**Section 226.780 Procedures for Withdrawal Hearings before the Regional Board of School Trustees**

This Section sets forth the procedures for a hearing by one or more regional boards of school trustees to consider a school district's petition to withdraw from a special education joint agreement pursuant to Section 10-22.31 of the School Code. The procedures set forth in this Section shall not apply to school district withdrawals from a special education joint agreement agreed upon by all remaining member districts.

a) Upon receipt of the petition for withdrawal, a regional board of school trustees that exercises oversight or governance over all member school districts of the joint agreement shall conduct the hearing.

1) The Regional Superintendent of Schools, acting in her or his role as ex officio secretary of the regional board of school trustees, shall deliver a copy of the petition to the board of each member district and shall publish notice of the petition once in a newspaper having general circulation in the educational service region. The notice shall include the following:

A) The date the petition was filed;

B) The name of each school district that is a member of the joint agreement;

C) The effective date on which the petitioning district would be withdrawn from the joint agreement if the petition is granted; and

D) The return date on which the hearing upon the petition will be held, which shall be no less than 10 and no more than 15 days after the publication of the notice.

2) Prior to the hearing on the petition for withdrawal, the ex officio secretary of the regional board of school trustees shall submit to the regional board of school trustees a written report of the educational and administrative conditions of the districts involved relative to the provision of special education services.

3) The regional board of school trustees shall hear evidence as to the special education needs and conditions of the petitioning school district and of the special education cooperative from which it wishes to withdraw and shall determine whether it is in the best interest of the students with disabilities in the petitioning district that the petition for withdrawal from the joint agreement be granted.

4) The regional board of school trustees shall enter an order granting or denying the petition within 30 days after the hearing. *Approval of the petition must be by a two-thirds majority of the school trustees* (Section 10-22.31(a) of the Code). A certified copy of such an order shall be sent to the petitioning district, the special education cooperative, the regional superintendent of education in whose region the cooperative is located, and the State Board of Education's Special Education Services Department at 100 North First Street, Springfield, Illinois 62777.

b) Upon receipt of the petition for withdrawal from a special education joint agreement in which more than one regional board of school trustees exercises oversight or governance over any of the school districts participating in the agreement, a joint hearing will be held on the petition.

1) The petition for withdrawal shall be filed concurrently with each regional board of school trustees exercising oversight or governance over any of the member districts.

2) The regional board of school trustees for the region where the administrative office of the special education cooperative is located shall be responsible for the coordination of all activities related to the joint hearing.

A) The coordinating regional board of school trustees shall comply with all provisions of subsection (a), and shall provide copies of all notices and reports required under subsection (a) to the ex officio secretaries of each of the regional boards of school trustees whose school districts are parties to the special education joint agreement.

B) The joint hearing shall be held in the region of the coordinating regional board of school trustees.

3) *Approval of the petition must be by a two-thirds majority of all those school trustees present and voting at the joint hearing* (Section 10-22.31(a) of the School Code).

c) *A member district wishing to withdraw from a joint agreement may obtain from its school board a written resolution approving the withdrawal. The withdrawing district must then present a written petition for withdrawal from the joint agreement to other member districts.*

1) *Under no circumstances may the petition be presented to the other member districts less than 12 months from the date of the proposed withdrawal, unless the member districts agree to waive this timeline.*

2) *Upon approval by school board written resolution of all of the remaining member districts, the petitioning member district shall notify the State Board of the approved withdrawal in writing and must submit a comprehensive plan developed under Section 10-22.31(g-5) of the Code for review by the State Board.*

3) *If the petition for withdrawal is not approved, the petitioning member district may appeal this decision to the trustees of schools of the township that has jurisdiction and authority over the withdrawing district. If a withdrawing district is not under the jurisdiction and authority of the trustees of schools of a township, a hearing panel shall be established by the chief administrative officer of the intermediate service center having jurisdiction over the withdrawing district.* (Section 10-22.31(g) of the Code)

A) The hearing panel is subject to the requirements of Section 10-22.31(g) of the Code.

B) *Prior to the hearing, the withdrawing district shall:*

i) *Provide written notification to all parents or guardians of students with disabilities residing within the district of its intent to withdraw from the special education joint agreement.*

ii) *Hold a public hearing to allow for members of the community, parents or guardians of students with disabilities, or any other interested parties an opportunity to review the plan for educating students after the withdrawal and to provide feedback on the plan.*

iii) *Prepare and provide a comprehensive plan outlined under Section 10-22.31(g-5) of the Code.*

4) *The trustees of schools of the township having jurisdiction and authority over the withdrawing district or the hearing panel established under subsection (c)(3) shall convene and hear testimony to determine if the withdrawing district has presented sufficient evidence that the district, standing alone, will provide a full continuum of services and support to all its students with disabilities in the foreseeable future. If the petition for withdrawal is approved, then the petitioning member district shall be withdrawn from the joint agreement effective the following July 1 and shall notify the State Board in writing of the approved withdrawal.* (Section 10-22.31(g) of the Code)

d) In instances in which one or more of the competent regional boards of school trustees have been abolished, petitions for withdrawal shall be made to the school boards of those member districts that would fall under the oversight or governance of the abolished regional board of school trustees.

1) Upon receipt of the petition for withdrawal, the remaining member districts shall place the petition on their respective school board agenda for the next regularly scheduled board meeting.

2) Each member district shall afford the petitioning district the opportunity to address the school board at the time the petition is considered by the board.

3) Each member district shall act upon a resolution, either approving or denying the petition for withdrawal. Approval of a petition shall be by a two-thirds majority of those districts unless the joint agreement's articles of agreement provide otherwise.

(Source: Amended at 45 Ill. Reg. 3377, effective March 2, 2021)