

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing Section
5 34-21.1 as follows:

6 (105 ILCS 5/34-21.1) (from Ch. 122, par. 34-21.1)

7 Sec. 34-21.1. Additional powers. In addition to other
8 powers and authority now possessed by it, the board shall have
9 power:

10 (1) To lease from any public building commission
11 created pursuant to the provisions of the Public Building
12 Commission Act, approved July 5, 1955, as heretofore or
13 hereafter amended or from any individuals, partnerships or
14 corporations, any real or personal property for the purpose
15 of securing space for its school purposes or office or
16 other space for its administrative functions for a period
17 of time not exceeding 40 years.

18 (2) To pay for the use of this leased property in
19 accordance with the terms of the lease and with the
20 provisions of the Public Building Commission Act, approved
21 July 5, 1955, as heretofore or hereafter amended.

22 (3) Such lease may be entered into without making a
23 previous appropriation for the expense thereby incurred;

1 provided, however, that if the board undertakes to pay all
2 or any part of the costs of operating and maintaining the
3 property of a public building commission as authorized in
4 subparagraph (4) of this Section, such expenses of
5 operation and maintenance shall be included in the annual
6 budget of such board annually during the term of such
7 undertaking.

8 (4) In addition, the board may undertake, either in the
9 lease with a public building commission or by separate
10 agreement or contract with a public building commission, to
11 pay all or any part of the costs of maintaining and
12 operating the property of a public building commission for
13 any period of time not exceeding 40 years.

14 (5) To enter into agreements, including lease and lease
15 purchase agreements having a term not longer than 40 years
16 from the date on which such agreements are entered into,
17 with private sector individuals, partnerships, or
18 corporations for the construction of school buildings,
19 school administrative offices, site development, and
20 school support facilities. The board shall maintain
21 exclusive possession of all schools, school administrative
22 offices, and school facilities which it is occupying or
23 acquiring pursuant to any such lease or lease purchase
24 agreement, and in addition shall have and exercise complete
25 control over the education program conducted at such
26 schools, offices and facilities. The board's contribution

1 under any such agreement shall be limited to the use of the
2 real estate and existing improvements on a rental basis
3 which shall be exempt from any form of leasehold tax or
4 assessment, but the interests of the board may be
5 subordinated to the interests of a mortgage holder or
6 holders acquired as security for additional improvements
7 made on the property.

8 (6) To make payments on a lease or lease purchase
9 agreement entered into pursuant to subparagraph (5) of this
10 Section with an individual, partnership, or a corporation
11 for school buildings, school administrative offices, and
12 school support facilities constructed by such individual,
13 partnership, or corporation.

14 (7) To purchase the interests of an individual,
15 partnership, or corporation pursuant to any lease or lease
16 purchase agreement entered into by the board pursuant to
17 subparagraph (5) of this Section, and to assume or retire
18 any outstanding debt or obligation relating to such lease
19 or lease purchase agreement for any school building, school
20 administrative office, or school support facility.

21 (8) Subject to the provisions of subparagraph (9) of
22 this Section, to enter into agreements, including lease and
23 lease purchase agreements, having a term not longer than 40
24 years from the date on which such agreements are entered
25 into for the provision of school buildings and related
26 property and facilities for an agricultural science

1 school. The enrollment in such school shall be limited to
2 720 students, and no less than 50% of the total number of
3 enrollment positions in each incoming class must be
4 reserved for students who live within proximity to the
5 school. "Proximity to the school" means all areas within
6 the existing city limits of Chicago located south of 87th
7 Street (8700 South) and west of Wood Street (1800 West). In
8 addition to the other authorizations in this paragraph (8),
9 a maximum of 80 additional students may be enrolled in the
10 agricultural science school's significantly modified
11 curriculum for diverse learners, commonly known as the
12 special education cluster program. Under such agreements
13 the board shall have exclusive possession of all such
14 school buildings and related property and facilities which
15 it is occupying or acquiring pursuant to any such
16 agreements, and in addition shall have and exercise
17 complete control over the educational program conducted at
18 such school. Under such agreements the board also may lease
19 to another party to such agreement real estate and existing
20 improvements which are appropriate and available for use as
21 part of the necessary school buildings and related property
22 and facilities for an agricultural science school. Any
23 interest created by such a lease shall be exempt from any
24 form of leasehold tax or assessment, and the interests of
25 the board as owner or lessor of property covered by such a
26 lease may be subordinated to the interests of a mortgage

1 holder or holders acquired as security for additional
2 improvements made on the property. In addition, but subject
3 to the provisions of subparagraph (9) of this Section, the
4 board is authorized: (i) to pay for the use of school
5 buildings and related property and facilities for an
6 agricultural science school as provided for in an agreement
7 entered into pursuant to this subparagraph (8) and to enter
8 into any such agreement without making a previous
9 appropriation for the expense thereby incurred; and (ii) to
10 enter into agreements to purchase any ownership interests
11 in any school buildings and related property and facilities
12 subject to any agreement entered into by the board pursuant
13 to this subparagraph (8) and to assume or retire any
14 outstanding debt or obligation relating to such school
15 buildings and related property and facilities.

16 (9) Notwithstanding the provisions of subparagraph (8)
17 of this Section or any other law, the board shall not at
18 any time on or after the effective date of this amendatory
19 Act of 1991 enter into any new lease or lease purchase
20 agreement, or amend or modify any existing lease, lease
21 purchase or other agreement entered into pursuant to
22 subparagraph (8), covering all or any part of the property
23 or facilities, consisting of 78.85 acres more or less,
24 heretofore purchased or otherwise acquired by the board for
25 an agricultural science school; nor shall the board enter
26 into any agreement on or after the effective date of this

1 amendatory Act of 1991 to sell, lease, transfer or
2 otherwise convey all or any part of the property so
3 purchased or acquired, nor any of the school buildings or
4 related facilities thereon, but the same shall be held,
5 used, occupied and maintained by the board solely for the
6 purpose of conducting and operating an agricultural
7 science school. The board shall not, on or after the
8 effective date of this amendatory Act of 1991, enter into
9 any contracts or agreements for the construction,
10 alteration or modification of any new or existing school
11 buildings or related facilities or structural improvements
12 on any part of the 78.85 acres purchased or otherwise
13 acquired by the board for agricultural science school
14 purposes, excepting only those contracts or agreements
15 that are entered into by the board for the construction,
16 alteration or modification of such school buildings,
17 related facilities or structural improvements that on the
18 effective date of this amendatory Act of 1991 are either
19 located upon, under construction upon or scheduled under
20 existing plans and specifications to be constructed upon a
21 parcel of land, consisting of 17.45 acres more or less and
22 measuring approximately 880 feet along its northerly and
23 southerly boundaries and 864 feet along its easterly and
24 westerly boundaries, located in the northeast part of the
25 78.85 acres. Nothing in this subparagraph (9) shall be
26 deemed or construed to alter, modify, impair or otherwise

1 affect the terms and provisions of, nor the rights and
2 obligations of the parties under any agreement or contract
3 made and entered into by the board prior to the effective
4 date of this amendatory Act (i) for the acquisition, lease
5 or lease purchase of, or for the construction, alteration
6 or modification of any school buildings, related
7 facilities or structural improvements upon all or any part
8 of the 78.85 acres purchased or acquired by the board for
9 agricultural science school purposes, or (ii) for the lease
10 by the board of an irregularly shaped parcel, consisting of
11 23.19 acres more or less, of that 78.85 acres for park
12 board purposes.

13 (Source: P.A. 97-648, eff. 12-30-11.)