



Rep. Camille Y. Lilly

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LRB099 03009 MLM 48880 a

1 AMENDMENT TO SENATE BILL 565

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 565 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections  
5 27-8.1 and 27A-5 as follows:

6 (105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

7 Sec. 27-8.1. Health examinations and immunizations.

8 (1) In compliance with rules and regulations which the  
9 Department of Public Health shall promulgate, and except as  
10 hereinafter provided, all children in Illinois shall have a  
11 health examination as follows: within one year prior to  
12 entering kindergarten or the first grade of any public,  
13 private, or parochial elementary school; upon entering the  
14 sixth and ninth grades of any public, private, or parochial  
15 school; prior to entrance into any public, private, or  
16 parochial nursery school; and, irrespective of grade,

1 immediately prior to or upon entrance into any public, private,  
2 or parochial school or nursery school, each child shall present  
3 proof of having been examined in accordance with this Section  
4 and the rules and regulations promulgated hereunder. Any child  
5 who received a health examination within one year prior to  
6 entering the fifth grade for the 2007-2008 school year is not  
7 required to receive an additional health examination in order  
8 to comply with the provisions of Public Act 95-422 when he or  
9 she attends school for the 2008-2009 school year, unless the  
10 child is attending school for the first time as provided in  
11 this paragraph.

12 A tuberculosis skin test screening shall be included as a  
13 required part of each health examination included under this  
14 Section if the child resides in an area designated by the  
15 Department of Public Health as having a high incidence of  
16 tuberculosis. Additional health examinations of pupils,  
17 including eye examinations, may be required when deemed  
18 necessary by school authorities. Parents are encouraged to have  
19 their children undergo eye examinations at the same points in  
20 time required for health examinations.

21 (1.5) In compliance with rules adopted by the Department of  
22 Public Health and except as otherwise provided in this Section,  
23 all children in kindergarten and the second and sixth grades of  
24 any public, private, or parochial school shall have a dental  
25 examination. Each of these children shall present proof of  
26 having been examined by a dentist in accordance with this

1 Section and rules adopted under this Section before May 15th of  
2 the school year. If a child in the second or sixth grade fails  
3 to present proof by May 15th, the school may hold the child's  
4 report card until one of the following occurs: (i) the child  
5 presents proof of a completed dental examination or (ii) the  
6 child presents proof that a dental examination will take place  
7 within 60 days after May 15th. The Department of Public Health  
8 shall establish, by rule, a waiver for children who show an  
9 undue burden or a lack of access to a dentist. Each public,  
10 private, and parochial school must give notice of this dental  
11 examination requirement to the parents and guardians of  
12 students at least 60 days before May 15th of each school year.

13 (1.10) Except as otherwise provided in this Section, all  
14 children enrolling in kindergarten in a public, private, or  
15 parochial school on or after the effective date of this  
16 amendatory Act of the 95th General Assembly and any student  
17 enrolling for the first time in a public, private, or parochial  
18 school on or after the effective date of this amendatory Act of  
19 the 95th General Assembly shall have an eye examination. Each  
20 of these children shall present proof of having been examined  
21 by a physician licensed to practice medicine in all of its  
22 branches or a licensed optometrist within the previous year, in  
23 accordance with this Section and rules adopted under this  
24 Section, before October 15th of the school year. If the child  
25 fails to present proof by October 15th, the school may hold the  
26 child's report card until one of the following occurs: (i) the

1 child presents proof of a completed eye examination or (ii) the  
2 child presents proof that an eye examination will take place  
3 within 60 days after October 15th. The Department of Public  
4 Health shall establish, by rule, a waiver for children who show  
5 an undue burden or a lack of access to a physician licensed to  
6 practice medicine in all of its branches who provides eye  
7 examinations or to a licensed optometrist. Each public,  
8 private, and parochial school must give notice of this eye  
9 examination requirement to the parents and guardians of  
10 students in compliance with rules of the Department of Public  
11 Health. Nothing in this Section shall be construed to allow a  
12 school to exclude a child from attending because of a parent's  
13 or guardian's failure to obtain an eye examination for the  
14 child.

