

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER c: FINANCE

PART 151
SCHOOL CONSTRUCTION PROGRAM

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AUTHORITY: Implementing the School Construction Law [105 ILCS 230] and authorized by Section 5-55 of that Law.

SOURCE: Emergency rules adopted at 22 Ill. Reg. 2616, effective January 16, 1998, for a maximum of 150 days; emergency rules modified in response to JCAR objection at 22 Ill. Reg. 4500; emergency rules expired June 15, 1998; emergency rules adopted at 22 Ill. Reg. 6238, effective March 24, 1998, for a maximum of 150 days; emergency rules modified in response to JCAR objection at 22 Ill. Reg. 7703; emergency rules expired June 15, 1998; new Part adopted at 22

Ill. Reg. 12538, effective July 6, 1998; emergency amendment at 23 Ill. Reg. 11336, effective September 1, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 497, effective January 3, 2000; amended at 24 Ill. Reg. 5661, effective March 17, 2000; amended at 26 Ill. Reg. 886, effective January 15, 2002; amended at 32 Ill. Reg. 7410, effective April 22, 2008; amended at 33 Ill. Reg. 7919, effective June 1, 2009.

SUBPART A: SCHOOL CONSTRUCTION PROJECT GRANTS**Section 151.10 Purpose**

This Subpart implements the School Construction Law [105 ILCS 230/5], which requires that the State Board of Education:

- a) adopt standards under which the State Board will issue grant entitlements to school districts for school construction project grants to be made by the Capital Development Board; and
- b) determine the order of priority for school construction project grants to be made by the Capital Development Board.

(Source: Amended at 24 Ill. Reg. 5661, effective March 17, 2000)

Section 151.20 Eligible Applicants

School districts that meet the requirements of the School Construction Law and this Subpart are eligible to apply for school construction project grant entitlements. A district's eligibility for a school construction project grant under the minimum enrollment requirements of Section 5-25(a) of the School Construction Law shall be determined using the district's enrollment in prekindergarten through grade 12 as of the last school day in September of the most recent school year.

(Source: Amended at 33 Ill. Reg. 7919, effective June 1, 2009)

Section 151.30 Application for School Construction Project Grant Entitlement

- a) A school district seeking a school construction project grant entitlement shall submit an application that includes a District Facilities Plan. A district shall annually update its application in order to establish eligibility for a construction grant.
- b) Applications shall be addressed as follows:

Illinois State Board of Education
School Construction Program
100 North First Street
Springfield, Illinois 62777-0001
- c) Applications or updates must be received at the address shown in subsection (b) of this Section by April 1 preceding the beginning of the fiscal year in question. Each application or update must include the Capital Development Board's program statement as defined in 71 Ill. Adm. Code 40.
- d) An application that is incomplete will be returned and will not be processed until it is complete. An application must be complete by the applicable filing deadline in order to be considered. All information contained in the application shall be subject to verification and correction by the State Board of Education and the Capital Development Board by means including on-site inspection and review of documents.
- e) Each application shall include the following information.
 - 1) A narrative description of the present educational program of the district and anticipated changes in the educational program over the next five years, including:
 - A) the number of schools currently operated by the district;
 - B) the configuration of the district's schools by grade level;
 - C) the basis upon which students are assigned to the district's schools;
and
 - D) the nature and estimated impact of any changes in these factors over the next five years.

- 2) A description of the present and projected financial position of the district, including but not limited to the availability of current revenue, fund balances, the amount of general obligation debt of the district, and the amount of unused bonding power. This requirement may be met by attaching or, if already on file with the State Board, incorporating by reference:
 - A) a copy of the district's basic financial statements (i.e., Statement of Revenues Received/Revenues, Expenditures Disbursed/Expenditures, Other Financing Sources (Uses), and Changes in Fund Balances) from the district's Annual Financial Report for the fiscal year ending June 30 immediately preceding the fiscal year in which the application or update is submitted;
 - B) a copy of Part III (Budget Summary) and Part IV (Summary of Cash Transactions) from the School District Budget Form for the fiscal year in which the application or update is submitted; and
 - C) a statement showing the amount of the district's unused bonding power as determined under Article 19 of the School Code [105 ILCS 5/Art. 19].
- 3) A description of the district's maintenance plan and schedule, including but not limited to:
 - A) the maximum authorized operations and maintenance tax rate of the district;
 - B) the rate at which the operations and maintenance taxes were last extended;
 - C) the amount of operations and maintenance expenditures for the last fiscal year;
 - D) a statement assuring that new, renovated, and existing facilities are being or will be properly maintained; and
 - E) a brief explanation of how the district intends to maintain new, renovated, and existing facilities.
- 4) Facility inventory information, including:

