

**Michelle Mueller**  
**Superintendent**  
225 East Nicholas Street  
Carlinville, Illinois 62626  
mmueller@roe40.com  
Ph 217-854-4016  
Fax 217-854-2032



**Chad Hoesman**  
**Asst. Superintendent**  
201 West Exchange Street  
Jerseyville, Illinois 62052  
choesman@roe40.com  
Ph 618-498-5541  
Fax 618-498-5543

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 Calhoun, Greene, Jersey and Macoupin 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 \$1,000 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).

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

Sincerely,

A handwritten signature in black ink that reads "Michelle Mueller".

Michelle Mueller  
Regional Superintendent of Schools

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## **Detachment and Annexation Procedures – Adopted July 1, 2004**

*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 (the first Monday 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.*

### ***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 \$1,000.00. 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)."*

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Regional Boards of Trustees should consider the following factors in making their decisions on a detachment petition.

- 1) The financial impact on all the districts involved.
- 2) The relative merits of the educational program such as:
  - Curriculum
  - Library facilities
  - Racial environment
  - Social environment
- 3) Convenience and preference of parents and students living in the area sought to be detached.
- 4) Physical proximity to school districts of the area to be detached.
- 5) The welfare of the affected districts, and their pupils as a whole.
- 6) The benefits to the annexing district and affected areas outweighing the detriment resulting to detaching district and surrounding community as a whole.
- 7) Educational factors including the following:
  - The difference between the facilities of the school districts.
  - The effects detachment would have upon the ability of either district to meet prescribed standards
  - The effects on tax revenues of both districts
  - The distances from petitioners' homes to schools in both districts
  - The identity of the petitioning territory with the district to which annexation is sought
  - Per capita expenditures by both districts.
- 8) The likelihood of increased participation in school activities by the parents and children in the petitioning territory if detachment were granted

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## FILING ~ DETACHMENT/ANNEXATION

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*Article 7 of the School Code of Illinois charges the Regional Board of School Trustees with primary responsibility of deciding issues of school district reorganization. This includes accepting or rejecting proposals of school 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 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.*

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The following steps must be taken to petition the Regional Board of School Trustees for the Calhoun, Greene, Jersey and Macoupin 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 Calhoun, Greene, Jersey and Macoupin 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,
- j. A **deposit of \$1,000** 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.)

a. If a second Region is involved, a joint hearing will be held unless one Region has the greatest portion of the territory under their supervision.

b. Within 30 days of second Region hearing (if separate hearings are conducted), notice of decision will be sent to all petitioners, school districts, and first Region.

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)

a. If between Sept. 1 and June 30, action becomes effective July 1.

b. If final action is between July 1 and before September 1, becomes effective immediately.

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: It depends. If the territory being detached is located within more than one region then the petition shall be filed with the regional board of school trustees of the region in which the regional superintendent has supervision over the greatest portion of such territory. If the territory being detached is in one region and the petition prays for it to be attached to different region, a joint hearing is held, but approval of both regional boards is required.

#### **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: What factors must regional boards consider in ruling on detachment petitions?**

Answer: The regional board of school trustees must consider:

1. School needs and conditions of the territory in the area within and adjacent thereto.
2. The ability of districts affected to meet the standards of recognition as prescribed by the State Board of Education.
3. The division of funds and assets which will result from the change of boundaries.
4. Whether such a change is to the best interest of the schools of the area and the educational welfare of the pupils.
  - i. The overall benefit to the annexing district and detachment area must clearly outweigh the detriment to the losing district and surrounding community as a whole.
  - ii. There must not be serious harm done to the financial or educational resources of either district.

**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 a detachment petition be granted solely based on expanded educational opportunities for a student?**

Answer: When there are no countervailing factors, and when the best interests of the children involved are served by the detachment, the courts usually apply the “whole child” and “community of interest” tests.

- The “whole child” test considers whether or not there will be increased participation in school activities by the students and their families and how the educational, social, and extracurricular needs of the student can best be satisfied.
- The “community of interest” test considers whether the detachment area is identified with the school district and community to which annexation is sought.

**Question: What is the benefit-detriment analysis?**

Answer: The benefit-detriment analysis is used to determine whether the benefit derived from the annexation of the affected territory will outweigh the detriment to the losing district, the territory, and the community as a whole.

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

Answer: While they may be treated as one factor in ruling on the detachment petition, parental preference and convenience alone are usually insufficient to support a detachment and annexation petition.