15 (2) The Department of Public Health shall promulgate rules  
16 and regulations specifying the examinations and procedures  
17 that constitute a health examination, which shall include an  
18 age-appropriate developmental screening, a social and  
19 emotional screening, and the collection of data relating to  
20 obesity (including at a minimum, date of birth, gender, height,  
21 weight, blood pressure, and date of exam), and a dental  
22 examination and may recommend by rule that certain additional  
23 examinations be performed. The rules and regulations of the  
24 Department of Public Health shall specify that a tuberculosis  
25 skin test screening shall be included as a required part of  
26 each health examination included under this Section if the

1 child resides in an area designated by the Department of Public  
2 Health as having a high incidence of tuberculosis. With respect  
3 to the developmental screening and the social and emotional  
4 screening, the Department of Public Health must develop rules  
5 and appropriate revisions to the Child Health Examination form  
6 in conjunction with a statewide organization representing  
7 school boards; a statewide organization representing  
8 pediatricians; statewide organizations representing  
9 individuals holding Illinois educator licenses with school  
10 support personnel endorsements, including school social  
11 workers, school psychologists, and school nurses; a statewide  
12 organization representing children's mental health experts; a  
13 statewide organization representing school principals; the  
14 Director of Healthcare and Family Services or his or her  
15 designee, the State Superintendent of Education or his or her  
16 designee; and representatives of other appropriate State  
17 agencies and, at a minimum, must recommend the use of validated  
18 screening tools, the ages or grades when the screenings will be  
19 required and, in addition to physicians licensed to practice  
20 medicine in all of its branches, licensed advanced practice  
21 nurses, and licensed physician assistants, other professionals  
22 who may conduct the screenings. The rules shall take into  
23 consideration the screening recommendations of the American  
24 Academy of Pediatrics and must be consistent with the State  
25 Board of Education's social and emotional learning standards.  
26 The Department of Public Health shall specify that a diabetes

1 screening as defined by rule shall be included as a required  
2 part of each health examination. Diabetes testing is not  
3 required.

4 Physicians licensed to practice medicine in all of its  
5 branches, licensed advanced practice nurses, or licensed  
6 physician assistants shall be responsible for the performance  
7 of the health examinations, other than dental examinations, eye  
8 examinations, and vision and hearing screening, and shall sign  
9 all report forms required by subsection (4) of this Section  
10 that pertain to those portions of the health examination for  
11 which the physician, advanced practice nurse, or physician  
12 assistant is responsible. If a registered nurse performs any  
13 part of a health examination, then a physician licensed to  
14 practice medicine in all of its branches must review and sign  
15 all required report forms. Licensed dentists shall perform all  
16 dental examinations and shall sign all report forms required by  
17 subsection (4) of this Section that pertain to the dental  
18 examinations. Physicians licensed to practice medicine in all  
19 its branches or licensed optometrists shall perform all eye  
20 examinations required by this Section and shall sign all report  
21 forms required by subsection (4) of this Section that pertain  
22 to the eye examination. For purposes of this Section, an eye  
23 examination shall at a minimum include history, visual acuity,  
24 subjective refraction to best visual acuity near and far,  
25 internal and external examination, and a glaucoma evaluation,  
26 as well as any other tests or observations that in the

1 professional judgment of the doctor are necessary. Vision and  
2 hearing screening tests, which shall not be considered  
3 examinations as that term is used in this Section, shall be  
4 conducted in accordance with rules and regulations of the  
5 Department of Public Health, and by individuals whom the  
6 Department of Public Health has certified. In these rules and  
7 regulations, the Department of Public Health shall require that  
8 individuals conducting vision screening tests give a child's  
9 parent or guardian written notification, before the vision  
10 screening is conducted, that states, "Vision screening is not a  
11 substitute for a complete eye and vision evaluation by an eye  
12 doctor. Your child is not required to undergo this vision  
13 screening if an optometrist or ophthalmologist has completed  
14 and signed a report form indicating that an examination has  
15 been administered within the previous 12 months."

