



Rep. Cynthia Soto

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1 AMENDMENT TO SENATE BILL 620

2 AMENDMENT NO. _____. Amend Senate Bill 620 by replacing
3 everything after the enacting clause with the following:

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".

1 (2) Quality educational facilities are essential for
2 fostering the maximum educational development of all
3 persons through their educational experience from
4 pre-kindergarten through high school.

5 (3) The public school is a major institution in our
6 communities. Public schools offer resources and
7 opportunities for the children of this State who seek and
8 deserve quality education, but also benefit the entire
9 community that seeks improvement through access to
10 education.

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

21 (5) School openings, school closings, school
22 consolidations, school turnarounds, school phase-outs,
23 school construction, school repairs, school
24 modernizations, school boundary changes, and other related
25 school facility decisions often have a profound impact on
26 education in a community. In order to minimize the negative

1 impact of school facility decisions on the community, these
2 decisions should be implemented according to a clear
3 system-wide criteria and with the significant involvement
4 of local school councils, parents, educators, and the
5 community in decision-making.

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

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

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

21 (1) Two members of the House of Representatives
22 appointed by the Speaker of the House, at least one of whom
23 shall be a member of the Elementary & Secondary Education
24 Committee.

25 (2) Two members of the House of Representatives
26 appointed by the Minority Leader of the House, at least one

1 of whom shall be a member of the Elementary & Secondary
2 Education Committee.

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

6 (4) Two members of the Senate appointed by the Minority
7 Leader of the Senate, at least one of whom shall be a
8 member of the Education Committee.

9 (5) Two representatives of school community
10 organizations with past involvement in school facility
11 issues appointed by the Speaker of the House.

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

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

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

19 (9) The president of the association representing
20 principals in the schools of the district or his or her
21 designee.

22 (d) The Speaker of the House shall appoint one of the
23 appointed House members as a co-chairperson of the Chicago
24 Educational Facilities Task Force. The President of the Senate
25 shall appoint one of the appointed Senate members as a
26 co-chairperson of the Chicago Educational Facilities Task

1 Force. Members appointed by the legislative leaders shall be
2 appointed for the duration of the Chicago Educational
3 Facilities Task Force; in the event of a vacancy, the
4 appointment to fill the vacancy shall be made by the
5 legislative leader of the same chamber and party as the leader
6 who made the original appointment.

7 (e) The Chicago Educational Facilities Task Force shall
8 call on independent experts, as needed, to gather and analyze
9 pertinent information on a pro bono basis, provided that these
10 experts have no previous or on-going financial interest in
11 school facility issues related to the school district. The
12 Chicago Educational Facilities Task Force shall secure pro bono
13 expert assistance within 15 days after the establishment of the
14 Chicago Educational Facilities Task Force.

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

18 (g) The Chicago Educational Facilities Task Force, with the
19 help of the independent experts, shall analyze past Chicago
20 experiences and data with respect to school openings, school
21 closings, school consolidations, school turnarounds, school
22 phase-outs, school construction, school repairs, school
23 modernizations, school boundary changes, and other related
24 school facility decisions on students. The Chicago Educational
25 Facilities Task Force shall consult widely with stakeholders,
26 including public officials, about these facility issues and

1 their related costs and shall examine relevant best practices
2 from other school systems for dealing with these issues
3 systematically and equitably. These initial investigations
4 shall include opportunities for input from local stakeholders
5 through hearings, focus groups, and interviews.

6 (h) The Chicago Educational Facilities Task Force shall
7 prepare ~~final~~ recommendations ~~on or before October 30, 2009~~
8 describing how the issues set forth in subsection (g) of this
9 Section can be addressed effectively based upon educationally
10 sound and fiscally responsible practices.

11 (i) The Chicago Educational Facilities Task Force shall
12 hold hearings in separate areas of the school district at times
13 that shall maximize school community participation to obtain
14 comments on draft recommendations. The final hearing shall take
15 place no later than 15 days prior to the completion of the
16 final recommendations.

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

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

4 Without limitation, the final recommendations may propose
5 significant decision-making roles for key stakeholders,
6 including the individual school and community; recommend clear
7 criteria or processes for establishing criteria for making
8 school facility decisions; and include clear criteria for
9 setting priorities with respect to school openings, school
10 closings, school consolidations, school turnarounds, school
11 phase-outs, school construction, school repairs, school
12 modernizations, school boundary changes, and other related
13 school facility decisions, including the encouragement of
14 multiple community uses for school space.

