



Rep. Cynthia Soto

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1 AMENDMENT TO HOUSE BILL 596

2 AMENDMENT NO. _____. Amend House Bill 596 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by adding the
5 heading preceding Section 34-200 and Sections 34-200, 34-205,
6 34-210, 34-215, 34-220, 34-225, 34-230, 34-235, 34-240,
7 34-245, and 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

1 recommendations for establishing an equitable and effective
2 school facility development process.

3 (b) Based on research on best practice standards in other
4 school districts, the CEFTF found that it is possible to have a
5 fair, equitable, and meaningful process for deciding on school
6 actions and capital project allocations. The CEFTF found the
7 following:

8 (1) School facility condition, utilization, design,
9 and location impact student academic progress, safety, and
10 learning potential.

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

15 (3) A system for public transparency, oversight, and
16 accountability needs to be in place to ensure fiscal
17 efficiency and that no educational harm to disadvantaged
18 students and communities results from facility-related
19 actions, including capital spending decisions, closings,
20 consolidations, co-locations, attendance boundary changes,
21 new school openings, and major programmatic changes.

22 (4) A long-range facility master plan and a capital
23 improvement program based upon standards for educationally
24 adequate and appropriate facilities is needed to ensure
25 high quality, equitable, and educationally appropriate
26 school facilities and to raise adequate funds to support

1 facility needs.

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

6 (6) Collaboration and coordination with involved local
7 community groups and municipal entities in planning and
8 decision making regarding public school facilities ensures
9 a more adequate plan.

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

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

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

22 (2) Facility standards, a 10-year Educational Facility
23 Master Plan, and a 5-year Capital Improvement Plan and
24 budget, developed by the school district with public input
25 and participation, including the community,
26 parents/guardians, local school councils, educators, and

1 other stakeholders; coordinated with other local
2 governments and agencies; and aligned with educational
3 goals and vision, that prioritize students' well-being and
4 academic success.

5 (3) Transparent and accountable systems and controls
6 for school actions and capital projects through the use of
7 an educational impact statement, publicly accessible data,
8 information, reports, and audits.

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

12 (105 ILCS 5/34-205 new)

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

15 "Board" means the Chicago Board of Education.

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

19 "Capital project" means facility renovation, including for
20 buildings and grounds, as well as major building systems
21 replacement or upgrades, new construction, and demolition,
22 including the capital-related costs for planning, design, and
23 engineering.

24 "CEFTF" means the Chicago Educational Facilities Task
25 Force.

1 "CEO" means the chief executive officer of the school
2 district or his or her successor.

3 "Commission" means the Facility Planning Commission
4 created by this Article.

5 "CPS" means the school district.

6 "Educational Facility Master Plan" means a 10-year plan
7 developed with public and other governmental input and
8 participation that describes how and by whom the school
9 buildings and grounds shall be used, improved, and maintained
10 on a year-by-year and school-by-school basis.

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

14 "Enrollment capacity" means how many students can be
15 accommodated in a school building when staffing ratios,
16 curriculum standards, and other educational best practices are
17 accommodated.

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

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

24 "Utilization" means the comparison of actual enrollment to
25 the enrollment capacity or the rate of use of a school
26 building.

1 (105 ILCS 5/34-210 new)

2 Sec. 34-210. Establishment of the Chicago Educational
3 Facility Planning Commission.

4 (a) There is hereby established the Chicago Educational
5 Facilities Planning Commission.

6 (b) The Commission shall have the authority to take all
7 steps necessary to ensure equitable, adequate, and sustainable
8 public school facilities for the citizens and children of the
9 City of Chicago, including the following:

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

12 (2) Approve standards for basic performance measures
13 for the CPS 10-year Educational Facility Master Plan and
14 5-year Capital Improvement Plan.

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

17 (4) Approve the 5-year Capital Improvement Plan and
18 budget.

19 (5) Participate in the selection of contractors
20 engaged to work on the development of the standards, plans,
21 audits, and Educational Impact Statements.

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

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

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

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

7 (3) The Commission shall prepare reports, comments,
8 and document review of CPS standards, plans, reports, and
9 audits required under this Article.

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

13 (5) The chairperson of the Commission or his or her
14 designee shall supervise the staff assigned to support the
15 Commission.

