

# Miller, Tracy, Braun, Funk & Miller, Ltd.

Thomas R. Miller  
William F. Tracy II  
Brian A. Braun  
S. Jeff Funk  
J. Christian Miller  
Brandon K. Wright  
Luke M. Feeney  
David J. Braun



316 South Charter  
P.O. Box 80  
Monticello, Illinois 61856  
Telephone: 217-762-9416  
Facsimile: 217-762-9713

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Christine G. Christensen

Please respond to the Monticello Office  
Writer's Direct Email: [bwright@millertracy.com](mailto:bwright@millertracy.com)

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P.O. Box 3703  
Champaign, Illinois 61826  
Telephone: 217-359-5012  
Facsimile: 217-355-6246

May 14, 2018  
(Via Email)

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Dr. Gregory Fuerstenau, Superintendent  
Taylorville Community Unit School District No. 3  
512 W Spresser Street  
Taylorville, IL 62568

Dr. Scott Doerr, Superintendent  
Nokomis Community Unit School District No. 22  
511 Oberle Street  
Nokomis, IL 62075

Mr. Jason Bauer, Superintendent  
Pana Community Unit School District No. 8  
PO Box 377  
Pana, IL 62557

Dear Dr. Fuerstenau, Dr. Doerr, and Mr. Bauer:

Thank you for requesting that I represent your school districts in your Petition to Withdraw from the Mid-State Special Education Joint Agreement ("Mid-State"). As of this morning, I have received executed waivers from the other member school districts that we represent in Mid-State. In addition, I thought that it would be valuable to outline the steps of withdrawing from the Joint Agreement.

As we have previously discussed, withdrawal from the Joint Agreement may be accomplished by submitting a petition to the Regional Board of School Trustees in the form and manner consistent with Article VII and Section 22.31 of the *Illinois School Code. Amendments to Article X, MID-STATE SPECIAL EDUCATION JOINT AGREEMENT*. At least one year's notice must be provided to the Chairperson of the Executive Committee at Mid-State before any such Petition can be filed with the Regional Board of School Trustees. *Id.* Based on our previous discussions, I understand that this step has already been executed by the districts.

Upon receipt of the petition for withdrawal, the Regional Board of School Trustees shall publish notice of and conduct a hearing in accordance with the rules adopted by the State Board of Education. 105 ILCS 5/10-22.31. The notice shall include the date the petition was filed, the name of each school district that is a member of the joint agreement, the effective date on which the petitioning district would be withdrawn from the joint agreement if the petition is granted, and the return date on which the hearing upon the petition shall be held (which shall be no less than 10 and no more than 15 days after the publication of the notice). 23 Ill. Admin. Code 226.780(a)(1). Prior to the hearing on the petition, the ex officio secretary of the Regional Board of School Trustees shall submit to the Regional Board of School Trustees a written report of the educational and administrative conditions of the districts involved relative to the provision of special education services. 23 Ill. Admin. Code 226.780(a)(2).

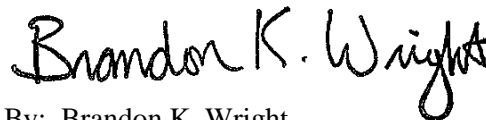
The Regional Board of School Trustees shall hear evidence at the hearing as to the special education needs and conditions of the petitioning school districts and of the special education cooperative from which they wish to withdrawal. 23 Ill. Admin. Code 226.780(a)(3). After hearing this evidence, the Regional Board shall then determine whether it is in the best interest of the students with disabilities that the petitioning districts that the petition for withdrawal from the joint agreement be granted. *Id.* Approval of the petition must be by a two-thirds (2/3) majority vote of the school trustees. 105 ILCS 5/10-22.31.

After determining whether it is in the best interest of the students with disabilities that the petition for withdrawal be granted, the Regional Board of School Trustees shall enter an order granting or denying the petition within 30 days after the hearing. 23 Ill. Admin. Code 226.780(a)(4). A certified copy of such an order shall be sent to the petitioning districts, the special education cooperative, the regional superintendent of education, and the State Board of Education's Division of Special Education Services. *Id.*

If the Districts' withdrawal is approved by the Regional Board of School Trustees, the withdrawal shall take effect on July 1 following said approval. *Amendments to Article X, MID-STATE SPECIAL EDUCATION JOINT AGREEMENT.* Pending approval by the Regional Board of School trustees, the withdrawal shall take effect on July 1, 2019.

Should you have any questions regarding the procedures and information presented above, please do not hesitate to contact me.

Sincerely,  
MILLER, TRACY, BRAUN, FUNK &  
MILLER, LTD.



By: Brandon K. Wright