

AN ACT concerning education.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

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

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

Sec. 10-22.36. Buildings for school purposes.

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

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

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

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

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

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

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

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

For this subsection (b), 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 the community. The notice of each public hearing that sets forth the time, date, place, and name or description of the school building that the school board is considering constructing must be provided at least 10 days prior to the hearing by publication on the school board's

Internet website.

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

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

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

years.

For this subsection (d) ~~(e)~~, 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 the community. The notice of each public hearing that sets forth the time, date, place, and name or description of the school building that the school board is considering constructing must be provided at least 10 days prior to the hearing by publication on the school board's website.

(e) Notwithstanding the provisions of subsection (a), for any school district: (i) that is designated as a Tier 1 or Tier 2 school district under Section 18-8.15, (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.

For this subsection (e), 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. The notice of each public hearing that sets forth the time, date,

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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.

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

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