

**Regional Office of Education #3 ~ Bond, Christian, Effingham,
Fayette & Montgomery Counties**

*Julie Wollerman, Regional Superintendent of Schools
Annette Hartlieb, Assistant Regional Superintendents of Schools*



1500 W. Jefferson St.,
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203 S. Main St.,
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Dear Petitioner,

Enclosed in this mailing are documents that specify procedures to follow in filing a petition of detachment-annexation with the Regional Board of School Trustees for Bond, Christian, Effingham, Fayette and Montgomery Counties. While not required, it has been our practice to encourage petitioners to secure the services of an attorney to prepare the petition and serve as advocate during the mandated hearing. Please also notice that you must deposit an anticipated expense fee of \$1,500 with this Regional Office of Education. According to the Illinois School Code, all expenses and costs incurred during the petitioning and hearing processes are the responsibility of the petitioner(s).

The petitioner has the burden of proof to convince the Regional Board of School Trustees that a change in boundaries is in the best interest of the children, the family, and the school districts. The Regional Board of School Trustees must, by law, consider the financial impact on the school districts resulting from the proposed change, the school needs and conditions in the affected districts, the ability of districts affected to meet the standards of recognition as prescribed by the State Board of Education, whether such a change is in the best interests of the schools of the area, and educational welfare of the pupils.

The members of the Regional Board of School Trustees are charged with the responsibility to weigh all testimony of all involved parties and to base their decision upon the testimony, transcript, maps, and information and presentation of counsel (105 ILCS 5/7-6).

These documents are only meant to assist you in this process and should not be considered as replacement for the school code where the law determines the process for detachment/annexation.

If you have further questions or concerns, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Julie Wollerman".

Julie Wollerman
Regional Superintendent of Schools

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Detachment and Annexation Procedures

Article 7 of the School Code of Illinois charges the Regional Board of School Trustees with primary responsibility for deciding issues of school district reorganization. This includes accepting or rejecting proposals for school district boundary changes – annexations and detachments, consolidations, divisions, and dissolutions. The Regional Board is a popularly elected body consisting of seven members, not fewer than two of whom must reside in each county of a bi-county region.

Quarterly meetings are scheduled (January, April, July, and October) unless there is no business for the agenda, in which case the meetings may be canceled. Special meetings may be held at the discretion of the Board. The Regional Superintendent of Schools serves as ex-officio secretary for the Regional Board of School Trustees, but the Superintendent is not a voting member of the Board.

How to petition for detachment/annexation:

- 1) File a petition with the Office of the Regional Superintendent of Education. The petition must state the desired result and must include a complete legal description of all territory involved. The petition must be signed by a majority of all registered voters living within the territory. If there are none, it must be signed by all owners of record.
- 2) Deposit an anticipated expense fee of **\$1,500**. All expenses are the responsibility of the petitioner(s). Any unused funds will be returned.
- 3) Although it is not a requirement in the law, petitioners are encouraged to consider securing the services of an attorney to prepare the petition and to present the case at the time of hearing.
- 4) The Regional Board of School Trustees will decide the petition. The Board meets quarterly in January, April, July, and October.

The Charge to Regional Board of School Trustees in Detachment Proceedings

In regard to the granting of a detachment petition, "Illinois courts have consistently held that the denial of a petition...cannot be based on the fear of setting a precedent. The courts have also held that where there is no great detriment or benefit to either district..., then the determinations should be made upon the welfare of the pupil(s)."

Refer to (105 ILCS 5/7-6) (from Ch. 122, par. 7-6) for the rules the Regional Board of School Trustees decision making. These documents are guidelines and cannot be construed as the ultimate answer to the law.

Contact Information:

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FILING AND DETACHMENT/ANNEXATION

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Quarterly meetings are scheduled in January, April, July, and October unless there is no business for the agenda, in which case the meetings may be canceled. Special meetings may be held at the discretion of the Board. The Regional Superintendent of Schools serves as ex-officio secretary for the Regional Board of School Trustees, but the Superintendent is not a voting member of the Board.

