

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 renumbering and
5 changing Section 34-18.37 as added by Public Act 96-803 and by
6 adding the heading preceding Section 34-200 and Sections
7 34-200, 34-205, 34-210, 34-215, 34-220, 34-225, 34-230, and
8 34-235 as follows:

9 (105 ILCS 5/34-18.43)

10 Sec. 34-18.43 ~~34-18.37~~. Establishing an equitable and
11 effective school facility development process.

12 (a) The General Assembly finds all of the following:

13 (1) The Illinois Constitution recognizes that a
14 "fundamental goal of the People of the State is the
15 educational development of all persons to the limits of
16 their capacities".

17 (2) Quality educational facilities are essential for
18 fostering the maximum educational development of all
19 persons through their educational experience from
20 pre-kindergarten through high school.

21 (3) The public school is a major institution in our
22 communities. Public schools offer resources and
23 opportunities for the children of this State who seek and

1 deserve quality education, but also benefit the entire
2 community that seeks improvement through access to
3 education.

4 (4) The equitable and efficient use of available
5 facilities-related resources among different schools and
6 among racial, ethnic, income, and disability groups is
7 essential to maximize the development of quality public
8 educational facilities for all children, youth, and
9 adults. The factors that impact the equitable and efficient
10 use of facility-related resources vary according to the
11 needs of each school community. Therefore, decisions that
12 impact school facilities should include the input of the
13 school community to the greatest extent possible.

14 (5) School openings, school closings, school
15 consolidations, school turnarounds, school phase-outs,
16 school construction, school repairs, school
17 modernizations, school boundary changes, and other related
18 school facility decisions often have a profound impact on
19 education in a community. In order to minimize the negative
20 impact of school facility decisions on the community, these
21 decisions should be implemented according to a clear
22 system-wide criteria and with the significant involvement
23 of local school councils, parents, educators, and the
24 community in decision-making.

25 (6) The General Assembly has previously stated that it
26 intended to make the individual school in the City of

1 Chicago the essential unit for educational governance and
2 improvement and to place the primary responsibility for
3 school governance and improvement in the hands of parents,
4 teachers, and community residents at each school. A school
5 facility policy must be consistent with these principles.

6 (b) In order to ensure that school facility-related
7 decisions are made with the input of the community and reflect
8 educationally sound and fiscally responsible criteria, a
9 Chicago Educational Facilities Task Force shall be established
10 within 15 days after the effective date of this amendatory Act
11 of the 96th General Assembly.

12 (c) The Chicago Educational Facilities Task Force shall
13 consist of all of the following members:

14 (1) Two members of the House of Representatives
15 appointed by the Speaker of the House, at least one of whom
16 shall be a member of the Elementary & Secondary Education
17 Committee.

18 (2) Two members of the House of Representatives
19 appointed by the Minority Leader of the House, at least one
20 of whom shall be a member of the Elementary & Secondary
21 Education Committee.

22 (3) Two members of the Senate appointed by the
23 President of the Senate, at least one of whom shall be a
24 member of the Education Committee.

25 (4) Two members of the Senate appointed by the Minority
26 Leader of the Senate, at least one of whom shall be a

1 member of the Education Committee.

2 (5) Two representatives of school community
3 organizations with past involvement in school facility
4 issues appointed by the Speaker of the House.

5 (6) Two representatives of school community
6 organizations with past involvement in school facility
7 issues appointed by the President of the Senate.

8 (7) The chief executive officer of the school district
9 or his or her designee.

10 (8) The president of the union representing teachers in
11 the schools of the district or his or her designee.

12 (9) The president of the association representing
13 principals in the schools of the district or his or her
14 designee.

15 (d) The Speaker of the House shall appoint one of the
16 appointed House members as a co-chairperson of the Chicago
17 Educational Facilities Task Force. The President of the Senate
18 shall appoint one of the appointed Senate members as a
19 co-chairperson of the Chicago Educational Facilities Task
20 Force. Members appointed by the legislative leaders shall be
21 appointed for the duration of the Chicago Educational
22 Facilities Task Force; in the event of a vacancy, the
23 appointment to fill the vacancy shall be made by the
24 legislative leader of the same chamber and party as the leader
25 who made the original appointment.

