



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB2733

Introduced 1/12/2024, by Sen. Adriane Johnson

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-22.36

from Ch. 122, par. 10-22.36

Amends the School Boards Article of the School Code. In provisions requiring referendum approval to build or purchase a school building, provides that for any school district: (i) that is designated as a Tier 1 or Tier 2 school district under the evidence-based funding provisions of the Code, (ii) with at least one school that is located on federal property, (iii) whose overall student population is no more than 4,500 students and no less than 2,500 students, and (iv) that receives a federal Public Schools on Military Installations grant until June 30, 2030, no referendum shall be required if at least 75% of the cost of construction or building of any such building is paid or will be paid with funds received or expected to be received from the Public Schools on Military Installations grant. Provides that the school board must hold at least 2 public hearings, the sole purpose of which shall be to discuss the decision to construct a school building and to receive input from those community members in attendance. Provides that the notice of each public hearing that sets forth the time, date, place, and description of the school construction project must be provided at least 10 days prior to the hearing by publication on the school district's website. Effective immediately.

LRB103 35877 RJT 65962 b

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 Code is amended by changing Section  
5 10-22.36 as follows:

6 (105 ILCS 5/10-22.36) (from Ch. 122, par. 10-22.36)

7 Sec. 10-22.36. Buildings for school purposes.

8 (a) To build or purchase a building for school classroom  
9 or instructional purposes upon the approval of a majority of  
10 the voters upon the proposition at a referendum held for such  
11 purpose or in accordance with Section 17-2.11, 19-3.5, or  
12 19-3.10. The board may initiate such referendum by resolution.  
13 The board shall certify the resolution and proposition to the  
14 proper election authority for submission in accordance with  
15 the general election law.

16 The questions of building one or more new buildings for  
17 school purposes or office facilities, and issuing bonds for  
18 the purpose of borrowing money to purchase one or more  
19 buildings or sites for such buildings or office sites, to  
20 build one or more new buildings for school purposes or office  
21 facilities or to make additions and improvements to existing  
22 school buildings, may be combined into one or more  
23 propositions on the ballot.

1 Before erecting, or purchasing or remodeling such a  
2 building the board shall submit the plans and specifications  
3 respecting heating, ventilating, lighting, seating, water  
4 supply, toilets and safety against fire to the regional  
5 superintendent of schools having supervision and control over  
6 the district, for approval in accordance with Section 2-3.12.

7 Notwithstanding any of the foregoing, no referendum shall  
8 be required if the purchase, construction, or building of any  
9 such building (1) occurs while the building is being leased by  
10 the school district or (2) is paid with (A) funds derived from  
11 the sale or disposition of other buildings, land, or  
12 structures of the school district or (B) funds received (i) as  
13 a grant under the School Construction Law or (ii) as gifts or  
14 donations, provided that no funds to purchase, construct, or  
15 build such building, other than lease payments, are derived  
16 from the district's bonded indebtedness or the tax levy of the  
17 district.

18 Notwithstanding any of the foregoing, no referendum shall  
19 be required if the purchase, construction, or building of any  
20 such building is paid with funds received from the County  
21 School Facility and Resources Occupation Tax Law under Section  
22 5-1006.7 of the Counties Code or from the proceeds of bonds or  
23 other debt obligations secured by revenues obtained from that  
24 Law.

25 Notwithstanding any of the foregoing, for Decatur School  
26 District Number 61, no referendum shall be required if at

1 least 50% of the cost of the purchase, construction, or  
2 building of any such building is paid, or will be paid, with  
3 funds received or expected to be received as part of, or  
4 otherwise derived from, any COVID-19 pandemic relief program  
5 or funding source, including, but not limited to, Elementary  
6 and Secondary School Emergency Relief Fund grant proceeds.

