



Sen. George P. Shadid

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09400SB2795sam001

LRB094 16461 NHT 55662 a

1 AMENDMENT TO SENATE BILL 2795

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2795 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by changing  
5 Section 28-2 as follows:

6 (10 ILCS 5/28-2) (from Ch. 46, par. 28-2)

7 Sec. 28-2. (a) Except as otherwise provided in this  
8 Section, petitions for the submission of public questions to  
9 referendum must be filed with the appropriate officer or board  
10 not less than 78 days prior to a regular election to be  
11 eligible for submission on the ballot at such election; and  
12 petitions for the submission of a question under Section 18-120  
13 of the Property Tax Code must be filed with the appropriate  
14 officer or board not more than 10 months nor less than 6 months  
15 prior to the election at which such question is to be submitted  
16 to the voters.

17 (b) However, petitions for the submission of a public  
18 question to referendum which proposes the creation or formation  
19 of a political subdivision must be filed with the appropriate  
20 officer or board not less than 108 days prior to a regular  
21 election to be eligible for submission on the ballot at such  
22 election.

23 (c) Resolutions or ordinances of governing boards of  
24 political subdivisions which initiate the submission of public

1 questions pursuant to law must be adopted not less than 65 days  
2 before a regularly scheduled election to be eligible for  
3 submission on the ballot at such election.

4 (d) A petition, resolution or ordinance initiating the  
5 submission of a public question may specify a regular election  
6 at which the question is to be submitted, and must so specify  
7 if the statute authorizing the public question requires  
8 submission at a particular election. However, no petition,  
9 resolution or ordinance initiating the submission of a public  
10 question, other than a legislative resolution initiating an  
11 amendment to the Constitution, may specify such submission at  
12 an election more than one year, or 15 months in the case of a  
13 back door referendum as defined in subsection (f), after the  
14 date on which it is filed or adopted, as the case may be. A  
15 petition, resolution or ordinance initiating a public question  
16 which specifies a particular election at which the question is  
17 to be submitted shall be so limited, and shall not be valid as  
18 to any other election, other than an emergency referendum  
19 ordered pursuant to Section 2A-1.4.

20 (e) If a petition initiating a public question does not  
21 specify a regularly scheduled election, the public question  
22 shall be submitted to referendum at the next regular election  
23 occurring not less than 78 days after the filing of the  
24 petition, or not less than 108 days after the filing of a  
25 petition for referendum to create a political subdivision. If a  
26 resolution or ordinance initiating a public question does not  
27 specify a regularly scheduled election, the public question  
28 shall be submitted to referendum at the next regular election  
29 occurring not less than 65 days after the adoption of the  
30 resolution or ordinance.

31 (f) In the case of back door referenda, any limitations in  
32 another statute authorizing such a referendum which restrict  
33 the time in which the initiating petition may be validly filed  
34 shall apply to such petition, in addition to the filing

1 deadlines specified in this Section for submission at a  
 2 particular election. In the case of any back door referendum,  
 3 the publication of the ordinance or resolution of the political  
 4 subdivision shall include a notice of (1) the specific number  
 5 of voters required to sign a petition requesting that a public  
 6 question be submitted to the voters of the subdivision; (2) the  
 7 time within which the petition must be filed; and (3) the date  
 8 of the prospective referendum. The secretary or clerk of the  
 9 political subdivision shall provide a petition form to any  
 10 individual requesting one. The legal sufficiency of that form,  
 11 if provided by the secretary or clerk of the political  
 12 subdivision, cannot be the basis of a challenge to placing the  
 13 back door referendum on the ballot. As used herein, a "back  
 14 door referendum" is the submission of a public question to the  
 15 voters of a political subdivision, initiated by a petition of  
 16 voters or residents of such political subdivision, to determine  
 17 whether an action by the governing body of such subdivision  
 18 shall be adopted or rejected.

19 (g) A petition for the incorporation or formation of a new  
 20 political subdivision whose officers are to be elected rather  
 21 than appointed must have attached to it an affidavit attesting  
 22 that at least 108 days and no more than 138 days prior to such  
 23 election notice of intention to file such petition was  
 24 published in a newspaper published within the proposed  
 25 political subdivision, or if none, in a newspaper of general  
 26 circulation within the territory of the proposed political  
 27 subdivision in substantially the following form:

28 NOTICE OF PETITION TO FORM A NEW.....

29 Residents of the territory described below are notified  
 30 that a petition will or has been filed in the Office  
 31 of.....requesting a referendum to establish a  
 32 new....., to be called the.....

33 \*The officers of the new.....will be elected on the  
 34 same day as the referendum. Candidates for the governing board

1 of the new.....may file nominating petitions with the officer  
2 named above until.....

3 The territory proposed to comprise the new.....is  
4 described as follows:

5 (description of territory included in petition)

6 (signature).....

7 Name and address of person or persons proposing  
8 the new political subdivision.

9 \* Where applicable.

10 Failure to file such affidavit, or failure to publish the  
11 required notice with the correct information contained therein  
12 shall render the petition, and any referendum held pursuant to  
13 such petition, null and void.

14 Notwithstanding the foregoing provisions of this  
15 subsection (g) or any other provisions of this Code, the  
16 publication of notice and affidavit requirements of this  
17 subsection (g) shall not apply to any petition filed under  
18 Article 7 or 11E, 7A, 11A, 11B, or 11D of the School Code nor to  
19 any referendum held pursuant to any such petition, and neither  
20 any petition filed under any of those Articles nor any  
21 referendum held pursuant to any such petition shall be rendered  
22 null and void because of the failure to file an affidavit or  
23 publish a notice with respect to the petition or referendum as  
24 required under this subsection (g) for petitions that are not  
25 filed under any of those Articles of the School Code.

26 (Source: P.A. 94-30, eff. 6-14-05; 94-578, eff. 8-12-05;  
27 revised 8-19-05.)

28 Section 10. The School Code is amended by changing Sections  
29 1B-21, 5-32, 7-02, 7-6, 7-11, 9-11.2, 9-12, 10-10, 10-11,  
30 10-16, 10-21.12, 11C-6, 11C-9, 17-2, 17-3, 17-5, 18-8.05, 19-1,  
31 and 20-2 and by adding Section 10-10.5 and Article 11E as  
32 follows:

1 (105 ILCS 5/1B-21)

2 Sec. 1B-21. Dissolution and annexation. Any school  
3 district that before the effective date of this amendatory Act  
4 of 1994 has received approval from its regional board of school  
5 trustees to dissolve and annex to an adjoining district and  
6 that has had the appointment of a Financial Oversight Panel  
7 under this Article 1B to assist its continued operation during  
8 the appeal of the decision of the regional board of school  
9 trustees shall be dissolved and annexed to the adjoining  
10 district approved in the decision of the regional board of  
11 school trustees, effective July 1, 1994. Except as otherwise  
12 provided by this amendatory Act of 1994, the dissolution and  
13 annexation shall be governed by Article 7 of the School Code  
14 and be treated as if the dissolution and annexation had taken  
15 effect pursuant to the decision of the regional board of school  
16 trustees. The annexing district's supplementary State aid  
17 payable under Section 11E-135 ~~18-8.3~~ of this ~~the School~~ Code  
18 shall be calculated as of June 30 prior to the date of the  
19 decision of the regional board of school trustees.

20 (Source: P.A. 88-535.)

21 (105 ILCS 5/5-32) (from Ch. 122, par. 5-32)

22 Sec. 5-32. Failure to maintain schools - Transportation and  
23 tuition. If any school district other than a non-high school  
24 district shall for 1 year fail to maintain within the  
25 boundaries of the school district a recognized public school as  
26 required by law, such district shall become automatically  
27 dissolved and the property and territory of such district shall  
28 be disposed of in the manner provided for the disposal of  
29 territory and property in Section 7-11 of this Act. However, a  
30 school district shall not be dissolved where the State Board of  
31 Education and the regional superintendent of the region in  
32 which a district has legally authorized the building of a  
33 school and legally selected a school house site and has issued

1 bonds for such building shall jointly find and certify that  
2 such building has been authorized, site selected and bonds  
3 issued.

4 If a district has its territory included within a petition  
5 to form a community unit district under Article 11E ~~11~~ of this  
6 Code Act, that district may not be dissolved under this Section  
7 until the end of the school year in which all proceedings  
8 relating to formation of that community unit district are  
9 finally concluded, whether by disallowance of the petition, by  
10 referendum, by a final court decision or otherwise. Until such  
11 proceedings are finally concluded, the regional superintendent  
12 having jurisdiction of the district that is not maintaining a  
13 recognized school shall assign the pupils of that district to  
14 an adjoining school district, ~~subject to Section 11-12 of this~~  
15 ~~Act and~~ subject to the requirement that the district from which  
16 the pupils are so assigned shall pay tuition for such pupils to  
17 the district to which the pupils are assigned, in accordance  
18 with Section 10-20.12a of this Act or in such lesser amount as  
19 may be agreed to by the 2 districts.

20 However, until July 1, 1969 or one year after the entry of  
21 a final decision by a court of competent jurisdiction in the  
22 event of litigation with respect to any of the matters set  
23 forth in this Section, whichever is the later, notwithstanding  
24 the provisions of this Section, any protectorate high school  
25 district composed of contiguous and compact territory having  
26 not less than 2,000 inhabitants and which has an equalized  
27 assessed valuation of not less than \$6,000,000, shall be and  
28 remain a protectorate high school district if a majority of the  
29 pupils attend a high school in a special charter district  
30 maintaining grades 1 through 12 and if during that period the  
31 voters of the district, by referendum to be ordered by the  
32 board, vote in favor of the proposition that such district  
33 maintain and operate a high school within such district, and  
34 also authorize the purchase of a school site, the building of a

1 school building and the issuance of bonds for such purpose,  
 2 which bonds are duly issued. The Board shall certify the  
 3 proposition to the proper election authorities for submission,  
 4 in accordance with the general election law.

5 The proposition to maintain and operate a high school  
 6 within such district shall be in substantially the following  
 7 form:

8 -----

9 Shall .....

10 High School District Number ....., YES

11 ..... County, Illinois,

12 maintain and operate a high school -----

13 within that High School

14 District and for the benefit NO

15 of the pupils residing therein?

16 -----

17 and is approved if a majority of the voters voting on the  
 18 proposition is in favor thereof. The proposition of purchasing  
 19 a school site, the building of a school building and the  
 20 issuance of bonds for such purpose shall be submitted to the  
 21 voters and may be voted upon at the same election that the  
 22 proposition of maintaining and operating a high school within  
 23 the district is submitted or at any regularly scheduled  
 24 election subsequent thereto as may be ordered by the board.  
 25 Thereupon, that protectorate high school district shall  
 26 thereafter exist as a community high school district and  
 27 possess and enjoy all of the powers, duties and authorities of  
 28 a community high school district ~~organized~~ under Article 12 of  
 29 this Act.

30 Throughout its existence as a protectorate district and  
 31 until the legal voters residing in the district have determined  
 32 to maintain and operate a high school within the district and  
 33 have been authorized to purchase a school site, build a school  
 34 building and to issue bonds for such purpose and which bonds

1 are duly issued, or until the dissolution of the district as  
2 required by this Section, such protectorate district may use  
3 its funds to pay for the tuition and transportation of the  
4 pupils in such district that attend a high school in a special  
5 charter district maintaining grades 1 through 12. A  
6 protectorate high school district is defined to be a district  
7 which does not own or operate its own school buildings.

8 (Source: P.A. 81-1550.)

9 (105 ILCS 5/7-02) (from Ch. 122, par. 7-02)

10 Sec. 7-02. Limitations. The provisions of this Article  
11 providing for the change in school district boundaries by  
12 detachment, annexation, division or dissolution, or by any  
13 combination of those methods, are subject to the provisions of  
14 this Section. Whenever due to fire, explosion, tornado or any  
15 Act of God the school buildings or one or more of the principal  
16 school buildings comprising an attendance center within a  
17 school district are destroyed or substantially destroyed and  
18 rendered unfit for school purposes, the provisions of this  
19 Article shall not be available to permit a division of that  
20 district, or a dissolution, detachment or annexation of any  
21 part thereof, or any combination of such results during a  
22 period from the date of such destruction or substantial  
23 destruction until 30 days after the second regular election of  
24 board members following such destruction or substantial  
25 destruction. Nothing in this Section shall be deemed to  
26 prohibit the combining of the entire district with another  
27 entire district or with other entire districts during such  
28 period pursuant to the provisions of Article 11E ~~11A or 11B~~.

29 (Source: P.A. 85-833.)

30 (105 ILCS 5/7-6) (from Ch. 122, par. 7-6)

31 Sec. 7-6. Petition filing; Notice; Hearing; Decision.

32 (a) Upon the filing of a petition with the secretary of the



1 regional board of school trustees under the provisions of  
2 Section 7-1 or 7-2 of this Act the secretary shall cause a copy  
3 of such petition to be given to each board of any district  
4 involved in the proposed boundary change and shall cause a  
5 notice thereof to be published once in a newspaper having  
6 general circulation within the area of the territory described  
7 in the petition for the proposed change of boundaries.

8 (b) When a joint hearing is required under the provisions  
9 of Section 7-2, the secretary also shall cause a copy of the  
10 notice to be sent to the regional board of school trustees of  
11 each region affected. Notwithstanding the foregoing provisions  
12 of this Section, if the secretary of the regional board of  
13 school trustees with whom a petition is filed under Section 7-2  
14 fails, within 30 days after the filing of such petition, to  
15 cause notice thereof to be published and sent as required by  
16 this Section, then the secretary of the regional board of  
17 school trustees of any other region affected may cause the  
18 required notice to be published and sent, and the joint hearing  
19 may be held in any region affected as provided in the notice so  
20 published.

21 (b-5) If a petition filed under subsection (a) of Section  
22 7-1 or under Section 7-2 proposes to annex all the territory of  
23 a school district to another school district, the petition  
24 shall request the submission of a proposition at a regular  
25 scheduled election for the purpose of voting for or against the  
26 annexation of the territory described in the petition to the  
27 school district proposing to annex that territory. No petition  
28 filed or election held under this Article shall be null and  
29 void, invalidated, or deemed in noncompliance with the Election  
30 Code because of a failure to publish a notice with respect to  
31 the petition or referendum as required under subsection (g) of  
32 Section 28-2 of that Code for petitions that are not filed  
33 under this Article or Article 11E ~~7A, 11A, 11B, or 11D~~ of this  
34 ~~the School~~ Code.

1           (c) When a petition contains more than 10 signatures the  
2 petition shall designate a committee of 10 of the petitioners  
3 as attorney in fact for all petitioners, any 7 of whom may make  
4 binding stipulations on behalf of all petitioners as to any  
5 question with respect to the petition or hearing or joint  
6 hearing, and the regional board of school trustees, or regional  
7 boards of school trustees in cases of a joint hearing may  
8 accept such stipulation in lieu of evidence or proof of the  
9 matter stipulated. The committee of petitioners shall have the  
10 same power to stipulate to accountings or waiver thereof  
11 between school districts; however, the regional board of school  
12 trustees, or regional boards of school trustees in cases of a  
13 joint hearing may refuse to accept such stipulation. Those  
14 designated as the committee of 10 shall serve in that capacity  
15 until such time as the regional superintendent of schools or  
16 the committee of 10 determines that, because of death,  
17 resignation, transfer of residency from the territory, or  
18 failure to qualify, the office of a particular member of the  
19 committee of 10 is vacant. Upon determination that a vacancy  
20 exists, the remaining members shall appoint a petitioner to  
21 fill the designated vacancy on the committee of 10. The  
22 appointment of any new members by the committee of 10 shall be  
23 made by a simple majority vote of the remaining designated  
24 members.

25           (d) The petition may be amended to withdraw not to exceed a  
26 total of 10% of the territory in the petition at any time prior  
27 to the hearing or joint hearing; provided that the petition  
28 shall after amendment comply with the requirements as to the  
29 number of signatures required on an original petition.

30           (e) The petitioners shall pay the expenses of publishing  
31 the notice and of any transcript taken at the hearing or joint  
32 hearing; and in case of an appeal from the decision of the  
33 regional board of school trustees, or regional boards of school  
34 trustees in cases of a joint hearing, or State Superintendent

1 of Education in cases determined under subsection (1) of this  
2 Section, the appellants shall pay the cost of preparing the  
3 record for appeal.

4 (f) The notice shall state when the petition was filed, the  
5 description of the territory, the prayer of the petition and  
6 the return day on which the hearing or joint hearing upon the  
7 petition will be held which shall not be more than 15 nor less  
8 than 10 days after the publication of notice.

9 (g) On such return day or on a day to which the regional  
10 board of school trustees, or regional boards of school trustees  
11 in cases of a joint hearing shall continue the hearing or joint  
12 hearing the regional board of school trustees, or regional  
13 boards of school trustees in cases of a joint hearing shall  
14 hear the petition but may adjourn the hearing or joint hearing  
15 from time to time or may continue the matter for want of  
16 sufficient notice or other good cause.

17 (h) Prior to the hearing or joint hearing the secretary of  
18 the regional board of school trustees shall submit to the  
19 regional board of school trustees, or regional boards of school  
20 trustees in cases of a joint hearing maps showing the districts  
21 involved, a written report of financial and educational  
22 conditions of districts involved and the probable effect of the  
23 proposed changes. The reports and maps submitted shall be made  
24 a part of the record of the proceedings of the regional board  
25 of school trustees, or regional boards of school trustees in  
26 cases of a joint hearing. A copy of the report and maps  
27 submitted shall be sent by the secretary of the regional board  
28 of school trustees to each board of the districts involved, not  
29 less than 5 days prior to the day upon which the hearing or  
30 joint hearing is to be held.

31 (i) The regional board of school trustees, or regional  
32 boards of school trustees in cases of a joint hearing shall  
33 hear evidence as to the school needs and conditions of the  
34 territory in the area within and adjacent thereto and as to the

1 ability of the districts affected to meet the standards of  
2 recognition as prescribed by the State Board of Education, and  
3 shall take into consideration the division of funds and assets  
4 which will result from the change of boundaries and shall  
5 determine whether it is to the best interests of the schools of  
6 the area and the educational welfare of the pupils that such  
7 change in boundaries be granted, and in case non-high school  
8 territory is contained in the petition the normal high school  
9 attendance pattern of the children shall be taken into  
10 consideration. If the non-high school territory overlies an  
11 elementary district, a part of which is in a high school  
12 district, such territory may be annexed to such high school  
13 district even though not contiguous to the high school  
14 district. However, upon resolution by the regional board of  
15 school trustees, or regional boards of school trustees in cases  
16 of a joint hearing the secretary or secretaries thereof shall  
17 conduct the hearing or joint hearing upon any boundary petition  
18 and present a transcript of such hearing to the trustees who  
19 shall base their decision upon the transcript, maps and  
20 information and any presentation of counsel.

21 (j) At the hearing or joint hearing any resident of the  
22 territory described in the petition or any resident in any  
23 district affected by the proposed change of boundaries may  
24 appear in person or by an attorney in support of the petition  
25 or to object to the granting of the petition and may present  
26 evidence in support of his position.

27 (k) At the conclusion of the hearing, other than a joint  
28 hearing, the regional superintendent of schools as ex officio  
29 member of the regional board of school trustees shall within 30  
30 days enter an order either granting or denying the petition and  
31 shall deliver to the committee of petitioners, if any, and any  
32 person who has filed his appearance in writing at the hearing  
33 and any attorney who appears for any person and any objector  
34 who testifies at the hearing and the regional superintendent of

1 schools a certified copy of its order.

2 (1) Notwithstanding the foregoing provisions of this  
3 Section, if within 9 months after a petition is submitted under  
4 the provisions of Section 7-1 the petition is not approved or  
5 denied by the regional board of school trustees and the order  
6 approving or denying that petition entered and a copy thereof  
7 served as provided in this Section, the school boards or  
8 registered voters of the districts affected that submitted the  
9 petition (or the committee of 10, or an attorney acting on its  
10 behalf, if designated in the petition) may submit a copy of the  
11 petition directly to the State Superintendent of Education for  
12 approval or denial. The copy of the petition as so submitted  
13 shall be accompanied by a record of all proceedings had with  
14 respect to the petition up to the time the copy of the petition  
15 is submitted to the State Superintendent of Education  
16 (including a copy of any notice given or published, any  
17 certificate or other proof of publication, copies of any maps  
18 or written report of the financial and educational conditions  
19 of the school districts affected if furnished by the secretary  
20 of the regional board of school trustees, copies of any  
21 amendments to the petition and stipulations made, accepted or  
22 refused, a transcript of any hearing or part of a hearing held,  
23 continued or adjourned on the petition, and any orders entered  
24 with respect to the petition or any hearing held thereon). The  
25 school boards, registered voters or committee of 10 submitting  
26 the petition and record of proceedings to the State  
27 Superintendent of Education shall give written notice by  
28 certified mail, return receipt requested to the regional board  
29 of school trustees and to the secretary of that board that the  
30 petition has been submitted to the State Superintendent of  
31 Education for approval or denial, and shall furnish a copy of  
32 the notice so given to the State Superintendent of Education.  
33 The cost of assembling the record of proceedings for submission  
34 to the State Superintendent of Education shall be the

1 responsibility of the school boards, registered voters or  
2 committee of 10 that submits the petition and record of  
3 proceedings to the State Superintendent of Education. When a  
4 petition is submitted to the State Superintendent of Education  
5 in accordance with the provisions of this paragraph:

6 (1) The regional board of school trustees loses all  
7 jurisdiction over the petition and shall have no further  
8 authority to hear, approve, deny or otherwise act with  
9 respect to the petition.

10 (2) All jurisdiction over the petition and the right  
11 and duty to hear, approve, deny or otherwise act with  
12 respect to the petition is transferred to and shall be  
13 assumed and exercised by the State Superintendent of  
14 Education.

15 (3) The State Superintendent of Education shall not be  
16 required to repeat any proceedings that were conducted in  
17 accordance with the provisions of this Section prior to the  
18 time jurisdiction over the petition is transferred to him,  
19 but the State Superintendent of Education shall be required  
20 to give and publish any notices and hold or complete any  
21 hearings that were not given, held or completed by the  
22 regional board of school trustees or its secretary as  
23 required by this Section prior to the time jurisdiction  
24 over the petition is transferred to the State  
25 Superintendent of Education.

26 (4) If so directed by the State Superintendent of  
27 Education, the regional superintendent of schools shall  
28 submit to the State Superintendent of Education and to such  
29 school boards as the State Superintendent of Education  
30 shall prescribe accurate maps and a written report of the  
31 financial and educational conditions of the districts  
32 affected and the probable effect of the proposed boundary  
33 changes.

34 (5) The State Superintendent is authorized to conduct

1 further hearings, or appoint a hearing officer to conduct  
2 further hearings, on the petition even though a hearing  
3 thereon was held as provided in this Section prior to the  
4 time jurisdiction over the petition is transferred to the  
5 State Superintendent of Education.

6 (6) The State Superintendent of Education or the  
7 hearing officer shall hear evidence and approve or deny the  
8 petition and shall enter an order to that effect and  
9 deliver and serve the same as required in other cases to be  
10 done by the regional board of school trustees and the  
11 regional superintendent of schools as an ex officio member  
12 of that board.

13 (m) Within 10 days after the conclusion of a joint hearing  
14 required under the provisions of Section 7-2, each regional  
15 board of school trustees shall meet together and render a  
16 decision with regard to the joint hearing on the petition. If  
17 the regional boards of school trustees fail to enter a joint  
18 order either granting or denying the petition, the regional  
19 superintendent of schools for the educational service region in  
20 which the joint hearing is held shall enter an order denying  
21 the petition, and within 30 days after the conclusion of the  
22 joint hearing shall deliver a copy of the order denying the  
23 petition to the regional boards of school trustees of each  
24 region affected, to the committee of petitioners, if any, to  
25 any person who has filed his appearance in writing at the  
26 hearing and to any attorney who appears for any person at the  
27 joint hearing. If the regional boards of school trustees enter  
28 a joint order either granting or denying the petition, the  
29 regional superintendent of schools for the educational service  
30 region in which the joint hearing is held shall, within 30 days  
31 of the conclusion of the hearing, deliver a copy of the joint  
32 order to those same committees and persons as are entitled to  
33 receive copies of the regional superintendent's order in cases  
34 where the regional boards of school trustees have failed to

1 enter a joint order.

2 (n) Within 10 days after service of a copy of the order  
3 granting or denying the petition, any person so served may  
4 petition for a rehearing and, upon sufficient cause being  
5 shown, a rehearing may be granted. The filing of a petition for  
6 rehearing shall operate as a stay of enforcement until the  
7 regional board of school trustees, or regional boards of school  
8 trustees in cases of a joint hearing, or State Superintendent  
9 of Education in cases determined under subsection (l) of this  
10 Section enter the final order on such petition for rehearing.

11 (o) If a petition filed under subsection (a) of Section 7-1  
12 or under Section 7-2 is required under the provisions of  
13 subsection (b-5) of this Section 7-6 to request submission of a  
14 proposition at a regular scheduled election for the purpose of  
15 voting for or against the annexation of the territory described  
16 in the petition to the school district proposing to annex that  
17 territory, and if the petition is granted or approved by the  
18 regional board or regional boards of school trustees or by the  
19 State Superintendent of Education, the proposition shall be  
20 placed on the ballot at the next regular scheduled election.

21 (Source: P.A. 90-459, eff. 8-17-97.)

22 (105 ILCS 5/7-11) (from Ch. 122, par. 7-11)

23 Sec. 7-11. Annexation of dissolved non-operating  
24 districts. If any school district has become dissolved as  
25 provided in Section 5-32, or if a petition for dissolution is  
26 filed under subsection (b) of Section 7-2a, the regional board  
27 of school trustees shall attach the territory of such dissolved  
28 district to one or more districts and, if the territory is  
29 added to 2 or more districts, shall divide the property of the  
30 dissolved district among the districts to which its territory  
31 is added, in the manner provided for the division of property  
32 in case of the organization of a new district from a part of  
33 another district. The regional board of school trustees of the



1 region in which the regional superintendent has supervision  
2 over the school district that is dissolved shall have all power  
3 necessary to annex the territory of the dissolved district as  
4 provided in this Section, including the power to attach the  
5 territory to a school district under the supervision of the  
6 regional superintendent of another educational service region.  
7 The annexation of the territory of a dissolved school district  
8 under this Section shall entitle the school districts involved  
9 in the annexation to payments from the State Board of Education  
10 ~~under subsection (A) (5) (m) of Section 18-8 or subsection (I) of~~  
11 ~~Section 18-8.05 and under Sections 18-8.2 and 18-8.3~~ in the  
12 same manner and to the same extent authorized in the case of  
13 other annexations under this Article. Other provisions of this  
14 Article 7 of The School Code shall apply to and govern  
15 dissolutions and annexations under this Section and Section  
16 7-2a, except that it is the intent of the General Assembly that  
17 in the case of conflict the provisions of this Section and  
18 Section 7-2a shall control over the other provisions of this  
19 Article.

20 The regional board of school trustees shall give notice of  
21 a hearing, to be held not less than 50 days nor more than 70  
22 days after a school district is dissolved under Section 5-32 or  
23 a petition is filed under subsection (b) of Section 7-2a, on  
24 the disposition of the territory of such school district by  
25 publishing a notice thereof at least once each week for 2  
26 successive weeks in at least one newspaper having a general  
27 circulation within the area of the territory involved. At such  
28 hearing, the regional board of school trustees shall hear  
29 evidence as to the school needs and conditions of the territory  
30 and of the area within and adjacent thereto, and shall take  
31 into consideration the educational welfare of the pupils of the  
32 territory and the normal high school attendance pattern of the  
33 children. In the case of an elementary school district if all  
34 the eighth grade graduates of such district customarily attend

1 high school in the same high school district, the regional  
2 board of school trustees shall, unless it be impossible because  
3 of the restrictions of a special charter district, annex the  
4 territory of the district to a contiguous elementary school  
5 district whose eighth grade graduates customarily attend that  
6 high school, and that has an elementary school building nearest  
7 to the center of the territory to be annexed, but if such  
8 eighth grade graduates customarily attend more than one high  
9 school the regional board of school trustees shall determine  
10 the attendance pattern of such graduates and divide the  
11 territory of the district among the contiguous elementary  
12 districts whose graduates attend the same respective high  
13 schools.

14 The decision of the regional board of school trustees in  
15 such matter shall be issued within 10 days after the conclusion  
16 of the hearing and deemed an "administrative decision" as  
17 defined in Section 3-101 of the Code of Civil Procedure and any  
18 resident who appears at the hearing or any petitioner may  
19 within 10 days after a copy of the decision sought to be  
20 reviewed was served by registered mail upon the party affected  
21 thereby file a complaint for the judicial review of such  
22 decision in accordance with the "Administrative Review Law",  
23 and all amendments and modifications thereof and the rules  
24 adopted pursuant thereto. The commencement of any action for  
25 review shall operate as a stay of enforcement, and no further  
26 proceedings shall be had until final disposition of such  
27 review. The final decision of the regional board of school  
28 trustees or of any court upon judicial review shall become  
29 effective under Section 7-9 in the case of a petition for  
30 dissolution filed under subsection (b) of Section 7-2a, and a  
31 final decision shall become effective immediately following  
32 the date no further appeal is allowable in the case of a  
33 district dissolved under Section 5-32.

34 Notwithstanding the foregoing provisions of this Section

1 or any other provision of law to the contrary, the school board  
2 of the Mt. Morris School District is authorized to donate to  
3 the City of Mount Morris, Illinois the school building and  
4 other real property used as a school site by the Mt. Morris  
5 School District at the time of its dissolution, by appropriate  
6 resolution adopted by the school board of the district prior to  
7 the dissolution of the district; and upon the adoption of a  
8 resolution by the school board donating the school building and  
9 school site to the City of Mount Morris, Illinois as authorized  
10 by this Section, the regional board of school trustees or other  
11 school officials holding legal title to the school building and  
12 school site so donated shall immediately convey the same to the  
13 City of Mt. Morris, Illinois.

14 (Source: P.A. 90-548, eff. 1-1-98.)

15 (105 ILCS 5/9-11.2) (from Ch. 122, par. 9-11.2)

16 Sec. 9-11.2. For all school districts electing candidates  
17 to a board of education in a manner other than at large,  
18 candidates not elected at large who file nominating petitions  
19 for a full term shall be grouped together by area of residence  
20 as follows:

21 (1) by congressional townships, or

22 (2) according to incorporated or unincorporated areas.

23 For all school districts electing candidates to a board of  
24 education in a manner other than at large, candidates not  
25 elected at large who file nominating petitions for an unexpired  
26 term shall be grouped together by area of residence as follows:

27 (1) by congressional townships, or

28 (2) according to incorporated or unincorporated areas.

29 Candidate groupings by area of residence for unexpired  
30 terms shall precede the candidate groupings by area of  
31 residence for full terms on the ballot. In all instances,  
32 however, the ballot order of each candidate grouping shall be  
33 determined by the order of petition filing or lottery held

1 pursuant to Section 9-11.1 in the following manner:

2 The area of residence of the candidate determined to be  
3 first by order of petition filing or by lottery shall be listed  
4 first among the candidate groupings on the ballot. All other  
5 candidates from the same area of residence will follow  
6 according to order of petition filing or the lottery. The area  
7 of residence of the candidate determined to be second by the  
8 order of petition filing or the lottery shall be listed second  
9 among the candidate groupings on the ballot. All other  
10 candidates from the same area of residence will follow  
11 according to the order of petition filing or the lottery. The  
12 ballot order of additional candidate groupings by area of  
13 residence shall be established in a like manner.

14 In any school district that elects its board members  
15 according to area of residence and that has one or more  
16 unexpired terms to be filled at an election, the winner or  
17 winners of the unexpired term or terms shall be determined  
18 first and independently of those running for full terms. The  
19 winners of the full terms shall then be determined taking into  
20 consideration the areas of residence of those elected to fill  
21 the unexpired term or terms.

22 "Area of Residence" means congressional township and  
23 incorporated and unincorporated territories.

24 "Affected school district" means either of the 2 entire  
25 elementary school districts that are formed into a combined  
26 school district ~~established as provided in subsection (a 5) of~~  
27 ~~Section 11B-7.~~

28 (Source: P.A. 93-1079, eff. 1-21-05.)

29 (105 ILCS 5/9-12) (from Ch. 122, par. 9-12)

30 Sec. 9-12. Ballots for the election of school officers  
31 shall be in one of the following forms:

32 (FORMAT 1

1 Ballot position for candidates shall be determined by the  
2 order of petition filing or lottery held pursuant to Section  
3 9-11.1.

4 This format is used by Boards of School Directors. School  
5 Directors are elected at large.)

6 OFFICIAL BALLOT

7 FOR MEMBERS OF THE BOARD OF SCHOOL  
8 DIRECTORS TO SERVE AN UNEXPIRED 2-YEAR TERM

9 VOTE FOR ....

- 10 ( ) .....
- 11 ( ) .....
- 12 ( ) .....

13 FOR MEMBERS OF THE BOARD OF SCHOOL  
14 DIRECTORS TO SERVE A FULL 4-YEAR TERM

15 VOTE FOR ....

- 16 ( ) .....
- 17 ( ) .....
- 18 ( ) .....

19 (FORMAT 2

20 Ballot position for candidates shall be determined by the  
21 order of petition filing or lottery held pursuant to Section  
22 9-11.1.

23 This format is used when school board members are elected  
24 at large. Membership on the school board is not restricted by  
25 area of residence.

26 Types of school districts generally using this format are:

27 Common school districts;

28 Community unit and community consolidated school districts  
29 formed on or after January 1, 1975;

30 Community unit school districts formed prior to January 1,  
31 1975 that elect board members at large and without restriction  
32 by area of residence within the district under subsection (c)  
33 of Section 11A-8 (now repealed);

1 Community unit, community consolidated and combined school  
2 districts in which more than 90% of the population is in one  
3 congressional township;

4 High school districts in which less than 15% of the taxable  
5 property is located in unincorporated territory; and unit  
6 districts (OLD TYPE);

7 Combined school districts formed on or after July 1, 1983;

8 Combined school districts formed before July 1, 1983 and  
9 community consolidated school districts that elect board  
10 members at large and without restriction by area of residence  
11 within the district under subsection (c) of Section 11B-7 (now  
12 repealed).)

13 OFFICIAL BALLOT

14 FOR MEMBERS OF THE BOARD OF

15 EDUCATION TO SERVE AN UNEXPIRED 2-YEAR TERM

16 VOTE FOR . . . .

- 17 ( ) . . . . .
- 18 ( ) . . . . .
- 19 ( ) . . . . .

20 FOR MEMBERS OF THE BOARD OF

21 EDUCATION TO SERVE A FULL 4-YEAR TERM

22 VOTE FOR . . . .

- 23 ( ) . . . . .
- 24 ( ) . . . . .
- 25 ( ) . . . . .

26 (FORMAT 3

27 Ballot position for incorporated and unincorporated areas  
28 shall be determined by the order of petition filing or lottery  
29 held pursuant to Sections 9-11.1 and 9-11.2.

30 This format is used by community unit, community  
31 consolidated and combined school districts when the territory  
32 is less than 2 congressional townships, or 72 square miles, but  
33 consists of more than one congressional township, or 36 square

1 miles, outside of the corporate limits of any city, village or  
 2 incorporated town within the school district. The School Code  
 3 requires that not more than 5 board members shall be selected  
 4 from any city, village or incorporated town in the school  
 5 district. At least two board members must reside in the  
 6 unincorporated area of the school district.

7 Except for those community unit school districts formed  
 8 before January 1, 1975 that elect board members at large and  
 9 without restriction by area of residence within the district  
 10 under subsection (c) of Section 11A-8 (now repealed) and except  
 11 for combined school districts formed before July 1, 1983 and  
 12 community consolidated school districts that elect board  
 13 members at large and without restriction by area of residence  
 14 within the district under subsection (c) of Section 11B-7 (now  
 15 repealed), this format applies to community unit and community  
 16 consolidated school districts formed prior to January 1, 1975  
 17 and combined school districts formed prior to July 1, 1983.)

18 OFFICIAL BALLOT

19 Instructions to voter: The board of education shall be  
 20 composed of members from both the incorporated and the  
 21 unincorporated area; not more than 5 board members shall be  
 22 selected from any city, village or incorporated town.

23 ON THE BASIS OF EXISTING BOARD MEMBERSHIP, NOT MORE THAN  
 24 .... MAY BE ELECTED FROM THE INCORPORATED AREAS.

25 FOR MEMBERS OF THE BOARD OF EDUCATION

26 TO SERVE AN UNEXPIRED 2-YEAR TERM

27 THE AREA OF RESIDENCE OF THOSE ELECTED TO FILL UNEXPIRED TERMS  
 28 IS TAKEN INTO CONSIDERATION IN DETERMINING THE WINNERS OF THE  
 29 FULL TERMS.

30 VOTE FOR A TOTAL OF ....

31 ..... Area

32 ( ) .....

33 ( ) .....

1 ..... Area  
 2 ( ) .....  
 3 ( ) .....  
 4 FOR MEMBERS OF THE BOARD OF EDUCATION  
 5 TO SERVE A FULL 4-YEAR TERM  
 6 VOTE FOR A TOTAL OF ....  
 7 ..... Area  
 8 ( ) .....  
 9 ( ) .....  
 10 ..... Area  
 11 ( ) .....  
 12 ( ) .....

13 (FORMAT 4

14 Ballot position for township areas shall be determined by  
15 the order of petition filing or lottery held pursuant to  
16 Sections 9-11.1 and 9-11.2.

17 Except for those community unit school districts formed  
18 prior to January 1, 1975 that elect board members at large and  
19 without restriction by area of residence within the district  
20 under subsection (c) of Section 11A-8 (now repealed) and except  
21 for those combined school districts formed before July 1, 1983  
22 and community consolidated school districts that elect board  
23 members at large and without restriction by area of residence  
24 within the district under subsection (c) of Section 11B-7 (now  
25 repealed), this format applies to community unit and community  
26 consolidated school districts formed prior to January 1, 1975  
27 and combined school districts formed prior to July 1, 1983 when  
28 the territory of the school district is greater than 2  
29 congressional townships, or 72 square miles. This format  
30 applies only when less than 75% of the population is in one  
31 congressional township. Congressional townships of less than  
32 100 inhabitants shall not be considered for the purpose of such  
33 mandatory board representation. In this case, not more than 3



1 board members may be selected from any one congressional  
2 township.)

3 OFFICIAL BALLOT

4 Instructions to voter: Membership on the board of education  
5 is restricted to a maximum of 3 members from any congressional  
6 township.

7 ON THE BASIS OF EXISTING BOARD MEMBERSHIP, MEMBERS MAY BE  
8 ELECTED IN THE FOLLOWING NUMBERS FROM EACH CONGRESSIONAL  
9 TOWNSHIP.

10 NOT MORE THAN .... MAY BE ELECTED FROM TOWNSHIP .... RANGE  
11 .....

12 NOT MORE THAN .... MAY BE ELECTED FROM TOWNSHIP .... RANGE  
13 .....

14 NOT MORE THAN .... MAY BE ELECTED FROM TOWNSHIP .... RANGE  
15 .....

16 (Include each remaining congressional township in district  
17 as needed)

18 FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE  
19 AN UNEXPIRED 2-YEAR TERM  
20 THE AREA OF RESIDENCE OF THOSE ELECTED TO FILL UNEXPIRED TERMS  
21 IS TAKEN INTO CONSIDERATION IN DETERMINING THE WINNERS OF THE  
22 FULL TERMS.

23 VOTE FOR A TOTAL OF ....  
24 Township ..... Range .....  
25 ( ) .....  
26 ( ) .....  
27 Township ..... Range .....  
28 ( ) .....  
29 ( ) .....

30 FOR MEMBERS OF THE BOARD OF  
31 EDUCATION TO SERVE A FULL 4-YEAR TERM  
32 VOTE FOR A TOTAL OF ....  
33 Township ..... Range .....

1                   ( ) .....

2                   ( ) .....

3        Township ..... Range .....

4                   ( ) .....

5                   ( ) .....

6        (FORMAT 5

7            Ballot position for township areas shall be determined by  
8        the order of petition filing or lottery held pursuant to  
9        Sections 9-11.1 and 9-11.2.

10           Except for those community unit school districts formed  
11        before January 1, 1975 that elect board members at large and  
12        without restriction by area of residence within the district  
13        under subsection (c) of Section 11A-8 (now repealed) and except  
14        for those combined school districts formed before July 1, 1983  
15        and community consolidated school districts that elect board  
16        members at large and without restriction by area of residence  
17        within the district under subsection (c) of Section 11B-7 (now  
18        repealed), this format is used by community unit and community  
19        consolidated school districts formed prior to January 1, 1975,  
20        and combined school districts formed prior to July 1, 1983,  
21        when the territory of the school district is greater than 2  
22        congressional townships, or 72 square miles and when at least  
23        75%, but not more than 90%, of the population resides in one  
24        congressional township. In this case, 4 school board members  
25        shall be selected from that one congressional township and the  
26        3 remaining board members shall be selected from the rest of  
27        the district. If a school district from which school board  
28        members are to be selected is located in a county under  
29        township organization and if the surveyed boundaries of a  
30        congressional township from which one or more of those school  
31        board members is to be selected, as described by township  
32        number and range, are coterminous with the boundaries of the  
33        township as identified by the township name assigned to it as a

1 political subdivision of the State, then that township may be  
2 referred to on the ballot by both its township name and by  
3 township number and range.)

