



Rep. Nicholas K. Smith

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10300SB3473ham002

LRB103 36420 RJT 72912 a

1 AMENDMENT TO SENATE BILL 3473

2 AMENDMENT NO. _____. Amend Senate Bill 3473 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by adding Section
5 2-3.204 and by changing Section 27A-5 as follows:

6 (105 ILCS 5/2-3.204 new)

7 Sec. 2-3.204. Type 1 diabetes informational materials.

8 (a) The State Board of Education, in coordination with the
9 Department of Public Health, shall develop type 1 diabetes
10 informational materials for the parents and guardians of
11 students. The informational materials shall be made available
12 to each school district and charter school on the State
13 Board's Internet website. Each school district and charter
14 school shall post the informational materials on the school
15 district's or charter school's website, if any.

16 (b) Information developed pursuant to this Section may

1 include, but is not limited to, all of the following:

2 (1) A description of type 1 diabetes.

3 (2) A description of the risk factors and warning
4 signs associated with type 1 diabetes.

5 (3) A recommendation regarding a student displaying
6 warning signs associated with type 1 diabetes that the
7 parent or guardian of the student should immediately
8 consult with the student's primary care provider to
9 determine if immediate screening for type 1 diabetes is
10 appropriate.

11 (4) A description of the screening process for type 1
12 diabetes and the implications of test results.

13 (5) A recommendation that, following a type 1 diabetes
14 diagnosis, the parent or guardian should consult with the
15 student's primary care provider to develop an appropriate
16 treatment plan, which may include consultation with and
17 examination by a specialty care provider, including, but
18 not limited to, a properly qualified endocrinologist.

19 (105 ILCS 5/27A-5)

20 (Text of Section before amendment by P.A. 102-466 and
21 103-472)

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

23 (a) A charter school shall be a public, nonsectarian,
24 nonreligious, non-home based, and non-profit school. A charter
25 school shall be organized and operated as a nonprofit

1 corporation or other discrete, legal, nonprofit entity
2 authorized under the laws of the State of Illinois.

3 (b) A charter school may be established under this Article
4 by creating a new school or by converting an existing public
5 school or attendance center to charter school status. In all
6 new applications to establish a charter school in a city
7 having a population exceeding 500,000, operation of the
8 charter school shall be limited to one campus. This limitation
9 does not apply to charter schools existing or approved on or
10 before April 16, 2003.

11 (b-5) (Blank).

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

23 (c-5) No later than January 1, 2021 or within the first
24 year of his or her first term, every voting member of a charter
25 school's board of directors or other governing body shall
26 complete a minimum of 4 hours of professional development

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

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
21 school personnel. "Non-curricular health and safety
22 requirement" does not include any course of study or
23 specialized instructional requirement for which the State
24 Board has established goals and learning standards or which is
25 designed primarily to impart knowledge and skills for students
26 to master and apply as an 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. The State Board shall
4 promulgate and post on its Internet website a list of
5 non-curricular health and safety requirements that a charter
6 school must meet. The list shall be updated annually no later
7 than September 1. Any charter contract between a charter
8 school and its authorizer must contain a provision that
9 requires the charter school to follow the list of all
10 non-curricular health and safety requirements promulgated by
11 the State Board and any non-curricular health and safety
12 requirements added by the State Board to such list during the
13 term of the charter. Nothing in this subsection (d) precludes
14 an authorizer from including non-curricular health and safety
15 requirements in a charter school contract that are not
16 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. The contractor shall not be an employee of the charter
3 school or affiliated with the charter school or its authorizer
4 in any way, other than to audit the charter school's finances.
5 To ensure financial accountability for the use of public
6 funds, on or before December 1 of every year of operation, each
7 charter school shall submit to its authorizer and the State
8 Board a copy of its audit and a copy of the Form 990 the
9 charter school filed that year with the federal Internal
10 Revenue Service. In addition, if deemed necessary for proper
11 financial oversight of the charter school, an authorizer may
12 require quarterly financial statements from each charter
13 school.

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

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

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

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

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

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

9 (5.5) subsection (b) of Section 10-23.12 and
10 subsection (b) of Section 34-18.6 of this Code;

11 (6) the Illinois School Student Records Act;

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

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

15 (9) Section 27-23.7 of this Code regarding bullying
16 prevention;

17 (10) Section 2-3.162 of this Code regarding student
18 discipline reporting;

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

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

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

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

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

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

25 (17) the Seizure Smart School Act;

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

- 1 (19) Sections 10-20.73 and 34-21.9 of this Code;
- 2 (20) Section 10-22.25b of this Code;
- 3 (21) Section 27-9.1a of this Code;
- 4 (22) Section 27-9.1b of this Code;
- 5 (23) Section 34-18.8 of this Code;
- 6 (25) Section 2-3.188 of this Code;
- 7 (26) Section 22-85.5 of this Code;
- 8 (27) subsections (d-10), (d-15), and (d-20) of Section
- 9 10-20.56 of this Code;
- 10 (28) Sections 10-20.83 and 34-18.78 of this Code;
- 11 (29) Section 10-20.13 of this Code;
- 12 (30) Section 28-19.2 of this Code;
- 13 (31) Section 34-21.6 of this Code; ~~and~~
- 14 (32) Section 22-85.10 of this Code; ~~and~~.
- 15 (37) Section 2-3.204 of this Code.

