



Rep. Will Guzzardi

Filed: 3/22/2021

10200HB0114ham001

LRB102 00049 CMG 23933 a

1 AMENDMENT TO HOUSE BILL 114

2 AMENDMENT NO. _____. Amend House Bill 114 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing
5 Sections 27A-3, 27A-6, and 27A-7 as follows:

6 (105 ILCS 5/27A-3)

7 Sec. 27A-3. Definitions. For purposes of this Article:

8 "At-risk pupil" means a pupil who, because of physical,
9 emotional, socioeconomic, or cultural factors, is less likely
10 to succeed in a conventional educational environment.

11 "Authorizer" means an entity authorized under this Article
12 to review applications, decide whether to approve or reject
13 applications, enter into charter contracts with applicants,
14 oversee charter schools, and decide whether to renew, not
15 renew, or revoke a charter.

16 "Commission" means the State Charter School Commission

1 established under Section 27A-7.5 of this Code.

2 "Local school board" means the duly elected or appointed
3 school board or board of education of a public school
4 district, including special charter districts and school
5 districts located in cities having a population of more than
6 500,000, organized under the laws of this State.

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

8 "Union neutrality clause" means a provision whereby a
9 charter school agrees: (1) to be neutral regarding the
10 unionization of any of its employees, such that the charter
11 school will not at any time express a position on the matter of
12 whether its employees will be unionized and such that the
13 charter school will not threaten, intimidate, discriminate
14 against, retaliate against, or take any adverse action against
15 any employees based on their decision to support or oppose
16 union representation; (2) to provide any bona fide labor
17 organization access at reasonable times to areas in which the
18 charter school's employees work for the purpose of meeting
19 with employees to discuss their right to representation,
20 employment rights under the law, and terms and conditions of
21 employment; (3) that union recognition shall be through a
22 majority card check verified by a neutral third-party
23 arbitrator mutually selected by the charter school and the
24 bona fide labor organization through alternate striking from a
25 panel of arbitrators provided by the Federal Mediation and
26 Conciliation Service; and (4) to restrict from subcontracting

1 any work performed on or about the premises of the charter
2 school as part of its normal operations except by mutual
3 agreement with a bona fide labor organization and then only to
4 a person or firm that is a signatory to a labor agreement with
5 a bona fide labor organization that has indicated its interest
6 in representing the employees of the subcontractor if the
7 subcontractor's employees are not lawfully represented by
8 another bona fide labor organization. As used in this
9 definition, "bona fide labor organization" means a labor
10 organization recognized under the National Labor Relations Act
11 or the Illinois Educational Labor Relations Act. Unless the
12 context otherwise requires, as used in this definition,
13 "employees" means non-represented, non-management, and
14 non-confidential employees of a charter school.

15 (Source: P.A. 97-152, eff. 7-20-11.)

16 (105 ILCS 5/27A-6)

17 Sec. 27A-6. Contract contents; applicability of laws and
18 regulations.

19 (a) A certified charter shall constitute a binding
20 contract and agreement between the charter school and a local
21 school board under the terms of which the local school board
22 authorizes the governing body of the charter school to operate
23 the charter school on the terms specified in the contract.

24 (b) Notwithstanding any other provision of this Article,
25 the certified charter may not waive or release the charter

1 school from the State goals, standards, and assessments
2 established pursuant to Section 2-3.64a-5 of this Code.
3 Beginning with the 2003-2004 school year, the certified
4 charter for a charter school operating in a city having a
5 population exceeding 500,000 shall require the charter school
6 to administer any other nationally recognized standardized
7 tests to its students that the chartering entity administers
8 to other students, and the results on such tests shall be
9 included in the chartering entity's assessment reports.

10 (c) Subject to the provisions of subsection (e), a
11 material revision to a previously certified contract or a
12 renewal shall be made with the approval of both the local
13 school board and the governing body of the charter school.

14 (c-5) The proposed contract shall include a provision on
15 how both parties will address minor violations of the
16 contract.

17 (c-10) After the effective date of this amendatory Act of
18 the 102nd General Assembly, any renewal of a certified charter
19 must include a union neutrality clause.

20 (d) The proposed contract between the governing body of a
21 proposed charter school and the local school board as
22 described in Section 27A-7 must be submitted to and certified
23 by the State Board before it can take effect. If the State
24 Board recommends that the proposed contract be modified for
25 consistency with this Article before it can be certified, the
26 modifications must be consented to by both the governing body

1 of the charter school and the local school board, and
2 resubmitted to the State Board for its certification. If the
3 proposed contract is resubmitted in a form that is not
4 consistent with this Article, the State Board may refuse to
5 certify the charter.

6 The State Board shall assign a number to each submission
7 or resubmission in chronological order of receipt, and shall
8 determine whether the proposed contract is consistent with the
9 provisions of this Article. If the proposed contract complies,
10 the State Board shall so certify.

11 (e) No renewal of a previously certified contract is
12 effective unless and until the State Board certifies that the
13 renewal is consistent with the provisions of this Article. A
14 material revision to a previously certified contract may go
15 into effect immediately upon approval of both the local school
16 board and the governing body of the charter school, unless
17 either party requests in writing that the State Board certify
18 that the material revision is consistent with the provisions
19 of this Article. If such a request is made, the proposed
20 material revision is not effective unless and until the State
21 Board so certifies.

22 (Source: P.A. 98-972, eff. 8-15-14; 98-1048, eff. 8-25-14;
23 99-78, eff. 7-20-15.)

