



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB0330

by Rep. Thaddeus Jones

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/27A-5  
105 ILCS 25/1 from Ch. 122, par. 1821  
105 ILCS 25/1.25 new

Amends the Interscholastic Athletic Organization Act. Creates the High School Interscholastic Association Commission as an executive agency of State government under the direction of the Governor to provide leadership for the development, supervision, and promotion of interscholastic competition and other activities; provides for the membership and powers and duties of the Commission. Provides that beginning with the 2020-2021 school year, no public school, nonpublic school, or charter school in this State with any of grades 9 through 12 may be a member of or pay any dues or fees to an association or other entity that has as one of its purposes promoting, sponsoring, regulating, or in any manner providing for interscholastic athletics or any form of athletic competition among schools and students within this State other than the Commission. Provides that on or before July 1, 2021, and on or before each July 1 thereafter, the Auditor General must perform an audit of the Commission and on or before August 1, 2021, and on or before each August 1 thereafter, the Commission must submit a report to the Governor and the General Assembly on the performance of the Commission that includes, but is not limited to, the results of the audit and information on any contracts entered into by the Commission in the previous year.

LRB101 00222 AXK 45224 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 changing Section  
5 27A-5 as follows:

6 (105 ILCS 5/27A-5)

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

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

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

23 (b-5) In this subsection (b-5), "virtual-schooling" means

1 a cyber school where students engage in online curriculum and  
2 instruction via the Internet and electronic communication with  
3 their teachers at remote locations and with students  
4 participating at different times.

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

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

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

25 (d) For purposes of this subsection (d), "non-curricular  
26 health and safety requirement" means any health and safety

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

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

1 including non-curricular health and safety requirements of the  
2 authorizing local school board.

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

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

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

1 governing public schools and local school board policies;  
2 however, a charter school is not exempt from the following:

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

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

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

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

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

16 (5.5) subsection (b) of Section 10-23.12 and  
17 subsection (b) of Section 34-18.6 of this Code;

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;

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

- 1 (12) Sections 10-20.60 and 34-18.53 of this Code;  
2 (13) Sections 10-20.63 and 34-18.56 of this Code; ~~and~~  
3 (14) Section 26-18 of this Code; ~~and~~  
4 (15) Section 22-30 of this Code; and.  
5 (16) The Interscholastic Athletic Organization Act.

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

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

1 grounds, and facilities. Any services for which a charter  
2 school contracts with a school district shall be provided by  
3 the district at cost. Any services for which a charter school  
4 contracts with a local school board or with the governing body  
5 of a State college or university or public community college  
6 shall be provided by the public entity at cost.

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

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

18 (k) If the charter school is approved by the Commission,  
19 then the Commission charter school is its own local education  
20 agency.

21 (Source: P.A. 99-30, eff. 7-10-15; 99-78, eff. 7-20-15; 99-245,  
22 eff. 8-3-15; 99-325, eff. 8-10-15; 99-456, eff. 9-15-16;  
23 99-642, eff. 7-28-16; 99-927, eff. 6-1-17; 100-29, eff. 1-1-18;  
24 100-156, eff. 1-1-18; 100-163, eff. 1-1-18; 100-413, eff.  
25 1-1-18; 100-468, eff. 6-1-18; 100-726, eff. 1-1-19; 100-863,  
26 eff. 8-14-18; revised 10-5-18.)



1           Section 10. The Interscholastic Athletic Organization Act  
2 is amended by changing Section 1 and by adding Section 1.25 as  
3 follows:

4           (105 ILCS 25/1) (from Ch. 122, par. 1821)

5           Sec. 1. No membership or other dues or fees shall be paid  
6 by the governing body of any public elementary or public  
7 secondary school in this State to any association or other  
8 entity which has as one of its purposes promoting, sponsoring,  
9 regulating or in any manner providing for interscholastic  
10 athletics or any form of athletic competition among schools and  
11 students within this State if such association or other entity  
12 adopts or maintains in effect any bylaw, rule, regulation or  
13 policy which designates or requires a member to designate its  
14 school principal or any other school administrator as the  
15 representative of the member who alone is entitled to cast the  
16 vote of the member on any matter coming before such association  
17 or entity which is to be determined by a vote of its general  
18 membership; provided, that the provisions of this Section shall  
19 not apply if the bylaws, rules, regulations or policies of such  
20 association or entity, as adopted and applied: (i) authorize  
21 the governing board of each secondary school which is a member  
22 of the association or entity to appoint, as the allotted  
23 representative of such secondary school entitled to cast its  
24 vote on any matter coming before the association or entity

