

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing Sections
5 11A-2, 11A-8, and 12-11.1 as follows:

6 (105 ILCS 5/11A-2) (from Ch. 122, par. 11A-2)

7 Sec. 11A-2. Organization of community unit districts;
8 territorial requirement. (1) Any contiguous and compact
9 territory of at least \$12,000,000 equalized assessed valuation
10 and having a population of not less than 4,000 and not more
11 than 500,000, no part of which is included within any unit
12 district, may be organized into a community unit school
13 district as provided in this Article; (2) the territory of 2 or
14 more entire unit school districts that are contiguous to each
15 other and the territory of which taken as a whole is compact
16 may be organized into a community unit school district as
17 provided in this Article; or (3) the territory of one or more
18 entire unit school districts that are contiguous to each other
19 plus any contiguous and compact territory, no part of which is
20 included within any unit district, and the territory of which
21 taken as a whole is compact may be organized into a community
22 unit school district as provided in this Article; however, a
23 petition or petitions may be filed hereunder proposing to
24 divide a unit school district into 2 or more parts and
25 proposing to include all of such parts in 2 or more community
26 unit districts. As used in this Section, a unit school district
27 includes, but is not limited to, a special charter unit school
28 district.

29 The territory of any high school district and fewer than
30 all of the elementary school districts included within the high
31 school district may be organized into a community unit school
32 district. Any such elementary school district not

1 participating in the reorganization shall remain an elementary
2 school district, and the territory of that elementary school
3 district shall be designated a non-high school district
4 pursuant to Article 12 of this Code.

5 The regional superintendent shall not accept for filing
6 hereunder any petition which includes therein any territory
7 already included as part of the territory described in another
8 petition filed hereunder. Hearings on a petition filed
9 hereunder shall not be commenced so long as any part of the
10 territory described therein shall include territory described,
11 whether by amendment or otherwise, in another petition filed
12 hereunder. A petition may be filed hereunder which contains
13 less than the required minimum equalized assessed valuation or
14 population requirements provided that such a petition shall not
15 be approved by the regional superintendent and State
16 Superintendent unless it is determined: (1) that there is a
17 compelling reason for granting the petition; (2) that the
18 territory involved cannot currently be organized as part of a
19 petition which meets the minimum requirements; (3) that the
20 granting of the petition will not interfere with the ultimate
21 reorganization of the territory into a school district which
22 meets the minimum requirements; (4) that the granting of the
23 petition is in the best educational interests of the pupils
24 affected; and (5) that the granting of the petition is
25 financially beneficial to the affected school districts.

26 (Source: P.A. 88-555, eff. 7-27-94.)

27 (105 ILCS 5/11A-8) (from Ch. 122, par. 11A-8)

28 Sec. 11A-8. Passage requirements.

29 (a) Except as otherwise provided by Section 11A-7, the
30 proposition to create a community unit school district shall be
31 submitted only to the voters of the territory which comprises
32 the proposed community unit school district, and if a majority
33 of the voters in each of the affected school districts voting
34 at such election vote in favor of the establishment of such
35 community unit school district, the proposition shall be deemed

1 to have passed. However, if a majority of the voters in any
2 affected school district fails to vote in favor of the
3 proposition, then that district's refusal shall not prevent the
4 other affected school districts' reorganization. If such
5 reorganization occurs, then any elementary school district not
6 participating in the reorganization shall remain an elementary
7 school district, and the territory of that elementary school
8 district shall be designated as a non-high school district
9 pursuant to Article 12 of this Code. Unless the board of
10 education of a new community unit school district is elected at
11 the same election at which the proposition establishing that
12 district is deemed to have passed, the regional superintendent
13 of schools shall order an election to be held on the next
14 regularly scheduled election date for the purpose of electing a
15 board of education for that district. In either event, the
16 board of education elected for a new community unit school
17 district created under this Article shall consist of 7 members
18 who shall have the terms and the powers and duties of school
19 boards as defined in Article 10 of this Act. Nomination papers
20 filed under this Section are not valid unless the candidate
21 named therein files with the regional superintendent a receipt
22 from the county clerk showing that the candidate has filed a
23 statement of economic interests as required by the Illinois
24 Governmental Ethics Act. Such statement shall be so filed
25 either previously during the calendar year in which his
26 nomination papers were filed or within the period for the
27 filing of nomination papers in accordance with the general
28 election law. The regional superintendent shall perform the
29 election duties assigned by law to the secretary of a school
30 board for such election, and shall certify the officers and
31 candidates therefor pursuant to the general election law.

32 (b) Except as otherwise provided in subsection (c), for
33 school districts formed before January 1, 1975, if the
34 territory of such district is greater than 2 congressional
35 townships or 72 square miles, then not more than 3 board
36 members may be selected from any one congressional township,

1 but congressional townships of less than 100 inhabitants shall
2 not be considered for the purpose of such mandatory board
3 representation, and in any such community unit district where
4 at least 75% but not more than 90% of the population is in one
5 congressional township 4 board members shall be selected
6 therefrom and 3 board members shall be selected from the rest
7 of the district, but in any such community unit district where
8 more than 90% of the population is in one congressional
9 township all board members may be selected from one or more
10 congressional townships; and whenever the territory of any
11 community unit district shall consist of not more than 2
12 congressional townships or 72 square miles, but shall consist
13 of more than one congressional township, or 36 square miles,
14 outside of the corporate limits of any city, village or
15 incorporated town within the school district, not more than 5
16 board members shall be selected from any city, village or
17 incorporated town in such school district.

