



Rep. Robyn Gabel

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LRB099 07049 NHT 32582 a

1 AMENDMENT TO HOUSE BILL 1360

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1360 by replacing  
3 everything after the enacting clause with the following:

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

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

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

13 From April 1, 2013 through December 31, 2016, 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) For purposes of this subsection (d), "non-curricular  
8 health and safety requirement" means any health and safety  
9 requirement created by statute or rule to provide, maintain,  
10 preserve, or safeguard safe or healthful conditions for  
11 students and school personnel or to eliminate, reduce, or  
12 prevent threats to the health and safety of students and school  
13 personnel. "Non-curricular health and safety requirement" does  
14 not include any course of study or specialized instructional  
15 requirement for which the State Board has established goals and  
16 learning standards or which is designed primarily to impart  
17 knowledge and skills for students to master and apply as an  
18 outcome of their education.

19 A charter school shall comply with all non-curricular  
20 ~~applicable~~ health and safety requirements applicable to public  
21 schools under the laws of the State of Illinois. On or before  
22 September 1, 2015, the State Board shall promulgate and post on  
23 its Internet website a list of non-curricular health and safety  
24 requirements that a charter school must meet. The list shall be  
25 updated annually no later than September 1. Any charter  
26 contract between a charter school and its authorizer must

1 contain a provision that requires the charter school to follow  
2 the list of all non-curricular health and safety requirements  
3 promulgated by the State Board and any non-curricular health  
4 and safety requirements added by the State Board to such list  
5 during the term of the charter. Nothing in this subsection (d)  
6 precludes an authorizer from including non-curricular health  
7 and safety requirements in a charter school contract that are  
8 not contained in the list promulgated by the State Board,  
9 including non-curricular health and safety requirements of the  
10 authorizing local school board.

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

15 (f) A charter school shall be responsible for the  
16 management and operation of its fiscal affairs including, but  
17 not limited to, the preparation of its budget. An audit of each  
18 charter school's finances shall be conducted annually by an  
19 outside, independent contractor retained by the charter  
20 school. To ensure financial accountability for the use of  
21 public funds, on or before December 1 of every year of  
22 operation, each charter school shall submit to its authorizer  
23 and the State Board a copy of its audit and a copy of the Form  
24 990 the charter school filed that year with the federal  
25 Internal Revenue Service. In addition, if deemed necessary for  
26 proper financial oversight of the charter school, an authorizer

1 may require quarterly financial statements from each charter  
2 school.

3 (g) A charter school shall comply with all provisions of  
4 this Article; the Illinois Educational Labor Relations Act; all  
5 federal and State laws and rules applicable to public schools  
6 that pertain to special education and the instruction of  
7 English language learners, referred to in this Code as  
8 "children of limited English-speaking ability"; and its  
9 charter. A charter school is exempt from all other State laws  
10 and regulations in this Code governing public schools and local  
11 school board policies; however, a charter school is not exempt  
12 from, except the following:

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

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

20 (3) the Local Governmental and Governmental Employees  
21 Tort Immunity Act;

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

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

26 (6) the Illinois School Student Records Act;

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

3           (8) the P-20 Longitudinal Education Data System Act;  
4 ~~and~~

5           (9) Section 27-23.7 of this Code regarding bullying  
6 prevention; ~~and~~;

7           (10) ~~(9)~~ Section 2-3.162 ~~2-3.160~~ of this ~~the School~~  
8 Code regarding student discipline reporting.

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

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

1 General Assembly and concludes at the end of the 2004-2005  
2 school year. Except as provided in subsection (i) of this  
3 Section, a school district may charge a charter school  
4 reasonable rent for the use of the district's buildings,  
5 grounds, and facilities. Any services for which a charter  
6 school contracts with a school district shall be provided by  
7 the district at cost. Any services for which a charter school  
8 contracts with a local school board or with the governing body  
9 of a State college or university or public community college  
10 shall be provided by the public entity at cost.

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

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

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

25 (Source: P.A. 97-152, eff. 7-20-11; 97-154, eff. 1-1-12;  
26 97-813, eff. 7-13-12; 98-16, eff. 5-24-13; 98-639, eff. 6-9-14;

1 98-669, eff. 6-26-14; 98-739, eff. 7-16-14; 98-783, eff.  
2 1-1-15; 98-1059, eff. 8-26-14; 98-1102, eff. 8-26-14; revised  
3 10-14-14.)

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.".