

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 10-23.12, 27A-5, and 34-18.6 as follows:

6 (105 ILCS 5/10-23.12) (from Ch. 122, par. 10-23.12)

7 Sec. 10-23.12. Child abuse and neglect; detection,  
8 reporting, and prevention.

9 (a) To provide staff development for local school site  
10 personnel who work with pupils in grades kindergarten through  
11 8~~7~~ in the detection, reporting, and prevention of child abuse  
12 and neglect.

13 (b) The Department of Children and Family Services may, in  
14 cooperation with school officials, distribute appropriate  
15 materials in school buildings listing the toll-free telephone  
16 number established in Section 7.6 of the Abused and Neglected  
17 Child Reporting Act, including methods of making a report under  
18 Section 7 of the Abused and Neglected Child Reporting Act, to  
19 be displayed in a clearly visible location in each school  
20 building.

21 (Source: P.A. 84-1308.)

22 (105 ILCS 5/27A-5)

1 (Text of Section before amendment by P.A. 99-927)

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

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

8 (b) A charter school may be established under this Article  
9 by creating a new school or by converting an existing public  
10 school or attendance center to charter school status. Beginning  
11 on April 16, 2003 (the effective date of Public Act 93-3), in  
12 all new applications to establish a charter school in a city  
13 having a population exceeding 500,000, operation of the charter  
14 school shall be limited to one campus. The changes made to this  
15 Section by Public Act 93-3 do not apply to charter schools  
16 existing or approved on or before April 16, 2003 (the effective  
17 date of Public Act 93-3).

18 (b-5) In this subsection (b-5), "virtual-schooling" means  
19 a cyber school where students engage in online curriculum and  
20 instruction via the Internet and electronic communication with  
21 their teachers at remote locations and with students  
22 participating at different times.

23 From April 1, 2013 through December 31, 2016, there is a  
24 moratorium on the establishment of charter schools with  
25 virtual-schooling components in school districts other than a  
26 school district organized under Article 34 of this Code. This

1 moratorium does not apply to a charter school with  
2 virtual-schooling components existing or approved prior to  
3 April 1, 2013 or to the renewal of the charter of a charter  
4 school with virtual-schooling components already approved  
5 prior to April 1, 2013.

6 On or before March 1, 2014, the Commission shall submit to  
7 the General Assembly a report on the effect of  
8 virtual-schooling, including without limitation the effect on  
9 student performance, the costs associated with  
10 virtual-schooling, and issues with oversight. The report shall  
11 include policy recommendations for virtual-schooling.

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 school  
15 shall be subject to the Freedom of Information Act and the Open  
16 Meetings Act.

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

1 knowledge and skills for students to master and apply as an  
2 outcome of their education.

3 A charter school shall comply with all non-curricular  
4 health and safety requirements applicable to public schools  
5 under the laws of the State of Illinois. On or before September  
6 1, 2015, the State Board shall promulgate and post on its  
7 Internet website a list of non-curricular health and safety  
8 requirements that a charter school must meet. The list shall be  
9 updated annually no later than September 1. Any charter  
10 contract between a charter school and its authorizer must  
11 contain a provision that requires the charter school to follow  
12 the list of all non-curricular health and safety requirements  
13 promulgated by the State Board and any non-curricular health  
14 and safety requirements added by the State Board to such list  
15 during the term of the charter. Nothing in this subsection (d)  
16 precludes an authorizer from including non-curricular health  
17 and safety requirements in a charter school contract that are  
18 not contained in the list promulgated by the State Board,  
19 including non-curricular health and safety requirements of the  
20 authorizing local school board.

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

25 (f) A charter school shall be responsible for the  
26 management and operation of its fiscal affairs including, but

1 not limited to, the preparation of its budget. An audit of each  
2 charter school's finances shall be conducted annually by an  
3 outside, independent contractor retained by the charter  
4 school. To ensure financial accountability for the use of  
5 public funds, on or before December 1 of every year of  
6 operation, each charter school shall submit to its authorizer  
7 and the State Board a copy of its audit and a copy of the Form  
8 990 the charter school filed that year with the federal  
9 Internal Revenue Service. In addition, if deemed necessary for  
10 proper financial oversight of the charter school, an authorizer  
11 may require quarterly financial statements from each charter  
12 school.