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

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

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

25 (9) The Commission shall select an independent auditor
26 and oversee periodic audits of the capital improvement

1 program in accordance with the requirements of this
2 Article.

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

6 (d) The Commission shall be comprised of 17 members and
7 each member shall have one vote. A majority of those appointed
8 shall constitute a quorum and is required for the passage of
9 any final action. The members shall be appointed as follows:

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

12 (2) Four members of community organizations with a
13 focus on education and experience with educational
14 facility issues, as chosen by the respective legislative
15 caucus leaders.

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

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

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

22 (6) The President of the Chicago Teachers Union or his
23 or her designee.

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

26 (8) Two members of duly elected Local School Councils,

1 one each from an elementary school and high school, to be
2 chosen by the CPS district-wide council of LSCs; or in the
3 event that such district-wide council is dissolved by any
4 future CEO, then the 2 LSC representatives shall be
5 appointed by the chairperson of the Commission.

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

8 (10) The President of the Chicago Park District or his
9 or her designee.

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

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

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

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

26 (3) All meetings shall be subject to the Open Meetings

1 Act, and agendas, minutes, and other documents taken up at
2 Commission meetings shall be posted on the CPS Internet
3 website in a prominent location.

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

6 (105 ILCS 5/34-215 new)

7 Sec. 34-215. Educational facility standards.

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

19 (b) CPS shall develop facility performance standards,
20 including the following:

21 (1) On or before January 1, 2012, CPS shall propose
22 minimum and optimal facility performance standards for
23 thermal comfort; daylight; acoustics; indoor air quality;
24 water quality and access to drinking water; furniture
25 ergonomics for students and staff; technology; life

1 safety; ADA accessibility; environmental hazards; and
2 walkability.

3 (2) The CEO shall submit the proposed educational
4 facilities standards to each LSC and to the Chicago Public
5 Building Commission for review and comment prior to
6 submission to the Board.

7 (3) Once the CEO has incorporated the input and
8 recommendations of the public and the Chicago Public
9 Building Commission, the CEO shall submit the proposed
10 standards to the Board for review and comment.

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

13 (1) Following Board review and comment, the CEO shall
14 submit the proposed educational facility standards to the
15 Commission.

16 (2) The Commission shall hold at least one public
17 hearing to solicit public comment on the proposed
18 educational facility standards.

19 (3) The Commission shall vote on or before March 1,
20 2012 on the initial educational facility standards.

21 (4) The Commission shall vote on subsequent
22 educational facility standards when revisions are proposed
23 by CPS.

24 (5) If the Commission votes to reject the CEO's
25 proposed educational facility standards, then the
26 Commission must identify, in writing, a description of the

1 specific standards that must be addressed and make
2 recommendations on revisions to those standards.

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

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

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

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

19 (10) The final approved educational facility space and
20 facility standards shall be available to the public via the
21 CPS Internet website.

22 (11) No State capital funds authorized under Illinois
23 law shall be issued without Commission approval of space
24 and building standards.

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

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

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

14 (c) The data, information, and analysis that shall inform
15 the city-wide, neighborhood, and individual school plans must
16 be publicly accessible on the CPS Internet website and include
17 the following:

18 (1) a description of CPS guiding educational goals and
19 standards;

20 (2) a brief description of the types of educational
21 instructional programs and services delivered in each
22 school;

23 (3) a description of the process, procedure, and
24 timeline for community participation in the development of
25 the plan;

26 (4) a list of the enrollment capacity in each school

1 and its rate of utilization;

2 (5) a report on the assessment of individual building
3 and site conditions;

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

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

12 (8) an analysis of the facility needs and requirements
13 of the district; and

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

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

23 (e) The CEO shall secure input from the City of Chicago,
24 Cook County, the Chicago Park District, the Chicago Public
25 Library District, the Chicago Housing Authority, and the
26 Chicago Transit Authority on the development of the

1 neighborhood level plans and the city-wide educational
2 facility plan. A report of this input shall be provided to the
3 Commission.

4 (f) The CEO shall submit the proposed Educational Facility
5 Master Plan to each LSC and other local governments and
6 agencies for review and comment prior to submission to the CPS
7 board.

8 (g) Once the CEO has incorporated the input and
9 recommendations of the public and other local governmental
10 agencies into the neighborhood and city-wide plans, the CEO
11 shall submit the proposed Educational Facility Master Plan to
12 the Board for review and comment.

