



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2369

by Rep. Sonya M. Harper

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.60 new
105 ILCS 5/27A-5
105 ILCS 5/34-18.53 new

Amends the School Code. Requires a public school, including a charter school, to provide reasonable accommodations to a lactating pupil on a school campus to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. Sets forth what reasonable accommodations include. Provides that (i) a lactating pupil on a school campus must be provided a reasonable amount of time to accommodate her need to express breast milk or breastfeed an infant child, (ii) a public school shall provide the reasonable accommodations only if there is at least one lactating pupil on the school campus, (iii) a public school may use an existing facility to meet the requirements, and (iv) a pupil may not incur an academic penalty as a result of her use, during the school day, of the reasonable accommodations and must be provided the opportunity to make up any work missed due to such use. Sets forth a complaint procedure.

LRB100 08191 NHT 18287 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

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 Sections
5 10-20.60 and 34-18.53 and by changing Section 27A-5 as follows:

6 (105 ILCS 5/10-20.60 new)

7 Sec. 10-20.60. Breastfeeding accommodations for pupils.

8 (a) A public school shall provide reasonable
9 accommodations to a lactating pupil on a school campus to
10 express breast milk, breastfeed an infant child, or address
11 other needs related to breastfeeding. Reasonable
12 accommodations under this Section include, but are not limited
13 to, all of the following:

14 (1) Access to a private and secure room, other than a
15 restroom, to express breast milk or breastfeed an infant
16 child.

17 (2) Permission to bring onto a school campus a breast
18 pump and any other equipment used to express breast milk.

19 (3) Access to a power source for a breast pump or any
20 other equipment used to express breast milk.

21 (4) Access to a place to store expressed breast milk
22 safely.

23 (b) A lactating pupil on a school campus must be provided a

1 reasonable amount of time to accommodate her need to express
2 breast milk or breastfeed an infant child.

3 (c) A public school shall provide the reasonable
4 accommodations specified in subsections (a) and (b) of this
5 Section only if there is at least one lactating pupil on the
6 school campus.

7 (d) A public school may use an existing facility to meet
8 the requirements specified in subsection (a) of this Section.

9 (e) A pupil may not incur an academic penalty as a result
10 of her use, during the school day, of the reasonable
11 accommodations specified in this Section and must be provided
12 the opportunity to make up any work missed due to such use.

13 (f) A complaint of noncompliance with the requirements of
14 this Section may be filed with the school board, and the school
15 board shall respond to the complaint within 60 days after the
16 complaint has been filed.

17 A complainant not satisfied with the decision of the school
18 board may appeal the decision to the State Board of Education
19 and shall receive a written decision regarding the appeal
20 within 60 days after the State Board's receipt of the appeal.

21 If a school board finds merit in a complaint or if the
22 State Board finds merit in an appeal, the school board shall
23 provide a remedy to the affected pupil.

24 (105 ILCS 5/27A-5)

25 (Text of Section before amendment by P.A. 99-927)

1 Sec. 27A-5. Charter school; legal entity; requirements.

2 (a) A charter school shall be a public, nonsectarian,
3 nonreligious, non-home based, and non-profit school. A charter
4 school shall be organized and operated as a nonprofit
5 corporation or other discrete, legal, nonprofit entity
6 authorized under the laws of the State of Illinois.

7 (b) A charter school may be established under this Article
8 by creating a new school or by converting an existing public
9 school or attendance center to charter school status. Beginning
10 on April 16, 2003 (the effective date of Public Act 93-3), in
11 all new applications to establish a charter school in a city
12 having a population exceeding 500,000, operation of the charter
13 school shall be limited to one campus. The changes made to this
14 Section by Public Act 93-3 do not apply to charter schools
15 existing or approved on or before April 16, 2003 (the effective
16 date of Public Act 93-3).

17 (b-5) In this subsection (b-5), "virtual-schooling" means
18 a cyber school where students engage in online curriculum and
19 instruction via the Internet and electronic communication with
20 their teachers at remote locations and with students
21 participating at different times.

22 From April 1, 2013 through December 31, 2016, there is a
23 moratorium on the establishment of charter schools with
24 virtual-schooling components in school districts other than a
25 school district organized under Article 34 of this Code. This
26 moratorium does not apply to a charter school with

1 virtual-schooling components existing or approved prior to
2 April 1, 2013 or to the renewal of the charter of a charter
3 school with virtual-schooling components already approved
4 prior to April 1, 2013.

