



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0370

by Rep. Rita Mayfield

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-23.12	from Ch. 122, par. 10-23.12
105 ILCS 5/27A-5	
105 ILCS 5/34-18.6	from Ch. 122, par. 34-18.6

Amends the School Code. Requires each public school and charter school to post (1) the current toll-free telephone number of the Department of Children and Family Services' child abuse hotline; (2) instructions to call 9-1-1 for emergencies; and (3) directions for accessing the Department's website for more information on reporting abuse, neglect, and exploitation. Sets forth other requirements concerning the posting of this information.

LRB100 03918 NHT 13923 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 changing Sections
5 10-23.12, 27A-5, and 34-18.6 as follows:

6 (105 ILCS 5/10-23.12) (from Ch. 122, par. 10-23.12)

7 Sec. 10-23.12. Child abuse and neglect; detection,
8 reporting, and prevention.

9 (a) To provide staff development for local school site
10 personnel who work with pupils in grades kindergarten through
11 8~~7~~ in the detection, reporting, and prevention of child abuse
12 and neglect.

13 (b) Using a format and language that is clear, simple, and
14 understandable to students, each public school and charter
15 school shall post, in English and Spanish:

16 (1) the current toll-free telephone number of the
17 Department of Children and Family Services' child abuse
18 hotline;

19 (2) instructions to call 9-1-1 for emergencies; and

20 (3) directions for accessing the Department of
21 Children and Family Services' website for more information
22 on reporting abuse, neglect, and exploitation.

23 Public schools and charter schools shall post the

1 information specified in this subsection (b) at each school
2 campus in at least one high-traffic, highly and clearly
3 visible, public area that is readily accessible to and widely
4 used by students.

5 (Source: P.A. 84-1308.)

6 (105 ILCS 5/27A-5)

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

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

13 (b) A charter school may be established under this Article
14 by creating a new school or by converting an existing public
15 school or attendance center to charter school status. Beginning
16 on April 16, 2003 (the effective date of Public Act 93-3), in
17 all new applications to establish a charter school in a city
18 having a population exceeding 500,000, operation of the charter
19 school shall be limited to one campus. The changes made to this
20 Section by Public Act 93-3 do not apply to charter schools
21 existing or approved on or before April 16, 2003 (the effective
22 date of Public Act 93-3).

23 (b-5) In this subsection (b-5), "virtual-schooling" means
24 a cyber school where students engage in online curriculum and
25 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) For purposes of this subsection (d), "non-curricular
24 health and safety requirement" means any health and safety
25 requirement created by statute or rule to provide, maintain,
26 preserve, or safeguard safe or healthful conditions for

1 students and school personnel or to eliminate, reduce, or
2 prevent threats to the health and safety of students and school
3 personnel. "Non-curricular health and safety requirement" does
4 not include any course of study or specialized instructional
5 requirement for which the State Board has established goals and
6 learning standards or which is designed primarily to impart
7 knowledge and skills for students to master and apply as an
8 outcome of their education.

9 A charter school shall comply with all non-curricular
10 health and safety requirements applicable to public schools
11 under the laws of the State of Illinois. On or before September
12 1, 2015, the State Board shall promulgate and post on its
13 Internet website a list of non-curricular health and safety
14 requirements that a charter school must meet. The list shall be
15 updated annually no later than September 1. Any charter
16 contract between a charter school and its authorizer must
17 contain a provision that requires the charter school to follow
18 the list of all non-curricular health and safety requirements
19 promulgated by the State Board and any non-curricular health
20 and safety requirements added by the State Board to such list
21 during the term of the charter. Nothing in this subsection (d)
22 precludes an authorizer from including non-curricular health
23 and safety requirements in a charter school contract that are
24 not contained in the list promulgated by the State Board,
25 including non-curricular health and safety requirements of the
26 authorizing local school board.

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

5 (f) A charter school shall be responsible for the
6 management and operation of its fiscal affairs including, but
7 not limited to, the preparation of its budget. An audit of each
8 charter school's finances shall be conducted annually by an
9 outside, independent contractor retained by the charter
10 school. To ensure financial accountability for the use of
11 public funds, on or before December 1 of every year of
12 operation, each charter school shall submit to its authorizer
13 and the State Board a copy of its audit and a copy of the Form
14 990 the charter school filed that year with the federal
15 Internal Revenue Service. In addition, if deemed necessary for
16 proper financial oversight of the charter school, an authorizer
17 may 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, all
21 federal and State laws and rules applicable to public schools
22 that pertain to special education and the instruction of
23 English learners, and its charter. A charter school is exempt
24 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 regarding
2 criminal history records checks and checks of the Statewide
3 Sex Offender Database and Statewide Murderer and Violent
4 Offender Against Youth Database of applicants for
5 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 report
18 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; and

24 (11) Section 22-80 of this Code.

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

26 (i) In no event shall a charter school that is established

1 by converting an existing school or attendance center to
2 charter school status be required to pay rent for space that is
3 deemed available, as negotiated and provided in the charter
4 agreement, in school district facilities. However, all other
5 costs for the operation and maintenance of school district
6 facilities that are used by the charter school shall be subject
7 to negotiation between the charter school and the local school
8 board and shall be set forth in the charter.

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

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

14 (Source: P.A. 98-16, eff. 5-24-13; 98-639, eff. 6-9-14; 98-669,
15 eff. 6-26-14; 98-739, eff. 7-16-14; 98-783, eff. 1-1-15;
16 98-1059, eff. 8-26-14; 98-1102, eff. 8-26-14; 99-30, eff.
17 7-10-15; 99-78, eff. 7-20-15; 99-245, eff. 8-3-15; 99-325, eff.
18 8-10-15; 99-456, eff. 9-15-16; 99-642, eff. 7-28-16.)

19 (105 ILCS 5/34-18.6) (from Ch. 122, par. 34-18.6)

20 Sec. 34-18.6. Child abuse and neglect; ~~;~~-detection,
21 reporting, and prevention.

22 (a) The Board of Education may provide staff development
23 for local school site personnel who work with pupils in grades
24 kindergarten through 8~~7~~ in the detection, reporting, and
25 prevention of child abuse and neglect.

1 (b) Using a format and language that is clear, simple, and
2 understandable to students, each public school and charter
3 school shall post, in English and Spanish:

4 (1) the current toll-free telephone number of the
5 Department of Children and Family Services' child abuse
6 hotline;

7 (2) instructions to call 9-1-1 for emergencies; and

8 (3) directions for accessing the Department of
9 Children and Family Services' website for more information
10 on reporting abuse, neglect, and exploitation.

11 Public schools and charter schools shall post the
12 information specified in this subsection (b) at each school
13 campus in at least one high-traffic, highly and clearly
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15 used by students.

16 (Source: P.A. 84-1308.)