



Rep. William Davis

Filed: 3/24/2014

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LRB098 17234 NHT 57416 a

1 AMENDMENT TO HOUSE BILL 4655

2 AMENDMENT NO. _____. Amend House Bill 4655 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections
5 10-20.14, 10-22.6, 13A-11, 27A-5, and 34-19 as follows:

6 (105 ILCS 5/10-20.14) (from Ch. 122, par. 10-20.14)

7 Sec. 10-20.14. Student discipline policies; Parent-teacher
8 advisory committee.

9 (a) To establish and maintain a parent-teacher advisory
10 committee to develop with the school board or governing body of
11 all elementary and secondary schools, charter schools, special
12 charter districts, and alternative schools organized under
13 Article 13A of this Code policy guidelines on pupil discipline,
14 including school searches, to furnish a copy of the policy to
15 the parents or guardian of each pupil within 15 days after the
16 beginning of the school year, or within 15 days after starting

1 classes for a pupil who transfers into the district during the
2 school year, and to require that each school informs its pupils
3 of the contents of its policy. School boards, along with the
4 parent-teacher advisory committee, must ~~are encouraged to~~
5 annually review their pupil discipline policies, the
6 implementation of those policies, and any other factors related
7 to the safety of their schools, pupils, and staff.

8 (a-5) On or before January 1, 2015, the student discipline
9 policy of each elementary and secondary school, charter school,
10 special charter district, and alternative school organized
11 under Article 13A of this Code, shall, at a minimum, create
12 pupil discipline policies that fulfill the requirements set
13 forth in this Section, subsections (a) and (b) of Section
14 10-22.6 of this Code, Section 34-19 of this Code, and federal
15 and State laws that provide special requirements for the
16 discipline of students with disabilities.

17 (b) The parent-teacher advisory committee in cooperation
18 with local law enforcement agencies shall develop, with the
19 school board, policy guideline procedures to establish and
20 maintain a reciprocal reporting system between the school
21 district and local law enforcement agencies regarding criminal
22 offenses committed by students. School districts are
23 encouraged to create memoranda of understanding with local law
24 enforcement agencies that clearly define law enforcement's
25 role in schools, in accordance with Section 10-22.6 of this
26 Code.

1 (c) The parent-teacher advisory committee, in cooperation
2 with school bus personnel, shall develop, with the school
3 board, policy guideline procedures to establish and maintain
4 school bus safety procedures. These procedures shall be
5 incorporated into the district's pupil discipline policy.

6 (d) The school board, in consultation with the
7 parent-teacher advisory committee and other community-based
8 organizations, must include provisions in the student
9 discipline policy to address students who have demonstrated
10 behaviors that put them at risk for aggressive behavior,
11 including without limitation bullying, as defined in the
12 policy. These provisions must include procedures for notifying
13 parents or legal guardians and early intervention procedures
14 based upon available community-based and district resources.

15 (Source: P.A. 91-272, eff. 1-1-00; 92-260, eff. 1-1-02.)

16 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

17 Sec. 10-22.6. Suspension or expulsion of pupils; school
18 searches.

19 (a) To expel pupils ~~guilty of gross disobedience or~~
20 ~~misconduct, including gross disobedience or misconduct~~
21 ~~perpetuated by electronic means,~~ and no action shall lie
22 against them for such expulsion. Expulsion shall take place
23 only after the parents have been requested to appear at a
24 meeting of the board, or with a hearing officer appointed by
25 it, to discuss their child's behavior. Such request shall be

1 made by registered or certified mail and shall state the time,
2 place and purpose of the meeting. The board, or a hearing
3 officer appointed by it, at such meeting shall state the
4 reasons for dismissal and the date on which the expulsion is to
5 become effective. If a hearing officer is appointed by the
6 board he shall report to the board a written summary of the
7 evidence heard at the meeting and the board may take such
8 action thereon as it finds appropriate. If the board orders the
9 expulsion of a pupil, the written expulsion order shall detail
10 the specific reasons why removing the pupil from the learning
11 environment is in the best interest of the school. The
12 expulsion order shall also include a rationale as to the
13 specific duration of the expulsion. An expelled pupil may be
14 immediately transferred to an alternative program in the manner
15 provided in Article 13A or 13B of this Code. A pupil must not
16 be denied transfer because of the expulsion, except in cases in
17 which such transfer is deemed to cause a threat to the safety
18 of students or staff in the alternative program.