The following steps must be taken to petition the Regional Board of School Trustees for the Bond-Christian-Fayette-Effingham-Montgomery Educational Service Region to consider the transfer of territory from one school district to another district:

1. Territory to be transferred **must be contiguous** to territory in district to which one is requesting attachment.
2. A petition must be prepared and filed calling for the detachment of territory from one district and annexation to another.
 - a. Petition must be addressed to and filed with the **Regional Board of School Trustees for the Bond- Christian-Effingham-Fayette-Montgomery Educational Service Region** (105 ILCS 5/7.6).
This Board meets in January, April, July, and October.
 - b. Petition must **state the purpose of the petition.**
 - c. Petition must **give the legal description of territory in question** (105 ILCS 5/7.2).
 - d. Petition must give **reasons why the request is being made.**
 - e. Each **page of the petition must include the full prayer of the petition.**
 - f. Each **person's address must be included in the petition.**
 - g. Petition **must be signed and dated by petitioners** (2/3 of legal voters residing in the area to be detached – 105 ILCS 5/7.2).

h. A **simple map** must be attached to petition. We suggest a marked page from the Plat Book showing location of property described in the petition.

i. Petition must be filed with the Ex-Officio Secretary of the Regional Board of School Trustees, Julie Wollerman (105 ILCS 5/7.6).

j. A **deposit of \$1,500** must be made before the petition filing process is considered complete. This is to cover the cost of the court reporter, transcript, cost of legal notice, and other incidental expenditures. A record of expenditures will be given the petitioner, and any money not required will be returned.

k. Residents of legal voting age who reside in the territory to be detached must be listed in the petition (2/3 of legal voters residing in the area to be detached – 105 ILCS 5/7.2).

l. The **original petition and sufficient copies for Boards of School Districts involved**. Copies need not be signed by petitioner as required on original (105 ILCS 5/7-4.1).

3. The petition must address the following issues:

a. **Are there any bond issues pending in any district in question?**
(105 ILCS 5/7-3)

b. **Will any non-high school territory result?**
(105 ILCS 5/7-4)

c. **Will any district be left with less than 2,000 population?**
(105 ILCS 5/7-4)

d. **Will any district be left with less than \$6,000,000 EAV?**
(105 ILCS 5/7-4)

4. Regional Superintendent as Ex-Officio Secretary to the Board must:

a. Notify districts and/or counties involved.

b. Check description on petition and plat for correctness.

c. Check that petitioner (s) is/are a legal voter (s).

d. Prepare financial report – valuation of the property involved, probable effects on school districts involved, report on procedures followed and appropriate maps,

e. Send these reports to trustees, districts, and counties involved within 5 days of hearing.

5. Regional Board of School Trustees must:

a. Receive the petition.

b. Set hearing date.

c. Employ court reporter and order transcripts as required.

- d. Order maps made for hearing.
 - e. Designate newspapers for publication of notice of hearing.
6. **Legal notice of hearing must be published by Secretary of the Regional Board of School Trustees in a newspaper of general circulation** once, not less than 10, nor more than 15 days before hearing. Notice of hearing is also sent to all petitioners, school districts, and counties involved.
 7. **The hearing is held before the Regional Board of School Trustees.** Petitioners may be represented by an attorney if they so choose, but they may present their own case.
 8. **Regional Board of School Trustees render a decision in open meeting** immediately following the conclusion of statements by all parties concerned, or within ten days following the hearing.
 9. Order is prepared when required by law. (Within 30 days of decision, notice sent to all petitioners, school districts, and counties involved.)
 10. **If petition is denied**, petitioners may petition for a rehearing within 10 days, or may file for Administrative Review (Sec. 7-7) in the Circuit Court of original county within 35 days.
 11. Effective date of changes (105 ILCS 5/7-9) action becomes effective July 1.
 12. If petition is granted by both Regions, a copy of the order and map are filed with both County Clerks within 30 days.

