

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing Sections
5 1-3, 10-20.13, 27A-5, 28-19.2, and 34-21.6 as follows:

6 (105 ILCS 5/1-3) (from Ch. 122, par. 1-3)

7 Sec. 1-3. Definitions. In this Code:

8 The terms "common schools", "free schools" and "public
9 schools" are used interchangeably to apply to any school
10 operated by authority of this Act.

11 "School board" means the governing body of any district
12 created or operating under authority of this Code, including
13 board of school directors and board of education. When the
14 context so indicates it also means the governing body of any
15 non-high school district and of any special charter district,
16 including a board of school inspectors.

17 "School fees" or "fees" means any monetary charge
18 collected by a public school, public school district, or
19 charter school from a student or the parents or guardian of a
20 student as a prerequisite for the student's participation in
21 any curricular or extracurricular program of the school or
22 school district as defined under paragraphs (1) and (2) of
23 subsection (a) of Section 1.245 of Title 23 of the Illinois

1 Administrative Code.

2 "Special charter district" means any city, township, or
3 district organized into a school district, under a special Act
4 or charter of the General Assembly or in which schools are now
5 managed and operating within such unit in whole or in part
6 under the terms of such special Act or charter.

7 (Source: P.A. 102-687, eff. 12-17-21.)

8 (105 ILCS 5/10-20.13) (from Ch. 122, par. 10-20.13)

9 Sec. 10-20.13. Textbooks for children of parents unable to
10 buy them and other fees and fines.

11 (a) To purchase, at the expense of the district, a
12 sufficient number of textbooks for children whose parents are
13 unable to buy them, including but not limited to children
14 living in households that meet the free lunch or breakfast
15 eligibility guidelines established by the federal government
16 pursuant to Section 1758 of the federal Richard B. Russell
17 National School Lunch Act (42 U.S.C. 1758; 7 C.F.R. 245 et
18 seq.) and homeless children and youth as defined in Section
19 11434a of the federal McKinney-Vento Homeless Assistance Act
20 (42 U.S.C. 11434a), subject to verification as set forth in
21 subsection (c) of this Section. Such textbooks shall be loaned
22 only, and the directors shall require the teacher to see that
23 they are properly cared for and returned at the end of each
24 term of school.

25 (b) To waive all fees and any fines for the loss of school

1 property assessed by the district on children whose parents
2 are unable to afford them, including but not limited to:

3 (1) children living in households that meet the free
4 lunch or breakfast eligibility guidelines established by
5 the federal government pursuant to Section 1758 of the
6 federal Richard B. Russell National School Lunch Act (42
7 U.S.C. 1758; 7 C.F.R. 245 et seq.), subject to
8 verification as set forth in subsection (c) of this
9 Section, and

10 (2)homeless children and youth as defined in Section
11 11434a of the federal McKinney-Vento Homeless Assistance
12 Act (42 U.S.C. 11434a).

13 Notice of waiver availability shall be given to parents or
14 guardians with every bill for fees or fines. The school board
15 shall adopt written policies and procedures for such waiver of
16 fees in accordance with regulations promulgated by the State
17 Board of Education.

18 (c) Any school board that participates in a federally
19 funded, school-based child nutrition program and uses a
20 student's application for, eligibility for, or participation
21 in the federally funded, school-based child nutrition program
22 (42 U.S.C. 1758; 7 C.F.R. 245 et seq.) as the basis for waiving
23 fees assessed by the school district must follow the
24 verification requirements of the federally funded,
25 school-based child nutrition program (42 U.S.C. 1758; 7 C.F.R.
26 245.6a).

1 A school board that establishes a process for the
2 determination of eligibility for waiver of fees assessed by
3 the school district that is completely independent of a
4 student's application for, eligibility for, or participation
5 in a federally funded, school-based child nutrition program
6 may provide for fee waiver verification no more often than
7 once per academic year ~~every 60 calendar days~~. Information
8 obtained during the independent, fee waiver verification
9 process indicating that the student does not meet free lunch
10 or breakfast eligibility guidelines may be used to deny the
11 waiver of the student's fees or fines for the loss of school
12 property, provided that any information obtained through this
13 independent process for determining or verifying eligibility
14 for fee waivers shall not be used to determine or verify
15 eligibility for any federally funded, school-based child
16 nutrition program. This subsection shall not preclude children
17 from obtaining waivers at any point during the academic year.