4 OFFICIAL BALLOT

5 Instructions to voter: Membership on the board of education  
6 is to consist of 4 members from the congressional township that  
7 has at least 75% but not more than 90% of the population, and 3  
8 board members from the remaining congressional townships in the  
9 school district.

10 ON THE BASIS OF EXISTING BOARD MEMBERSHIP, MEMBERS MAY BE  
11 ELECTED IN THE FOLLOWING NUMBERS FROM EACH CONGRESSIONAL  
12 TOWNSHIP.

13 FOR MEMBER OF THE BOARD OF EDUCATION

14 TO SERVE AN UNEXPIRED 2-YEAR TERM

15 FROM (name)..... TOWNSHIP ..... RANGE .....

16 VOTE FOR ONE

17 ( ) .....

18 ( ) .....

19 FOR MEMBERS OF THE BOARD OF EDUCATION

20 TO SERVE A FULL 4-YEAR TERM

21 VOTE FOR ....

22 ..... shall be elected from (name)..... Township ..... Range  
23 .....

24 (name)..... TOWNSHIP ..... RANGE .....

25 ( ) .....

26 ( ) .....

27 VOTE FOR ....

28 ..... board members shall be elected from the remaining  
29 congressional townships.

30 The Remaining Congressional Townships

31 ( ) .....

32 ( ) .....

1 (FORMAT 6

2 Ballot position for candidates shall be determined by the  
3 order of petition filing or lottery held pursuant to Section  
4 9-11.1.

5 This format is used by school districts in which voters  
6 have approved a referendum to elect school board members by  
7 school board district. The school district is then divided into  
8 7 school board districts, each of which elects one member to  
9 the board of education.)

10 OFFICIAL BALLOT

11 DISTRICT ..... (1 through 7)

12 FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE

13 AN UNEXPIRED 2-YEAR TERM

14 VOTE FOR ONE

- 15 ( ) .....
- 16 ( ) .....
- 17 ( ) .....

18 (-OR-)

19 OFFICIAL BALLOT

20 DISTRICT ..... (1 through 7)

21 FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE

22 A FULL 4-YEAR TERM

23 VOTE FOR ONE

- 24 ( ) .....
- 25 ( ) .....
- 26 ( ) .....

27 REVERSE SIDE:

28 OFFICIAL BALLOT

29 DISTRICT ..... (1 through 7)

30 (Precinct name or number)

31 School District No. ...., ..... County, Illinois

32 Election Tuesday (insert date)

33 (facsimile signature of Election Authority)

34 (County)

1 (FORMAT 7

2 Ballot position for incorporated and unincorporated areas  
3 shall be determined by the order of petition filing or lottery  
4 held pursuant to Sections 9-11.1 and 9-11.2.

5 This format is used by high school districts if more than  
6 15% but less than 30% of the taxable property is located in the  
7 unincorporated territory of the school district. In this case,  
8 at least one board member shall be a resident of the  
9 unincorporated territory.)

10 OFFICIAL BALLOT

11 Instructions to voter: More than 15% but less than 30% of  
12 the taxable property of this high school district is located in  
13 the unincorporated territory of the district, therefore, at  
14 least one board member shall be a resident of the  
15 unincorporated areas.

16 ON THE BASIS OF EXISTING BOARD MEMBERSHIP, AT LEAST ONE  
17 MEMBER SHALL BE ELECTED FROM THE UNINCORPORATED AREA.

18 FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE

19 AN UNEXPIRED 2-YEAR TERM

20 THE AREA OF RESIDENCE OF THOSE ELECTED TO FILL UNEXPIRED TERMS  
21 IS TAKEN INTO CONSIDERATION IN DETERMINING THE WINNERS OF THE

22 FULL TERMS.

23 VOTE FOR A TOTAL OF .....

24 ..... Area

25 ( ) .....

26 ( ) .....

27 ..... Area

28 ( ) .....

29 ( ) .....

30 FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE

31 A FULL 4-YEAR TERM

32 VOTE FOR A TOTAL OF .....

1 ..... Area  
 2 ( ) .....  
 3 ( ) .....  
 4 ..... Area  
 5 ( ) .....  
 6 ( ) .....

7 (FORMAT 7a

8 Ballot position for candidates shall be determined by the  
9 order of petition filing or lottery held pursuant to Sections  
10 9-11.1 and 9-11.2.

11 This format is used by high school districts if more than  
12 15% but less than 30% of the taxable property is located in the  
13 unincorporated territory of the school district and on the  
14 basis of existing board membership no board member is required  
15 to be elected from the unincorporated area.)

16 OFFICIAL BALLOT

17 Instruction to voter: More than 15% but less than 30% of  
18 the taxable property of this high school district is located in  
19 the unincorporated territory of the district, therefore, at  
20 least one board member shall be a resident of the  
21 unincorporated areas.

22 ON THE BASIS OF EXISTING BOARD MEMBERSHIP, MEMBERS MAY BE  
23 ELECTED FROM ANY AREA OR AREAS.

24 FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE  
25 AN UNEXPIRED 2-YEAR TERM

26 VOTE FOR ....

27 ( ) .....  
 28 ( ) .....  
 29 ( ) .....

30 FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE  
31 A FULL 4-YEAR TERM

32 VOTE FOR ....

- 1           ( ) .....
- 2           ( ) .....
- 3           ( ) .....

4 (FORMAT 8

5       Ballot position for incorporated and unincorporated areas  
6 shall be determined by the order of petition filing or lottery  
7 held pursuant to Sections 9-11.1 and 9-11.2.

8       This format is used by high school districts if more than  
9 30% of the taxable property is located in the unincorporated  
10 territory of the school district. In this case, at least two  
11 board members shall be residents of the unincorporated  
12 territory.)

13                                   OFFICIAL BALLOT

14       Instructions to voters: Thirty percent (30%) or more of the  
15 taxable property of this high school district is located in the  
16 unincorporated territory of the district, therefore, at least  
17 two board members shall be residents of the unincorporated  
18 territory.

19       ON THE BASIS OF EXISTING BOARD MEMBERSHIP, AT LEAST 2  
20 MEMBERS SHALL BE ELECTED FROM THE UNINCORPORATED AREA.

21                   FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE

22                                   AN UNEXPIRED 2-YEAR TERM

23       THE AREA OF RESIDENCE OF THOSE ELECTED TO FILL UNEXPIRED TERMS  
24 IS TAKEN INTO CONSIDERATION IN DETERMINING THE WINNERS OF THE  
25                                   FULL TERMS.

26                                   VOTE FOR A TOTAL OF .....

27 ..... Area

28                   ( ) .....

29                   ( ) .....

30 ..... Area

31                   ( ) .....

32                   ( ) .....

1 FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE

2 A FULL 4-YEAR TERM

3 VOTE FOR A TOTAL OF .....

4 ..... Area

5 ( ) .....

6 ( ) .....

7 ..... Area

8 ( ) .....

9 ( ) .....

10 (FORMAT 8a

11 Ballot position for incorporated and unincorporated areas  
12 shall be determined by the order of petition filing or lottery  
13 held pursuant to Sections 9-11.1 and 9-11.2.

14 This format is used by high school districts if more than  
15 30% of the taxable property is located in the unincorporated  
16 territory of the school district. In this case, at least two  
17 board members shall be residents of the unincorporated  
18 territory.)

19 OFFICIAL BALLOT

20 Instructions to voters: Thirty percent (30%) or more of the  
21 taxable property of this high school district is located in the  
22 unincorporated territory of the district, therefore, at least  
23 two board members shall be residents of the unincorporated  
24 territory.

25 ON THE BASIS OF EXISTING BOARD MEMBERSHIP, AT LEAST ONE  
26 MEMBER SHALL BE ELECTED FROM THE UNINCORPORATED AREA.

27 FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE

28 AN UNEXPIRED 2-YEAR TERM

29 THE AREA OF RESIDENCE OF THOSE ELECTED TO FILL UNEXPIRED TERMS  
30 IS TAKEN INTO CONSIDERATION IN DETERMINING THE WINNERS OF THE  
31 FULL TERMS.

32 VOTE FOR A TOTAL OF .....



1 ..... Area  
 2 ( ) .....  
 3 ( ) .....  
 4 ..... Area  
 5 ( ) .....  
 6 ( ) .....

7 FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE

8 A FULL 4-YEAR TERM

9 VOTE FOR A TOTAL OF .....

10 ..... Area  
 11 ( ) .....  
 12 ( ) .....  
 13 ..... Area  
 14 ( ) .....  
 15 ( ) .....

16 (FORMAT 8b

17 Ballot position for incorporated and unincorporated areas  
18 shall be determined by the order of petition filing or lottery  
19 held pursuant to Sections 9-11.1 and 9-11.2.

20 This format is used by high school districts if more than  
21 30% of the taxable property is located in the unincorporated  
22 territory of the school district. In this case, at least two  
23 board members shall be residents of the unincorporated  
24 territory.)

25 OFFICIAL BALLOT

26 Instructions to voters: Thirty percent (30%) or more of the  
27 taxable property of this high school district is located in the  
28 unincorporated territory of the district, therefore, at least  
29 two board members shall be residents of the unincorporated  
30 territory.

31 ON THE BASIS OF EXISTING BOARD MEMBERSHIP, MEMBERS MAY BE  
32 ELECTED FROM ANY AREA OR AREAS.

1 FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE

2 AN UNEXPIRED 2-YEAR TERM

3 VOTE FOR . . . .

4 ( ) . . . . .

5 ( ) . . . . .

6 ( ) . . . . .

7 ( ) . . . . .

8 FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE

9 A FULL 4-YEAR TERM

10 VOTE FOR . . . .

11 ( ) . . . . .

12 ( ) . . . . .

13 ( ) . . . . .

14 ( ) . . . . .

15 (Source: P.A. 93-706, eff. 7-9-04; 93-1079, eff. 1-21-05.)

16 (105 ILCS 5/10-10) (from Ch. 122, par. 10-10)

17 Sec. 10-10. Board of education; Term; Vacancy. All school  
18 districts having a population of not fewer than 1,000 and not  
19 more than 500,000 inhabitants, as ascertained by any special or  
20 general census, and not governed by special Acts, shall be  
21 governed by a board of education consisting of 7 members,  
22 serving without compensation except as herein provided. Each  
23 member shall be elected for a term of 4 years ~~except as~~  
24 ~~otherwise provided in subsection (a 5) of Section 11B-7~~ for the  
25 initial members of the board of education of a combined school  
26 district to which that subsection applies. If 5 members are  
27 elected in 1983 pursuant to the extension of terms provided by  
28 law for transition to the consolidated election schedule under  
29 the general election law, 2 of those members shall be elected  
30 to serve terms of 2 years and 3 shall be elected to serve terms  
31 of 4 years; their successors shall serve for a 4 year term.  
32 When the voters of a district have voted to elect members of  
33 the board of education for 6 year terms, as provided in Section

1 9-5, the terms of office of members of the board of education  
2 of that district expire when their successors assume office but  
3 not later than 7 days after such election. If at the regular  
4 school election held in the first odd-numbered year after the  
5 determination to elect members for 6 year terms 2 members are  
6 elected, they shall serve for a 6 year term; and of the members  
7 elected at the next regular school election 3 shall serve for a  
8 term of 6 years and 2 shall serve a term of 2 years. Thereafter  
9 members elected in such districts shall be elected to a 6 year  
10 term. If at the regular school election held in the first  
11 odd-numbered year after the determination to elect members for  
12 6 year terms 3 members are elected, they shall serve for a 6  
13 year term; and of the members elected at the next regular  
14 school election 2 shall serve for a term of 2 years and 2 shall  
15 serve for a term of 6 years. Thereafter members elected in such  
16 districts shall be elected to a 6 year term. If at the regular  
17 school election held in the first odd-numbered year after the  
18 determination to elect members for 6 year terms 4 members are  
19 elected, 3 shall serve for a term of 6 years and one shall  
20 serve for a term of 2 years; and of the members elected at the  
21 next regular school election 2 shall serve for terms of 6 years  
22 and 2 shall serve for terms of 2 years. Thereafter members  
23 elected in such districts shall be elected to a 6 year term. If  
24 at the regular school election held in the first odd-numbered  
25 year after the determination to elect members for a 6 year term  
26 5 members are elected, 3 shall serve for a term of 6 years and 2  
27 shall serve for a term of 2 years; and of the members elected  
28 at the next regular school election 2 shall serve for terms of  
29 6 years and 2 shall serve for terms of 2 years. Thereafter  
30 members elected in such districts shall be elected to a 6 year  
31 term. An election for board members shall not be held in school  
32 districts which by consolidation, annexation or otherwise  
33 shall cease to exist as a school district within 6 months after  
34 the election date, and the term of all board members which

1 would otherwise terminate shall be continued until such  
2 district shall cease to exist. Each member, on the date of his  
3 or her election, shall be a citizen of the United States of the  
4 age of 18 years or over, shall be a resident of the State and  
5 the territory of the district for at least one year immediately  
6 preceding his or her election, shall be a registered voter as  
7 provided in the general election law, shall not be a school  
8 trustee or a school treasurer, and shall not be a child sex  
9 offender as defined in Section 11-9.3 of the Criminal Code of  
10 1961. When the board of education is the successor of the  
11 school directors, all rights of property, and all rights  
12 regarding causes of action existing or vested in such  
13 directors, shall vest in it as fully as they were vested in the  
14 school directors. Terms of members are subject to Section 2A-54  
15 of the Election Code.

16 Nomination papers filed under this Section are not valid  
17 unless the candidate named therein files with the secretary of  
18 the board of education or with a person designated by the board  
19 to receive nominating petitions a receipt from the county clerk  
20 showing that the candidate has filed a statement of economic  
21 interests as required by the Illinois Governmental Ethics Act.  
22 Such receipt shall be so filed either previously during the  
23 calendar year in which his nomination papers were filed or  
24 within the period for the filing of nomination papers in  
25 accordance with the general election law.

26 Whenever a vacancy occurs, the remaining members shall  
27 notify the regional superintendent of that vacancy within 5  
28 days after its occurrence and shall proceed to fill the vacancy  
29 until the next regular school election, at which election a  
30 successor shall be elected to serve the remainder of the  
31 unexpired term. However, if the vacancy occurs with less than  
32 868 days remaining in the term, or if the vacancy occurs less  
33 than 88 days before the next regularly scheduled election for  
34 this office then the person so appointed shall serve the

1 remainder of the unexpired term, and no election to fill the  
2 vacancy shall be held. Should they fail so to act, within 45  
3 days after the vacancy occurs, the regional superintendent of  
4 schools under whose supervision and control the district is  
5 operating, as defined in Section 3-14.2 of this Act, shall  
6 within 30 days after the remaining members have failed to fill  
7 the vacancy, fill the vacancy as provided for herein. Upon the  
8 regional superintendent's failure to fill the vacancy, the  
9 vacancy shall be filled at the next regularly scheduled  
10 election. Whether elected or appointed by the remaining members  
11 or regional superintendent, the successor shall be an  
12 inhabitant of the particular area from which his or her  
13 predecessor was elected if the residential requirements  
14 contained in Section 10-10.5 ~~11A-8, 11B-7~~, or 12-2 of this Code  
15 ~~Act~~ apply.

16 A board of education may appoint a student to the board to  
17 serve in an advisory capacity. The student member shall serve  
18 for a term as determined by the board. The board may not grant  
19 the student member any voting privileges, but shall consider  
20 the student member as an advisor. The student member may not  
21 participate in or attend any executive session of the board.

22 (Source: P.A. 93-309, eff. 1-1-04; 94-231, eff. 7-14-05.)

23 (105 ILCS 5/10-10.5 new)

24 Sec. 10-10.5. Community unit school district or combined  
25 school district formation; school board election.

26 (a) Except as otherwise provided in subsection (b) of this  
27 Section, for community unit school districts formed before  
28 January 1, 1975 and for combined school districts formed before  
29 July 1, 1983, the following provisions apply:

30 (1) if the territory of the district is greater than 2  
31 congressional townships or 72 square miles, then not more  
32 than 3 board members may be selected from any one  
33 congressional township, except that congressional

1 townships of less than 100 inhabitants shall not be  
2 considered for the purpose of this mandatory board  
3 representation;

4 (2) if in the community unit school district or  
5 combined school district at least 75% but not more than 90%  
6 of the population is in one congressional township, then 4  
7 board members shall be selected from the congressional  
8 township and 3 board members shall be selected from the  
9 rest of the district, except that if in the community unit  
10 school district or combined school district more than 90%  
11 of the population is in one congressional township, then  
12 all board members may be selected from one or more  
13 congressional townships; and

14 (3) if the territory of any community unit school  
15 district or combined school district consists of not more  
16 than 2 congressional townships or 72 square miles, but  
17 consists of more than one congressional township or 36  
18 square miles, outside of the corporate limits of any city,  
19 village, or incorporated town within the school district,  
20 then not more than 5 board members may be selected from any  
21 city, village, or incorporated town in the school district.

22 (b) (1) The provisions of subsection (a) of this Section for  
23 mandatory board representation shall no longer apply to a  
24 community unit school district formed before January 1, 1975,  
25 to a combined school district formed before July 1, 1983, or to  
26 community consolidated school districts, and the members of the  
27 board of education shall be elected at large from within the  
28 school district and without restriction by area of residence  
29 within the district if both of the following conditions are met  
30 with respect to that district:

31 (A) A proposition for the election of board members at  
32 large and without restriction by area of residence within  
33 the school district rather than in accordance with the  
34 provisions of subsection (a) of this Section for mandatory

1 board representation is submitted to the school district's  
2 voters at a regular school election or at the general  
3 election as provided in this subsection (b).

4 (B) A majority of those voting at the election in each  
5 congressional township comprising the territory of the  
6 school district, including any congressional township of  
7 less than 100 inhabitants, vote in favor of the  
8 proposition.

9 (2) The school board may, by resolution, order  
10 submitted or, upon the petition of the lesser of 2,500 or  
11 5% of the school district's registered voters, shall order  
12 submitted to the school district's voters, at a regular  
13 school election or at the general election, the proposition  
14 for the election of board members at large and without  
15 restriction by area of residence within the district rather  
16 than in accordance with the provisions of subsection (a) of  
17 this Section for mandatory board representation; and the  
18 proposition shall thereupon be certified by the board's  
19 secretary for submission.

20 (3) If a majority of those voting at the election in  
21 each congressional township comprising the territory of  
22 the school district, including any congressional township  
23 of less than 100 inhabitants, vote in favor of the  
24 proposition:

25 (A) the proposition to elect board members at large  
26 and without restriction by area of residence within the  
27 district shall be deemed to have passed,

28 (B) new members of the board shall be elected at  
29 large and without restriction by area of residence  
30 within the district at the next regular school  
31 election, and

32 (C) the terms of office of the board members  
33 incumbent at the time the proposition is adopted shall  
34 expire when the new board members that are elected at

1           large and without restriction by area of residence  
2           within the district have organized in accordance with  
3           Section 10-16.

4           (4) In a community unit school district, a combined  
5           school district, or a community consolidated school  
6           district that formerly elected its members under  
7           subsection (a) of this Section to successive terms not  
8           exceeding 4 years, the members elected at large and without  
9           restriction by area of residence within the district shall  
10           be elected for a term of 4 years, and in a community unit  
11           school district or combined school district that formerly  
12           elected its members under subsection (a) of this Section to  
13           successive terms not exceeding 6 years, the members elected  
14           at large and without restriction by area of residence  
15           within the district shall be elected for a term of 6 years;  
16           provided that in each case the terms of the board members  
17           initially elected at large and without restriction by area  
18           of residence within the district as provided in this  
19           subsection (b) shall be staggered and determined in  
20           accordance with the provisions of Sections 10-10 and 10-16  
21           of this Code.

22           (105 ILCS 5/10-11) (from Ch. 122, par. 10-11)

23           Sec. 10-11. Vacancies. Elective offices become vacant  
24 within the meaning of the Act, unless the context indicates  
25 otherwise, on the happening of any of the following events,  
26 before the expiration of the term of such office:

- 27           1. The death of the incumbent.
- 28           2. His or her resignation in writing filed with the  
29 Secretary or Clerk of the Board.
- 30           3. His or her becoming a person under legal disability.
- 31           4. His or her ceasing to be an inhabitant of the district  
32 for which he or she was elected.
- 33           5. His or her conviction of an infamous crime, of any



1 offense involving a violation of official oath, or of a violent  
2 crime against a child.

3 6. His or her removal from office.

4 7. The decision of a competent tribunal declaring his or  
5 her election void.

6 8. His ceasing to be an inhabitant of a particular area  
7 from which he was elected, if the residential requirements  
8 contained in Section 10-10.5 ~~11A-8, 11B-7~~, or 12-2 of this Code  
9 ~~Act~~ are violated.

10 No elective office except as herein otherwise provided  
11 becomes vacant until the successor of the incumbent of such  
12 office has been appointed or elected, as the case may be, and  
13 qualified. The successor shall have the same type of  
14 residential qualifications as his or her predecessor and, if  
15 the residential requirements contained in Section 10-10.5  
16 ~~11A-8, 11B-7~~, or 12-2 of this Code Act apply, the successor,  
17 whether elected or appointed by the remaining members or a  
18 regional superintendent, shall be an inhabitant of the  
19 particular area from which his or her predecessor was elected.  
20 (Source: P.A. 91-376, eff. 1-1-00.)

21 (105 ILCS 5/10-16) (from Ch. 122, par. 10-16)

22 Sec. 10-16. Organization of Board. Within 28 days after the  
23 consolidated election, other than the consolidated elections  
24 in 1999 and 2001, the board shall organize by electing its  
25 officers and fixing a time and place for the regular meetings.  
26 However, when school board members are elected at the  
27 consolidated elections held in April of 1999 and April of 2001,  
28 the board shall organize within 7 days after the first Tuesday  
29 after the first Monday of November in each such year by  
30 electing officers and setting the time and place of the regular  
31 meetings. Upon organizing itself as provided in this paragraph,  
32 the board shall enter upon the discharge of its duties.

33 The regional superintendent of schools having supervision

1 and control, as provided in Section 3-14.2, of a new school  
2 district that is governed by the School Code and formed on or  
3 after the effective date of this amendatory Act of 1998 shall  
4 convene the newly elected board within 7 days after the  
5 election of the board of education of that district, whereupon  
6 the board shall proceed to organize by electing one of their  
7 number as president and electing a secretary, who may or may  
8 not be a member. At such meeting the length of term of each of  
9 the members shall be determined by lot so that 4 shall serve  
10 for 4 years, and 3 for 2 years from the commencement of their  
11 terms; provided, however, if such members were not elected at  
12 the consolidated election in an odd-numbered year, such initial  
13 terms shall be extended to the consolidated election for school  
14 board members immediately following the expiration of the  
15 initial 4 or 2 year terms. The provisions of this paragraph  
16 that relate to the determination of terms by lot shall not  
17 apply to the initial members of the board of education of a  
18 combined school district who are to be elected to unstagged  
19 terms ~~as provided in subsection (a 5) of Section 11B 7.~~

20 The terms of the officers of a board of education shall be  
21 for 2 years, except that the terms of the officers elected at  
22 the organization meeting in November, 2001 shall expire at the  
23 organization meeting in April, 2003; provided that the board by  
24 resolution may establish a policy for the terms of office to be  
25 one year, and provide for the election of officers.

26 Special meetings of the board of education may be called by  
27 the president or by any 3 members of the board by giving notice  
28 thereof in writing, stating the time, place and purpose of the  
29 meeting. Such notice may be served by mail 48 hours before such  
30 meeting or by personal service 24 hours before such meeting.  
31 Public notice of meetings must also be given as prescribed in  
32 Sections 2.02 and 2.03 of the Open Meetings Act, as now or  
33 hereafter amended.

34 At each regular and special meeting which is open to the

1 public, members of the public and employees of the district  
2 shall be afforded time, subject to reasonable constraints, to  
3 comment to or ask questions of the board.

4 The president or district superintendent shall, at each  
5 regular board meeting, report any requests made of the district  
6 under provisions of The Freedom of Information Act and shall  
7 report the status of the district's response.

8 (Source: P.A. 93-847, eff. 7-30-04.)

9 (105 ILCS 5/10-21.12) (from Ch. 122, par. 10-21.12)

10 Sec. 10-21.12. Transfer of teachers. The employment of a  
11 teacher transferred from one board or administrative agent to  
12 the control of a new or different board or administrative agent  
13 shall be considered continuous employment if such transfer of  
14 employment occurred by reason of any of the following events:

15 (1) a boundary change or the creation or reorganization of  
16 any school district pursuant to Article 7 or 11E, 7A, 11A or  
17 ~~11B~~; or

18 (2) the deactivation or reactivation of any high school or  
19 elementary school pursuant to Section 10-22.22b; or

20 (3) the creation, expansion, reduction or dissolution of a  
21 special education program pursuant to Section 10-22.31, or the  
22 creation, expansion, reduction or dissolution of a joint  
23 educational program established under Section 10-22.31a; or

24 (4) the creation, expansion, reduction, termination or  
25 dissolution of any joint agreement program operated by a  
26 regional superintendent, governing board, or other  
27 administrative agent or any program operated pursuant to an  
28 Intergovernmental Joint Agreement. The changes made by this  
29 amendatory Act of 1990 are declaratory of existing law.

30 (Source: P.A. 94-213, eff. 7-14-05.)

31 (105 ILCS 5/11C-6) (from Ch. 122, par. 11C-6)

32 Sec. 11C-6. Credited unfunded indebtedness. Each district

1 from which territory is taken shall be credited with all  
2 unfunded indebtedness of such district and with the estimated  
3 cost of operating the schools of the district for the balance  
4 of the school year if the district from which territory is  
5 taken continues to administer the schools until the succeeding  
6 July 1 ~~as provided in Section 11A-10.~~

7 (Source: P.A. 83-686.)

8 (105 ILCS 5/11C-9) (from Ch. 122, par. 11C-9)

9 Sec. 11C-9. Accounting waived. If ~~no stipulation is made as~~  
10 ~~provided in Section 11A-3 of this Act or if~~ the stipulation is  
11 refused by the regional superintendent the boards of the  
12 districts affected by the change in boundaries in the creation  
13 of a new district may waive accounting or stipulate as to the  
14 valuation of any kind or parcel of property or as to a basis  
15 for apportionment ~~other than that provided in Section 11C-7 of~~  
16 ~~this Act~~ by concurrent resolution filed with the regional  
17 superintendent prior to or within 30 days after the election of  
18 the school board for the newly created district. Such  
19 resolution shall be subject to the approval of the regional  
20 superintendent and if approved, the accounting shall be  
21 dispensed with or modified as the resolution may provide.

22 (Source: P.A. 83-686.)

23 (105 ILCS 5/Art. 11E heading new)

24 ARTICLE 11E. CONVERSION AND FORMATION OF SCHOOL DISTRICTS

25 (105 ILCS 5/11E-5 new)

26 Sec. 11E-5. Purpose and applicability. The purpose of this  
27 Article is to permit greater flexibility and efficiency in the  
28 reorganization and formation of school districts for the  
29 improvement of the administration and quality of educational  
30 services and for the best interests of pupils. This Article  
31 applies only to school districts with under 500,000

1 inhabitants.

2 (105 ILCS 5/11E-10 new)

3 Sec. 11E-10. Definitions. In this Article:

4 "Affected district" means any school district where all or  
5 more than a small part of the district is included in a  
6 petition for reorganization under the provisions of this  
7 Article.

8 "Combined high school - unit district" means a school  
9 district resulting from the combination of a high school  
10 district and a unit district.

11 "Combined school district" means any district resulting  
12 from the combination of 2 or more entire elementary districts,  
13 2 or more entire high school districts, or 2 or more entire  
14 unit districts.

15 "Dual district" means a high school district and all of its  
16 feeder elementary districts collectively.

17 "Elementary district" means a school district organized  
18 and established for purposes of providing instruction up to and  
19 including grade 8. "Elementary district" includes common  
20 elementary school districts, consolidated elementary school  
21 districts, community consolidated school districts, combined  
22 elementary districts, and charter elementary districts.

23 "Elementary purposes" means the purposes of providing  
24 instruction up to and including grade 8.

25 "High school district" means a school district organized  
26 and established for purposes of providing instruction in grades  
27 9 through 12. "High school district" includes charter high  
28 school districts, township high school districts, consolidated  
29 high school districts, community high school districts, and  
30 non-high school districts.

31 "High school purposes" means the purposes of providing  
32 instruction in grades nine through 12.

33 "High school - unit conversion" means a school district

1 conversion authorized under subsection (a) of Section 11E-15 of  
2 this Code.

3 "K through 12 purposes" means the purposes of providing  
4 instruction up to and including grade 12.

5 "Multi-unit conversion" means the formation of a combined  
6 high school - unit district and one or more new elementary  
7 districts as authorized under subsection (b) of Section 11E-30  
8 of this Code.

9 "Optional elementary unit district" means a unit district  
10 resulting from the combination of a high school district and  
11 the combination of any one or more elementary districts  
12 electing to organize as an optional elementary unit district.

13 "Partial elementary unit district" means either a combined  
14 high school - unit district or an optional elementary unit  
15 district.

16 "School board" means either a board of education or a board  
17 of school directors.

18 "School district conversion" means a high school - unit  
19 conversion or a unit to dual conversion.

20 "Small part" means a part of a school district encompassing  
21 (i) less than 25% of the land area of the district or (ii) less  
22 than 8% of the student enrollment and less than 8% of the  
23 equalized assessed valuation of the district.

24 "Substantially coterminous" means that a high school  
25 district and one or more elementary districts share the same  
26 boundaries or share the same boundaries except for a small part  
27 of the high school or one or more of the elementary districts.

28 "Unit district" means a school district organized and  
29 established for purposes of providing instruction up to and  
30 including grade 12. "Unit district" includes charter (K through  
31 12) districts, community unit districts, community  
32 consolidated unit districts, other districts that, prior to the  
33 adoption of the community consolidated unit district and  
34 community unit district, authorizing legislation had expanded

1 to provide instruction through the 12th grade (commonly  
2 referred to as "Old Type" unit districts), and partial  
3 elementary unit districts organized pursuant to the provisions  
4 of this Article.

5 "Unit to dual conversion" means a school district  
6 conversion authorized under subsection (b) of Section 11E-15 of  
7 this Code.

8 (105 ILCS 5/11E-15 new)

9 Sec. 11E-15. School district conversion.

10 (a) One or more unit districts and one or more high school  
11 districts, all of which are contiguous, may, under the  
12 provisions of this Article, be converted into a dual district  
13 through the dissolution of the unit district or districts and  
14 the high school district or districts if the following apply:

15 (1) each elementary district to be created includes all  
16 of the territory within a unit district to be dissolved;  
17 and

18 (2) the high school district to be created includes all  
19 of the territory within the unit districts and high school  
20 districts to be dissolved.

21 (b) Two or more contiguous unit districts may, under the  
22 provisions of this Article, dissolve and form a single new high  
23 school district and new elementary districts that are based  
24 upon the boundaries of the dissolved unit districts.

25 (105 ILCS 5/11E-20 new)

26 Sec. 11E-20. Combined school district formation.

27 (a)(1) The territory of 2 or more entire contiguous  
28 elementary districts may be organized into a combined  
29 elementary district under the provisions of this Article.

30 (2) Any 2 or more entire elementary districts that  
31 collectively are within or substantially coterminous with  
32 the boundaries of a high school district, regardless of

1 whether the districts are compact and contiguous with each  
2 other, may be organized into a combined school district in  
3 accordance with this Article.

4 (b) Any 2 or more entire contiguous high school districts  
5 may be organized into a combined high school district under the  
6 provisions of this Article.

7 (c) Any 2 or more entire contiguous unit districts may be  
8 organized into a combined unit district under the provisions of  
9 this Article.

10 (105 ILCS 5/11E-25 new)

11 Sec. 11E-25. Unit district formation.

12 (a) Any contiguous and compact territory, no part of which  
13 is included within any unit district, may be organized into a  
14 unit district as provided in this Article.

15 (b) The territory of one or more entire unit districts that  
16 are contiguous to each other, plus any contiguous and compact  
17 territory no part of which is included within any unit  
18 district, and the territory of which taken as a whole is  
19 compact may be organized into a unit district as provided in  
20 this Article.

21 (105 ILCS 5/11E-30 new)

22 Sec. 11E-30. Partial elementary unit district formation.

23 (a) One or more entire high school districts and one or  
24 more entire unit districts, all of which are contiguous, may be  
25 organized into a combined high school - unit district as  
26 provided in this Article. The combined high school - unit  
27 district shall serve all residents of the district for high  
28 school purposes and those residents residing in the portion of  
29 the territory included within the boundaries of the dissolved  
30 unit district or districts for elementary purposes.

31 (b) One or more contiguous unit districts may, as provided  
32 in this Article, dissolve and form a single new combined high



1 school - unit district and one or more new elementary  
2 districts. The boundaries of the new elementary district or  
3 districts shall be based upon the boundaries of the dissolved  
4 unit district or districts electing to join the combined high  
5 school - unit district only for high school purposes. Territory  
6 included within the boundaries of the new elementary district  
7 or districts shall be served by the new combined high school -  
8 unit district only for high school purposes. All other  
9 territory within the combined high school - unit district shall  
10 be served by the combined high school - unit district for both  
11 high school and elementary purposes.

12 (c) A high school district and 2 or more elementary  
13 districts that collectively are substantially coterminous may  
14 seek to organize into an optional elementary unit district as  
15 provided in this Article. The optional elementary unit district  
16 shall serve all residents of the district for high school  
17 purposes. The optional elementary unit district shall serve  
18 residents of only those elementary districts electing to join  
19 the optional elementary unit district, as determined in  
20 accordance with subsection (b) of Section 11E-65 of this Code,  
21 for elementary purposes. The corporate existence of any  
22 elementary district electing not to join the optional  
23 elementary unit district in accordance with subsection (b) of  
24 Section 11E-65 of this Code shall not be affected by the  
25 formation of an optional elementary unit district, and an  
26 elementary district electing not to join the optional  
27 elementary unit district shall continue to serve residents of  
28 the district for elementary purposes.

29 (d) (1) For 5 years following the formation of an optional  
30 elementary unit district, any elementary district that elected  
31 not to join an optional elementary unit district for elementary  
32 purposes may elect to dissolve and combine with the optional  
33 elementary unit district by filing a petition that requests the  
34 submission of the proposition at a regularly scheduled election

1 for the purpose of voting for or against joining the optional  
2 elementary unit district and that complies with the other  
3 provisions of this Article.

4 (2) Prior to dissolving and joining an optional  
5 elementary unit district in accordance with paragraph (1)  
6 of this subsection (d), an elementary district must first  
7 issue funding bonds pursuant to Sections 19-8 and 19-9 of  
8 this Code to liquidate any operational deficit or debt  
9 incurred or accumulated since the date of the election in  
10 which the proposition to form the optional elementary unit  
11 district passed. The elementary district shall not be  
12 required to comply with the backdoor referenda provisions  
13 of Section 19-9 of this Code nor the referenda requirements  
14 otherwise imposed by the provisions of the Property Tax  
15 Extension Limitation Law as a condition of issuing the  
16 funding bonds. Taxes levied to repay principal and interest  
17 on any long term debt incurred or accumulated between the  
18 date of the election in which the proposition to form the  
19 optional elementary unit district passed and the date of  
20 the elementary district's dissolution and joining the  
21 optional elementary unit district in accordance with  
22 paragraph (1) of this subsection (d) shall be levied and  
23 extended only against the territory of the elementary  
24 district as it existed prior to dissolution.

25 (3) If all eligible elementary districts elect to join  
26 an optional elementary unit district in accordance with  
27 this subsection (d), the optional elementary unit district  
28 shall thereafter be deemed a unit district for all purposes  
29 of this Code.

30 (105 ILCS 5/11E-35 new)

31 Sec. 11E-35. Petition filing.

32 (a) A petition shall be filed with the regional  
33 superintendent of schools of the educational service region in

1 which the territory described in the petition or that part of  
2 the territory with the greater percentage of equalized assessed  
3 valuation is situated. The petition must do the following:

4 (1) be signed by at least 50 legal resident voters or  
5 10% of the legal resident voters, whichever is less,  
6 residing within each affected district; or

7 (2) be approved by the school board in each affected  
8 district.

9 (b) The petition shall contain all of the following:

10 (1) A request to submit the proposition at a regular  
11 scheduled election for the purpose of voting:

12 (A) for or against a high school - unit conversion;

13 (B) for or against a unit to dual conversion;

14 (C) for or against the establishment of a combined  
15 elementary district;

16 (D) for or against the establishment of a combined  
17 high school district;

18 (E) for or against the establishment of a combined  
19 unit district;

20 (F) for or against the establishment of a unit  
21 district from dual district territory exclusively;

22 (G) for or against the establishment of a unit  
23 district from both dual district and unit district  
24 territory;

25 (H) for or against the establishment of a combined  
26 high school - unit district from a combination of one  
27 or more high school districts and one or more unit  
28 districts;

29 (I) for or against the establishment of a combined  
30 high school - unit district and one or more new  
31 elementary districts through a multi-unit conversion;

32 (J) for or against the establishment of an optional  
33 elementary unit district from a combination of a  
34 substantially coterminous dual district; or

1           (K) for or against dissolving and becoming part of  
2           an optional elementary unit district.

3           (2) A description of the territory comprising the  
4           districts proposed to be dissolved and those to be created,  
5           which, for an entire district, may be a general reference  
6           to all of the territory included within that district.

7           (3) A specification of the maximum tax rates for  
8           various purposes the proposed district or districts shall  
9           be authorized to levy for various purposes in accordance  
10           with Section 11E-80 of this Code.

11           (4) A description of how supplementary State deficit  
12           difference payments made under subsection (c) of Section  
13           11E-135 of this Code will be allocated among the new  
14           districts proposed to be formed.

15           (5) Where applicable, a division of assets and  
16           liabilities to be allocated to the proposed new or annexing  
17           school district or districts in the manner provided in  
18           Section 11E-105 of this Code.

19           (6) If desired, a request that at that same election as  
20           the reorganization proposition a school board or boards be  
21           elected on a separate ballot or ballots to serve as the  
22           school board or boards of the proposed new district or  
23           districts. Any election of board members at the same  
24           election at which the proposition to create the district or  
25           districts to be served by the board or boards is submitted  
26           to the voters shall proceed under the supervision of the  
27           regional superintendent of schools as provided in Section  
28           11E-55 of this Code.

29           (7) If desired, a request that the referendum at which  
30           the proposition is submitted for the purpose of voting for  
31           or against the establishment of a unit district (other than  
32           a partial elementary unit district) include as part of the  
33           proposition the election of board members by school board  
34           district rather than at large. Any petition requesting the

1 election of board members by district shall divide the  
2 proposed school district into 7 school board districts,  
3 each of which must be compact and contiguous and  
4 substantially equal in population to each other school  
5 board district. Any election of board members by school  
6 board district shall proceed under the supervision of the  
7 regional superintendent of schools as provided in Section  
8 11E-55 of this Code.

9 (8) If desired, a request that the referendum at which  
10 the proposition is submitted for the purpose of voting for  
11 or against the establishment of a unit to dual conversion  
12 include as part of the proposition the election of board  
13 members for the new high school district (i) on an at large  
14 basis, (ii) with board members representing each of the  
15 forming elementary school districts, or (iii) a  
16 combination of both. The format for the election of the new  
17 high school board must be defined in the petition. When 4  
18 or more unit school districts and a combination of board  
19 members representing each of the forming elementary school  
20 districts are involved and at large formats are used, one  
21 member must be elected from each of the forming elementary  
22 school districts. The remaining members may be elected on  
23 an at large basis, provided that none of the underlying  
24 elementary school districts have a majority on the  
25 resulting high school board. When 3 unit school districts  
26 and a combination of board members representing each of the  
27 forming elementary school districts are involved and at  
28 large formats are used, 2 members must be elected from each  
29 of the forming elementary school districts. The remaining  
30 member must be elected at large.

31 (9) If desired, a request that the referendum at which  
32 the proposition shall be submitted include a proposition on  
33 a separate ballot authorizing the issuance of bonds by the  
34 district or districts when organized in accordance with

1       this Article. The principal amount of the bonds and the  
2       purposes of issuance shall be stated in the petition and in  
3       all notices and propositions submitted thereunder.

4       (10) A designation of a committee of ten of the  
5       petitioners as attorney in fact for all petitioners, any 7  
6       of whom may at any time, prior to the final decision of the  
7       regional superintendent of schools, amend the petition in  
8       all respects (except that, for a unit district formation,  
9       there may not be an increase or decrease of more than 25%  
10       of the territory to be included in the proposed district)  
11       and make binding stipulations on behalf of all petitioners  
12       as to any question with respect to the petition, including  
13       the power to stipulate to accountings or the waiver thereof  
14       between school districts.

15       (c) The regional superintendent of schools shall not accept  
16       for filing under the authority of this Section any petition  
17       that includes any territory already included as part of the  
18       territory described in another pending petition filed under the  
19       authority of this Section.

