



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4454

Introduced 1/16/2024, by Rep. Dagmara Avelar

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.87 new
105 ILCS 5/27A-5
105 ILCS 5/34-18.85 new

Amends the School Code. Provides that a school board shall require each school to notify students and the students' parents or guardians twice each year on how to access any mental health services offered in school or in the community where the school is located.

LRB103 35973 RJT 66060 b

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 adding Sections
5 10-20.87 and 34-18.85 and by changing Section 27A-5 as
6 follows:

7 (105 ILCS 5/10-20.87 new)

8 Sec. 10-20.87. Mental health services notification. A
9 school board shall require each school to notify students and
10 the students' parents or guardians twice each year on how to
11 access any mental health services offered in the school or in
12 the community where the school is located.

13 (105 ILCS 5/27A-5)

14 (Text of Section before amendment by P.A. 102-466 and
15 103-472)

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

17 (a) A charter school shall be a public, nonsectarian,
18 nonreligious, non-home based, and non-profit school. A charter
19 school shall be organized and operated as a nonprofit
20 corporation or other discrete, legal, nonprofit entity
21 authorized under the laws of the State of Illinois.

22 (b) A charter school may be established under this Article

1 by creating a new school or by converting an existing public
2 school or attendance center to charter school status. In all
3 new applications to establish a charter school in a city
4 having a population exceeding 500,000, operation of the
5 charter school shall be limited to one campus. This limitation
6 does not apply to charter schools existing or approved on or
7 before April 16, 2003.

8 (b-5) (Blank).

9 (c) A charter school shall be administered and governed by
10 its board of directors or other governing body in the manner
11 provided in its charter. The governing body of a charter
12 school shall be subject to the Freedom of Information Act and
13 the Open Meetings Act. A charter school's board of directors
14 or other governing body must include at least one parent or
15 guardian of a pupil currently enrolled in the charter school
16 who may be selected through the charter school or a charter
17 network election, appointment by the charter school's board of
18 directors or other governing body, or by the charter school's
19 Parent Teacher Organization or its equivalent.

20 (c-5) No later than January 1, 2021 or within the first
21 year of his or her first term, every voting member of a charter
22 school's board of directors or other governing body shall
23 complete a minimum of 4 hours of professional development
24 leadership training to ensure that each member has sufficient
25 familiarity with the board's or governing body's role and
26 responsibilities, including financial oversight and

1 accountability of the school, evaluating the principal's and
2 school's performance, adherence to the Freedom of Information
3 Act and the Open Meetings Act, and compliance with education
4 and labor law. In each subsequent year of his or her term, a
5 voting member of a charter school's board of directors or
6 other governing body shall complete a minimum of 2 hours of
7 professional development training in these same areas. The
8 training under this subsection may be provided or certified by
9 a statewide charter school membership association or may be
10 provided or certified by other qualified providers approved by
11 the State Board.

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

24 A charter school shall comply with all non-curricular
25 health and safety requirements applicable to public schools
26 under the laws of the State of Illinois. The State Board shall

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

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

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

1 in any way, other than to audit the charter school's finances.
2 To ensure financial accountability for the use of public
3 funds, on or before December 1 of every year of operation, each
4 charter school shall submit to its authorizer and the State
5 Board a copy of its audit and a copy of the Form 990 the
6 charter school filed that year with the federal Internal
7 Revenue Service. In addition, if deemed necessary for proper
8 financial oversight of the charter school, an authorizer may
9 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,
13 all federal and State laws and rules applicable to public
14 schools that pertain to special education and the instruction
15 of English learners, and its charter. A charter school is
16 exempt 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
20 regarding criminal history records checks and checks of
21 the Statewide Sex Offender Database and Statewide Murderer
22 and Violent Offender Against Youth Database of applicants
23 for 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
10 report 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;

19 (14) Sections 22-90 and 26-18 of this Code;

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

21 (16) Sections 24-12 and 34-85 of this Code;

22 (17) the Seizure Smart School Act;

23 (18) Section 2-3.64a-10 of this Code;

24 (19) Sections 10-20.73 and 34-21.9 of this Code;

25 (20) Section 10-22.25b of this Code;

