



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB2323

Introduced 2/10/2023, by Sen. David Koehler

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-22.36

from Ch. 122, par. 10-22.36

Amends the School Boards Article of the School Code. In provisions concerning buildings for school purposes, provides that for Bloomington School District 87, no referendum shall be required for the purchase, construction, or building of any building for school or education purposes if such cost is paid, or will be paid with funds available at the time of contract, purchase, construction, or building in Bloomington School District 87's existing fund balances to fund the procurement or requisition of a building or site during the 2022-2023, 2023-2024, or 2024-2025 school years. Provides that the school board must hold at least 2 public hearings, the sole purpose of which shall be to discuss the decision to construct a school building and to receive input from the community. Provides that the notice of each public hearing that sets forth the time, date, place, and name or description of the school building that the school board is considering constructing must be provided at least 10 days prior to the hearing by publication on the school board's website. Effective immediately.

LRB103 27620 RJT 53996 b

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section  
5 10-22.36 as follows:

6 (105 ILCS 5/10-22.36) (from Ch. 122, par. 10-22.36)

7 Sec. 10-22.36. Buildings for school purposes.

8 (a) To build or purchase a building for school classroom  
9 or instructional purposes upon the approval of a majority of  
10 the voters upon the proposition at a referendum held for such  
11 purpose or in accordance with Section 17-2.11, 19-3.5, or  
12 19-3.10. The board may initiate such referendum by resolution.  
13 The board shall certify the resolution and proposition to the  
14 proper election authority for submission in accordance with  
15 the general election law.

16 The questions of building one or more new buildings for  
17 school purposes or office facilities, and issuing bonds for  
18 the purpose of borrowing money to purchase one or more  
19 buildings or sites for such buildings or office sites, to  
20 build one or more new buildings for school purposes or office  
21 facilities or to make additions and improvements to existing  
22 school buildings, may be combined into one or more  
23 propositions on the ballot.

1 Before erecting, or purchasing or remodeling such a  
2 building the board shall submit the plans and specifications  
3 respecting heating, ventilating, lighting, seating, water  
4 supply, toilets and safety against fire to the regional  
5 superintendent of schools having supervision and control over  
6 the district, for approval in accordance with Section 2-3.12.

7 Notwithstanding any of the foregoing, no referendum shall  
8 be required if the purchase, construction, or building of any  
9 such building (1) occurs while the building is being leased by  
10 the school district or (2) is paid with (A) funds derived from  
11 the sale or disposition of other buildings, land, or  
12 structures of the school district or (B) funds received (i) as  
13 a grant under the School Construction Law or (ii) as gifts or  
14 donations, provided that no funds to purchase, construct, or  
15 build such building, other than lease payments, are derived  
16 from the district's bonded indebtedness or the tax levy of the  
17 district.

18 Notwithstanding any of the foregoing, no referendum shall  
19 be required if the purchase, construction, or building of any  
20 such building is paid with funds received from the County  
21 School Facility and Resources Occupation Tax Law under Section  
22 5-1006.7 of the Counties Code or from the proceeds of bonds or  
23 other debt obligations secured by revenues obtained from that  
24 Law.

25 Notwithstanding any of the foregoing, for Decatur School  
26 District Number 61, no referendum shall be required if at

1 least 50% of the cost of the purchase, construction, or  
2 building of any such building is paid, or will be paid, with  
3 funds received or expected to be received as part of, or  
4 otherwise derived from, any COVID-19 pandemic relief program  
5 or funding source, including, but not limited to, Elementary  
6 and Secondary School Emergency Relief Fund grant proceeds.

7 (b) Notwithstanding the provisions of subsection (a), for  
8 any school district: (i) that is a tier 1 school, (ii) that has  
9 a population of less than 50,000 inhabitants, (iii) whose  
10 student population is between 5,800 and 6,300, (iv) in which  
11 57% to 62% of students are low-income, and (v) whose average  
12 district spending is between \$10,000 to \$12,000 per pupil,  
13 until July 1, 2025, no referendum shall be required if at least  
14 50% of the cost of the purchase, construction, or building of  
15 any such building is paid, or will be paid, with funds received  
16 or expected to be received as part of, or otherwise derived  
17 from, the federal Consolidated Appropriations Act and the  
18 federal American Rescue Plan Act of 2021.

19 For this subsection (b), the school board must hold at  
20 least 2 public hearings, the sole purpose of which shall be to  
21 discuss the decision to construct a school building and to  
22 receive input from the community. The notice of each public  
23 hearing that sets forth the time, date, place, and name or  
24 description of the school building that the school board is  
25 considering constructing must be provided at least 10 days  
26 prior to the hearing by publication on the school board's

1 Internet website.

2 (c) Notwithstanding the provisions of subsection (a) and  
3 (b), for Bloomington School District 87, no referendum shall  
4 be required for the purchase, construction, or building of any  
5 building for school or education purposes if such cost is  
6 paid, or will be paid with funds available at the time of  
7 contract, purchase, construction, or building in Bloomington  
8 School District Number 87's existing fund balances to fund the  
9 procurement or requisition of a building or site during the  
10 2022-2023, 2023-2024, or 2024-2025 school years.

11 For this subsection (c), the school board must hold at  
12 least 2 public hearings, the sole purpose of which shall be to  
13 discuss the decision to construct a school building and to  
14 receive input from the community. The notice of each public  
15 hearing that sets forth the time, date, place, and name or  
16 description of the school building that the school board is  
17 considering constructing must be provided at least 10 days  
18 prior to the hearing by publication on the school board's  
19 website.

20 (Source: P.A. 101-455, eff. 8-23-19; 102-16, eff. 6-17-21;  
21 102-699, eff. 7-1-22.)

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.