

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 adding the heading  
5 preceding Section 34-200 and Sections 34-200, 34-205, 34-210,  
6 34-215, 34-220, 34-225, 34-230, 34-235, 34-240, 34-245, and  
7 34-250 as follows:

8 (105 ILCS 5/prec. Sec. 34-200 heading new)

9 SCHOOL ACTION AND ACCOUNTABILITY MASTER PLANNING

10 (105 ILCS 5/34-200 new)

11 Sec. 34-200. Findings and recommendations.

12 (a) Public Act 96-803 established the Chicago Educational  
13 Facilities Task Force (CEFTF) to analyze Chicago Public Schools  
14 data from past school actions, conduct hearings, gather public  
15 input, and consult with stakeholders and experts to develop  
16 recommendations for establishing an equitable and effective  
17 school facility development process.

18 (b) Based on research on best practice standards in other  
19 school districts, the CEFTF found that it is possible to have a  
20 fair, equitable, and meaningful process for deciding on school  
21 actions and capital project allocations. The CEFTF found the  
22 following:

1           (1) School facility condition, utilization, design,  
2           and location impact student academic progress, safety, and  
3           learning potential.

4           (2) There are best practice standards that indicate an  
5           adequate school building should have a range of 125 to 200  
6           gross square feet per student in a temperate climate,  
7           depending upon program, grade levels served, and design.

8           (3) A system for public transparency, oversight, and  
9           accountability needs to be in place to ensure fiscal  
10           efficiency and that no educational harm to disadvantaged  
11           students and communities results from facility-related  
12           actions, including capital spending decisions, closings,  
13           consolidations, co-locations, attendance boundary changes,  
14           new school openings, and major programmatic changes.

15           (4) A long-range facility master plan and a capital  
16           improvement program based upon standards for educationally  
17           adequate and appropriate facilities is needed to ensure  
18           high quality, equitable, and educationally appropriate  
19           school facilities and to raise adequate funds to support  
20           facility needs.

21           (5) Processes for public input, notice, and influence  
22           on the use and disposition of publicly owned and used  
23           public school facilities are critical elements of  
24           well-managed public school facilities.

25           (6) Collaboration and coordination with involved local  
26           community groups and municipal entities in planning and

1 decision making regarding public school facilities ensures  
2 a more adequate plan.

3 (7) Illinois has fallen behind the majority of other  
4 states in its school facility spending per student.

5 (b) Based upon these findings, the CEFTF recommends that  
6 the General Assembly enact legislation that defines a system  
7 for high quality educational facility planning and oversight of  
8 Chicago's public school buildings and grounds that ensures that  
9 the location, condition, utilization, and design of our public  
10 schools is adequate and equitably allocated among all our  
11 communities and students. To accomplish this purpose, the  
12 following are recommended:

13 (1) An independent planning commission for educational  
14 facility planning of the Chicago Public Schools.

15 (2) Facility standards, a 10-year Educational Facility  
16 Master Plan, and a 5-year Capital Improvement Plan and  
17 budget, developed by the school district with public input  
18 and participation, including the community,  
19 parents/guardians, local school councils, educators, and  
20 other stakeholders; coordinated with other local  
21 governments and agencies; and aligned with educational  
22 goals and vision, that prioritize students' well-being and  
23 academic success.

24 (3) Transparent and accountable systems and controls  
25 for school actions and capital projects through the use of  
26 an educational impact statement, publicly accessible data,

1 information, reports, and audits.

2 (4) State funding for school facilities that is  
3 predicated on its compliance with the provisions of this  
4 Article.

5 (105 ILCS 5/34-205 new)

6 Sec. 34-205. Definitions. For the purposes of the Sections  
7 of this Article following this Section:

8 "Board" means the Chicago Board of Education.

9 "Capital Improvement Plan" means a 5-year plan that  
10 identifies the priority capital projects to be started or  
11 finished within the capital budget period.

12 "Capital project" means facility renovation, including for  
13 buildings and grounds, as well as major building systems  
14 replacement or upgrades, new construction, and demolition,  
15 including the capital-related costs for planning, design, and  
16 engineering.

17 "CEFTF" means the Chicago Educational Facilities Task  
18 Force.

19 "CEO" means the chief executive officer of the school  
20 district or his or her successor.

21 "Commission" means the Facility Planning Commission  
22 created by this Article.

23 "CPS" means the school district.

24 "Educational Facility Master Plan" means a 10-year plan  
25 developed with public and other governmental input and

1 participation that describes how and by whom the school  
2 buildings and grounds shall be used, improved, and maintained  
3 on a year-by-year and school-by-school basis.

4 "Educational Impact Statement" or "EdIS" means a study and  
5 report that assesses the educational and social effects of  
6 school actions on current students' learning and safety.

7 "Enrollment capacity" means how many students can be  
8 accommodated in a school building when staffing ratios,  
9 curriculum standards, and other educational best practices are  
10 accommodated.

11 "LSC" or "Local School Council" means a local school  
12 council established under Section 34-2.1 of this Code.

13 "School action" means any school closure, consolidation,  
14 phase-out, opening, relocation, co-location, academic program  
15 change (such as conversion to a charter or selective  
16 enrollment), turnarounds, or attendance area boundary changes.

17 "Utilization" means the comparison of actual enrollment to  
18 the enrollment capacity or the rate of use of a school  
19 building.

