

1 AN ACT regarding schools.

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  
5 Section 17-2.11 as follows:

6 (105 ILCS 5/17-2.11) (from Ch. 122, par. 17-2.11)

7 Sec. 17-2.11. School board power to levy a tax or to  
8 borrow money and issue bonds for fire prevention, safety,  
9 energy conservation, disabled accessibility, school security,  
10 and specified repair purposes. Whenever, as a result of any  
11 lawful order of any agency, other than a school board, having  
12 authority to enforce any school building code applicable to  
13 any facility that houses students, or any law or regulation  
14 for the protection and safety of the environment, pursuant to  
15 the Environmental Protection Act, any school district having  
16 a population of less than 500,000 inhabitants is required to  
17 alter or reconstruct any school building or permanent, fixed  
18 equipment; or whenever any such school district determines  
19 that it is necessary for energy conservation purposes that  
20 any school building or permanent, fixed equipment should be  
21 altered or reconstructed and that such alterations or  
22 reconstruction will be made with funds not necessary for the  
23 completion of approved and recommended projects contained in  
24 any safety survey report or amendments thereto authorized by  
25 Section 2-3.12 of this Act; or whenever any such district  
26 determines that it is necessary for disabled accessibility  
27 purposes and to comply with the school building code that any  
28 school building or equipment should be altered or  
29 reconstructed and that such alterations or reconstruction  
30 will be made with funds not necessary for the completion of  
31 approved and recommended projects contained in any safety

1 survey report or amendments thereto authorized under Section  
2 2-3.12 of this Act; or whenever any such district determines  
3 that it is necessary for school security purposes and the  
4 related protection and safety of pupils and school personnel  
5 that any school building or property should be altered or  
6 reconstructed or that security systems and equipment  
7 (including but not limited to intercom, early detection and  
8 warning, access control and television monitoring systems)  
9 should be purchased and installed, and that such alterations,  
10 reconstruction or purchase and installation of equipment will  
11 be made with funds not necessary for the completion of  
12 approved and recommended projects contained in any safety  
13 survey report or amendment thereto authorized by Section  
14 2-3.12 of this Act and will deter and prevent unauthorized  
15 entry or activities upon school property by unknown or  
16 dangerous persons, assure early detection and advance warning  
17 of any such actual or attempted unauthorized entry or  
18 activities and help assure the continued safety of pupils and  
19 school staff if any such unauthorized entry or activity is  
20 attempted or occurs; or if a school district does not need  
21 funds for other fire prevention and safety projects,  
22 including the completion of approved and recommended projects  
23 contained in any safety survey report or amendments thereto  
24 authorized by Section 2-3.12 of this Act, and it is  
25 determined after a public hearing (which is preceded by at  
26 least one published notice (i) occurring at least 7 days  
27 prior to the hearing in a newspaper of general circulation  
28 within the school district and (ii) setting forth the time,  
29 date, place, and general subject matter of the hearing) that  
30 there is a substantial, immediate, and otherwise unavoidable  
31 threat to the health, safety, or welfare of pupils due to  
32 disrepair of school sidewalks, playgrounds, parking lots, or  
33 school bus turnarounds and repairs must be made: then in any  
34 such event, such district may, by proper resolution, levy a

1 tax for the purpose of making such alteration or  
2 reconstruction, based on a survey report by an architect or  
3 engineer licensed in the State of Illinois, upon all the  
4 taxable property of the district at the value as assessed by  
5 the Department of Revenue at a rate not to exceed .05% per  
6 year for a period sufficient to finance such alterations,  
7 repairs, or reconstruction, upon the following conditions:

8 (a) When there are not sufficient funds available  
9 in either the operations and maintenance fund of the  
10 district or the fire prevention and safety fund of the  
11 district as determined by the district on the basis of  
12 regulations adopted by the State Board of Education to  
13 make such alterations, repairs, or reconstruction, or to  
14 purchase and install such permanent fixed equipment so  
15 ordered or determined as necessary. Appropriate school  
16 district records shall be made available to the State  
17 Superintendent of Education upon request to confirm such  
18 insufficiency.

19 (b) When a certified estimate of an architect or  
20 engineer licensed in the State of Illinois stating the  
21 estimated amount necessary to make the alterations or  
22 repairs, or to purchase and install such equipment so  
23 ordered has been secured by the district, and the  
24 estimate has been approved by the regional superintendent  
25 of schools, having jurisdiction of the district, and the  
26 State Superintendent of Education. Approval shall not be  
27 granted for any work that has already started without the  
28 prior express authorization of the State Superintendent  
29 of Education. If such estimate is not approved or denied  
30 approval by the regional superintendent of schools within  
31 3 months after the date on which it is submitted to him  
32 or her, the school board of the district may submit such  
33 estimate directly to the State Superintendent of  
34 Education for approval or denial.

1           For purposes of this Section a school district may  
2   replace a school building or build additions to replace  
3   portions of a building when it is determined that the  
4   effectuation of the recommendations for the existing building  
5   will cost more than the replacement costs. Such  
6   determination shall be based on a comparison of estimated  
7   costs made by an architect or engineer licensed in the State  
8   of Illinois. The new building or addition shall be  
9   equivalent in area (square feet) and comparable in purpose  
10   and grades served and may be on the same site or another  
11   site. Such replacement may only be done upon order of the  
12   regional superintendent of schools and the approval of the  
13   State Superintendent of Education.