The changing of school boundaries is a very serious matter. Petitions for changing of school boundaries are not granted unless there is a preponderance of evidence that the change is in the best interest of schools and/or students.

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Detachment/Annexation Questions and Answers

Detachment and Annexation – Regional Board of School Trustees Duties (105 ILCS 5/7-1 through 7-8)

Question: With what body is a detachment or annexation petition filed?

Answer: A detachment or annexation petition is filed with the appropriate regional board(s) of school trustees.

Question: When a petition seeks to detach territory in two educational service regions, is approval of both Regional Boards of School Trustees necessary?

Answer: No

Question: What happens following the filing of a detachment and annexation petition?

Answer: The secretary of the regional board of school trustees:

1. Sends the petition to the school board of each school district involved.
2. Publishes a notice in a local newspaper pursuant statutory requirements.
3. Schedules a hearing before the regional board of school trustees; the hearing must be held between 10 and 15 days after the publication of the notice.

Question: Who bears the burden of proof in a detachment or annexation proceeding?

Answer: The petitioners bear the burden of proof in a detachment or annexation proceeding.

Question: May a regional board of school trustees amend a detachment or annexation petition?

Answer: No. In ruling on a detachment or annexation petition, a regional board of school Trustees may allow or deny a petition, but cannot modify it.

Question: May the regional board of school trustees consider parental preference and convenience in deciding a petition for detachment and annexation?

Answer: No

Question: What considerations apply to detachment and annexation petitions involving territory where no students reside?

Answer: In detachment and annexation hearings concerning property that is either uninhabited and/or in which no students reside, it is the duty of the regional board of school trustees to determine whether the annexation would be beneficial to the educational welfare of any pupils who might later reside in that area. Educational welfare is to be determined by considering whether the territory involved is part of an integral or main activity of the community served by the receiving school district, the residential potential of the tract of land involved, and the distance students would travel along and across any heavily traveled roads in order to attend school.

Question: Who may appeal an annexation, detachment, or dissolution decision of a regional board of school trustees?

Answer: Any resident who appears at the hearing or any petitioner may file a complaint for judicial review within 35 days of service of the decision by registered mail in detachment-annexation cases and within 10 days of service of the decision by registered mail in dissolution-annexation cases. A board of education of a district affected by an annexation or detachment may appeal, but a board of education lacks standing to appeal a dissolution.

Question: What happens if an annexation, detachment, or dissolution decision of a regional board of school trustees is appealed?

Answer: If a decision of a regional board of school trustees is appealed, the complaint for judicial review operates as a stay of enforcement, and there is no enforcement of the decision until there is final disposition of the review. This means the entire matter of the dissolution, detachment, or annexation is in limbo until all appeals have been exhausted.

Question: What happens if the regional board of school trustees fails to act on a detachment, annexation, division, or dissolution petition?

Answer: If within nine months after a petition is submitted under Section 7-1 of the School Code the regional board of school trustees fails to approve or deny the petition, the school boards or registered voters of the districts affected that submitted the petition (or the committee of ten) may submit a copy of the petition directly to the State Superintendent of Education for approval or denial.

DISSOLUTION/ANNEXATION

Dissolution/Annexation is one type of school district reorganization. Other types of reorganizations are:

- ⇒ Consolidation
- ⇒ Cooperative High School
- ⇒ Deactivation
- ⇒ Detachment/Annexation
- ⇒ Partial Elementary Unit
- ⇒ School District Conversion

Details for the above can be found in the individual brochures labeled accordingly. A brief summary of each is in the brochure [School District Reorganization At a Glance](#).

Dissolution is a form of reorganization where **all** of one school district is incorporated into one or more school districts thereby dissolving the original school district. A new district is not created, a new school board is not elected, and the maximum tax rates for the annexing district are not changed. The annexing district may be eligible to receive incentive payments. Refer to the brochure [School District Reorganization At a Glance](#) for additional information regarding these incentive payments.

