

ISBE Review Procedures for Construction or Remodeling of a Facility

Background

Section 605 of the Individuals with Disabilities Education Act (IDEA) authorizes the Secretary of Education to allow the use of IDEA funds, which includes IDEA Part B American Recovery and Reinvestment Act (ARRA) funds, for construction or remodeling of facilities if the Secretary determines the program would be improved by allowing funds to be used for these purposes [20 U.S.C.A. §1404]. To use IDEA funds for facility construction or remodeling, states need to obtain prior approval from the U.S. Department of Education; and local educational agencies (LEAs) need to obtain prior approval from the Illinois State Board of Education (the Agency). [OSEP Guidance Revised July 1, 2009]

LEAs must obtain prior approval from the Agency for all capital expenditures for improvements to land, buildings, or equipment which materially increase their value or useful life. All grant applicants seeking use of IDEA funds for construction must complete the *Agency Application for Use of IDEA Part B Funds and/or IDEA Part B ARRA Funds for Construction or Alteration of Facilities*.

If an IDEA grant application contains a construction project but the Agency has not received a construction application, an Agency grant coordinator will inform the LEA of the construction approval process and the fact that the IDEA grant application cannot be approved until the construction application is also approved.

Applications for \$100,000 or less

When a construction application is received for a construction project costing less than \$100,000 it is approved through the IDEA grant application review process. Grant applicants must receive prior approval from the Special Education Services Division prior to obligating any funds for this purpose. LEAs must receive project approval from the Agency prior to beginning construction or remodeling.

Applications for more than \$100,000

Construction applications that include a project costing more than \$100,000 will be reviewed by the ISBE Construction Review Committee in accordance with the approval process.

Approval Process

When a construction application is received, it is date-stamped and examined to determine completeness. The form is logged into a database where progress on approval can be tracked. If

the application is not complete, a revised application with all required information is requested from the LEA contact.

The application is scanned and stored electronically, so that committee members may access it. The original is filed with the LEA's IDEA grant application.

The construction project review committee is notified via e-mail when a construction application is received, and a copy is available online to all committee members. At the behest of the Illinois State Superintendent of Education, the construction project review committee reviews applications and approves or disapproves as appropriate. The review committee meets as needed to review the construction applications.

Review Committee

The review committee consists of:

- Elizabeth Hanselman, Assistant Superintendent for Special Education
- John Perkins, School District Liaison
- David Anzel, Special Education Division Administrator
- Donna Schertz, Special Education Division Supervisor
- Bonnie Douglas, Principal Education Consultant
- Penny Kelly, Principal Education Consultant
- A representative from each of the following ISBE Divisions:
 - School Business Services
 - Funding and Disbursements
 - External Assurances and/or Internal Audits

The following members are required to attend meetings: David Anzel, Donna Schertz, Bonnie Douglas and Penny Kelly. Other members' attendance is requested, but not required for a meeting to go forward.

Guiding Review Questions

- Is the cost of the project an excess cost of providing special education and related services?
- Would the local educational agency's program be improved by the project?
 - Is there a documented need for the project?
 - Is the scope of the project consistent with documented needs?

- Is the project appropriate to meet the needs of the LEA’s special education population?
- Will the project and its location be consistent with the principles underlying placement in the Least Restrictive Environment?

➤ Has the local educational agency provided the required assurances?

34 CFR Section 300.114-117	Least Restrictive Environment
34 CFR Section 300.202	Excess Cost
34 CFR Section 300.718	Accessibility Standards for Facilities
ARRA Section 1604	Limit on Funds
ARRA Section 1605	Buy American-Use of American Iron, Steel, and Manufactured Goods
ARRA Section 1606	Wage Rate Requirements
OMB Circular A-87	Cost Principle for State, Local and Indian Tribal Governments
EDGAR 34 CFR 75.600-75.617	Use of a Grant for Construction
EDGAR 34 CFR 76.600	Where to Find Construction Regulations
EDGAR 34 CFR 80.31	Disposal of Property
23 Ill.Admin.Code 180.200 et seq.	Health/Life Safety Codes for Public Schools – Subpart C: Construction and Like Activities

Committee Recommendations

If additional information about the project is required, the Agency grant coordinator or a designated member of the review committee contacts the LEA. The review committee operates by consensus. If consensus cannot be reached, the views of the committee members are reported to the State Special Education Director.

The Agency grant coordinator completes a review checklist to reflect the decisions of the committee and maintains a record of committee activity.

Notice

The applicant LEA is informed in writing of the Agency’s decision, including any conditions placed upon the use of funds. The final status of the application and the date of the determination, e.g., “Construction Request (RCDT Code) Approved January 15, 2010” are entered into the database.