



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3884

Introduced 2/22/2021, by Rep. Joyce Mason

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.12b new
105 ILCS 5/27A-5

Amends the School Code. Provides that the State Board of Education shall require that a school construction project commenced on or after January 1, 2022 include the installation of a solar energy system or other renewable energy system. Provides that the project may also include the installation of a supplemental conventional energy system. Defines terms. Effective immediately.

LRB102 04109 CMG 14126 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 adding Section
5 2-3.12b and by changing Section 27A-5 as follows:

6 (105 ILCS 5/2-3.12b new)

7 Sec. 2-3.12b. School construction; solar energy system
8 required.

9 (a) As used in this Section:

10 "School construction project" means the building plan,
11 design, and construction of a school building or structure in
12 which the construction of the building or structure commences
13 on or after January 1, 2022. "School construction project"
14 does not include the reconstruction of, the rehabilitation of,
15 or improvements to an building or structure in existence
16 before January 1, 2022.

17 "Solar energy system" has the meaning ascribed to that
18 term in the Comprehensive Solar Energy Act of 1977.

19 "Supplemental conventional energy system" has the meaning
20 ascribed to that term in the Comprehensive Solar Energy Act of
21 1977.

22 (b) The State Board of Education shall require that a
23 school construction project include the installation of a

1 solar energy system or other renewable energy system for the
2 purpose of providing electricity, heating, or cooling to the
3 school building or structure. In addition to the installation
4 of the solar energy system or other renewable energy system, a
5 supplemental conventional energy system may be installed.

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
17 93-3), in all new applications to establish a charter school
18 in a city having a population exceeding 500,000, operation of
19 the charter school shall be limited to one campus. The changes
20 made to this Section by Public Act 93-3 do not apply to charter
21 schools existing or approved on or before April 16, 2003 (the
22 effective date of Public Act 93-3).

23 (b-5) In this subsection (b-5), "virtual-schooling" means
24 a cyber school where students engage in online curriculum and
25 instruction via the Internet and electronic communication with

1 their teachers at remote locations and with students
2 participating at different times.

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

12 (c) A charter school shall be administered and governed by
13 its board of directors or other governing body in the manner
14 provided in its charter. The governing body of a charter
15 school shall be subject to the Freedom of Information Act and
16 the Open Meetings Act. No later than January 1, 2021 (one year
17 after the effective date of Public Act 101-291) ~~this~~
18 ~~amendatory Act of the 101st General Assembly~~, a charter
19 school's board of directors or other governing body must
20 include at least one parent or guardian of a pupil currently
21 enrolled in the charter school who may be selected through the
22 charter school or a charter network election, appointment by
23 the charter school's board of directors or other governing
24 body, or by the charter school's Parent Teacher Organization
25 or its equivalent.

26 (c-5) No later than January 1, 2021 (one year after the

1 effective date of Public Act 101-291) ~~this amendatory Act of~~
2 ~~the 101st General Assembly~~ or within the first year of his or
3 her first term, every voting member of a charter school's
4 board of directors or other governing body shall complete a
5 minimum of 4 hours of professional development leadership
6 training to ensure that each member has sufficient familiarity
7 with the board's or governing body's role and
8 responsibilities, including financial oversight and
9 accountability of the school, evaluating the principal's and
10 school's performance, adherence to the Freedom of Information
11 Act and the Open Meetings Act ~~Acts~~, and compliance with
12 education and labor law. In each subsequent year of his or her
13 term, a voting member of a charter school's board of directors
14 or other governing body shall complete a minimum of 2 hours of
15 professional development training in these same areas. The
16 training under this subsection may be provided or certified by
17 a statewide charter school membership association or may be
18 provided or certified by other qualified providers approved by
19 the State Board of Education.

20 (d) For purposes of this subsection (d), "non-curricular
21 health and safety requirement" means any health and safety
22 requirement created by statute or rule to provide, maintain,
23 preserve, or safeguard safe or healthful conditions for
24 students and school personnel or to eliminate, reduce, or
25 prevent threats to the health and safety of students and
26 school personnel. "Non-curricular health and safety

1 requirement" does not include any course of study or
2 specialized instructional requirement for which the State
3 Board has established goals and learning standards or which is
4 designed primarily to impart knowledge and skills for students
5 to master and apply as an outcome of their education.

6 A charter school shall comply with all non-curricular
7 health and safety requirements applicable to public schools
8 under the laws of the State of Illinois. On or before September
9 1, 2015, the State Board shall promulgate and post on its
10 Internet website a list of non-curricular health and safety
11 requirements that a charter school must meet. The list shall
12 be updated annually no later than September 1. Any charter
13 contract between a charter school and its authorizer must
14 contain a provision that requires the charter school to follow
15 the list of all non-curricular health and safety requirements
16 promulgated by the State Board and any non-curricular health
17 and safety requirements added by the State Board to such list
18 during the term of the charter. Nothing in this subsection (d)
19 precludes an authorizer from including non-curricular health
20 and safety requirements in a charter school contract that are
21 not contained in the list promulgated by the State Board,
22 including non-curricular health and safety requirements of the
23 authorizing local school board.

24 (e) Except as otherwise provided in the School Code, a
25 charter school shall not charge tuition; provided that a
26 charter school may charge reasonable fees for textbooks,

1 instructional materials, and student activities.

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

16 (g) A charter school shall comply with all provisions of
17 this Article, the Illinois Educational Labor Relations Act,
18 all federal and State laws and rules applicable to public
19 schools that pertain to special education and the instruction
20 of English learners, and its charter. A charter school is
21 exempt from all other State laws and regulations in this Code
22 governing public schools and local school board policies;
23 however, a charter school is not exempt from the following:

24 (1) Sections 10-21.9 and 34-18.5 of this Code
25 regarding criminal history records checks and checks of
26 the Statewide Sex Offender Database and Statewide Murderer

1 and Violent Offender Against Youth Database of applicants
2 for employment;

3 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
4 34-84a of this Code regarding discipline of students;

5 (3) the Local Governmental and Governmental Employees
6 Tort Immunity Act;

7 (4) Section 108.75 of the General Not For Profit
8 Corporation Act of 1986 regarding indemnification of
9 officers, directors, employees, and agents;

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

11 (5.5) subsection (b) of Section 10-23.12 and
12 subsection (b) of Section 34-18.6 of this Code;

13 (6) the Illinois School Student Records Act;

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

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

17 (9) Section 27-23.7 of this Code regarding bullying
18 prevention;

19 (10) Section 2-3.162 of this Code regarding student
20 discipline reporting;

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

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

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

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

25 (15) Section 22-30 of this Code; ~~and~~

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

1 (17) the ~~(16) The Seizure Smart School Act; and-~~

2 (18) Section 2-3.12b of this Code.

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

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

1 charter school contracts with a local school board or with the
2 governing body of a State college or university or public
3 community college shall be provided by the public entity at
4 cost.

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

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

16 (k) If the charter school is approved by the State Board or
17 Commission, then the charter school is its own local education
18 agency.

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

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