

HB4305



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4305

Introduced 1/28/2020, by Rep. Sonya M. Harper

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27A-5

Amends the Charter Schools Law of the School Code. Provides that a charter school may not adopt or enforce a policy on promotion that does not promote students to the next higher grade level solely because of unsatisfactory completion of physical fitness requirements or violations of student discipline policies. Effective immediately.

LRB101 17145 CMG 68927 b

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 changing Section
5 27A-5 as follows:

6 (105 ILCS 5/27A-5)

7 (Text of Section before amendment by P.A. 101-50)

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

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

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

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

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

15 (c) A charter school shall be administered and governed by
16 its board of directors or other governing body in the manner
17 provided in its charter. The governing body of a charter school
18 shall be subject to the Freedom of Information Act and the Open
19 Meetings Act. No later than January 1, 2021 (one year after the
20 effective date of Public Act 101-291) ~~this amendatory Act of~~
21 ~~the 101st General Assembly~~, a charter school's board of
22 directors or other governing body must include at least one
23 parent or guardian of a pupil currently enrolled in the charter
24 school who may be selected through the charter school or a
25 charter network election, appointment by the charter school's
26 board of directors or other governing body, or by the charter

1 school's Parent Teacher Organization or its equivalent.

2 (c-5) No later than January 1, 2021 (one year after the
3 effective date of Public Act 101-291) ~~this amendatory Act of~~
4 ~~the 101st General Assembly~~ or within the first year of his or
5 her first term, every voting member of a charter school's board
6 of directors or other governing body shall complete a minimum
7 of 4 hours of professional development leadership training to
8 ensure that each member has sufficient familiarity with the
9 board's or governing body's role and responsibilities,
10 including financial oversight and accountability of the
11 school, evaluating the principal's and school's performance,
12 adherence to the Freedom of Information Act and the Open
13 Meetings ~~Act Acts~~, and compliance with education and labor law.
14 In each subsequent year of his or her term, a voting member of
15 a charter school's board of directors or other governing body
16 shall complete a minimum of 2 hours of professional development
17 training in these same areas. The training under this
18 subsection may be provided or certified by a statewide charter
19 school membership association or may be provided or certified
20 by other qualified providers approved by the State Board of
21 Education.

22 (d) For purposes of this subsection (d), "non-curricular
23 health and safety requirement" means any health and safety
24 requirement created by statute or rule to provide, maintain,
25 preserve, or safeguard safe or healthful conditions for
26 students and school personnel or to eliminate, reduce, or

1 prevent threats to the health and safety of students and school
2 personnel. "Non-curricular health and safety requirement" does
3 not include any course of study or specialized instructional
4 requirement for which the State Board has established goals and
5 learning standards or which is designed primarily to impart
6 knowledge and skills for students to master and apply as an
7 outcome of their education.

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

26 (e) Except as otherwise provided in the School Code, a

1 charter school shall not charge tuition; provided that a
2 charter school may charge reasonable fees for textbooks,
3 instructional materials, and student activities.

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

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

26 (1) Sections 10-21.9 and 34-18.5 of this Code regarding

1 criminal history records checks and checks of the Statewide
2 Sex Offender Database and Statewide Murderer and Violent
3 Offender Against Youth Database of applicants for
4 employment;

5 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
6 34-84a of this Code regarding discipline of students;

7 (3) the Local Governmental and Governmental Employees
8 Tort Immunity Act;

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

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

13 (5.5) subsection (b) of Section 10-23.12 and
14 subsection (b) of Section 34-18.6 of this Code;

15 (6) the Illinois School Student Records Act;

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

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

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

21 (10) Section 2-3.162 of this Code regarding student
22 discipline reporting;

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

24 (12) Sections 10-20.60 and 34-18.53 of this Code;

25 (13) Sections 10-20.63 and 34-18.56 of this Code;

26 (14) Section 26-18 of this Code;

1 (15) Section 22-30 of this Code; and

2 (16) Sections 24-12 and 34-85 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 State Board or
16 Commission, then the charter school is its own local education
17 agency.

18 (l) Notwithstanding any other provisions of this Code to
19 the contrary, a charter school may not adopt or enforce a
20 policy on promotion that does not promote students to the next
21 higher grade level solely because of unsatisfactory completion
22 of physical fitness requirements or violations of student
23 discipline policies, including, but not limited to, a set
24 amount of demerits received or a set number of detentions or
25 suspensions served.

26 (Source: P.A. 100-29, eff. 1-1-18; 100-156, eff. 1-1-18;

1 100-163, eff. 1-1-18; 100-413, eff. 1-1-18; 100-468, eff.
2 6-1-18; 100-726, eff. 1-1-19; 100-863, eff. 8-14-18; 101-81,
3 eff. 7-12-19; 101-291, eff. 1-1-20; 101-531, eff. 8-23-19;
4 101-543, eff. 8-23-19; revised 9-19-19.)

5 (Text of Section after amendment by P.A. 101-50)

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

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8 nonreligious, non-home based, and non-profit school. A charter
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19 Section by Public Act 93-3 do not apply to charter schools
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21 date of Public Act 93-3).

22 (b-5) In this subsection (b-5), "virtual-schooling" means
23 a cyber school where students engage in online curriculum and
24 instruction via the Internet and electronic communication with
25 their teachers at remote locations and with students

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16 effective date of Public Act 101-291) ~~this amendatory Act of~~
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18 directors or other governing body must include at least one
19 parent or guardian of a pupil currently enrolled in the charter
20 school who may be selected through the charter school or a
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22 board of directors or other governing body, or by the charter
23 school's Parent Teacher Organization or its equivalent.

24 (c-5) No later than January 1, 2021 (one year after the
25 effective date of Public Act 101-291) ~~this amendatory Act of~~
26 ~~the 101st General Assembly~~ or within the first year of his or

1 her first term, every voting member of a charter school's board
2 of directors or other governing body shall complete a minimum
3 of 4 hours of professional development leadership training to
4 ensure that each member has sufficient familiarity with the
5 board's or governing body's role and responsibilities,
6 including financial oversight and accountability of the
7 school, evaluating the principal's and school's performance,
8 adherence to the Freedom of Information Act and the Open
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21 (13) Sections 10-20.63 and 34-18.56 of this Code;

22 (14) Section 26-18 of this Code;

23 (15) Section 22-30 of this Code; ~~and~~

24 (16) Sections 24-12 and 34-85 of this Code; ~~and~~

25 (17) ~~(16)~~ The Seizure Smart School Act.

26 The change made by Public Act 96-104 to this subsection (g)

1 is declaratory of existing law.

2 (h) A charter school may negotiate and contract with a
3 school district, the governing body of a State college or
4 university or public community college, or any other public or
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6 school building and grounds or any other real property or
7 facilities that the charter school desires to use or convert
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11 grade level.

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19 of physical fitness requirements or violations of student
20 discipline policies, including, but not limited to, a set
21 amount of demerits received or a set number of detentions or
22 suspensions served.

23 (Source: P.A. 100-29, eff. 1-1-18; 100-156, eff. 1-1-18;
24 100-163, eff. 1-1-18; 100-413, eff. 1-1-18; 100-468, eff.
25 6-1-18; 100-726, eff. 1-1-19; 100-863, eff. 8-14-18; 101-50,
26 eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20;

1 101-531, eff. 8-23-19; 101-543, eff. 8-23-19; revised
2 9-19-19.)

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

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.