



Rep. Anne Stava-Murray

Filed: 2/28/2022

10200HB5552ham001

LRB102 25516 RJT 37033 a

1 AMENDMENT TO HOUSE BILL 5552

2 AMENDMENT NO. _____. Amend House Bill 5552 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by adding Section
5 22-94 and by changing Section 27A-5 as follows:

6 (105 ILCS 5/22-94 new)

7 Sec. 22-94. Protection from discipline sanctions for
8 peaceful protests. A school district operating one or more
9 high schools, a charter school, or a private secondary school
10 shall not make or enforce a rule subjecting a high school
11 student to disciplinary sanctions solely on the basis of
12 engaging in peaceful protest off school grounds and outside of
13 school hours. For purposes of this Section, school hours
14 include the hours of the official school day, school-related
15 activities or events, and travel to and from school or
16 school-related activities or events.

1 (105 ILCS 5/27A-5)

2 (Text of Section before amendment by P.A. 102-157 and P.A.
3 102-466)

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

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

10 (b) A charter school may be established under this Article
11 by creating a new school or by converting an existing public
12 school or attendance center to charter school status.
13 Beginning on April 16, 2003 (the effective date of Public Act
14 93-3), in all new applications to establish a charter school
15 in a city having a population exceeding 500,000, operation of
16 the charter school shall be limited to one campus. The changes
17 made to this Section by Public Act 93-3 do not apply to charter
18 schools existing or approved on or before April 16, 2003 (the
19 effective date of Public Act 93-3).

20 (b-5) In this subsection (b-5), "virtual-schooling" means
21 a cyber school where students engage in online curriculum and
22 instruction via the Internet and electronic communication with
23 their teachers at remote locations and with students
24 participating at different times.

25 From April 1, 2013 through December 31, 2016, there is a

1 moratorium on the establishment of charter schools with
2 virtual-schooling components in school districts other than a
3 school district organized under Article 34 of this Code. This
4 moratorium does not apply to a charter school with
5 virtual-schooling components existing or approved prior to
6 April 1, 2013 or to the renewal of the charter of a charter
7 school with virtual-schooling components already approved
8 prior to April 1, 2013.

9 (c) A charter school shall be administered and governed by
10 its board of directors or other governing body in the manner
11 provided in its charter. The governing body of a charter
12 school shall be subject to the Freedom of Information Act and
13 the Open Meetings Act. No later than January 1, 2021 (one year
14 after the effective date of Public Act 101-291), a charter
15 school's board of directors or other governing body must
16 include at least one parent or guardian of a pupil currently
17 enrolled in the charter school who may be selected through the
18 charter school or a charter network election, appointment by
19 the charter school's board of directors or other governing
20 body, or by the charter school's Parent Teacher Organization
21 or its equivalent.

22 (c-5) No later than January 1, 2021 (one year after the
23 effective date of Public Act 101-291) or within the first year
24 of his or her first term, every voting member of a charter
25 school's board of directors or other governing body shall
26 complete a minimum of 4 hours of professional development

1 leadership training to ensure that each member has sufficient
2 familiarity with the board's or governing body's role and
3 responsibilities, including financial oversight and
4 accountability of the school, evaluating the principal's and
5 school's performance, adherence to the Freedom of Information
6 Act and the Open Meetings Act, and compliance with education
7 and labor law. In each subsequent year of his or her term, a
8 voting member of a charter school's board of directors or
9 other governing body shall complete a minimum of 2 hours of
10 professional development training in these same areas. The
11 training under this subsection may be provided or certified by
12 a statewide charter school membership association or may be
13 provided or certified by other qualified providers approved by
14 the State Board of Education.

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

1 A charter school shall comply with all non-curricular
2 health and safety requirements applicable to public schools
3 under the laws of the State of Illinois. On or before September
4 1, 2015, the State Board shall promulgate and post on its
5 Internet website a list of non-curricular health and safety
6 requirements that a charter school must meet. The list shall
7 be updated annually no later than September 1. Any charter
8 contract between a charter school and its authorizer must
9 contain a provision that requires the charter school to follow
10 the list of all non-curricular health and safety requirements
11 promulgated by the State Board and any non-curricular health
12 and safety requirements added by the State Board to such list
13 during the term of the charter. Nothing in this subsection (d)
14 precludes an authorizer from including non-curricular health
15 and safety requirements in a charter school contract that are
16 not contained in the list promulgated by the State Board,
17 including non-curricular health and safety requirements of the
18 authorizing local school board.

