



## Regional Office of Education #31 Kane County

### Changing School District Boundaries Through Detachment and Annexation of Property

How can an owner transfer their property from one school district to another in Kane County, Illinois? It takes a petition to and a hearing by the **Regional Board of School Trustees (RBST)**.

The power to make decisions regarding school district reorganization by accepting or rejecting proposals for school district boundary changes is held by the RBST. They are granted this duty in Article 7 of the Illinois School Code, a part of state law that deals with public education issues.

The Regional Board of School Trustees is a 7-member board that is elected during Consolidated Elections held in April of odd numbered years. This unpaid group consists of at least one resident of each of the congressional districts. They meet quarterly, generally on the first Monday of January, April, July, and October. If there is no business to conduct, the meetings are cancelled. The RBST may also call special meetings if there is urgent business they need to be considered.

The Regional Superintendent of Schools serves as *ex-officio* Secretary of the RBST. He/She coordinates the scheduling and the paperwork. The Regional Superintendent is not a voting member of the RBST.

### What are the Basics?

#### The Detachment / Annexation Process

- File a petition with the Office of the Regional Superintendent of Schools for Kane County.
- Pay an anticipated expense filing fee of \$1,500.
- Prepare for the hearing in front of the Regional Board of School Trustees
  - > Though a petitioner is **NOT** required to have an attorney for this hearing process, it is suggested for both preparation of the petition and the presentation of the case at the hearing. Anyone opposed to the petition is also allowed to have an attorney.
- The RBST will decide the issue and direct the Secretary (Regional Superintendent) to write and issue the Order either approving or denying the petition.

**What are the factors that the Regional Board of School Trustees (RBST) is required to consider in making its decision?**

- Regarding 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 determination should be made solely upon the welfare of the pupil(s).”

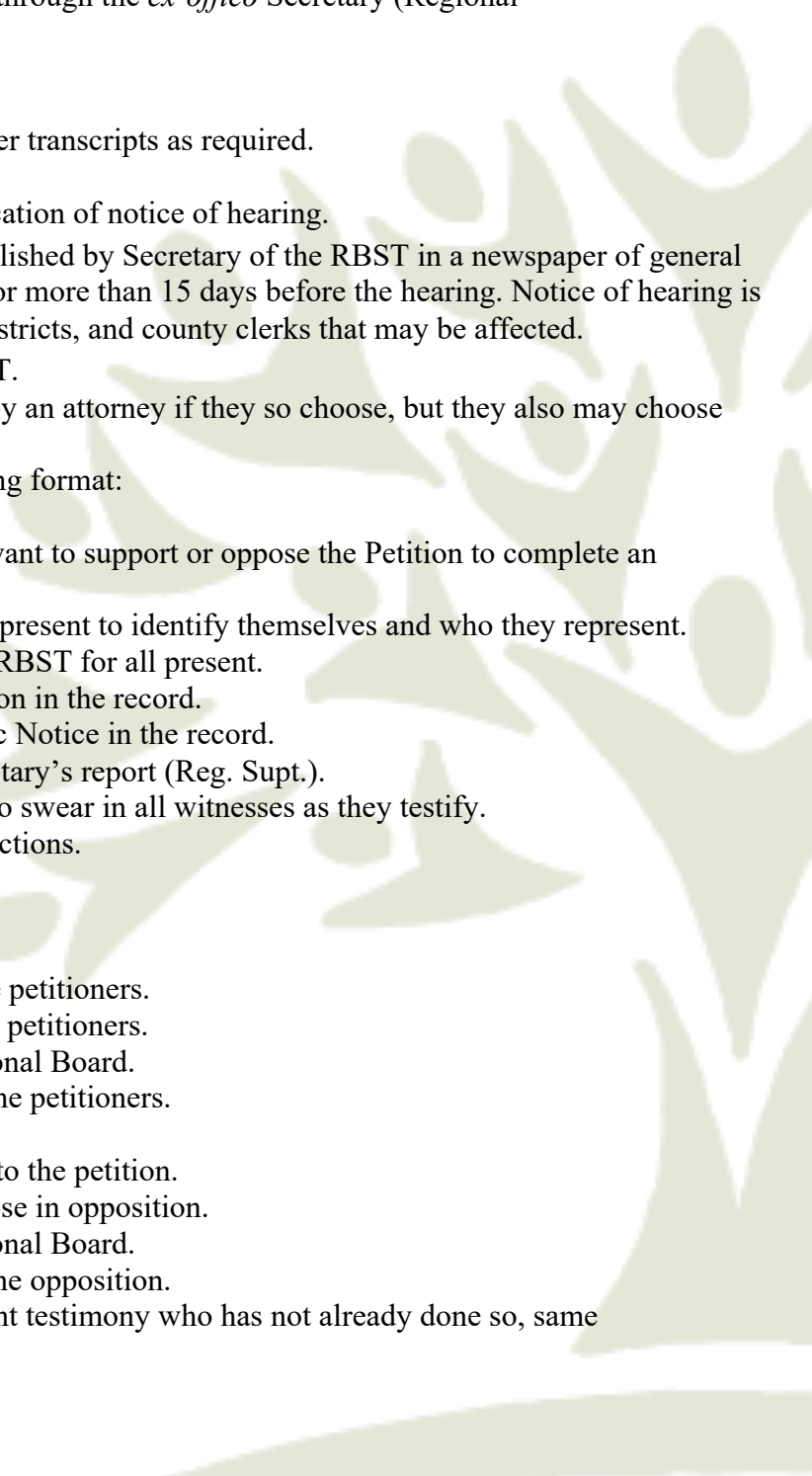
*Fosdyck v. Regional Board of School Trustees, Marshall, Putnam, & Woodford Counties, 233 Ill. App. 3d 398, 409 (1992).*