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

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

26 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and

- 1 34-84a of this Code regarding discipline of students;
- 2 (3) the Local Governmental and Governmental Employees  
3 Tort Immunity Act;
- 4 (4) Section 108.75 of the General Not For Profit  
5 Corporation Act of 1986 regarding indemnification of  
6 officers, directors, employees, and agents;
- 7 (5) the Abused and Neglected Child Reporting Act;
- 8 (5.5) subsection (b) of Section 10-23.12 and  
9 subsection (b) of Section 34-18.6 of this Code;
- 10 (6) the Illinois School Student Records Act;
- 11 (7) Section 10-17a of this Code regarding school report  
12 cards;
- 13 (8) the P-20 Longitudinal Education Data System Act;
- 14 (9) Section 27-23.7 of this Code regarding bullying  
15 prevention;
- 16 (10) Section 2-3.162 of this Code regarding student  
17 discipline reporting; and
- 18 (11) Section 22-80 of this Code.

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

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

1 for use as a charter school site, (ii) the operation and  
2 maintenance thereof, and (iii) the provision of any service,  
3 activity, or undertaking that the charter school is required to  
4 perform in order to carry out the terms of its charter.  
5 However, a charter school that is established on or after April  
6 16, 2003 (the effective date of Public Act 93-3) and that  
7 operates in a city having a population exceeding 500,000 may  
8 not contract with a for-profit entity to manage or operate the  
9 school during the period that commences on April 16, 2003 (the  
10 effective date of Public Act 93-3) and concludes at the end of  
11 the 2004-2005 school year. Except as provided in subsection (i)  
12 of this Section, a school district may charge a charter school  
13 reasonable rent for the use of the district's buildings,  
14 grounds, and facilities. Any services for which a charter  
15 school contracts with a school district shall be provided by  
16 the district at cost. Any services for which a charter school  
17 contracts with a local school board or with the governing body  
18 of a State college or university or public community college  
19 shall be provided by the public entity at cost.

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

1 to negotiation between the charter school and the local school  
2 board and shall be set forth in the charter.

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

5 (k) If the charter school is approved by the Commission,  
6 then the Commission charter school is its own local education  
7 agency.

8 (Source: P.A. 98-16, eff. 5-24-13; 98-639, eff. 6-9-14; 98-669,  
9 eff. 6-26-14; 98-739, eff. 7-16-14; 98-783, eff. 1-1-15;  
10 98-1059, eff. 8-26-14; 98-1102, eff. 8-26-14; 99-30, eff.  
11 7-10-15; 99-78, eff. 7-20-15; 99-245, eff. 8-3-15; 99-325, eff.  
12 8-10-15; 99-456, eff. 9-15-16; 99-642, eff. 7-28-16.)

13 (Text of Section after amendment by P.A. 99-927)

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

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

20 (b) A charter school may be established under this Article  
21 by creating a new school or by converting an existing public  
22 school or attendance center to charter school status. Beginning  
23 on April 16, 2003 (the effective date of Public Act 93-3), in  
24 all new applications to establish a charter school in a city  
25 having a population exceeding 500,000, operation of the charter

1 school shall be limited to one campus. The changes made to this  
2 Section by Public Act 93-3 do not apply to charter schools  
3 existing or approved on or before April 16, 2003 (the effective  
4 date of Public Act 93-3).

5 (b-5) In this subsection (b-5), "virtual-schooling" means  
6 a cyber school where students engage in online curriculum and  
7 instruction via the Internet and electronic communication with  
8 their teachers at remote locations and with students  
9 participating at different times.

10 From April 1, 2013 through December 31, 2016, there is a  
11 moratorium on the establishment of charter schools with  
12 virtual-schooling components in school districts other than a  
13 school district organized under Article 34 of this Code. This  
14 moratorium does not apply to a charter school with  
15 virtual-schooling components existing or approved prior to  
16 April 1, 2013 or to the renewal of the charter of a charter  
17 school with virtual-schooling components already approved  
18 prior to April 1, 2013.

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

25 (c) A charter school shall be administered and governed by  
26 its board of directors or other governing body in the manner

1 provided in its charter. The governing body of a charter school  
2 shall be subject to the Freedom of Information Act and the Open  
3 Meetings Act.

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

16 A charter school shall comply with all non-curricular  
17 health and safety requirements applicable to public schools  
18 under the laws of the State of Illinois. On or before September  
19 1, 2015, the State Board shall promulgate and post on its  
20 Internet website a list of non-curricular health and safety  
21 requirements that a charter school must meet. The list shall be  
22 updated annually no later than September 1. Any charter  
23 contract between a charter school and its authorizer must  
24 contain a provision that requires the charter school to follow  
25 the list of all non-curricular health and safety requirements  
26 promulgated by the State Board and any non-curricular health

1 and safety requirements added by the State Board to such list  
2 during the term of the charter. Nothing in this subsection (d)  
3 precludes an authorizer from including non-curricular health  
4 and safety requirements in a charter school contract that are  
5 not contained in the list promulgated by the State Board,  
6 including non-curricular health and safety requirements of the  
7 authorizing local school board.

