



Rep. Lilian Jiménez

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10400HB3247ham003

LRB104 11044 LNS 26877 a

1 AMENDMENT TO HOUSE BILL 3247

2 AMENDMENT NO. _____. Amend House Bill 3247 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by adding Section
5 22-105 and by changing Section 27A-5 as follows:

6 (105 ILCS 5/22-105 new)

7 Sec. 22-105. Denial of free education prohibited.

8 (a) The purpose of this Section is to secure the right of
9 every child to equal access to a free public education and a
10 school that is safe from intimidation and fear, consistent
11 with the landmark United States Supreme Court decision in
12 Plyler v. Doe, 457 U.S. 202 (1982), as in effect on January 1,
13 2025, which held that it is unconstitutional for states to
14 deny children a free public education based on immigration
15 status. In their efforts to promote the right to educational
16 equality established in Plyler, schools must take steps to

1 protect the integrity of school learning environments for all
2 children, so that no parent is discouraged from sending and no
3 child is discouraged from attending school, including from the
4 threat of immigration enforcement or other law enforcement
5 activity on a school campus.

6 (b) As used in this Section:

7 "Citizenship or immigration status" means all matters
8 regarding citizenship of the United States or any other
9 country or the authority or lack thereof to reside in or
10 otherwise to be present in the United States, including an
11 individual's nationality and country of citizenship.

12 "Law enforcement agent" means an agent of federal, State,
13 or local law enforcement authorized with the power to arrest
14 or detain individuals or manage the custody of detained
15 individuals for a law enforcement purpose, including civil
16 immigration enforcement. "Law enforcement agent" does not
17 include a school resource officer as defined in Section
18 10-20.68 of this Code.

19 "Nonjudicial warrant" means a warrant issued by a federal,
20 State, or local agency authorized with the power to arrest or
21 detain individuals or manage the custody of detained
22 individuals for any law enforcement purpose, including civil
23 immigration enforcement. "Nonjudicial warrant" includes an
24 immigration detainer or civil immigration warrant as defined
25 in the Illinois TRUST Act. "Nonjudicial warrant" does not
26 include a criminal warrant issued upon a judicial

1 determination of probable cause, in compliance with the
2 requirements of the Fourth Amendment to the United States
3 Constitution and Section 6 of Article I of the Illinois
4 Constitution.

5 "Prevailing party" includes any party:

6 (1) who obtains some of his or her requested relief
7 through a judicial judgment in his or her favor;

8 (2) who obtains some of his or her requested relief
9 through a settlement agreement approved by the court; or

10 (3) whose pursuit of a non-frivolous claim was a
11 catalyst for a unilateral change in position by the
12 opposing party relative to the relief sought.

13 "School" means every public school, school district, and
14 governing body, including a special charter district or
15 charter school, organized under this Code, and its agents,
16 including a contracted party.

17 (c) No child may be denied a free public education through
18 secondary school while in this State based on the child's
19 perceived or actual immigration status or the child's parent's
20 or guardian's perceived or actual citizenship or immigration
21 status.

22 (1) A school must not exclude a child from
23 participation in or deny a child the benefits of any
24 program or activity on the grounds of that child's
25 perceived or actual immigration status or the child's
26 parent's or guardian's actual or perceived citizenship or

1 immigration status.

2 (2) A school must not use policies or procedures or
3 engage in practices that have the effect of excluding a
4 child from participation in or denying the benefits of any
5 program or activity or the effect of excluding
6 participation of the child's parent or guardian from
7 parental engagement activities or programs because of the
8 child's perceived or actual immigration status or the
9 child's parent's or guardian's actual or perceived
10 immigration status. These policies, procedures, and
11 practices include:

12 (A) requesting or collecting information or
13 documentation from a student or the student's parent
14 or guardian about citizenship or immigration status
15 unless required by State or federal law; and

16 (B) designating immigration status, citizenship,
17 place of birth, nationality, or national origin as
18 directory information, as that term is defined by
19 federal and State law.

20 (3) A school must not perform any of the following
21 actions:

22 (A) Threaten to disclose anything related to the
23 actual or perceived citizenship or immigration status
24 of a child or a person associated with the child to any
25 other person or entity or an immigration or law
26 enforcement agency.