18 (Source: P.A. 96-360, eff. 9-1-09.)

19 (105 ILCS 5/27A-5)

20 (Text of Section before amendment by P.A. 102-157 and P.A.
21 102-466)

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

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

1 corporation or other discrete, legal, nonprofit entity
2 authorized under the laws of the State of Illinois.

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

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

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

1 (c) A charter school shall be administered and governed by
2 its board of directors or other governing body in the manner
3 provided in its charter. The governing body of a charter
4 school shall be subject to the Freedom of Information Act and
5 the Open Meetings Act. No later than January 1, 2021 (one year
6 after the effective date of Public Act 101-291), a charter
7 school's board of directors or other governing body must
8 include at least one parent or guardian of a pupil currently
9 enrolled in the charter school who may be selected through the
10 charter school or a charter network election, appointment by
11 the charter school's board of directors or other governing
12 body, or by the charter school's Parent Teacher Organization
13 or its equivalent.

14 (c-5) No later than January 1, 2021 (one year after the
15 effective date of Public Act 101-291) or within the first year
16 of his or her first term, every voting member of a charter
17 school's board of directors or other governing body shall
18 complete a minimum of 4 hours of professional development
19 leadership training to ensure that each member has sufficient
20 familiarity with the board's or governing body's role and
21 responsibilities, including financial oversight and
22 accountability of the school, evaluating the principal's and
23 school's performance, adherence to the Freedom of Information
24 Act and the Open Meetings Act, and compliance with education
25 and labor law. In each subsequent year of his or her term, a
26 voting member of a charter school's board of directors or

1 other governing body shall complete a minimum of 2 hours of
2 professional development training in these same areas. The
3 training under this subsection may be provided or certified by
4 a statewide charter school membership association or may be
5 provided or certified by other qualified providers approved by
6 the State Board of Education.

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

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

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

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

15 (f) A charter school shall be responsible for the
16 management and operation of its fiscal affairs, including, but
17 not limited to, the preparation of its budget. An audit of each
18 charter school's finances shall be conducted annually by an
19 outside, independent contractor retained by the charter
20 school. The contractor shall not be an employee of the charter
21 school or affiliated with the charter school or its authorizer
22 in any way, other than to audit the charter school's finances.
23 To ensure financial accountability for the use of public
24 funds, on or before December 1 of every year of operation, each
25 charter school shall submit to its authorizer and the State
26 Board a copy of its audit and a copy of the Form 990 the

1 charter school filed that year with the federal Internal
2 Revenue Service. In addition, if deemed necessary for proper
3 financial oversight of the charter school, an authorizer may
4 require quarterly financial statements from each charter
5 school.

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

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

19 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
20 34-84a of this Code regarding discipline of students;

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

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

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

1 (5.5) subsection (b) of Section 10-23.12 and
2 subsection (b) of Section 34-18.6 of this Code;

3 (6) the Illinois School Student Records Act;

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

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

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

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

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

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

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

14 (14) Section 26-18 of this Code;

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

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

17 (17) the Seizure Smart School Act;

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

19 (19) ~~(18)~~ Sections 10-20.73 and 34-21.9 of this Code; ~~and~~

20 (20) ~~(19)~~ Section 10-22.25b of this Code; ~~and~~

21 (21) ~~(19)~~ Section 27-9.1a of this Code;

22 (22) ~~(20)~~ Section 27-9.1b of this Code; ~~and~~

23 (23) ~~(21)~~ Section 34-18.8 of this Code; ~~and~~

24 (25) ~~(19)~~ Section 2-3.188 of this Code; ~~and~~

25 (26) ~~(20)~~ Section 22-85.5 of this Code; ~~and~~

26 (27) Section 10-20.13 of this Code;

1 (28) Section 28-19.2 of this Code; and

2 (29) Section 34-21.6 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 However, a charter school that is established on or after
16 April 16, 2003 (the effective date of Public Act 93-3) and that
17 operates in a city having a population exceeding 500,000 may
18 not contract with a for-profit entity to manage or operate the
19 school during the period that commences on April 16, 2003 (the
20 effective date of Public Act 93-3) and concludes at the end of
21 the 2004-2005 school year. Except as provided in subsection
22 (i) of this Section, a school district may charge a charter
23 school reasonable rent for the use of the district's
24 buildings, grounds, and facilities. Any services for which a
25 charter school contracts with a school district shall be
26 provided by the district at cost. Any services for which a

1 charter school contracts with a local school board or with the
2 governing body of a State college or university or public
3 community college shall be provided by the public entity at
4 cost.