20 (105 ILCS 5/34-210 new)

21 Sec. 34-210. Establishment of the Chicago Educational  
22 Facility Planning Commission.

23 (a) There is hereby established the Chicago Educational  
24 Facility Planning Commission.

25 (b) The Commission shall have the authority to take all

1 steps necessary to ensure equitable, adequate, and sustainable  
2 public school facilities for the citizens and children of the  
3 City of Chicago, including the following:

4 (1) Approve standards for the capacity and utilization  
5 of CPS schools, including public charter schools.

6 (2) Approve standards for basic performance measures  
7 for the CPS 10-year Educational Facility Master Plan and  
8 5-year Capital Improvement Plan.

9 (3) Approve the school actions that are required to be  
10 included in the Educational Facility Master Plan.

11 (4) Approve the 5-year Capital Improvement Plan and  
12 budget.

13 (5) Participate in the selection of contractors  
14 engaged to work on the development of the standards, plans,  
15 audits, and Educational Impact Statements.

16 (6) Certify whether or not these requirements are met  
17 prior to expenditure of capital funds by CPS, the Chicago  
18 Public Building Commission, or any other body or entity  
19 using capital funding for public school facilities.

20 (c) The Commission shall have the following duties:

21 (1) The Commission shall communicate and cooperate  
22 with CPS on the schedules for the standards, plans, audits,  
23 and other process required under this Article.

24 (2) The Commission shall hold hearings in accordance  
25 with the requirements of this Article.

26 (3) The Commission shall prepare reports, comments,

1 and document review of CPS standards, plans, reports, and  
2 audits required under this Article.

3 (4) The Commission shall hold regular public meetings  
4 with its members to plan and execute their duties under  
5 this Article.

6 (5) The chairperson of the Commission or his or her  
7 designee shall supervise the staff assigned to support the  
8 Commission.

9 (6) The Commission shall establish a calendar for its  
10 meetings, hearings, reviews, and reports at the beginning  
11 of each fiscal year.

12 (7) The Commission shall prepare an annual work plan  
13 and budget that shall go to the State Board of Education  
14 for review as part of the annual budget process.

15 (8) The Commission shall engage an independent auditor  
16 for the periodic audits of the capital improvement program  
17 in accordance with the requirements of this Article.

18 (9) The Commission shall select an independent auditor  
19 and oversee periodic audits of the capital improvement  
20 program in accordance with the requirements of this  
21 Article.

22 (10) The Commission shall appoint 2 members to review  
23 educational facility planning consultant contract  
24 responses and be part of the final selection process.

25 (d) The Commission shall be comprised of 17 members and  
26 each member shall have one vote. A majority of those appointed

1 shall constitute a quorum and is required for the passage of  
2 any final action. The members shall be appointed as follows:

3 (1) Four members of the General Assembly as chosen by  
4 the respective leaders of each legislative caucus.

5 (2) Four members of community organizations with a  
6 focus on education and experience with educational  
7 facility issues, as chosen by the respective legislative  
8 caucus leaders.

9 (3) One member appointed by the Mayor of the City of  
10 Chicago with knowledge and expertise in the City's planning  
11 for community and housing development.

12 (4) The CEO of CPS or his or her designee.

13 (5) The Chairperson of the State Board of Education, or  
14 his or her designee.

15 (6) The President of the Chicago Teachers Union or his  
16 or her designee.

17 (7) The President of the Chicago Principals and  
18 Administrators Association or his or her designee.

19 (8) Two members of duly elected Local School Councils,  
20 one each from an elementary school and high school, to be  
21 chosen by the CPS district-wide council of LSCs; or in the  
22 event that such district-wide council is dissolved by any  
23 future CEO, then the 2 LSC representatives shall be  
24 appointed by the chairperson of the Commission.

25 (9) One member representing parent/guardian advisory  
26 bodies of charter schools, appointed by the CEO of CPS.



1           (10) The President of the Chicago Park District or his  
2           or her designee.

3           The members appointed by the House Speaker and the Senate  
4           President shall be deemed co-chairpersons.

5           (e) Member terms, meetings, and staffing of the Commission  
6           shall be as follows:

7           (1) Each non-elected member shall serve a term of 2  
8           years, which may be renewed for up to 8 years. General  
9           Assembly members shall serve throughout their term of the  
10           General Assembly. Those non-elected members whose terms  
11           have expired shall continue to serve until a subsequent  
12           individual is nominated. Vacancies shall be filled in the  
13           same manner as original appointments and named on or before  
14           September 1 of each year.

15           (2) The Commission shall be named and hold its first  
16           meeting within 60 days after the effective date of this  
17           Section and shall meet at least quarterly, and as deemed  
18           necessary by the Commission co-chairpersons.

19           (3) All meetings shall be subject to the Open Meetings  
20           Act, and agendas, minutes, and other documents taken up at  
21           Commission meetings shall be posted on the CPS Internet  
22           website in a prominent location.

23           (4) The State Board of Education shall provide  
24           administrative support staff to the Commission.

1       Sec. 34-215. Educational facility standards.

2       (a) As a necessary foundation for this and subsequent  
3 plans, CPS shall propose, on or before January 1, 2012, school  
4 and community space-use standards for school buildings and  
5 grounds. These space-use standards shall identify the minimal  
6 and optimal space types and sizes needed to support high  
7 quality instruction, school and staff activities, and programs  
8 and services, including for community use and for co-location,  
9 by school type (such as early education, elementary, middle,  
10 and high school); and, at a minimum, shall fall within the  
11 square feet per student of national medians of 125 to 200 gross  
12 square feet per student of indoor facility space.

