1 AN ACT concerning education.

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

- 4 Section 5. The School Code is amended by changing Sections
- 5 34-200, 34-205, 34-210, 34-215, 34-220, 34-225, and 34-230 and
- 6 by adding Section 34-227 as follows:
- 7 (105 ILCS 5/34-200)
- 8 Sec. 34-200. Definitions. For the purposes of Sections
- 9 34-200 through 34-235 of this Article:
- "Capital improvement plan" means a plan that identifies
- 11 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
- 15 Chicago defined by the chief executive officer as part of the
- 16 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
- 20 school, the effect of which is the assignment and transfer of
- 21 all students enrolled at that school to one or more designated
- 22 receiving schools.
- 23 "School consolidation" means the consolidation of 2 or more

- 1 schools by closing one or more schools and reassigning the
- 2 students to another school.
- 3 "Phase-out" means the gradual cessation of enrollment in
- 4 certain grades each school year until a school closes or is
- 5 consolidated with another school.
- 6 "School action" means any school closing; school
- 7 consolidation; co-location; boundary change that requires
- 8 reassignment of students, unless the reassignment is to a new
- 9 school with an attendance area boundary and is made to relieve
- 10 overcrowding; new school turnaround; or phase-out.
- 11 (Source: P.A. 97-473, eff. 1-1-12; 97-474, eff. 8-22-11;
- 12 97-813, eff. 7-13-12.)
- 13 (105 ILCS 5/34-205)
- 14 Sec. 34-205. Educational facility standards.
- 15 (a) By January 1, 2012, the district shall publish space
- 16 utilization standards on the district's website. The standards
- 17 shall include the following:
- 18 (1) the method by which design capacity is calculated,
- including consideration of the requirements of elementary
- and secondary programs, shared campuses, after school
- 21 programming, the facility needs, grade and age ranges of
- 22 the attending students, and use of school buildings by
- 23 governmental agencies and community organizations;
- 24 (2) the method to determine efficient use of a school
- 25 building based upon educational program design capacity;

- 1 (3) the rate of utilization; and
- 2 (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 January 1, 2012, 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 adoption.
    - (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.
- 3 (5) The final educational facility space utilization 4 and performance standards shall be published on the 5 district's Internet website.
- 6 (6) Beginning on July 1, 2019, the facility performance
  7 standards must include the performance standards of safety
  8 measures in the district.
- 9 (Source: P.A. 97-473, eff. 1-1-12; 97-474, eff. 8-22-11;
- 11 (105 ILCS 5/34-210)

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97-813, eff. 7-13-12.)

- 12 Sec. 34-210. The Educational Facility Master Plan.
- 13 (a) In accordance with the schedule set forth in this
  14 Article, the chief executive officer or his or her designee
  15 shall prepare a 10-year educational facility master plan every
  16 5 years, with updates 2 1/2 years after the approval of the
  17 initial 10-year plan, with the first such educational facility
  18 master plan to be approved on or before October 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	(1) a description of the district's guiding
2	educational goals and standards;
3	(2) a brief description of the types of instructional
4	programs and services delivered in each school, including
5	specific plans for special education programs, early
6	childhood education programs, career and technical
7	education programs, and any other programs that are space
8	sensitive to avoid space irregularities;
9	(3) a description of the process, procedure, and
10	timeline for community participation in the development of
11	the plan;
12	(3.5) A description of a communications and community
13	involvement plan for each community in the City of Chicago
14	that includes the engagement of students, school
15	personnel, parents, and key stakeholders throughout the
16	community and all of the following:
17	(A) community action councils;
18	(B) local school councils or, if not present,
19	alternative parent and community governance for that
20	school;
21	(C) the Chicago Teachers Union; and
22	(D) the Chicago Principals and Administrators
23	Association;
24	(4) the enrollment capacity of each school and its rate
25	of enrollment and historical and projected enrollment, and

current and projected demographic information for the

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neighborhood	surrounding	the	district	based	on	census	data
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 a timeline to address critical facility and programmatic capital needs of every school building with a weighted prioritization, which shall be publicly available on the district's Internet website for schools and communities to have access to the information and transparent data on the timeline that the district will address those critical issues; and
- (9) identification of potential sources of funding for the implementation of the Educational Facility Master Plan, including financial options through tax increment financing, property tax levies for schools, and bonds that address critical facility needs; and -
  - (10) any school building disposition, including a plan

