**Section 40.130 Construction Grants**

Prior to the award of a construction grant, school districts shall meet the following requirements:

a) Program Statements

Program statements must be submitted as part of the school district's Application for Construction Grant Entitlement for proposed facilities and sites requiring SCP funding. Program statements must conform to the School Construction Law Project Standards as developed by the Board and must address, but need not be limited to, the following:

1) project description and rationale

2) occupant capacity

3) site analysis

4) project design

5) funding sources and cost estimates

6) time schedule of major events

b) Prohibited Uses

Program statements shall not include any on-going operational costs or any construction projects for which the General Assembly and the Governor have approved specifically designated funds.

c) School Site Selection

1) The local school district shall select the sites for all new projects.

2) Suitability for Development and Construction

A) The site should be free of physical structures, topographical features or subsurface physical conditions that would preclude necessary construction, present insurmountable obstacles to safety or normal utilization, shorten building life, cause excessive delays in project completion, or cause costs to exceed the funds available. "Necessary construction" shall include but not necessarily be limited to: buildings, utility lines, storm water disposal arrangements and paving.

B) The site should not be subject to existing or foreseeable, harmful or disruptive environmental hazards and nuisances. Such hazards and nuisances may include, but are not necessarily limited to: excessive dust, smoke, noise, odors, air pollutants, soil pollutants, floods, ground water incursions, vibrations, explosions, and electrical discharges. Site acquisition shall be subject to the Farmland Preservation Act [505 ILCS 75], Interagency Wetland Policy Act of 1989 [20 ILCS 830], Illinois State Agency Historic Resources Preservation Act [20 ILCS 3410], Archaeological and Paleontological Resources Protection Act [20 ILCS 3435], the Illinois Endangered Species Protection Act [520 ILCS 10], and the Environmental Protection Act [415 ILCS 58.15], as may be applicable.

3) Availability of Site

The school district shall have a period of 150 days from the time of grant award to acquire title to the site, or rights of use and exclusion sufficient to carry out the purposes and programs of the school. Extensions will be granted in those cases in which there is a reasonable expectation that the district will be able to acquire the site within the period of the extension and the delay has been occasioned by a condition beyond the control of the district, such as a delay in acquiring a title commitment.

4) Site Size and Configuration

The proposed site should contain usable space sufficient in size and of regular configuration so as to accommodate the school's on-site program as well as to accommodate ancillary functions that are better served on-site than off-site, such as parking, bus loading and unloading, casual student assembly and play, and pedestrian movement between different points on the site.

5) Utilities and Services

A) Water Supply

Water must be made available at the site in sufficient volume and delivery rates and of appropriate quality to serve the firefighting needs of the proposed school as well as to accommodate other forms of water consumption.

B) Sanitary Sewage Disposal

The location or character of the site must not prevent the disposal of sanitary sewage from the school.

C) Storm Water Disposal

The location or character of the site must not prevent the disposal of storm water from the school.

D) Electric, Power, Telephone, Gas

The site must present no obstacles to the provision of electric power, telephone services, and whatever gas service the school may require at the point in the construction process when utility hook-ups are made.

E) Solid Waste Management Systems

Solid waste management services must be available to the site.

6) Architect/Engineer (A/E) Selection

The selection of an architect/engineer shall be in accordance with the Local Government Professional Services Selection Act [50 ILCS 510].

7) Eligible and Ineligible Expenditures:

A) The Board will participate in the funding of academic facilities, including vocational/technical education facilities, for all programs approved by the ISBE, which are areas with a loading factor greater than zero as determined by the ISBE (see 23 Ill. Adm. Code 151.50(d)).

B) The Board will not participate in funding administrative facilities intended for district administration.

C) The Board will not fund facilities intended for commercial use by profit making organizations. This is not meant to exclude facilities to be operated by non-profit organizations such as student groups, PTAs, etc.

D) Although the Board encourages development of facilities intended for joint use by school and community, the Board's participation in the funding of facilities intended for joint use by school and community is limited to those items required to meet the needs of the school's educational and support programs.

E) The Board will not participate in funding facilities designed exclusively for interscholastic activities.

