



Rep. Anne Stava-Murray

Filed: 4/15/2024

10300HB4586ham002

LRB103 35815 RJT 72089 a

1 AMENDMENT TO HOUSE BILL 4586

2 AMENDMENT NO. _____. Amend House Bill 4586 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by adding Sections
5 10-20.87 and 34-18.87 and by changing Section 27A-5 as
6 follows:

7 (105 ILCS 5/10-20.87 new)

8 Sec. 10-20.87. Mental health services notification.

9 (a) Beginning with the 2025-2026 school year, each school
10 district shall:

11 (1) notify the parents or guardians of each student
12 enrolled in the school district about any mental health
13 services available in the school in which the student is
14 enrolled, in the school district, or in the community
15 where the school is located; and

16 (2) notify each student enrolled in the school

1 district who is 12 years of age or older of the following
2 information in an age and developmentally appropriate
3 manner:

4 (A) mental health services available in the school
5 in which the student is enrolled, in the school
6 district, or in the community where the school is
7 located; and

8 (B) the student's right to request to receive
9 counseling services or psychotherapy on an outpatient
10 basis under Section 3-550 of the Mental Health and
11 Developmental Disabilities Code.

12 (b) A school district shall provide the notifications
13 required under subsection (a) at the time of enrollment for
14 students enrolling in the school district for the first time,
15 prior to November 1 of each school year, and after January 1
16 but prior to March 1 of each school year. A school district
17 shall consider the languages most commonly spoken in the
18 communities where the school district's schools are located
19 when sending notifications to parents or guardians. A school
20 district may refer parents or guardians to the Care Portal
21 established and maintained by the Department of Human Services
22 under Section 11.4 of the Mental Health and Developmental
23 Disabilities Administrative Act.

24 (105 ILCS 5/27A-5)

25 (Text of Section before amendment by P.A. 102-466 and

1 103-472)

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

3 (a) A charter school shall be a public, nonsectarian,
4 nonreligious, non-home based, and non-profit school. A charter
5 school shall be organized and operated as a nonprofit
6 corporation or other discrete, legal, nonprofit entity
7 authorized under the laws of the State of Illinois.

8 (b) A charter school may be established under this Article
9 by creating a new school or by converting an existing public
10 school or attendance center to charter school status. In all
11 new applications to establish a charter school in a city
12 having a population exceeding 500,000, operation of the
13 charter school shall be limited to one campus. This limitation
14 does not apply to charter schools existing or approved on or
15 before April 16, 2003.

16 (b-5) (Blank).

17 (c) A charter school shall be administered and governed by
18 its board of directors or other governing body in the manner
19 provided in its charter. The governing body of a charter
20 school shall be subject to the Freedom of Information Act and
21 the Open Meetings Act. A charter school's board of directors
22 or other governing body must include at least one parent or
23 guardian of a pupil currently enrolled in the charter school
24 who may be selected through the charter school or a charter
25 network election, appointment by the charter school's board of
26 directors or other governing body, or by the charter school's

1 Parent Teacher Organization or its equivalent.

2 (c-5) No later than January 1, 2021 or within the first
3 year of his or her first term, every voting member of a charter
4 school's board of directors or other governing body shall
5 complete a minimum of 4 hours of professional development
6 leadership training to ensure that each member has sufficient
7 familiarity 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, and compliance with education
12 and labor law. In each subsequent year of his or her term, a
13 voting member of a charter school's board of directors or
14 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.

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. The State Board shall
9 promulgate and post on its Internet website a list of
10 non-curricular health and safety requirements that a charter
11 school must meet. The list shall be updated annually no later
12 than September 1. Any charter contract between a charter
13 school and its authorizer must contain a provision that
14 requires the charter school to follow the list of all
15 non-curricular health and safety requirements promulgated by
16 the State Board and any non-curricular health and safety
17 requirements added by the State Board to such list during the
18 term of the charter. Nothing in this subsection (d) precludes
19 an authorizer from including non-curricular health and safety
20 requirements in a charter school contract that are not
21 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. The contractor shall not be an employee of the charter
8 school or affiliated with the charter school or its authorizer
9 in any way, other than to audit the charter school's finances.
10 To ensure financial accountability for the use of public
11 funds, on or before December 1 of every year of operation, each
12 charter school shall submit to its authorizer and the State
13 Board a copy of its audit and a copy of the Form 990 the
14 charter school filed that year with the federal Internal
15 Revenue Service. In addition, if deemed necessary for proper
16 financial oversight of the charter school, an authorizer may
17 require quarterly financial statements from each charter
18 school.