26 (e) The Chicago Educational Facilities Task Force shall

1 call on independent experts, as needed, to gather and analyze
2 pertinent information on a pro bono basis, provided that these
3 experts have no previous or on-going financial interest in
4 school facility issues related to the school district. The
5 Chicago Educational Facilities Task Force shall secure pro bono
6 expert assistance within 15 days after the establishment of the
7 Chicago Educational Facilities Task Force.

8 (f) The Chicago Educational Facilities Task Force shall be
9 empowered to gather further evidence in the form of testimony
10 or documents or other materials.

11 (g) The Chicago Educational Facilities Task Force, with the
12 help of the independent experts, shall analyze past Chicago
13 experiences and data with respect to school openings, school
14 closings, school consolidations, school turnarounds, school
15 phase-outs, school construction, school repairs, school
16 modernizations, school boundary changes, and other related
17 school facility decisions on students. The Chicago Educational
18 Facilities Task Force shall consult widely with stakeholders,
19 including public officials, about these facility issues and
20 their related costs and shall examine relevant best practices
21 from other school systems for dealing with these issues
22 systematically and equitably. These initial investigations
23 shall include opportunities for input from local stakeholders
24 through hearings, focus groups, and interviews.

25 (h) The Chicago Educational Facilities Task Force shall
26 prepare ~~final~~ recommendations ~~on or before October 30, 2009~~

1 describing how the issues set forth in subsection (g) of this
2 Section can be addressed effectively based upon educationally
3 sound and fiscally responsible practices.

4 (i) The Chicago Educational Facilities Task Force shall
5 hold hearings in separate areas of the school district at times
6 that shall maximize school community participation to obtain
7 comments on draft recommendations. The final hearing shall take
8 place no later than 15 days prior to the completion of the
9 final recommendations.

10 (j) The Chicago Educational Facilities Task Force shall
11 prepare final proposed policy and legislative recommendations
12 for the General Assembly, the Governor, and the school
13 district. The recommendations may address issues, standards,
14 and procedures set forth in this Section. The final
15 recommendations shall be made available to the public through
16 posting on the school district's Internet website and other
17 forms of publication and distribution in the school district at
18 least 7 days before the ~~final~~ recommendations are submitted to
19 the General Assembly, the Governor, and the school district.

20 (k) The ~~final~~ recommendations may address issues of
21 system-wide criteria for ensuring clear priorities, equity,
22 and efficiency.

23 Without limitation, the final recommendations may propose
24 significant decision-making roles for key stakeholders,
25 including the individual school and community; recommend clear
26 criteria or processes for establishing criteria for making

1 school facility decisions; and include clear criteria for
2 setting priorities with respect to school openings, school
3 closings, school consolidations, school turnarounds, school
4 phase-outs, school construction, school repairs, school
5 modernizations, school boundary changes, and other related
6 school facility decisions, including the encouragement of
7 multiple community uses for school space.

8 Without limitation, the ~~final~~ recommendations may propose
9 criteria for student mobility; the transferring of students to
10 lower performing schools; teacher mobility; insufficient
11 notice to and the lack of inclusion in decision-making of local
12 school councils, parents, and community members about school
13 facility decisions; and costly facilities-related expenditures
14 due to poor educational and facilities planning.

15 (l) The State Board of Education and the school district
16 shall provide administrative support to the Chicago
17 Educational Facilities Task Force.

18 (m) After recommendations have been issued, the Chicago
19 Educational Facilities Task Force shall meet at least once
20 annually, upon the call of the chairs, for the purpose of
21 reviewing Chicago public schools' compliance with the
22 provisions of Sections 34-200 through 34-235 of this Code
23 concerning school action and facility master planning. The Task
24 Force shall prepare a report to the General Assembly, the
25 Governor's Office, the Mayor of the City of Chicago, and the
26 Chicago Board of Education indicating how the district has met

1 the requirements of the provisions of Sections 34-200 through
2 34-235 of this Code concerning school action and facility
3 master planning.

