

NOTICE
Decision filed 09/11/26. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2026 IL App (5th) 250481

NO. 5-25-0481

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

THE BOARD OF EDUCATION OF JASPER COUNTY	)	Appeal from the
COMMUNITY UNIT SCHOOL DISTRICT NO. 1,	)	Circuit Court of
	)	Jasper County.
Plaintiff-Appellant,	)	
	)	
v.	)	No. 23-MR-4
	)	
THE REGIONAL BOARD OF SCHOOL TRUSTEES	)	
FOR THE COUNTIES OF CLAY, CRAWFORD,	)	
JASPER, LAWRENCE, AND RICHLAND,	)	
ILLINOIS, an Administrative Agency	)	
in the State of Illinois; JEREMY BRUSH, Regional	)	
Superintendent of Schools;	)	
MATTHEW J. METTE, EMILY	)	
METTE, CAROL CHRISTINE MILLIMAN,	)	
JOHN L. PROBST, Trustee,	)	
KATHLEEN B. PROBST, Trustee,	)	
JOSEPH MEYER, and ANDREW P. MEINHART,	)	
Petitioners; and THE BOARD OF EDUCATION	)	
OF DIETERICH COMMUNITY UNIT SCHOOL	)	
DISTRICT NO. 30,	)	Honorable
	)	Chad M. Miller,
Defendants-Appellees.	)	Judge, presiding.

PRESIDING JUSTICE CATES delivered the judgment of the court, with opinion.
Justice Sholar concurred in the judgment and opinion.
Justice Barberis dissented, with opinion.

OPINION

¶ 1 The defendant Regional Board of School Trustees for the counties of Clay, Crawford, Jasper, Lawrence, and Richland, Illinois (Regional Board), approved a petition submitted by Matthew and Emily Mette and other landowners, for the detachment and annexation of five

separate tracts of land pursuant to the School Code (105 ILCS 5/1-1 *et seq.* (West 2022)). The plaintiff, the Board of Education of Jasper County Community Unit School District No. 1 (Jasper County Board), sought administrative review in the circuit court of Jasper County, Illinois, claiming that the detached territory was not compact and contiguous and, therefore, the Regional Board's decision did not comply with the requirements of the Illinois Constitution (Ill. Const. 1970, art. X, § 1) or the School Code. On October 24, 2024, the circuit court initially reversed the decision of the Regional Board. On a motion for reconsideration, the circuit court vacated the October 24, 2024, order and affirmed the Regional Board's decision to grant the petition. For the following reasons, we reverse.

¶ 2

I. BACKGROUND

¶ 3

A. Petition for Detachment/Annexation

¶ 4 In 2017, Matthew and Emily Mette purchased a home on property located entirely within Jasper County. In May 2023, the Mettes' oldest child was ready for kindergarten. The Mettes submitted a petition to the Regional Board for detachment from the Jasper County Community Unit School District No. 1 (District 1) and annexation of territory to the Dieterich Community Unit School District No. 30 (District 30), in Effingham County.

¶ 5 The Mette property was located entirely within Jasper County, approximately 1.5 miles from the actual boundary line of District 30, and did not touch any part of District 30. The property owners located in the territory between the Mette property and the boundary of District 30 joined the Mette petition and requested that a limited section of their land, as described in the Mette petition, be detached along with the Mette property. Notably, these landowners did not seek to detach and annex their entire parcels of land. Instead, each landowner designated a 10-foot-wide rectangular strip of land that touched one another at their ends, thereby creating a land bridge that

extended approximately 1.5 miles from the Mette property line to the District 30 boundary.

¶ 6 The Mette petition indicated it was brought pursuant to “Section 7-1 of Chapter 122 of the Illinois Revised Statutes (1989)”¹ and alleged that the territory described in the petition “is contiguous to the existing territory of the Dieterich Community Unit School District #30.” Attached to the Mette petition were the legal descriptions and tax deeds for the 10-foot-wide strips of land as well as the Mette property description. Several maps illustrating the location of the various properties were included and attached as exhibits to the Mette petition. One of these maps, exhibit A(i),² showed the configuration of the territory using the 10-foot-wide strips of property that went from the District 30 boundary to the Mette property. There was, additionally, a letter from Tom Matson of the Jasper County Assessment Office, dated June 7, 2023. The letter described the Mette property and the tracts of 10-foot-wide strips of land and provided an assessed valuation for the parcels involved. The letter concluded, “All parcels *will be* contiguous to Dieterich Community School Unit 30 District after detachment and annexation is complete.” (Emphasis added.)

¶ 7 B. Motion to Dismiss

¶ 8 The Jasper County Board submitted a motion to dismiss the Mette petition to the Regional Board and argued that section 7-4 of the School Code prohibited the Regional Board from granting the Mette petition for detachment/annexation. See 105 ILCS 5/7-4 (West 2022). The Jasper County Board claimed that, if the detachment were allowed, the resulting districts would not be compact and contiguous as required by the Illinois Constitution (Ill. Const. 1970, art. X, § 1) and the School Code (105 ILCS 5/1-1 *et seq.* (West 2022)). Specifically, the Jasper County Board argued that

¹Chapter 122 of the Illinois Revised Statutes (1989) (Ill. Rev. Stat. 1989, ch. 122) was a reference to the School Code prior to the recodification of the Illinois Compiled Statutes (ILCS), effective January 1, 1993. See Pub. Act 87-1005 (eff. Jan. 1, 1993).

²Exhibit A(i) is reproduced below (*infra* ¶ 73).

article X, section 1, of the Illinois Constitution required that the “State shall provide for an efficient system of high quality public educational institutions and services.” Ill. Const. 1970, art. X, § 1. This constitutional mandate, according to the Jasper County Board, has been affirmed in the case law of Illinois, including *People ex rel. Community Unit School District No. 1 v. Decatur School District No. 61*, 45 Ill. App. 2d 33 (1963) (*Community Unit School District No. 1*).³ In *Community Unit School District No. 1*, the Third District acknowledged the principle that, when interpreting this section of the constitution, Illinois courts “have held that school districts must be compact and contiguous in order to comply with the constitutional requirement of an efficient school system.” *Community Unit School District No. 1*, 45 Ill. App. 2d at 37.

¶ 9 The Jasper County Board further relied on *Board of Education of Rockford School District No. 205 v. Hearing Board of the Counties of Boone & Winnebago*, 152 Ill. App. 3d 936 (1987). In *Board of Education of Rockford School District No. 205*, although the evidence showed that there was a common boundary between the two districts, granting the petition would have created eight islands of territory that destroyed the compactness and contiguity of each district. *Board of Education of Rockford School District No. 205*, 152 Ill. App. 3d at 938. Therefore, the ruling of the hearing board and the circuit court that the territory was contiguous was against the weight of the evidence and destroyed the compactness and contiguousness of each district and would impair the Rockford School District’s ability to deliver educational services. *Board of Education of Rockford School District No. 205*, 152 Ill. App. 3d at 940. Thus, the Jasper County Board argued that a petition that created islands of noncontiguous territory, as in *Board of Education of Rockford School District No. 205*, violated the constitutional requirement of providing an efficient school

³In *Community Unit School District No. 1*, 45 Ill. App. 2d at 37, the Third District Appellate Court was referring to the Illinois Constitution of 1870, section 1, article VIII. which required that, “ ‘The general assembly shall provide a thorough and efficient system of free schools, whereby all children of this state may receive a good common school education’ ” (quoting Ill. Const. 1870, art. VIII, § 1).

system. Similarly, the Jasper County Board argued that the Mette property, if allowed to detach and then annex to District 30, would create a single island, thus destroying the constitutional mandate of providing an efficient school system.

¶ 10 The Jasper County Board further indicated in its motion to dismiss that, if the Mette petition were allowed, the District 30 boundary would change in that there would be four parcels of land, 10 feet wide, where no children reside, that would be annexed into the District 30 territory and one tract of land, the Mette property, located 1.5 miles away from the Dieterich boundary, would be annexed to District 30. All of the land was located in Jasper County, not Effingham County, where District 30 was located. The Jasper County Board alleged that “the bold attempt by the Petitioners [Mettes] to create contiguity through the one and one-half mile strip wholly violates the ‘compact’ component of the ‘compact and contiguous’ requirement of Section 7-4 of the *School Code*.” (Emphasis in original.) The Jasper County Board went on to argue that “Section 7-4 of the *School Code* requires that ‘territory within any district whose boundaries are affected by the granting of a petition shall after the granting thereof be *compact and contiguous*.’ ” (Emphases in original.) Additionally, the Jasper County Board argued that to allow the result requested by the Mette petition would “seriously undermine the stability of both school districts” and, where a petition creates “islands of non-contiguous territory,” the result is to destroy the compactness and contiguity of the affected districts and “violates the constitutional requirement of providing an efficient school system.”

¶ 11 The Jasper County Board additionally alleged that the Mette petition was attempting “to create a fiction of contiguity by including 10-foot-wide strips of land to connect Tract #1 [(the Mette property)] to Dieterich District 30.” The Jasper County Board compared this effort to strip annexation, which it pointed out has been rejected in Illinois for over a century. In making this analogy, the Jasper County Board examined various annexation cases that had rejected strip

annexation, concluding that, for a territory to be contiguous, the tracts of land must “touch or adjoin one another in a *reasonably substantial physical sense*.” (Emphasis in original.) See *Western National Bank of Cicero v. Village of Kildeer*, 19 Ill. 2d 342, 352 (1960).

¶ 12 Finally, the Jasper County Board alleged the Mette petition, if granted, would cause confusion by dividing up parcels into multiple districts, undermine the stability of school district boundaries, and harm the public interest. Therefore, the Mette property, when considered with the 10-foot-wide strips, could not meet the compact and contiguous requirements of section 7-1 and section 7-4 of the School Code, and the Regional Board should deny the Mette petition. See 105 ILCS 5/7-1, 7-4 (West 2022).

¶ 13 C. Hearing on Motion to Dismiss

¶ 14 The Regional Board held a hearing on July 6, 2023, to address several petitions for detachment including the Mette petition and a petition filed by another family, the Buersters, represented by the same attorney as the Mettes. Both petitions proposed using 10-foot-wide strips of land to detach from their school district. The Jasper County Board had filed a motion to dismiss the Buerster petition, even though the Buersters sought to annex into District 1 and the Mettes were attempting to detach from District 1.

¶ 15 Prior to the commencement of the Mettes’ hearing, the regional superintendent, Jeremy Brush, indicated that a report had been prepared using information from District 1 and District 30, which provided information on the financial and educational condition of each district. The report also addressed the probable effect of the proposed change on the districts requested by the Mette petition; had a map showing the territories involved; and set forth the date, time, and place of the hearing. This report was marked as regional office of education exhibit 2 and made a part of the

administrative hearing record.⁴

¶ 16 The first matter heard by the Regional Board was the Jasper County Board’s motion to dismiss the Buerster petition.⁵ The Jasper County Board argued against the Buersters’ proposed annexation into District 1, claiming that the resulting territory would not be compact and contiguous. The Buerster petition proposed the use of 10-foot-wide strips of land that “run for approximately a mile and a quarter” to reach the Buerster property. The Jasper County Board argued that allowing this petition would detach two parcels in their entirety and create noncontiguous territory. First, the Jasper County Board relied on a case from 1907, where the Illinois Supreme Court in *Wild v. People ex rel. Stephens*, 227 Ill. 556 (1907), prohibited the use of strip annexation to make a property contiguous. The *Wild* case involved a 50-foot strip of land that ran for a half mile and was used to connect one tract of land with another in an effort to claim the properties were contiguous. The Jasper County Board argued that, because in *Wild* a 50-foot strip of land was not allowed to create contiguity, the use of 10-foot-wide strips could not create contiguity. Additionally, the Jasper County Board argued that “the basic requirements of granting a Petition, as specified in the School Code in Section 7-4, is that ‘after the petition is granted, both affected districts must be compact and contiguous.’ ” By allowing the Buerster petition to go through, the Jasper County Board argued that the Regional Board would create noncontiguous territory that becomes part of the Jasper School District, that the Jasper School District would have to service that property, and the property is really surrounded by the Clay City Community Unit School District No. 10. The Jasper County Board also relied on the *Board of Education of Rockford*

⁴This exhibit has not been included as a part of the record on appeal.

⁵The Buerster petition is not the subject of our review. To the extent it is relevant, the Jasper County Board and counsel for the Mettes each reincorporated their respective arguments made regarding the Buerster petition as their arguments in support of their positions on the Mette petition. Therefore, it is necessary to recount the arguments of the parties on the Buerster petition.