1 (B) Disclose anything related to the perceived
2 citizenship or immigration status of a child or a
3 person associated with the child to any other person
4 or entity or an immigration or law enforcement agency
5 if the school does not have direct knowledge of the
6 child's or associated person's actual citizenship or
7 immigration status, subject to the requirements of
8 this paragraph (3).

9 (C) Disclose anything related to the actual
10 citizenship or immigration status of a child or a
11 person associated with the child to any other person
12 or nongovernmental entity if the school has direct
13 knowledge of the child's or associated person's actual
14 citizenship or immigration status, subject to the
15 requirements of this paragraph (3).

16 Nothing in subparagraphs (B) and (C) of this paragraph
17 (3) may be construed to permit the disclosure of student
18 records or information without complying with State and
19 federal requirements governing the disclosure of such
20 records or information. Subparagraphs (B) and (C) of this
21 paragraph (3) may not be construed to prohibit or restrict
22 an entity from sending to or receiving from the United
23 States Department of Homeland Security or any other
24 federal, State, or local governmental entity information
25 regarding the citizenship or immigration status of an
26 individual under Sections 1373 and 1644 of Title 8 of the

1 United States Code.

2 (4) A school must develop procedures for reviewing and
3 authorizing requests from law enforcement agents
4 attempting to enter a school or school facility by July 1,
5 2026. The procedures must comply with the requirements of
6 paragraph (2) of this subsection (c), and, at a minimum,
7 include the following:

8 (A) procedures for reviewing and contacting a
9 designated authorized person at the school or school
10 facility and the district superintendent's office or
11 school administrative office, who may contact the
12 school's legal counsel, and procedures for that
13 authorized person or legal counsel to review requests
14 to enter a school or school facility, including
15 judicial warrants, nonjudicial warrants, and
16 subpoenas;

17 (B) procedures for monitoring or accompanying and
18 procedures for documenting all interactions with law
19 enforcement agents while on the school's premises; and

20 (C) procedures for notifying and seeking consent
21 from a student's parents or guardian or from the
22 student if the student is 18 years old or older or
23 emancipated if a law enforcement agent requests access
24 to a student for immigration enforcement purposes,
25 unless such access is in compliance with a judicial
26 warrant or subpoena that restricts the disclosure of

1 the information to the student's parent or guardian.

2 This paragraph (4) is subject to subsection (c) of
3 Section 22-88 of this Code.

4 (d) A school shall adopt a policy for complying with
5 paragraphs (1), (2), (3), and (4) of subsection (c) by July 1,
6 2026.

7 (e) Beginning July 1, 2026, any party aggrieved by conduct
8 that violates subsection (c) may bring a civil lawsuit. This
9 lawsuit must be brought no later than 2 years after the
10 violation of subsection (c). If the court finds that a willful
11 violation of paragraph (1), (2), or (3) of subsection (c) has
12 occurred, the court may award actual damages. The court, as it
13 deems appropriate, may grant, as relief, any permanent or
14 preliminary negative or mandatory injunction, temporary
15 restraining order, or other order.

16 (f) Nothing in this Section may be construed to require an
17 exhaustion of the administrative complaint process before
18 civil law remedies may be pursued.

19 (g) Upon a motion, a court shall award reasonable
20 attorney's fees and costs, including expert witness fees and
21 other litigation expenses, to a plaintiff who is a prevailing
22 party in any action brought under subsection (c). In awarding
23 reasonable attorney's fees, the court shall consider the
24 degree to which the relief obtained relates to the relief
25 sought.

26 (h) The General Assembly finds and declares that this

1 Section is a State law within the meaning of subsection (d) of
2 Section 1621 of Title 8 of the United States Code.

3 (105 ILCS 5/27A-5)

4 (Text of Section before amendment by P.A. 102-466)

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

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

11 (b) A charter school may be established under this Article
12 by creating a new school or by converting an existing public
13 school or attendance center to charter school status. In all
14 new applications to establish a charter school in a city
15 having a population exceeding 500,000, operation of the
16 charter school shall be limited to one campus. This limitation
17 does not apply to charter schools existing or approved on or
18 before April 16, 2003.

