



Elementary Secondary Education Committee

**Filed: 2/22/2007**

09500HB0232ham001

LRB095 04634 NHT 31370 a

1 AMENDMENT TO HOUSE BILL 232

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 232 on page 1, line  
3 5, after "34-18.34", by inserting "and by changing Section  
4 27A-5"; and

5 on page 1, immediately below line 15, by inserting the  
6 following:

7 "(105 ILCS 5/27A-5)

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

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

14 (b) A charter school may be established under this Article  
15 by creating a new school or by converting an existing public  
16 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 (c) A charter school shall be administered and governed by  
11 its board of directors or other governing body in the manner  
12 provided in its charter. The governing body of a charter school  
13 shall be subject to the Freedom of Information Act and the Open  
14 Meetings Act.

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

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

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

1 school.

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

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

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

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

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

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

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

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

22 (h) A charter school may negotiate and contract with a  
23 school district, the governing body of a State college or  
24 university or public community college, or any other public or  
25 for-profit or nonprofit private entity for: (i) the use of a  
26 school building and grounds or any other real property or

1 facilities that the charter school desires to use or convert  
2 for use as a charter school site, (ii) the operation and  
3 maintenance thereof, and (iii) the provision of any service,  
4 activity, or undertaking that the charter school is required to  
5 perform in order to carry out the terms of its charter.  
6 However, a charter school that is established on or after the  
7 effective date of this amendatory Act of the 93rd General  
8 Assembly and that operates in a city having a population  
9 exceeding 500,000 may not contract with a for-profit entity to  
10 manage or operate the school during the period that commences  
11 on the effective date of this amendatory Act of the 93rd  
12 General Assembly and concludes at the end of the 2004-2005  
13 school year. Except as provided in subsection (i) of this  
14 Section, a school district may charge a charter school  
15 reasonable rent for the use of the district's buildings,  
16 grounds, and facilities. Any services for which a charter  
17 school contracts with a school district shall be provided by  
18 the district at cost. Any services for which a charter school  
19 contracts with a local school board or with the governing body  
20 of a State college or university or public community college  
21 shall be provided by the public entity at cost.

22 (i) In no event shall a charter school that is established  
23 by converting an existing school or attendance center to  
24 charter school status be required to pay rent for space that is  
25 deemed available, as negotiated and provided in the charter  
26 agreement, in school district facilities. However, all other

1 costs for the operation and maintenance of school district  
2 facilities that are used by the charter school shall be subject  
3 to negotiation between the charter school and the local school  
4 board and shall be set forth in the charter.

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

7 (k) A charter school may not establish, maintain, or in any  
8 way support any virtual schools or virtual classes for  
9 elementary or secondary students in this State, unless there  
10 are extenuating circumstances, such as for students with  
11 autism.

12 (Source: P.A. 93-3, eff. 4-16-03; 93-909, eff. 8-12-04; 94-219,  
13 eff. 7-14-05.)".