School District No. 205, 152 Ill. App. 3d 936. Counsel for the Jasper County Board argued that the school district should not have to service this (Buerster) property, and this result was inconsistent with the compact and contiguous requirement of the School Code. Additionally, the Jasper County Board claimed that allowing this kind of detachment would cause “confusion among school district boundaries” and there was “a strong public interest in maintaining respect for school district boundaries.”

¶ 17 The attorney for the Buersters, who also represented the Mette family, then argued against the motion to dismiss. Counsel had prepared copies of case law for the members of the Regional Board to review. Buersters’ counsel first argued that the Jasper County Board relied on annexation cases that have nothing to do with school districts. He claimed that there was discussion in the Jasper County Board’s case law regarding special school districts and stated “I don’t know what a special school district is. I don’t want to know.” Buersters’ counsel relied primarily on *Ottawa Township High School District No. 140 v. County Board of School Trustees of LaSalle County*, 106 Ill. App. 2d 439 (1969), and *Phillips v. Special Hearing Board of Boone-Winnebago Counties*, 154 Ill. App. 3d 799 (1986), to support their argument that the Regional Board must be “concerned about the pupils.” Buersters’ counsel read excerpts from these cases that discussed the interests of the school children and urged the Regional Board to consider the “whole child.” In other words, “there should be a determination of where his community of interest lies.”

¶ 18 The Buersters’ response in opposition to the arguments of the Jasper County Board did not address the constitutional arguments for a compact and contiguous school district or the statutory requirements in the School Code. The Buersters claimed there was no statute and no appellate case law that prohibited the use of 10-foot-wide strips to detach from one school district into another. Buersters’ counsel argued that the 10-foot “ribbons” were good for Clay County because only a

small part of the property was going to detach as opposed to complete parcels, so the Clay City school system would still receive the property tax benefits on the majority of the property. After the conclusion of the argument on the motion to dismiss the Buerster petition, the Regional Board took action, but the transcript of those proceedings was not included in the record.

¶ 19 The Regional Board then proceeded to hear arguments specific to the motion to dismiss the Mette petition. The attorney for the Jasper County Board reincorporated his arguments from the Buerster motion to dismiss as support for the Jasper County Board’s motion to dismiss the Mette petition. The Jasper County superintendent, Joe Sornberger, pointed out that the Mette property was 1.5 miles from the school district boundary that it sought to annex into. He indicated that the Jasper County Board now looks “at these 10-foot-strips of land a little differently than the Board has in the past.” And, if the Mette petition were allowed, other people in District 1 would use the 10-foot-wide strips of property to disconnect as well.

¶ 20 The attorney for the Mettes also reincorporated all of his arguments made in support of the Buerster petition as his arguments in opposition to the Jasper County Board’s motion to dismiss the Mette petition. Additionally, Mettes’ counsel stated that the area surrounding the Mette property was vacant farm ground and there were no homes located on the property between the Mette property and the District 30 boundary. The Mettes were located “13 miles” from District 1 school in Newton, Illinois, but only “3 miles” from the school in District 30. The time spent on a school bus for the Mette children would be greatly reduced if the Mette petition was granted. Subsequent to the arguments of counsel, the Regional Board voted to deny the Jasper County Board’s motion to dismiss.

¶ 21

D. Initial Hearing on the Mette Petition

¶ 22 After denying the Jasper County Board’s motion to dismiss the Mette petition, the Regional Board proceeded directly with the hearing on the merits of the Mette petition for detachment/annexation. Emily Mette first testified and introduced her two daughters, ages four and five, to the members of the Regional Board. Emily indicated that her five-year-old would be ready to attend kindergarten in the upcoming year. Emily also introduced a letter from a preschool teacher advising that Emily’s youngest daughter would also be ready to attend kindergarten. Emily testified that the Dieterich Elementary School, in District 30, was 3 miles from her home, while the school in Newton, in District 1, was 14 miles away. As Emily responded to this question, her attorney indicated that their “argument is essentially that these kids shouldn’t be subjected to riding a bus a lot longer than they have to.” Emily worked part-time in Effingham and indicated she would be able to drop off her children at school on her way to work. Her husband, Matthew Mette, had relatives that lived in Dieterich who would be able to assist their children if there was an emergency. The Mettes also attended church in Dieterich, shopped in Dieterich, and identified with Dieterich as their home. Comparatively, the Mettes rarely went to Newton.

¶ 23 At the conclusion of Emily’s testimony, her counsel introduced their exhibit 1, which was referred to as “Comparison of Dieterich and Jasper County School Districts per Report of the Secretary.”⁶ The Mettes’ counsel remarked that

“the chronic absenteeism in Jasper County is almost three times what it is in Dieterich. Jasper County has a better teacher retention rate. [The] [g]raduation rate is better in Dieterich. The class size is smaller in Dieterich. But the student-teacher ratio is greater. There’s fewer teachers in Dieterich per student than in Jasper per

⁶The exhibits used during the July 6, 2023, hearing and referenced in the hearing transcript were not made a part of the record on appeal.

student. So that favors Jasper.”

Mettes’ counsel asked the Regional Board to review the summation designation for elementary schools, which designated the elementary school in Dieterich as “exemplary, which puts that elementary school in the top 5 percent of the state of Illinois. And Jasper County Elementary is commendable. It’s a well-functioning school.”

¶ 24 The Mettes’ attorney then indicated they were “asking the Board to consider basically two things. One, the opportunity for these young ladies to attend an exemplary elementary school. And second of all, to not subject them to long bus rides when those could be totally avoided.” The Mettes’ counsel went on to comment, “It’s their bad luck I would say, that their property just happens to be located so far from Newton and to their benefit that it’s so close to Dieterich.” Additionally, counsel for the Mettes asked the Regional Board to consider “the whole child” and “the community where they are, of their identification.” The Mettes’ attorney concluded his summarization by asking the Regional Board to “do what is best for these kids and grant the prayer of their Petition.”

¶ 25 The Mettes’ counsel then asked Matthew Mette if his responses to the questions asked of Emily would be the same. Matthew answered in the affirmative. Upon cross-examination by counsel for the Jasper County Board, Matthew indicated they have owned their property since 2017 and knew when they purchased it that their property was located within the Jasper County school district. At that time, they had no children, but they had always considered St. Thomas, a private school in Newton as they had heard it was a good school, as well.

¶ 26 At the conclusion of Matthew’s questioning, one of the Regional Board members asked about the 10-foot-wide strips of land. Matthew responded that there were no houses on this property and “[i]t’s all bottom ground. Floods all the time.” The Mettes were also asked whether

Dieterich was willing to provide bus service to the Mette property. Both Matthew and Emily indicated they would forfeit the issue of bus service and drive their children to school, if necessary. Another board member asked about the Mettes' intent to go to the St. Thomas school. Matthew indicated they went and listened to the school's preregistration and, when they asked about enrolling their youngest, the school indicated it had cut enrollment off. That concluded the testimony on behalf of the Mette petition.

¶ 27 Joe Sornberger, the superintendent of District 1, testified that District 1 is the "biggest school district land mass in the state of Illinois, 460 square miles." So, if a house is bought in Jasper County, the house is in District 1. Sornberger testified that it was difficult to compare District 30 with District 1 because Jasper County had about 1,100 children in the school district, compared to a little over 500 in District 30. Sornberger indicated there was a difference in graduation rates considering District 30 had approximately 30 children compared to a graduating class of 144 children in District 1. Sornberger further explained that District 1 had an accelerated placement program for students "that are able to go into school before they should." Sornberger indicated that this program was a sanctioned program by the Illinois Association of School Boards, and he assumed Dieterich was following the same policy. As for bus routes, Sornberger stated that District 1 did "the best we can to minimize the travel on buses." He indicated he was aware of 14 families in the general area of the Mettes who had expressed an interest in pursuing annexation to District 30. Allowing detachment/annexation, through the use of 10-foot-wide strips of land, would create "a land bridge" and "a way out of our school district." Sornberger was concerned that other families may "tap into this line and go the same direction." And Sornberger stated he was not going to "bash the Dieterich School District." He thought the superintendent of the Dieterich school district "runs a great school." But Sornberger believed that District 1 had "just as good of an opportunity for kids in our school, depending on what you're looking at." Sornberger concluded

his statements by saying, “I feel like we have tons to offer. But, again, that is me looking at what we have and speaking for grade to grade and what we can offer.”

¶ 28 At the conclusion of Sornberger’s testimony, counsel for the Mettes made the following statement:

“The only thing we would add in rebuttal is that we are not in any way, shape, or form trying to bash Jasper County. It’s a fine school system. And they offer a lot of great programs. And they have had a lot of great graduates. Joe not being one of them, of course. He’s from Robinson.”

The Mettes’ counsel argued that “we’re focusing on the community of identification. Where is the Mette life? The Mette life is in Dieterich. So their life is in Dieterich.” The Mette attorney relied on the *Ottawa* case (see *Ottawa Township High School District No. 140*, 106 Ill. App. 2d 439) and observed that the

“community of identification is important not only for the children being involved in the schools, but also the parents. If the school is three miles away, it’s pretty easy for the parents to be involved, to volunteer and sell popcorn at games or whatever it takes. But if you have to drive half an hour and drive half an hour back to get involved in some of those things, it becomes less appealing.”

¶ 29 The members of the Regional Board then heard argument from the Jasper County Board. Counsel noted that the Mettes’ argument focused on the petitioner’s “community of interest.” The Jasper County Board attorney reminded the members of the Regional Board, however, that section 7-6 of the School Code “provides that before the Regional Board is allowed to consider the community of interest factor,” the Regional Board “first has to make a determination that there would be a significant direct educational benefit” to granting the petition. See 105 ILCS 5/7-6(i)(2)

(West 2022). The Jasper County Board argued that petitioners had not met their burden under section 7-6 of the School Code, as there had been no evidence presented regarding a comparison of the school district curriculum, no evidence concerning extracurricular activities or athletics, and nothing about the facilities at the different school districts. Therefore, the Jasper County Board attorney argued that the Mettes had failed to prove a “significant direct educational benefit” as required by the statute and, without sufficient proof, the “community of interest factor” could not be considered.

¶ 30 Sornberger added that 50% of the population in Jasper County “drives to either Effingham, to Olney, to Robinson or other places to work.” Sornberger also indicated that the Regional Board had allowed the Buerster petition, which meant from their “house to school is 25 minutes without a stop.” So, if 25 minutes is not too far, then 14 miles is not too far.

¶ 31 After hearing arguments, the Regional Board considered the testimony and exhibits offered. Regional Superintendent Brush indicated that the “Detachment and Annexation Guidelines, Factors for Consideration,” would be used to assist the members of the Regional Board in making a decision. The Regional Board voted 4 to 3 against the Mette petition, and the Mette petition was denied.

¶ 32 E. Order Denying the Mette Petition

¶ 33 On July 16, 2023, the Regional Board issued a formal order. In that order, the Regional Board made several findings, which included the following:

“Whereupon Jeremy Brush, Ex-Officio Secretary of the Board did advise, the Board so finds, that all requirements set forth by the School Code of the State of Illinois in relation to the school boundary changes to be performed prior to the Hearing on the Petition had been properly followed.

* * *

Having evaluated the evidence as to the school needs and conditions of the territory in the area within and adjacent thereto the territory proposed for detachment, as to the ability of the respective school districts affected to meet the standards of recognition as prescribed by the State Board of Education, the division of funds and assets which will result from the granting of the Petition for a change in boundaries, and having determined whether it is in the best interest of the schools of the area and educational welfare of the pupils if such change in boundaries is granted, and having heard and taking into consideration the other evidence contained in the record herein, consisting of the testimony of the witnesses, the other exhibits, documents and evidence introduced in support of the Petition and introduced in objection thereto, the Board makes the following findings:

1. That the distances from the petitioner's homes to schools in both districts were considered.
2. That the granting of the Petition herein would not affect any district's ability to meet the standards of recognition as prescribed by the School Code of the State of Illinois.
3. That any change in the division of funds and assets among the impacted districts is not significant and will not jeopardize the educational resources of the districts.
4. That the granting of the Petition will increase the opportunities for extra-curricular participation in school, social, religious and commercial activities by students and parents.

5. That the petitioners identify with the Dieterich Community Unit School District #30 and surrounding community.

6. That it is not in the best interest of the schools of the area and the educational welfare of the pupils that the change in boundaries be granted.