26 (21) Section 27-9.1a of this Code;

- 1 (22) Section 27-9.1b of this Code;
- 2 (23) Section 34-18.8 of this Code;
- 3 (25) Section 2-3.188 of this Code;
- 4 (26) Section 22-85.5 of this Code;
- 5 (27) subsections (d-10), (d-15), and (d-20) of Section
- 6 10-20.56 of this Code;
- 7 (28) Sections 10-20.83 and 34-18.78 of this Code;
- 8 (29) Section 10-20.13 of this Code;
- 9 (30) Section 28-19.2 of this Code;
- 10 (31) Section 34-21.6 of this Code; ~~and~~
- 11 (32) Section 22-85.10 of this Code; and.
- 12 (37) Sections 10-20.87 and 34-18.85 of this Code.

13 The change made by Public Act 96-104 to this subsection

14 (g) is declaratory of existing law.

15 (h) A charter school may negotiate and contract with a

16 school district, the governing body of a State college or

17 university or public community college, or any other public or

18 for-profit or nonprofit private entity for: (i) the use of a

19 school building and grounds or any other real property or

20 facilities that the charter school desires to use or convert

21 for use as a charter school site, (ii) the operation and

22 maintenance thereof, and (iii) the provision of any service,

23 activity, or undertaking that the charter school is required

24 to perform in order to carry out the terms of its charter.

25 Except as provided in subsection (i) of this Section, a school

26 district may charge a charter school reasonable rent for the

1 use of the district's buildings, grounds, and facilities. Any
2 services for which a charter school contracts with a school
3 district shall be provided by the district at cost. Any
4 services for which a charter school contracts with a local
5 school board or with the governing body of a State college or
6 university or public community college shall be provided by
7 the public entity at cost.

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

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

19 (k) If the charter school is authorized by the State
20 Board, then the charter school is its own local education
21 agency.

22 (Source: P.A. 102-51, eff. 7-9-21; 102-157, eff. 7-1-22;
23 102-360, eff. 1-1-22; 102-445, eff. 8-20-21; 102-522, eff.
24 8-20-21; 102-558, eff. 8-20-21; 102-676, eff. 12-3-21;
25 102-697, eff. 4-5-22; 102-702, eff. 7-1-23; 102-805, eff.
26 1-1-23; 102-813, eff. 5-13-22; 103-154, eff. 6-30-23; 103-175,

1 eff. 6-30-23.)

2 (Text of Section after amendment by P.A. 103-472 but
3 before amendment by P.A. 102-466)

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15 charter school shall be limited to one campus. This limitation
16 does not apply to charter schools existing or approved on or
17 before April 16, 2003.

18 (b-5) (Blank).

19 (c) A charter school shall be administered and governed by
20 its board of directors or other governing body in the manner
21 provided in its charter. The governing body of a charter
22 school shall be subject to the Freedom of Information Act and
23 the Open Meetings Act. A charter school's board of directors
24 or other governing body must include at least one parent or
25 guardian of a pupil currently enrolled in the charter school

1 who may be selected through the charter school or a charter
2 network election, appointment by the charter school's board of
3 directors or other governing body, or by the charter school's
4 Parent Teacher Organization or its equivalent.

5 (c-5) No later than January 1, 2021 or within the first
6 year of his or her first term, every voting member of a charter
7 school's board of directors or other governing body shall
8 complete a minimum of 4 hours of professional development
9 leadership training to ensure that each member has sufficient
10 familiarity with the board's or governing body's role and
11 responsibilities, including financial oversight and
12 accountability of the school, evaluating the principal's and
13 school's performance, adherence to the Freedom of Information
14 Act and the Open Meetings Act, and compliance with education
15 and labor law. In each subsequent year of his or her term, a
16 voting member of a charter school's board of directors or
17 other governing body shall complete a minimum of 2 hours of
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8 for employment;

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10 34-84a of this Code regarding discipline of students;

11 (3) the Local Governmental and Governmental Employees
12 Tort Immunity Act;