5 On or before March 1, 2014, the Commission shall submit to
6 the General Assembly a report on the effect of
7 virtual-schooling, including without limitation the effect on
8 student performance, the costs associated with
9 virtual-schooling, and issues with oversight. The report shall
10 include policy recommendations for virtual-schooling.

11 (c) A charter school shall be administered and governed by
12 its board of directors or other governing body in the manner
13 provided in its charter. The governing body of a charter school
14 shall be subject to the Freedom of Information Act and the Open
15 Meetings Act.

16 (d) For purposes of this subsection (d), "non-curricular
17 health and safety requirement" means any health and safety
18 requirement created by statute or rule to provide, maintain,
19 preserve, or safeguard safe or healthful conditions for
20 students and school personnel or to eliminate, reduce, or
21 prevent threats to the health and safety of students and school
22 personnel. "Non-curricular health and safety requirement" does
23 not include any course of study or specialized instructional
24 requirement for which the State Board has established goals and
25 learning standards or which is designed primarily to impart
26 knowledge and skills for students to master and apply as an

1 outcome of their education.

2 A charter school shall comply with all non-curricular
3 health and safety requirements applicable to public schools
4 under the laws of the State of Illinois. On or before September
5 1, 2015, the State Board shall promulgate and post on its
6 Internet website a list of non-curricular health and safety
7 requirements that a charter school must meet. The list shall be
8 updated annually no later than September 1. Any charter
9 contract between a charter school and its authorizer must
10 contain a provision that requires the charter school to follow
11 the list of all non-curricular health and safety requirements
12 promulgated by the State Board and any non-curricular health
13 and safety requirements added by the State Board to such list
14 during the term of the charter. Nothing in this subsection (d)
15 precludes an authorizer from including non-curricular health
16 and safety requirements in a charter school contract that are
17 not contained in the list promulgated by the State Board,
18 including non-curricular health and safety requirements of the
19 authorizing local school board.

20 (e) Except as otherwise provided in the School Code, a
21 charter school shall not charge tuition; provided that a
22 charter school may charge reasonable fees for textbooks,
23 instructional materials, and student activities.

24 (f) A charter school shall be responsible for the
25 management and operation of its fiscal affairs including, but
26 not limited to, the preparation of its budget. An audit of each

1 charter school's finances shall be conducted annually by an
2 outside, independent contractor retained by the charter
3 school. To ensure financial accountability for the use of
4 public funds, on or before December 1 of every year of
5 operation, each charter school shall submit to its authorizer
6 and the State Board a copy of its audit and a copy of the Form
7 990 the charter school filed that year with the federal
8 Internal Revenue Service. In addition, if deemed necessary for
9 proper financial oversight of the charter school, an authorizer
10 may require quarterly financial statements from each charter
11 school.

12 (g) A charter school shall comply with all provisions of
13 this Article, the Illinois Educational Labor Relations Act, all
14 federal and State laws and rules applicable to public schools
15 that pertain to special education and the instruction of
16 English learners, and its charter. A charter school is exempt
17 from all other State laws and regulations in this Code
18 governing public schools and local school board policies;
19 however, a charter school is not exempt from the following:

20 (1) Sections 10-21.9 and 34-18.5 of this Code regarding
21 criminal history records checks and checks of the Statewide
22 Sex Offender Database and Statewide Murderer and Violent
23 Offender Against Youth Database of applicants for
24 employment;

25 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
26 34-84a of this Code regarding discipline of students;

1 (3) the Local Governmental and Governmental Employees
2 Tort Immunity Act;

3 (4) Section 108.75 of the General Not For Profit
4 Corporation Act of 1986 regarding indemnification of
5 officers, directors, employees, and agents;

6 (5) the Abused and Neglected Child Reporting Act;

7 (6) the Illinois School Student Records Act;

8 (7) Section 10-17a of this Code regarding school report
9 cards;

10 (8) the P-20 Longitudinal Education Data System Act;

11 (9) Section 27-23.7 of this Code regarding bullying
12 prevention;

13 (10) Section 2-3.162 of this Code regarding student
14 discipline reporting; ~~and~~

15 (11) Section 22-80 of this Code; and-

16 (12) Sections 10-20.60 and 34-18.53 of this Code.