7. That the detriment to the detaching district, that being Jasper County Community Unit School District #1, Jasper County, Illinois, does clearly outweigh the benefit resulting to the annexing district and the surrounding community as a whole.”

¶ 34 F. Motion for Rehearing

¶ 35 The Mettes submitted a motion for rehearing pursuant to section 7-6(n) of the School Code (105 ILCS 5/7-6(n) (West 2022)) and argued that (1) the Regional Board failed to consider that District 30 was generally superior to District 1 as set forth in an exhibit C, attached to the petition; (2) the Regional Board failed to “give proper weight” to the fact that the “community of identification” for the Mettes was the Dieterich community, where the Mettes’ children attended preschool, and the Mettes went to church, shopped, and had family, as Dieterich was only 4 miles from the Mette property, while they did not identify with the Newton community, which was 13 miles from the Mette property; and (3) if their petition was denied, their child would attend Sainte Marie for kindergarten, in District 1, which was 23 miles away from their home, and this fact was not addressed during the initial hearing. The Mettes attached multiple exhibits to their motion for rehearing, including maps that listed distances and drive times from the Mette residence to the schools in Newton, Sainte Marie, and Dieterich. The motion for rehearing again cited *Ottawa Township High School District No. 140*, 106 Ill. App. 2d 439, and *Phillips*, 154 Ill. App. 3d 799, renewing the Mettes’ prior argument that the “child’s natural community center and natural gravitation *** to one or the other community are significant factors” that the Regional Board was

obligated to consider.

¶ 36 On August 8, 2023, the Regional Board heard argument on the Mettes’ motion for rehearing. At this hearing, the Mettes introduced additional information that their counsel claimed was relevant to the Mette petition, which had not been considered by the Regional Board at the hearing on July 6, 2023. Specifically, counsel for the Mettes started by providing the members of the Regional Board with a file, the contents of which are not fully specified in the record.⁷ Counsel directed the Regional Board members to page 3, which referenced the case of *Ottawa Township High School District No. 140*, 106 Ill. App. 2d 439. Counsel indicated that the Mettes lived a mile and a half from the District 30 boundary line and 17-18 miles from Newton. Counsel then read a few lines from the *Ottawa Township* case, which he paraphrased as,

“there’s an obvious advantage to a child attending a school in close physical proximity to the child’s home. The additional saving in transportation costs and the time spent daily by children riding a bus involves a certain safety factor and a lessening of fatigue ... The identification with the school district in the child’s natural community—[which we represent to you is Dieterich]—results in increased participation in school activities by the child and his parents.”

See *Ottawa Township High School District No. 140*, 106 Ill. App. 2d at 446. Counsel argued that the case law favored the child attending school in the “community of their identification” and a reduced time on a bus.

¶ 37 Counsel for the Mettes then indicated he wanted to rely on *Phillips*, 154 Ill. App. 3d 799. Counsel read from paragraph 12, arguing that “the whole child should be considered as should a determination of where his community of interest lies.” See *Phillips*, 154 Ill. App. 3d at 805.

⁷This file was not included in the record on appeal. Therefore, only those portions referred to will be considered.

Further, the Mettes' counsel summarized a paragraph from the case and urged the Regional Board that

“the whole child should be considered, as should a determination of where his community of interest lies. These concepts require evaluating the residents' practical educational and social needs by comparing the quality and physical proximity of both schools and the extracurricular facilities and programs offered by the competing school districts, as well as the safety of the children. And, when the competing districts are located in separate communities, a determination must be made as to the [residents'] natural gravitation to one or the other community.”

See *Phillips*, 154 Ill. App. 3d at 805. The Mettes' counsel noted that the “natural gravitation” for the Mettes was Dieterich.

¶ 38 Counsel for the Mettes continued his argument by discussing the content of exhibit C, which was an academic comparison between the District 1 and District 30 schools. Counsel claimed that the “vast majority” of the categories favored the school in Dieterich. At the bottom part of exhibit C, counsel for the Mettes noted that the Dieterich school is one of 372 elementary schools in Illinois that is ranked as “exemplary.” He also noted that the “Jasper County school” is one of 2,831 schools in Illinois rated as “commendable,” although counsel argued that it was not clear where the school ranked within that overall number. Exhibit D, which contained drive times, was also attached to the petition for rehearing. The drive from the Mette property to Sainte Marie, where the other kindergarten is located, was 23 miles; the distance to Newton was 13 miles; and the drive to Dieterich was 4 miles. Additionally, counsel argued that Matthew had family in Dieterich who could pick up the children in Dieterich, if needed. Counsel argued that the community of identification was clearly Dieterich, as the Mettes attended church and shop there and the older child plays T-ball and had friends in Dieterich. The Mettes had no relationship with

the Newton community.

¶ 39 A Google Earth map, marked as exhibit E, was also attached to the motion for rehearing. This map illustrated the distances involved in the drive from the Mette property to Sainte Marie, the District 1 kindergarten. Exhibit F was a map, which illustrated that the property between the Mette boundary line and District 30 was not suitable for building homes. Therefore, it was unlikely that homes would be built in that area and detach from District 1. Counsel then introduced exhibits G and G-1, which were intended to show other property owners who had “detached from Richland, or another school district, or Clay, and annexed to Jasper County.” The Mettes’ counsel commented, “there is an awful lot of people that live in Richland County that are now in the Jasper County School District.” Finally, counsel for the Mette family submitted a letter from the Dieterich superintendent of schools, which indicated that the Dieterich school had a daycare at the school.

¶ 40 The Jasper County Board attorney argued that the Mettes had not presented “sufficient cause for ordering a rehearing on the Mette petition.” Counsel argued that the Mettes had not offered sufficient evidence regarding the educational opportunities, extracurricular activities, or athletics or a comparison of the two facilities at the prior hearing on July 6, 2023. With regard to the Mettes’ position that the Regional Board failed to give proper weight to the community of interest argument, counsel for the Jasper County Board reminded the members of the Regional Board that it must first determine that there would be a significant direct educational benefit for granting the Mette petition before it considered the community of interest argument. Nevertheless, counsel pointed out that the findings in the July 16, 2023, order did consider this factor as well as all of the other issues argued. The Jasper County Board argued that the Mettes wanted a “second bite at the apple,” to present additional evidence that was available to them at the time of the hearing on July 6, 2023. Therefore, the motion for rehearing should be denied.

¶ 41 At the conclusion of argument, the Regional Board voted to grant the petition for rehearing. Sornberger requested a brief continuance, which was denied, and the Regional Board immediately proceeded with the rehearing.

¶ 42 G. Rehearing

¶ 43 Counsel for the Mettes began by again citing *Ottawa Township High School District No. 140*, 106 Ill. App. 2d 439. He relied on the same paragraph previously offered for the proposition that

“there is an obvious advantage to a child attending a school in close physical proximity to the child’s home. The additional saving in transportation costs and the time spent daily by children riding a bus involves a certain safety factor and a lessening of fatigue in going to and from school. *** [I]dentification with the school district in the child’s natural community center results in increased participation in school activities by the child and his parents. It is pointed out that such increased participation cannot but result in an improvement in the educational picture of the entire area.” *Ottawa Township High School District No. 140*, 106 Ill. App. 2d at 446.

¶ 44 Counsel for the Mettes indicated he was again relying on *Phillips*, 154 Ill. App. 3d 799, and argued that the “whole child should be considered, as should a determination of where his community of interest lies.” Counsel summarized a paragraph, stating,

“The concepts require evaluating the residents’ practical educational and social needs by comparing the quality and physical proximity of both schools and the extracurricular facilities and programs offered by the competing school district, as well as the safety of the children. And, when the competing districts are located in

separate communities, a determination must be made as to the child—resident’s natural gravitation to one community or the other.”

See *Phillips*, 154 Ill. App. 3d at 805.

¶ 45 Matthew and Emily Mette were sworn in together as witnesses. Both testified that they did not want their children to attend the District 1 school and that they had looked at St. Thomas as an alternative if their petition did not go through. But even having looked at St. Thomas, they put it in the same category as a District 1 school and wanted their children to attend school in Dieterich, in District 30. Matthew then directed the Regional Board’s attention to exhibit C of the Mette petition, which was a comparison chart between “Dieterich” (District 30) and “Jasper County” (District 1), based upon data from the school report card of 2022. Dieterich had a higher graduation percentage of 94% compared to Jasper County at 84%. Dieterich ranked higher than Jasper County in English and language arts, math, and SAT exam scores. Jasper County ranked higher in science. Matthew continued to testify as to the differences between District 1 and District 30, as reflected by the state data. Almost every category showed that the Dieterich school in District 30 exceeded Jasper County schools in District 1. Matthew concluded his testimony regarding exhibit C by indicating the Dieterich school had an exemplary rating, which placed it in the top 9.6%, and District 1 was commendable, which placed it in the top 74%.

¶ 46 Matthew next addressed the Mette petition exhibit D, which reflected the school drive times. As to this exhibit, Matthew testified that from his house to the Dieterich school was four miles, or six minutes by car. Sainte Marie, the kindergarten in District 1, was 23 miles from the Mette property and a 30-minute drive. Matthew then explained the drive times involved if one child went to preschool in Dieterich and the other child had to attend kindergarten 23 miles in the opposite direction. Matthew then testified that, “every morning, the Jasper bus comes by at 7 a.m. and drops off at 4:15.” Although Matthew did not know what time school started, he maintained

that, “for a little kid, that’s a long time” on the school bus. Matthew then explained that his neighbor had a child that rode the Dieterich bus, and that child had about a 5 to 10 minute bus ride to school, as opposed to what his child would have if she went to kindergarten in Sainte Marie.

¶ 47 Exhibit E, a Google map, was used by Matthew to show the “three shortest options from our house to St. Marie—28 minutes, 22-and-a-half miles. Doesn’t matter what route you take.” Matthew indicated he did not know what route the bus took, but it came by their house about an hour sooner, so the difference would be between being on a bus at 7 a.m. or 7:55 a.m. He stated, “that’s a world of difference waking up and getting breakfast and everything for an eight-hour day at school. It makes a big difference.” Matthew further indicated that he had placed a red line on the map to show the Mette house directly to the Dieterich school. Additionally, Matthew explained that he could use flex hours and work from home days to get his child to school.

¶ 48 Matthew then explained exhibit F, the terrain map. He indicated that there was no probable chance that any homes would be built on the property included in the tracts of the petition. The land floods 10 to 15 times per year, and the area washes out. It is all bottom ground, not really suitable for building. Matthew also claimed that another property, belonging to Ethan Heuerman, had been allowed to be annexed to District 30. And if a measurement is made from the Mette property to the closest part of District 30, the distance is 1.28 miles. Matthew indicated none of the farm property around him was for sale.

¶ 49 Exhibit G was a district map taken from the Illinois Report Card website. Matthew pointed out that several homeowners had annexed into District 1, especially from Clay County. Specifically, the Buerster family was 1.7 miles from the District 1 boundary line. Matthew claimed that District 1 was interested in the “tax money coming in, attendance coming in. But trying to leave, that’s—that must be a whole different issue.” Matthew went through several other exhibits, including G and G-1, showing property that had been annexed into District 1 in the past.

Additionally, exhibit H was introduced, which was the letter from the Dieterich superintendent, discussing the Dieterich after school program.

¶ 50 After Matthew finished explaining the various exhibits, counsel for the Mette family stated, in summary,

“this is simply money to Jasper County/what’s best for the Mette children. That’s what you’re measuring. And money seems to be king where properties want to come into Jasper County. And in the eyes of Jasper County, money is king when one lonely household wants to leave.”

Counsel for the Mettes asked the Board to grant the Mette petition for detachment from District 1 to District 30.

¶ 51 Members of the Regional Board had a few questions for Matthew. After he responded to them, the regional superintendent turned matters over to Jasper County. Sornberger first testified that the Jasper County Board was “going to pass a resolution against annexation out of our district.” He indicated that different boards “do different things,” depending on who is on the board. “So the Jasper County Board has taken a different look at this than boards of the past.” Sornberger could not address what prior boards did with annexation or detachment. He only emphasized that the Jasper County Board was now “looking at this situation differently.” With that said, Sornberger then addressed the educational opportunities in District 1. For the last two years, the “Pre-K” program, located in Sainte Marie, received “gold reviews,” which was the highest level possible. Sornberger explained that the dates used by the Mettes for the graduation rate were a four-year range that included their “COVID year,” when students were taught remotely. On the six-year data range, District 1 and District 30 both had 92.4% graduation rates. With regard to testing data, like SAT scores, District 1 is a part of the “Illinois State Scholars. Jasper County school’s average is 10-12 Illinois State Scholars a year.” District 1 was the largest in the state and offered more

educational opportunities than District 30. Sornberger indicated that what was missing on the chart was the fact that District 30 did not teach classes such as eighth grade algebra I, where 97.4% of District 1's students passed those classes. Dual-credit classes were also not mentioned, as District 30 does not have these classes. District 1 had 24 dual-credit classes, which can be offered because "54 percent of Jasper County teachers have a master's degrees. This is more than the 32 percent of teachers at Dieterich that have a master's degree."