16 (2.5) With respect to the developmental screening and the  
17 social and emotional screening portion of the health  
18 examination, each child shall present proof of having been  
19 screened in accordance with this Section and the rules adopted  
20 under this Section before October 15th of the school year. If  
21 the child fails to present proof of the developmental screening  
22 or the social and emotional screening portions of the health  
23 examination by October 15th of the school year, qualified  
24 school support personnel may, with a parent's or guardian's  
25 consent, offer the developmental screening or the social and  
26 emotional screening to the child. Each public, private, and

1 parochial school must give notice of the developmental  
2 screening and social and emotional screening requirements to  
3 the parents and guardians of students in compliance with the  
4 rules of the Department of Public Health. Nothing in this  
5 Section shall be construed to allow a school to exclude a child  
6 from attending because of a parent's or guardian's failure to  
7 obtain a developmental screening or a social and emotional  
8 screening for the child. Once a developmental screening or a  
9 social and emotional screening is completed and proof has been  
10 presented to the school, the school may, with a parent's or  
11 guardian's consent, make available appropriate school  
12 personnel to work with the parent or guardian, the child, and  
13 the provider who signed the screening form to obtain any  
14 appropriate evaluations and services as indicated on the form  
15 and in other information and documentation provided by the  
16 parents, guardians, or provider.

17 (3) Every child shall, at or about the same time as he or  
18 she receives a health examination required by subsection (1) of  
19 this Section, present to the local school proof of having  
20 received such immunizations against preventable communicable  
21 diseases as the Department of Public Health shall require by  
22 rules and regulations promulgated pursuant to this Section and  
23 the Communicable Disease Prevention Act.

24 (4) The individuals conducting the health examination,  
25 dental examination, or eye examination shall record the fact of  
26 having conducted the examination, and such additional



1 information as required, including for a health examination  
2 data relating to obesity (including at a minimum, date of  
3 birth, gender, height, weight, blood pressure, and date of  
4 exam), on uniform forms which the Department of Public Health  
5 and the State Board of Education shall prescribe for statewide  
6 use. The examiner shall summarize on the report form any  
7 condition that he or she suspects indicates a need for special  
8 services, including for a health examination factors relating  
9 to obesity. The confidentiality of the information and records  
10 relating to the developmental screening and the social and  
11 emotional screening shall be determined by the statutes, rules,  
12 and professional ethics governing the type of provider  
13 conducting the screening. The individuals confirming the  
14 administration of required immunizations shall record as  
15 indicated on the form that the immunizations were administered.

16 (5) If a child does not submit proof of having had either  
17 the health examination or the immunization as required, then  
18 the child shall be examined or receive the immunization, as the  
19 case may be, and present proof by October 15 of the current  
20 school year, or by an earlier date of the current school year  
21 established by a school district. To establish a date before  
22 October 15 of the current school year for the health  
23 examination or immunization as required, a school district must  
24 give notice of the requirements of this Section 60 days prior  
25 to the earlier established date. If for medical reasons one or  
26 more of the required immunizations must be given after October

1 15 of the current school year, or after an earlier established  
2 date of the current school year, then the child shall present,  
3 by October 15, or by the earlier established date, a schedule  
4 for the administration of the immunizations and a statement of  
5 the medical reasons causing the delay, both the schedule and  
6 the statement being issued by the physician, advanced practice  
7 nurse, physician assistant, registered nurse, or local health  
8 department that will be responsible for administration of the  
9 remaining required immunizations. If a child does not comply by  
10 October 15, or by the earlier established date of the current  
11 school year, with the requirements of this subsection, then the  
12 local school authority shall exclude that child from school  
13 until such time as the child presents proof of having had the  
14 health examination as required and presents proof of having  
15 received those required immunizations which are medically  
16 possible to receive immediately. During a child's exclusion  
17 from school for noncompliance with this subsection, the child's  
18 parents or legal guardian shall be considered in violation of  
19 Section 26-1 and subject to any penalty imposed by Section  
20 26-10. This subsection (5) does not apply to dental  
21 examinations, ~~and~~ eye examinations, and the developmental  
22 screening and the social and emotional screening portions of  
23 the health examination. If the student is an out-of-state  
24 transfer student and does not have the proof required under  
25 this subsection (5) before October 15 of the current year or  
26 whatever date is set by the school district, then he or she may

1 only attend classes (i) if he or she has proof that an  
2 appointment for the required vaccinations has been scheduled  
3 with a party authorized to submit proof of the required  
4 vaccinations. If the proof of vaccination required under this  
5 subsection (5) is not submitted within 30 days after the  
6 student is permitted to attend classes, then the student is not  
7 to be permitted to attend classes until proof of the  
8 vaccinations has been properly submitted. No school district or  
9 employee of a school district shall be held liable for any  
10 injury or illness to another person that results from admitting  
11 an out-of-state transfer student to class that has an  
12 appointment scheduled pursuant to this subsection (5).

