



Rep. William Davis

Filed: 5/23/2014

09800SB2793ham002

LRB098 17391 OMW 60120 a

1 AMENDMENT TO SENATE BILL 2793

2 AMENDMENT NO. _____. Amend Senate Bill 2793, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The School Code is amended by adding Section
6 2-3.160 and by changing Section 27A-5 as follows:

7 (105 ILCS 5/2-3.160 new)

8 Sec. 2-3.160. Student discipline report; school discipline
9 improvement plan.

10 (a) On or before October 31, 2015 and on or before October
11 31 of each subsequent year, the State Board of Education,
12 through the State Superintendent of Education, shall prepare a
13 report on student discipline in all school districts in this
14 State, including State-authorized charter schools. This report
15 shall include data from all public schools within school
16 districts, including district-authorized charter schools. This

1 report must be posted on the Internet website of the State
2 Board of Education. The report shall include data on the
3 issuance of out-of-school suspensions, expulsions, and
4 removals to alternative settings in lieu of another
5 disciplinary action, disaggregated by race and ethnicity,
6 gender, age, grade level, limited English proficiency,
7 incident type, and discipline duration.

8 (b) The State Board of Education shall analyze the data
9 under subsection (a) of this Section on an annual basis and
10 determine the top 20% of school districts for the following
11 metrics:

12 (1) Total number of out-of-school suspensions divided
13 by the total district enrollment by October 1 for the year
14 in which the data was collected, multiplied by 100.

15 (2) Total number of out-of-school expulsions divided
16 by the total district enrollment by October 1 for the year
17 in which the data was collected, multiplied by 100.

18 (3) Racial disproportionality, defined as the
19 overrepresentation of students of color or white students
20 in comparison to the total number of students of color or
21 white students on October 1st of the school year in which
22 data are collected, with respect to the use of
23 out-of-school suspensions and expulsions, which must be
24 calculated using the same method as the U.S. Department of
25 Education's Office for Civil Rights uses.

26 The analysis must be based on data collected over 3

1 consecutive school years, beginning with the 2014-2015 school
2 year.

3 Beginning with the 2017-2018 school year, the State Board
4 of Education shall require each of the school districts that
5 are identified in the top 20% of any of the metrics described
6 in this subsection (b) for 3 consecutive years to submit a plan
7 identifying the strategies the school district will implement
8 to reduce the use of exclusionary disciplinary practices or
9 racial disproportionality or both, if applicable. School
10 districts that no longer meet the criteria described in any of
11 the metrics described in this subsection (b) for 3 consecutive
12 years shall no longer be required to submit a plan.

13 This plan may be combined with any other improvement plans
14 required under federal or State law.

15 The calculation of the top 20% of any of the metrics
16 described in this subsection (b) shall exclude all school
17 districts, State-authorized charter schools, and special
18 charter districts that issued fewer than a total of 10
19 out-of-school suspensions or expulsions, whichever is
20 applicable, during the school year. The calculation of the top
21 20% of metric described in subdivision (3) of this subsection
22 (b) shall exclude all school districts with an enrollment of
23 fewer than 50 white students or fewer than 50 students of
24 color.

25 The plan must be approved at a public school board meeting
26 and posted on the school district's Internet website. Within

1 one year after being identified, the school district shall
2 submit to the State Board of Education and post on the
3 district's Internet website a progress report describing the
4 implementation of the plan and the results achieved.

5 (105 ILCS 5/27A-5)

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

7 (a) A charter school shall be a public, nonsectarian,
8 nonreligious, non-home based, and non-profit school. A charter
9 school shall be organized and operated as a nonprofit
10 corporation or other discrete, legal, nonprofit entity
11 authorized under the laws of the State of Illinois.

12 (b) A charter school may be established under this Article
13 by creating a new school or by converting an existing public
14 school or attendance center to charter school status. Beginning
15 on the effective date of this amendatory Act of the 93rd
16 General Assembly, in all new applications submitted to the
17 State Board or a local school board to establish a charter
18 school in a city having a population exceeding 500,000,
19 operation of the charter school shall be limited to one campus.
20 The changes made to this Section by this amendatory Act of the
21 93rd General Assembly do not apply to charter schools existing
22 or approved on or before the effective date of this amendatory
23 Act.

