



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1679

Introduced 2/20/2015, by Sen. Kimberly A. Lightford

SYNOPSIS AS INTRODUCED:

New Act
105 ILCS 5/27A-5

Creates the Course Access Act. Provides that the State Course Access Catalog shall be developed for the State Board of Education and shall provide a listing of all courses authorized and available to students, detailed information about the courses, and the ability for students to submit their course enrollments. Specifies how an eligible participating student may enroll in State Course Access Program courses. Establishes an authorization process for course providers run by the State Board. Requires certain criteria for course providers. Provides that the Board shall establish a course review and approval process, implemented by itself or a designated entity. Allows for the initial authorization of the course provider and approved courses to be for a period of 3 years, with the providers reporting annually to the State Board. Permits the State Board to enter into a reciprocity agreement with other states for the purpose of authorizing and approving high quality providers and courses for the Program and the operation of the Catalog. Specifies the responsibilities of the State Board and the local school district. Provides per-course tuition and the payment of tuition to course providers based upon student success. Amends the Charter Schools Law of the School Code to make a corresponding change. Effective January 1, 2016.

LRB099 08002 SXM 28142 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 1. Short title. This Act may be cited as the Course
5 Access Act.

6 Section 5. Definitions. In this Act:

7 "Course provider" means an entity authorized by the State
8 Board to offer individual courses in person, online, or a
9 combination of the 2, including, but not limited to, online
10 education providers, public or private elementary and
11 secondary education institutions, education service agencies,
12 private for-profit or not-for-profit providers, postsecondary
13 education institutions, and vocational or technical course
14 providers.

15 "Eligible funded student" means any eligible participating
16 student who is currently enrolled in a public school or charter
17 school.

18 "Eligible participating student" means any student in
19 kindergarten through grade 12 who resides in this State.

20 "Public school" means a public school or charter school.

21 "State Board" means the State Board of Education.

22 "State Course Access Catalog" means the website developed
23 for the State Board of Education that provides a listing of all

1 courses authorized and available to students in this State,
2 detailed information about the courses to inform student
3 enrollment decisions, and the ability for students to submit
4 their course enrollments. The data in this Catalog shall be
5 published online in an open format that may be retrieved,
6 downloaded, indexed, and searched by commonly used web search
7 applications. An open format shall be platform-independent,
8 machine-readable, and made available to the public without
9 restrictions that may impede the reuse of that information. The
10 data in the Catalog shall be owned by the State Board.

11 "State Course Access Program" means the Program created
12 under this Act.

13 Section 10. Enrollment. An eligible participating student
14 may enroll in State Course Access Program courses.

15 An eligible funded student may enroll in State Course
16 Access Program courses only if the courses the eligible funded
17 student wants to enroll in are not offered at the eligible
18 funded student's school.

19 Eligible funded students, by exception, may seek
20 enrollment in State Course Access Program courses that
21 duplicate a course already offered at their public school if
22 they can demonstrate to the State Board that they effectively
23 have no access to the high-value course they seek to enroll in
24 because it would interfere with their ability to take another
25 high-value course or participate in a high-value activity.

1 An eligible funded student may enroll in State Course
2 Access Program courses that are funded by the Program up to the
3 following levels, unless additional courses are approved by the
4 school where they are enrolled:

5 (1) 2016-2017 school year: Students attending a public
6 school that choose to participate in the State Course
7 Access Program and entering the school year with credits
8 equal to the junior or senior level of high school may take
9 up to 2 courses per semester.

10 (2) 2017-2018 school year: Students entering the
11 school year with credits equal to the sophomore, junior, or
12 senior level of high school may take up to 2 courses per
13 semester.

14 (3) 2018-2019 school year: Students entering grades 9
15 through 12 may take up to 2 courses per semester.

16 (4) 2019-2020 school year: Students in grades 8 through
17 12 may take up to 2 courses per semester.

18 (5) 2021-2022 school year: Students in grades 7 through
19 12 may take up to 2 course per semester.

20 (6) 2022-2023 school year: Students in grades 6 through
21 12 may take up to 2 courses per semester.