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

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

16 (k) If the charter school is approved by the State Board or
17 Commission, then the charter school is its own local education
18 agency.

19 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;
20 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.
21 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-360,
22 eff. 1-1-22; 102-445, eff. 8-20-21; 102-522, eff. 8-20-21;
23 102-558, eff. 8-20-21; 102-676, eff. 12-3-21; revised
24 12-21-21.)

25 (Text of Section after amendment by P.A. 102-157 but

1 before amendment by P.A. 102-466)

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12 93-3), in all new applications to establish a charter school
13 in a city having a population exceeding 500,000, operation of
14 the charter school shall be limited to one campus. The changes
15 made to this Section by Public Act 93-3 do not apply to charter
16 schools existing or approved on or before April 16, 2003 (the
17 effective date of Public Act 93-3).

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

23 From April 1, 2013 through December 31, 2016, there is a
24 moratorium on the establishment of charter schools with
25 virtual-schooling components in school districts other than a
26 school district organized under Article 34 of this Code. This

1 moratorium does not apply to a charter school with
2 virtual-schooling components existing or approved prior to
3 April 1, 2013 or to the renewal of the charter of a charter
4 school with virtual-schooling components already approved
5 prior to April 1, 2013.

6 (c) A charter school shall be administered and governed by
7 its board of directors or other governing body in the manner
8 provided in its charter. The governing body of a charter
9 school shall be subject to the Freedom of Information Act and
10 the Open Meetings Act. No later than January 1, 2021 (one year
11 after the effective date of Public Act 101-291), a charter
12 school's board of directors or other governing body must
13 include at least one parent or guardian of a pupil currently
14 enrolled in the charter school who may be selected through the
15 charter school or a charter network election, appointment by
16 the charter school's board of directors or other governing
17 body, or by the charter school's Parent Teacher Organization
18 or its equivalent.

19 (c-5) No later than January 1, 2021 (one year after the
20 effective date of Public Act 101-291) or within the first year
21 of his or her first term, every voting member of a charter
22 school's board of directors or other governing body shall
23 complete a minimum of 4 hours of professional development
24 leadership training to ensure that each member has sufficient
25 familiarity with the board's or governing body's role and
26 responsibilities, including financial oversight and

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

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

24 A charter school shall comply with all non-curricular
25 health and safety requirements applicable to public schools
26 under the laws of the State of Illinois. On or before September

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

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

20 (f) A charter school shall be responsible for the
21 management and operation of its fiscal affairs, including, but
22 not limited to, the preparation of its budget. An audit of each
23 charter school's finances shall be conducted annually by an
24 outside, independent contractor retained by the charter
25 school. The contractor shall not be an employee of the charter
26 school or affiliated with the charter school or its authorizer

1 in any way, other than to audit the charter school's finances.
2 To ensure financial accountability for the use of public
3 funds, on or before December 1 of every year of operation, each
4 charter school shall submit to its authorizer and the State
5 Board a copy of its audit and a copy of the Form 990 the
6 charter school filed that year with the federal Internal
7 Revenue Service. In addition, if deemed necessary for proper
8 financial oversight of the charter school, an authorizer may
9 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,
13 all federal and State laws and rules applicable to public
14 schools that pertain to special education and the instruction
15 of English learners, and its charter. A charter school is
16 exempt 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
20 regarding criminal history records checks and checks of
21 the Statewide Sex Offender Database and Statewide Murderer
22 and Violent Offender Against Youth Database of applicants
23 for 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 (5.5) subsection (b) of Section 10-23.12 and
7 subsection (b) of Section 34-18.6 of this Code;

8 (6) the Illinois School Student Records Act;

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

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

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

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

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

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

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

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

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

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

22 (17) the Seizure Smart School Act;

