



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5168

Introduced 2/1/2010, by Rep. Linda Chapa LaVia

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.

LRB096 16790 MJR 32095 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 (e) The Illinois Virtual School may not issue credit or
4 diplomas except in the following situations:

5 (1) The student is home schooled.

6 (2) The student left school without earning a diploma
7 and his or her class had graduated.

8 (3) Upon the request of the school district in which
9 the student resides.

10 Section 25. Access and equity. The Illinois Virtual School
11 is established to increase the access and equity of diverse and
12 rigorous curricular offerings to all students in this State. As
13 such, the Illinois Virtual School shall establish policies and
14 practices that are explicitly intended to serve those students
15 not currently receiving access to such offerings.

16 Section 30. Board of Trustees. The Illinois Virtual School
17 shall be governed by a Board of Trustees, which shall consist
18 of the following members:

19 (1) Four representatives of kindergarten through grade
20 12 education, appointed by the State Superintendent of
21 Education.

22 (2) Three representatives of higher education, 2 of
23 whom are appointed by the Executive Director of the Board
24 of Higher Education and the other appointed by the

1 Executive Director of the Illinois Community College
2 Board.

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

5 (4) Two representatives of the public at large
6 appointed by the Governor.

7 (5) Four ex-officio nonvoting members, who shall be the
8 State Superintendent of Education or his or her designee,
9 the Executive Director of the Illinois Community College
10 Board or his or her designee, the Executive Director of the
11 Board of Higher Education or his or her designee, and the
12 President of the Illinois Mathematics and Science Academy
13 or his or her designee.

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

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

3 (1) Select a President, who shall be the chief
4 executive officer of the Illinois Virtual School and who
5 shall administer the rules and policies adopted by the
6 Board pursuant to this Section. The President shall also be
7 the chief administrative officer of the Board and shall be
8 responsible for all of the administrative functions,
9 duties, and needs of the Board. The President may not be a
10 member of the Board.

11 (2) Accept donations, bequests, or other forms of
12 financial assistance for educational purposes from any
13 public or private person or agency and comply with rules
14 and regulations governing grants from the federal
15 government or from any other person or agency that are not
16 in contravention of the Illinois Constitution or the laws
17 of the State of Illinois.

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

21 (4) Adopt, amend, or repeal rules and policies
22 necessary or proper for the conduct of the business of the
23 Board and for the efficient operation of the Illinois
24 Virtual School.

25 (5) Award certificates and issue diplomas for

1 successful completion of program of study requirements in
2 such cases where the Illinois Virtual School is authorized
3 to issue credit and diplomas.

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

7 (7) Enter into contracts and agreements that have been
8 recommended by the President, in accordance with
9 applicable law, and, to the extent that funds are
10 specifically appropriated, with other public agencies with
11 respect to cooperative enterprises and undertakings
12 related to or associated with an educational purpose or
13 program affecting education in the Illinois Virtual
14 School. This shall not preclude the Board from entering
15 into other contracts and agreements that it may deem
16 necessary to carry out its duties and functions.

17 The Board shall delegate to the President such of its
18 administrative powers and duties as it deems appropriate to aid
19 the President in the efficient administration of his or her
20 responsibility for the implementation of the policies of the
21 Board.

22 The Illinois Virtual School shall be empowered to lease or
23 purchase real and personal property on commercially reasonable
24 terms for the use of the Illinois Virtual School. Any leases or
25 purchases of real or personal property and any disposition
26 thereof by the Illinois Virtual School must be in compliance

1 with the provisions of the Civil Administrative Code of
2 Illinois and the State Property Control Act. Personal property
3 acquired for the use of the Illinois Virtual School shall be
4 inventoried and disposed of in accordance with the State
5 Property Control Act.

6 The Illinois Virtual School, its Board of Trustees, and its
7 employees shall be represented and indemnified in certain civil
8 lawsuits in accordance with the State Employee Indemnification
9 Act.

10 Section 40. Transition from existing State Board of
11 Education program. The following shall apply in order to
12 provide an orderly transition from the current statewide online
13 program operated by the State Board of Education established
14 through policy action on August 24, 2000 or its successor
15 programs:

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

21 (2) The State Board of Education's current statewide
22 online program shall continue to deliver courses through
23 the end of the 2010-2011 school year. The Illinois Virtual
24 School shall begin offering courses beginning with the
25 summer 2011 term.

1 (3) All intellectual property that was developed by the
2 State Board of Education or its contractors and
3 subcontractors for the operation of the State Board of
4 Education's statewide online program shall be transferred
5 to the Illinois Virtual School.

6 (4) At the request of the Illinois Virtual School, any
7 physical property owned by the State Board of Education or
8 its contractors that is being used for the operation of the
9 State Board of Education's statewide online program shall
10 be transferred to the Illinois Virtual School.

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

17 (6) The Illinois Virtual School shall receive an
18 appropriation for the fiscal year beginning July 1, 2010 to
19 conduct transition activities and begin offering courses
20 for the summer 2011 term.

21 (7) For the fiscal year beginning July 1, 2011, the
22 Illinois Virtual School shall submit its budget request to
23 the State Board of Education within 120 days after the
24 formation of the Illinois Virtual School Board of Trustees.

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.