

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) For purposes of this subsection (d), "non-curricular

1 health and safety requirement" means any health and safety  
2 requirement created by statute or rule to provide, maintain,  
3 preserve, or safeguard safe or healthful conditions for  
4 students and school personnel or to eliminate, reduce, or  
5 prevent threats to the health and safety of students and school  
6 personnel. "Non-curricular health and safety requirement" does  
7 not include any course of study or specialized instructional  
8 requirement for which the State Board has established goals and  
9 learning standards or which is designed primarily to impart  
10 knowledge and skills for students to master and apply as an  
11 outcome of their education.

12 A charter school shall comply with all non-curricular  
13 ~~applicable~~ health and safety requirements applicable to public  
14 schools under the laws of the State of Illinois. On or before  
15 September 1, 2015, the State Board shall promulgate and post on  
16 its Internet website a list of non-curricular health and safety  
17 requirements that a charter school must meet. The list shall be  
18 updated annually no later than September 1. Any charter  
19 contract between a charter school and its authorizer must  
20 contain a provision that requires the charter school to follow  
21 the list of all non-curricular health and safety requirements  
22 promulgated by the State Board and any non-curricular health  
23 and safety requirements added by the State Board to such list  
24 during the term of the charter. Nothing in this subsection (d)  
25 precludes an authorizer from including non-curricular health  
26 and safety requirements in a charter school contract that are

1 not contained in the list promulgated by the State Board,  
2 including non-curricular health and safety requirements of the  
3 authorizing local school board.

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

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

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

1 "children of limited English-speaking ability"; and its  
2 charter. A charter school is exempt from all other State laws  
3 and regulations in this Code governing public schools and local  
4 school board policies; however, a charter school is not exempt  
5 from, except the following:

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

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

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

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

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

19 (6) the Illinois School Student Records Act;

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

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

23 ~~and~~

24 (9) Section 27-23.7 of this Code regarding bullying  
25 prevention; and

26 (10) ~~(9)~~ Section 2-3.162 ~~2-3.160~~ of this ~~the School~~

1 Code regarding student discipline reporting.

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

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

1 contracts with a local school board or with the governing body  
2 of a State college or university or public community college  
3 shall be provided by the public entity at cost.

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

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

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

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

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