¶ 52 Sornberger additionally testified that District 1 was 460 square miles. District 1 had 23 buses for regular routes, 6 for special education, and 2 additional. As the biggest district in the state, Sornberger admitted there would be drive-time issues. Sornberger reminded the Regional Board that the kindergarten program was only for one year and then the child would attend school in Newton, Illinois.

¶ 53 Sornberger asked the Regional Board to review exhibits F and G again. Sornberger was concerned that, if the Regional Board permitted the detachment of "a 1.2 mile swath of land that allows people from the north and south to attach to it," then other residents in Jasper County would attempt to connect to the strip of land included in the Mette petition. Sornberger had already been approached by another resident of Jasper County, north of the Mettes, who had considered pursuing a petition to annex into District 30. "Their lawyers have already approached me through email." But the Board has changed, and the "Jasper County school board at this time is not looking to let people annex out of the district."

¶ 54 Finally, Sornberger testified that District 1 had more opportunities to participate in extracurricular activities than District 30. District 1 students, last year, were regional champions in volleyball and cross-country. The students also excelled in track and field, as they recently were sectional champions and had placed third in the state. Additionally, District 1 had a band program

with an opportunity for students to travel to perform in cities such as Chicago and in Walt Disney World, Florida.

¶ 55 Sornberger concluded his comments by stating he was somewhat “disheartened” after listening to Matthew’s testimony because a District 1 school was never “an option” for the Mettes. And Sornberger thought there were “tons of things we have going on in our school district that make us a viable option for a school district.” But if the Mettes were concerned about drive times, Sornberger stated “about 50 percent of our population” in his district was also impacted by the same drive time issue. This is because people in the district work in Effingham, in Olney, or in Robinson. But Sornberger indicated he would be glad to give the Mettes a tour of the district. Sornberger indicated that District 1 had not been given a chance by the Mettes because “Jasper County was the third option behind St. Thomas, behind Dieterich.”

¶ 56 After Sornberger testified, counsel for the Mettes made a response. First, he claimed that District 1 “has always been receptive to properties that want to come into Jasper County and enhanced the coffers of Jasper County—and are opposing the Mettes.” Additionally, the Board needs to consider the “town of identification.” For the Mette family, that was Dieterich. Counsel for the Mettes said that the issue comes down to two things: “Money and children.” That concluded the evidence before the Regional Board.

¶ 57 There was no discussion among the members of the Regional Board. A motion was then made to approve the Mette petition, and the Regional Board voted 4 to 1 to allow the Mette property to detach from District 1, and the meeting was adjourned.

¶ 58 H. August 10, 2023, Order

¶ 59 The formal written order granting the Mette petition was issued on August 10, 2023. The Board made a finding that,

“Whereupon Jeremy Brush, Ex-Officio Secretary of the Board did advise, the Board so finds, that all requirements set forth by the School Code of the State of Illinois in relation to the school boundary changes to be performed prior to the Hearing on the Petition had been properly followed.

* * *

Having evaluated the evidence as to the school needs and conditions of the territory in the area within and adjacent thereto the territory proposed for detachment, as to the ability of the respective school districts affected to meet the standards of recognition as prescribed by the State Board of Education, the division of funds and assets which will result from the granting of the Petition for a change in boundaries, and having determined whether it is in the best interest of the schools of the area and the educational welfare of the pupils if such change in boundaries is granted, and having heard and taking into consideration the other evidence contained in the record herein, consisting of the testimony of the witnesses, and other exhibits, documents and evidence introduced in support of the Petition and introduced in objection thereto, the Board makes the following findings:

1. That the distances from the petitioner’s homes to schools in both districts were considered.
2. That the granting of the Petition herein would not affect any district’s ability to meet the standards of recognition as prescribed by the School Code of the State of Illinois.
3. That any change in the division of funds and assets among the impacted districts is not significant and will not jeopardize the educational

resources of the districts.

4. That the petitioners identify with the Dieterich Community Unit School District #30 and surrounding community.

5. That it is in the best interest of the schools of the area and the educational welfare of the pupils that the change in boundaries be granted.

6. That the detriment to the detaching district, that being Jasper County Community Unit School District #1, Jasper County, Illinois, does [not⁸] clearly outweigh the benefit resulting to the annexing district and the surrounding community as a whole.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Regional Board of School Trustees, Clay, Crawford, Jasper, Lawrence, Richland Counties, Illinois, that the petition BE GRANTED and that Jeremy Brush, Ex-Officio Secretary of said Board be and is hereby authorized and directed to deliver to the proper authorities in compliance with Section 706 of the Illinois School Code, a certified copy of this ORDER.”

¶ 60

I. Administrative Review

¶ 61 On September 14, 2023, the Jasper County Board sought administrative review in the Jasper County circuit court and argued that the Mette tract of land (Tract No. 1 in the Mette petition) was “not contiguous with District 30 as it lies more than a mile from the District 30 boundary.” The complaint described the remaining 10-foot-wide strips of land that ran from Tract No. 1 to the District 30 boundary and indicated that, under section 7-4 of the School Code, the Mette petition should not have been granted. The complaint detailed the history of the proceedings,

⁸When the Regional Board issued its order on August 10, 2023, there was a typographical error in finding No. 6. The word “not” had been omitted.

including that the Jasper County Board had filed a motion to dismiss alleging that the territory sought to be detached “was not compact and contiguous with District 30 as required by Section 7-4 (105 ILCS 5/7-4) of the Illinois School Code and Article X, Section 1 of the Illinois Constitution.” The Jasper County Board indicated that the Regional Board had originally denied the Mette petition, then altered course and granted the Mette petition after allowing a motion for rehearing. As relief, the Jasper County Board requested that the circuit court find that the granting of the Mette petition was “erroneous and contrary to the School Code (105 ILCS 5/7-1 *et seq.*) and the Illinois Constitution (Ill. Const., Art. X, Sec. 1) as the Territory is not compact and contiguous with the annexing school district.” The Jasper County Board relied on *Community Unit School District No. 1*, 45 Ill. App. 2d 33, and *Board of Education of Rockford School District No. 205*, 152 Ill. App. 3d 936. Additionally, the Jasper County Board compared the use of the 10-foot-wide strips of property being used to connect the Mette property with District 30 to strip annexation, which “Illinois courts have repeatedly rejected.” The Jasper County Board offered several examples of cases where the courts have refused to condone the use of strips of land to connect property that was otherwise noncontiguous for the purpose of creating contiguity. In support of its complaint, the Jasper County Board filed the Mette petition, with its exhibits, all of the orders of the Regional Board, and a memorandum of law, thereby creating a record for review.

¶ 62 In response, the Mettes filed an opening brief wherein they distinguished the case law cited by the Jasper County Board. The responsive pleadings filed on behalf of the Mettes included exhibits necessary to allow for review by the circuit court. The Mette pleadings did not allege the detachment would create a compact and contiguous territory. Rather, the Mettes argued that the circuit court should focus on the fact that the “Mettes live close to Dieterich and Dieterich is their community of identification.” Additionally, the Mettes argued, as their affirmative matter, that there was no authority prohibiting the use of the 10-foot-wide land strips to connect the Mette

property and extend the Mette property line to District 30.

¶ 63 After extensive briefing, with numerous exhibits attached, and oral argument, the circuit court issued an order on October 24, 2024. The circuit court found that the decision of the Regional Board was in error, as the Mette petition, if allowed, “would result in attachment of property that is neither compact nor contiguous. Consequently, the Court is of the opinion that to allow the Mette petition would be contrary to the Illinois School Code and the Illinois Constitution.” The circuit court first reviewed the factual background of the case and acknowledged that “Only Tract 1 [(Mette property)] consists of an entire parcel of land and is the only tract upon which the Mettes reside. It is situated more than a mile from the Dieterich District 30 boundary is not contiguous.” The circuit court further acknowledged, as a part of the procedural background, that the Regional Board had denied the motion to dismiss filed by the Jasper County Board but had entered an order on July 16, 2023, denying the Mette petition “on the merits.” The circuit court noted that the Board “found that the detriment to the detaching district (Jasper #1) does clearly outweigh the benefit resulting to the annexing district and surrounding community as a whole.” The circuit court went on to document that the motion for rehearing was filed and granted. Additional testimony was taken, and the Regional Board voted to grant the Mette petition on August 10, 2023. After reviewing the procedural history further, the circuit court finally noted in its order of October 24, 2024, that the Mette petition was using “four separate strips of land (tracts 2-5) to connect a larger and residential parcel (tract 1) and not otherwise connected” tract of land, which constituted strip annexation. The circuit court thus found that to allow such an attachment would result in “property that is neither compact nor contiguous. Consequently, the Court is of the opinion that to allow the Mette petition would be contrary to the Illinois School Code and the Illinois Constitution.” The Regional Board’s order dated August 10, 2023, was reversed.

¶ 65 On November 22, 2024, the Mettes filed a motion for reconsideration of the circuit court's order. The Mettes argued that they had satisfied the requirements to detach from one school district and to annex into another school district. The Mettes argued that the Regional Board had considered the issue of whether the property was compact and contiguous when it denied the motion to dismiss filed by the Jasper County Board. Counsel for the Mettes represented to the circuit court that, in rural Illinois, the use of 10-foot-wide strips to establish contiguity had been done before, and counsel had used it "at least twenty times" for other detachment/annexation petitions. The Mettes further argued that the use of 10-foot-wide strips of land connecting the Mette property to District 30 was not prohibited, as there was no case law prohibiting the use of these strips to establish contiguity.

¶ 66 The Mettes' motion for reconsideration continued the argument that certain educational benefits were available to the Mette children if the Mette petition were allowed. The Mettes argued that the detachment from District 1 would provide an improvement in their children's educational opportunities and that the children would have a shorter, four-mile commute to District 30. The Mettes additionally claimed that, "[b]y attending school in the school district of their identification, in this case Dieterich, it is much more likely that the students [Mette children] would engage in extracurricular activities and their parents would be more involved in the educational process of their children." The Mettes' motion for reconsideration claimed that, because the circuit court had not considered the educational opportunities available to the Mette children if annexation into District 30 were allowed, the motion for reconsideration should be granted and the October 24, 2024, order be reversed.

¶ 67 The Jasper County Board responded that the Mettes' motion for reconsideration was improper, as such a motion was only available to bring to the court's attention "(1) newly

discovered evidence, (2) changes in the law, or (3) errors in the court’s previous application of existing law.” See *Liceaga v. Baez*, 2019 IL App (1st) 181170, ¶ 25. The Jasper County Board asserted that the Mettes’ motion for reconsideration simply reasserted arguments from its petition and the circuit court had made a finding regarding a lack of “contiguity,” which was supported by “more than a decade of Illinois case law.” Further, the use of 10-foot-wide strips extending across four separate tracts of land to connect to District 30 was rejected by the circuit court in the October 24, 2024, order, where the circuit court determined that the use of these strips was improper. Further, the Jasper County Board pointed out that the Mettes did not take issue with the circuit court’s finding that allowing the Mette petition would “result in a boundary that is not compact.” Before the court considered factors related to the wellbeing of a child, the Mettes were required to meet the prerequisite of whether the detaching property was compact and contiguous with the boundaries of the school district to which they sought annexation. And to the extent that the motion for reconsideration raised new issues not previously introduced before the Regional Board, the Jasper County Board urged the circuit court not to allow the introduction of these facts. The opportunity for the Mettes to introduce facts in support of their petition had passed, and a motion to reconsider was not the proper place for new facts to be introduced. And “even if the Mettes’ counsel has gotten away with using strip annexation in detachment and dissolution proceedings before, it does not make it right,” according to the Jasper County Board’s attorney. Counsel for the Jasper County Board then indicated the circuit court had not allowed the use of the land strips in a similar suit in Crawford County. See *Hutsonville Community Unit School District No. 1 v. Regional Board of School Trustees of Clay, Crawford, Jasper, Lawrence, & Richland Counties*, No. 2022-MR-14 (Cir. Ct. Crawford County, Feb. 22, 2024). In the *Hutsonville* case, where the petitioner was again using 10-foot strips of land to create contiguity, the circuit court found “[t]he lack of an express statutory provision or a judicial determination specifically addressing ‘using

ten-foot strips of real estate from the intervening parcels’ does not imply or otherwise require a finding that the use of ‘ten-foot strips’ is acceptable in situations like the one at issue.” *Hutsonville Community Unit School District No. 1*, No. 2022-MR-14 (Apr. 16, 2024) (order denying defendants’ postjudgment motion to strike). The Crawford County court denied the petition. The Jasper County Board requested that the circuit court deny the Mette motion for reconsideration.