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delineating the process through which citizen involvement is facilitated and establishing the criteria that is utilized in building disposition decisions, one of which shall be consideration of the impact of any proposed new use of a school building on the neighborhood in which the school building is located and how it may impact enrollment of schools in that community area.

- (d) On or before May 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 at the annual organizational meeting or to an alternative advisory body and to the parents, quardians, 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.
- The chief executive or his or her designee shall publish a procedure for conducting regional public hearings and submitting public comments on the draft plan and an annual capital improvement hearing that shall discuss the district's annual capital budget and that is not in conjunction with

- 1 operating budget hearings.
- 2 (f) After consideration of public input on the draft plan, the chief executive officer or his or her designee shall 3
- prepare and publish a report describing the public input 4
- 5 gathered and the process used to incorporate public input in
- the development of the final plan to be recommended to the 6
- 7 Board.
- (q) The chief executive officer shall present the final 8
- 9 plan and report to the Board for final consideration and
- 10 approval.
- 11 (h) The final approved Educational Facility Master Plan
- shall be published on the district's website. 12
- 13 No later than July 1, 2016, and every 5 years
- thereafter, the chief executive officer or his or her designee 14
- 15 shall prepare and submit for public comment a draft revised
- 16 Educational Facility Master Plan following the procedures
- 17 required for development of the original plan.
- (j) This proposed revised plan shall reflect the progress 18
- achieved during the first 2 1/2 years of the Educational 19
- 20 Facility Master Plan.
- 21 (k) Based upon the data from the plan, the district must do
- 22 at least one of the following for all under-enrolled schools:
- 23 (i) create a request for proposals for joint use of the school
- 24 with an intergovernmental rental or other outside entity
- 25 rental, (ii) except for a charter school, cease any potential
- 26 plans for school expansion that may negatively impact

- 1 enrollment at the under-enrolled school, (iii) redo attendance
- 2 boundaries to maximize enrollment of additional students, or
- 3 (iv) work with under-enrolled schools to identify
- 4 opportunities to increase enrollment and lower the costs of
- 5 occupancy through joint use agreements.
- 6 (Source: P.A. 99-531, eff. 7-8-16.)
- 7 (105 ILCS 5/34-215)

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- 8 (Text of Section from P.A. 97-473)
- 9 Sec. 34-215. Capital improvement plans.
- 10 (a) The district shall develop a capital needs review 11 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 1
- 2 review and comment and at least 3 public hearings. The one-year
- 3 improvement plan shall include the following capital
- information for all capital projects for which funds are to be
- 5 appropriated:

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- (1) description of the scope of the project;
- 7 (2) justification for the project;
- 8 (3) status of the project, including, if appropriate, 9 percentage funded, percentage complete, and approved start 10 and end dates:
  - (4) original approved cost and current approved cost for each project;
  - 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;
    - 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; -
    - (10) a description of the scope of work to be done, schedule of achieved and projected major milestones, and an explanation for any delay in meeting projected milestones;
  - (11) a justification for modernization, construction, or other capital improvements, supported by

- the educational specification, student enrollment projections, school facility condition assessment, and assessment of the need for use as an educational facility; and
  - (12) school-specific project recommendations on the timing and funding for modernization of existing school facilities, new school facility construction, and other school facility capital improvements planned for the next fiscal year and the succeeding 5 fiscal years.
  - (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.
  - 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