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

15 (1) Following Board review and comment, the CEO shall
16 submit the final proposed Educational Facility Master Plan
17 to the Commission. This shall occur no later than February
18 1, 2013.

19 (2) The Commission shall hold at least 2 public
20 hearings to solicit public comment on the proposed
21 Educational Facility Master Plan.

22 (3) The Commission shall vote on or before April 1,
23 2013 on the initial Educational Facility Master Plan.

24 (4) The Commission shall vote on subsequent
25 Educational Facility Master Plans on or before April 1 in a
26 master plan year.

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

6 (6) The CEO shall have 30 days to submit a revised
7 Educational Facility Master Plan to the Board and post its
8 revised plan via the CPS Internet website.

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

11 (8) If approved by Board review, the CEO shall resubmit
12 the revised Educational Facility Master Plan to the
13 Commission.

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

22 (10) The final approved Educational Facility Master
23 Plan shall be available to the public via the CPS Internet
24 website.

25 (11) No State capital funds authorized under this Code
26 shall be issued without Commission approval of an

1 Educational Facility Master Plan.

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

7 (j) This proposed revision shall reflect the progress
8 achieved during the first 2 1/2 years of the master plan. The
9 revision process must include the following:

10 (1) The CEO or his or her designees shall meet
11 regularly with all stakeholders to seek input on the
12 revision and updating of the Educational Facility Master
13 Plan.

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

20 (3) Within 30 days after the CEO submission, the Board
21 shall review and approve the revision to the Educational
22 Facility Master Plan, and, within 7 days of Board approval,
23 the revised Educational Facility Master Plan shall be
24 submitted to the Commission for approval.

25 (n) The process for Commission review and approval of the
26 revised master plan update shall be the same as described in

1 subsections (d) through (h) of this Section.

2 (105 ILCS 5/34-225 new)

3 Sec. 34-225. Capital Improvement Plan.

4 (a) As a foundation for development of the 5-year Capital
5 Improvement Plan, the CEO shall establish a comprehensive
6 process of annual school-based capital and facility
7 maintenance, operations, and repair budgeting and reporting no
8 later than 90 days after the effective date of this amendatory
9 Act of the 97th General Assembly.

10 (b) Notwithstanding any other provisions of this Code to
11 the contrary, such regulations shall include provisions for the
12 following:

13 (1) The annual development by the local school of a
14 school-based capital, maintenance, utility, and repair
15 needs assessment report and recommendations, aligned with
16 the educational program and goals of the local school.

17 (2) The allocation of capital, maintenance,
18 operations, and repair funds among schools on the basis of
19 objective formulae developed by the CEO, after
20 consultation with the Facility Planning Commission, and
21 approved by the Board; such formulae shall reflect the
22 relative educational and facility needs of the schools to
23 the maximum extent feasible.

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

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

5 (5) Procedures for schools to propose and the CEO to
6 modify and reallocate moneys in the annual capital budget,
7 to include a uniform system of CPS departmental and school
8 budget requests and appropriations and a uniform system for
9 annual capital expenditure reports.

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

12 (d) The annual capital plan shall include the following
13 information for all capital projects for which moneys is to be
14 appropriated:

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

16 (2) justification for the project;

17 (3) the status of the project, including percentage
18 funded or unfunded and, if appropriate, percentage already
19 completed;

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

21 (5) the name and number of each school and facility
22 receiving money;

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

25 (7) all funding sources, including TIFs and
26 anticipated or proposed future funding sources;

1 (8) the original approved cost at first approved start
2 date and current approved costs in the current annual
3 budget; and

4 (9) actual expenditures and encumbrances.

5 (e) The 5-year Capital Improvement Plan shall be based on
6 school-based plans for facility capital, operating,
7 maintenance, and repair budgeting and expenditures, as well as
8 district-wide educational facility goals, neighborhood plans,
9 and space and facility standards and priorities as aligned with
10 the approved 10-year Educational Facility Master Plan and
11 standards.

12 (f) Within amounts estimated by the CEO, the 5-year Capital
13 Improvement Plan shall reflect the aggregation of the proposed
14 school-based, facility-related priorities, as submitted by the
15 principal of each school and as modified and approved by the
16 Board, and include a proposed 5-year budget for the
17 administrative and operational expenses of the CPS
18 facility-related departments and the school district for
19 submission to the Board and the Commission.

