

Appellate Court Clarifies 2016 School Code Changes in Property Detachment Evidence

In 2016, significant statutory changes were made to how certain evidence is to be considered in situations where property owners seek to detach their property from one school district and annex to another. A new case from the Third District Appellate Court provides much needed guidance on how the statute is to be interpreted and the case will help school districts defeat property owners who seek to detach their property from a school district in favor of perceived greener pastures elsewhere.

In the case, *Board of Ed. of Crete-Monee CUSD 201-U v. Lisa Caparelli-Ruff, et al.*, 2024 IL App (3d) 230389, District 201 appealed the decision of the Will County Regional Board of School Trustees (“Regional Board”) allowing property owners to detach their property from District 201. Among other arguments, District 201 argued that in allowing detachment, the Regional Board improperly considered (1) school report card data, (2) evidence concerning the “whole child” and “community of interest,” and (3) the travel time between the schools of the districts involved.

The 2016 School Code amendments prohibit Regional Boards from considering school report card data when the two school districts involved (the detaching and annexing districts) have more than a 3% difference in minority, low-income, or English learner populations. 105 ILCS 5/7-6(i)(1). The detaching property owners in the *Crete-Monee CUSD 201-U* case tried to get around the report card comparison ban by having their expert witness review the report card data and incorporate the data into her expert report. The Regional Board allowed this maneuver, but the Appellate Court said the Regional Board was wrong to do so: “[i]t is evident that the Regional Board attempted to use [the expert’s] opinion to circumvent the statute’s prohibition on school report card use, but then used the impermissible data to reach its decision...it used [the expert’s] testimony to introduce facts it was statutorily prohibited from considering.” *Id.* at ¶ 43.

Next, District 201 argued that the Regional Board improperly considered the “whole child” and “community of interest” factors in making its decision to allow detachment. The Appellate Court agreed that the Regional Board was wrong in considering these factors because the School Code requires the Regional Board to first make a finding that there would be a “significant direct educational benefit” to the children of the detaching property owners if the change in boundaries were allowed. Since the Regional Board did not make a determination of “significant direct educational benefit” it was prohibited from considering the “whole child” and “community of interest” factors.

Lastly, District 201 contended that the Regional Board should not have considered a travel time comparison between the locations of the schools in District 201 and the school locations of the annexing school district. Section 7-6(i)(3) of the School Code only allows travel distance to be considered if the distance (for the detaching owners) to one district is no less than 10 miles shorter than to the other district. 105 ILCS 5/7-6(i)(3). The Appellate Court agreed that the travel time consideration should not have been allowed in where the 10-mile threshold did not exist.

Change of school boundaries through detachment should only occur in rare and extraordinary circumstances. If property owners are seeking to detach from the boundaries of your school district there are strong statutory arguments to be made against detachment as the *Crete-Monee CUSD 201-U* case shows. If your school district is facing detachment, please do not hesitate to contact a Robbins Schwartz attorney.