

# HB3745



## 100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3745

by Rep. Melissa Conyears-Ervin

### SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.60 new  
105 ILCS 5/27A-5  
105 ILCS 5/34-18.53 new

Amends the School Code. Requires public and charter schools to post, in English and Spanish, information regarding local community after-school programs at each school campus in at least one high-traffic, highly and clearly visible, public area that is readily accessible to and widely used by students.

LRB100 09665 MLM 19834 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 and by adding Sections 10-20.60 and 34-18.53 as follows:

6 (105 ILCS 5/10-20.60 new)

7 Sec. 10-20.60. Community after-school program postings.  
8 Using a format and language that is clear, simple, and  
9 understandable to students, each public school and charter  
10 school shall post, in English and Spanish, information  
11 regarding local community after-school programs. Public  
12 schools and charter schools shall post the information  
13 specified in this Section at each school campus in at least one  
14 high-traffic, highly and clearly visible, public area that is  
15 readily accessible to and widely used by students.

16 (105 ILCS 5/27A-5)

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

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

19 (a) A charter school shall be a public, nonsectarian,  
20 nonreligious, non-home based, and non-profit school. A charter  
21 school shall be organized and operated as a nonprofit  
22 corporation or other discrete, legal, nonprofit entity

1 authorized under the laws of the State of Illinois.

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

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

17 From April 1, 2013 through December 31, 2016, there is a  
18 moratorium on the establishment of charter schools with  
19 virtual-schooling components in school districts other than a  
20 school district organized under Article 34 of this Code. This  
21 moratorium does not apply to a charter school with  
22 virtual-schooling components existing or approved prior to  
23 April 1, 2013 or to the renewal of the charter of a charter  
24 school with virtual-schooling components already approved  
25 prior to April 1, 2013.

26 On or before March 1, 2014, the Commission shall submit to

1 the General Assembly a report on the effect of  
2 virtual-schooling, including without limitation the effect on  
3 student performance, the costs associated with  
4 virtual-schooling, and issues with oversight. The report shall  
5 include policy recommendations for virtual-schooling.

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

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

23 A charter school shall comply with all non-curricular  
24 health and safety requirements applicable to public schools  
25 under the laws of the State of Illinois. On or before September  
26 1, 2015, the State Board shall promulgate and post on its

1 Internet website a list of non-curricular health and safety  
2 requirements that a charter school must meet. The list shall be  
3 updated annually no later than September 1. Any charter  
4 contract between a charter school and its authorizer must  
5 contain a provision that requires the charter school to follow  
6 the list of all non-curricular health and safety requirements  
7 promulgated by the State Board and any non-curricular health  
8 and safety requirements added by the State Board to such list  
9 during the term of the charter. Nothing in this subsection (d)  
10 precludes an authorizer from including non-curricular health  
11 and safety requirements in a charter school contract that are  
12 not contained in the list promulgated by the State Board,  
13 including non-curricular health and safety requirements of the  
14 authorizing local school board.

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

19 (f) A charter school shall be responsible for the  
20 management and operation of its fiscal affairs including, but  
21 not limited to, the preparation of its budget. An audit of each  
22 charter school's finances shall be conducted annually by an  
23 outside, independent contractor retained by the charter  
24 school. To ensure financial accountability for the use of  
25 public funds, on or before December 1 of every year of  
26 operation, each charter school shall submit to its authorizer

1 and the State Board a copy of its audit and a copy of the Form  
2 990 the charter school filed that year with the federal  
3 Internal Revenue Service. In addition, if deemed necessary for  
4 proper financial oversight of the charter school, an authorizer  
5 may require quarterly financial statements from each charter  
6 school.

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

15 (1) Sections 10-21.9 and 34-18.5 of this Code regarding  
16 criminal history records checks and checks of the Statewide  
17 Sex Offender Database and Statewide Murderer and Violent  
18 Offender Against Youth Database of applicants for  
19 employment;

20 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and  
21 34-84a of this Code regarding discipline of students;

22 (3) the Local Governmental and Governmental Employees  
23 Tort Immunity Act;

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

- 1 (5) the Abused and Neglected Child Reporting Act;
- 2 (6) the Illinois School Student Records Act;
- 3 (7) Section 10-17a of this Code regarding school report
- 4 cards;
- 5 (8) the P-20 Longitudinal Education Data System Act;
- 6 (9) Section 27-23.7 of this Code regarding bullying
- 7 prevention;
- 8 (10) Section 2-3.162 of this Code regarding student
- 9 discipline reporting; ~~and~~
- 10 (11) Section 22-80 of this Code; ~~and-~~
- 11 (12) Sections 10-20.60 and 34-18.53 of this Code.

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

13 is declaratory of existing law.

14 (h) A charter school may negotiate and contract with a

15 school district, the governing body of a State college or

16 university or public community college, or any other public or

17 for-profit or nonprofit private entity for: (i) the use of a

18 school building and grounds or any other real property or

19 facilities that the charter school desires to use or convert

20 for use as a charter school site, (ii) the operation and

21 maintenance thereof, and (iii) the provision of any service,

22 activity, or undertaking that the charter school is required to

23 perform in order to carry out the terms of its charter.

24 However, a charter school that is established on or after April

25 16, 2003 (the effective date of Public Act 93-3) and that

26 operates in a city having a population exceeding 500,000 may

1 not contract with a for-profit entity to manage or operate the  
2 school during the period that commences on April 16, 2003 (the  
3 effective date of Public Act 93-3) and concludes at the end of  
4 the 2004-2005 school year. Except as provided in subsection (i)  
5 of this Section, a school district may charge a charter school  
6 reasonable rent for the use of the district's buildings,  
7 grounds, and facilities. Any services for which a charter  
8 school contracts with a school district shall be provided by  
9 the district at cost. Any services for which a charter school  
10 contracts with a local school board or with the governing body  
11 of a State college or university or public community college  
12 shall be provided by the public entity at cost.

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

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

24 (k) If the charter school is approved by the Commission,  
25 then the Commission charter school is its own local education  
26 agency.



1 (Source: P.A. 98-16, eff. 5-24-13; 98-639, eff. 6-9-14; 98-669,  
2 eff. 6-26-14; 98-739, eff. 7-16-14; 98-783, eff. 1-1-15;  
3 98-1059, eff. 8-26-14; 98-1102, eff. 8-26-14; 99-30, eff.  
4 7-10-15; 99-78, eff. 7-20-15; 99-245, eff. 8-3-15; 99-325, eff.  
5 8-10-15; 99-456, eff. 9-15-16; 99-642, eff. 7-28-16.)

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17 8-10-15; 99-456, eff. 9-15-16; 99-642, eff. 7-28-16; 99-927,  
18 eff. 6-1-17.)

19 (105 ILCS 5/34-18.53 new)

20 Sec. 34-18.53. Community after-school program postings.  
21 Using a format and language that is clear, simple, and  
22 understandable to students, each public school and charter  
23 school shall post, in English and Spanish, information  
24 regarding local community after-school programs. Public  
25 schools and charter schools shall post the information

1 specified in this Section at each school campus in at least one  
2 high-traffic, highly and clearly visible, public area that is  
3 readily accessible to and widely used by students.

4       Section 95. No acceleration or delay. Where this Act makes  
5 changes in a statute that is represented in this Act by text  
6 that is not yet or no longer in effect (for example, a Section  
7 represented by multiple versions), the use of that text does  
8 not accelerate or delay the taking effect of (i) the changes  
9 made by this Act or (ii) provisions derived from any other  
10 Public Act.