



Sen. Kimberly A. Lightford

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1 AMENDMENT TO SENATE BILL 1679

2 AMENDMENT NO. _____. Amend Senate Bill 1679, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 1. Short title. This Act may be cited as the
6 Course Access Act.

7 Section 5. Definitions. In this Act:

8 "Course provider" means an entity authorized by the State
9 Board to offer individual courses in person, online, or a
10 combination of the 2, including, but not limited to, online
11 education providers, public or private elementary and
12 secondary education institutions, education service agencies,
13 not-for-profit providers, postsecondary education
14 institutions, and vocational or technical course providers.

15 "Eligible funded student" means any eligible participating
16 student who is currently enrolled in a public school or charter

1 school.

2 "Eligible participating student" means any student in
3 kindergarten through grade 12 who resides in this State.

4 "Public school" means a public school or charter school.

5 "State Board" means the State Board of Education.

6 "State Course Access Catalog" means the website developed
7 for the State Board of Education that provides a listing of all
8 courses authorized and available to students in this State,
9 detailed information about the courses to inform student
10 enrollment decisions, and the ability for students to submit
11 their course enrollments. The data in this Catalog shall be
12 published online in an open format that may be retrieved,
13 downloaded, indexed, and searched by commonly used web search
14 applications. An open format shall be platform-independent,
15 machine-readable, and made available to the public without
16 restrictions that may impede the reuse of that information. The
17 data in the Catalog shall be owned by the State Board.

18 "State Course Access Program" means the Program created
19 under this Act.

20 Section 10. Enrollment. An eligible participating student
21 may enroll in State Course Access Program courses.

22 An eligible funded student may enroll in State Course
23 Access Program courses only if the courses the eligible funded
24 student wants to enroll in are not offered at the eligible
25 funded student's school.

1 An eligible funded student may enroll in State Course
2 Access Program courses that are funded by the Program up to the
3 following levels, unless additional courses are approved by the
4 school where they are enrolled:

5 (1) 2016-2017 school year: Students attending a public
6 school who choose to participate in the State Course Access
7 Program and entering the school year with credits equal to
8 the junior or senior level of high school may take up to 2
9 courses per semester.

10 (2) 2017-2018 school year: Students attending a public
11 school who choose to participate in the State Course Access
12 Program and entering the school year with credits equal to
13 the sophomore, junior, or senior level of high school may
14 take up to 2 courses per semester.

15 (3) 2018-2019 school year and all school years
16 thereafter: Students attending a public school who choose
17 to participate in the State Course Access Program and
18 entering grades 9 through 12 may take up to 2 courses per
19 semester.

20 The families of eligible funded students and other eligible
21 participating students may pay to enroll in State Course Access
22 Program courses above the levels specified under Section 50 of
23 this Act.

24 Public and charter schools where eligible funded students
25 are enrolled full time may review enrollment requests to ensure
26 courses are academically appropriate, logistically feasible,

1 keep the student on track for an on-time graduation, and do not
2 extend a student beyond a full-time course load. The public and
3 charter schools may only reject enrollment requests for not
4 doing so.

5 The public and charter schools must complete the review and
6 denial process within 5 days of the student enrolling in the
7 course.

8 Public and charter schools shall inform students and
9 families at the time of denial of their right to appeal any
10 enrollment denials in State Course Access Program courses to
11 the school board, which shall provide a final enrollment
12 decision within 7 calendar days.

13 Section 15. Provider authorization process. The State
14 Board shall:

15 (1) Establish an authorization process for course
16 providers that may include multiple opportunities for
17 submission each year.

18 (2) Not later than 90 calendar days from the initial
19 submission date, authorize course providers that:

20 (A) meet the criteria established under Section 20
21 of this Act; and

22 (B) provide courses that offer the instructional
23 rigor and scope required under Section 25 of this Act.

24 (3) Not later than 90 calendar days from the initial
25 submission date, provide a written explanation to any

1 course providers that are denied. If a course provider is
2 denied authorization, the provider may apply again in the
3 future. If a course provider is denied authorization 3
4 times, the provider will no longer be able to apply.