15 Without limitation, the ~~final~~ recommendations may propose
16 criteria for student mobility; the transferring of students to
17 lower performing schools; teacher mobility; insufficient
18 notice to and the lack of inclusion in decision-making of local
19 school councils, parents, and community members about school
20 facility decisions; and costly facilities-related expenditures
21 due to poor educational and facilities planning.

22 (l) The State Board of Education and the school district
23 shall provide administrative support to the Chicago
24 Educational Facilities Task Force.

25 (m) After recommendations have been issued, the Chicago
26 Educational Facilities Task Force shall meet at least once

1 annually, upon the call of the chairs, for the purpose of
2 reviewing Chicago public schools' compliance with the
3 provisions of Sections 34-200 through 34-235 of this Code
4 concerning school action and facility master planning. The Task
5 Force shall prepare a report to the General Assembly, the
6 Governor's Office, the Mayor of the City of Chicago, and the
7 Chicago Board of Education indicating how the district has met
8 the requirements of the provisions of Sections 34-200 through
9 34-235 of this Code concerning school action and facility
10 master planning.

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

12 (105 ILCS 5/prec. Sec. 34-200 heading new)

13 SCHOOL ACTION AND FACILITY MASTER PLANNING

14 (105 ILCS 5/34-200 new)

15 Sec. 34-200. Definitions. For the purposes of Sections
16 34-200 through 34-235 of this Article:

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

21 "Community area" means a geographic area of the City of
22 Chicago defined by the chief executive officer as part of the
23 development of the educational facilities master plan.

24 "Space utilization" means the percentage achieved by

1 dividing the school's actual enrollment by its design capacity.

2 "School closing" or "school closure" means the closing of a
3 school, the effect of which is the assignment and transfer of
4 all students enrolled at that school to one or more designated
5 receiving schools.

6 "School consolidation" means the consolidation of 2 or more
7 schools by closing one or more schools and reassigning the
8 students to another school.

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

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

15 (105 ILCS 5/34-205 new)

16 Sec. 34-205. Educational facility standards.

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

20 (1) the method by which design capacity is calculated,
21 including consideration of the requirements of elementary
22 and secondary programs, shared campuses, after school
23 programming, the facility needs, grade and age ranges of
24 the attending students, and use of school buildings by
25 governmental agencies and community organizations;

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

3 (3) the rate of utilization; and

4 (4) the standards for overcrowding and
5 underutilization.

6 (b) The chief executive officer or his or her designee
7 shall publish a space utilization report for each school
8 building operated by the district on the district's website by
9 December 31 of each year.

10 (c) The facility performance standards provisions are as
11 follows:

12 (1) On or before December 31, 2011, the chief executive
13 officer shall propose minimum and optimal facility
14 performance standards for thermal comfort, daylight,
15 acoustics, indoor air quality, furniture ergonomics for
16 students and staff, technology, life safety, ADA
17 accessibility, plumbing and washroom access, environmental
18 hazards, and walkability.

19 (2) The chief executive officer shall conduct at least
20 one public hearing and submit the proposed educational
21 facilities standards to each local school council and to
22 the Chicago Public Building Commission for review and
23 comment prior to submission to the Board.

24 (3) After the chief executive officer has incorporated
25 the input and recommendations of the public and the Chicago
26 Public Building Commission, the chief executive officer

1 shall issue final facility performance standards.

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

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

8 (105 ILCS 5/34-210 new)

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

10 (a) In accordance with the schedule set forth in this
11 Article, the chief executive officer or his or her designee
12 shall prepare a 10-year educational facility master plan every
13 5 years, with updates 2 1/2 years after the approval of the
14 initial 10-year plan, with the first such educational facility
15 master plan to be approved on or before July 1, 2013.

