



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4961

Introduced 2/18/2020, by Rep. Will Guzzardi

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27A-3
105 ILCS 5/27A-6
105 ILCS 5/27A-7

Amends the Charter Schools Law of the School Code. Provides that any renewal of a certified charter must include a union neutrality clause. Requires a union neutrality clause to be included in a charter school proposal. Defines "union neutrality clause". Effective immediately.

LRB101 18929 NHT 68388 b

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 Sections
5 27A-3, 27A-6, and 27A-7 as follows:

6 (105 ILCS 5/27A-3)

7 Sec. 27A-3. Definitions. For purposes of this Article:

8 "At-risk pupil" means a pupil who, because of physical,
9 emotional, socioeconomic, or cultural factors, is less likely
10 to succeed in a conventional educational environment.

11 "Authorizer" means an entity authorized under this Article
12 to review applications, decide whether to approve or reject
13 applications, enter into charter contracts with applicants,
14 oversee charter schools, and decide whether to renew, not
15 renew, or revoke a charter.

16 "Commission" means the State Charter School Commission
17 established under Section 27A-7.5 of this Code.

18 "Local school board" means the duly elected or appointed
19 school board or board of education of a public school district,
20 including special charter districts and school districts
21 located in cities having a population of more than 500,000,
22 organized under the laws of this State.

23 "State Board" means the State Board of Education.

1 "Union neutrality clause" means a provision whereby a
2 charter school agrees: (1) to be neutral regarding the
3 unionization of any of its employees, such that the charter
4 school will not at any time express a position on the matter of
5 whether its employees will be unionized and such that the
6 charter school will not threaten, intimidate, discriminate
7 against, retaliate against, or take any adverse action against
8 any employees based on their decision to support or oppose
9 union representation; (2) to provide any bona fide labor
10 organization access at reasonable times to areas in which the
11 charter school's employees work for the purpose of meeting with
12 employees to discuss their right to representation, employment
13 rights under the law, and terms and conditions of employment;
14 and (3) that union recognition shall be through a majority card
15 check verified by a neutral third-party arbitrator mutually
16 selected by the charter school and the bona fide labor
17 organization through alternate striking from a panel of
18 arbitrators provided by the Federal Mediation and Conciliation
19 Service. As used in this definition, "bona fide labor
20 organization" means a labor organization recognized under the
21 National Labor Relations Act or the Illinois Educational Labor
22 Relations Act. As used in this definition, "employees" means
23 non-represented, non-management, and non-confidential
24 employees of a charter school.

25 (Source: P.A. 97-152, eff. 7-20-11.)

1 (105 ILCS 5/27A-6)

2 Sec. 27A-6. Contract contents; applicability of laws and
3 regulations.

4 (a) A certified charter shall constitute a binding contract
5 and agreement between the charter school and a local school
6 board under the terms of which the local school board
7 authorizes the governing body of the charter school to operate
8 the charter school on the terms specified in the contract.

9 (b) Notwithstanding any other provision of this Article,
10 the certified charter may not waive or release the charter
11 school from the State goals, standards, and assessments
12 established pursuant to Section 2-3.64a-5 of this Code.
13 Beginning with the 2003-2004 school year, the certified charter
14 for a charter school operating in a city having a population
15 exceeding 500,000 shall require the charter school to
16 administer any other nationally recognized standardized tests
17 to its students that the chartering entity administers to other
18 students, and the results on such tests shall be included in
19 the chartering entity's assessment reports.

20 (c) Subject to the provisions of subsection (e), a material
21 revision to a previously certified contract or a renewal shall
22 be made with the approval of both the local school board and
23 the governing body of the charter school.

24 (c-5) The proposed contract shall include a provision on
25 how both parties will address minor violations of the contract.

26 (c-10) After the effective date of this amendatory Act of

1 the 101st General Assembly, any renewal of a certified charter
2 must include a union neutrality clause.

3 (d) The proposed contract between the governing body of a
4 proposed charter school and the local school board as described
5 in Section 27A-7 must be submitted to and certified by the
6 State Board before it can take effect. If the State Board
7 recommends that the proposed contract be modified for
8 consistency with this Article before it can be certified, the
9 modifications must be consented to by both the governing body
10 of the charter school and the local school board, and
11 resubmitted to the State Board for its certification. If the
12 proposed contract is resubmitted in a form that is not
13 consistent with this Article, the State Board may refuse to
14 certify the charter.

15 The State Board shall assign a number to each submission or
16 resubmission in chronological order of receipt, and shall
17 determine whether the proposed contract is consistent with the
18 provisions of this Article. If the proposed contract complies,
19 the State Board shall so certify.

20 (e) No renewal of a previously certified contract is
21 effective unless and until the State Board certifies that the
22 renewal is consistent with the provisions of this Article. A
23 material revision to a previously certified contract may go
24 into effect immediately upon approval of both the local school
25 board and the governing body of the charter school, unless
26 either party requests in writing that the State Board certify

1 that the material revision is consistent with the provisions of
2 this Article. If such a request is made, the proposed material
3 revision is not effective unless and until the State Board so
4 certifies.

5 (Source: P.A. 98-972, eff. 8-15-14; 98-1048, eff. 8-25-14;
6 99-78, eff. 7-20-15.)

7 (105 ILCS 5/27A-7)

8 Sec. 27A-7. Charter submission.

9 (a) A proposal to establish a charter school shall be
10 submitted to the local school board and the State Board for
11 certification under Section 27A-6 of this Code in the form of a
12 proposed contract entered into between the local school board
13 and the governing body of a proposed charter school. The
14 charter school proposal shall include:

15 (1) The name of the proposed charter school, which must
16 include the words "Charter School".

