

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 5-5, 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
17 to one minus the ratio of the district's equalized assessed
18 valuation per pupil in average daily attendance to the
19 equalized assessed valuation per pupil in average daily
20 attendance of the district located at the 90th percentile for
21 all districts of the same category. For the purpose of
22 calculating the grant index, school districts are grouped into
23 2 categories, Category I and Category II. Category I consists

1 of elementary and unit school districts. The equalized assessed
2 valuation per pupil in average daily attendance of each school
3 district in Category I shall be computed using its grades
4 kindergarten through 8 average daily attendance figure. A unit
5 school district's Category I grant index shall be used for
6 projects or portions of projects constructed for elementary
7 school pupils. Category II consists of high school and unit
8 school districts. The equalized assessed valuation per pupil in
9 average daily attendance of each school district in Category II
10 shall be computed using its grades 9 through 12 average daily
11 attendance figure. A unit school district's Category II grant
12 index shall be used for projects or portions of projects
13 constructed for high school pupils. The changes made by this
14 amendatory Act of the 92nd General Assembly apply to all grants
15 made on or after the effective date of this amendatory Act,
16 provided that for grants not yet made on the effective date of
17 this amendatory Act but made in fiscal year 2001 and for grants
18 made in fiscal year 2002, the grant index for a school district
19 shall be the greater of (i) the grant index as calculated under
20 this Law on or after the effective date of this amendatory Act
21 or (ii) the grant index as calculated under this Law before the
22 effective date of this amendatory Act. The grant index shall be
23 no less than 0.35 and no greater than 0.75 for each district;
24 provided that the grant index for districts whose equalized
25 assessed valuation per pupil in average daily attendance is at
26 the 99th percentile and above for all districts of the same

1 type shall be 0.00.

2 "School construction project" means the acquisition,
3 development, construction, reconstruction, rehabilitation,
4 improvement, architectural planning, and installation of
5 capital facilities consisting of buildings, structures,
6 durable equipment, and land for educational purposes.

7 "School district" means a school district or a Type 40 area
8 vocational center that is jointly owned if the joint agreement
9 includes language that specifies how the debt obligation is to
10 be paid, including in the event that an entity withdraws from
11 the joint agreement.

12 "School district" includes a cooperative high school,
13 which shall be considered a high school district for the
14 purpose of calculating its grant index.

15 "School maintenance project" means a project, other than a
16 school construction project, intended to provide for the
17 maintenance or upkeep of buildings or structures for
18 educational purposes, but does not include ongoing operational
19 costs.

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

21 (105 ILCS 230/5-25)

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

23 (a) The State Board of Education shall establish
24 eligibility standards for school construction project grants
25 and debt service grants. These standards shall include minimum

1 enrollment requirements for eligibility for school
2 construction project grants of 200 students for elementary
3 districts, 200 students for high school districts, and 400
4 students for unit districts. The State Board of Education shall
5 approve a district's eligibility for a school construction
6 project grant or a debt service grant pursuant to the
7 established standards.

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

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

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

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

11 (105 ILCS 230/5-35)

12 Sec. 5-35. School construction project grant amounts;
13 permitted use; prohibited use.

14 (a) The product of the district's grant index and the
15 recognized project cost, as determined by the Capital
16 Development Board, for an approved school construction project
17 shall equal the amount of the grant the Capital Development
18 Board shall provide to the eligible district. The grant index
19 shall not be used in cases where the General Assembly and the
20 Governor approve appropriations designated for specifically
21 identified school district construction projects.

22 The average of the grant indexes of the member districts in
23 a joint agreement shall be used to calculate the amount of a
24 school construction project grant awarded to an eligible Type
25 40 area vocational center.

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

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

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

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

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.