- 1 the proposed one-year capital improvement plan for the
- 2 following fiscal year. The 5-year plan shall be published on
- 3 the district's Internet website and distributed to all
- 4 principals.
- 5 (h) Beginning on June 1, 2019, and annually thereafter, the
- 6 district shall conduct a regional capital budget hearing with
- 7 <u>30-day notice to the public that describes planned projects for</u>
- 8 the year and reviews the 5-year capital budget and the
- 9 <u>educational facility master plan.</u>
- 10 (Source: P.A. 97-473, eff. 1-1-12.)
- 11 (Text of Section from P.A. 97-474)
- 12 Sec. 34-215. Capital improvement plans.
- 13 (a) The district shall develop a capital needs review
- process and one-year and 5-year capital improvement plans.
- 15 (b) By January 1, 2012, the chief executive officer or his
- or her designee shall establish a capital needs review process
- 17 that includes a comprehensive bi-annual assessment of the
- 18 capital needs at each facility owned, leased, or operated by
- 19 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
- 22 assessment report and recommendations aligned with the
- 23 educational program and goals of the attendance center.
- 24 (c) Beginning with fiscal year 2013 and for each year
- 25 thereafter, the chief executive officer shall publish a

appropriated:

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- proposed one-year capital improvement plan at least 60 days 1 2 prior to the end of the prior fiscal year. The proposed 3 one-year capital improvement plan shall be posted on the district's Internet website and shall be subject to public 5 review and comment and at least 3 public hearings. The one-year 6 improvement plan shall include the following 7 information for all capital projects for which funds are to be
  - (1) description of the scope of the project;
- 10 (2) justification for the project;
- 11 (3) status of the project, including, if appropriate,
  12 percentage funded, percentage complete, and approved start
  13 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:
      - (10) a description of the scope of work to be done, schedule of achieved and projected major milestones, and an

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- (11) a justification for modernization, construction, or other capital improvements, supported by the educational specification, student enrollment projections, school facility condition assessment, and assessment of the need for use as an educational facility; and
  - (12) school-specific project recommendations on the timing and funding for modernization of existing school facilities, new school facility construction, and other school facility capital improvements planned for the next fiscal year and the succeeding 5 fiscal years.
- (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.
  - (q) The 5-year capital improvement plan shall be assessed

- annually. An annual report shall be published explaining the 1
- 2 differences between projected capital projects in the 5-year
- capital improvement plan and the capital projects authorized in 3
- the proposed one-year capital improvement plan for the 4
- 5 following fiscal year. The 5-year plan shall be published on
- 6 the district's Internet website and distributed to
- 7 principals.
- 8 (h) Beginning on June 1, 2019, and annually thereafter, the
- 9 district shall conduct a regional capital budget hearing with
- 10 30-day notice to the public that describes planned projects for
- 11 the year and reviews the 5-year capital budget and the
- 12 educational facility master plan.
- (Source: P.A. 97-474, eff. 8-22-11.) 13
- 14 (105 ILCS 5/34-220)
- 15 Sec. 34-220. Financial transparency.
- 16 (a) For fiscal year 2012, the chief executive officer shall
- provide the Board with an annual capital expenditure report 17
- within 90 days after the end of the fiscal year. The report 18
- shall be published on the district's Internet website. 19
- 20 For fiscal year 2013 and thereafter, the chief (b)
- 21 executive officer shall provide the Board with an annual
- 22 capital expenditure report within 90 days after the end of the
- fiscal year. The report shall be published on the district's 23
- 24 Internet website. The annual capital expenditure report shall
- 25 include the following:

1 (1)

