



Rep. William Davis

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LRB098 17234 NHT 58345 a

1 AMENDMENT TO HOUSE BILL 4655

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

5 "Section 5. The School Code is amended by changing Sections
6 10-20.14, 10-22.6, 13A-11, 27A-5, and 34-19 as follows:

7 (105 ILCS 5/10-20.14) (from Ch. 122, par. 10-20.14)

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

10 (a) To establish and maintain a parent-teacher advisory
11 committee to develop with the school board or governing body of
12 all elementary and secondary schools, charter schools, special
13 charter districts, and alternative schools organized under
14 Article 13A of this Code policy guidelines on pupil discipline,
15 including school searches and bullying prevention as set forth
16 in Section 27-23.7 of this Code. The committee shall, ~~to~~

1 furnish a copy of the policy to the parents or guardian of each
2 pupil within 15 days after the beginning of the school year, or
3 within 15 days after starting classes for a pupil who transfers
4 into the district during the school year, and the school board
5 shall ~~to~~ require that each school inform ~~informs~~ its pupils of
6 the contents of the ~~its~~ policy. School boards, along with the
7 parent-teacher advisory committee, must ~~are encouraged to~~
8 annually review their pupil discipline policies, the
9 implementation of those policies, and any other factors related
10 to the safety of their schools, pupils, and staff.

11 (a-5) On or before January 1, 2015, the student discipline
12 policy of each elementary and secondary school, charter school,
13 special charter district, and alternative school organized
14 under Article 13A of this Code, shall, at a minimum, create
15 pupil discipline policies that fulfill the requirements set
16 forth in this Section, subsections (a) and (b) of Section
17 10-22.6 of this Code, Section 34-19 of this Code, and federal
18 and State laws that provide special requirements for the
19 discipline of students with disabilities.

20 (b) The parent-teacher advisory committee in cooperation
21 with local law enforcement agencies shall develop, with the
22 school board, policy guideline procedures to establish and
23 maintain a reciprocal reporting system between the school
24 district and local law enforcement agencies regarding criminal
25 offenses committed by students. School districts are
26 encouraged to create memoranda of understanding with local law

1 enforcement agencies that clearly define law enforcement's
2 role in schools, in accordance with Section 10-22.6 of this
3 Code.

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

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

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

19 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

20 Sec. 10-22.6. Suspension or expulsion of pupils; school
21 searches.

22 (a) To expel pupils ~~guilty of gross disobedience or~~
23 ~~misconduct, including gross disobedience or misconduct~~
24 ~~perpetuated by electronic means,~~ and no action shall lie
25 against them for such expulsion. Expulsion shall take place

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

22 (b) To suspend or by policy to authorize the superintendent
23 of the district or the principal, assistant principal, or dean
24 of students of any school to suspend pupils ~~guilty of gross~~
25 ~~disobedience or misconduct,~~ or to suspend pupils guilty of
26 gross disobedience or misconduct on the school bus from riding

1 the school bus, and no action shall lie against them for such
2 suspensions ~~suspension~~. The board may by policy authorize the
3 superintendent of the district or the principal, assistant
4 principal, or dean of students of any school to suspend pupils
5 guilty of such acts for a period not to exceed 10 school days.
6 If a student is suspended from the school bus but does not have
7 alternative transportation to school, then the school shall
8 provide the student with educational services for the duration
9 of the suspension. These services shall include, at a minimum,
10 that the student be provided a full opportunity to earn
11 equivalent academic credit during the suspension period. The
12 student shall receive daily classwork and assignments from each
13 teacher, the student must be allowed to make up assignments and
14 earn equivalent credits, and the student's work must be
15 reviewed and graded, without penalty, by his or her teachers on
16 a weekly basis and returned to him or her. The student's school
17 shall designate a school staff person to serve as the liaison
18 between the student and all relevant teachers and to ensure
19 that these requirements are met. ~~If a pupil is suspended due to~~
20 ~~gross disobedience or misconduct on a school bus, the board may~~
21 ~~suspend the pupil in excess of 10 school days for safety~~
22 ~~reasons.~~ Any suspension shall be reported immediately to the
23 parents or guardian of a ~~such~~ pupil along with a full statement
24 of the reasons for such suspension and a notice of their right
25 to a review. The school board must be given a summary of the
26 notice, including the reason for the suspension and the

