

**AMEND BOARD REPORT 11-0323-EX12
 AUTHORIZE SUPPLEMENTAL GRANTS TO AND APPROVE ENTERING INTO GRANT
 AGREEMENTS WITH CHARTER SCHOOL ORGANIZATIONS IN NON-BOARD-CONTROLLED
 FACILITIES FOR ACCESSIBILITY RENOVATIONS**

THE CHIEF EXECUTIVE OFFICER RECOMMENDS THE FOLLOWING DECISION:

Authorize grants to, and approve entering into agreements with, certain charter school operators who operate in independent (non-Board-controlled) facilities, for the purpose of making their facilities more accessible to people with disabilities. Individual grants will be awarded in the amounts and under the conditions specified in amended Attachment A, with the aggregate grant amount not to exceed \$1,981,950. This \$1,981,950 is the remainder of \$3,000,000 that the Board authorized to be used for this purpose in 2008 pursuant to Board Report 08-0625-EX2.

These grants will be made pursuant to the Board's Policies on the Americans with Disabilities Act and the Rehabilitation Act and the Board's Charter School Capital and Facility Budget Policy. No payment shall be made to any charter school operator prior to its execution of a written grant agreement. The authority granted herein shall automatically rescind as to each charter school operator in the event a written grant agreement is not executed by such charter school operator within 180 days of the date of this amended Board report. Information pertinent to these grants is stated below.

This amendment is necessary to adjust the amount of contribution promised by the UNO Charter School, as a result of lower project costs than initially expected. No change in the amount of grant funds is recommended. UNO's initial grant application, submitted in May of 2010, estimated the total project cost for its two proposed accessibility renovations to be \$2,205,998. In March, 2011, pursuant to Board Report 11-0323-EX12, the Board recommended to award grants to UNO totaling \$1,281,950. Based on the initial project estimates, minus the authorized grant amounts, the original Board Report estimated UNO's contribution to those projects to be approximately \$850,000. However, due to aggressive bidding and adjustments to non-essential scope, UNO's final bid prices on the two projects is \$590,913 lower than originally estimated. UNO thus seeks to lessen its promised contribution to a total of \$333,135.

Approval of this adjustment is necessary because UNO must begin its construction immediately in order to finish the Carlos Fuentes project in time for its September, 2011 school opening. UNO intends to use this campus as its accessible north side campus, including to provide access to any applicants with disabilities to its new, non-accessible, north side campus on Cortez Street.

CHARTER SCHOOL OPERATORS: See amended Attachment.

OVERSIGHT: Department of Operations
 Bebe Novich, Director of ADA Policy
 125 S. Clark St 17th Floor
 773-553-2158

DESCRIPTION:

In June 2008, the Board authorized the use of \$3,000,000 in unspent operating funds to assist charter and contract schools in making their older independent-site campuses more accessible, especially those campuses that were chosen before the Board began providing heightened ADA guidance to new school applicants in 2006. Through a competitive application process, five charter organizations were chosen to receive these ADA grants. The amounts of and conditions precedent to each grant were uniquely tailored to each campus' particular accessibility challenges, but all grants required substantial contribution from the charter organization.

Since that original award of grants, two of the grantees (Namaste Charter School and Chicago International Charter School / Longwood Campus) have completed their accessibility renovations and received their grant funds. One organization (UNO Charter School ("UNO")), determined that the cost of making its Carlos Fuentes Campus accessible in the manner the Board required would be significantly more expensive than anticipated, and thus deferred contracting until the Board could determine whether additional contingency grant funds were available. The final two organizations (Academy of Communications and Technology Charter School ("ACT"), and Betty Shabazz International Charter School ("Shabazz"), failed to meet the conditions precedent to their grant awards and, after several extensions of time, their awards were rescinded by the Board in the spring of 2010.

To date, the Board has spent \$1,018,050 of the original \$3,000,000 intended for this increased accessibility. The remaining \$1,981,950 was not spent under the previous Board authority. In order to use these funds as originally intended, without disadvantaging any eligible organizations that might have applied for and received this remaining money, in May 2010, the Office of New Schools and the Department of Operations notified the same group of applicants as in 2008 of the availability of Supplemental ADA Grant funds. Three school organizations submitted applications.

As in 2008, the applications asked for information about each applicant, including: a) demographic, geographic, programmatic, and structural need for more access at the applicant campus; b) general facility condition, long-term plans, and other factors relevant to the prudence of investing funds into the campus; and c) demonstrated strength and reliability of the charter organization, especially with regard to facility care. Each applicant was asked to propose ADA renovation plans and to commit to those plans if grants are awarded. Each applicant was required to raise its own funds to cover a portion of its ADA renovation plans. Applicants were required to provide documentation assuring the feasibility of the construction and fundraising aspects of each plan.

