

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 not-for-profit providers, postsecondary education
13 institutions, and vocational or technical course providers.

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

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

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

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

21 "State Course Access Catalog" means the website developed
22 for the State Board of Education that provides a listing of all
23 courses authorized and available to students in this State,

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

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

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

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

18 An eligible funded student may enroll in State Course
19 Access Program courses that are funded by the Program up to the
20 following levels, unless additional courses are approved by the
21 school where they are enrolled:

22 (1) 2016-2017 school year: Students attending a public
23 school who choose to participate in the State Course Access
24 Program and entering the school year with credits equal to
25 the junior or senior level of high school may take up to 2

1 courses per semester.

2 (2) 2017-2018 school year: Students attending a public
3 school who choose to participate in the State Course Access
4 Program and entering the school year with credits equal to
5 the sophomore, junior, or senior level of high school may
6 take up to 2 courses per semester.

7 (3) 2018-2019 school year and all school years
8 thereafter: Students attending a public school who choose
9 to participate in the State Course Access Program and
10 entering grades 9 through 12 may take up to 2 courses per
11 semester.

12 The families of eligible funded students and other eligible
13 participating students may pay to enroll in State Course Access
14 Program courses above the levels specified under Section 50 of
15 this Act.

16 Public and charter schools where eligible funded students
17 are enrolled full time may review enrollment requests to ensure
18 courses are academically appropriate, logistically feasible,
19 keep the student on track for an on-time graduation, and do not
20 extend a student beyond a full-time course load. The public and
21 charter schools may only reject enrollment requests for not
22 doing so.

23 The public and charter schools must complete the review and
24 denial process within 5 days of the student enrolling in the
25 course.

26 Public and charter schools shall inform students and

1 families at the time of denial of their right to appeal any
2 enrollment denials in State Course Access Program courses to
3 the school board, which shall provide a final enrollment
4 decision within 7 calendar days.

5 Section 15. Provider authorization process. The State
6 Board shall:

7 (1) Establish an authorization process for course
8 providers that may include multiple opportunities for
9 submission each year.

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

12 (A) meet the criteria established under Section 20
13 of this Act; and

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

16 (3) Not later than 90 calendar days from the initial
17 submission date, provide a written explanation to any
18 course providers that are denied. If a course provider is
19 denied authorization, the provider may apply again in the
20 future. If a course provider is denied authorization 3
21 times, the provider will no longer be able to apply.

22 (4) Publish the process established under Section 20 of
23 this Act, including any deadlines and any guidelines
24 applicable to the submission and authorization process for
25 providers.

1 If the State Board determines that there are insufficient
2 funds available for evaluating and authorizing course
3 providers, it may charge applicant providers a fee up to, but
4 no greater than, the amount of the costs in order to ensure
5 that evaluation occurs. The State Board shall establish and
6 publish a fee schedule for purposes of this Section.

7 Section 20. Course provider criteria. To be authorized to
8 offer a course through the State Course Access Program, a
9 provider must:

10 (1) Comply with all applicable anti-discrimination
11 provisions and applicable State and federal student data
12 privacy provisions, including, but not limited to, the
13 federal Family Educational Rights and Privacy Act.

14 (2) Provide an assurance that all online information
15 and resources for online or blended courses are fully
16 accessible for students of all abilities, including that:

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

20 (B) the provider has created and promulgated an
21 Accessibility Online Public and Charter Schools
22 Policy;

23 (C) the provider has designated a Section 504
24 Coordinator and a Grievance Policy, and issued annual
25 notifications;

1 (D) the provider has policies and activities to
2 ensure their organizational and course websites meet
3 accessibility requirements; and

4 (E) the provider has no gateway exam or test where
5 a specific score is required to participate in the
6 Program courses beyond completion of prerequisite
7 coursework or demonstrated mastery of prerequisite
8 material.