13 (6) Every school shall report to the State Board of  
14 Education by November 15, in the manner which that agency shall  
15 require, the number of children who have received the necessary  
16 immunizations and the health examination (other than a dental  
17 examination or eye examination) as required, indicating, of  
18 those who have not received the immunizations and examination  
19 as required, the number of children who are exempt from health  
20 examination and immunization requirements on religious or  
21 medical grounds as provided in subsection (8). On or before  
22 December 1 of each year, every public school district and  
23 registered nonpublic school shall make publicly available the  
24 immunization data they are required to submit to the State  
25 Board of Education by November 15. The immunization data made  
26 publicly available must be identical to the data the school

1 district or school has reported to the State Board of  
2 Education.

3 Every school shall report to the State Board of Education  
4 by June 30, in the manner that the State Board requires, the  
5 number of children who have received the required dental  
6 examination, indicating, of those who have not received the  
7 required dental examination, the number of children who are  
8 exempt from the dental examination on religious grounds as  
9 provided in subsection (8) of this Section and the number of  
10 children who have received a waiver under subsection (1.5) of  
11 this Section.

12 Every school shall report to the State Board of Education  
13 by June 30, in the manner that the State Board requires, the  
14 number of children who have received the required eye  
15 examination, indicating, of those who have not received the  
16 required eye examination, the number of children who are exempt  
17 from the eye examination as provided in subsection (8) of this  
18 Section, the number of children who have received a waiver  
19 under subsection (1.10) of this Section, and the total number  
20 of children in noncompliance with the eye examination  
21 requirement.

22 The reported information under this subsection (6) shall be  
23 provided to the Department of Public Health by the State Board  
24 of Education.

25 (7) Upon determining that the number of pupils who are  
26 required to be in compliance with subsection (5) of this

1 Section is below 90% of the number of pupils enrolled in the  
2 school district, 10% of each State aid payment made pursuant to  
3 Section 18-8.05 to the school district for such year may be  
4 withheld by the State Board of Education until the number of  
5 students in compliance with subsection (5) is the applicable  
6 specified percentage or higher.

7 (8) Children of parents or legal guardians who object to  
8 health, dental, or eye examinations or any part thereof, to  
9 immunizations, or to vision and hearing screening tests on  
10 religious grounds shall not be required to undergo the  
11 examinations, tests, or immunizations to which they so object  
12 if such parents or legal guardians present to the appropriate  
13 local school authority a signed Certificate of Religious  
14 Exemption detailing the grounds for objection and the specific  
15 immunizations, tests, or examinations to which they object. The  
16 grounds for objection must set forth the specific religious  
17 belief that conflicts with the examination, test,  
18 immunization, or other medical intervention. The signed  
19 certificate shall also reflect the parent's or legal guardian's  
20 understanding of the school's exclusion policies in the case of  
21 a vaccine-preventable disease outbreak or exposure. The  
22 certificate must also be signed by the authorized examining  
23 health care provider responsible for the performance of the  
24 child's health examination confirming that the provider  
25 provided education to the parent or legal guardian on the  
26 benefits of immunization and the health risks to the student

1 and to the community of the communicable diseases for which  
2 immunization is required in this State. However, the health  
3 care provider's signature on the certificate reflects only that  
4 education was provided and does not allow a health care  
5 provider grounds to determine a religious exemption. Those  
6 receiving immunizations required under this Code shall be  
7 provided with the relevant vaccine information statements that  
8 are required to be disseminated by the federal National  
9 Childhood Vaccine Injury Act of 1986, which may contain  
10 information on circumstances when a vaccine should not be  
11 administered, prior to administering a vaccine. A healthcare  
12 provider may consider including without limitation the  
13 nationally accepted recommendations from federal agencies such  
14 as the Advisory Committee on Immunization Practices, the  
15 information outlined in the relevant vaccine information  
16 statement, and vaccine package inserts, along with the  
17 healthcare provider's clinical judgment, to determine whether  
18 any child may be more susceptible to experiencing an adverse  
19 vaccine reaction than the general population, and, if so, the  
20 healthcare provider may exempt the child from an immunization  
21 or adopt an individualized immunization schedule. The  
22 Certificate of Religious Exemption shall be created by the  
23 Department of Public Health and shall be made available and  
24 used by parents and legal guardians by the beginning of the  
25 2015-2016 school year. Parents or legal guardians must submit  
26 the Certificate of Religious Exemption to their local school

