

HB0114



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0114

Introduced 1/14/2021, by Rep. Will Guzzardi

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27A-3
105 ILCS 5/27A-6
105 ILCS 5/27A-7

Amends the Charter Schools Law of the School Code. Provides that any renewal of a certified charter must include a union neutrality clause. Requires a union neutrality clause to be included in a charter school proposal. Defines "union neutrality clause". Effective immediately.

LRB102 00049 CMG 10051 b

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 changing Sections
5 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
17 established under Section 27A-7.5 of this Code.

18 "Local school board" means the duly elected or appointed
19 school board or board of education of a public school
20 district, including special charter districts and school
21 districts located in cities having a population of more than
22 500,000, organized under the laws of this State.

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

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

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

1 (105 ILCS 5/27A-6)

2 Sec. 27A-6. Contract contents; applicability of laws and
3 regulations.

4 (a) A certified charter shall constitute a binding
5 contract and agreement between the charter school and a local
6 school board under the terms of which the local school board
7 authorizes the governing body of the charter school to operate
8 the charter school on the terms specified in the contract.

9 (b) Notwithstanding any other provision of this Article,
10 the certified charter may not waive or release the charter
11 school from the State goals, standards, and assessments
12 established pursuant to Section 2-3.64a-5 of this Code.
13 Beginning with the 2003-2004 school year, the certified
14 charter for a charter school operating in a city having a
15 population exceeding 500,000 shall require the charter school
16 to administer any other nationally recognized standardized
17 tests to its students that the chartering entity administers
18 to other students, and the results on such tests shall be
19 included in the chartering entity's assessment reports.

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

24 (c-5) The proposed contract shall include a provision on
25 how both parties will address minor violations of the
26 contract.

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

4 (d) The proposed contract between the governing body of a
5 proposed charter school and the local school board as
6 described in Section 27A-7 must be submitted to and certified
7 by the State Board before it can take effect. If the State
8 Board recommends that the proposed contract be modified for
9 consistency with this Article before it can be certified, the
10 modifications must be consented to by both the governing body
11 of the charter school and the local school board, and
12 resubmitted to the State Board for its certification. If the
13 proposed contract is resubmitted in a form that is not
14 consistent with this Article, the State Board may refuse to
15 certify the charter.

16 The State Board shall assign a number to each submission
17 or resubmission in chronological order of receipt, and shall
18 determine whether the proposed contract is consistent with the
19 provisions of this Article. If the proposed contract complies,
20 the State Board shall so certify.

21 (e) No renewal of a previously certified contract is
22 effective unless and until the State Board certifies that the
23 renewal is consistent with the provisions of this Article. A
24 material revision to a previously certified contract may go
25 into effect immediately upon approval of both the local school
26 board and the governing body of the charter school, unless

1 either party requests in writing that the State Board certify
2 that the material revision is consistent with the provisions
3 of this Article. If such a request is made, the proposed
4 material revision is not effective unless and until the State
5 Board so certifies.

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

8 (105 ILCS 5/27A-7)

9 Sec. 27A-7. Charter submission.

10 (a) A proposal to establish a charter school shall be
11 submitted to the local school board and the State Board for
12 certification under Section 27A-6 of this Code in the form of a
13 proposed contract entered into between the local school board
14 and the governing body of a proposed charter school. The
15 charter school proposal shall include:

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

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

22 (3) A description of and address for the physical
23 plant in which the charter school will be located;
24 provided that nothing in the Article shall be deemed to
25 justify delaying or withholding favorable action on or

1 approval of a charter school proposal because the building
2 or buildings in which the charter school is to be located
3 have not been acquired or rented at the time a charter
4 school proposal is submitted or approved or a charter
5 school contract is entered into or submitted for
6 certification or certified, so long as the proposal or
7 submission identifies and names at least 2 sites that are
8 potentially available as a charter school facility by the
9 time the charter school is to open.