- A) a listing of each parcel of land, building, building addition, or other structure owned or used by the district to house its operations or held by the district for investment or revenue-producing purposes;
- B) for each parcel of land, building, building addition, or other structure, a listing of the following information, as applicable:
 - i) the facility type;
 - ii) the ownership class;
 - iii) an indication of whether the structure is a main building or a building addition;
 - iv) the functional age of the building or addition as determined under Section 151.50(d)(2) of this Part;
 - v) the enrollment capacity as determined pursuant to the standards specified in Section 151.50(d) of this Part;
 - vi) the type of school housed in the building or building addition;
 - vii) the number of students currently housed in the facility;
 - viii) the number of inadequately housed students currently housed in the facility as determined under Section 151.50(c) and (d) of this Part;
 - ix) an indication of the district's plans for the facility within the next five years; and
 - x) an indication of which planned activities are the subject of a request for a school construction project grant.
- f) Each application submitted on or after July 1, 2007, shall also include information demonstrating that the project conforms to the "green building" requirements of Section 5-40 of the School Construction Law [105 ILCS 230/5-40]. Conformance may be demonstrated by providing evidence of:
 - 1) *certification under the United States Green Building Council's Leadership in Energy and Environmental Design Green Building Rating System* [105

ILCS 230/5-40] posted at www.usgbc.org (2008; no later editions or revisions are incorporated); or

- 2) *a rating under the Green Building Initiative's Green Globes Green Building Rating System* [105 ILCS 230/5-40] posted at www.thegbi.org/commercial/about-green-globes/rating-and-evaluation-process.asp (2007; no later editions or revisions are incorporated); or
- 3) compliance with green building standards established by the Illinois Capital Development Board, when codified by that agency in its rules in Title 71 of the Illinois Administrative Code.

(Source: Amended at 32 Ill. Reg. 7410, effective April 22, 2008)

Section 151.35 Application for School Construction Project Grant Entitlement – Districts With A Population Exceeding 500,000

A school district with a population exceeding 500,000 shall apply for a school construction project grant entitlement by submitting an application in accordance with Section 151.30 as modified by this Section.

- a) An application for a grant entitlement for Fiscal Year 1998 must be received by April 1, 1998.
- b) In lieu of the facility inventory information required by Section 151.30(e)(4) of this Part, each school or project for which grant funds are being sought shall be identified in the District Facilities Plan, including the following information as applicable:
 - 1) the facility type;
 - 2) the ownership class;
 - 3) an indication of whether the structure is a main building or a building addition;
 - 4) the type of school housed in the building or building addition;
 - 5) the number of students currently housed in the facility;
 - 6) an indication of the district's plans for the facility within the next five years; and
 - 7) an indication of which planned activities are the subject of a request for a school construction grant.

Section 151.40 Award of Construction Project Grant Entitlement

- a) A district that submits a complete and accurate application demonstrating that the district needs a school construction project or projects based on inadequate housing of students shall be awarded a construction project grant entitlement by the State Superintendent of Education for the qualifying project(s).
- b) Such an entitlement qualifies the district for a school construction project grant from the Capital Development Board but does not guarantee receipt of such a grant.
- c) The award of construction project grants by the Capital Development Board depends upon receipt of an appropriation for each fiscal year, the priority ranking of the district's project(s) as established pursuant to Section 151.50 of this Part, and the district's compliance with all other requirements of the School Construction Law.

Section 151.50 Priority Ranking of Construction Grant Entitlements

Priority ranking of construction grant entitlements shall be done if the appropriation for any fiscal year is insufficient to fund grants for all approved grant entitlements. In this case, districts holding construction grant entitlements shall be eligible for construction grants to be awarded by the Capital Development Board in order of the priority ranking described in this Section.