18 (c) The provisions of subsection (b) for mandatory board
19 representation shall no longer apply to a community unit school
20 district formed prior to January 1, 1975, and the members of
21 the board of education shall be elected at large from within
22 that school district and without restriction by area of
23 residence within the district if both of the following
24 conditions are met with respect to that district:

25 (1) A proposition for the election of board members at
26 large and without restriction by area of residence within
27 the district rather than in accordance with the provisions
28 of subsection (b) for mandatory board representation is
29 submitted to the school district's voters at a regular
30 school election or at the general election as provided in
31 this subsection (c).

32 (2) A majority of those voting at the election in each
33 congressional township comprising the territory of the
34 school district, including any congressional township of
35 less than 100 inhabitants, vote in favor of the
36 proposition.

1 The board of education of the school district may by
2 resolution order submitted or, upon the petition of the lesser
3 of 2,500 or 5% of the school district's registered voters,
4 shall order submitted to the school district's voters at a
5 regular school election or at the general election the
6 proposition for the election of board members at large and
7 without restriction by area of residence within the district
8 rather than in accordance with the provisions of subsection (b)
9 for mandatory board representation; and the proposition shall
10 thereupon be certified by the board's secretary for submission.
11 If a majority of those voting at the election in each
12 congressional township comprising the territory of the school
13 district, including any congressional township of less than 100
14 inhabitants, vote in favor of the proposition: (i) the
15 proposition to elect board members at large and without
16 restriction by area of residence within the district shall be
17 deemed to have passed, (ii) new members of the board shall be
18 elected at large and without restriction by area of residence
19 within the district at the next regular school election, and
20 (iii) the terms of office of the board members incumbent at the
21 time the proposition is adopted shall expire when the new board
22 members that are elected at large and without restriction by
23 area of residence within the district have organized in
24 accordance with Section 10-16. In a community unit school
25 district that formerly elected its members under subsection (b)
26 to successive terms not exceeding 4 years, the members elected
27 at large and without restriction by area of residence within
28 the district shall be elected for a term of 4 years, and in a
29 community unit school district that formerly elected its
30 members under subsection (b) to successive terms not exceeding
31 6 years, the members elected at large and without restriction
32 by area of residence within the district shall be elected for a
33 term of 6 years; provided, that in each case the terms of the
34 board members initially elected at large and without
35 restriction by area of residence within the district as
36 provided in this subsection shall be staggered and determined

1 in accordance with the provisions of Sections 10-10 and 10-16.
2 (Source: P.A. 89-129, eff. 7-14-95.)

3 (105 ILCS 5/12-11.1) (from Ch. 122, par. 12-11.1)
4 Sec. 12-11.1. Tax levy.

5 (a) Except as otherwise provided in subsection (b) of this
6 Section, levy ~~Levy~~ a tax annually upon all the taxable property
7 of the district not to exceed 1% of value as equalized or
8 assessed by the Department of Revenue, for the purpose of
9 paying the tuition of all eighth-grade graduates residing
10 within the district attending any recognized high school. The
11 board of education of such nonhigh school district may by
12 proper resolution cause a proposition to increase the annual
13 tax rate for such purpose to be submitted to the voters of such
14 district at any regular scheduled election. The rate shall not
15 be increased at any single referendum more than 0.21% upon the
16 value as equalized or assessed by the Department of Revenue for
17 such purpose, and the maximum rate for such purpose shall not
18 exceed 1.60%. Such amount shall be certified and returned to
19 the county clerk on or before the last Tuesday in September of
20 each year. The certificate shall be signed by the president and
21 the secretary of the board and may be in the following form:

22 CERTIFICATE OF TAX LEVY

23 We hereby certify that we require the sum of dollars
24 to be levied as a special tax to pay the tuition of graduates
25 of the eighth grade residing in the nonhigh school district of
26 County, on the equalized assessed valuation of the taxable
27 property of our nonhigh school district.

28 Signed on (insert date).

29 A..... B....., President

30 C..... D....., Secretary

31 A failure to certify and return the certificate of tax levy
32 to the county clerk in the time required shall not vitiate the
33 assessment.

34 (b) In the case of a non-high school district formed

1 pursuant to Article 11A of this Code, levy a tax at the rate at
2 which residents were previously taxed by the associated high
3 school district. All proceeds from this tax shall be paid to
4 the unit school district to which the non-high school district
5 sends its students. If in any year the yield of the tax is
6 insufficient to cover the tuition charges, then an amount shall
7 be added to the taxes extended within the non-high school
8 district in the following year to repay the deficiency.

9 (Source: P.A. 91-357, eff. 7-29-99.)

10 Section 99. Effective date. This Act takes effect July 1,
11 2005.