



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1212

Introduced 2/6/2019, by Sen. Kimberly A. Lightford

SYNOPSIS AS INTRODUCED:

New Act
110 ILCS 805/6-4.2

Creates the Course Equity Act. Defines terms. Requires the State Board of Education to establish a Course Equity Program in which any public or nonpublic school student in this State may enroll in a Course Equity Program course, provided that the student has completed all applicable prerequisite course requirements. Provides that the funding structure for Course Equity Program courses must maximize access to courses for low-income students and school districts by following a specified funding structure. Provides that the initial authorization of a Course Provider and courses shall be for a one-year period and the State Board may reauthorize a Course Provider for additional periods of up to 3 years. Provides that the initial authorization of a Course Provider requires the Board to establish a course review and approval process for Course Providers that may be implemented by the Board or an entity designated by the Board. Specifies qualifications for a course to be added to the Course Equity Catalog. Requires Course Providers to annually report to the Board; specifies report requirements. Provides for the Board's responsibilities and a school district's responsibilities. Allows for rulemaking by the Board. Amends the Public Community College Act to provide that, for purposes of enrollment in a dual credit course through the Course Equity Program, a student shall, for tuition purposes, be classified as a resident of a community college district if he or she meets the criteria to be deemed an Illinois resident under the Act. Effective immediately.

LRB101 07091 AXK 52128 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 1. Short title. This Act may be cited as the Course
5 Equity Act.

6 Section 5. Definitions. In this Act:

7 "Board" means the State Board of Education.

8 "Course Equity Catalog" means the website and online
9 catalog developed by or for the Board that provides a listing
10 of all courses authorized and available to students in this
11 State, includes detailed information about these courses in
12 order to inform these students' enrollment decisions, and
13 provides the functionality for these students to submit their
14 course enrollments.

15 "Course Equity Program" means the Program created by this
16 Act.

17 "Course Provider" means an entity authorized by the Board
18 to offer Course Equity Program courses.

19 "Eligible funded student" means a student who is currently
20 enrolled in a public school in this State and is participating
21 in the Course Equity Program either (1) with permission of his
22 or her school district or (2) in a course that is not available
23 to the student at his or her school district and is required

1 for high school graduation or required or recommended for
2 admission to a public university in this State.

3 Section 10. Course Equity Program.

4 (a) The Board shall establish and administer a Course
5 Equity Program under this Act that preserves any existing
6 contractual agreements and relationships between the Board and
7 virtual course providers that are active and outstanding
8 immediately before the effective date of this Act, while also
9 establishing guidelines to improve equitable access to course
10 offerings.

11 (b) The Board must require all Course Equity Program
12 courses to align with both:

13 (1) the Illinois Learning Standards, appropriate
14 industry standards, or, for subjects without State
15 academic standards, other relevant standards; and

16 (2) Board-adopted course quality standards, which may
17 be identical to those developed by a national or
18 international organization that supports high-quality
19 online learning or may modify existing standards to create
20 Illinois-specific online course quality standards.

21 (c) The funding structure for Course Equity Program courses
22 must maximize access to courses for low-income students and
23 school districts by adhering to both of the following:

24 (1) Regularly calculating the actual cost of providing
25 a course to a student and creating a graduated payment

1 structure around that amount. In calculating this cost, the
2 Course Provider may not offset the actual cost by any State
3 or school district funding. The Course Provider may
4 establish different actual costs for different courses if
5 there is an actual variance in the costs or may establish
6 several tiers of costs into which each course is assigned.

7 (2) Subject to appropriation, charging each school
8 district an amount per pupil per course enrollment equal
9 to:

10 (A) the actual cost, for school districts whose
11 Final Percent of Adequacy under Section 18-8.15 of the
12 School Code is above 100%;

13 (B) the actual cost multiplied by the percentage of
14 a school district's Final Percent of Adequacy, for
15 school districts whose Final Percent of Adequacy under
16 Section 18-8.15 of the School Code is between 90% and
17 100%; and

18 (C) the actual cost multiplied by the square of the
19 percentage of a school district's Final Percentage of
20 Adequacy, for school districts whose Final Percent of
21 Adequacy under Section 18-8.15 is less than 90%.

22 If the amount of the appropriation is insufficient to cover
23 the subsidies needed to carry out subparagraph (B) of this
24 paragraph, the Board and the Course Provider must agree on
25 a modified, equitable funding structure that remains
26 consistent with the goal of maximizing course access for

1 low-income students and school districts.

2 For a public school student who enrolls in a Course Equity
3 Program course independently or without the consent of his or
4 her school and does not otherwise qualify as an eligible funded
5 student, the Course Provider may establish a sliding payment
6 scale that offers lower fees if the student is a low-income
7 student. School districts must choose to either cover the costs
8 of the fee or pass all or a portion of costs to students
9 enrolled in Course Equity Program courses, provided that no
10 school district may pass on the cost of the fee to a student
11 who qualifies to receive free or reduced-price lunch under the
12 federal Richard B. Russell National School Lunch Act. No
13 student may be denied approval to take a Course Equity Program
14 course solely because of his or her free or reduced-price lunch
15 program eligibility.

