**Section 40.110 General**

a) The Capital Development Board (hereinafter "Board") will implement the School Construction Law through its School Construction Program (hereinafter "SCP").

b) The objective of school grants is to fund classrooms and costs necessary for the support of classrooms. Items not fundable with grant funds may be funded with the school district's funds.

c) The Board will make no grant awards prior to compliance by the school district with the Illinois State Board of Education (ISBE) regulations for grant entitlement [105 ILCS 230/5-5].

d) The ISBE will forward the application to the Board to determine if the program statement has been provided and has adequate information to schedule a survey by the Board.

e) Proof of local share will be required by the Board prior to a grant award. A school district failing to have access to the local share of funds within the time period set forth in Section 40.130(c)(8)(H) of this Part shall be reprioritized and must update its application to establish its priority ranking for the following fiscal year.

f) If the school district begins the project in some manner (such as letting bids, awarding contracts, or starting actual construction) after entitlement is issued by the ISBE, such actions shall have no effect on the eligibility for a construction grant.

g) Grant awards will be issued in accordance with ISBE's priority ranking.

h) School districts shall enter into intergovernmental agreements with the Board that may include, but are not limited to, provisions for the following:

1) That funding of the State share in progress payments to school districts for project costs will be made upon submittal of required documentation by the school district.

2) That the school district agrees to comply with all applicable statutes, codes, and rules.

3) That establishment and maintenance of a separate set of accounts is required for the construction, study, and planning of the project in accordance with generally accepted accounting principles (FASB Accounting Standards, Financial Accounting Standards Board, High Ridge Park, Stanford, Connecticut 06905 (1998)).

4) That access to the work, materials, payrolls, and other data and records relevant to the project for purposes of audit and inspection by the Board or other authorized agencies is required.

5) That the architect retained by the school district shall certify on each payment submittal that the expenditures were in accordance with the provisions of the appropriation Act and the terms of the intergovernmental agreement.

6) That increases in project costs added by change order shall not increase the amount of the State share.

7) That if the school district requests the Board to assume administrative or oversight duties, the extent of those duties requested shall be described in the intergovernmental agreement.

8) Other provisions as may be necessary, including those required to ensure a legal and binding agreement.

9) Green Building

A) *With respect to those school construction projects for which a school district first applies for a grant on or after July 1, 2007, the school construction project must receive certification from the United States Green Building Council's Leadership in Energy and Environmental Design Green Building Rating System or the Green Building Initiative's Green Globes Green Building Rating System or must meet green building standards of the Capital Development Board and its Green Building Advisory Committee.*

B) *With respect to those school construction projects for which a school district first applies for a grant on or after July 1, 2009, the school construction project must receive silver certification from the United States Green Building Council's Leadership in Energy and Environmental Design Green Building Rating System.* (Section 5-40 of the School Construction Law)

C) An allowance will be given to those districts seeking a green building certification or rating as outlined in the School Construction Law Project Standards.

(Source: Amended at 34 Ill. Reg. 19472, effective November 30, 2010)