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

23 (f) A charter school shall be responsible for the
24 management and operation of its fiscal affairs, including, but
25 not limited to, the preparation of its budget. An audit of each
26 charter school's finances shall be conducted annually by an

1 outside, independent contractor retained by the charter
2 school. The contractor shall not be an employee of the charter
3 school or affiliated with the charter school or its authorizer
4 in any way, other than to audit the charter school's finances.
5 To ensure financial accountability for the use of public
6 funds, on or before December 1 of every year of operation, each
7 charter school shall submit to its authorizer and the State
8 Board a copy of its audit and a copy of the Form 990 the
9 charter school filed that year with the federal Internal
10 Revenue Service. In addition, if deemed necessary for proper
11 financial oversight of the charter school, an authorizer may
12 require quarterly financial statements from each charter
13 school.

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

22 (1) Sections 10-21.9 and 34-18.5 of this Code
23 regarding criminal history records checks and checks of
24 the Statewide Sex Offender Database and Statewide Murderer
25 and Violent Offender Against Youth Database of applicants
26 for employment;

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

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

5 (4) Section 108.75 of the General Not For Profit
6 Corporation Act of 1986 regarding indemnification of
7 officers, directors, employees, and agents;

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

9 (5.5) subsection (b) of Section 10-23.12 and
10 subsection (b) of Section 34-18.6 of this Code;

11 (6) the Illinois School Student Records Act;

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

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

15 (9) Section 27-23.7 of this Code regarding bullying
16 prevention;

17 (10) Section 2-3.162 of this Code regarding student
18 discipline reporting;

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

20 (12) Sections 10-20.60 and 34-18.53 of this Code;

21 (13) Sections 10-20.63 and 34-18.56 of this Code;

22 (14) Section 26-18 of this Code;

23 (15) Section 22-30 of this Code;

24 (16) Sections 24-12 and 34-85 of this Code; ~~and~~

25 (17) the Seizure Smart School Act;

26 (18) Section 2-3.64a-10 of this Code; ~~and~~

1 (19) ~~(18)~~ Sections 10-20.73 and 34-21.9 of this Code;~~;~~
2 (20) ~~(19)~~ Section 10-22.25b of this Code;~~;~~
3 (21) ~~(19)~~ Section 27-9.1a of this Code;
4 (22) ~~(20)~~ Section 27-9.1b of this Code; ~~and~~
5 (23) ~~(21)~~ Section 34-18.8 of this Code;~~;~~
6 (25) ~~(19)~~ Section 2-3.188 of this Code; ~~and~~
7 (26) ~~(20)~~ Section 22-85.5 of this Code; and ~~;~~
8 (27) Section 22-94 of this Code.

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

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

1 the 2004-2005 school year. Except as provided in subsection
2 (i) of this Section, a school district may charge a charter
3 school reasonable rent for the use of the district's
4 buildings, grounds, and facilities. Any services for which a
5 charter school contracts with a school district shall be
6 provided by the district at cost. Any services for which a
7 charter school contracts with a local school board or with the
8 governing body of a State college or university or public
9 community college shall be provided by the public entity at
10 cost.

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

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

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

25 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;
26 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.

1 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-360,
2 eff. 1-1-22; 102-445, eff. 8-20-21; 102-522, eff. 8-20-21;
3 102-558, eff. 8-20-21; 102-676, eff. 12-3-21; revised
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17 after the effective date of Public Act 101-291), a charter
18 school's board of directors or other governing body must
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23 body, or by the charter school's Parent Teacher Organization
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25 (c-5) No later than January 1, 2021 (one year after the
26 effective date of Public Act 101-291) or within the first year

1 of his or her first term, every voting member of a charter
2 school's board of directors or other governing body shall
3 complete a minimum of 4 hours of professional development
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5 familiarity with the board's or governing body's role and
6 responsibilities, including financial oversight and
7 accountability of the school, evaluating the principal's and
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10 and labor law. In each subsequent year of his or her term, a
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11 (27) Section 22-94 of this Code.