16 (d) Any public or nonpublic school student in this State
17 may enroll in a Course Equity Program course, provided the
18 student has completed all applicable prerequisite course
19 requirements; however, transcript recognition and payment by
20 the school or school district is only required for eligible
21 funded students. Students who are not eligible funded students
22 must pay the course fees to the Course Provider.

23 (e) If a public school denies a student's request to enroll
24 in a Course Equity Program course, the school must submit the
25 reason for the denial to the school board, and the reason must
26 be included in board materials at a public hearing.

1 (f) A school district must recognize on a student's
2 transcript each completed Course Equity Program course granted
3 approval to be taken by the student.

4 (g) Each Course Provider must provide a transcript to each
5 student in the Program that includes his or her course
6 enrollments, course completions, and the final percentage
7 grade earned in each course; however, no Course Equity Program
8 provider may grant a high school diploma.

9 (h) Course Equity Program teachers must hold a valid
10 Professional Educator License under the School Code.

11 (i) A public community college may serve as a Course Equity
12 Provider and offer dual credit for courses that otherwise meet
13 the criteria for a dual credit course to any public or
14 nonpublic school student in this State who has met any required
15 prerequisites. Other Course Equity Program providers may enter
16 into a partnership with a public community college to offer a
17 dual credit course. The course must be made available to all
18 public and nonpublic school students who have met any required
19 prerequisites, unless the partnership agreement explicitly
20 limits the program to students within the community college
21 district.

22 Section 15. Course Provider authorization process. The
23 Board must perform all of the following:

24 (1) Establish an authorization process for Course
25 Providers that may include multiple opportunities for

1 submission each school year.

2 (2) No later than 90 calendar days from the initial
3 submission date, authorize a Course Provider if it complies
4 with the criteria and instructional rigor required under
5 this Act.

6 (3) No later than 90 calendar days from the initial
7 submission date, provide a written explanation to a Course
8 Provider that is denied Course Provider authorization. If a
9 Course Provider is denied authorization, the Provider may
10 reapply to the Board in the future.

11 (4) Publish the process established under Section 30,
12 including any deadlines and guidelines applicable to the
13 submission and authorization process for Course Providers.

14 If the Board determines that there are insufficient funds
15 available for evaluating and authorizing Course Providers and
16 administering the Course Equity Program, it may charge
17 applicant Course Providers a fee no greater than the amount of
18 the costs to ensure that evaluation, authorization, course
19 quality reviews, and administration of the Course Equity
20 Program occurs.

21 Section 20. Course Provider authorization criteria. To be
22 authorized as a Course Provider through the Course Equity
23 Program, a Course Provider must do all of the following:

24 (1) Comply with all applicable anti-discrimination
25 laws and applicable State and federal student data privacy

1 laws, including the federal Family Educational Rights and
2 Privacy Act of 1974.

3 (2) Provide an assurance that all online information
4 and resources for courses are fully accessible to students
5 of all abilities and that:

6 (A) all of the courses submitted for approval are
7 reviewed to ensure they meet legal accessibility
8 standards;

9 (B) the Course Provider has policies to ensure its
10 organizational and course websites meet accessibility
11 requirements; and

12 (C) the Course Provider has no gateway exam or test
13 in which a specific score is required to participate in
14 Course Equity Program courses beyond completion of
15 prerequisite coursework or demonstrated mastery of
16 prerequisite material. Courses targeting gifted and
17 talented students are exempt from this subparagraph.

18 (3) Demonstrate either:

19 (A) prior evidence of delivery of quality outcomes
20 for students, as demonstrated by metrics determined by
21 the Board, including, but not limited to, completion
22 rates, student level growth, proficiency, or other
23 quantifiable outcomes; or

24 (B) for an applicant applying to be a Course
25 Provider and offering a course for the first time, a
26 detailed justification, in a manner determined by the

1 Board, of how its subject matter, instructional, or
2 technical expertise will lead to successful outcomes
3 for students.

4 (4) Ensure that instructional courses align with the
5 Illinois Learning Standards, appropriate industry
6 standards, or other relevant standards in courses without
7 State academic standards and course quality standards.

8 (5) Provide assurances that the Course Provider will
9 electronically provide, in a manner and format determined
10 by the Board, a detailed student record of enrollment,
11 performance, completion, and grading information to the
12 schools with participating students that are enrolled
13 full-time.

