



Rep. Linda Chapa LaVia

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09800HB0494ham001

LRB098 03325 NHT 43390 a

1 AMENDMENT TO HOUSE BILL 494

2 AMENDMENT NO. _____. Amend House Bill 494 by replacing
3 everything after the enacting clause with the following:

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 non-profit school. A charter
10 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

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

9 (b-5) In this subsection (b-5):

10 "Virtual-blended" means virtual-schooling but with
11 in-person components.

12 "Virtual-schooling" means the teaching of courses through
13 online methods with online instructors, rather than the
14 instructor and student being at the same physical location.

15 "Virtual-schooling" includes without limitation instruction
16 provided by full-time, online virtual schools or
17 virtual-blended schools.

18 From April 1, 2013 through April 1, 2016, there is a
19 moratorium on the establishment of charter schools with
20 virtual-schooling components. This moratorium does not apply
21 to a charter school with virtual-schooling components existing
22 or approved prior to April 1, 2013 or to the renewal of the
23 charter of a charter school with virtual-schooling components
24 already approved 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 school
2 shall be subject to the Freedom of Information Act and the Open
3 Meetings Act.

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

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

11 (f) A charter school shall be responsible for the
12 management and operation of its fiscal affairs including, but
13 not limited to, the preparation of its budget. An audit of each
14 charter school's finances shall be conducted annually by an
15 outside, independent contractor retained by the charter
16 school. Annually, by December 1, every charter school must
17 submit to the State Board a copy of its audit and a copy of the
18 Form 990 the charter school filed that year with the federal
19 Internal Revenue Service.

20 (g) A charter school shall comply with all provisions of
21 this Article, the Illinois Educational Labor Relations Act, and
22 its charter. A charter school is exempt from all other State
23 laws and regulations in the School Code governing public
24 schools and local school board policies, 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 and Statewide Murderer and
2 Violent Offender Against Youth Database of applicants for
3 employment;

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

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

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

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

12 (6) The Illinois School Student Records Act;

13 (7) Section 10-17a of the School Code regarding school
14 report cards; and

15 (8) The P-20 Longitudinal Education Data System Act.

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

18 (h) A charter school may negotiate and contract with a
19 school district, the governing body of a State college or
20 university or public community college, or any other public or
21 for-profit or nonprofit private entity for: (i) the use of a
22 school building and grounds or any other real property or
23 facilities that the charter school desires to use or convert
24 for use as a charter school site, (ii) the operation and
25 maintenance thereof, and (iii) the provision of any service,
26 activity, or undertaking that the charter school is required to

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

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

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

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

6 (Source: P.A. 96-104, eff. 1-1-10; 96-105, eff. 7-30-09;
7 96-107, eff. 7-30-09; 96-734, eff. 8-25-09; 96-1000, eff.
8 7-2-10; 97-152, eff. 7-20-11; 97-154, eff. 1-1-12; 97-813, eff.
9 7-13-12.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.".