



# Lee/Ogle Regional Office of Education

*Reaching Out to Educate  
...inspire and achieve...*

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## **Special Education Petition to Withdraw**

The decision to allow or deny a withdrawal lies with the Regional Board of School Trustees. The following steps must be taken to facilitate such a transfer of territory:

### **Procedures for preparing and filing Withdrawal-Petition:**

1. The petition must be addressed to Regional Board of School Trustees for Lee/Ogle Counties.
2. The petition must:
  - a. identify the joint agreement from which withdrawal is sought;
  - b. call for the withdrawal from the current cooperative;
  - c. state the purpose of the petition;
  - d. state the reason for the request;
  - e. state the action requested by the Regional Board.
3. The petition must be filed with the Secretary of the Regional Board of School Trustees (Amy Jo Clemens at the Regional Office of Education).
4. A deposit in the amount of \$750 must be made at the time the petition is filed to cover the cost of the court reporter, transcript, legal notice, and other expenditures such as required mailings, new maps or other expenditures related to the work of the Board or the Ex-Officio Secretary regarding the petition and hearing. After the hearing, a record of expenditures will be given to the petitioner, and either a refund or an invoice for additional expenses will ensue. Additional expenses must be paid within 30 days of receipt of the invoice by the petitioner.

### **Hearing by Regional Board of School Trustees:**

1. The Regional Board of School Trustees has 9 months from the filing of the petition to render a decision on the petition after a hearing. If there is no decision by the Regional Board within 9 months, petitioners or another interested party may submit the petition to the State Board of Education. If this occurs, the Regional Board loses all jurisdiction over the petition.
2. The hearing is held before the Regional Board of School Trustees. Petitioners may be represented by an attorney, if they choose, or present their own case. Format for a public hearing is described on a separate handout.
3. The Illinois School Code provides in 105 ILCS 5/7-6 that the Regional Board of School Trustees shall hear evidence of the following:
  - a. The school needs and conditions of the area affected by the joint agreement;
  - b. The ability of the affected districts to meet the standards prescribed by the State Board of Education;
  - c. The division of funds and assets that will result from the withdrawal;

- d. Whether it is in the best interest of the schools of the area and the educational welfare of the pupils that the withdrawal be allowed.
4. The Regional Board of School Trustees may appoint the Secretary of the Regional Board as hearing officer to conduct the hearing. In that case, the hearing officer conducts the hearing and the Regional Board makes its decision based on the transcript of the proceedings before the hearing officer, evidence presented to the hearing officer, and the presentation of counsel.
5. If the withdrawal involves two or more regions, a joint hearing must be held before the Regional Boards of School Trustees in each region affected.
6. The Regional Board is required to publish a notice of hearing on the petition after the receipt of the petition. The hearing must be scheduled on a date that is not less than 10 nor more than 15 days from the date of publication of the notice.
7. The Regional Superintendent, as Ex-Officio Secretary of the Regional Board, must submit a report to the Board, Petitioners and Districts involved at least 5 days before the hearing. The report must include information on the financial and educational condition of the districts and the probable effect if the petition is granted.
8. The Regional Board of School Trustees may conduct an executive session to consider the evidence and testimony presented but they will render a decision in open meeting.
9. An order incorporating the decision of the Regional Board will be prepared by the Regional Superintendent and will be served on the Petitioners, any attorney who has appeared at the hearing, and any person who has testified at the hearing.

Additional comments:

1. Petitions for special education withdrawals are not granted unless there is a preponderance of evidence that the change is in the best interest of the schools and/or students, and that the withdrawal will not harm the students/schools remaining in the coop.
2. If you have any questions, please contact Amy Jo Clemens, Lee/Ogle Regional Superintendent.