1 which is to be determined by a vote of its general membership,  
2 any coach, athletic director, teacher, principal or other  
3 school administrator employed at the secondary school which the  
4 governing body chooses to appoint as such representative, and  
5 (ii) provide that if no representative of a member is so  
6 appointed by its governing body, that the school principal of  
7 the member shall be its representative authorized to cast its  
8 vote unless and until the governing body shall otherwise  
9 appoint.

10 This Section does not apply to secondary schools beginning  
11 with the 2020-2021 school year.

12 (Source: P.A. 85-656.)

13 (105 ILCS 25/1.25 new)

14 Sec. 1.25. High School Interscholastic Association  
15 Commission.

16 (a) In this Section, "Commission" means the High School  
17 Interscholastic Association Commission.

18 (b) Beginning with the 2020-2021 school year, no public  
19 school, nonpublic school, or charter school in this State with  
20 any of grades 9 through 12 may be a member of or pay any dues or  
21 fees to an association or other entity that has as one of its  
22 purposes promoting, sponsoring, regulating, or in any manner  
23 providing for interscholastic athletics in any of grades 9  
24 through 12 or any form of athletic competition in any of grades  
25 9 through 12 among schools and students within this State other

1 than the Commission created under this Section.

2 (c) The High School Interscholastic Association Commission  
3 is created as an executive agency of State government under the  
4 direction of the Governor to provide leadership for the  
5 development, supervision, and promotion of interscholastic  
6 competition and other activities. Any reference in this Act or  
7 in any other law to the Illinois High School Association or its  
8 Board of Directors shall be deemed to mean and to be a  
9 reference to the Commission. The Commission shall consist of 5  
10 members who each represent a different region of this State,  
11 appointed as follows:

12 (1) one member, who shall serve as the chairperson,  
13 appointed by the Governor;

14 (2) one member appointed by the Speaker of the House of  
15 Representatives;

16 (3) one member appointed by the President of the  
17 Senate;

18 (4) one member appointed by the Minority Leader of the  
19 House of Representatives; and

20 (5) one member appointed by the Minority Leader of the  
21 Senate.

22 Each member shall serve a 3-year term, and any vacancies in  
23 membership must be filled in the same manner as the original  
24 appointment. Members of the Commission are not entitled to  
25 compensation, but shall receive reimbursement for actual  
26 expenses incurred in the performance of their duties. The

1 Commission shall meet at the call of the chairperson. Subject  
2 to appropriation, the Office of the Governor shall provide  
3 administrative and other support to the Commission.

4 (d) In addition to the powers and duties created under this  
5 Act, the Commission has all of the following powers and duties:

6 (1) To organize and conduct statewide interscholastic  
7 activities as may or may not lead to State championships  
8 and to establish terms and conditions for those activities.

9 (2) To establish and publish criteria to be followed in  
10 the selection of a school to host State tournament events.

11 (3) To create athletic or school by-laws and any other  
12 rules necessary to perform its function.

13 The Commission may call upon specialists from the high  
14 school field for technical or other advice and assistance as  
15 may be necessary.

16 (e) On or before July 1, 2021, and on or before each July 1  
17 thereafter, the Auditor General must perform a compliance,  
18 financial, and performance audit of the Commission in  
19 accordance with the Illinois State Auditing Act. The audit may  
20 include, but is not limited to, an examination of specific  
21 management or cost efficiencies, specific program objectives,  
22 procedures, or functions, or responsibilities or duties of the  
23 Commission.

24 (f) On or before August 1, 2021, and on or before each  
25 August 1 thereafter, the Commission must submit a report to the  
26 Governor and the General Assembly on the performance of the

1 Commission. The report must include, but is not limited to, the  
2 results of the audit conducted under subsection (e) of this  
3 Section and information on any contracts entered into by the  
4 Commission in the previous year. The report to the General  
5 Assembly shall be filed with the Clerk of the House of  
6 Representatives and the Secretary of the Senate in electronic  
7 form only, in the manner the Clerk and the Secretary shall  
8 direct.