

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 adding Section
5 22-90 and by changing Sections 26-13 and 27A-5 as follows:

6 (105 ILCS 5/22-90 new)

7 Sec. 22-90. Absenteeism and truancy policy.

8 (a) Each school district, charter school, or alternative
9 school or any school receiving public funds shall develop and
10 communicate to its students and their parent or guardian, on
11 an annual basis, an absenteeism and truancy policy, including
12 at least the following elements:

13 (1) A definition of a valid cause for absence in
14 accordance with Section 26-2a of this Code.

15 (2) A description of diagnostic procedures to be used
16 for identifying the causes of unexcused student
17 absenteeism, which shall, at a minimum, include interviews
18 with the student, his or her parent or guardian, and any
19 school officials who may have information about the
20 reasons for the student's attendance problem.

21 (3) The identification of supportive services to be
22 made available to truant or chronically truant students.
23 These services shall include, but need not be limited to,

1 parent conferences, student counseling, family counseling,
2 and information about existing community services that are
3 available to truant and chronically truant students and
4 relevant to their needs.

5 (4) Incorporation of the provisions relating to
6 chronic absenteeism in accordance with Section 26-18 of
7 this Code.

8 (b) The absenteeism and truancy policy must be updated
9 every 2 years and filed with the State Board of Education and
10 the regional superintendent of schools.

11 (105 ILCS 5/26-13) (from Ch. 122, par. 26-13)

12 Sec. 26-13. Absenteeism and truancy policies. School
13 districts shall adopt policies, consistent with rules adopted
14 by the State Board of Education and Section 22-90, which
15 identify the appropriate supportive services and available
16 resources which are provided for truants and chronic truants.

17 (Source: P.A. 84-1420.)

18 (105 ILCS 5/27A-5)

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

20 (a) A charter school shall be a public, nonsectarian,
21 nonreligious, non-home based, and non-profit school. A charter
22 school shall be organized and operated as a nonprofit
23 corporation or other discrete, legal, nonprofit entity
24 authorized under the laws of the State of Illinois.

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

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

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

25 (c) A charter school shall be administered and governed by
26 its board of directors or other governing body in the manner

1 provided in its charter. The governing body of a charter
2 school shall be subject to the Freedom of Information Act and
3 the Open Meetings Act. No later than January 1, 2021 (one year
4 after the effective date of Public Act 101-291) ~~this~~
5 ~~amendatory Act of the 101st General Assembly~~, a charter
6 school's board of directors or other governing body must
7 include at least one parent or guardian of a pupil currently
8 enrolled in the charter school who may be selected through the
9 charter school or a charter network election, appointment by
10 the charter school's board of directors or other governing
11 body, or by the charter school's Parent Teacher Organization
12 or its equivalent.

13 (c-5) No later than January 1, 2021 (one year after the
14 effective date of Public Act 101-291) ~~this amendatory Act of~~
15 ~~the 101st General Assembly~~ or within the first year of his or
16 her first term, every voting member of a charter school's
17 board of directors or other governing body shall complete a
18 minimum of 4 hours of professional development leadership
19 training to ensure that each member has sufficient familiarity
20 with the board's or governing body's role and
21 responsibilities, including financial oversight and
22 accountability of the school, evaluating the principal's and
23 school's performance, adherence to the Freedom of Information
24 Act and the Open Meetings Act ~~Acts~~, and compliance with
25 education and labor law. In each subsequent year of his or her
26 term, a voting member of a charter school's board of directors

1 or other governing body shall complete a minimum of 2 hours of
2 professional development training in these same areas. The
3 training under this subsection may be provided or certified by
4 a statewide charter school membership association or may be
5 provided or certified by other qualified providers approved by
6 the State Board of Education.

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

19 A charter school shall comply with all non-curricular
20 health and safety requirements applicable to public schools
21 under the laws of the State of Illinois. On or before September
22 1, 2015, the State Board shall promulgate and post on its
23 Internet website a list of non-curricular health and safety
24 requirements that a charter school must meet. The list shall
25 be updated annually no later than September 1. Any charter
26 contract between a charter school and its authorizer must

1 contain a provision that requires the charter school to follow
2 the list of all non-curricular health and safety requirements
3 promulgated by the State Board and any non-curricular health
4 and safety requirements added by the State Board to such list
5 during the term of the charter. Nothing in this subsection (d)
6 precludes an authorizer from including non-curricular health
7 and safety requirements in a charter school contract that are
8 not contained in the list promulgated by the State Board,
9 including non-curricular health and safety requirements of the
10 authorizing local school board.

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

15 (f) A charter school shall be responsible for the
16 management and operation of its fiscal affairs including, but
17 not limited to, the preparation of its budget. An audit of each
18 charter school's finances shall be conducted annually by an
19 outside, independent contractor retained by the charter
20 school. To ensure financial accountability for the use of
21 public funds, on or before December 1 of every year of
22 operation, each charter school shall submit to its authorizer
23 and the State Board a copy of its audit and a copy of the Form
24 990 the charter school filed that year with the federal
25 Internal Revenue Service. In addition, if deemed necessary for
26 proper financial oversight of the charter school, an

1 authorizer may require quarterly financial statements from
2 each charter school.

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

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

16 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
17 34-84a of this Code regarding discipline of students;

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

20 (4) Section 108.75 of the General Not For Profit
21 Corporation Act of 1986 regarding indemnification of
22 officers, directors, employees, and agents;

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

24 (5.5) subsection (b) of Section 10-23.12 and
25 subsection (b) of Section 34-18.6 of this Code;

26 (6) the Illinois School Student Records Act;

- 1 (7) Section 10-17a of this Code regarding school
2 report cards;
- 3 (8) the P-20 Longitudinal Education Data System Act;
- 4 (9) Section 27-23.7 of this Code regarding bullying
5 prevention;
- 6 (10) Section 2-3.162 of this Code regarding student
7 discipline reporting;
- 8 (11) Sections 22-80 and 27-8.1 of this Code;
- 9 (12) Sections 10-20.60 and 34-18.53 of this Code;
- 10 (13) Sections 10-20.63 and 34-18.56 of this Code;
- 11 (14) Sections 22-90 and ~~Section~~ 26-18 of this Code;
- 12 (15) Section 22-30 of this Code; ~~and~~
- 13 (16) Sections 24-12 and 34-85 of this Code; and-
- 14 (17) the ~~(16) The~~ Seizure Smart School Act.

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

17 (h) A charter school may negotiate and contract with a
18 school district, the governing body of a State college or
19 university or public community college, or any other public or
20 for-profit or nonprofit private entity for: (i) the use of a
21 school building and grounds or any other real property or
22 facilities that the charter school desires to use or convert
23 for use as a charter school site, (ii) the operation and
24 maintenance thereof, and (iii) the provision of any service,
25 activity, or undertaking that the charter school is required
26 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. 100-29, eff. 1-1-18; 100-156, eff. 1-1-18;
6 100-163, eff. 1-1-18; 100-413, eff. 1-1-18; 100-468, eff.
7 6-1-18; 100-726, eff. 1-1-19; 100-863, eff. 8-14-18; 101-50,
8 eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20;
9 101-531, eff. 8-23-19; 101-543, eff. 8-23-19; revised 8-4-20.)

10 Section 99. Effective date. This Act takes effect July 1,
11 2022.