12 The change made by Public Act 96-104 to this subsection
13 (g) 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
23 to perform in order to carry out the terms of its charter.
24 However, a charter school that is established on or after
25 April 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
5 (i) of this Section, a school district may charge a charter
6 school reasonable rent for the use of the district's
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7 familiarity with the board's or governing body's role and
8 responsibilities, including financial oversight and
9 accountability of the school, evaluating the principal's and
10 school's performance, adherence to the Freedom of Information
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17 require quarterly financial statements from each charter
18 school.

19 (g) A charter school shall comply with all provisions of
20 this Article, the Illinois Educational Labor Relations Act,
21 all federal and State laws and rules applicable to public
22 schools that pertain to special education and the instruction
23 of English learners, and its charter. A charter school is
24 exempt from all other State laws and regulations in this Code
25 governing public schools and local school board policies;
26 however, a charter school is not exempt from the following:

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

6 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
7 34-84a of this Code regarding discipline of students;

8 (3) the Local Governmental and Governmental Employees
9 Tort Immunity Act;

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

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

14 (5.5) subsection (b) of Section 10-23.12 and
15 subsection (b) of Section 34-18.6 of this Code;

16 (6) the Illinois School Student Records Act;

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

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

20 (9) Section 27-23.7 of this Code regarding bullying
21 prevention;

22 (10) Section 2-3.162 of this Code regarding student
23 discipline reporting;

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

25 (12) Sections 10-20.60 and 34-18.53 of this Code;

26 (13) Sections 10-20.63 and 34-18.56 of this Code;

(14) Sections 22-90 and 26-18 of this Code;

(15) Section 22-30 of this Code;

(16) Sections 24-12 and 34-85 of this Code; ~~and~~

(17) the Seizure Smart School Act;

(18) Section 2-3.64a-10 of this Code; ~~and~~

(19) ~~(18)~~ Sections 10-20.73 and 34-21.9 of this Code; ~~and~~

(20) ~~(19)~~ Section 10-22.25b of this Code; ~~and~~

(21) ~~(19)~~ Section 27-9.1a of this Code;

(22) ~~(20)~~ Section 27-9.1b of this Code; ~~and~~

(23) ~~(21)~~ Section 34-18.8 of this Code; ~~and~~

(24) ~~(19)~~ Article 26A of this Code; ~~and~~

(25) ~~(19)~~ Section 2-3.188 of this Code; ~~and~~

(26) ~~(20)~~ Section 22-85.5 of this Code; ~~and~~ ~~and~~

(27) Section 22-94 of this Code.

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

(h) A charter school may negotiate and contract with a school district, the governing body of a State college or university or public community college, or any other public or for-profit or nonprofit private entity for: (i) the use of a school building and grounds or any other real property or facilities that the charter school desires to use or convert for use as a charter school site, (ii) the operation and maintenance thereof, and (iii) the provision of any service, activity, or undertaking that the charter school is required to perform in order to carry out the terms of its charter.

1 However, a charter school that is established on or after
2 April 16, 2003 (the effective date of Public Act 93-3) and that
3 operates in a city having a population exceeding 500,000 may
4 not contract with a for-profit entity to manage or operate the
5 school during the period that commences on April 16, 2003 (the
6 effective date of Public Act 93-3) and concludes at the end of
7 the 2004-2005 school year. Except as provided in subsection
8 (i) of this Section, a school district may charge a charter
9 school reasonable rent for the use of the district's
10 buildings, grounds, and facilities. Any services for which a
11 charter school contracts with a school district shall be
12 provided by the district at cost. Any services for which a
13 charter school contracts with a local school board or with the
14 governing body of a State college or university or public
15 community college shall be provided by the public entity at
16 cost.

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

26 (j) A charter school may limit student enrollment by age

1 or grade level.

2 (k) If the charter school is approved by the State Board or
3 Commission, then the charter school is its own local education
4 agency.

5 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;
6 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.
7 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157,
8 eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21;
9 102-466, eff. 7-1-25; 102-522, eff. 8-20-21; 102-558, eff.
10 8-20-21; 102-676, eff. 12-3-21; revised 12-21-21.)

11 Section 95. No acceleration or delay. Where this Act makes
12 changes in a statute that is represented in this Act by text
13 that is not yet or no longer in effect (for example, a Section
14 represented by multiple versions), the use of that text does
15 not accelerate or delay the taking effect of (i) the changes
16 made by this Act or (ii) provisions derived from any other
17 Public Act."