

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 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 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:

- Twylia Bennet, Supervisor, Special Education Operational Support Department
- Kristi Lessen, Principal Consultant
- Sam Worth, 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 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

34 CFR Section 300.202

34 CFR Section 300.718

EDGAR 34 CFR 75.600-75.617

EDGAR 34 CFR 76.600

Least Restrictive Environment

Excess Cost

Accessibility Standards for Facilities

Use of a Grant for Construction

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 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.