



Illinois State Board of Education

July 31, 2006

CITIZENS' GUIDANCE TO SCHOOL DISTRICT REORGANIZATION

This document is intended to provide non-regulatory guidance on the subject matter listed above. For specific questions, please contact the person(s) identified in the document.

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Note: The process described below is intended as general guidance and not legal advice.

SCHOOL DISTRICT REORGANIZATION EFFORT BY CITIZENS

A. How do I start?

School district reorganization efforts sometimes begin with citizens rather than school boards. The community might have discussed this idea for years before any action occurs. Citizens will need to consider many factors to determine whether reorganization is a good option for their school district, as discussed in Question C below. If a group of citizens concludes that a reorganization should move forward, a petition will need to be filed.

B. What are the school district reorganization options?

There are several types of school district reorganization. They are:

1. Deactivation
2. Cooperative high school
3. Detachment/annexation
4. Dissolution/annexation
5. High School-Unit conversion
6. Unit district formation (Consolidation)
7. Combined school district
8. Unit to dual conversion
9. Optional elementary unit district (new)
10. Combined high school-unit district (new)
11. Multi-unit conversion (new)

The Illinois State Board of Education has a more comprehensive guidance document, available at www.isbe.net/sfms/html/pa_94-1019.htm, which describes in greater detail the available options.

C. What information should I gather?

To determine whether reorganization is in the best interest of your school district, its students, and the community as a whole, you will need to assess curriculum, finances, school buildings, student transportation, extra-curricular activities, community feelings, and interest from neighboring school districts.

D. What is a Committee of Ten, and do I need one?

A Committee of Ten is a group of ten petitioners that has authority to act as attorney in fact for all petitioners. Such a committee may amend the petition and make binding stipulations on behalf of all petitioners. A Committee of Ten must be designated in all

petitions filed under the new Article 11E. However, for detachment and dissolution, only those petitions that contain more than 10 signatures must designate a Committee of Ten. Deactivations and cooperative high schools may go to referendum through school board resolution; a Committee of Ten is not needed.

E. Will I need the services of an attorney?

Typically, an attorney is hired to draft the petition for the group of citizens or the school board(s). While an attorney is not required, hiring one can be beneficial because to be valid, a petition must comply with several statutory provisions. Additional information must be included if the district is subject to a tax cap. In addition, the petitioners often enlist the help of an attorney for the hearing.

F. What are the petition requirements?

There are no statutorily required forms for petitions, other than that petitions must include certain minimum requirements as listed below.

Minimum requirements for an Article 11E petition are:

1. A request to submit the proposition at a regular scheduled election,
2. A description of the territory comprising the districts proposed to be dissolved and those to be created,
3. A specification of the maximum tax rates for various purposes the proposed district or districts shall be authorized to levy for various purposes, and if applicable, the specifications related to the Property Tax Extension Limitation Law,
4. A description of how supplementary State deficit difference payments will be allocated,
5. Where applicable, a division of assets and liabilities to be allocated,
6. A designation of a committee of ten of the petitioners as attorney in fact,
7. Voter signatures with residence address, including those of the committee of ten of the petitioners, or board resolutions,
8. Sheets of uniform size,
9. Heading (prayer) on each sheet which includes the question to be submitted, where it will be submitted, and the election at which it will be submitted,
10. Signature of a circulator who has witnessed the signature of each petitioner on that page, and
11. Petition sheets that are bound securely and numbered consecutively.

Minimum requirements for a Section 7-1 petition are:

1. Full prayer on each page, and if a dissolution, the question to be submitted, where it will be submitted, and the election at which it will be submitted,
2. Board resolutions, or signatures that match the official signatures and addresses of the registered voters as recorded in the office of the election authority having jurisdiction over the county, including those of the committee of ten of the petitioners,

3. Date of signing recorded by each petitioner,
4. Assertion that the proposed district will have a population of at least 2,000 and an equalized assessed valuation of at least \$6 million,
5. Assertion that the districts after the granting of the petition will be compact and contiguous,
6. Description of the property to be dissolved and annexed, or if a detachment, a legal description of the property to be detached and annexed,
7. When the petition contains more than ten signatures, a designation of a committee of ten of the petitioners,
8. Sheets of uniform size,
9. Signature of a circulator who has witnessed the signature of each petitioner on that page, and
10. Petition sheets that are bound securely and numbered consecutively.

Minimum requirements for a Section 7-2 petition are:

1. Assertion that the proposed district will have a population of at least 2,000 and an equalized assessed valuation of at least \$6 million,
2. Assertion that the districts after the granting of the petition will be compact and contiguous,
3. Description of the property to be dissolved and annexed, or if a detachment, a legal description of the property to be detached and annexed,
4. When the petition contains more than ten signatures, a designation of a committee of ten of the petitioners,
5. Voter signatures with residence address, including those of the committee of ten of the petitioners, or board resolutions,
6. Signature of a circulator who has witnessed the signature of each petitioner on that page,
7. Sheets of uniform size,
8. Heading (prayer) on each sheet, and if a dissolution, the question to be submitted, where it will be submitted, and the election at which it will be submitted, and
9. Petition sheets that are bound securely and numbered consecutively.

A subsection 7-2a(a) petition will always be either a Section 7-1 or 7-2 petition. However, subsection 7-2a(a) further requires that the district to which the dissolving district shall be annexed be specified in the petition.

