101ST GENERAL ASSEMBLY
State of Illinois
2019 and 2020
SB1212


SYNOPSIS AS INTRODUCED:

New Act
110 ILCS 805/6-4.2

Creates the Course Equity Act. Defines terms. Requires the State Board of Education to establish a Course Equity Program in which any public or nonpublic school student in this State may enroll in a Course Equity Program course, provided that the student has completed all applicable prerequisite course requirements. Provides that the funding structure for Course Equity Program courses must maximize access to courses for low-income students and school districts by following a specified funding structure. Provides that the initial authorization of a Course Provider and courses shall be for a one-year period and the State Board may reauthorize a Course Provider for additional periods of up to 3 years. Provides that the initial authorization of a Course Provider requires the Board to establish a course review and approval process for Course Providers that may be implemented by the Board or an entity designated by the Board. Specifies qualifications for a course to be added to the Course Equity Catalog. Requires Course Providers to annually report to the Board; specifies report requirements. Provides for the Board's responsibilities and a school district's responsibilities. Allows for rulemaking by the Board. Amends the Public Community College Act to provide that, for purposes of enrollment in a dual credit course through the Course Equity Program, a student shall, for tuition purposes, be classified as a resident of a community college district if he or she meets the criteria to be deemed an Illinois resident under the Act. Effective immediately.
AN ACT concerning education.

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

Section 1. Short title. This Act may be cited as the Course Equity Act.

Section 5. Definitions. In this Act:

"Board" means the State Board of Education.

"Course Equity Catalog" means the website and online catalog developed by or for the Board that provides a listing of all courses authorized and available to students in this State, includes detailed information about these courses in order to inform these students' enrollment decisions, and provides the functionality for these students to submit their course enrollments.

"Course Equity Program" means the Program created by this Act.

"Course Provider" means an entity authorized by the Board to offer Course Equity Program courses.

"Eligible funded student" means a student who is currently enrolled in a public school in this State and is participating in the Course Equity Program either (1) with permission of his or her school district or (2) in a course that is not available to the student at his or her school district and is required
for high school graduation or required or recommended for
admission to a public university in this State.

Section 10. Course Equity Program.

(a) The Board shall establish and administer a Course
Equity Program under this Act that preserves any existing
contractual agreements and relationships between the Board and
virtual course providers that are active and outstanding
immediately before the effective date of this Act, while also
establishing guidelines to improve equitable access to course
offerings.

(b) The Board must require all Course Equity Program
courses to align with both:

(1) the Illinois Learning Standards, appropriate
industry standards, or, for subjects without State
academic standards, other relevant standards; and

(2) Board-adopted course quality standards, which may
be identical to those developed by a national or
international organization that supports high-quality
online learning or may modify existing standards to create
Illinois-specific online course quality standards.

(c) The funding structure for Course Equity Program courses
must maximize access to courses for low-income students and
school districts by adhering to both of the following:

(1) Regularly calculating the actual cost of providing
a course to a student and creating a graduated payment
structure around that amount. In calculating this cost, the Course Provider may not offset the actual cost by any State or school district funding. The Course Provider may establish different actual costs for different courses if there is an actual variance in the costs or may establish several tiers of costs into which each course is assigned.

(2) Subject to appropriation, charging each school district an amount per pupil per course enrollment equal to:

(A) the actual cost, for school districts whose Final Percent of Adequacy under Section 18-8.15 of the School Code is above 100%;

(B) the actual cost multiplied by the percentage of a school district's Final Percent of Adequacy, for school districts whose Final Percent of Adequacy under Section 18-8.15 of the School Code is between 90% and 100%; and

(C) the actual cost multiplied by the square of the percentage of a school district's Final Percentage of Adequacy, for school districts whose Final Percent of Adequacy under Section 18-8.15 is less than 90%.

If the amount of the appropriation is insufficient to cover the subsidies needed to carry out subparagraph (B) of this paragraph, the Board and the Course Provider must agree on a modified, equitable funding structure that remains consistent with the goal of maximizing course access for
low-income students and school districts.