19 (b) To suspend or by policy to authorize the superintendent
20 of the district or the principal, assistant principal, or dean
21 of students of any school to suspend pupils ~~guilty of gross~~
22 ~~disobedience or misconduct,~~ or to suspend pupils ~~guilty of~~
23 ~~gross disobedience or misconduct on the school bus~~ from riding
24 the school bus, and no action shall lie against them for such
25 suspension. The board may by policy authorize the
26 superintendent of the district or the principal, assistant

1 principal, or dean of students of any school to suspend pupils
2 guilty of such acts for a period not to exceed 10 school days.
3 ~~If a pupil is suspended due to gross disobedience or misconduct~~
4 ~~on a school bus, the board may suspend the pupil in excess of~~
5 ~~10 school days for safety reasons.~~ Any suspension shall be
6 reported immediately to the parents or guardian of such pupil
7 along with a full statement of the reasons for such suspension
8 and a notice of their right to a review. The school board must
9 be given a summary of the notice, including the reason for the
10 suspension and the suspension length. Upon request of the
11 parents or guardian the school board or a hearing officer
12 appointed by it shall review such action of the superintendent
13 or principal, assistant principal, or dean of students. At such
14 review the parents or guardian of the pupil may appear and
15 discuss the suspension with the board or its hearing officer.
16 If a hearing officer is appointed by the board he shall report
17 to the board a written summary of the evidence heard at the
18 meeting. After its hearing or upon receipt of the written
19 report of its hearing officer, the board may take such action
20 as it finds appropriate. If a student is suspended pursuant to
21 this subsection (b), the authorized administrator or board
22 shall, in the written suspension order, detail the specific
23 reasons why removing the pupil from the learning environment is
24 in the best interest of the school. The suspension order shall
25 also include rationale as to the specific duration of the
26 suspension. A pupil who is suspended in excess of 20 school

1 days may be immediately transferred to an alternative program
2 in the manner provided in Article 13A or 13B of this Code. A
3 pupil must not be denied transfer because of the suspension,
4 except in cases in which such transfer is deemed to cause a
5 threat to the safety of students or staff in the alternative
6 program.

7 (b-5) Among the many possible disciplinary interventions
8 and consequences available to school officials, school
9 exclusions, such as out-of-school suspensions and expulsions,
10 are the most serious. School officials shall limit the number
11 and duration of expulsions and suspensions to the greatest
12 extent practicable and are recommended to use them only for
13 legitimate educational purposes and not as punishment.

14 (b-10) Unless otherwise required by federal law or this
15 Code, school boards may not institute zero-tolerance policies
16 by which school administrators are required to suspend or expel
17 students for particular behaviors, regardless of the gravity of
18 behavior, mitigating circumstances, or the situational
19 context.

20 (b-15) Out-of-school suspensions of 3 days or less may only
21 be used if the student's continuing presence in school would
22 pose a threat to school safety or a disruption to other
23 students' learning opportunities. For purposes of this
24 subsection (b-15), "threat to school safety or a disruption to
25 other students' learning opportunities" shall be determined on
26 a case-by-case basis by the school board or its designee.

1 School officials shall make all reasonable efforts to resolve
2 such threats and minimize the length of suspensions to the
3 greatest extent practicable.

4 (b-20) Unless otherwise required by this Code,
5 out-of-school suspensions of longer than 3 days may only be
6 used if the student has committed an act of gross disobedience
7 or misconduct, the student's continuing presence in school
8 would pose an ongoing threat to the physical safety of other
9 students or staff, and other appropriate behavioral and
10 disciplinary interventions have been exhausted. For purposes
11 of this subsection (b-20), "ongoing threat to the physical
12 safety of other students or staff" shall be determined on a
13 case-by-case basis by the school board or its designee. School
14 officials shall make all reasonable efforts to resolve such
15 threats and minimize the length of student exclusions to the
16 greatest extent practicable. For purposes of this subsection
17 (b-20), the determination of whether "appropriate behavioral
18 and disciplinary interventions have been exhausted" shall be
19 made by the school board or its designee. Within the suspension
20 order described in subsection (b) of this Section, it shall be
21 documented whether other interventions were attempted or
22 whether it was determined that there were no other appropriate
23 interventions.