- a) Districts holding grant entitlements shall be eligible for grant awards in the order of:
 - 1) the six levels of priority described in Section 5-30 of the School Construction Law; and
 - 2) the district's ranking within its level of priority, determined according to subsections (b) through (d) of this Section.
- b) A district's ranking within a level of priority shall be determined by multiplying the district's needed capacity as determined under subsection (c) of this Section by the ratio of the district's needed capacity to the district's enrollment as of the last school day in September of the most recent school year. The resulting figure shall constitute the district's ranking, with the largest figure having the highest ranking.
- c) Needed Capacity
 - 1) For each priority other than priority five, the district's needed capacity shall be calculated by subtracting its currently available capacity as determined under subsection (d) of this Section from its current enrollment or its projected enrollment, whichever is greater.
 - A) Projected enrollment shall be calculated by multiplying the district's current enrollment by the ratio of the district's current enrollment to the district's enrollment two years before.
 - B) For purposes of calculating needed capacity, projected enrollment shall not include any increase in enrollment attributable to a change in the district's boundaries.
 - 2) For priority five, the district's needed capacity shall be the number of qualified individuals with disabilities who require a school construction project.

d) Determination of Available Capacity

- 1) The enrollment capacity of each room or space currently subject to occupancy by students for instructional purposes in a district-owned, permanent building, or in a building leased by the district if the lease is at least ten years from expiration, shall be determined by dividing the net floor area (in square feet) of such room or space by the appropriate loading factor, as follows:

Type of Room or Space	Loading Factor
Prekindergarten Classroom	40
Kindergarten Classroom	40
Elementary General Classroom	35
Elementary Art Classroom	40
Elementary Music Classroom	30
Elementary Computer Classroom	35
Middle School General Classroom	35
Middle School Art Classroom	40
Middle School Family and Consumer Sciences Classroom	50
Middle School Music Classroom	25
Middle School Computer Classroom	40
Middle School Science Laboratory	40
Middle School Science Laboratory/Classroom	50
Middle School Industrial Technology Laboratory/Shop Not Classified Elsewhere	40
High School General Classroom	30
High School Art Classroom	35
High School Music Classroom	25
High School Computer Classroom	40
High School Family and Consumer Sciences Classroom	60
High School Science Laboratory	35
High School Industrial Technology Laboratory/Shop	75
High School Laboratory Not Classified Elsewhere	35
Special Education Classroom	50

- 2) Buildings and additions with a functional age over one hundred years old shall be assigned an enrollment capacity of zero. The functional age of a building and each of its additions shall be individually determined by multiplying its actual age by one of the following condition factors, to be determined using the Building Condition Evaluation Form supplied by the State Board of Education:

Condition of Building or Addition	Condition Factor
Excellent	0.2
Satisfactory	0.4
Substandard	1.0
Poor	1.5
Very Poor	2.0

3) As used in this subsection (d), “permanent building” means a building mounted on a slab or a permanent foundation. A permanent foundation is a closed-perimeter formation consisting of materials such as concrete, mortared concrete block, or mortared brick extending into the ground below the frost line which may include but not be limited to cellars, basements, or crawlspaces but does not include the sole use of piers.

4) Available capacity shall be calculated by multiplying enrollment capacity as determined in subsections (d)(1) through (d)(3) of this Section by the following utilization factors:

A) elementary schools	0.9
B) middle or junior high schools	0.85
C) high schools	0.8

e) A new order of priority ranking shall be established among the applicants for each fiscal year. If a district is not awarded a construction grant in a fiscal year for which it has received an entitlement, the district must update its application to establish its priority ranking for the following fiscal year.

(Source: Amended at 33 Ill. Reg. 7919, effective June 1, 2009)

Section 151.55 Needed Capacity for Unit Districts

For unit districts, needed capacity under Section 151.50(c) of this Part shall be calculated separately for elementary grades (pre-kindergarten through eight) and secondary grades (nine through twelve), with a needed capacity that is a negative number being treated as zero. In making these calculations, available capacity for a building that contains both elementary and secondary grades shall be considered either elementary or secondary capacity, depending upon whether a majority of the building's students are elementary or secondary students. The district's needed capacity shall be the sum of the elementary and secondary needed capacities.

Section 151.60 Grant Index

- a) The amount of a school construction project grant shall be determined by using the district's grant index and the formulas given in Sections 5-5 and 5-35(a) of the School Construction Law.
- b) Separate grant indexes shall be calculated for elementary districts, high school districts, and unit districts.
- c) For each grant issued after September 1, 1999, the equalized assessed valuation and average daily attendance used in calculating a district's grant index shall be taken from the district's general state aid claim filed in the fiscal year in which the grant entitlement is made. The average daily attendance to be used shall be the district's best three months' average daily attendance. A grant index shall lapse if a grant is not awarded within 36 months after entitlement, and a new grant index shall be issued based upon the district's most recent general state aid claim.