1 suspension length. Upon request of the parents or guardian the
2 school board or a hearing officer appointed by it shall review
3 such action of the superintendent or principal, assistant
4 principal, or dean of students. At such review the parents or
5 guardian of the pupil may appear and discuss the suspension
6 with the board or its hearing officer. If a hearing officer is
7 appointed by the board he shall report to the board a written
8 summary of the evidence heard at the meeting. After its hearing
9 or upon receipt of the written report of its hearing officer,
10 the board may take such action as it finds appropriate. If a
11 student is suspended pursuant to this subsection (b), the
12 authorized administrator or board shall, in the written
13 suspension order, detail the specific reasons why removing the
14 pupil from the learning environment is in the best interest of
15 the school. The suspension order shall also include rationale
16 as to the specific duration of the suspension. A pupil who is
17 suspended in excess of 20 school days may be immediately
18 transferred to an alternative program in the manner provided in
19 Article 13A or 13B of this Code. A pupil must not be denied
20 transfer because of the suspension, except in cases in which
21 such transfer is deemed to cause a threat to the safety of
22 students or staff in the alternative program.

23 (b-5) Among the many possible disciplinary interventions
24 and consequences available to school officials, school
25 exclusions, such as out-of-school suspensions and expulsions,
26 are the most serious. School officials shall limit the number

1 and duration of expulsions and suspensions to the greatest
2 extent practicable and are recommended to use them only for
3 legitimate educational purposes and not as punishment.

4 (b-10) Unless otherwise required by federal law or this
5 Code, school boards may not institute zero-tolerance policies
6 by which school administrators are required to suspend or expel
7 students for particular behaviors, regardless of the gravity of
8 behavior, mitigating circumstances, or the situational
9 context.

10 (b-15) Out-of-school suspensions of 3 days or less may only
11 be used if the student's continuing presence in school would
12 pose a threat to school safety or a disruption to other
13 students' learning opportunities. For purposes of this
14 subsection (b-15), "threat to school safety or a disruption to
15 other students' learning opportunities" shall be determined on
16 a case-by-case basis by the school board or its designee.
17 School officials shall make all reasonable efforts to resolve
18 such threats and minimize the length of suspensions to the
19 greatest extent practicable.

20 (b-20) Unless otherwise required by this Code,
21 out-of-school suspensions of longer than 3 days may only be
22 used if the student has committed an act of gross disobedience
23 or misconduct, the student's continuing presence in school
24 would pose an ongoing threat to the physical safety of other
25 students or staff, and other appropriate behavioral and
26 disciplinary interventions have been exhausted. For purposes

1 of this subsection (b-20), "ongoing threat to the physical
2 safety of other students or staff" shall be determined on a
3 case-by-case basis by the school board or its designee. School
4 officials shall make all reasonable efforts to resolve such
5 threats and minimize the length of student exclusions to the
6 greatest extent practicable. For purposes of this subsection
7 (b-20), the determination of whether "appropriate behavioral
8 and disciplinary interventions have been exhausted" shall be
9 made by the school board or its designee. Within the suspension
10 order described in subsection (b) of this Section, it shall be
11 documented whether other interventions were attempted or
12 whether it was determined that there were no other appropriate
13 interventions.

14 (b-25) Unless otherwise required by this Code, expulsions
15 and disciplinary removals to alternative schools may only be
16 used if the student has committed an act of gross disobedience
17 or misconduct; the act involved the distribution of illegal
18 drugs or controlled substances to other students, weapons, or
19 other destructive devices, sexual assault, or the use of
20 physical violence against another student or staff member that
21 resulted in physical injury to that person, or knowingly
22 putting another student or staff member at risk of serious
23 bodily injury or death; the student's continuing presence in
24 school would pose an ongoing threat to the physical safety of
25 other students or staff; and other appropriate behavioral and
26 disciplinary interventions have been exhausted. For purposes

1 of this subsection (b-25), "ongoing threat to the physical
2 safety of other students or staff" shall be determined on a
3 case-by-case basis by the school board or its designee. School
4 officials shall make all reasonable efforts to resolve such
5 threats and minimize the length of student exclusions to the
6 greatest extent practicable. For purposes of this subsection
7 (b-25), the determination of whether "appropriate behavioral
8 and disciplinary interventions have been exhausted" shall be
9 made by the school board or its designee. Within the expulsion
10 order described in subsection (a) of this Section, it shall be
11 documented whether other interventions were attempted or
12 whether it was determined that there were no other appropriate
13 interventions.