13       (b) CPS shall develop facility performance standards,  
14 including the following:

15           (1) On or before January 1, 2012, CPS shall propose  
16 minimum and optimal facility performance standards for  
17 thermal comfort; daylight; acoustics; indoor air quality;  
18 water quality and access to drinking water; furniture  
19 ergonomics for students and staff; technology; life  
20 safety; ADA accessibility; environmental hazards; and  
21 walkability.

22           (2) The CEO shall submit the proposed educational  
23 facilities standards to each LSC and to the Chicago Public  
24 Building Commission for review and comment prior to  
25 submission to the Board.

26           (3) Once the CEO has incorporated the input and

1 recommendations of the public and the Chicago Public  
2 Building Commission, the CEO shall submit the proposed  
3 standards to the Board for review and comment.

4 (c) The facility performance standards shall be subject to  
5 review and approval according to the following:

6 (1) Following Board review and comment, the CEO shall  
7 submit the proposed educational facility standards to the  
8 Commission.

9 (2) The Commission shall hold at least one public  
10 hearing to solicit public comment on the proposed  
11 educational facility standards.

12 (3) The Commission shall vote on or before March 1,  
13 2012 on the initial educational facility standards.

14 (4) The Commission shall vote on subsequent  
15 educational facility standards when revisions are proposed  
16 by CPS.

17 (5) If the Commission votes to reject the CEO's  
18 proposed educational facility standards, then the  
19 Commission must identify, in writing, a description of the  
20 specific standards that must be addressed and make  
21 recommendations on revisions to those standards.

22 (6) The CEO shall have 30 days to submit revised  
23 educational facility standards to the Board and post its  
24 revised plan via the CPS Internet website.

25 (7) The Board shall have 30 days to review and approve  
26 the CEO's revised educational facility standards.

1           (8) If approved by Board review, the CEO shall resubmit  
2           the revised educational facility standards to the  
3           Commission.

4           (9) The Commission shall vote only on whether the  
5           specific concerns identified in the written rejection have  
6           been satisfactorily addressed and, with a simple majority,  
7           may approve the revised standards. If rejected, the  
8           Commission must include comments and return the proposal to  
9           the Board for further revisions. This process shall  
10           continue until the CEO and the Board produce standards that  
11           are acceptable to the Commission.

12           (10) The final approved educational facility space and  
13           facility standards shall be available to the public via the  
14           CPS Internet website.

15           (11) No State capital funds authorized under Illinois  
16           law shall be issued without Commission approval of space  
17           and building standards.

18           (105 ILCS 5/34-220 new)

19           Sec. 34-220. The Educational Facility Master Plan.

20           (a) In accordance with the schedule set forth in this  
21           Article, the CEO shall prepare a 10-year Educational Facility  
22           Master Plan every 5 years, with updates 2 1/2 years after the  
23           approval of the 10-year plan, with the first such Educational  
24           Facility Master Plan to be approved and in effect on or before  
25           July 1, 2013.

1       (b) The Educational Facility Master Plan shall provide  
2 neighborhood level plans and individual school master plans  
3 with options for addressing the facility and space needs for  
4 each facility in the CPS inventory over a 10-year time period,  
5 including any actions planned for the first 5 years of the  
6 Educational Facility Master Plan.

7       (c) The data, information, and analysis that shall inform  
8 the city-wide, neighborhood, and individual school plans must  
9 be publicly accessible on the CPS Internet website and include  
10 the following:

11           (1) a description of CPS guiding educational goals and  
12 standards;

13           (2) a brief description of the types of educational  
14 instructional programs and services delivered in each  
15 school;

16           (3) a description of the process, procedure, and  
17 timeline for community participation in the development of  
18 the plan;

19           (4) a list of the enrollment capacity in each school  
20 and its rate of utilization;

21           (5) a report on the assessment of individual building  
22 and site conditions;

23           (6) a data table with the historical and projected  
24 enrollment data by school by grade;

25           (7) community analysis, including a study of current  
26 and projected demographics, land usage, transportation

1 plans, residential housing and commercial development,  
2 private schools, plans for water and sewage service  
3 expansion or redevelopment, and institutions of higher  
4 education;

5 (8) an analysis of the facility needs and requirements  
6 of the district; and

7 (9) identification of potential sources of funding for  
8 the implementation of the Educational Facility Master  
9 Plan.

10 (d) The CEO or his or her designees shall meet at least  
11 once with LSCs, other parent advisory bodies, educators, local  
12 and State-elected officials, and community stakeholders to  
13 develop the neighborhood level plans and the city-wide  
14 Educational Facility Master Plan. A report of these meetings  
15 shall be provided to the Commission.

16 (e) The CEO shall secure input from the City of Chicago,  
17 Cook County, the Chicago Park District, the Chicago Public  
18 Library District, the Chicago Housing Authority, and the  
19 Chicago Transit Authority on the development of the  
20 neighborhood level plans and the city-wide educational  
21 facility plan. A report of this input shall be provided to the  
22 Commission.

23 (f) The CEO shall submit the proposed Educational Facility  
24 Master Plan to each LSC and other local governments and  
25 agencies for review and comment prior to submission to the CPS  
26 board.

