1 AN ACT concerning education.

## Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The School Code is amended by adding Sections
10-20.60 and 34-18.53 and by changing Section 27A-5 as follows:

6 (105 ILCS 5/10-20.60 new) 7 Sec. 10-20.60. Breastfeeding accommodations for pupils. Each public school shall provide reasonable 8 (a) 9 accommodations to a lactating pupil on a school campus to express breast milk, breastfeed an infant child, or address 10 other needs related to breastfeeding. Reasonable 11 12 accommodations under this Section include, but are not limited to, all of the following: 13 14 (1) Access to a private and secure room, other than a restroom, to express breast milk or breastfeed an infant 15 16 child. (2) Permission to bring onto a school campus a breast 17 pump and any other equipment used to express breast milk. 18 19 (3) Access to a power source for a breast pump or any 20 other equipment used to express breast milk. 21 (4) Access to a place to store expressed breast milk 22 safely. (b) A lactating pupil on a school campus must be provided a 23

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1 reasonable amount of time to accommodate her need to express
2 breast milk or breastfeed an infant child.

3 (c) A public school shall provide the reasonable 4 accommodations specified in subsections (a) and (b) of this 5 Section only if there is at least one lactating pupil on the 6 school campus.

7 (d) A public school may use an existing facility to meet
8 the requirements specified in subsection (a) of this Section.
9 (e) A pupil may not incur an academic penalty as a result
10 of her use, during the school day, of the reasonable
11 accommodations specified in this Section and must be provided

12 the opportunity to make up any work missed due to such use.

13 (f) In instances where a student files a complaint of 14 noncompliance with the requirements of this Section, the public 15 school shall implement the grievance procedure of 23 Ill. Adm. 16 Code 200, including appeals procedures.

17 (105 ILCS 5/27A-5)

18 (Text of Section before amendment by P.A. 99-927)

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

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

25 (b) A charter school may be established under this Article

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by creating a new school or by converting an existing public 1 2 school or attendance center to charter school status. Beginning 3 on April 16, 2003 (the effective date of Public Act 93-3), in all new applications to establish a charter school in a city 4 5 having a population exceeding 500,000, operation of the charter 6 school shall be limited to one campus. The changes made to this Section by Public Act 93-3 do not apply to charter schools 7 8 existing or approved on or before April 16, 2003 (the effective 9 date of Public Act 93-3).

10 (b-5) In this subsection (b-5), "virtual-schooling" means 11 a cyber school where students engage in online curriculum and 12 instruction via the Internet and electronic communication with 13 their teachers at remote locations and with students 14 participating at different times.

From April 1, 2013 through December 31, 2016, there is a 15 moratorium on the establishment of charter schools with 16 17 virtual-schooling components in school districts other than a school district organized under Article 34 of this Code. This 18 19 moratorium does not apply to а charter school with 20 virtual-schooling components existing or approved prior to April 1, 2013 or to the renewal of the charter of a charter 21 22 school with virtual-schooling components already approved 23 prior to April 1, 2013.

On or before March 1, 2014, the Commission shall submit to the General Assembly a report on the effect of virtual-schooling, including without limitation the effect on HB2369 Enrolled - 4 - LRB100 08191 NHT 18287 b

student performance, the costs associated with
 virtual-schooling, and issues with oversight. The report shall
 include policy recommendations for virtual-schooling.

4 (c) A charter school shall be administered and governed by
5 its board of directors or other governing body in the manner
6 provided in its charter. The governing body of a charter school
7 shall be subject to the Freedom of Information Act and the Open
8 Meetings Act.

9 (d) For purposes of this subsection (d), "non-curricular 10 health and safety requirement" means any health and safety 11 requirement created by statute or rule to provide, maintain, 12 preserve, or safeguard safe or healthful conditions for 13 students and school personnel or to eliminate, reduce, or 14 prevent threats to the health and safety of students and school 15 personnel. "Non-curricular health and safety requirement" does 16 not include any course of study or specialized instructional 17 requirement for which the State Board has established goals and learning standards or which is designed primarily to impart 18 knowledge and skills for students to master and apply as an 19 20 outcome of their education.