20       (d) (1) Those designated as the Committee of Ten shall serve  
21       in that capacity until such time as the regional superintendent  
22       of schools determines that, because of death, resignation,  
23       transfer of residency from the territory, failure to qualify,  
24       or any other reason, the office of a particular member of the  
25       Committee of Ten is vacant. Upon determination by the regional  
26       superintendent of schools that these vacancies exist, he or she  
27       shall declare the vacancies and shall notify the remaining  
28       members to appoint a petitioner or petitioners, as the case may  
29       be, to fill the vacancies in the Committee of Ten so  
30       designated. An appointment by the Committee of Ten to fill a  
31       vacancy shall be made by a simple majority vote of the  
32       designated remaining members.

33       (2) Failure of a person designated as a member of the  
34       Committee of Ten to sign the petition shall not disqualify

1       that person as a member of the Committee of Ten, and that  
2       person may sign the petition at any time prior to final  
3       disposition of the petition and the conclusion of the  
4       proceedings to form a new school district or districts,  
5       including all litigation pertaining to the petition or  
6       proceedings.

7           (3) Except as stated in item (10) of subsection (b) of  
8       this Section, the Committee of Ten shall act by majority  
9       vote of the membership.

10          (4) The regional superintendent of schools may accept a  
11       stipulation made by the Committee of Ten instead of  
12       evidence or proof of the matter stipulated or may refuse to  
13       accept the stipulation, provided that the regional  
14       superintendent sets forth the basis for the refusal.

15          (5) The Committee of Ten may voluntarily dismiss its  
16       petition at any time before the petition is approved by  
17       either the regional superintendent of schools or State  
18       Superintendent of Education.

19       (105 ILCS 5/11E-40 new)

20       Sec. 11E-40. Notice and petition amendments.

21       (a) Upon the filing of a petition with the regional  
22       superintendent of schools as provided in Section 11E-35 of this  
23       Code, the regional superintendent shall do all of the  
24       following:

25           (1) Cause a copy of the petition to be given to each  
26       school board of the affected districts and the regional  
27       superintendent of schools of any other educational service  
28       region in which territory described in the petition is  
29       situated.

30           (2) Cause a notice thereof to be published at least  
31       once each week for 3 successive weeks in at least one  
32       newspaper having general circulation within the area of all  
33       of the territory of the proposed district or districts. The

1 expense of publishing the notice shall be borne by the  
2 petitioners and paid on behalf of the petitioners by the  
3 Committee of Ten.

4 (b) The notice shall state all of the following:

5 (1) When and to whom the petition was presented.

6 (2) The prayer of the petition.

7 (3) A description of the territory comprising the  
8 districts proposed to be dissolved and those to be created,  
9 which, for an entire district, may be a general reference  
10 to all of the territory included within that district.

11 (4) If applicable, the proposition to elect, by  
12 separate ballot, school board members at the same election,  
13 indicating whether the board members are to be elected  
14 at-large or by school board district.

15 (5) If requested in the petition, the proposition to  
16 issue bonds, indicating the amount and purpose thereof.

17 (6) The day on which the hearing on the action proposed  
18 in the petition shall be held.

19 (c) The requirements of subsection (g) of Section 28-2 of  
20 the Election Code do not apply to any petition filed under this  
21 Article. Notwithstanding any provision to the contrary  
22 contained in the Election Code, the regional superintendent of  
23 schools shall make all determinations regarding the validity of  
24 the petition, including without limitation signatures on the  
25 petition, subject to State Superintendent and administrative  
26 review in accordance with Section 11E-50 of this Code.

27 (d) Prior to the hearing described in Section 11E-45 of  
28 this Code, the regional superintendent of schools shall inform  
29 the Committee of Ten as to whether the petition, as amended or  
30 filed, is proper and in compliance with all applicable petition  
31 requirements set forth in the Election Code. If the regional  
32 superintendent determines that the petition is not in proper  
33 order or not in compliance with any applicable petition  
34 requirements set forth in the Election Code, the regional



1 superintendent must identify the specific alleged defects in  
2 the petition and include specific recommendations to cure the  
3 alleged defects. The Committee of Ten may amend the petition to  
4 cure the alleged defects at any time prior to the receipt of  
5 the regional superintendent's written order made in accordance  
6 with subsection (a) of Section 11E-50 of this Code or may elect  
7 not to amend the petition, in which case the Committee of Ten  
8 may appeal a denial by the regional superintendent following  
9 the hearing in accordance with Section 11E-50 of this Code.

10 (105 ILCS 5/11E-45 new)

11 Sec. 11E-45. Hearing.

12 (a) No more than 15 days after the last date on which the  
13 required notice under Section 11E-40 of this Code is published,  
14 the regional superintendent of schools with whom the petition  
15 is required to be filed shall hold a hearing on the petition.  
16 Prior to the hearing, the Committee of Ten shall submit to the  
17 regional superintendent maps showing the districts involved  
18 and any other information deemed pertinent by the Committee of  
19 Ten to the proposed action. The regional superintendent of  
20 schools may adjourn the hearing from time to time or may  
21 continue the matter for want of sufficient notice or other good  
22 cause.

23 (b) At the hearing, the regional superintendent of schools  
24 shall allow public testimony on the action proposed in the  
25 petition. The regional superintendent shall present, or  
26 arrange for the presentation of all of the following:

27 (1) Evidence as to the school needs and conditions in  
28 the territory described in the petition and the area  
29 adjacent thereto.

30 (2) Evidence with respect to the ability of the  
31 proposed district or districts to meet standards of  
32 recognition as prescribed by the State Board of Education.

33 (3) A consideration of the division of funds and assets

1 that will occur if the petition is approved.

2 (4) A description of the maximum tax rates the proposed  
3 district or districts is authorized to levy for various  
4 purposes in accordance with Section 11E-80 of this Code.

5 (c) Any regional superintendent of schools entitled under  
6 the provisions of this Article to be given a copy of the  
7 petition and any resident or representative of a school  
8 district in which any territory described in the petition is  
9 situated may appear in person or by an attorney at law to  
10 provide oral or written testimony or both in relation to the  
11 action proposed in the petition.

12 (d) The regional superintendent of schools shall arrange  
13 for a written transcript of the hearing. The expense of the  
14 written transcript shall be borne by the petitioners and paid  
15 on behalf of the petitioners by the Committee of Ten.

16 (105 ILCS 5/11E-50 new)

17 Sec. 11E-50. Approval or denial of the petition;  
18 administrative review.

19 (a) Within 14 days after the conclusion of the hearing  
20 under Section 11E-45 of this Code, the regional superintendent  
21 of schools shall take into consideration the school needs and  
22 conditions of the affected districts and in the area adjacent  
23 thereto, the division of funds and assets that will result from  
24 the action described in the petition, the best interests of the  
25 schools of the area, and the best interests and the educational  
26 welfare of the pupils residing therein and, through a written  
27 order, either approve or deny the petition. If the regional  
28 superintendent fails to act upon a petition within 14 days  
29 after the conclusion of the hearing, the regional  
30 superintendent shall be deemed to have denied the petition.

31 (b) Upon approving or denying the petition, the regional  
32 superintendent of schools shall submit the petition and all  
33 evidence to the State Superintendent of Education. The State

1 Superintendent shall review the petition, the record of the  
2 hearing, and the written order of the regional superintendent,  
3 if any. Within 21 days after the receipt of the regional  
4 superintendent's decision, the State Superintendent shall take  
5 into consideration the school needs and conditions of the  
6 affected districts and in the area adjacent thereto, the  
7 division of funds and assets that will result from the action  
8 described in the petition, the best interests of the schools of  
9 the area, and the best interests and the educational welfare of  
10 the pupils residing therein and, through a written order,  
11 either approve or deny the petition. If the State  
12 Superintendent denies the petition, the State Superintendent  
13 shall set forth in writing the specific basis for the denial.  
14 The decision of the State Superintendent shall be deemed an  
15 administrative decision as defined in Section 3-101 of the Code  
16 of Civil Procedure. The State Superintendent shall provide a  
17 copy of the decision by certified mail, return receipt  
18 requested, to the Committee of Ten, any person appearing in  
19 support or opposition of the petition at the hearing, each  
20 school board of a district in which territory described in the  
21 petition is situated, the regional superintendent with whom the  
22 petition was filed, and the regional superintendent of schools  
23 of any other educational service region in which territory  
24 described in the petition is situated.

25 (c) Any resident of any territory described in the petition  
26 who appears in support of or opposition to the petition at the  
27 hearing or any petitioner or school board of any affected  
28 district in which territory described in the petition is  
29 situated may, within 35 days after a copy of the decision  
30 sought to be reviewed was served by certified mail, return  
31 receipt requested, upon the party affected thereby or upon the  
32 attorney of record for the party, apply for a review of an  
33 administrative decision of the State Superintendent of  
34 Education in accordance with the Administrative Review Law and

1 any rules adopted pursuant to the Administrative Review Law.  
2 The commencement of any action for review shall operate as a  
3 supersedes, and no further proceedings shall be had until final  
4 disposition of the review. The circuit court of the county in  
5 which the petition is filed with the regional superintendent of  
6 schools shall have sole jurisdiction to entertain a complaint  
7 for the review.

8 (105 ILCS 5/11E-55 new)

9 Sec. 11E-55. Holding of elections.

10 (a) Elections provided by this Article shall be conducted  
11 in accordance with the general election law. The regional  
12 superintendent of schools shall perform the election duties  
13 assigned by law to the secretary of a school board for the  
14 election and shall certify the officers and candidates  
15 therefore pursuant to the general election law.

16 (b) Nomination papers filed under this Article are not  
17 valid unless the candidate named therein files with the  
18 regional superintendent of schools a receipt from the county  
19 clerk showing that the candidate has filed a statement of  
20 economic interests as required by the Illinois Governmental  
21 Ethics Act. This receipt shall be so filed either previously  
22 during the calendar year in which his or her nomination papers  
23 were filed or within the period for the filing of nomination  
24 papers in accordance with the general election law.

25 (c)(1) If the petition requests the election of school  
26 board members of the school district proposed to be created at  
27 the same election at which the proposition to establish that  
28 district is to be submitted to voters or if the regional  
29 superintendent of schools finds it to be in the best interest  
30 of the districts involved to elect school board members of the  
31 school district proposed to be created at a consolidated  
32 election or general primary election, then that fact shall be  
33 included in the notice of referendum.

1           (2) If the members of the school board of the school  
2           district proposed to be created are not to be elected at  
3           the same election at which the proposition to establish  
4           that district is to be submitted to the voters, then the  
5           regional superintendent of schools shall order an election  
6           to be held on the next regularly scheduled election date  
7           for the purpose of electing a school board for that  
8           district.

9           (3) In either event, the school board elected for a new  
10           school district or districts created under this Article  
11           shall consist of 7 members who shall have the terms and the  
12           powers and duties of school boards as provided by statute.

13           (d) All notices regarding propositions for reorganization  
14           or creation of new school districts under this Article shall be  
15           given in accordance with the general election law in  
16           substantially the following form:

17           (1) Notice in high school - unit conversion or unit to  
18           dual conversion:

19                           NOTICE OF REFERENDUM TO DISSOLVE

20                                   CERTAIN SCHOOL DISTRICTS AND

21                                   ESTABLISH CERTAIN NEW SCHOOL DISTRICTS

22           NOTICE is hereby given that on (insert date), a  
23           referendum will be held in part(s) of ..... county  
24           (counties) for the purpose of voting for or against the  
25           proposition to dissolve (here identify the school  
26           districts to be dissolved by name and number) and to  
27           establish new school districts for the following described  
28           territory: A new (here specify elementary, high school, or  
29           unit) district shall be formed from (here describe the  
30           territory, which, for territory currently included in an  
31           entire school district, may be a general reference to all  
32           of the territory included within that particular school

1 district). (Here repeat the territory information for each  
2 new school district.)

3 The election is called and will be held pursuant to an  
4 order of the Regional Superintendent dated on (insert  
5 date), which order states that if a majority of the voters  
6 in each of the affected districts voting on the proposition  
7 at the referendum vote in favor thereof, the tax rates for  
8 various purposes of the new districts shall be as follows:  
9 For the new (here specify elementary, high school, or unit)  
10 district formed from the territory of (here describe  
11 territory, which, for territory currently included in an  
12 entire school district, may be a general reference to all  
13 of the territory included within that particular  
14 district), the tax rates for various purposes shall be  
15 (here specify the maximum tax rates for various purposes  
16 the proposed school district is authorized to levy in  
17 accordance with Section 11E-80 of this Code). (Here repeat  
18 the tax rate information for each new school district.)

19 Dated (insert date).

20 Regional Superintendent of Schools .....

21 (2) Notice for combined school district formation:

22 NOTICE OF REFERENDUM

23 TO ESTABLISH COMBINED SCHOOL DISTRICT

24 NOTICE is hereby given that on (insert date), a  
25 referendum will be held in part(s) of ..... county  
26 (counties) for the purpose of voting for or against the  
27 proposition to establish a combined (here insert  
28 elementary, high school, or unit) school district for the  
29 following described territory: (here describe the  
30 territory, which, for territory currently included in an  
31 entire school district, may be a general reference to all

1 of the territory included within that particular school  
 2 district). The election is called and will be held pursuant  
 3 to an order of the Regional Superintendent dated on (insert  
 4 date), which order states that if a majority of the voters  
 5 in each of the affected school districts voting on the  
 6 proposition at the referendum vote in favor thereof, the  
 7 tax rates for various purposes of the proposed combined  
 8 school district shall be (here specify the maximum tax  
 9 rates for various purposes the proposed combined school  
 10 district is authorized to levy in accordance with Section  
 11 11E-80 of this Code).

12 Dated (insert date).

13 Regional Superintendent of Schools .....

14 (3) Notice for unit district formation (other than a  
 15 partial elementary unit district):

16 NOTICE OF REFERENDUM TO ESTABLISH  
 17 A COMMUNITY UNIT DISTRICT

18 NOTICE is hereby given that on (insert date), a  
 19 referendum will be held in part(s) of ..... county  
 20 (counties) for the purpose of voting for or against the  
 21 proposition to establish a unit district for the following  
 22 described territory: (here describe the territory, which,  
 23 for territory currently included in an entire school  
 24 district, may be a general reference to all of the  
 25 territory included within that particular school  
 26 district). The election is called and will be held pursuant  
 27 to an order of the Regional Superintendent dated on (insert  
 28 date), which order states that if a majority of the voters  
 29 in each of the affected school districts voting on the  
 30 proposition at the referendum vote in favor thereof, the  
 31 tax rates for various purposes for the proposed unit

1 district shall be (here specify the maximum tax rates for  
2 various purposes the proposed unit district shall be  
3 authorized to levy in accordance with Section 11E-80 of  
4 this Code).

5 Dated (insert date).

6 Regional Superintendent of Schools .....

7 (4) Notice for combined high school - unit district  
8 formation:

9 NOTICE OF REFERENDUM

10 TO ESTABLISH COMBINED HIGH SCHOOL - UNIT DISTRICT

11 NOTICE is hereby given that on (insert date), a  
12 referendum will be held in part(s) of ..... county  
13 (counties) for the purpose of voting for or against the  
14 proposition to establish a combined high school - unit  
15 district for the following described territory: (here  
16 describe the territory, which, for territory currently  
17 included in an entire school district, may be a general  
18 reference to all of the territory included within that  
19 particular school district). The following described  
20 territory shall be included in the combined high school -  
21 unit district for high school purposes only: (here describe  
22 the territory that will be included only for high school  
23 purposes, which, for territory currently included in an  
24 entire school district, may be a general reference to all  
25 of the territory included within that particular school  
26 district). The election is called and will be held pursuant  
27 to an order of the Regional Superintendent dated on (insert  
28 date), which order states that if a majority of the voters  
29 in each of the affected school districts voting on the  
30 proposition at the referendum vote in favor thereof, the  
31 tax rates for various purposes for the proposed combined



1 high school - unit district shall be (here specify the  
2 maximum tax rates for various purposes the proposed  
3 combined high school - unit district shall be authorized to  
4 levy in accordance with Sections 11E-80 and 11E-90 of this  
5 Code).

6 Dated (insert date).

7 Regional Superintendent of Schools .....

8 (5) Notice for multi-unit conversion:

9 NOTICE OF REFERENDUM TO DISSOLVE CERTAIN

10 UNIT SCHOOL DISTRICTS AND ESTABLISH CERTAIN

11 NEW SCHOOL DISTRICTS

12 NOTICE is hereby given that on (insert date), a  
13 referendum will be held in part(s) of ..... county  
14 (counties) for the purpose of voting for or against the  
15 proposition to dissolve (here identify the districts to be  
16 dissolved by name and number) and to establish new school  
17 districts for the following described territory: A new  
18 (here specify elementary or combined high school - unit)  
19 district shall be formed from (here describe the territory,  
20 which, for territory currently included in an entire school  
21 district, may be a general reference to all of the  
22 territory included within that particular school  
23 district). (Here repeat the territory information for each  
24 new school district.) The following described territory  
25 shall be included in the proposed combined high school -  
26 unit district only for high school purposes: (here describe  
27 the territory that will only be included for high school  
28 purposes, which, for territory currently included in an  
29 entire school district, may be a general reference to all  
30 of the territory included within that particular school  
31 district).

1           The election is called and will be held pursuant to an  
2           order of the Regional Superintendent dated on (insert  
3           date), which order states that if a majority of the voters  
4           in each of the affected districts voting on the proposition  
5           at the referendum vote in favor thereof, the tax rates for  
6           various purposes of the new districts shall be as follows:  
7           For the new elementary district formed from the territory  
8           of (here identify the unit district by name and number) the  
9           tax rates for various purposes shall be (here specify the  
10           maximum tax rates for various purposes the proposed  
11           elementary district is authorized to levy in accordance  
12           with Section 11E-80 of this Code). (Here repeat the tax  
13           rate information for each new elementary district.) For the  
14           new combined high school - unit district, the tax rates for  
15           various purposes shall be (here specify the maximum tax  
16           rates for various purposes the proposed combined high  
17           school - unit district shall be authorized to levy in  
18           accordance with Sections 11E-80 and 11E-90 of this Code).  
19           Dated (insert date).  
20           Regional Superintendent of Schools .....

21           (6) Notice for optional elementary unit district  
22           formation:

23                           NOTICE OF REFERENDUM TO ESTABLISH  
24                           AN OPTIONAL ELEMENTARY UNIT DISTRICT

25           NOTICE is hereby given that on (insert date), a  
26           referendum will be held in part(s) of ..... county  
27           (counties) for the purpose of voting for or against the  
28           proposition to establish an optional elementary unit  
29           district for the following described territory: (here  
30           describe the elementary and high school district territory  
31           by name and number). If a majority of the voters in one or

1 more of the affected elementary districts and in the  
2 affected high school district voting on the proposition at  
3 the referendum vote in favor thereof, all of the territory  
4 included within the affected high school district shall be  
5 included in the optional elementary unit district for high  
6 school purposes. However, only the territory of elementary  
7 districts in which a majority of the voters voting in the  
8 proposition at the referendum vote in favor thereof shall  
9 be included in the optional elementary unit district for  
10 elementary purposes. The election is called and will be  
11 held pursuant to an order of the Regional Superintendent  
12 dated on (insert date), which order states that if a  
13 majority of the voters in one or more of the affected  
14 elementary districts and in the affected high school  
15 district voting on the proposition at the referendum vote  
16 in favor thereof, the tax rates for various purposes for  
17 the proposed optional elementary unit district shall be  
18 (here list the maximum tax rates for various purposes the  
19 proposed optional elementary unit district is authorized  
20 to levy in accordance with Sections 11E-80 and 11E-95 of  
21 this Code).  
22 Dated (insert date).  
23 Regional Superintendent of Schools .....

24 (8) Notice for an elementary district to opt into a  
25 partial elementary unit district:

26 NOTICE OF REFERENDUM TO JOIN  
27 AN OPTIONAL ELEMENTARY UNIT DISTRICT

28 NOTICE is hereby given that on (insert date), a  
29 referendum will be held in part(s) of ..... county  
30 (counties) for the purpose of voting for or against the  
31 proposition to dissolve an elementary district and join an

1 optional elementary unit district for kindergarten through  
 2 12 grade-level purposes for all of the territory included  
 3 within (here identify the elementary district by name and  
 4 number). The election is called and will be held pursuant  
 5 to an order of the Regional Superintendent dated on (insert  
 6 date), which order states that if a majority of the voters  
 7 in the elementary school district voting on the proposition  
 8 at the referendum vote in favor thereof, the tax rates for  
 9 various purposes for the optional elementary unit district  
 10 shall be (here list the maximum tax rates for various  
 11 purposes the optional elementary unit district is  
 12 authorized to levy in accordance with Sections 11E-80 and  
 13 11E-95 of this Code).

14 Dated (insert date).

15 Regional Superintendent of Schools .....

16 (105 ILCS 5/11E-60 new)

17 Sec. 11E-60. Ballots.

18 (a) Separate ballots shall be used for the election in each  
 19 affected district. If the petition requests the submission of a  
 20 proposition for the issuance of bonds, then that question shall  
 21 be submitted to the voters at the referendum on a separate  
 22 ballot.

23 (b) Ballots for all reorganization propositions submitted  
 24 under the provisions of this Article must be in substantially  
 25 the following form:

26 (1) Ballot for high school - unit conversion or unit to  
 27 dual conversion:

28 OFFICIAL BALLOT

29 Shall (here identify the districts to be dissolved by  
 30 name and number) be dissolved and new school districts be  
 31 established as follows: a new (here specify elementary,

1 high school, or unit) district formed from all of the  
2 territory included within (here identify the existing  
3 school district by name and number), with the authority to  
4 levy taxes for various purposes as follows: (here specify  
5 the maximum tax rates for various purposes the new school  
6 district is authorized to levy in accordance with Section  
7 11E-80 of this Code), each upon all of the taxable property  
8 of the school district at the value thereof, as equalized  
9 or assessed by the Department of Revenue, and a new (here  
10 repeat the information for each new school district)?

11 (2) Ballot for combined school district formation:

12 OFFICIAL BALLOT

13 Shall a combined (here insert elementary, high, or  
14 unit) school district, with the authority to levy taxes at  
15 the rate of (here specify the maximum tax rates for various  
16 purposes the new unit district is authorized to levy in  
17 accordance with Section 11E-80 of this Code), each upon all  
18 of the taxable property of the district at the value  
19 thereof, as equalized or assessed by the Department of  
20 Revenue, be established?

21 The election authority must record the votes "Yes" or  
22 "No".

23 (3) Ballot for unit district formation (other than a  
24 partial elementary unit district formation):

25 OFFICIAL BALLOT

26 Shall a unit district, with the authority to levy taxes  
27 at the rate of (here specify the maximum tax rates for

1 various purposes the new unit district is authorized to  
2 levy in accordance with Section 11E-80 of this Code), each  
3 upon all of the taxable property of the district at the  
4 value thereof, as equalized or assessed by the Department  
5 of Revenue, be established?

6 The election authority must record the votes "Yes" or  
7 "No".

8 (4) Ballot for a combined high school - unit district  
9 formation:

10 OFFICIAL BALLOT

11 Shall a combined high school - unit district, with the  
12 authority to levy taxes at the rate of (here specify the  
13 maximum tax rates for various purposes the new optional  
14 elementary unit district is authorized to levy in  
15 accordance with Sections 11E-80 and 11E-95 of this Code),  
16 each upon all of the taxable property of the district at  
17 the value thereof, as equalized or assessed by the  
18 Department of Revenue, be established?

19 The election authority must record the votes "Yes" or  
20 "No".

21 (5) Ballot for an optional elementary unit district  
22 formation:

23 OFFICIAL BALLOT

24 Shall an optional elementary unit district, with the  
25 authority to levy taxes at the rate of (here specify the  
26 maximum tax rates for various purposes the new optional

1 elementary unit district is authorized to levy in  
2 accordance with Sections 11E-80 and 11E-95 of this Code),  
3 each upon all of the taxable property of the district at  
4 the value thereof, as equalized or assessed by the  
5 Department of Revenue, be established?

6 The election authority must record the votes "Yes" or  
7 "No".

8 (6) Ballot for multi-unit conversion:

9 OFFICIAL BALLOT

10 Shall (here identify the districts to be dissolved by  
11 name and number) be dissolved and new school districts  
12 established as follows: a new elementary district formed  
13 from all of the territory included within (here identify  
14 the existing school district by name and number), with the  
15 authority to levy taxes for various purposes as follows:  
16 (here specify the maximum tax rates for various purposes  
17 the new school district is authorized to levy in accordance  
18 with Section 11E-80 of this Code), each upon all of the  
19 taxable property of the school district at the value  
20 thereof, as equalized or assessed by the Department of  
21 Revenue, (here repeat the information for each new  
22 elementary school district), and a new combined high school  
23 - unit district formed from all of the territory included  
24 within (here identify the existing school district by name  
25 and number), with the authority to levy taxes for various  
26 purposes as follows: (here specify the maximum tax rates  
27 for various purposes the new combined high school - unit  
28 district is authorized to levy in accordance with Sections  
29 11E-80 and 11E-90 of this Code), each upon all of the  
30 taxable property of the school district at the value

1 thereof, as equalized or assessed by the Department of  
2 Revenue?

3 The election authority must record the votes "Yes" or  
4 "No".

5 (7) Ballot for an elementary school district to  
6 dissolve and join an optional elementary unit district:

7 OFFICIAL BALLOT

8 Shall (here identify the elementary district by name  
9 and number) be dissolved and join (here identify the  
10 optional elementary unit district by name and number), with  
11 the authority to levy taxes at the rate of (here specify  
12 the maximum tax rates for various purposes the optional  
13 elementary unit district is authorized to levy in  
14 accordance with Sections 11E-80 and 11E-95 of this Code),  
15 each upon all of the taxable property of the district at  
16 the value thereof, as equalized or assessed by the  
17 Department of Revenue?

18 The election authority must record the votes "Yes" or  
19 "No".

20 (105 ILCS 5/11E-65 new)

21 Sec. 11E-65. Passage requirements.

22 (a) Except as otherwise provided in subsections (b) and (c)  
23 of this Section, if a majority of the electors voting at the  
24 election in each affected district vote in favor of the  
25 proposition submitted to them, then the proposition shall be  
26 deemed to have passed.

27 (b) In the case of an optional elementary unit district to  
28 be created as provided in subsection (c) of Section 11E-30 of



1 this Code, if a majority of the electors voting in the high  
2 school district and a majority of the voters voting in at least  
3 one affected elementary district vote in favor of the  
4 proposition submitted to them, then the proposition shall be  
5 deemed to have passed and an optional elementary unit district  
6 shall be created for all of the territory included in the  
7 petition for high school purposes, and for the territory  
8 included in the affected elementary districts voting in favor  
9 of the proposition for elementary purposes.

10 (c) In the case of an elementary district electing to join  
11 an optional elementary unit district in accordance with  
12 subsection (d) of Section 11E-30 of this Code, a majority of  
13 the electors voting in that elementary district only must vote  
14 in favor of the proposition at a regularly scheduled election.

15 (d) (1) If a majority of the voters in at least 2 unit  
16 districts have voted in favor of a proposition to create a new  
17 unit district, but the proposition was not approved under the  
18 standards set forth in subsection (a) of this Section, then the  
19 members of the Committee of Ten shall submit an amended  
20 petition for consolidation to the school boards of those  
21 districts, as long as the territory involved is compact and  
22 contiguous. The petition submitted to the school boards shall  
23 be identical in form and substance to the petition previously  
24 approved by the regional superintendent of schools, with the  
25 sole exception that the territory comprising the proposed  
26 district shall be amended to include the compact and contiguous  
27 territory of those unit districts in which a majority of the  
28 voters voted in favor of the proposal.

29 (2) Each school board to which the petition is  
30 submitted shall meet and vote to approve or not approve the  
31 amended petition no more than 30 days after it has been  
32 filed with the school board. The regional superintendent of  
33 schools shall make available to each school board with  
34 which a petition has been filed all transcripts and records

1 of the previous petition hearing. The school boards shall,  
2 by appropriate resolution, approve or disapprove the  
3 amended petition. No school board may approve an amended  
4 petition unless it first finds that the territory described  
5 in the petition is compact and contiguous.

6 (3) If a majority of the members of each school board  
7 to whom a petition is submitted votes in favor of the  
8 amended petition, then the approved petition shall be  
9 transmitted by the secretary of each school board to the  
10 State Superintendent of Education, who shall, within 30  
11 days after receipt, approve or deny the amended petition  
12 based on the criteria stated in subsection (b) of Section  
13 11E-50 of this Code. If approved by the State  
14 Superintendent of Education, the petition shall be placed  
15 on the ballot at the next regularly scheduled election.

16 (105 ILCS 5/11E-70 new)

17 Sec. 11E-70. Effective date of change.

18 (a) If a petition is filed under the authority of this  
19 Article, the change is granted and approved at election, and no  
20 appeal is taken, the change shall become effective after the  
21 time for appeal has run for the purpose of all elections;  
22 however, the change shall not affect the administration of the  
23 schools until July 1 following the date that the school board  
24 election is held for the new district or districts and the  
25 school boards of the districts as they existed prior to the  
26 change shall exercise the same power and authority over the  
27 territory until that date.

28 (b) If any school district is dissolved in accordance with  
29 this Article, upon the close of the then current school year,  
30 the terms of office of the school board of the dissolved  
31 district shall terminate.

32 (c) New districts shall be permitted to organize and elect  
33 officers within the time prescribed by the general election

1 law. Additionally, between the date of the organization and the  
2 election of officers and the date on which the new district  
3 takes effect for all purposes, the new district shall also be  
4 permitted, with the stipulation of the districts from which the  
5 new district is formed and the approval of the regional  
6 superintendent of schools, to take all action necessary or  
7 appropriate to do the following:

8 (1) Establish the tax levy for the new district, in  
9 lieu of the levies by the districts from which the new  
10 district is formed, within the time generally provided by  
11 law and in accordance with this Article. The funds produced  
12 by the levy shall be transferred to the new district as  
13 generally provided by law at such time as they are received  
14 by the county collector.

15 (2) Enter into agreements with depositories and direct  
16 the deposit and investment of any funds received from the  
17 county collector or any other source, all as generally  
18 provided by law.

19 (3) Conduct a search for the superintendent of the new  
20 district and enter into a contract with the person selected  
21 to serve as the superintendent of the new district in  
22 accordance with the provisions of this Code generally  
23 applicable to the employment of a superintendent.

24 (4) Conduct a search for other administrators and staff  
25 of the new district and enter into a contract with these  
26 persons in accordance with the provisions of this Code  
27 generally applicable to the employment of administrators  
28 and other staff.

29 (5) Engage the services of accountants, architects,  
30 attorneys, and other consultants, including but not  
31 limited to consultants to assist in the search for the  
32 superintendent.

33 (6) Plan for the transition from the administration of  
34 the schools by the districts from which the new district is

1 formed.

2 (7) Bargain collectively, pursuant to the Illinois  
3 Educational Labor Relations Act, with the certified  
4 exclusive bargaining representative or certified exclusive  
5 bargaining representatives of the new district's  
6 employees.

7 (8) Expend the funds received from the levy and any  
8 funds received from the districts from which the new  
9 district is formed to meet payroll and other essential  
10 operating expenses or otherwise in the exercise of the  
11 foregoing powers until the new district takes effect for  
12 all purposes.

13 (9) Issue bonds authorized in the proposition to form  
14 the new district or bonds pursuant to and in accordance  
15 with all of the requirements of Section 17-2.11 of this  
16 Code, levy taxes upon all of the taxable property within  
17 the new district to pay the principal of and interest on  
18 those bonds as provided by statute, expend the proceeds of  
19 the bonds and enter into any necessary contracts for the  
20 work financed therewith as authorized by statute, and avail  
21 itself of the provisions of other applicable law, including  
22 the Omnibus Bond Acts, in connection with the issuance of  
23 those bonds.

24 (d) After the granting of a petition has become final and  
25 approved at election, the date when the change becomes  
26 effective for purposes of administration and attendance may be  
27 accelerated or postponed by stipulation of the school board of  
28 each district affected and approval by the regional  
29 superintendent of schools with which the original petition is  
30 required to be filed.

31 (105 ILCS 5/11E-75 new)

32 Sec. 11E-75. Map showing change. Within 30 days after a new  
33 school district has been created or the boundaries of an

1 existing district have been changed under the provisions of  
2 this Article, the regional superintendent of schools of any  
3 county involved shall make and file with the county clerk of  
4 his or her county a map of any districts changed by the action,  
5 whereupon the county clerk or county clerks, as the case may  
6 be, shall extend taxes against the territory in accordance  
7 therewith.

8 (105 ILCS 5/11E-80 new)

9 Sec. 11E-80. Specification of taxing purposes and rates.  
10 Whenever taxing purposes and rates are required to be specified  
11 or described under this Article for petition, hearing, notice,  
12 or ballot requirements, the purposes and rates shall be  
13 specified or described in accordance with this Section and,  
14 where applicable, shall also include a specification of the  
15 aggregate extension base and debt service extension base in  
16 accordance with the Property Tax Extension Limitation Law.

17 (1) For the formation of a district not subject to the  
18 Property Tax Extension Limitation Law, other than a partial  
19 elementary unit district, all of the following must be  
20 done:

21 (A) List the maximum rate at which the district  
22 will be authorized to levy a tax for educational  
23 purposes, operations and maintenance purposes, and  
24 pupil transportation purposes (such as ..... % for  
25 educational purposes, .....% for operations and  
26 maintenance purposes, and .....% for pupil  
27 transportation purposes), subject to the rate  
28 limitations specified in Sections 17-2 and 17-3 of this  
29 Code.

30 (B) If it is desired to secure authority to levy  
31 other taxes above the statutory permissive rate or, for  
32 a unit district, authority to levy taxes for capital  
33 improvement purposes at a rate authorized by Section

1       17-2 of this Code, then list the maximum rate at which  
2       the district will be authorized to levy a tax for each  
3       such purpose (such as .....% for special educational  
4       purposes, .....% for leasing educational facilities or  
5       computer technology purposes, .....% for capital  
6       improvement purposes, and .....% for fire prevention  
7       and safety purposes), subject to all applicable  
8       statutory rate limitations.

9       (2) For the formation of a district that is subject to  
10      the Property Tax Extension Limitation Law, other than a  
11      partial elementary unit district, all of the following must  
12      be done:

13           (A) List the purpose for each and every tax that  
14           the new district will be authorized to levy (such as  
15           educational purposes and operations and maintenance  
16           purposes).

17           (B) For each tax purpose listed, specify the  
18           maximum rate at which the district will be authorized  
19           to levy each tax (such as .....% for educational  
20           purposes and .....% for operations and maintenance  
21           purposes), subject to all applicable statutory rate  
22           limitations.

23           (C) Specify the aggregate extension base the  
24           district will seek to establish in conformity with the  
25           provisions of Section 18-210 of the Property Tax Code.  
26           Notwithstanding any provision to the contrary  
27           contained in the Property Tax Extension Limitation  
28           Law, no notice and referendum requirements other than  
29           those set forth in this Article shall be required to  
30           establish an aggregate extension base for a new  
31           district formed in accordance with this Article.

32           (D) If desired, specify the debt service extension  
33           base the district will seek to establish in accordance  
34           with Section 18-212 of the Property Tax Code.

1 Notwithstanding any provision to the contrary  
2 contained in the Property Tax Extension Limitation  
3 Law, no notice and referendum requirements other than  
4 those set forth in this Article shall be required to  
5 establish a debt service extension base for a new  
6 district formed in accordance with this Article.

7 (3) For the formation of a partial elementary unit  
8 district not subject to the Property Tax Extension  
9 Limitation Law, the purposes and tax rate information  
10 required by subsection (b) of Section 11E-90 or subsection  
11 (b) of Section 11E-95 of this Code, as applicable, must be  
12 specified.

13 (4) For the formation of a partial elementary unit  
14 district that is subject to the Property Tax Extension  
15 Limitation Law, all of the following must be done:

16 (A) List the purpose for each and every tax that  
17 the new district will be authorized to levy, including  
18 an indication of whether the tax is for grade K through  
19 8 or grade 9 through 12 purposes, to the extent  
20 required by Section 11E-90 or 11E-95 of this Code.

21 (B) For each tax purpose listed, list the maximum  
22 rate at which the district will be authorized to levy  
23 each tax, subject to the rate limitations specified in  
24 subsection (b) of Section 11E-90 or subsection (b) of  
25 Section 11E-95 of this Code, as applicable, and  
26 elsewhere in statute.

27 (C) Specify the aggregate extension base the  
28 district will seek to establish in conformity with the  
29 provisions of Section 18-210 of the Property Tax Code.

30 Notwithstanding any provision to the contrary  
31 contained in the Property Tax Extension Limitation  
32 Law, no notice and referendum requirements other than  
33 those set forth in this Article shall be required to  
34 establish an aggregate extension base for a new

1 district formed in accordance with this Article.

2 (D) If desired, specify the debt service extension  
3 base the district will seek to establish in accordance  
4 with Section 18-212 of the Property Tax Code.  
5 Notwithstanding any provision to the contrary  
6 contained in the Property Tax Extension Limitation  
7 Law, no notice and referendum requirements other than  
8 those set forth in this Article shall be required to  
9 establish a debt service extension base for a new  
10 district formed in accordance with this Article.

11 (105 ILCS 5/11E-85 new)

12 Sec. 11E-85. Tax levy and borrowing authority, bonds, and  
13 working cash funds; districts other than partial elementary  
14 unit districts. The school board of any district involved in a  
15 school district conversion or the school board of any new  
16 district created under the provisions of this Article other  
17 than a partial elementary unit district may do any of the  
18 following:

19 (1) Levy for the purposes and at not exceeding the  
20 rates specified in the petition with respect to each  
21 district, which rates thereafter may be increased or  
22 decreased in accordance with Sections 17-2 through 17-7 of  
23 this Code, and further levy taxes for other purposes as  
24 generally permitted by law.

25 (2) Borrow money and issue bonds as authorized in  
26 Articles 10 and 19 of this Code and as otherwise permitted  
27 by law.

28 (3) Establish, maintain, or re-create a working cash  
29 fund as authorized by Article 20 of this Code.

30 (105 ILCS 5/11E-90 new)

31 Sec. 11E-90. Classification of property, taxes, bonds, and  
32 funds for combined high school; unit districts.



1       (a) All real property included within the boundaries of a  
2 combined high school - unit district created in accordance with  
3 this Article shall be classified into either a high school only  
4 classification or elementary and high school classification as  
5 follows:

6           (1) Real property included within the high school only  
7 classification shall include all of the real property  
8 included within the boundaries of the combined high school  
9 - unit district and the boundaries of a separate school  
10 district organized and established for purposes of  
11 providing instruction up to and including grade 8.

12           (2) Real property included within the elementary and  
13 high school classification shall include all of the real  
14 property of the combined high school - unit district not  
15 included in the high school only classification.

16       (b) The petition to establish a combined high school - unit  
17 district shall set forth the maximum annual authorized tax  
18 rates for the proposed district as follows:

19           (1) The petition to establish a combined high school -  
20 unit district must include a maximum annual authorized tax  
21 rate for both grade K through 8 educational purposes and  
22 grade 9 through 12 educational purposes. The rate for grade  
23 K through 8 educational purposes shall not exceed 3.5%. The  
24 rate for grade 9 through 12 educational purposes shall not  
25 exceed 3.5%. The combined rate for both grade K through 8  
26 and grade 9 through 12 educational purposes shall not  
27 exceed 4.0%.

28           (2) The petition to establish a combined high school -  
29 unit district must include a maximum annual authorized tax  
30 rate for both grade K through 8 operations and maintenance  
31 purposes and grade 9 through 12 operations and maintenance  
32 purposes. The rate for grade K through 8 operations and  
33 maintenance purposes shall not exceed 0.55%. The rate for  
34 grade 9 through 12 operations and maintenance purposes

1 shall not exceed 0.55%. The combined rate for both grade K  
2 through 8 and grade 9 through 12 operations and maintenance  
3 purposes shall not exceed 0.75%.

4 (3) The petition to establish a combined high school -  
5 unit district must include a maximum annual authorized tax  
6 rate for both grade K through 8 special education purposes  
7 and grade 9 through 12 special education purposes. The rate  
8 for grade K through 8 special education purposes shall not  
9 exceed 0.40%. The rate for grade 9 through 12 special  
10 education purposes shall not exceed 0.40%.

11 (4) The petition to establish a combined high school -  
12 unit district must include a maximum annual authorized tax  
13 rate for transportation purposes.

14 (5) If it is desired to secure authority to levy other  
15 taxes above the permissive rate applicable to unit  
16 districts as specified elsewhere in statute, the petition  
17 must include the maximum annual authorized tax rate at  
18 which the district will be authorized to levy a tax for  
19 each such purpose, not to exceed the maximum rate  
20 applicable to unit districts as specified elsewhere in  
21 statute.