1       (g) Once the CEO has incorporated the input and  
2 recommendations of the public and other local governmental  
3 agencies into the neighborhood and city-wide plans, the CEO  
4 shall submit the proposed Educational Facility Master Plan to  
5 the Board for review and comment.

6       (h) The Educational Facility Master Plan must be approved  
7 and adopted in accordance with the following:

8           (1) Following Board review and comment, the CEO shall  
9 submit the final proposed Educational Facility Master Plan  
10 to the Commission. This shall occur no later than February  
11 1, 2013.

12           (2) The Commission shall hold at least 2 public  
13 hearings to solicit public comment on the proposed  
14 Educational Facility Master Plan.

15           (3) The Commission shall vote on or before April 1,  
16 2013 on the initial Educational Facility Master Plan.

17           (4) The Commission shall vote on subsequent  
18 Educational Facility Master Plans on or before April 1 in a  
19 master plan year.

20           (5) If the Commission votes to reject the CEO's  
21 proposed Educational Facility Master Plan, then the  
22 Commission must identify, in writing, a description of the  
23 specific areas that must be addressed and recommendations  
24 on what might be done to address the Commission's concerns.

25           (6) The CEO shall have 30 days to submit a revised  
26 Educational Facility Master Plan to the Board and post its

1 revised plan via the CPS Internet website.

2 (7) The Board shall have 30 days to review and approve  
3 the CEO's revised Educational Facility Master Plan.

4 (8) If approved by Board review, the CEO shall resubmit  
5 the revised Educational Facility Master Plan to the  
6 Commission.

7 (9) The Commission shall vote only on whether the  
8 specific concerns identified in the written rejection have  
9 been satisfactorily addressed and, with a simple majority,  
10 can approve the revised plan. If rejected, the Commission  
11 must include comments and return the proposal to the Board  
12 for further revisions. This process shall continue until  
13 the CEO and the Board produce a proposal that is acceptable  
14 to the Commission.

15 (10) The final approved Educational Facility Master  
16 Plan shall be available to the public via the CPS Internet  
17 website.

18 (11) No State capital funds authorized under this Code  
19 shall be issued without Commission approval of an  
20 Educational Facility Master Plan.

21 (i) No later than January 1, 2016, and every 5 years  
22 thereafter, the CEO shall prepare and submit in person a  
23 preliminary proposed revision to the Educational Facility  
24 Master Plan to the Commission, each LSC, other local  
25 governments and agencies, and the Board.

26 (j) This proposed revision shall reflect the progress



1 achieved during the first 2 1/2 years of the master plan. The  
2 revision process must include the following:

3 (1) The CEO or his or her designees shall meet  
4 regularly with all stakeholders to seek input on the  
5 revision and updating of the Educational Facility Master  
6 Plan.

7 (2) The CEO shall be guided by the recommendations  
8 received from the public and other local governmental  
9 bodies; and, on or before January 1, 2016 or 2 1/2 years  
10 following adoption of an Educational Facility Master Plan,  
11 whichever occurs later, the CEO shall submit a proposed  
12 revision to the master plan to the Board for its approval.

13 (3) Within 30 days after the CEO submission, the Board  
14 shall review and approve the revision to the Educational  
15 Facility Master Plan, and, within 7 days of Board approval,  
16 the revised Educational Facility Master Plan shall be  
17 submitted to the Commission for approval.

18 (n) The process for Commission review and approval of the  
19 revised master plan update shall be the same as described in  
20 subsections (d) through (h) of this Section.

21 (105 ILCS 5/34-225 new)

22 Sec. 34-225. Capital Improvement Plan.

23 (a) As a foundation for development of the 5-year Capital  
24 Improvement Plan, the CEO shall establish a comprehensive  
25 process of annual school-based capital and facility

1 maintenance, operations, and repair budgeting and reporting no  
2 later than 90 days after the effective date of this amendatory  
3 Act of the 97th General Assembly.

4 (b) Notwithstanding any other provisions of this Code to  
5 the contrary, such regulations shall include provisions for the  
6 following:

7 (1) The annual development by the local school of a  
8 school-based capital, maintenance, utility, and repair  
9 needs assessment report and recommendations, aligned with  
10 the educational program and goals of the local school.

11 (2) The allocation of capital, maintenance,  
12 operations, and repair funds among schools on the basis of  
13 objective formulae developed by the CEO, after  
14 consultation with the Facility Planning Commission, and  
15 approved by the Board; such formulae shall reflect the  
16 relative educational and facility needs of the schools to  
17 the maximum extent feasible.

18 (3) The review, modification, and approval of the  
19 proposed school-based facility recommendations by the CEO.

20 (4) A collaborative school-based planning, technical  
21 support, and training process involving parents, teachers,  
22 other school personnel and, where appropriate, students to  
23 effectuate the purposes of this Section.

24 (5) Procedures for schools to propose and the CEO to  
25 modify and reallocate moneys in the annual capital budget,  
26 to include a uniform system of CPS departmental and school

1 budget requests and appropriations and a uniform system for  
2 annual capital expenditure reports.

3 (c) The CEO shall prepare a 5-year Capital Improvement Plan  
4 no later than March 1st of every fiscal year.