¶ 68 At the hearing on the motion for reconsideration, a new judge was appointed to the proceedings, as the former judge had retired. The circuit court considered whether there was a misapplication of the law in the October 24, 2024, decision. In making its ruling, the circuit court found that similar petitions for annexation had been allowed and “utilized on a regular basis.” The circuit court additionally found that the use of “10-foot stripping” was allowed “based on previous actions of multiple Regional Boards of Education.” The prior judge, after reconsideration, was deemed to have misapplied the law because he did not focus enough “on the fact that this is something that regularly happens.” Further, the circuit court found, “[t]o treat these folks differently than other folks that have utilized it, I think, is a misapplication of the law.” With regard to the issue of whether the resulting school boundary would be compact and contiguous, the circuit court noted that the Regional Board’s rulings “seem to almost glance past this issue of whether or not it was contiguous—compact and contiguous and focus often even in their rulings on what education benefits there would be.”

¶ 69 The circuit court focused its decision on the distance between the Mette property and the location of the schools in District 1 and District 30 and found that “it’s hard to rectify the distance between properties.” On May 8, 2025, the motion for reconsideration was granted, and the order of October 24, 2024, was vacated. This appeal followed.

¶ 71 On appeal, the Jasper County Board argues that the Regional Board erred in granting the Mette petition for detachment/annexation, as the Mettes failed to satisfy the threshold requirements of proving the property detached would be “compact and contiguous” with the resulting school district as mandated by article X, section 1, of the Illinois Constitution of 1970 and section 7-1 and section 7-4 of the School Code. See 105 ILCS 5/7-1, 7-4 (West 2022); Ill. Const. 1970, art. X, § 1. The Jasper County Board contends that the finding that a detached territory is compact and contiguous is a statutory threshold requirement to the granting of a detachment petition like the Mette petition, the Regional Board “glazed over” the compact and contiguous requirements of the statute, and the Regional Board was more interested in learning why the Mettes wanted to annex to District 30. As a consequence of the Regional Board’s failure to comply with sections 7-1 and 7-4 of the School Code, the Jasper County Board contends that the Regional Board endorsed the use of 10-foot-wide strips of land that extended approximately 1.5 miles from the boundary of District 30 to the Mette property to establish contiguity between the Mette property and District 30. The Jasper County Board claims this practice “contravenes the Illinois Constitution, the Illinois *School Code*, and more than a century of Illinois case law.” (Emphasis in original.) The use of these 10-foot-wide strips of property, in an effort to make the Mette property compact and contiguous with District 30, according to the Jasper County Board was the equivalent of strip annexation, a methodology that has been condemned by Illinois courts for over 100 years. Finally, the Jasper County Board argues that the circuit court erred by granting the Mettes’ motion to reconsider and erred when it vacated the October 24, 2024, order reversing the Regional Board’s decision.

¶ 72 A regional board’s decision to grant or deny a detachment petition is an administrative decision under the Administrative Review Law (735 ILCS 5/3-101 to 3-113 (West 2022)). Thus,

we will review the Regional Board’s ruling, “ ‘not the judgment of the circuit court.’ ” *Shephard v. Regional Board of School Trustees of De Kalb County*, 2018 IL App (2d) 170407, ¶ 16 (quoting *Provena Covenant Medical Center v. Department of Revenue*, 236 Ill. 2d 368, 386 (2010)). The standard of review depends upon the nature of the question presented. *AFM Messenger Service, Inc. v. Department of Employment Security*, 198 Ill. 2d 380, 390 (2001). In other words, the applicable standard of review depends on whether the issues presented on appeal are questions of law, of fact, or mixed. *Board of Education of Chicago v. Illinois Educational Labor Relations Board*, 2015 IL 118043, ¶ 14. We apply *de novo* review to questions of law such as the interpretation of a statute by an administrative agency. *Board of Education of Marquardt School District No. 15 v. Regional Board of School Trustees of Du Page County*, 2012 IL App (2d) 110360, ¶ 20. Our supreme court has further clarified that

“an agency’s decision on a question of law is not binding on a reviewing court. For example, an agency’s interpretation of the meaning of the language of a statute constitutes a pure question of law. Thus, the court’s review is independent and not deferential.” *Cinkus v. Village of Stickney Municipal Officers Electoral Board*, 228 Ill. 2d 200, 210 (2008).

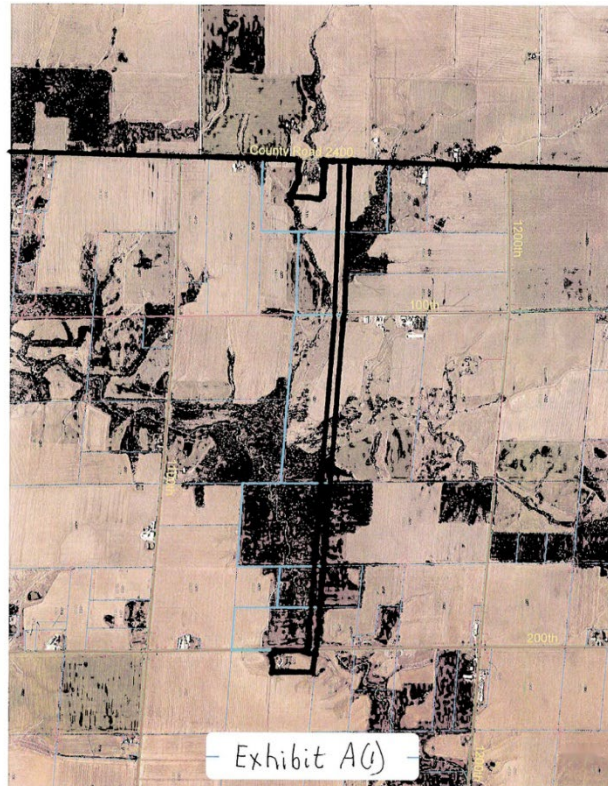
Where administrative orders involve mixed questions of law and fact, we apply the “clearly erroneous” standard of review. *Shephard*, 2018 IL App (2d) 170407, ¶ 16. “Findings of fact by a regional board will not be set aside on administrative review unless they are shown to be contrary to the manifest weight of the evidence.” *Burle v. Regional Board of School Trustees of Education No. 35*, 2021 IL App (3d) 200306, ¶ 13.

¶ 73 We frame the first question before this court as whether the Mette petition satisfies the long-standing requirement, rooted in both the Illinois Constitution and sections 7-1 and 7-4 of the School Code, that requires that property detached from one school district and annexed to another

school district must result in school districts that are compact and contiguous. See Ill. Const. 1970, art. X, § 1; 105 ILCS 5/7-1, 7-4 (West 2022). We answer this question by holding that if the Mette property is allowed to detach from District 1 and annex into District 30 through the use of the 10-foot-wide strips of land, as proposed in the Mette petition, the resulting District 30 is not compact and contiguous and does not satisfy the constitutional mandate or threshold requirements of the School Code.⁹ As illustrated by the black lines on exhibit A(i), which was attached to the Mette petition, the property owned by the Mettes sits approximately 1.5 miles from the Dieterich boundary, connected only by the 10-foot-wide strips of bottom ground, which are unsuitable for building homes. The Mette property sits at the end of this land bridge as an island, which cannot be compact and contiguous with the remainder of District 30. This proposed detachment is illustrated by the parallel, narrow, black lines on exhibit A(i), shown below. To allow this

⁹In light of our findings that the Mette petition does not meet the threshold requirements of the School Code resulting in a compact and contiguous territory, we need not consider the Jasper County Board's contention that the use of the 10-foot-wide strips constituted strip annexation.

detachment would also mean that District 1 is no longer compact and contiguous. Our reasoning follows.



¶ 74 Our general review of the School Code and case law, as modified over the last 150 years, reveals robust litigation regarding the terms “compact” and “contiguous,” as they relate to school boundary changes in Illinois. Therefore, we examine the terms “compact” and “contiguous,” first in the context of the historical constitutional mandate and then consider how the terms have been construed in the development of School Code legislation relative to boundary changes.

¶ 75 A. The Constitutional Mandate

¶ 76 The terms “compact” and “contiguous” have not specifically been set forth in any Illinois Constitution. In *People ex rel. Leighty v. Young*, 301 Ill. 67 (1921),¹⁰ our supreme court considered

¹⁰There were two appeals to the supreme court regarding this district. The second case, *People ex rel. Leighty v. Young*, 309 Ill. 27 (1923), additionally addressed the constitutional mandate requiring that school district territory be compact and contiguous for an efficient system of free schools.

the statute authorizing the formation of community high school districts, which required the territory be compact and contiguous. The legislature passed a validating act¹¹ that omitted from the legislation the requirement that the territory be compact and provided “that all contiguous territory coming within the terms of the act shall be a valid and existing high school district.” *Young*, 301 Ill. at 70. The Illinois Supreme Court found that “[t]he constitution commands the legislature to ‘provide a thorough and efficient system of free schools whereby all children of this State may receive a good common school education.’ ” *Young*, 301 Ill. at 71. In order to carry out this mandate, our supreme court held “the single word ‘contiguous,’ when used in connection with school districts, must be held to mean the same as the term ‘contiguous and compact.’ ” *Young*, 301 Ill. at 74. In its review of the statute, our supreme court stated,

“[t]he term ‘contiguous,’ as used in the validating act under consideration, must be construed in the light of the command of the constitution, and must be construed to mean territory so compact and so closely united and so nearly adjacent to the school building that all the children residing in the district may conveniently travel from their homes to the school building in the time allotted them for travel before school opens in the morning.” *Young*, 301 Ill. at 71.

Therefore, early in the history of settling school boundaries, “the single word ‘contiguous,’ when used in connection with school districts, [was] held to mean the same as the term ‘contiguous and compact.’ ” *Young*, 301 Ill. at 74. The supreme court remanded the cause for further proceedings.

¶ 77 After *Young* was remanded, factual findings were made, which were again contested. See *People ex rel. Leighty v. Young*, 309 Ill. 27 (1923). During this second appeal, our supreme court considered whether the proposed district, which was 10 miles wide and 10 miles long and very

¹¹The legislature may, by a curative act, validate any proceeding that it might have authorized in advance. *People ex rel. Patterson v. Fifer*, 280 Ill. 506, 508 (1917).

irregular in shape, satisfied the constitutional requirements that the territory be compact and contiguous. *Young*, 309 Ill. at 31. The Illinois Supreme Court invalidated the proposed district and noted, once again, the constitutional mandate that the district be compact and contiguous in order to “provide a thorough and efficient system of schools, and the limitations are that they shall be free to all children of the State and such that all the children may receive a good common school education.” *Young*, 309 Ill. at 33.

¶ 78 Similarly, our supreme court invalidated a school district in 1924, stating

“[i]t is now finally settled by the decisions of this court that the word ‘compact,’ as applied to school territory and as defined by the late decisions of this court, means concentrated, or close or near to a certain center, and that a school district is not compact, in the constitutional sense, unless its territory is so closely united and so nearly adjacent to the school building that all the pupils of the district may conveniently travel from their homes to the school building and return in a reasonable length of time and with a reasonable degree of comfort.” *Webster v. Toulon Township High School District No. 4*, 313 Ill. 541, 549-50 (1924).