19 (b-5) (Blank).

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

1 guardian of a pupil currently enrolled in the charter school
2 who may be selected through the charter school or a charter
3 network election, appointment by the charter school's board of
4 directors or other governing body, or by the charter school's
5 Parent Teacher Organization or its equivalent.

6 (c-5) No later than January 1, 2021 or within the first
7 year of his or her first term, every voting member of a charter
8 school's board of directors or other governing body shall
9 complete a minimum of 4 hours of professional development
10 leadership training to ensure that each member has sufficient
11 familiarity with the board's or governing body's role and
12 responsibilities, including financial oversight and
13 accountability of the school, evaluating the principal's and
14 school's performance, adherence to the Freedom of Information
15 Act and the Open Meetings Act, and compliance with education
16 and labor law. In each subsequent year of his or her term, a
17 voting member of a charter school's board of directors or
18 other governing body shall complete a minimum of 2 hours of
19 professional development training in these same areas. The
20 training under this subsection may be provided or certified by
21 a statewide charter school membership association or may be
22 provided or certified by other qualified providers approved by
23 the State Board.

24 (d) For purposes of this subsection (d), "non-curricular
25 health and safety requirement" means any health and safety
26 requirement created by statute or rule to provide, maintain,

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

10 A charter school shall comply with all non-curricular
11 health and safety requirements applicable to public schools
12 under the laws of the State of Illinois. The State Board shall
13 promulgate and post on its Internet website a list of
14 non-curricular health and safety requirements that a charter
15 school must meet. The list shall be updated annually no later
16 than September 1. Any charter contract between a charter
17 school and its authorizer must contain a provision that
18 requires the charter school to follow the list of all
19 non-curricular health and safety requirements promulgated by
20 the State Board and any non-curricular health and safety
21 requirements added by the State Board to such list during the
22 term of the charter. Nothing in this subsection (d) precludes
23 an authorizer from including non-curricular health and safety
24 requirements in a charter school contract that are not
25 contained in the list promulgated by the State Board,
26 including non-curricular health and safety requirements of the

1 authorizing local school board.

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

6 (f) A charter school shall be responsible for the
7 management and operation of its fiscal affairs, including, but
8 not limited to, the preparation of its budget. An audit of each
9 charter school's finances shall be conducted annually by an
10 outside, independent contractor retained by the charter
11 school. The contractor shall not be an employee of the charter
12 school or affiliated with the charter school or its authorizer
13 in any way, other than to audit the charter school's finances.
14 To ensure financial accountability for the use of public
15 funds, on or before December 1 of every year of operation, each
16 charter school shall submit to its authorizer and the State
17 Board a copy of its audit and a copy of the Form 990 the
18 charter school filed that year with the federal Internal
19 Revenue Service. In addition, if deemed necessary for proper
20 financial oversight of the charter school, an authorizer may
21 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,
25 all federal and State laws and rules applicable to public
26 schools that pertain to special education and the instruction

1 of English learners, and its charter. A charter school is
2 exempt 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
6 regarding criminal history records checks and checks of
7 the Statewide Sex Offender Database and Statewide Murderer
8 and Violent Offender Against Youth Database of applicants
9 for employment;

10 (2) Sections 10-20.14, 10-22.6, 22-100, 24-24, 34-19,
11 and 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 (5.5) subsection (b) of Section 10-23.12 and
19 subsection (b) of Section 34-18.6 of this Code;

20 (6) the Illinois School Student Records Act;

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

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

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

26 (10) Section 2-3.162 of this Code regarding student

1 discipline reporting;

2 (11) Sections 22-80 and 27-8.1 of this Code;

3 (12) Sections 10-20.60 and 34-18.53 of this Code;

4 (13) Sections 10-20.63 and 34-18.56 of this Code;

5 (14) Sections 22-90 and 26-18 of this Code;

6 (15) Section 22-30 of this Code;

7 (16) Sections 24-12 and 34-85 of this Code;

8 (17) the Seizure Smart School Act;

9 (18) Section 2-3.64a-10 of this Code;

