

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 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
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 (b-5) In this subsection (b-5), "virtual-schooling" means
3 the teaching of courses through online methods with online
4 instructors, rather than the instructor and student being at
5 the same physical location. "Virtual-schooling" includes
6 without limitation instruction provided by full-time, online
7 virtual schools.

8 From April 1, 2013 through April 1, 2014, there is a
9 moratorium on the establishment of charter schools with
10 virtual-schooling components in school districts other than a
11 school district organized under Article 34 of this Code. This
12 moratorium does not apply to a charter school with
13 virtual-schooling components existing or approved prior to
14 April 1, 2013 or to the renewal of the charter of a charter
15 school with virtual-schooling components already approved
16 prior to April 1, 2013.

17 On or before March 1, 2014, the Commission shall submit to
18 the General Assembly a report on the effect of
19 virtual-schooling, including without limitation the effect on
20 student performance, the costs associated with
21 virtual-schooling, and issues with oversight. The report shall
22 include policy recommendations for virtual-schooling.

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

1 Meetings Act.

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

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

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

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

23 (1) Sections 10-21.9 and 34-18.5 of the School Code
24 regarding criminal history records checks and checks of the
25 Statewide Sex Offender Database and Statewide Murderer and
26 Violent Offender Against Youth Database of applicants for

1 employment;

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

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

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

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

10 (6) The Illinois School Student Records Act;

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

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

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

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

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

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

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

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

4 (Source: P.A. 96-104, eff. 1-1-10; 96-105, eff. 7-30-09;
5 96-107, eff. 7-30-09; 96-734, eff. 8-25-09; 96-1000, eff.
6 7-2-10; 97-152, eff. 7-20-11; 97-154, eff. 1-1-12; 97-813, eff.
7 7-13-12.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.