14           The filing of a certified copy of the resolution levying  
15   the tax when accompanied by the certificates of the regional  
16   superintendent of schools and State Superintendent of  
17   Education shall be the authority of the county clerk to  
18   extend such tax.

19           The county clerk of the county in which any school  
20   district levying a tax under the authority of this Section is  
21   located, in reducing raised levies, shall not consider any  
22   such tax as a part of the general levy for school purposes  
23   and shall not include the same in the limitation of any other  
24   tax rate which may be extended.

25           Such tax shall be levied and collected in like manner as  
26   all other taxes of school districts, subject to the  
27   provisions contained in this Section.

28           The tax rate limit specified in this Section may be  
29   increased to .10% upon the approval of a proposition to  
30   effect such increase by a majority of the electors voting on  
31   that proposition at a regular scheduled election. Such  
32   proposition may be initiated by resolution of the school  
33   board and shall be certified by the secretary to the proper  
34   election authorities for submission in accordance with the

1 general election law.

2 When taxes are levied by any school district for fire  
3 prevention, safety, energy conservation, and school security  
4 purposes as specified in this Section, and the purposes for  
5 which the taxes have been levied are accomplished and paid in  
6 full, and there remain funds on hand in the Fire Prevention  
7 and Safety Fund from the proceeds of the taxes levied,  
8 including interest earnings thereon, the school board by  
9 resolution shall use such excess and other board restricted  
10 funds excluding bond proceeds and earnings from such proceeds  
11 (1) for other authorized fire prevention, safety, energy  
12 conservation, and school security purposes or (2) for  
13 transfer to the Operations and Maintenance Fund for the  
14 purpose of abating an equal amount of operations and  
15 maintenance purposes taxes. If any transfer is made to the  
16 Operation and Maintenance Fund, the secretary of the school  
17 board shall within 30 days notify the county clerk of the  
18 amount of that transfer and direct the clerk to abate the  
19 taxes to be extended for the purposes of operations and  
20 maintenance authorized under Section 17-2 of this Act by an  
21 amount equal to such transfer.

22 If the proceeds from the tax levy authorized by this  
23 Section are insufficient to complete the work approved under  
24 this Section, the school board is authorized to sell bonds  
25 without referendum under the provisions of this Section in an  
26 amount that, when added to the proceeds of the tax levy  
27 authorized by this Section, will allow completion of the  
28 approved work.

29 Such bonds shall bear interest at a rate not to exceed  
30 the maximum rate authorized by law at the time of the making  
31 of the contract, shall mature within 20 years from date, and  
32 shall be signed by the president of the school board and the  
33 treasurer of the school district.

34 In order to authorize and issue such bonds, the school

1 board shall adopt a resolution fixing the amount of bonds,  
2 the date thereof, the maturities thereof, rates of interest  
3 thereof, place of payment and denomination, which shall be in  
4 denominations of not less than \$100 and not more than \$5,000,  
5 and provide for the levy and collection of a direct annual  
6 tax upon all the taxable property in the school district  
7 sufficient to pay the principal and interest on such bonds to  
8 maturity. Upon the filing in the office of the county clerk  
9 of the county in which the school district is located of a  
10 certified copy of the resolution, it is the duty of the  
11 county clerk to extend the tax therefor in addition to and in  
12 excess of all other taxes heretofore or hereafter authorized  
13 to be levied by such school district.

14 After the time such bonds are issued as provided for by  
15 this Section, if additional alterations or reconstructions  
16 are required to be made because of surveys conducted by an  
17 architect or engineer licensed in the State of Illinois, the  
18 district may levy a tax at a rate not to exceed .05% per year  
19 upon all the taxable property of the district or issue  
20 additional bonds, whichever action shall be the most  
21 feasible.

22 This Section is cumulative and constitutes complete  
23 authority for the issuance of bonds as provided in this  
24 Section notwithstanding any other statute or law to the  
25 contrary.

26 With respect to instruments for the payment of money  
27 issued under this Section either before, on, or after the  
28 effective date of Public Act 86-004 (June 6, 1989), it is,  
29 and always has been, the intention of the General Assembly  
30 (i) that the Omnibus Bond Acts are, and always have been,  
31 supplementary grants of power to issue instruments in  
32 accordance with the Omnibus Bond Acts, regardless of any  
33 provision of this Act that may appear to be or to have been  
34 more restrictive than those Acts, (ii) that the provisions of

1 this Section are not a limitation on the supplementary  
2 authority granted by the Omnibus Bond Acts, and (iii) that  
3 instruments issued under this Section within the  
4 supplementary authority granted by the Omnibus Bond Acts are  
5 not invalid because of any provision of this Act that may  
6 appear to be or to have been more restrictive than those  
7 Acts.

8 When the purposes for which the bonds are issued have  
9 been accomplished and paid for in full and there remain funds  
10 on hand from the proceeds of the bond sale and interest  
11 earnings therefrom, the board shall, by resolution, use such  
12 excess funds in accordance with the provisions of Section  
13 10-22.14 of this Act.

14 Whenever any tax is levied or bonds issued for fire  
15 prevention, safety, energy conservation, and school security  
16 purposes, such proceeds shall be deposited and accounted for  
17 separately within the Fire Prevention and Safety Fund.

18 (Source: P.A. 88-251; 88-508; 88-628, eff. 9-9-94; 88-670,  
19 eff. 12-2-94; 89-235, eff. 8-4-95; 89-397, eff. 8-20-95.)