

# SB0605



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0605

Introduced 2/24/2021, by Sen. Jacqueline Y. Collins

### SYNOPSIS AS INTRODUCED:

105 ILCS 5/22-90 new

105 ILCS 5/26-13

105 ILCS 5/27A-5

from Ch. 122, par. 26-13

Amends the School Code. Requires that each school district, charter school, or alternative school or any school receiving public funds develop an absenteeism and truancy policy to be communicated to students and their parent or guardian on an annual basis. Sets forth the minimum elements that must be included in the policy. Requires the policy to be updated every 2 years and filed with the State Board of Education. Effective July 1, 2021.

LRB102 11423 CMG 16756 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 5. The School Code is amended by adding Section  
5 22-90 and by changing Sections 26-13 and 27A-5 as follows:

6 (105 ILCS 5/22-90 new)

7 Sec. 22-90. Absenteeism and truancy policy.

8 (a) Each school district, charter school, or alternative  
9 school or any school receiving public funds shall develop and  
10 communicate to its students and their parent or guardian, on  
11 an annual basis, an absenteeism and truancy policy, including  
12 at least the following elements:

13 (1) A definition of a valid cause for absence in  
14 accordance with Section 26-2a of this Code.

15 (2) A description of diagnostic procedures to be used  
16 for identifying the causes of unexcused student  
17 absenteeism, which shall, at a minimum, include interviews  
18 with the student, his or her parent or guardian, and any  
19 school officials who may have information about the  
20 reasons for the student's attendance problem.

21 (3) The identification of supportive services to be  
22 made available to truant or chronically truant students.  
23 These services shall include, but need not be limited to,

1 parent conferences, student counseling, family counseling,  
2 and information about existing community services that are  
3 available to truant and chronically truant students and  
4 relevant to their needs.

5 (4) Incorporation of the provisions relating to  
6 chronic absenteeism in accordance with Section 26-18 of  
7 this Code.

8 (b) The absenteeism and truancy policy must be updated  
9 every 2 years and filed with the State Board of Education.

10 (105 ILCS 5/26-13) (from Ch. 122, par. 26-13)

11 Sec. 26-13. Absenteeism and truancy policies. School  
12 districts shall adopt policies, consistent with rules adopted  
13 by the State Board of Education and Section 22-90, which  
14 identify the appropriate supportive services and available  
15 resources which are provided for truants and chronic truants.

16 (Source: P.A. 84-1420.)

17 (105 ILCS 5/27A-5)

18 Sec. 27A-5. Charter school; legal entity; requirements.

19 (a) A charter school shall be a public, nonsectarian,  
20 nonreligious, non-home based, and non-profit school. A charter  
21 school shall be organized and operated as a nonprofit  
22 corporation or other discrete, legal, nonprofit entity  
23 authorized under the laws of the State of Illinois.

24 (b) A charter school may be established under this Article

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

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

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

24 (c) A charter school shall be administered and governed by  
25 its board of directors or other governing body in the manner  
26 provided in its charter. The governing body of a charter

1 school shall be subject to the Freedom of Information Act and  
2 the Open Meetings Act. No later than January 1, 2021 (one year  
3 after the effective date of Public Act 101-291) ~~this~~  
4 ~~amendatory Act of the 101st General Assembly~~, a charter  
5 school's board of directors or other governing body must  
6 include at least one parent or guardian of a pupil currently  
7 enrolled in the charter school who may be selected through the  
8 charter school or a charter network election, appointment by  
9 the charter school's board of directors or other governing  
10 body, or by the charter school's Parent Teacher Organization  
11 or its equivalent.

12 (c-5) No later than January 1, 2021 (one year after the  
13 effective date of Public Act 101-291) ~~this amendatory Act of~~  
14 ~~the 101st General Assembly~~ or within the first year of his or  
15 her first term, every voting member of a charter school's  
16 board of directors or other governing body shall complete a  
17 minimum of 4 hours of professional development leadership  
18 training to ensure that each member has sufficient familiarity  
19 with the board's or governing body's role and  
20 responsibilities, including financial oversight and  
21 accountability of the school, evaluating the principal's and  
22 school's performance, adherence to the Freedom of Information  
23 Act and the Open Meetings Act ~~Acts~~, and compliance with  
24 education and labor law. In each subsequent year of his or her  
25 term, a voting member of a charter school's board of directors  
26 or other governing body shall complete a minimum of 2 hours of

1 professional development training in these same areas. The  
2 training under this subsection may be provided or certified by  
3 a statewide charter school membership association or may be  
4 provided or certified by other qualified providers approved by  
5 the State Board of Education.

