

DETACHMENT/ANNEXATION PETITIONS
STATUTORY AND CASE LAW GUIDELINES

- I. Statutes—Administrative, Procedural Issues
 - A. School District boundaries can be changed when petitioned by:
 - 1. Boards of each district affected; or
 - 2. by a majority of the registered voters in the area affected. 105 ILCS 5/7-1.
 - B. Registered voters determined by official lists as of date petition filed. 5/7-1.
 - C. Signatures not to be collected more than 6 months prior to filing petition. 5/7-1.
 - D. Secretary of the Board shall send a copy of petition to each Board member and publish notice in paper. 105 ILCS 5/7-2.6
 - E. Petitioners pay for notice and transcript. 5/7-2.6.
 - F. Appellants pay for preparing record. 5/7-2.6.

- II. Statutes—Hearing Procedures
 - A. The Board may:
 - 1. administer oaths;
 - 2. determine admissibility of evidence;
 - 3. issue subpoenas for witness attendance and production of documents;
 - 4. adjourn from time to time or continue for good cause. 105 ILCS 5/7-2.6
 - B. The Board shall:
 - 1. hear the petition;
 - 2. determine sufficiency;
 - 3. issue an order in 30 days granting or denying petition;
 - 4. deliver, by registered mail, a copy of its decision to petitioners, all affected districts, any person or attorney filing an appearance and any objector who testified at the hearing. 105 ILCS 5/7-2.6.

C. Residents/Individuals Affected may:

1. any resident in any district affected by changes may appear at hearing to support or object and may present evidence thereto;
2. any person served with petition may file for a re-hearing within 10 days.
105 ILCS 5/7-2.6.
3. any resident appearing at hearing, any petitioner or any Board of Education may file complaint for judicial review within 35 days. 105 ILCS 5/7-2.7.

II. Statutes–Substantive Hearing Considerations

A. Petition can't be granted:

1. if it will result in non-high school territory;
2. unless there is a population of at least 2,000 and an EAV of at least \$6 million in any community unit district or community consolidated district;
3. unless area is compact and contiguous after boundary change;
4. unless school district will have population of 2,000 or more.
105 ILCS 5/7-4 and 5/7-6 .

B. The Board shall:

1. hear evidence as to school needs, territory conditions and ability of affected districts to meet State Board standards of recognition;
2. take into consideration the division of funds and assets resulting from boundary change;
3. determine whether boundary change is in best interest of schools of the area and the educational welfare of the students;
4. take into consideration the normal high school attendance pattern.
105 ILCS 5/7-6.

III. Case Law–Substantive Hearing Considerations

1. petitions for detachment/annexation should be granted where the overall benefit to the areas at issue clearly outweighs the resulting detriment to the

losing district and the community as a whole; in the absence of substantial detriment to either school district, some benefit to the educational welfare of the students in the area at issue is sufficient to justify granting the petition; benefit to educational welfare can mean improvement in academic programs, competitive athletics, more modern classrooms and better maintained facilities, shorter distances to the school, and where identification with the natural community would increase school and extra-curricular activities; parental preference may be taken into account but more is needed to support a boundary change; financial loss to the detaching district is relevant but must be considered serious. *Carver v. Bond/Fayette/Effingham Regional Board of School Trustees*, 586 N.E.2d 1273 (1992);

2. educational welfare is to be broadly interpreted and can be improved through increased identification with the natural community of interest; petitioners have the burden at the hearing and can rely on clearly demonstrated facts that the benefits outweigh any detriment – with both community of interest and commuting times; although shortened distance to school is not sufficient by itself to justify a boundary change, it can add to educational welfare because of less bus time and expense and improved safety. *Pochopien v. The Regional Board of School Trustees of Lake County*, 748 N.E.2d 710 (2d Dist. 2001);
3. property value is one factor which can be considered as values determine amount of funds made available for school purposes. *Burnidge v. County Board of School Trustees of Kane County*, 25 Ill.App.2d 503 (1960);
4. petition denial cannot be based on fear of setting any possible precedent or on speculation of future impact. *Fosdyck v. Regional Board of School Trustees, Marshall, Putnam and Woodford Counties*, 599 N.E.2d 70 (4TH Dist. 1992).
5. It is the role of the Board (Regional Board of School Trustees) to make findings of fact and review on appeal is against the manifest weight of the evidence.

Board of Education, Community High School District No. 94 v. Regional Board of School Trustees of DuPage County, 242 Ill.App.3d 229 (2d Dist. 1993).