4 (Source: P.A. 96-803, eff. 10-30-09.)

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

6 SCHOOL ACTION AND FACILITY MASTER PLANNING

7 (105 ILCS 5/34-200 new)

8 Sec. 34-200. Definitions. For the purposes of Sections
9 34-200 through 34-235 of this Article:

10 "Capital improvement plan" means a plan that identifies
11 capital projects to be started or finished within the
12 designated period, excluding projects funded by locally raised
13 capital not exceeding \$10,000.

14 "Community area" means a geographic area of the City of
15 Chicago defined by the chief executive officer as part of the
16 development of the educational facilities master plan.

17 "Space utilization" means the percentage achieved by
18 dividing the school's actual enrollment by its design capacity.

19 "School closing" or "school closure" means the closing of a
20 school, the effect of which is the assignment and transfer of
21 all students enrolled at that school to one or more designated
22 receiving schools.

23 "School consolidation" means the consolidation of 2 or more
24 schools by closing one or more schools and reassigning the

1 students to another school.

2 "Phase-out" means the gradual cessation of enrollment in
3 certain grades each school year until a school closes or is
4 consolidated with another school.

5 "School action" means any school closing, school
6 consolidation, co-location, boundary change if the boundary
7 change forces a student transfer, or phase-out.

8 (105 ILCS 5/34-205 new)

9 Sec. 34-205. Educational facility standards.

10 (a) By December 31, 2011, the district shall publish space
11 utilization standards on the district's website. The standards
12 shall include the following:

13 (1) the method by which design capacity is calculated,
14 including consideration of the requirements of elementary
15 and secondary programs, shared campuses, after school
16 programming, the facility needs, grade and age ranges of
17 the attending students, and use of school buildings by
18 governmental agencies and community organizations;

19 (2) the method to determine efficient use of a school
20 building based upon educational program design capacity;

21 (3) the rate of utilization; and

22 (4) the standards for overcrowding and
23 underutilization.

24 (b) The chief executive officer or his or her designee
25 shall publish a space utilization report for each school

1 building operated by the district on the district's website by
2 December 31 of each year.

3 (c) The facility performance standards provisions are as
4 follows:

5 (1) On or before December 31, 2011, the chief executive
6 officer shall propose minimum and optimal facility
7 performance standards for thermal comfort, daylight,
8 acoustics, indoor air quality, furniture ergonomics for
9 students and staff, technology, life safety, ADA
10 accessibility, plumbing and washroom access, environmental
11 hazards, and walkability.

12 (2) The chief executive officer shall conduct at least
13 one public hearing and submit the proposed educational
14 facilities standards to each local school council and to
15 the Chicago Public Building Commission for review and
16 comment prior to submission to the Board.

17 (3) After the chief executive officer has incorporated
18 the input and recommendations of the public and the Chicago
19 Public Building Commission, the chief executive officer
20 shall issue final facility performance standards.

21 (4) The chief executive officer is authorized to amend
22 the facility performance standards following the
23 procedures in this Section.

24 (5) The final educational facility space utilization
25 and performance standards shall be published on the
26 district's Internet website.

1 (105 ILCS 5/34-210 new)

2 Sec. 34-210. The Educational Facility Master Plan.

3 (a) In accordance with the schedule set forth in this
4 Article, the chief executive officer or his or her designee
5 shall prepare a 10-year educational facility master plan every
6 5 years, with updates 2 1/2 years after the approval of the
7 initial 10-year plan, with the first such educational facility
8 master plan to be approved on or before July 1, 2013.

9 (b) The educational facility master plan shall provide
10 community area level plans and individual school master plans
11 with options for addressing the facility and space needs for
12 each facility operated by the district over a 10-year period.