For a public school student who enrolls in a Course Equity Program course independently or without the consent of his or her school and does not otherwise qualify as an eligible funded student, the Course Provider may establish a sliding payment scale that offers lower fees if the student is a low-income student. School districts must choose to either cover the costs of the fee or pass all or a portion of costs to students enrolled in Course Equity Program courses, provided that no school district may pass on the cost of the fee to a student who qualifies to receive free or reduced-price lunch under the federal Richard B. Russell National School Lunch Act. No student may be denied approval to take a Course Equity Program course solely because of his or her free or reduced-price lunch program eligibility.

(d) Any public or nonpublic school student in this State may enroll in a Course Equity Program course, provided the student has completed all applicable prerequisite course requirements; however, transcript recognition and payment by the school or school district is only required for eligible funded students. Students who are not eligible funded students must pay the course fees to the Course Provider.

(e) If a public school denies a student's request to enroll in a Course Equity Program course, the school must submit the reason for the denial to the school board, and the reason must be included in board materials at a public hearing.
(f) A school district must recognize on a student's transcript each completed Course Equity Program course granted approval to be taken by the student.

(g) Each Course Provider must provide a transcript to each student in the Program that includes his or her course enrollments, course completions, and the final percentage grade earned in each course; however, no Course Equity Program provider may grant a high school diploma.

(h) Course Equity Program teachers must hold a valid Professional Educator License under the School Code.

(i) A public community college may serve as a Course Equity Provider and offer dual credit for courses that otherwise meet the criteria for a dual credit course to any public or nonpublic school student in this State who has met any required prerequisites. Other Course Equity Program providers may enter into a partnership with a public community college to offer a dual credit course. The course must be made available to all public and nonpublic school students who have met any required prerequisites, unless the partnership agreement explicitly limits the program to students within the community college district.

Section 15. Course Provider authorization process. The Board must perform all of the following:

(1) Establish an authorization process for Course Providers that may include multiple opportunities for
submission each school year.

(2) No later than 90 calendar days from the initial submission date, authorize a Course Provider if it complies with the criteria and instructional rigor required under this Act.

(3) No later than 90 calendar days from the initial submission date, provide a written explanation to a Course Provider that is denied Course Provider authorization. If a Course Provider is denied authorization, the Provider may reapply to the Board in the future.

(4) Publish the process established under Section 30, including any deadlines and guidelines applicable to the submission and authorization process for Course Providers.

If the Board determines that there are insufficient funds available for evaluating and authorizing Course Providers and administering the Course Equity Program, it may charge applicant Course Providers a fee no greater than the amount of the costs to ensure that evaluation, authorization, course quality reviews, and administration of the Course Equity Program occurs.

Section 20. Course Provider authorization criteria. To be authorized as a Course Provider through the Course Equity Program, a Course Provider must do all of the following:

(1) Comply with all applicable anti-discrimination laws and applicable State and federal student data privacy

(2) Provide an assurance that all online information and resources for courses are fully accessible to students of all abilities and that:

(A) all of the courses submitted for approval are reviewed to ensure they meet legal accessibility standards;

(B) the Course Provider has policies to ensure its organizational and course websites meet accessibility requirements; and

(C) the Course Provider has no gateway exam or test in which a specific score is required to participate in Course Equity Program courses beyond completion of prerequisite coursework or demonstrated mastery of prerequisite material. Courses targeting gifted and talented students are exempt from this subparagraph.

(3) Demonstrate either:

(A) prior evidence of delivery of quality outcomes for students, as demonstrated by metrics determined by the Board, including, but not limited to, completion rates, student level growth, proficiency, or other quantifiable outcomes; or

(B) for an applicant applying to be a Course Provider and offering a course for the first time, a detailed justification, in a manner determined by the
Board, of how its subject matter, instructional, or technical expertise will lead to successful outcomes for students.

(4) Ensure that instructional courses align with the Illinois Learning Standards, appropriate industry standards, or other relevant standards in courses without State academic standards and course quality standards.

(5) Provide assurances that the Course Provider will electronically provide, in a manner and format determined by the Board, a detailed student record of enrollment, performance, completion, and grading information to the schools with participating students that are enrolled full-time.