22 The families of eligible funded students and other eligible
23 participating students may pay to enroll in State Course Access
24 Program courses above the levels specified under Section 50 of
25 this Act.

26 Public and charter schools where eligible funded students

1 are enrolled in full-time may review enrollment requests to
2 ensure courses are academically appropriate, logistically
3 feasible, keep the student on track for an on-time graduation,
4 and do not extend a student beyond a full-time course load. The
5 public and charter schools may only reject enrollment requests
6 for not doing so.

7 The public and charter schools must complete the review and
8 denial process within 5 days of the student enrolling in the
9 course.

10 Public and charter schools shall inform students and
11 families at the time of denial of their right to appeal any
12 enrollment denials in State Course Access Program courses to
13 the State Board, which shall provide a final enrollment
14 decision within 7 calendar days.

15 Section 15. Provider authorization process. The State
16 Board shall:

17 (1) Establish an authorization process for course
18 providers that may include multiple opportunities for
19 submission each year.

20 (2) Not later than 90 calendar days from the initial
21 submission date, authorize course providers that:

22 (A) meet the criteria established under Section 20
23 of this Act; and

24 (B) provide courses that offer the instructional
25 rigor and scope required under Section 25 of this Act.

1 (3) Not later than 90 calendar days from the initial
2 submission date, provide a written explanation to any
3 course providers that are denied. If a course provider is
4 denied authorization, the provider may apply again in the
5 future. If a course provider is denied authorization 3
6 times, the provider will no longer be able to apply.

7 (4) Publish the process established under Section 20 of
8 this Act, including any deadlines and any guidelines
9 applicable to the submission and authorization process for
10 providers.

11 If the State Board determines that there are insufficient
12 funds available for evaluating and authorizing course
13 providers, it may charge applicant providers a fee up to, but
14 no greater than, the amount of the costs in order to ensure
15 that evaluation occurs. The State Board shall establish and
16 publish a fee schedule for purposes of this Section.

17 Section 20. Course provider criteria. To be authorized to
18 offer a course through the State Course Access Program, a
19 provider must:

20 (1) Comply with all applicable anti-discrimination
21 provisions and applicable State and federal student data
22 privacy provisions, including, but not limited to, the
23 federal Family Educational Rights and Privacy Act.

24 (2) Provide an assurance that all online information
25 and resources for online or blended courses are fully

1 accessible for students of all abilities, including that:

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

5 (B) the provider has created and promulgated an
6 Accessibility Online Public and Charter Schools
7 Policy;

8 (C) the provider has designated a Section 504
9 Coordinator and a Grievance Policy, and issued annual
10 notifications;

11 (D) the provider has policies and activities to
12 ensure their organizational and course websites meet
13 accessibility requirements; and

14 (E) the provider has no gateway exam or test where
15 a specific score is required to participate in the
16 Program courses beyond completion of prerequisite
17 coursework or demonstrated mastery of prerequisite
18 material.

19 (3) Demonstrate either:

20 (A) prior evidence of delivering quality outcomes
21 for students, as demonstrated by completion rates,
22 student level growth, proficiency, or other
23 quantifiable outcomes; or

24 (B) for course providers applying to offer a
25 subject or grade level for the first time, provide a
26 detailed justification, in a manner determined by the

1 State Board, of how their organization's subject
2 matter, instructional, and technical expertise will
3 allow public and charter schools to produce successful
4 outcomes for students.

5 (4) Ensure instructional and curricular quality
6 through a detailed curriculum and student performance
7 accountability plan that aligns with and measures student
8 attainment of relevant State academic standards or other
9 relevant standards in courses without State academic
10 standards.

11 (5) Provide assurances that the course provider shall
12 provide electronically, in a manner and format determined
13 by the State Board, a detailed student record of
14 enrollment, performance, completion, and grading
15 information with the school systems where eligible
16 participating students are enrolled full time.

17 Additional criteria developed by the State Board shall be
18 used to evaluate providers, and may include International
19 Association for K-12 Online Learning, National Standards for
20 Quality Online Teaching, National Standards for Quality Online
21 Courses, Southern Regional Education Board, AdvancED, or other
22 nationally recognized third party quality standards.

