



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB0401

Introduced 2/3/2009, by Rep. Monique D. Davis

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/27A-10  
30 ILCS 805/8.33 new

Amends the Charter Schools Law of the School Code. Provides that a charter school may not employ an individual in an instructional position or any paraprofessionals or school-related personnel who are not State-certified and highly qualified as defined in the federal No Child Left Behind Act of 2001. Amends the State Mandates Act to require implementation without reimbursement. Effective August 15, 2009.

LRB096 03002 NHT 13016 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 changing Section  
5 27A-10 as follows:

6 (105 ILCS 5/27A-10)

7 Sec. 27A-10. Employees.

8 (a) A person shall be deemed to be employed by a charter  
9 school unless a collective bargaining agreement or the charter  
10 school contract otherwise provides.

11 (b) In all school districts, including special charter  
12 districts and districts located in cities having a population  
13 exceeding 500,000, the local school board shall determine by  
14 policy or by negotiated agreement, if one exists, the  
15 employment status of any school district employees who are  
16 employed by a charter school and who seek to return to  
17 employment in the public schools of the district. Each local  
18 school board shall grant, for a period of up to 5 years, a  
19 leave of absence to those of its teachers who accept employment  
20 with a charter school. At the end of the authorized leave of  
21 absence, the teacher must return to the school district or  
22 resign; provided, however, that if the teacher chooses to  
23 return to the school district, the teacher must be assigned to

1 a position which requires the teacher's certification and legal  
2 qualifications. The contractual continued service status and  
3 retirement benefits of a teacher of the district who is granted  
4 a leave of absence to accept employment with a charter school  
5 shall not be affected by that leave of absence.

6 (c) Charter schools shall employ in instructional  
7 positions, as defined in the charter, individuals who are  
8 certificated under Article 21 of this Code or who possess the  
9 following qualifications:

10 (i) graduated with a bachelor's degree from an  
11 accredited institution of higher learning;

12 (ii) been employed for a period of at least 5 years in  
13 an area requiring application of the individual's  
14 education;

15 (iii) passed the tests of basic skills and subject  
16 matter knowledge required by Section 21-1a of the School  
17 Code; and

18 (iv) demonstrate continuing evidence of professional  
19 growth which shall include, but not be limited to,  
20 successful teaching experience, attendance at professional  
21 meetings, membership in professional organizations,  
22 additional credits earned at institutions of higher  
23 learning, travel specifically for educational purposes,  
24 and reading of professional books and periodicals.

25 Charter schools employing individuals without  
26 certification in instructional positions shall provide such

1 mentoring, training, and staff development for those  
2 individuals as the charter schools determine necessary for  
3 satisfactory performance in the classroom. A charter school may  
4 not employ an individual in an instructional position or any  
5 paraprofessionals or school-related personnel who are not  
6 State-certified and highly qualified as defined in the federal  
7 No Child Left Behind Act of 2001.

8 ~~Beginning with the 2006-2007 school year, at least 50% of~~  
9 ~~the individuals employed in instructional positions by a~~  
10 ~~charter school that is operating in a city having a population~~  
11 ~~exceeding 500,000 and that is established on or after the~~  
12 ~~effective date of this amendatory Act of the 93rd General~~  
13 ~~Assembly shall hold teaching certificates issued under Article~~  
14 ~~21 of this Code.~~

15 ~~Beginning with the 2006-2007 school year, at least 75% of~~  
16 ~~the individuals employed in instructional positions by a~~  
17 ~~charter school that is operating in a city having a population~~  
18 ~~exceeding 500,000 and that is established before the effective~~  
19 ~~date of this amendatory Act of the 93rd General Assembly shall~~  
20 ~~hold teaching certificates issued under Article 21 of this~~  
21 ~~Code.~~

22 Charter schools operating in a city having a population  
23 exceeding 500,000 are exempt from any annual cap on new  
24 participants in an alternative certification program. The  
25 second and third phases of the alternative certification  
26 program may be conducted and completed at the charter school,

1 and the alternative teaching certificate is valid for 4 years  
2 or the length of the charter (or any extension of the charter),  
3 whichever is longer.

4 Notwithstanding any other provisions of the School Code,  
5 charter schools may employ non-certificated staff in all other  
6 positions.

7 (d) A teacher at a charter school may resign his or her  
8 position only if the teacher gives notice of resignation to the  
9 charter school's governing body at least 60 days before the end  
10 of the school term, and the resignation must take effect  
11 immediately upon the end of the school term.

12 (Source: P.A. 93-3, eff. 4-16-03.)

13 Section 90. The State Mandates Act is amended by adding  
14 Section 8.33 as follows:

15 (30 ILCS 805/8.33 new)

16 Sec. 8.33. Exempt mandate. Notwithstanding Sections 6 and 8  
17 of this Act, no reimbursement by the State is required for the  
18 implementation of any mandate created by this amendatory Act of  
19 the 96th General Assembly.

20 Section 99. Effective date. This Act takes effect August  
21 15, 2009.