17 The change made by Public Act 96-104 to this subsection (g)
18 is declaratory of existing law.

19 (h) A charter school may negotiate and contract with a
20 school district, the governing body of a State college or
21 university or public community college, or any other public or
22 for-profit or nonprofit private entity for: (i) the use of a
23 school building and grounds or any other real property or
24 facilities that the charter school desires to use or convert
25 for use as a charter school site, (ii) the operation and
26 maintenance thereof, and (iii) the provision of any service,

1 activity, or undertaking that the charter school is required to
2 perform in order to carry out the terms of its charter.
3 However, a charter school that is established on or after April
4 16, 2003 (the effective date of Public Act 93-3) and that
5 operates in a city having a population exceeding 500,000 may
6 not contract with a for-profit entity to manage or operate the
7 school during the period that commences on April 16, 2003 (the
8 effective date of Public Act 93-3) and concludes at the end of
9 the 2004-2005 school year. Except as provided in subsection (i)
10 of this Section, a school district may charge a charter school
11 reasonable rent for the use of the district's buildings,
12 grounds, and facilities. Any services for which a charter
13 school contracts with a school district shall be provided by
14 the district at cost. Any services for which a charter school
15 contracts with a local school board or with the governing body
16 of a State college or university or public community college
17 shall be provided by the public entity at cost.

18 (i) In no event shall a charter school that is established
19 by converting an existing school or attendance center to
20 charter school status be required to pay rent for space that is
21 deemed available, as negotiated and provided in the charter
22 agreement, in school district facilities. However, all other
23 costs for the operation and maintenance of school district
24 facilities that are used by the charter school shall be subject
25 to negotiation between the charter school and the local school
26 board and shall be set forth in the charter.

1 (j) A charter school may limit student enrollment by age or
2 grade level.

3 (k) If the charter school is approved by the Commission,
4 then the Commission charter school is its own local education
5 agency.

6 (Source: P.A. 98-16, eff. 5-24-13; 98-639, eff. 6-9-14; 98-669,
7 eff. 6-26-14; 98-739, eff. 7-16-14; 98-783, eff. 1-1-15;
8 98-1059, eff. 8-26-14; 98-1102, eff. 8-26-14; 99-30, eff.
9 7-10-15; 99-78, eff. 7-20-15; 99-245, eff. 8-3-15; 99-325, eff.
10 8-10-15; 99-456, eff. 9-15-16; 99-642, eff. 7-28-16.)

11 (Text of Section after amendment by P.A. 99-927)

12 Sec. 27A-5. Charter school; legal entity; requirements.

13 (a) A charter school shall be a public, nonsectarian,
14 nonreligious, non-home based, and non-profit school. A charter
15 school shall be organized and operated as a nonprofit
16 corporation or other discrete, legal, nonprofit entity
17 authorized under the laws of the State of Illinois.

18 (b) A charter school may be established under this Article
19 by creating a new school or by converting an existing public
20 school or attendance center to charter school status. Beginning
21 on April 16, 2003 (the effective date of Public Act 93-3), in
22 all new applications to establish a charter school in a city
23 having a population exceeding 500,000, operation of the charter
24 school shall be limited to one campus. The changes made to this
25 Section by Public Act 93-3 do not apply to charter schools

1 existing or approved on or before April 16, 2003 (the effective
2 date of Public Act 93-3).

3 (b-5) In this subsection (b-5), "virtual-schooling" means
4 a cyber school where students engage in online curriculum and
5 instruction via the Internet and electronic communication with
6 their teachers at remote locations and with students
7 participating at different times.

8 From April 1, 2013 through December 31, 2016, there is a
9 moratorium on the establishment of charter schools with
10 virtual-schooling components in school districts other than a
11 school district organized under Article 34 of this Code. This
12 moratorium does not apply to a charter school with
13 virtual-schooling components existing or approved prior to
14 April 1, 2013 or to the renewal of the charter of a charter
15 school with virtual-schooling components already approved
16 prior to April 1, 2013.

17 On or before March 1, 2014, the Commission shall submit to
18 the General Assembly a report on the effect of
19 virtual-schooling, including without limitation the effect on
20 student performance, the costs associated with
21 virtual-schooling, and issues with oversight. The report shall
22 include policy recommendations for virtual-schooling.