¶ 79 These early cases illustrate that our supreme court defined “contiguous” as including compact, as being so closely united and so nearly adjacent that all the children residing in the district may receive a good common school education. The constitutional mandate that included consideration regarding access of the children to the schoolhouse was also considered in *People ex rel. Pepoon v. Farran*, 311 Ill. 87 (1924). In *Farran*, our supreme court was asked to determine whether a proposed high school district was compact and contiguous. Much like the *Webster* case, the question confronting the court was the travel time that students experienced because the district, as proposed, was “practically square” and was about 5¼ miles by 4½ miles. *Farran*, 311

Ill. at 88-89. Some of the citizens were complaining about the distance students had to travel in order to reach the schoolhouse. Our supreme court recognized this issue but held that the school district was compact and contiguous and stated,

“In almost every school district of any size, where the school house is reached over country roads, there are times when travel over them is difficult or impossible for short periods. The district here involved is not so large that the distance any of the children would be required to travel to go to school is so great as to amount to a denial to children of the privilege of the school. In *People v. Swift*, 270 Ill. 532, a district of nearly sixty-seven sections, at its greatest length being ten miles long by nine and a half miles wide, was held valid. In *People v. Herrin*, 284 Ill. 368, a district embracing fifty sections and having a maximum length of nine miles and width of seven miles, with irregular boundaries, was regarded as compact and contiguous. In *People v. Patterson*, 305 Ill. 541, a district nine and a half miles long by eight and a half miles wide, where the school was approximately in the center, was sustained. In *People v. Drennan*, 307 Ill. 482, a district seven and a half miles long by six and a half miles wide was held to be compact. In *People v. Cowen*, 306 Ill. 330, a district seven and three-fourths miles long by five and three-fourths miles wide, where the school house was within a mile of the center of the district, was held to meet the requirements of compactness. In some or all of those cases it appeared from the remote parts of the district the children were required to travel several miles over dirt roads which crossed water-courses, and that at times, on account of the condition of the roads and high waters, they were rendered difficult or impossible for travel by vehicles of any kind.” *Farran*, 311 Ill. at 90.

¶ 80 Similarly, in *People ex rel. Russell v. Graham*, 301 Ill. 446, 451 (1922), our supreme court was first asked to consider whether a statute was unconstitutional, as it represented a “radical departure” in how school districts were organized. One of the issues raised for determination was whether “the district in question [was] void for the reason that it is not contiguous and compact, and that this particular district deprives some of the children of the district of the opportunities of a common school education.” *Graham*, 301 Ill. 452. In answer to this argument, our supreme court responded,

“[i]t is, of course, impossible to provide a system of free schools which will place a school house at a point that will be equally accessible to every prospective pupil, and it will also be equally impossible to build a school house on each side of every creek that may occasionally overflow and of every hill that may occasionally present difficulties of transportation.” *Graham*, 301 Ill. at 454.

The supreme court, in *Graham*, found the district compact and contiguous and further acknowledged that

“[t]he board of education is required to furnish free transportation to those pupils residing at a distance, and, from all that appears by the petition sought to be filed, the children can be conveniently conveyed to any central point where the voters of the district decide that the school shall be located.” *Graham*, 301 Ill. at 454.

¶ 81 As we look at more modern case law, the constitutional mandate for thorough and efficient school districts remains defined by the compact and contiguous requirement. In *People ex rel. Community Unit School District No. 5 v. Decatur School District No. 61*, 31 Ill. 2d 612, 613 (1964) (*Community Unit School District No. 5*), the issue was whether the annexation, and its resulting detachment, would violate the constitutional mandate of a “thorough and efficient” system of schools. The proposed annexation left the remaining property with three islands that were

completely detached from one another and totally separated from the unannexed portion of the district. *Community Unit School District No. 5*, 31 Ill. 2d at 613. Addressing this proposed annexation in the context of the constitutional mandate, our supreme court first acknowledged that it had “consistently held that school districts must be compact, [citations] and that compactness is necessary in order to comply with the constitutional requirement that a thorough and efficient system of schools be provided.” *Community Unit School District No. 5*, 31 Ill. 2d at 613. Similarly, the court noted that “many cases have recognized that the territory of a district must be ‘contiguous’ as well as ‘compact.’ ” *Community Unit School District No. 5*, 31 Ill. 2d at 613-14.

¶ 82 In *Community Unit School District No. 5*, our supreme court cited *People ex rel. Lewman v. Moyer*, 298 Ill. 143 (1920), and noted that, “[i]n fact, the words ‘compact’ and ‘contiguous’ have been treated as inseparable (if not synonymous) when considered in connection with the constitutional provision for a thorough and efficient system of schools.” *Community Unit School District No. 5*, 31 Ill. 2d at 613-14. Therefore, even though the words “compact” and “contiguous” were not set forth in article VIII, section 1, of the Illinois Constitution of 1870 (Ill. Const. 1870, art. VIII, § 1), our supreme court has held that the territory must be compact and contiguous to satisfy the constitutional mandate of providing a “thorough and efficient” system of schools. In *Community Unit School District No. 5*, the court held that the proposed change in the school district boundaries was invalid and concluded, “This court has consistently held that districts must be compact and contiguous in order to obey the constitutional mandate ***.” *Community Unit School District No. 5*, 31 Ill. 2d at 614.

¶ 83 When Illinois adopted the 1970 Constitution, a revised mandate regarding education was incorporated in article X, section 1. Ill. Const. 1970, art. X, § 1. The revision expanded the mandate to require an “efficient system of high quality public educational institutions and services.” Ill. Const. 1970, art. X, § 1. Although the words “compact” and “contiguous” were not added to article

X of the 1970 Constitution, the reasoning relied on by our supreme court in the past did not change. The Second District in 1987 relied on *Community Unit School District No. 1*, when the appellate court concluded that “[o]ur courts have held that school districts must be compact and contiguous in order to comply with the constitutional requirement of an efficient school system.” (Internal quotation marks omitted.) *Board of Education of Rockford School District No. 205*, 152 Ill. App. 3d at 939. In summary, since 1870 and continuing to the present, our supreme court has continued to require that a school district’s boundaries be compact and contiguous in order to guarantee the people of Illinois the constitutional promise that the State will provide an efficient system of high quality public schools.

¶ 84 Having examined the historical basis requiring that school districts be compact and contiguous in order to satisfy the constitutional mandate, we hold, as courts before us have held, a school district’s territory is required to be compact and contiguous, or so closely united and so nearly adjacent, that all the children residing in the district may receive a good common school education. We turn now to a brief review of the School Code enacted by the Illinois legislature to carry out the constitutional mandate.

¶ 85 B. Early Statutory Enactments

¶ 86 As early as 1901, legislation was used to establish school boundaries. In *People ex rel. Sackmann v. Keechler*, 194 Ill. 235, 240 (1901), our supreme court addressed the plain and ordinary meaning of the term “adjacent” as “defined by Webster and other lexicographers to mean, ‘to lie near;’ ‘close, or contiguous.’ ” The court further determined that the definition of the word “adjacent” required additional context and, when the Illinois legislature authorized the organization of “a new school district out of territory belonging to two or more districts ‘adjacent to each other,’ it simply meant that the districts, the territory of which might be taken, should be *so united or joined together* as to form a compact district.” (Emphasis added.) *Keechler*, 194 Ill.

at 241. As evidenced by this very early decision, in the context of boundary changes, the definition of “contiguous” was synonymous with “adjacent to each other,” and “compact” was construed as “so united or joined together.” *Keechler*, 194 Ill. at 240-41.

¶ 87 In 1920, our supreme court was asked to interpret the word “compact” in “the statute of 1919, (Laws of 1919, p. 904)” because the appellant claimed the statute allowing for the organization of a community consolidated school district was unconstitutional. *Moyer*, 298 Ill. at 144, 147-48. The statute at issue provided that “only ‘compact’ and contiguous territory bounded by school district lines may be organized into a community consolidated school district.” *Moyer*, 298 Ill. at 147. In its review of the proposed district, our supreme court defined the word “compact” as “closely and firmly united; knitted or pressed together; solid; arranged or packed in a small compass.” (Internal quotation marks omitted.) *Moyer*, 298 Ill. at 148. In concluding that the proposed territory did not meet the requirements of a compact and contiguous territory, the court observed that, “[w]hen an attempt is made to organize a consolidated district under this law, the territory organized must be as compact as the size and shape of the districts consolidating and the circumstances of the case will permit.” *Moyer*, 298 Ill. at 150.

¶ 88 In *People ex rel. Cant v. Crossley*, 261 Ill. 78 (1913),¹² the Illinois Supreme Court was asked to define the terms “compact” and “contiguous,” as used in the Township High School Act of 1911 (1911 Ill. Laws 505 (§ 1)), approved on June 5, 1911, which allowed for the organization of high school districts. One of the main issues raised in *Crossley* alleged that “the territory composing said high school district is not contiguous and compact, within the meaning of section 6 of said act.” *Crossley*, 261 Ill. at 99. Our supreme court looked at the map attached to the petition

¹² The Township High School Act of 1911 (1911 Ill. Laws 505 (§ 1)) was ultimately held unconstitutional as conferring a special privilege, in violation of the 1870 Illinois Constitution, article IV, section 22 (Ill. Const. 1870, art. IV, § 22). *People ex rel. Kane v. Weis*, 275 Ill. 581, 583-87 (1916).

and concluded, “From this map it appears that the territory embraced within the high school district is contiguous,—that is, it is united or joined together.” *Crossley*, 261 Ill. at 99. The court described the shape of the district as an “oblong rectangle” that contained several school districts, two of which were noted to “have a common boundary for a considerable distance.” *Crossley*, 261 Ill. at 99. With regard to the definition of “compact,” our supreme court recognized that

“[t]he word ‘compact’ has different meanings as given by standard lexicographers, according to the subject in connection with which it is used. It is defined as meaning ‘closely and firmly united, as the parts or particles of solid bodies[;] having the parts or particles packed together;’ ‘close;’ ‘solid;’ ‘dense.’ ” *Crossley*, 261 Ill. at 99 (citing *People ex rel. Woodyatt v. Thompson*, 155 Ill. 451, 478 (1895)).

¶ 89 The Illinois Supreme Court in the *Crossley* case borrowed the definition of “compact” from *Thompson*, a case involving gerrymandering. See *Thompson*, 155 Ill. 451. *Thompson* decided that,

“as used in the constitution, and applicable to mere territorial surface, the word ‘compact’ means ‘closely united,’ and that the provision that districts shall be formed of contiguous and compact territory means that the counties, or subdivisions of counties, (when counties may be divided,) when combined to form a district, must not only touch each other, but must be closely united, territorially. The requirement of contiguousness was contained in the constitution of 1848, and it was evidently the intention of the people, in adding the requirement of compactness in the constitution of 1870, to guard, as far as practicable, under the system of representation adopted, against a legislative evil commonly known as the ‘gerrymander,’ and to require the legislature to form districts, not only of contiguous, but of compact or closely united, territory.” *Thompson*, 155 Ill. at 478-79.

Simply put, in order to define the word “compact,” our supreme court looked to the evils of gerrymandering, where the terms compact and contiguous were used, to add context to the issues involving school district boundaries in statutory enactments.

¶ 90 In *People ex rel. Carruthers v. Swift*, 270 Ill. 532, 533 (1915), our supreme court had the occasion to consider whether a proposed district that was 10 miles at its greatest length and 9½ miles at its greatest width, with some irregularities in its boundaries satisfied the statutory requirement of a compact and contiguous school district. *Swift*, 270 Ill. at 533. Once again, our supreme court, relying on *Crossley*, reiterated

“that territory was contiguous when it was united or joined together. ‘Compact’ is defined as meaning, ‘closely and firmly united, as the parts or particles of solids, having the parts or particles packed together; close; firm; solid; dense.’ ” *Swift*, 270 Ill. at 533-34.

The supreme court held this district to be compact and contiguous under the statute. *Swift*, 270 Ill. at 533-34.

¶ 91 C. The School Code

¶ 92 Despite the early statutory efforts to determine appropriate school boundaries, “[i]t [was] common knowledge that prior to the legislative changes of 1945 and 1947, Illinois had an extremely poor school organization, with nearly 12,000 school districts, almost 10,000 of which operated one-room schools. (Report No. 86 of the Illinois Legislative Council.)” *People ex rel. Warren v. Drummet*, 415 Ill. 411, 417 (1953). In order to address this problem and make possible a “more effective scheme of organization,” legislation was enacted in 1947. *Drummet*, 415 Ill. at 417. “The purpose of that legislation was to provide the means by which existing school district boundaries could be altered, and a more efficient system of schools provided.” *Drummet*, 415 Ill. at 417. “The School Code as amended in 1947 reflects that purpose. (Ill. Rev. Stat. 1947, chap.

122, pars. 8-9 to 8-14.)” *Drummet*, 415 Ill. at 417. Pursuant to this statute, the formation of a community unit school district was now allowed. “The only restriction with respect to the territory to be included in the new ‘community unit school district’ *** was that the territory be contiguous and compact.” *Drummet*, 415 Ill. at 417.