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

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

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

25 (2) a brief description of the types of instructional

1 programs and services delivered in each school;

2 (3) a description of the process, procedure, and
3 timeline for community participation in the development of
4 the plan;

5 (4) the enrollment capacity of each school and its rate
6 of utilization;

7 (5) a report on the assessment of individual building
8 and site conditions;

9 (6) a data table with historical and projected
10 enrollment data by school by grade;

11 (7) community analysis, including a study of current
12 and projected demographics, land usage, transportation
13 plans, residential housing and commercial development,
14 private schools, plans for water and sewage service
15 expansion or redevelopment, and institutions of higher
16 education;

17 (8) an analysis of the facility needs and requirements
18 of the district; and

19 (9) identification of potential sources of funding for
20 the implementation of the Educational Facility Master
21 Plan.

22 (d) On or before January 1, 2013, the chief executive
23 officer or his or her designee shall prepare and distribute for
24 comment a preliminary draft of the Educational Facility Master
25 Plan. The draft plan shall be distributed to the City of
26 Chicago, the County of Cook, the Chicago Park District, the

1 Chicago Housing Authority, the Chicago Transit Authority,
2 attendance centers operated by the district, and charter
3 schools operating within the district. Each attendance center
4 shall make the draft plan available to the local school council
5 or alternative advisory body and to the parents, guardians, and
6 staff of the school. The draft plan also shall be distributed
7 to each State Senator and State Representative with a district
8 in the City of Chicago, to the Mayor of the City of Chicago,
9 and to each alderman of the City.

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

13 (f) After consideration of public input on the draft plan,
14 the chief executive officer or his or her designee shall
15 prepare and publish a report describing the process used to
16 incorporate public input in the development of the final plan
17 to be recommended to the Board.

18 (g) The chief executive officer shall present the final
19 plan and report to the Board for final consideration and
20 approval.

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

23 (i) No later than January 1, 2016, and every 5 years
24 thereafter, the chief executive officer or his or her designee
25 shall prepare and submit for public comment a draft revised
26 Educational Facility Master Plan following the procedures

1 required for development of the original plan.

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

5 (105 ILCS 5/34-215 new)

6 Sec. 34-215. Capital improvement plans.

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

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

18 (c) Beginning with fiscal year 2013 and for each year
19 thereafter, the chief executive officer shall publish a
20 proposed one-year capital improvement plan at least 60 days
21 prior to the end of the prior fiscal year. The proposed
22 one-year capital improvement plan shall be posted on the
23 district's Internet website and shall be subject to public
24 review and comment and at least 3 public hearings. The one-year
25 capital improvement plan shall include the following

1 information for all capital projects for which funds are to be
2 appropriated:

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

4 (2) justification for the project;

5 (3) status of the project, including, if appropriate,
6 percentage funded, percentage complete, and approved start
7 and end dates;

8 (4) original approved cost and current approved cost
9 for each project;

10 (5) the impact of the project on the district's
11 operating budget;

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

14 (7) all funding sources for the project;

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

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

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

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

25 (f) Beginning with fiscal year 2013, the chief executive
26 officer shall publish a proposed 5-year capital improvement

1 plan with the proposed one-year capital improvement plan. The
2 5-year capital improvement plan shall include proposed capital
3 improvements for the next 4 years and, to the extent
4 practicable, the same information for each proposed project
5 that is required for the one-year capital improvement plan.

6 (g) The 5-year capital improvement plan shall be assessed
7 annually. An annual report shall be published explaining the
8 differences between projected capital projects in the 5-year
9 capital improvement plan and the capital projects authorized in
10 the proposed one-year capital improvement plan for the
11 following fiscal year. The 5-year plan shall be published on
12 the district's Internet website and distributed to all
13 principals.

14 (105 ILCS 5/34-220 new)

15 Sec. 34-220. Financial transparency.

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

20 (b) The annual capital expenditure report shall include the
21 following:

22 (1) expenditures on all facilities in which students
23 enrolled in the district receive instruction for all
24 capital projects on which funds were expended in that
25 fiscal year, even if the project was not initiated or

1 completed in the fiscal year;

2 (2) identification of capital projects that aligned
3 with the school-based facility needs assessment and
4 recommendations of school principals or were the result of
5 other public input;

6 (3) the levels of appropriation actually provided to
7 the district for capital projects in the fiscal year by the
8 city, the State, and the federal government, with a
9 comparison of the level of such funding against funding
10 levels for the prior 5 years; and

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

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

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

25 (e) The district shall publish on the district's Internet
26 website a summary of the lease agreements in which the Board is

1 a lessor or lessee, including the following:

2 (1) a description of the leasehold;

3 (2) the full legal name of the parties to the
4 agreement;

5 (3) the term of the agreement;

6 (4) the rent amount; and

7 (5) the party responsible for maintenance, capital
8 improvements, utilities, and other expenses.