10 (19) Sections 10-20.73 and 34-21.9 of this Code;

11 (20) Section 10-22.25b of this Code;

12 (21) Section 27-9.1a of this Code;

13 (22) Section 27-9.1b of this Code;

14 (23) Section 34-18.8 of this Code;

15 (25) Section 2-3.188 of this Code;

16 (26) Section 22-85.5 of this Code;

17 (27) subsections (d-10), (d-15), and (d-20) of Section
18 10-20.56 of this Code;

19 (28) Sections 10-20.83 and 34-18.78 of this Code;

20 (29) Section 10-20.13 of this Code;

21 (30) Section 28-19.2 of this Code;

22 (31) Section 34-21.6 of this Code;

23 (32) Section 22-85.10 of this Code;

24 (33) Section 2-3.196 of this Code;

25 (34) Section 22-95 of this Code;

26 (35) Section 34-18.62 of this Code;

1 (36) the Illinois Human Rights Act; and

2 (37) Section 2-3.204 of this Code.

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

5 (h) A charter school may negotiate and contract with a
6 school district, the governing body of a State college or
7 university or public community college, or any other public or
8 for-profit or nonprofit private entity for: (i) the use of a
9 school building and grounds or any other real property or
10 facilities that the charter school desires to use or convert
11 for use as a charter school site, (ii) the operation and
12 maintenance thereof, and (iii) the provision of any service,
13 activity, or undertaking that the charter school is required
14 to perform in order to carry out the terms of its charter.
15 Except as provided in subsection (i) of this Section, a school
16 district may charge a charter school reasonable rent for the
17 use of the district's buildings, grounds, and facilities. Any
18 services for which a charter school contracts with a school
19 district shall be provided by the district at cost. Any
20 services for which a charter school contracts with a local
21 school board or with the governing body of a State college or
22 university or public community college shall be provided by
23 the public entity at cost.

24 (i) In no event shall a charter school that is established
25 by converting an existing school or attendance center to
26 charter school status be required to pay rent for space that is

1 deemed available, as negotiated and provided in the charter
2 agreement, in school district facilities. However, all other
3 costs for the operation and maintenance of school district
4 facilities that are used by the charter school shall be
5 subject to negotiation between the charter school and the
6 local school board and shall be set forth in the charter.

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

9 (k) If the charter school is authorized by the State
10 Board, then the charter school is its own local education
11 agency.

12 (Source: P.A. 102-51, eff. 7-9-21; 102-157, eff. 7-1-22;
13 102-360, eff. 1-1-22; 102-445, eff. 8-20-21; 102-522, eff.
14 8-20-21; 102-558, eff. 8-20-21; 102-676, eff. 12-3-21;
15 102-697, eff. 4-5-22; 102-702, eff. 7-1-23; 102-805, eff.
16 1-1-23; 102-813, eff. 5-13-22; 103-154, eff. 6-30-23; 103-175,
17 eff. 6-30-23; 103-472, eff. 8-1-24; 103-605, eff. 7-1-24;
18 103-641, eff. 7-1-24; 103-806, eff. 1-1-25; revised 10-9-24.)

19 (Text of Section after amendment by P.A. 102-466)

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7 does not apply to charter schools existing or approved on or
8 before April 16, 2003.

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11 its board of directors or other governing body in the manner
12 provided in its charter. The governing body of a charter
13 school shall be subject to the Freedom of Information Act and
14 the Open Meetings Act. A charter school's board of directors
15 or other governing body must include at least one parent or
16 guardian of a pupil currently enrolled in the charter school
17 who may be selected through the charter school or a charter
18 network election, appointment by the charter school's board of
19 directors or other governing body, or by the charter school's
20 Parent Teacher Organization or its equivalent.

21 (c-5) No later than January 1, 2021 or within the first
22 year of his or her first term, every voting member of a charter
23 school's board of directors or other governing body shall
24 complete a minimum of 4 hours of professional development
25 leadership training to ensure that each member has sufficient
26 familiarity with the board's or governing body's role and

1 responsibilities, including financial oversight and
2 accountability of the school, evaluating the principal's and
3 school's performance, adherence to the Freedom of Information
4 Act and the Open Meetings Act, and compliance with education
5 and labor law. In each subsequent year of his or her term, a
6 voting member of a charter school's board of directors or
7 other governing body shall complete a minimum of 2 hours of
8 professional development training in these same areas. The
9 training under this subsection may be provided or certified by
10 a statewide charter school membership association or may be
11 provided or certified by other qualified providers approved by
12 the State Board.