14 (b-30) Students who are suspended out-of-school for longer
15 than 3 days, expelled, or removed to an alternative setting for
16 disciplinary reasons shall be provided appropriate behavioral
17 support services that the school district has available. For
18 purposes of this subsection (b-30), the determination of
19 whether "appropriate behavioral support services" will be
20 provided shall be made by the school board or its designee.
21 Within the suspension order described in subsection (b) of this
22 Section, it shall be documented whether such services will be
23 provided or whether it was determined that there are no such
24 appropriate services.

25 (b-35) Students who are suspended or expelled and have not
26 been admitted to another school shall continue to be provided

1 educational services to promote their successful return to
2 their regular school. These services shall include, at a
3 minimum, that each suspended or expelled student be provided a
4 full opportunity to earn equivalent academic credit during the
5 suspension or expulsion period. Suspended or expelled students
6 not placed in an alternative education program shall receive
7 daily classwork and assignments from each teacher and shall be
8 allowed to make up assignments and earn equivalent credits, and
9 their work shall be reviewed and graded, without penalty, by
10 their teachers on a weekly basis and returned to them. The
11 suspended or expelled student's school shall designate a school
12 staff person to serve as the liaison between the student and
13 all relevant teachers and ensure that these requirements are
14 met.

15 (c) The Department of Human Services shall be invited to
16 send a representative to consult with the board at such meeting
17 whenever there is evidence that mental illness may be the cause
18 for expulsion or suspension.

19 (c-5) School districts shall make all reasonable efforts to
20 provide professional development to teachers, administrators,
21 school board members, school resource officers, and staff on
22 the adverse consequences of school exclusion and
23 justice-system involvement, effective classroom management
24 strategies, culturally responsive discipline, and
25 developmentally appropriate disciplinary methods that promote
26 positive and healthy school climates.

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

8 (1) A firearm. For the purposes of this Section,
9 "firearm" means any gun, rifle, shotgun, weapon as defined
10 by Section 921 of Title 18 of the United States Code,
11 firearm as defined in Section 1.1 of the Firearm Owners
12 Identification Card Act, or firearm as defined in Section
13 24-1 of the Criminal Code of 2012. The expulsion period
14 under this subdivision (1) may be modified by the
15 superintendent, and the superintendent's determination may
16 be modified by the board on a case-by-case basis.

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

25 Expulsion or suspension shall be construed in a manner
26 consistent with the Federal Individuals with Disabilities

1 Education Act. A student who is subject to suspension or
2 expulsion as provided in this Section may be eligible for a
3 transfer to an alternative school program in accordance with
4 Article 13A of the School Code. ~~The provisions of this~~
5 ~~subsection (d) apply in all school districts, including special~~
6 ~~charter districts and districts organized under Article 34.~~

7 (d-5) The board may suspend or by regulation authorize the
8 superintendent of the district or the principal, assistant
9 principal, or dean of students of any school to suspend a
10 student for a period not to exceed 10 school days or may expel
11 a student for a definite period of time not to exceed 2
12 calendar years, as determined on a case by case basis, if (i)
13 that student has been determined to have made an explicit
14 threat on an Internet website against a school employee, a
15 student, or any school-related personnel, (ii) the Internet
16 website through which the threat was made is a site that was
17 accessible within the school at the time the threat was made or
18 was available to third parties who worked or studied within the
19 school grounds at the time the threat was made, and (iii) the
20 threat could be reasonably interpreted as threatening to the
21 safety and security of the threatened individual because of his
22 or her duties or employment status or status as a student
23 inside the school. ~~The provisions of this subsection (d-5)~~
24 ~~apply in all school districts, including special charter~~
25 ~~districts and districts organized under Article 34 of this~~
26 ~~Code.~~

1 (e) To maintain order and security in the schools, school
2 authorities may inspect and search places and areas such as
3 lockers, desks, parking lots, and other school property and
4 equipment owned or controlled by the school, as well as
5 personal effects left in those places and areas by students,
6 without notice to or the consent of the student, and without a
7 search warrant. As a matter of public policy, the General
8 Assembly finds that students have no reasonable expectation of
9 privacy in these places and areas or in their personal effects
10 left in these places and areas. School authorities may request
11 the assistance of law enforcement officials for the purpose of
12 conducting inspections and searches of lockers, desks, parking
13 lots, and other school property and equipment owned or
14 controlled by the school for illegal drugs, weapons, or other
15 illegal or dangerous substances or materials, including
16 searches conducted through the use of specially trained dogs.
17 If a search conducted in accordance with this Section produces
18 evidence that the student has violated or is violating either
19 the law, local ordinance, or the school's policies or rules,
20 such evidence may be seized by school authorities, and
21 disciplinary action may be taken. School authorities may also
22 turn over such evidence to law enforcement authorities. ~~The~~
23 ~~provisions of this subsection (c) apply in all school~~
24 ~~districts, including special charter districts and districts~~
25 ~~organized under Article 34.~~

26 (f) Suspension or expulsion may include suspension or

1 expulsion from school and all school activities and a
2 prohibition from being present on school grounds.

