



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

**HB2464**

Introduced 2/17/2015, by Rep. Dwight Kay

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Illinois Virtual School Act. Establishes the Illinois Virtual School as a statewide virtual school to serve Illinois students in kindergarten through grade 12 and Illinois teachers and other educators, to be funded through an annual State appropriation to meet the operation and capital needs of the Illinois Virtual School. Sets forth provisions concerning fees, accountability, online courses, access and equity, a Board of Trustees, the powers of the Board, and the transition from the existing State Board of Education program. Effective immediately.

LRB099 05950 NHT 25999 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 1. Short title. This Act may be cited as the  
5 Illinois Virtual School Act.

6 Section 5. Policy and purposes. The General Assembly  
7 hereby finds and declares that meeting the educational needs of  
8 children in our State's schools is of the greatest importance  
9 to the future welfare of this State; closing the achievement  
10 gap between high-performing students, including the gap  
11 between minority and non-minority students and between  
12 economically disadvantaged students and their more advantaged  
13 peers, is a significant and present challenge; and providing a  
14 broader range of educational options to parents and utilizing  
15 existing resources, along with technology, may help students in  
16 our State improve their academic achievement. In recognition of  
17 these needs, this Act creates the Illinois Virtual School, a  
18 statewide virtual school, to ensure equitable access to rich  
19 and varied learning opportunities for Illinois students, with  
20 an emphasis on curricular areas needed to ensure that all  
21 students can meet the Illinois Learning Standards and succeed  
22 in higher education and the workplace; support schools in the  
23 integration of online learning technology into their own

1 educational programs; and expand high-quality professional  
2 development opportunities for Illinois teachers and other  
3 educators.

4 The primary purposes of the Illinois Virtual School shall  
5 be the following:

6 (1) to offer to all students in this State in grades  
7 kindergarten through 12 rigorous online courses aligned to  
8 State and national standards and taught by highly qualified  
9 online instructors to supplement and complement the  
10 educational opportunities available in the students'  
11 current educational setting;

12 (2) to provide to schools in this State access to the  
13 same online courses along with professional development  
14 for the schools' faculty so that the local school may  
15 provide online learning options taught by their own  
16 faculty; and

17 (3) to provide online professional development  
18 opportunities for Illinois teachers and other educators to  
19 assist in meeting re-certification requirements.

20 Section 10. Creation and funding. There is hereby created  
21 the Illinois Virtual School, a statewide virtual school to  
22 serve Illinois students in kindergarten through grade 12 and  
23 Illinois teachers and other educators, funded through an annual  
24 State appropriation to meet the operation and capital needs of  
25 the Illinois Virtual School. Fees may be charged to schools and

1 home-schooled families on a per enrollment basis to cover costs  
2 directly associated with the offering of online courses and the  
3 providing of online curriculum to Illinois schools. The  
4 Illinois Virtual School may also charge fees for services  
5 provided to students and schools outside of this State in order  
6 to further support the services provided to Illinois students  
7 and educators.

8 In order to be eligible for State appropriations, the  
9 Illinois Virtual School shall submit to the State Board of  
10 Education not later than the 1st day of October of each year  
11 its budget proposal for the operation and capital needs of the  
12 Illinois Virtual School for its next fiscal year.

13 Section 15. Accountability. The operations of the Illinois  
14 Virtual School must be audited on an annual basis by the Office  
15 of the Auditor General. The Illinois Virtual School shall  
16 prepare an annual report to be submitted to the General  
17 Assembly and the Governor regarding the Illinois Virtual  
18 School's accomplishments. An external program evaluation must  
19 be conducted by an organization with knowledge and expertise in  
20 online learning at least every 3 years.

21 Section 20. Online courses.

22 (a) In accordance with the first purpose of the Illinois  
23 Virtual School in Section 5 of this Act, the Illinois Virtual  
24 School is authorized to offer online courses to all students in

1 grades kindergarten through 12.

2 (b) The Illinois Virtual School shall have the following  
3 responsibilities:

4 (1) The curriculum must be aligned to State or national  
5 learning standards.

6 (2) The courses must be delivered by certified teachers  
7 that meet applicable highly qualified criteria under the  
8 federal No Child Left Behind Act of 2001 and have knowledge  
9 and skills specific to teaching online. These teachers may  
10 be considered by the students' school as the teacher of  
11 record.

