

Bills on Deck to Usher in School District Consolidation in Illinois

Hinshaw Alert | 3 min read

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The Mechanics of SB1324

State Senator Jeffrey M. Schoenberg (D-Evanston) recently introduced a bill, SB1324, which proposes to amend the Illinois School Code to require the Illinois State Board of Education (ISBE) to conduct a feasibility and cost-saving benefits study on the prospect of consolidating school districts in the same geographic area. The ISBE would be required to recommend specific school districts for consolidation in a report due to the general assembly and the governor on or before January 1, 2013. Within 90 days after the report is submitted to the general assembly, each district recommended for consolidation would host public hearings to consider the report.

From the time the general assembly first meets after the last public hearing for the affected school districts, the general assembly would have 90 days to vote to accept or reject the ISBE's recommendations for consolidation. A majority vote in each house accepting the recommendations would give the recommendations binding effect on the school districts. Failure to conduct a vote during the 90-day period would create the same binding effect.

Targets of Consolidation and Anticipated Opposition

Underlying SB1324 is a belief that school district consolidation will eliminate excess capacity and create cost savings. Anticipated targets of the legislation are small school districts with low staff-to-student ratios.

A less obvious aim of the bill is the opportunity to merge small, well-financed school districts with disadvantaged ones to balance economic inequities. Opponents of the bill may argue that this will dilute excellence; the bill's proponents would likely counter that such consolidation will spread local wealth and reduce the burden on the state to support underfunded districts with state aid and grants.

The stakes are high for affected school districts because consolidation may lead to the loss of autonomy; a reduction to the size of administrative personnel, teachers and support staff; and the introduction of new

operational challenges, especially if school districts with disparate resources, levels of indebtedness, financial obligations, personnel issues and student needs are merged. These prospects may generate strong opposition to the bill.

SB1324 is likely to face opposition. The bill affords parents, students and other stakeholders an opportunity to contribute to the discourse on the merits of consolidation at public hearings but does not indicate how the ISBE or general assembly will use the information acquired at these hearings. As drafted, the bill neither requires the ISBE to consider modifying its recommendations following the public hearings, nor requires the general assembly to consider information shared at the public hearings prior to a vote. When viewed in conjunction with the fact that legislative inaction may give binding effect to the ISBE's recommendations, there is a concern that stakeholders may be denied meaningful public participation in the process.

Comparable Legislation Pending in the House

State Representative Linda Chapa LaVia (D-Aurora), Chair of the Illinois House Elementary and Secondary Education Committee, has introduced HB1216 to create an 18-member School District Realignment and Consolidation Commission to report the "optimal enrollment for a school district and where consolidation would be beneficial." The Commission would make recommendations to reduce duplication of efforts, eliminate obstacles between qualified teachers and students, lower property tax burdens, calculate the net costs savings of realignment, and advise school districts on reorganization. It would also be required to hold public hearings, the scope and purpose of which is not outlined in the bill.

The Commission would not be a permanent fixture in the general assembly. In fact, it would dissolve the day after issuing its report, which would have to be voted on by the Commission and sent to the governor and the general assembly within 60 days of the bill's enactment. If the Commission approved its report, the general assembly would be required to vote on whether to accept the report within 14 days of acceptance. Unlike SB1324, this bill does not specify the legal status of the Commission's report if accepted by the general assembly.

Bill Status

As of this date SB1324 has not been assigned a committee, though its sponsor is actively pushing the bill. HB1216 is before the Rules Committee. As these bills await further attention, school districts may consider contacting their legislators and/or legal counsel to voice their concerns.

For further information, please contact Amy K. Jensen or your regular Hinshaw attorney.

This alert has been prepared by Hinshaw & Culbertson LLP to provide information on recent legal developments of interest to our readers. It is not intended to provide legal advice for a specific situation or to create an attorney-client relationship.

