

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 Section  
5 10-22.22b as follows:

6 (105 ILCS 5/10-22.22b) (from Ch. 122, par. 10-22.22b)

7 Sec. 10-22.22b. (a) The provisions of this subsection  
8 shall not apply to the deactivation of a high school facility  
9 under subsection (c). Where in its judgment the interests of  
10 the district and of the students therein will be best served,  
11 to deactivate any high school facility or elementary school  
12 facility in the district and send the students of such high  
13 school in grades 9 through 12 or such elementary school in  
14 grades kindergarten through 8, as applicable, to schools in  
15 other districts. Such action may be taken only with the  
16 approval of the voters in the district and the approval, by  
17 proper resolution, of the school board of the receiving  
18 district. The board of the district contemplating deactivation  
19 shall, by proper resolution, cause the proposition to  
20 deactivate the school facility to be submitted to the voters  
21 of the district at a regularly scheduled election. Notice  
22 shall be published at least 10 days prior to the date of the  
23 election at least once in one or more newspapers published in

1 the district or, if no newspaper is published in the district,  
2 in one or more newspapers with a general circulation within  
3 the district. The notice shall be substantially in the  
4 following form:

5 NOTICE OF REFERENDUM TO  
6 DEACTIVATE THE ... SCHOOL FACILITY  
7 IN SCHOOL DISTRICT NO. ....

8 Notice is hereby given that on (insert date), a referendum  
9 will be held in ..... County (Counties) for the purpose of  
10 voting for or against the proposition to deactivate the .....  
11 School facility in School District No. .... and to send  
12 pupils in ..... School to School District(s) No. ....

13 The polls will be open at .... o'clock ... m., and close at  
14 .... o'clock ... m. of the same day.

15 .....

16 Dated (insert date).

17 The proposition shall be in substantially the following form:

18 -----

19 Shall the Board  
20 of Education of School  
21 District No. ....,  
22 ..... County, Illinois, be  
23 authorized to deactivate  
24 the .... School facility  
25 and to send pupils in .....

YES

-----

NO

1 School to School

2 District(s) No. ....?

3 -----

4 If the majority of those voting upon the proposition in the  
5 district contemplating deactivation vote in favor of the  
6 proposition, the board of that district, upon approval of the  
7 board of the receiving district, shall execute a contract with  
8 the receiving district providing for the reassignment of  
9 students to the receiving district. If the deactivating  
10 district seeks to send its students to more than one district,  
11 it shall execute a contract with each receiving district. The  
12 length of the contract shall be for 4 2 school years, but the  
13 districts may renew the contract for a length of time that is  
14 mutually agreed upon by the districts ~~additional one year or 2~~  
15 ~~year periods~~. Contract renewals shall be executed by January 1  
16 of the year in which the existing contract expires. If the  
17 majority of those voting upon the proposition do not vote in  
18 favor of the proposition, the school facility may not be  
19 deactivated.

20 The sending district shall pay to the receiving district  
21 an amount agreed upon by the 2 districts.

22 When the deactivation of school facilities becomes  
23 effective pursuant to this Section, the provisions of  
24 subsection (h) of Section 24-11 of this Code relative to the  
25 contractual continued service status of teachers having  
26 contractual continued service whose positions are transferred

1 from one board to the control of a different board shall apply,  
2 and the positions at the school facilities being deactivated  
3 held by teachers, as that term is defined in subsection (a) of  
4 Section 24-11 of this Code, having contractual continued  
5 service with the school district at the time of the  
6 deactivation shall be transferred to the control of the board  
7 or boards who shall be receiving the district's students on  
8 the following basis:

9 (1) positions of such teachers in contractual  
10 continued service that were full time positions shall be  
11 transferred to the control of whichever of such boards  
12 such teachers shall request with the teachers making such  
13 requests proceeding in the order of those with the  
14 greatest length of continuing service with the board to  
15 those with the shortest length of continuing service with  
16 the board, provided that the number selecting one board  
17 over another board or other boards shall not exceed that  
18 proportion of the school students going to such board or  
19 boards; and

20 (2) positions of such teachers in contractual  
21 continued service that were full time positions and as to  
22 which there is no selection left under subparagraph 1  
23 hereof shall be transferred to the appropriate board.

24 The contractual continued service status of any teacher  
25 thereby transferred to another district is not lost and the  
26 receiving board is subject to the School Code with respect to

1 such transferred teacher in the same manner as if such teacher  
2 was the district's employee during the time such teacher was  
3 actually employed by the board of the deactivating district  
4 from which the position was transferred.

