



Rep. Camille Y. Lilly

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1 AMENDMENT TO SENATE BILL 565

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 565, 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 27-8.1 and 27A-5 as follows:

7 (105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

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

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

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

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

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

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

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

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

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

1 required part of each health examination included under this  
2 Section if the child resides in an area designated by the  
3 Department of Public Health as having a high incidence of  
4 tuberculosis. With respect to the developmental screening and  
5 the social and emotional screening, the Department of Public  
6 Health must develop rules and appropriate revisions to the  
7 Child Health Examination form in conjunction with a statewide  
8 organization representing school boards; a statewide  
9 organization representing pediatricians; statewide  
10 organizations representing individuals holding Illinois  
11 educator licenses with school support personnel endorsements,  
12 including school social workers, school psychologists, and  
13 school nurses; a statewide organization representing  
14 children's mental health experts; a statewide organization  
15 representing school principals; the Director of Healthcare and  
16 Family Services or his or her designee, the State  
17 Superintendent of Education or his or her designee; and  
18 representatives of other appropriate State agencies and, at a  
19 minimum, must recommend the use of validated screening tools  
20 appropriate to the child's age or grade, and, with regard to  
21 the social and emotional screening, require recording only  
22 whether or not the screening was completed. The rules shall  
23 take into consideration the screening recommendations of the  
24 American Academy of Pediatrics and must be consistent with the  
25 State Board of Education's social and emotional learning  
26 standards. The Department of Public Health shall specify that a

1 diabetes screening as defined by rule shall be included as a  
2 required part of each health examination. Diabetes testing is  
3 not 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 may 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. With  
21 regard to the social and emotional screening only, the  
22 examining health care provider shall only record whether or not  
23 the screening was completed. If the child fails to present  
24 proof of the developmental screening or the social and  
25 emotional screening portions of the health examination by  
26 October 15th of the school year, qualified school support

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

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

26 (4) The individuals conducting the health examination,



1 dental examination, or eye examination shall record the fact of  
2 having conducted the examination, and such additional  
3 information as required, including for a health examination  
4 data relating to obesity (including at a minimum, date of  
5 birth, gender, height, weight, blood pressure, and date of  
6 exam), on uniform forms which the Department of Public Health  
7 and the State Board of Education shall prescribe for statewide  
8 use. The examiner shall summarize on the report form any  
9 condition that he or she suspects indicates a need for special  
10 services, including for a health examination factors relating  
11 to obesity. The duty to summarize on the report form does not  
12 apply to social and emotional screenings. The confidentiality  
13 of the information and records relating to the developmental  
14 screening and the social and emotional screening shall be  
15 determined by the statutes, rules, and professional ethics  
16 governing the type of provider conducting the screening. The  
17 individuals confirming the administration of required  
18 immunizations shall record as indicated on the form that the  
19 immunizations were administered.

20 (5) If a child does not submit proof of having had either  
21 the health examination or the immunization as required, then  
22 the child shall be examined or receive the immunization, as the  
23 case may be, and present proof by October 15 of the current  
24 school year, or by an earlier date of the current school year  
25 established by a school district. To establish a date before  
26 October 15 of the current school year for the health

1 examination or immunization as required, a school district must  
2 give notice of the requirements of this Section 60 days prior  
3 to the earlier established date. If for medical reasons one or  
4 more of the required immunizations must be given after October  
5 15 of the current school year, or after an earlier established  
6 date of the current school year, then the child shall present,  
7 by October 15, or by the earlier established date, a schedule  
8 for the administration of the immunizations and a statement of  
9 the medical reasons causing the delay, both the schedule and  
10 the statement being issued by the physician, advanced practice  
11 nurse, physician assistant, registered nurse, or local health  
12 department that will be responsible for administration of the  
13 remaining required immunizations. If a child does not comply by  
14 October 15, or by the earlier established date of the current  
15 school year, with the requirements of this subsection, then the  
16 local school authority shall exclude that child from school  
17 until such time as the child presents proof of having had the  
18 health examination as required and presents proof of having  
19 received those required immunizations which are medically  
20 possible to receive immediately. During a child's exclusion  
21 from school for noncompliance with this subsection, the child's  
22 parents or legal guardian shall be considered in violation of  
23 Section 26-1 and subject to any penalty imposed by Section  
24 26-10. This subsection (5) does not apply to dental  
25 examinations, ~~and~~ eye examinations, and the developmental  
26 screening and the social and emotional screening portions of

