



Sen. Iris Y. Martinez

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LRB097 04370 RPM 54330 a

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 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.".