23 Section 25. Course quality reviews. The State Board shall
24 establish a course review and approval process. The process may
25 be implemented by the State Board or by an entity designated by

1 the State Board.

2 In order to be approved and added to the State Course
3 Access Catalog, a course must:

4 (1) Be one of the following types:

5 (A) a course that satisfies high school graduation
6 requirements;

7 (B) a course identified by the State Board as
8 necessary for college-readiness;

9 (C) an Advanced Placement or International
10 Baccalaureate course;

11 (D) a Civics course;

12 (E) a test prep or study skills course that local
13 educators believe are essential to student success,
14 especially among over-age students or students with
15 disabilities;

16 (F) a STEM course;

17 (G) a foreign language course;

18 (H) a dual credit course that allows students to
19 earn college credit or other advanced credit; or

20 (I) a vocational or technical course, including
21 apprenticeships and High School Career Exploration and
22 Readiness courses.

23 (2) Be, at a minimum, the equivalent in instructional
24 rigor and scope to a course that is provided in a
25 traditional classroom setting.

26 (3) Be aligned to relevant State academic standards or

1 industry standards.

2 (4) Possess an assessment component for determining
3 student proficiency and student growth where applicable.

4 (5) Be designed and implemented consistently with
5 criteria established by the International Association for
6 K-12 Online Learning (INACOL) National Standards for
7 Quality Online Teaching and INACOL National Standards for
8 Quality Online Courses, the Southern Regional Education
9 Board, or AdvancED or with other nationally or
10 industry-recognized third party quality standards.

11 Section 30. Provider and course monitoring and
12 reauthorization. The initial authorization of the course
13 provider and approved courses shall be for a period of 3 years.
14 Providers must annually report, in such a manner as directed by
15 the State Board:

16 (1) student enrollment data;

17 (2) student outcomes, growth measures when available,
18 proficiency rates, and completion rates for each subject
19 area and grade level; and

20 (3) student and parental feedback on overall
21 satisfaction and quality.

22 After the second year of the initial authorization period,
23 the State Board shall conduct a thorough review of the course
24 provider's activities and the academic performance of the
25 students enrolled in courses offered by the course provider.

1 If the performance of the students enrolled in courses
2 offered by the course provider does not meet agreed upon
3 performance standards at any time, the course provider shall be
4 placed on probation and shall be required to submit a plan for
5 improvement. The State Board shall determine the terms of
6 probation, including, but not limited to, the results the
7 course provider must achieve to return to good standing. Course
8 providers shall have a minimum of 60 days to achieve the
9 results indicated in their terms of probation. The State Board
10 shall, at its sole discretion, determine if the course provider
11 has met the specified results required for the course provider
12 to return to good standing. If a course provider fails to
13 return to good standing within the timeframe cited in its terms
14 of probation, the State Board may terminate its status as a
15 course provider. Course providers terminated as a result of
16 being put on probation may not reapply to become a course
17 provider for 2 years from the time the State Board revoked its
18 status.

19 After the initial 3-year authorization period, the State
20 Board may reauthorize the course provider for additional
21 periods of up to 5 years after thorough review of the course
22 provider's activities and the achievement of students enrolled
23 in courses offered by the course provider.

24 The State Board may exclude a course provided by an
25 authorized provider at any time if the State Board determines
26 that:

1 (A) the course is no longer adequately aligned with the
2 State academic standards;

3 (B) the course no longer provides a detailed and
4 quality curriculum and accountability plan; or

5 (C) the course fails to deliver outcomes as measured by
6 course completion, proficiency, or student academic growth
7 on State or nationally accepted assessments.

8 Section 35. Interstate course reciprocity. The State Board
9 may enter into a reciprocity agreement with other states for
10 the purpose of authorizing and approving high quality providers
11 and courses for the State Course Access Program and the
12 operation of the State Course Access Catalog.