5 (d) The annual capital plan shall include the following  
6 information for all capital projects for which moneys is to be  
7 appropriated:

8 (1) a description of the scope of the project;

9 (2) justification for the project;

10 (3) the status of the project, including percentage  
11 funded or unfunded and, if appropriate, percentage already  
12 completed;

13 (4) the operating budget impact of the project;

14 (5) the name and number of each school and facility  
15 receiving money;

16 (6) the first approved start and end date for all  
17 projects, as well as the current dates;

18 (7) all funding sources, including TIFs and  
19 anticipated or proposed future funding sources;

20 (8) the original approved cost at first approved start  
21 date and current approved costs in the current annual  
22 budget; and

23 (9) actual expenditures and encumbrances.

24 (e) The 5-year Capital Improvement Plan shall be based on  
25 school-based plans for facility capital, operating,  
26 maintenance, and repair budgeting and expenditures, as well as

1 district-wide educational facility goals, neighborhood plans,  
2 and space and facility standards and priorities as aligned with  
3 the approved 10-year Educational Facility Master Plan and  
4 standards.

5 (f) Within amounts estimated by the CEO, the 5-year Capital  
6 Improvement Plan shall reflect the aggregation of the proposed  
7 school-based, facility-related priorities, as submitted by the  
8 principal of each school and as modified and approved by the  
9 Board, and include a proposed 5-year budget for the  
10 administrative and operational expenses of the CPS  
11 facility-related departments and the school district for  
12 submission to the Board and the Commission.

13 (g) In the case of shared facilities, equitable facility  
14 and site space utilization and investments shall be required  
15 between all school or instructional units co-located in that  
16 facility and stated in a written memorandum of understanding  
17 between all school or instructional units so co-located. All  
18 facility investments of \$5,000 or more must be matched for the  
19 other school unit or units in the shared facility.

20 (h) The CEO shall submit the proposed 5-year Capital  
21 Improvement Plan to the Commission, all LSCs, and other local  
22 governments and agencies for their review and comment and shall  
23 submit a report of public and agency comments to the Commission  
24 following the public hearings.

25 (i) Prior to the CPS public hearings on the Capital  
26 Improvement Plan, the Commission shall prepare written

1 comments and recommendations on the Capital Improvement Plan  
2 and budget and certify whether the Capital Improvement Plan and  
3 budget is consistent with the approved Educational Facility  
4 Master Plan and facility standards.

5 (j) CPS shall hold at least 2 public hearings on the  
6 proposed 5-year Capital Improvement Plan and budget prior to  
7 the CEO's submission of the 5-year Capital Improvement Plan to  
8 the Board for adoption.

9 (k) The CEO shall make the proposed Capital Improvement  
10 Plan and budget available for public review and comment no less  
11 than 30 days prior to being adopted by the Board.

12 (l) The annual capital budget shall be approved by CPS at  
13 the beginning of the CPS fiscal year.

14 (m) The 5-year Capital Improvement Plan shall be  
15 implemented and administered according to the following:

16 (1) the CEO shall propose for adoption by the Board  
17 such regulations as needed to create a transparent process  
18 of distributing any reductions or increases required after  
19 approval of the 5-year Capital Improvement Plan in an  
20 equitable manner that considers the relative needs of all  
21 schools to the maximum extent feasible and for modifying  
22 the proposed 5-year Capital Improvement Plan accordingly;  
23 and

24 (2) such process shall include an analysis of the  
25 relative funding levels of the State, the city, the federal  
26 government, and other sources of funds; a comparison of the

1 level of such funding against previous years' total  
2 appropriations and actual expenditures; an analysis of the  
3 distribution of funds; and notification of school  
4 principals and LSCs of any such reductions or increases.

5 (105 ILCS 5/34-230 new)

6 Sec. 34-230. Financial transparency.

7 (a) The CEO shall provide the Board and the Commission with  
8 an Annual Capital Expenditure Report within 30 days after the  
9 end of the CPS fiscal year end that is aligned with the annual  
10 capital budget line items and projects, which shall be made  
11 available and accessible to the public via the CPS Internet  
12 website.

13 (b) The annual capital expenditure report shall include the  
14 following:

15 (1) expenditures for any and every project on which  
16 funds were expended in that fiscal year, even if the  
17 project was not initiated or completed in the fiscal year;

18 (2) identification of capital projects that aligned  
19 with the school-based facility needs assessment and  
20 recommendations of school principals or were the result of  
21 other public input;

22 (3) the levels of appropriation actually provided for  
23 that fiscal year by the city, the State, and the federal  
24 government, with a comparison of the level of such funding  
25 against previous years' totals; and

1           (4) a summary overview explanation of the final budget.

2           (c) The CEO shall provide the Board and the Commission with  
3 a report on lease or use agreements for all CPS-owned and  
4 non-CPS owned facilities in which public schools operate, which  
5 shall be made available and accessible to the public via the  
6 CPS Internet website by the beginning of each CPS fiscal year  
7 and updated on or before January 1st of each fiscal year.

