



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB3659

by Rep. Aaron M. Ortiz

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/27A-5

Amends the Charter Schools Article of the School Code. Provides that, no later than one year after the effective date of the amendatory Act, a charter school's board of directors or other governing body must include at least one parent or guardian of a pupil currently enrolled in the charter school who may be selected through the charter school or a charter network election, appointment by the charter school's board of directors or other governing body, or by the charter school's Parent Teacher Organization or its equivalent. Provides that, no later than one year after the effective date of the amendatory Act or within the first year of his or her first term, every voting member of a charter school's board of directors or other governing body shall complete a minimum of 4 hours of professional development leadership training to ensure that each member has sufficient familiarity with the board's or governing body's role and responsibilities, including financial oversight and accountability of the school, evaluating the principal's and school's performance, adherence to the Freedom of Information Act and the Open Meetings Acts, and compliance with education and labor law. Provides that in each subsequent year of his or her term, a voting member of a charter school's board of directors or other governing body shall complete a minimum of 2 hours of professional development training in those same areas.

LRB101 11126 AXK 56352 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 non-profit school. A charter  
10 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 April 16, 2003 (the effective date of Public Act 93-3), in  
17 all new applications to establish a charter school in a city  
18 having a population exceeding 500,000, operation of the charter  
19 school shall be limited to one campus. The changes made to this  
20 Section by Public Act 93-3 do not apply to charter schools  
21 existing or approved on or before April 16, 2003 (the effective  
22 date of Public Act 93-3).

23 (b-5) In this subsection (b-5), "virtual-schooling" means

1 a cyber school where students engage in online curriculum and  
2 instruction via the Internet and electronic communication with  
3 their teachers at remote locations and with students  
4 participating at different times.

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

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

20 (c) A charter school shall be administered and governed by  
21 its board of directors or other governing body in the manner  
22 provided in its charter. The governing body of a charter school  
23 shall be subject to the Freedom of Information Act and the Open  
24 Meetings Act. No later than one year after the effective date  
25 of this amendatory Act of the 101st General Assembly, a charter  
26 school's board of directors or other governing body must

1 include at least one parent or guardian of a pupil currently  
2 enrolled in the charter school who may be selected through the  
3 charter school or a charter network election, appointment by  
4 the charter school's board of directors or other governing  
5 body, or by the charter school's Parent Teacher Organization or  
6 its equivalent.

7 (c-5) No later than one year after the effective date of  
8 this amendatory Act of the 101st General Assembly or within the  
9 first year of his or her first term, every voting member of a  
10 charter school's board of directors or other governing body  
11 shall complete a minimum of 4 hours of professional development  
12 leadership training to ensure that each member has sufficient  
13 familiarity with the board's or governing body's role and  
14 responsibilities, including financial oversight and  
15 accountability of the school, evaluating the principal's and  
16 school's performance, adherence to the Freedom of Information  
17 Act and the Open Meetings Acts, and compliance with education  
18 and labor law. In each subsequent year of his or her term, a  
19 voting member of a charter school's board of directors or other  
20 governing body shall complete a minimum of 2 hours of  
21 professional development training in these same areas. The  
22 training under this subsection may be provided or certified by  
23 a statewide charter school membership association or may be  
24 provided or certified by other qualified providers approved by  
25 the State Board of Education.

26 (d) For purposes of this subsection (d), "non-curricular

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

12 A charter school shall comply with all non-curricular  
13 health and safety requirements applicable to public schools  
14 under the laws of the State of Illinois. On or before September  
15 1, 2015, the State Board shall promulgate and post on its  
16 Internet website a list of non-curricular health and safety  
17 requirements that a charter school must meet. The list shall be  
18 updated annually no later than September 1. Any charter  
19 contract between a charter school and its authorizer must  
20 contain a provision that requires the charter school to follow  
21 the list of all non-curricular health and safety requirements  
22 promulgated by the State Board and any non-curricular health  
23 and safety requirements added by the State Board to such list  
24 during the term of the charter. Nothing in this subsection (d)  
25 precludes an authorizer from including non-curricular health  
26 and safety requirements in a charter school contract that are

1 not contained in the list promulgated by the State Board,  
2 including non-curricular health and safety requirements of the  
3 authorizing local school board.

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

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

22 (g) A charter school shall comply with all provisions of  
23 this Article, the Illinois Educational Labor Relations Act, all  
24 federal and State laws and rules applicable to public schools  
25 that pertain to special education and the instruction of  
26 English learners, and its charter. A charter school is exempt

1 from all other State laws and regulations in this Code  
2 governing public schools and local school board policies;  
3 however, a charter school is not exempt from the following:

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

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

11 (3) the Local Governmental and Governmental Employees  
12 Tort Immunity Act;

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

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

17 (5.5) subsection (b) of Section 10-23.12 and  
18 subsection (b) of Section 34-18.6 of this Code;

19 (6) the Illinois School Student Records Act;

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

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

23 (9) Section 27-23.7 of this Code regarding bullying  
24 prevention;

25 (10) Section 2-3.162 of this Code regarding student  
26 discipline reporting;

- 1 (11) Sections 22-80 and 27-8.1 of this Code;  
2 (12) Sections 10-20.60 and 34-18.53 of this Code;  
3 (13) Sections 10-20.63 and 34-18.56 of this Code; ~~and~~  
4 (14) Section 26-18 of this Code; and  
5 (15) Section 22-30 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. 99-30, eff. 7-10-15; 99-78, eff. 7-20-15; 99-245,  
22 eff. 8-3-15; 99-325, eff. 8-10-15; 99-456, eff. 9-15-16;  
23 99-642, eff. 7-28-16; 99-927, eff. 6-1-17; 100-29, eff. 1-1-18;  
24 100-156, eff. 1-1-18; 100-163, eff. 1-1-18; 100-413, eff.  
25 1-1-18; 100-468, eff. 6-1-18; 100-726, eff. 1-1-19; 100-863,  
26 eff. 8-14-18; revised 10-5-18.)