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

12 (f) A charter school shall be responsible for the  
13 management and operation of its fiscal affairs including, but  
14 not limited to, the preparation of its budget. An audit of each  
15 charter school's finances shall be conducted annually by an  
16 outside, independent contractor retained by the charter  
17 school. To ensure financial accountability for the use of  
18 public funds, on or before December 1 of every year of  
19 operation, each charter school shall submit to its authorizer  
20 and the State Board a copy of its audit and a copy of the Form  
21 990 the charter school filed that year with the federal  
22 Internal Revenue Service. In addition, if deemed necessary for  
23 proper financial oversight of the charter school, an authorizer  
24 may require quarterly financial statements from each charter  
25 school.

26 (g) A charter school shall comply with all provisions of

1 this Article, the Illinois Educational Labor Relations Act, all  
2 federal and State laws and rules applicable to public schools  
3 that pertain to special education and the instruction of  
4 English learners, and its charter. A charter school is exempt  
5 from all other State laws and regulations in this Code  
6 governing public schools and local school board policies;  
7 however, a charter school is not exempt from the following:

8 (1) Sections 10-21.9 and 34-18.5 of this Code regarding  
9 criminal history records checks and checks of the Statewide  
10 Sex Offender Database and Statewide Murderer and Violent  
11 Offender Against Youth Database of applicants for  
12 employment;

13 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and  
14 34-84a of this Code regarding discipline of students;

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

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

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

21 (5.5) subsection (b) of Section 10-23.12 and  
22 subsection (b) of Section 34-18.6 of this Code;

23 (6) the Illinois School Student Records Act;

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

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

1           (9) Section 27-23.7 of this Code regarding bullying  
2 prevention;

3           (10) Section 2-3.162 of this Code regarding student  
4 discipline reporting; and

5           (11) Sections 22-80 and 27-8.1 of this Code.

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

8           (h) A charter school may negotiate and contract with a  
9 school district, the governing body of a State college or  
10 university or public community college, or any other public or  
11 for-profit or nonprofit private entity for: (i) the use of a  
12 school building and grounds or any other real property or  
13 facilities that the charter school desires to use or convert  
14 for use as a charter school site, (ii) the operation and  
15 maintenance thereof, and (iii) the provision of any service,  
16 activity, or undertaking that the charter school is required to  
17 perform in order to carry out the terms of its charter.  
18 However, a charter school that is established on or after April  
19 16, 2003 (the effective date of Public Act 93-3) and that  
20 operates in a city having a population exceeding 500,000 may  
21 not contract with a for-profit entity to manage or operate the  
22 school during the period that commences on April 16, 2003 (the  
23 effective date of Public Act 93-3) and concludes at the end of  
24 the 2004-2005 school year. Except as provided in subsection (i)  
25 of this Section, a school district may charge a charter school  
26 reasonable rent for the use of the district's buildings,

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

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

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

18 (k) If the charter school is approved by the Commission,  
19 then the Commission charter school is its own local education  
20 agency.

21 (Source: P.A. 98-16, eff. 5-24-13; 98-639, eff. 6-9-14; 98-669,  
22 eff. 6-26-14; 98-739, eff. 7-16-14; 98-783, eff. 1-1-15;  
23 98-1059, eff. 8-26-14; 98-1102, eff. 8-26-14; 99-30, eff.  
24 7-10-15; 99-78, eff. 7-20-15; 99-245, eff. 8-3-15; 99-325, eff.  
25 8-10-15; 99-456, eff. 9-15-16; 99-642, eff. 7-28-16; 99-927,  
26 eff. 6-1-17.)

1 (105 ILCS 5/34-18.6) (from Ch. 122, par. 34-18.6)

2 Sec. 34-18.6. Child abuse and neglect; ~~-~~detection,  
3 reporting<sub>L</sub> and prevention.

4 (a) The Board of Education may provide staff development  
5 for local school site personnel who work with pupils in grades  
6 kindergarten through 8~~7~~ in the detection, reporting<sub>L</sub> and  
7 prevention of child abuse and neglect.

8 (b) The Department of Children and Family Services may, in  
9 cooperation with school officials, distribute appropriate  
10 materials in school buildings listing the toll-free telephone  
11 number established in Section 7.6 of the Abused and Neglected  
12 Child Reporting Act, including methods of making a report under  
13 Section 7 of the Abused and Neglected Child Reporting Act, to  
14 be displayed in a clearly visible location in each school  
15 building.

16 (Source: P.A. 84-1308.)

17 Section 95. No acceleration or delay. Where this Act makes  
18 changes in a statute that is represented in this Act by text  
19 that is not yet or no longer in effect (for example, a Section  
20 represented by multiple versions), the use of that text does  
21 not accelerate or delay the taking effect of (i) the changes  
22 made by this Act or (ii) provisions derived from any other  
23 Public Act.