

1 AMENDMENT TO SENATE BILL 368

2 AMENDMENT NO. _____. Amend Senate Bill 368, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The School Code is amended by changing
6 Sections 11A-2 and 11A-8 as follows:

7 (105 ILCS 5/11A-2) (from Ch. 122, par. 11A-2)

8 Sec. 11A-2. Organization of community unit districts;
9 territorial requirement. (1) Any contiguous and compact
10 territory of at least \$12,000,000 equalized assessed
11 valuation and having a population of not less than 4,000 and
12 not more than 500,000, no part of which is included within
13 any unit district, may be organized into a community unit
14 school district as provided in this Article; (2) the
15 territory of 2 or more entire unit school districts that are
16 contiguous to each other and the territory of which taken as
17 a whole is compact may be organized into a community unit
18 school district as provided in this Article; or (3) the
19 territory of one or more entire unit school districts that
20 are contiguous to each other plus any contiguous and compact
21 territory, no part of which is included within any unit
22 district, and the territory of which taken as a whole is

1 compact may be organized into a community unit school
2 district as provided in this Article; however, a petition or
3 petitions may be filed hereunder proposing to divide a unit
4 school district into 2 or more parts and proposing to include
5 all of such parts in 2 or more community unit districts. As
6 used in this Section, a unit school district includes, but is
7 not limited to, a special charter unit school district.

8 The territory of any high school district and all of the
9 elementary school districts included within that high school
10 district may be organized into a community unit school
11 district. A petition signed by at least 10% of the voters
12 residing in the affected school districts included in the
13 proposal shall be filed with the regional superintendent of
14 schools of the region in which the territory described in the
15 petition is situated, or the petition may be filed by the
16 school board of the high school district. The petition shall
17 (i) request the submission of the proposition at a regular
18 scheduled election for the purpose of voting for or against
19 the creation of a community unit school district; (ii)
20 describe the territory comprising the proposed district; and
21 (iii) set forth the maximum tax rates for educational,
22 operations and maintenance, pupil transportation, and fire
23 prevention and safety purposes that the proposed district
24 will be authorized to levy.

25 The regional superintendent shall not accept for filing
26 hereunder any petition which includes therein any territory
27 already included as part of the territory described in
28 another petition filed hereunder. Hearings on a petition
29 filed hereunder shall not be commenced so long as any part of
30 the territory described therein shall include territory
31 described, whether by amendment or otherwise, in another
32 petition filed hereunder. A petition may be filed hereunder
33 which contains less than the required minimum equalized
34 assessed valuation or population requirements provided that

1 such a petition shall not be approved by the regional
 2 superintendent and State Superintendent unless it is
 3 determined: (1) that there is a compelling reason for
 4 granting the petition; (2) that the territory involved cannot
 5 currently be organized as part of a petition which meets the
 6 minimum requirements; (3) that the granting of the petition
 7 will not interfere with the ultimate reorganization of the
 8 territory into a school district which meets the minimum
 9 requirements; (4) that the granting of the petition is in the
 10 best educational interests of the pupils affected; and (5)
 11 that the granting of the petition is financially beneficial
 12 to the affected school districts.

13 (Source: P.A. 88-555, eff. 7-27-94.)

14 (105 ILCS 5/11A-8) (from Ch. 122, par. 11A-8)
 15 Sec. 11A-8. Passage requirements.

16 (a) Except as otherwise provided by Section 11A-7, the
 17 proposition to create a community unit school district shall
 18 be submitted only to the voters of the territory which
 19 comprises the proposed community unit school district, and if
 20 a majority of the voters ~~in--each--of--the--affected--school~~
 21 ~~districts~~ voting at such election vote in favor of the
 22 establishment of such community unit school district, the
 23 proposition shall be deemed to have passed. Unless the board
 24 of education of a new community unit school district is
 25 elected at the same election at which the proposition
 26 establishing that district is deemed to have passed, the
 27 regional superintendent of schools shall order an election to
 28 be held on the next regularly scheduled election date for the
 29 purpose of electing a board of education for that district.
 30 In either event, the board of education elected for a new
 31 community unit school district created under this Article
 32 shall consist of 7 members who shall have the terms and the
 33 powers and duties of school boards as defined in Article 10

1 of this Act. Nomination papers filed under this Section are
2 not valid unless the candidate named therein files with the
3 regional superintendent a receipt from the county clerk
4 showing that the candidate has filed a statement of economic
5 interests as required by the Illinois Governmental Ethics
6 Act. Such statement shall be so filed either previously
7 during the calendar year in which his nomination papers were
8 filed or within the period for the filing of nomination
9 papers in accordance with the general election law. The
10 regional superintendent shall perform the election duties
11 assigned by law to the secretary of a school board for such
12 election, and shall certify the officers and candidates
13 therefor pursuant to the general election law.