8           (d) The Lease or Use Agreements Report for CPS-owned  
9 facilities shall include the following information:

10           (1) the terms and conditions of all CPS-owned space  
11 agreements for co-location, joint use, and shared use;

12           (2) all parties to the agreement, with the user name as  
13 well as the full legal name of the fiduciary of the user  
14 entity, including sub-lessees and sub-lessors;

15           (3) the length of the agreement;

16           (4) the financial terms of the agreement, including all  
17 items of consideration that may or may not be financial in  
18 nature;

19           (5) the formula for how much space is part of the  
20 agreement, the schedule for use, and the calculation for  
21 arriving at the cost;

22           (6) a description of any capital improvement  
23 agreements made by CPS and the amount of funds appropriated  
24 by CPS for such capital improvement agreements;

25           (7) terms for operating costs for utilities,  
26 maintenance, repair, security, and insurance;

1           (8) if appropriate, the actual revenue received by CPS  
2           from the non-school user each year;

3           (9) the terms of any non-financial agreement  
4           associated with the use of CPS space;

5           (10) lease or use agreements for non-CPS owned  
6           facilities in which public schools, including charter  
7           public schools, operate, as specified in subsections (1)  
8           through (9) of this subsection (b); and

9           (11) for CPS charter schools operating in non-CPS owned  
10           facilities that have been newly constructed or procured by  
11           the initiative of such charter schools, the cost of new  
12           construction or renovation and the amounts of all sources  
13           of external funding and financing used to undertake such  
14           new construction or renovation of non-CPS owned charter  
15           facilities; and the operating costs for utilities,  
16           maintenance, repair, security, and insurance for such  
17           facilities if not otherwise accounted for in the Lease or  
18           Use Agreements Report.

19           (e) The Commission shall select an independent auditor to  
20           conduct periodic audits of the CPS 5-year Capital Improvement  
21           Plan or annual capital budget and expenditure reports, at a  
22           minimum, at least once every 3 years. Such an audit shall  
23           review a set of specific projects recommended by the Commission  
24           and shall include projects having been or currently being  
25           undertaken directly by CPS, as well as those capital projects  
26           carried out on behalf of CPS by the Chicago Public Building



1 Commission. The periodic audit shall do the following:

2 (1) examine the quality of project specific planning,  
3 design, and construction;

4 (2) examine the efficiency, fairness, and  
5 effectiveness of project management, construction  
6 management, and procurement processes and procedures;

7 (3) examine the cost of the project, including review  
8 of change orders and contingencies, as well as in relation  
9 to the quality of design and materials;

10 (4) review the actual impact on operating costs; and

11 (5) review the schedule of the projects, comparing the  
12 first approved start and finish dates and the actual start  
13 and finish dates.

14 (g) To facilitate the audit process and minimize their  
15 cost, the CPS and Chicago Public Building Commission shall  
16 require that all project architects, engineers, and  
17 contractors utilize a uniform, Internet web-based  
18 comprehensive project management and construction management  
19 software system, to be selected by CPS in coordination with and  
20 with the input of the Chicago Public Building Commission.

21 (h) The cost of such periodic audits shall be paid by CPS  
22 from State funds provided to the school district for  
23 educational facility capital projects.

24 (105 ILCS 5/34-235 new)

25 Sec. 34-235. Facility information and accountability.

1       (a) No later than 90 days after the effective date of this  
2 amendatory Act of the 97th General Assembly, and every August 1  
3 thereafter, the CEO shall provide local school principals with  
4 an actual school-based budget and allocation for capital and  
5 facility maintenance, utilities, and repairs for their  
6 upcoming school year and a proposed school-based budget and  
7 allocation for capital and facility maintenance, utilities,  
8 and repairs for the next fiscal year. In co-location schools,  
9 the principals shall be given the total school budgets and  
10 allocations, as well as the individual allocations made between  
11 the school organizations sharing the school.

12       (b) Each year the school building shall be assessed by a  
13 facilities team, and the local school shall be given a copy of  
14 the detailed assessment report and an explanation of the  
15 meaning of the findings of the report within 30 days after the  
16 completion of the assessment.

17       (c) CPS shall establish a longitudinal facility data system  
18 of all CPS educational facilities in which classroom  
19 instruction or student, teacher, and family support services  
20 and training are provided, as well as administrative and  
21 operational facilities, whether owned or leased.

22       (d) The inventory of schools and buildings shall be linked  
23 to its financial budget and report documents, as well as to a  
24 comprehensive project management and construction management  
25 information process and system.

26       (e) The longitudinal facility database shall include the

1 following data elements:

2 (1) a list of all CPS-owned facilities and facilities  
3 leased by CPS, by common street address;

4 (2) data on each educational facility, including:

5 (A) building and site square footage;

6 (B) age of building and additions;

7 (C) the most current assessment of the building and  
8 grounds;

9 (D) building capacity and utilization;

10 (E) a description of capital investment by school  
11 and building and by project, by year; and

12 (F) student demographics and risk factors,  
13 enrollment, attendance rates, and measures of learning  
14 and academic success, including, but not limited to  
15 race and ethnicity, poverty rate, housing status, and  
16 students with special needs, such as physical  
17 disabilities, mental health, parental status,  
18 educational needs, homeless students, students who are  
19 young parents, English language learners, wards of the  
20 State (such as foster children and youth), and students  
21 involved in the juvenile justice system;

22 (3) history and current annual operating costs for  
23 utilities, maintenance, and repairs; and

24 (4) revenue from disposition of closed schools or use  
25 agreements with currently operating schools or buildings.

1 (105 ILCS 5/34-240 new)

2 Sec. 34-240. Protective requirements.

3 (a) The CEO shall prepare an Educational Impact Statement  
4 for any school action proposed by CPS.

5 (b) The Educational Facility Master Plan and plan revisions  
6 shall include an Educational Impact Statement for any pending  
7 or anticipated school action.