5 (4) Publish the process established under Section 20 of
6 this Act, including any deadlines and any guidelines
7 applicable to the submission and authorization process for
8 providers.

9 If the State Board determines that there are insufficient
10 funds available for evaluating and authorizing course
11 providers, it may charge applicant providers a fee up to, but
12 no greater than, the amount of the costs in order to ensure
13 that evaluation occurs. The State Board shall establish and
14 publish a fee schedule for purposes of this Section.

15 Section 20. Course provider criteria. To be authorized to
16 offer a course through the State Course Access Program, a
17 provider must:

18 (1) Comply with all applicable anti-discrimination
19 provisions and applicable State and federal student data
20 privacy provisions, including, but not limited to, the
21 federal Family Educational Rights and Privacy Act.

22 (2) Provide an assurance that all online information
23 and resources for online or blended courses are fully
24 accessible for students of all abilities, including that:

25 (A) all of the courses submitted for approval are

1 reviewed to ensure they meet legal accessibility
2 standards;

3 (B) the provider has created and promulgated an
4 Accessibility Online Public and Charter Schools
5 Policy;

6 (C) the provider has designated a Section 504
7 Coordinator and a Grievance Policy, and issued annual
8 notifications;

9 (D) the provider has policies and activities to
10 ensure their organizational and course websites meet
11 accessibility requirements; and

12 (E) the provider has no gateway exam or test where
13 a specific score is required to participate in the
14 Program courses beyond completion of prerequisite
15 coursework or demonstrated mastery of prerequisite
16 material.

17 (3) Demonstrate either:

18 (A) prior evidence of delivering quality outcomes
19 for students, as demonstrated by completion rates,
20 student level growth, proficiency, or other
21 quantifiable outcomes; or

22 (B) for course providers applying to offer a
23 subject or grade level for the first time, provide a
24 detailed justification, in a manner determined by the
25 State Board, of how their organization's subject
26 matter, instructional, and technical expertise will

1 allow public and charter schools to produce successful
2 outcomes for students.

3 (4) Ensure instructional and curricular quality
4 through a detailed curriculum and student performance
5 accountability plan that aligns with and measures student
6 attainment of relevant State academic standards or other
7 relevant standards in courses without State academic
8 standards.

9 (5) Provide assurances that the course provider shall
10 provide electronically, in a manner and format determined
11 by the State Board, a detailed student record of
12 enrollment, performance, completion, and grading
13 information with the school systems where eligible
14 participating students are enrolled full time.

15 Additional criteria developed by the State Board shall be
16 used to evaluate providers, and may include International
17 Association for K-12 Online Learning, National Standards for
18 Quality Online Teaching, National Standards for Quality Online
19 Courses, Southern Regional Education Board, AdvancED, or other
20 nationally recognized third party quality standards.

21 Section 25. Course quality reviews. The State Board shall
22 establish a course review and approval process. The process may
23 be implemented by the State Board or by an entity designated by
24 the State Board.

25 In order to be approved and added to the State Course

1 Access Catalog, a course must:

2 (1) Be one of the following types:

3 (A) a course that satisfies high school graduation
4 requirements;

5 (B) a course identified by the State Board as
6 necessary for college-readiness;

7 (C) an Advanced Placement or International
8 Baccalaureate course;

9 (D) a music or arts course;

10 (E) a STEM course;

11 (F) a foreign language course;

12 (G) a dual credit course that allows students to
13 earn college credit or other advanced credit; or

14 (H) a vocational or technical course, including
15 apprenticeships and High School Career Exploration and
16 Readiness courses.

17 (2) Be, at a minimum, the equivalent in instructional
18 rigor and scope to a course that is provided in a
19 traditional classroom setting.

20 (3) Be aligned to relevant State academic standards or
21 industry standards.

22 (4) Possess an assessment component for determining
23 student proficiency and student growth where applicable.