24 (105 ILCS 5/27A-7)

25 Sec. 27A-7. Charter submission.

1 (a) A proposal to establish a charter school shall be
2 submitted to the local school board and the State Board for
3 certification under Section 27A-6 of this Code in the form of a
4 proposed contract entered into between the local school board
5 and the governing body of a proposed charter school. The
6 charter school proposal shall include:

7 (1) The name of the proposed charter school, which
8 must include the words "Charter School".

9 (2) The age or grade range, areas of focus, minimum
10 and maximum numbers of pupils to be enrolled in the
11 charter school, and any other admission criteria that
12 would be legal if used by a school district.

13 (3) A description of and address for the physical
14 plant in which the charter school will be located;
15 provided that nothing in the Article shall be deemed to
16 justify delaying or withholding favorable action on or
17 approval of a charter school proposal because the building
18 or buildings in which the charter school is to be located
19 have not been acquired or rented at the time a charter
20 school proposal is submitted or approved or a charter
21 school contract is entered into or submitted for
22 certification or certified, so long as the proposal or
23 submission identifies and names at least 2 sites that are
24 potentially available as a charter school facility by the
25 time the charter school is to open.

26 (4) The mission statement of the charter school, which

1 must be consistent with the General Assembly's declared
2 purposes; provided that nothing in this Article shall be
3 construed to require that, in order to receive favorable
4 consideration and approval, a charter school proposal
5 demonstrate unequivocally that the charter school will be
6 able to meet each of those declared purposes, it being the
7 intention of the Charter Schools Law that those purposes
8 be recognized as goals that charter schools must aspire to
9 attain.

10 (5) The goals, objectives, and pupil performance
11 standards to be achieved by the charter school.

12 (6) In the case of a proposal to establish a charter
13 school by converting an existing public school or
14 attendance center to charter school status, evidence that
15 the proposed formation of the charter school has received
16 the approval of certified teachers, parents and guardians,
17 and, if applicable, a local school council as provided in
18 subsection (b) of Section 27A-8.

19 (7) A description of the charter school's educational
20 program, pupil performance standards, curriculum, school
21 year, school days, and hours of operation.

22 (8) A description of the charter school's plan for
23 evaluating pupil performance, the types of assessments
24 that will be used to measure pupil progress towards
25 achievement of the school's pupil performance standards,
26 the timeline for achievement of those standards, and the

1 procedures for taking corrective action in the event that
2 pupil performance at the charter school falls below those
3 standards.

4 (9) Evidence that the terms of the charter as proposed
5 are economically sound for both the charter school and the
6 school district, a proposed budget for the term of the
7 charter, a description of the manner in which an annual
8 audit of the financial and administrative operations of
9 the charter school, including any services provided by the
10 school district, are to be conducted, and a plan for the
11 displacement of pupils, teachers, and other employees who
12 will not attend or be employed in the charter school.

13 (10) A description of the governance and operation of
14 the charter school, including the nature and extent of
15 parental, professional educator, and community involvement
16 in the governance and operation of the charter school.

17 (11) An explanation of the relationship that will
18 exist between the charter school and its employees,
19 including evidence that the terms and conditions of
20 employment have been addressed with affected employees and
21 their recognized representative, if any. However, a
22 bargaining unit of charter school employees shall be
23 separate and distinct from any bargaining units formed
24 from employees of a school district in which the charter
25 school is located.

26 (12) An agreement between the parties regarding their

1 respective legal liability and applicable insurance
2 coverage.

3 (13) A description of how the charter school plans to
4 meet the transportation needs of its pupils, and a plan
5 for addressing the transportation needs of low-income and
6 at-risk pupils.

7 (14) The proposed effective date and term of the
8 charter; provided that the first day of the first academic
9 year shall be no earlier than August 15 and no later than
10 September 15 of a calendar year, and the first day of the
11 fiscal year shall be July 1.

12 (14.5) Disclosure of any known active civil or
13 criminal investigation by a local, state, or federal law
14 enforcement agency into an organization submitting the
15 charter school proposal or a criminal investigation by a
16 local, state, or federal law enforcement agency into any
17 member of the governing body of that organization. For the
18 purposes of this subdivision (14.5), a known investigation
19 means a request for an interview by a law enforcement
20 agency, a subpoena, an arrest, or an indictment. Such
21 disclosure is required for a period from the initial
22 application submission through 10 business days prior to
23 the authorizer's scheduled decision date.

24 (14.7) A union neutrality clause.

25 (15) Any other information reasonably required by the
26 State Board of Education.

1 (b) A proposal to establish a charter school may be
2 initiated by individuals or organizations that will have
3 majority representation on the board of directors or other
4 governing body of the corporation or other discrete legal
5 entity that is to be established to operate the proposed
6 charter school, by a board of education or an
7 intergovernmental agreement between or among boards of
8 education, or by the board of directors or other governing
9 body of a discrete legal entity already existing or
10 established to operate the proposed charter school. The
11 individuals or organizations referred to in this subsection
12 may be school teachers, school administrators, local school
13 councils, colleges or universities or their faculty members,
14 public community colleges or their instructors or other
15 representatives, corporations, or other entities or their
16 representatives. The proposal shall be submitted to the local
17 school board for consideration and, if appropriate, for
18 development of a proposed contract to be submitted to the
19 State Board for certification under Section 27A-6.

20 (c) The local school board may not without the consent of
21 the governing body of the charter school condition its
22 approval of a charter school proposal on acceptance of an
23 agreement to operate under State laws and regulations and
24 local school board policies from which the charter school is
25 otherwise exempted under this Article.

26 (Source: P.A. 98-739, eff. 7-16-14; 98-1048, eff. 8-25-14;

1 99-78, eff. 7-20-15; 99-334, eff. 8-10-15.)

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