8 (c) The Educational Impact Statement shall also include the  
9 transition plan for affected students and staff.

10 (d) The Educational Impact Statement shall include the  
11 following:

12 (1) the current and projected pupil enrollment of the  
13 affected schools, the current facility utilization by  
14 students and the community or other users, and a  
15 description of the affected student population, including  
16 attendance rates, race and ethnicity, poverty rate,  
17 housing status, and students with special needs, including  
18 parental status, housing status, English language  
19 learners, wards of the State (such as foster children and  
20 youth), and students involved in the juvenile justice  
21 system;

22 (2) the type, age, and physical condition of the  
23 affected school buildings, maintenance, energy costs,  
24 recent or planned building improvements, and descriptions  
25 of the affected building's special features;

26 (3) information regarding the academic standing of the

1 students in the affected schools;

2 (4) estimated costs and savings, if any, related to  
3 personnel, instruction, administration, transportation,  
4 and other support services, that result from the school  
5 action;

6 (5) the impact of the proposed school closing on all  
7 affected students or community users;

8 (6) an outline of any proposed or potential use of the  
9 school building for other educational programs or  
10 administrative services; and

11 (7) the ability and capacity of other schools in the  
12 affected community to accommodate pupils following the  
13 school closure or significant change in school  
14 utilization.

15 (e) The Educational Impact Statement shall be made publicly  
16 available, including via the CPS Internet website, and  
17 available at the CPS central office, and provided to the  
18 impacted LSCs or, in the case of schools without duly elected  
19 LSCs, other parent/guardian advisory body and school-based  
20 management team at least 9 months in advance of the first day  
21 of school in the succeeding school year.

22 (f) No sooner than 30 days, but no later than 45 days,  
23 following the filing of the Educational Impact Statement, the  
24 CEO or his or her designee shall hold a joint public hearing  
25 with the impacted LSC and school-based management team at the  
26 schools subject to the proposed school closing or significant

1 change in school utilization, including those schools  
2 designated as receiving schools or to be co-located, and shall  
3 allow all interested parties an opportunity to present comments  
4 or concerns regarding the proposed school closing or  
5 significant change in school utilization. The CEO shall ensure  
6 that notice of such hearing is widely and conspicuously posted  
7 in such a manner to maximize the number of affected individuals  
8 that receive notice, including providing notice to affected  
9 parents and students, and shall also notify members of the  
10 LSCs, community-based organizations, and the elected State and  
11 local officials who represent the affected community.

12 (g) So long as the revised proposal does not impact any  
13 school other than a school that was identified in the initial  
14 Educational Impact Statement, the CEO, after receiving public  
15 input, may substantially revise the proposed school closing or  
16 significant change in school utilization, provided that the CEO  
17 shall prepare a revised Educational Impact Statement in the  
18 form prescribed in this subsection (g) and publish and file  
19 such Educational Impact Statement in the same manner as  
20 prescribed in this subsection (g). No sooner than 15 days  
21 following the filing of such revised Educational Impact  
22 Statement, the CEO or his or her designee shall hold a joint  
23 public hearing with the impacted LSC and school-based  
24 management team at the schools subject to the proposed school  
25 closing or significant change in school utilization, including  
26 those schools designated as receiving schools or to be

1 co-located, and shall allow all interested parties an  
2 opportunity to present comments and concerns regarding such  
3 proposal. The CEO shall ensure that notice of such hearing is  
4 widely and conspicuously posted in such a manner as to maximize  
5 the number of affected individuals that receive notice,  
6 including providing notice to affected parents and students,  
7 and shall also notify members of the LSCs, community-based  
8 organizations, and the elected State and local officials who  
9 represent the affected community district.

10 (h) The Commission must certify that CPS has complied with  
11 the EdIS provisions of this Section prior to a final vote by  
12 the Board.

13 (i) Except as otherwise provided in the emergency closing  
14 procedures of this Section, all proposed school closings or  
15 significant changes in school utilization shall be approved by  
16 the Board pursuant to this Article and shall not take effect  
17 until all of the provisions of this Section have been satisfied  
18 and the school year in which such Board approval was granted  
19 has ended.

20 (j) In the event that the CEO determines that a school  
21 closing or significant change in school utilization is  
22 immediately necessary for the preservation of student health,  
23 safety, or general welfare, the CEO may temporarily close a  
24 public school. Such emergency school closing shall remain in  
25 effect for no more than one month; during such time the CEO  
26 shall comply with the requirements of this Section in order for

1 any such emergency school closure to extend beyond the  
2 one-month period or for the initiation of any significant  
3 change in school utilization to be adopted. During this period,  
4 the Commission shall be convened to determine the need for the  
5 emergency closure and grant approval for the remedial measures.  
6 If the Commission approves the determination of an emergency  
7 closure, then the closure may be extended for an additional  
8 month to accommodate the remediation. If the Commission fails  
9 to approve the emergency findings, then the proposed emergency  
10 school action shall be reversed and the Commission shall  
11 determine the appropriate accommodations to be made to the  
12 affected students.