13 (d) For purposes of this subsection (d), "non-curricular
14 health and safety requirement" means any health and safety
15 requirement created by statute or rule to provide, maintain,
16 preserve, or safeguard safe or healthful conditions for
17 students and school personnel or to eliminate, reduce, or
18 prevent threats to the health and safety of students and
19 school personnel. "Non-curricular health and safety
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21 specialized instructional requirement for which the State
22 Board has established goals and learning standards or which is
23 designed primarily to impart knowledge and skills for students
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10 requirements added by the State Board to such list during the
11 term of the charter. Nothing in this subsection (d) precludes
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15 including non-curricular health and safety requirements of the
16 authorizing local school board.

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

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21 regarding criminal history records checks and checks of
22 the Statewide Sex Offender Database and Statewide Murderer
23 and Violent Offender Against Youth Database of applicants
24 for employment;

25 (2) Sections 10-20.14, 10-22.6, 22-100, 24-24, 34-19,
26 and 34-84a of this Code regarding discipline of students;

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2 Tort Immunity Act;

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4 Corporation Act of 1986 regarding indemnification of
5 officers, directors, employees, and agents;

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

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20 (14) Sections 22-90 and 26-18 of this Code;

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25 (19) Sections 10-20.73 and 34-21.9 of this Code;

26 (20) Section 10-22.25b of this Code;

1 (21) Section 27-9.1a of this Code;

2 (22) Section 27-9.1b of this Code;

3 (23) Section 34-18.8 of this Code;

4 (24) Article 26A of this Code;

5 (25) Section 2-3.188 of this Code;

6 (26) Section 22-85.5 of this Code;

7 (27) subsections (d-10), (d-15), and (d-20) of Section
8 10-20.56 of this Code;

9 (28) Sections 10-20.83 and 34-18.78 of this Code;

10 (29) Section 10-20.13 of this Code;

11 (30) Section 28-19.2 of this Code;

12 (31) Section 34-21.6 of this Code;

13 (32) Section 22-85.10 of this Code;

14 (33) Section 2-3.196 of this Code;

15 (34) Section 22-95 of this Code;

16 (35) Section 34-18.62 of this Code;

17 (36) the Illinois Human Rights Act; ~~and~~

18 (37) Section 2-3.204 of this Code; ~~and~~.

19 (38) Section 22-105 of this Code.

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

22 (h) A charter school may negotiate and contract with a
23 school district, the governing body of a State college or
24 university or public community college, or any other public or
25 for-profit or nonprofit private entity for: (i) the use of a
26 school building and grounds or any other real property or

1 facilities that the charter school desires to use or convert
2 for use as a charter school site, (ii) the operation and
3 maintenance thereof, and (iii) the provision of any service,
4 activity, or undertaking that the charter school is required
5 to perform in order to carry out the terms of its charter.
6 Except as provided in subsection (i) of this Section, a school
7 district may charge a charter school reasonable rent for the
8 use of the district's buildings, grounds, and facilities. Any
9 services for which a charter school contracts with a school
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11 services for which a charter school contracts with a local
12 school board or with the governing body of a State college or
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16 by converting an existing school or attendance center to
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18 deemed available, as negotiated and provided in the charter
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20 costs for the operation and maintenance of school district
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1 Board, then the charter school is its own local education
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5 7-1-25; 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676,
6 eff. 12-3-21; 102-697, eff. 4-5-22; 102-702, eff. 7-1-23;
7 102-805, eff. 1-1-23; 102-813, eff. 5-13-22; 103-154, eff.
8 6-30-23; 103-175, eff. 6-30-23; 103-472, eff. 8-1-24; 103-605,
9 eff. 7-1-24; 103-641, eff. 7-1-24; 103-806, eff. 1-1-25;
10 revised 11-26-24.)

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."