3 (g) A school district may adopt a policy providing that if
4 a student is suspended or expelled for any reason from any
5 public or private school in this or any other state, the
6 student must complete the entire term of the suspension or
7 expulsion in an alternative school program under Article 13A of
8 this Code or an alternative learning opportunities program
9 under Article 13B of this Code ~~before being admitted into the~~
10 ~~school district if there is no threat to the safety of students~~
11 ~~or staff in the alternative program. This subsection (g)~~
12 ~~applies to all school districts, including special charter~~
13 ~~districts and districts organized under Article 34 of this~~
14 ~~Code.~~

15 (h) All incidents resulting in an out-of-school suspension
16 longer than 3 days, expulsion, removal to an alternative
17 setting, school-based arrest, or school-based criminal
18 citation shall be documented in a written report that includes
19 a detailed description of the behavior at issue and an
20 explanation of why the actions taken were necessary. These
21 individual reports shall be immediately provided to the parent
22 or guardian of the student and shall be compiled by each school
23 district into an annual summary report that is available for
24 public review. The annual report shall not include any
25 information that would violate either requirements of the
26 Illinois School Student Records Act or federal law or allow for

1 an individual student to be identified.

2 (i) School officials shall not advise or encourage students
3 to disenroll from school voluntarily due to behavioral or
4 academic difficulties.

5 (j) A student may not be issued a monetary fine or fee as a
6 disciplinary consequence.

7 (k) Subsections (a) through (j) of this Section shall apply
8 to each elementary and secondary school, charter school,
9 special charter district, and alternative school organized
10 under Article 13A of this Code and school districts organized
11 under Article 34 of this Code.

12 (Source: P.A. 96-633, eff. 8-24-09; 96-998, eff. 7-2-10;
13 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; 97-813, eff. 7-13-12;
14 97-1150, eff. 1-25-13.)

15 (105 ILCS 5/13A-11)

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

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

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

25 (1) student ~~Student~~ civil rights;

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

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

13 (105 ILCS 5/27A-5)

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

15 (a) A charter school shall be a public, nonsectarian,
16 nonreligious, non-home based, and non-profit school. A charter
17 school shall be organized and operated as a nonprofit
18 corporation or other discrete, legal, nonprofit entity
19 authorized under the laws of the State of Illinois.

20 (b) A charter school may be established under this Article
21 by creating a new school or by converting an existing public
22 school or attendance center to charter school status. Beginning
23 on the effective date of this amendatory Act of the 93rd
24 General Assembly, in all new applications submitted to the
25 State Board or a local school board to establish a charter

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

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

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

22 On or before March 1, 2014, the Commission shall submit to
23 the General Assembly a report on the effect of
24 virtual-schooling, including without limitation the effect on
25 student performance, the costs associated with
26 virtual-schooling, and issues with oversight. The report shall

1 include policy recommendations for virtual-schooling.

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. Annually, by December 1, every charter school must
20 submit to the State Board a copy of its audit and a copy of the
21 Form 990 the charter school filed that year with the federal
22 Internal Revenue Service.

23 (g) A charter school shall comply with all provisions of
24 this Article, the Illinois Educational Labor Relations Act, and
25 its charter. A charter school is exempt from all other State
26 laws and regulations in this ~~the School~~ Code governing public

1 schools and local school board policies, except the following:

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

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

9 (3) the ~~The~~ Local Governmental and Governmental
10 Employees Tort Immunity Act;

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

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

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

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

18 (8) the ~~The~~ P-20 Longitudinal Education Data System
19 Act.