24 (b-25) Unless otherwise required by this Code, expulsions
25 and disciplinary removals to alternative schools may only be
26 used if the student has committed an act of gross disobedience

1 or misconduct; the act involved the distribution of illegal
2 drugs or controlled substances to other students, weapons, or
3 other destructive devices, sexual assault, or the use of
4 physical violence against another student or staff member that
5 resulted in physical injury to that person, or knowingly
6 putting another student or staff member at risk of serious
7 bodily injury or death; the student's continuing presence in
8 school would pose an ongoing threat to the physical safety of
9 other students or staff; and other appropriate behavioral and
10 disciplinary interventions have been exhausted. For purposes
11 of this subsection (b-25), "ongoing threat to the physical
12 safety of other students or staff" shall be determined on a
13 case-by-case basis by the school board or its designee. School
14 officials shall make all reasonable efforts to resolve such
15 threats and minimize the length of student exclusions to the
16 greatest extent practicable. For purposes of this subsection
17 (b-25), the determination of whether "appropriate behavioral
18 and disciplinary interventions have been exhausted" shall be
19 made by the school board or its designee. Within the expulsion
20 order described in subsection (a) of this Section, it shall be
21 documented whether other interventions were attempted or
22 whether it was determined that there were no other appropriate
23 interventions.

24 (b-30) Students who are suspended out-of-school for longer
25 than 3 days, expelled, or removed to an alternative setting for
26 disciplinary reasons shall be provided appropriate behavioral

1 support services that the school district has available. For
2 purposes of this subsection (b-30), the determination of
3 whether "appropriate behavioral support services" will be
4 provided shall be made by the school board or its designee.
5 Within the suspension order described in subsection (b) of this
6 Section, it shall be documented whether such services will be
7 provided or whether it was determined that there are no such
8 appropriate services.

9 (b-35) Students who are suspended or expelled and have not
10 been admitted to another school shall continue to be provided
11 educational services to promote their successful return to
12 their regular school. These services shall include, at a
13 minimum, that each suspended or expelled student be provided a
14 full opportunity to earn equivalent academic credit during the
15 suspension or expulsion period. Suspended or expelled students
16 not placed in an alternative education program shall receive
17 daily classwork and assignments from each teacher and shall be
18 allowed to make up assignments and earn equivalent credits, and
19 their work shall be reviewed and graded, without penalty, by
20 their teachers on a weekly basis and returned to them. The
21 suspended or expelled student's school shall designate a school
22 staff person to serve as the liaison between the student and
23 all relevant teachers and ensure that these requirements are
24 met.

25 (c) The Department of Human Services shall be invited to
26 send a representative to consult with the board at such meeting

1 whenever there is evidence that mental illness may be the cause
2 for expulsion or suspension.

3 (c-5) School districts shall make all reasonable efforts to
4 provide professional development to teachers, administrators,
5 school board members, school resource officers, and staff on
6 the adverse consequences of school exclusion and
7 justice-system involvement, effective classroom management
8 strategies, culturally responsive discipline, and
9 developmentally appropriate disciplinary methods that promote
10 positive and healthy school climates.

11 (d) The board may expel a student for a definite period of
12 time not to exceed 2 calendar years, as determined on a case by
13 case basis. A student who is determined to have brought one of
14 the following objects to school, any school-sponsored activity
15 or event, or any activity or event that bears a reasonable
16 relationship to school shall be expelled for a period of not
17 less than one year:

18 (1) A firearm. For the purposes of this Section,
19 "firearm" means any gun, rifle, shotgun, weapon as defined
20 by Section 921 of Title 18 of the United States Code,
21 firearm as defined in Section 1.1 of the Firearm Owners
22 Identification Card Act, or firearm as defined in Section
23 24-1 of the Criminal Code of 2012. The expulsion period
24 under this subdivision (1) may be modified by the
25 superintendent, and the superintendent's determination may
26 be modified by the board on a case-by-case basis.