9 (3) Demonstrate either:

10 (A) prior evidence of delivering quality outcomes
11 for students, as demonstrated by completion rates,
12 student level growth, proficiency, or other
13 quantifiable outcomes; or

14 (B) for course providers applying to offer a
15 subject or grade level for the first time, provide a
16 detailed justification, in a manner determined by the
17 State Board, of how their organization's subject
18 matter, instructional, and technical expertise will
19 allow public and charter schools to produce successful
20 outcomes for students.

21 (4) Ensure instructional and curricular quality
22 through a detailed curriculum and student performance
23 accountability plan that aligns with and measures student
24 attainment of relevant State academic standards or other
25 relevant standards in courses without State academic
26 standards.

1 (5) Provide assurances that the course provider shall
2 provide electronically, in a manner and format determined
3 by the State Board, a detailed student record of
4 enrollment, performance, completion, and grading
5 information with the school systems where eligible
6 participating students are enrolled full time.

7 Additional criteria developed by the State Board shall be
8 used to evaluate providers, and may include International
9 Association for K-12 Online Learning, National Standards for
10 Quality Online Teaching, National Standards for Quality Online
11 Courses, Southern Regional Education Board, AdvancED, or other
12 nationally recognized third party quality standards.

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

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

19 (1) Be one of the following types:

20 (A) a course that satisfies high school graduation
21 requirements;

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

24 (C) an Advanced Placement or International
25 Baccalaureate course;

- 1 (D) a music or arts course;
- 2 (E) a STEM course;
- 3 (F) a foreign language course;
- 4 (G) a dual credit course that allows students to
- 5 earn college credit or other advanced credit; or
- 6 (H) a vocational or technical course, including
- 7 apprenticeships and High School Career Exploration and
- 8 Readiness courses.

9 (2) Be, at a minimum, the equivalent in instructional

10 rigor and scope to a course that is provided in a

11 traditional classroom setting.

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

13 industry standards.

14 (4) Possess an assessment component for determining

15 student proficiency and student growth where applicable.

16 (5) Be designed and implemented consistently with

17 criteria established by the International Association for

18 K-12 Online Learning (INACOL) National Standards for

19 Quality Online Teaching and INACOL National Standards for

20 Quality Online Courses, the Southern Regional Education

21 Board, or AdvancED or with other nationally or

22 industry-recognized third party quality standards.

23 (6) Be taught by a teacher who holds a professional

24 educator license under Article 21B of the School Code.

25 A course provider other than the Illinois Virtual School

26 may offer an online course only if the Illinois Virtual School

1 decides to not offer the course via the State Course Access
2 Catalog.

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

8 (1) student enrollment data;

9 (2) student outcomes, growth measures when available,
10 proficiency rates, and completion rates for each subject
11 area and grade level; and

12 (3) student and parental feedback on overall
13 satisfaction and quality.

14 After the second year of the initial authorization period,
15 the State Board shall conduct a thorough review of the course
16 provider's activities and the academic performance of the
17 students enrolled in courses offered by the course provider.

18 If the performance of the students enrolled in courses
19 offered by the course provider does not meet agreed-upon
20 performance standards at any time, the course provider shall be
21 placed on probation and shall be required to submit a plan for
22 improvement. The State Board shall determine the terms of
23 probation, including, but not limited to, the results the
24 course provider must achieve to return to good standing. Course
25 providers shall have a minimum of 60 days to achieve the

1 results indicated in their terms of probation. The State Board
2 shall, at its sole discretion, determine if the course provider
3 has met the specified results required for the course provider
4 to return to good standing. If a course provider fails to
5 return to good standing within the timeframe cited in its terms
6 of probation, the State Board may terminate its status as a
7 course provider. Course providers terminated as a result of
8 being put on probation may not reapply to become a course
9 provider for 2 years from the time the State Board revoked its
10 status.

11 After the initial 3-year authorization period, the State
12 Board may reauthorize the course provider for additional
13 periods of up to 5 years after thorough review of the course
14 provider's activities and the achievement of students enrolled
15 in courses offered by the course provider.