24 (5) Be designed and implemented consistently with
25 criteria established by the International Association for
26 K-12 Online Learning (INACOL) National Standards for

1 Quality Online Teaching and INACOL National Standards for
2 Quality Online Courses, the Southern Regional Education
3 Board, or AdvancED or with other nationally or
4 industry-recognized third party quality standards.

5 (6) Be taught by a teacher who holds a professional
6 educator license under Article 21B of the School Code.

7 A course provider other than the Illinois Virtual School
8 may offer an online course only if the Illinois Virtual School
9 decides to not offer the course via the State Course Access
10 Catalog.

11 Section 30. Provider and course monitoring and
12 reauthorization. The initial authorization of the course
13 provider and approved courses shall be for a period of 3 years.
14 Providers must annually report, in such a manner as directed by
15 the State Board:

16 (1) student enrollment data;

17 (2) student outcomes, growth measures when available,
18 proficiency rates, and completion rates for each subject
19 area and grade level; and

20 (3) student and parental feedback on overall
21 satisfaction and quality.

22 After the second year of the initial authorization period,
23 the State Board shall conduct a thorough review of the course
24 provider's activities and the academic performance of the
25 students enrolled in courses offered by the course provider.

1 If the performance of the students enrolled in courses
2 offered by the course provider does not meet agreed-upon
3 performance standards at any time, the course provider shall be
4 placed on probation and shall be required to submit a plan for
5 improvement. The State Board shall determine the terms of
6 probation, including, but not limited to, the results the
7 course provider must achieve to return to good standing. Course
8 providers shall have a minimum of 60 days to achieve the
9 results indicated in their terms of probation. The State Board
10 shall, at its sole discretion, determine if the course provider
11 has met the specified results required for the course provider
12 to return to good standing. If a course provider fails to
13 return to good standing within the timeframe cited in its terms
14 of probation, the State Board may terminate its status as a
15 course provider. Course providers terminated as a result of
16 being put on probation may not reapply to become a course
17 provider for 2 years from the time the State Board revoked its
18 status.

19 After the initial 3-year authorization period, the State
20 Board may reauthorize the course provider for additional
21 periods of up to 5 years after thorough review of the course
22 provider's activities and the achievement of students enrolled
23 in courses offered by the course provider.

24 The State Board may exclude a course provided by an
25 authorized provider at any time if the State Board determines
26 that:

1 (A) the course is no longer adequately aligned with the
2 State academic standards;

3 (B) the course no longer provides a detailed and
4 quality curriculum and accountability plan; or

5 (C) the course fails to deliver outcomes as measured by
6 course completion, proficiency, or student academic growth
7 on State or nationally accepted assessments.

8 Section 35. Interstate course reciprocity. The State Board
9 may enter into a reciprocity agreement with other states for
10 the purpose of authorizing and approving high quality providers
11 and courses for the State Course Access Program and the
12 operation of the State Course Access Catalog.

13 Section 40. Responsibilities of the State Board.

14 (a) The State Board shall:

15 (1) Publish the criteria required under Section 20 of
16 this Act for courses that may be offered through the State
17 Course Access Program.

18 (2) Be responsible for creating the State Course Access
19 Catalog.

20 (3) Publish a link to the Catalog in a prominent
21 location on the State Board's website, which includes a
22 listing of courses offered by authorized providers
23 available through the Program, a detailed description of
24 the courses, and any available student completion and

1 outcome data.

2 (4) Establish and publish a timeframe or specific dates
3 by which students are able to withdraw from a course
4 provided through the Program without the student, public
5 and charter schools, or course provider incurring a
6 penalty.

7 (5) Maintain on its official website in a prominent
8 location an informed choice report. Each report under this
9 Section must:

10 (A) be updated within 30 calendar days of
11 additional provider authorizations;

12 (B) describe each course offered through the
13 Program and include information such as course
14 requirements and the school year calendar for the
15 course, including any options for continued
16 participation outside of the standard school year
17 calendar;

18 (C) include student and parental comments and
19 feedback as detailed under Section 35 of this Act; and

20 (D) be published online in an open format that can
21 be retrieved, downloaded, indexed, and searched by
22 commonly used web search applications. An open format
23 is one that is platform-independent, machine-readable,
24 and made available to the public without restrictions
25 that would impede the reuse of that information.

