

1 AN ACT concerning schools.

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  
5 Sections 5-22 and 32-4 as follows:

6 (105 ILCS 5/5-22) (from Ch. 122, par. 5-22)

7 Sec. 5-22. Sales of school sites, buildings or other real  
8 estate. When in the opinion of the school board, a school  
9 site, or portion thereof, building, or site with building  
10 thereon, or any other real estate of the district, has become  
11 unnecessary or unsuitable or inconvenient for a school, or  
12 unnecessary for the uses of the district, the school board,  
13 by a resolution adopted by at least two-thirds of the board  
14 members, may sell or direct that the property be sold in the  
15 manner provided in the Local Government Property Transfer  
16 Act, or in the manner herein provided. Unless legal title to  
17 the land is held by the school board, the school board shall  
18 forthwith notify the trustees of schools or other school  
19 officials having legal title to such land of the terms upon  
20 which they desire the property to be sold. If the property is  
21 to be sold to another unit of local government or school  
22 district, the school board, trustees of schools, or other  
23 school officials having legal title to the land shall proceed  
24 in the manner provided in the Local Government Property  
25 Transfer Act. In all other cases, except if the property is  
26 to be sold to a tenant that has leased the property for 10 or  
27 more years and that tenant is a non-profit agency, the school  
28 board, trustees of schools, or other school officials having  
29 legal title to the land shall, within 60 days after adoption  
30 of the resolution (if the school board holds legal title to  
31 the land), or within 60 days after the trustees of school or

1 other school officials having legal title receive the notice  
2 (if the school board does not hold legal title to the land),  
3 sell the property at public sale, by auction or sealed bids,  
4 after first giving notice of the time, place, and terms  
5 thereof by notice published once each week for 3 successive  
6 weeks prior to the date of the sale if sale is by auction, or  
7 prior to the final date of acceptance of bids if sale is by  
8 sealed bids, in a newspaper published in the district or, if  
9 no such newspaper is published in the district, then in a  
10 newspaper published in the county and having a general  
11 circulation in the district; however, if territory containing  
12 a school site, building, or site with building thereon, is  
13 detached from the school district of which it is a part after  
14 proceedings have been commenced under this Section for the  
15 sale of that school site, building, or site with building  
16 thereon, but before the sale is held, then the school board,  
17 trustees of schools, or other school officials having legal  
18 title shall not advertise or sell that school site, building,  
19 or site with building thereon, pursuant to those proceedings.  
20 The notices may be in the following form:

NOTICE OF SALE

22 Notice is hereby given that on (insert date), the (here  
23 insert title of the school board, trustees of school, or  
24 other school officials holding legal title) of (county)  
25 (Township No. ...., Range No. .... P.M. ....) will sell at  
26 public sale (use applicable alternative) (at ..... (state  
27 location of sale which shall be within the district), at ....  
28 ..M.,) (by taking sealed bids which shall be accepted until  
29 .... ..M., on (insert date), at (here insert location where  
30 bids will be accepted which shall be within the district)  
31 which bids will be opened at .... ..M. on (insert date) at  
32 (here insert location where bids will be opened which shall  
33 be within the district)) the following described property:  
34 (here describe the property), which sale will be made on the

1 following terms to-wit: (here insert terms of sale)

2 . . . .

3 . . . .

4 . . . .

5 (Here insert title of school  
6 officials holding legal title)

7 For purposes of determining "terms of sale" under this  
8 Section, the General Assembly declares by this clarifying and  
9 amendatory Act of 1983 that "terms of sale" are not limited  
10 to sales for cash only but include contracts for deed,  
11 mortgages, and such other seller financed terms as may be  
12 specified by the school board.

13 If a school board specifies a reasonable minimum selling  
14 price and that price is not met or if no bids are received,  
15 the school board may adopt a resolution determining or  
16 directing that the services of a licensed real estate broker  
17 be engaged to sell the property for a commission not to  
18 exceed 7%, contingent on the sale of the property within 120  
19 days. If legal title to the property is not held by the  
20 school board, the trustees of schools or other school  
21 officials having legal title shall, upon receipt of the  
22 resolution, engage the services of a licensed real estate  
23 broker as directed in the resolution. The board may accept a  
24 written offer equal to or greater than the established  
25 minimum selling price for the described property. The  
26 services of a licensed real estate broker may be utilized to  
27 seek a buyer. If the board lowers the minimum selling price  
28 on the described property, the public sale procedures set  
29 forth in this Section must be followed. The board may raise  
30 the minimum selling price without repeating the public sale  
31 procedures.