16 The State Board may exclude a course provided by an
17 authorized provider at any time if the State Board determines
18 that:

19 (A) the course is no longer adequately aligned with the
20 State academic standards;

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

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

1 Section 35. Interstate course reciprocity. The State Board
2 may enter into a reciprocity agreement with other states for
3 the purpose of authorizing and approving high quality providers
4 and courses for the State Course Access Program and the
5 operation of the State Course Access Catalog.

6 Section 40. Responsibilities of the State Board.

7 (a) The State Board shall:

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

11 (2) Be responsible for creating the State Course Access
12 Catalog.

13 (3) Publish a link to the Catalog in a prominent
14 location on the State Board's website, which includes a
15 listing of courses offered by authorized providers
16 available through the Program, a detailed description of
17 the courses, and any available student completion and
18 outcome data.

19 (4) Establish and publish a timeframe or specific dates
20 by which students are able to withdraw from a course
21 provided through the Program without the student, public
22 and charter schools, or course provider incurring a
23 penalty.

24 (5) Maintain on its official website in a prominent
25 location an informed choice report. Each report under this

1 Section must:

2 (A) be updated within 30 calendar days of
3 additional provider authorizations;

4 (B) describe each course offered through the
5 Program and include information such as course
6 requirements and the school year calendar for the
7 course, including any options for continued
8 participation outside of the standard school year
9 calendar;

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

12 (D) be published online in an open format that can
13 be retrieved, downloaded, indexed, and searched by
14 commonly used web search applications. An open format
15 is one that is platform-independent, machine-readable,
16 and made available to the public without restrictions
17 that would impede the reuse of that information.

18 (b) The State Board shall submit an annual report on the
19 Program and the participation of entities to the Governor, the
20 Chairperson and Minority Spokesperson of the Education
21 Committee of the Senate, and the Chairperson and Minority
22 Spokesperson of the Elementary and Secondary Education
23 Committee of the House of Representatives. The report shall at
24 a minimum include the following information:

25 (1) The annual number of students participating in
26 courses authorized under this Act and the total number of

1 courses students are enrolled in.

2 (2) The number of authorized providers.

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

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

6 (5) The number of students enrolled in courses by
7 subject.

8 (6) Student outcome data, including completion rates,
9 student learning gains, student performance on State or
10 nationally accepted assessments, by subject and grade
11 level by provider. This outcome data should be published in
12 a manner that protects student privacy.

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

16 The report and underlying data shall be published online in
17 an open format that can be retrieved, downloaded, indexed, and
18 searched by commonly used web search applications. An open
19 format is one that is platform-independent, machine-readable,
20 and made available to the public without restrictions that
21 would impede the reuse of that information.

22 Section 45. Responsibilities of the local school district.

23 (a) A public school shall:

24 (1) State, in writing to the State Board, whether it
25 wants to participate in the State Course Access Program

1 during the 2016-2017 school year.

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

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

8 (b) Each local school system shall establish policies and
9 procedures whereby, for each eligible participating student,
10 credits earned through the course provider shall appear on each
11 student's official transcript and count fully toward the
12 requirements of any approved Illinois diploma.

13 (c) The State Board shall adopt rules necessary to
14 implement this Section, including, but not limited to, the
15 requirements of school governing authorities or local school
16 systems whose students enroll in courses offered by authorized
17 course providers.

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

21 Section 50. Funding.

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

23 (1) The course provider shall receive per-course
24 tuition for each eligible funded student at a fair and
25 reasonable rate negotiated by the State Board and the

1 course provider that is inclusive of all required course
2 materials and transportation expenses. Course providers
3 are only responsible for providing transportation for
4 students who are enrolled in a free or reduced-price lunch
5 program. Transfers of course payments shall be made by the
6 State Board on behalf of the responsible school district in
7 which the student resides to the authorized course
8 provider.