1 (2) A knife, brass knuckles or other knuckle weapon
2 regardless of its composition, a billy club, or any other
3 object if used or attempted to be used to cause bodily
4 harm, including "look alike" of any firearm as defined in
5 subdivision (1) of this subsection (d). The expulsion
6 requirement under this subdivision (2) may be modified by
7 the superintendent, and the superintendent's determination
8 may be modified by the board on a case-by-case basis.

9 Expulsion or suspension shall be construed in a manner
10 consistent with the Federal Individuals with Disabilities
11 Education Act. A student who is subject to suspension or
12 expulsion as provided in this Section may be eligible for a
13 transfer to an alternative school program in accordance with
14 Article 13A of the School Code. ~~The provisions of this~~
15 ~~subsection (d) apply in all school districts, including special~~
16 ~~charter districts and districts organized under Article 34.~~

17 (d-5) The board may suspend or by regulation authorize the
18 superintendent of the district or the principal, assistant
19 principal, or dean of students of any school to suspend a
20 student for a period not to exceed 10 school days or may expel
21 a student for a definite period of time not to exceed 2
22 calendar years, as determined on a case by case basis, if (i)
23 that student has been determined to have made an explicit
24 threat on an Internet website against a school employee, a
25 student, or any school-related personnel, (ii) the Internet
26 website through which the threat was made is a site that was

1 accessible within the school at the time the threat was made or
2 was available to third parties who worked or studied within the
3 school grounds at the time the threat was made, and (iii) the
4 threat could be reasonably interpreted as threatening to the
5 safety and security of the threatened individual because of his
6 or her duties or employment status or status as a student
7 inside the school. ~~The provisions of this subsection (d 5)~~
8 ~~apply in all school districts, including special charter~~
9 ~~districts and districts organized under Article 34 of this~~
10 ~~Code.~~

11 (e) To maintain order and security in the schools, school
12 authorities may inspect and search places and areas such as
13 lockers, desks, parking lots, and other school property and
14 equipment owned or controlled by the school, as well as
15 personal effects left in those places and areas by students,
16 without notice to or the consent of the student, and without a
17 search warrant. As a matter of public policy, the General
18 Assembly finds that students have no reasonable expectation of
19 privacy in these places and areas or in their personal effects
20 left in these places and areas. School authorities may request
21 the assistance of law enforcement officials for the purpose of
22 conducting inspections and searches of lockers, desks, parking
23 lots, and other school property and equipment owned or
24 controlled by the school for illegal drugs, weapons, or other
25 illegal or dangerous substances or materials, including
26 searches conducted through the use of specially trained dogs.

1 If a search conducted in accordance with this Section produces
2 evidence that the student has violated or is violating either
3 the law, local ordinance, or the school's policies or rules,
4 such evidence may be seized by school authorities, and
5 disciplinary action may be taken. School authorities may also
6 turn over such evidence to law enforcement authorities. ~~The~~
7 ~~provisions of this subsection (c) apply in all school~~
8 ~~districts, including special charter districts and districts~~
9 ~~organized under Article 34.~~

10 (f) Suspension or expulsion may include suspension or
11 expulsion from school and all school activities and a
12 prohibition from being present on school grounds.

13 (g) A school district may adopt a policy providing that if
14 a student is suspended or expelled for any reason from any
15 public or private school in this or any other state, the
16 student must complete the entire term of the suspension or
17 expulsion in an alternative school program under Article 13A of
18 this Code or an alternative learning opportunities program
19 under Article 13B of this Code ~~before being admitted into the~~
20 ~~school district if there is no threat to the safety of students~~
21 ~~or staff in the alternative program. This subsection (g)~~
22 ~~applies to all school districts, including special charter~~
23 ~~districts and districts organized under Article 34 of this~~
24 ~~Code.~~

25 (h) A student may not be arrested or otherwise cited for a
26 criminal offense committed during school hours while on school

1 grounds, in school vehicles, or at school activities or
2 school-sanctioned events unless:

3 (1) the offense would constitute a felony, if committed
4 outside of the school setting, in one of the classes
5 defined in the Criminal Code of 2012;

6 (2) the offense involves the possession of a controlled
7 substance and would constitute a felony offense, Class A
8 misdemeanor, or Class B misdemeanor, as defined in the
9 Criminal Code of 2012; or

10 (3) the offense involved an act of physical violence
11 against another student or school staff member or resulted
12 in a physical injury to another student or school staff
13 member, and the arrest or citation of the student is
14 necessary to avoid an ongoing threat to the physical safety
15 of other students or staff.