10 (4) The mission statement of the charter school, which
11 must be consistent with the General Assembly's declared
12 purposes; provided that nothing in this Article shall be
13 construed to require that, in order to receive favorable
14 consideration and approval, a charter school proposal
15 demonstrate unequivocally that the charter school will be
16 able to meet each of those declared purposes, it being the
17 intention of the Charter Schools Law that those purposes
18 be recognized as goals that charter schools must aspire to
19 attain.

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

22 (6) In the case of a proposal to establish a charter
23 school by converting an existing public school or
24 attendance center to charter school status, evidence that
25 the proposed formation of the charter school has received
26 the approval of certified teachers, parents and guardians,

1 and, if applicable, a local school council as provided in
2 subsection (b) of Section 27A-8.

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

6 (8) A description of the charter school's plan for
7 evaluating pupil performance, the types of assessments
8 that will be used to measure pupil progress towards
9 achievement of the school's pupil performance standards,
10 the timeline for achievement of those standards, and the
11 procedures for taking corrective action in the event that
12 pupil performance at the charter school falls below those
13 standards.

14 (9) Evidence that the terms of the charter as proposed
15 are economically sound for both the charter school and the
16 school district, a proposed budget for the term of the
17 charter, a description of the manner in which an annual
18 audit of the financial and administrative operations of
19 the charter school, including any services provided by the
20 school district, are to be conducted, and a plan for the
21 displacement of pupils, teachers, and other employees who
22 will not attend or be employed in the charter school.

23 (10) A description of the governance and operation of
24 the charter school, including the nature and extent of
25 parental, professional educator, and community involvement
26 in the governance and operation of the charter school.

1 (11) An explanation of the relationship that will
2 exist between the charter school and its employees,
3 including evidence that the terms and conditions of
4 employment have been addressed with affected employees and
5 their recognized representative, if any. However, a
6 bargaining unit of charter school employees shall be
7 separate and distinct from any bargaining units formed
8 from employees of a school district in which the charter
9 school is located.

10 (12) An agreement between the parties regarding their
11 respective legal liability and applicable insurance
12 coverage.

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

17 (14) The proposed effective date and term of the
18 charter; provided that the first day of the first academic
19 year shall be no earlier than August 15 and no later than
20 September 15 of a calendar year, and the first day of the
21 fiscal year shall be July 1.

22 (14.5) Disclosure of any known active civil or
23 criminal investigation by a local, state, or federal law
24 enforcement agency into an organization submitting the
25 charter school proposal or a criminal investigation by a
26 local, state, or federal law enforcement agency into any

1 member of the governing body of that organization. For the
2 purposes of this subdivision (14.5), a known investigation
3 means a request for an interview by a law enforcement
4 agency, a subpoena, an arrest, or an indictment. Such
5 disclosure is required for a period from the initial
6 application submission through 10 business days prior to
7 the authorizer's scheduled decision date.

8 (14.7) A union neutrality clause.

9 (15) Any other information reasonably required by the
10 State Board of Education.

11 (b) A proposal to establish a charter school may be
12 initiated by individuals or organizations that will have
13 majority representation on the board of directors or other
14 governing body of the corporation or other discrete legal
15 entity that is to be established to operate the proposed
16 charter school, by a board of education or an
17 intergovernmental agreement between or among boards of
18 education, or by the board of directors or other governing
19 body of a discrete legal entity already existing or
20 established to operate the proposed charter school. The
21 individuals or organizations referred to in this subsection
22 may be school teachers, school administrators, local school
23 councils, colleges or universities or their faculty members,
24 public community colleges or their instructors or other
25 representatives, corporations, or other entities or their
26 representatives. The proposal shall be submitted to the local

1 school board for consideration and, if appropriate, for
2 development of a proposed contract to be submitted to the
3 State Board for certification under Section 27A-6.

4 (c) The local school board may not without the consent of
5 the governing body of the charter school condition its
6 approval of a charter school proposal on acceptance of an
7 agreement to operate under State laws and regulations and
8 local school board policies from which the charter school is
9 otherwise exempted under this Article.

10 (Source: P.A. 98-739, eff. 7-16-14; 98-1048, eff. 8-25-14;
11 99-78, eff. 7-20-15; 99-334, eff. 8-10-15.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.