

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 and 5-15 as follows:

6 (105 ILCS 230/5-5)

7 Sec. 5-5. Definitions. As used in this Article:

8 "Conditional grant award" means the formal notification by
9 the Capital Development Board to a school district of its
10 conditional intent to award a grant to a school district to pay
11 a portion of the recognized project cost for a school
12 construction project. The grant award is conditioned upon
13 receiving proof from the school district that it has funds
14 available to cover the cost of the required local match.

15 "Grant award amount" means an amount equal to the
16 recognized project cost determined by the Capital Development
17 Board for a school construction project multiplied by the
18 grant award percentage and then adjusted as may be required
19 pursuant to subsection (d) of Section 5-15.

20 "Grant award percentage" means a percentage equal to one
21 minus the required local match percentage.

22 "Grant index" means a figure for each school district
23 equal to one minus the ratio of the district's equalized

1 assessed valuation per pupil in average daily attendance to
2 the equalized assessed valuation per pupil in average daily
3 attendance of the district located at the 90th percentile for
4 all districts of the same category. This definition applies
5 only to completed or partially completed, as determined by the
6 Capital Development Board, school construction projects for
7 which a grant application was filed for the 2004, 2005, or 2006
8 application cycle by a school district included on the State
9 Board of Education's 2004, 2005, or 2006 School Construction
10 Project Application Cycle listing and only for the purpose of
11 determining the amount of any adjustment pursuant to
12 subsection (d) of Section 5-15 ~~to a grant award amount for a~~
13 ~~project funded during the first application cycle opened after~~
14 ~~June 30, 2022~~. For the purpose of calculating the grant index,
15 school districts are grouped into 2 categories, Category I and
16 Category II. Category I consists of elementary and unit school
17 districts. The equalized assessed valuation per pupil in
18 average daily attendance of each school district in Category I
19 shall be computed using its grades kindergarten through 8
20 average daily attendance figure. A unit school district's
21 Category I grant index shall be used for projects or portions
22 of projects constructed for elementary school pupils. Category
23 II consists of high school and unit school districts. The
24 equalized assessed valuation per pupil in average daily
25 attendance of each school district in Category II shall be
26 computed using its grades 9 through 12 average daily

1 attendance figure. A unit school district's Category II grant
2 index shall be used for projects or portions of projects
3 constructed for high school pupils. The changes made by this
4 amendatory Act of the 92nd General Assembly apply to all
5 grants made on or after the effective date of this amendatory
6 Act, provided that for grants not yet made on the effective
7 date of this amendatory Act but made in fiscal year 2001 and
8 for grants made in fiscal year 2002, the grant index for a
9 school district shall be the greater of (i) the grant index as
10 calculated under this Law on or after the effective date of
11 this amendatory Act or (ii) the grant index as calculated
12 under this Law before the effective date of this amendatory
13 Act. The grant index shall be no less than 0.35 and no greater
14 than 0.75 for each district; provided that the grant index for
15 districts whose equalized assessed valuation per pupil in
16 average daily attendance is at the 99th percentile and above
17 for all districts of the same type shall be 0.00.

18 The grant index shall be calculated for each of those
19 school districts forming a reorganized school district or
20 cooperative high school if one or more of the following happen
21 within the current or prior 2 fiscal years:

22 (1) a new school district is created in accordance
23 with Article 11E of the School Code;

24 (2) an existing school district annexes all of the
25 territory of one or more entire other school districts in
26 accordance with Article 7 of the School Code; or

1 (3) a cooperative high school is formed in accordance
2 with Section 10-22.22c of the School Code.

3 The average grant index of those school districts shall be
4 used as the grant index for the newly reorganized district or
5 cooperative high school.

6 "Recognized project cost" means the total project cost for
7 a school construction project determined by the Capital
8 Development Board to be taken into account in calculating the
9 grant award amount and the required local match for a school
10 construction project.

11 "Required local match" means an amount equal to the
12 product of the recognized project cost determined by the
13 Capital Development Board multiplied by a school district's
14 required local match percentage, and then adjusted as may be
15 required pursuant to Section 5-15.

16 "Required local match percentage" means a percentage equal
17 to a school district's Local Capacity Percentage, as defined
18 in Section 18-8.15 of the School Code, and as calculated by the
19 State Superintendent of Education in the fiscal year in which
20 the school district applies for a grant to be awarded pursuant
21 to this Article, provided that the required local match
22 percentage shall be no less than 10% and no greater than 90%
23 for any district. With respect to a Type 40 area vocational
24 center cooperative, a special education cooperative, or a
25 cooperative high school, the required local match percentage
26 is calculated by first multiplying each cooperative member

1 district's average student enrollment utilized to calculate
2 its latest Evidence-Based Funding, as defined in Section
3 18-8.15 of the School Code, by the respective district's
4 latest Local Capacity Percentage, as defined in Section
5 18-8.15 of the School Code, to obtain a weighted average
6 student enrollment. Then, the required local match percentage
7 is calculated by taking the sum of all the member districts'
8 weighted average student enrollment and dividing that sum by
9 the sum of all the member districts' average student
10 enrollment utilized to calculate the latest Evidence-Based
11 Funding.