A Grant Evaluation Committee, comprised of the Board's Director of ADA Policy, representatives from the Office of New Schools and the Department of Operations evaluated the applications and made recommendations that the supplemental grant money be awarded as described in the attached table (amended Attachment A).

GRANT PERIOD/TERM: The term of each grant agreement shall commence on the date the agreement is fully executed and shall end upon the expiration date specified in the agreement, or the completion of all of the agreed-upon building renovations, whichever comes first.

CHARTER SCHOOL OPERATORS RESPONSIBILITIES: Each charter school operator will be required to comply with the ADA renovation plan submitted to the Board and to provide funding to cover a certain percentage of the construction/renovation cost. Each charter school operator will also be required to perform dedicated outreach to the disability community. In addition, the grant agreements will provide that any charter school operator that does not complete the agreed-upon ADA renovation plan within the prescribed deadline will be required to repay to the Board all or a portion of grant funds expended.

GRANT AMOUNTS: The estimated grant amount for each charter school operator is listed on Attachment A. The total aggregate grant amount payable to all charter school operators shall not exceed \$1,981,950.

AUTHORIZATION: Authorize the General Counsel to include other relevant terms and conditions in the grant distribution agreements. Authorize the President and Secretary to execute the grant agreements. Authorize the Director of ADA Policy to execute all ancillary documents required to administer or effectuate the grant agreements.

AFFIRMATIVE ACTION: Exempt.

FINANCIAL: Charge to Operations: \$1,981,950 Fiscal Year: 11
Budget Classification: 12150-436-56215-253530-000000-2011
Source of Funds: Miscellaneous Capital Funds

GENERAL CONDITIONS:

Inspector General – Each party to the agreement shall acknowledge that, in accordance with 105 ILCS 5/34-13.1, the Inspector General of the Chicago Board of Education has the authority to conduct certain investigations and that the Inspector General shall have access to all information and personnel necessary to conduct those investigations.

Conflicts – The agreement shall not be legally binding on the Board if entered into in violation of the provisions of 105 ILCS 5/34-21.3 which restricts the employment of, or the letting of contracts to, former Board members during the one year period following expiration or other termination of their terms of office.

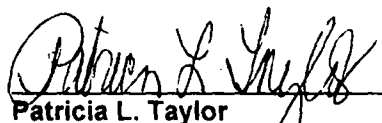
Indebtedness – The Board's Indebtedness Policy adopted June 26, 1996 (96-0626-PO3), as amended from time to time, shall be incorporated into and made a part of the agreement.


Ethics – The Board's Ethics Code adopted June 23, 2004 (04-0623-PO4), as amended from time to time, shall be incorporated into and made a part of the agreement.

Contingent Liability – The agreement shall contain the clause that any expenditure beyond the current fiscal year is deemed a contingent liability, subject to appropriation in the subsequent fiscal year budget(s).

Approved for Consideration:

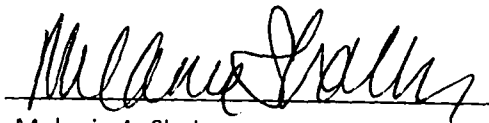
Approved:

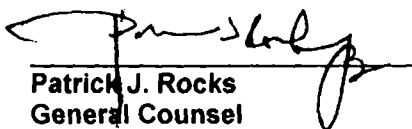

Patricia L. Taylor
Chief Operating Officer


Terry Mazany
Jean Claude Brizard
Chief Executive Officer

Within Appropriation:

Approved as to Legal Form: 


Melanie A. Shaker
Interim Chief Financial Officer


Patrick J. Rocks
General Counsel

AMENDED ATTACHMENT A: SUPPLEMENTAL GRANT RECOMMENDATIONS

Total Original 2008 Grant Funds	\$3,000,000
Total Spent Under Original Authority	\$1,018,050
Total Left Unspent From Original Authority	\$1,981,950

Proposed Supplemental Grants				
Grantee	Campus	Recommended Grant Amount	Proposed Grantee Contribution	Conditions Precedent
CICS	Bucktown 2235 N. Hamilton	\$350,000	at least \$418,000 (proposed)	Establish an acceptable ADA renovation plan, including ramp or elevator connecting building wings, by April 1, 2011
UNO	Octavio Paz 2651 W. 23 rd St.	\$73,000	approx. \$150,000 <u>\$87,135</u>	Establish an acceptable ADA renovation plan by April 1, 2011
	Fuentes 2845 W. Barry Ave.	\$1,208,950	approx. \$700,000 <u>\$246,000</u>	Establish an acceptable ADA renovation plan, connecting all floors and modifying at least 1 set of toilet rooms, by April 1, 2011
Galapagos	only campus 3814 W. Iowa St.	\$350,000	at least \$218,000, likely more	By April 1, 2011, establish an acceptable ADA renovation plan, including a elevator connecting all floors and long-term facility plan.

Total Proposed Supplemental Funds	\$1,981,950
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