1 authority prior to entering kindergarten, sixth grade, and  
2 ninth grade for each child for which they are requesting an  
3 exemption. The religious objection stated need not be directed  
4 by the tenets of an established religious organization.  
5 However, general philosophical or moral reluctance to allow  
6 physical examinations, eye examinations, immunizations, vision  
7 and hearing screenings, or dental examinations does not provide  
8 a sufficient basis for an exception to statutory requirements.  
9 The local school authority is responsible for determining if  
10 the content of the Certificate of Religious Exemption  
11 constitutes a valid religious objection. The local school  
12 authority shall inform the parent or legal guardian of  
13 exclusion procedures, in accordance with the Department's  
14 rules under Part 690 of Title 77 of the Illinois Administrative  
15 Code, at the time the objection is presented.

16 If the physical condition of the child is such that any one  
17 or more of the immunizing agents should not be administered,  
18 the examining physician, advanced practice nurse, or physician  
19 assistant responsible for the performance of the health  
20 examination shall endorse that fact upon the health examination  
21 form.

22 Exempting a child from the health, dental, or eye  
23 examination does not exempt the child from participation in the  
24 program of physical education training provided in Sections  
25 27-5 through 27-7 of this Code.

26 (9) For the purposes of this Section, "nursery schools"

1 means those nursery schools operated by elementary school  
2 systems or secondary level school units or institutions of  
3 higher learning.

4 (Source: P.A. 98-673, eff. 6-30-14; 99-173, eff. 7-29-15;  
5 99-249, eff. 8-3-15; revised 10-21-15.)

6 (105 ILCS 5/27A-5)

7 (Text of Section before amendment by P.A. 99-456)

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

9 (a) A charter school shall be a public, nonsectarian,  
10 nonreligious, non-home based, and non-profit school. A charter  
11 school shall be organized and operated as a nonprofit  
12 corporation or other discrete, legal, nonprofit entity  
13 authorized under the laws of the State of Illinois.

14 (b) A charter school may be established under this Article  
15 by creating a new school or by converting an existing public  
16 school or attendance center to charter school status. Beginning  
17 on April 16, 2003 (the effective date of Public Act 93-3) ~~this~~  
18 ~~amendatory Act of the 93rd General Assembly~~, in all new  
19 applications to establish a charter school in a city having a  
20 population exceeding 500,000, operation of the charter school  
21 shall be limited to one campus. The changes made to this  
22 Section by Public Act 93-3 ~~this amendatory Act of the 93rd~~  
23 ~~General Assembly~~ do not apply to charter schools existing or  
24 approved on or before April 16, 2003 (the effective date of  
25 Public Act 93-3) ~~this amendatory 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 health and safety requirements applicable to public schools  
14 under the laws of the State of Illinois. On or before September  
15 1, 2015, the State Board shall promulgate and post on its  
16 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 learners, and its charter. A charter school is exempt

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

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

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

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

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

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

17 (6) the Illinois School Student Records Act;

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

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

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

23 (10) Section 2-3.162 of this Code regarding student  
24 discipline reporting; and

25 (11) Sections ~~Section~~ 22-80 and 27-8.1 of this Code.

26 The change made by Public Act 96-104 to this subsection (g)

1 is declaratory of existing law.

2 (h) A charter school may negotiate and contract with a  
3 school district, the governing body of a State college or  
4 university or public community college, or any other public or  
5 for-profit or nonprofit private entity for: (i) the use of a  
6 school building and grounds or any other real property or  
7 facilities that the charter school desires to use or convert  
8 for use as a charter school site, (ii) the operation and  
9 maintenance thereof, and (iii) the provision of any service,  
10 activity, or undertaking that the charter school is required to  
11 perform in order to carry out the terms of its charter.  
12 However, a charter school that is established on or after April  
13 16, 2003 (the effective date of Public Act 93-3) ~~this~~  
14 ~~amendatory Act of the 93rd General Assembly~~ and that operates  
15 in a city having a population exceeding 500,000 may not  
16 contract with a for-profit entity to manage or operate the  
17 school during the period that commences on April 16, 2003 (the  
18 effective date of Public Act 93-3) ~~this amendatory Act of the~~  
19 ~~93rd General Assembly~~ and concludes at the end of the 2004-2005  
20 school year. Except as provided in subsection (i) of this  
21 Section, a school district may charge a charter school  
22 reasonable rent for the use of the district's buildings,  
23 grounds, and facilities. Any services for which a charter  
24 school contracts with a school district shall be provided by  
25 the district at cost. Any services for which a charter school  
26 contracts with a local school board or with the governing body

1 of a State college or university or public community college  
2 shall be provided by the public entity at cost.