13 (c) The data, information, and analysis that shall inform
14 the educational facility master plan shall be published on the
15 district's Internet website and shall include the following:

16 (1) a description of the district's guiding
17 educational goals and standards;

18 (2) a brief description of the types of instructional
19 programs and services delivered in each school;

20 (3) a description of the process, procedure, and
21 timeline for community participation in the development of
22 the plan;

23 (4) the enrollment capacity of each school and its rate
24 of utilization;

25 (5) a report on the assessment of individual building

1 and site conditions;

2 (6) a data table with historical and projected
3 enrollment data by school by grade;

4 (7) community analysis, including a study of current
5 and projected demographics, land usage, transportation
6 plans, residential housing and commercial development,
7 private schools, plans for water and sewage service
8 expansion or redevelopment, and institutions of higher
9 education;

10 (8) an analysis of the facility needs and requirements
11 of the district; and

12 (9) identification of potential sources of funding for
13 the implementation of the Educational Facility Master
14 Plan.

15 (d) On or before January 1, 2013, the chief executive
16 officer or his or her designee shall prepare and distribute for
17 comment a preliminary draft of the Educational Facility Master
18 Plan. The draft plan shall be distributed to the City of
19 Chicago, the County of Cook, the Chicago Park District, the
20 Chicago Housing Authority, the Chicago Transit Authority,
21 attendance centers operated by the district, and charter
22 schools operating within the district. Each attendance center
23 shall make the draft plan available to the local school council
24 or alternative advisory body and to the parents, guardians, and
25 staff of the school. The draft plan also shall be distributed
26 to each State Senator and State Representative with a district

1 in the City of Chicago, to the Mayor of the City of Chicago,
2 and to each alderman of the City.

3 (e) The chief executive or his or her designee shall
4 publish a procedure for conducting public hearings and
5 submitting public comments on the draft plan.

6 (f) After consideration of public input on the draft plan,
7 the chief executive officer or his or her designee shall
8 prepare and publish a report describing the process used to
9 incorporate public input in the development of the final plan
10 to be recommended to the Board.

11 (g) The chief executive officer shall present the final
12 plan and report to the Board for final consideration and
13 approval.

14 (h) The final approved Educational Facility Master Plan
15 shall be published on the district's website.

16 (i) No later than January 1, 2016, and every 5 years
17 thereafter, the chief executive officer or his or her designee
18 shall prepare and submit for public comment a draft revised
19 Educational Facility Master Plan following the procedures
20 required for development of the original plan.

21 (j) This proposed revised plan shall reflect the progress
22 achieved during the first 2 1/2 years of the Educational
23 Facility Master Plan.

24 (105 ILCS 5/34-215 new)

25 Sec. 34-215. Capital improvement plans.

1 (a) The district shall develop a capital needs review
2 process and one-year and 5-year capital improvement plans.

3 (b) By January 1, 2012, the chief executive officer or his
4 or her designee shall establish a capital needs review process
5 that includes a comprehensive bi-annual assessment of the
6 capital needs at each facility owned, leased, or operated by
7 the district. The review process shall include development of
8 an assessment form to be used by attendance centers to provide
9 a school-based capital, maintenance, utility, and repair needs
10 assessment report and recommendations aligned with the
11 educational program and goals of the attendance center.

12 (c) Beginning with fiscal year 2013 and for each year
13 thereafter, the chief executive officer shall publish a
14 proposed one-year capital improvement plan at least 60 days
15 prior to the end of the prior fiscal year. The proposed
16 one-year capital improvement plan shall be posted on the
17 district's Internet website and shall be subject to public
18 review and comment and at least 3 public hearings. The one-year
19 capital improvement plan shall include the following
20 information for all capital projects for which funds are to be
21 appropriated:

22 (1) description of the scope of the project;

23 (2) justification for the project;

24 (3) status of the project, including, if appropriate,
25 percentage funded, percentage complete, and approved start
26 and end dates;

1 (4) original approved cost and current approved cost
2 for each project;

3 (5) the impact of the project on the district's
4 operating budget;

5 (6) the name of each school and facility affected by a
6 project;

7 (7) all funding sources for the project;

8 (8) any relationship of the project to the needs
9 assessment submitted by the attendance center; and

10 (9) any relationship to the district's 10-year
11 Educational Facilities Master Plan.

12 (d) The chief executive officer shall present a final
13 proposed one-year capital improvement plan to the Board for
14 consideration.

15 (e) The Board shall adopt a final one-year capital
16 improvement plan no more than 45 days after adopting the annual
17 budget.