26 (b) The State Board shall submit an annual report on the

1 Program and the participation of entities to the Governor, the
2 Chairperson and Minority Spokesperson of the Education
3 Committee of the Senate, and the Chairperson and Minority
4 Spokesperson of the Elementary and Secondary Education
5 Committee of the House of Representatives. The report shall at
6 a minimum include the following information:

7 (1) The annual number of students participating in
8 courses authorized under this Act and the total number of
9 courses students are enrolled in.

10 (2) The number of authorized providers.

11 (3) The number of authorized courses and the number of
12 students enrolled in each course.

13 (4) The number of courses available by subject.

14 (5) The number of students enrolled in courses by
15 subject.

16 (6) Student outcome data, including completion rates,
17 student learning gains, student performance on State or
18 nationally accepted assessments, by subject and grade
19 level by provider. This outcome data should be published in
20 a manner that protects student privacy.

21 The State Board shall note any data that are not yet
22 available at the time of publication and when these data will
23 become available and include these data in future reports.

24 The report and underlying data shall be published online in
25 an open format that can be retrieved, downloaded, indexed, and
26 searched by commonly used web search applications. An open

1 format is one that is platform-independent, machine-readable,
2 and made available to the public without restrictions that
3 would impede the reuse of that information.

4 Section 45. Responsibilities of the local school district.

5 (a) A public school shall:

6 (1) State, in writing to the State Board, whether it
7 wants to participate in the State Course Access Program
8 during the 2016-2017 school year.

9 (2) Provide information by letter or email to students
10 and parents at home and by at least 2 other means, such as
11 community flyers, newspaper postings, student report
12 cards, or other methods.

13 (3) Publish information and eligibility guidelines on
14 the school and school district's web sites.

15 (b) Each local school system shall establish policies and
16 procedures whereby, for each eligible participating student,
17 credits earned through the course provider shall appear on each
18 student's official transcript and count fully toward the
19 requirements of any approved Illinois diploma.

20 (c) The State Board shall adopt rules necessary to
21 implement this Section, including, but not limited to, the
22 requirements of school governing authorities or local school
23 systems whose students enroll in courses offered by authorized
24 course providers.

25 (d) Nothing in this Act shall be construed to prevent a

1 school entity from establishing its own online course or
2 program in accordance with this Act.

3 Section 50. Funding.

4 (a) Per-course tuition shall be determined as follows:

5 (1) The course provider shall receive per-course
6 tuition for each eligible funded student at a fair and
7 reasonable rate negotiated by the State Board and the
8 course provider that is inclusive of all required course
9 materials and transportation expenses. Course providers
10 are only responsible for providing transportation for
11 students who are enrolled in a free or reduced-price lunch
12 program. Transfers of course payments shall be made by the
13 State Board on behalf of the responsible school district in
14 which the student resides to the authorized course
15 provider.

16 (2) The course provider shall receive payment from the
17 State Board only for the courses in which an eligible
18 funded student is enrolled. The remaining funds for each
19 student shall remain with the local school system in which
20 the student is enrolled full time.

21 (3) The course provider shall accept the amount
22 specified in this Section as total tuition and fees for the
23 eligible funded student.

24 (4) The course provider may charge tuition to any other
25 eligible participating student up to an amount determined

1 by the course provider and State Board.

2 (b) Payment of tuition to course providers shall be based
3 upon student success and made as follows:

4 (1) Fifty percent of the amount of tuition to be paid
5 or transferred to the course provider shall be transferred
6 upon student enrollment in a course, and 50% shall be
7 dependent upon student success in the course.

8 (2) Student success may, in the 2016-2017 school year,
9 be measured based on course completion, but the State Board
10 may create new measures of student success by the 2017-2018
11 school year for use in courses where externally validated
12 measures are available. These measures of student
13 outcomes, based on either proficiency or growth, shall
14 include results from independent end-of-course exams,
15 Advanced Placement exams, International Baccalaureate
16 exams, receipt of industry-recognized credentials, receipt
17 of credit from institutions of higher education, or other
18 externally validated measures.