12 (3) The Illinois Virtual School must provide support  
13 and training to staff at the students' school with respect  
14 to their participation in online courses.

15 (4) Upon completion of a course, the Illinois Virtual  
16 School must provide a report to the students' school  
17 regarding the students' academic performance based upon  
18 his or her demonstrated level of mastery of the subject  
19 matter.

20 (c) The local school shall have the following  
21 responsibilities:

22 (1) To make the determination if a student is approved  
23 to enroll in an Illinois Virtual School course. The school  
24 may not deny a student participation in an Illinois Virtual  
25 School course if the course is an appropriate part of the  
26 student's course of instruction and the school is unable to

1 provide the course locally by a certified instructor.

2 (2) When the student is at the school building, to  
3 provide supervision of the student during periods of time  
4 the student is assigned to work on his or her Illinois  
5 Virtual School course.

6 (3) When requested by the Illinois Virtual School  
7 instructor, to proctor a student's participation in  
8 Illinois Virtual School activities or assessments.

9 (4) If the course is designated by the Illinois Virtual  
10 School as covering the equivalent of at least one semester  
11 of course content, based on the report of the student's  
12 academic performance upon the completion of the course, to  
13 issue a final grade consistent with local school policy and  
14 place the course on the student's permanent record or  
15 academic transcript.

16 (5) To provide payment to the Illinois Virtual School  
17 for applicable enrollment fees.

18 (d) If a student is home schooled, the student's parent or  
19 legal guardian has the responsibility to do the following:

20 (1) Make the determination if the student is approved  
21 to enroll in an Illinois Virtual School course.

22 (2) Make sure the student's Illinois Virtual School  
23 course is supervised by a responsible adult.

24 (3) When requested by the Illinois Virtual School  
25 instructor, proctor the student's participation in  
26 Illinois Virtual School activities or assessments.

1           (4) Provide payment to the Illinois Virtual School for  
2           the applicable enrollment fees.

3           Section 25. Access and equity. The Illinois Virtual School  
4           is established to increase the access and equity of diverse and  
5           rigorous curricular offerings to all students in this State. As  
6           such, the Illinois Virtual School shall establish policies and  
7           practices that are explicitly intended to serve those students  
8           not currently receiving access to such offerings.

9           Section 30. Board of Trustees. The Illinois Virtual School  
10          shall be governed by a Board of Trustees, which shall consist  
11          of the following members:

12                 (1) Four representatives of kindergarten through grade  
13                 12 education, appointed by the State Superintendent of  
14                 Education.

15                 (2) Three representatives of higher education, 2 of  
16                 whom are appointed by the Executive Director of the Board  
17                 of Higher Education and the other appointed by the  
18                 Executive Director of the Illinois Community College  
19                 Board.

20                 (3) Two representatives of the Illinois business  
21                 community, appointed by the Governor.

22                 (4) Two representatives of the public at large  
23                 appointed by the Governor.

24                 (5) Four ex-officio nonvoting members, who shall be the

1 State Superintendent of Education or his or her designee,  
2 the Executive Director of the Illinois Community College  
3 Board or his or her designee, the Executive Director of the  
4 Board of Higher Education or his or her designee, and the  
5 President of the Illinois Mathematics and Science Academy  
6 or his or her designee.

7 With the exception of the initial appointments, the  
8 members' terms of office shall be for 6 years. At the first  
9 meeting of the Board, members shall draw lots for appointments  
10 of 2, 4, or 6-year initial terms. Vacancies shall be filled for  
11 the unexpired portion of the terms by appointment of the person  
12 who appointed the member causing such vacancy. The initial  
13 terms shall commence upon appointment and end upon expiration  
14 of the term. A member shall continue serving until a successor  
15 is appointed. The Board shall select a chairperson from among  
16 its members who shall serve a 2-year term as chairperson.  
17 Members shall receive no salary, but shall be reimbursed for  
18 all ordinary and necessary expenses incurred in performing  
19 their duties as members of the Board.

20 Section 35. Powers of the Board. The Board of Trustees is  
21 hereby authorized to do the following:

22 (1) Select a President, who shall be the chief  
23 executive officer of the Illinois Virtual School and who  
24 shall administer the rules and policies adopted by the  
25 Board pursuant to this Section. The President shall also be



1 the chief administrative officer of the Board and shall be  
2 responsible for all of the administrative functions,  
3 duties, and needs of the Board. The President may not be a  
4 member of the Board.

