



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB3215

by Rep. Litesa E. Wallace

#### 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 school district to make feminine hygiene products available, at no cost to students, in the bathrooms of school buildings. Provides that this requirement also applies to charter schools.

LRB100 10211 NHT 20393 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning education, which may be referred to as  
2 the Learn with Dignity Act.

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

5 Section 5. The School Code is amended by adding Sections  
6 10-20.60 and 34-18.53 and by changing Section 27A-5 as follows:

7 (105 ILCS 5/10-20.60 new)

8 Sec. 10-20.60. Availability of feminine hygiene products.

9 (a) The General Assembly finds the following:

10 (1) Feminine hygiene products are a health care  
11 necessity and not an item that can be foregone or  
12 substituted easily.

13 (2) Access to feminine hygiene products is a serious  
14 and ongoing need in this State.

15 (3) When students do not have access to affordable  
16 feminine hygiene products, they may miss multiple days of  
17 school every month.

18 (4) When students have access to quality feminine  
19 hygiene products, they are able to continue with their  
20 daily lives with minimal interruption.

21 (b) In this Section:

22 "Feminine hygiene products" means tampons and sanitary  
23 napkins for use in connection with the menstrual cycle.

1       "School building" means any facility (i) that is owned or  
2       leased by a school district or over which the school board has  
3       care, custody, and control and (ii) in which there is a public  
4       school serving students in grades 6 through 12.

5       (c) A school district shall make feminine hygiene products  
6       available, at no cost to students, in the bathrooms of school  
7       buildings.

8           (105 ILCS 5/27A-5)

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

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

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

16          (b) A charter school may be established under this Article  
17          by creating a new school or by converting an existing public  
18          school or attendance center to charter school status. Beginning  
19          on April 16, 2003 (the effective date of Public Act 93-3), in  
20          all new applications to establish a charter school in a city  
21          having a population exceeding 500,000, operation of the charter  
22          school shall be limited to one campus. The changes made to this  
23          Section by Public Act 93-3 do not apply to charter schools  
24          existing or approved on or before April 16, 2003 (the effective  
25          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           On or before March 1, 2014, the Commission shall submit to  
16 the General Assembly a report on the effect of  
17 virtual-schooling, including without limitation the effect on  
18 student performance, the costs associated with  
19 virtual-schooling, and issues with oversight. The report shall  
20 include policy recommendations for virtual-schooling.

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

26           (d) For purposes of this subsection (d), "non-curricular

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

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

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

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

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

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

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

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

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

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

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

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

17 (6) the Illinois School Student Records Act;

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

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

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

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

25 (11) Section 22-80 of this Code; and ~~—~~

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

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

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



1 shall be provided by the public entity at cost.

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

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

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

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

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

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

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

1 corporation or other discrete, legal, nonprofit entity  
2 authorized under the laws of the State of Illinois.

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

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

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

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

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

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

24           A charter school shall comply with all non-curricular  
25 health and safety requirements applicable to public schools  
26 under the laws of the State of Illinois. On or before September

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

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

20 (f) A charter school shall be responsible for the  
21 management and operation of its fiscal affairs including, but  
22 not limited to, the preparation of its budget. An audit of each  
23 charter school's finances shall be conducted annually by an  
24 outside, independent contractor retained by the charter  
25 school. To ensure financial accountability for the use of  
26 public funds, on or before December 1 of every year of

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

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

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

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

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

25 (4) Section 108.75 of the General Not For Profit  
26 Corporation Act of 1986 regarding indemnification of

- 1 officers, directors, employees, and agents;
- 2 (5) the Abused and Neglected Child Reporting Act;
- 3 (6) the Illinois School Student Records Act;
- 4 (7) Section 10-17a of this Code regarding school report
- 5 cards;
- 6 (8) the P-20 Longitudinal Education Data System Act;
- 7 (9) Section 27-23.7 of this Code regarding bullying
- 8 prevention;
- 9 (10) Section 2-3.162 of this Code regarding student
- 10 discipline reporting; ~~and~~
- 11 (11) Sections 22-80 and 27-8.1 of this Code; and ~~—~~
- 12 (12) Sections 10-20.60 and 34-18.53 of this Code.

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

14 is declaratory of existing law.

15 (h) A charter school may negotiate and contract with a

16 school district, the governing body of a State college or

17 university or public community college, or any other public or

18 for-profit or nonprofit private entity for: (i) the use of a

19 school building and grounds or any other real property or

20 facilities that the charter school desires to use or convert

21 for use as a charter school site, (ii) the operation and

22 maintenance thereof, and (iii) the provision of any service,

23 activity, or undertaking that the charter school is required to

24 perform in order to carry out the terms of its charter.

25 However, a charter school that is established on or after April

26 16, 2003 (the effective date of Public Act 93-3) and that

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

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

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

25 (k) If the charter school is approved by the Commission,  
26 then the Commission charter school is its own local education

1 agency.

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

8 (105 ILCS 5/34-18.53 new)

9 Sec. 34-18.53. Availability of feminine hygiene products.

10 (a) The General Assembly finds the following:

11 (1) Feminine hygiene products are a health care  
12 necessity and not an item that can be foregone or  
13 substituted easily.

14 (2) Access to feminine hygiene products is a serious  
15 and ongoing need in this State.

16 (3) When students do not have access to affordable  
17 feminine hygiene products, they may miss multiple days of  
18 school every month.

19 (4) When students have access to quality feminine  
20 hygiene products, they are able to continue with their  
21 daily lives with minimal interruption.

22 (b) In this Section:

23 "Feminine hygiene products" means tampons and sanitary  
24 napkins for use in connection with the menstrual cycle.

25 "School building" means any facility (i) that is owned or



1 leased by the school district or over which the board has care,  
2 custody, and control and (ii) in which there is a public school  
3 servicing students in grades 6 through 12.

4 (c) The school district shall make feminine hygiene  
5 products available, at no cost to students, in the bathrooms of  
6 school buildings.

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