5 When the deactivation of school facilities becomes  
6 effective pursuant to this Section, the provisions of  
7 subsection (b) of Section 10-23.5 of this Code relative to the  
8 transfer of educational support personnel employees shall  
9 apply, and the positions at the school facilities being  
10 deactivated that are held by educational support personnel  
11 employees at the time of the deactivation shall be transferred  
12 to the control of the board or boards that will be receiving  
13 the district's students on the following basis:

14 (A) positions of such educational support personnel  
15 employees that were full-time positions shall be  
16 transferred to the control of whichever of the boards the  
17 employees request, with the educational support personnel  
18 employees making these requests proceeding in the order of  
19 those with the greatest length of continuing service with  
20 the board to those with the shortest length of continuing  
21 service with the board, provided that the number selecting  
22 one board over another board or other boards must not  
23 exceed that proportion of students going to such board or  
24 boards; and

25 (B) positions of such educational support personnel  
26 employees that were full-time positions and as to which

1           there is no selection left under subdivision (A) shall be  
2           transferred to the appropriate board.

3           The length of continuing service of any educational support  
4           personnel employee thereby transferred to another district is  
5           not lost and the receiving board is subject to this Code with  
6           respect to that transferred educational support personnel  
7           employee in the same manner as if the educational support  
8           personnel employee was the district's employee during the time  
9           the educational support personnel employee was actually  
10          employed by the board of the deactivating district from which  
11          the position was transferred.

12          (b) The provisions of this subsection shall not apply to  
13          the reactivation of a high school facility which is  
14          deactivated under subsection (c). The sending district may,  
15          with the approval of the voters in the district, reactivate  
16          the school facility which was deactivated. The board of the  
17          district seeking to reactivate the school facility shall, by  
18          proper resolution, cause the proposition to reactivate to be  
19          submitted to the voters of the district at a regularly  
20          scheduled election. Notice shall be published at least 10 days  
21          prior to the date of the election at least once in one or more  
22          newspapers published in the district or, if no newspaper is  
23          published in the district, in one or more newspapers with a  
24          general circulation within the district. The notice shall be  
25          substantially in the following form:

26

NOTICE OF REFERENDUM TO

1 REACTIVATE THE ..... SCHOOL FACILITY

2 IN SCHOOL DISTRICT NO. ....

3 Notice is hereby given that on (insert date), a referendum  
4 will be held in ..... County (Counties) for the purpose of  
5 voting for or against the proposition to reactivate the .....  
6 School facility in School District No. .... and to  
7 discontinue sending pupils of School District No. .... to  
8 School District(s) No. ....

9 The polls will be opened at ... o'clock .. m., and closed  
10 at ... o'clock .. m. of the same day.

11 .....

12 Dated (insert date).

13 The proposition shall be in substantially the following form:

14 -----

15 Shall the Board  
16 of Education of School YES  
17 District No. ....,

18 ..... County, Illinois,  
19 be authorized to -----

20 reactivate the .... School  
21 facility and to discontinue sending  
22 pupils of School District No. .... NO  
23 to School District(s) No. ....?

24 -----

25 (c) The school board of any unit school district which

1 experienced a strike by a majority of its certified employees  
2 that endured for over 6 months during the regular school term  
3 of the 1986-1987 school year, and which during the ensuing  
4 1987-1988 school year had an enrollment in grades 9 through 12  
5 of less than 125 students may, when in its judgment the  
6 interests of the district and of the students therein will be  
7 best served thereby, deactivate the high school facilities  
8 within the district for the regular term of the 1988-1989  
9 school year and, for that school year only, send the students  
10 of such high school in grades 9 through 12 to schools in  
11 adjoining or adjacent districts. Such action may only be  
12 taken: (a) by proper resolution of the school board  
13 deactivating its high school facilities and the approval, by  
14 proper resolution, of the school board of the receiving  
15 district or districts, and (b) pursuant to a contract between  
16 the sending and each receiving district, which contract or  
17 contracts: (i) shall provide for the reassignment of all  
18 students of the deactivated high school in grades 9 through 12  
19 to the receiving district or districts; (ii) shall apply only  
20 to the regular school term of the 1988-1989 school year; (iii)  
21 shall not be subject to renewal or extension; and (iv) shall  
22 require the sending district to pay to the receiving district  
23 the cost of educating each student who is reassigned to the  
24 receiving district, such costs to be an amount agreed upon by  
25 the sending and receiving district but not less than the per  
26 capita cost of maintaining the high school in the receiving

1 district during the 1987-1988 school year. Any high school  
2 facility deactivated pursuant to this subsection for the  
3 regular school term of the 1988-1989 school year shall be  
4 reactivated by operation of law as of the end of the regular  
5 term of the 1988-1989 school year. The status as a unit school  
6 district of a district which deactivates its high school  
7 facilities pursuant to this subsection shall not be affected  
8 by reason of such deactivation of its high school facilities  
9 and such district shall continue to be deemed in law a school  
10 district maintaining grades kindergarten through 12 for all  
11 purposes relating to the levy, extension, collection and  
12 payment of the taxes of the district under Article 17 for the  
13 1988-1989 school year.

14 (d) Whenever a school facility is reactivated pursuant to  
15 the provisions of this Section, then all teachers in  
16 contractual continued service who were honorably dismissed or  
17 transferred as part of the deactivation process, in addition  
18 to other rights they may have under the School Code, shall be  
19 recalled or transferred back to the original district.

20 (Source: P.A. 99-657, eff. 7-28-16.)