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

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

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

17 (Source: P.A. 98-16, eff. 5-24-13; 98-639, eff. 6-9-14; 98-669,  
18 eff. 6-26-14; 98-739, eff. 7-16-14; 98-783, eff. 1-1-15;  
19 98-1059, eff. 8-26-14; 98-1102, eff. 8-26-14; 99-30, eff.  
20 7-10-15; 99-78, eff. 7-20-15; 99-245, eff. 8-3-15; 99-325, eff.  
21 8-10-15; revised 10-19-15.)

22 (Text of Section after amendment by P.A. 99-456)

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

24 (a) A charter school shall be a public, nonsectarian,  
25 nonreligious, non-home based, and non-profit school. A charter

1 school shall be organized and operated as a nonprofit  
2 corporation or other discrete, legal, nonprofit entity  
3 authorized under the laws of the State of Illinois.

4 (b) A charter school may be established under this Article  
5 by creating a new school or by converting an existing public  
6 school or attendance center to charter school status. Beginning  
7 on April 16, 2003 (the effective date of Public Act 93-3) ~~this~~  
8 ~~amendatory Act of the 93rd General Assembly~~, in all new  
9 applications to establish a charter school in a city having a  
10 population exceeding 500,000, operation of the charter school  
11 shall be limited to one campus. The changes made to this  
12 Section by Public Act 93-3 ~~this amendatory Act of the 93rd~~  
13 ~~General Assembly~~ do not apply to charter schools existing or  
14 approved on or before April 16, 2003 (the effective date of  
15 Public Act 93-3) ~~this amendatory Act~~.

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

21 From April 1, 2013 through December 31, 2016, there is a  
22 moratorium on the establishment of charter schools with  
23 virtual-schooling components in school districts other than a  
24 school district organized under Article 34 of this Code. This  
25 moratorium does not apply to a charter school with  
26 virtual-schooling components existing or approved prior to

1 April 1, 2013 or to the renewal of the charter of a charter  
2 school with virtual-schooling components already approved  
3 prior to April 1, 2013.

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

10 (c) A charter school shall be administered and governed by  
11 its board of directors or other governing body in the manner  
12 provided in its charter. The governing body of a charter school  
13 shall be subject to the Freedom of Information Act and the Open  
14 Meetings Act.

15 (d) For purposes of this subsection (d), "non-curricular  
16 health and safety requirement" means any health and safety  
17 requirement created by statute or rule to provide, maintain,  
18 preserve, or safeguard safe or healthful conditions for  
19 students and school personnel or to eliminate, reduce, or  
20 prevent threats to the health and safety of students and school  
21 personnel. "Non-curricular health and safety requirement" does  
22 not include any course of study or specialized instructional  
23 requirement for which the State Board has established goals and  
24 learning standards or which is designed primarily to impart  
25 knowledge and skills for students to master and apply as an  
26 outcome of their education.



1           A charter school shall comply with all non-curricular  
2 health and safety requirements applicable to public schools  
3 under the laws of the State of Illinois. On or before September  
4 1, 2015, the State Board shall promulgate and post on its  
5 Internet website a list of non-curricular health and safety  
6 requirements that a charter school must meet. The list shall be  
7 updated annually no later than September 1. Any charter  
8 contract between a charter school and its authorizer must  
9 contain a provision that requires the charter school to follow  
10 the list of all non-curricular health and safety requirements  
11 promulgated by the State Board and any non-curricular health  
12 and safety requirements added by the State Board to such list  
13 during the term of the charter. Nothing in this subsection (d)  
14 precludes an authorizer from including non-curricular health  
15 and safety requirements in a charter school contract that are  
16 not contained in the list promulgated by the State Board,  
17 including non-curricular health and safety requirements of the  
18 authorizing local school board.