17 (2) The age or grade range, areas of focus, minimum and
18 maximum numbers of pupils to be enrolled in the charter
19 school, and any other admission criteria that would be
20 legal if used by a school district.

21 (3) A description of and address for the physical plant
22 in which the charter school will be located; provided that
23 nothing in the Article shall be deemed to justify delaying
24 or withholding favorable action on or approval of a charter
25 school proposal because the building or buildings in which

1 the charter school is to be located have not been acquired
2 or rented at the time a charter school proposal is
3 submitted or approved or a charter school contract is
4 entered into or submitted for certification or certified,
5 so long as the proposal or submission identifies and names
6 at least 2 sites that are potentially available as a
7 charter school facility by the time the charter school is
8 to open.

9 (4) The mission statement of the charter school, which
10 must be consistent with the General Assembly's declared
11 purposes; provided that nothing in this Article shall be
12 construed to require that, in order to receive favorable
13 consideration and approval, a charter school proposal
14 demonstrate unequivocally that the charter school will be
15 able to meet each of those declared purposes, it being the
16 intention of the Charter Schools Law that those purposes be
17 recognized as goals that charter schools must aspire to
18 attain.

19 (5) The goals, objectives, and pupil performance
20 standards to be achieved by the charter school.

21 (6) In the case of a proposal to establish a charter
22 school by converting an existing public school or
23 attendance center to charter school status, evidence that
24 the proposed formation of the charter school has received
25 the approval of certified teachers, parents and guardians,
26 and, if applicable, a local school council as provided in

1 subsection (b) of Section 27A-8.

2 (7) A description of the charter school's educational
3 program, pupil performance standards, curriculum, school
4 year, school days, and hours of operation.

5 (8) A description of the charter school's plan for
6 evaluating pupil performance, the types of assessments
7 that will be used to measure pupil progress towards
8 achievement of the school's pupil performance standards,
9 the timeline for achievement of those standards, and the
10 procedures for taking corrective action in the event that
11 pupil performance at the charter school falls below those
12 standards.

13 (9) Evidence that the terms of the charter as proposed
14 are economically sound for both the charter school and the
15 school district, a proposed budget for the term of the
16 charter, a description of the manner in which an annual
17 audit of the financial and administrative operations of the
18 charter school, including any services provided by the
19 school district, are to be conducted, and a plan for the
20 displacement of pupils, teachers, and other employees who
21 will not attend or be employed in the charter school.

22 (10) A description of the governance and operation of
23 the charter school, including the nature and extent of
24 parental, professional educator, and community involvement
25 in the governance and operation of the charter school.

26 (11) An explanation of the relationship that will exist

1 between the charter school and its employees, including
2 evidence that the terms and conditions of employment have
3 been addressed with affected employees and their
4 recognized representative, if any. However, a bargaining
5 unit of charter school employees shall be separate and
6 distinct from any bargaining units formed from employees of
7 a school district in which the charter school is located.

8 (12) An agreement between the parties regarding their
9 respective legal liability and applicable insurance
10 coverage.

11 (13) A description of how the charter school plans to
12 meet the transportation needs of its pupils, and a plan for
13 addressing the transportation needs of low-income and
14 at-risk pupils.

15 (14) The proposed effective date and term of the
16 charter; provided that the first day of the first academic
17 year shall be no earlier than August 15 and no later than
18 September 15 of a calendar year, and the first day of the
19 fiscal year shall be July 1.

20 (14.5) Disclosure of any known active civil or criminal
21 investigation by a local, state, or federal law enforcement
22 agency into an organization submitting the charter school
23 proposal or a criminal investigation by a local, state, or
24 federal law enforcement agency into any member of the
25 governing body of that organization. For the purposes of
26 this subdivision (14.5), a known investigation means a

1 request for an interview by a law enforcement agency, a
2 subpoena, an arrest, or an indictment. Such disclosure is
3 required for a period from the initial application
4 submission through 10 business days prior to the
5 authorizer's scheduled decision date.

6 (14.7) A union neutrality clause.

7 (15) Any other information reasonably required by the
8 State Board of Education.

9 (b) A proposal to establish a charter school may be
10 initiated by individuals or organizations that will have
11 majority representation on the board of directors or other
12 governing body of the corporation or other discrete legal
13 entity that is to be established to operate the proposed
14 charter school, by a board of education or an intergovernmental
15 agreement between or among boards of education, or by the board
16 of directors or other governing body of a discrete legal entity
17 already existing or established to operate the proposed charter
18 school. The individuals or organizations referred to in this
19 subsection may be school teachers, school administrators,
20 local school councils, colleges or universities or their
21 faculty members, public community colleges or their
22 instructors or other representatives, corporations, or other
23 entities or their representatives. The proposal shall be
24 submitted to the local school board for consideration and, if
25 appropriate, for development of a proposed contract to be
26 submitted to the State Board for certification under Section

1 27A-6.

2 (c) The local school board may not without the consent of
3 the governing body of the charter school condition its approval
4 of a charter school proposal on acceptance of an agreement to
5 operate under State laws and regulations and local school board
6 policies from which the charter school is otherwise exempted
7 under this Article.

8 (Source: P.A. 98-739, eff. 7-16-14; 98-1048, eff. 8-25-14;
9 99-78, eff. 7-20-15; 99-334, eff. 8-10-15.)

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