



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4723

Introduced 1/27/2022, by Rep. Will Guzzardi

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27A-6

Amends the Charter Schools Law of the School Code. Provides that charter schools that accept funding directly from the State or through a school district directed by the State to administer the funds after the effective date of the amendatory Act and charter school subcontractors regularly performing work at charter school facilities that receive State funding, shall, as a condition of such funding, comply with the amendatory Act and have in place, at all times, a labor peace agreement with any bona fide employee organization or labor organization in which employees participate and that exists for the purpose, in whole or in part, of dealing with charter schools or their subcontractors concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and that requests a labor peace agreement. Sets forth requirements and prohibitions concerning the labor peace agreement. Sets forth procedures concerning the execution of a labor peace agreement, including procedures for an impasse in negotiations, the appointment of a hearing officer from the Illinois Educational Labor Relations Board, and the submission of the dispute to final and binding impartial arbitration. Provides that upon receipt of a written request for a labor peace agreement, charter schools shall at all times allow representatives of employee organizations or labor organizations to enter charter school campuses and offices, at any time employees in a designated classification are present at those locations, to meet privately with employees in non-work spaces and at non-working times. Provides that the provisions of the amendatory Act are satisfied if a charter school (i) executes a national or local labor agreement pertaining to the performance of charter school employees and the subcontractor regularly performing work at the charter school facilities or (ii) is negotiating in good faith with the employee organization or labor organization over the terms of a successor labor agreement for a period not exceeding 90 days after expiration of the labor agreement. Effective June 1, 2022.

LRB102 24232 CMG 33461 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 Section
5 27A-6 as follows:

6 (105 ILCS 5/27A-6)

7 Sec. 27A-6. Contract contents; applicability of laws and
8 regulations.

9 (a) A certified charter shall constitute a binding
10 contract and agreement between the charter school and a local
11 school board under the terms of which the local school board
12 authorizes the governing body of the charter school to operate
13 the charter school on the terms specified in the contract.

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

1 included in the chartering entity's assessment reports.

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

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

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

21 The State Board shall assign a number to each submission
22 or resubmission in chronological order of receipt, and shall
23 determine whether the proposed contract is consistent with the
24 provisions of this Article. If the proposed contract complies,
25 the State Board shall so certify.

26 (e) No renewal of a previously certified contract is

1 effective unless and until the State Board certifies that the
2 renewal is consistent with the provisions of this Article. A
3 material revision to a previously certified contract may go
4 into effect immediately upon approval of both the local school
5 board and the governing body of the charter school, unless
6 either party requests in writing that the State Board certify
7 that the material revision is consistent with the provisions
8 of this Article. If such a request is made, the proposed
9 material revision is not effective unless and until the State
10 Board so certifies.

11 (f) Charter schools that accept funding directly from the
12 State or through a school district directed by the State to
13 administer the funds after the effective date of this
14 amendatory Act of the 102nd General Assembly and charter
15 school subcontractors regularly performing work at charter
16 school facilities that receive State funding, shall, as a
17 condition of such funding, comply with this amendatory Act of
18 the 102nd General Assembly and have in place, at all times, a
19 labor peace agreement (referred to in this subsection as
20 "Labor Peace Agreement") with any bona fide employee
21 organization or labor organization in which employees
22 participate and that exists for the purpose, in whole or in
23 part, of dealing with charter schools or its subcontractors
24 concerning grievances, labor disputes, wages, rates of pay,
25 hours of employment, or conditions of work (referred to in
26 this subsection as "Labor Organization") and that requests a

1 Labor Peace Agreement. No Labor Peace Agreement may be
2 recognized under this subsection if the charter school or its
3 subcontractor directly or indirectly assists or encourages the
4 formation or operation of the Labor Organization. For the
5 purposes of this subsection (f), "subcontractors regularly
6 performing work at charter school facilities" means entities
7 contracted to provide services integral to the educational
8 purpose or facility maintenance of the charter school no less
9 frequently than once per month, and the Labor Peace Agreement
10 shall be limited to such entity's employees actually
11 performing work on charter school premises or directly in
12 support thereof.

13 Under this subsection, all of the following requirements
14 shall apply:

15 (1) The Labor Peace Agreement shall include binding
16 and enforceable provisions prohibiting the Labor
17 Organization and its members from engaging in, supporting,
18 encouraging, or assisting any work stoppages or other
19 direct economic interference by the Labor Organization or
20 by the covered employees for the duration of the Labor
21 Peace Agreement. The Labor Peace Agreement shall further
22 prohibit the charter school, the Labor Organization, and
23 their respective agents from harassing, threatening,
24 intimidating, or coercing employees in any way concerning
25 their rights to organize or not organize, to sign a
26 representation authorization card, or other engagement or

1 non-engagement in any type of protected activity.

2 (2) A Labor Organization seeking a Labor Peace
3 Agreement shall notify the charter school in writing of
4 its intention to enter into a Labor Peace Agreement with
5 the charter school or its subcontractor, identifying the
6 employee classifications of the charter school or its
7 subcontractor to be covered under the Labor Peace
8 Agreement. Administrative and managerial employees are
9 exempt from this subsection. Nothing in this subsection
10 may limit the rights of multiple Labor Organizations to
11 seek Labor Peace Agreements covering separate and distinct
12 classifications of employees who are not covered by a
13 Labor Peace Agreement, including a collective bargaining
14 agreement that complies with this amendatory Act of the
15 102nd General Assembly.

16 (3) The Labor Peace Agreement must be executed within
17 60 days after receipt of the Labor Organization's written
18 notice of intention. If the Labor Peace Agreement is not
19 executed within the 60 days, a notice of the impasse shall
20 be provided to the State Board of Education and the
21 Illinois Educational Labor Relations Board. Thereafter, a
22 hearing officer appointed or employed by the Illinois
23 Educational Labor Relations Board shall review the term or
24 terms of the Labor Peace Agreement that are the subject of
25 the impasse and shall make and submit advisory,
26 non-binding recommendations for the reconciliation of the

1 dispute to the parties. The advisory, non-binding
2 recommendations made in relation to the dispute and
3 submitted by the hearing officer may not be construed to
4 be a final or appealable order rendered by the Illinois
5 Educational Labor Relations Board. The Illinois
6 Educational Labor Relations Board may not acquire
7 jurisdiction over the Labor Peace Agreement under this
8 subsection. The Illinois Educational Labor Relations Board
9 may charge reasonable administrative fees in association
10 with this paragraph (3). If the parties cannot reach an
11 agreement within 15 days after receipt of the
12 recommendations from the hearing officer, the charter
13 school and the Labor Organization may mutually agree to
14 submit the dispute to final and binding impartial
15 arbitration.

16 (4) Upon receipt of a written request for a Labor
17 Peace Agreement, charter schools shall at all times allow
18 representatives of Labor Organizations to enter charter
19 school campuses and offices, at any time employees in the
20 designated classifications are present at those locations,
21 to meet privately with employees in non-work spaces and at
22 non-working times.

23 The requirements of this subsection are satisfied if the
24 charter school (i) executes a national or local labor
25 agreement pertaining to the performance of the charter school
26 employees and the subcontractors regularly performing work at

1 the charter school facilities or (ii) is negotiating in good
2 faith with the Labor Organization over the terms of a
3 successor labor agreement for a period not exceeding 90 days
4 after expiration of the labor agreement.

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

7 Section 99. Effective date. This Act takes effect June 1,
8 2022.