19 (3) Partial payments for delayed completions shall be
20 determined as follows: If a student does not successfully
21 complete a course according to the published course length
22 in which the course provider has received the first payment
23 pursuant to this Section, the provider shall receive 75% of
24 the tuition that is dependent upon student success, as
25 defined in Section 30 of this Act, only if the student
26 completes and receives credit for the course within one

1 additional semester.

2 Section 900. The School Code is amended by changing Section
3 27A-5 as follows:

4 (105 ILCS 5/27A-5)

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

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

11 (b) A charter school may be established under this Article
12 by creating a new school or by converting an existing public
13 school or attendance center to charter school status. Beginning
14 on the effective date of this amendatory Act of the 93rd
15 General Assembly, in all new applications to establish a
16 charter school in a city having a population exceeding 500,000,
17 operation of the charter school shall be limited to one campus.
18 The changes made to this Section by this amendatory Act of the
19 93rd General Assembly do not apply to charter schools existing
20 or approved on or before the effective date of this amendatory
21 Act.

22 (b-5) In this subsection (b-5), "virtual-schooling" means
23 a cyber school where students engage in online curriculum and
24 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 On or before March 1, 2014, the Commission shall submit to
13 the General Assembly a report on the effect of
14 virtual-schooling, including without limitation the effect on
15 student performance, the costs associated with
16 virtual-schooling, and issues with oversight. The report shall
17 include policy recommendations for virtual-schooling.

18 (c) A charter school shall be administered and governed by
19 its board of directors or other governing body in the manner
20 provided in its charter. The governing body of a charter school
21 shall be subject to the Freedom of Information Act and the Open
22 Meetings Act.

23 (d) A charter school shall comply with all applicable
24 health and safety requirements applicable to public schools
25 under the laws of the State of Illinois.

26 (e) Except as otherwise provided in the School Code, a

1 charter school shall not charge tuition; provided that a
2 charter school may charge reasonable fees for textbooks,
3 instructional materials, and student activities.

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

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

1 from, ~~except~~ the following:

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

7 (2) Sections 24-24 and 34-84A of this Code regarding
8 discipline of students;

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

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

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

15 (6) the Illinois School Student Records Act;

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

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

19 ~~and~~

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

22 (10) ~~(9)~~ Section 2-3.162 ~~2-3.160~~ of this ~~the~~ School
23 Code regarding student discipline reporting; and.

24 (11) The Course Access Act.

25 The change made by Public Act 96-104 to this subsection (g)
26 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 to
10 perform in order to carry out the terms of its charter.
11 However, a charter school that is established on or after the
12 effective date of this amendatory Act of the 93rd General
13 Assembly and that operates in a city having a population
14 exceeding 500,000 may not contract with a for-profit entity to
15 manage or operate the school during the period that commences
16 on the effective date of this amendatory Act of the 93rd
17 General Assembly and concludes at the end of the 2004-2005
18 school year. Except as provided in subsection (i) of this
19 Section, a school district may charge a charter school
20 reasonable rent for the use of the district's buildings,
21 grounds, and facilities. Any services for which a charter
22 school contracts with a school district shall be provided by
23 the district at cost. Any services for which a charter school
24 contracts with a local school board or with the governing body
25 of a State college or university or public community college
26 shall be provided by the public entity at cost.

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

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

12 (k) If the charter school is approved by the Commission,
13 then the Commission charter school is its own local education
14 agency.

15 (Source: P.A. 97-152, eff. 7-20-11; 97-154, eff. 1-1-12;
16 97-813, eff. 7-13-12; 98-16, eff. 5-24-13; 98-639, eff. 6-9-14;
17 98-669, eff. 6-26-14; 98-739, eff. 7-16-14; 98-783, eff.
18 1-1-15; 98-1059, eff. 8-26-14; 98-1102, eff. 8-26-14; revised
19 10-14-14.)

20 Section 999. Effective date. This Act takes effect January
21 1, 2016."