*From Illinois School Code:*

- The school needs and conditions of the territory covered in the petition.
- The effect detachment will have on those needs and conditions.
- The effect detachment will have as to the ability of the districts affected to meet the standards of recognition as prescribed by the State Board of Education.
- The division of funds and assets which will result from the change of boundaries.
- If it is to the best interests of the schools of the area and the direct educational welfare of the pupils that such change in boundaries be granted.
- If non-high school territory is contained in the petition, then the normal high school attendance pattern of the children shall be taken into consideration.
- If the non-high school territory overlies an elementary district, a part of which is in a high school district, then such territory may be annexed to such high school district even though not contiguous to the high school district.
- When the RBST takes into consideration the “direct educational welfare” of the pupils and the “community of interest,” the factors listed below are applicable whether there are children residing in the petitioning area at the time the hearing is conducted.
  1. The RBST shall consider a comparison of the school report cards for the schools of the affected districts and the school district report cards for the affected districts **only** if there is **no more than a 3% difference** in the minority, low-income, and English learner student populations of the relevant schools of the districts.
  2. The community of interest of the petitioners and their children and the effect detachment will have on the whole child may be considered **only if** the regional board of school trustees or the regional boards of school trustees first determine that there would be a significant direct educational benefit to the petitioners' children if the change in boundaries were allowed.
  3. If petitioners cite district attendance center(s) in the petition or during testimony, the RBST(s) may consider the difference in the distances from the detaching area to the current attendance centers and the annexing district attendance centers **only** if the **difference** is **no less than 10 miles shorter** to one of the district **attendance centers** in the district to be annexed than it is to their current attendance center.
  4. A petition may **not** be granted by the RBST if doing so will increase the percentage of minority or low-income students or English learners by more than 3% at the **attendance center** where students in the detaching territory currently attend, (however, if the percentage of any one of those groups decreases at the current attendance center, the RBST may grant the petition upon consideration of other factors listed above.
  5. The RBST may not consider whether changing the boundaries will increase the property values of the petitioners' property.