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

17 (g) is declaratory of existing law.

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

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

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

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

22 school building and grounds or any other real property or

23 facilities that the charter school desires to use or convert

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

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

26 activity, or undertaking that the charter school is required

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

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

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

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

25 (Source: P.A. 102-51, eff. 7-9-21; 102-157, eff. 7-1-22;
26 102-360, eff. 1-1-22; 102-445, eff. 8-20-21; 102-522, eff.

1 8-20-21; 102-558, eff. 8-20-21; 102-676, eff. 12-3-21;
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4 who may be selected through the charter school or a charter
5 network election, appointment by the charter school's board of
6 directors or other governing body, or by the charter school's
7 Parent Teacher Organization or its equivalent.

8 (c-5) No later than January 1, 2021 or within the first
9 year of his or her first term, every voting member of a charter
10 school's board of directors or other governing body shall
11 complete a minimum of 4 hours of professional development
12 leadership training to ensure that each member has sufficient
13 familiarity with the board's or governing body's role and
14 responsibilities, including financial oversight and
15 accountability of the school, evaluating the principal's and
16 school's performance, adherence to the Freedom of Information
17 Act and the Open Meetings Act, and compliance with education
18 and labor law. In each subsequent year of his or her term, a
19 voting member of a charter school's board of directors or
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25 (32) Section 22-85.10 of this Code;

26 (33) Section 2-3.196 of this Code;

1 (34) Section 22-95 of this Code;

2 (35) Section 34-18.62 of this Code; ~~and~~

3 (36) the Illinois Human Rights Act; ~~and-~~

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5 The change made by Public Act 96-104 to this subsection
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25 (18) Section 2-3.64a-10 of this Code;

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

- 1 (20) Section 10-22.25b of this Code;
- 2 (21) Section 27-9.1a of this Code;
- 3 (22) Section 27-9.1b of this Code;
- 4 (23) Section 34-18.8 of this Code;
- 5 (24) Article 26A of this Code;
- 6 (25) Section 2-3.188 of this Code;
- 7 (26) Section 22-85.5 of this Code;
- 8 (27) subsections (d-10), (d-15), and (d-20) of Section
9 10-20.56 of this Code;
- 10 (28) Sections 10-20.83 and 34-18.78 of this Code;
- 11 (29) Section 10-20.13 of this Code;
- 12 (30) Section 28-19.2 of this Code;
- 13 (31) Section 34-21.6 of this Code; ~~and~~
- 14 (32) Section 22-85.10 of this Code;
- 15 (33) Section 2-3.196 of this Code;
- 16 (34) Section 22-95 of this Code;
- 17 (35) Section 34-18.62 of this Code; ~~and~~
- 18 (36) the Illinois Human Rights Act; ~~and-~~
- 19 (37) Section 2-3.204 of this Code.

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

22 (h) A charter school may negotiate and contract with a
23 school district, the governing body of a State college or
24 university or public community college, or any other public or
25 for-profit or nonprofit private entity for: (i) the use of a
26 school building and grounds or any other real property or

1 facilities that the charter school desires to use or convert
2 for use as a charter school site, (ii) the operation and
3 maintenance thereof, and (iii) the provision of any service,
4 activity, or undertaking that the charter school is required
5 to perform in order to carry out the terms of its charter.
6 Except as provided in subsection (i) of this Section, a school
7 district may charge a charter school reasonable rent for the
8 use of the district's buildings, grounds, and facilities. Any
9 services for which a charter school contracts with a school
10 district shall be provided by the district at cost. Any
11 services for which a charter school contracts with a local
12 school board or with the governing body of a State college or
13 university or public community college shall be provided by
14 the public entity at cost.

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

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

26 (k) If the charter school is authorized by the State

1 Board, then the charter school is its own local education
2 agency.

3 (Source: P.A. 102-51, eff. 7-9-21; 102-157, eff. 7-1-22;
4 102-360, eff. 1-1-22; 102-445, eff. 8-20-21; 102-466, eff.
5 7-1-25; 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676,
6 eff. 12-3-21; 102-697, eff. 4-5-22; 102-702, eff. 7-1-23;
7 102-805, eff. 1-1-23; 102-813, eff. 5-13-22; 103-154, eff.
8 6-30-23; 103-175, eff. 6-30-23; 103-472, eff. 8-1-24; revised
9 8-31-23.)

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

17 Section 99. Effective date. This Act takes effect upon
18 becoming law."