9 (2) The course provider shall receive payment from the
10 State Board only for the courses in which an eligible
11 funded student is enrolled. The remaining funds for each
12 student shall remain with the local school system in which
13 the student is enrolled full time.

14 (3) The course provider shall accept the amount
15 specified in this Section as total tuition and fees for the
16 eligible funded student.

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

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

22 (1) Fifty percent of the amount of tuition to be paid
23 or transferred to the course provider shall be transferred
24 upon student enrollment in a course, and 50% shall be
25 dependent upon student success in the course.

26 (2) Student success may, in the 2016-2017 school year,

1 be measured based on course completion, but the State Board
2 may create new measures of student success by the 2017-2018
3 school year for use in courses where externally validated
4 measures are available. These measures of student
5 outcomes, based on either proficiency or growth, shall
6 include results from independent end-of-course exams,
7 Advanced Placement exams, International Baccalaureate
8 exams, receipt of industry-recognized credentials, receipt
9 of credit from institutions of higher education, or other
10 externally validated measures.

11 (3) Partial payments for delayed completions shall be
12 determined as follows: If a student does not successfully
13 complete a course according to the published course length
14 in which the course provider has received the first payment
15 pursuant to this Section, the provider shall receive 75% of
16 the tuition that is dependent upon student success, as
17 defined in Section 30 of this Act, only if the student
18 completes and receives credit for the course within one
19 additional semester.

20 Section 900. The School Code is amended by changing Section
21 27A-5 as follows:

22 (105 ILCS 5/27A-5)

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

24 (a) A charter school shall be a public, nonsectarian,

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

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

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

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

1 April 1, 2013 or to the renewal of the charter of a charter
2 school with virtual-schooling components already approved
3 prior to April 1, 2013.

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

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

15 (d) A charter school shall comply with all applicable
16 health and safety requirements applicable to public schools
17 under the laws of the State of Illinois.

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

22 (f) A charter school shall be responsible for the
23 management and operation of its fiscal affairs including, but
24 not limited to, the preparation of its budget. An audit of each
25 charter school's finances shall be conducted annually by an
26 outside, independent contractor retained by the charter

1 school. To ensure financial accountability for the use of
2 public funds, on or before December 1 of every year of
3 operation, each charter school shall submit to its authorizer
4 and the State Board a copy of its audit and a copy of the Form
5 990 the charter school filed that year with the federal
6 Internal Revenue Service. In addition, if deemed necessary for
7 proper financial oversight of the charter school, an authorizer
8 may require quarterly financial statements from each charter
9 school.

10 (g) A charter school shall comply with all provisions of
11 this Article; the Illinois Educational Labor Relations Act; all
12 federal and State laws and rules applicable to public schools
13 that pertain to special education and the instruction of
14 English language learners, referred to in this Code as
15 "children of limited English-speaking ability"; and its
16 charter. A charter school is exempt from all other State laws
17 and regulations in this Code governing public schools and local
18 school board policies; however a charter school is not exempt
19 from, except the following:

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

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

1 (3) the Local Governmental and Governmental Employees
2 Tort Immunity Act;

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

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

7 (6) the Illinois School Student Records Act;

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

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

11 ~~and~~

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

14 (10) ~~(9)~~ Section 2-3.162 ~~2-3.160~~ of this ~~the School~~
15 Code regarding student discipline reporting; and~~;~~

16 (11) The Course Access Act.

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

19 (h) A charter school may negotiate and contract with a
20 school district, the governing body of a State college or
21 university or public community college, or any other public or
22 for-profit or nonprofit private entity for: (i) the use of a
23 school building and grounds or any other real property or
24 facilities that the charter school desires to use or convert
25 for use as a charter school site, (ii) the operation and
26 maintenance thereof, and (iii) the provision of any service,

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

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

1 board and shall be set forth in the charter.

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

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

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

12 Section 999. Effective date. This Act takes effect January
13 1, 2016.