F) Off-site improvements are defined as any improvements outside of the property line. Off-site improvements are not recognized as eligible project costs except under exceptional circumstances and only in those cases where the off-site improvements are necessary to the functional operation of a school facility. The following specific policies apply to off-site improvements:

i) Off-site improvements that exceed the requirements needed for the project are ineligible project costs. For example, if a larger water main is desired by the locality than is needed for the school project itself, the Board will not participate in any cost attributable to the increased size of the main.

ii) The district must provide documentation (appraisals, bills, etc.) that local and/or federal funding sources are not available to the district or any other public body for off-site improvements before the Board will consider participation in their funding.

iii) The Board's participation in funding off-site improvements is only permitted if the off-site property or interest in the property, such as an easement or leasehold, is owned by a public body.

G) On-site improvements may be defined as any improvements outside the building's five feet line but inside the property line of the site. The Board's participation in funding on-site improvements is limited to those minimum requirements that are necessary to making the site functionally operational. The Board will not fund certain types of site improvements, including but not limited to the following:

i) Driver's education range

ii) Storage facilities

iii) Lawn sprinkling systems

iv) Exterior commons area, such as paved sitting areas, benches, etc.

v) Traffic signals at intersections

vi) Landscaping in excess of seeding costs

vii) Off-site access roads

H) The following types of spaces are not included in determining the square footage used to calculate the recognized project cost:

i) Gymnasium

ii) Cafeteria

iii) Auditorium

iv) Administrative office

v) Other ancillary spaces, including but not limited to:

Field house

Swimming pool

Indoor track

Permanent seating beyond school's student and staff population

Broadcast area

Radio/TV studios for primarily noninstructional uses

Coat room

Green room (auditorium/theater)

Teacher serving area

Meeting room

Exhibition room

District administration space

Bus storage

Bus maintenance space

Guard rooms

Toilet facilities beyond needs of school's students and staff

Before/after school programs space

Concession space

Bookstore

I) Items that are not allowable as eligible associated expenses for physical education outdoor space and facilities include, but are not limited to, the following:

i) Structures housing locker rooms

ii) Toilets and storage facilities

iii) Bleachers

iv) Lighting

v) Concession stands

vi) Broadcast booths

vii) Benches

viii) Scoreboards

ix) Artificial turf, and fencing except for health/life safety

J) Under the following circumstances, the Board will not fund land acquisition costs:

i) Land was owned by school district prior to January 1, 1996.

ii) Land was purchased after January 1, 1996, but not supported by documentation.

iii) Land was donated to the school district.

iv) Land is already owned by the school district and will be the site of an addition to an existing facility.

8) State and Local Financial Participation in School Construction Projects

A) Policy Basis for Determinations

i) The School Construction Law [105 ILCS 230/5-30] states the following prioritization of school district needs for awarding grants:

*Replacement or reconstruction of school buildings destroyed or damaged by flood, tornado, fire, earthquake, or other disasters, either man-made or produced by nature;*

*Projects designed to alleviate a shortage of classrooms due to population growth or to replace aging school buildings;*

*Projects resulting from interdistrict reorganization of school districts contingent on local referenda;*

*Replacement or reconstruction of school facilities determined to be severe and continuing health or life safety hazards;*

*Alterations necessary to provide accessibility for qualified individuals with disabilities; and*

*Other unique solutions to facility needs.*

School districts identify such needs in their applications to ISBE for grant entitlements, and such needs become the basis for entitlement to a grant. Eligible expenditures as determined by CDB are limited to expenditures necessary to meet the project needs that are based on prioritization category of entitlement.

ii) The recognized project cost is the sum total of unit costs ($/sq. ft.) and eligible associated costs.

The maximum square foot allowance per student is commensurate with the national average. Maximum square footage allowances are outlined in subsection (c)(8)(C) of this Section and the School Construction Law Project Standards located on the CDB website at http://www.cdb.state.il.us and the Illinois State Board of Education's website at http://www.isbe.state.il.us. The cost per square foot is also outlined in the Standards and is escalated annually for inflation.

Eligible associated costs are those determined to be necessary to provide the infrastructure for the grant project.

B) Determination of Recognized Project Cost

i) Recognized project cost shall be based upon calculations in accordance with the School Construction Law Project Standards (see also subsection (c)(7)) and shall include unit cost ($/sq.ft.) as follows: buildings constructed to the five feet line, design and construction contingencies, building fixed equipment; plus additional associated costs as deemed appropriate by the Board in consultation with local school districts as follows: site improvements including related A/E fees and reimbursements, land acquisition and associated legal fees for the project site acquired, movable equipment, and utility service lines, both on-site and off-site, and special foundation construction and related A/E fees deemed necessary as a result of unusual sub-surface soil conditions.