5 (2) Accept donations, bequests, or other forms of  
6 financial assistance for educational purposes from any  
7 public or private person or agency and comply with rules  
8 and regulations governing grants from the federal  
9 government or from any other person or agency that are not  
10 in contravention of the Illinois Constitution or the laws  
11 of the State of Illinois.

12 (3) Purchase equipment and make improvements to  
13 facilities necessary for the use of the Illinois Virtual  
14 School, in accordance with applicable law.

15 (4) Adopt, amend, or repeal rules and policies  
16 necessary or proper for the conduct of the business of the  
17 Board and for the efficient operation of the Illinois  
18 Virtual School.

19 (5) Award certificates and issue diplomas for  
20 successful completion of program of study requirements in  
21 such cases where the Illinois Virtual School is authorized  
22 to issue credit and diplomas.

23 (6) Adopt an annual budget, recommended by the  
24 President, for the continued operation of the Illinois  
25 Virtual School.

26 (7) Enter into contracts and agreements that have been

1 recommended by the President, in accordance with  
2 applicable law, and, to the extent that funds are  
3 specifically appropriated, with other public agencies with  
4 respect to cooperative enterprises and undertakings  
5 related to or associated with an educational purpose or  
6 program affecting education in the Illinois Virtual  
7 School. This shall not preclude the Board from entering  
8 into other contracts and agreements that it may deem  
9 necessary to carry out its duties and functions.

10 The Board shall delegate to the President such of its  
11 administrative powers and duties as it deems appropriate to aid  
12 the President in the efficient administration of his or her  
13 responsibility for the implementation of the policies of the  
14 Board.

15 The Illinois Virtual School shall be empowered to lease or  
16 purchase real and personal property on commercially reasonable  
17 terms for the use of the Illinois Virtual School. Any leases or  
18 purchases of real or personal property and any disposition  
19 thereof by the Illinois Virtual School must be in compliance  
20 with the provisions of the Civil Administrative Code of  
21 Illinois and the State Property Control Act. Personal property  
22 acquired for the use of the Illinois Virtual School shall be  
23 inventoried and disposed of in accordance with the State  
24 Property Control Act.

25 The Illinois Virtual School, its Board of Trustees, and its  
26 employees shall be represented and indemnified in certain civil

1 lawsuits in accordance with the State Employee Indemnification  
2 Act.

3 Section 40. Transition from existing State Board of  
4 Education program. The following shall apply in order to  
5 provide an orderly transition from the current statewide online  
6 program operated by the State Board of Education established  
7 through policy action on August 24, 2000 or its successor  
8 programs:

9 (1) In order to allow for the hiring of a President and  
10 other staff to conduct activities to transition from the  
11 current program to the Illinois Virtual School, the  
12 Illinois Virtual School Board of Trustees shall be formed  
13 no later than 60 days after the effective date of this Act.

14 (2) The State Board of Education's current statewide  
15 online program shall continue to deliver courses through  
16 the end of the 2015-2016 school year. The Illinois Virtual  
17 School shall begin offering courses beginning with the  
18 summer 2016 term.

19 (3) All intellectual property that was developed by the  
20 State Board of Education or its contractors and  
21 subcontractors for the operation of the State Board of  
22 Education's statewide online program shall be transferred  
23 to the Illinois Virtual School.

24 (4) At the request of the Illinois Virtual School, any  
25 physical property owned by the State Board of Education or

1           its contractors that is being used for the operation of the  
2           State Board of Education's statewide online program shall  
3           be transferred to the Illinois Virtual School.

4           (5) At the discretion of the Illinois Virtual School,  
5           in lieu of a competitive bid process required by State law,  
6           any contract or sub-contract established by the State Board  
7           of Education for operation of its statewide online program  
8           may be transferred to the Illinois Virtual School for a  
9           period of no longer than 3 years.

10          (6) The Illinois Virtual School shall receive an  
11          appropriation for the fiscal year beginning July 1, 2015 to  
12          conduct transition activities and begin offering courses  
13          for the summer 2016 term.

14          (7) For the fiscal year beginning July 1, 2016, the  
15          Illinois Virtual School shall submit its budget request to  
16          the State Board of Education within 120 days after the  
17          formation of the Illinois Virtual School Board of Trustees.

18          Section 99. Effective date. This Act takes effect upon  
19          becoming law.