

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by adding Section
5 34-18.37 as follows:

6 (105 ILCS 5/34-18.37 new)

7 Sec. 34-18.37. Establishing an equitable and effective
8 school facility development process.

9 (a) The General Assembly recognizes all of the following:

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

14 (2) Quality educational facilities are essential for
15 fostering the maximum educational development of all
16 persons through their educational experience from
17 prekindergarten through high school.

18 (3) The public school is a major institution in
19 communities that offers resources and opportunities for
20 many stakeholders, including not only families with
21 children who seek and deserve a quality education, but also
22 including the entire community that seeks educational
23 improvement.

1 (4) The equitable and efficient use of available
2 facilities-related resources among different schools and
3 among racial, ethnic, income, and disability groups is
4 essential to maximize the development of quality
5 educational facilities for all children, youth, and
6 adults. These factors vary according to the needs of each
7 school community, are vitally impacted by
8 facilities-related decisions, and, therefore, should
9 include the school community's voice to the greatest extent
10 possible in all current and future uses of the school
11 building.

12 (5) School openings, school closings, school
13 consolidations, school turnarounds, school phase-outs,
14 school construction, school repairs, school
15 modernizations, school boundary changes, and other related
16 school facility decisions often have profound impacts on
17 education in a community. These decisions must be carried
18 out only according to clear systemwide criteria and with
19 genuine involvement of local school councils, parents,
20 educators, and the community in decision-making.

21 (6) The General Assembly has previously stated that it
22 intended to make the individual school in the City of
23 Chicago the essential unit for educational governance and
24 improvement and to place the primary responsibility for
25 school governance and improvement in the hands of parents,
26 teachers, and community residents at each school. A school

1 facility policy must be consistent with these principles.

2 (b) To ensure that the intent of the General Assembly is
3 carried out in a fair and equitable manner and to establish
4 educationally sound and fiscally responsible criteria for
5 related facilities planning, the following process shall apply
6 to the school district:

7 (1) A Special Joint Chicago Education Facilities
8 Committee shall be established within 30 days after the
9 effective date of this amendatory Act of the 96th General
10 Assembly and shall consist of 4 members of the House of
11 Representatives' Elementary & Secondary Education
12 Committee, 4 members of the Senate's Education Committee,
13 and 4 representatives of school community organizations
14 with past involvement in school facility issues. The
15 Speaker of the House of Representatives shall appoint the 4
16 members of the House Elementary and Secondary Committee, 2
17 of whom shall be Republicans and 2 of whom shall be
18 Democrats. The Speaker of the House shall appoint one of
19 the 4 appointed House members as Co-Chairperson of the
20 Committee. The Speaker of the House shall appoint one
21 representative of each of 2 school community organizations
22 with past involvement in Chicago school facility issues as
23 committee members. The President of the Senate shall
24 appoint the 4 members of the Senate Education Committee, 2
25 of whom shall be Republicans and 2 of whom shall be
26 Democrats. The President of the Senate shall appoint one of

1 the 4 appointed Senate members as a Co-Chairperson of the
2 Committee. The President of the Senate shall appoint one
3 representative of each of 2 school community organizations
4 with past involvement in Chicago school facility issues as
5 committee members. Additionally, the chief executive
6 officer of the school district or his or her designee, a
7 representative from the Chicago Teachers Union, and a
8 representative from the Chicago Principals Association
9 shall serve on the Committee.

10 (2) The Committee shall call on independent experts, as
11 needed, to gather and analyze pertinent information on a
12 pro bono basis, provided that such experts shall have no
13 previous or on-going financial interest in school facility
14 issues related to the school district. The Committee shall
15 secure pro bono expert assistance within 30 days after the
16 establishment of the Committee.

17 (3) The Committee shall be empowered to gather further
18 evidence in the form of testimony or documents or other
19 materials.

20 (4) The Committee, with the help of the independent
21 experts, shall analyze past Chicago experiences and data
22 with respect to school openings, school closings, school
23 consolidations, school turnarounds, school phase-outs,
24 school construction, school repairs, school
25 modernizations, school boundary changes, and other related
26 school facility decisions on their students. The Committee

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

9 (5) The Committee shall prepare a draft policy by
10 September 30, 2009 describing how these issues can be
11 addressed effectively based upon educationally sound and
12 fiscally responsible practices.

13 (6) The Committee shall hold hearings in separate
14 relevant areas of the school district at times that shall
15 maximize school community participation to obtain comments
16 on the draft policy. The final hearing shall take place no
17 later than 30 days prior to the completion of the final
18 draft to be presented to the General Assembly for approval.
19 The final proposed policy shall be made available to the
20 public in the school district at least 7 days before formal
21 introduction in the General Assembly.

22 (7) The Committee shall prepare a final proposed
23 policy, which may be introduced in the form of legislation
24 by a member of the General Assembly and may address the
25 issues, standards, and procedures set forth in this
26 Section. The legislation may address issues of system-wide

1 criteria for ensuring clear priorities, equity, and
2 efficiency.

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

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

23 (c) The Board of Education shall provide administrative
24 support to the Committee.

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.