



Executive Committee

**Filed: 5/6/2009**

09600SB1926ham001

LRB096 11271 NHT 26243 a

1 AMENDMENT TO SENATE BILL 1926

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1926 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, 5-25, and 5-35 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 "School construction project" means the acquisition,  
10 development, construction, reconstruction, rehabilitation,  
11 improvement, architectural planning, and installation of  
12 capital facilities consisting of buildings, structures,  
13 durable equipment, and land for educational purposes.

14 "School district" means a school district or a Type 40 area  
15 vocational center that is jointly owned if the joint agreement  
16 includes language that specifies how the debt obligation is to  
17 be paid, including in the event that an entity withdraws from  
18 the joint agreement.

19 "School district" includes a cooperative high school,  
20 which shall be considered a high school district for the  
21 purpose of calculating its grant index.

22 "School maintenance project" means a project, other than a  
23 school construction project, intended to provide for the  
24 maintenance or upkeep of buildings or structures for  
25 educational purposes, but does not include ongoing operational  
26 costs.

1 (Source: P.A. 92-168, eff. 7-26-01; 93-1094, eff. 3-29-05.)

2 (105 ILCS 230/5-25)

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

4 (a) The State Board of Education shall establish  
5 eligibility standards for school construction project grants  
6 and debt service grants. These standards shall include minimum  
7 enrollment requirements for eligibility for school  
8 construction project grants of 200 students for elementary  
9 districts, 200 students for high school districts, and 400  
10 students for unit districts. The State Board of Education shall  
11 approve a district's eligibility for a school construction  
12 project grant or a debt service grant pursuant to the  
13 established standards.

14 For purposes only of determining a Type 40 area vocational  
15 center's eligibility for an entity included in a school  
16 construction project grant or a school maintenance project  
17 grant, an area vocational center shall be deemed eligible if  
18 one or more of its member school districts satisfy the grant  
19 index criteria set forth in this Law. A Type 40 area vocational  
20 center that makes application for school construction funds  
21 after the effective date of this amendatory Act of the 96th  
22 General Assembly shall be placed on the respective application  
23 cycle list. Type 40 area vocation centers must be placed last  
24 on the priority listing of eligible entities for the applicable  
25 fiscal year.

1 (b) The Capital Development Board shall establish project  
2 standards for all school construction project grants provided  
3 pursuant to this Article. These standards shall include space  
4 and capacity standards as well as the determination of  
5 recognized project costs that shall be eligible for State  
6 financial assistance and enrichment costs that shall not be  
7 eligible for State financial assistance.

8 (c) The State Board of Education and the Capital  
9 Development Board shall not establish standards that  
10 disapprove or otherwise establish limitations that restrict  
11 the eligibility of a school district with a population  
12 exceeding 500,000 for a school construction project grant based  
13 on the fact that any or all of the school construction project  
14 grant will be used to pay debt service or to make lease  
15 payments, as authorized by subsection (b) of Section 5-35 of  
16 this Law.

17 (Source: P.A. 90-548, eff. 1-1-98; 91-38, eff. 6-15-99.)

18 (105 ILCS 230/5-35)

19 Sec. 5-35. School construction project grant amounts;  
20 permitted use; prohibited use.

21 (a) The product of the district's grant index and the  
22 recognized project cost, as determined by the Capital  
23 Development Board, for an approved school construction project  
24 shall equal the amount of the grant the Capital Development  
25 Board shall provide to the eligible district. The grant index

1 shall not be used in cases where the General Assembly and the  
2 Governor approve appropriations designated for specifically  
3 identified school district construction projects.

4 The average of the grant indexes of the member districts in  
5 a joint agreement shall be used to calculate the amount of a  
6 school construction project grant awarded to an eligible Type  
7 40 area vocational center.

8 (b) In each fiscal year in which school construction  
9 project grants are awarded, 20% of the total amount awarded  
10 statewide shall be awarded to a school district with a  
11 population exceeding 500,000, provided such district complies  
12 with the provisions of this Article.

13 In addition to the uses otherwise authorized by this Law,  
14 any school district with a population exceeding 500,000 is  
15 authorized to use any or all of the school construction project  
16 grants (i) to pay debt service, as defined in the Local  
17 Government Debt Reform Act, on bonds, as defined in the Local  
18 Government Debt Reform Act, issued to finance one or more  
19 school construction projects and (ii) to the extent that any  
20 such bond is a lease or other installment or financing contract  
21 between the school district and a public building commission  
22 that has issued bonds to finance one or more qualifying school  
23 construction projects, to make lease payments under the lease.

24 (c) No portion of a school construction project grant  
25 awarded by the Capital Development Board shall be used by a  
26 school district for any on-going operational costs.

1 (Source: P.A. 90-548, eff. 1-1-98; 91-38, eff. 6-15-99.)

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law."