support 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

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School District Dissolution/ Annexation At a Glance



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