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

18 A charter school shall comply with all non-curricular  
19 health and safety requirements applicable to public schools  
20 under the laws of the State of Illinois. On or before September  
21 1, 2015, the State Board shall promulgate and post on its  
22 Internet website a list of non-curricular health and safety  
23 requirements that a charter school must meet. The list shall  
24 be updated annually no later than September 1. Any charter  
25 contract between a charter school and its authorizer must  
26 contain a provision that requires the charter school to follow

1 the list of all non-curricular health and safety requirements  
2 promulgated by the State Board and any non-curricular health  
3 and safety requirements added by the State Board to such list  
4 during the term of the charter. Nothing in this subsection (d)  
5 precludes an authorizer from including non-curricular health  
6 and safety requirements in a charter school contract that are  
7 not contained in the list promulgated by the State Board,  
8 including non-curricular health and safety requirements of the  
9 authorizing local school board.

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

14 (f) A charter school shall be responsible for the  
15 management and operation of its fiscal affairs including, but  
16 not limited to, the preparation of its budget. An audit of each  
17 charter school's finances shall be conducted annually by an  
18 outside, independent contractor retained by the charter  
19 school. To ensure financial accountability for the use of  
20 public funds, on or before December 1 of every year of  
21 operation, each charter school shall submit to its authorizer  
22 and the State Board a copy of its audit and a copy of the Form  
23 990 the charter school filed that year with the federal  
24 Internal Revenue Service. In addition, if deemed necessary for  
25 proper financial oversight of the charter school, an  
26 authorizer may require quarterly financial statements from

1 each charter school.

2 (g) A charter school shall comply with all provisions of  
3 this Article, the Illinois Educational Labor Relations Act,  
4 all federal and State laws and rules applicable to public  
5 schools that pertain to special education and the instruction  
6 of English learners, and its charter. A charter school is  
7 exempt from all other State laws and regulations in this Code  
8 governing public schools and local school board policies;  
9 however, a charter school is not exempt from the following:

10 (1) Sections 10-21.9 and 34-18.5 of this Code  
11 regarding criminal history records checks and checks of  
12 the Statewide Sex Offender Database and Statewide Murderer  
13 and Violent Offender Against Youth Database of applicants  
14 for employment;

15 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and  
16 34-84a of this Code regarding discipline of students;

17 (3) the Local Governmental and Governmental Employees  
18 Tort Immunity Act;

19 (4) Section 108.75 of the General Not For Profit  
20 Corporation Act of 1986 regarding indemnification of  
21 officers, directors, employees, and agents;

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

23 (5.5) subsection (b) of Section 10-23.12 and  
24 subsection (b) of Section 34-18.6 of this Code;

25 (6) the Illinois School Student Records Act;

26 (7) Section 10-17a of this Code regarding school



1 report cards;

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

3 (9) Section 27-23.7 of this Code regarding bullying  
4 prevention;

5 (10) Section 2-3.162 of this Code regarding student  
6 discipline reporting;

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

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

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

10 (14) Sections 22-90 and ~~Section~~ 26-18 of this Code;

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

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

13 (17) the ~~(16) The~~ Seizure Smart School Act.

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

16 (h) A charter school may negotiate and contract with a  
17 school district, the governing body of a State college or  
18 university or public community college, or any other public or  
19 for-profit or nonprofit private entity for: (i) the use of a  
20 school building and grounds or any other real property or  
21 facilities that the charter school desires to use or convert  
22 for use as a charter school site, (ii) the operation and  
23 maintenance thereof, and (iii) the provision of any service,  
24 activity, or undertaking that the charter school is required  
25 to perform in order to carry out the terms of its charter.  
26 However, a charter school that is established on or after

1 April 16, 2003 (the effective date of Public Act 93-3) and that  
2 operates in a city having a population exceeding 500,000 may  
3 not contract with a for-profit entity to manage or operate the  
4 school during the period that commences on April 16, 2003 (the  
5 effective date of Public Act 93-3) and concludes at the end of  
6 the 2004-2005 school year. Except as provided in subsection  
7 (i) of this Section, a school district may charge a charter  
8 school reasonable rent for the use of the district's  
9 buildings, grounds, and facilities. Any services for which a  
10 charter school contracts with a school district shall be  
11 provided by the district at cost. Any services for which a  
12 charter school contracts with a local school board or with the  
13 governing body of a State college or university or public  
14 community college shall be provided by the public entity at  
15 cost.

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

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

1           (k) If the charter school is approved by the State Board or  
2 Commission, then the charter school is its own local education  
3 agency.

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

9           Section 99. Effective date. This Act takes effect July 1,  
10 2021.