14 (b) Except as otherwise provided in subsection (c), for
15 school districts formed before January 1, 1975, if the
16 territory of such district is greater than 2 congressional
17 townships or 72 square miles, then not more than 3 board
18 members may be selected from any one congressional township,
19 but congressional townships of less than 100 inhabitants
20 shall not be considered for the purpose of such mandatory
21 board representation, and in any such community unit district
22 where at least 75% but not more than 90% of the population is
23 in one congressional township 4 board members shall be
24 selected therefrom and 3 board members shall be selected from
25 the rest of the district, but in any such community unit
26 district where more than 90% of the population is in one
27 congressional township all board members may be selected from
28 one or more congressional townships; and whenever the
29 territory of any community unit district shall consist of not
30 more than 2 congressional townships or 72 square miles, but
31 shall consist of more than one congressional township, or 36
32 square miles, outside of the corporate limits of any city,
33 village or incorporated town within the school district, not
34 more than 5 board members shall be selected from any city,

1 village or incorporated town in such school district.

2 (c) The provisions of subsection (b) for mandatory board
3 representation shall no longer apply to a community unit
4 school district formed prior to January 1, 1975, and the
5 members of the board of education shall be elected at large
6 from within that school district and without restriction by
7 area of residence within the district if both of the
8 following conditions are met with respect to that district:

9 (1) A proposition for the election of board members
10 at large and without restriction by area of residence
11 within the district rather than in accordance with the
12 provisions of subsection (b) for mandatory board
13 representation is submitted to the school district's
14 voters at a regular school election or at the general
15 election as provided in this subsection (c).

16 (2) A majority of those voting at the election in
17 each congressional township comprising the territory of
18 the school district, including any congressional township
19 of less than 100 inhabitants, vote in favor of the
20 proposition.

21 The board of education of the school district may by
22 resolution order submitted or, upon the petition of the
23 lesser of 2,500 or 5% of the school district's registered
24 voters, shall order submitted to the school district's voters
25 at a regular school election or at the general election the
26 proposition for the election of board members at large and
27 without restriction by area of residence within the district
28 rather than in accordance with the provisions of subsection
29 (b) for mandatory board representation; and the proposition
30 shall thereupon be certified by the board's secretary for
31 submission. If a majority of those voting at the election in
32 each congressional township comprising the territory of the
33 school district, including any congressional township of less
34 than 100 inhabitants, vote in favor of the proposition: (i)

1 the proposition to elect board members at large and without
2 restriction by area of residence within the district shall be
3 deemed to have passed, (ii) new members of the board shall be
4 elected at large and without restriction by area of residence
5 within the district at the next regular school election, and
6 (iii) the terms of office of the board members incumbent at
7 the time the proposition is adopted shall expire when the new
8 board members that are elected at large and without
9 restriction by area of residence within the district have
10 organized in accordance with Section 10-16. In a community
11 unit school district that formerly elected its members under
12 subsection (b) to successive terms not exceeding 4 years, the
13 members elected at large and without restriction by area of
14 residence within the district shall be elected for a term of
15 4 years, and in a community unit school district that
16 formerly elected its members under subsection (b) to
17 successive terms not exceeding 6 years, the members elected
18 at large and without restriction by area of residence within
19 the district shall be elected for a term of 6 years;
20 provided, that in each case the terms of the board members
21 initially elected at large and without restriction by area of
22 residence within the district as provided in this subsection
23 shall be staggered and determined in accordance with the
24 provisions of Sections 10-10 and 10-16.

25 (Source: P.A. 89-129, eff. 7-14-95.)

26 Section 99. Effective date. This Act takes effect upon
27 becoming law."