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

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

6 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
7 34-84a of this Code regarding discipline of students;

8 (3) the Local Governmental and Governmental Employees
9 Tort Immunity Act;

10 (4) Section 108.75 of the General Not For Profit
11 Corporation Act of 1986 regarding indemnification of
12 officers, directors, employees, and agents;

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

14 (5.5) subsection (b) of Section 10-23.12 and
15 subsection (b) of Section 34-18.6 of this Code;

16 (6) the Illinois School Student Records Act;

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

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

20 (9) Section 27-23.7 of this Code regarding bullying
21 prevention;

22 (10) Section 2-3.162 of this Code regarding student
23 discipline reporting;

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

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

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

- 1 (14) Sections 22-90 and 26-18 of this Code;
- 2 (15) Section 22-30 of this Code;
- 3 (16) Sections 24-12 and 34-85 of this Code;
- 4 (17) the Seizure Smart School Act;
- 5 (18) Section 2-3.64a-10 of this Code;
- 6 (19) Sections 10-20.73 and 34-21.9 of this Code;
- 7 (20) Section 10-22.25b of this Code;
- 8 (21) Section 27-9.1a of this Code;
- 9 (22) Section 27-9.1b of this Code;
- 10 (23) Section 34-18.8 of this Code;
- 11 (25) Section 2-3.188 of this Code;
- 12 (26) Section 22-85.5 of this Code;
- 13 (27) subsections (d-10), (d-15), and (d-20) of Section
- 14 10-20.56 of this Code;
- 15 (28) Sections 10-20.83 and 34-18.78 of this Code;
- 16 (29) Section 10-20.13 of this Code;
- 17 (30) Section 28-19.2 of this Code;
- 18 (31) Section 34-21.6 of this Code; ~~and~~
- 19 (32) Section 22-85.10 of this Code; ~~and.~~
- 20 (37) Sections 10-20.87 and 34-18.87 of this Code.

21 The change made by Public Act 96-104 to this subsection

22 (g) is declaratory of existing law.

23 (h) A charter school may negotiate and contract with a

24 school district, the governing body of a State college or

25 university or public community college, or any other public or

26 for-profit or nonprofit private entity for: (i) the use of a

1 school building and grounds or any other real property or
2 facilities that the charter school desires to use or convert
3 for use as a charter school site, (ii) the operation and
4 maintenance thereof, and (iii) the provision of any service,
5 activity, or undertaking that the charter school is required
6 to perform in order to carry out the terms of its charter.
7 Except as provided in subsection (i) of this Section, a school
8 district may charge a charter school reasonable rent for the
9 use of the district's buildings, grounds, and facilities. Any
10 services for which a charter school contracts with a school
11 district shall be provided by the district at cost. Any
12 services for which a charter school contracts with a local
13 school board or with the governing body of a State college or
14 university or public community college shall be provided by
15 the public entity at 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 authorized by the State
2 Board, then the charter school is its own local education
3 agency.

4 (Source: P.A. 102-51, eff. 7-9-21; 102-157, eff. 7-1-22;
5 102-360, eff. 1-1-22; 102-445, eff. 8-20-21; 102-522, eff.
6 8-20-21; 102-558, eff. 8-20-21; 102-676, eff. 12-3-21;
7 102-697, eff. 4-5-22; 102-702, eff. 7-1-23; 102-805, eff.
8 1-1-23; 102-813, eff. 5-13-22; 103-154, eff. 6-30-23; 103-175,
9 eff. 6-30-23.)

10 (Text of Section after amendment by P.A. 103-472 but
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6 the Open Meetings Act. A charter school's board of directors
7 or other governing body must include at least one parent or
8 guardian of a pupil currently enrolled in the charter school
9 who may be selected through the charter school or a charter
10 network election, appointment by the charter school's board of
11 directors or other governing body, or by the charter school's
12 Parent Teacher Organization or its equivalent.

13 (c-5) No later than January 1, 2021 or within the first
14 year of his or her first term, every voting member of a charter
15 school's board of directors or other governing body shall
16 complete a minimum of 4 hours of professional development
17 leadership training to ensure that each member has sufficient
18 familiarity with the board's or governing body's role and
19 responsibilities, including financial oversight and
20 accountability of the school, evaluating the principal's and
21 school's performance, adherence to the Freedom of Information
22 Act and the Open Meetings Act, and compliance with education
23 and labor law. In each subsequent year of his or her term, a
24 voting member of a charter school's board of directors or
25 other governing body shall complete a minimum of 2 hours of
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17 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
18 34-84a of this Code regarding discipline of students;

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20 Tort Immunity Act;

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4 (32) Section 22-85.10 of this Code;
5 (33) Section 2-3.196 of this Code;
6 (34) Section 22-95 of this Code;
7 (35) Section 34-18.62 of this Code; ~~and~~
8 (36) the Illinois Human Rights Act; and
9 (37) Sections 10-20.87 and 34-18.87 of this Code.

