

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 Construction Law is amended by
5 changing Sections 5-5 and 5-25 as follows:

6 (105 ILCS 230/5-5)

7 Sec. 5-5. Definitions. As used in this Article:

8 "Approved school construction bonds" mean bonds that were
9 approved by referendum after January 1, 1996 but prior to
10 January 1, 1998 as provided in Sections 19-2 through 19-7 of
11 the School Code to provide funds for the acquisition,
12 development, construction, reconstruction, rehabilitation,
13 improvement, architectural planning, and installation of
14 capital facilities consisting of buildings, structures,
15 durable-equipment, and land for educational purposes.

16 "Grant index" means a figure for each school district equal
17 to one minus the ratio of the district's equalized assessed
18 valuation per pupil in average daily attendance to the
19 equalized assessed valuation per pupil in average daily
20 attendance of the district located at the 90th percentile for
21 all districts of the same category. For the purpose of
22 calculating the grant index, school districts are grouped into
23 2 categories, Category I and Category II. Category I consists

1 of elementary and unit school districts. The equalized assessed
2 valuation per pupil in average daily attendance of each school
3 district in Category I shall be computed using its grades
4 kindergarten through 8 average daily attendance figure. A unit
5 school district's Category I grant index shall be used for
6 projects or portions of projects constructed for elementary
7 school pupils. Category II consists of high school and unit
8 school districts. The equalized assessed valuation per pupil in
9 average daily attendance of each school district in Category II
10 shall be computed using its grades 9 through 12 average daily
11 attendance figure. A unit school district's Category II grant
12 index shall be used for projects or portions of projects
13 constructed for high school pupils. The changes made by this
14 amendatory Act of the 92nd General Assembly apply to all grants
15 made on or after the effective date of this amendatory Act,
16 provided that for grants not yet made on the effective date of
17 this amendatory Act but made in fiscal year 2001 and for grants
18 made in fiscal year 2002, the grant index for a school district
19 shall be the greater of (i) the grant index as calculated under
20 this Law on or after the effective date of this amendatory Act
21 or (ii) the grant index as calculated under this Law before the
22 effective date of this amendatory Act. The grant index shall be
23 no less than 0.35 and no greater than 0.75 for each district;
24 provided that the grant index for districts whose equalized
25 assessed valuation per pupil in average daily attendance is at
26 the 99th percentile and above for all districts of the same

1 type shall be 0.00.

2 The grant index shall be calculated for each of those
3 school districts forming a reorganized school district or
4 cooperative high school if one or more of the following happen
5 within the current or prior 2 fiscal years:

6 (1) a new school district is created in accordance with
7 Article 11E of the School Code;

8 (2) an existing school district annexes all of the
9 territory of one or more entire other school districts in
10 accordance with Article 7 of the School Code; or

11 (3) a cooperative high school is formed in accordance
12 with Section 10-22.22c of the School Code.

13 The average grant index of those school districts shall be used
14 as the grant index for the newly reorganized district or
15 cooperative high school.

16 "School construction project" means the acquisition,
17 development, construction, reconstruction, rehabilitation,
18 improvement, architectural planning, and installation of
19 capital facilities consisting of buildings, structures,
20 durable equipment, and land for educational purposes.

21 "School district" means a school district or a Type 40 area
22 vocational center that is jointly owned if the joint agreement
23 includes language that specifies how the debt obligation is to
24 be paid, including in the event that an entity withdraws from
25 the joint agreement.

26 "School district" includes a cooperative high school,

1 which shall be considered a high school district for the
2 purpose of calculating its grant index.

3 "School maintenance project" means a project, other than a
4 school construction project, intended to provide for the
5 maintenance or upkeep of buildings or structures for
6 educational purposes, but does not include ongoing operational
7 costs.

8 (Source: P.A. 96-731, eff. 8-25-09.)

9 (105 ILCS 230/5-25)

10 Sec. 5-25. Eligibility and project standards.

11 (a) The State Board of Education shall establish
12 eligibility standards for school construction project grants
13 and debt service grants. These standards shall include minimum
14 enrollment requirements for eligibility for school
15 construction project grants of 200 students for elementary
16 districts, 200 students for high school districts, and 400
17 students for unit districts. The total enrollment of member
18 districts forming a cooperative high school in accordance with
19 subsection (c) of Section 10-22.22 of the School Code shall
20 meet the minimum enrollment requirements specified in this
21 subsection (a). The State Board of Education shall approve a
22 district's eligibility for a school construction project grant
23 or a debt service grant pursuant to the established standards.

24 For purposes only of determining a Type 40 area vocational
25 center's eligibility for an entity included in a school

1 construction project grant or a school maintenance project
2 grant, an area vocational center shall be deemed eligible if
3 one or more of its member school districts satisfy the grant
4 index criteria set forth in this Law. A Type 40 area vocational
5 center that makes application for school construction funds
6 after August 25, 2009 (the effective date of Public Act 96-731)
7 ~~this amendatory Act of the 96th General Assembly~~ shall be
8 placed on the respective application cycle list. Type 40 area
9 vocational centers must be placed last on the priority listing
10 of eligible entities for the applicable fiscal year.

11 (b) The Capital Development Board shall establish project
12 standards for all school construction project grants provided
13 pursuant to this Article. These standards shall include space
14 and capacity standards as well as the determination of
15 recognized project costs that shall be eligible for State
16 financial assistance and enrichment costs that shall not be
17 eligible for State financial assistance.

18 (c) The State Board of Education and the Capital
19 Development Board shall not establish standards that
20 disapprove or otherwise establish limitations that restrict
21 the eligibility of (i) a school district with a population
22 exceeding 500,000 for a school construction project grant based
23 on the fact that any or all of the school construction project
24 grant will be used to pay debt service or to make lease
25 payments, as authorized by subsection (b) of Section 5-35 of
26 this Law, or (ii) a school district located in whole or in part

1 in a county that imposes a tax for school facility purposes
2 pursuant to Section 5-1006.7 of the Counties Code.

3 (d) A reorganized school district or cooperative high
4 school may use a school construction application that was
5 submitted by a school district that formed the reorganized
6 school district or cooperative high school if that application
7 has not been entitled for a project by the State Board of
8 Education and any one or more of the following happen within
9 the current or prior 2 fiscal years:

10 (1) a new school district is created in accordance with
11 Article 11E of the School Code;

12 (2) an existing school district annexes all of the
13 territory of one or more other school districts in
14 accordance with Article 7 of the School Code; or

15 (3) a cooperative high school is formed in accordance
16 with subsection (c) of Section 10-22.22 of the School Code.

17 A new elementary district formed from a school district
18 conversion, as defined in Section 11E-15 of the School Code,
19 may use only the application of the dissolved district whose
20 territory is now included in the new elementary district and
21 must obtain the written approval of the local school board of
22 any other school district that includes territory from that
23 dissolved district. A new high school district formed from a
24 school district conversion, as defined in Section 11E-15 of the
25 School Code, may use only the application of any dissolved
26 district whose territory is now included in the new high school

1 district, but only after obtaining the written approval of the
2 local school board of any other school district that includes
3 territory from that dissolved district. A cooperative high
4 school using this Section must obtain the written approval of
5 the local school board of the member school district whose
6 application it is using. All other eligibility and project
7 standards apply to this Section.

8 (Source: P.A. 96-37, eff. 7-13-09; 96-731, eff. 8-25-09;
9 revised 9-15-09.)