18 (f) Beginning with fiscal year 2013, the chief executive
19 officer shall publish a proposed 5-year capital improvement
20 plan with the proposed one-year capital improvement plan. The
21 5-year capital improvement plan shall include proposed capital
22 improvements for the next 4 years and, to the extent
23 practicable, the same information for each proposed project
24 that is required for the one-year capital improvement plan.

25 (g) The 5-year capital improvement plan shall be assessed
26 annually. An annual report shall be published explaining the

1 differences between projected capital projects in the 5-year
2 capital improvement plan and the capital projects authorized in
3 the proposed one-year capital improvement plan for the
4 following fiscal year. The 5-year plan shall be published on
5 the district's Internet website and distributed to all
6 principals.

7 (105 ILCS 5/34-220 new)

8 Sec. 34-220. Financial transparency.

9 (a) The chief executive officer shall provide the Board
10 with an annual capital expenditure report within 90 days after
11 the end of the fiscal year. The report shall be published on
12 the district's Internet website.

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

15 (1) expenditures on all facilities in which students
16 enrolled in the district receive instruction for all
17 capital projects on which funds were expended in that
18 fiscal year, even if the project was not initiated or
19 completed in the fiscal year;

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

24 (3) the levels of appropriation actually provided to
25 the district for capital projects in the fiscal year by the

1 city, the State, and the federal government, with a
2 comparison of the level of such funding against funding
3 levels for the prior 5 years; and

4 (4) a summary comparison of annual capital expenses and
5 the corresponding one-year capital improvement plan.

6 (c) A list of all property owned by or leased to the Board
7 shall be published on the district's Internet website by
8 January 1, 2012, and shall be updated annually. For each
9 property listed, the most recent facility standards review and
10 any capital improvement projects that are pending or planned or
11 have been completed in the 2-year period prior to publication
12 shall be outlined.

13 (d) All lease agreements in which the Board is a lessor or
14 lessee shall be published on the district's Internet website
15 for the duration of the lease. Temporary facility use, right of
16 entry, and other temporary license agreements not exceeding one
17 year in duration are not subject to this requirement.

18 (e) The district shall publish on the district's Internet
19 website a summary of the lease agreements in which the Board is
20 a lessor or lessee, including the following:

21 (1) a description of the leasehold;

22 (2) the full legal name of the parties to the
23 agreement;

24 (3) the term of the agreement;

25 (4) the rent amount; and

26 (5) the party responsible for maintenance, capital

1 improvements, utilities, and other expenses.

2 (105 ILCS 5/34-225 new)

3 Sec. 34-225. School transition plans.

4 (a) If the Board approves a school action, the chief
5 executive officer or his or her designee shall work
6 collaboratively with local school educators and families of
7 students attending a school that is the subject of a school
8 action to ensure successful integration of affected students
9 into new learning environments.

10 (b) The chief executive officer or his or her designee
11 shall prepare and implement a school transition plan to support
12 students attending a school that is the subject of a school
13 action that accomplishes the goals of this Section. The chief
14 executive must identify and commit specific resources for
15 implementation of the school transition plan for a minimum of
16 the full first academic year after the board approves a school
17 action.

18 (c) The school transition plan shall include the following:

19 (1) services to support the academic, social, and
20 emotional needs of students; supports for students with
21 disabilities, homeless students, and English language
22 learners; and support to address security and safety
23 issues;

24 (2) options to enroll in higher performing schools;

25 (3) counseling regarding the choice of schools that

1 includes all pertinent information to enable the parent or
2 guardian and child to make an informed choice, including
3 the option to visit the schools of choice prior to making a
4 decision; and

5 (4) the provision of appropriate transportation where
6 practicable.

7 (105 ILCS 5/34-230 new)

8 Sec. 34-230. School action public meetings and hearings.

9 (a) By November 1 of each year, the chief executive officer
10 shall prepare and publish guidelines for school actions. The
11 guidelines shall outline the academic and non-academic
12 criteria for a school action. These guidelines, and each
13 subsequent revision, shall be subject to a public comment
14 period of at least 21 days before their approval.