Specific Associated Cost Allowances

For each eligible classroom, an allowance of $1,000 will be given when an enhanced security phone call-back system is installed.

The following building related maximum movable equipment allowances are provided:

$5,600/elementary classroom

$6,500/middle/junior high classroom

$7,500/high school classroom

ii) The recognized project costs initially calculated by the Board will establish the maximum acceptable cost of the eligible expenditures. If the bid price received by the district from the various contractors for the eligible expenditures is less than the bid estimate amount included in this initial calculation, then the recognized project cost will be reduced by the amount of the difference.

iii) Unit cost guidelines, established by the Board, are used to determine the recognized project cost. Unit cost guidelines can be found in Appendix A and in the School Construction Law Project Standards located on the CDB and the State Board of Education websites (see also subsection (c)(7)).

C) Project Standards for New Construction and Additions −

General

The Board shall establish detailed project standards including space and capacity standards in the School Construction Law Project Standards (see also subsection (c)(7)). New schools with adequate space for all necessary instructional and ancillary activities require more space per students than additions to existing schools. Different space standards are required to accommodate different grade levels, i.e., Pre-K-6, 7-9, and 9-12. Economies of scale in terms of space per student can be anticipated for larger schools. The following maximum square foot allowances are used in determining the recognized project costs for new construction and additions.

New Schools:

|  |  |
| --- | --- |
| New Elementary School |  |
| Gross square footage per student | 120 |
| Gross square footage per additional |  |
| student beyond 250 students | 100 |
| New Middle/Junior High School |  |
| Gross square footage per student | 140 |
| Gross square footage per additional |  |
| student beyond 400 students | 120 |
| New High School |  |
| Gross square footage per student | 160 |
| Gross square footage per additional |  |
| student beyond 600 students | 130 |

Classroom Additions:

For classroom additions for 250 or more students, see new school square footage.

For classroom additions for fewer than 250 students:

|  |  |
| --- | --- |
| Elementary School |  |
| Gross square footage per student | 100 |
| Middle School |  |
| Gross square footage per student | 120 |
| High School |  |
| Gross square footage per student | 130 |

D) Renovation Projects

The recognized project cost for renovation projects is calculated by an estimation of the eligible project costs. Eligible renovation costs are for renovations to existing facilities determined to be functionally over 100 years old (as determined by ISBE) or for renovation projects in existing facilities that provide additional classroom capacity.

E) Unit Costs

Unit costs ($/sq.ft.) used for determining the recognized project cost, including A/E design fees, building construction to the five feet line, fixed equipment, and a contingency shall be established by the Board. Unit cost guidelines can be found in Appendix A and in the School Construction Law Project Standards located on the CDB and the State Board of Education websites (see also subsection (c)(7)). In establishing unit costs the Board shall be guided by current costs within the construction industry and the goal of receiving fair value for public funds expended.

F) Limits on SCP Participation and Site Cost

Districts will not receive grant funding for acreage beyond the following maximums:

Elementary – 5 acres plus 1 acre per 100 students,

Middle/Junior High – 15 acres plus 1 acre per 100 students, and

High School – 20 acres plus 1 acre per 100 students.

G) The State and local share of the recognized project cost shall be computed by multiplying the recognized project cost by the grant index as defined by the School Construction Law and determined by the ISBE. For each grant issued after September 1, 1999, the equalized assessed valuation and average daily attendance used in calculating a district's grant index shall be taken from the district's general State aid claim filed in the fiscal year in which the grant entitlement is made. The average daily attendance to be used shall be the district's best three months' average daily attendance. A grant index shall lapse if a grant is not awarded within 36 months after entitlement, and a new grant index shall be issued based upon the district's most recent general State aid claim.

H) School districts must have access to the local share of the recognized project cost before a grant award will be given. Proof (referendum, resolution, etc.) of the local share will be required by the Board.

I) The local share of the recognized project cost may be placed in a local trust account pursuant to 71 Ill. Adm. Code 30.

J) School districts may add to a project cost beyond the recognized project cost with local funds. Funds for such project supplements may be deposited in local trust accounts.

K) All enrichment project costs that are not included in the recognized project cost and designated as ineligible expenditures by the Board will be paid by the school district.

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