¶ 93 The School Code has repeatedly undergone change.¹³ What has not changed, however, is the requirement that school boundaries be compact and contiguous, as this requirement arises directly from the constitutional mandate that guarantees the efficient system of high quality public educational institutions and services. Indeed, this court considered an earlier version of section 7-4, which was a part of the School Code in 1973. See Ill. Rev. Stat. 1973, ch. 122, ¶ 7-4; see also *Board of Education of West Washington County Community Unit School District v. County Board of School Trustees of Washington County*, 34 Ill. App. 3d 855 (1976). We found that section 7-4 provides certain “threshold elements which must be met as a condition precedent to further discretionary analysis of any proposed annexation or detachment under section 7-6.” *Board of Education of West Washington County Community Unit School District*, 34 Ill. App. 3d at 859. Furthermore, in 1987, the Second District recognized that in Illinois our courts have a long tradition of defining the terms “compact” and “contiguous” in a variety of contexts. *Board of Education of Rockford School District No. 205*, 152 Ill. App. 3d at 938-39. With regard to schools, in particular, it is well settled that case law and statutory law require compact and contiguous school district boundaries. *Board of Education of Rockford School District No. 205*, 152 Ill. App. 3d at 938.

¹³ We take judicial notice of the common law and statutes of our state, territory, and other jurisdictions of the United States. 735 ILCS 5/8-1003 (West 2022). Further, we take notice, *sua sponte*, of the 1993 recodification of the Illinois Compiled Statutes (Pub. Act 87-1005 (eff. Jan. 1, 1993)) and the current School Code found at 105 ILCS 5/1-1 *et seq.* (West 2022).

¶ 95 Having now defined the constitutional mandate that requires a territory to be compact and contiguous and having addressed the early school code, we turn now to consider the Mette petition in the context of the applicable School Code. Preliminarily, we note that the Mette petition indicated that it was brought pursuant to “Section 7-1 of Chapter 122 of the Illinois Revised Statutes (1989).” This citation references an older version of the statute, although neither party has disputed the fact that the Mette petition sought detachment/annexation pursuant to section 7-1 and section 7-4 of the School Code, effective as of August 25, 2017. See 105 ILCS 5/7-1, 7-4 (West 2022).

¶ 96 When school district boundaries are sought to be changed (in districts with under 500,000 inhabitants), article 7 of the School Code applies. 105 ILCS 5/7-01a to 7-31 (West 2022). The plain language of section 7-1(a), as of the date of the hearings related to the Mette petition, sets forth the pleading requirements and preliminary burden of proof for seeking a boundary change, whether it is by detachment, annexation, or other similar means. The statutes affecting the Mette petition, specifically, were enacted by Public Act 100-374 (eff. Aug. 25, 2017)¹⁴ wherein the legislature rewrote sections of the Illinois School Code. One of the significant changes was to section 7-1(a), which introduced a strict new mandate requiring that the petition itself must explicitly include *evidence* that the detaching territory will be compact and contiguous with the annexing territory. 105 ILCS 5/7-1(a) (West 2022). Specifically, the statute was written to require that

¹⁴Public Act 100-374 was passed with a July 1, 2017, effective date. The legislation was not signed into law until August 25, 2017. Therefore, the effective date is referred to as August 25, 2017. See *Orr v. Edgar*, 298 Ill. App. 3d 432 (1998).

“[e]ach petition shall include an accurate legal description and map of the territory proposed to be detached. *** Each petition shall include the names of petitioners; the district to be dissolved or the district from which the territory is proposed to be detached; the district or districts to which the territory is proposed to be annexed; *evidence that the detaching or dissolving territory is compact and contiguous with the annexing district or districts or otherwise meets the requirements set forth in Section 7-4 of this Code*; the referendum date, if applicable; and facts that support favorable findings for the factors to be considered by the regional board of school trustees pursuant to Section 7-6 of this Code.” (Emphasis added.) 105 ILCS 5/7-1(a) (West 2022).

Further, section 7-4 of the School Code clearly states :

“No petition shall be granted under Section 7-1 of this Code:

* * *

*** Unless the territory within any district whose boundaries are affected by the granting of a petition shall after the granting thereof be compact and contiguous, except as provided in Section 7-6 of this Code ***.” 105 ILCS 5/7-4(c) (West 2022).

¶ 97 Thus, the amended statute in effect during the Mette petition proceedings reveals that the legislature had imposed a gate-keeping factor that required proof of the compact and contiguous boundaries after detachment/annexation, in advance of any further, discretionary considerations by the Regional Board. As a preliminary matter, if the petitioner did not plead the required evidence that the detaching territory was compact and contiguous, as set forth in section 7-1, then section 7-4 would otherwise prohibit the granting of the petition. Notably, the burden of proving these threshold requirements was on the petitioner to first plead the evidence. There is no burden

shifting language in the statutes. Section 7-1 was therefore the first consideration for the Regional Board; otherwise the petition could not be granted under the prohibition of section 7-4. See 105 ILCS 5/7-1, 7-4 (West 2022).

¶ 98 This requirement to plead, in the petition, specific information demonstrating that the resulting districts would be compact and contiguous, when read in conjunction with section 7-4, validated our prior holding in *Board of Education of West Washington County Community Unit School District*, 34 Ill. App. 3d 855. Although section 7-1 had not yet been amended, in *Board of Education of West Washington County Community Unit School District*, we found that the compact and contiguous requirements in the School Code represented “certain factual threshold elements which must be met as a condition precedent to further discretionary analysis of any proposed annexation or detachment under section 7-6.” *Board of Education of West Washington County Community Unit School District*, 34 Ill. App. 3d at 859.

¶ 99 The August 2017 amendments to the School Code also added the requirement that the petition contain “facts that support favorable findings for the factors to be considered by the regional board of school trustees pursuant to Section 7-6 of this Code.” Thus, assuming the petition was sufficient to plead and prove the threshold requirements of District 30 being a compact and contiguous territory after detachment/annexation, the Regional Board was also to consider certain factors that were new to section 7-6(i). See 105 ILCS 5/7-6(i) (West 2022). In light of our decision in this matter, however, there is no need to address those factors, as we find that the Mette petition could not meet the threshold requirements of creating a compact and contiguous territory as required by section 7-1(a) and section 7-4. See 105 ILCS 5/7-1(a), 7-4 (West 2022).

¶ 100 The Illinois School Code in effect in 2023, when the Mette petition was filed, was significantly different than the statute pled in the Mette petition, which referenced “Section 7-1 of Chapter 122 of the Illinois Revised Statutes (1989).” The applicable statute at issue was the same

statute that had been rewritten by the legislature, effective August 25, 2017. As previously noted, that statute required, among other facts, that the petition shall include “*evidence that the detaching or dissolving territory is compact and contiguous with the annexing district or districts or otherwise meets the requirements set forth in Section 7-4 of this Code.*” (Emphasis added.) 105 ILCS 5/7-1(a) (West 2022). The statute also required that “[e]ach petition shall include an accurate legal description and map of the territory proposed to be detached.” 105 ILCS 5/7-1(a) (West 2022).

¶ 101 The Mette petition alleged that the territory described in the petition “is contiguous to the existing territory of the Dieterich Community Unit School District #30.” There were exhibits attached to the Mette petition, which included a map of the territory proposed to be detached, legal descriptions of the 10-foot-wide strips of land used to bridge the gap between the Mette property and District 30, and a letter from Tom Matson of the Jasper County Assessment Office, dated June 7, 2023. This letter described the Mette property and the tracts of 10-foot-wide strips of land that the landowners sought to have detached and concluded, “All parcels *will be* contiguous to Dieterich Community School Unit 30 District after detachment and annexation is complete.” (Emphasis added.) Alleging that the Mette property “is contiguous” failed to comply with section 7-1(a) of the School Code, which required evidence to explain how the Mette property, once detached and annexed into District 30, would form a compact and contiguous territory.

¶ 102 Despite the failure of the Mette petition to comply with section 7-1(a), the regional superintendent docketed the Mette petition for consideration.¹⁵ The Jasper County Board filed a motion to dismiss, which attacked the sufficiency of the Mette petition, claiming the resulting

¹⁵When the Mette petition was filed, the School Code required that the “regional superintendent of schools shall make all determinations regarding the validity of the petition.” 105 ILCS 5/7-1(a) (West 2022).

territory was not compact and contiguous. When the Regional Board denied the motion to dismiss, it made a determination by implication that the allegations of the Mette petition were sufficient to satisfy the compact and contiguous requirement of section 7-4 of the School Code. Indeed, in both the July 16, 2023, and August 10, 2023, order, the Regional Board made the following finding:

“Whereupon Jeremy Brush, Ex-Officio Secretary of the Board did advise, the Board so finds, that *all requirements set forth by the School Code* of the State of Illinois *in relation to the school boundary changes to be performed prior to the Hearing on the Petition had been properly followed.*” (Emphases added.)

The inclusion of this language in each of the orders indicates that the Regional Board adopted the findings of Jeremy Brush, the regional superintendent of schools, that the Mette petition had complied with the School Code. Additionally, this language not only adopts the regional superintendent’s determination, but the Regional Board makes its own findings that all requirements of section 7-1(a) had been followed. Therefore, we find that the Regional Board’s order of August 10, 2023, was clearly erroneous when it failed to properly apply the undisputed facts in the Mette petition to the statutory requirements of the School Code and found that all requirements had been properly followed. We also find that the Regional Board’s denial of the motion to dismiss was clearly erroneous. The Mette property was not compact and contiguous at the time the petition was filed and could not be determined to create a compact and contiguous territory after detachment and annexation to District 30. As noted previously, our supreme court has made it clear that, in the context of school district cases, the single word “contiguous” “must be held to mean the same as the term ‘contiguous and compact.’ ” *Young*, 301 Ill. at 73-74. The map attached to the Mette petition shows that the proposed territory to be detached and annexed to District 30 will never satisfy the requirements that the territory be compact and contiguous, if the detachment and annexation is allowed. Indeed, the Mette property was not even contiguous to

District 30 without the use of the 10-foot-wide strips, which created a land bridge from the Mette property to the District 30 boundary. These strips of land were uninhabitable, and thus District 30 could not anticipate that any families would build homes on these 10-foot-wide strips. We agree with the Jasper County Board that to grant the Mette petition created an “island[] of non-contiguous territory,” the result of which was to destroy the compactness and contiguity of the affected districts.

¶ 103 Additionally, allowing the use of these 10-foot-strips of land to establish contiguity violated the constitutional requirement that school districts be compact and contiguous in order to provide an efficient school system. Article X, section 1, of the Illinois Constitution requires that the “State shall provide for an efficient system of high quality public educational institutions and services.” Ill. Const. 1970, art. X, § 1. This constitutional mandate has been affirmed historically for over 100 years in the case law of Illinois. See *Community Unit School District No. 1*, 45 Ill. App. 2d 33. We agree and so find that, when interpreting this section of the 1970 Illinois Constitution, school districts must be compact and contiguous in order to comply with the constitutional mandate of providing an efficient school system of high quality public education. The detachment requested by the Mette petition would create an island of property sitting entirely within District 1 that must now be serviced by District 30. To allow such a precedent, without requiring first that the property result in a compact and contiguous district, would cause confusion by allowing for the division of parcels into multiple islands, potentially far from districts. The resulting patchwork of property would thus undermine the stability of school district boundaries and harm the public interest.

¶ 104 In summary, we find the Regional Board’s decision to grant the Mette petition was clearly erroneous. None of the testimony offered by Emily or Matthew Mette focused on whether the detachment would create a compact and contiguous territory. The emphasis of the proof offered

by the Mette family and their attorney throughout the pleadings and the hearings was primarily on the child's natural community center and natural gravitation, the community of identification, or answering the question of where the Mettes' life is centered. The Mette family's personal desires to associate with the annexing district as their community of interest was not relevant until after the threshold requirements of section 7-1(a) and section 7-4 were met. We do not find in this record where the Mettes offered sufficient evidence in support of the threshold requirements that the detachment of the Mette property would create a compact and contiguous territory once annexed to District 30. Although the wishes or conveniences of petitioning parents and their children are to be considered after the threshold requirements have been met, "more than the personal preference of petitioners must be shown to warrant a change in district boundaries." *Dresner v. Regional Board of School Trustees of Kane County*, 150 Ill. App. 3d 765, 779 (1986).