20 (g) In the case of shared facilities, equitable facility
21 and site space utilization and investments shall be required
22 between all school or instructional units co-located in that
23 facility and stated in a written memorandum of understanding
24 between all school or instructional units so co-located. All
25 facility investments of \$5,000 or more must be matched for the
26 other school unit or units in the shared facility.

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

6 (i) Prior to the CPS public hearings on the Capital
7 Improvement Plan, the Commission shall prepare written
8 comments and recommendations on the Capital Improvement Plan
9 and budget and certify whether the Capital Improvement Plan and
10 budget is consistent with the approved Educational Facility
11 Master Plan and facility standards.

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

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

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

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

23 (1) the CEO shall propose for adoption by the Board
24 such regulations as needed to create a transparent process
25 of distributing any reductions or increases required after
26 approval of the 5-year Capital Improvement Plan in an

1 equitable manner that considers the relative needs of all
2 schools to the maximum extent feasible and for modifying
3 the proposed 5-year Capital Improvement Plan accordingly;
4 and

5 (2) such process shall include an analysis of the
6 relative funding levels of the State, the city, the federal
7 government, and other sources of funds; a comparison of the
8 level of such funding against previous years' total
9 appropriations and actual expenditures; an analysis of the
10 distribution of funds; and notification of school
11 principals and LSCs of any such reductions or increases.

12 (105 ILCS 5/34-230 new)

13 Sec. 34-230. Financial transparency.

14 (a) The CEO shall provide the Board and the Commission with
15 an Annual Capital Expenditure Report within 30 days after the
16 end of the CPS fiscal year end that is aligned with the annual
17 capital budget line items and projects, which shall be made
18 available and accessible to the public via the CPS Internet
19 website.

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

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

25 (2) identification of capital projects that aligned

1 with the school-based facility needs assessment and
2 recommendations of school principals or were the result of
3 other public input;

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

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

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

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

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

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

22 (3) the length of the agreement;

23 (4) the financial terms of the agreement, including all
24 items of consideration that may or may not be financial in
25 nature;

26 (5) the formula for how much space is part of the

1 agreement, the schedule for use, and the calculation for
2 arriving at the cost;

3 (6) a description of any capital improvement
4 agreements made by CPS and the amount of funds appropriated
5 by CPS for such capital improvement agreements;

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

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

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

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

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

26 (e) The Commission shall select an independent auditor to

1 conduct periodic audits of the CPS 5-year Capital Improvement
2 Plan or annual capital budget and expenditure reports, at a
3 minimum, at least once every 3 years. Such an audit shall
4 review a set of specific projects recommended by the Commission
5 and shall include projects having been or currently being
6 undertaken directly by CPS, as well as those capital projects
7 carried out on behalf of CPS by the Chicago Public Building
8 Commission. The periodic audit shall do the following:

9 (1) examine the quality of project specific planning,
10 design, and construction;

11 (2) examine the efficiency, fairness, and
12 effectiveness of project management, construction
13 management, and procurement processes and procedures;

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

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

18 (5) review the schedule of the projects, comparing the
19 first approved start and finish dates and the actual start
20 and finish dates.

21 (g) To facilitate the audit process and minimize their
22 cost, the CPS and Chicago Public Building Commission shall
23 require that all project architects, engineers, and
24 contractors utilize a uniform, Internet web-based
25 comprehensive project management and construction management
26 software system, to be selected by CPS in coordination with and

1 with the input of the Chicago Public Building Commission.

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

5 (105 ILCS 5/34-235 new)

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

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

18 (b) Each year the school building shall be assessed by a
19 facilities team, and the local school shall be given a copy of
20 the detailed assessment report and an explanation of the
21 meaning of the findings of the report within 30 days after the
22 completion of the assessment.

23 (c) CPS shall establish a longitudinal facility data system
24 of all CPS educational facilities in which classroom
25 instruction or student, teacher, and family support services

1 and training are provided, as well as administrative and
2 operational facilities, whether owner or leased.

3 (d) The inventory of schools and buildings shall be linked
4 to its financial budget and report documents, as well as to a
5 comprehensive project management and construction management
6 information process and system.

