SYNOPSIS AS INTRODUCED:

Amends the Instructional Materials Article of the School Code. Provides that a school district (including a charter school) shall require that books that are included as a part of any course, material, instruction, reading assignment, or other school curricula related to literature during the school year or that appear on summer reading lists must include books that are written by diverse authors, including, but not limited to, authors who are African American, women, Native American, LatinX, and Asian. Provides that reading material may not perpetuate bias against persons based on specified categories. Provides that for any school district utilizing federal funds under Title I, Part A of the federal Elementary and Secondary Education Act of 1965, the selection of each book to be included in a reading assignment, course material and instruction, or other school curricula related to literature must first receive prior approval from the school board before the book may be included. Provides that the criteria for the approval or denial of a book shall be determined by school board policy, but the minimum requirement is that the book may not be approved by the school board if the book contains language or material that is derogatory or racist or incites hate against any persons. Provides for rulemaking and guidelines. Effective immediately.

LRB102 12526 CMG 17863 b

FISCAL NOTE ACT MAY APPLY
STATE MANDATES ACT MAY REQUIRE REIMBURSEMENT
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 changing Section 27A-5 and by adding Section 28-22 as follows:

(105 ILCS 5/27A-5)

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.

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

(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.

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

(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. No later than January 1, 2021 (one year after the effective date of Public Act 101-291) this amendatory Act of the 101st General Assembly, a charter school's board of directors or other governing body must include at least one parent or guardian of a pupil currently enrolled in the charter school who may be selected through the charter school or a charter network election, appointment by the charter school's board of directors or other governing body, or by the charter school's Parent Teacher Organization
or its equivalent.

(c-5) No later than January 1, 2021 (one year after the effective date of Public Act 101-291) this amendatory Act of the 101st General Assembly or within the first year of his or her first term, every voting member of a charter school's board of directors or other governing body shall complete a minimum of 4 hours of professional development leadership training to ensure that each member has sufficient familiarity with the board's or governing body's role and responsibilities, including financial oversight and accountability of the school, evaluating the principal's and school's performance, adherence to the Freedom of Information Act and the Open Meetings Act, and compliance with education and labor law. In each subsequent year of his or her term, a voting member of a charter school's board of directors or other governing body shall complete a minimum of 2 hours of professional development training in these same areas. The training under this subsection may be provided or certified by a statewide charter school membership association or may be provided or certified by other qualified providers approved by the State Board of Education.

(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 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.

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

(f) A charter school shall be responsible for the management and operation of its fiscal affairs including, but not limited to, the preparation of its budget. An audit of each charter school's finances shall be conducted annually by an outside, independent contractor retained by the charter school. To ensure financial accountability for the use of public funds, on or before December 1 of every year of operation, each charter school shall submit to its authorizer 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 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.

(g) A charter school shall comply with all provisions of this Article, the Illinois Educational Labor Relations Act, all federal and State laws and rules applicable to public schools that pertain to special education and the instruction of English learners, and its charter. A charter school is exempt from all other State laws and regulations in this Code governing public schools and local school board policies; 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;

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

(3) the Local Governmental and Governmental Employees 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;

(5.5) subsection (b) of Section 10-23.12 and subsection (b) of Section 34-18.6 of this Code;

(6) the Illinois School Student Records Act;

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

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

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

(10) Section 2-3.162 of this Code regarding student discipline reporting;

(11) Sections 22-80 and 27-8.1 of this Code;

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

(13) Sections 10-20.63 and 34-18.56 of this Code;

(14) Section 26-18 of this Code;
(15) Section 22-30 of this Code; and
(16) Sections 24-12 and 34-85 of this Code.

(17) The Seizure Smart School Act; and
(18) Section 28-22 of this Code.

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

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

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

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

(Source: P.A. 100-29, eff. 1-1-18; 100-156, eff. 1-1-18; 100-163, eff. 1-1-18; 100-413, eff. 1-1-18; 100-468, eff. 6-1-18; 100-726, eff. 1-1-19; 100-863, eff. 8-14-18; 101-50, eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff. 8-23-19; revised 8-4-20.)
Sec. 28-22. Literature selection requirements.

(a) This Section may be referred to as the Pierce Twins Law.

(b) To ensure that students in grades kindergarten through 12 receive exposure to diverse peoples, cultures, and backgrounds to better develop tolerance, understanding, appreciation, and acceptance of others, a school district shall require that books that are included as a part of any course, material, instruction, reading assignment, or other school curricula related to literature during the school year or that appear on summer reading lists must include books that are written by diverse authors, including, but not limited to, authors who are African American, women, Native American, LatinX, and Asian. Reading material may not perpetuate bias against persons based on, but not limited to, any of the following the categories:

(1) Ability.
(2) Race.
(3) Language.
(4) Beliefs.
(5) Gender.
(6) Culture.
(7) Family dynamics.
(8) Socioeconomic status.

(c) For any school district utilizing federal funds under
Title I, Part A of the federal Elementary and Secondary Education Act of 1965, the selection of each book to be included in a reading assignment, course material and instruction, or other school curricula related to literature must first receive prior approval from the school board before the book may be included. The criteria for the approval or denial of a book shall be determined by school board policy, but the minimum requirement is that the book may not be approved by the school board if the book contains language or material that is derogatory or racist or incites hate against any persons.

(d) The State Board of Education shall adopt any rules and guidelines necessary to implement this Section.

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