22 (c) The school board of any new combined high school - unit  
23 district created under the provisions of this Article may levy  
24 a tax annually upon all of the taxable property of the district  
25 at the value as equalized or assessed by the Department of  
26 Revenue, as follows:

27 (1) For all real property within the district, rates  
28 not to exceed the maximum annual authorized grade 9 through  
29 12 educational purposes rate established in accordance  
30 with subdivision (1) of subsection (b) of this Section, the  
31 maximum annual authorized grade 9 through 12 operation and  
32 maintenance purposes rate established in accordance with  
33 subdivision (2) of subsection (b) of this Section, the  
34 maximum annual authorized grade 9 through 12 special

1 education purposes rate established in accordance with  
2 subdivision (3) of subsection (b) of this Section, the  
3 maximum annual authorized transportation purposes rate  
4 established in accordance with subdivision (4) of  
5 subsection (b) of this Section, and for all other purposes,  
6 the statutory permissive rate for unit districts or the  
7 maximum annual authorized rate for that purpose  
8 established in accordance with subdivision (5) of  
9 subsection (b) of this Section.

10 (2) For all real property in the district included  
11 within the elementary and high school classification, in  
12 addition to the rates authorized by subdivision (1) of this  
13 subsection (c), rates not to exceed the maximum annual  
14 authorized grade K through 8 educational purposes rate  
15 established in accordance with subdivision (1) of  
16 subsection (b) of this Section, the maximum annual  
17 authorized grade K through 8 operation and maintenance  
18 purposes rate established in accordance with subdivision  
19 (2) of subsection (b) of this Section, and the maximum  
20 annual authorized grade K through 8 special education  
21 purposes rate established in accordance with subdivision  
22 (3) of subsection (b) of this Section.

23 (d) The school board may, subsequent to the formation of  
24 the district and in accordance with Sections 17-2 through 17-7  
25 of this Code, seek to increase the maximum annual authorized  
26 tax rates for any statutorily authorized purpose up to the  
27 maximum rate set forth in subsection (b) of this Section or  
28 otherwise applicable to unit districts as specified elsewhere  
29 in statute, whichever is less, subject to the following  
30 approval requirements:

31 (1) The school board may increase the following rates  
32 only after submitting a proper resolution to the voters of  
33 the district at any regular scheduled election and  
34 obtaining approval by both a majority of voters living in

1 the portion of the territory included within the high  
2 school only classification voting on the proposition and a  
3 majority of voters living in the portion of the territory  
4 included within the elementary and high school  
5 classification voting on the proposition:

6 (A) The maximum annual authorized grade 9 through  
7 12 educational purposes rate established in accordance  
8 with subdivision (1) of subsection (b) of this Section,  
9 as may be increased thereafter in accordance with this  
10 subsection (d).

11 (B) The maximum annual authorized grade 9 through  
12 12 operation and maintenance purposes rate established  
13 in accordance with subdivision (2) of subsection (b) of  
14 this Section, as may be increased thereafter in  
15 accordance with this subsection (d).

16 (C) The maximum annual authorized grade 9 through  
17 12 special education purposes rate established in  
18 accordance with subdivision (3) of subsection (b) of  
19 this Section, as may be increased thereafter in  
20 accordance with this Section.

21 (D) The maximum annual authorized transportation  
22 purposes rate established in accordance with  
23 subdivision (4) of subsection (b) of this Section, as  
24 may be increased thereafter in accordance with this  
25 subsection (d).

26 (E) For all other statutorily authorized purposes,  
27 any rate exceeding the statutory permissive rate for  
28 unit districts established in accordance with  
29 subdivision (5) of subsection (b) of this Section, as  
30 may be increased thereafter in accordance with this  
31 Section.

32 (2) The school board may increase the following rates  
33 only after submitting a proper resolution to the voters of  
34 the district living in the portion of the territory

1 included within the elementary and high school  
2 classification at any regular scheduled election and  
3 obtaining approval by a majority of voters living in the  
4 portion of the territory included within the elementary and  
5 high school classification voting on the proposition:

6 (A) The maximum annual authorized grade K through 8  
7 educational purposes rate established in accordance  
8 with subdivision (1) of subsection (b) of this Section,  
9 as may be increased thereafter in accordance with this  
10 subsection (d).

11 (B) The maximum annual authorized grade K through 8  
12 operation and maintenance purposes rate established in  
13 accordance with subdivision (2) subsection (b) this  
14 Section, as may be increased thereafter in accordance  
15 with this subsection (d).

16 (C) The maximum annual authorized grade K through 8  
17 special education purposes rate established in  
18 accordance with subdivision (3) of subsection (b) of  
19 this Section, as may be increased thereafter in  
20 accordance with this Section.

21 (e) The school board may, after submitting a proper  
22 resolution to the voters of the district at any regular  
23 scheduled election, seek to do either of the following:

24 (1) Increase or decrease the maximum authorized annual  
25 tax rate for grade K through 8 educational purposes with an  
26 equal corresponding increase or decrease of the maximum  
27 authorized annual tax rate for grade 9 through 12  
28 educational purposes, such that there is no change in the  
29 total combined maximum authorized annual tax rate for both  
30 purposes.

31 (2) Increase or decrease the maximum authorized annual  
32 tax rate for grade K through 8 operations and maintenance  
33 purposes with an equal corresponding increase or decrease  
34 of the maximum authorized annual tax rate for grade 9

1 through 12 operations and maintenance purposes, such that  
2 there is no change in the total combined maximum authorized  
3 annual tax rate for both purposes.

4 Any modification to maximum authorized annual tax rates  
5 pursuant to this subsection (e) must be approved by both a  
6 majority of voters living in the portion of the territory  
7 included within the high school only classification voting on  
8 the proposition and a majority of voters living in the portion  
9 of the territory included within the elementary and high school  
10 classification voting on the proposition. No maximum tax rate  
11 secured hereunder may exceed the maximum tax rate for a  
12 particular purpose specified elsewhere in statute.

13 (f) The school board may seek to do either of the  
14 following:

15 (1) Increase the maximum authorized annual tax rate for  
16 either grade K through 8 educational purposes or grade K  
17 through 8 operations and maintenance purposes with an equal  
18 corresponding decrease being effected to the maximum  
19 authorized tax rate for the other fund.

20 (2) Increase the maximum authorized annual tax rate for  
21 either grade 9 through 12 educational purposes or grade 9  
22 through 12 operations and maintenance purposes with an  
23 equal corresponding decrease being effected to the maximum  
24 authorized tax rate for the other fund.

25 A proper resolution to increase and concurrently decrease  
26 the maximum authorized annual tax rates for grade K through 8  
27 purposes in accordance with this subsection (f) shall be  
28 submitted to the voters of the district residing in the  
29 elementary and high school classification at any regular  
30 scheduled election and must be approved by a majority of voters  
31 living in the portion of the territory included within the  
32 elementary and high school classification voting on the  
33 proposition. A proper resolution to increase and concurrently  
34 decrease the maximum authorized annual tax rates for grade 9

1 through 12 purposes in accordance with this subsection (f)  
2 shall be submitted to all of the voters of the district at any  
3 regular scheduled election and must be approved by a majority  
4 of voters voting on the proposition. No maximum tax rate  
5 secured hereunder may exceed the maximum tax rate for a  
6 particular purpose specified elsewhere in statute. The terms  
7 and provisions of this subsection (f) shall apply instead of  
8 the terms and provisions of Section 17-6.1 of this Code to any  
9 concurrent equal increase and decrease in the maximum  
10 authorized rates for educational and operations and  
11 maintenance purposes by a combined high school - unit district.

12 (g) The school board may borrow money and issue bonds for  
13 elementary or high school purposes (but not K through 12  
14 purposes) as authorized by Articles 10 and 19 of this Code and  
15 as otherwise permitted by law. All notices, resolutions, and  
16 ballots related to borrowing money and issuing bonds in  
17 accordance with this subsection (g) shall indicate whether the  
18 proposed action is for elementary or high school purposes.  
19 Taxes to pay the principal of, interest on, and premium, if  
20 any, on bonds issued for high school purposes shall be extended  
21 against the entire district, and taxes to pay the principal of,  
22 interest on, and premium, if any, on bonds issued for  
23 elementary purposes shall be extended only against property  
24 within the elementary and high school classification. The  
25 proposition to issue bonds for high school purposes must be  
26 submitted to and approved by a majority of voters of the  
27 district voting on the proposition. Subsequent to the formation  
28 of the district, the proposition to issue bonds for elementary  
29 purposes must only be submitted to and approved by a majority  
30 of voters living in the portion of the territory included  
31 within the elementary and high school classification voting on  
32 the proposition. Notwithstanding the terms and provisions of  
33 Section 19-4 of this Code, the board of a combined high school  
34 - unit district may not seek to designate any bonds issued for

1 high school purposes as bonds issued for elementary purposes or  
2 designate any bonds issued for elementary purposes as bonds  
3 issued for high school purposes. Any petition filed in  
4 accordance with Section 19-9 of this Code requesting that the  
5 proposition to issue bonds for the payment of orders or claims  
6 for elementary purposes be submitted to the voters must be  
7 signed by 10% or more of the registered voters of the  
8 elementary and high school classification. If required  
9 pursuant to Section 19-9 of this Code, the proposition to issue  
10 bonds for the payment of orders or claims for elementary  
11 purposes must only be submitted to and approved by a majority  
12 of voters living in the portion of the territory included  
13 within the elementary and high school classification voting on  
14 the proposition. Taxes to pay the principal of, interest on,  
15 and premium, if any, on any refunding bonds issued in  
16 accordance with Article 19 of this Code to refund bonds,  
17 coupons, or other evidences of indebtedness for bonds issued  
18 for high school purposes shall be extended against the entire  
19 district. Taxes to pay the principal of, interest on, and  
20 premium, if any, on any refunding bonds issued in accordance  
21 with Article 19 of this Code to refund bonds, coupons, or other  
22 evidences of indebtedness for bonds issued for elementary  
23 purposes shall only be extended against the property within the  
24 elementary and high school classification.

25 (h) The school board may establish, maintain, or re-create  
26 a working cash fund for elementary or high school purposes (but  
27 not K through 12 purposes) as authorized by Article 20 of this  
28 Code. All notices, resolutions, and ballots related to the  
29 establishment of a working cash fund shall indicate whether the  
30 working cash fund shall be for elementary or high school  
31 purposes. For purposes of Section 20-2 of this Code, taxes to  
32 pay the principal of, interest on, and premium, if any, on  
33 bonds issued to create a working cash fund for high school  
34 purposes shall be extended against the entire district, and



1 taxes to pay the principal of, interest on, and premium, if  
2 any, on bonds issued to create a working cash fund for  
3 elementary purposes shall be extended only against property  
4 within the elementary and high school classification. Any  
5 petition filed in accordance with Section 20-7 of this Code  
6 requesting that the proposition to issue bonds to establish a  
7 working cash fund for elementary purposes be submitted to the  
8 voters must be signed by 10% or more of the registered voters  
9 of the elementary and high school classification. If required  
10 pursuant to Section 20-7 of this Code, the proposition to issue  
11 bonds for a working cash fund for elementary purposes must only  
12 be submitted to and approved by a majority of voters living in  
13 the portion of the territory included within the elementary and  
14 high school classification voting on the proposition. Upon the  
15 abolishment of the working cash fund for elementary purposes in  
16 accordance with Section 20-8 of this Code, the balance shall be  
17 transferred to the fund established for the receipt of proceeds  
18 from levies specified for grade K through 8 educational  
19 purposes. Upon the abolishment of the working cash fund for  
20 high school purposes in accordance with Section 20-8 of this  
21 Code, the balance shall be transferred to the fund established  
22 for the receipt of proceeds from levies specified for grade 9  
23 through 12 educational purposes.

24 (i) The school board shall establish separate funds for the  
25 receipt of tax proceeds from levies specified for grade K  
26 through 8 purposes and grade 9 through 12 purposes in  
27 accordance with subdivisions (1) through (3) of subsection (b)  
28 of this Section and the receipt of tax and other proceeds from  
29 bond issuances for grade K through 8 purposes and grade 9  
30 through 12 purposes in accordance with subsection (f) of this  
31 Section. Proceeds received from any levy or bond issuance  
32 specified for grade K through 8 purposes shall not be used to  
33 pay for any staff, equipment, materials, facilities,  
34 buildings, land, or services solely related to instruction in

1 grades 9 through 12. Proceeds received from any levy or bond  
2 issuance specified for grade 9 through 12 purposes shall not be  
3 used to pay for any staff, equipment, materials, facilities,  
4 buildings, land, or services solely related to instruction in  
5 grades K through 8. Expenses related to staff, equipment,  
6 materials, facilities, buildings, land, or services related to  
7 instruction in both grades K through 8 and grades 9 through 12  
8 may be paid from proceeds received from a levy or bond issuance  
9 specified for either grade K through 8 purposes or grade 9  
10 through 12 purposes.

11 (j) The school board of a combined high school - unit  
12 district may abate or abolish any fund in accordance with this  
13 Code, provided that no funds may be transferred from an abated  
14 or abolished fund specified for grade K through 8 purposes to a  
15 fund specified for grade 9 through 12 purposes, and no funds  
16 may be transferred from an abated or abolished fund specified  
17 for grade 9 through 12 purposes to a fund specified for grade K  
18 through 8 purposes.

19 (k) To the extent the specific requirements for borrowing  
20 money, levying taxes, issuing bonds, establishing,  
21 maintaining, or recreating a working cash fund, and  
22 transferring funds by a combined high school - unit district  
23 set forth in this Section conflicts with any general  
24 requirements for school districts set forth in Article 10, 17,  
25 19, or 20 of this Code, the requirements set forth in this  
26 Section shall control over any such general requirements.

27 (105 ILCS 5/11E-95 new)

28 Sec. 11E-95. Classification of property, taxes, bonds, and  
29 funds for optional elementary unit districts.

30 (a) All real property included within the boundaries of an  
31 optional elementary unit district created in accordance with  
32 this Article shall be classified into either a high school only  
33 classification or an elementary and high school classification

1 as follows:

2 (1) Real property included within the high school only  
3 classification shall include all of the real property  
4 included within the boundaries of the optional elementary  
5 unit district and the boundaries of a separate school  
6 district organized and established for purposes of  
7 providing instruction up to and including grade 8 that did  
8 not elect to join the optional elementary unit district in  
9 accordance with this Article.

10 (2) Real property included within the elementary and  
11 high school classification shall include all real property  
12 of the optional elementary unit district not included in  
13 the high school only classification.

14 (b) The petition to establish an optional elementary unit  
15 district shall set forth the maximum annual authorized tax  
16 rates for the proposed district as follows:

17 (1) The petition must specify a maximum annual  
18 authorized tax rate for both grade K through 8 educational  
19 purposes and grade 9 through 12 educational purposes. The  
20 rate for grade K through 8 educational purposes shall not  
21 exceed the highest rate for educational purposes extended  
22 by any of the elementary districts included in the petition  
23 in the year immediately preceding the creation of the new  
24 district. The rate for grade 9 through 12 educational  
25 purposes shall be the rate for educational purposes  
26 extended by the high school district in the year  
27 immediately preceding the creation of the new district.  
28 Notwithstanding the foregoing limitations, if any  
29 resulting combined rate for both grade K through 8 and  
30 grade 9 through 12 educational purposes is less than 4.0%,  
31 then the petition may specify a rate for grade K through 8  
32 educational purposes and a rate for grade 9 through 12  
33 educational purposes that, collectively, do not exceed  
34 4.0%.

1           (2) The petition must specify a maximum annual  
2 authorized tax rate for both grade K through 8 operations  
3 and maintenance purposes and grade 9 through 12 operations  
4 and maintenance purposes. The rate for grade K through 8  
5 operations and maintenance purposes shall not exceed the  
6 highest rate for operations and maintenance purposes  
7 extended by any of the elementary districts included in the  
8 petition in the year immediately preceding the creation of  
9 the new district. The rate for grade 9 through 12  
10 operations and maintenance purposes shall be the rate for  
11 operations and maintenance purposes extended by the high  
12 school district in the year immediately preceding the  
13 creation of the new district. Notwithstanding the  
14 foregoing limitations, if any resulting combined rate for  
15 both grade K through 8 and grade 9 through 12 operations  
16 and maintenance purposes is less than 0.75%, then the  
17 petition may specify a rate for grade K through 8  
18 operations and maintenance purposes and a rate for grade 9  
19 through 12 operations and maintenance purposes that,  
20 collectively, do not exceed 0.75%.

21           (3) If desired, the petition must specify a maximum  
22 annual authorized tax rate for both grade K through 8  
23 capital improvement purposes and grade 9 through 12 capital  
24 improvement purposes, with the additional descriptive  
25 information required by Section 17-2.3 of this Code. The  
26 rate for grade K through 8 capital improvement purposes  
27 shall not exceed 0.75%. The rate for grade 9 through 12  
28 capital improvement purposes shall not exceed 0.75%.

29           (4) The petition must specify a maximum annual  
30 authorized tax rate for both grade K through 8 special  
31 education purposes and grade 9 through 12 special education  
32 purposes. The rate for grade K through 8 special education  
33 purposes shall not exceed 0.40%. The rate for grade 9  
34 through 12 special education purposes shall not exceed

1       0.40%.

2       (5) The petition must specify a maximum annual  
3 authorized tax rate for transportation purposes.

4       (6) If it is desired to secure authority to levy other  
5 taxes above the permissive rate applicable to unit  
6 districts as specified elsewhere in statute, the petition  
7 must specify the maximum annual authorized tax rate at  
8 which the district will be authorized to levy a tax for  
9 each such purpose, not to exceed the maximum annual  
10 authorized tax rate applicable to unit districts as  
11 specified elsewhere in statute.

12       (7) The petition may indicate a different rate of  
13 reduction for grade K through 8 and grade 9 through 12  
14 educational purposes or grade K through 8 and grade 9  
15 through 12 operations and maintenance purposes in  
16 accordance with and subject to subsection (d) of this  
17 Section.

18       (8) The aggregate of all rates specified in accordance  
19 with this subsection (b) shall not exceed the highest dual  
20 district rate, excluding rates for bond and interest  
21 levies, applicable to any territory within the high school  
22 district included in the petition in the year immediately  
23 preceding the creation of the new district.

24       (c) The school board of any new optional elementary unit  
25 district created under the provisions of this Article may levy  
26 a tax annually upon all of the taxable property of the district  
27 at the value as equalized or assessed by the Department of  
28 Revenue as follows:

29       (1) For all real property within the district, rates  
30 not to exceed the maximum annual authorized grade 9 through  
31 12 educational purposes rate established in accordance  
32 with subdivision (1) of subsection (b) of this Section, the  
33 maximum annual authorized grade 9 through 12 operation and  
34 maintenance purposes rate established in accordance with

1 subdivision (2) of subsection (b) of this Section, the  
2 maximum annual authorized grade 9 through 12 capital  
3 improvement purposes rate established in accordance with  
4 subdivision (3) of subsection (b) of this Section, the  
5 maximum annual authorized grade 9 through 12 special  
6 education purposes rate established in accordance with  
7 subdivision (4) of subsection (b) of this Section, the  
8 maximum annual authorized transportation purposes rate  
9 established in accordance with subdivision (5) of  
10 subsection (b) of this Section, and, for all other  
11 purposes, the statutory permissive rate for unit districts  
12 or the maximum annual authorized rate for that purpose  
13 established in accordance with subdivision (6) of  
14 subsection (b) of this Section.

15 (2) For all real property in the district included  
16 within the elementary and high school classification, in  
17 addition to the rates authorized by subdivision (1) of this  
18 subsection (c), rates not to exceed the maximum annual  
19 authorized grade K through 8 educational purposes rate  
20 established in accordance with subdivision (1) of  
21 subsection (b) of this Section, the maximum annual  
22 authorized grade K through 8 operation and maintenance  
23 purposes rate established in accordance with subdivision  
24 (2) of subsection (b) of this Section, the maximum annual  
25 authorized grade K through 8 capital improvement purposes  
26 rate established in accordance with subdivision (3) of  
27 subsection (b) of this Section, and the maximum annual  
28 authorized grade K through 8 special education purposes  
29 rate established in accordance with subdivision (4) of  
30 subsection (b) of this Section.

31 (d) (1) If the combined maximum annual authorized rate for  
32 grade K through 8 educational purposes and grade 9 through 12  
33 educational purposes exceeds 4.0%, then, beginning with the  
34 third year of operation of the new optional elementary unit

1 district and in each subsequent year, the combined maximum  
2 annual authorized rate shall be reduced by 0.10% as described  
3 in this paragraph (1) or reduced to 4.0%, whichever is less.  
4 The annual percentage reduction applied to each rate shall be  
5 0.05%, unless a different percentage reduction is specified in  
6 the petition or the rate of reduction is later modified in  
7 accordance with paragraph (4) of this subsection (d). If a  
8 different percentage reduction is specified in the petition,  
9 the combined percentage reduction must equal 0.10% each year.

10 (2) If the combined maximum annual authorized rate for  
11 grade K through 8 and grade 9 through 12 operations and  
12 maintenance purposes exceeds 0.75%, then, beginning with  
13 the third year of operation of the new optional elementary  
14 unit district and in each subsequent year, the combined  
15 maximum annual authorized rate shall be reduced by 0.04% as  
16 described in this paragraph (2) or reduced to 0.75%,  
17 whichever is less. The annual percentage reduction applied  
18 to each rate shall be 0.02%, unless a different percentage  
19 reduction is specified in the petition or the rate of  
20 reduction is later modified in accordance with paragraph  
21 (4) of this subsection (d). If a different percentage  
22 reduction is specified in the petition, the combined  
23 percentage reduction must equal 0.04% each year.

24 (3) If the combined maximum annual authorized rate for  
25 grade K through 8 and grade 9 through 12 capital  
26 improvement purposes exceeds 0.75%, then, beginning with  
27 the seventh year of operation of the new optional  
28 elementary unit district, the combined maximum annual  
29 authorized rate shall be reduced to 0.75%, with the  
30 reduction applied proportionately to the grade K through 8  
31 capital improvement purposes rate and the grade 9 through  
32 12 capital improvement purposes rate. Thereafter, the  
33 combined maximum annual authorized rate for grade K through  
34 8 and grade 9 through 12 capital improvement purposes shall

1 be 0.75%.

2 (4) The school board may, by proper resolution, cause  
3 to be submitted to the voters of the district at any  
4 regular scheduled election following the formation of the  
5 district a proposition to modify the percentage rate of  
6 reduction for grade K through 8 and grade 9 through 12  
7 educational purposes or grade K through 8 and grade 9  
8 through 12 operations and maintenance purposes set forth in  
9 this subsection (d), provided that the combined maximum  
10 annual authorized rate for educational purposes must be  
11 reduced by 0.10% each year and the combined maximum annual  
12 authorized rate for operations and maintenance purposes  
13 must be reduced by 0.04% each year. Any modification to the  
14 percentage rate of reduction pursuant to this paragraph (4)  
15 must be approved by both a majority of voters living in the  
16 portion of the territory included within the high school  
17 only classification voting on the proposition and a  
18 majority of voters living in the portion of the territory  
19 included within the elementary and high school  
20 classification voting on the proposition.

21 (5) The school board may, by proper resolution, cause  
22 to be submitted to the voters of the district at any  
23 regular scheduled election following the formation of the  
24 district a proposition to maintain, for a period not to  
25 exceed 2 years, any maximum annual authorized rate, subject  
26 to reduction in accordance with this subsection (d). If a  
27 majority of voters living in the district voting on the  
28 proposition are in favor thereof, the school board may  
29 thereafter, until the authority is revoked in like manner  
30 or expires without renewal, levy annually a tax as  
31 authorized.

32 (e) The school board may, subsequent to the formation of  
33 the district and in accordance with Sections 17-2 through 17-7  
34 of this Code, seek to increase the maximum annual authorized



1 tax rates of the district, subject to the following  
2 limitations:

3 (i) The combined educational purposes rates may not be  
4 increased to a combined rate exceeding 4.0%.

5 (ii) The combined operations and maintenance purposes  
6 rates may not be increased to a combined rate exceeding  
7 0.75%.

8 (iii) The combined capital improvement purposes rates  
9 may not be increased to a combined rate exceeding 0.75%.

10 (iv) The grade K through 8 special education purposes  
11 rate may not be increased to a rate exceeding 0.4%.

12 (v) The grade 9 through 12 special education purposes  
13 rate may not be increased to a rate exceeding 0.4%.

14 (vi) All other rates may not be increased to a rate  
15 exceeding the maximum annual authorized tax rate for unit  
16 districts as specified elsewhere in statute.

17 Any such increase shall be subject to the following  
18 approval requirements:

19 (1) The school board may increase the following rates  
20 only after submitting a proper resolution to the voters of  
21 the district at any regular scheduled election and  
22 obtaining approval by both a majority of voters living in  
23 the portion of the territory included within the high  
24 school only classification voting on the proposition and a  
25 majority of voters living in the portion of the territory  
26 included within the elementary and high school  
27 classification voting on the proposition:

28 (A) The maximum annual authorized grade 9 through  
29 12 educational purposes rate established in accordance  
30 with subdivision (1) of subsection (b) of this Section,  
31 as may be increased thereafter in accordance with this  
32 subsection (e).

33 (B) The maximum annual authorized grade 9 through  
34 12 operation and maintenance purposes rate established

1 in accordance with subdivision (2) of subsection (b)  
2 this Section, as may be increased thereafter in  
3 accordance with this subsection (e).

4 (C) The maximum annual authorized grades 9 through  
5 12 capital improvement purposes rate established in  
6 accordance with subdivision (3) of subsection (b) of  
7 this Section, as may be increased thereafter in  
8 accordance with this subsection (e).

9 (D) The maximum annual authorized grade 9 through  
10 12 special education purposes rate established in  
11 accordance with subdivision (4) of subsection (b) of  
12 this Section, as may be increased thereafter in  
13 accordance with this Section.

14 (E) The maximum annual authorized transportation  
15 purposes rate established in accordance with  
16 subdivision (5) of subsection (b) of this Section, as  
17 may be increased thereafter in accordance with this  
18 subsection (e).

19 (F) For all other statutorily authorized purposes,  
20 any rate exceeding the statutory permissive rate for  
21 unit districts established in accordance with  
22 subdivision (6) of subsection (b) of this Section, as  
23 may be increased thereafter in accordance with this  
24 Section.

25 (2) The school board may increase the following rates  
26 only after submitting a proper resolution to the voters of  
27 the district living in the portion of the territory  
28 included within the elementary and high school  
29 classification at any regular scheduled election and  
30 obtaining approval by a majority of voters living in the  
31 portion of the territory included within the elementary and  
32 high school classification voting on the proposition:

33 (A) The maximum annual authorized grade K through 8  
34 educational purposes rate established in accordance

1 with subdivision (1) of subsection (b) of this Section,  
2 as may be increased thereafter in accordance with this  
3 subsection (e).

4 (B) The maximum annual authorized grade K through 8  
5 operation and maintenance purposes rate established in  
6 accordance with subdivision (2) subsection (b) this  
7 Section, as may be increased thereafter in accordance  
8 with this subsection (e).

9 (C) The maximum annual authorized grade K through 8  
10 capital improvement purposes rate established in  
11 accordance with subdivision (3) of subsection (b) of  
12 this Section, as may be increased thereafter in  
13 accordance with this subsection (e).

14 (D) The maximum annual authorized grade K through 8  
15 special education purposes rate established in  
16 accordance with subdivision (4) of subsection (b) of  
17 this Section, as may be increased thereafter in  
18 accordance with this Section.

19 (f) The school board may, after submitting a proper  
20 resolution to the voters of the district at any regular  
21 scheduled election, seek to do either of the following:

22 (1) Increase or decrease the maximum authorized annual  
23 tax rate for grade K through 8 educational purposes with an  
24 equal corresponding increase or decrease of the maximum  
25 authorized annual tax rate for grade 9 through 12  
26 educational purposes, such that there is no change in the  
27 total combined maximum authorized annual tax rate for both  
28 purposes.

29 (2) Increase or decrease the maximum authorized annual  
30 tax rate for grade K through 8 operations and maintenance  
31 purposes with an equal corresponding increase or decrease  
32 of the maximum authorized annual tax rate for grade 9  
33 through 12 operations and maintenance purposes, such that  
34 there is no change in the total combined maximum authorized

1 annual tax rate for both purposes.

2 Any modification to maximum authorized annual tax rates  
3 pursuant to this subsection (f) must be approved by both a  
4 majority of voters living in the portion of the territory  
5 included within the high school only classification voting on  
6 the proposition and a majority of voters living in the portion  
7 of the territory included within the elementary and high school  
8 classification voting on the proposition. No maximum tax rate  
9 secured hereunder may exceed the maximum tax rate for a  
10 particular purpose specified elsewhere in statute.

11 (g) The school board may seek to do either of the  
12 following:

13 (1) Increase the maximum authorized annual tax rate for  
14 either grade K through 8 educational purposes or grade K  
15 through 8 operations and maintenance purposes with an equal  
16 corresponding decrease being effected to the maximum  
17 authorized tax rate for the other fund.

18 (2) Increase the maximum authorized annual tax rate for  
19 either grade 9 through 12 educational purposes or grade 9  
20 through 12 operations and maintenance purposes with an  
21 equal corresponding decrease being effected to the maximum  
22 authorized tax rate for the other fund.

23 A proper resolution to increase and concurrently decrease  
24 the maximum authorized annual tax rates for grade K through 8  
25 purposes in accordance with this subsection (g) shall be  
26 submitted to the voters of the district residing in the  
27 elementary and high school classification at any regular  
28 scheduled election and must be approved by a majority of voters  
29 living in the portion of the territory included within the  
30 elementary and high school classification voting on the  
31 proposition. A proper resolution to increase and concurrently  
32 decrease the maximum authorized annual tax rates for grade 9  
33 through 12 purposes in accordance with this subsection (g)  
34 shall be submitted to all of the voters of the district at any

1 regular scheduled election and must be approved by a majority  
2 of voters voting on the proposition. No maximum tax rate  
3 secured hereunder may exceed the maximum tax rate for a  
4 particular purpose specified elsewhere in statute. The terms  
5 and provisions of this subsection (g) shall apply instead of  
6 the terms and provisions of Section 17-6.1 of this Code to any  
7 concurrent equal increase and decrease in the maximum  
8 authorized rates for educational and operations and  
9 maintenance purposes by an optional elementary unit district.

10 (h) The school board may borrow money and issue bonds for  
11 elementary or high school purposes (but not grade K through 12  
12 purposes) as authorized by Articles 10 and 19 of this Code and  
13 as otherwise permitted by law. All notices, resolutions, and  
14 ballots related to borrowing money and issuing bonds in  
15 accordance with this subsection (h) shall indicate whether the  
16 proposed action is for elementary or high school purposes.  
17 Taxes to pay the principal of, interest on, and premium, if  
18 any, on bonds issued for high school purposes shall be extended  
19 against the entire district, and taxes to pay the principal of,  
20 interest on, and premium, if any, on bonds issued for  
21 elementary purposes shall be extended only against property  
22 within the elementary and high school classification. The  
23 proposition to issue bonds for high school purposes must be  
24 submitted to and approved by a majority of voters of the  
25 district voting on the proposition. Subsequent to the formation  
26 of the district, the proposition to issue bonds for elementary  
27 purposes must only be submitted to and approved by a majority  
28 of voters living in the portion of the territory included  
29 within the elementary and high school classification voting on  
30 the proposition. Notwithstanding the terms and provisions of  
31 Section 19-4 of this Code, the board of an optional elementary  
32 unit district may not seek to designate any bonds issued for  
33 high school purposes as bonds issued for elementary purposes or  
34 designate any bonds issued for elementary purposes as bonds

1 issued for high school purposes. Any petition filed in  
2 accordance with Section 19-9 of this Code requesting that the  
3 proposition to issue bonds for the payment of orders or claims  
4 for elementary purposes be submitted to the voters must be  
5 signed by 10% or more of the registered voters of the  
6 elementary and high school classification. If required  
7 pursuant to Section 19-9 of this Code, the proposition to issue  
8 bonds for the payment of orders or claims for elementary  
9 purposes must only be submitted to and approved by a majority  
10 of voters living in the portion of the territory included  
11 within the elementary and high school classification voting on  
12 the proposition. Taxes to pay the principal of, interest on,  
13 and premium, if any, on any refunding bonds issued in  
14 accordance with Article 19 of this Code to refund bonds,  
15 coupons, or other evidences of indebtedness for bonds issued  
16 for high school purposes shall be extended against the entire  
17 district. Taxes to pay the principal of, interest on, and  
18 premium, if any, on any refunding bonds issued in accordance  
19 with Article 19 of this Code to refund bonds, coupons, or other  
20 evidences of indebtedness for bonds issued for elementary  
21 purposes shall only be extended against the property within the  
22 elementary and high school classification.

23 (i) The school board may establish, maintain, or re-create  
24 a working cash fund for elementary or high school purposes (but  
25 not grade K through 12 purposes) as authorized by Article 20 of  
26 this Code. All notices, resolutions, and ballots related to the  
27 establishment of a working cash fund shall indicate whether the  
28 working cash fund shall be for elementary or high school  
29 purposes. For purposes of Section 20-2 of this Code, taxes to  
30 pay the principal of, interest on, and premium, if any, on  
31 bonds issued to create a working cash fund for high school  
32 purposes shall be extended against the entire district, and  
33 taxes to pay the principal of, interest on, and premium, if  
34 any, on bonds issued to create a working cash fund for

1 elementary purposes shall be extended only against property  
2 within the elementary and high school classification. Any  
3 petition filed in accordance with Section 20-7 of this Code  
4 requesting that the proposition to issue bonds to establish a  
5 working cash fund for elementary purposes be submitted to the  
6 voters must be signed by 10% or more of the registered voters  
7 of the elementary and high school classification. If required  
8 pursuant to Section 20-7 of this Code, the proposition to issue  
9 bonds for a working cash fund for elementary purposes must only  
10 be submitted to and approved by a majority of voters living in  
11 the portion of the territory included within the elementary and  
12 high school classification voting on the proposition. Upon the  
13 abolishment of the working cash fund for elementary purposes in  
14 accordance with Section 20-8 of this Code, the balance shall be  
15 transferred to the fund established for the receipt of proceeds  
16 from levies specified for grade K through 8 educational  
17 purposes. Upon the abolishment of the working cash fund for  
18 high school purposes in accordance with Section 20-8 of this  
19 Code, the balance shall be transferred to the fund established  
20 for the receipt of proceeds from levies specified for grade 9  
21 through 12 educational purposes.

22 (j) The school board shall establish separate funds for the  
23 receipt of tax proceeds from levies specified for grade K  
24 through 8 purposes and grade 9 through 12 purposes in  
25 accordance with subdivisions (1) through (4) of subsection (b)  
26 of this Section and the receipt of tax and other proceeds from  
27 bond issuances for grade K through 8 purposes and grade 9  
28 through 12 purposes in accordance with subsection (g) of this  
29 Section. Proceeds received from any levy or bond issuance  
30 specified for grade K through 8 purposes shall not be used to  
31 pay for any staff, equipment, materials, facilities,  
32 buildings, land, or services solely related to instruction in  
33 grades 9 through 12. Proceeds received from any levy or bond  
34 issuance specified for grade 9 through 12 purposes shall not be

1 used to pay for any staff, equipment, materials, facilities,  
2 buildings, land, or services solely related to instruction in  
3 grades K through 8. Expenses related to staff, equipment,  
4 materials, facilities, buildings, land, or services related to  
5 instruction in both grades K through 8 and grades 9 through 12  
6 may be paid from proceeds received from a levy or bond issuance  
7 specified for either grade K through 8 purposes or grade 9  
8 through 12 purposes.

9 (k) The school board of an optional elementary unit  
10 district may abate or abolish any fund in accordance with this  
11 Code, provided that no funds may be transferred from an abated  
12 or abolished fund specified for grade K through 8 purposes to a  
13 fund specified for grade 9 through 12 purposes, and no funds  
14 may be transferred from an abated or abolished fund specified  
15 for grade 9 through 12 purposes to a fund specified for grade K  
16 through 8 purposes.

17 (l) To the extent that the specific requirements for  
18 borrowing money, levying taxes, issuing bonds, establishing,  
19 maintaining, or recreating a working cash fund, and  
20 transferring funds by an optional elementary unit district set  
21 forth in this Section conflicts with any general requirements  
22 for school districts set forth in Article 10, 17, 19, or 20 of  
23 this Code, the requirements set forth in this Section shall  
24 control over any such general requirements.

25 (105 ILCS 5/11E-100 new)

26 Sec. 11E-100. Timing of extension of tax levies.

27 (a) If the election of the school board of the new district  
28 occurs at a regular election and the board of education makes  
29 its initial levy or levies in that same year, the county clerk  
30 shall extend the levy or levies, notwithstanding any other law  
31 that requires the adoption of a budget before the clerk may  
32 extend the levy. In addition, the districts from which the new  
33 district is formed, by joint agreement and with the approval of



1 the regional superintendent of schools, shall be permitted to  
2 amend outstanding levies in the same calendar year in which the  
3 creation of the new district is approved at the rates specified  
4 in the petition.

5 (b) If the election of the board of education of the new  
6 district does not occur in the same calendar year that the  
7 proposition to create the new district is approved, the  
8 districts from which the new district or districts are formed,  
9 by joint agreement and with the approval of the regional  
10 superintendent of schools, shall be permitted to levy in the  
11 same calendar year in which the creation of the new district is  
12 approved at the rates specified in the petition. The county  
13 clerks shall extend any such levy notwithstanding any law that  
14 requires adoption of a budget before extension of the levy.

15 (105 ILCS 5/11E-105 new)

16 Sec. 11E-105. Assets, liabilities and bonded indebtedness;  
17 tax rate.

18 (a) Subject to the terms and provisions of subsections (b)  
19 and (c) of this Section, whenever a new district is created  
20 under any of the provisions of this Article, the outstanding  
21 bonded indebtedness shall be treated as provided in this  
22 subsection (a) and in Section 19-29 of this Code. The tax rate  
23 for bonded indebtedness shall be determined in the manner  
24 provided in Section 19-7 of this Code, and, notwithstanding the  
25 creation of any such district, the county clerk or clerks shall  
26 annually extend taxes, for each outstanding bond issue against  
27 all of the taxable property that was situated within the  
28 boundaries of the district, as those boundaries existed at the  
29 time of the issuance of the bond issue, regardless of whether  
30 the property is still contained in that same district at the  
31 time of the extension of the taxes by the county clerk or  
32 clerks. Unless the petition, notice, and ballot provide  
33 otherwise, the debt service extension base of any dissolved

1 district shall be apportioned among the existing or new  
2 districts in the same proportion as the debt service payments.

3 (b) For a unit district formation, whenever a part of a  
4 district is included within the boundaries of a newly created  
5 unit district, the regional superintendent of schools shall  
6 cause an accounting to be had between the districts affected by  
7 the change in boundaries as provided for in Article 11C of this  
8 Code. Whenever the entire territory of 2 or more school  
9 districts is organized into a unit district pursuant to a  
10 petition filed under this Article, the petition may provide  
11 that the entire territory of the new unit district shall assume  
12 the bonded indebtedness of the previously existing school  
13 districts. In that case, the tax rate for bonded indebtedness  
14 shall be determined in the manner provided in Section 19-7 of  
15 this Code, except that the county clerk shall annually extend  
16 taxes for each outstanding bond issue against all the taxable  
17 property situated in the new unit district as it exists after  
18 the organization.

19 (c)(1) For a high school-unit conversion, unit to dual  
20 conversion, or multi-unit conversion, upon the effective date  
21 of the change as provided in Section 11E-70 of this Code and  
22 subject to the provisions of paragraph (2) of this subsection  
23 (c), each newly created elementary district shall receive all  
24 of the assets and assume all of the liabilities and obligations  
25 of the dissolved unit district forming the boundary of the  
26 newly created elementary district.

27 (2) Notwithstanding the provisions of paragraph (1) of  
28 this subsection (c), upon the stipulation of the school  
29 board of the school district serving a newly created  
30 elementary district for high school purposes and either (i)  
31 the school board of the unit district prior to the  
32 effective date of its dissolution or (ii) thereafter the  
33 school board of the newly created elementary district and  
34 with the approval in either case of the regional

1 superintendent of schools of the educational service  
2 region in which the territory described in the petition  
3 filed under this Article or the greater percentage of  
4 equalized assessed valuation of the territory is situated,  
5 the assets, liabilities, and obligations of the dissolved  
6 unit district may be divided and assumed between and by the  
7 newly created elementary district and the school district  
8 serving the newly created elementary district for high  
9 school purposes, in accordance with the terms and  
10 provisions of the stipulation and approval. In this event,  
11 the provisions of Section 19-29 shall be applied to  
12 determine the debt incurring power of the newly created  
13 elementary district and of the school district serving the  
14 newly created elementary district for high school  
15 purposes.

16 (3) Without regard to whether the receipt of assets and  
17 the assumption of liabilities and obligations of the  
18 dissolved unit district is determined pursuant to  
19 paragraph (1) or (2) of this subsection (c), the tax rate  
20 for bonded indebtedness shall be determined in the manner  
21 provided in Section 19-7, and, notwithstanding the  
22 creation of this new elementary district, the county clerk  
23 or clerks shall annually extend taxes for each outstanding  
24 bond issue against all of the taxable property that was  
25 situated within the boundaries of the dissolved unit  
26 district as those boundaries existed at the time of the  
27 issuance of the bond issue, regardless of whether the  
28 property was still contained in that unit district at the  
29 time of its dissolution and regardless of whether the  
30 property is contained in the newly created elementary  
31 district at the time of the extension of the taxes by the  
32 county clerk or clerks.

