HB3659 Enrolled

1 AN ACT concerning education.

2 Be it enacted by the People of the State of Illinois, 3 represented in the General Assembly:

Section 5. The School Code is amended by changing Section
27A-5 as follows:

6 (105 ILCS 5/27A-5)

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

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

13 (b) A charter school may be established under this Article 14 by creating a new school or by converting an existing public school or attendance center to charter school status. Beginning 15 16 on April 16, 2003 (the effective date of Public Act 93-3), in 17 all new applications to establish a charter school in a city having a population exceeding 500,000, operation of the charter 18 19 school shall be limited to one campus. The changes made to this Section by Public Act 93-3 do not apply to charter schools 20 21 existing or approved on or before April 16, 2003 (the effective date of Public Act 93-3). 22

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(b-5) In this subsection (b-5), "virtual-schooling" means

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1 a cyber school where students engage in online curriculum and 2 instruction via the Internet and electronic communication with 3 their teachers at remote locations and with students 4 participating at different times.

5 From April 1, 2013 through December 31, 2016, there is a moratorium on the establishment of charter schools with 6 7 virtual-schooling components in school districts other than a 8 school district organized under Article 34 of this Code. This 9 moratorium does not apply to charter school а with 10 virtual-schooling components existing or approved prior to 11 April 1, 2013 or to the renewal of the charter of a charter 12 school with virtual-schooling components already approved prior to April 1, 2013. 13

On or before March 1, 2014, the Commission shall submit to 14 15 the General Assembly a report on the effect of 16 virtual-schooling, including without limitation the effect on 17 performance, the student costs associated with virtual-schooling, and issues with oversight. The report shall 18 19 include policy recommendations for virtual-schooling.

(c) A charter school shall be administered and governed by its board of directors or other governing body in the manner provided in its charter. The governing body of a charter school shall be subject to the Freedom of Information Act and the Open Meetings Act. <u>No later than one year after the effective date</u> of this amendatory Act of the 101st General Assembly, a charter school's board of directors or other governing body must HB3659 Enrolled - 3 - LRB101 11126 AXK 56352 b

include at least one parent or guardian of a pupil currently
enrolled in the charter school who may be selected through the
charter school or a charter network election, appointment by
the charter school's board of directors or other governing
body, or by the charter school's Parent Teacher Organization or
its equivalent.

(c-5) No later than one year after the effective date of 7 8 this amendatory Act of the 101st General Assembly or within the 9 first year of his or her first term, every voting member of a 10 charter school's board of directors or other governing body 11 shall complete a minimum of 4 hours of professional development 12 leadership training to ensure that each member has sufficient familiarity with the board's or governing body's role and 13 14 responsibilities, including financial oversight and accountability of the school, evaluating the principal's and 15 16 school's performance, adherence to the Freedom of Information Act and the Open Meetings Acts, and compliance with education 17 and labor law. In each subsequent year of his or her term, a 18 19 voting member of a charter school's board of directors or other governing body shall complete a minimum of 2 hours of 20 professional development training in these same areas. The 21 22 training under this subsection may be provided or certified by a statewide charter school membership association or may be 23 24 provided or certified by other qualified providers approved by 25 the State Board of Education.

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

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health and safety requirement" means any health and safety 1 2 requirement created by statute or rule to provide, maintain, 3 preserve, or safeguard safe or healthful conditions for students and school personnel or to eliminate, reduce, or 4 5 prevent threats to the health and safety of students and school personnel. "Non-curricular health and safety requirement" does 6 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 under the laws of the State of Illinois. On or before September 14 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 updated annually no later than September 1. Any charter 18 contract between a charter school and its authorizer must 19 20 contain a provision that requires the charter school to follow the list of all non-curricular health and safety requirements 21 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

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not contained in the list promulgated by the State Board, including non-curricular health and safety requirements of the 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 A charter school shall be responsible for (f) 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 Internal Revenue Service. In addition, if deemed necessary for 18 19 proper financial oversight of the charter school, an authorizer 20 may require quarterly financial statements from each charter school. 21

(g) A charter school shall comply with all provisions of this Article, the Illinois Educational Labor Relations Act, all federal and State laws and rules applicable to public schools that pertain to special education and the instruction of English learners, and its charter. A charter school is exempt HB3659 Enrolled - 6 - LRB101 11126 AXK 56352 b

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 10-20.14, 10-22.6, 24-24, 34-19, and
10 34-84a of this Code regarding discipline of students;

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

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

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(5) the Abused and Neglected Child Reporting Act;

17 (5.5) subsection (b) of Section 10-23.12 and
18 subsection (b) of Section 34-18.6 of this Code;

(6) the Illinois School Student Records Act;

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

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

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

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

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(11) Sections 22-80 and 27-8.1 of this Code;
 (12) Sections 10-20.60 and 34-18.53 of this Code;
 (13) Sections 10-20.63 and 34-18.56 of this Code; and
 (14) Section 26-18 of this Code; and
 (15) Section 22-30 of this Code.

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

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

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1 grounds, and facilities. Any services for which a charter 2 school contracts with a school district shall be provided by 3 the district at cost. Any services for which a charter school 4 contracts with a local school board or with the governing body 5 of a State college or university or public community college 6 shall be provided by the public entity at cost.

(i) In no event shall a charter school that is established 7 8 by converting an existing school or attendance center to 9 charter school status be required to pay rent for space that is 10 deemed available, as negotiated and provided in the charter 11 agreement, in school district facilities. However, all other 12 costs for the operation and maintenance of school district 13 facilities that are used by the charter school shall be subject to negotiation between the charter school and the local school 14 15 board and shall be set forth in the charter.

16 (j) A charter school may limit student enrollment by age or 17 grade level.

18 (k) If the charter school is approved by the Commission, 19 then the Commission charter school is its own local education 20 agency.

(Source: P.A. 99-30, eff. 7-10-15; 99-78, eff. 7-20-15; 99-245,
eff. 8-3-15; 99-325, eff. 8-10-15; 99-456, eff. 9-15-16;
99-642, eff. 7-28-16; 99-927, eff. 6-1-17; 100-29, eff. 1-1-18;
100-156, eff. 1-1-18; 100-163, eff. 1-1-18; 100-413, eff.
1-1-18; 100-468, eff. 6-1-18; 100-726, eff. 1-1-19; 100-863,
eff. 8-14-18; revised 10-5-18.)