16 For purposes of this subsection (h), "ongoing threat to the
17 physical safety of other students or staff" shall be determined
18 on a case-by-case basis by the school board or its designee.

19 (i) While the option to use justice-system interventions is
20 available under these conditions, the General Assembly
21 recommends that they should be used only as a last resort when
22 there are no other options for safely and appropriately
23 handling the situation. School employees and officials retain
24 their authority and discretion under existing law to address
25 such situations through the existing school discipline
26 structure as modified by this amendatory Act of the 98th

1 General Assembly.

2 (j) All incidents resulting in an out-of-school suspension
3 longer than 3 days, expulsion, removal to an alternative
4 setting, school-based arrest, or school-based criminal
5 citation shall be documented in a written report that includes
6 a detailed description of the behavior at issue and an
7 explanation of why the actions taken were necessary. These
8 individual reports shall be immediately provided to the parent
9 or guardian of the student and shall be compiled by each school
10 district into an annual summary report that is available for
11 public review. The annual report shall not include any
12 information that would violate either requirements of the
13 Illinois School Student Records Act or federal law or allow for
14 an individual student to be identified.

15 (k) School officials shall not advise or encourage students
16 to disenroll from school voluntarily due to behavioral or
17 academic difficulties.

18 (l) A student may not be issued a monetary fine or fee as a
19 disciplinary consequence.

20 (m) Subsections (a) through (l) of this Section shall apply
21 to each elementary and secondary school, charter school,
22 special charter district, and alternative school organized
23 under Article 13A of this Code and school districts organized
24 under Article 34 of this Code.

25 (Source: P.A. 96-633, eff. 8-24-09; 96-998, eff. 7-2-10;
26 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; 97-813, eff. 7-13-12;

1 97-1150, eff. 1-25-13.)

2 (105 ILCS 5/13A-11)

3 Sec. 13A-11. Chicago public schools.

4 (a) The Chicago Board of Education may establish
5 alternative schools within Chicago and may contract with third
6 parties for services otherwise performed by employees,
7 including those in a bargaining unit, in accordance with
8 Sections 34-8.1, 34-18, and 34-49.

9 (b) Alternative schools operated by third parties within
10 Chicago shall be exempt from all provisions of this ~~the School~~
11 Code, except provisions concerning:

- 12 (1) student ~~Student~~ civil rights;
- 13 (2) staff ~~Staff~~ civil rights;
- 14 (3) health ~~Health~~ and safety;
- 15 (4) performance ~~Performance~~ and financial audits;
- 16 (5) the ~~The~~ Illinois Goals Assessment Program;
- 17 (6) Chicago learning outcomes;
- 18 (7) Sections 2-3.25a through 2-3.25j of this ~~the School~~
19 Code;
- 20 (8) the ~~The~~ Inspector General; ~~and~~
- 21 (9) Section 34-2.4b of this ~~the School~~ Code; and
- 22 (10) the discipline of students under Sections 10-22.6
23 and 34-19 of this Code.

24 (Source: P.A. 89-383, eff. 8-18-95; 89-636, eff. 8-9-96.)

1 (105 ILCS 5/27A-5)

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

3 (a) A charter school shall be a public, nonsectarian,
4 nonreligious, non-home based, and non-profit school. A charter
5 school shall be organized and operated as a nonprofit
6 corporation or other discrete, legal, nonprofit entity
7 authorized under the laws of the State of Illinois.

8 (b) A charter school may be established under this Article
9 by creating a new school or by converting an existing public
10 school or attendance center to charter school status. Beginning
11 on the effective date of this amendatory Act of the 93rd
12 General Assembly, in all new applications submitted to the
13 State Board or a local school board to establish a charter
14 school in a city having a population exceeding 500,000,
15 operation of the charter school shall be limited to one campus.
16 The changes made to this Section by this amendatory Act of the
17 93rd General Assembly do not apply to charter schools existing
18 or approved on or before the effective date of this amendatory
19 Act.

