
ANNEXATION - ILLINOIS

Shephard v. Regional Board of School Trustees of De Kalb County

Appellate Court of Illinois, Second District - March 28, 2018 - N.E.3d - 2018 IL App (2d) 170407 - 2018 WL 1516878

Property owners sought judicial review of decision of regional board of school trustees denying owners' petition to detach their properties from the boundaries of one school district and annex them to another.

The Circuit Court affirmed. Owners appealed.

The Appellate Court held that:

- Determination that owners failed to establish sufficient educational benefits was not against manifest weight of evidence;
- Board's findings were sufficient for review; and
- Board was not required to consider the will of the people in making its determination.

Determination of regional board of school trustees, that property owners failed to establish significant direct educational benefits to their children if a change in school district boundaries were allowed, was not against the manifest weight of the evidence; owners did not raise any concern about the educational facilities in the district from which they sought to detach their properties, incident at a landfill near a school cited by owners was not likely to reoccur, and, though the speed limit on a road by the school was 55 miles per hour, vehicles passing the school on school days when children were present were restricted to 20 miles per hour.

Regional board of school trustees' findings as to whether property owners' children would have experienced significant direct educational benefits from change of school district were sufficient for review on appeal from board's decision denying owners' petition to detach their properties from the boundaries of one school district and annex them to another; educational benefit was the only issue before the board, and record did not indicate that the board overlooked any evidence favorable to owners regarding that issue.

Regional board of school trustees was not required to consider the will of the people in making a determination on property owners' petition to detach their properties from the boundaries of one school district and annex them to another; the requirement was set out in statute governing petitions for annexation to or detachment of territory from a special charter school district, but the instant case did not concern a special charter school district.

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