

HB4618



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4618

Introduced 1/31/2024, by Rep. Harry Benton

SYNOPSIS AS INTRODUCED:

105 ILCS 5/7-1

from Ch. 122, par. 7-1

Amends the Boundary Changes Article of the School Code. With respect to a petition to change school district boundaries, provides that the length of time for signatures to be valid, before the filing of the petition, shall not exceed one year (rather than 6 months). Effective immediately.

LRB103 38871 RJT 69008 b

A BILL FOR

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 7-1 as follows:

6 (105 ILCS 5/7-1) (from Ch. 122, par. 7-1)

7 Sec. 7-1. Changing boundaries by detachment or
8 dissolution.

9 (a) School district boundaries may be changed by
10 detachment, annexation, division or dissolution or any
11 combination thereof by the regional board of school trustees
12 or by the State Superintendent of Education as provided in
13 subsection (1) of Section 7-6.

14 The petition must be filed with and decided solely by the
15 regional board of school trustees of the region in which the
16 regional superintendent of schools has supervision and
17 control, as defined in Section 3-14.2 of this Code, of the
18 detaching or dissolving school district. The petition may be
19 filed in any office operated by the regional superintendent
20 with supervision and control, as defined in Section 3-14.2 of
21 this Code, of the detaching or dissolving school district.

22 A petition for boundary change must be filed by the school
23 board of the detaching or dissolving district, by a majority

1 of the legal resident voters in the dissolving district, or by
2 two-thirds of a combination of the legal resident voters and
3 the owners of record of any real estate with no legal resident
4 voters in any territory proposed to be detached. If any of the
5 territory proposed to be detached contains real estate with no
6 legal resident voters, petitioners shall deliver the petition
7 by certified mail, return receipt requested, to all owners of
8 record of any real estate with no legal resident voters. Proof
9 of such delivery must be presented as evidence at the hearing
10 required under Section 7-6 of this Code. Any owner of record of
11 real estate with no legal resident voters in any territory
12 proposed to be detached may either sign the petition in person
13 and before the circulator as described in this Section or
14 return the petition with his or her notarized signature to be
15 included as a petitioner. No person may sign a petition in the
16 capacity of both a legal resident voter and owner of record. If
17 there are no legal resident voters within the territory
18 proposed to be detached, then the petition must be signed by
19 all of the owners of record of the real estate of the
20 territory. Legal resident voters shall be determined by the
21 official voter registration lists as of the date the petition
22 is filed. No signatures shall be added or withdrawn after the
23 date the petition is filed. The length of time for signatures
24 to be valid, before filing of the petition, shall not exceed
25 one year ~~6 months~~. Notwithstanding any provision to the
26 contrary contained in the Election Code, the regional

1 superintendent of schools shall make all determinations
2 regarding the validity of the petition, including, without
3 limitation, signatures on the petition. If the regional
4 superintendent determines that the petition is not in proper
5 order or not in compliance with any applicable petition
6 requirements, the regional superintendent may not accept the
7 petition for filing and may return the petition to the
8 petitioners. Any party who is dissatisfied with the
9 determination of the regional superintendent regarding the
10 validity of the petition may appeal the regional
11 superintendent's decision to the regional board of school
12 trustees by motion, and the motion must be heard by the
13 regional board of school trustees prior to any hearing on the
14 merits of the petition.

15 Petitions for detachment and dissolution shall include the
16 full prayer of the petition with a general description of the
17 territory at the top of each page. Each signature contained
18 therein shall match the official signature and address of the
19 legal resident voters as recorded in the office of the county
20 clerk or board of election commissioners, and each petitioner
21 shall record the date of his or her signing. Except in
22 instances of a notarized signature of an owner of record of
23 real estate with no legal resident voters in any territory
24 proposed to be detached, each page of the circulated petition
25 shall be signed by a circulator stating that he or she has
26 witnessed the signature of each petitioner on that page.