1       Sec. 11E-110. Teachers in contractual continued service.

2       (a) When a school district conversion or multi-unit  
3 conversion becomes effective for purposes of administration  
4 and attendance, as determined pursuant to Section 11E-70 of  
5 this Code, the provisions of Section 24-12 of this Code  
6 relative to the contractual continued service status of  
7 teachers having contractual continued service whose positions  
8 are transferred from one school board to the control of a new  
9 or different school board shall apply, and the positions held  
10 by teachers, as that term is defined in Section 24-11 of this  
11 Code, having contractual continued service with the unit  
12 district at the time of its dissolution shall be transferred on  
13 the following basis:

14       (1) positions of teachers in contractual continued  
15 service that, during the 5 school years immediately  
16 preceding the effective date of the change, as determined  
17 under Section 11E-70 of this Code, were full-time positions  
18 in which all of the time required of the position was spent  
19 in one or more of grades 9 through 12 shall be transferred  
20 to the control of the school board of the new high school  
21 district or combined high school - unit district, as the  
22 case may be;

23       (2) positions of teachers in contractual continued  
24 service that, during the 5 school years immediately  
25 preceding the effective date of the change, as determined  
26 under Section 11E-70 of this Code, were full-time positions  
27 in which all of the time required of the position was spent  
28 in one or more of grades kindergarten through 8 shall be  
29 transferred to the control of the school board of the newly  
30 created successor elementary district; and

31       (3) positions of teachers in contractual continued  
32 service that were full-time positions not required to be  
33 transferred to the control of the school board of the new  
34 high school district or combined high school - unit

1 district, as the case may be, or the school board of the  
2 newly created successor elementary district under the  
3 provisions of subdivision (1) or (2) of this subsection (a)  
4 shall be transferred to the control of whichever of the  
5 boards the teacher shall request.

6 (4) With respect to each position to be transferred  
7 under the provisions of this subsection (a), the amount of  
8 time required of each position to be spent in one or more  
9 of grades kindergarten through 8 and 9 through 12 shall be  
10 determined with reference to the applicable records of the  
11 unit district being dissolved pursuant to stipulation of  
12 the school board of the unit district prior to the  
13 effective date of its dissolution or thereafter of the  
14 school board of the newly created districts and with the  
15 approval in either case of the regional superintendent of  
16 schools of the educational service region in which the  
17 territory described in the petition filed under this  
18 Article or the greater percentage of equalized assessed  
19 evaluation of the territory is situated; however, if no  
20 such stipulation can be agreed upon, the regional  
21 superintendent of schools, after hearing any additional  
22 relevant and material evidence that any school board  
23 desires to submit, shall make the determination.

24 (b) When the creation of a unit district or a combined  
25 school district becomes effective for purposes of  
26 administration and attendance, as determined pursuant to  
27 Section 11E-70 of this Code, the positions of teachers in  
28 contractual continued service in the districts involved in the  
29 creation of the new district are transferred to the newly  
30 created district pursuant to the provisions of Section 24-12 of  
31 this Code relative to teachers having contractual continued  
32 service status whose positions are transferred from one board  
33 to the control of a different board, and those provisions of  
34 Section 24-12 shall apply to these transferred teachers. The

1 contractual continued service status of any teacher thereby  
2 transferred to the newly created district is not lost and the  
3 new school board is subject to this Code with respect to the  
4 transferred teacher in the same manner as if the teacher was  
5 that district's employee and had been its employee during the  
6 time the teacher was actually employed by the school board of  
7 the district from which the position was transferred.

8 (105 ILCS 5/11E-115 new)

9 Sec. 11E-115. Limitations on contesting boundary change.  
10 Neither the People of the State of Illinois, any person or  
11 corporation, private or public, nor any association of persons  
12 shall commence an action contesting either directly or  
13 indirectly the dissolution, division, annexation, or creation  
14 of any new school district under the provisions of this  
15 Article, unless the action is commenced within one year after  
16 the date of the election provided for in this Article if no  
17 proceedings to contest the election are duly instituted within  
18 the time permitted by law, or within one year after the final  
19 disposition of any proceedings that may be so instituted to  
20 contest the election; however, where a limitation of a shorter  
21 period is prescribed by statute, the shorter limitation shall  
22 apply, and the limitation set forth in this Section shall not  
23 apply to any order where the judge, body, or officer entering  
24 the order being challenged did not at the time of the entry of  
25 the order have jurisdiction of the subject matter.

26 (105 ILCS 5/11E-120 new)

27 Sec. 11E-120. Limitation on successive petitions.  
28 (a) No affected district shall be again involved in  
29 proceedings under this Article for at least 2 years after a  
30 final non-procedural determination of the first proceeding,  
31 unless during that 2 year period a petition filed is  
32 substantially different than any other previously filed

1 petition during the previous 2 years or if an affected district  
2 is placed on academic watch status or the financial watch list  
3 by the State Board of Education or is certified as being in  
4 financial difficulty during that 2 year period.

5 (b) Nothing contained in this Section shall be deemed to  
6 limit or restrict the ability of an elementary district to join  
7 an optional elementary unit district in accordance with the  
8 terms and provisions of subsection (d) of Section 11E-30 of  
9 this Code.

10 (105 ILCS 5/11E-125 new)

11 Sec. 11E-125. Districts not penalized for nonrecognition.  
12 Any school district included in a petition for reorganization  
13 as authorized under this Article shall not suffer loss of State  
14 aid as a result of being placed on nonrecognition status if the  
15 district continues to operate and the petition is granted.

16 (105 ILCS 5/11E-130 new)

17 Sec. 11E-130. Unit district formation and joint agreement  
18 vocational education program.

19 (a) If a unit district is established under the provisions  
20 of this Article and more than 50% of the territory of the unit  
21 district is territory that immediately prior to its inclusion  
22 in the unit district was included in a high school district or  
23 districts that were signatories under the same joint agreement  
24 vocational education program, pursuant to the provisions of  
25 this Code, then the unit district shall upon its establishment  
26 be deemed to be a member and signatory to the joint agreement  
27 and shall also have the right to continue to extend taxes under  
28 any previous authority to levy a tax under Section 17-2.4 of  
29 this Code.

30 (b) In those instances, however, when more than 50% of the  
31 territory of any unit district was not, immediately prior to  
32 its establishment, included within the territory of a high

1 school district that was a signatory to the same joint  
2 agreement vocational education program, then the unit district  
3 shall not be deemed upon its establishment to be a signatory to  
4 the joint agreement nor shall the unit district be deemed to  
5 have the special tax levy rights under Section 17-2.4 of this  
6 Code.

7 (c) Nothing in this Section shall be deemed to forbid the  
8 unit district from subsequently joining a joint agreement  
9 vocational education program and to thereafter levy a tax under  
10 Section 17-2.4 of this Code by following the provisions of  
11 Section 17-2.4. In the event that any such unit district should  
12 subsequently join any such joint agreement vocational  
13 education program, it shall be entitled to a fair credit, as  
14 computed by the State Board of Education, for any capital  
15 contributions previously made to the joint agreement  
16 vocational education program from taxes levied against the  
17 assessed valuation of property situated in any part of the  
18 territory included within the unit district.

19 (105 ILCS 5/11E-135 new)

20 Sec. 11E-135. Incentives. For districts reorganizing under  
21 this Article and for a district or districts that annex all of  
22 the territory of one or more entire other school districts in  
23 accordance with Article 7 of this Code, the following payments  
24 shall be made from appropriations made for these purposes:

25 (a) (1) For a combined school district, as defined in  
26 Section 11E-20 of this Code, or for a unit district, as defined  
27 in Section 11E-25 of this Code, for its first year of  
28 existence, the general State aid and supplemental general State  
29 aid calculated under Section 18-8.05 of this Code shall be  
30 computed for the new district and for the previously existing  
31 districts for which property is totally included within the new  
32 district. If the computation on the basis of the previously  
33 existing districts is greater, a supplementary payment equal to



1 the difference shall be made for the first 4 years of existence  
2 of the new district.

3 (2) For a school district that annexes all of the  
4 territory of one or more entire other school districts as  
5 defined in Article 7 of this Code, for the first year  
6 during which the change of boundaries attributable to the  
7 annexation becomes effective for all purposes, as  
8 determined under Section 7-9 of this Code, the general  
9 State aid and supplemental general State aid calculated  
10 under Section 18-8.05 of this Code shall be computed for  
11 the annexing district as constituted after the annexation  
12 and for the annexing and each annexed district as  
13 constituted prior to the annexation; and if the computation  
14 on the basis of the annexing and annexed districts as  
15 constituted prior to the annexation is greater, then a  
16 supplementary payment equal to the difference shall be made  
17 for the first 4 years of existence of the annexing school  
18 district as constituted upon the annexation.

19 (3) For 2 or more school districts that annex all of  
20 the territory of one or more entire other school districts,  
21 as defined in Article 7 of this Code, for the first year  
22 during which the change of boundaries attributable to the  
23 annexation becomes effective for all purposes, as  
24 determined under Section 7-9 of this Code, the general  
25 State aid and supplemental general State aid calculated  
26 under Section 18-8.05 of this Code shall be computed for  
27 each annexing district as constituted after the annexation  
28 and for each annexing and annexed district as constituted  
29 prior to the annexation; and if the aggregate of the  
30 general State aid and supplemental general State aid as so  
31 computed for the annexing districts as constituted after  
32 the annexation is less than the aggregate of the general  
33 State aid and supplemental general State aid as so computed  
34 for the annexing and annexed districts, as constituted

1 prior to the annexation, then a supplementary payment equal  
2 to the difference shall be made and allocated between or  
3 among the annexing districts, as constituted upon the  
4 annexation, for the first 4 years of their existence. The  
5 total difference payment shall be allocated between or  
6 among the annexing districts in the same ratio as the pupil  
7 enrollment from that portion of the annexed district or  
8 districts that is annexed to each annexing district bears  
9 to the total pupil enrollment from the entire annexed  
10 district or districts, as such pupil enrollment is  
11 determined for the school year last ending prior to the  
12 date when the change of boundaries attributable to the  
13 annexation becomes effective for all purposes. The amount  
14 of the total difference payment and the amount thereof to  
15 be allocated to the annexing districts shall be computed by  
16 the State Board of Education on the basis of pupil  
17 enrollment and other data that shall be certified to the  
18 State Board of Education, on forms that it shall provide  
19 for that purpose, by the regional superintendent of schools  
20 for each educational service region in which the annexing  
21 and annexed districts are located.

22 (4) For a school district conversion, as defined in  
23 Section 11E-15 of this Code, or a multi-unit conversion, as  
24 defined in subsection (b) of Section 11E-30 of this Code,  
25 if in their first year of existence the newly created  
26 elementary districts and the newly created high school  
27 district, from a school district conversion, or the newly  
28 created elementary district or districts and newly created  
29 combined high school - unit district, from a multi-unit  
30 conversion, qualify for less general State aid under  
31 Section 18-8.05 of this Code than would have been payable  
32 under Section 18-8.05 for that same year to the previously  
33 existing districts, then a supplementary payment equal to  
34 that difference shall be made for the first 4 years of

1 existence of the newly created districts. The aggregate  
2 amount of each supplementary payment shall be allocated  
3 among the newly created districts in the proportion that  
4 the deemed pupil enrollment in each district during its  
5 first year of existence bears to the actual aggregate pupil  
6 enrollment in all of the districts during their first year  
7 of existence. For purposes of each allocation:

8 (A) the deemed pupil enrollment of the newly  
9 created high school district from a school district  
10 conversion shall be an amount equal to its actual pupil  
11 enrollment for its first year of existence multiplied  
12 by 1.25;

13 (B) the deemed pupil enrollment of each newly  
14 created elementary district from a school district  
15 conversion shall be an amount equal to its actual pupil  
16 enrollment for its first year of existence reduced by  
17 an amount equal to the product obtained when the amount  
18 by which the newly created high school district's  
19 deemed pupil enrollment exceeds its actual pupil  
20 enrollment for its first year of existence is  
21 multiplied by a fraction, the numerator of which is the  
22 actual pupil enrollment of the newly created  
23 elementary district for its first year of existence and  
24 the denominator of which is the actual aggregate pupil  
25 enrollment of all of the newly created elementary  
26 districts for their first year of existence;

27 (C) the deemed high school pupil enrollment of the  
28 newly created combined high school - unit district from  
29 a multi-unit conversion shall be an amount equal to its  
30 actual grades 9 through 12 pupil enrollment for its  
31 first year of existence multiplied by 1.25; and

32 (D) the deemed elementary pupil enrollment of each  
33 newly created district from a multi-unit conversion  
34 shall be an amount equal to each district's actual

1 grade K through 8 pupil enrollment for its first year  
2 of existence, reduced by an amount equal to the product  
3 obtained when the amount by which the newly created  
4 combined high school - unit district's deemed high  
5 school pupil enrollment exceeds its actual grade 9  
6 through 12 pupil enrollment for its first year of  
7 existence is multiplied by a fraction, the numerator of  
8 which is the actual grade K through 8 pupil enrollment  
9 of each newly created district for its first year of  
10 existence and the denominator of which is the actual  
11 aggregate grade K through 8 pupil enrollment of all  
12 such newly created districts for their first year of  
13 existence.

14 The aggregate amount of each supplementary payment  
15 under this subdivision (4) and the amount thereof to be  
16 allocated to the newly created districts shall be computed  
17 by the State Board of Education on the basis of pupil  
18 enrollment and other data, which shall be certified to the  
19 State Board of Education, on forms that it shall provide  
20 for that purpose, by the regional superintendent of schools  
21 for each educational service region in which the newly  
22 created districts are located.

23 (5) For a partial elementary unit district, as defined  
24 in subsection (a) or (c) of Section 11E-30 of this Code,  
25 if, in the first year of existence, the newly created  
26 partial elementary unit district qualifies for less  
27 general State aid and supplemental general State aid under  
28 Section 18-8.05 of this Code than would have been payable  
29 under that Section for that same year to the previously  
30 existing districts that formed the partial elementary unit  
31 district, then a supplementary payment equal to that  
32 difference shall be made to the partial elementary unit  
33 district for the first 4 years of existence of that newly  
34 created district.

1           (6) For an elementary opt-in, as described in  
2           subsection (d) of Section 11E-30 of this Code, the General  
3           State aid difference shall be computed in accordance with  
4           paragraph (5) of this subsection (a) as if the elementary  
5           opt-in was included in an optional elementary unit district  
6           at the optional elementary unit district's original  
7           effective date. If the calculation in this paragraph (6) is  
8           less than that calculated in paragraph (5) of this  
9           subsection (a) at the optional elementary unit district's  
10           original effective date, then no adjustments may be made.  
11           If the calculation in this paragraph (6) is more than that  
12           calculated in paragraph (5) of this subsection (a) at the  
13           optional elementary unit district's original effective  
14           date, then the excess must be paid as follows:

15           (A) If the effective date for the elementary opt-in  
16           is one year after the effective date for the optional  
17           elementary unit district, 100% of the calculated  
18           excess shall be paid to the optional elementary unit  
19           district in each of the first 4 years after the  
20           effective date of the elementary opt-in.

21           (B) If the effective date for the elementary opt-in  
22           is 2 years after the effective date for the optional  
23           elementary unit district, 75% of the calculated excess  
24           shall be paid to the optional elementary unit district  
25           in each of the first 4 years after the effective date  
26           of the elementary opt-in.

27           (C) If the effective date for the elementary opt-in  
28           is 3 years after the effective date for the optional  
29           elementary unit district, 50% of the calculated excess  
30           shall be paid to the optional elementary unit district  
31           in each of the first 4 years after the effective date  
32           of the elementary opt-in.

33           (D) If the effective date for the elementary opt-in  
34           is 4 years after the effective date for the optional

1 elementary unit district, 25% of the calculated excess  
2 shall be paid to the optional elementary unit district  
3 in each of the first 4 years after the effective date  
4 of the elementary opt-in.

5 (E) If the effective date for the elementary opt-in  
6 is 5 years after the effective date for the optional  
7 elementary unit district, the optional elementary unit  
8 district is not eligible for any additional incentives  
9 due to the elementary opt-in.

10 (7) Claims for financial assistance under this  
11 subsection (a) may not be recomputed except as expressly  
12 provided under Section 18-8.05 of this Code.

13 (8) Any supplementary payment made under this  
14 subsection (a) must be treated as separate from all other  
15 payments made pursuant to Section 18-8.05 of this Code.

16 (b) (1) After the formation of a combined school district,  
17 as defined in Section 11E-20 of this Code, or a unit district,  
18 as defined in Section 11E-25 of this Code, a computation shall  
19 be made to determine the difference between the salaries  
20 effective in each of the previously existing districts on June  
21 30, prior to the creation of the new district. For the first 4  
22 years after the formation of the new district, a supplementary  
23 State aid reimbursement shall be paid to the new district equal  
24 to the difference between the sum of the salaries earned by  
25 each of the certificated members of the new district, while  
26 employed in one of the previously existing districts during the  
27 year immediately preceding the formation of the new district,  
28 and the sum of the salaries those certificated members would  
29 have been paid during the year immediately prior to the  
30 formation of the new district if placed on the salary schedule  
31 of the previously existing district with the highest salary  
32 schedule.

33 (2) After the territory of one or more school districts  
34 is annexed by one or more other school districts as defined

1 in Article 7 of this Code, a computation shall be made to  
2 determine the difference between the salaries effective in  
3 each annexed district and in the annexing district or  
4 districts as they were each constituted on June 30  
5 preceding the date when the change of boundaries  
6 attributable to the annexation became effective for all  
7 purposes, as determined under Section 7-9 of this Code. For  
8 the first 4 years after the annexation, a supplementary  
9 State aid reimbursement shall be paid to each annexing  
10 district as constituted after the annexation equal to the  
11 difference between the sum of the salaries earned by each  
12 of the certificated members of the annexing district as  
13 constituted after the annexation, while employed in an  
14 annexed or annexing district during the year immediately  
15 preceding the annexation, and the sum of the salaries those  
16 certificated members would have been paid during the  
17 immediately preceding year if placed on the salary schedule  
18 of whichever of the annexing or annexed districts had the  
19 highest salary schedule during the immediately preceding  
20 year.

21 (3) For each new high school district formed under a  
22 school district conversion, as defined in Section 11E-15 of  
23 this Code, the State shall make a supplementary payment for  
24 4 years equal to the difference between the sum of the  
25 salaries earned by each certified member of the new high  
26 school district, while employed in one of the previously  
27 existing districts, and the sum of the salaries those  
28 certified members would have been paid if placed on the  
29 salary schedule of the previously existing district with  
30 the highest salary schedule.

31 (4) For each newly created partial elementary unit  
32 district, the State shall make a supplementary payment for  
33 4 years equal to the difference between the sum of the  
34 salaries earned by each certified member of the newly

1 created partial elementary unit district, while employed  
2 in one of the previously existing districts that formed the  
3 partial elementary unit district, and the sum of the  
4 salaries those certified members would have been paid if  
5 placed on the salary schedule of the previously existing  
6 district with the highest salary schedule. The salary  
7 schedules used in the calculation shall be those in effect  
8 in the previously existing districts for the school year  
9 prior to the creation of the new partial elementary unit  
10 district.

11 (5) For an elementary district opt-in, as described in  
12 subsection (d) of Section 11E-30 of this Code, the salary  
13 difference incentive shall be computed in accordance with  
14 paragraph (4) of this subsection (b) as if the opted-in  
15 elementary district was included in the optional  
16 elementary unit district at the optional elementary unit  
17 district's original effective date. If the calculation in  
18 this paragraph (5) is less than that calculated in  
19 paragraph (4) of this subsection (b) at the optional  
20 elementary unit district's original effective date, then  
21 no adjustments may be made. If the calculation in this  
22 paragraph (5) is more than that calculated in paragraph (4)  
23 of this subsection (b) at the optional elementary unit  
24 district's original effective date, then the excess must be  
25 paid as follows:

26 (A) If the effective date for the elementary opt-in  
27 is one year after the effective date for the optional  
28 elementary unit district, 100% of the calculated  
29 excess shall be paid to the optional elementary unit  
30 district in each of the first 4 years after the  
31 effective date of the elementary opt-in.

32 (B) If the effective date for the elementary opt-in  
33 is 2 years after the effective date for the optional  
34 elementary unit district, 75% of the calculated excess



1       shall be paid to the optional elementary unit district  
2       in each of the first 4 years after the effective date  
3       of the elementary opt-in.

4       (C) If the effective date for the elementary opt-in  
5       is 3 years after the effective date for the optional  
6       elementary unit district, 50% of the calculated excess  
7       shall be paid to the optional elementary unit district  
8       in each of the first 4 years after the effective date  
9       of the elementary opt-in.

10       (D) If the effective date for the elementary opt-in  
11       is 4 years after the effective date for the partial  
12       elementary unit district, 25% of the calculated excess  
13       shall be paid to the optional elementary unit district  
14       in each of the first 4 years after the effective date  
15       of the elementary opt-in.

16       (E) If the effective date for the elementary opt-in  
17       is 5 years after the effective date for the optional  
18       elementary unit district, the optional elementary unit  
19       district is not eligible for any additional incentives  
20       due to the elementary opt-in.

21       (6) The supplementary State aid reimbursement under  
22       this subsection (b) shall be treated as separate from all  
23       other payments made pursuant to Section 18-8.05 of this  
24       Code. In the case of the formation of a new district,  
25       reimbursement shall begin during the first year of  
26       operation of the new district, and in the case of an  
27       annexation of the territory of one or more school districts  
28       by one or more other school districts, reimbursement shall  
29       begin during the first year when the change in boundaries  
30       attributable to the annexation or division becomes  
31       effective for all purposes as determined pursuant to  
32       Section 7-9 of this Code. Each year that the new, annexing,  
33       or resulting district, as the case may be, is entitled to  
34       receive reimbursement, the number of eligible certified

1 members who are employed on October 1 in the district shall  
2 be certified to the State Board of Education on prescribed  
3 forms by October 15 and payment shall be made on or before  
4 November 15 of that year.

5 (c) (1) For the first year after the formation of a combined  
6 school district, as defined in Section 11E-20 of this Code or a  
7 unit district, as defined in Section 11E-25 of this Code, a  
8 computation shall be made totaling each previously existing  
9 district's audited fund balances in the educational fund,  
10 working cash fund, operations and maintenance fund, and  
11 transportation fund for the year ending June 30 prior to the  
12 referendum for the creation of the new district. The new  
13 district shall be paid supplementary State aid equal to the sum  
14 of the differences between the deficit of the previously  
15 existing district with the smallest deficit and the deficits of  
16 each of the other previously existing districts.

17 (2) For the first year after the annexation of all of  
18 the territory of one or more entire school districts by  
19 another school district, as defined in Article 7 of this  
20 Code, computations shall be made, for the year ending June  
21 30 prior to the date that the change of boundaries  
22 attributable to the annexation is allowed by the  
23 affirmative decision issued by the regional board of school  
24 trustees under Section 7-6 of this Code, notwithstanding  
25 any effort to seek administrative review of the decision,  
26 totaling the annexing district's and totaling each annexed  
27 district's audited fund balances in their respective  
28 educational, working cash, operations and maintenance, and  
29 transportation funds. The annexing district as constituted  
30 after the annexation shall be paid supplementary State aid  
31 equal to the sum of the differences between the deficit of  
32 whichever of the annexing or annexed districts as  
33 constituted prior to the annexation had the smallest  
34 deficit and the deficits of each of the other districts as

1 constituted prior to the annexation.

2 (3) For the first year after the annexation of all of  
3 the territory of one or more entire school districts by 2  
4 or more other school districts, as defined by Article 7 of  
5 this Code, computations shall be made, for the year ending  
6 June 30 prior to the date that the change of boundaries  
7 attributable to the annexation is allowed by the  
8 affirmative decision of the regional board of school  
9 trustees under Section 7-6 of this Code, notwithstanding  
10 any action for administrative review of the decision,  
11 totaling each annexing and annexed district's audited fund  
12 balances in their respective educational, working cash,  
13 operations and maintenance, and transportation funds. The  
14 annexing districts as constituted after the annexation  
15 shall be paid supplementary State aid, allocated as  
16 provided in this paragraph (3), in an aggregate amount  
17 equal to the sum of the differences between the deficit of  
18 whichever of the annexing or annexed districts as  
19 constituted prior to the annexation had the smallest  
20 deficit and the deficits of each of the other districts as  
21 constituted prior to the annexation. The aggregate amount  
22 of the supplementary State aid payable under this paragraph  
23 (3) shall be allocated between or among the annexing  
24 districts as follows:

25 (A) the regional superintendent of schools for  
26 each educational service region in which an annexed  
27 district is located prior to the annexation shall  
28 certify to the State Board of Education, on forms that  
29 it shall provide for that purpose, the value of all  
30 taxable property in each annexed district, as last  
31 equalized or assessed by the Department of Revenue  
32 prior to the annexation, and the equalized assessed  
33 value of each part of the annexed district that was  
34 annexed to or included as a part of an annexing

1 district;

2 (B) using equalized assessed values as certified  
3 by the regional superintendent of schools under clause  
4 (A) of this paragraph (3), the combined audited fund  
5 balance deficit of each annexed district as determined  
6 under this Section shall be apportioned between or  
7 among the annexing districts in the same ratio as the  
8 equalized assessed value of that part of the annexed  
9 district that was annexed to or included as a part of  
10 an annexing district bears to the total equalized  
11 assessed value of the annexed district; and

12 (C) the aggregate supplementary State aid payment  
13 under this paragraph (3) shall be allocated between or  
14 among, and shall be paid to, the annexing districts in  
15 the same ratio as the sum of the combined audited fund  
16 balance deficit of each annexing district as  
17 constituted prior to the annexation, plus all combined  
18 audited fund balance deficit amounts apportioned to  
19 that annexing district under clause (B) of this  
20 subsection, bears to the aggregate of the combined  
21 audited fund balance deficits of all of the annexing  
22 and annexed districts as constituted prior to the  
23 annexation.

24 (4) For the new elementary districts and new high  
25 school district formed through a school district  
26 conversion, as defined in subsection (b) of Section 11E-15  
27 of this Code or the new elementary district or districts  
28 and new combined high school - unit district formed through  
29 a multi-unit conversion, as defined in subsection (b) of  
30 Section 11E-30 of this Code, a computation shall be made  
31 totaling each previously existing district's audited fund  
32 balances in the educational fund, working cash fund,  
33 operations and maintenance fund, and transportation fund  
34 for the year ending June 30 prior to the referendum

1 establishing the new districts. In the first year of the  
2 new districts, the State shall make a one-time  
3 supplementary payment equal to the sum of the differences  
4 between the deficit of the previously existing district  
5 with the smallest deficit and the deficits of each of the  
6 other previously existing districts. A district with a  
7 combined balance among the 4 funds that is positive shall  
8 be considered to have a deficit of zero. The supplementary  
9 payment shall be allocated among the newly formed high  
10 school and elementary districts in the manner provided by  
11 the petition for the formation of the districts, in the  
12 form in which the petition is approved by the regional  
13 superintendent of schools or State Superintendent of  
14 Education under Section 11E-50 of this Code.

15 (5) For each newly created partial elementary unit  
16 district, as defined in subsection (a) or (c) of Section  
17 11E-30 of this Code, a computation shall be made totaling  
18 the audited fund balances of each previously existing  
19 district that formed the new partial elementary unit  
20 district in the educational fund, working cash fund,  
21 operations and maintenance fund, and transportation fund  
22 for the year ending June 30 prior to the referendum for the  
23 formation of the partial elementary unit district. In the  
24 first year of the new partial elementary unit district, the  
25 State shall make a one-time supplementary payment to the  
26 new district equal to the sum of the differences between  
27 the deficit of the previously existing district with the  
28 smallest deficit and the deficits of each of the other  
29 previously existing districts. A district with a combined  
30 balance among the 4 funds that is positive shall be  
31 considered to have a deficit of zero.

32 (6) For an elementary opt-in as defined in subsection  
33 (d) of Section 11E-30 of this Code, the deficit fund  
34 balance incentive shall be computed in accordance with

1 paragraph (5) of this subsection (c) as if the opted-in  
2 elementary was included in the optional elementary unit  
3 district at the optional elementary unit district's  
4 original effective date. If the calculation in this  
5 paragraph (6) is less than that calculated in paragraph (5)  
6 of this subsection (c) at the optional elementary unit  
7 district's original effective date, then no adjustments  
8 may be made. If the calculation in this paragraph (6) is  
9 more than that calculated in paragraph (5) of this  
10 subsection (c) at the optional elementary unit district's  
11 original effective date, then the excess must be paid as  
12 follows:

13 (A) If the effective date for the elementary opt-in  
14 is one year after the effective date for the optional  
15 elementary unit district, 100% of the calculated  
16 excess shall be paid to the optional elementary unit  
17 district in the first year after the effective date of  
18 the elementary opt-in.

19 (B) If the effective date for the elementary opt-in  
20 is 2 years after the effective date for the optional  
21 elementary unit district, 75% of the calculated excess  
22 shall be paid to the optional elementary unit district  
23 in the first year after the effective date of the  
24 elementary opt-in.

25 (C) If the effective date for the elementary opt-in  
26 is 3 years after the effective date for the optional  
27 elementary unit district, 50% of the calculated excess  
28 shall be paid to the optional elementary unit district  
29 in the first year after the effective date of the  
30 elementary opt-in.

31 (D) If the effective date for the elementary opt-in  
32 is 4 years after the effective date for the optional  
33 elementary unit district, 25% of the calculated excess  
34 shall be paid to the optional elementary unit district

1           in the first year after the effective date of the  
2           elementary opt-in.

3           (E) If the effective date for the elementary opt-in  
4           is 5 years after the effective date for the optional  
5           elementary unit district, the optional elementary unit  
6           district is not eligible for any additional incentives  
7           due to the elementary opt-in.

8           (7) For purposes of any calculation required under  
9           paragraph (1), (2), (3), (4), (5), or (6) of this  
10           subsection (c), a district with a combined fund balance  
11           that is positive shall be considered to have a deficit of  
12           zero. For purposes of determining each district's audited  
13           fund balances in its educational fund, working cash fund,  
14           operations and maintenance fund, and transportation fund  
15           for the specified year ending June 30, as provided in  
16           paragraphs (1), (2), (3), (4), (5), and (6) of this  
17           subsection (c), the balance of each fund shall be deemed  
18           decreased by an amount equal to the amount of the annual  
19           property tax theretofore levied in the fund by the district  
20           for collection and payment to the district during the  
21           calendar year in which the June 30 fell, but only to the  
22           extent that the tax so levied in the fund actually was  
23           received by the district on or before or comprised a part  
24           of the fund on such June 30. For purposes of determining  
25           each district's audited fund balances, a calculation shall  
26           be made for each fund to determine the average for the 3  
27           years prior to the specified year ending June 30, as  
28           provided in paragraphs (1), (2), (3), (4), (5), and (6) of  
29           this subsection (c), of the district's expenditures in the  
30           categories "purchased services", "supplies and materials",  
31           and "capital outlay", as those categories are defined in  
32           rules of the State Board of Education. If this 3-year  
33           average is less than the district's expenditures in these  
34           categories for the specified year ending June 30, as

1 provided in paragraphs (1), (2), (3), (4), (5), and (6) of  
2 this subsection (c), then the 3-year average shall be used  
3 in calculating the amounts payable under this Section in  
4 place of the amounts shown in these categories for the  
5 specified year ending June 30, as provided in paragraphs  
6 (1), (2), (3), (4), (5), and (6) of this subsection (c).  
7 Any deficit because of State aid not yet received may not  
8 be considered in determining the June 30 deficits. The same  
9 basis of accounting shall be used by all previously  
10 existing districts and by all annexing or annexed  
11 districts, as constituted prior to the annexation, in  
12 making any computation required under paragraphs (1), (2),  
13 (3), (4), (5), and (6) of this subsection (c).

14 (8) The supplementary State aid payments under this  
15 subsection (c) shall be treated as separate from all other  
16 payments made pursuant to Section 18-8.05 of this Code.

17 (d)(1) Following the formation of a combined school  
18 district, as defined in Section 11E-20 of this Code, a new  
19 elementary district or districts and a new high school district  
20 formed through a school district conversion, as defined in  
21 subsection (b) of Section 11E-15 of this Code, a new partial  
22 elementary unit district, as defined in Section 11E-30 of this  
23 Code, or a new elementary district or districts formed through  
24 a multi-unit conversion, as defined in subsection (b) of  
25 Section 11E-30 of this Code, or the annexation of all of the  
26 territory of one or more entire school districts by one or more  
27 other school districts, as defined in Article 7 of this Code, a  
28 supplementary State aid reimbursement shall be paid for the  
29 number of school years determined under the following table to  
30 each new or annexing district equal to the sum of \$4,000 for  
31 each certified employee who is employed by the district on a  
32 full-time basis for the regular term of the school year:



<u>Reorganized District's Rank by type of district (unit, high school, elementary) in Equalized Assessed Value Per Pupil by Quintile</u>	<u>Reorganized District's Rank in Average Daily Attendance by Quintile</u>	<u>1st Quintile</u>	<u>2nd Quintile</u>	<u>3rd, 4th, or 5th Quintile</u>
<u>1st Quintile</u>	<u>1 year</u>	<u>1 year</u>	<u>1 year</u>	
<u>2nd Quintile</u>	<u>1 year</u>	<u>2 years</u>	<u>2 years</u>	
<u>3rd Quintile</u>	<u>2 years</u>	<u>3 years</u>	<u>3 years</u>	
<u>4th Quintile</u>	<u>2 years</u>	<u>3 years</u>	<u>3 years</u>	
<u>5th Quintile</u>	<u>2 years</u>	<u>3 years</u>	<u>3 years</u>	

The State Board of Education shall make a one-time calculation of a reorganized district's quintile ranks. The average daily attendance used in this calculation shall be the best 3 months' average daily attendance for the district's first year. The equalized assessed value per pupil shall be the district's real property equalized assessed value used in calculating the district's first-year general State aid claim, under Section 18-8.05 of this Code, divided by the best 3 months' average daily attendance.

No annexing or resulting school district shall be entitled to supplementary State aid under this subsection (d) unless the district acquires at least 30% of the average daily attendance of the district from which the territory is being detached or divided.

If a district results from multiple reorganizations that would otherwise qualify the district for multiple payments under this subsection (d) in any year, then the district shall receive a single payment only for that year based solely on the most recent reorganization.

1           (2) For an elementary opt-in, as defined in subsection  
2           (d) of Section 11E-30 of this Code, the full-time certified  
3           staff incentive shall be computed in accordance with  
4           paragraph (1) of this subsection (d), equal to the sum of  
5           \$4,000 for each certified employee of the elementary  
6           district that opts-in who is employed by the optional  
7           elementary unit district on a full-time basis for the  
8           regular term of the school year. The calculation from this  
9           paragraph (2) must be paid as follows:

10           (A) If the effective date for the elementary opt-in  
11           is one year after the effective date for the optional  
12           elementary unit district, 100% of the amount  
13           calculated in this paragraph (2) shall be paid to the  
14           optional elementary unit district for the number of  
15           years calculated in paragraph (1) of this subsection  
16           (d) at the optional elementary unit district's  
17           original effective date, starting in the second year  
18           after the effective date of the elementary opt-in.

19           (B) If the effective date for the elementary opt-in  
20           is 2 years after the effective date for the optional  
21           elementary unit district, 75% of the amount calculated  
22           in this paragraph (2) shall be paid to the optional  
23           elementary unit district for the number of years  
24           calculated in paragraph (1) of this subsection (d) at  
25           the optional elementary unit district's original  
26           effective date, starting in the second year after the  
27           effective date of the elementary opt-in.

28           (C) If the effective date for the elementary opt-in  
29           is 3 years after the effective date for the optional  
30           elementary unit district, 50% of the amount calculated  
31           in this paragraph (2) shall be paid to the optional  
32           elementary unit district for the number of years  
33           calculated in paragraph (1) of this subsection (d) at  
34           the optional elementary unit district's original

1 effective date, starting in the second year after the  
2 effective date of the elementary opt-in.

3 (D) If the effective date for the elementary opt-in  
4 is 4 years after the effective date for the optional  
5 elementary unit district, 25% of the amount calculated  
6 in this paragraph (2) shall be paid to the optional  
7 elementary unit district for the number of years  
8 calculated in paragraph (1) of this subsection (d) at  
9 the optional elementary unit district's original  
10 effective date, starting in the second year after the  
11 effective date of the elementary opt-in.

12 (E) If the effective date for the elementary opt-in  
13 is 5 years after the effective date for the optional  
14 elementary unit district, the optional elementary unit  
15 district is not eligible for any additional incentives  
16 due to the elementary opt-in.

17 (3) The supplementary State aid reimbursement payable  
18 under this subsection (d) shall be separate from and in  
19 addition to all other payments made to the district  
20 pursuant to any other Section of this Article.

21 (4) During May of each school year for which a  
22 supplementary State aid reimbursement is to be paid to a  
23 new or annexing school district pursuant to this subsection  
24 (d), the school board shall certify to the State Board of  
25 Education, on forms furnished to the school board by the  
26 State Board of Education for purposes of this subsection  
27 (d), the number of certified employees for which the  
28 district is entitled to reimbursement under this Section,  
29 together with the names, certificate numbers, and  
30 positions held by the certified employees.

31 (5) Upon certification by the State Board of Education  
32 to the State Comptroller of the amount of the supplementary  
33 State aid reimbursement to which a school district is  
34 entitled under this subsection (d), the State Comptroller

1       shall draw his or her warrant upon the State Treasurer for  
2       the payment thereof to the school district and shall  
3       promptly transmit the payment to the school district  
4       through the appropriate school treasurer.

5       (105 ILCS 5/17-2) (from Ch. 122, par. 17-2)

6       Sec. 17-2. Tax levies; purposes; rates.

7       (a) Except as otherwise provided in Articles 12 and 13 of  
8 this Act, the following maximum rates shall apply to all taxes  
9 levied after August 10, 1965, in districts having a population  
10 of less than 500,000 inhabitants, including those districts  
11 organized under Article 11 of the School Code. The school board  
12 of any district having a population of less than 500,000  
13 inhabitants may levy a tax annually, at not to exceed the  
14 maximum rates and for the specified purposes, upon all the  
15 taxable property of the district at the value, as equalized or  
16 assessed by the Department of Revenue as follows:

17           (1) districts maintaining only grades 1 through 8, .92%  
18           for educational purposes and .25% for operations and  
19           maintenance purposes;

20           (2) districts maintaining only grades 9 through 12,  
21           .92% for educational purposes and .25% for operations and  
22           maintenance purposes;

23           (3) districts maintaining grades 1 through 12, 1.63%  
24           for the 1985-86 school year, 1.68% for the 1986-87 school  
25           year, 1.75% for the 1987-88 school year and 1.84% for the  
26           1988-89 school year and thereafter for educational  
27           purposes and .405% for the 1989-90 school year, .435% for  
28           the 1990-91 school year, .465% for the 1991-92 school year,  
29           and .50% for the 1992-93 school year and thereafter for  
30           operations and maintenance purposes;

31           (4) all districts, 0.75% for capital improvement  
32           purposes (which is in addition to the levy for operations  
33           and maintenance purposes), which tax is to be levied,

1 accumulated for not more than 6 years, and spent for  
2 capital improvement purposes (including but not limited to  
3 the construction of a new school building or buildings or  
4 the purchase of school grounds on which any new school  
5 building is to be constructed or located, or both) only in  
6 accordance with Section 17-2.3 of this Act;

7 (5) districts maintaining only grades 1 through 8, .12%  
8 for transportation purposes, provided that districts  
9 maintaining only grades kindergarten through 8 which have  
10 an enrollment of at least 2600 students may levy, subject  
11 to Section 17-2.2, at not to exceed a maximum rate of .20%  
12 for transportation purposes for any school year in which  
13 the number of students requiring transportation in the  
14 district exceeds by at least 2% the number of students  
15 requiring transportation in the district during the  
16 preceding school year, as verified in the district's claim  
17 for pupil transportation and reimbursement and as  
18 certified by the State Board of Education to the county  
19 clerk of the county in which such district is located not  
20 later than November 15 following the submission of such  
21 claim; districts maintaining only grades 9 through 12, .12%  
22 for transportation purposes; and districts maintaining  
23 grades 1 through 12, .14% for the 1985-86 school year, .16%  
24 for the 1986-87 school year, .18% for the 1987-88 school  
25 year and .20% for the 1988-89 school year and thereafter,  
26 for transportation purposes;

27 (6) districts providing summer classes, .15% for  
28 educational purposes, subject to Section 17-2.1 of this  
29 Act.

30 Whenever any special charter school district operating  
31 grades 1 through 12, has organized or shall organize under the  
32 general school law, the district so organized may continue to  
33 levy taxes at not to exceed the rate at which taxes were last  
34 actually extended by the special charter district, except that

1 if such rate at which taxes were last actually extended by such  
2 special charter district was less than the maximum rate for  
3 districts maintaining grades 1 through 12 authorized under this  
4 Section, such special charter district nevertheless may levy  
5 taxes at a rate not to exceed the maximum rate for districts  
6 maintaining grades 1 through 12 authorized under this Section,  
7 and except that if any such district maintains only grades 1  
8 through 8, the board may levy, for educational purposes, at a  
9 rate not to exceed the maximum rate for elementary districts  
10 authorized under this Section.