14 Section 25. Course quality review and approval. The Board
15 shall establish a course review and approval process for Course
16 Providers. The process may be implemented by the Board or an
17 entity designated by the Board. To be approved and added to the
18 Course Equity Catalog, a course must have all of the following
19 qualifications:

20 (1) Be, at a minimum, equivalent in instructional rigor
21 and scope to a course that is provided in a traditional
22 classroom setting.

23 (2) Align with the Illinois Learning Standards,
24 appropriate industry standards, or other relevant
25 standards for subjects without State academic standards.

1 (3) Possess an assessment component for determining
2 student growth and proficiency.

3 (4) Be designed and implemented consistently with
4 standards established by the Board.

5 Section 30. Course Provider and course monitoring and
6 reauthorization.

7 (a) The initial authorization of a Course Provider and
8 courses shall be for a one-year period. After the initial
9 authorization period, the Board may reauthorize Course
10 Providers for additional periods of up to 3 years after
11 thorough review of the Course Provider's performance.

12 (b) Course Providers must annually report to the Board, in
13 a manner determined by the Board, all of the following:

14 (1) Student enrollment data, including ethnic, income,
15 and gender demographics.

16 (2) Student outcomes, including student growth and
17 proficiency measures and completion rates for each course.

18 (3) Student and parental feedback on overall
19 satisfaction and quality.

20 (c) If the performance of a Course Provider does not meet
21 the standards determined by the Board, the Board must do one of
22 the following:

23 (1) Terminate the entity's status as a Course Provider.

24 (2) Place the Course Provider on probation and require
25 it to submit a plan for improvement. The Board shall

1 determine the terms of the probation. The Board shall, at
2 its own discretion, determine if the Course Provider has
3 met the results required to return to good standing. If a
4 Course Provider fails to return to good standing within the
5 timeframe cited in its terms of probation, the Board must
6 terminate its status as a Course Provider.

7 (d) The Board may exclude a course provided by an
8 authorized Course Provider if it determines any of the
9 following:

10 (1) The course is no longer adequately aligned with
11 State academic standards.

12 (2) The course no longer provides a detailed and
13 quality curriculum and accountability plan.

14 (3) The course fails to deliver outcomes as determined
15 by the Board.

16 Section 35. Board responsibilities. The Board is
17 responsible for all of the following:

18 (1) Publishing the criteria required under Section 25
19 for the courses that may be offered through the Course
20 Equity Program.

21 (2) Creating the Course Equity Catalog.

22 (3) Publishing a link to the Course Equity Catalog in a
23 prominent location on the Board's website, which shall
24 include a list of courses offered by Course Providers
25 available through the Course Equity Program, a detailed

1 description of the courses, and any available parent and
2 student survey and outcome data. The data in this catalog
3 must be published online in an open format that can be
4 retrieved, downloaded, indexed, and searched by commonly
5 used web search applications. An open format is one that is
6 platform independent, machine readable, and made available
7 to the public without restrictions that would impede the
8 re-use of that information.

9 (4) Establishing and publishing a time frame or
10 specific dates by which students are able to withdraw from
11 a course provided through the Course Equity Program without
12 the student, school district, or Course Provider incurring
13 a penalty.

14 (5) Submitting an annual report on the Course Equity
15 Program to the Governor and the General Assembly. The
16 report shall, at a minimum, include all of the following
17 information:

18 (A) The annual number of students participating in
19 courses authorized under this Act and the total number
20 of courses in which students are enrolled.

21 (B) The number of authorized Course Providers.

22 (C) The number of authorized courses and the number
23 of students enrolled in each course.

24 (D) The number of courses available by subject.

25 (E) The number of students enrolled in courses by
26 subject.

1 (F) Student outcome data reported for all students
2 and for subgroups of students, as determined by the
3 Board, by course.

4 Section 40. School district responsibilities. A school
5 district is responsible for all of the following:

6 (1) Notifying students and parents of the availability
7 of Course Equity Program courses in correspondence that is
8 written in simple and accurate language.

9 (2) Publishing Program information and eligibility
10 guidelines on the school district's website.

11 (3) Establishing policies and procedures in which, for
12 each eligible funded student, credits earned through a
13 Course Provider appear on the student's official
14 transcript and count fully toward the requirements of any
15 approved diploma.

16 Section 45. Rules. The Board may adopt any rules necessary
17 to implement this Act.

18 Section 90. The Public Community College Act is amended by
19 changing Section 6-4.2 as follows:

20 (110 ILCS 805/6-4.2)

21 Sec. 6-4.2. In-district tuition charge. Notwithstanding
22 any other provision of law or administrative rule to the

1 contrary, for tuition purposes, a student shall be classified
2 as a resident of a community college district after
3 establishing the 30-day residency requirement of the district
4 or, for purposes of enrollment in a dual credit course through
5 the Course Equity Program, upon meeting the criteria to be
6 deemed an Illinois resident under Section 6-4a.

7 (Source: P.A. 100-884, eff. 1-1-19.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.