



Sen. Jacqueline Y. Collins

Filed: 2/28/2017

10000SB1947sam001

LRB100 09675 MLM 22642 a

1 AMENDMENT TO SENATE BILL 1947

2 AMENDMENT NO. _____. Amend Senate Bill 1947 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Section
5 27A-5 and by adding Section 26-18 as follows:

6 (105 ILCS 5/26-18 new)

7 Sec. 26-18. Chronic absenteeism report and support.

8 (a) As used in this Section:

9 "Chronic absence" means absences that total 10% or more of
10 school days of the most recent academic school year, including
11 absences with and without valid cause, as defined in Section
12 26-2a of this Code, and out-of-school suspensions for an
13 enrolled student.

14 "Student" means any enrolled student that is subject to
15 compulsory attendance under Section 26-1 of this Code but does
16 not mean a student for whom a documented homebound or hospital

1 record is on file during the student's absence from school.

2 (b) The General Assembly finds that:

3 (1) The early years are a critical period in children's
4 learning and development. Every child should be counted
5 present every day. Every day of school matters.

6 (2) Being absent too many days from school can make it
7 difficult for students to stay on-track academically and
8 maintain the momentum to graduate from high school in order
9 to be college-or career-ready.

10 (3) Every day of school attendance matters for all
11 students and their families. It is crucial, therefore, that
12 the implications of chronic absence be understood and
13 reviewed regularly.

14 (c) Beginning July 1, 2018, every school district, charter
15 school, or alternative school or any school receiving public
16 funds shall collect and review its chronic absence data and
17 determine what systems of support and resources are needed to
18 engage chronically absent students and their families to
19 encourage the habit of daily attendance and promote success.
20 The review shall include an analysis of chronic absence data
21 from each attendance center or campus of the school district,
22 charter school, or alternative school or other school receiving
23 public funds.

24 (d) School districts, charter schools, or alternative
25 schools or any school receiving public funds are encouraged to
26 provide a system of support to students who are at risk of

1 reaching or exceeding chronic absence levels with strategies
2 such as those available through the Illinois Multi-tiered
3 Systems of Support Network. Schools are encouraged to
4 additionally make resources available to families such as those
5 available through the State Board of Education's Family
6 Engagement Framework to support and engage students and their
7 families to encourage heightened school engagement and
8 improved daily school attendance.

9 (105 ILCS 5/27A-5)

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

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

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

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

1 date of Public Act 93-3).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (6) the Illinois School Student Records Act;

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

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

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

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

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

1 (12) Section 26-18 of this Code.

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

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

1 of a State college or university or public community college
2 shall be provided by the public entity at cost.

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

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

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

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

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

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

24 (a) A charter school shall be a public, nonsectarian,
25 nonreligious, non-home based, and non-profit school. A charter

1 school shall be organized and operated as a nonprofit
2 corporation or other discrete, legal, nonprofit entity
3 authorized under the laws of the State of Illinois.

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

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

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

1 prior to April 1, 2013.

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

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

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

25 A charter school shall comply with all non-curricular
26 health and safety requirements applicable to public schools

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

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

21 (f) A charter school shall be responsible for the
22 management and operation of its fiscal affairs including, but
23 not limited to, the preparation of its budget. An audit of each
24 charter school's finances shall be conducted annually by an
25 outside, independent contractor retained by the charter
26 school. To ensure financial accountability for the use of

1 public funds, on or before December 1 of every year of
2 operation, each charter school shall submit to its authorizer
3 and the State Board a copy of its audit and a copy of the Form
4 990 the charter school filed that year with the federal
5 Internal Revenue Service. In addition, if deemed necessary for
6 proper financial oversight of the charter school, an authorizer
7 may require quarterly financial statements from each charter
8 school.

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

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

22 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
23 34-84a of this Code regarding discipline of students;

24 (3) the Local Governmental and Governmental Employees
25 Tort Immunity Act;

26 (4) Section 108.75 of the General Not For Profit

1 Corporation Act of 1986 regarding indemnification of
2 officers, directors, employees, and agents;

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

4 (6) the Illinois School Student Records Act;

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

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

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

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

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

13 (12) Section 26-18 of this Code.

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

16 (h) A charter school may negotiate and contract with a
17 school district, the governing body of a State college or
18 university or public community college, or any other public or
19 for-profit or nonprofit private entity for: (i) the use of a
20 school building and grounds or any other real property or
21 facilities that the charter school desires to use or convert
22 for use as a charter school site, (ii) the operation and
23 maintenance thereof, and (iii) the provision of any service,
24 activity, or undertaking that the charter school is required to
25 perform in order to carry out the terms of its charter.
26 However, a charter school that is established on or after April

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

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

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

26 (k) If the charter school is approved by the Commission,

1 then the Commission charter school is its own local education
2 agency.

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

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

16 Section 999. Effective date. This Act takes effect July 1,
17 2018."