

# HB2875



## 96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB2875

Introduced 2/24/2009, by Rep. Tom Cross

### SYNOPSIS AS INTRODUCED:

105 ILCS 5/27A-5

Amends the School Code. Makes a technical change in a Section concerning charter schools.

LRB096 06088 NHT 16170 b

A BILL FOR

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 ~~and~~ non-profit school. A  
10 charter 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. Beginning  
16 on the effective date of this amendatory Act of the 93rd  
17 General Assembly, in all new applications submitted to the  
18 State Board or a local school board to establish a charter  
19 school in a city having a population exceeding 500,000,  
20 operation of the charter school shall be limited to one campus.  
21 The changes made to this Section by this amendatory Act of the  
22 93rd General Assembly do not apply to charter schools existing  
23 or approved on or before the effective date of this amendatory

1 Act.

2 (c) A charter school shall be administered and governed by  
3 its board of directors or other governing body in the manner  
4 provided in its charter. The governing body of a charter school  
5 shall be subject to the Freedom of Information Act and the Open  
6 Meetings Act.

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

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

14 (f) A charter school shall be responsible for the  
15 management and operation of its fiscal affairs including, but  
16 not limited to, the preparation of its budget. An audit of each  
17 charter school's finances shall be conducted annually by an  
18 outside, independent contractor retained by the charter  
19 school.

20 (g) A charter school shall comply with all provisions of  
21 this Article and its charter. A charter school is exempt from  
22 all other State laws and regulations in the School Code  
23 governing public schools and local school board policies,  
24 except the following:

25 (1) Sections 10-21.9 and 34-18.5 of the School Code  
26 regarding criminal history records checks and checks of the

1 Statewide Sex Offender Database of applicants for  
2 employment;

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

5 (3) The Local Governmental and Governmental Employees  
6 Tort Immunity Act;

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

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

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

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

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 to  
23 perform in order to carry out the terms of its charter.  
24 However, a charter school that is established on or after the  
25 effective date of this amendatory Act of the 93rd General  
26 Assembly and that operates in a city having a population

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

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

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

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