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

26 From April 1, 2013 through April 1, 2014, there is a

1 moratorium on the establishment of charter schools with
2 virtual-schooling components in school districts other than a
3 school district organized under Article 34 of this Code. This
4 moratorium does not apply to a charter school with
5 virtual-schooling components existing or approved prior to
6 April 1, 2013 or to the renewal of the charter of a charter
7 school with virtual-schooling components already approved
8 prior to April 1, 2013.

9 On or before March 1, 2014, the Commission shall submit to
10 the General Assembly a report on the effect of
11 virtual-schooling, including without limitation the effect on
12 student performance, the costs associated with
13 virtual-schooling, and issues with oversight. The report shall
14 include policy recommendations for virtual-schooling.

15 (c) A charter school shall be administered and governed by
16 its board of directors or other governing body in the manner
17 provided in its charter. The governing body of a charter school
18 shall be subject to the Freedom of Information Act and the Open
19 Meetings Act.

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

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

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

10 (g) A charter school shall comply with all provisions of
11 this Article, the Illinois Educational Labor Relations Act, and
12 its charter. A charter school is exempt from all other State
13 laws and regulations in this ~~the School~~ Code governing public
14 schools and local school board policies, except the following:

15 (1) Sections 10-21.9 and 34-18.5 of this ~~the School~~
16 Code regarding criminal history records checks and checks
17 of the Statewide Sex Offender Database and Statewide
18 Murderer and Violent Offender Against Youth Database of
19 applicants for employment;

20 (2) Sections 10-22.6, 24-24, 34-19, and 34-84A of this
21 ~~the School~~ Code regarding discipline of students;

22 (3) the ~~The~~ Local Governmental and Governmental
23 Employees Tort Immunity Act;

24 (4) Section 108.75 of the General Not For Profit
25 Corporation Act of 1986 regarding indemnification of
26 officers, directors, employees, and agents;

1 (5) the ~~The~~ Abused and Neglected Child Reporting Act;

2 (6) the ~~The~~ Illinois School Student Records Act;

3 (7) Section 10-17a of this ~~the School~~ Code regarding
4 school report cards; and

5 (8) the ~~The~~ P-20 Longitudinal Education Data System
6 Act.

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

9 (h) A charter school may negotiate and contract with a
10 school district, the governing body of a State college or
11 university or public community college, or any other public or
12 for-profit or nonprofit private entity for: (i) the use of a
13 school building and grounds or any other real property or
14 facilities that the charter school desires to use or convert
15 for use as a charter school site, (ii) the operation and
16 maintenance thereof, and (iii) the provision of any service,
17 activity, or undertaking that the charter school is required to
18 perform in order to carry out the terms of its charter.
19 However, a charter school that is established on or after the
20 effective date of this amendatory Act of the 93rd General
21 Assembly and that operates in a city having a population
22 exceeding 500,000 may not contract with a for-profit entity to
23 manage or operate the school during the period that commences
24 on the effective date of this amendatory Act of the 93rd
25 General Assembly and concludes at the end of the 2004-2005
26 school year. Except as provided in subsection (i) of this

1 Section, a school district may charge a charter school
2 reasonable rent for the use of the district's buildings,
3 grounds, and facilities. Any services for which a charter
4 school contracts with a school district shall be provided by
5 the district at cost. Any services for which a charter school
6 contracts with a local school board or with the governing body
7 of a State college or university or public community college
8 shall be provided by the public entity at cost.

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

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

20 (k) If the charter school is approved by the Commission,
21 then the Commission charter school is its own local education
22 agency.

23 (Source: P.A. 97-152, eff. 7-20-11; 97-154, eff. 1-1-12;
24 97-813, eff. 7-13-12; 98-16, eff. 5-24-13.)