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

22 (h) A charter school may negotiate and contract with a
23 school district, the governing body of a State college or
24 university or public community college, or any other public or
25 for-profit or nonprofit private entity for: (i) the use of a
26 school building and grounds or any other real property or

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

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

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

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

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

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

12 (105 ILCS 5/34-19) (from Ch. 122, par. 34-19)

13 Sec. 34-19. By-laws, rules and regulations; business
14 transacted at regular meetings; voting; records. The board
15 shall, subject to the limitations in this Article, establish
16 by-laws, rules and regulations, which shall have the force of
17 ordinances, for the proper maintenance of a uniform system of
18 discipline for both employees and pupils, and for the entire
19 management of the schools, and may fix the school age of
20 pupils, the minimum of which in kindergartens shall not be
21 under 4 years, except that, based upon an assessment of the
22 child's readiness, children who have attended a non-public
23 preschool and continued their education at that school through
24 kindergarten, were taught in kindergarten by an appropriately
25 certified teacher, and will attain the age of 6 years on or

1 before December 31 of the year of the 2009-2010 school term and
2 each school term thereafter may attend first grade upon
3 commencement of such term, and in grade schools shall not be
4 under 6 years. It may expel, suspend or, subject to the
5 limitations of all policies established or adopted under
6 Sections 10-22.6 and Section 14-8.05, otherwise discipline any
7 pupil found guilty of violating ~~gross disobedience, misconduct~~
8 ~~or other violation of the by-laws, rules, and regulations,~~
9 ~~including gross disobedience or misconduct perpetuated by~~
10 ~~electronic means.~~ An expelled pupil may be immediately
11 transferred to an alternative program in the manner provided in
12 Article 13A or 13B of this Code. A pupil must not be denied
13 transfer because of the expulsion, except in cases in which
14 such transfer is deemed to cause a threat to the safety of
15 students or staff in the alternative program. A pupil who is
16 suspended in excess of 20 school days may be immediately
17 transferred to an alternative program in the manner provided in
18 Article 13A or 13B of this Code. A pupil must not be denied
19 transfer because of the suspension, except in cases in which
20 such transfer is deemed to cause a threat to the safety of
21 students or staff in the alternative program. The bylaws, rules
22 and regulations of the board shall be enacted, money shall be
23 appropriated or expended, salaries shall be fixed or changed,
24 and textbooks, electronic textbooks, and courses of
25 instruction shall be adopted or changed only at the regular
26 meetings of the board and by a vote of a majority of the full

1 membership of the board; provided that notwithstanding any
2 other provision of this Article or the School Code, neither the
3 board or any local school council may purchase any textbook for
4 use in any public school of the district from any textbook
5 publisher that fails to furnish any computer diskettes as
6 required under Section 28-21. Funds appropriated for textbook
7 purchases must be available for electronic textbook purchases
8 and the technological equipment necessary to gain access to and
9 use electronic textbooks at the local school council's
10 discretion. The board shall be further encouraged to provide
11 opportunities for public hearing and testimony before the
12 adoption of bylaws, rules and regulations. Upon all
13 propositions requiring for their adoption at least a majority
14 of all the members of the board the yeas and nays shall be
15 taken and reported. The by-laws, rules and regulations of the
16 board shall not be repealed, amended or added to, except by a
17 vote of 2/3 of the full membership of the board. The board
18 shall keep a record of all its proceedings. Such records and
19 all by-laws, rules and regulations, or parts thereof, may be
20 proved by a copy thereof certified to be such by the secretary
21 of the board, but if they are printed in book or pamphlet form
22 which are purported to be published by authority of the board
23 they need not be otherwise published and the book or pamphlet
24 shall be received as evidence, without further proof, of the
25 records, by-laws, rules and regulations, or any part thereof,
26 as of the dates thereof as shown in such book or pamphlet, in

1 all courts and places where judicial proceedings are had.

2 Notwithstanding any other provision in this Article or in
3 the School Code, the board may delegate to the general
4 superintendent or to the attorney the authorities granted to
5 the board in the School Code, provided such delegation and
6 appropriate oversight procedures are made pursuant to board
7 by-laws, rules and regulations, adopted as herein provided,
8 except that the board may not delegate its authorities and
9 responsibilities regarding (1) budget approval obligations;
10 (2) rule-making functions; (3) desegregation obligations; (4)
11 real estate acquisition, sale or lease in excess of 10 years as
12 provided in Section 34-21; (5) the levy of taxes; or (6) any
13 mandates imposed upon the board by "An Act in relation to
14 school reform in cities over 500,000, amending Acts herein
15 named", approved December 12, 1988 (P.A. 85-1418).

16 (Source: P.A. 96-864, eff. 1-21-10; 96-1403, eff. 7-29-10;
17 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; 97-813, eff.
18 7-13-12.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law."