

## **CONSOLIDATION**

Consolidation is one type of school district reorganization. Other types of reorganizations are:

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

Details for the above can be found in the individual brochures labeled accordingly or a brief summary of each in the brochure *School District Reorganization At a Glance*.

Consolidations are a form of reorganization where a new school district is created. A school board for the new district is elected and new tax rates are developed in a consolidation. Newly consolidated districts are eligible to receive incentive payments. Refer to the brochure *School District Reorganization At a Glance* for additional information regarding these incentive payments.

New districts can be formed through consolidation as follows:

- ⇒ Two or more entire contiguous elementary districts may form a new elementary district
  - Two or more entire elementary districts that are not contiguous but are collectively within or substantially coterminous with the boundaries of a high school district may form a new elementary district
- ⇒ Two or more entire contiguous high school districts may form a new high school district

- ⇒ Two or more entire contiguous unit districts may form a new unit district
- ⇒ Any contiguous and compact territory, no part of which is included within any unit district, may form a new unit district
- ⇒ One or more entire contiguous unit districts plus any contiguous and compact territory, no part of which is included in any unit district, may form a new unit district

### **STEPS TO A CONSOLIDATION:**

- ⇒ Petition
- ⇒ Local public hearing
- ⇒ Regional superintendent approval
- ⇒ State Superintendent approval
- ⇒ Referendum approval

### **PETITION:**

- ⇒ Who may petition
  - The boards of education of each affected school district
  - Registered voters if signed by at least 50 voters or 10% of the voters residing within each affected district, whichever is less
- ⇒ The petition is filed with the regional superintendent of the region where the greater percentage of equalized assessed valuation is situated
- ⇒ The petition shall request the submission of the proposition to form a new district at a regular scheduled election
- ⇒ The petition shall describe the territory comprising the proposed district
- ⇒ The petition shall set forth the maximum tax rates the proposed district shall be authorized to levy
  - A proposed district not subject to the Property Tax Extension Limitation Law (PTELL) must include in the petition the maximum rates for

educational, operations and maintenance, and pupil transportation purposes; in addition, the petition must include maximum rates for any purpose the proposed district wishes to levy above the statutory permissive rate

- A proposed district subject to PTELL must include in the petition the maximum rates for each purpose the new district will be authorized to levy; the aggregate extension base; and, if desired, the debt service extension base

- ⇒ The petition shall designate a Committee of Ten, any seven of whom may make binding stipulations on behalf of all petitioners
- ⇒ The petition may request that a school board for the new district be elected at the same election as the consolidation question
- ⇒ If a petition does not result in a consolidation, 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 placed on the State Board of Education's academic or financial watch list

### **LOCAL PUBLIC HEARING:**

- ⇒ The regional superintendent shall publish a notice of the petition and hearing at least once each week for three successive weeks in a newspaper having general circulation in the area of the proposed district
- ⇒ The regional superintendent shall cause a copy of the petition to be given to each affected district school board and the regional superintendent of any region in

which territory described in the petition is situated

- ⇒ The hearing on the petition shall be held no more than 15 days after the last date on which notice was published
- ⇒ The petitioners shall pay the expense of publishing the notice and the expense of the transcript of the public hearing
- ⇒ Any resident or representative of a school district in which any territory described in the petition is situated may appear in person or through an attorney to provide oral and/or written testimony

### **REGIONAL SUPERINTENDENT DECISION:**

- ⇒ The regional superintendent shall consider:
  - The school needs and conditions of the affected districts and in the area adjacent thereto
  - The division of funds and assets that will result from the action described in the petition
  - The best interests of the schools of the area
  - The best interests and the educational welfare of the pupils therein
- ⇒ Within 14 days after the conclusion of the hearing, the regional superintendent shall make a decision either approving or denying the petition
- ⇒ Upon approving or denying the petition, the regional superintendent shall submit the petition and all evidence to the State Superintendent of Education

### **STATE SUPERINTENDENT DECISION:**

- ⇒ The State Superintendent shall review the entire record of the local hearing and take into consideration:

- The school needs and conditions of the affected districts and in the area adjacent thereto
  - The division of funds and assets that will result from the action described in the petition
  - The best interests of the schools of the area
  - The best interests and the educational welfare of the pupils residing therein
- ⇒ The State Superintendent shall approve or deny the petition within 21 days after the receipt of the regional superintendent's decision
- ⇒ The decision of the State Superintendent is deemed an "administrative decision" as defined in the Administrative Review Law
- Any resident who appears at the hearing or any petitioner or school board of any district in which territory described in the petition is situated may file a complaint for judicial review within 35 days after a copy of the decision sought to be reviewed was served by certified mail, return receipt requested, upon the party affected

### **REFERENDUM APPROVAL:**

- ⇒ The proposition must pass by a majority of those voting in each affected district

### **FREQUENTLY ASKED QUESTIONS:**

- Q. Must taxpayers assume the payment of outstanding bonds (long-term debt) of other districts in a consolidation?**
- A. Generally, any long-term debt remains with the taxpayers within the boundary of the previous district that incurred the debt. But, whenever the entire territory of two or more school districts is organized into a unit district, the petition may provide that

the entire territory of the new unit district shall assume the bonded indebtedness of the previously existing school districts.

**Q. What are the different incentive payments available to a consolidated district?**

- A. A consolidated district may be eligible for the following incentive payments:
- ✓ General State Aid Difference
  - ✓ Teacher Salary Difference
  - ✓ Deficit Fund Balance
  - ✓ \$4,000 per Full-Time Certified Staff
- A summary of each of these incentive payments is in the brochure *School District Reorganization At a Glance*, or a detailed explanation can be found in Section 11E-135 of the School Code.

**Q. How are school boards elected in a newly consolidated district?**

- A. For a new unit district, the new school board can be elected at-large or from seven board districts that are substantially equal in population. For a new elementary or high school district, school boards will be elected pursuant to Section 9-12 of the School Code.

**Q. What powers does a newly elected board have between the date of its organization and election of officers and the date on which the new district takes effect?**

- A. Section 11E-70 of the School Code lists the powers allowed the newly elected board prior to the date the new district takes effect. The newly elected board can exercise these powers with the stipulation of the districts from which the new district is formed and the approval of the regional superintendent. Among these powers is the ability to:
- ✓ Establish the tax levy for the new district

- ✓ Conduct a search for a superintendent and other staff for the new district
- ✓ Bargain collectively

**Q. Do tenured teachers whose positions are transferred to a consolidated district become tenured employees of the new district, with the same seniority rights they had in their former district?**

- A. Yes. The legal basis for this transfer of tenure rights is found in Section 24-12 of the School Code. The positions held by tenured teachers at the districts being consolidated shall be transferred to the control of the consolidated district board who shall treat the transferred teachers in the same manner as if they had earned their tenure in the consolidated district.

**Q. Do non-certified staff members of the former districts have similar rights to be transferred as do tenured teachers?**

- A. Yes. Public Act 95-0148 gave educational support personnel in a consolidation transfer rights similar to the transfer rights for tenured teachers.

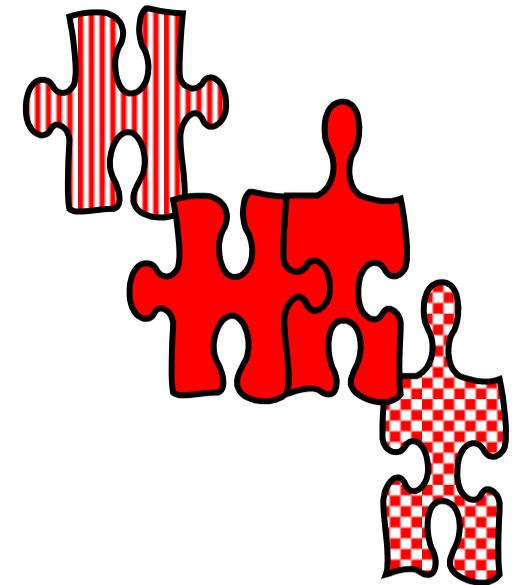
This brochure is not to be used in place of the School Code, but as an informational tool. For specific information regarding consolidations, refer to Article 11E of the School Code.

**For additional information and assistance, please contact the School Business Services Division of the Illinois State Board of Education at 217/785-8779. Information is also available on the ISBE web page at: [www.isbe.net/sfms/htmls/reorg\\_school.htm](http://www.isbe.net/sfms/htmls/reorg_school.htm)**

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## **At a Glance**



**Illinois State Board of Education**

**Jesse H. Ruiz**  
Board Chair

**Dr. Christopher Koch**  
State Superintendent of Education