



Rep. Linda Chapa LaVia

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LRB098 03325 NHT 44358 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), "virtual-schooling" means
10 the teaching of courses through online methods with online
11 instructors, rather than the instructor and student being at
12 the same physical location. "Virtual-schooling" includes
13 without limitation instruction provided by full-time, online
14 virtual schools.

15 From April 1, 2013 through April 1, 2014, there is a
16 moratorium on the establishment of charter schools with
17 virtual-schooling components in school districts other than a
18 school district organized under Article 34 of this Code. This
19 moratorium does not apply to a charter school with
20 virtual-schooling components existing or approved prior to
21 April 1, 2013 or to the renewal of the charter of a charter
22 school with virtual-schooling components already approved
23 prior to April 1, 2013.

24 On or before March 1, 2014, the Commission shall submit to
25 the General Assembly a report on the effect of
26 virtual-schooling, including without limitation the effect on

1 student performance, the costs associated with
2 virtual-schooling, and issues with oversight. The report shall
3 include policy recommendations for virtual-schooling.

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

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

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

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

25 (g) A charter school shall comply with all provisions of
26 this Article, the Illinois Educational Labor Relations Act, and

1 its charter. A charter school is exempt from all other State
2 laws and regulations in the School Code governing public
3 schools and local school board policies, except the following:

4 (1) Sections 10-21.9 and 34-18.5 of the School Code
5 regarding criminal history records checks and checks of the
6 Statewide Sex Offender Database and Statewide Murderer and
7 Violent Offender Against Youth Database of applicants for
8 employment;

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

11 (3) The Local Governmental and Governmental Employees
12 Tort Immunity Act;

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

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

17 (6) The Illinois School Student Records Act;

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

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

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

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

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

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

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

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

8 (k) If the charter school is approved by the Commission,
9 then the Commission charter school is its own local education
10 agency.

11 (Source: P.A. 96-104, eff. 1-1-10; 96-105, eff. 7-30-09;
12 96-107, eff. 7-30-09; 96-734, eff. 8-25-09; 96-1000, eff.
13 7-2-10; 97-152, eff. 7-20-11; 97-154, eff. 1-1-12; 97-813, eff.
14 7-13-12.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law."