1 Sec. 34-19. By-laws, rules and regulations; business
2 transacted at regular meetings; voting; records. The board
3 shall, subject to the limitations in this Article, establish
4 by-laws, rules and regulations, which shall have the force of
5 ordinances, for the proper maintenance of a uniform system of
6 discipline for both employees and pupils, and for the entire
7 management of the schools, and may fix the school age of
8 pupils, the minimum of which in kindergartens shall not be
9 under 4 years, except that, based upon an assessment of the
10 child's readiness, children who have attended a non-public
11 preschool and continued their education at that school through
12 kindergarten, were taught in kindergarten by an appropriately
13 certified teacher, and will attain the age of 6 years on or
14 before December 31 of the year of the 2009-2010 school term and
15 each school term thereafter may attend first grade upon
16 commencement of such term, and in grade schools shall not be
17 under 6 years. It may expel, suspend or, subject to the
18 limitations of all policies established or adopted under
19 Sections 10-22.6 and Section 14-8.05, otherwise discipline any
20 pupil found guilty of violating ~~gross disobedience, misconduct~~
21 ~~or other violation of~~ the by-laws, rules, and regulations,
22 ~~including gross disobedience or misconduct perpetuated by~~
23 ~~electronic means~~. An expelled pupil may be immediately
24 transferred to an alternative program in the manner provided in
25 Article 13A or 13B of this Code. A pupil must not be denied
26 transfer because of the expulsion, except in cases in which

1 such transfer is deemed to cause a threat to the safety of
2 students or staff in the alternative program. A pupil who is
3 suspended in excess of 20 school days may be immediately
4 transferred to an alternative program in the manner provided in
5 Article 13A or 13B of this Code. A pupil must not be denied
6 transfer because of the suspension, except in cases in which
7 such transfer is deemed to cause a threat to the safety of
8 students or staff in the alternative program. The bylaws, rules
9 and regulations of the board shall be enacted, money shall be
10 appropriated or expended, salaries shall be fixed or changed,
11 and textbooks, electronic textbooks, and courses of
12 instruction shall be adopted or changed only at the regular
13 meetings of the board and by a vote of a majority of the full
14 membership of the board; provided that notwithstanding any
15 other provision of this Article or the School Code, neither the
16 board or any local school council may purchase any textbook for
17 use in any public school of the district from any textbook
18 publisher that fails to furnish any computer diskettes as
19 required under Section 28-21. Funds appropriated for textbook
20 purchases must be available for electronic textbook purchases
21 and the technological equipment necessary to gain access to and
22 use electronic textbooks at the local school council's
23 discretion. The board shall be further encouraged to provide
24 opportunities for public hearing and testimony before the
25 adoption of bylaws, rules and regulations. Upon all
26 propositions requiring for their adoption at least a majority

1 of all the members of the board the yeas and nays shall be
2 taken and reported. The by-laws, rules and regulations of the
3 board shall not be repealed, amended or added to, except by a
4 vote of 2/3 of the full membership of the board. The board
5 shall keep a record of all its proceedings. Such records and
6 all by-laws, rules and regulations, or parts thereof, may be
7 proved by a copy thereof certified to be such by the secretary
8 of the board, but if they are printed in book or pamphlet form
9 which are purported to be published by authority of the board
10 they need not be otherwise published and the book or pamphlet
11 shall be received as evidence, without further proof, of the
12 records, by-laws, rules and regulations, or any part thereof,
13 as of the dates thereof as shown in such book or pamphlet, in
14 all courts and places where judicial proceedings are had.

15 Notwithstanding any other provision in this Article or in
16 the School Code, the board may delegate to the general
17 superintendent or to the attorney the authorities granted to
18 the board in the School Code, provided such delegation and
19 appropriate oversight procedures are made pursuant to board
20 by-laws, rules and regulations, adopted as herein provided,
21 except that the board may not delegate its authorities and
22 responsibilities regarding (1) budget approval obligations;
23 (2) rule-making functions; (3) desegregation obligations; (4)
24 real estate acquisition, sale or lease in excess of 10 years as
25 provided in Section 34-21; (5) the levy of taxes; or (6) any
26 mandates imposed upon the board by "An Act in relation to

1 school reform in cities over 500,000, amending Acts herein
2 named", approved December 12, 1988 (P.A. 85-1418).
3 (Source: P.A. 96-864, eff. 1-21-10; 96-1403, eff. 7-29-10;
4 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; 97-813, eff.
5 7-13-12.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law."