9 (105 ILCS 5/34-225 new)

10 Sec. 34-225. School transition plans.

11 (a) If the Board approves a school action, the chief
12 executive officer or his or her designee shall work
13 collaboratively with local school educators and families of
14 students attending a school that is the subject of a school
15 action to ensure successful integration of affected students
16 into new learning environments.

17 (b) The chief executive officer or his or her designee
18 shall prepare and implement a school transition plan to support
19 students attending a school that is the subject of a school
20 action that accomplishes the goals of this Section. The chief
21 executive must identify and commit specific resources for
22 implementation of the school transition plan for a minimum of
23 the full first academic year after the board approves a school
24 action.

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

1 (1) services to support the academic, social, and
2 emotional needs of students; supports for students with
3 disabilities, homeless students, and English language
4 learners; and support to address security and safety
5 issues;

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

7 (3) counseling regarding the choice of schools that
8 includes all pertinent information to enable the parent or
9 guardian and child to make an informed choice, including
10 the option to visit the schools of choice prior to making a
11 decision; and

12 (4) the provision of appropriate transportation where
13 practicable.

14 (105 ILCS 5/34-230 new)

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

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

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

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

3 (1) Notice of the proposal for a school action shall
4 include a written statement of the basis for the school
5 action and an explanation of how the school action meets
6 the criteria set forth in the guidelines. This proposal
7 shall include a preliminary School Transition Plan
8 identifying the items required in Section 34-225 of this
9 Code for all schools affected by the school action.

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

14 (3) The chief executive officer shall provide written
15 notice of any proposed school action to the State Senator,
16 State Representative, and alderman for the school or
17 schools that are subject to the proposed school action.

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

21 (5) The chief executive officer shall provide notice of
22 proposed school actions at least 30 calendar days in
23 advance of a public hearing or meeting. The notice shall
24 state the date, time, and place of the hearing or meeting.
25 No Board decision regarding a proposed school action may
26 take place less than 60 days after the announcement of the

1 proposed school action.

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

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

7 (2) Convene at least 2 additional public hearings or
8 meetings at a location convenient to the school community
9 subject to the proposed school action.

10 (e) Public hearings shall be conducted by a qualified
11 independent hearing officer chosen from a list of independent
12 hearing officers. The general counsel shall compile and publish
13 a list of independent hearing officers by November 1 of each
14 school year. The independent hearing officer shall have the
15 following qualifications:

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

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

19 (3) he or she must not have represented the Board, its
20 employees or any labor organization representing its
21 employees, any local school council, or any charter or
22 contract school in any capacity within the last year.

23 (4) The independent hearing officer shall issue a
24 written report that summarizes the hearing and determines
25 whether the chief executive officer complied with the
26 requirements of this Section and the guidelines.

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

5 (f) Public hearings shall be conducted by a representative
6 of the chief executive officer. A summary of the public meeting
7 shall be published on the district's Internet website within 5
8 calendar days after the meeting.

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

13 (105 ILCS 5/34-235 new)

14 Sec. 34-235. Emergencies. Nothing in Sections 34-200
15 through 34-235 of this Code prevents the district from taking
16 emergency action to protect the health and safety of students
17 and staff in an attendance center. In the event of an emergency
18 that requires the district to close all or part of a school
19 facility, including compliance with a directive of a duly
20 authorized public safety agency, the chief executive officer or
21 his or her designees are authorized to take all steps necessary
22 to protect the safety of students and staff, including
23 relocation of the attendance center to another location or
24 closing the attendance center. In such cases, the chief
25 executive officer shall provide written notice of the basis for

1 the emergency action within 3 days after declaring the
2 emergency and shall publish the steps that have been taken or
3 will be taken to address the emergency within 10 days after
4 declaring the emergency. The notice shall be posted on the
5 district's website and provided to the principal, the local
6 school council, and the State Senator, the State
7 Representative, and the Alderman of the school that is the
8 subject of the emergency action. The notice shall explain why
9 the district could not comply with the provisions in Sections
10 34-200 through 34-235 of this Code."