



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB1360

Introduced 2/4/2015, by Rep. Robyn Gabel

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27A-5

Amends the Charter Schools Law of the School Code. Requires a charter school to comply with all (instead of all applicable) health and safety requirements applicable to public schools under the laws of this State. Provides that a charter school is not exempt from local school board health, safety, and wellness policies. Makes technical changes having a revisory function. Effective immediately.

LRB099 07049 NHT 27132 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 to establish a
18 charter school in a city having a population exceeding 500,000,
19 operation of the charter school shall be limited to one campus.
20 The changes made to this Section by this amendatory Act of the
21 93rd General Assembly do not apply to charter schools existing
22 or approved on or before the effective date of this amendatory
23 Act.

1 (b-5) In this subsection (b-5), "virtual-schooling" means
2 a cyber school where students engage in online curriculum and
3 instruction via the Internet and electronic communication with
4 their teachers at remote locations and with students
5 participating at different times.

6 From April 1, 2013 through December 31, 2016, there is a
7 moratorium on the establishment of charter schools with
8 virtual-schooling components in school districts other than a
9 school district organized under Article 34 of this Code. This
10 moratorium does not apply to a charter school with
11 virtual-schooling components existing or approved prior to
12 April 1, 2013 or to the renewal of the charter of a charter
13 school with virtual-schooling components already approved
14 prior to April 1, 2013.

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

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

26 (d) A charter school shall comply with all ~~applicable~~

1 health and safety requirements applicable to public schools
2 under the laws of the State of Illinois.

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

7 (f) A charter school shall be responsible for the
8 management and operation of its fiscal affairs including, but
9 not limited to, the preparation of its budget. An audit of each
10 charter school's finances shall be conducted annually by an
11 outside, independent contractor retained by the charter
12 school. To ensure financial accountability for the use of
13 public funds, on or before December 1 of every year of
14 operation, each charter school shall submit to its authorizer
15 and the State Board a copy of its audit and a copy of the Form
16 990 the charter school filed that year with the federal
17 Internal Revenue Service. In addition, if deemed necessary for
18 proper financial oversight of the charter school, an authorizer
19 may require quarterly financial statements from each charter
20 school.

21 (g) A charter school shall comply with all provisions of
22 this Article; the Illinois Educational Labor Relations Act; all
23 federal and State laws and rules applicable to public schools
24 that pertain to special education and the instruction of
25 English language learners, referred to in this Code as
26 "children of limited English-speaking ability"; and its

1 charter. A charter school is exempt from all other State laws
2 and regulations in this Code governing public schools and local
3 school board policies; however, a charter school is not exempt
4 from, except the following:

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

10 (2) Sections 24-24 and 34-84A of this Code regarding
11 discipline of students;

12 (3) the Local Governmental and Governmental Employees
13 Tort Immunity Act;

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

17 (5) the Abused and Neglected Child Reporting Act;

18 (6) the Illinois School Student Records Act;

19 (7) Section 10-17a of this Code regarding school report
20 cards;

21 (8) the P-20 Longitudinal Education Data System Act;

22 ~~and~~

23 (9) Section 27-23.7 of this Code regarding bullying
24 prevention;~~;~~

25 (10) (9) Section 2-3.162 ~~2-3.160~~ of this ~~the School~~
26 Code regarding student discipline reporting; and.

1 (11) local school board health, safety, and wellness
2 policies.

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

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

1 the district at cost. Any services for which a charter school
2 contracts with a local school board or with the governing body
3 of a State college or university or public community college
4 shall be provided by the public entity at cost.

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

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

16 (k) If the charter school is approved by the Commission,
17 then the Commission charter school is its own local education
18 agency.

19 (Source: P.A. 97-152, eff. 7-20-11; 97-154, eff. 1-1-12;
20 97-813, eff. 7-13-12; 98-16, eff. 5-24-13; 98-639, eff. 6-9-14;
21 98-669, eff. 6-26-14; 98-739, eff. 7-16-14; 98-783, eff.
22 1-1-15; 98-1059, eff. 8-26-14; 98-1102, eff. 8-26-14; revised
23 10-14-14.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.