A charter school shall comply with all non-curricular health and safety requirements applicable to public schools under the laws of the State of Illinois. On or before September 1, 2015, the State Board shall promulgate and post on its Internet website a list of non-curricular health and safety requirements that a charter school must meet. The list shall be HB2369 Enrolled - 5 - LRB100 08191 NHT 18287 b

updated annually no later than September 1. Any charter 1 2 contract between a charter school and its authorizer must 3 contain a provision that requires the charter school to follow the list of all non-curricular health and safety requirements 4 promulgated by the State Board and any non-curricular health 5 and safety requirements added by the State Board to such list 6 during the term of the charter. Nothing in this subsection (d) 7 precludes an authorizer from including non-curricular health 8 9 and safety requirements in a charter school contract that are 10 not contained in the list promulgated by the State Board, 11 including non-curricular health and safety requirements of the 12 authorizing local school board.

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

17 A charter school shall be responsible for (f) the management and operation of its fiscal affairs including, but 18 19 not limited to, the preparation of its budget. An audit of each 20 charter school's finances shall be conducted annually by an outside, independent contractor retained by the charter 21 22 school. To ensure financial accountability for the use of 23 public funds, on or before December 1 of every year of 24 operation, each charter school shall submit to its authorizer 25 and the State Board a copy of its audit and a copy of the Form 990 the charter school filed that year with the federal 26

Internal Revenue Service. In addition, if deemed necessary for proper financial oversight of the charter school, an authorizer may require quarterly financial statements from each charter school.

5 (q) A charter school shall comply with all provisions of 6 this Article, the Illinois Educational Labor Relations Act, all federal and State laws and rules applicable to public schools 7 8 that pertain to special education and the instruction of 9 English learners, and its charter. A charter school is exempt 10 from all other State laws and regulations in this Code 11 governing public schools and local school board policies; 12 however, a charter school is not exempt from the following:

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

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

20 (3) the Local Governmental and Governmental Employees
 21 Tort Immunity Act;

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

(5) the Abused and Neglected Child Reporting Act;
(6) the Illinois School Student Records Act;

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- (7) Section 10-17a of this Code regarding school report
   cards;
  - (8) the P-20 Longitudinal Education Data System Act;
- 4 (9) Section 27-23.7 of this Code regarding bullying
  5 prevention;
- 6 (10) Section 2-3.162 of this Code regarding student
  7 discipline reporting; and
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(11) Section 22-80 of this Code<u>; and</u>.

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

10 The change made by Public Act 96-104 to this subsection (g) 11 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 university or public community college, or any other public or 14 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 for use as a charter school site, (ii) the operation and 18 maintenance thereof, and (iii) the provision of any service, 19 20 activity, or undertaking that the charter school is required to perform in order to carry out the terms of its charter. 21 22 However, a charter school that is established on or after April 23 16, 2003 (the effective date of Public Act 93-3) and that operates in a city having a population exceeding 500,000 may 24 25 not contract with a for-profit entity to manage or operate the 26 school during the period that commences on April 16, 2003 (the

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effective date of Public Act 93-3) and concludes at the end of 1 2 the 2004-2005 school year. Except as provided in subsection (i) of this Section, a school district may charge a charter school 3 reasonable rent for the use of the district's buildings, 4 5 grounds, and facilities. Any services for which a charter 6 school contracts with a school district shall be provided by 7 the district at cost. Any services for which a charter school 8 contracts with a local school board or with the governing body 9 of a State college or university or public community college 10 shall be provided by the public entity at cost.

11 (i) In no event shall a charter school that is established 12 by converting an existing school or attendance center to 13 charter school status be required to pay rent for space that is deemed available, as negotiated and provided in the charter 14 15 agreement, in school district facilities. However, all other 16 costs for the operation and maintenance of school district 17 facilities that are used by the charter school shall be subject to negotiation between the charter school and the local school 18 board and shall be set forth in the charter. 19

20 (j) A charter school may limit student enrollment by age or 21 grade level.

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

25 (Source: P.A. 98-16, eff. 5-24-13; 98-639, eff. 6-9-14; 98-669,
26 eff. 6-26-14; 98-739, eff. 7-16-14; 98-783, eff. 1-1-15;

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98-1059, eff. 8-26-14; 98-1102, eff. 8-26-14; 99-30, eff.
 7-10-15; 99-78, eff. 7-20-15; 99-245, eff. 8-3-15; 99-325, eff.
 8-10-15; 99-456, eff. 9-15-16; 99-642, eff. 7-28-16.)

