# SB2143

## 97TH GENERAL ASSEMBLY

## State of Illinois

## 2011 and 2012

### SB2143

Introduced 2/10/2011, by Sen. John M. Sullivan

## SYNOPSIS AS INTRODUCED:

105 ILCS 230/5-25

Amends the School Construction Law. Provides that a reorganized school district or cooperative high school may use a school construction grant application that was submitted by a school district that formed the reorganized school district or cooperative high school if that application has not been entitled for a project by the State Board of Education and if specified conditions are met within the current or prior 4 (instead of 2) fiscal years. Effective immediately.

LRB097 10331 NHT 50539 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Section 5-25 as follows:

6       (105 ILCS 230/5-25)

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

8       (a)  The  State  Board  of  Education  shall  establish

9       eligibility standards for school construction project grants

10      and debt service grants. These standards shall include minimum

11      enrollment   requirements   for   eligibility   for   school

12      construction project grants of 200 students for elementary

13      districts, 200 students for high school districts, and 400

14      students for unit districts. The total enrollment of member

15      districts forming a cooperative high school in accordance with

16      subsection (c) of Section 10-22.22 of the School Code shall

17      meet  the  minimum  enrollment  requirements  specified  in  this

18      subsection (a). The State Board of Education shall approve a

19      district's eligibility for a school construction project grant

20      or a debt service grant pursuant to the established standards.

21      For purposes only of determining a Type 40 area vocational

22      center's  eligibility  for  an  entity  included  in  a  school

23      construction  project  grant  or  a  school  maintenance  project

1    grant, an area vocational center shall be deemed eligible if

2    one or more of its member school districts satisfy the grant

3    index criteria set forth in this Law. A Type 40 area vocational

4    center that makes application for school construction funds

5    after August 25, 2009 (the effective date of Public Act 96-731)

6    shall be placed on the respective application cycle list. Type

7    40 area vocational centers must be placed last on the priority

8    listing of eligible entities for the applicable fiscal year.

9        (b) The Capital Development Board shall establish project

10   standards for all school construction project grants provided

11   pursuant to this Article. These standards shall include space

12   and capacity standards as well as the determination of

13   recognized project costs that shall be eligible for State

14   financial assistance and enrichment costs that shall not be

15   eligible for State financial assistance.

16       (c) The State Board of Education and the Capital

17   Development Board shall not establish standards that

18   disapprove or otherwise establish limitations that restrict

19   the eligibility of (i) a school district with a population

20   exceeding 500,000 for a school construction project grant based

21   on the fact that any or all of the school construction project

22   grant will be used to pay debt service or to make lease

23   payments, as authorized by subsection (b) of Section 5-35 of

24   this Law, (ii) a school district located in whole or in part in

25   a county that imposes a tax for school facility purposes

26   pursuant to Section 5-1006.7 of the Counties Code, or (iii) a

1    school district that (1) was organized prior to 1860 and (2) is

2    located in part in a city originally incorporated prior to

3    1840, based on the fact that all or a part of the school

4    construction project is owned by a public building commission

5    and leased to the school district or the fact that any or all

6    of the school construction project grant will be used to pay

7    debt service or to make lease payments.

8        (d) A reorganized school district or cooperative high

9    school may use a school construction application that was

10   submitted by a school district that formed the reorganized

11   school district or cooperative high school if that application

12   has not been entitled for a project by the State Board of

13   Education and any one or more of the following happen within

14   the current or prior 4 2 fiscal years:

15       (1) a new school district is created in accordance with

16       Article 11E of the School Code;

17       (2) an existing school district annexes all of the

18       territory of one or more other school districts in

19       accordance with Article 7 of the School Code; or

20       (3) a cooperative high school is formed in accordance

21       with subsection (c) of Section 10-22.22 of the School Code.

22   A new elementary district formed from a school district

23   conversion, as defined in Section 11E-15 of the School Code,

24   may use only the application of the dissolved district whose

25   territory is now included in the new elementary district and

26   must obtain the written approval of the local school board of

1   any other school district that includes territory from that
2   dissolved district. A new high school district formed from a
3   school district conversion, as defined in Section 11E-15 of the
4   School Code, may use only the application of any dissolved
5   district whose territory is now included in the new high school
6   district, but only after obtaining the written approval of the
7   local school board of any other school district that includes
8   territory from that dissolved district. A cooperative high
9   school using this Section must obtain the written approval of
10  the local school board of the member school district whose
11  application it is using. All other eligibility and project
12  standards apply to this Section.
13  (Source: P.A. 96-37, eff. 7-13-09; 96-731, eff. 8-25-09;
14  96-1000, eff. 7-2-10; 96-1381, eff. 1-1-11; 96-1467, eff.
15  8-20-10; revised 9-16-10.)

16      Section 99. Effective date. This Act takes effect upon
17  becoming law.