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

23           (f) A charter school shall be responsible for the  
24 management and operation of its fiscal affairs including, but  
25 not limited to, the preparation of its budget. An audit of each  
26 charter school's finances shall be conducted annually by an

1 outside, independent contractor retained by the charter  
2 school. To ensure financial accountability for the use of  
3 public funds, on or before December 1 of every year of  
4 operation, each charter school shall submit to its authorizer  
5 and the State Board a copy of its audit and a copy of the Form  
6 990 the charter school filed that year with the federal  
7 Internal Revenue Service. In addition, if deemed necessary for  
8 proper financial oversight of the charter school, an authorizer  
9 may require quarterly financial statements from each charter  
10 school.

11 (g) A charter school shall comply with all provisions of  
12 this Article, the Illinois Educational Labor Relations Act, all  
13 federal and State laws and rules applicable to public schools  
14 that pertain to special education and the instruction of  
15 English learners, and its charter. A charter school is exempt  
16 from all other State laws and regulations in this Code  
17 governing public schools and local school board policies;  
18 however, a charter school is not exempt from the following:

19 (1) Sections 10-21.9 and 34-18.5 of this Code regarding  
20 criminal history records checks and checks of the Statewide  
21 Sex Offender Database and Statewide Murderer and Violent  
22 Offender Against Youth Database of applicants for  
23 employment;

24 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and  
25 34-84a of this Code regarding discipline of students;

26 (3) the Local Governmental and Governmental Employees

1 Tort Immunity Act;

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

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

6 (6) the Illinois School Student Records Act;

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

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

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

12 (10) Section 2-3.162 of this Code regarding student  
13 discipline reporting; and

14 (11) Sections ~~Section~~ 22-80 and 27-8.1 of this Code.

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

17 (h) A charter school may negotiate and contract with a  
18 school district, the governing body of a State college or  
19 university or public community college, or any other public or  
20 for-profit or nonprofit private entity for: (i) the use of a  
21 school building and grounds or any other real property or  
22 facilities that the charter school desires to use or convert  
23 for use as a charter school site, (ii) the operation and  
24 maintenance thereof, and (iii) the provision of any service,  
25 activity, or undertaking that the charter school is required to  
26 perform in order to carry out the terms of its charter.

1 However, a charter school that is established on or after April  
2 16, 2003 (the effective date of Public Act 93-3) ~~this~~  
3 ~~amendatory Act of the 93rd General Assembly~~ and that operates  
4 in a city having a population exceeding 500,000 may not  
5 contract with a for-profit entity to manage or operate the  
6 school during the period that commences on April 16, 2003 (the  
7 effective date of Public Act 93-3) ~~this amendatory Act of the~~  
8 ~~93rd General Assembly~~ and concludes at the end of the 2004-2005  
9 school year. Except as provided in subsection (i) of this  
10 Section, a school district may charge a charter school  
11 reasonable rent for the use of the district's buildings,  
12 grounds, and facilities. Any services for which a charter  
13 school contracts with a school district shall be provided by  
14 the district at cost. Any services for which a charter school  
15 contracts with a local school board or with the governing body  
16 of a State college or university or public community college  
17 shall be provided by the public entity at cost.

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

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

3           (k) If the charter school is approved by the Commission,  
4 then the Commission charter school is its own local education  
5 agency.

6           (Source: P.A. 98-16, eff. 5-24-13; 98-639, eff. 6-9-14; 98-669,  
7 eff. 6-26-14; 98-739, eff. 7-16-14; 98-783, eff. 1-1-15;  
8 98-1059, eff. 8-26-14; 98-1102, eff. 8-26-14; 99-30, eff.  
9 7-10-15; 99-78, eff. 7-20-15; 99-245, eff. 8-3-15; 99-325, eff.  
10 8-10-15; 99-456, eff. 9-15-16; revised 10-19-15.)

11           Section 95. No acceleration or delay. Where this Act makes  
12 changes in a statute that is represented in this Act by text  
13 that is not yet or no longer in effect (for example, a Section  
14 represented by multiple versions), the use of that text does  
15 not accelerate or delay the taking effect of (i) the changes  
16 made by this Act or (ii) provisions derived from any other  
17 Public Act."