The only express statutory requirement for a subsection 7-2a(b) petition is that it include voter signatures, including those of the committee of ten of the petitioners if applicable, or a board resolution. However, a description of the property to be dissolved is necessary for a determination by the regional board of school trustees about where to annex the dissolving district.

G. What is included on the signature pages of a petition?

Where voter signatures are a required part of a petition, signature sheets must be prepared prior to circulation. Each signature sheet must include a heading (prayer) and space for

petitioner signatures and residence addresses (except for a subsection 7-2a(b) dissolution). At the bottom of each signature sheet, a circulator's statement must be included. The circulator's statement must be signed by a person 18 years of age or older who is a citizen of the United States, stating the street address or rural route number, as well as the county, city, village or town, and state. The statement shall certify that the signatures on that sheet of the petition were signed in the circulator's presence and are genuine. The statement shall further certify that to the best of the circulator's knowledge and belief the persons so signing were at the time of signing the petition registered voters of the political subdivision in which the question of public policy is to be submitted and that their respective residences are correctly stated therein. Such statement shall be sworn to before some officer authorized to administer oaths in this State.

H. How do I circulate the petition for signatures?

Volunteers typically walk door-to-door or set up in a public location to ask registered voters to sign. As circulators, such volunteers must certify that they personally witnessed the voters sign.

I. How many signatures do I need?

If the petition is for a reorganization option under Article 11E of the School Code, you will need it signed by at least 50 legal resident voters or 10% of legal resident voters, whichever is less, from each affected district, or approved by the boards of each affected district.

Article 7 reorganizations generally require that a petition be submitted by the boards of each district affected or by a majority of the registered voters in each district affected or by two-thirds of the registered voters in any territory proposed to be detached from one or more districts or in each of one or more districts proposed to be annexed to another district. If there are no registered voters within the territory proposed to be detached from one or more districts, then the petition may be signed by all of the owners of record of the real estate of the territory.

An exception is a dissolution petition filed pursuant to Section 7-2a. A subsection 7-2a(a) petition may be made by the board of education or a majority of the legal voters residing in the district proposed to be dissolved. No petition from any other district affected shall be required. A subsection 7-2a(b) petition may be adopted by resolution of the board of education or signed by a majority of registered voters of the district seeking the dissolution.

No petition is required for a deactivation or cooperative high school. Instead, the question can be put on a ballot through school board resolution.

J. Where do I file the petition?

For an Article 11E reorganization where the territory described in the petition lies entirely within one educational service region, the petition is filed with the regional superintendent of schools for that region. Where the territory described in the petition lies within two or more educational service regions, the petition is filed with the regional superintendent who has supervision over the greater or greatest percentage of equalized assessed valuation. For an Article 7 reorganization, the petition is filed with the regional superintendent of schools of the regional office of education in which the territory described in the petition is situated. Information about regional offices is available at www.isbe.net/regionaloffices

K. What happens after I file a petition?

The regional superintendent will determine whether the petition is valid. If so, he or she will publish notice of a public hearing on the petition.

L. Who is responsible for paying the costs associated with a reorganization?

The petitioners are responsible for paying the costs of publishing the hearing notices and the costs of the transcript of the public hearing. Most regional superintendents require a deposit to cover these costs at the time of filing the petition. Additionally, the petitioners are responsible for their expenses to draft the petition and any attorney fees they incur.

M. What is the purpose of the hearing?

With the exception of a subsection 7-2a(b) dissolution where the regional board of school trustees shall hear evidence only to decide where to annex the dissolving district, a hearing is conducted to determine whether there is adequate evidence that the petition should proceed to the next step of the process. Where a detachment petition is approved, the districts involved may begin the transition. Where a dissolution petition is approved, the regional superintendent will forward the public policy question to the clerk to be placed on the ballot. Where an 11E petition is approved, the regional superintendent will forward the petition to the State Superintendent for review.

N. Who conducts the hearing?

The regional superintendent or the regional board of school trustees, depending on what type of reorganization is sought, conducts the hearing. In certain cases, a joint hearing will be held with another region.

O. What happens during the hearing?

The regional superintendent listens to oral testimony and reviews evidence in the record from those in favor of and those opposed to the petition to reorganize the school districts. Anyone in any affected district may attend the hearing to testify or submit written testimony.

P. Who makes the final decision about whether a dissolution or Article 11E reorganization is put on the ballot?

For a dissolution, the regional board of school trustees will make a final determination. For an Article 11E reorganization, the regional superintendent of schools approves or denies the petition. The State Superintendent of Education reviews the petition to make a final decision. Decisions by a regional board or the State Superintendent may be appealed through the Administrative Review Law.

Q. How does the question get placed on the ballot?

If approved, the regional superintendent submits the question to the county clerk(s) to be printed for the appropriate election.

R. If the referendum fails, may I try again?

Yes, however, you may have to wait up to two years before submitting a petition that covers the same territory.

S. If the referendum is successful, what is the next step?

The school districts involved will need to plan for the transition.

T. Where can I look for more information?

Three helpful resources are:

1. The Illinois School Code, Article 7, Article 11E, Section 10-22.22 b and Section 10-22.22c (105 ILCS 5/7, 105 ILCS 5/11E, 105 ILCS 5/10-22.22b, and 105 ILCS 5/10-22.22c),
2. Brochures on http://www.isbe.net/sfms/html/reorg_school.htm, and
3. The Public Act 94-1019 Guidance Document