



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3538

by Rep. Anne Stava-Murray

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27-23.13 new
105 ILCS 5/27A-5

Amends the School Code. Provides that, beginning with the 2020-2021 school year, each school district, nonpublic school, and charter school that maintains grade 9 must require all ninth grade students to take a one-time mental health course that includes information for students on how to detect signs of depression, how to ask for help with any mental health issues, and the resources available for those students who wish to seek assistance with mental health issues. Provides that the school board or governing body of the school shall determine the minimum amount of instructional time necessary to satisfy the course requirement. Requires the State Board of Education to prepare and make available to schools resource materials that may be used for the course. Makes a conforming change.

LRB101 10617 AXK 55723 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 27-23.13 as follows:

6 (105 ILCS 5/27-23.13 new)

7 Sec. 27-23.13. Mental health information course. Beginning
8 with the 2020-2021 school year, each school district, nonpublic
9 school, and charter school that maintains grade 9 must require
10 all ninth grade students to take a one-time mental health
11 course that includes information for students on how to detect
12 signs of depression, how to ask for help with any mental health
13 issues, and the resources available for those students who wish
14 to seek assistance with mental health issues. The school board
15 or governing body of the school shall determine the minimum
16 amount of instructional time necessary to satisfy the
17 requirement of this Section. The State Board of Education must
18 prepare and make available to schools resource materials that
19 may be used for the course under this Section.

20

21 (105 ILCS 5/27A-5)

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

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

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

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) For purposes of this subsection (d), "non-curricular
16 health and safety requirement" means any health and safety
17 requirement created by statute or rule to provide, maintain,
18 preserve, or safeguard safe or healthful conditions for
19 students and school personnel or to eliminate, reduce, or
20 prevent threats to the health and safety of students and school
21 personnel. "Non-curricular health and safety requirement" does
22 not include any course of study or specialized instructional
23 requirement for which the State Board has established goals and
24 learning standards or which is designed primarily to impart
25 knowledge and skills for students to master and apply as an
26 outcome of their education.

1 A charter school shall comply with all non-curricular
2 health and safety requirements applicable to public schools
3 under the laws of the State of Illinois. On or before September
4 1, 2015, the State Board shall promulgate and post on its
5 Internet website a list of non-curricular health and safety
6 requirements that a charter school must meet. The list shall be
7 updated annually no later than September 1. Any charter
8 contract between a charter school and its authorizer must
9 contain a provision that requires the charter school to follow
10 the list of all non-curricular health and safety requirements
11 promulgated by the State Board and any non-curricular health
12 and safety requirements added by the State Board to such list
13 during the term of the charter. Nothing in this subsection (d)
14 precludes an authorizer from including non-curricular health
15 and safety requirements in a charter school contract that are
16 not contained in the list promulgated by the State Board,
17 including non-curricular health and safety requirements of the
18 authorizing local school board.

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

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

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

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

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

24 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
25 34-84a of this Code regarding discipline of students;

26 (3) the Local Governmental and Governmental Employees

1 Tort Immunity Act;

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

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

6 (5.5) subsection (b) of Section 10-23.12 and
7 subsection (b) of Section 34-18.6 of this Code;

8 (6) the Illinois School Student Records Act;

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

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

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

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

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

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

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

19 (14) Section 26-18 of this Code; ~~and~~

20 (15) Section 22-30 of this Code; ~~and-~~

21 (16) Section 27-23.13 of this Code.

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

24 (h) A charter school may negotiate and contract with a
25 school district, the governing body of a State college or
26 university or public community college, or any other public or

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

23 (i) In no event shall a charter school that is established
24 by converting an existing school or attendance center to
25 charter school status be required to pay rent for space that is
26 deemed available, as negotiated and provided in the charter

1 agreement, in school district facilities. However, all other
2 costs for the operation and maintenance of school district
3 facilities that are used by the charter school shall be subject
4 to negotiation between the charter school and the local school
5 board and shall be set forth in the charter.

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

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

11 (Source: P.A. 99-30, eff. 7-10-15; 99-78, eff. 7-20-15; 99-245,
12 eff. 8-3-15; 99-325, eff. 8-10-15; 99-456, eff. 9-15-16;
13 99-642, eff. 7-28-16; 99-927, eff. 6-1-17; 100-29, eff. 1-1-18;
14 100-156, eff. 1-1-18; 100-163, eff. 1-1-18; 100-413, eff.
15 1-1-18; 100-468, eff. 6-1-18; 100-726, eff. 1-1-19; 100-863,
16 eff. 8-14-18; revised 10-5-18.)