**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 or not 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.

- If the regional boards of school trustees fail to enter a joint order either granting or denying a petition, the regional superintendent for the region in which the joint hearing is held shall enter an order denying the petition
  - Each regional board of school trustees must approve the petition for the detachment to take place
- ⇒ The regional superintendent shall, within 30 days of the hearing or joint hearing, enter the order of the regional board(s) of school trustees either granting or denying the petition
- ⇒ 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; 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 nine 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 who appears at the hearing or any petitioner or board of education of any district affected may file a complaint for judicial review within 35 days after a copy of the decision sought to be reviewed was served by registered mail upon the party affected
- ⇒ There is no referendum vote on a detachment petition

## **FREQUENTLY ASKED QUESTIONS:**

Q. May I send my child to another school district without paying tuition?

A. No. Non-resident students are required to pay tuition. A non-resident student becomes a resident student only upon the effective date of the detachment.

Q. Can more than one family be involved in the process?

A. Yes. A single family, a group of families, or other registered voters can join together to utilize the detachment process.

Q. Will my taxes be affected?

A. Possibly. After a detachment, the tax rates applied to the detached property will be the tax rates of the annexing school district.

Q. Who is responsible for the expenses associated with the detachment?

A. The petitioners are responsible for the costs of publishing the hearing notice and the costs of the transcript of the hearing.

Q. Utilizing detachment, can I send my child to any school district that I would like?

A. No. The annexing district must be contiguous (boundaries touching) with the current school district.

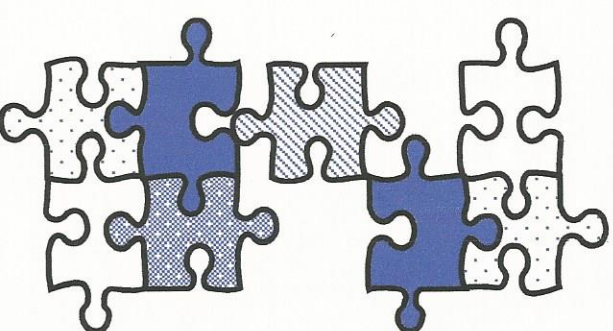
This brochure is not to be used in place of the School Code but as an informational tool. For specific information regarding detachments, refer to Article 7 of the School Code.

**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/html/reorg\\_school.htm](http://www.isbe.net/sfms/html/reorg_school.htm)

# School District Detachment/ Annexation

*Boundary Changes  
At a Glance*



**Illinois State Board of Education**

**James T. Weeks**  
*Chairman*

**Tony Smith, Ph.D.**  
*State Superintendent of Education*

Produced by the Illinois State Board of Education  
School Business Services Division  
May 2015

## DETACHMENT/ANNEXATION

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

- ⇒ Consolidation
- ⇒ Cooperative High School
- ⇒ Deactivation
- ⇒ Dissolution/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*.

Detachments are a form of reorganization where a portion of one school district is incorporated into one or more other school districts. This may consist of one or more families or an area within the district wanting to attend another school district.

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

### STEPS TO A DETACHMENT:

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

### PETITION:

- ⇒ Who may petition
- The boards of education of each affected district, or
- Majority of registered voters in each affected district, or

- Two-thirds of the registered voters in any territory proposed to be detached
- ⇒ Petition is filed with the regional superintendent of the region in which the territory to be detached is located; if the territory to be detached is located in more than one region, the original petition is filed with the regional superintendent who has supervision over the greatest portion of such territory with certified copies filed with each other regional superintendent (regional superintendents serve as secretaries to their respective regional boards of school trustees)

- ⇒ The petitioners shall pay the expense of publishing the notice and for any transcript taken at the public hearing; a deposit is usually requested at the time of filing the petition
- ⇒ 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 detachment, no subsequent petition to change boundaries can be filed for two years after the final determination on the first petition, unless a substantially different petition is filed or a district involved in the first petition is placed on the State Board of Education's academic or financial watch list

### LOCAL PUBLIC HEARING:

- ⇒ When a proposal for a boundary change affects districts entirely within one region, the petition is considered by the regional board of school trustees of that region
- ⇒ When a proposal for a boundary change affects districts lying in two or more regions, the petition is considered by the regional board of school trustees of each region

- affected; a region is affected if any portion of the territory which the petition seeks to have detached from any school district is located in the region
- ⇒ 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(s) 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 15 days nor less than 10 days after publication of notice
- ⇒ Any resident of any district affected may appear and present evidence in support of or in opposition to the petition

### REGIONAL BOARD OF SCHOOL TRUSTEES APPROVAL:

- ⇒ The regional board(s) of school trustees shall consider:
  - School needs and conditions of the territory in the area within and adjacent thereto
  - The ability of 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
  - Whether such a change is to the best interests of the schools of the area and the educational welfare of the pupils
- ⇒ After a joint hearing
- Each regional board of school trustees shall meet to render a decision within ten days