13 Section 40. Responsibilities of the State Board.

14 (a) The State Board shall:

15 (1) Publish the criteria required under Section 20 of
16 this Act for courses that may be offered through the State
17 Course Access Program.

18 (2) Be responsible for creating the State Course Access
19 Catalog.

20 (3) Publish a link to the Catalog in a prominent
21 location on the State Board's website, which includes a
22 listing of courses offered by authorized providers
23 available through the Program, a detailed description of
24 the courses, and any available student completion and

1 outcome data.

2 (4) Establish and publish a timeframe or specific dates
3 by which students are able to withdraw from a course
4 provided through the Program without the student, public
5 and charter schools, or course provider incurring a
6 penalty.

7 (5) Maintain on its official website in a prominent
8 location an informed choice report. Each report under this
9 Section must:

10 (A) be updated within 30 calendar days of
11 additional provider authorizations;

12 (B) describe each course offered through the
13 Program and include information such as course
14 requirements and the school year calendar for the
15 course, including any options for continued
16 participation outside of the standard school year
17 calendar;

18 (C) include student and parental comments and
19 feedback as detailed under Section 35 of this Act; and

20 (D) be published online in an open format that can
21 be retrieved, downloaded, indexed, and searched by
22 commonly used web search applications. An open format
23 is one that is platform-independent, machine-readable,
24 and made available to the public without restrictions
25 that would impede the reuse of that information.

26 (b) The State Board shall submit an annual report on the

1 Program and the participation of entities to the Governor, the
2 Chairperson and Minority Spokesperson of the Education
3 Committee of the Senate, and the Chairperson and Minority
4 Spokesperson of the Elementary and Secondary Education
5 Committee of the House of Representatives. The report shall at
6 a minimum include the following information:

7 (1) The annual number of students participating in
8 courses authorized under this Act and the total number of
9 courses students are enrolled in.

10 (2) The number of authorized providers.

11 (3) The number of authorized courses and the number of
12 students enrolled in each course.

13 (4) The number of courses available by subject.

14 (5) The number of students enrolled in courses by
15 subject.

16 (6) Student outcome data, including completion rates,
17 student learning gains, student performance on State or
18 nationally accepted assessments, by subject and grade
19 level by provider. This outcome data should be published in
20 a manner that protects student privacy.

21 The State Board shall note any data that are not yet
22 available at the time of publication and when these data will
23 become available and include these data in future reports.

24 The report and underlying data shall be published online in
25 an open format that can be retrieved, downloaded, indexed, and
26 searched by commonly used web search applications. An open

1 format is one that is platform-independent, machine-readable,
2 and made available to the public without restrictions that
3 would impede the reuse of that information.

4 Section 45. Responsibilities of the local school district.

5 (a) A public school shall:

6 (1) State, in writing to the State Board, whether it
7 wants to participate in the Course Access Program during
8 the 2016-2017 school year.

9 (2) Provide information by letter or email to students
10 and parents at home and by at least 2 other means, such as
11 community flyers, newspaper postings, student report
12 cards, or other methods.

13 (3) Publish information and eligibility guidelines on
14 the school and school district's web sites.

15 (b) Each local school system shall establish policies and
16 procedures whereby, for each eligible participating student,
17 the following shall apply:

18 (1) Credits earned through the course provider shall
19 appear on each student's official transcript and count
20 fully toward the requirements of any approved Illinois
21 diploma.

22 (2) The performance data of eligible funded students
23 who are enrolled in a State Course Access course shall be
24 counted in the school performance score for the school in
25 which the student is enrolled full time.

1 (c) The State Board shall adopt rules necessary to
2 implement this Section, including, but not limited to, the
3 requirements of school governing authorities or local school
4 systems whose students enroll in courses offered by authorized
5 course providers.

6 (d) Nothing in this Act shall be construed to prevent a
7 school entity from establishing its own online course or
8 program in accordance with this Act.

9 Section 50. Funding.

10 (a) Per-course tuition shall be determined as follows:

11 (1) The course provider shall receive per-course
12 tuition for each eligible funded student at a fair and
13 reasonable rate negotiated by the State Board and the
14 course provider that is inclusive of all required course
15 materials and transportation expenses. Transfers of course
16 payments shall be made by the State Board on behalf of the
17 responsible school district in which the student resides to
18 the authorized course provider.

