



Rep. La Shawn K. Ford

Filed: 4/20/2021

10200HB3254ham001

LRB102 12526 CMG 25257 a

1 AMENDMENT TO HOUSE BILL 3254

2 AMENDMENT NO. _____. Amend House Bill 3254 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Section
5 27A-5 and by adding Section 28-22 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.
16 Beginning on April 16, 2003 (the effective date of Public Act

1 93-3), in all new applications to establish a charter school
2 in a city having a population exceeding 500,000, operation of
3 the charter school shall be limited to one campus. The changes
4 made to this Section by Public Act 93-3 do not apply to charter
5 schools existing or approved on or before April 16, 2003 (the
6 effective date of Public Act 93-3).

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

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

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
24 school shall be subject to the Freedom of Information Act and
25 the Open Meetings Act. No later than January 1, 2021 (one year
26 after the effective date of Public Act 101-291), a charter

1 school's board of directors or other governing body must
2 include at least one parent or guardian of a pupil currently
3 enrolled in the charter school who may be selected through the
4 charter school or a charter network election, appointment by
5 the charter school's board of directors or other governing
6 body, or by the charter school's Parent Teacher Organization
7 or its equivalent.

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

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

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

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

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

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

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

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

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

10 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
11 34-84a of this Code regarding discipline of students;

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

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

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

18 (5.5) subsection (b) of Section 10-23.12 and
19 subsection (b) of Section 34-18.6 of this Code;

20 (6) the Illinois School Student Records Act;

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

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

24 (9) Section 27-23.7 of this Code regarding bullying
25 prevention;

26 (10) Section 2-3.162 of this Code regarding student

1 discipline reporting;

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

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

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

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

6 (15) Section 22-30 of this Code;

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

8 (17) the Seizure Smart School Act; ~~and~~

9 (18) Section 2-3.64a-10 of this Code; and ~~-~~

10 (19) Section 28-22 of this Code.

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

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

1 school during the period that commences on April 16, 2003 (the
2 effective date of Public Act 93-3) and concludes at the end of
3 the 2004-2005 school year. Except as provided in subsection
4 (i) of this Section, a school district may charge a charter
5 school reasonable rent for the use of the district's
6 buildings, grounds, and facilities. Any services for which a
7 charter school contracts with a school district shall be
8 provided by the district at cost. Any services for which a
9 charter school contracts with a local school board or with the
10 governing body of a State college or university or public
11 community college shall be provided by the public entity at
12 cost.

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

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

24 (k) If the charter school is approved by the State Board or
25 Commission, then the charter school is its own local education
26 agency.

1 (Source: P.A. 100-29, eff. 1-1-18; 100-156, eff. 1-1-18;
2 100-163, eff. 1-1-18; 100-413, eff. 1-1-18; 100-468, eff.
3 6-1-18; 100-726, eff. 1-1-19; 100-863, eff. 8-14-18; 101-50,
4 eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20;
5 101-531, eff. 8-23-19; 101-543, eff. 8-23-19; 101-654, eff.
6 3-8-21.)

7 (105 ILCS 5/28-22 new)

8 Sec. 28-22. Literature selection requirements.

9 (a) This Section may be referred to as the Pierce Twins
10 Law.

11 (b) To ensure that students in grades kindergarten through
12 12 receive exposure to diverse peoples, cultures, and
13 backgrounds to better develop tolerance, understanding,
14 appreciation, and acceptance of others, a school district
15 shall require that books that are included as a part of any
16 course, material, instruction, reading assignment, or other
17 school curricula related to literature during the school year
18 or that appear on summer reading lists must include books that
19 are written by diverse authors, including, but not limited to,
20 authors who are African American, women, Native American,
21 LatinX, and Asian. Reading material may not perpetuate bias
22 against persons based on, but not limited to, any of the
23 following the categories:

24 (1) Ability.

25 (2) Race.

1 (3) Language.

2 (4) Beliefs.

3 (5) Gender.

4 (6) Culture.

5 (7) Family dynamics.

6 (8) Socioeconomic status.

7 (c) For any school district utilizing federal funds under
8 Title I, Part A of the federal Elementary and Secondary
9 Education Act of 1965, the selection of each book to be
10 included in a reading assignment, course material and
11 instruction, or other school curricula related to literature
12 must first receive prior approval from the school board before
13 the book may be included. The criteria for the approval or
14 denial of a book shall be determined by school board policy,
15 but the minimum requirement is that the book may not be
16 approved by the school board if the book contains language or
17 material that is derogatory or racist or incites hate against
18 any persons.

19 (d) A school board is authorized to adopt a policy
20 pursuant to this Section based on guidelines established by
21 the State Board of Education.

22 (e) The State Board of Education shall adopt any rules and
23 guidelines necessary to implement this Section.

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.".