(Source: Amended at 24 Ill. Reg. 497, effective January 03, 2000)

Section 151.70 Debt Service Grants (Repealed)

(Source: Repealed at 24 Ill. Reg. 5661, effective March 17, 2000)

SUBPART B: SCHOOL MAINTENANCE PROJECT GRANTS**Section 151.100 Purpose; Eligible Applicants**

- a) This Subpart implements the School Construction Law [105 ILCS 230], which requires that the State Board of Education issue grants for school maintenance projects.
- b) Any school district, charter school, public university laboratory school approved by the State Board of Education pursuant to Section 18-8.05(K) of the School Code [105 ILCS 5/18-8.05(K)], or area vocational center may apply for a grant. An eligible applicant may apply for and receive more than one grant during a fiscal year.

(Source: Amended at 26 Ill. Reg. 886, effective January 15, 2002)

Section 151.110 Definitions

As used in this Subpart:

“Emergency project” means a project made necessary by a disaster described in Section 5-30(1) of the School Construction Law. Conditions caused by age or lack of timely maintenance shall not constitute an emergency. Costs of an emergency project that are covered by insurance may not be claimed as part of an emergency project.

“Grant” means a school maintenance project grant.

“Health/life safety project” means a project that is necessary to correct a violation of the Health/Life Safety Code for Public Schools (23 Ill. Adm. Code 180) or to provide handicapped accessibility or school security.

“Ongoing operational costs” means ordinary maintenance expenses incurred in the course of the applicant's operations, including expenses for employee salaries and benefits, materials, and supplies.

“Other project” means a project other than an emergency project, health/life safety project, State program priority project or permanent improvement project.

“Permanent improvement project” means a project designed to upgrade or install building systems (e.g., air conditioning, electrical or plumbing systems) or involving other improvements to a building or structure so that the building or structure is better adapted to the applicant's educational programs.

“School maintenance project” or “project” means *a project, other than a school construction project as defined in Section 5-5 of the School Construction Law, intended to provide for the maintenance or upkeep of buildings or structures for educational purposes, but does not include ongoing operational costs* [105 ILCS 230/5-5]. A project may involve different types of work on a single building or structure, or may involve a single type of work (e.g., new roofing or windows) on several buildings or structures. Work on a project must have started on or after May 1, prior to the fiscal year for which a grant is sought. There is no limit to the cost of a project; however, grant awards shall not exceed \$50,000 per project, and applicants shall provide a match from local funds equal to the grant amount requested.

“State program priority project” means a project that is necessary for energy conservation or that adapts a building or structure to better serve students in a specific program for which the applicant receives funding under the School Code (e.g., prekindergarten at-risk, school technology).

(Source: Added at 24 Ill. Reg. 5661, effective March 17, 2000)

Section 151.120 Application for School Maintenance Project Grants

- a) An eligible applicant may apply for a grant by submitting an application on a form provided by the State Board of Education. A separate application shall be submitted for each project for which the applicant seeks a grant award.
- b) Up to \$1 million shall be reserved each fiscal year for emergency projects. If funds, other than funds reserved for emergency projects, remain after the award of grants from the announced application cycle, a second application period will be held. If funds reserved for emergency grants remain at the end of the fiscal year, these funds shall be distributed for other approved projects from the latest application cycle.
- c) An application for a grant for an emergency project shall be submitted directly to the State Board of Education by the deadline stipulated on the application. A copy shall also be sent to the regional superintendent of education. Emergency applications shall be submitted to the following address:

Illinois State Board of Education
School Maintenance Project Program
100 North First Street
Springfield, Illinois 62777-0001

- d) All other applications shall be submitted to the regional office of education two weeks prior to the application deadline announced by the State Board of Education for the fiscal year for which the grant is sought. The regional superintendent shall review and forward the applications to the State Board of Education at the address stipulated in subsection (c) of this Section by the application deadline.
- e) An application that is incomplete shall be returned and shall not be processed until it is complete. An application must be complete by the applicable submission deadline in order to be considered. All information contained in the application shall be subject to verification and correction by the State Board of Education by such means as on-site inspection and review of documents.
- f) Each application shall include the following information.
 - 1) The names, addresses, and descriptions of the facilities included in the project.