Section 25. Course quality review and approval. The Board shall establish a course review and approval process for Course Providers. The process may be implemented by the Board or an entity designated by the Board. To be approved and added to the Course Equity Catalog, a course must have all of the following qualifications:

(1) Be, at a minimum, equivalent in instructional rigor and scope to a course that is provided in a traditional classroom setting.

(2) Align with the Illinois Learning Standards, appropriate industry standards, or other relevant standards for subjects without State academic standards.
(3) Possess an assessment component for determining student growth and proficiency.

(4) Be designed and implemented consistently with standards established by the Board.

Section 30. Course Provider and course monitoring and reauthorization.

(a) The initial authorization of a Course Provider and courses shall be for a one-year period. After the initial authorization period, the Board may reauthorize Course Providers for additional periods of up to 3 years after thorough review of the Course Provider's performance.

(b) Course Providers must annually report to the Board, in a manner determined by the Board, all of the following:

(1) Student enrollment data, including ethnic, income, and gender demographics.

(2) Student outcomes, including student growth and proficiency measures and completion rates for each course.

(3) Student and parental feedback on overall satisfaction and quality.

(c) If the performance of a Course Provider does not meet the standards determined by the Board, the Board must do one of the following:

(1) Terminate the entity's status as a Course Provider.

(2) Place the Course Provider on probation and require it to submit a plan for improvement. The Board shall
determine the terms of the probation. The Board shall, at its own discretion, determine if the Course Provider has met the results required to return to good standing. If a Course Provider fails to return to good standing within the timeframe cited in its terms of probation, the Board must terminate its status as a Course Provider.

(d) The Board may exclude a course provided by an authorized Course Provider if it determines any of the following:

(1) The course is no longer adequately aligned with State academic standards.
(2) The course no longer provides a detailed and quality curriculum and accountability plan.
(3) The course fails to deliver outcomes as determined by the Board.

Section 35. Board responsibilities. The Board is responsible for all of the following:

(1) Publishing the criteria required under Section 25 for the courses that may be offered through the Course Equity Program.
(2) Creating the Course Equity Catalog.
(3) Publishing a link to the Course Equity Catalog in a prominent location on the Board's website, which shall include a list of courses offered by Course Providers available through the Course Equity Program, a detailed
description of the courses, and any available parent and student survey and outcome data. The data in this catalog must be published online in an open format that can be retrieved, downloaded, indexed, and searched by commonly used web search applications. An open format is one that is platform independent, machine readable, and made available to the public without restrictions that would impede the re-use of that information.

(4) Establishing and publishing a time frame or specific dates by which students are able to withdraw from a course provided through the Course Equity Program without the student, school district, or Course Provider incurring a penalty.

(5) Submitting an annual report on the Course Equity Program to the Governor and the General Assembly. The report shall, at a minimum, include all of the following information:

(A) The annual number of students participating in courses authorized under this Act and the total number of courses in which students are enrolled.

(B) The number of authorized Course Providers.

(C) The number of authorized courses and the number of students enrolled in each course.

(D) The number of courses available by subject.

(E) The number of students enrolled in courses by subject.
(F) Student outcome data reported for all students and for subgroups of students, as determined by the Board, by course.

Section 40. School district responsibilities. A school district is responsible for all of the following:

1. Notifying students and parents of the availability of Course Equity Program courses in correspondence that is written in simple and accurate language.
2. Publishing Program information and eligibility guidelines on the school district's website.
3. Establishing policies and procedures in which, for each eligible funded student, credits earned through a Course Provider appear on the student's official transcript and count fully toward the requirements of any approved diploma.

Section 45. Rules. The Board may adopt any rules necessary to implement this Act.

Section 90. The Public Community College Act is amended by changing Section 6-4.2 as follows:

(110 ILCS 805/6-4.2)
Sec. 6-4.2. In-district tuition charge. Notwithstanding any other provision of law or administrative rule to the
contrary, for tuition purposes, a student shall be classified as a resident of a community college district after establishing the 30-day residency requirement of the district or, for purposes of enrollment in a dual credit course through the Course Equity Program, upon meeting the criteria to be deemed an Illinois resident under Section 6-4a.

(Source: P.A. 100-884, eff. 1-1-19.)

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