



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2943

Introduced 1/20/2006, by Sen. Dan Cronin

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27A-3
105 ILCS 5/27A-5

Amends the Charter Schools Law of the School Code. Provides that a charter school district may be established, in compliance with referendum provisions, by converting an existing school district to charter school district status. Provides that an intergovernmental agreement must be made with a contiguous school district to accept pupils who choose not to attend the charter school district. Provides that the charter school district shall be administered by its elected school board and may have more than one campus. Provides that a charter school district and its school board have all of the rights and duties and are subject to the same limitations as are provided in the Charter Schools Law for charter schools and their governing bodies. Effective immediately.

LRB094 19101 NHT 54616 b

FISCAL NOTE ACT
MAY APPLY

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 Sections
5 27A-3 and 27A-5 as follows:

6 (105 ILCS 5/27A-3)

7 Sec. 27A-3. Definitions. For purposes of this Article:

8 "At-risk pupil" means a pupil who, because of physical,
9 emotional, socioeconomic, or cultural factors, is less likely
10 to succeed in a conventional educational environment.

11 Unless otherwise required by the context in which it is
12 used, "charter school" includes a charter school district
13 established under subsection (b-5) of Section 27A-5 of this
14 Code.

15 "Local school board" means the duly elected or appointed
16 school board or board of education of a public school district,
17 including special charter districts and school districts
18 located in cities having a population of more than 500,000,
19 organized under the laws of this State.

20 "State Board" means the State Board of Education.

21 (Source: P.A. 89-450, eff. 4-10-96.)

22 (105 ILCS 5/27A-5)

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

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

29 (b) A charter school may be established under this Article
30 by creating a new school or by converting an existing public
31 school or attendance center to charter school status. Beginning

1 on the effective date of this amendatory Act of the 93rd
2 General Assembly, in all new applications submitted to the
3 State Board or a local school board to establish a charter
4 school in a city having a population exceeding 500,000,
5 operation of the charter school shall be limited to one campus.
6 The changes made to this Section by this amendatory Act of the
7 93rd General Assembly do not apply to charter schools existing
8 or approved on or before the effective date of this amendatory
9 Act.

10 (b-5) A charter school district may be established under
11 this Article, in compliance with Section 27A-6.5 of this Code,
12 by converting an existing school district to charter school
13 district status. An intergovernmental agreement must be made
14 with a contiguous school district to accept pupils who choose
15 not to attend the charter school district. The charter school
16 district shall be administered by its elected school board and
17 may have more than one campus. A charter school district and
18 its school board have all of the rights and duties and are
19 subject to the same limitations as are provided in this Article
20 for charter schools and their governing bodies.

21 (c) A charter school shall be administered and governed by
22 its board of directors or other governing body in the manner
23 provided in its charter. The governing body of a charter school
24 shall be subject to the Freedom of Information Act and the Open
25 Meetings Act.

26 (d) A charter school shall comply with all applicable
27 health and safety requirements applicable to public schools
28 under the laws of the State of Illinois.

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

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

1 outside, independent contractor retained by the charter
2 school.

3 (g) A charter school shall comply with all provisions of
4 this Article and its charter. A charter school is exempt from
5 all other State laws and regulations in the School Code
6 governing public schools and local school board policies,
7 except the following:

8 (1) Sections 10-21.9 and 34-18.5 of the School Code
9 regarding criminal history records checks and checks of the
10 Statewide Sex Offender Database of applicants for
11 employment;

12 (2) Sections 24-24 and 34-84A of the School Code
13 regarding discipline of students;

14 (3) The Local Governmental and Governmental Employees
15 Tort Immunity Act;

16 (4) Section 108.75 of the General Not For Profit
17 Corporation Act of 1986 regarding indemnification of
18 officers, directors, employees, and agents;

19 (5) The Abused and Neglected Child Reporting Act;

20 (6) The Illinois School Student Records Act; and

21 (7) Section 10-17a of the School Code regarding school
22 report cards.

23 (h) A charter school may negotiate and contract with a
24 school district, the governing body of a State college or
25 university or public community college, or any other public or
26 for-profit or nonprofit private entity for: (i) the use of a
27 school building and grounds or any other real property or
28 facilities that the charter school desires to use or convert
29 for use as a charter school site, (ii) the operation and
30 maintenance thereof, and (iii) the provision of any service,
31 activity, or undertaking that the charter school is required to
32 perform in order to carry out the terms of its charter.
33 However, a charter school that is established on or after the
34 effective date of this amendatory Act of the 93rd General
35 Assembly and that operates in a city having a population
36 exceeding 500,000 may not contract with a for-profit entity to

1 manage or operate the school during the period that commences
2 on the effective date of this amendatory Act of the 93rd
3 General Assembly and concludes at the end of the 2004-2005
4 school year. Except as provided in subsection (i) of this
5 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 (Source: P.A. 93-3, eff. 4-16-03; 93-909, eff. 8-12-04; 94-219,
25 eff. 7-14-05.)

26 Section 99. Effective date. This Act takes effect upon
27 becoming law.