



Sen. Dale A. Righter

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LRB096 19474 NHT 39505 a

1 AMENDMENT TO HOUSE BILL 5633

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5633 by replacing  
3 everything after the enacting clause with the following:

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

1 to one minus the ratio of the district's equalized assessed  
2 valuation per pupil in average daily attendance to the  
3 equalized assessed valuation per pupil in average daily  
4 attendance of the district located at the 90th percentile for  
5 all districts of the same category. For the purpose of  
6 calculating the grant index, school districts are grouped into  
7 2 categories, Category I and Category II. Category I consists  
8 of elementary and unit school districts. The equalized assessed  
9 valuation per pupil in average daily attendance of each school  
10 district in Category I shall be computed using its grades  
11 kindergarten through 8 average daily attendance figure. A unit  
12 school district's Category I grant index shall be used for  
13 projects or portions of projects constructed for elementary  
14 school pupils. Category II consists of high school and unit  
15 school districts. The equalized assessed valuation per pupil in  
16 average daily attendance of each school district in Category II  
17 shall be computed using its grades 9 through 12 average daily  
18 attendance figure. A unit school district's Category II grant  
19 index shall be used for projects or portions of projects  
20 constructed for high school pupils. The changes made by this  
21 amendatory Act of the 92nd General Assembly apply to all grants  
22 made on or after the effective date of this amendatory Act,  
23 provided that for grants not yet made on the effective date of  
24 this amendatory Act but made in fiscal year 2001 and for grants  
25 made in fiscal year 2002, the grant index for a school district  
26 shall be the greater of (i) the grant index as calculated under

1 this Law on or after the effective date of this amendatory Act  
2 or (ii) the grant index as calculated under this Law before the  
3 effective date of this amendatory Act. The grant index shall be  
4 no less than 0.35 and no greater than 0.75 for each district;  
5 provided that the grant index for districts whose equalized  
6 assessed valuation per pupil in average daily attendance is at  
7 the 99th percentile and above for all districts of the same  
8 type shall be 0.00.

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

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

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

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

20 The average grant index of those school districts shall be used  
21 as the grant index for the newly reorganized district or  
22 cooperative high school.

23 "School construction project" means the acquisition,  
24 development, construction, reconstruction, rehabilitation,  
25 improvement, architectural planning, and installation of  
26 capital facilities consisting of buildings, structures,

1 durable equipment, and land for educational purposes.

2 "School district" means a school district or a Type 40 area  
3 vocational center that is jointly owned if the joint agreement  
4 includes language that specifies how the debt obligation is to  
5 be paid, including in the event that an entity withdraws from  
6 the joint agreement.

7 "School district" includes a cooperative high school,  
8 which shall be considered a high school district for the  
9 purpose of calculating its grant index.

10 "School maintenance project" means a project, other than a  
11 school construction project, intended to provide for the  
12 maintenance or upkeep of buildings or structures for  
13 educational purposes, but does not include ongoing operational  
14 costs.

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

16 (105 ILCS 230/5-25)

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

18 (a) The State Board of Education shall establish  
19 eligibility standards for school construction project grants  
20 and debt service grants. These standards shall include minimum  
21 enrollment requirements for eligibility for school  
22 construction project grants of 200 students for elementary  
23 districts, 200 students for high school districts, and 400  
24 students for unit districts. The total enrollment of member  
25 districts forming a cooperative high school in accordance with

1 subsection (c) of Section 10-22.22 of the School Code shall  
2 meet the minimum enrollment requirements specified in this  
3 subsection (a). The State Board of Education shall approve a  
4 district's eligibility for a school construction project grant  
5 or a debt service grant pursuant to the established standards.

6 For purposes only of determining a Type 40 area vocational  
7 center's eligibility for an entity included in a school  
8 construction project grant or a school maintenance project  
9 grant, an area vocational center shall be deemed eligible if  
10 one or more of its member school districts satisfy the grant  
11 index criteria set forth in this Law. A Type 40 area vocational  
12 center that makes application for school construction funds  
13 after August 25, 2009 (the effective date of Public Act 96-731)  
14 ~~this amendatory Act of the 96th General Assembly~~ shall be  
15 placed on the respective application cycle list. Type 40 area  
16 vocational centers must be placed last on the priority listing  
17 of eligible entities for the applicable fiscal year.

18 (b) The Capital Development Board shall establish project  
19 standards for all school construction project grants provided  
20 pursuant to this Article. These standards shall include space  
21 and capacity standards as well as the determination of  
22 recognized project costs that shall be eligible for State  
23 financial assistance and enrichment costs that shall not be  
24 eligible for State financial assistance.

25 (c) The State Board of Education and the Capital  
26 Development Board shall not establish standards that

1 disapprove or otherwise establish limitations that restrict  
2 the eligibility of (i) a school district with a population  
3 exceeding 500,000 for a school construction project grant based  
4 on the fact that any or all of the school construction project  
5 grant will be used to pay debt service or to make lease  
6 payments, as authorized by subsection (b) of Section 5-35 of  
7 this Law, or (ii) a school district located in whole or in part  
8 in a county that imposes a tax for school facility purposes  
9 pursuant to Section 5-1006.7 of the Counties Code.

10 (d) A reorganized school district or cooperative high  
11 school may use a school construction application that was  
12 submitted by a school district that formed the reorganized  
13 school district or cooperative high school if that application  
14 has not been entitled for a project by the State Board of  
15 Education and any one or more of the following happen within  
16 the current or prior 2 fiscal years:

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

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

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

24 A new elementary district formed from a school district  
25 conversion, as defined in Section 11E-15 of the School Code,  
26 may use only the application of the dissolved district whose

1 territory is now included in the new elementary district and  
2 must obtain the written approval of the local school board of  
3 any other school district that includes territory from that  
4 dissolved district. A new high school district formed from a  
5 school district conversion, as defined in Section 11E-15 of the  
6 School Code, may use only the application of any dissolved  
7 district whose territory is now included in the new high school  
8 district, but only after obtaining the written approval of the  
9 local school board of any other school district that includes  
10 territory from that dissolved district. A cooperative high  
11 school using this Section must obtain the written approval of  
12 the local school board of the member school district whose  
13 application it is using. All other eligibility and project  
14 standards apply to this Section.

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