- 2) A narrative description of the nature and scope of the project, including the starting and completion dates for the project.
- 3) The total cost of the project, amount and source of local matching funds, and the requested grant amount.
- 4) The priority category of the project (see Section 151.130(b)(2) of this Part).
 - A) For an emergency project, the applicant shall indicate the date and nature of the emergency and the extent of building damage.
 - B) For a health/life safety project necessary to correct a code violation, the applicant shall identify the health/life safety work by amendment number.
- 5) For applicants that are seeking more than one grant in a fiscal year, the order in which the applicant wants its projects funded.
- 6) Such assurances as the State Board of Education may require, to include at least the following:
 - A) that the local board of education, in the case of school districts, or other school governing authority authorized the school maintenance project during a duly convened meeting, and
 - B) that the local board of education, in the case of school districts, or other school governing authority reserved local funds in an amount equal to the school maintenance project grant requested to meet the local match requirement.
- g) Each application shall bear an original signature of the president of the local board of education or other school governing authority.

(Source: Added at 24 Ill. Reg. 5661, effective March 17, 2000)

Section 151.130 Award of School Maintenance Project Grants - Applicants With a Population of 500,000 or Fewer

Grant awards to applicants with a population of 500,000 or fewer shall be made as provided in this Section.

- a) An applicant that submits a timely, complete and accurate application that is in compliance with the School Construction Law and this Subpart and that indicates that the applicant has a qualifying project shall be awarded a grant for the approved project provided that the appropriation is sufficient to fund the grant.
- b) If the appropriation for any fiscal year is insufficient to fund all approved projects, grants shall be awarded in the following order until the appropriation is exhausted.
 - 1) Grants shall be awarded in rounds, with each applicant being allowed one approved project per round.
 - 2) Within each round, grants shall be awarded in order of the five priorities established in Section 5-100(b) of the School Construction Law and as defined in Section 151.110 of this Part:
 - A) Emergency projects,
 - B) Health/life safety projects,
 - C) State priority projects,
 - D) Permanent improvement projects,
 - E) Other projects.
 - 3) Within each priority, grants shall be awarded in order of the applicant's need index, proceeding from greatest to least.
 - A) For a school district applicant, the need index shall be determined by dividing the equalized assessed valuation per pupil in average daily attendance of the school district at the 90th percentile of wealth for districts of that type (i.e., elementary, high school, or unit) by the equalized assessed valuation per pupil in average daily attendance of the applicant.

- B) For an applicant that does not possess property taxing authority, its equalized assessed valuation per pupil in average daily attendance shall be that of the school district in which the greatest number of the applicant's students reside.
 - C) For purposes of calculating the need index, the equalized assessed valuation and average daily attendance shall be taken from the general state aid claims filed in the fiscal year for which a grant is made. The average daily attendance to be used shall be the district's best three months average daily attendance.
- c) An approved application from the first round that is not funded because of an insufficient appropriation shall be placed ahead of new applications filed in a subsequent year, provided the applicant submits an updated application.

(Source: Added at 24 Ill. Reg. 5661, effective March 17, 2000)

Section 151.135 Award of School Maintenance Project Grants - School Districts With a Population Exceeding 500,000

A school district with a population exceeding 500,000 that submits timely, complete and accurate applications in compliance with the School Construction Law and this Subpart shall be awarded grants in the amount provided by Section 5-100(c) of the School Construction Law.

(Source: Added at 24 Ill. Reg. 5661, effective March 17, 2000)

Section 151.140 Terms of the Grant

- a) Grants shall be subject to the Illinois Grant Funds Recovery Act [30 ILCS 705]. Any grant funds not expended or legally obligated within two years after disbursement by the State shall be returned to the State Board of Education within 45 days.
- b) Grant funds may only be used for the project described in the approved application and shall be accounted for in compliance with applicable accounting rules set forth at 23 Ill. Adm. Code 100 (Requirements for Accounting, Budgeting, Financial Reporting, and Auditing). The applicant must provide local matching funds in an amount equal to the grant. If actual project expenditures are less than expected so that the amount of the grant is greater than 50 percent of the total project expenditures, the applicant shall refund the amount of the grant that is in excess of 50 percent of actual project expenditures. The applicant shall file a final expenditure report with the State Board of Education that describes the use of the grant funds.
- c) The applicant shall comply with the School Construction Law, this Subpart and all other applicable laws and regulations in completing a project.

(Source: Amended at 33 Ill. Reg. 7919, effective June 1, 2009)