

HB5225



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5225

Introduced 2/8/2012, by Rep. Thaddeus Jones

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27A-5

Amends the School Code. Makes a technical change in a Section concerning charter schools.

LRB097 19906 RPM 65195 b

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-5 as follows:

6 (105 ILCS 5/27A-5)

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

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

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

1 Act.

2 (c) A charter school shall be administered and governed by
3 its board of directors or other governing body in the manner
4 provided in its charter. The governing body of a charter school
5 shall be subject to the Freedom of Information Act and the Open
6 Meetings Act.

7 (d) A charter school shall comply with all applicable
8 health and safety requirements applicable to public schools
9 under the laws of the State of Illinois.

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

14 (f) A charter school shall be responsible for the
15 management and operation of its fiscal affairs including, but
16 not limited to, the preparation of its budget. An audit of each
17 charter school's finances shall be conducted annually by an
18 outside, independent contractor retained by the charter
19 school. Annually, by December 1, every charter school must
20 submit to the State Board a copy of its audit and a copy of the
21 Form 990 the charter school filed that year with the federal
22 Internal Revenue Service.

23 (g) A charter school shall comply with all provisions of
24 this Article, the Illinois Educational Labor Relations Act, and
25 its charter. A charter school is exempt from all other State
26 laws and regulations in the School Code governing public

1 schools and local school board policies, except the following:

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

7 (2) Sections 24-24 and 34-84A of the School Code
8 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 (6) The Illinois School Student Records Act;

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

18 (8) The P-20 Longitudinal Education Data System Act.

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

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

1 facilities that are used by the charter school shall be subject
2 to negotiation between the charter school and the local school
3 board and shall be set forth in the charter.

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

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

9 (Source: P.A. 96-104, eff. 1-1-10; 96-105, eff. 7-30-09;
10 96-107, eff. 7-30-09; 96-734, eff. 8-25-09; 96-1000, eff.
11 7-2-10; 97-152, eff. 7-20-11; 97-154, eff. 1-1-12; revised
12 9-28-11.)