



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5655

by Rep. Joyce Mason

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.12b new
105 ILCS 5/27A-5

Amends the School Code. Provides that the State Board of Education shall require that a school construction project commenced on or after January 1, 2021 include the installation of a solar energy system or other renewable energy system. Provides that the project may also include the installation of a supplemental conventional energy system. Defines terms. Effective immediately.

LRB101 16889 CMG 66288 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

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 adding Section
5 2-3.12b and by changing Section 27A-5 as follows:

6 (105 ILCS 5/2-3.12b new)

7 Sec. 2-3.12b. School construction; solar energy system
8 required.

9 (a) As used in this Section:

10 "School construction project" means the building plan,
11 design, and construction of a school building or structure in
12 which the construction of the building or structure commences
13 on or after January 1, 2021. "School construction project" does
14 not include the reconstruction of, the rehabilitation of, or
15 improvements to an building or structure in existence before
16 January 1, 2021.

17 "Solar energy system" has the meaning ascribed to that term
18 in the Comprehensive Solar Energy Act of 1977.

19 "Supplemental conventional energy system" has the meaning
20 ascribed to that term in the Comprehensive Solar Energy Act of
21 1977.

22 (b) The State Board of Education shall require that a
23 school construction project include the installation of a solar

1 energy system or other renewable energy system for the purpose
2 of providing electricity, heating, or cooling to the school
3 building or structure. In addition to the installation of the
4 solar energy system or other renewable energy system, a
5 supplemental conventional energy system may be installed.

6 (105 ILCS 5/27A-5)

7 (Text of Section before amendment by P.A. 101-50)

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 April 16, 2003 (the effective date of Public Act 93-3), in
18 all new applications to establish a charter school in a city
19 having a population exceeding 500,000, operation of the charter
20 school shall be limited to one campus. The changes made to this
21 Section by Public Act 93-3 do not apply to charter schools
22 existing or approved on or before April 16, 2003 (the effective
23 date of Public Act 93-3).

24 (b-5) In this subsection (b-5), "virtual-schooling" means
25 a cyber school where students engage in online curriculum and

1 instruction via the Internet and electronic communication with
2 their teachers at remote locations and with students
3 participating at different times.

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

13 (c) A charter school shall be administered and governed by
14 its board of directors or other governing body in the manner
15 provided in its charter. The governing body of a charter school
16 shall be subject to the Freedom of Information Act and the Open
17 Meetings Act. No later than January 1, 2021 (one year after the
18 effective date of Public Act 101-291) ~~this amendatory Act of~~
19 ~~the 101st General Assembly~~, a charter school's board of
20 directors or other governing body must include at least one
21 parent or guardian of a pupil currently enrolled in the charter
22 school who may be selected through the charter school or a
23 charter network election, appointment by the charter school's
24 board of directors or other governing body, or by the charter
25 school's Parent Teacher Organization or its equivalent.

26 (c-5) No later than January 1, 2021 (one year after the

1 effective date of Public Act 101-291) ~~this amendatory Act of~~
2 ~~the 101st General Assembly~~ or within the first year of his or
3 her first term, every voting member of a charter school's board
4 of directors or other governing body shall complete a minimum
5 of 4 hours of professional development leadership training to
6 ensure that each member has sufficient familiarity with the
7 board's or governing body's role and responsibilities,
8 including financial oversight and accountability of the
9 school, evaluating the principal's and school's performance,
10 adherence to the Freedom of Information Act and the Open
11 Meetings Act ~~Acts~~, and compliance with education and labor law.
12 In each subsequent year of his or her term, a voting member of
13 a charter school's board of directors or other governing body
14 shall complete a minimum of 2 hours of professional development
15 training in these same areas. The training under this
16 subsection may be provided or certified by a statewide charter
17 school membership association or may be provided or certified
18 by other qualified providers approved by the State Board of
19 Education.

20 (d) For purposes of this subsection (d), "non-curricular
21 health and safety requirement" means any health and safety
22 requirement created by statute or rule to provide, maintain,
23 preserve, or safeguard safe or healthful conditions for
24 students and school personnel or to eliminate, reduce, or
25 prevent threats to the health and safety of students and school
26 personnel. "Non-curricular health and safety requirement" does

1 not include any course of study or specialized instructional
2 requirement for which the State Board has established goals and
3 learning standards or which is designed primarily to impart
4 knowledge and skills for students to master and apply as an
5 outcome of their education.

