

Document Status: Review and Monitoring

OPERATIONAL SERVICES

4:40 Incurring Debt

The Superintendent or designee shall provide early notice to the Board of Education of the District's need to borrow money. The Superintendent or designee shall prepare all documents and notices necessary for the Board, at its discretion, to: (1) issue State Aid Anticipation Certificates, tax anticipation warrants, working cash fund bonds, bonds, notes, and other evidence of indebtedness, or (2) establish a line of credit with a bank or other financial institution. The Superintendent or designee shall notify the State Board of Education before the District issues any form of long-term or short-term debt that will result in outstanding debt that exceeds 75% of the debt limit specified in State law. [PRESSPlus1](#)

Bond Issue Obligations

In connection with the Board's issuance of bonds, the Superintendent or designee shall be responsible for ensuring the District's compliance with federal securities laws, including the anti-fraud provisions of the Securities Act of 1933, as amended and, if applicable, the continuing disclosure obligations under [Rule 15c2-12](#) of the Securities Exchange Act of 1934, as amended.

Additionally, in connection with the Board's issuance of bonds, the interest on which is excludable from *gross income* for federal income tax purposes, or which enable the District or bond holder to receive other federal tax benefits, the Board authorizes the Superintendent to establish written procedures for post-issuance compliance monitoring for such bonds to protect their tax-exempt (or tax-advantaged) status.

The Board may contract with outside professionals, such as bond counsel and/or a qualified financial consulting firm, to assist it in meeting the requirements of this subsection.

LEGAL REF.:

Securities Act of 1933, [15 U.S.C. §77a](#) *et seq.*

Securities Exchange Act of 1934, [15 U.S.C. §78a](#) *et seq.*

[17 C.F.R. §240.15c2-12.](#)

Bond Authorization Act, [30 ILCS 305/2](#).

Bond Issue Notification Act, [30 ILCS 352/1](#).

Local Government Debt Reform Act, [30 ILCS 350/](#).

Tax Anticipation Note Act, [50 ILCS 420/](#).

[105 ILCS 5/17-16](#), [5/17-17](#), [5/18-18](#), and [5/19-1](#) *et seq.*

CROSS REF.: 4:10 (Fiscal and Business Management)

PRESSPlus Comments

[PRESSPlus 1](#). This policy is suggested to be reviewed by the Board. According to policy 2:240, *Board Policy Development*, "[t]he Board will periodically review its policies for relevancy, monitor its policies for effectiveness, and consider whether any modifications are required." IASB suggests that each policy in the Board's policy manual be reviewed at a minimum of every five years. As part of the review, the Board may choose to:

- Compare the adopted version to the current PRESS sample (available at PRESS Online by logging in at www.iasb.com), discussing any differences and/or options noted in the footnotes to determine whether local changes are necessary
- Update the policy language due to changes in local conditions
- Make no changes, but update the adoption date to reflect that the policy has been reviewed and re-adopted

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