13 (k) In the event that, notwithstanding the satisfactory  
14 completion of the EdIS, substantial opposition to the planned  
15 school action remains in the affected schools and community, a  
16 binding arbitration process may be requested, provided that the  
17 following are met:

18 (1) a minimum of at least 10 parents/guardians of  
19 currently enrolled students petition the Commission to  
20 request independent arbitration, by submitting a statement  
21 to the Commission and Board stating why they believe the  
22 EdIS process as prescribed in this Article was not followed  
23 or did not adequately address the educational needs and  
24 well-being of the impacted students;

25 (2) the Commission reviews and votes to consider the  
26 merits of the petitioners' objections; and



1           (3) following such Commission vote and approval,  
2           petitioners seeking independent arbitration must secure  
3           signatures in support of the request for independent  
4           arbitration from a number of parents equal to or exceeding  
5           a majority of the number of students enrolled at the  
6           affected school on the official count date of the school  
7           year.

8           (l) If the conditions in subsection (k) are met, the  
9           Commission Chairperson shall (i) establish a temporary special  
10           committee comprised of at least 3 Commission members, including  
11           the CPS designee to the Commission, along with at least one LSC  
12           member from the affected school and one member of the affected  
13           community, to oversee the arbitration process and (ii)  
14           designate an independent arbitrator, whose findings and  
15           recommendations shall be submitted to the Commission for review  
16           and certification. If the independent arbitrator finds a  
17           violation of the EdIS provisions of this Article or other  
18           evidence that the planned school action would inflict  
19           measurable harm to students' educational needs and well-being,  
20           the Commission shall reverse the school action.

21           (m) A similar petition process in accordance with  
22           subsection (k) of this Section shall be available to the  
23           parents/guardians, students, and staff of any school affected  
24           by emergency school actions, and, in such case, the 3-member  
25           Commission shall have the power to stay the school action until  
26           compliance with the student or school transition plan is

1 ensured.

2 (n) If the Board approves and undertakes a school action,  
3 then the CEO or his or her designee shall work collaboratively  
4 with local school educators and families of impacted public  
5 schools to ensure successful integration of affected students  
6 into new learning environments.

7 (o) The CEO or his or her designee shall prepare and  
8 implement a Student Transition Plan to support students in the  
9 wake of school actions developed in conjunction with the school  
10 and families affected.

11 (p) The CEO must identify and commit specific resources for  
12 implementation of the Student Transition Plan for a minimum of  
13 the full first academic year of the transition. This shall  
14 include a specific funding commitment, any necessary academic  
15 or social supports, and related activities for the students and  
16 staff, as well as increased security and safety measures  
17 required to accommodate the additional students.

18 (q) The Student Transition Plan shall do the following:

19 (1) be developed based upon an individual assessment of  
20 the students' needs, including social adjustment needs,  
21 with involvement of the teachers, the IEP team in the case  
22 of a special education student, and parents/guardians;

23 (2) allow an array of school choices and ensure access  
24 to significantly higher-quality schools (for example,  
25 those schools meeting or exceeding the No Child Left Behind  
26 AYP or Annual Yearly Progress for the academic year in

1 which the school action is proposed);

2 (3) include counseling regarding the choice of schools  
3 that includes all pertinent information to enable the  
4 parent/guardian and child to make an informed choice,  
5 including the option to visit the schools of choice prior  
6 to making a decision; and

7 (4) include the provision of appropriate  
8 transportation.

9 (r) If, after duly completing the EdIS, the Board approves  
10 and undertakes school actions (including closings, phase-outs,  
11 consolidations, boundary changes, co-location, turn-arounds,  
12 charter school creation, or re-structuring of grade  
13 configurations), then the CEO or his or her designee shall work  
14 collaboratively with local school educators and families of  
15 impacted public schools to ensure successful integration of  
16 affected students into new learning environments.

17 (s) The CEO shall provide that students affected or  
18 displaced by the approved school action have access to CPS  
19 selective enrollment school options by allowing such students  
20 to apply for admission notwithstanding any other  
21 CPS-prescribed application deadlines.

22 (105 ILCS 5/34-245 new)

23 Sec. 34-245. Transition period.

24 (a) Within 60 days after the effective date of this  
25 amendatory Act of the 97th General Assembly, the Commission

1 shall be appointed and hold its first meeting.

2 (b) The Commission shall assist CPS in formulating the  
3 policies of this amendatory Act of the 97th General Assembly.

4 (c) The Commission shall address and report on any school  
5 actions pending on the effective date of this amendatory Act of  
6 the 97th General Assembly or previously proposed in the final 6  
7 months of the CPS academic year prior to the effective date of  
8 this amendatory Act of the 97th General Assembly at its first  
9 meeting and until such time as the Educational Facility Master  
10 Plan is approved, at which point the Commission shall operate  
11 as prescribed within this Article.

12 (d) During this period of transition, the Commission shall  
13 take necessary steps to ensure that the educational objectives  
14 and the safety of all students is considered in all school  
15 actions.

16 (105 ILCS 5/34-250 new)

17 Sec. 34-250. Penalties. No State funds may be appropriated  
18 or made available under Illinois law to a board of education  
19 may be used for capital expenditures (such as building  
20 improvements) or to pay for direct costs associated with school  
21 actions or school maintenance unless the school board has in  
22 place the policies required under this Article and is otherwise  
23 in compliance with all other requirements of this amendatory  
24 Act of the 97th General Assembly. This shall apply to Capital  
25 funds authorized under the School Construction Law or funding

1 requests made by specific members of the General Assembly.

2       Section 99. Effective date. This Act takes effect upon  
3 becoming law.