



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB3139

by Rep. Linda Chapa LaVia

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/26-18 new  
105 ILCS 5/27A-5

Amends the School Code. Provides that beginning July 1, 2018, every school district, charter school, or alternative school or any school receiving public funds shall collect and review its chronic absence data and determine what systems of support and resources are needed to engage chronically absent students and their families to encourage the habit of daily attendance and promote success. Provides that school districts, charter schools, or alternative schools or any school receiving public funds shall provide a system of support to students who are at risk of reaching or exceeding chronic absence levels with strategies such as those available through the Illinois Multi-tiered Systems of Support Network. Requires schools to make resources available to support and engage students. Makes conforming changes.

LRB100 09668 MLM 19837 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 Section  
5 27A-5 and by adding Section 26-18 as follows:

6 (105 ILCS 5/26-18 new)

7 Sec. 26-18. Chronic absenteeism report and support.

8 (a) As used in this Section:

9 "Chronic absence" means absences that total 10% or more of  
10 school days of the most recent academic school year, including  
11 absences with and without valid cause, as defined in Section  
12 26-2a of this Code, and out-of-school suspensions for an  
13 enrolled student.

14 "Student" means any enrolled student that is subject to  
15 compulsory attendance under Section 26-1 of this Code but does  
16 not mean a student for whom a documented homebound or hospital  
17 record is on file during the student's absence from school.

18 (b) The General Assembly finds that:

19 (1) The early years are a critical period in children's  
20 learning and development. Every child should be counted  
21 present every day. Every day of school matters.

22 (2) Being absent too many days from school can make it  
23 difficult for students to stay on-track academically and

1 maintain the momentum to graduate from high school in order  
2 to be college-or career-ready.

3 (3) Every day of school attendance matters for all  
4 students and their families. It is crucial, therefore, that  
5 the implications of chronic absence be understood and  
6 reviewed regularly.

7 (c) Beginning July 1, 2018, every school district, charter  
8 school, or alternative school or any school receiving public  
9 funds shall collect and review its chronic absence data and  
10 determine what systems of support and resources are needed to  
11 engage chronically absent students and their families to  
12 encourage the habit of daily attendance and promote success.  
13 The review shall include an analysis of chronic absence data  
14 from each attendance center or campus of the school district,  
15 charter school, or alternative school or other school receiving  
16 public funds.

17 (d) School districts, charter schools, or alternative  
18 schools or any school receiving public funds shall provide a  
19 system of support to students who are at risk of reaching or  
20 exceeding chronic absence levels with strategies such as those  
21 available through the Illinois Multi-tiered Systems of Support  
22 Network. Schools shall additionally make resources available  
23 to families such as those available through the State Board of  
24 Education's Family Engagement Framework to support and engage  
25 students and their families to encourage heightened school  
26 engagement and improved daily school attendance.

1 (105 ILCS 5/27A-5)

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

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

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

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

19 (b-5) In this subsection (b-5), "virtual-schooling" means  
20 a cyber school where students engage in online curriculum and  
21 instruction via the Internet and electronic communication with  
22 their teachers at remote locations and with students  
23 participating at different times.

24 From April 1, 2013 through December 31, 2016, there is a  
25 moratorium on the establishment of charter schools with

1 virtual-schooling components in school districts other than a  
2 school district organized under Article 34 of this Code. This  
3 moratorium does not apply to a charter school with  
4 virtual-schooling components existing or approved prior to  
5 April 1, 2013 or to the renewal of the charter of a charter  
6 school with virtual-schooling components already approved  
7 prior to April 1, 2013.

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

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

19 (d) For purposes of this subsection (d), "non-curricular  
20 health and safety requirement" means any health and safety  
21 requirement created by statute or rule to provide, maintain,  
22 preserve, or safeguard safe or healthful conditions for  
23 students and school personnel or to eliminate, reduce, or  
24 prevent threats to the health and safety of students and school  
25 personnel. "Non-curricular health and safety requirement" does  
26 not include any course of study or specialized instructional

1 requirement for which the State Board has established goals and  
2 learning standards or which is designed primarily to impart  
3 knowledge and skills for students to master and apply as an  
4 outcome of their education.

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

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

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

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

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

1 employment;

2 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and  
3 34-84a of this Code regarding discipline of students;

4 (3) the Local Governmental and Governmental Employees  
5 Tort Immunity Act;

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

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

10 (6) the Illinois School Student Records Act;

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

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

14 (9) Section 27-23.7 of this Code regarding bullying  
15 prevention;

16 (10) Section 2-3.162 of this Code regarding student  
17 discipline reporting; ~~and~~

18 (11) Section 22-80 of this Code; and ~~—~~

19 (12) Section 26-18 of this Code.

20 The change made by Public Act 96-104 to this subsection (g)  
21 is declaratory of existing law.

22 (h) A charter school may negotiate and contract with a  
23 school district, the governing body of a State college or  
24 university or public community college, or any other public or  
25 for-profit or nonprofit private entity for: (i) the use of a  
26 school building and grounds or any other real property or



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

21 (i) In no event shall a charter school that is established  
22 by converting an existing school or attendance center to  
23 charter school status be required to pay rent for space that is  
24 deemed available, as negotiated and provided in the charter  
25 agreement, in school district facilities. However, all other  
26 costs for the operation and maintenance of school district

1 facilities that are used by the charter school shall be subject  
2 to negotiation between the charter school and the local school  
3 board and shall be set forth in the charter.

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

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

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

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14 for use as a charter school site, (ii) the operation and  
15 maintenance thereof, and (iii) the provision of any service,  
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22 eff. 6-26-14; 98-739, eff. 7-16-14; 98-783, eff. 1-1-15;  
23 98-1059, eff. 8-26-14; 98-1102, eff. 8-26-14; 99-30, eff.  
24 7-10-15; 99-78, eff. 7-20-15; 99-245, eff. 8-3-15; 99-325, eff.  
25 8-10-15; 99-456, eff. 9-15-16; 99-642, eff. 7-28-16; 99-927,  
26 eff. 6-1-17.)



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