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

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- 3 (13) Sections 10-20.63 and 34-18.56 of this Code;
- 4 (14) Sections 22-90 and 26-18 of this Code;
- 5 (15) Section 22-30 of this Code;
- 6 (16) Sections 24-12 and 34-85 of this Code;
- 7 (17) the Seizure Smart School Act;
- 8 (18) Section 2-3.64a-10 of this Code;
- 9 (19) Sections 10-20.73 and 34-21.9 of this Code;
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- 20 (30) Section 28-19.2 of this Code;
- 21 (31) Section 34-21.6 of this Code; ~~and~~
- 22 (32) Section 22-85.10 of this Code;
- 23 (33) Section 2-3.196 of this Code;
- 24 (34) Section 22-95 of this Code;
- 25 (35) Section 34-18.62 of this Code; ~~and~~
- 26 (36) the Illinois Human Rights Act; and

1 (37) Sections 10-20.87 and 34-18.85 of this Code.

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

4 (h) A charter school may negotiate and contract with a
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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
13 to perform in order to carry out the terms of its charter.
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15 district may charge a charter school reasonable rent for the
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24 by converting an existing school or attendance center to
25 charter school status be required to pay rent for space that is
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1 agreement, in school district facilities. However, all other
2 costs for the operation and maintenance of school district
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6 (j) A charter school may limit student enrollment by age
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16 eff. 6-30-23; 103-472, eff. 8-1-24; revised 8-31-23.)

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25 (21) Section 27-9.1a of this Code;

26 (22) Section 27-9.1b of this Code;

- 1 (23) Section 34-18.8 of this Code;
- 2 (24) Article 26A of this Code;
- 3 (25) Section 2-3.188 of this Code;
- 4 (26) Section 22-85.5 of this Code;
- 5 (27) subsections (d-10), (d-15), and (d-20) of Section
- 6 10-20.56 of this Code;
- 7 (28) Sections 10-20.83 and 34-18.78 of this Code;
- 8 (29) Section 10-20.13 of this Code;
- 9 (30) Section 28-19.2 of this Code;
- 10 (31) Section 34-21.6 of this Code; ~~and~~
- 11 (32) Section 22-85.10 of this Code;
- 12 (33) Section 2-3.196 of this Code;
- 13 (34) Section 22-95 of this Code;
- 14 (35) Section 34-18.62 of this Code; ~~and~~
- 15 (36) the Illinois Human Rights Act; ~~and~~
- 16 (37) Sections 10-20.87 and 34-18.85 of this Code.

17 The change made by Public Act 96-104 to this subsection

18 (g) 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
2 to perform in order to carry out the terms of its charter.
3 Except as provided in subsection (i) of this Section, a school
4 district may charge a charter school reasonable rent for the
5 use of the district's buildings, grounds, and facilities. Any
6 services for which a charter school contracts with a school
7 district shall be provided by the district at cost. Any
8 services for which a charter school contracts with a local
9 school board or with the governing body of a State college or
10 university or public community college shall be provided by
11 the public entity at cost.

12 (i) In no event shall a charter school that is established
13 by converting an existing school or attendance center to
14 charter school status be required to pay rent for space that is
15 deemed available, as negotiated and provided in the charter
16 agreement, in school district facilities. However, all other
17 costs for the operation and maintenance of school district
18 facilities that are used by the charter school shall be
19 subject to negotiation between the charter school and the
20 local school board and shall be set forth in the charter.

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

23 (k) If the charter school is authorized by the State
24 Board, then the charter school is its own local education
25 agency.

26 (Source: P.A. 102-51, eff. 7-9-21; 102-157, eff. 7-1-22;

1 102-360, eff. 1-1-22; 102-445, eff. 8-20-21; 102-466, eff.
2 7-1-25; 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676,
3 eff. 12-3-21; 102-697, eff. 4-5-22; 102-702, eff. 7-1-23;
4 102-805, eff. 1-1-23; 102-813, eff. 5-13-22; 103-154, eff.
5 6-30-23; 103-175, eff. 6-30-23; 103-472, eff. 8-1-24; revised
6 8-31-23.)

7 (105 ILCS 5/34-18.85 new)

8 Sec. 34-18.85. Mental health services notification. The
9 board shall require each school to notify students and the
10 students' parents or guardians twice each year on how to
11 access any mental health services offered in the school or in
12 the community where the school is located.

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.