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

12 (h) A charter school may negotiate and contract with a
13 school district, the governing body of a State college or
14 university or public community college, or any other public or
15 for-profit or nonprofit private entity for: (i) the use of a
16 school building and grounds or any other real property or
17 facilities that the charter school desires to use or convert
18 for use as a charter school site, (ii) the operation and
19 maintenance thereof, and (iii) the provision of any service,
20 activity, or undertaking that the charter school is required
21 to perform in order to carry out the terms of its charter.
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25 (13) Sections 10-20.63 and 34-18.56 of this Code;

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

- 1 (15) Section 22-30 of this Code;
- 2 (16) Sections 24-12 and 34-85 of this Code;
- 3 (17) the Seizure Smart School Act;
- 4 (18) Section 2-3.64a-10 of this Code;
- 5 (19) Sections 10-20.73 and 34-21.9 of this Code;
- 6 (20) Section 10-22.25b of this Code;
- 7 (21) Section 27-9.1a of this Code;
- 8 (22) Section 27-9.1b of this Code;
- 9 (23) Section 34-18.8 of this Code;
- 10 (24) Article 26A of this Code;
- 11 (25) Section 2-3.188 of this Code;
- 12 (26) Section 22-85.5 of this Code;
- 13 (27) subsections (d-10), (d-15), and (d-20) of Section
14 10-20.56 of this Code;
- 15 (28) Sections 10-20.83 and 34-18.78 of this Code;
- 16 (29) Section 10-20.13 of this Code;
- 17 (30) Section 28-19.2 of this Code;
- 18 (31) Section 34-21.6 of this Code; ~~and~~
- 19 (32) Section 22-85.10 of this Code;
- 20 (33) Section 2-3.196 of this Code;
- 21 (34) Section 22-95 of this Code;
- 22 (35) Section 34-18.62 of this Code; ~~and~~
- 23 (36) the Illinois Human Rights Act; and
- 24 (37) Sections 10-20.87 and 34-18.87 of this Code.

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

1 (h) A charter school may negotiate and contract with a
2 school district, the governing body of a State college or
3 university or public community college, or any other public or
4 for-profit or nonprofit private entity for: (i) the use of a
5 school building and grounds or any other real property or
6 facilities that the charter school desires to use or convert
7 for use as a charter school site, (ii) the operation and
8 maintenance thereof, and (iii) the provision of any service,
9 activity, or undertaking that the charter school is required
10 to perform in order to carry out the terms of its charter.
11 Except as provided in subsection (i) of this Section, a school
12 district may charge a charter school reasonable rent for the
13 use of the district's buildings, grounds, and facilities. Any
14 services for which a charter school contracts with a school
15 district shall be provided by the district at cost. Any
16 services for which a charter school contracts with a local
17 school board or with the governing body of a State college or
18 university or public community college shall be provided by
19 the public entity at cost.

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

1 subject to negotiation between the charter school and the
2 local school board and shall be set forth in the charter.

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

5 (k) If the charter school is authorized by the State
6 Board, then the charter school is its own local education
7 agency.

8 (Source: P.A. 102-51, eff. 7-9-21; 102-157, eff. 7-1-22;
9 102-360, eff. 1-1-22; 102-445, eff. 8-20-21; 102-466, eff.
10 7-1-25; 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676,
11 eff. 12-3-21; 102-697, eff. 4-5-22; 102-702, eff. 7-1-23;
12 102-805, eff. 1-1-23; 102-813, eff. 5-13-22; 103-154, eff.
13 6-30-23; 103-175, eff. 6-30-23; 103-472, eff. 8-1-24; revised
14 8-31-23.)

15 (105 ILCS 5/34-18.87 new)

16 Sec. 34-18.87. Mental health services notification.

17 (a) Beginning with the 2025-2026 school year, the school
18 district shall:

19 (1) notify the parents or guardians of each student
20 enrolled in the school district about any mental health
21 services available in the school in which the student is
22 enrolled, in the school district, or in the community
23 where the school is located; and

24 (2) notify each student enrolled in the school
25 district who is 12 years of age or older of the following

1 information in an age and developmentally appropriate
2 manner:

3 (A) mental health services available in the school
4 in which the student is enrolled, in the school
5 district, or in the community where the school is
6 located; and

7 (B) the student's right to request to receive
8 counseling services or psychotherapy on an outpatient
9 basis under Section 3-550 of the Mental Health and
10 Developmental Disabilities Code.

11 (b) The school district shall provide the notifications
12 required under subsection (a) at the time of enrollment for
13 students enrolling in the school district for the first time,
14 prior to November 1 of each school year, and after January 1
15 but prior to March 1 of each school year. The school district
16 shall consider the languages most commonly spoken in the
17 communities where the school district's schools are located
18 when sending notifications to parents or guardians. The school
19 district may refer parents or guardians to the Care Portal
20 established and maintained by the Department of Human Services
21 under Section 11.4 of the Mental Health and Developmental
22 Disabilities Administrative Act.

23 Section 95. No acceleration or delay. Where this Act makes
24 changes in a statute that is represented in this Act by text
25 that is not yet or no longer in effect (for example, a Section

1 represented by multiple versions), the use of that text does
2 not accelerate or delay the taking effect of (i) the changes
3 made by this Act or (ii) provisions derived from any other
4 Public Act.".