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

24 (e) Except as otherwise provided in the School Code, a
25 charter school shall not charge tuition; provided that a
26 charter school may charge reasonable fees for textbooks,

1 instructional materials, and student activities.

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

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

24 (1) Sections 10-21.9 and 34-18.5 of this Code regarding
25 criminal history records checks and checks of the Statewide
26 Sex Offender Database and Statewide Murderer and Violent

1 Offender Against Youth Database of applicants for
2 employment;

3 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
4 34-84a of this Code regarding discipline of students;

5 (3) the Local Governmental and Governmental Employees
6 Tort Immunity Act;

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

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

11 (5.5) subsection (b) of Section 10-23.12 and
12 subsection (b) of Section 34-18.6 of this Code;

13 (6) the Illinois School Student Records Act;

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

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

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

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

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

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

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

24 (14) Section 26-18 of this Code;

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

26 (16) Sections 24-12 and 34-85 of this Code; ~~and~~.

1 (17) Section 2-3.12b of this Code.

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 April
15 16, 2003 (the effective date of Public Act 93-3) and that
16 operates in a city having a population exceeding 500,000 may
17 not contract with a for-profit entity to manage or operate the
18 school during the period that commences on April 16, 2003 (the
19 effective date of Public Act 93-3) and concludes at the end of
20 the 2004-2005 school year. Except as provided in subsection (i)
21 of this Section, a school district may charge a charter school
22 reasonable rent for the use of the district's buildings,
23 grounds, and facilities. Any services for which a charter
24 school contracts with a school district shall be provided by
25 the district at cost. Any services for which a charter school
26 contracts with a local school board or with the governing body

1 of a State college or university or public community college
2 shall be provided by the public entity at cost.

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

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

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

17 (Source: P.A. 100-29, eff. 1-1-18; 100-156, eff. 1-1-18;
18 100-163, eff. 1-1-18; 100-413, eff. 1-1-18; 100-468, eff.
19 6-1-18; 100-726, eff. 1-1-19; 100-863, eff. 8-14-18; 101-81,
20 eff. 7-12-19; 101-291, eff. 1-1-20; 101-531, eff. 8-23-19;
21 101-543, eff. 8-23-19; revised 9-19-19.)

22 (Text of Section after amendment by P.A. 101-50)

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19 of directors or other governing body shall complete a minimum
20 of 4 hours of professional development leadership training to
21 ensure that each member has sufficient familiarity with the
22 board's or governing body's role and responsibilities,
23 including financial oversight and accountability of the
24 school, evaluating the principal's and school's performance,
25 adherence to the Freedom of Information Act and the Open
26 Meetings ~~Act Acts~~, and compliance with education and labor law.

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- 12 (13) Sections 10-20.63 and 34-18.56 of this Code;
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- 14 (15) Section 22-30 of this Code; ~~and~~
- 15 (16) Sections 24-12 and 34-85 of this Code; ~~and~~
- 16 (17) the (16) The Seizure Smart School Act; and
- 17 (18) Section 2-3.12b of this Code.

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

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25 facilities that the charter school desires to use or convert
26 for use as a charter school site, (ii) the operation and

1 maintenance thereof, and (iii) the provision of any service,
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4 However, a charter school that is established on or after April
5 16, 2003 (the effective date of Public Act 93-3) and that
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9 6-1-18; 100-726, eff. 1-1-19; 100-863, eff. 8-14-18; 101-50,
10 eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20;
11 101-531, eff. 8-23-19; 101-543, eff. 8-23-19; revised
12 9-19-19.)

13 Section 95. No acceleration or delay. Where this Act makes
14 changes in a statute that is represented in this Act by text
15 that is not yet or no longer in effect (for example, a Section
16 represented by multiple versions), the use of that text does
17 not accelerate or delay the taking effect of (i) the changes
18 made by this Act or (ii) provisions derived from any other
19 Public Act.

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