

FRANCZEK

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MEMORANDUM

TO: James Fitton
Director of Finance & Operations, Riverside School District 96

FROM: Scott Metcalf and Brittany Begley

RE: Provisions of House Bill 0305

DATE: July 16, 2024

You requested a summary of House Bill 0305, which amends the Trustees of Schools Article of the School Code. The bill passed both houses of the Illinois General Assembly and was sent to the Governor on June 21, 2024. The Governor has until August 20, 2024 to sign or veto it.

105 ILCS 5/5-1(d)

The amendatory language allows school districts who are part of a Class II county (i.e. Cook County) to withdraw from the jurisdiction and authority of the trustees of schools of the township and the township treasurer at any time if they so wish. School boards may withdraw through adoption of a resolution by a two-thirds majority vote. If the resolution is approved, the school board must then elect or appoint its own school treasurer. School boards that withdraw are also allowed to enter into a contractual arrangement or an intergovernmental agreement for school treasurer services. The school treasurer's appointment under this section may begin on the first day of the next fiscal year, but no sooner than July 1, 2025.

Once the school board passes the withdrawal resolution and appoints its own school treasurer, the following events occur:

1. School trustees in the township will no longer hold or be able to exercise any power or duties regarding the school district's business, operations or assets.
2. School trustees must transfer all books and records, moneys, securities, loanable funds, and other assets relating to school business and affairs to the school board.
3. All legal title to school lands, buildings, or sites, as well as all rights of property and causes of action relating to school lands, buildings, or sites, transfer to the school board by operation of law.

105 ILCS 5/5-2.2

Regardless of whether a school district withdraws, after the April 4, 2023, consolidated election school trustees will no longer be elected. Any trustee elected or appointed on or before April 4, 2023 may complete their term. However, they may not be succeeded by an election. Instead, school boards of school districts that are part of a Class II county (i.e. Cook County) must now appoint either one school board member or one school district employee who will serve as the trustee of schools. Appointed school trustees will serve at the pleasure of the appointing school board but may not serve for longer than two (2) years unless reappointed.

Appointment of a school trustee by a school board must occur within 60 days of the Governor signing the bill into law. The township school trustees must then hold a reorganizational meeting. The reorganizational meeting must occur within 30 days after all the new trustees have been appointed or within 90 days after the Governor signs the bill, whichever is sooner. A majority of the members will constitute a quorum for business purposes.

If you have any questions or concerns, please do not hesitate to contact us.