1 the health examination. If the student is an out-of-state  
2 transfer student and does not have the proof required under  
3 this subsection (5) before October 15 of the current year or  
4 whatever date is set by the school district, then he or she may  
5 only attend classes (i) if he or she has proof that an  
6 appointment for the required vaccinations has been scheduled  
7 with a party authorized to submit proof of the required  
8 vaccinations. If the proof of vaccination required under this  
9 subsection (5) is not submitted within 30 days after the  
10 student is permitted to attend classes, then the student is not  
11 to be permitted to attend classes until proof of the  
12 vaccinations has been properly submitted. No school district or  
13 employee of a school district shall be held liable for any  
14 injury or illness to another person that results from admitting  
15 an out-of-state transfer student to class that has an  
16 appointment scheduled pursuant to this subsection (5).

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

1 registered nonpublic school shall make publicly available the  
2 immunization data they are required to submit to the State  
3 Board of Education by November 15. The immunization data made  
4 publicly available must be identical to the data the school  
5 district or school has reported to the State Board of  
6 Education.

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

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

26 The reported information under this subsection (6) shall be

1 provided to the Department of Public Health by the State Board  
2 of Education.

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

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

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

1 Department of Public Health and shall be made available and  
2 used by parents and legal guardians by the beginning of the  
3 2015-2016 school year. Parents or legal guardians must submit  
4 the Certificate of Religious Exemption to their local school  
5 authority prior to entering kindergarten, sixth grade, and  
6 ninth grade for each child for which they are requesting an  
7 exemption. The religious objection stated need not be directed  
8 by the tenets of an established religious organization.  
9 However, general philosophical or moral reluctance to allow  
10 physical examinations, eye examinations, immunizations, vision  
11 and hearing screenings, or dental examinations does not provide  
12 a sufficient basis for an exception to statutory requirements.  
13 The local school authority is responsible for determining if  
14 the content of the Certificate of Religious Exemption  
15 constitutes a valid religious objection. The local school  
16 authority shall inform the parent or legal guardian of  
17 exclusion procedures, in accordance with the Department's  
18 rules under Part 690 of Title 77 of the Illinois Administrative  
19 Code, at the time the objection is presented.

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

26 Exempting a child from the health, dental, or eye

1 examination does not exempt the child from participation in the  
2 program of physical education training provided in Sections  
3 27-5 through 27-7 of this Code.

4 (9) For the purposes of this Section, "nursery schools"  
5 means those nursery schools operated by elementary school  
6 systems or secondary level school units or institutions of  
7 higher learning.

8 (Source: P.A. 98-673, eff. 6-30-14; 99-173, eff. 7-29-15;  
9 99-249, eff. 8-3-15; 99-642, eff. 7-28-16.)

10 (105 ILCS 5/27A-5)

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

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

17 (b) A charter school may be established under this Article  
18 by creating a new school or by converting an existing public  
19 school or attendance center to charter school status. Beginning  
20 on April 16, 2003 (the effective date of Public Act 93-3), in  
21 all new applications to establish a charter school in a city  
22 having a population exceeding 500,000, operation of the charter  
23 school shall be limited to one campus. The changes made to this  
24 Section by Public Act 93-3 do not apply to charter schools  
25 existing or approved on or before April 16, 2003 (the effective



1 date of Public Act 93-3).

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

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

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

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

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

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

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

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

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

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

1 English learners, and its charter. A charter school is exempt  
2 from all other State laws and regulations in this Code  
3 governing public schools and local school board policies;  
4 however, a charter school is not exempt from 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 10-20.14, 10-22.6, 24-24, 34-19, and  
11 34-84a of this Code regarding 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 (9) Section 27-23.7 of this Code regarding bullying  
23 prevention;

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

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

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

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

1 shall be provided by the public entity at cost.

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

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

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

16 (Source: P.A. 98-16, eff. 5-24-13; 98-639, eff. 6-9-14; 98-669,  
17 eff. 6-26-14; 98-739, eff. 7-16-14; 98-783, eff. 1-1-15;  
18 98-1059, eff. 8-26-14; 98-1102, eff. 8-26-14; 99-30, eff.  
19 7-10-15; 99-78, eff. 7-20-15; 99-245, eff. 8-3-15; 99-325, eff.  
20 8-10-15; 99-456, eff. 9-15-16; 99-642, eff. 7-28-16.)

21 Section 99. Effective date. This Act takes effect June 1,  
22 2017."