7 (e) The longitudinal facility database shall include the
8 following data elements:

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

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

12 (A) building and site square footage;

13 (B) age of building and additions;

14 (C) the most current assessment of the building and
15 grounds;

16 (D) building capacity and utilization;

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

19 (F) student demographics and risk factors,
20 enrollment, attendance rates, and measures of learning
21 and academic success, including, but not limited to
22 race and ethnicity, poverty rate, housing status, and
23 students with special needs, such as physical
24 disabilities, mental health, parental status,
25 educational needs, homeless students, students who are
26 young parents, English language learners, wards of the

1 State (such as foster children and youth), and students
2 involved in the juvenile justice system;

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

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

7 (105 ILCS 5/34-240 new)

8 Sec. 34-240. Protective requirements.

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

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

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

16 (d) The Educational Impact Statement shall include the
17 following:

18 (1) the current and projected pupil enrollment of the
19 affected schools, the current facility utilization by
20 students and the community or other users, and a
21 description of the affected student population, including
22 attendance rates, race and ethnicity, poverty rate,
23 housing status, and students with special needs, including
24 parental status, housing status, English language
25 learners, wards of the State (such as foster children and

1 youth), and students involved in the juvenile justice
2 system;

3 (2) the type, age, and physical condition of the
4 affected school buildings, maintenance, energy costs,
5 recent or planned building improvements, and descriptions
6 of the affected building's special features;

7 (3) information regarding the academic standing of the
8 students in the affected schools;

9 (4) estimated costs and savings, if any, related to
10 personnel, instruction, administration, transportation,
11 and other support services, that result from the school
12 action;

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

15 (6) an outline of any proposed or potential use of the
16 school building for other educational programs or
17 administrative services; and

18 (7) the ability and capacity of other schools in the
19 affected community to accommodate pupils following the
20 school closure or significant change in school
21 utilization.

22 (e) The Educational Impact Statement shall be made publicly
23 available, including via the CPS Internet website, and
24 available at the CPS central office, and provided to the
25 impacted LSCs or, in the case of schools without duly elected
26 LSCs, other parent/guardian advisory body and school-based

1 management team at least 9 months in advance of the first day
2 of school in the succeeding school year.

3 (f) No sooner than 30 days, but no later than 45 days,
4 following the filing of the Educational Impact Statement, the
5 CEO or his or her designee shall hold a joint public hearing
6 with the impacted LSC and school-based management team at the
7 schools subject to the proposed school closing or significant
8 change in school utilization, including those schools
9 designated as receiving schools or to be co-located, and shall
10 allow all interested parties an opportunity to present comments
11 or concerns regarding the proposed school closing or
12 significant change in school utilization. The CEO shall ensure
13 that notice of such hearing is widely and conspicuously posted
14 in such a manner to maximize the number of affected individuals
15 that receive notice, including providing notice to affected
16 parents and students, and shall also notify members of the
17 LSCs, community-based organizations, and the elected State and
18 local officials who represent the affected community.

19 (g) So long as the revised proposal does not impact any
20 school other than a school that was identified in the initial
21 Educational Impact Statement, the CEO, after receiving public
22 input, may substantially revise the proposed school closing or
23 significant change in school utilization, provided that the CEO
24 shall prepare a revised Educational Impact Statement in the
25 form prescribed in this subsection (g) and publish and file
26 such Educational Impact Statement in the same manner as

1 prescribed in this subsection (g). No sooner than 15 days
2 following the filing of such revised Educational Impact
3 Statement, the CEO or his or her designee shall hold a joint
4 public hearing with the impacted LSC and school-based
5 management team at the schools subject to the proposed school
6 closing or significant change in school utilization, including
7 those schools designated as receiving schools or to be
8 co-located, and shall allow all interested parties an
9 opportunity to present comments and concerns regarding such
10 proposal. The CEO shall ensure that notice of such hearing is
11 widely and conspicuously posted in such a manner as to maximize
12 the number of affected individuals that receive notice,
13 including providing notice to affected parents and students,
14 and shall also notify members of the LSCs, community-based
15 organizations, and the elected State and local officials who
16 represent the affected community district.