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(Text of Section after amendment by P.A. 99-927)

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 April 16, 2003 (the effective date of Public Act 93-3), in 15 all new applications to establish a charter school in a city 16 having a population exceeding 500,000, operation of the charter school shall be limited to one campus. The changes made to this 17 Section by Public Act 93-3 do not apply to charter schools 18 existing or approved on or before April 16, 2003 (the effective 19 date of Public Act 93-3). 20

(b-5) In this subsection (b-5), "virtual-schooling" means a cyber school where students engage in online curriculum and instruction via the Internet and electronic communication with their teachers at remote locations and with students participating at different times. HB2369 Enrolled - 10 - LRB100 08191 NHT 18287 b

From April 1, 2013 through December 31, 2016, there is a 1 2 moratorium on the establishment of charter schools with virtual-schooling components in school districts other than a 3 school district organized under Article 34 of this Code. This 4 5 moratorium does not apply to a charter school with 6 virtual-schooling components existing or approved prior to April 1, 2013 or to the renewal of the charter of a charter 7 school with virtual-schooling components already approved 8 9 prior to April 1, 2013.

10 On or before March 1, 2014, the Commission shall submit to 11 the General Assembly а report on the effect of 12 virtual-schooling, including without limitation the effect on 13 performance, student the costs associated with 14 virtual-schooling, and issues with oversight. The report shall 15 include policy recommendations for virtual-schooling.

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

(d) For purposes of this subsection (d), "non-curricular health and safety requirement" means any health and safety requirement created by statute or rule to provide, maintain, preserve, or safeguard safe or healthful conditions for students and school personnel or to eliminate, reduce, or prevent threats to the health and safety of students and school HB2369 Enrolled - 11 - LRB100 08191 NHT 18287 b

personnel. "Non-curricular health and safety requirement" does not include any course of study or specialized instructional requirement for which the State Board has established goals and learning standards or which is designed primarily to impart knowledge and skills for students to master and apply as an outcome of their education.

7 A charter school shall comply with all non-curricular 8 health and safety requirements applicable to public schools 9 under the laws of the State of Illinois. On or before September 10 1, 2015, the State Board shall promulgate and post on its 11 Internet website a list of non-curricular health and safety 12 requirements that a charter school must meet. The list shall be 13 updated annually no later than September 1. Any charter contract between a charter school and its authorizer must 14 15 contain a provision that requires the charter school to follow 16 the list of all non-curricular health and safety requirements 17 promulgated by the State Board and any non-curricular health and safety requirements added by the State Board to such list 18 19 during the term of the charter. Nothing in this subsection (d) 20 precludes an authorizer from including non-curricular health and safety requirements in a charter school contract that are 21 22 not contained in the list promulgated by the State Board, 23 including non-curricular health and safety requirements of the authorizing local school board. 24

(e) Except as otherwise provided in the School Code, a
charter school shall not charge tuition; provided that a

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charter school may charge reasonable fees for textbooks,
 instructional materials, and student activities.

A charter school shall be responsible for 3 (f) the management and operation of its fiscal affairs including, but 4 5 not limited to, the preparation of its budget. An audit of each charter school's finances shall be conducted annually by an 6 7 outside, independent contractor retained by the charter 8 school. To ensure financial accountability for the use of 9 public funds, on or before December 1 of every year of 10 operation, each charter school shall submit to its authorizer 11 and the State Board a copy of its audit and a copy of the Form 12 990 the charter school filed that year with the federal 13 Internal Revenue Service. In addition, if deemed necessary for 14 proper financial oversight of the charter school, an authorizer 15 may require quarterly financial statements from each charter 16 school.

17 (q) A charter school shall comply with all provisions of this Article, the Illinois Educational Labor Relations Act, all 18 19 federal and State laws and rules applicable to public schools 20 that pertain to special education and the instruction of English learners, and its charter. A charter school is exempt 21 22 from all other State laws and regulations in this Code 23 governing public schools and local school board policies; 24 however, a charter school is not exempt from the following:

(1) Sections 10-21.9 and 34-18.5 of this Code regarding
 criminal history records checks and checks of the Statewide

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Sex Offender Database and Statewide Murderer and Violent 1 2 Against Youth Database of applicants Offender for 3 employment; (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, 4 and 5 34-84a of this Code regarding discipline of students; 6 (3) the Local Governmental and Governmental Employees 7 Tort Immunity Act; (4) Section 108.75 of the General Not For Profit 8 9 Corporation Act of 1986 regarding indemnification of 10 officers, directors, employees, and agents; 11 (5) the Abused and Neglected Child Reporting Act; 12 (6) the Illinois School Student Records Act; 13 (7) Section 10-17a of this Code regarding school report 14 cards: 15 (8) the P-20 Longitudinal Education Data System Act; 16 (9) Section 27-23.7 of this Code regarding bullying 17 prevention; (10) Section 2-3.162 of this Code regarding student 18 19 discipline reporting; and 20 (11) Sections 22-80 and 27-8.1 of this Code; and. (12) Sections 10-20.60 and 34-18.53 of this Code. 21 22 The change made by Public Act 96-104 to this subsection (g) 23 is declaratory of existing law. (h) A charter school may negotiate and contract with a 24 25 school district, the governing body of a State college or 26 university or public community college, or any other public or

