



Rep. Patrick J Verschoore

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09500HB5399ham002

LRB095 19345 NHT 48980 a

1 AMENDMENT TO HOUSE BILL 5399

2 AMENDMENT NO. _____. Amend House Bill 5399, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The School Code is amended by changing Section
6 11E-35 as follows:

7 (105 ILCS 5/11E-35)

8 Sec. 11E-35. Petition filing.

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

14 (1) be signed by at least 50 legal resident voters or
15 10% of the legal resident voters, whichever is less,
16 residing within each affected district; or

1 (2) be approved by the school board in each affected
2 district.

3 (b) The petition shall contain all of the following:

4 (1) A request to submit the proposition at a regular
5 scheduled election for the purpose of voting:

6 (A) for or against a high school - unit conversion;

7 (B) for or against a unit to dual conversion;

8 (C) for or against the establishment of a combined
9 elementary district;

10 (D) for or against the establishment of a combined
11 high school district;

12 (E) for or against the establishment of a combined
13 unit district;

14 (F) for or against the establishment of a unit
15 district from dual district territory exclusively;

16 (G) for or against the establishment of a unit
17 district from both dual district and unit district
18 territory;

19 (H) for or against the establishment of a combined
20 high school - unit district from a combination of one
21 or more high school districts and one or more unit
22 districts;

23 (I) for or against the establishment of a combined
24 high school - unit district and one or more new
25 elementary districts through a multi-unit conversion;

26 (J) for or against the establishment of an optional

1 elementary unit district from a combination of a
2 substantially coterminous dual district; or

3 (K) for or against dissolving and becoming part of
4 an optional elementary unit district.

5 (2) A description of the territory comprising the
6 districts proposed to be dissolved and those to be created,
7 which, for an entire district, may be a general reference
8 to all of the territory included within that district.

9 (3) A specification of the maximum tax rates for
10 various purposes the proposed district or districts shall
11 be authorized to levy for various purposes and, if
12 applicable, the specifications related to the Property Tax
13 Extension Limitation Law, in accordance with Section
14 11E-80 of this Code.

15 (4) A description of how supplementary State deficit
16 difference payments made under subsection (c) of Section
17 11E-135 of this Code will be allocated among the new
18 districts proposed to be formed.

19 (5) Where applicable, a division of assets and
20 liabilities to be allocated to the proposed new or annexing
21 school district or districts in the manner provided in
22 Section 11E-105 of this Code.

23 (6) If desired, a request that at that same election as
24 the reorganization proposition a school board or boards be
25 elected on a separate ballot or ballots to serve as the
26 school board or boards of the proposed new district or

1 districts. Any election of board members at the same
2 election at which the proposition to create the district or
3 districts to be served by the board or boards is submitted
4 to the voters shall proceed under the supervision of the
5 regional superintendent of schools as provided in Section
6 11E-55 of this Code.

7 (7) If desired, a request that the referendum at which
8 the proposition is submitted for the purpose of voting for
9 or against the establishment of a unit district (other than
10 a partial elementary unit district) include as part of the
11 proposition the election of board members by school board
12 district rather than at large. Any petition requesting the
13 election of board members by district shall divide the
14 proposed school district into 7 school board districts,
15 each of which must be compact and contiguous and
16 substantially equal in population to each other school
17 board district. Any election of board members by school
18 board district shall proceed under the supervision of the
19 regional superintendent of schools as provided in Section
20 11E-55 of this Code.

21 (7.5) For the combining of Westmer Community Unit
22 School District 203 and Aledo Community Unit School
23 District 201, if desired, a request that the referendum at
24 which the proposition is submitted for the purpose of
25 voting for or against the establishment of a combined unit
26 district include as part of the initial proposition the

1 election of board members by a combination of members
2 representing each of the forming unit districts and members
3 at large rather than solely members at large and the
4 election of all board members at large for each election
5 thereafter. The format for the election of the new unit
6 district school board must be defined in the petition. When
7 a combination of board members representing each of the
8 forming unit school districts and at-large formats are
9 used, 3 members must be elected from each of the forming
10 unit school districts and the remaining member must be
11 elected at large.

12 (8) If desired, a request that the referendum at which
13 the proposition is submitted for the purpose of voting for
14 or against the establishment of a unit to dual conversion
15 include as part of the proposition the election of board
16 members for the new high school district (i) on an at large
17 basis, (ii) with board members representing each of the
18 forming elementary school districts, or (iii) a
19 combination of both. The format for the election of the new
20 high school board must be defined in the petition. When 4
21 or more unit school districts and a combination of board
22 members representing each of the forming elementary school
23 districts are involved and at large formats are used, one
24 member must be elected from each of the forming elementary
25 school districts. The remaining members may be elected on
26 an at large basis, provided that none of the underlying

1 elementary school districts have a majority on the
2 resulting high school board. When 3 unit school districts
3 and a combination of board members representing each of the
4 forming elementary school districts are involved and at
5 large formats are used, 2 members must be elected from each
6 of the forming elementary school districts. The remaining
7 member must be elected at large.

8 (9) If desired, a request that the referendum at which
9 the proposition shall be submitted include a proposition on
10 a separate ballot authorizing the issuance of bonds by the
11 district or districts when organized in accordance with
12 this Article. However, if the petition is submitted for the
13 purpose of voting for or against the establishment of an
14 optional elementary unit district, the petition may
15 request only that the referendum at which the proposition
16 is submitted include a proposition on a separate ballot
17 authorizing the issuance of bonds for high school purposes
18 (and not elementary purposes) by the district when
19 organized in accordance with this Article. The principal
20 amount of the bonds and the purposes of issuance, including
21 a specification of elementary or high school purposes if
22 the proposed issuance is to be made by a combined high
23 school - unit district, shall be stated in the petition and
24 in all notices and propositions submitted thereunder.

25 (10) A designation of a committee of ten of the
26 petitioners as attorney in fact for all petitioners, any 7

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

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

15 (d) (1) Those designated as the Committee of Ten shall serve
16 in that capacity until such time as the regional superintendent
17 of schools determines that, because of death, resignation,
18 transfer of residency from the territory, failure to qualify,
19 or any other reason, the office of a particular member of the
20 Committee of Ten is vacant. Upon determination by the regional
21 superintendent of schools that these vacancies exist, he or she
22 shall declare the vacancies and shall notify the remaining
23 members to appoint a petitioner or petitioners, as the case may
24 be, to fill the vacancies in the Committee of Ten so
25 designated. An appointment by the Committee of Ten to fill a
26 vacancy shall be made by a simple majority vote of the

1 designated remaining members.

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

9 (3) Except as stated in item (10) of subsection (b) of this
10 Section, the Committee of Ten shall act by majority vote of the
11 membership.

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

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

21 (Source: P.A. 94-1019, eff. 7-10-06.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law."