

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.)

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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.