Any school district with a population of less than 5,000 or student enrollment of less than 750 has an additional option for dissolving. This process is somewhat different and is discussed later in this brochure.

Detachment is the other form of annexation where a portion of one school district is incorporated into one or more other school districts. Details for this process can be found in the brochure *Detachment/Annexation*.

STEPS TO DISSOLUTION:

- ⇒ Petition
- ⇒ Local public hearing
- ⇒ Regional board of school trustees approval
- ⇒ Referendum approval

PETITION:

- ⇒ Who may petition
 - The board of education of the district proposed to be dissolved, or
 - Majority of registered voters residing in the district proposed to be dissolved
- ⇒ Petition is filed with the regional superintendent of the region with supervision and control of the dissolving district
- ⇒ The petition shall request the submission of the proposition to annex all district territory at a regular scheduled election
- ⇒ The petition must specify the school district or districts to which all of the territory of the district proposed to be dissolved will be annexed
- ⇒ The petitioners shall pay the expense of publishing the notice, for any transcript taken at the public hearing, and for mailing the final order
- ⇒ Petitions containing more than ten signatures shall designate a Committee of Ten to represent the petitioners, any seven of whom may make binding stipulations on behalf of all petitioners
- ⇒ If a petition does not result in dissolution, no subsequent petition can be filed for two years after the final determination on the first petition unless a substantially different petition is filed or a district included in the first petition is identified as a priority district or is placed on the

financial watch list by the Illinois State Board of Education

LOCAL PUBLIC HEARING:

- ⇒ The regional superintendent shall publish a notice of the petition and hearing in a newspaper having general circulation in the territory described in the petition
- ⇒ The regional superintendent shall submit to the regional board of school trustees maps showing the districts involved, a written report of financial and educational conditions of the districts involved, and the probable effects of the proposed changes
- ⇒ The hearing on the petition is to be held not more than 30 days nor less than 15 days after publication of notice
- ⇒ Any resident in any dissolving or annexing district or any representative of any dissolving or annexing district may appear and present evidence in support of or in opposition to the petition

REGIONAL BOARD OF SCHOOL TRUSTEES APPROVAL:

- ⇒ The regional board of school trustees shall consider:
 - School needs and conditions of the territory in the area within and adjacent thereto
 - The ability of dissolving and annexing districts to meet the standards of recognition as prescribed by the Illinois State Board of Education
 - The division of funds and assets which will result from the change of boundaries
 - Whether such a change is in the best interests of the schools of the area and the direct educational welfare of the pupils

- ⇒ The regional superintendent shall, within 30 days of the hearing, enter the order of the regional board of school trustees either granting or denying the petition
 - The order shall be sent to the petitioners or committee of petitioners, president of the school board of each dissolving and annexing district, any person providing testimony for or against the petition at the hearing, and any attorney who appears for a person
- ⇒ Within ten days after service of a copy of the order granting or denying the petition, any person so served may petition for a rehearing
 - The petition for rehearing must specify the reason for the request
 - A rehearing may be granted upon sufficient cause being shown
- ⇒ If a regional board of school trustees has not acted on a Section 7-1 petition within twelve months of being submitted, the petitioners may submit their petition to the State Superintendent of Education for approval or denial
- ⇒ The decision rendered is deemed an “administrative decision” as defined in the Administrative Review Law
 - Any resident, petitioner, or board of education entitled to receive of copy of the regional board of school trustees’ order may file a complaint for judicial review within 35 days after a copy of the decision sought to be reviewed was served upon the party

REFERENDUM APPROVAL:

- ⇒ The proposition must pass by a majority of those voting in each of the dissolving and annexing districts

DISTRICTS WITH A POPULATION LESS THAN 5,000 OR STUDENT ENROLLMENT LESS THAN 750:

School districts with populations of less than 5,000 or student enrollments less than 750 may also use Section 7-2a(b) and Section 7-11 of the School Code to dissolve.