32 The deed of conveyance shall be executed by the president  
33 and clerk or secretary of the school board, trustees of  
34 schools, or other school officials having legal title to the

1 land, and the proceeds paid to the school treasurer for the  
2 benefit of the district; provided, that the proceeds of any  
3 such sale on the island of Kaskaskia shall be paid to the  
4 State Treasurer for the use of the district and shall be  
5 disbursed by him in the same manner as income from the  
6 Kaskaskia Commons permanent school fund. The school board  
7 shall use the proceeds from the sale first to pay the  
8 principal and interest on any outstanding bonds on the  
9 property being sold, and after all such bonds have been  
10 retired, the remaining proceeds from the sale next shall be  
11 used by the school board to meet any urgent district needs as  
12 determined under Sections 2-3.12 and 17-2.11 and then for any  
13 other authorized purpose and for deposit into any district  
14 fund. But whenever the school board of any school district  
15 determines that any schoolhouse site with or without a  
16 building thereon is of no further use to the district, and  
17 agrees with the school board of any other school district  
18 within the boundaries of which the site is situated, upon the  
19 sale thereof to that district, and agrees upon the price to  
20 be paid therefor, and the site is selected by the purchasing  
21 district in the manner required by law, then after the  
22 payment of the compensation the school board, township  
23 trustees, or other school officials having legal title to the  
24 land of the schools shall, by proper instrument in writing,  
25 convey the legal title of the site to the school board of the  
26 purchasing district, or to the trustees of schools for the  
27 use of the purchasing district, in accordance with law. The  
28 provisions of this Section shall not apply to any sale made  
29 pursuant to Section 5-23 or Section 5-24 or Section 32-4.

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

31 (105 ILCS 5/32-4) (from Ch. 122, par. 32-4)

32 Sec. 32-4. Powers of board. The board of inspectors  
33 referred to in Section 32-2.11 may, in addition to the powers

1 conferred upon it by special law and the applicable  
2 provisions of this Act, employ teachers, janitors and such  
3 other employees as it deems necessary and fix the amount of  
4 their compensation; buy or lease sites for schoolhouses, with  
5 the necessary grounds; build, erect, lease or purchase  
6 buildings suitable for school purposes; repair and improve  
7 buildings and furnish them with the necessary supplies,  
8 fixtures, apparatus, libraries and fuel; and may lease school  
9 property, when not needed for school purposes, for a term of  
10 not longer than 99 years from the date of the granting of the  
11 lease. All such leases shall provide for revaluation  
12 privileges at least once in every 20 years.

13 In case the school board and the lessee cannot agree on  
14 revaluation and a new rent, the same shall be determined in  
15 the following manner: 3 arbitrators shall be appointed, 1 by  
16 the school board, 1 by the lessee, and 1 by the arbitrators  
17 appointed by the school board and the lessee. The 3  
18 arbitrators, or a majority of them, shall fix and determine  
19 the revaluation and the new rent and their decision or a  
20 decision of a majority of them shall be final.

21 When, in the opinion of the school board, a school site,  
22 building, or site with building thereon, or any other real  
23 estate of the district, has become unnecessary or unsuitable  
24 or inconvenient for a school, or unnecessary for the uses of  
25 the district and the school board decides to sell the same,  
26 unless the property is to be sold to a tenant that has leased  
27 the property for 10 or more years and that tenant is a  
28 non-profit agency, the school board it shall give notice of  
29 the sale stating the time and place the sale is to be held,  
30 the terms of the sale and a description of the property to be  
31 sold. The notice shall be published in a newspaper of general  
32 circulation published in the district, or if none, in the  
33 county in which the district is situated, such notice to be  
34 published once each week for 3 successive weeks, and the

1 first publication to be at least 30 days prior to the day the  
2 sale is to be held. Unless the school board holds legal title  
3 to the property, the school board shall notify the trustees  
4 of schools of the terms upon which the school board desires  
5 the property to be conveyed. The school board or trustees of  
6 schools holding legal title to the property shall convey the  
7 property in accordance with the terms fixed by the school  
8 board. The deed of conveyance shall be executed by the  
9 president and secretary or clerk of the school board or  
10 trustees of the school holding legal title to the property  
11 and the proceeds if any shall be paid to the school treasurer  
12 for the benefit of the district.

13 (Source: P.A. 88-155.)

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.