

ISBE Review Procedures for Construction or Remodeling of a Facility

Background

Section 605 of the Individuals with Disabilities Education Act (IDEA) authorizes the U.S. secretary of education to allow the use of IDEA funds for construction or remodeling of facilities if the secretary determines the program would be improved by allowing funds to be used for such purposes [20 U.S.C.A. §1404]. States must obtain prior approval from the U.S. Department of Education to use IDEA funds for facility construction or remodeling; and Local Education Agencies (LEAs) must obtain prior approval from the Illinois State Board of Education (ISBE).

LEAs must obtain prior approval from ISBE for all capital expenditures for improvements to land, buildings, or equipment that materially increase their value or useful life. All grant applicants seeking use of IDEA funds for construction must complete the ISBE Application for Use of [IDEA Part B Funds for Construction or Alteration of Facilities](#).

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

Applications for \$100,000 or less

A construction application for a project costing less than \$100,000 is approved via the IDEA grant application review process. Grant applicants must receive prior approval from the Special Education Department prior to obligating any funds for this purpose. LEAs must receive project approval from ISBE 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

Construction applications that are received are date-stamped and analyzed to determine completeness. The form is logged into a database so that progress on approval can be tracked. If the application is not complete, ISBE will request that the LEA contact provide a revised application with all required information.

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.

Members of the Construction Review Committee are notified via email when a construction application is received, and a copy is available online to them. At the behest of the state superintendent of education, the Construction Review Committee reviews applications and approves or disapproves as appropriate. The review committee meets as needed to review the construction applications.

Review Committee

Members of the Construction Review Committee are:

- Dr. Sherry Bochenek, Supervisor, Special Education Department
Kristy Deckard, Principal Consultant
- Raúl Lemus, Principal Consultant
Katanja Cowsen, Principal Consultant
- Elroy Reed, Principal Consultant

Guiding Review Questions

- Is the cost of the project an excess cost of providing special education and related services?
- Would the LEA'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 LEA 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

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
2 CFR Part 200

Disposal of Property
Uniform Administrative Requirements, Cost
Principles, and Audit Requirements for Federal
Awards

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 ISBE grant coordinator or a designated member of the review committee will contact 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 ISBE 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 ISBE'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, 2024”) are entered into the database.