

AN ACT concerning education.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The School Code is amended by renumbering and changing Section 34-18.37 as added by Public Act 96-803 and by adding the heading preceding Section 34-200 and Sections 34-200, 34-205, 34-210, 34-215, 34-220, 34-225, 34-230, and 34-235 as follows:

(105 ILCS 5/34-18.43)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

member of the Education Committee.

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

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

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

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

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

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

(e) The Chicago Educational Facilities Task Force shall

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SCHOOL ACTION AND FACILITY MASTER PLANNING

(105 ILCS 5/34-200 new)

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

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

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

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

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

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

students to another school.

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

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

(105 ILCS 5/34-205 new)

Sec. 34-205. Educational facility standards.

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

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

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

(3) the rate of utilization; and

(4) the standards for overcrowding and underutilization.

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

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

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

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

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

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

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

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

(105 ILCS 5/34-210 new)

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

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

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

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

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

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

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

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

(5) a report on the assessment of individual building

and site conditions;

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

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

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

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

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

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

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

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

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

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

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

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

(105 ILCS 5/34-215 new)

Sec. 34-215. Capital improvement plans.

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

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

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

- (1) description of the scope of the project;
- (2) justification for the project;
- (3) status of the project, including, if appropriate, percentage funded, percentage complete, and approved start and end dates;

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

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

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

(7) all funding sources for the project;

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

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

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

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

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

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

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

(105 ILCS 5/34-220 new)

Sec. 34-220. Financial transparency.

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

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

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

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

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

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

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

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

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

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

(1) a description of the leasehold;

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

(3) the term of the agreement;

(4) the rent amount; and

(5) the party responsible for maintenance, capital

improvements, utilities, and other expenses.

(105 ILCS 5/34-225 new)

Sec. 34-225. School transition plans.

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

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

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

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

(2) options to enroll in higher performing schools;

(3) counseling regarding the choice of schools that

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

(4) the provision of appropriate transportation where practicable.

(105 ILCS 5/34-230 new)

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

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

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

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

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

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

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

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

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

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

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

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

(2) Convene at least 2 additional public hearings or

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

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

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

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

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

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

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

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

calendar days after the meeting.

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

(105 ILCS 5/34-235 new)

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

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