12 "School construction project" means the acquisition,
13 development, construction, reconstruction, rehabilitation,
14 improvement, architectural planning, and installation of
15 capital facilities consisting of buildings, structures,
16 durable equipment, and land for educational purposes.

17 "School district" means a school district or a Type 40
18 area vocational center or special education cooperative that
19 is jointly owned, if the joint agreement includes language
20 that specifies how the debt obligation is to be paid,
21 including in the event that an entity withdraws from the joint
22 agreement.

23 "School district" includes a cooperative high school, if
24 the cooperative agreement includes language that specifies how
25 the debt obligation is to be paid, including if an entity
26 withdraws from the cooperative agreement or the cooperative

1 agreement is terminated.

2 "School maintenance project" means a project, other than a
3 school construction project, intended to provide for the
4 maintenance or upkeep of buildings or structures for
5 educational purposes, but does not include ongoing operational
6 costs.

7 (Source: P.A. 102-723, eff. 5-6-22.)

8 (105 ILCS 230/5-15)

9 Sec. 5-15. Grant award amounts and required local match.

10 (a) After June 30, 2022, any time there is an
11 appropriation of funds by the General Assembly from the School
12 Infrastructure Fund or School Construction Fund and a release
13 of the appropriated funds to the Capital Development Board for
14 expenditure on grant awards pursuant to the provisions of this
15 Article, the State Board of Education is authorized to open an
16 application cycle to receive grant applications from school
17 districts for school construction projects. No grant
18 application filed before the start of the first application
19 cycle after June 30, 2022 may be considered. After the close of
20 each application cycle, the State Board of Education shall
21 determine the approval of applications, the required local
22 match percentage for each approved application, and the
23 priority order for school construction project grants to be
24 made by the Capital Development Board and shall then notify
25 all applicants regarding their eligibility for a grant. Such

1 notification shall include an estimate of the required local
2 match. The State Board of Education shall publish a list of
3 applicants eligible for grants and forward it to the Capital
4 Development Board.

5 (b) The Capital Development Board, to the extent that
6 appropriated funds have been released and proceeding through
7 the list of eligible applicants in the order of priority
8 determined by the State Board of Education, shall issue
9 conditional grant awards to eligible school districts. An
10 applicant that does not receive a conditional grant award
11 notification must submit a new application during another
12 application cycle in order to receive future consideration for
13 a grant award.

14 (c) The conditional grant award certifies to a school
15 district the recognized project costs for its school
16 construction project determined by the Capital Development
17 Board, the applicable required local match percentage and
18 grant award percentage, the required local match and grant
19 award amount calculated by multiplying the required local
20 match percentage and the grant award percentage by the
21 recognized project cost, and the required local match and
22 grant award amount as those amounts may be adjusted as
23 required in subsection (d).

24 (d) The required local match and grant award amount are
25 calculated by multiplying the required local match percentage
26 and the grant award percentage by the recognized project cost,

1 provided that, for the first application in which an applicant
2 is funded ~~only during the first application cycle after June~~
3 ~~30, 2022~~, these amounts may be adjusted if the applicant had
4 previously expended funds on a school construction project on
5 the 2004, 2005, or 2006 School Construction Grant List. In
6 that case, the required local match shall be reduced (but not
7 below zero) and the grant award amount shall be increased (to
8 an amount no greater than the recognized project cost) by an
9 amount determined by the Capital Development Board to be equal
10 to the amount of the grant the applicant would have received
11 pursuant to Section 5-35 had it been awarded a grant in 2004,
12 2005, or 2006 based on the 2004, 2005, or 2006 School
13 Construction Grant List and the year in which the school
14 district applied for the grant. To receive an adjustment under
15 this subsection (d), a school district on the 2004, 2005, or
16 2006 School Construction Grant List must initially apply and
17 be approved during the first 3 application cycles after June
18 30, 2024.

19 (e) A school district shall have 2 years from the date the
20 school district was issued a conditional grant award from the
21 Capital Development Board to obtain the school district's
22 required local match and receive a final grant award from the
23 Capital Development Board. If the required local match is not
24 obtained within the 2-year time frame, the school district
25 shall be required to reapply in another application cycle,
26 after the 2-year time frame, to be considered for a grant

1 award. The State share of the grant amount in a conditional
2 grant award that is not claimed by a school district within the
3 2-year time frame shall be reallocated to future application
4 cycles after the 2-year time frame expires.

5 (Source: P.A. 102-723, eff. 5-6-22; 103-154, eff. 6-30-23.)

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