11 Maximum rates before or after established in excess of  
12 those prescribed shall not be affected by the amendatory Act of  
13 1965.

14 (b) Notwithstanding the rate limitations prescribed in  
15 subsection (a) of this Section, whenever a new unit school  
16 district, other than a partial elementary unit district, is  
17 created from any combination of elementary and high school  
18 districts, the school board of the new unit district may levy  
19 taxes at a maximum rate for educational, operations and  
20 maintenance, and capital improvement purposes as follows,  
21 provided that the rates are specified in the petition to form  
22 the new unit district:

23 (1) The school board may levy taxes at a maximum rate  
24 for educational purposes determined by combining a rate not  
25 to exceed the highest rate for that purpose extended by any  
26 of the elementary districts included in the petition in the  
27 year immediately preceding the creation of the new district  
28 and a rate not to exceed the highest rate for that purpose  
29 extended by any of the high school districts included in  
30 the petition in the year immediately preceding the creation  
31 of the new district.

32 (2) The school board may levy taxes at a rate for  
33 operations and maintenance purposes determined by  
34 combining a rate not to exceed the highest rate for that

1 purpose extended by any of the elementary districts  
2 included in the petition in the year immediately preceding  
3 the creation of the new district and a rate not to exceed  
4 the highest rate for that purpose extended by any of the  
5 high school districts included in the petition in the year  
6 immediately preceding the creation of the new district.

7 (3) The school board may levy taxes at a rate for  
8 capital improvement purposes at a rate not to exceed 1.5%.

9 (4) If any resulting combined elementary and high  
10 school rate authorized pursuant to this subsection (b) is  
11 less than the maximum rate otherwise applicable to unit  
12 districts as specified elsewhere in statute, then the rate  
13 may be specified in the petition and on the ballot at a  
14 rate not exceeding the maximum rate applicable to unit  
15 districts as specified elsewhere in statute.

16 (5) The aggregate of all rates specified in the  
17 petition and on the ballot, excluding rates for bond and  
18 interest levies, shall not exceed the highest dual district  
19 rate, excluding rates for bond and interest levies,  
20 applicable to any territory within the high school district  
21 included in the petition in the year immediately preceding  
22 the creation of the new district.

23 (c) (1) If a unit school district's maximum authorized rate  
24 for educational purposes determined in accordance with  
25 subsection (b) of this Section exceeds 4.0%, then, beginning  
26 with the third year of operation of the new unit district and  
27 in each subsequent year, the rate shall be reduced by 0.10% or  
28 reduced to 4.0%, whichever is less.

29 (2) If a unit district's maximum authorized rate for  
30 operations and maintenance purposes determined in  
31 accordance with subsection (b) of this Section exceeds  
32 0.75%, then, beginning with the third year of operation of  
33 the new unit district and in each subsequent year, the rate  
34 shall be reduced by 0.04% or reduced to 0.75%, whichever is

1       less.

2       (3) If a unit district's maximum authorized rate for  
3       capital improvement purposes determined in accordance with  
4       subsection (b) of this Section exceeds 0.75%, then,  
5       beginning with the seventh year of operation of the new  
6       unit district, the rate shall be reduced to 0.75%.  
7       Thereafter, the maximum authorized rate for capital  
8       improvement purposes shall be 0.75%.

9       (d) The school board of a unit school district may, by  
10      proper resolution, cause to be submitted to the voters of the  
11      district, at any regular scheduled election following the  
12      formation of the district, a proposition to maintain, for a  
13      period not to exceed 2 years, any rate determined pursuant to  
14      subdivisions (1) or (2) of subsection (b) of this Section,  
15      without any decrease required by subsection (c) of this  
16      Section. If a majority of the votes cast on the proposition is  
17      in favor thereof, the school board may thereafter, until such  
18      authority is revoked in like manner or expires without renewal,  
19      levy annually a tax as authorized.

20      (e) In a combined school district formation involving one  
21      or more partial elementary unit districts and one or more unit  
22      districts that are not partial elementary unit districts, the  
23      new district may levy taxes at a maximum rate for a particular  
24      purpose that does not exceed the higher of the rate for that  
25      purpose of any partial elementary unit district involved in the  
26      combination in the year preceding the formation of the new  
27      district or the maximum rate for that purpose applicable to  
28      unit districts as specified elsewhere in statute.

29      (Source: P.A. 87-984; 87-1023; 88-45.)

30           (105 ILCS 5/17-3) (from Ch. 122, par. 17-3)

31           Sec. 17-3. Additional levies-Submission to voters. The  
32           school board in any district having a population of less than  
33           500,000 inhabitants may, by proper resolution, cause a



1 proposition to increase, for a limited period of not less than  
2 3 nor more than 10 years or for an unlimited period, the annual  
3 tax rate for educational purposes to be submitted to the voters  
4 of such district at a regular scheduled election as follows:

5 (1) in districts maintaining grades 1 through 8, or  
6 grades 9 through 12, the maximum rate for educational  
7 purposes shall not exceed 3.5% of the value as equalized or  
8 assessed by the Department of Revenue;

9 (2) in districts maintaining grades 1 through 12 the  
10 maximum rate for educational purposes shall not exceed  
11 4.00% of the value as equalized or assessed by the  
12 Department of Revenue. ~~except that if a single elementary~~  
13 ~~district and a secondary district having boundaries that~~  
14 ~~are coterminous form a community unit district on or after~~  
15 ~~the effective date of this amendatory Act of the 94th~~  
16 ~~General Assembly and the actual combined rate of the~~  
17 ~~elementary district and secondary district prior to the~~  
18 ~~formation of the community unit district is greater than~~  
19 ~~4.00%, then the maximum rate for educational purposes for~~  
20 ~~such district shall be the following:~~

21 ~~(A) For 2 years following the formation of the~~  
22 ~~community unit district, the maximum rate shall equal~~  
23 ~~the actual combined rate of the previous elementary~~  
24 ~~district and secondary district.~~

25 ~~(B) In each subsequent year, the maximum rate shall~~  
26 ~~be reduced by 0.10% or reduced to 4.00%, whichever~~  
27 ~~reduction is less. The school board may, by proper~~  
28 ~~resolution, cause a proposition to increase the~~  
29 ~~reduced rate, not to exceed the maximum rate in clause~~  
30 ~~(A), to be submitted to the voters of the district at a~~  
31 ~~regular scheduled election as provided under this~~  
32 ~~Section. Nothing in this Section shall require that the~~  
33 ~~maximum rate for educational purpose for a district~~  
34 ~~maintaining grades one through 12 be reduced below~~

1           ~~4.00%.~~

2           If the resolution of the school board seeks to increase the  
3           annual tax rate for educational purposes for a limited period  
4           of not less than 3 nor more than 10 years, the proposition  
5           shall so state and shall identify the years for which the tax  
6           increase is sought.

7           If a majority of the votes cast on the proposition is in  
8           favor thereof at an election for which the election authorities  
9           have given notice either (i) in accordance with Section 12-5 of  
10          the Election Code or (ii) by publication of a true and legible  
11          copy of the specimen ballot label containing the proposition in  
12          the form in which it appeared or will appear on the official  
13          ballot label on the day of the election at least 5 days before  
14          the day of the election in at least one newspaper published in  
15          and having a general circulation in the district, the school  
16          board may thereafter, until such authority is revoked in like  
17          manner, levy annually the tax so authorized; provided that if  
18          the proposition as approved limits the increase in the annual  
19          tax rate of the district for educational purposes to a period  
20          of not less than 3 nor more than 10 years, the district may,  
21          unless such authority is sooner revoked in like manner, levy  
22          annually the tax so authorized for the limited number of years  
23          approved by a majority of the votes cast on the proposition.  
24          Upon expiration of that limited period, the rate at which the  
25          district may annually levy its tax for educational purposes  
26          shall be the rate provided under Section 17-2, or the rate at  
27          which the district last levied its tax for educational purposes  
28          prior to approval of the proposition authorizing the levy of  
29          that tax at an increased rate, whichever is greater.

30          The school board shall certify the proposition to the  
31          proper election authorities in accordance with the general  
32          election law.

33          The provisions of this Section concerning notice of the tax  
34          rate increase referendum apply only to consolidated primary

1 elections held prior to January 1, 2002 at which not less than  
2 55% of the voters voting on the tax rate increase proposition  
3 voted in favor of the tax rate increase proposition.

4 (Source: P.A. 94-52, eff. 6-17-05.)

5 (105 ILCS 5/17-5) (from Ch. 122, par. 17-5)

6 Sec. 17-5. Increase tax rates for operations and  
7 maintenance purposes- Maximum. The school board in any district  
8 having a population of less than 500,000 inhabitants may, by  
9 proper resolution, cause a proposition to increase the annual  
10 tax rate for operations and maintenance purposes to be  
11 submitted to the voters of the district at a regular scheduled  
12 election. The board shall certify the proposition to the proper  
13 election authority for submission to the elector in accordance  
14 with the general election law. In districts maintaining grades  
15 1 through 8, or grades 9 through 12, the maximum rate for  
16 operations and maintenance purposes shall not exceed .55%; and  
17 in districts maintaining grades 1 through 12, the maximum rates  
18 for operations and maintenance purposes shall not exceed .75%,  
19 ~~except that if a single elementary district and a secondary~~  
20 ~~district having boundaries that are coterminous on the~~  
21 ~~effective date of this amendatory Act form a community unit~~  
22 ~~district as authorized under Section 11-6, the maximum rate for~~  
23 ~~operation and maintenance purposes for such district shall not~~  
24 ~~exceed 1.10% of the value as equalized or assessed by the~~  
25 ~~Department of Revenue; and in such district maintaining grades~~  
26 ~~1 through 12, funds may, subject to the provisions of Section~~  
27 ~~17-5.1 accumulate to not more than 5% of the equalized assessed~~  
28 ~~valuation of the district. No such accumulation shall ever be~~  
29 ~~transferred or used for any other purpose.~~ If a majority of the  
30 votes cast on the proposition is in favor thereof, the school  
31 board may thereafter, until such authority is revoked in like  
32 manner, levy annually a tax as authorized.

33 (Source: P.A. 86-1334.)

1 (105 ILCS 5/18-8.05)

2 Sec. 18-8.05. Basis for apportionment of general State  
3 financial aid and supplemental general State aid to the common  
4 schools for the 1998-1999 and subsequent school years.

5 (A) General Provisions.

6 (1) The provisions of this Section apply to the 1998-1999  
7 and subsequent school years. The system of general State  
8 financial aid provided for in this Section is designed to  
9 assure that, through a combination of State financial aid and  
10 required local resources, the financial support provided each  
11 pupil in Average Daily Attendance equals or exceeds a  
12 prescribed per pupil Foundation Level. This formula approach  
13 imputes a level of per pupil Available Local Resources and  
14 provides for the basis to calculate a per pupil level of  
15 general State financial aid that, when added to Available Local  
16 Resources, equals or exceeds the Foundation Level. The amount  
17 of per pupil general State financial aid for school districts,  
18 in general, varies in inverse relation to Available Local  
19 Resources. Per pupil amounts are based upon each school  
20 district's Average Daily Attendance as that term is defined in  
21 this Section.

22 (2) In addition to general State financial aid, school  
23 districts with specified levels or concentrations of pupils  
24 from low income households are eligible to receive supplemental  
25 general State financial aid grants as provided pursuant to  
26 subsection (H). The supplemental State aid grants provided for  
27 school districts under subsection (H) shall be appropriated for  
28 distribution to school districts as part of the same line item  
29 in which the general State financial aid of school districts is  
30 appropriated under this Section.

31 (3) To receive financial assistance under this Section,  
32 school districts are required to file claims with the State

1 Board of Education, subject to the following requirements:

2 (a) Any school district which fails for any given  
3 school year to maintain school as required by law, or to  
4 maintain a recognized school is not eligible to file for  
5 such school year any claim upon the Common School Fund. In  
6 case of nonrecognition of one or more attendance centers in  
7 a school district otherwise operating recognized schools,  
8 the claim of the district shall be reduced in the  
9 proportion which the Average Daily Attendance in the  
10 attendance center or centers bear to the Average Daily  
11 Attendance in the school district. A "recognized school"  
12 means any public school which meets the standards as  
13 established for recognition by the State Board of  
14 Education. A school district or attendance center not  
15 having recognition status at the end of a school term is  
16 entitled to receive State aid payments due upon a legal  
17 claim which was filed while it was recognized.

18 (b) School district claims filed under this Section are  
19 subject to Sections 18-9, 18-10, and 18-12, except as  
20 otherwise provided in this Section.

21 (c) If a school district operates a full year school  
22 under Section 10-19.1, the general State aid to the school  
23 district shall be determined by the State Board of  
24 Education in accordance with this Section as near as may be  
25 applicable.

26 (d) (Blank).

27 (4) Except as provided in subsections (H) and (L), the  
28 board of any district receiving any of the grants provided for  
29 in this Section may apply those funds to any fund so received  
30 for which that board is authorized to make expenditures by law.

31 School districts are not required to exert a minimum  
32 Operating Tax Rate in order to qualify for assistance under  
33 this Section.

34 (5) As used in this Section the following terms, when

1 capitalized, shall have the meaning ascribed herein:

2 (a) "Average Daily Attendance": A count of pupil  
3 attendance in school, averaged as provided for in  
4 subsection (C) and utilized in deriving per pupil financial  
5 support levels.

6 (b) "Available Local Resources": A computation of  
7 local financial support, calculated on the basis of Average  
8 Daily Attendance and derived as provided pursuant to  
9 subsection (D).

10 (c) "Corporate Personal Property Replacement Taxes":  
11 Funds paid to local school districts pursuant to "An Act in  
12 relation to the abolition of ad valorem personal property  
13 tax and the replacement of revenues lost thereby, and  
14 amending and repealing certain Acts and parts of Acts in  
15 connection therewith", certified August 14, 1979, as  
16 amended (Public Act 81-1st S.S.-1).

17 (d) "Foundation Level": A prescribed level of per pupil  
18 financial support as provided for in subsection (B).

19 (e) "Operating Tax Rate": All school district property  
20 taxes extended for all purposes, except Bond and Interest,  
21 Summer School, Rent, Capital Improvement, and Vocational  
22 Education Building purposes.

23 (B) Foundation Level.

24 (1) The Foundation Level is a figure established by the  
25 State representing the minimum level of per pupil financial  
26 support that should be available to provide for the basic  
27 education of each pupil in Average Daily Attendance. As set  
28 forth in this Section, each school district is assumed to exert  
29 a sufficient local taxing effort such that, in combination with  
30 the aggregate of general State financial aid provided the  
31 district, an aggregate of State and local resources are  
32 available to meet the basic education needs of pupils in the  
33 district.

1           (2) For the 1998-1999 school year, the Foundation Level of  
2 support is \$4,225. For the 1999-2000 school year, the  
3 Foundation Level of support is \$4,325. For the 2000-2001 school  
4 year, the Foundation Level of support is \$4,425. For the  
5 2001-2002 school year and 2002-2003 school year, the Foundation  
6 Level of support is \$4,560. For the 2003-2004 school year, the  
7 Foundation Level of support is \$4,810. For the 2004-2005 school  
8 year, the Foundation Level of support is \$4,964.

9           (3) For the 2005-2006 school year and each school year  
10 thereafter, the Foundation Level of support is \$5,164 or such  
11 greater amount as may be established by law by the General  
12 Assembly.

13       (C) Average Daily Attendance.

14           (1) For purposes of calculating general State aid pursuant  
15 to subsection (E), an Average Daily Attendance figure shall be  
16 utilized. The Average Daily Attendance figure for formula  
17 calculation purposes shall be the monthly average of the actual  
18 number of pupils in attendance of each school district, as  
19 further averaged for the best 3 months of pupil attendance for  
20 each school district. In compiling the figures for the number  
21 of pupils in attendance, school districts and the State Board  
22 of Education shall, for purposes of general State aid funding,  
23 conform attendance figures to the requirements of subsection  
24 (F).

25           (2) The Average Daily Attendance figures utilized in  
26 subsection (E) shall be the requisite attendance data for the  
27 school year immediately preceding the school year for which  
28 general State aid is being calculated or the average of the  
29 attendance data for the 3 preceding school years, whichever is  
30 greater. The Average Daily Attendance figures utilized in  
31 subsection (H) shall be the requisite attendance data for the  
32 school year immediately preceding the school year for which  
33 general State aid is being calculated.

1 (D) Available Local Resources.

2 (1) For purposes of calculating general State aid pursuant  
3 to subsection (E), a representation of Available Local  
4 Resources per pupil, as that term is defined and determined in  
5 this subsection, shall be utilized. Available Local Resources  
6 per pupil shall include a calculated dollar amount representing  
7 local school district revenues from local property taxes and  
8 from Corporate Personal Property Replacement Taxes, expressed  
9 on the basis of pupils in Average Daily Attendance. Calculation  
10 of Available Local Resources shall exclude any tax amnesty  
11 funds received as a result of Public Act 93-26.

12 (2) In determining a school district's revenue from local  
13 property taxes, the State Board of Education shall utilize the  
14 equalized assessed valuation of all taxable property of each  
15 school district as of September 30 of the previous year. The  
16 equalized assessed valuation utilized shall be obtained and  
17 determined as provided in subsection (G).

18 (3) For school districts maintaining grades kindergarten  
19 through 12, local property tax revenues per pupil shall be  
20 calculated as the product of the applicable equalized assessed  
21 valuation for the district multiplied by 3.00%, and divided by  
22 the district's Average Daily Attendance figure. For school  
23 districts maintaining grades kindergarten through 8, local  
24 property tax revenues per pupil shall be calculated as the  
25 product of the applicable equalized assessed valuation for the  
26 district multiplied by 2.30%, and divided by the district's  
27 Average Daily Attendance figure. For school districts  
28 maintaining grades 9 through 12, local property tax revenues  
29 per pupil shall be the applicable equalized assessed valuation  
30 of the district multiplied by 1.05%, and divided by the  
31 district's Average Daily Attendance figure.

32 For partial elementary unit districts created pursuant to  
33 Article 11E of this Code, local property tax revenues per pupil



1 shall be calculated as the product of the equalized assessed  
2 valuation for property within the elementary and high school  
3 classification of the partial elementary unit district  
4 multiplied by 2.06% and divided by the Average Daily Attendance  
5 figure for grades kindergarten through 8, plus the product of  
6 the equalized assessed valuation for property within the high  
7 school only classification of the partial elementary unit  
8 district multiplied by 0.94% and divided by the Average Daily  
9 Attendance figure for grades 9 through 12.

10 (4) The Corporate Personal Property Replacement Taxes paid  
11 to each school district during the calendar year 2 years before  
12 the calendar year in which a school year begins, divided by the  
13 Average Daily Attendance figure for that district, shall be  
14 added to the local property tax revenues per pupil as derived  
15 by the application of the immediately preceding paragraph (3).  
16 The sum of these per pupil figures for each school district  
17 shall constitute Available Local Resources as that term is  
18 utilized in subsection (E) in the calculation of general State  
19 aid.

20 (E) Computation of General State Aid.

21 (1) For each school year, the amount of general State aid  
22 allotted to a school district shall be computed by the State  
23 Board of Education as provided in this subsection.

24 (2) For any school district for which Available Local  
25 Resources per pupil is less than the product of 0.93 times the  
26 Foundation Level, general State aid for that district shall be  
27 calculated as an amount equal to the Foundation Level minus  
28 Available Local Resources, multiplied by the Average Daily  
29 Attendance of the school district.

30 (3) For any school district for which Available Local  
31 Resources per pupil is equal to or greater than the product of  
32 0.93 times the Foundation Level and less than the product of  
33 1.75 times the Foundation Level, the general State aid per

1 pupil shall be a decimal proportion of the Foundation Level  
2 derived using a linear algorithm. Under this linear algorithm,  
3 the calculated general State aid per pupil shall decline in  
4 direct linear fashion from 0.07 times the Foundation Level for  
5 a school district with Available Local Resources equal to the  
6 product of 0.93 times the Foundation Level, to 0.05 times the  
7 Foundation Level for a school district with Available Local  
8 Resources equal to the product of 1.75 times the Foundation  
9 Level. The allocation of general State aid for school districts  
10 subject to this paragraph 3 shall be the calculated general  
11 State aid per pupil figure multiplied by the Average Daily  
12 Attendance of the school district.

13 (4) For any school district for which Available Local  
14 Resources per pupil equals or exceeds the product of 1.75 times  
15 the Foundation Level, the general State aid for the school  
16 district shall be calculated as the product of \$218 multiplied  
17 by the Average Daily Attendance of the school district.

18 (5) The amount of general State aid allocated to a school  
19 district for the 1999-2000 school year meeting the requirements  
20 set forth in paragraph (4) of subsection (G) shall be increased  
21 by an amount equal to the general State aid that would have  
22 been received by the district for the 1998-1999 school year by  
23 utilizing the Extension Limitation Equalized Assessed  
24 Valuation as calculated in paragraph (4) of subsection (G) less  
25 the general State aid allotted for the 1998-1999 school year.  
26 This amount shall be deemed a one time increase, and shall not  
27 affect any future general State aid allocations.

28 (F) Compilation of Average Daily Attendance.

29 (1) Each school district shall, by July 1 of each year,  
30 submit to the State Board of Education, on forms prescribed by  
31 the State Board of Education, attendance figures for the school  
32 year that began in the preceding calendar year. The attendance  
33 information so transmitted shall identify the average daily

1 attendance figures for each month of the school year. Beginning  
2 with the general State aid claim form for the 2002-2003 school  
3 year, districts shall calculate Average Daily Attendance as  
4 provided in subdivisions (a), (b), and (c) of this paragraph  
5 (1).

6 (a) In districts that do not hold year-round classes,  
7 days of attendance in August shall be added to the month of  
8 September and any days of attendance in June shall be added  
9 to the month of May.

10 (b) In districts in which all buildings hold year-round  
11 classes, days of attendance in July and August shall be  
12 added to the month of September and any days of attendance  
13 in June shall be added to the month of May.

14 (c) In districts in which some buildings, but not all,  
15 hold year-round classes, for the non-year-round buildings,  
16 days of attendance in August shall be added to the month of  
17 September and any days of attendance in June shall be added  
18 to the month of May. The average daily attendance for the  
19 year-round buildings shall be computed as provided in  
20 subdivision (b) of this paragraph (1). To calculate the  
21 Average Daily Attendance for the district, the average  
22 daily attendance for the year-round buildings shall be  
23 multiplied by the days in session for the non-year-round  
24 buildings for each month and added to the monthly  
25 attendance of the non-year-round buildings.

26 Except as otherwise provided in this Section, days of  
27 attendance by pupils shall be counted only for sessions of not  
28 less than 5 clock hours of school work per day under direct  
29 supervision of: (i) teachers, or (ii) non-teaching personnel or  
30 volunteer personnel when engaging in non-teaching duties and  
31 supervising in those instances specified in subsection (a) of  
32 Section 10-22.34 and paragraph 10 of Section 34-18, with pupils  
33 of legal school age and in kindergarten and grades 1 through  
34 12.

1 Days of attendance by tuition pupils shall be accredited  
2 only to the districts that pay the tuition to a recognized  
3 school.

4 (2) Days of attendance by pupils of less than 5 clock hours  
5 of school shall be subject to the following provisions in the  
6 compilation of Average Daily Attendance.

7 (a) Pupils regularly enrolled in a public school for  
8 only a part of the school day may be counted on the basis  
9 of 1/6 day for every class hour of instruction of 40  
10 minutes or more attended pursuant to such enrollment,  
11 unless a pupil is enrolled in a block-schedule format of 80  
12 minutes or more of instruction, in which case the pupil may  
13 be counted on the basis of the proportion of minutes of  
14 school work completed each day to the minimum number of  
15 minutes that school work is required to be held that day.

16 (b) Days of attendance may be less than 5 clock hours  
17 on the opening and closing of the school term, and upon the  
18 first day of pupil attendance, if preceded by a day or days  
19 utilized as an institute or teachers' workshop.

20 (c) A session of 4 or more clock hours may be counted  
21 as a day of attendance upon certification by the regional  
22 superintendent, and approved by the State Superintendent  
23 of Education to the extent that the district has been  
24 forced to use daily multiple sessions.

25 (d) A session of 3 or more clock hours may be counted  
26 as a day of attendance (1) when the remainder of the school  
27 day or at least 2 hours in the evening of that day is  
28 utilized for an in-service training program for teachers,  
29 up to a maximum of 5 days per school year of which a  
30 maximum of 4 days of such 5 days may be used for  
31 parent-teacher conferences, provided a district conducts  
32 an in-service training program for teachers which has been  
33 approved by the State Superintendent of Education; or, in  
34 lieu of 4 such days, 2 full days may be used, in which

1 event each such day may be counted as a day of attendance;  
2 and (2) when days in addition to those provided in item (1)  
3 are scheduled by a school pursuant to its school  
4 improvement plan adopted under Article 34 or its revised or  
5 amended school improvement plan adopted under Article 2,  
6 provided that (i) such sessions of 3 or more clock hours  
7 are scheduled to occur at regular intervals, (ii) the  
8 remainder of the school days in which such sessions occur  
9 are utilized for in-service training programs or other  
10 staff development activities for teachers, and (iii) a  
11 sufficient number of minutes of school work under the  
12 direct supervision of teachers are added to the school days  
13 between such regularly scheduled sessions to accumulate  
14 not less than the number of minutes by which such sessions  
15 of 3 or more clock hours fall short of 5 clock hours. Any  
16 full days used for the purposes of this paragraph shall not  
17 be considered for computing average daily attendance. Days  
18 scheduled for in-service training programs, staff  
19 development activities, or parent-teacher conferences may  
20 be scheduled separately for different grade levels and  
21 different attendance centers of the district.

22 (e) A session of not less than one clock hour of  
23 teaching hospitalized or homebound pupils on-site or by  
24 telephone to the classroom may be counted as 1/2 day of  
25 attendance, however these pupils must receive 4 or more  
26 clock hours of instruction to be counted for a full day of  
27 attendance.

28 (f) A session of at least 4 clock hours may be counted  
29 as a day of attendance for first grade pupils, and pupils  
30 in full day kindergartens, and a session of 2 or more hours  
31 may be counted as 1/2 day of attendance by pupils in  
32 kindergartens which provide only 1/2 day of attendance.

33 (g) For children with disabilities who are below the  
34 age of 6 years and who cannot attend 2 or more clock hours

1 because of their disability or immaturity, a session of not  
2 less than one clock hour may be counted as 1/2 day of  
3 attendance; however for such children whose educational  
4 needs so require a session of 4 or more clock hours may be  
5 counted as a full day of attendance.

6 (h) A recognized kindergarten which provides for only  
7 1/2 day of attendance by each pupil shall not have more  
8 than 1/2 day of attendance counted in any one day. However,  
9 kindergartens may count 2 1/2 days of attendance in any 5  
10 consecutive school days. When a pupil attends such a  
11 kindergarten for 2 half days on any one school day, the  
12 pupil shall have the following day as a day absent from  
13 school, unless the school district obtains permission in  
14 writing from the State Superintendent of Education.  
15 Attendance at kindergartens which provide for a full day of  
16 attendance by each pupil shall be counted the same as  
17 attendance by first grade pupils. Only the first year of  
18 attendance in one kindergarten shall be counted, except in  
19 case of children who entered the kindergarten in their  
20 fifth year whose educational development requires a second  
21 year of kindergarten as determined under the rules and  
22 regulations of the State Board of Education.

23 (i) On the days when the Prairie State Achievement  
24 Examination is administered under subsection (c) of  
25 Section 2-3.64 of this Code, the day of attendance for a  
26 pupil whose school day must be shortened to accommodate  
27 required testing procedures may be less than 5 clock hours  
28 and shall be counted towards the 176 days of actual pupil  
29 attendance required under Section 10-19 of this Code,  
30 provided that a sufficient number of minutes of school work  
31 in excess of 5 clock hours are first completed on other  
32 school days to compensate for the loss of school work on  
33 the examination days.

1 (G) Equalized Assessed Valuation Data.

2 (1) For purposes of the calculation of Available Local  
3 Resources required pursuant to subsection (D), the State Board  
4 of Education shall secure from the Department of Revenue the  
5 value as equalized or assessed by the Department of Revenue of  
6 all taxable property of every school district, together with  
7 (i) the applicable tax rate used in extending taxes for the  
8 funds of the district as of September 30 of the previous year  
9 and (ii) the limiting rate for all school districts subject to  
10 property tax extension limitations as imposed under the  
11 Property Tax Extension Limitation Law.

12 The Department of Revenue shall add to the equalized  
13 assessed value of all taxable property of each school district  
14 situated entirely or partially within a county that is or was  
15 subject to the alternative general homestead exemption  
16 provisions of Section 15-176 of the Property Tax Code (a) an  
17 amount equal to the total amount by which the homestead  
18 exemption allowed under Section 15-176 of the Property Tax Code  
19 for real property situated in that school district exceeds the  
20 total amount that would have been allowed in that school  
21 district if the maximum reduction under Section 15-176 was (i)  
22 \$4,500 in Cook County or \$3,500 in all other counties in tax  
23 year 2003 or (ii) \$5,000 in all counties in tax year 2004 and  
24 thereafter and (b) an amount equal to the aggregate amount for  
25 the taxable year of all additional exemptions under Section  
26 15-175 of the Property Tax Code for owners with a household  
27 income of \$30,000 or less. The county clerk of any county that  
28 is or was subject to the alternative general homestead  
29 exemption provisions of Section 15-176 of the Property Tax Code  
30 shall annually calculate and certify to the Department of  
31 Revenue for each school district all homestead exemption  
32 amounts under Section 15-176 of the Property Tax Code and all  
33 amounts of additional exemptions under Section 15-175 of the  
34 Property Tax Code for owners with a household income of \$30,000

1 or less. It is the intent of this paragraph that if the general  
2 homestead exemption for a parcel of property is determined  
3 under Section 15-176 of the Property Tax Code rather than  
4 Section 15-175, then the calculation of Available Local  
5 Resources shall not be affected by the difference, if any,  
6 between the amount of the general homestead exemption allowed  
7 for that parcel of property under Section 15-176 of the  
8 Property Tax Code and the amount that would have been allowed  
9 had the general homestead exemption for that parcel of property  
10 been determined under Section 15-175 of the Property Tax Code.  
11 It is further the intent of this paragraph that if additional  
12 exemptions are allowed under Section 15-175 of the Property Tax  
13 Code for owners with a household income of less than \$30,000,  
14 then the calculation of Available Local Resources shall not be  
15 affected by the difference, if any, because of those additional  
16 exemptions.

17 This equalized assessed valuation, as adjusted further by  
18 the requirements of this subsection, shall be utilized in the  
19 calculation of Available Local Resources.

20 (2) The equalized assessed valuation in paragraph (1) shall  
21 be adjusted, as applicable, in the following manner:

22 (a) For the purposes of calculating State aid under  
23 this Section, with respect to any part of a school district  
24 within a redevelopment project area in respect to which a  
25 municipality has adopted tax increment allocation  
26 financing pursuant to the Tax Increment Allocation  
27 Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11  
28 of the Illinois Municipal Code or the Industrial Jobs  
29 Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the  
30 Illinois Municipal Code, no part of the current equalized  
31 assessed valuation of real property located in any such  
32 project area which is attributable to an increase above the  
33 total initial equalized assessed valuation of such  
34 property shall be used as part of the equalized assessed



1 valuation of the district, until such time as all  
2 redevelopment project costs have been paid, as provided in  
3 Section 11-74.4-8 of the Tax Increment Allocation  
4 Redevelopment Act or in Section 11-74.6-35 of the  
5 Industrial Jobs Recovery Law. For the purpose of the  
6 equalized assessed valuation of the district, the total  
7 initial equalized assessed valuation or the current  
8 equalized assessed valuation, whichever is lower, shall be  
9 used until such time as all redevelopment project costs  
10 have been paid.

11 (b) The real property equalized assessed valuation for  
12 a school district shall be adjusted by subtracting from the  
13 real property value as equalized or assessed by the  
14 Department of Revenue for the district an amount computed  
15 by dividing the amount of any abatement of taxes under  
16 Section 18-170 of the Property Tax Code by 3.00% for a  
17 district maintaining grades kindergarten through 12, by  
18 2.30% for a district maintaining grades kindergarten  
19 through 8, or by 1.05% for a district maintaining grades 9  
20 through 12 and adjusted by an amount computed by dividing  
21 the amount of any abatement of taxes under subsection (a)  
22 of Section 18-165 of the Property Tax Code by the same  
23 percentage rates for district type as specified in this  
24 subparagraph (b).

25 (3) For the 1999-2000 school year and each school year  
26 thereafter, if a school district meets all of the criteria of  
27 this subsection (G) (3), the school district's Available Local  
28 Resources shall be calculated under subsection (D) using the  
29 district's Extension Limitation Equalized Assessed Valuation  
30 as calculated under this subsection (G) (3).

31 For purposes of this subsection (G) (3) the following terms  
32 shall have the following meanings:

33 "Budget Year": The school year for which general State  
34 aid is calculated and awarded under subsection (E).

1           "Base Tax Year": The property tax levy year used to  
2 calculate the Budget Year allocation of general State aid.

3           "Preceding Tax Year": The property tax levy year  
4 immediately preceding the Base Tax Year.

5           "Base Tax Year's Tax Extension": The product of the  
6 equalized assessed valuation utilized by the County Clerk  
7 in the Base Tax Year multiplied by the limiting rate as  
8 calculated by the County Clerk and defined in the Property  
9 Tax Extension Limitation Law.

10          "Preceding Tax Year's Tax Extension": The product of  
11 the equalized assessed valuation utilized by the County  
12 Clerk in the Preceding Tax Year multiplied by the Operating  
13 Tax Rate as defined in subsection (A).

14          "Extension Limitation Ratio": A numerical ratio,  
15 certified by the County Clerk, in which the numerator is  
16 the Base Tax Year's Tax Extension and the denominator is  
17 the Preceding Tax Year's Tax Extension.

18          "Operating Tax Rate": The operating tax rate as defined  
19 in subsection (A).

20          If a school district is subject to property tax extension  
21 limitations as imposed under the Property Tax Extension  
22 Limitation Law, the State Board of Education shall calculate  
23 the Extension Limitation Equalized Assessed Valuation of that  
24 district. For the 1999-2000 school year, the Extension  
25 Limitation Equalized Assessed Valuation of a school district as  
26 calculated by the State Board of Education shall be equal to  
27 the product of the district's 1996 Equalized Assessed Valuation  
28 and the district's Extension Limitation Ratio. For the  
29 2000-2001 school year and each school year thereafter, the  
30 Extension Limitation Equalized Assessed Valuation of a school  
31 district as calculated by the State Board of Education shall be  
32 equal to the product of the Equalized Assessed Valuation last  
33 used in the calculation of general State aid and the district's  
34 Extension Limitation Ratio. If the Extension Limitation

1 Equalized Assessed Valuation of a school district as calculated  
2 under this subsection (G)(3) is less than the district's  
3 equalized assessed valuation as calculated pursuant to  
4 subsections (G)(1) and (G)(2), then for purposes of calculating  
5 the district's general State aid for the Budget Year pursuant  
6 to subsection (E), that Extension Limitation Equalized  
7 Assessed Valuation shall be utilized to calculate the  
8 district's Available Local Resources under subsection (D).

9 Partial elementary unit districts created in accordance  
10 with Article 11E of this Code shall not be eligible for the  
11 adjustment in this subsection (G)(3) until the fifth year  
12 following the effective date of the reorganization.

13 (4) For the purposes of calculating general State aid for  
14 the 1999-2000 school year only, if a school district  
15 experienced a triennial reassessment on the equalized assessed  
16 valuation used in calculating its general State financial aid  
17 apportionment for the 1998-1999 school year, the State Board of  
18 Education shall calculate the Extension Limitation Equalized  
19 Assessed Valuation that would have been used to calculate the  
20 district's 1998-1999 general State aid. This amount shall equal  
21 the product of the equalized assessed valuation used to  
22 calculate general State aid for the 1997-1998 school year and  
23 the district's Extension Limitation Ratio. If the Extension  
24 Limitation Equalized Assessed Valuation of the school district  
25 as calculated under this paragraph (4) is less than the  
26 district's equalized assessed valuation utilized in  
27 calculating the district's 1998-1999 general State aid  
28 allocation, then for purposes of calculating the district's  
29 general State aid pursuant to paragraph (5) of subsection (E),  
30 that Extension Limitation Equalized Assessed Valuation shall  
31 be utilized to calculate the district's Available Local  
32 Resources.

33 (5) For school districts having a majority of their  
34 equalized assessed valuation in any county except Cook, DuPage,

1 Kane, Lake, McHenry, or Will, if the amount of general State  
2 aid allocated to the school district for the 1999-2000 school  
3 year under the provisions of subsection (E), (H), and (J) of  
4 this Section is less than the amount of general State aid  
5 allocated to the district for the 1998-1999 school year under  
6 these subsections, then the general State aid of the district  
7 for the 1999-2000 school year only shall be increased by the  
8 difference between these amounts. The total payments made under  
9 this paragraph (5) shall not exceed \$14,000,000. Claims shall  
10 be prorated if they exceed \$14,000,000.

11 (H) Supplemental General State Aid.

12 (1) In addition to the general State aid a school district  
13 is allotted pursuant to subsection (E), qualifying school  
14 districts shall receive a grant, paid in conjunction with a  
15 district's payments of general State aid, for supplemental  
16 general State aid based upon the concentration level of  
17 children from low-income households within the school  
18 district. Supplemental State aid grants provided for school  
19 districts under this subsection shall be appropriated for  
20 distribution to school districts as part of the same line item  
21 in which the general State financial aid of school districts is  
22 appropriated under this Section. If the appropriation in any  
23 fiscal year for general State aid and supplemental general  
24 State aid is insufficient to pay the amounts required under the  
25 general State aid and supplemental general State aid  
26 calculations, then the State Board of Education shall ensure  
27 that each school district receives the full amount due for  
28 general State aid and the remainder of the appropriation shall  
29 be used for supplemental general State aid, which the State  
30 Board of Education shall calculate and pay to eligible  
31 districts on a prorated basis.

32 (1.5) This paragraph (1.5) applies only to those school  
33 years preceding the 2003-2004 school year. For purposes of this

1 subsection (H), the term "Low-Income Concentration Level"  
2 shall be the low-income eligible pupil count from the most  
3 recently available federal census divided by the Average Daily  
4 Attendance of the school district. If, however, (i) the  
5 percentage decrease from the 2 most recent federal censuses in  
6 the low-income eligible pupil count of a high school district  
7 with fewer than 400 students exceeds by 75% or more the  
8 percentage change in the total low-income eligible pupil count  
9 of contiguous elementary school districts, whose boundaries  
10 are coterminous with the high school district, or (ii) a high  
11 school district within 2 counties and serving 5 elementary  
12 school districts, whose boundaries are coterminous with the  
13 high school district, has a percentage decrease from the 2 most  
14 recent federal censuses in the low-income eligible pupil count  
15 and there is a percentage increase in the total low-income  
16 eligible pupil count of a majority of the elementary school  
17 districts in excess of 50% from the 2 most recent federal  
18 censuses, then the high school district's low-income eligible  
19 pupil count from the earlier federal census shall be the number  
20 used as the low-income eligible pupil count for the high school  
21 district, for purposes of this subsection (H). The changes made  
22 to this paragraph (1) by Public Act 92-28 shall apply to  
23 supplemental general State aid grants for school years  
24 preceding the 2003-2004 school year that are paid in fiscal  
25 year 1999 or thereafter and to any State aid payments made in  
26 fiscal year 1994 through fiscal year 1998 pursuant to  
27 subsection 1(n) of Section 18-8 of this Code (which was  
28 repealed on July 1, 1998), and any high school district that is  
29 affected by Public Act 92-28 is entitled to a recomputation of  
30 its supplemental general State aid grant or State aid paid in  
31 any of those fiscal years. This recomputation shall not be  
32 affected by any other funding.

33 (1.10) This paragraph (1.10) applies to the 2003-2004  
34 school year and each school year thereafter. For purposes of

1 this subsection (H), the term "Low-Income Concentration Level"  
2 shall, for each fiscal year, be the low-income eligible pupil  
3 count as of July 1 of the immediately preceding fiscal year (as  
4 determined by the Department of Human Services based on the  
5 number of pupils who are eligible for at least one of the  
6 following low income programs: Medicaid, KidCare, TANF, or Food  
7 Stamps, excluding pupils who are eligible for services provided  
8 by the Department of Children and Family Services, averaged  
9 over the 2 immediately preceding fiscal years for fiscal year  
10 2004 and over the 3 immediately preceding fiscal years for each  
11 fiscal year thereafter) divided by the Average Daily Attendance  
12 of the school district.

13 (2) Supplemental general State aid pursuant to this  
14 subsection (H) shall be provided as follows for the 1998-1999,  
15 1999-2000, and 2000-2001 school years only:

16 (a) For any school district with a Low Income  
17 Concentration Level of at least 20% and less than 35%, the  
18 grant for any school year shall be \$800 multiplied by the  
19 low income eligible pupil count.

20 (b) For any school district with a Low Income  
21 Concentration Level of at least 35% and less than 50%, the  
22 grant for the 1998-1999 school year shall be \$1,100  
23 multiplied by the low income eligible pupil count.