15 (b) The chief executive officer shall announce all proposed
16 school actions to be taken at the close of the current academic
17 year consistent with the guidelines, by December 1 of each
18 year.

19 (c) On or before December 1, 2011, the chief executive
20 officer shall publish notice of the proposed school actions.

21 (1) Notice of the proposal for a school action shall
22 include a written statement of the basis for the school
23 action and an explanation of how the school action meets
24 the criteria set forth in the guidelines. This proposal
25 shall include a preliminary School Transition Plan

1 identifying the items required in Section 34-225 of this
2 Code for all schools affected by the school action.

3 (2) The chief executive officer or his or her designee
4 shall provide notice to the principal, staff, local school
5 council, and parents or guardians of any school that is
6 subject to the proposed school action.

7 (3) The chief executive officer shall provide written
8 notice of any proposed school action to the State Senator,
9 State Representative, and alderman for the school or
10 schools that are subject to the proposed school action.

11 (4) The chief executive officer shall publish notice of
12 proposed school actions on the district's Internet website
13 and in a newspaper of general circulation.

14 (5) The chief executive officer shall provide notice of
15 proposed school actions at least 30 calendar days in
16 advance of a public hearing or meeting. The notice shall
17 state the date, time, and place of the hearing or meeting.
18 No Board decision regarding a proposed school action may
19 take place less than 60 days after the announcement of the
20 proposed school action.

21 (d) The chief executive officer shall designate at least 3
22 opportunities to elicit public comment at a hearing or meeting
23 on a proposed school action and shall do the following:

24 (1) Convene at least one public hearing at the
25 centrally located office of the Board.

26 (2) Convene at least 2 additional public hearings or

1 meetings at a location convenient to the school community
2 subject to the proposed school action.

3 (e) Public hearings shall be conducted by a qualified
4 independent hearing officer chosen from a list of independent
5 hearing officers. The general counsel shall compile and publish
6 a list of independent hearing officers by November 1 of each
7 school year. The independent hearing officer shall have the
8 following qualifications:

9 (1) he or she must be a licensed attorney eligible to
10 practice law in Illinois;

11 (2) he or she must not be an employee of the Board; and

12 (3) he or she must not have represented the Board, its
13 employees or any labor organization representing its
14 employees, any local school council, or any charter or
15 contract school in any capacity within the last year.

16 (4) The independent hearing officer shall issue a
17 written report that summarizes the hearing and determines
18 whether the chief executive officer complied with the
19 requirements of this Section and the guidelines.

20 (5) The chief executive officer shall publish the
21 report on the district's Internet website within 5 calendar
22 days after receiving the report and at least 15 days prior
23 to any Board action being taken.

24 (f) Public hearings shall be conducted by a representative
25 of the chief executive officer. A summary of the public meeting
26 shall be published on the district's Internet website within 5

1 calendar days after the meeting.

2 (g) If the chief executive officer proposes a school action
3 without following the mandates set forth in this Section, the
4 proposed school action shall not be approved by the Board
5 during the school year in which the school action was proposed.

6 (105 ILCS 5/34-235 new)

7 Sec. 34-235. Emergencies. Nothing in Sections 34-200
8 through 34-235 of this Code prevents the district from taking
9 emergency action to protect the health and safety of students
10 and staff in an attendance center. In the event of an emergency
11 that requires the district to close all or part of a school
12 facility, including compliance with a directive of a duly
13 authorized public safety agency, the chief executive officer or
14 his or her designees are authorized to take all steps necessary
15 to protect the safety of students and staff, including
16 relocation of the attendance center to another location or
17 closing the attendance center. In such cases, the chief
18 executive officer shall provide written notice of the basis for
19 the emergency action within 3 days after declaring the
20 emergency and shall publish the steps that have been taken or
21 will be taken to address the emergency within 10 days after
22 declaring the emergency. The notice shall be posted on the
23 district's website and provided to the principal, the local
24 school council, and the State Senator, the State
25 Representative, and the Alderman of the school that is the

1 subject of the emergency action. The notice shall explain why
2 the district could not comply with the provisions in Sections
3 34-200 through 34-235 of this Code.