

AN ACT concerning education.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The School Code is amended by changing Sections 10-21.12, 10-22.22, and 10-22.22b as follows:

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

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

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

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

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

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

(Source: P.A. 86-1441.)

(105 ILCS 5/10-22.22) (from Ch. 122, par. 10-22.22)

Sec. 10-22.22. Transportation for pupils-Tuition.

To provide free transportation for pupils, and where in its judgment the interests of the district and of the pupils therein will be best subserved by so doing the school board may

permit the pupils in the district or in any particular grade to attend the schools of other districts and may permit any pupil to attend an area secondary vocational school operated by a public school district or a public or non-public vocational school within the State of Illinois or adjacent states approved by the Board of Vocational Education, and may provide free transportation for such pupils and shall pay the tuition of such pupils in the schools attended; such tuition shall be based upon per capita cost computed in the following manner: The cost of conducting and maintaining any area secondary vocational school facility shall be first determined and shall include the following expenses applicable only to such educational facility under rules and regulations established by the Board of Vocational Education and Rehabilitation as follows:

a. Salaries of teachers, vocational counselors, and supporting professional workers, necessary non-certified workers, clerks, custodial employees, and any district taxes specifically for their pension and retirement benefits.

b. Equipment and supplies necessary for program operation.

c. Administrative costs.

d. Operation of physical plant, including heat, light, water, repairs, and maintenance.

e. Auxiliary service, not including any transportation cost.

From such total cost thus determined there shall be deducted the State reimbursement due on account of such educational facility for the same year, not including any State reimbursement for area secondary vocational school transportation. Such net cost shall be divided by the average number of pupils in average daily attendance in such area secondary vocational school facility for the school year in order to arrive at the net per capita tuition cost. Such costs shall be computed on pupils regularly enrolled in an area secondary vocational school on the basis of one-sixth day for every class hour attended pursuant to such enrollment.

Provided, that the board subject to the approval of the county superintendent of schools may determine what schools outside of their district such pupils shall attend. This section does not require the board of directors or board of education of any district to admit pupils from another district. ~~Notwithstanding any provisions in this section every school board shall maintain an elementary school within the district.~~

(Source: P.A. 76-1522.)

(105 ILCS 5/10-22.22b) (from Ch. 122, par. 10-22.22b)

Sec. 10-22.22b. (a) The provisions of this subsection shall not apply to the deactivation of a high school facility under subsection (c). Where in its judgment the interests of the district and of the students therein will be best served, to deactivate any high school facility or elementary school facility in the district and send the students of such high school in grades 9 through 12 or such elementary school in grades kindergarten through 8, as applicable, to schools in other districts. Such action may be taken only with the approval of the voters in the district and the approval, by proper resolution, of the school board of the receiving district. The board of the district contemplating deactivation shall, by proper resolution, cause the proposition to deactivate the ~~high~~ school facility to be submitted to the voters of the district at a regularly scheduled election. Notice shall be published at least 10 days prior to the date of the election at least once in one or more newspapers published in the district or, if no newspaper is published in the district, in one or more newspapers with a general circulation within the district. The notice shall be substantially in the following form:

NOTICE OF REFERENDUM TO
DEACTIVATE THE ... ~~HIGH~~ SCHOOL FACILITY
IN SCHOOL DISTRICT NO.

Notice is hereby given that on (insert date), a referendum will be held in County (Counties) for the purpose of

voting for or against the proposition to deactivate the
~~High~~ School facility in School District No. and to send
pupils in ~~High~~ School to School District(s) No.

The polls will be open at o'clock ... m., and close at
.... o'clock ... m. of the same day.

A..... B.....

Dated (insert date).

Regional Superintendent of Schools

The proposition shall be in substantially the following form:

Shall the Board of Education of School District No., County, Illinois, be authorized to deactivate the High School facility and to send pupils in High School to School District(s) No.?	YES NO
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If the majority of those voting upon the proposition in the
district contemplating deactivation vote in favor of the
proposition, the board of that district, upon approval of the
board of the receiving district, shall execute a contract with
the receiving district providing for the reassignment of
students to the receiving district. If the deactivating
district seeks to send its students to more than one district,
it shall execute a contract with each receiving district. The
length of the contract shall be for 2 school years, but the
districts may renew the contract for additional one year or 2
year periods. Contract renewals shall be executed by January 1
of the year in which the existing contract expires. If the
majority of those voting upon the proposition do not vote in
favor of the proposition, the school facility may not be
deactivated.

The sending district shall pay to the receiving district an amount agreed upon by the 2 districts.