for-profit or nonprofit private entity for: (i) the use of a 1 2 school building and grounds or any other real property or facilities that the charter school desires to use or convert 3 for use as a charter school site, (ii) the operation and 4 5 maintenance thereof, and (iii) the provision of any service, activity, or undertaking that the charter school is required to 6 7 perform in order to carry out the terms of its charter. 8 However, a charter school that is established on or after April 9 16, 2003 (the effective date of Public Act 93-3) and that 10 operates in a city having a population exceeding 500,000 may 11 not contract with a for-profit entity to manage or operate the 12 school during the period that commences on April 16, 2003 (the 13 effective date of Public Act 93-3) and concludes at the end of 14 the 2004-2005 school year. Except as provided in subsection (i) 15 of this Section, a school district may charge a charter school 16 reasonable rent for the use of the district's buildings, 17 grounds, and facilities. Any services for which a charter school contracts with a school district shall be provided by 18 the district at cost. Any services for which a charter school 19 20 contracts with a local school board or with the governing body of a State college or university or public community college 21 22 shall be provided by the public entity at cost.

(i) In no event shall a charter school that is established by converting an existing school or attendance center to charter school status be required to pay rent for space that is deemed available, as negotiated and provided in the charter HB2369 Enrolled - 15 - LRB100 08191 NHT 18287 b

agreement, in school district facilities. However, all other costs for the operation and maintenance of school district facilities that are used by the charter school shall be subject to negotiation between the charter school and the local school board and shall be set forth in the charter.

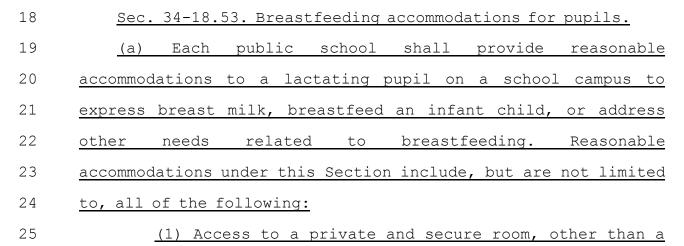
6 (j) A charter school may limit student enrollment by age or7 grade level.

8 (k) If the charter school is approved by the Commission, 9 then the Commission charter school is its own local education 10 agency.

11 (Source: P.A. 98-16, eff. 5-24-13; 98-639, eff. 6-9-14; 98-669, 12 eff. 6-26-14; 98-739, eff. 7-16-14; 98-783, eff. 1-1-15; 13 98-1059, eff. 8-26-14; 98-1102, eff. 8-26-14; 99-30, eff. 14 7-10-15; 99-78, eff. 7-20-15; 99-245, eff. 8-3-15; 99-325, eff. 15 8-10-15; 99-456, eff. 9-15-16; 99-642, eff. 7-28-16; 99-927, 16 eff. 6-1-17.)

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(105 ILCS 5/34-18.53 new)



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1	restroom, to express breast milk or breastfeed an infant
2	child.
3	(2) Permission to bring onto a school campus a breast
4	pump and any other equipment used to express breast milk.
5	(3) Access to a power source for a breast pump or any
6	other equipment used to express breast milk.
7	(4) Access to a place to store expressed breast milk
8	safely.
9	(b) A lactating pupil on a school campus must be provided a
10	reasonable amount of time to accommodate her need to express
11	breast milk or breastfeed an infant child.
12	(c) A public school shall provide the reasonable
13	accommodations specified in subsections (a) and (b) of this
14	Section only if there is at least one lactating pupil on the
15	school campus.
16	(d) A public school may use an existing facility to meet
17	the requirements specified in subsection (a) of this Section.
18	(e) A pupil may not incur an academic penalty as a result
19	of her use, during the school day, of the reasonable
20	accommodations specified in this Section and must be provided
21	the opportunity to make up any work missed due to such use.
22	(f) In instances where a student files a complaint of
23	noncompliance with the requirements of this Section, the public
24	school shall implement the grievance procedure of 23 Ill. Adm.
25	Code 200, including appeals procedures.

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Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.