



Sen. Julie A. Morrison

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LRB100 09190 NHT 22835 a

1 AMENDMENT TO SENATE BILL 764

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 764 by replacing  
3 everything after the enacting clause with the following:

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~~ in the detection, reporting, and prevention of child abuse  
12 and neglect.

13 (b) The Department of Children and Family Services shall,  
14 in 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

1 Child Reporting Act, including methods of making a report under  
2 Section 7 of the Abused and Neglected Child Reporting Act, to  
3 be displayed in a clearly visible location in each school  
4 building.

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

6 (105 ILCS 5/27A-5)

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

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

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

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

24 (b-5) In this subsection (b-5), "virtual-schooling" means  
25 a cyber school where students engage in online curriculum and

1 instruction via the Internet and electronic communication with  
2 their teachers at remote locations and with students  
3 participating at different times.

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

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

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 school  
22 shall be subject to the Freedom of Information Act and the Open  
23 Meetings Act.

24 (d) For purposes of this subsection (d), "non-curricular  
25 health and safety requirement" means any health and safety  
26 requirement created by statute or rule to provide, maintain,

1 preserve, or safeguard safe or healthful conditions for  
2 students and school personnel or to eliminate, reduce, or  
3 prevent threats to the health and safety of students and school  
4 personnel. "Non-curricular health and safety requirement" does  
5 not include any course of study or specialized instructional  
6 requirement for which the State Board has established goals and  
7 learning standards or which is designed primarily to impart  
8 knowledge and skills for students to master and apply as an  
9 outcome of their education.

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

1 authorizing local school board.

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. To ensure financial accountability for the use of  
12 public funds, on or before December 1 of every year of  
13 operation, each charter school shall submit to its authorizer  
14 and the State Board a copy of its audit and a copy of the Form  
15 990 the charter school filed that year with the federal  
16 Internal Revenue Service. In addition, if deemed necessary for  
17 proper financial oversight of the charter school, an authorizer  
18 may require quarterly financial statements from each charter  
19 school.

20 (g) A charter school shall comply with all provisions of  
21 this Article, the Illinois Educational Labor Relations Act, all  
22 federal and State laws and rules applicable to public schools  
23 that pertain to special education and the instruction of  
24 English learners, and its charter. A charter school is exempt  
25 from all other State laws and regulations in this Code  
26 governing public schools and local school board policies;

1 however, a charter school is not exempt from the following:

2 (1) Sections 10-21.9 and 34-18.5 of this Code regarding  
3 criminal history records checks and checks of the Statewide  
4 Sex Offender Database and Statewide Murderer and Violent  
5 Offender Against Youth Database of applicants for  
6 employment;

7 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and  
8 34-84a of this Code regarding discipline of students;

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

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

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

15 (5.5) subsection (b) of Section 10-23.12 and  
16 subsection (b) of Section 34-18.6 of this Code;

17 (6) the Illinois School Student Records Act;

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

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

21 (9) Section 27-23.7 of this Code regarding bullying  
22 prevention;

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

25 (11) Section 22-80 of this Code.

26 The change made by Public Act 96-104 to this subsection (g)

1 is declaratory of existing law.

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

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

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

12 (k) If the charter school is approved by the Commission,  
13 then the Commission charter school is its own local education  
14 agency.

15 (Source: P.A. 98-16, eff. 5-24-13; 98-639, eff. 6-9-14; 98-669,  
16 eff. 6-26-14; 98-739, eff. 7-16-14; 98-783, eff. 1-1-15;  
17 98-1059, eff. 8-26-14; 98-1102, eff. 8-26-14; 99-30, eff.  
18 7-10-15; 99-78, eff. 7-20-15; 99-245, eff. 8-3-15; 99-325, eff.  
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19 Child Reporting Act, including methods of making a report under  
20 Section 7 of the Abused and Neglected Child Reporting Act, to  
21 be displayed in a clearly visible location in each school  
22 building.

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

24 Section 95. No acceleration or delay. Where this Act makes

1 changes in a statute that is represented in this Act by text  
2 that is not yet or no longer in effect (for example, a Section  
3 represented by multiple versions), the use of that text does  
4 not accelerate or delay the taking effect of (i) the changes  
5 made by this Act or (ii) provisions derived from any other  
6 Public Act."