24 (b-5) In this subsection (b-5), "virtual-schooling" means
25 the teaching of courses through online methods with online

1 instructors, rather than the instructor and student being at
2 the same physical location. "Virtual-schooling" includes
3 without limitation instruction provided by full-time, online
4 virtual schools.

5 From April 1, 2013 through April 1, 2014, there is a
6 moratorium on the establishment of charter schools with
7 virtual-schooling components in school districts other than a
8 school district organized under Article 34 of this Code. This
9 moratorium does not apply to a charter school with
10 virtual-schooling components existing or approved prior to
11 April 1, 2013 or to the renewal of the charter of a charter
12 school with virtual-schooling components already approved
13 prior to April 1, 2013.

14 On or before March 1, 2014, the Commission shall submit to
15 the General Assembly a report on the effect of
16 virtual-schooling, including without limitation the effect on
17 student performance, the costs associated with
18 virtual-schooling, and issues with oversight. The report shall
19 include policy recommendations for virtual-schooling.

20 (c) A charter school shall be administered and governed by
21 its board of directors or other governing body in the manner
22 provided in its charter. The governing body of a charter school
23 shall be subject to the Freedom of Information Act and the Open
24 Meetings Act.

25 (d) A charter school shall comply with all applicable
26 health and safety requirements applicable to public schools

1 under the laws of the State of Illinois.

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

6 (f) A charter school shall be responsible for the
7 management and operation of its fiscal affairs including, but
8 not limited to, the preparation of its budget. An audit of each
9 charter school's finances shall be conducted annually by an
10 outside, independent contractor retained by the charter
11 school. Annually, by December 1, every charter school must
12 submit to the State Board a copy of its audit and a copy of the
13 Form 990 the charter school filed that year with the federal
14 Internal Revenue Service.

15 (g) A charter school shall comply with all provisions of
16 this Article, the Illinois Educational Labor Relations Act, and
17 its charter. A charter school is exempt from all other State
18 laws and regulations in the School Code governing public
19 schools and local school board policies, except the following:

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

25 (2) Sections 24-24 and 34-84A of the School Code
26 regarding discipline of students;

1 (3) The Local Governmental and Governmental Employees
2 Tort Immunity Act;

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

6 (5) The Abused and Neglected Child Reporting Act;

7 (6) The Illinois School Student Records Act;

8 (7) Section 10-17a of the School Code regarding school
9 report cards; ~~and~~

10 (8) The P-20 Longitudinal Education Data System Act; i
11 and-

12 (9) Section 2-3.160 of the School Code regarding
13 student discipline reporting.

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

16 (h) A charter school may negotiate and contract with a
17 school district, the governing body of a State college or
18 university or public community college, or any other public or
19 for-profit or nonprofit private entity for: (i) the use of a
20 school building and grounds or any other real property or
21 facilities that the charter school desires to use or convert
22 for use as a charter school site, (ii) the operation and
23 maintenance thereof, and (iii) the provision of any service,
24 activity, or undertaking that the charter school is required to
25 perform in order to carry out the terms of its charter.
26 However, a charter school that is established on or after the

1 effective date of this amendatory Act of the 93rd General
2 Assembly and that operates in a city having a population
3 exceeding 500,000 may not contract with a for-profit entity to
4 manage or operate the school during the period that commences
5 on the effective date of this amendatory Act of the 93rd
6 General Assembly and concludes at the end of the 2004-2005
7 school year. Except as provided in subsection (i) of this
8 Section, a school district may charge a charter school
9 reasonable rent for the use of the district's buildings,
10 grounds, and facilities. Any services for which a charter
11 school contracts with a school district shall be provided by
12 the district at cost. Any services for which a charter school
13 contracts with a local school board or with the governing body
14 of a State college or university or public community college
15 shall be provided by the public entity at cost.

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

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

1 (k) If the charter school is approved by the Commission,
2 then the Commission charter school is its own local education
3 agency.

4 (Source: P.A. 97-152, eff. 7-20-11; 97-154, eff. 1-1-12;
5 97-813, eff. 7-13-12; 98-16, eff. 5-24-13.)

6 Section 99. Effective date. This Act takes effect July 1,
7 2014.".