



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4428

Introduced 3/24/2009, by Rep. John E. Bradley

SYNOPSIS AS INTRODUCED:

105 ILCS 230/5-25
105 ILCS 230/5-30
105 ILCS 230/5-57

Amends the School Construction Law. Prohibits the State Board of Education and the Capital Development Board from establishing standards that disapprove or otherwise establish limitations that restrict the eligibility a school district located in a county that imposes a tax for school facility purposes pursuant to provisions of the Counties Code concerning school facility occupation taxes. With respect to this amendatory change, provides for an exception to the prohibition on the State Board of Education making any material changes to the priority standards in effect on May 18, 2004 and the prohibition on the Capital Development Board making any material changes in the administration of its powers from how it administered those powers on May 18, 2004.

LRB096 12126 NHT 24288 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 Sections 5-25, 5-30, and 5-57 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 State Board of Education shall
15 approve a district's eligibility for a school construction
16 project grant or a debt service grant pursuant to the
17 established standards.

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

1 eligible for State financial assistance.

2 (c) The State Board of Education and the Capital
3 Development Board shall not establish standards that
4 disapprove or otherwise establish limitations that restrict
5 the eligibility of (i) a school district with a population
6 exceeding 500,000 for a school construction project grant based
7 on the fact that any or all of the school construction project
8 grant will be used to pay debt service or to make lease
9 payments, as authorized by subsection (b) of Section 5-35 of
10 this Law, or (ii) a school district located in whole or in part
11 in a county that imposes a tax for school facility purposes
12 pursuant to Section 5-1006.7 of the Counties Code.

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

14 (105 ILCS 230/5-30)

15 Sec. 5-30. Priority of school construction projects. The
16 State Board of Education shall develop standards for the
17 determination of priority needs concerning school construction
18 projects based upon approved district facilities plans. Such
19 standards shall call for prioritization based on the degree of
20 need and project type in the following order:

21 (1) Replacement or reconstruction of school buildings
22 destroyed or damaged by flood, tornado, fire, earthquake,
23 or other disasters, either man-made or produced by nature;

24 (2) Projects designed to alleviate a shortage of
25 classrooms due to population growth or to replace aging

1 school buildings;

2 (3) Projects resulting from interdistrict
3 reorganization of school districts contingent on local
4 referenda;

5 (4) Replacement or reconstruction of school facilities
6 determined to be severe and continuing health or life
7 safety hazards;

8 (5) Alterations necessary to provide accessibility for
9 qualified individuals with disabilities; and

10 (6) Other unique solutions to facility needs.

11 Except for those changes absolutely necessary to comply with
12 the changes made to subsection (c) of Section 5-25 of this Law
13 by this amendatory Act of the 96th General Assembly, the ~~The~~
14 State Board of Education may not make any material changes to
15 the standards in effect on May 18, 2004, unless the State Board
16 of Education is specifically authorized by law.

17 (Source: P.A. 93-679, eff. 6-30-04.)

18 (105 ILCS 230/5-57)

19 Sec. 5-57. Administration of powers; no changes.
20 Notwithstanding any other law to the contrary and except for
21 those changes absolutely necessary to comply with the changes
22 made to subsection (c) of Section 5-25 of this Law by this
23 amendatory Act of the 96th General Assembly, the Capital
24 Development Board may not make any material changes in the
25 administration of its powers granted under this Law from how it

1 administered those powers on May 18, 2004, unless specifically
2 authorized by law.

3 (Source: P.A. 93-679, eff. 6-30-04.)