7 (b) Notwithstanding the provisions of subsection (a), for  
8 any school district: (i) that is a tier 1 school, (ii) that has  
9 a population of less than 50,000 inhabitants, (iii) whose  
10 student population is between 5,800 and 6,300, (iv) in which  
11 57% to 62% of students are low-income, and (v) whose average  
12 district spending is between \$10,000 to \$12,000 per pupil,  
13 until July 1, 2025, no referendum shall be required if at least  
14 50% of the cost of the purchase, construction, or building of  
15 any such building is paid, or will be paid, with funds received  
16 or expected to be received as part of, or otherwise derived  
17 from, the federal Consolidated Appropriations Act and the  
18 federal American Rescue Plan Act of 2021.

19 For this subsection (b), the school board must hold at  
20 least 2 public hearings, the sole purpose of which shall be to  
21 discuss the decision to construct a school building and to  
22 receive input from the community. The notice of each public  
23 hearing that sets forth the time, date, place, and name or  
24 description of the school building that the school board is  
25 considering constructing must be provided at least 10 days  
26 prior to the hearing by publication on the school board's

1 Internet website.

2 (c) Notwithstanding the provisions of subsections  
3 ~~subsection~~ (a) and (b), for Cahokia Community Unit School  
4 District 187, no referendum shall be required for the lease of  
5 any building for school or educational purposes if the cost is  
6 paid or will be paid with funds available at the time of the  
7 lease in the district's existing fund balances to fund the  
8 lease of a building during the 2023-2024 or 2024-2025 school  
9 year.

10 For the purposes of this subsection (c), the school board  
11 must hold at least 2 public hearings, the sole purpose of which  
12 shall be to discuss the decision to lease a school building and  
13 to receive input from the community. The notice of each public  
14 hearing that sets forth the time, date, place, and name or  
15 description of the school building that the school board is  
16 considering leasing must be provided at least 10 days prior to  
17 the hearing by publication on the school district's website.

18 (d) ~~(c)~~ Notwithstanding the provisions of subsections  
19 ~~subsection~~ (a) and (b), for Bloomington School District 87, no  
20 referendum shall be required for the purchase, construction,  
21 or building of any building for school or education purposes  
22 if such cost is paid~~7~~ or will be paid with funds available at  
23 the time of contract, purchase, construction, or building in  
24 Bloomington School District Number 87's existing fund balances  
25 to fund the procurement or requisition of a building or site  
26 during the 2022-2023, 2023-2024, or 2024-2025 school year

1 ~~years.~~

2 For this subsection (d) ~~(e)~~, the school board must hold at  
3 least 2 public hearings, the sole purpose of which shall be to  
4 discuss the decision to construct a school building and to  
5 receive input from the community. The notice of each public  
6 hearing that sets forth the time, date, place, and name or  
7 description of the school building that the school board is  
8 considering constructing must be provided at least 10 days  
9 prior to the hearing by publication on the school board's  
10 website.

11 (e) Notwithstanding the provisions of subsection (a), for  
12 any school district: (i) that is designated as a Tier 1 or Tier  
13 2 school district under Section 18-8.15, (ii) with at least  
14 one school that is located on federal property, (iii) whose  
15 overall student population is no more than 4,500 students and  
16 no less than 2,500 students, and (iv) that receives a federal  
17 Public Schools on Military Installations grant until June 30,  
18 2030, no referendum shall be required if at least 75% of the  
19 cost of construction or building of any such building is paid  
20 or will be paid with funds received or expected to be received  
21 from the Public Schools on Military Installations grant.

22 For this subsection (e), the school board must hold at  
23 least 2 public hearings, the sole purpose of which shall be to  
24 discuss the decision to construct a school building and to  
25 receive input from those community members in attendance. The  
26 notice of each public hearing that sets forth the time, date,

1 place, and description of the school construction project must  
2 be provided at least 10 days prior to the hearing by  
3 publication on the school district's website.

4 (Source: P.A. 102-16, eff. 6-17-21; 102-699, eff. 7-1-22;  
5 103-8, eff. 6-7-23; 103-509, eff. 8-4-23; revised 8-31-23.)

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.