23 (c) A charter school shall be administered and governed by
24 its board of directors or other governing body in the manner
25 provided in its charter. The governing body of a charter school
26 shall be subject to the Freedom of Information Act and the Open

1 Meetings Act.

2 (d) For purposes of this subsection (d), "non-curricular
3 health and safety requirement" means any health and safety
4 requirement created by statute or rule to provide, maintain,
5 preserve, or safeguard safe or healthful conditions for
6 students and school personnel or to eliminate, reduce, or
7 prevent threats to the health and safety of students and school
8 personnel. "Non-curricular health and safety requirement" does
9 not include any course of study or specialized instructional
10 requirement for which the State Board has established goals and
11 learning standards or which is designed primarily to impart
12 knowledge and skills for students to master and apply as an
13 outcome of their education.

14 A charter school shall comply with all non-curricular
15 health and safety requirements applicable to public schools
16 under the laws of the State of Illinois. On or before September
17 1, 2015, the State Board shall promulgate and post on its
18 Internet website a list of non-curricular health and safety
19 requirements that a charter school must meet. The list shall be
20 updated annually no later than September 1. Any charter
21 contract between a charter school and its authorizer must
22 contain a provision that requires the charter school to follow
23 the list of all non-curricular health and safety requirements
24 promulgated by the State Board and any non-curricular health
25 and safety requirements added by the State Board to such list
26 during the term of the charter. Nothing in this subsection (d)

1 precludes an authorizer from including non-curricular health
2 and safety requirements in a charter school contract that are
3 not contained in the list promulgated by the State Board,
4 including non-curricular health and safety requirements of the
5 authorizing local school board.

6 (e) Except as otherwise provided in the School Code, a
7 charter school shall not charge tuition; provided that a
8 charter school may charge reasonable fees for textbooks,
9 instructional materials, and student activities.

10 (f) A charter school shall be responsible for the
11 management and operation of its fiscal affairs including, but
12 not limited to, the preparation of its budget. An audit of each
13 charter school's finances shall be conducted annually by an
14 outside, independent contractor retained by the charter
15 school. To ensure financial accountability for the use of
16 public funds, on or before December 1 of every year of
17 operation, each charter school shall submit to its authorizer
18 and the State Board a copy of its audit and a copy of the Form
19 990 the charter school filed that year with the federal
20 Internal Revenue Service. In addition, if deemed necessary for
21 proper financial oversight of the charter school, an authorizer
22 may require quarterly financial statements from each charter
23 school.

24 (g) A charter school shall comply with all provisions of
25 this Article, the Illinois Educational Labor Relations Act, all
26 federal and State laws and rules applicable to public schools

1 that pertain to special education and the instruction of
2 English learners, and its charter. A charter school is exempt
3 from all other State laws and regulations in this Code
4 governing public schools and local school board policies;
5 however, a charter school is not exempt from the following:

6 (1) Sections 10-21.9 and 34-18.5 of this Code regarding
7 criminal history records checks and checks of the Statewide
8 Sex Offender Database and Statewide Murderer and Violent
9 Offender Against Youth Database of applicants for
10 employment;

11 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
12 34-84a of this Code regarding discipline of students;

13 (3) the Local Governmental and Governmental Employees
14 Tort Immunity Act;

15 (4) Section 108.75 of the General Not For Profit
16 Corporation Act of 1986 regarding indemnification of
17 officers, directors, employees, and agents;

18 (5) the Abused and Neglected Child Reporting Act;

19 (6) the Illinois School Student Records Act;

20 (7) Section 10-17a of this Code regarding school report
21 cards;

22 (8) the P-20 Longitudinal Education Data System Act;

23 (9) Section 27-23.7 of this Code regarding bullying
24 prevention;

25 (10) Section 2-3.162 of this Code regarding student
26 discipline reporting; ~~and~~

1 (11) Sections 22-80 and 27-8.1 of this Code; ~~and-~~

2 (12) Sections 10-20.60 and 34-18.53 of this Code.