24 (c) For any school district with a Low Income  
25 Concentration Level of at least 50% and less than 60%, the  
26 grant for the 1998-99 school year shall be \$1,500  
27 multiplied by the low income eligible pupil count.

28 (d) For any school district with a Low Income  
29 Concentration Level of 60% or more, the grant for the  
30 1998-99 school year shall be \$1,900 multiplied by the low  
31 income eligible pupil count.

32 (e) For the 1999-2000 school year, the per pupil amount  
33 specified in subparagraphs (b), (c), and (d) immediately  
34 above shall be increased to \$1,243, \$1,600, and \$2,000,

1           respectively.

2           (f) For the 2000-2001 school year, the per pupil  
3 amounts specified in subparagraphs (b), (c), and (d)  
4 immediately above shall be \$1,273, \$1,640, and \$2,050,  
5 respectively.

6           (2.5) Supplemental general State aid pursuant to this  
7 subsection (H) shall be provided as follows for the 2002-2003  
8 school year:

9           (a) For any school district with a Low Income  
10 Concentration Level of less than 10%, the grant for each  
11 school year shall be \$355 multiplied by the low income  
12 eligible pupil count.

13           (b) For any school district with a Low Income  
14 Concentration Level of at least 10% and less than 20%, the  
15 grant for each school year shall be \$675 multiplied by the  
16 low income eligible pupil count.

17           (c) For any school district with a Low Income  
18 Concentration Level of at least 20% and less than 35%, the  
19 grant for each school year shall be \$1,330 multiplied by  
20 the low income eligible pupil count.

21           (d) For any school district with a Low Income  
22 Concentration Level of at least 35% and less than 50%, the  
23 grant for each school year shall be \$1,362 multiplied by  
24 the low income eligible pupil count.

25           (e) For any school district with a Low Income  
26 Concentration Level of at least 50% and less than 60%, the  
27 grant for each school year shall be \$1,680 multiplied by  
28 the low income eligible pupil count.

29           (f) For any school district with a Low Income  
30 Concentration Level of 60% or more, the grant for each  
31 school year shall be \$2,080 multiplied by the low income  
32 eligible pupil count.

33           (2.10) Except as otherwise provided, supplemental general  
34 State aid pursuant to this subsection (H) shall be provided as

1 follows for the 2003-2004 school year and each school year  
2 thereafter:

3 (a) For any school district with a Low Income  
4 Concentration Level of 15% or less, the grant for each  
5 school year shall be \$355 multiplied by the low income  
6 eligible pupil count.

7 (b) For any school district with a Low Income  
8 Concentration Level greater than 15%, the grant for each  
9 school year shall be \$294.25 added to the product of \$2,700  
10 and the square of the Low Income Concentration Level, all  
11 multiplied by the low income eligible pupil count.

12 For the 2003-2004 school year, 2004-2005 school year, and  
13 2005-2006 school year only, the grant shall be no less than the  
14 grant for the 2002-2003 school year. For the 2006-2007 school  
15 year only, the grant shall be no less than the grant for the  
16 2002-2003 school year multiplied by 0.66. For the 2007-2008  
17 school year only, the grant shall be no less than the grant for  
18 the 2002-2003 school year multiplied by 0.33. Notwithstanding  
19 the provisions of this paragraph to the contrary, if for any  
20 school year supplemental general State aid grants are prorated  
21 as provided in paragraph (1) of this subsection (H), then the  
22 grants under this paragraph shall be prorated.

23 For the 2003-2004 school year only, the grant shall be no  
24 greater than the grant received during the 2002-2003 school  
25 year added to the product of 0.25 multiplied by the difference  
26 between the grant amount calculated under subsection (a) or (b)  
27 of this paragraph (2.10), whichever is applicable, and the  
28 grant received during the 2002-2003 school year. For the  
29 2004-2005 school year only, the grant shall be no greater than  
30 the grant received during the 2002-2003 school year added to  
31 the product of 0.50 multiplied by the difference between the  
32 grant amount calculated under subsection (a) or (b) of this  
33 paragraph (2.10), whichever is applicable, and the grant  
34 received during the 2002-2003 school year. For the 2005-2006



1 school year only, the grant shall be no greater than the grant  
2 received during the 2002-2003 school year added to the product  
3 of 0.75 multiplied by the difference between the grant amount  
4 calculated under subsection (a) or (b) of this paragraph  
5 (2.10), whichever is applicable, and the grant received during  
6 the 2002-2003 school year.

7 (3) School districts with an Average Daily Attendance of  
8 more than 1,000 and less than 50,000 that qualify for  
9 supplemental general State aid pursuant to this subsection  
10 shall submit a plan to the State Board of Education prior to  
11 October 30 of each year for the use of the funds resulting from  
12 this grant of supplemental general State aid for the  
13 improvement of instruction in which priority is given to  
14 meeting the education needs of disadvantaged children. Such  
15 plan shall be submitted in accordance with rules and  
16 regulations promulgated by the State Board of Education.

17 (4) School districts with an Average Daily Attendance of  
18 50,000 or more that qualify for supplemental general State aid  
19 pursuant to this subsection shall be required to distribute  
20 from funds available pursuant to this Section, no less than  
21 \$261,000,000 in accordance with the following requirements:

22 (a) The required amounts shall be distributed to the  
23 attendance centers within the district in proportion to the  
24 number of pupils enrolled at each attendance center who are  
25 eligible to receive free or reduced-price lunches or  
26 breakfasts under the federal Child Nutrition Act of 1966  
27 and under the National School Lunch Act during the  
28 immediately preceding school year.

29 (b) The distribution of these portions of supplemental  
30 and general State aid among attendance centers according to  
31 these requirements shall not be compensated for or  
32 contravened by adjustments of the total of other funds  
33 appropriated to any attendance centers, and the Board of  
34 Education shall utilize funding from one or several sources

1 in order to fully implement this provision annually prior  
2 to the opening of school.

3 (c) Each attendance center shall be provided by the  
4 school district a distribution of noncategorical funds and  
5 other categorical funds to which an attendance center is  
6 entitled under law in order that the general State aid and  
7 supplemental general State aid provided by application of  
8 this subsection supplements rather than supplants the  
9 noncategorical funds and other categorical funds provided  
10 by the school district to the attendance centers.

11 (d) Any funds made available under this subsection that  
12 by reason of the provisions of this subsection are not  
13 required to be allocated and provided to attendance centers  
14 may be used and appropriated by the board of the district  
15 for any lawful school purpose.

16 (e) Funds received by an attendance center pursuant to  
17 this subsection shall be used by the attendance center at  
18 the discretion of the principal and local school council  
19 for programs to improve educational opportunities at  
20 qualifying schools through the following programs and  
21 services: early childhood education, reduced class size or  
22 improved adult to student classroom ratio, enrichment  
23 programs, remedial assistance, attendance improvement, and  
24 other educationally beneficial expenditures which  
25 supplement the regular and basic programs as determined by  
26 the State Board of Education. Funds provided shall not be  
27 expended for any political or lobbying purposes as defined  
28 by board rule.

29 (f) Each district subject to the provisions of this  
30 subdivision (H) (4) shall submit an acceptable plan to meet  
31 the educational needs of disadvantaged children, in  
32 compliance with the requirements of this paragraph, to the  
33 State Board of Education prior to July 15 of each year.  
34 This plan shall be consistent with the decisions of local

1 school councils concerning the school expenditure plans  
2 developed in accordance with part 4 of Section 34-2.3. The  
3 State Board shall approve or reject the plan within 60 days  
4 after its submission. If the plan is rejected, the district  
5 shall give written notice of intent to modify the plan  
6 within 15 days of the notification of rejection and then  
7 submit a modified plan within 30 days after the date of the  
8 written notice of intent to modify. Districts may amend  
9 approved plans pursuant to rules promulgated by the State  
10 Board of Education.

11 Upon notification by the State Board of Education that  
12 the district has not submitted a plan prior to July 15 or a  
13 modified plan within the time period specified herein, the  
14 State aid funds affected by that plan or modified plan  
15 shall be withheld by the State Board of Education until a  
16 plan or modified plan is submitted.

17 If the district fails to distribute State aid to  
18 attendance centers in accordance with an approved plan, the  
19 plan for the following year shall allocate funds, in  
20 addition to the funds otherwise required by this  
21 subsection, to those attendance centers which were  
22 underfunded during the previous year in amounts equal to  
23 such underfunding.

24 For purposes of determining compliance with this  
25 subsection in relation to the requirements of attendance  
26 center funding, each district subject to the provisions of  
27 this subsection shall submit as a separate document by  
28 December 1 of each year a report of expenditure data for  
29 the prior year in addition to any modification of its  
30 current plan. If it is determined that there has been a  
31 failure to comply with the expenditure provisions of this  
32 subsection regarding contravention or supplanting, the  
33 State Superintendent of Education shall, within 60 days of  
34 receipt of the report, notify the district and any affected

1 local school council. The district shall within 45 days of  
2 receipt of that notification inform the State  
3 Superintendent of Education of the remedial or corrective  
4 action to be taken, whether by amendment of the current  
5 plan, if feasible, or by adjustment in the plan for the  
6 following year. Failure to provide the expenditure report  
7 or the notification of remedial or corrective action in a  
8 timely manner shall result in a withholding of the affected  
9 funds.

10 The State Board of Education shall promulgate rules and  
11 regulations to implement the provisions of this  
12 subsection. No funds shall be released under this  
13 subdivision (H) (4) to any district that has not submitted a  
14 plan that has been approved by the State Board of  
15 Education.

16 (I) (Blank). ~~General State Aid for Newly Configured School~~  
17 ~~Districts.~~

18 ~~(1) For a new school district formed by combining property~~  
19 ~~included totally within 2 or more previously existing school~~  
20 ~~districts, for its first year of existence the general State~~  
21 ~~aid and supplemental general State aid calculated under this~~  
22 ~~Section shall be computed for the new district and for the~~  
23 ~~previously existing districts for which property is totally~~  
24 ~~included within the new district. If the computation on the~~  
25 ~~basis of the previously existing districts is greater, a~~  
26 ~~supplementary payment equal to the difference shall be made for~~  
27 ~~the first 4 years of existence of the new district.~~

28 ~~(2) For a school district which annexes all of the~~  
29 ~~territory of one or more entire other school districts, for the~~  
30 ~~first year during which the change of boundaries attributable~~  
31 ~~to such annexation becomes effective for all purposes as~~  
32 ~~determined under Section 7-9 or 7A-8, the general State aid and~~  
33 ~~supplemental general State aid calculated under this Section~~

1 ~~shall be computed for the annexing district as constituted~~  
2 ~~after the annexation and for the annexing and each annexed~~  
3 ~~district as constituted prior to the annexation; and if the~~  
4 ~~computation on the basis of the annexing and annexed districts~~  
5 ~~as constituted prior to the annexation is greater, a~~  
6 ~~supplementary payment equal to the difference shall be made for~~  
7 ~~the first 4 years of existence of the annexing school district~~  
8 ~~as constituted upon such annexation.~~

9 ~~(3) For 2 or more school districts which annex all of the~~  
10 ~~territory of one or more entire other school districts, and for~~  
11 ~~2 or more community unit districts which result upon the~~  
12 ~~division (pursuant to petition under Section 11A-2) of one or~~  
13 ~~more other unit school districts into 2 or more parts and which~~  
14 ~~together include all of the parts into which such other unit~~  
15 ~~school district or districts are so divided, for the first year~~  
16 ~~during which the change of boundaries attributable to such~~  
17 ~~annexation or division becomes effective for all purposes as~~  
18 ~~determined under Section 7-9 or 11A-10, as the case may be, the~~  
19 ~~general State aid and supplemental general State aid calculated~~  
20 ~~under this Section shall be computed for each annexing or~~  
21 ~~resulting district as constituted after the annexation or~~  
22 ~~division and for each annexing and annexed district, or for~~  
23 ~~each resulting and divided district, as constituted prior to~~  
24 ~~the annexation or division; and if the aggregate of the general~~  
25 ~~State aid and supplemental general State aid as so computed for~~  
26 ~~the annexing or resulting districts as constituted after the~~  
27 ~~annexation or division is less than the aggregate of the~~  
28 ~~general State aid and supplemental general State aid as so~~  
29 ~~computed for the annexing and annexed districts, or for the~~  
30 ~~resulting and divided districts, as constituted prior to the~~  
31 ~~annexation or division, then a supplementary payment equal to~~  
32 ~~the difference shall be made and allocated between or among the~~  
33 ~~annexing or resulting districts, as constituted upon such~~  
34 ~~annexation or division, for the first 4 years of their~~

1 ~~existence. The total difference payment shall be allocated~~  
2 ~~between or among the annexing or resulting districts in the~~  
3 ~~same ratio as the pupil enrollment from that portion of the~~  
4 ~~annexed or divided district or districts which is annexed to or~~  
5 ~~included in each such annexing or resulting district bears to~~  
6 ~~the total pupil enrollment from the entire annexed or divided~~  
7 ~~district or districts, as such pupil enrollment is determined~~  
8 ~~for the school year last ending prior to the date when the~~  
9 ~~change of boundaries attributable to the annexation or division~~  
10 ~~becomes effective for all purposes. The amount of the total~~  
11 ~~difference payment and the amount thereof to be allocated to~~  
12 ~~the annexing or resulting districts shall be computed by the~~  
13 ~~State Board of Education on the basis of pupil enrollment and~~  
14 ~~other data which shall be certified to the State Board of~~  
15 ~~Education, on forms which it shall provide for that purpose, by~~  
16 ~~the regional superintendent of schools for each educational~~  
17 ~~service region in which the annexing and annexed districts, or~~  
18 ~~resulting and divided districts are located.~~

19 ~~(3.5) Claims for financial assistance under this~~  
20 ~~subsection (I) shall not be recomputed except as expressly~~  
21 ~~provided under this Section.~~

22 ~~(4) Any supplementary payment made under this subsection~~  
23 ~~(I) shall be treated as separate from all other payments made~~  
24 ~~pursuant to this Section.~~

25 (J) Supplementary Grants in Aid.

26 (1) Notwithstanding any other provisions of this Section,  
27 the amount of the aggregate general State aid in combination  
28 with supplemental general State aid under this Section for  
29 which each school district is eligible shall be no less than  
30 the amount of the aggregate general State aid entitlement that  
31 was received by the district under Section 18-8 (exclusive of  
32 amounts received under subsections 5(p) and 5(p-5) of that  
33 Section) for the 1997-98 school year, pursuant to the

1 provisions of that Section as it was then in effect. If a  
2 school district qualifies to receive a supplementary payment  
3 made under this subsection (J), the amount of the aggregate  
4 general State aid in combination with supplemental general  
5 State aid under this Section which that district is eligible to  
6 receive for each school year shall be no less than the amount  
7 of the aggregate general State aid entitlement that was  
8 received by the district under Section 18-8 (exclusive of  
9 amounts received under subsections 5(p) and 5(p-5) of that  
10 Section) for the 1997-1998 school year, pursuant to the  
11 provisions of that Section as it was then in effect.

12 (2) If, as provided in paragraph (1) of this subsection  
13 (J), a school district is to receive aggregate general State  
14 aid in combination with supplemental general State aid under  
15 this Section for the 1998-99 school year and any subsequent  
16 school year that in any such school year is less than the  
17 amount of the aggregate general State aid entitlement that the  
18 district received for the 1997-98 school year, the school  
19 district shall also receive, from a separate appropriation made  
20 for purposes of this subsection (J), a supplementary payment  
21 that is equal to the amount of the difference in the aggregate  
22 State aid figures as described in paragraph (1).

23 (3) (Blank).

24 (K) Grants to Laboratory and Alternative Schools.

25 In calculating the amount to be paid to the governing board  
26 of a public university that operates a laboratory school under  
27 this Section or to any alternative school that is operated by a  
28 regional superintendent of schools, the State Board of  
29 Education shall require by rule such reporting requirements as  
30 it deems necessary.

31 As used in this Section, "laboratory school" means a public  
32 school which is created and operated by a public university and  
33 approved by the State Board of Education. The governing board

1 of a public university which receives funds from the State  
2 Board under this subsection (K) may not increase the number of  
3 students enrolled in its laboratory school from a single  
4 district, if that district is already sending 50 or more  
5 students, except under a mutual agreement between the school  
6 board of a student's district of residence and the university  
7 which operates the laboratory school. A laboratory school may  
8 not have more than 1,000 students, excluding students with  
9 disabilities in a special education program.

10 As used in this Section, "alternative school" means a  
11 public school which is created and operated by a Regional  
12 Superintendent of Schools and approved by the State Board of  
13 Education. Such alternative schools may offer courses of  
14 instruction for which credit is given in regular school  
15 programs, courses to prepare students for the high school  
16 equivalency testing program or vocational and occupational  
17 training. A regional superintendent of schools may contract  
18 with a school district or a public community college district  
19 to operate an alternative school. An alternative school serving  
20 more than one educational service region may be established by  
21 the regional superintendents of schools of the affected  
22 educational service regions. An alternative school serving  
23 more than one educational service region may be operated under  
24 such terms as the regional superintendents of schools of those  
25 educational service regions may agree.

26 Each laboratory and alternative school shall file, on forms  
27 provided by the State Superintendent of Education, an annual  
28 State aid claim which states the Average Daily Attendance of  
29 the school's students by month. The best 3 months' Average  
30 Daily Attendance shall be computed for each school. The general  
31 State aid entitlement shall be computed by multiplying the  
32 applicable Average Daily Attendance by the Foundation Level as  
33 determined under this Section.



1 (L) Payments, Additional Grants in Aid and Other Requirements.

2 (1) For a school district operating under the financial  
3 supervision of an Authority created under Article 34A, the  
4 general State aid otherwise payable to that district under this  
5 Section, but not the supplemental general State aid, shall be  
6 reduced by an amount equal to the budget for the operations of  
7 the Authority as certified by the Authority to the State Board  
8 of Education, and an amount equal to such reduction shall be  
9 paid to the Authority created for such district for its  
10 operating expenses in the manner provided in Section 18-11. The  
11 remainder of general State school aid for any such district  
12 shall be paid in accordance with Article 34A when that Article  
13 provides for a disposition other than that provided by this  
14 Article.

15 (2) (Blank).

16 (3) Summer school. Summer school payments shall be made as  
17 provided in Section 18-4.3.

18 (M) Education Funding Advisory Board.

19 The Education Funding Advisory Board, hereinafter in this  
20 subsection (M) referred to as the "Board", is hereby created.  
21 The Board shall consist of 5 members who are appointed by the  
22 Governor, by and with the advice and consent of the Senate. The  
23 members appointed shall include representatives of education,  
24 business, and the general public. One of the members so  
25 appointed shall be designated by the Governor at the time the  
26 appointment is made as the chairperson of the Board. The  
27 initial members of the Board may be appointed any time after  
28 the effective date of this amendatory Act of 1997. The regular  
29 term of each member of the Board shall be for 4 years from the  
30 third Monday of January of the year in which the term of the  
31 member's appointment is to commence, except that of the 5  
32 initial members appointed to serve on the Board, the member who  
33 is appointed as the chairperson shall serve for a term that

1 commences on the date of his or her appointment and expires on  
2 the third Monday of January, 2002, and the remaining 4 members,  
3 by lots drawn at the first meeting of the Board that is held  
4 after all 5 members are appointed, shall determine 2 of their  
5 number to serve for terms that commence on the date of their  
6 respective appointments and expire on the third Monday of  
7 January, 2001, and 2 of their number to serve for terms that  
8 commence on the date of their respective appointments and  
9 expire on the third Monday of January, 2000. All members  
10 appointed to serve on the Board shall serve until their  
11 respective successors are appointed and confirmed. Vacancies  
12 shall be filled in the same manner as original appointments. If  
13 a vacancy in membership occurs at a time when the Senate is not  
14 in session, the Governor shall make a temporary appointment  
15 until the next meeting of the Senate, when he or she shall  
16 appoint, by and with the advice and consent of the Senate, a  
17 person to fill that membership for the unexpired term. If the  
18 Senate is not in session when the initial appointments are  
19 made, those appointments shall be made as in the case of  
20 vacancies.

21 The Education Funding Advisory Board shall be deemed  
22 established, and the initial members appointed by the Governor  
23 to serve as members of the Board shall take office, on the date  
24 that the Governor makes his or her appointment of the fifth  
25 initial member of the Board, whether those initial members are  
26 then serving pursuant to appointment and confirmation or  
27 pursuant to temporary appointments that are made by the  
28 Governor as in the case of vacancies.

29 The State Board of Education shall provide such staff  
30 assistance to the Education Funding Advisory Board as is  
31 reasonably required for the proper performance by the Board of  
32 its responsibilities.

33 For school years after the 2000-2001 school year, the  
34 Education Funding Advisory Board, in consultation with the

1 State Board of Education, shall make recommendations as  
2 provided in this subsection (M) to the General Assembly for the  
3 foundation level under subdivision (B)(3) of this Section and  
4 for the supplemental general State aid grant level under  
5 subsection (H) of this Section for districts with high  
6 concentrations of children from poverty. The recommended  
7 foundation level shall be determined based on a methodology  
8 which incorporates the basic education expenditures of  
9 low-spending schools exhibiting high academic performance. The  
10 Education Funding Advisory Board shall make such  
11 recommendations to the General Assembly on January 1 of odd  
12 numbered years, beginning January 1, 2001.

13 (N) (Blank).

14 (O) References.

15 (1) References in other laws to the various subdivisions of  
16 Section 18-8 as that Section existed before its repeal and  
17 replacement by this Section 18-8.05 shall be deemed to refer to  
18 the corresponding provisions of this Section 18-8.05, to the  
19 extent that those references remain applicable.

20 (2) References in other laws to State Chapter 1 funds shall  
21 be deemed to refer to the supplemental general State aid  
22 provided under subsection (H) of this Section.

23 (P) Public Act 93-838 and Public Act 93-808 make inconsistent  
24 changes to this Section. Under Section 6 of the Statute on  
25 Statutes there is an irreconcilable conflict between Public Act  
26 93-808 and Public Act 93-838. Public Act 93-838, being the last  
27 acted upon, is controlling. The text of Public Act 93-838 is  
28 the law regardless of the text of Public Act 93-808.

29 (Source: P.A. 93-21, eff. 7-1-03; 93-715, eff. 7-12-04; 93-808,  
30 eff. 7-26-04; 93-838, eff. 7-30-04; 93-875, eff. 8-6-04; 94-69,  
31 eff. 7-1-05; 94-438, eff. 8-4-05; revised 8-22-05.)

1 (105 ILCS 5/19-1) (from Ch. 122, par. 19-1)

2 (Text of Section before amendment by P.A. 94-234)

3 Sec. 19-1. Debt limitations of school districts.

4 (a) School districts shall not be subject to the provisions  
5 limiting their indebtedness prescribed in "An Act to limit the  
6 indebtedness of counties having a population of less than  
7 500,000 and townships, school districts and other municipal  
8 corporations having a population of less than 300,000",  
9 approved February 15, 1928, as amended.

10 No school districts maintaining grades K through 8 or 9  
11 through 12 shall become indebted in any manner or for any  
12 purpose to an amount, including existing indebtedness, in the  
13 aggregate exceeding 6.9% on the value of the taxable property  
14 therein to be ascertained by the last assessment for State and  
15 county taxes or, until January 1, 1983, if greater, the sum  
16 that is produced by multiplying the school district's 1978  
17 equalized assessed valuation by the debt limitation percentage  
18 in effect on January 1, 1979, previous to the incurring of such  
19 indebtedness.

20 No school districts maintaining grades K through 12 shall  
21 become indebted in any manner or for any purpose to an amount,  
22 including existing indebtedness, in the aggregate exceeding  
23 13.8% on the value of the taxable property therein to be  
24 ascertained by the last assessment for State and county taxes  
25 or, until January 1, 1983, if greater, the sum that is produced  
26 by multiplying the school district's 1978 equalized assessed  
27 valuation by the debt limitation percentage in effect on  
28 January 1, 1979, previous to the incurring of such  
29 indebtedness.

30 No partial elementary unit district, as defined in Article  
31 11E of this Code, shall become indebted in any manner or for  
32 any purpose in an amount, including existing indebtedness, in  
33 the aggregate exceeding 6.9% for that portion of the district

1 included in the high school only classification nor in an  
2 amount, including existing indebtedness, in the aggregate  
3 exceeding 13.8% for that portion of the district included in  
4 the elementary and high school classification.

5 Notwithstanding the provisions of any other law to the  
6 contrary, in any case in which the voters of a school district  
7 have approved a proposition for the issuance of bonds of such  
8 school district at an election held prior to January 1, 1979,  
9 and all of the bonds approved at such election have not been  
10 issued, the debt limitation applicable to such school district  
11 during the calendar year 1979 shall be computed by multiplying  
12 the value of taxable property therein, including personal  
13 property, as ascertained by the last assessment for State and  
14 county taxes, previous to the incurring of such indebtedness,  
15 by the percentage limitation applicable to such school district  
16 under the provisions of this subsection (a).

17 (b) Notwithstanding the debt limitation prescribed in  
18 subsection (a) of this Section, additional indebtedness may be  
19 incurred in an amount not to exceed the estimated cost of  
20 acquiring or improving school sites or constructing and  
21 equipping additional building facilities under the following  
22 conditions:

23 (1) Whenever the enrollment of students for the next  
24 school year is estimated by the board of education to  
25 increase over the actual present enrollment by not less  
26 than 35% or by not less than 200 students or the actual  
27 present enrollment of students has increased over the  
28 previous school year by not less than 35% or by not less  
29 than 200 students and the board of education determines  
30 that additional school sites or building facilities are  
31 required as a result of such increase in enrollment; and

32 (2) When the Regional Superintendent of Schools having  
33 jurisdiction over the school district and the State  
34 Superintendent of Education concur in such enrollment

1 projection or increase and approve the need for such  
2 additional school sites or building facilities and the  
3 estimated cost thereof; and

4 (3) When the voters in the school district approve a  
5 proposition for the issuance of bonds for the purpose of  
6 acquiring or improving such needed school sites or  
7 constructing and equipping such needed additional building  
8 facilities at an election called and held for that purpose.  
9 Notice of such an election shall state that the amount of  
10 indebtedness proposed to be incurred would exceed the debt  
11 limitation otherwise applicable to the school district.  
12 The ballot for such proposition shall state what percentage  
13 of the equalized assessed valuation will be outstanding in  
14 bonds if the proposed issuance of bonds is approved by the  
15 voters; or

16 (4) Notwithstanding the provisions of paragraphs (1)  
17 through (3) of this subsection (b), if the school board  
18 determines that additional facilities are needed to  
19 provide a quality educational program and not less than 2/3  
20 of those voting in an election called by the school board  
21 on the question approve the issuance of bonds for the  
22 construction of such facilities, the school district may  
23 issue bonds for this purpose; or

24 (5) Notwithstanding the provisions of paragraphs (1)  
25 through (3) of this subsection (b), if (i) the school  
26 district has previously availed itself of the provisions of  
27 paragraph (4) of this subsection (b) to enable it to issue  
28 bonds, (ii) the voters of the school district have not  
29 defeated a proposition for the issuance of bonds since the  
30 referendum described in paragraph (4) of this subsection  
31 (b) was held, (iii) the school board determines that  
32 additional facilities are needed to provide a quality  
33 educational program, and (iv) a majority of those voting in  
34 an election called by the school board on the question

1           approve the issuance of bonds for the construction of such  
2           facilities, the school district may issue bonds for this  
3           purpose.

4           In no event shall the indebtedness incurred pursuant to  
5           this subsection (b) and the existing indebtedness of the school  
6           district exceed 15% of the value of the taxable property  
7           therein to be ascertained by the last assessment for State and  
8           county taxes, previous to the incurring of such indebtedness  
9           or, until January 1, 1983, if greater, the sum that is produced  
10          by multiplying the school district's 1978 equalized assessed  
11          valuation by the debt limitation percentage in effect on  
12          January 1, 1979.

13          The indebtedness provided for by this subsection (b) shall  
14          be in addition to and in excess of any other debt limitation.

15          (c) Notwithstanding the debt limitation prescribed in  
16          subsection (a) of this Section, in any case in which a public  
17          question for the issuance of bonds of a proposed school  
18          district maintaining grades kindergarten through 12 received  
19          at least 60% of the valid ballots cast on the question at an  
20          election held on or prior to November 8, 1994, and in which the  
21          bonds approved at such election have not been issued, the  
22          school district pursuant to the requirements of Section 11A-10  
23          (now repealed) may issue the total amount of bonds approved at  
24          such election for the purpose stated in the question.

25          (d) Notwithstanding the debt limitation prescribed in  
26          subsection (a) of this Section, a school district that meets  
27          all the criteria set forth in paragraphs (1) and (2) of this  
28          subsection (d) may incur an additional indebtedness in an  
29          amount not to exceed \$4,500,000, even though the amount of the  
30          additional indebtedness authorized by this subsection (d),  
31          when incurred and added to the aggregate amount of indebtedness  
32          of the district existing immediately prior to the district  
33          incurring the additional indebtedness authorized by this  
34          subsection (d), causes the aggregate indebtedness of the

1 district to exceed the debt limitation otherwise applicable to  
2 that district under subsection (a):

3 (1) The additional indebtedness authorized by this  
4 subsection (d) is incurred by the school district through  
5 the issuance of bonds under and in accordance with Section  
6 17-2.11a for the purpose of replacing a school building  
7 which, because of mine subsidence damage, has been closed  
8 as provided in paragraph (2) of this subsection (d) or  
9 through the issuance of bonds under and in accordance with  
10 Section 19-3 for the purpose of increasing the size of, or  
11 providing for additional functions in, such replacement  
12 school buildings, or both such purposes.

13 (2) The bonds issued by the school district as provided  
14 in paragraph (1) above are issued for the purposes of  
15 construction by the school district of a new school  
16 building pursuant to Section 17-2.11, to replace an  
17 existing school building that, because of mine subsidence  
18 damage, is closed as of the end of the 1992-93 school year  
19 pursuant to action of the regional superintendent of  
20 schools of the educational service region in which the  
21 district is located under Section 3-14.22 or are issued for  
22 the purpose of increasing the size of, or providing for  
23 additional functions in, the new school building being  
24 constructed to replace a school building closed as the  
25 result of mine subsidence damage, or both such purposes.

26 (e) Notwithstanding the debt limitation prescribed in  
27 subsection (a) of this Section, a school district that meets  
28 all the criteria set forth in paragraphs (1) through (5) of  
29 this subsection (e) may, without referendum, incur an  
30 additional indebtedness in an amount not to exceed the lesser  
31 of \$5,000,000 or 1.5% of the value of the taxable property  
32 within the district even though the amount of the additional  
33 indebtedness authorized by this subsection (e), when incurred  
34 and added to the aggregate amount of indebtedness of the



1 district existing immediately prior to the district incurring  
2 that additional indebtedness, causes the aggregate  
3 indebtedness of the district to exceed or increases the amount  
4 by which the aggregate indebtedness of the district already  
5 exceeds the debt limitation otherwise applicable to that  
6 district under subsection (a):

7 (1) The State Board of Education certifies the school  
8 district under Section 19-1.5 as a financially distressed  
9 district.

10 (2) The additional indebtedness authorized by this  
11 subsection (e) is incurred by the financially distressed  
12 district during the school year or school years in which  
13 the certification of the district as a financially  
14 distressed district continues in effect through the  
15 issuance of bonds for the lawful school purposes of the  
16 district, pursuant to resolution of the school board and  
17 without referendum, as provided in paragraph (5) of this  
18 subsection.

19 (3) The aggregate amount of bonds issued by the  
20 financially distressed district during a fiscal year in  
21 which it is authorized to issue bonds under this subsection  
22 does not exceed the amount by which the aggregate  
23 expenditures of the district for operational purposes  
24 during the immediately preceding fiscal year exceeds the  
25 amount appropriated for the operational purposes of the  
26 district in the annual school budget adopted by the school  
27 board of the district for the fiscal year in which the  
28 bonds are issued.

29 (4) Throughout each fiscal year in which certification  
30 of the district as a financially distressed district  
31 continues in effect, the district maintains in effect a  
32 gross salary expense and gross wage expense freeze policy  
33 under which the district expenditures for total employee  
34 salaries and wages do not exceed such expenditures for the

1 immediately preceding fiscal year. Nothing in this  
2 paragraph, however, shall be deemed to impair or to require  
3 impairment of the contractual obligations, including  
4 collective bargaining agreements, of the district or to  
5 impair or require the impairment of the vested rights of  
6 any employee of the district under the terms of any  
7 contract or agreement in effect on the effective date of  
8 this amendatory Act of 1994.

9 (5) Bonds issued by the financially distressed  
10 district under this subsection shall bear interest at a  
11 rate not to exceed the maximum rate authorized by law at  
12 the time of the making of the contract, shall mature within  
13 40 years from their date of issue, and shall be signed by  
14 the president of the school board and treasurer of the  
15 school district. In order to issue bonds under this  
16 subsection, the school board shall adopt a resolution  
17 fixing the amount of the bonds, the date of the bonds, the  
18 maturities of the bonds, the rates of interest of the  
19 bonds, and their place of payment and denomination, and  
20 shall provide for the levy and collection of a direct  
21 annual tax upon all the taxable property in the district  
22 sufficient to pay the principal and interest on the bonds  
23 to maturity. Upon the filing in the office of the county  
24 clerk of the county in which the financially distressed  
25 district is located of a certified copy of the resolution,  
26 it is the duty of the county clerk to extend the tax  
27 therefor in addition to and in excess of all other taxes at  
28 any time authorized to be levied by the district. If bond  
29 proceeds from the sale of bonds include a premium or if the  
30 proceeds of the bonds are invested as authorized by law,  
31 the school board shall determine by resolution whether the  
32 interest earned on the investment of bond proceeds or the  
33 premium realized on the sale of the bonds is to be used for  
34 any of the lawful school purposes for which the bonds were

1 issued or for the payment of the principal indebtedness and  
2 interest on the bonds. The proceeds of the bond sale shall  
3 be deposited in the educational purposes fund of the  
4 district and shall be used to pay operational expenses of  
5 the district. This subsection is cumulative and  
6 constitutes complete authority for the issuance of bonds as  
7 provided in this subsection, notwithstanding any other law  
8 to the contrary.

9 (f) Notwithstanding the provisions of subsection (a) of  
10 this Section or of any other law, bonds in not to exceed the  
11 aggregate amount of \$5,500,000 and issued by a school district  
12 meeting the following criteria shall not be considered  
13 indebtedness for purposes of any statutory limitation and may  
14 be issued in an amount or amounts, including existing  
15 indebtedness, in excess of any heretofore or hereafter imposed  
16 statutory limitation as to indebtedness:

17 (1) At the time of the sale of such bonds, the board of  
18 education of the district shall have determined by  
19 resolution that the enrollment of students in the district  
20 is projected to increase by not less than 7% during each of  
21 the next succeeding 2 school years.

22 (2) The board of education shall also determine by  
23 resolution that the improvements to be financed with the  
24 proceeds of the bonds are needed because of the projected  
25 enrollment increases.

26 (3) The board of education shall also determine by  
27 resolution that the projected increases in enrollment are  
28 the result of improvements made or expected to be made to  
29 passenger rail facilities located in the school district.

30 Notwithstanding the provisions of subsection (a) of this  
31 Section or of any other law, a school district that has availed  
32 itself of the provisions of this subsection (f) prior to July  
33 22, 2004 (the effective date of Public Act 93-799) may also  
34 issue bonds approved by referendum up to an amount, including

1 existing indebtedness, not exceeding 25% of the equalized  
2 assessed value of the taxable property in the district if all  
3 of the conditions set forth in items (1), (2), and (3) of this  
4 subsection (f) are met.

5 (g) Notwithstanding the provisions of subsection (a) of  
6 this Section or any other law, bonds in not to exceed an  
7 aggregate amount of 25% of the equalized assessed value of the  
8 taxable property of a school district and issued by a school  
9 district meeting the criteria in paragraphs (i) through (iv) of  
10 this subsection shall not be considered indebtedness for  
11 purposes of any statutory limitation and may be issued pursuant  
12 to resolution of the school board in an amount or amounts,  
13 including existing indebtedness, in excess of any statutory  
14 limitation of indebtedness heretofore or hereafter imposed:

15 (i) The bonds are issued for the purpose of  
16 constructing a new high school building to replace two  
17 adjacent existing buildings which together house a single  
18 high school, each of which is more than 65 years old, and  
19 which together are located on more than 10 acres and less  
20 than 11 acres of property.

21 (ii) At the time the resolution authorizing the  
22 issuance of the bonds is adopted, the cost of constructing  
23 a new school building to replace the existing school  
24 building is less than 60% of the cost of repairing the  
25 existing school building.

26 (iii) The sale of the bonds occurs before July 1, 1997.

27 (iv) The school district issuing the bonds is a unit  
28 school district located in a county of less than 70,000 and  
29 more than 50,000 inhabitants, which has an average daily  
30 attendance of less than 1,500 and an equalized assessed  
31 valuation of less than \$29,000,000.

32 (h) Notwithstanding any other provisions of this Section or  
33 the provisions of any other law, until January 1, 1998, a  
34 community unit school district maintaining grades K through 12

1 may issue bonds up to an amount, including existing  
2 indebtedness, not exceeding 27.6% of the equalized assessed  
3 value of the taxable property in the district, if all of the  
4 following conditions are met:

5 (i) The school district has an equalized assessed  
6 valuation for calendar year 1995 of less than \$24,000,000;

7 (ii) The bonds are issued for the capital improvement,  
8 renovation, rehabilitation, or replacement of existing  
9 school buildings of the district, all of which buildings  
10 were originally constructed not less than 40 years ago;

11 (iii) The voters of the district approve a proposition  
12 for the issuance of the bonds at a referendum held after  
13 March 19, 1996; and

14 (iv) The bonds are issued pursuant to Sections 19-2  
15 through 19-7 of this Code.

16 (i) Notwithstanding any other provisions of this Section or  
17 the provisions of any other law, until January 1, 1998, a  
18 community unit school district maintaining grades K through 12  
19 may issue bonds up to an amount, including existing  
20 indebtedness, not exceeding 27% of the equalized assessed value  
21 of the taxable property in the district, if all of the  
22 following conditions are met:

23 (i) The school district has an equalized assessed  
24 valuation for calendar year 1995 of less than \$44,600,000;

25 (ii) The bonds are issued for the capital improvement,  
26 renovation, rehabilitation, or replacement of existing  
27 school buildings of the district, all of which existing  
28 buildings were originally constructed not less than 80  
29 years ago;

30 (iii) The voters of the district approve a proposition  
31 for the issuance of the bonds at a referendum held after  
32 December 31, 1996; and

33 (iv) The bonds are issued pursuant to Sections 19-2  
34 through 19-7 of this Code.

1           (j) Notwithstanding any other provisions of this Section or  
2 the provisions of any other law, until January 1, 1999, a  
3 community unit school district maintaining grades K through 12  
4 may issue bonds up to an amount, including existing  
5 indebtedness, not exceeding 27% of the equalized assessed value  
6 of the taxable property in the district if all of the following  
7 conditions are met:

8           (i) The school district has an equalized assessed  
9 valuation for calendar year 1995 of less than \$140,000,000  
10 and a best 3 months average daily attendance for the  
11 1995-96 school year of at least 2,800;

12           (ii) The bonds are issued to purchase a site and build  
13 and equip a new high school, and the school district's  
14 existing high school was originally constructed not less  
15 than 35 years prior to the sale of the bonds;

16           (iii) At the time of the sale of the bonds, the board  
17 of education determines by resolution that a new high  
18 school is needed because of projected enrollment  
19 increases;

20           (iv) At least 60% of those voting in an election held  
21 after December 31, 1996 approve a proposition for the  
22 issuance of the bonds; and

23           (v) The bonds are issued pursuant to Sections 19-2  
24 through 19-7 of this Code.

25           (k) Notwithstanding the debt limitation prescribed in  
26 subsection (a) of this Section, a school district that meets  
27 all the criteria set forth in paragraphs (1) through (4) of  
28 this subsection (k) may issue bonds to incur an additional  
29 indebtedness in an amount not to exceed \$4,000,000 even though  
30 the amount of the additional indebtedness authorized by this  
31 subsection (k), when incurred and added to the aggregate amount  
32 of indebtedness of the school district existing immediately  
33 prior to the school district incurring such additional  
34 indebtedness, causes the aggregate indebtedness of the school

1 district to exceed or increases the amount by which the  
2 aggregate indebtedness of the district already exceeds the debt  
3 limitation otherwise applicable to that school district under  
4 subsection (a):

5 (1) the school district is located in 2 counties, and a  
6 referendum to authorize the additional indebtedness was  
7 approved by a majority of the voters of the school district  
8 voting on the proposition to authorize that indebtedness;

9 (2) the additional indebtedness is for the purpose of  
10 financing a multi-purpose room addition to the existing  
11 high school;

12 (3) the additional indebtedness, together with the  
13 existing indebtedness of the school district, shall not  
14 exceed 17.4% of the value of the taxable property in the  
15 school district, to be ascertained by the last assessment  
16 for State and county taxes; and

17 (4) the bonds evidencing the additional indebtedness  
18 are issued, if at all, within 120 days of the effective  
19 date of this amendatory Act of 1998.