When the deactivation of ~~high~~ school facilities becomes effective pursuant to this Section, the provisions of Section 24-12 relative to the contractual continued service status of teachers having contractual continued service whose positions are transferred from one board to the control of a different board shall apply, and the positions at the ~~high~~ school facilities being deactivated held by teachers, as that term is defined in Section 24-11, having contractual continued service with the school district at the time of the deactivation shall be transferred to the control of the board or boards who shall be receiving the district's ~~high-school~~ students on the following basis:

(1) positions of such teachers in contractual continued service that were full time positions shall be transferred to the control of whichever of such boards such teachers shall request with the teachers making such requests proceeding in the order of those with the greatest length of continuing service with the board to those with the shortest length of continuing service with the board, provided that the number selecting one board over another board or other boards shall not exceed that proportion of the ~~high~~ school students going to such board or boards; and

(2) positions of such teachers in contractual continued service that were full time positions and as to which there is no selection left under subparagraph 1 hereof shall be transferred to the appropriate board.

The contractual continued service status of any teacher thereby transferred to another district is not lost and the receiving board is subject to the School Code with respect to such transferred teacher in the same manner as if such teacher was the district's employee during the time such teacher was actually employed by the board of the deactivating district from which the position was transferred.

(b) The provisions of this subsection shall not apply to

the reactivation of a high school facility which is deactivated under subsection (c). The sending district may, with the approval of the voters in the district, reactivate the ~~high~~ school facility which was deactivated. The board of the district seeking to reactivate the school facility shall, by proper resolution, cause the proposition to reactivate to be submitted to the voters of the district at a regularly scheduled election. Notice shall be published at least 10 days prior to the date of the election at least once in one or more newspapers published in the district or, if no newspaper is published in the district, in one or more newspapers with a general circulation within the district. The notice shall be substantially in the following form:

NOTICE OF REFERENDUM TO
REACTIVATE THE ~~HIGH~~ SCHOOL FACILITY
IN SCHOOL DISTRICT NO.

Notice is hereby given that on (insert date), a referendum will be held in County (Counties) for the purpose of voting for or against the proposition to reactivate the ~~High~~ School facility in School District No. and to discontinue sending pupils of School District No. to School District(s) No.

The polls will be opened at ... o'clock .. m., and closed at ... o'clock .. m. of the same day.

A..... B.....

Dated (insert date).
Regional Superintendent of Schools

The proposition shall be in substantially the following form:

Shall the Board
of Education of School
District No.,
..... County, Illinois,
be authorized to
reactivate the ~~High~~ School

facility and to discontinue sending

pupils of School District No.

NO

to School District(s) No.?

(c) The school board of any unit school district which experienced a strike by a majority of its certified employees that endured for over 6 months during the regular school term of the 1986-1987 school year, and which during the ensuing 1987-1988 school year had an enrollment in grades 9 through 12 of less than 125 students may, when in its judgment the interests of the district and of the students therein will be best served thereby, deactivate the high school facilities within the district for the regular term of the 1988-1989 school year and, for that school year only, send the students of such high school in grades 9 through 12 to schools in adjoining or adjacent districts. Such action may only be taken:

(a) by proper resolution of the school board deactivating its high school facilities and the approval, by proper resolution, of the school board of the receiving district or districts, and

(b) pursuant to a contract between the sending and each receiving district, which contract or contracts: (i) shall provide for the reassignment of all students of the deactivated high school in grades 9 through 12 to the receiving district or districts; (ii) shall apply only to the regular school term of the 1988-1989 school year; (iii) shall not be subject to renewal or extension; and (iv) shall require the sending district to pay to the receiving district the cost of educating each student who is reassigned to the receiving district, such costs to be an amount agreed upon by the sending and receiving district but not less than the per capita cost of maintaining the high school in the receiving district during the 1987-1988 school year. Any high school facility deactivated pursuant to this subsection for the regular school term of the 1988-1989 school year shall be reactivated by operation of law as of the end of the regular term of the 1988-1989 school year. The status as a unit school district of a district which

deactivates its high school facilities pursuant to this subsection shall not be affected by reason of such deactivation of its high school facilities and such district shall continue to be deemed in law a school district maintaining grades kindergarten through 12 for all purposes relating to the levy, extension, collection and payment of the taxes of the district under Article 17 for the 1988-1989 school year.

(d) Whenever a ~~high~~ school facility is reactivated pursuant to the provisions of this Section, then all teachers in contractual continued service who were honorably dismissed or transferred as part of the deactivation process, in addition to other rights they may have under the School Code, shall be recalled or transferred back to the original district.

(Source: P.A. 91-357, eff. 7-29-99.)

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