## What are the formal steps to petition for detachment/annexation (the detailed list)?

1. Make sure that the territory to be transferred is contiguous to territory in the district in which you are requesting attachment.
2. Prepare and file a petition 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 Kane County Educational Service Region (105 ILCS 5/7-6).
    - state the purpose of the petition (detach from district A/attach to district B).
    - include the complete legal description of ALL territory involved (105 ILCS 5/7-6).
    - give reasons why the request is being made.
    - include the full prayer of the petition on each page.
    - list the names of all residents of legal voting age that reside in the territory to be detached (2/3 of legal voters residing in the territory to be detached (105 ILCS 5/7-2)).
    - have the home address of each person who is included in the petition.
    - be **signed** and **dated** within the last 6 months by the petitioners (2/3 of legal voters residing in the territory to be detached (105 ILCS 5/7-1)).
    - include, at minimum, a simple map showing the proposed territory and school district boundaries (you may check with the Supervisor of Assessments or a plat book for copies).
    - be filed with the ex-officio Secretary of the Regional Board of School Trustees (105 ILCS 5/7-6).
    - include the original signed petition as well as sufficient copies for the Boards of the School District involved (Copies do not have to be signed by the petitioner as is required on the original).
3. Pay filing fee for anticipated expenses of \$1,500.
  - a. All expenses are the responsibility of the petitioner(s) and may include the cost of the court reporter, the legal notice, transcript, and other incidental expenditures.
  - b. A record of expenditures will be given to the petitioner at the conclusion of the process and any money not required will be returned to the petitioner.
    - If these costs are more than \$1,500, the petitioner will be billed.
4. 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)
5. The Regional Superintendent of Schools 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 a petitioner(s) is/are a legal voter(s).
  - d. Prepare a financial report that includes:
    - valuation of the property involved.
    - probable effect on school district involved.
    - a report on procedures followed.
    - appropriate maps

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- e. Send these reports to trustees, districts, and clerks of the counties that may be affected within 5-days of the hearing.
  6. Regional Board of School Trustees through the *ex-officio* Secretary (Regional Superintendent of Schools) must:
    - a. Receive the petition.
    - b. Set the hearing date.
    - c. Employ a court reporter and order transcripts as required.
    - d. Order maps for the hearing.
    - e. Designate newspapers for publication of notice of hearing.
  7. Legal notice of hearing must be published by Secretary of the RBST in a newspaper of general circulation once, not less than 10, nor more than 15 days before the hearing. Notice of hearing is also sent to all petitioners, school districts, and county clerks that may be affected.
  8. The hearing is held before the RBST.
    - a. Petitioners may be represented by an attorney if they so choose, but they also may choose to present their own case.
    - b. The hearing follows the following format:
      - 1) Preliminary Procedures.
        - a) Request all parties who want to support or oppose the Petition to complete an appearance slip.
        - b) Request all legal counsel present to identify themselves and who they represent.
        - c) Review the duties of the RBST for all present.
        - d) Place a copy of the Petition in the record.
        - e) Place a copy of the Public Notice in the record.
        - f) Place a copy of the Secretary's report (Reg. Supt.).
        - g) Request Court Reporter to swear in all witnesses as they testify.
      - 2) Opening statements and objections.
        - a) Petitioners.
        - b) Opposition to petition.
      - 3) Petitioners
        - a) Testimony in favor of the petitioners.
        - b) Cross-examination of the petitioners.
        - c) Questions from the Regional Board.
        - d) Redirect by counsel for the petitioners.
      - 4) Opposition
        - a) Testimony in opposition to the petition.
        - b) Cross-examination of those in opposition.
        - c) Questions from the Regional Board.
        - d) Redirect by counsel for the opposition.
      - 5) Call for anyone else to present testimony who has not already done so, same procedures as in #3 and #4.
      - 6) Closing arguments,
        - a) Petitioners.
        - b) Opposition.

9. The RBST renders a decision in an open meeting immediately following the conclusion of statements by all parties concerned, or within ten days following the hearing.
10. Order is prepared when required by law within 30 days of the decision and notice is sent to all petitioners, schools districts, and counties (County Clerk) affected.
11. If petition is denied, petitioners may petition for a rehearing within 10 days, or they may, within 35 days, file for Administrative Review (105 ILCS 5/7-7) in the Circuit Court of the original county where the petition was filed.
12. The Effective date of changes are (105 ILCS 5/7-9):
  - a. If between September 1 and June 30, action becomes effective July 1.
  - b. If final action is between July 1 and before September 30, becomes effective immediately.
13. If petition is granted by both Regions a copy of the order and map are filed with the County Clerk of the counties affected 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.**

**For more information, contact ROE #31 Kane County at (630) 232-5963**