1 Detachment petitions containing 10 or fewer signatures may be
2 notarized in lieu of a circulator statement. Each petition
3 shall include an accurate legal description and map of the
4 territory proposed to be detached. If a petition proposes to
5 dissolve an entire district, then the full name and number of
6 the district and a map are sufficient. Each petition shall
7 include the names of petitioners; the district to be dissolved
8 or the district from which the territory is proposed to be
9 detached; the district or districts to which the territory is
10 proposed to be annexed; evidence that the detaching or
11 dissolving territory is compact and contiguous with the
12 annexing district or districts or otherwise meets the
13 requirements set forth in Section 7-4 of this Code; the
14 referendum date, if applicable; and facts that support
15 favorable findings for the factors to be considered by the
16 regional board of school trustees pursuant to Section 7-6 of
17 this Code.

18 Where there is only one school building in an approved
19 operating district, the building and building site may not be
20 included in any detachment proceeding.

21 Notwithstanding any other provisions of this Code, if,
22 pursuant to a petition filed under this subsection (a), all of
23 the territory of a school district is to be annexed to another
24 school district, then any action by the regional board of
25 school trustees in granting or approving the petition and any
26 change in school district boundaries pursuant to that action

1 is subject to and the change in school district boundaries may
2 not be made except upon approval, at a regular scheduled
3 election, in the manner provided by Section 7-7.7 of this
4 Code, of a proposition for the annexation of all of the
5 territory of that school district to the other school
6 district.

7 No petition may be filed under this Section to form a new
8 school district under this Article; however, such a petition
9 may be filed under this Section to form a new school district
10 if the boundaries of such new school district lie entirely
11 within the boundaries of a military base or installation
12 operated and maintained by the government of the United
13 States.

14 (b) Any elementary or high school district with 100 or
15 more of its students residing upon territory located entirely
16 within a military base or installation operated and maintained
17 by the government of the United States, or any unit school
18 district or any combination of the above mentioned districts
19 with 300 or more of its students residing upon territory
20 located entirely within a military base or installation
21 operated and maintained by the government of the United
22 States, shall, upon the filing with the regional board of
23 school trustees of a petition adopted by resolution of the
24 board of education or a petition signed by a majority of the
25 registered voters residing upon such military base or
26 installation, have all of the territory lying entirely within

1 such military base or installation detached from such school
2 district, and a new school district comprised of such
3 territory shall be created. The petition shall be filed with
4 and decided solely by the regional board of school trustees of
5 the region in which the regional superintendent of schools has
6 supervision and control, as defined by Section 3-14.2 of this
7 Code, of the school district affected. The regional board of
8 school trustees shall have no authority to deny the detachment
9 and creation of a new school district requested in a proper
10 petition filed under this subsection. This subsection shall
11 apply only to those school districts having a population of
12 not fewer than 1,000 and not more than 500,000 residents, as
13 ascertained by any special or general census.

14 The new school district shall tuition its students to the
15 same districts that its students were previously attending and
16 the districts from which the new district was detached shall
17 continue to educate the students from the new district, until
18 the federal government provides other arrangements. The
19 federal government shall pay for the education of such
20 children as required by Section 6 of Public Law 81-874.

21 If a school district created under this subsection (b) has
22 not elected a school board and has not become operational
23 within 2 years after the date of detachment, then this
24 district is automatically dissolved and the territory of this
25 district reverts to the school district from which the
26 territory was detached or any successor district thereto. Any

1 school district created under this subsection (b) on or before
2 September 1, 1996 that has not elected a school board and has
3 not been operational since September 1, 1996 is automatically
4 dissolved on the effective date of this amendatory Act of
5 1999, and on this date the territory of this district reverts
6 to the school district from which the territory was detached.
7 For the automatic dissolution of a school district created
8 under this subsection (b), the regional superintendent of
9 schools who has supervision and control, as defined by Section
10 3-14.2 of this Code, of the school district from which the
11 territory was detached shall certify to the regional board of
12 school trustees that the school district created under this
13 subsection (b) has been automatically dissolved.

14 (Source: P.A. 100-374, eff. 8-25-17.)

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