19 (2) The course provider shall receive payment from the
20 State Board only for the courses in which an eligible
21 funded student is enrolled. The remaining funds for each
22 student shall remain with the local school system in which
23 the student is enrolled full-time.

24 (3) The course provider shall accept the amount
25 specified in this Section as total tuition and fees for the

1 eligible funded student.

2 (4) The course provider may charge tuition to any other
3 eligible participating student up to an amount determined
4 by the course provider and State Board.

5 (b) Payment of tuition to course providers shall be based
6 upon student success and made as follows:

7 (1) Fifty percent of the amount of tuition to be paid
8 or transferred to the course provider shall be transferred
9 upon student enrollment in a course, and 50% shall be
10 dependent upon student success in the course.

11 (2) Student success may, in the 2016-2017 school year,
12 be measured based on course completion, but the State Board
13 may create new measures of student success by the 2017-2018
14 school year for use in courses where externally validated
15 measures are available. These measures of student
16 outcomes, based on either proficiency or growth, shall
17 include results from independent end-of-course exams,
18 Advanced Placement exams, International Baccalaureate
19 exams, receipt of industry-recognized credentials, receipt
20 of credit from institutions of higher education, or other
21 externally validated measures.

22 (3) Partial payments for delayed completions shall be
23 determined as follows: If a student does not successfully
24 complete a course according to the published course length
25 in which the course provider has received the first payment
26 pursuant to this Section, the provider shall receive 75% of

1 the tuition that is dependent upon student success, as
2 defined in under Section 30 of this Act, only if the
3 student completes and receives credit for the course within
4 one additional semester.

5 Section 900. The School Code is amended by changing Section
6 27A-5 as follows:

7 (105 ILCS 5/27A-5)

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

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

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

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

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

15 On or before March 1, 2014, the Commission shall submit to
16 the General Assembly a report on the effect of
17 virtual-schooling, including without limitation the effect on
18 student performance, the costs associated with
19 virtual-schooling, and issues with oversight. The report shall
20 include policy recommendations for virtual-schooling.

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

26 (d) A charter school shall comply with all applicable

1 health and safety requirements applicable to public schools
2 under the laws of the State of Illinois.

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

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

21 (g) A charter school shall comply with all provisions of
22 this Article; the Illinois Educational Labor Relations Act; all
23 federal and State laws and rules applicable to public schools
24 that pertain to special education and the instruction of
25 English language learners, referred to in this Code as
26 "children of limited English-speaking ability"; and its

1 charter. A charter school is exempt from all other State laws
2 and regulations in this Code governing public schools and local
3 school board policies; however a charter school is not exempt
4 from, except the following:

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

10 (2) Sections 24-24 and 34-84A of this Code regarding
11 discipline of students;

12 (3) the Local Governmental and Governmental Employees
13 Tort Immunity Act;

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

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

18 (6) the Illinois School Student Records Act;

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

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

22 ~~and~~

23 (9) Section 27-23.7 of this Code regarding bullying
24 prevention;~~:-~~

25 (10) ~~(9)~~ Section 2-3.162 ~~2-3.160~~ of this ~~the School~~
26 Code regarding student discipline reporting; and~~:-~~

1 (11) The Course Access Act.

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

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

1 contracts with a local school board or with the governing body
2 of a State college or university or public community college
3 shall be provided by the public entity at cost.

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

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

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

18 (Source: P.A. 97-152, eff. 7-20-11; 97-154, eff. 1-1-12;
19 97-813, eff. 7-13-12; 98-16, eff. 5-24-13; 98-639, eff. 6-9-14;
20 98-669, eff. 6-26-14; 98-739, eff. 7-16-14; 98-783, eff.
21 1-1-15; 98-1059, eff. 8-26-14; 98-1102, eff. 8-26-14; revised
22 10-14-14.)

23 Section 999. Effective date. This Act takes effect January
24 1, 2016.