3 The change made by Public Act 96-104 to this subsection (g)
4 is declaratory of existing law.

5 (h) A charter school may negotiate and contract with a
6 school district, the governing body of a State college or
7 university or public community college, or any other public or
8 for-profit or nonprofit private entity for: (i) the use of a
9 school building and grounds or any other real property or
10 facilities that the charter school desires to use or convert
11 for use as a charter school site, (ii) the operation and
12 maintenance thereof, and (iii) the provision of any service,
13 activity, or undertaking that the charter school is required to
14 perform in order to carry out the terms of its charter.
15 However, a charter school that is established on or after April
16 16, 2003 (the effective date of Public Act 93-3) and that
17 operates in a city having a population exceeding 500,000 may
18 not contract with a for-profit entity to manage or operate the
19 school during the period that commences on April 16, 2003 (the
20 effective date of Public Act 93-3) and concludes at the end of
21 the 2004-2005 school year. Except as provided in subsection (i)
22 of this Section, a school district may charge a charter school
23 reasonable rent for the use of the district's buildings,
24 grounds, and facilities. Any services for which a charter
25 school contracts with a school district shall be provided by
26 the district at cost. Any services for which a charter school

1 contracts with a local school board or with the governing body
2 of a State college or university or public community college
3 shall be provided by the public entity at cost.

4 (i) In no event shall a charter school that is established
5 by converting an existing school or attendance center to
6 charter school status be required to pay rent for space that is
7 deemed available, as negotiated and provided in the charter
8 agreement, in school district facilities. However, all other
9 costs for the operation and maintenance of school district
10 facilities that are used by the charter school shall be subject
11 to negotiation between the charter school and the local school
12 board and shall be set forth in the charter.

13 (j) A charter school may limit student enrollment by age or
14 grade level.

15 (k) If the charter school is approved by the Commission,
16 then the Commission charter school is its own local education
17 agency.

18 (Source: P.A. 98-16, eff. 5-24-13; 98-639, eff. 6-9-14; 98-669,
19 eff. 6-26-14; 98-739, eff. 7-16-14; 98-783, eff. 1-1-15;
20 98-1059, eff. 8-26-14; 98-1102, eff. 8-26-14; 99-30, eff.
21 7-10-15; 99-78, eff. 7-20-15; 99-245, eff. 8-3-15; 99-325, eff.
22 8-10-15; 99-456, eff. 9-15-16; 99-642, eff. 7-28-16; 99-927,
23 eff. 6-1-17.)

24 (105 ILCS 5/34-18.53 new)

25 Sec. 34-18.53. Breastfeeding accommodations for pupils.

1 (a) A public school shall provide reasonable
2 accommodations to a lactating pupil on a school campus to
3 express breast milk, breastfeed an infant child, or address
4 other needs related to breastfeeding. Reasonable
5 accommodations under this Section include, but are not limited
6 to, all of the following:

7 (1) Access to a private and secure room, other than a
8 restroom, to express breast milk or breastfeed an infant
9 child.

10 (2) Permission to bring onto a school campus a breast
11 pump and any other equipment used to express breast milk.

12 (3) Access to a power source for a breast pump or any
13 other equipment used to express breast milk.

14 (4) Access to a place to store expressed breast milk
15 safely.

16 (b) A lactating pupil on a school campus must be provided a
17 reasonable amount of time to accommodate her need to express
18 breast milk or breastfeed an infant child.

19 (c) A public school shall provide the reasonable
20 accommodations specified in subsections (a) and (b) of this
21 Section only if there is at least one lactating pupil on the
22 school campus.

23 (d) A public school may use an existing facility to meet
24 the requirements specified in subsection (a) of this Section.

25 (e) A pupil may not incur an academic penalty as a result
26 of her use, during the school day, of the reasonable

1 accommodations specified in this Section and must be provided
2 the opportunity to make up any work missed due to such use.

3 (f) A complaint of noncompliance with the requirements of
4 this Section may be filed with the board, and the board shall
5 respond to the complaint within 60 days after the complaint has
6 been filed.

7 A complainant not satisfied with the decision of the board
8 may appeal the decision to the State Board of Education and
9 shall receive a written decision regarding the appeal within 60
10 days after the State Board's receipt of the appeal.

11 If the board finds merit in a complaint or if the State
12 Board finds merit in an appeal, the board shall provide a
13 remedy to the affected pupil.

14 Section 95. No acceleration or delay. Where this Act makes
15 changes in a statute that is represented in this Act by text
16 that is not yet or no longer in effect (for example, a Section
17 represented by multiple versions), the use of that text does
18 not accelerate or delay the taking effect of (i) the changes
19 made by this Act or (ii) provisions derived from any other
20 Public Act.