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

20 (i) Except as otherwise provided in the emergency closing
21 procedures of this Section, all proposed school closings or
22 significant changes in school utilization shall be approved by
23 the Board pursuant to this Article and shall not take effect
24 until all of the provisions of this Section have been satisfied
25 and the school year in which such Board approval was granted
26 has ended.

1 (j) In the event that the CEO determines that a school
2 closing or significant change in school utilization is
3 immediately necessary for the preservation of student health,
4 safety, or general welfare, the CEO may temporarily close a
5 public school. Such emergency school closing shall remain in
6 effect for no more than one month; during such time the CEO
7 shall comply with the requirements of this Section in order for
8 any such emergency school closure to extend beyond the
9 one-month period or for the initiation of any significant
10 change in school utilization to be adopted. During this period,
11 the Commission shall be convened to determine the need for the
12 emergency closure and grant approval for the remedial measures.
13 If the Commission approves the determination of an emergency
14 closure, then the closure may be extended for an additional
15 month to accommodate the remediation. If the Commission fails
16 to approve the emergency findings, then the proposed emergency
17 school action shall be reversed and the Commission shall
18 determine the appropriate accommodations to be made to the
19 affected students.

20 (k) In the event that, notwithstanding the satisfactory
21 completion of the EdIS, substantial opposition to the planned
22 school action remains in the affected schools and community, a
23 binding arbitration process may be requested, provided that the
24 following are met:

25 (1) a minimum of at least 10 parents/guardians of
26 currently enrolled students petition the Commission to

1 request independent arbitration, by submitting a statement
2 to the Commission and Board stating why they believe the
3 EdIS process as prescribed in this Article was not followed
4 or did not adequately address the educational needs and
5 well-being of the impacted students;

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

8 (3) following such Commission vote and approval,
9 petitioners seeking independent arbitration must secure
10 signatures in support of the request for independent
11 arbitration from a number of parents equal to or exceeding
12 a majority of the number of students enrolled at the
13 affected school on the official count date of the school
14 year.

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

1 the Commission shall reverse the school action.

2 (m) A similar petition process in accordance with
3 subsection (k) of this Section shall be available to the
4 parents/guardians, students, and staff of any school affected
5 by emergency school actions, and, in such case, the 3-member
6 Commission shall have the power to stay the school action until
7 compliance with the student or school transition plan is
8 ensured.

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

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

18 (p) The CEO must identify and commit specific resources for
19 implementation of the Student Transition Plan for a minimum of
20 the full first academic year of the transition. This shall
21 include a specific funding commitment, any necessary academic
22 or social supports, and related activities for the students and
23 staff, as well as increased security and safety measures
24 required to accommodate the additional students.

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

26 (1) be developed based upon an individual assessment of

1 the students' needs, including social adjustment needs,
2 with involvement of the teachers, the IEP team in the case
3 of a special education student, and parents/guardians;

4 (2) allow an array of school choices and ensure access
5 to significantly higher-quality schools (for example,
6 those schools meeting or exceeding the No Child Left Behind
7 AYP or Annual Yearly Progress for the academic year in
8 which the school action is proposed);

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

14 (4) include the provision of appropriate
15 transportation.

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

24 (s) The CEO shall provide that students affected or
25 displaced by the approved school action have access to CPS
26 selective enrollment school options by allowing such students

1 to apply for admission notwithstanding any other
2 CPS-prescribed application deadlines.

3 (105 ILCS 5/34-245 new)

4 Sec. 34-245. Transition period.

5 (a) Within 60 days after the effective date of this
6 amendatory Act of the 97th General Assembly, the Commission
7 shall be appointed and hold its first meeting.

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

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

18 (d) During this period of transition, the Commission shall
19 take necessary steps to ensure that the educational objectives
20 and the safety of all students is considered in all school
21 actions.

22 (105 ILCS 5/34-250 new)

23 Sec. 34-250. Penalties. No State funds may be appropriated
24 or made available under Illinois law to a board of education

1 may be used for capital expenditures (such as building
2 improvements) or to pay for direct costs associated with school
3 actions or school maintenance unless the school board has in
4 place the policies required under this Article and is otherwise
5 in compliance with all other requirements of this amendatory
6 Act of the 97th General Assembly. This shall apply to Capital
7 funds authorized under the School Construction Law or funding
8 requests made by specific members of the General Assembly.

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.".