20 (1) Notwithstanding any other provisions of this Section or  
21 the provisions of any other law, until January 1, 2000, a  
22 school district maintaining grades kindergarten through 8 may  
23 issue bonds up to an amount, including existing indebtedness,  
24 not exceeding 15% of the equalized assessed value of the  
25 taxable property in the district if all of the following  
26 conditions are met:

27 (i) the district has an equalized assessed valuation  
28 for calendar year 1996 of less than \$10,000,000;

29 (ii) the bonds are issued for capital improvement,  
30 renovation, rehabilitation, or replacement of one or more  
31 school buildings of the district, which buildings were  
32 originally constructed not less than 70 years ago;

33 (iii) the voters of the district approve a proposition  
34 for the issuance of the bonds at a referendum held on or

1 after March 17, 1998; and

2 (iv) the bonds are issued pursuant to Sections 19-2  
3 through 19-7 of this Code.

4 (m) Notwithstanding any other provisions of this Section or  
5 the provisions of any other law, until January 1, 1999, an  
6 elementary school district maintaining grades K through 8 may  
7 issue bonds up to an amount, excluding existing indebtedness,  
8 not exceeding 18% of the equalized assessed value of the  
9 taxable property in the district, if all of the following  
10 conditions are met:

11 (i) The school district has an equalized assessed  
12 valuation for calendar year 1995 or less than \$7,700,000;

13 (ii) The school district operates 2 elementary  
14 attendance centers that until 1976 were operated as the  
15 attendance centers of 2 separate and distinct school  
16 districts;

17 (iii) The bonds are issued for the construction of a  
18 new elementary school building to replace an existing  
19 multi-level elementary school building of the school  
20 district that is not handicapped accessible at all levels  
21 and parts of which were constructed more than 75 years ago;

22 (iv) The voters of the school district approve a  
23 proposition for the issuance of the bonds at a referendum  
24 held after July 1, 1998; and

25 (v) The bonds are issued pursuant to Sections 19-2  
26 through 19-7 of this Code.

27 (n) Notwithstanding the debt limitation prescribed in  
28 subsection (a) of this Section or any other provisions of this  
29 Section or of any other law, a school district that meets all  
30 of the criteria set forth in paragraphs (i) through (vi) of  
31 this subsection (n) may incur additional indebtedness by the  
32 issuance of bonds in an amount not exceeding the amount  
33 certified by the Capital Development Board to the school  
34 district as provided in paragraph (iii) of this subsection (n),



1 even though the amount of the additional indebtedness so  
2 authorized, when incurred and added to the aggregate amount of  
3 indebtedness of the district existing immediately prior to the  
4 district incurring the additional indebtedness authorized by  
5 this subsection (n), causes the aggregate indebtedness of the  
6 district to exceed the debt limitation otherwise applicable by  
7 law to that district:

8 (i) The school district applies to the State Board of  
9 Education for a school construction project grant and  
10 submits a district facilities plan in support of its  
11 application pursuant to Section 5-20 of the School  
12 Construction Law.

13 (ii) The school district's application and facilities  
14 plan are approved by, and the district receives a grant  
15 entitlement for a school construction project issued by,  
16 the State Board of Education under the School Construction  
17 Law.

18 (iii) The school district has exhausted its bonding  
19 capacity or the unused bonding capacity of the district is  
20 less than the amount certified by the Capital Development  
21 Board to the district under Section 5-15 of the School  
22 Construction Law as the dollar amount of the school  
23 construction project's cost that the district will be  
24 required to finance with non-grant funds in order to  
25 receive a school construction project grant under the  
26 School Construction Law.

27 (iv) The bonds are issued for a "school construction  
28 project", as that term is defined in Section 5-5 of the  
29 School Construction Law, in an amount that does not exceed  
30 the dollar amount certified, as provided in paragraph (iii)  
31 of this subsection (n), by the Capital Development Board to  
32 the school district under Section 5-15 of the School  
33 Construction Law.

34 (v) The voters of the district approve a proposition

1 for the issuance of the bonds at a referendum held after  
2 the criteria specified in paragraphs (i) and (iii) of this  
3 subsection (n) are met.

4 (vi) The bonds are issued pursuant to Sections 19-2  
5 through 19-7 of the School Code.

6 (o) Notwithstanding any other provisions of this Section or  
7 the provisions of any other law, until November 1, 2007, a  
8 community unit school district maintaining grades K through 12  
9 may issue bonds up to an amount, including existing  
10 indebtedness, not exceeding 20% of the equalized assessed value  
11 of the taxable property in the district if all of the following  
12 conditions are met:

13 (i) the school district has an equalized assessed  
14 valuation for calendar year 2001 of at least \$737,000,000  
15 and an enrollment for the 2002-2003 school year of at least  
16 8,500;

17 (ii) the bonds are issued to purchase school sites,  
18 build and equip a new high school, build and equip a new  
19 junior high school, build and equip 5 new elementary  
20 schools, and make technology and other improvements and  
21 additions to existing schools;

22 (iii) at the time of the sale of the bonds, the board  
23 of education determines by resolution that the sites and  
24 new or improved facilities are needed because of projected  
25 enrollment increases;

26 (iv) at least 57% of those voting in a general election  
27 held prior to January 1, 2003 approved a proposition for  
28 the issuance of the bonds; and

29 (v) the bonds are issued pursuant to Sections 19-2  
30 through 19-7 of this Code.

31 (p) Notwithstanding any other provisions of this Section or  
32 the provisions of any other law, a community unit school  
33 district maintaining grades K through 12 may issue bonds up to  
34 an amount, including indebtedness, not exceeding 27% of the

1 equalized assessed value of the taxable property in the  
2 district if all of the following conditions are met:

3 (i) The school district has an equalized assessed  
4 valuation for calendar year 2001 of at least \$295,741,187  
5 and a best 3 months' average daily attendance for the  
6 2002-2003 school year of at least 2,394.

7 (ii) The bonds are issued to build and equip 3  
8 elementary school buildings; build and equip one middle  
9 school building; and alter, repair, improve, and equip all  
10 existing school buildings in the district.

11 (iii) At the time of the sale of the bonds, the board  
12 of education determines by resolution that the project is  
13 needed because of expanding growth in the school district  
14 and a projected enrollment increase.

15 (iv) The bonds are issued pursuant to Sections 19-2  
16 through 19-7 of this Code.

17 (p-5) Notwithstanding any other provisions of this Section  
18 or the provisions of any other law, bonds issued by a community  
19 unit school district maintaining grades K through 12 shall not  
20 be considered indebtedness for purposes of any statutory  
21 limitation and may be issued in an amount or amounts, including  
22 existing indebtedness, in excess of any heretofore or hereafter  
23 imposed statutory limitation as to indebtedness, if all of the  
24 following conditions are met:

25 (i) For each of the 4 most recent years, residential  
26 property comprises more than 80% of the equalized assessed  
27 valuation of the district.

28 (ii) At least 2 school buildings that were constructed  
29 40 or more years prior to the issuance of the bonds will be  
30 demolished and will be replaced by new buildings or  
31 additions to one or more existing buildings.

32 (iii) Voters of the district approve a proposition for  
33 the issuance of the bonds at a regularly scheduled  
34 election.

1 (iv) At the time of the sale of the bonds, the school  
2 board determines by resolution that the new buildings or  
3 building additions are needed because of an increase in  
4 enrollment projected by the school board.

5 (v) The principal amount of the bonds, including  
6 existing indebtedness, does not exceed 25% of the equalized  
7 assessed value of the taxable property in the district.

8 (vi) The bonds are issued prior to January 1, 2007,  
9 pursuant to Sections 19-2 through 19-7 of this Code.

10 (Source: P.A. 93-13, eff. 6-9-03; 93-799, eff. 7-22-04;  
11 93-1045, eff. 10-15-04; 94-721, eff. 1-6-06.)

12 (Text of Section after amendment by P.A. 94-234)

13 Sec. 19-1. Debt limitations of school districts.

14 (a) School districts shall not be subject to the provisions  
15 limiting their indebtedness prescribed in "An Act to limit the  
16 indebtedness of counties having a population of less than  
17 500,000 and townships, school districts and other municipal  
18 corporations having a population of less than 300,000",  
19 approved February 15, 1928, as amended.

20 No school districts maintaining grades K through 8 or 9  
21 through 12 shall become indebted in any manner or for any  
22 purpose to an amount, including existing indebtedness, in the  
23 aggregate exceeding 6.9% on the value of the taxable property  
24 therein to be ascertained by the last assessment for State and  
25 county taxes or, until January 1, 1983, if greater, the sum  
26 that is produced by multiplying the school district's 1978  
27 equalized assessed valuation by the debt limitation percentage  
28 in effect on January 1, 1979, previous to the incurring of such  
29 indebtedness.

30 No school districts maintaining grades K through 12 shall  
31 become indebted in any manner or for any purpose to an amount,  
32 including existing indebtedness, in the aggregate exceeding  
33 13.8% on the value of the taxable property therein to be

1 ascertained by the last assessment for State and county taxes  
2 or, until January 1, 1983, if greater, the sum that is produced  
3 by multiplying the school district's 1978 equalized assessed  
4 valuation by the debt limitation percentage in effect on  
5 January 1, 1979, previous to the incurring of such  
6 indebtedness.

7 No partial elementary unit district, as defined in Article  
8 11E of this Code, shall become indebted in any manner or for  
9 any purpose in an amount, including existing indebtedness, in  
10 the aggregate exceeding 6.9% for that portion of the district  
11 included in the high school only classification nor in an  
12 amount, including existing indebtedness, in the aggregate  
13 exceeding 13.8% for that portion of the district included in  
14 the elementary and high school classification.

15 Notwithstanding the provisions of any other law to the  
16 contrary, in any case in which the voters of a school district  
17 have approved a proposition for the issuance of bonds of such  
18 school district at an election held prior to January 1, 1979,  
19 and all of the bonds approved at such election have not been  
20 issued, the debt limitation applicable to such school district  
21 during the calendar year 1979 shall be computed by multiplying  
22 the value of taxable property therein, including personal  
23 property, as ascertained by the last assessment for State and  
24 county taxes, previous to the incurring of such indebtedness,  
25 by the percentage limitation applicable to such school district  
26 under the provisions of this subsection (a).

27 (b) Notwithstanding the debt limitation prescribed in  
28 subsection (a) of this Section, additional indebtedness may be  
29 incurred in an amount not to exceed the estimated cost of  
30 acquiring or improving school sites or constructing and  
31 equipping additional building facilities under the following  
32 conditions:

33 (1) Whenever the enrollment of students for the next  
34 school year is estimated by the board of education to

1 increase over the actual present enrollment by not less  
2 than 35% or by not less than 200 students or the actual  
3 present enrollment of students has increased over the  
4 previous school year by not less than 35% or by not less  
5 than 200 students and the board of education determines  
6 that additional school sites or building facilities are  
7 required as a result of such increase in enrollment; and

8 (2) When the Regional Superintendent of Schools having  
9 jurisdiction over the school district and the State  
10 Superintendent of Education concur in such enrollment  
11 projection or increase and approve the need for such  
12 additional school sites or building facilities and the  
13 estimated cost thereof; and

14 (3) When the voters in the school district approve a  
15 proposition for the issuance of bonds for the purpose of  
16 acquiring or improving such needed school sites or  
17 constructing and equipping such needed additional building  
18 facilities at an election called and held for that purpose.  
19 Notice of such an election shall state that the amount of  
20 indebtedness proposed to be incurred would exceed the debt  
21 limitation otherwise applicable to the school district.  
22 The ballot for such proposition shall state what percentage  
23 of the equalized assessed valuation will be outstanding in  
24 bonds if the proposed issuance of bonds is approved by the  
25 voters; or

26 (4) Notwithstanding the provisions of paragraphs (1)  
27 through (3) of this subsection (b), if the school board  
28 determines that additional facilities are needed to  
29 provide a quality educational program and not less than 2/3  
30 of those voting in an election called by the school board  
31 on the question approve the issuance of bonds for the  
32 construction of such facilities, the school district may  
33 issue bonds for this purpose; or

34 (5) Notwithstanding the provisions of paragraphs (1)

1 through (3) of this subsection (b), if (i) the school  
2 district has previously availed itself of the provisions of  
3 paragraph (4) of this subsection (b) to enable it to issue  
4 bonds, (ii) the voters of the school district have not  
5 defeated a proposition for the issuance of bonds since the  
6 referendum described in paragraph (4) of this subsection  
7 (b) was held, (iii) the school board determines that  
8 additional facilities are needed to provide a quality  
9 educational program, and (iv) a majority of those voting in  
10 an election called by the school board on the question  
11 approve the issuance of bonds for the construction of such  
12 facilities, the school district may issue bonds for this  
13 purpose.

14 In no event shall the indebtedness incurred pursuant to  
15 this subsection (b) and the existing indebtedness of the school  
16 district exceed 15% of the value of the taxable property  
17 therein to be ascertained by the last assessment for State and  
18 county taxes, previous to the incurring of such indebtedness  
19 or, until January 1, 1983, if greater, the sum that is produced  
20 by multiplying the school district's 1978 equalized assessed  
21 valuation by the debt limitation percentage in effect on  
22 January 1, 1979.

23 The indebtedness provided for by this subsection (b) shall  
24 be in addition to and in excess of any other debt limitation.

25 (c) Notwithstanding the debt limitation prescribed in  
26 subsection (a) of this Section, in any case in which a public  
27 question for the issuance of bonds of a proposed school  
28 district maintaining grades kindergarten through 12 received  
29 at least 60% of the valid ballots cast on the question at an  
30 election held on or prior to November 8, 1994, and in which the  
31 bonds approved at such election have not been issued, the  
32 school district pursuant to the requirements of Section 11A-10  
33 (now repealed) may issue the total amount of bonds approved at  
34 such election for the purpose stated in the question.

1           (d) Notwithstanding the debt limitation prescribed in  
2 subsection (a) of this Section, a school district that meets  
3 all the criteria set forth in paragraphs (1) and (2) of this  
4 subsection (d) may incur an additional indebtedness in an  
5 amount not to exceed \$4,500,000, even though the amount of the  
6 additional indebtedness authorized by this subsection (d),  
7 when incurred and added to the aggregate amount of indebtedness  
8 of the district existing immediately prior to the district  
9 incurring the additional indebtedness authorized by this  
10 subsection (d), causes the aggregate indebtedness of the  
11 district to exceed the debt limitation otherwise applicable to  
12 that district under subsection (a):

13           (1) The additional indebtedness authorized by this  
14 subsection (d) is incurred by the school district through  
15 the issuance of bonds under and in accordance with Section  
16 17-2.11a for the purpose of replacing a school building  
17 which, because of mine subsidence damage, has been closed  
18 as provided in paragraph (2) of this subsection (d) or  
19 through the issuance of bonds under and in accordance with  
20 Section 19-3 for the purpose of increasing the size of, or  
21 providing for additional functions in, such replacement  
22 school buildings, or both such purposes.

23           (2) The bonds issued by the school district as provided  
24 in paragraph (1) above are issued for the purposes of  
25 construction by the school district of a new school  
26 building pursuant to Section 17-2.11, to replace an  
27 existing school building that, because of mine subsidence  
28 damage, is closed as of the end of the 1992-93 school year  
29 pursuant to action of the regional superintendent of  
30 schools of the educational service region in which the  
31 district is located under Section 3-14.22 or are issued for  
32 the purpose of increasing the size of, or providing for  
33 additional functions in, the new school building being  
34 constructed to replace a school building closed as the



1 result of mine subsidence damage, or both such purposes.

2 (e) (Blank).

3 (f) Notwithstanding the provisions of subsection (a) of  
4 this Section or of any other law, bonds in not to exceed the  
5 aggregate amount of \$5,500,000 and issued by a school district  
6 meeting the following criteria shall not be considered  
7 indebtedness for purposes of any statutory limitation and may  
8 be issued in an amount or amounts, including existing  
9 indebtedness, in excess of any heretofore or hereafter imposed  
10 statutory limitation as to indebtedness:

11 (1) At the time of the sale of such bonds, the board of  
12 education of the district shall have determined by  
13 resolution that the enrollment of students in the district  
14 is projected to increase by not less than 7% during each of  
15 the next succeeding 2 school years.

16 (2) The board of education shall also determine by  
17 resolution that the improvements to be financed with the  
18 proceeds of the bonds are needed because of the projected  
19 enrollment increases.

20 (3) The board of education shall also determine by  
21 resolution that the projected increases in enrollment are  
22 the result of improvements made or expected to be made to  
23 passenger rail facilities located in the school district.

24 Notwithstanding the provisions of subsection (a) of this  
25 Section or of any other law, a school district that has availed  
26 itself of the provisions of this subsection (f) prior to July  
27 22, 2004 (the effective date of Public Act 93-799) may also  
28 issue bonds approved by referendum up to an amount, including  
29 existing indebtedness, not exceeding 25% of the equalized  
30 assessed value of the taxable property in the district if all  
31 of the conditions set forth in items (1), (2), and (3) of this  
32 subsection (f) are met.

33 (g) Notwithstanding the provisions of subsection (a) of  
34 this Section or any other law, bonds in not to exceed an

1 aggregate amount of 25% of the equalized assessed value of the  
2 taxable property of a school district and issued by a school  
3 district meeting the criteria in paragraphs (i) through (iv) of  
4 this subsection shall not be considered indebtedness for  
5 purposes of any statutory limitation and may be issued pursuant  
6 to resolution of the school board in an amount or amounts,  
7 including existing indebtedness, in excess of any statutory  
8 limitation of indebtedness heretofore or hereafter imposed:

9 (i) The bonds are issued for the purpose of  
10 constructing a new high school building to replace two  
11 adjacent existing buildings which together house a single  
12 high school, each of which is more than 65 years old, and  
13 which together are located on more than 10 acres and less  
14 than 11 acres of property.

15 (ii) At the time the resolution authorizing the  
16 issuance of the bonds is adopted, the cost of constructing  
17 a new school building to replace the existing school  
18 building is less than 60% of the cost of repairing the  
19 existing school building.

20 (iii) The sale of the bonds occurs before July 1, 1997.

21 (iv) The school district issuing the bonds is a unit  
22 school district located in a county of less than 70,000 and  
23 more than 50,000 inhabitants, which has an average daily  
24 attendance of less than 1,500 and an equalized assessed  
25 valuation of less than \$29,000,000.

26 (h) Notwithstanding any other provisions of this Section or  
27 the provisions of any other law, until January 1, 1998, a  
28 community unit school district maintaining grades K through 12  
29 may issue bonds up to an amount, including existing  
30 indebtedness, not exceeding 27.6% of the equalized assessed  
31 value of the taxable property in the district, if all of the  
32 following conditions are met:

33 (i) The school district has an equalized assessed  
34 valuation for calendar year 1995 of less than \$24,000,000;

1           (ii) The bonds are issued for the capital improvement,  
2           renovation, rehabilitation, or replacement of existing  
3           school buildings of the district, all of which buildings  
4           were originally constructed not less than 40 years ago;

5           (iii) The voters of the district approve a proposition  
6           for the issuance of the bonds at a referendum held after  
7           March 19, 1996; and

8           (iv) The bonds are issued pursuant to Sections 19-2  
9           through 19-7 of this Code.

10          (i) Notwithstanding any other provisions of this Section or  
11          the provisions of any other law, until January 1, 1998, a  
12          community unit school district maintaining grades K through 12  
13          may issue bonds up to an amount, including existing  
14          indebtedness, not exceeding 27% of the equalized assessed value  
15          of the taxable property in the district, if all of the  
16          following conditions are met:

17           (i) The school district has an equalized assessed  
18           valuation for calendar year 1995 of less than \$44,600,000;

19           (ii) The bonds are issued for the capital improvement,  
20           renovation, rehabilitation, or replacement of existing  
21           school buildings of the district, all of which existing  
22           buildings were originally constructed not less than 80  
23           years ago;

24           (iii) The voters of the district approve a proposition  
25           for the issuance of the bonds at a referendum held after  
26           December 31, 1996; and

27           (iv) The bonds are issued pursuant to Sections 19-2  
28           through 19-7 of this Code.

29          (j) Notwithstanding any other provisions of this Section or  
30          the provisions of any other law, until January 1, 1999, a  
31          community unit school district maintaining grades K through 12  
32          may issue bonds up to an amount, including existing  
33          indebtedness, not exceeding 27% of the equalized assessed value  
34          of the taxable property in the district if all of the following

1 conditions are met:

2 (i) The school district has an equalized assessed  
3 valuation for calendar year 1995 of less than \$140,000,000  
4 and a best 3 months average daily attendance for the  
5 1995-96 school year of at least 2,800;

6 (ii) The bonds are issued to purchase a site and build  
7 and equip a new high school, and the school district's  
8 existing high school was originally constructed not less  
9 than 35 years prior to the sale of the bonds;

10 (iii) At the time of the sale of the bonds, the board  
11 of education determines by resolution that a new high  
12 school is needed because of projected enrollment  
13 increases;

14 (iv) At least 60% of those voting in an election held  
15 after December 31, 1996 approve a proposition for the  
16 issuance of the bonds; and

17 (v) The bonds are issued pursuant to Sections 19-2  
18 through 19-7 of this Code.

19 (k) Notwithstanding the debt limitation prescribed in  
20 subsection (a) of this Section, a school district that meets  
21 all the criteria set forth in paragraphs (1) through (4) of  
22 this subsection (k) may issue bonds to incur an additional  
23 indebtedness in an amount not to exceed \$4,000,000 even though  
24 the amount of the additional indebtedness authorized by this  
25 subsection (k), when incurred and added to the aggregate amount  
26 of indebtedness of the school district existing immediately  
27 prior to the school district incurring such additional  
28 indebtedness, causes the aggregate indebtedness of the school  
29 district to exceed or increases the amount by which the  
30 aggregate indebtedness of the district already exceeds the debt  
31 limitation otherwise applicable to that school district under  
32 subsection (a):

33 (1) the school district is located in 2 counties, and a  
34 referendum to authorize the additional indebtedness was

1 approved by a majority of the voters of the school district  
2 voting on the proposition to authorize that indebtedness;

3 (2) the additional indebtedness is for the purpose of  
4 financing a multi-purpose room addition to the existing  
5 high school;

6 (3) the additional indebtedness, together with the  
7 existing indebtedness of the school district, shall not  
8 exceed 17.4% of the value of the taxable property in the  
9 school district, to be ascertained by the last assessment  
10 for State and county taxes; and

11 (4) the bonds evidencing the additional indebtedness  
12 are issued, if at all, within 120 days of the effective  
13 date of this amendatory Act of 1998.

14 (1) Notwithstanding any other provisions of this Section or  
15 the provisions of any other law, until January 1, 2000, a  
16 school district maintaining grades kindergarten through 8 may  
17 issue bonds up to an amount, including existing indebtedness,  
18 not exceeding 15% of the equalized assessed value of the  
19 taxable property in the district if all of the following  
20 conditions are met:

21 (i) the district has an equalized assessed valuation  
22 for calendar year 1996 of less than \$10,000,000;

23 (ii) the bonds are issued for capital improvement,  
24 renovation, rehabilitation, or replacement of one or more  
25 school buildings of the district, which buildings were  
26 originally constructed not less than 70 years ago;

27 (iii) the voters of the district approve a proposition  
28 for the issuance of the bonds at a referendum held on or  
29 after March 17, 1998; and

30 (iv) the bonds are issued pursuant to Sections 19-2  
31 through 19-7 of this Code.

32 (m) Notwithstanding any other provisions of this Section or  
33 the provisions of any other law, until January 1, 1999, an  
34 elementary school district maintaining grades K through 8 may

1 issue bonds up to an amount, excluding existing indebtedness,  
2 not exceeding 18% of the equalized assessed value of the  
3 taxable property in the district, if all of the following  
4 conditions are met:

5 (i) The school district has an equalized assessed  
6 valuation for calendar year 1995 or less than \$7,700,000;

7 (ii) The school district operates 2 elementary  
8 attendance centers that until 1976 were operated as the  
9 attendance centers of 2 separate and distinct school  
10 districts;

11 (iii) The bonds are issued for the construction of a  
12 new elementary school building to replace an existing  
13 multi-level elementary school building of the school  
14 district that is not handicapped accessible at all levels  
15 and parts of which were constructed more than 75 years ago;

16 (iv) The voters of the school district approve a  
17 proposition for the issuance of the bonds at a referendum  
18 held after July 1, 1998; and

19 (v) The bonds are issued pursuant to Sections 19-2  
20 through 19-7 of this Code.

21 (n) Notwithstanding the debt limitation prescribed in  
22 subsection (a) of this Section or any other provisions of this  
23 Section or of any other law, a school district that meets all  
24 of the criteria set forth in paragraphs (i) through (vi) of  
25 this subsection (n) may incur additional indebtedness by the  
26 issuance of bonds in an amount not exceeding the amount  
27 certified by the Capital Development Board to the school  
28 district as provided in paragraph (iii) of this subsection (n),  
29 even though the amount of the additional indebtedness so  
30 authorized, when incurred and added to the aggregate amount of  
31 indebtedness of the district existing immediately prior to the  
32 district incurring the additional indebtedness authorized by  
33 this subsection (n), causes the aggregate indebtedness of the  
34 district to exceed the debt limitation otherwise applicable by

1 law to that district:

2 (i) The school district applies to the State Board of  
3 Education for a school construction project grant and  
4 submits a district facilities plan in support of its  
5 application pursuant to Section 5-20 of the School  
6 Construction Law.

7 (ii) The school district's application and facilities  
8 plan are approved by, and the district receives a grant  
9 entitlement for a school construction project issued by,  
10 the State Board of Education under the School Construction  
11 Law.

12 (iii) The school district has exhausted its bonding  
13 capacity or the unused bonding capacity of the district is  
14 less than the amount certified by the Capital Development  
15 Board to the district under Section 5-15 of the School  
16 Construction Law as the dollar amount of the school  
17 construction project's cost that the district will be  
18 required to finance with non-grant funds in order to  
19 receive a school construction project grant under the  
20 School Construction Law.

21 (iv) The bonds are issued for a "school construction  
22 project", as that term is defined in Section 5-5 of the  
23 School Construction Law, in an amount that does not exceed  
24 the dollar amount certified, as provided in paragraph (iii)  
25 of this subsection (n), by the Capital Development Board to  
26 the school district under Section 5-15 of the School  
27 Construction Law.

28 (v) The voters of the district approve a proposition  
29 for the issuance of the bonds at a referendum held after  
30 the criteria specified in paragraphs (i) and (iii) of this  
31 subsection (n) are met.

32 (vi) The bonds are issued pursuant to Sections 19-2  
33 through 19-7 of the School Code.

34 (o) Notwithstanding any other provisions of this Section or

1 the provisions of any other law, until November 1, 2007, a  
2 community unit school district maintaining grades K through 12  
3 may issue bonds up to an amount, including existing  
4 indebtedness, not exceeding 20% of the equalized assessed value  
5 of the taxable property in the district if all of the following  
6 conditions are met:

7 (i) the school district has an equalized assessed  
8 valuation for calendar year 2001 of at least \$737,000,000  
9 and an enrollment for the 2002-2003 school year of at least  
10 8,500;

11 (ii) the bonds are issued to purchase school sites,  
12 build and equip a new high school, build and equip a new  
13 junior high school, build and equip 5 new elementary  
14 schools, and make technology and other improvements and  
15 additions to existing schools;

16 (iii) at the time of the sale of the bonds, the board  
17 of education determines by resolution that the sites and  
18 new or improved facilities are needed because of projected  
19 enrollment increases;

20 (iv) at least 57% of those voting in a general election  
21 held prior to January 1, 2003 approved a proposition for  
22 the issuance of the bonds; and

23 (v) the bonds are issued pursuant to Sections 19-2  
24 through 19-7 of this Code.

25 (p) Notwithstanding any other provisions of this Section or  
26 the provisions of any other law, a community unit school  
27 district maintaining grades K through 12 may issue bonds up to  
28 an amount, including indebtedness, not exceeding 27% of the  
29 equalized assessed value of the taxable property in the  
30 district if all of the following conditions are met:

31 (i) The school district has an equalized assessed  
32 valuation for calendar year 2001 of at least \$295,741,187  
33 and a best 3 months' average daily attendance for the  
34 2002-2003 school year of at least 2,394.



1           (ii) The bonds are issued to build and equip 3  
2 elementary school buildings; build and equip one middle  
3 school building; and alter, repair, improve, and equip all  
4 existing school buildings in the district.

5           (iii) At the time of the sale of the bonds, the board  
6 of education determines by resolution that the project is  
7 needed because of expanding growth in the school district  
8 and a projected enrollment increase.

9           (iv) The bonds are issued pursuant to Sections 19-2  
10 through 19-7 of this Code.

11           (p-5) Notwithstanding any other provisions of this Section  
12 or the provisions of any other law, bonds issued by a community  
13 unit school district maintaining grades K through 12 shall not  
14 be considered indebtedness for purposes of any statutory  
15 limitation and may be issued in an amount or amounts, including  
16 existing indebtedness, in excess of any heretofore or hereafter  
17 imposed statutory limitation as to indebtedness, if all of the  
18 following conditions are met:

19           (i) For each of the 4 most recent years, residential  
20 property comprises more than 80% of the equalized assessed  
21 valuation of the district.

22           (ii) At least 2 school buildings that were constructed  
23 40 or more years prior to the issuance of the bonds will be  
24 demolished and will be replaced by new buildings or  
25 additions to one or more existing buildings.

26           (iii) Voters of the district approve a proposition for  
27 the issuance of the bonds at a regularly scheduled  
28 election.

29           (iv) At the time of the sale of the bonds, the school  
30 board determines by resolution that the new buildings or  
31 building additions are needed because of an increase in  
32 enrollment projected by the school board.

33           (v) The principal amount of the bonds, including  
34 existing indebtedness, does not exceed 25% of the equalized

1           assessed value of the taxable property in the district.

2           (vi) The bonds are issued prior to January 1, 2007,  
3           pursuant to Sections 19-2 through 19-7 of this Code.

4           (q) A school district must notify the State Board of  
5           Education prior to issuing any form of long-term or short-term  
6           debt that will result in outstanding debt that exceeds 75% of  
7           the debt limit specified in this Section or any other provision  
8           of law.

9           (Source: P.A. 93-13, eff. 6-9-03; 93-799, eff. 7-22-04;  
10          93-1045, eff. 10-15-04; 94-234, eff. 7-1-06; 94-721, eff.  
11          1-6-06.)

12          (105 ILCS 5/20-2)   (from Ch. 122, par. 20-2)

13          (Text of Section before amendment by P.A. 94-234)

14          Sec. 20-2. Indebtedness and bonds. For the purpose of  
15          creating a working cash fund, the school board of any such  
16          district may incur an indebtedness and issue bonds as evidence  
17          thereof in an amount or amounts not exceeding in the aggregate  
18          85% of the taxes permitted to be levied for educational  
19          purposes for the then current year to be determined by  
20          multiplying the maximum educational tax rate or rates  
21          applicable to such school district by the last assessed  
22          valuation or assessed valuations as determined at the time of  
23          the issue of said bonds plus 85% of the last known entitlement  
24          of such district to taxes as by law now or hereafter enacted or  
25          amended, imposed by the General Assembly of the State of  
26          Illinois to replace revenue lost by units of local government  
27          and school districts as a result of the abolition of ad valorem  
28          personal property taxes, pursuant to Article IX, Section 5,  
29          paragraph (c) of the Constitution of the State of Illinois,  
30          except that a district that is certified under Section 19-1.5  
31          as a financially distressed district may incur an indebtedness  
32          and issue bonds as evidence thereof in an amount or amounts not  
33          exceeding in the aggregate 125% of the taxes permitted to be

1 levied for educational purposes for the then current year to be  
2 determined by multiplying the maximum educational tax rate  
3 applicable to that school district by the last assessed  
4 valuation as determined at the time of the issuance of the  
5 bonds plus 125% of the last known entitlement of that district  
6 to taxes that by law now or hereafter enacted or amended are  
7 imposed by the General Assembly to replace revenue lost by  
8 units of local government and school districts as a result of  
9 the abolition of ad valorem personal property taxes, pursuant  
10 to Article IX, Section 5, paragraph (c) of the Constitution of  
11 the State of Illinois. The bonds shall bear interest at not  
12 more than the maximum rate authorized by the Bond Authorization  
13 Act, as amended at the time of the making of the contract, if  
14 issued before January 1, 1972 and not more than the maximum  
15 rate authorized by the Bond Authorization Act, as amended at  
16 the time of the making of the contract, if issued after January  
17 1, 1972 and shall mature within 20 years from the date thereof.  
18 Subject to the foregoing limitations as to amount, the bonds  
19 may be issued in an amount including existing indebtedness  
20 which will not exceed the constitutional limitation as to debt,  
21 notwithstanding any statutory debt limitation to the contrary.  
22 When bonds have been issued under this Article by a school  
23 district that is certified as a financially distressed district  
24 under Section 19-1.5, the amount of those bonds, when and after  
25 they are issued, whether issued before or after such  
26 certification, shall not be considered debt under any statutory  
27 debt limitation and shall be excluded from the computation and  
28 determination of any statutory or other debt limitation  
29 applicable to the financially distressed district. The school  
30 board shall before or at the time of issuing the bonds provide  
31 for the collection of a direct annual tax upon all the taxable  
32 property within the district sufficient to pay the principal  
33 thereof at maturity and to pay the interest thereon as it falls  
34 due, which tax shall be in addition to the maximum amount of

1 all other taxes, either educational; transportation;  
2 operations and maintenance; or fire prevention and safety fund  
3 taxes, now or hereafter authorized and in addition to any  
4 limitations upon the levy of taxes as provided by Sections 17-2  
5 through 17-9. The bonds may be issued redeemable at the option  
6 of the school board of the district issuing them on any  
7 interest payment date on or after 5 years from date of issue.

8 With respect to instruments for the payment of money issued  
9 under this Section either before, on, or after the effective  
10 date of this amendatory Act of 1989, it is and always has been  
11 the intention of the General Assembly (i) that the Omnibus Bond  
12 Acts are and always have been supplementary grants of power to  
13 issue instruments in accordance with the Omnibus Bond Acts,  
14 regardless of any provision of this Act that may appear to be  
15 or to have been more restrictive than those Acts, (ii) that the  
16 provisions of this Section are not a limitation on the  
17 supplementary authority granted by the Omnibus Bond Acts, and  
18 (iii) that instruments issued under this Section within the  
19 supplementary authority granted by the Omnibus Bond Acts are  
20 not invalid because of any provision of this Act that may  
21 appear to be or to have been more restrictive than those Acts.

22 (Source: P.A. 87-984; 88-641, eff. 9-9-94.)

23 (Text of Section after amendment by P.A. 94-234)

24 Sec. 20-2. Indebtedness and bonds. For the purpose of  
25 creating a working cash fund, the school board of any such  
26 district may incur an indebtedness and issue bonds as evidence  
27 thereof in an amount or amounts not exceeding in the aggregate  
28 85% of the taxes permitted to be levied for educational  
29 purposes for the then current year to be determined by  
30 multiplying the maximum educational tax rate or rates  
31 applicable to such school district by the last assessed  
32 valuation or assessed valuations as determined at the time of  
33 the issue of said bonds plus 85% of the last known entitlement

1 of such district to taxes as by law now or hereafter enacted or  
2 amended, imposed by the General Assembly of the State of  
3 Illinois to replace revenue lost by units of local government  
4 and school districts as a result of the abolition of ad valorem  
5 personal property taxes, pursuant to Article IX, Section 5,  
6 paragraph (c) of the Constitution of the State of Illinois. The  
7 bonds shall bear interest at not more than the maximum rate  
8 authorized by the Bond Authorization Act, as amended at the  
9 time of the making of the contract, if issued before January 1,  
10 1972 and not more than the maximum rate authorized by the Bond  
11 Authorization Act, as amended at the time of the making of the  
12 contract, if issued after January 1, 1972 and shall mature  
13 within 20 years from the date thereof. Subject to the foregoing  
14 limitations as to amount, the bonds may be issued in an amount  
15 including existing indebtedness which will not exceed the  
16 constitutional limitation as to debt, notwithstanding any  
17 statutory debt limitation to the contrary. The school board  
18 shall before or at the time of issuing the bonds provide for  
19 the collection of a direct annual tax upon all the taxable  
20 property within the district sufficient to pay the principal  
21 thereof at maturity and to pay the interest thereon as it falls  
22 due, which tax shall be in addition to the maximum amount of  
23 all other taxes, either educational; transportation;  
24 operations and maintenance; or fire prevention and safety fund  
25 taxes, now or hereafter authorized and in addition to any  
26 limitations upon the levy of taxes as provided by Sections 17-2  
27 through 17-9. The bonds may be issued redeemable at the option  
28 of the school board of the district issuing them on any  
29 interest payment date on or after 5 years from date of issue.

30 With respect to instruments for the payment of money issued  
31 under this Section either before, on, or after the effective  
32 date of this amendatory Act of 1989, it is and always has been  
33 the intention of the General Assembly (i) that the Omnibus Bond  
34 Acts are and always have been supplementary grants of power to

1 issue instruments in accordance with the Omnibus Bond Acts,  
2 regardless of any provision of this Act that may appear to be  
3 or to have been more restrictive than those Acts, (ii) that the  
4 provisions of this Section are not a limitation on the  
5 supplementary authority granted by the Omnibus Bond Acts, and  
6 (iii) that instruments issued under this Section within the  
7 supplementary authority granted by the Omnibus Bond Acts are  
8 not invalid because of any provision of this Act that may  
9 appear to be or to have been more restrictive than those Acts.

10 (Source: P.A. 94-234, eff. 7-1-06.)

11 (105 ILCS 5/Art. 7A rep.)

12 (105 ILCS 5/Art. 11A rep.)

13 (105 ILCS 5/Art. 11B rep.)

14 (105 ILCS 5/Art. 11D rep.)

15 (105 ILCS 5/18-8.2 rep.)

16 (105 ILCS 5/18-8.3 rep.)

17 (105 ILCS 5/18-8.5 rep.)

18 Section 15. The School Code is amended by repealing  
19 Articles 7A, 11A, 11B, and 11D and Sections 18-8.2, 18-8.3, and  
20 18-8.5.

21 Section 20. The School District Validation (1995) Act is  
22 amended by changing Section 5 as follows:

23 (105 ILCS 555/5)

24 Sec. 5. Validation. In all cases in which, before the  
25 effective date of this Act, the regional superintendent of  
26 schools was required to publish notice of a referendum to  
27 establish a community unit school district in territory  
28 comprising 2 community unit school districts, 2 community  
29 consolidated school districts, and 2 community high school  
30 districts and such notice was not published by the regional  
31 superintendent of schools as required by Section 11A-5 of the

1 School Code (now repealed) and a majority of the voters  
2 residing in each of the school districts comprising the  
3 proposed community unit school district voted in favor of the  
4 creation of such community unit school district in the general  
5 election held on November 8, 1994, and in which territory at a  
6 subsequent election similarly called and held a board of  
7 education has been chosen for such district, each such election  
8 is hereby made legal and valid and such territory is hereby  
9 declared legally and validly organized and established as a  
10 community unit school district, and a valid and existing school  
11 district.

12 (Source: P.A. 89-416, eff. 11-22-95.)

13 Section 90. Savings clause. Any repeal made by this Act  
14 shall not affect or impair any of the following: suits pending  
15 or rights existing at the time this Act takes effect; any grant  
16 or conveyance made or right acquired or cause of action now  
17 existing under any Section, Article, or Act repealed by this  
18 Act; the validity of any bonds or other obligations issued or  
19 sold and constituting valid obligations of the issuing  
20 authority at the time this Act takes effect; the validity of  
21 any contract; the validity of any tax levied under any law in  
22 effect prior to the effective date of this Act; any offense  
23 committed, act done, penalty, punishment, or forfeiture  
24 incurred or any claim, right, power, or remedy accrued under  
25 any law in effect prior to the effective date of this Act; or  
26 the corporate existence or powers of any school district  
27 lawfully validated under any law in effect prior to the  
28 effective date of this Act. For any petition filed with the  
29 regional superintendent of schools under Article 7A, 11A, 11B,  
30 or 11D of the School Code prior to the effective date of this  
31 Act, the proposed action described in the petition, including  
32 all notices, hearings, administrative decisions, ballots,  
33 elections, and passage requirements relating thereto, shall

1 proceed and be in accordance with the law in effect at the date  
2 of the filing. If the petition is approved by voters at a  
3 regularly scheduled election, the resulting school districts  
4 are eligible for supplementary State aid payments in accordance  
5 with Section 11E-135 of the School Code as if the petition was  
6 filed and approved in accordance with Article 11E of the School  
7 Code. Any school district eligible for supplementary State aid  
8 payments in accordance with subsection (I) of Section 18-8.05  
9 or Section 18-8.2, 18-8.3, or 18-8.5 of the School Code prior  
10 to the effective date of this Act must have those payments  
11 continued in accordance with Section 11E-135 of the School  
12 Code.

13 Section 95. No acceleration or delay. Where this Act makes  
14 changes in a statute that is represented in this Act by text  
15 that is not yet or no longer in effect (for example, a Section  
16 represented by multiple versions), the use of that text does  
17 not accelerate or delay the taking effect of (i) the changes  
18 made by this Act or (ii) provisions derived from any other  
19 Public Act.

20 Section 99. Effective date. This Act takes effect July 1,  
21 2006.".