

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.
16 Beginning on April 16, 2003 (the effective date of Public Act
17 93-3), in all new applications to establish a charter school
18 in a city having a population exceeding 500,000, operation of
19 the charter school shall be limited to one campus. The changes
20 made to this Section by Public Act 93-3 do not apply to charter
21 schools existing or approved on or before April 16, 2003 (the
22 effective 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 (c) A charter school shall be administered and governed by
15 its board of directors or other governing body in the manner
16 provided in its charter. The governing body of a charter
17 school shall be subject to the Freedom of Information Act and
18 the Open Meetings Act. No later than January 1, 2021 (one year
19 after the effective date of Public Act 101-291) ~~this~~
20 ~~amendatory Act of the 101st General Assembly~~, a charter
21 school's board of directors or other governing body must
22 include at least one parent or guardian of a pupil currently
23 enrolled in the charter school who may be selected through the
24 charter school or a charter network election, appointment by
25 the charter school's board of directors or other governing
26 body, or by the charter school's Parent Teacher Organization

1 or its equivalent.

2 (c-5) No later than January 1, 2021 (one year after the
3 effective date of Public Act 101-291) ~~this amendatory Act of~~
4 ~~the 101st General Assembly~~ or within the first year of his or
5 her first term, every voting member of a charter school's
6 board of directors or other governing body shall complete a
7 minimum of 4 hours of professional development leadership
8 training to ensure that each member has sufficient familiarity
9 with the board's or governing body's role and
10 responsibilities, including financial oversight and
11 accountability of the school, evaluating the principal's and
12 school's performance, adherence to the Freedom of Information
13 Act and the Open Meetings Act ~~Acts~~, and compliance with
14 education and labor law. In each subsequent year of his or her
15 term, a voting member of a charter school's board of directors
16 or other governing body shall complete a minimum of 2 hours of
17 professional development training in these same areas. The
18 training under this subsection may be provided or certified by
19 a statewide charter school membership association or may be
20 provided or certified by other qualified providers approved by
21 the State Board of Education.

22 (d) For purposes of this subsection (d), "non-curricular
23 health and safety requirement" means any health and safety
24 requirement created by statute or rule to provide, maintain,
25 preserve, or safeguard safe or healthful conditions for
26 students and school personnel or to eliminate, reduce, or

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

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

26 (e) Except as otherwise provided in the School Code, a

1 charter school shall not charge tuition; provided that a
2 charter school may charge reasonable fees for textbooks,
3 instructional materials, and student activities.

4 (f) A charter school shall be responsible for the
5 management and operation of its fiscal affairs, including, but
6 not limited to, the preparation of its budget. An audit of each
7 charter school's finances shall be conducted annually by an
8 outside, independent contractor retained by the charter
9 school. The contractor shall not be an employee of the charter
10 school or affiliated with the charter school or its authorizer
11 in any way, other than to audit the charter school's finances.

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

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

1 governing public schools and local school board policies;
2 however, a charter school is not exempt from the following:

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

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

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

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

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

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

18 (6) the Illinois School Student Records Act;

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

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

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

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

26 (11) Sections 22-80 and 27-8.1 of this Code;

- 1 (12) Sections 10-20.60 and 34-18.53 of this Code;
2 (13) Sections 10-20.63 and 34-18.56 of this Code;
3 (14) Section 26-18 of this Code;
4 (15) Section 22-30 of this Code; ~~and~~
5 (16) Sections 24-12 and 34-85 of this Code; and-
6 (17) the ~~(16) The~~ Seizure Smart School Act.

7 The change made by Public Act 96-104 to this subsection
8 (g) is declaratory of existing law.

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

1 school reasonable rent for the use of the district's
2 buildings, grounds, and facilities. Any services for which a
3 charter school contracts with a school district shall be
4 provided by the district at cost. Any services for which a
5 charter school contracts with a local school board or with the
6 governing body of a State college or university or public
7 community college shall be provided by the public entity at
8 cost.

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

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

20 (k) If the charter school is approved by the State Board or
21 Commission, then the charter school is its own local education
22 agency.

23 (Source: P.A. 100-29, eff. 1-1-18; 100-156, eff. 1-1-18;
24 100-163, eff. 1-1-18; 100-413, eff. 1-1-18; 100-468, eff.
25 6-1-18; 100-726, eff. 1-1-19; 100-863, eff. 8-14-18; 101-50,
26 eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20;

1 101-531, eff. 8-23-19; 101-543, eff. 8-23-19; revised 8-4-20.)

2 Section 99. Effective date. This Act takes effect July 1,
3 2021.