- ⇒ The petition may be filed by the board of education of the district to be dissolved or by a majority of voters in the district to be dissolved
- ⇒ Petitioners must hold a public informational meeting before the petition process starts, giving at least 10 days' notice of the meeting published in a newspaper of general circulation
- ⇒ The petition is filed with and decided solely by the regional board of school trustees whose regional superintendent has supervision and control of the dissolving school district
- ⇒ The regional board of school trustees shall hold a hearing not less than 50 days nor more than 70 days after a petition is filed and shall publish a notice of the hearing once each week for two weeks in a newspaper of general circulation
- ⇒ The regional board of school trustees shall not act on a petition filed by a board of education if within 45 days after the first published notice a petition in opposition to the petition of the board to dissolve, signed by a majority of the registered voters of the district, is filed with the regional board of school trustees
- ⇒ If no opposition petition is timely filed, the regional board of school trustees shall have no authority to deny the dissolution requested in a properly filed petition but shall exercise its discretion in annexing the dissolved territory

- ⇒ The decision of the regional board of school trustees shall be issued within 10 days after the conclusion of the hearing
 - The order shall be sent to the petitioners or committee of petitioners, president of the school board of each dissolving and annexing district, any person providing testimony for or against the petition at the hearing, and any attorney who appears for a person
- ⇒ The decision rendered is deemed an "administrative decision" as defined in the Administrative Review Law
 - Any resident, petitioner, or board of education entitled to receive of copy of the regional board of school trustees' order may file a complaint for judicial review within 10 days after a copy of the decision sought to be reviewed was served upon the party
- ⇒ Districts under 5,000 in population or under 750 in student enrollment may choose to dissolve under this option or through referendum

COOK COUNTY DISSOLUTION:

- ⇒ Cook County does not have a regional superintendent or a regional board of school trustees
- ⇒ Petitions to dissolve a district in Cook County are to be filed with the township trustees of schools that has jurisdiction and authority over the dissolving district
- ⇒ If there is no township trustees of schools over the district, the petition is to be filed with the educational service center chief administrative officer with supervision and control over the dissolving district, and a 3-member hearing panel will be selected

FREQUENTLY ASKED QUESTIONS:

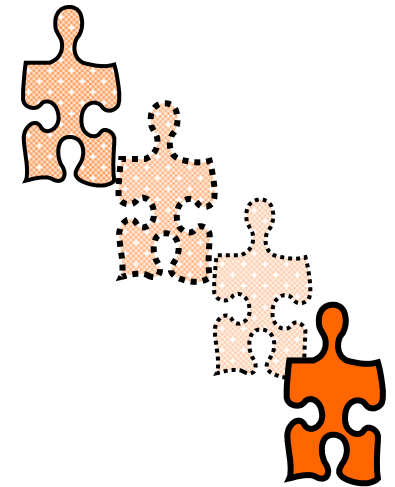
- Q. What happens with tax rates in a dissolution? Will there be a new school board?
 - A. Taxes for the repayment of long-term debt remain with the taxpayers within the boundary of the previous district that incurred the debt. Except for that bond and interest rate, all other tax rates of the annexing district will remain in effect, and the dissolving district taxpayers will be assessed those rates. In a dissolution, the annexing district's school board remains in effect after the dissolution/annexation.
- Q. Is a dissolution/annexation eligible for incentive payments like a consolidation?
 - A. Yes, a dissolution/annexation is eligible to be calculated for the same incentive payments as in a consolidation. Those incentive payments are Evidence-Based Funding Difference, Teacher Salary Difference, Deficit Fund Balance, and \$4,000 per Certified Staff.

This brochure is not to be used in place of the School Code but as an informational tool. For specific information regarding dissolutions, refer to Article 7 of the School Code.

For additional information and assistance, please contact the School Business Services Department of the Illinois State Board of Education at (217) 785-8779. Information is also available on the ISBE web page at: <https://www.isbe.net/Pages/School-District-Reorganization.aspx>

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School Business Services Department
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School District Dissolution/ Annexation At a Glance



Illinois State Board of Education

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