¶ 105 Before concluding, we note that the dissent agrees that section 7-4 "provides certain *factual threshold elements* which must be met as a condition precedent to further discretionary analysis of any proposed annexation or detachment under section 7-6." (Emphasis added.) *Board of Education of West Washington County Community Unit School District*, 34 Ill. App. 3d at 859. The dissent posits that, because the Regional Board failed to make the requisite factual threshold findings, this court cannot review the Regional Board's order. Therefore, the dissent suggests that this court remand these proceedings in order to give the Regional Board the opportunity to make the findings regarding the threshold question related to whether the detached territory would result in a compact and contiguous district. We decline such an invitation, as there are no additional findings to be made, unless the Regional Board decides to reverse course.

¶ 106 Preliminarily, it is noteworthy that the dissent makes no reference to the fact that the Mette petition failed, upon its filing, to comply with the requirements of section 7-1 of the School Code. It is indisputable that the Mette petition failed to include "*evidence that the detaching or dissolving*

territory is compact and contiguous with the annexing district or districts or otherwise meets the requirements set forth in Section 7-4 of this Code.” (Emphasis added.) See 105 ILCS 5/7-1(a) (West 2022). The dissent fails to acknowledge that the statute in effect required the regional superintendent of schools to make “all determinations regarding the validity of the petition.” 105 ILCS 5/7-1(a) (West 2022). If the Mette petition, in the opinion of Jeremy Brush, had not complied with section 7-1 and section 7-4, he was obligated by statute to reject the petition, as he was the gatekeeper regarding compliance. Once Jeremy Brush allowed the Mette petition to be docketed for hearing, the full board considered the motion to dismiss. Subsequently, the Regional Board issued an order that specifically made a finding “that *all requirements set forth by the School Code of the State of Illinois in relation to the school boundary changes to be performed prior to the Hearing on the Petition had been properly followed.*” (Emphases added.)

¶ 107 The dissent skips over the statute and presumes the validity of the Mette petition, stating that without the factual findings by the Regional Board we cannot review the orders in this case. Without becoming too overly repetitive, the basic facts in this case are not in dispute. The Regional Board had the opportunity to consider the Mette petition and the exhibits attached thereto and heard testimony from the Mettes and the District 1 superintendent, Sornberger. The exhibits tendered included maps and the assessed valuation of the full parcels and the 10-foot-wide parcels. Missing from the Mette petition was any evidence that the detachment would result in a “compact and contiguous” territory. We cannot assume the Regional Board ignored this pleading requirement under section 7-1 or section 7-4 of the School Code, especially considering the introductory paragraph to the July 16, 2023, order and the August 10, 2023, order. After full opportunity for argument, the Regional Board denied the Jasper County Board’s motion to dismiss and granted the Mette petition. The Regional Board’s determination was clearly erroneous when it granted the Mette petition.

¶ 108 Notably, the Regional Board first denied the Mette Petition. The Regional Board then granted the motion for reconsideration, and counsel for the Mettes put on the exact same evidence that had previously been offered before the Regional Board, except for some drive times. There was nothing new submitted, substantively, regarding the threshold requirements of the territory resulting in a compact and contiguous district, and yet the Regional Board reversed course and granted the Mette petition. The Regional Board failed in its role as the gatekeeper under section 7-1 and section 7-4 of the School Code to ensure that any change in boundaries resulted in a compact and contiguous territory and erred when it granted the Mette petition.

¶ 109 Contrary to the suggestions by the dissent, there is certainly no shortage of argument and exhibits that prevent our review of the actions taken by the Regional Board. As in *Dresner*, we find that based upon the petition, pleadings, and transcripts there is sufficient evidence for this court to review the determination of the Regional Board. See *Dresner*, 150 Ill. App. 3d at 780-81. Therefore, to remand this cause to the Regional Board for a formal issuance of additional findings on the application of undisputed facts to the law would be “a useless act which would extol form over substance.” (Internal quotation marks omitted.) *Dresner*, 150 Ill. App. 3d at 781. We further rely on the dissent’s statutory citation (735 ILCS 5/3-110 (West 2022)) and *Shephard*, 2018 IL App (2d) 170407, in support of our ability to review the Regional Board’s decision.

¶ 110 Finally, the dissent claims that the conclusion arrived at in this opinion “usurps the function of the Regional Board by weighing the evidence and making its own factual determinations, thereby employing the incorrect standard of review in this case.” *Infra* ¶ 121. The dissent insists that every petition filed with the Regional Board requires that the Board “make factual determinations that this court is required to hold to be *prima facie* true and correct unless such determinations are against the manifest weight of the evidence.” *Infra* ¶ 120. In support of this rule of law, the dissent again has relied upon *Shephard*, 2018 IL App (2d) 170407, ¶ 16. This statement

of law, while generally correct, ignores the very next sentence in the case, which states, “However, this rule does not relieve us of our duties to examine the record and to set aside an order that is unsupported by the evidence.” *Shephard*, 2018 IL App (2d) 170407, ¶ 16. And our supreme court has cautioned that “[t]he rule which accords a *prima facie* validity to administrative decisions does not relieve a court of the important duty to examine the evidence in an impartial manner and to set aside an order which is unsupported in fact.” *Oakdale Community Consolidated School District No. 1 v. County Board of School Trustees of Randolph County*, 12 Ill. 2d 190, 195 (1957).

¶ 111 Here, the Mette petition did not plead evidence that the resulting territory would be compact and contiguous. Likewise, the Mettes offered nothing during the many opportunities they had to prove the threshold requirements to satisfy the compact and contiguous requirements. Simply put, the dissent has ignored the lesson of *Shephard* and the supreme court’s direction in *Oakdale Community Consolidated School District No. 1*, which clearly requires that we examine the record and not rubber stamp orders made in error. In fact, our supreme court has stated,

“Our Administrative Review Act does not require judicial recognition of an order which is against the manifest weight of the evidence, ‘nor does the law allow a stamp of approval to be placed on the findings of an administrative agency merely because such agency heard the witnesses and made the requisite findings.’ ” *Oakdale Community Consolidated School District No. 1*, 12 Ill. 2d at 195 (quoting *Drezner v. Civil Service Comm’n*, 398 Ill. 219, 231 (1947)).

¶ 112 The dissent cannot tie our hands and require that we blindly accept the findings of the Regional Board as true, where we are obligated, by statute, to review the administrative determinations of agencies like the Regional Board. Therefore, we reverse the August 10, 2023, decision of the Regional Board granting the Mette petition and the May 8, 2025, order of the circuit court affirming the order of the Regional Board.

¶ 113

III. CONCLUSION

¶ 114 For the foregoing reasons, we reverse the August 10, 2023, order of the Regional Board granting the Mette petition, and reverse the May 8, 2025, order of the Jasper County circuit court affirming the order of the Regional Board.

¶ 115 Reversed.

¶ 116 JUSTICE BARBERIS, dissenting:

¶ 117 I respectfully dissent from the majority’s decision. In my view, the majority goes too far in determining that the Mettes failed to satisfy the compact and contiguous requirement of section 7-4 of the School Code.

¶ 118 It is the function of the Regional Board—not the reviewing court—to make the factual determination of whether the Mettes satisfied the compact and contiguous requirement of section 7-4 of the School Code. As the majority acknowledges, the Regional Board did not make any specific findings regarding the compact and contiguous requirement. The majority concludes that the Regional Board’s denial of the Jasper County Board’s motion to dismiss raising the issue implied that the Regional Board found the Mettes met the compact and contiguous requirement. I disagree and find the majority’s conclusion in this regard speculative. The Regional Board denied the motion to dismiss immediately before it initially denied the Mettes’ petition on the merits, which could indicate that the Regional Board did not find it necessary to address the issue. The Regional Board subsequently granted the Mettes’ petition upon a request for rehearing. In doing so, the Regional Board did not address the previously filed motion to dismiss or make any specific findings on the compact and contiguous requirement. This court has previously clarified that section 7-4 “provides certain *factual threshold elements* which must be met as a condition precedent to further discretionary analysis of any proposed annexation or detachment under section

7-6.” (Emphasis added.) *Board of Education of West Washington County Community Unit School District v. County Board of School Trustees of Washington County*, 34 Ill. App. 3d 855, 859 (1976).

In my view, the determination of whether a petitioner satisfies the compact and contiguous requirement is a question of fact, not a question of law. Without the Regional Board’s factual determinations on this issue, this court is unable to employ the correct standard of review. That is, this court is unable to determine whether those factual determinations were against the manifest weight of the evidence. See *Shephard v. Regional Board of School Trustees of De Kalb County*, 2018 IL App (2d) 170407, ¶ 16 (citing *Board of Education of Marquardt School District No. 15 v. Regional Board of School Trustees of Du Page County*, 2012 IL App (2d) 110360, ¶ 20); see also 735 ILCS 5/3-110 (West 2022) (“The findings and conclusions of the administrative agency on questions of fact shall be held to be prima facie true and correct.”). Accordingly, I would remand the matter to the Regional Board to make a determination on this factual threshold issue.

¶ 119 The majority concludes that a remand to the Regional Board is unnecessary because the basic facts in this case are not in dispute. The majority “find[s] that the Mette petition could not meet the threshold requirements of creating a compact and contiguous territory as required by section 7-1(a) and section 7-4.” *Supra* ¶ 99. The majority also finds that “[t]he Mette property was not compact and contiguous at the time the petition was filed and could not be determined to create a compact and contiguous territory after detachment and annexation to District 30.” *Supra* ¶ 102. The majority further finds that “[t]he map attached to the Mette petition shows that the proposed territory to be detached and annexed to District 30 will never satisfy the requirements that the territory be compact and contiguous, if the detachment and annexation is allowed.” *Supra* ¶ 102. The majority additionally “find[s] that based upon the petition, pleadings, and transcripts there is sufficient evidence for this court to review the determination of the Regional Board.” *Supra* ¶ 109. It is my view that this court is unable to review any “determination” by the Regional Board on the

compact and contiguous requirement when the Regional Board failed to make this specific determination. I reiterate that it is not the function of the reviewing court to “reweigh the evidence before the agency; instead, [a reviewing court] simply determines whether the agency’s decision is against the manifest weight of the evidence. [Citation.]” *Comprehensive Community Solutions, Inc. v. Rockford School District No. 205*, 216 Ill. 2d 455, 471-72 (2005). Rather than sending the matter back to the Regional Board to make the appropriate findings based upon the evidence in this case, the majority weighs the evidence and makes its own factual determinations based upon the evidence presented.

¶ 120 To the extent the majority holds that, as a matter of law, the use of the 10-foot-wide strips of land was insufficient to satisfy the threshold compact and contiguous requirement of section 7-4 of the School Code, I would also disagree. In challenging the 10-foot-strip method used by the Mettes, the Jasper County Board relies on caselaw pertaining to gerrymandering, municipalities, and villages—not school districts. It is my opinion that the caselaw relied upon by the Jasper County Board does not apply to cases involving school districts, given that those cases are more concerned with infrastructure (*i.e.*, water, power, and utilities) and voting districts as opposed to the interests of children and schools. The record in this case suggests that the 10-foot-strip method used by the Mettes in this case had been recently utilized successfully by other families in detachment and annexation proceedings before the Regional Board. It is my view that the Regional Board is in the best position to make the necessary factual determinations involving school districts and children. I would again find that each petition requires the Regional Board to make factual determinations that this court is required to hold to be *prima facie* true and correct unless such determinations are against the manifest weight of the evidence. This deferential standard of review is in line with our supreme court’s acknowledgement that “ ‘[t]he judiciary is ill equipped to act as a super school board in assaying the complex factors involved in determining the best interest

of the schools and the pupils affected by a change in boundaries.’” *Carver v. Bond/Fayette/Effingham Regional Board of School Trustees*, 146 Ill. 2d 347, 362 (1992) (quoting *School Directors of School District No. 82 v. Wolever*, 26 Ill. 2d 264, 267 (1962)).

¶ 121 To conclude, it is my view that the majority usurps the function of the Regional Board by weighing the evidence and making its own factual determinations, thereby employing the incorrect standard of review in this case. For the reasons stated, I would vacate the judgment of the circuit court, vacate the Regional Board’s decision, and remand the matter to the Regional Board with instructions to determine whether the Mettes met the compact and contiguous requirement and to make any further determinations related to the finding. For this reason, I dissent.

Board of Education of Jasper County Community Unit School District No. 1 v. Regional Board of School Trustees for the Counties of Clay, Crawford, Jasper, Lawrence & Richland, 2026 IL App (5th) 250481

Decision Under Review: Appeal from the Circuit Court of Jasper County, No. 23-MR-4; the Hon. Chad M. Miller, Judge, presiding.

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No brief filed for other appellees.
