



Rep. Cynthia Soto

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1 AMENDMENT TO HOUSE BILL 363

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 363 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by adding Section  
5 34-18.37 as follows:

6 (105 ILCS 5/34-18.37 new)

7 Sec. 34-18.37. Establishing an equitable and effective  
8 school facility development process.

9 (a) The General Assembly recognizes all of the following:

10 (1) The Illinois Constitution indicates that "a  
11 fundamental goal of the People of the State is the  
12 educational development of all persons to the limits of  
13 their capacities".

14 (2) Quality educational facilities are essential for  
15 fostering the maximum educational development of all  
16 persons through their educational experience from

1       prekindergarten through high school.

2       (3) The public school is a major institution in  
3       communities that offers resources and opportunities for  
4       many stakeholders, including not only families with  
5       children who seek and deserve a quality education, but also  
6       including the entire community that seeks educational  
7       improvement.

8       (4) The equitable and efficient use of available  
9       facilities-related resources among different schools and  
10       among racial, ethnic, income, and disability groups is  
11       essential to maximize the development of quality  
12       educational facilities for all children, youth, and  
13       adults. These factors vary according to the needs of each  
14       school community, are vitally impacted by  
15       facilities-related decisions, and, therefore, should  
16       include the school community's voice to the greatest extent  
17       possible in all current and future uses of the school  
18       building.

19       (5) School openings, school closings, school  
20       consolidations, school turnarounds, school phase-outs,  
21       school construction, school repairs, school  
22       modernizations, school boundary changes, and other related  
23       school facility decisions often have profound impacts on  
24       education in a community. These decisions must be carried  
25       out only according to clear systemwide criteria and with  
26       genuine involvement of local school councils, parents,

1 educators, and the community in decision-making.

2 (6) The General Assembly has previously stated that it  
3 intended to make the individual school in the City of  
4 Chicago the essential unit for educational governance and  
5 improvement and to place the primary responsibility for  
6 school governance and improvement in the hands of parents,  
7 teachers, and community residents at each school. A school  
8 facility policy must be consistent with these principles.

9 (b) To ensure that the intent of the General Assembly is  
10 carried out in a fair and equitable manner and to establish  
11 educationally sound and fiscally responsible criteria for  
12 related facilities planning, the following process shall apply  
13 to the school district:

14 (1) A Special Joint Chicago Education Facilities  
15 Committee shall be established within 30 days after the  
16 effective date of this amendatory Act of the 96th General  
17 Assembly and shall consist of 4 members of the House of  
18 Representatives' Elementary & Secondary Education  
19 Committee, 4 members of the Senate's Education Committee,  
20 and 4 representatives of school community organizations  
21 with past involvement in school facility issues. The  
22 Speaker of the House of Representatives shall appoint the 4  
23 members of the House Elementary and Secondary Committee, 2  
24 of whom shall be Republicans and 2 of whom shall be  
25 Democrats. The Speaker of the House shall appoint one of  
26 the 4 appointed House members as Co-Chairperson of the

1       Committee. The Speaker of the House shall appoint one  
2       representative of each of 2 school community organizations  
3       with past involvement in Chicago school facility issues as  
4       committee members. The President of the Senate shall  
5       appoint the 4 members of the Senate Education Committee, 2  
6       of whom shall be Republicans and 2 of whom shall be  
7       Democrats. The President of the Senate shall appoint one of  
8       the 4 appointed Senate members as a Co-Chairperson of the  
9       Committee. The President of the Senate shall appoint one  
10       representative of each of 2 school community organizations  
11       with past involvement in Chicago school facility issues as  
12       committee members. Additionally, the chief executive  
13       officer of the school district or his or her designee, a  
14       representative from the Chicago Teachers Union, and a  
15       representative from the Chicago Principals Association  
16       shall serve on the Committee.

17       (2) The Committee shall call on independent experts, as  
18       needed, to gather and analyze pertinent information on a  
19       pro bono basis, provided that such experts shall have no  
20       previous or on-going financial interest in school facility  
21       issues related to the school district. The Committee shall  
22       secure pro bono expert assistance within 30 days after the  
23       establishment of the Committee.

24       (3) The Committee shall be empowered to gather further  
25       evidence in the form of testimony or documents or other  
26       materials.

1           (4) The Committee, with the help of the independent  
2           experts, shall analyze past Chicago experiences and data  
3           with respect to school openings, school closings, school  
4           consolidations, school turnarounds, school phase-outs,  
5           school construction, school repairs, school  
6           modernizations, school boundary changes, and other related  
7           school facility decisions on their students. The Committee  
8           shall consult widely with stakeholders, including public  
9           officials, about these facility issues and their related  
10           costs and shall examine relevant best practices from other  
11           school systems for dealing with these issues  
12           systematically and equitably. These initial investigations  
13           shall include opportunities for input from local  
14           stakeholders through hearings, focus groups, and  
15           interviews.

16           (5) The Committee shall prepare a draft policy by  
17           September 30, 2009 describing how these issues can be  
18           addressed effectively based upon educationally sound and  
19           fiscally responsible practices.

20           (6) The Committee shall hold hearings in separate  
21           relevant areas of the school district at times that shall  
22           maximize school community participation to obtain comments  
23           on the draft policy. The final hearing shall take place no  
24           later than 30 days prior to the completion of the final  
25           draft to be presented to the General Assembly for approval.  
26           The final proposed policy shall be made available to the

1       public in the school district at least 7 days before formal  
2       introduction in the General Assembly.

3       (7) The Committee shall prepare a final proposed  
4       policy, which may be introduced in the form of legislation  
5       by a member of the General Assembly and may address the  
6       issues, standards, and procedures set forth in this  
7       Section. The legislation may address issues of system-wide  
8       criteria for ensuring clear priorities, equity, and  
9       efficiency.

10       (8) Without limitation, the legislation may establish  
11       significant decision-making roles for key stakeholders,  
12       including the individual school and community; require  
13       clear criteria or processes for establishing criteria for  
14       making school facility decisions; and include clear  
15       criteria for setting priorities with respect to school  
16       openings, school closings, school consolidations, school  
17       turnarounds, school phase-outs, school construction,  
18       school repairs, school modernizations, school boundary  
19       changes, and other related school facility decisions,  
20       including the encouragement of multiple community uses for  
21       school space.

22       (9) Without limitation, the legislation may seek to  
23       establish criteria for student mobility; the transferring  
24       of students to lower performing schools; teacher mobility;  
25       insufficient notice to and the lack of inclusion in  
26       decision-making of local school councils, parents, and

1       community members about school facility decisions; and  
2       costly facilities-related expenditures due to poor  
3       educational and facilities planning.

4       (c) The Board of Education shall provide administrative  
5       support to the Committee.

6       Section 99. Effective date. This Act takes effect upon  
7       becoming law.".