- (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 and presented at the annual hearing under subsection (h) of Section 34-215 of this Code;
- (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
- 2 entry, and other temporary license agreements not exceeding one
- 3 year in duration are not subject to this requirement.
- 4 (e) The district shall publish on the district's Internet
- 5 website a summary of the lease agreements in which the Board is
- a lessor or lessee, including the following:
- 7 (1) a description of the leasehold;
- 8 (2) the full legal name of the parties to the
- 9 agreement;
- 10 (3) the term of the agreement;
- 11 (4) the rent amount; and
- 12 (5) the party responsible for maintenance, capital
- improvements, utilities, and other expenses.
- 14 (Source: P.A. 97-473, eff. 1-1-12; 97-474, eff. 8-22-11.)
- 15 (105 ILCS 5/34-225)
- Sec. 34-225. School transition plans.
- 17 (a) If the Board approves a school action, the chief
- 18 executive officer or his or her designee shall work
- 19 collaboratively with local school educators and families of
- 20 students attending a school that is the subject of a school
- 21 action to ensure successful integration of affected students
- into new learning environments.
- 23 (b) The chief executive officer or his or her designee
- shall prepare and implement a school transition plan to support
- 25 students attending a school that is the subject of a school

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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) informational briefings regarding the choice of schools that include all pertinent information to enable the parent or quardian 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;-
- (5) the departments that are responsible for the oversight;
  - (6) specific programs to be offered;
- (7) 5 years of financial support to implement plans at receiving schools, specifying the funding source; and
- (8) the tracking of each student affected by the school action and a published report that details where students

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2	enrolle	d.							

- (c-5) A local school council affected by a school action shall conduct an annual evaluation on the school transition plan at the council's annual organizational meeting to identify additional support needed from the district to ensure there has not been any negative impact to the school or student body as a result of the school action.
- (d) When implementing a school action, the Board must make reasonable and demonstrated efforts to ensure that:
  - (1) affected students receive a comparable level of social support services provided by Chicago Public Schools that were available at the previous school, provided that the need for such social support services continue to exist; and
- 16 (2) class sizes of any receiving school do not exceed 17 those established under the Chicago Public Schools policy regarding class size, subject to principal discretion. 18
- (Source: P.A. 97-473, eff. 1-1-12; 97-474, eff. 8-22-11; 19 97-813, eff. 7-13-12; 97-1133, eff. 11-30-12.) 20
- 21 (105 ILCS 5/34-227 new)
- 22 Sec. 34-227. Failure to comply with amendatory Act. If the 23 district fails to comply with this amendatory Act of the 100th General Assembly, the General Assembly shall withhold all 24 25 capital funding for the district.

(105 ILCS 5/34-230) 1

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- Sec. 34-230. School action public meetings and hearings.
- 3 (a) By October 1 of each year, the chief executive officer 4 shall prepare and publish quidelines for school actions. The 5 quidelines shall outline the academic and non-academic 6 criteria for a school action. These guidelines shall be created 7 with the involvement of local school councils, parents, educators, and community organizations. These guidelines, and 8 9 each subsequent revision, shall be subject to a public comment 10 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 quidelines by December 1 of each year.
  - (c) On or before December 1 of each year, 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, an explanation of how the school action meets the criteria set forth in the guidelines, and a draft School Transition Plan identifying the items required in Section 34-225 of this Code for all schools affected by the school action. The notice shall state the date, time, and place of the hearing or meeting.
      - (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.
- (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 publish a brief summary of the proposed school actions and the date, time, and place of the hearings or meetings in a newspaper of general circulation.
- (e) 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.

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- (2) Convene at least 2 additional public hearings or 1 2 meetings at a location convenient to the school community 3 subject to the proposed school action.
  - (f) 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.

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.

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.

(g) Public meetings shall be conducted by a representative of the chief executive officer. A summary of the public meeting

- 1 shall be published on the district's Internet website within 5
- 2 calendar days after the meeting.
- 3 (h) If the chief executive officer proposes a school action
- without following the mandates set forth in this Section, the
- 5 proposed school action shall not be approved by the Board
- 6 during the school year in which the school action was proposed.
- (Source: P.A. 97-473, eff. 1-1-12; 97-474, eff. 8-22-11; 7
- 8 97-813, eff. 7-13-12; 97-1133, eff. 11-30-12.)

10 105 ILCS 5/34-230

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