

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.