23 (18) Section 2-3.64a-10 of this Code; ~~and~~

24 (19) ~~(18)~~ Sections 10-20.73 and 34-21.9 of this Code; ~~and~~

25 (20) ~~(19)~~ Section 10-22.25b of this Code; ~~and~~

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- 1 (22) ~~(20)~~ Section 27-9.1b of this Code; ~~and~~
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3 (25) ~~(19)~~ Section 2-3.188 of this Code; ~~and~~
4 (26) ~~(20)~~ Section 22-85.5 of this Code; ~~and~~
5 (27) Section 10-20.13 of this Code;
6 (28) Section 28-19.2 of this Code; ~~and~~
7 (29) Section 34-21.6 of this Code.

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

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

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

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

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

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

24 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;
25 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.
26 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157,

1 eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21;
2 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676, eff.
3 12-3-21; revised 12-21-21.)

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

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16 in a city having a population exceeding 500,000, operation of
17 the charter school shall be limited to one campus. The changes
18 made to this Section by Public Act 93-3 do not apply to charter
19 schools existing or approved on or before April 16, 2003 (the
20 effective date of Public Act 93-3).

21 (b-5) In this subsection (b-5), "virtual-schooling" means
22 a cyber school where students engage in online curriculum and
23 instruction via the Internet and electronic communication with
24 their teachers at remote locations and with students
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1 From April 1, 2013 through December 31, 2016, there is a
2 moratorium on the establishment of charter schools with
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5 moratorium does not apply to a charter school with
6 virtual-schooling components existing or approved prior to
7 April 1, 2013 or to the renewal of the charter of a charter
8 school with virtual-schooling components already approved
9 prior to April 1, 2013.

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
13 school shall be subject to the Freedom of Information Act and
14 the Open Meetings Act. No later than January 1, 2021 (one year
15 after the effective date of Public Act 101-291), a charter
16 school's board of directors or other governing body must
17 include at least one parent or guardian of a pupil currently
18 enrolled in the charter school who may be selected through the
19 charter school or a charter network election, appointment by
20 the charter school's board of directors or other governing
21 body, or by the charter school's Parent Teacher Organization
22 or its equivalent.

23 (c-5) No later than January 1, 2021 (one year after the
24 effective date of Public Act 101-291) or within the first year
25 of his or her first term, every voting member of a charter
26 school's board of directors or other governing body shall

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

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

1 to master and apply as an outcome of their education.

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

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

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

1 charter school's finances shall be conducted annually by an
2 outside, independent contractor retained by the charter
3 school. The contractor shall not be an employee of the charter
4 school or affiliated with the charter school or its authorizer
5 in any way, other than to audit the charter school's finances.
6 To ensure financial accountability for the use of public
7 funds, on or before December 1 of every year of operation, each
8 charter school shall submit to its authorizer and the State
9 Board a copy of its audit and a copy of the Form 990 the
10 charter school filed that year with the federal Internal
11 Revenue Service. In addition, if deemed necessary for proper
12 financial oversight of the charter school, an authorizer may
13 require quarterly financial statements from each charter
14 school.

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

23 (1) Sections 10-21.9 and 34-18.5 of this Code
24 regarding criminal history records checks and checks of
25 the Statewide Sex Offender Database and Statewide Murderer
26 and Violent Offender Against Youth Database of applicants

1 for employment;

2 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
3 34-84a of this Code regarding discipline of students;

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

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

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

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

12 (6) the Illinois School Student Records Act;

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

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

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

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

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

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

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

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

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

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

26 (17) the Seizure Smart School Act;

- 1 (18) Section 2-3.64a-10 of this Code; ~~and~~
2 (19) ~~(18)~~ Sections 10-20.73 and 34-21.9 of this Code;~~;~~
3 (20) ~~(19)~~ Section 10-22.25b of this Code;~~;~~
4 (21) ~~(19)~~ Section 27-9.1a of this Code;
5 (22) ~~(20)~~ Section 27-9.1b of this Code; ~~and~~
6 (23) ~~(21)~~ Section 34-18.8 of this Code;~~;~~
7 (24) ~~(19)~~ Article 26A of this Code;~~;~~
8 (25) ~~(19)~~ Section 2-3.188 of this Code; ~~and~~
9 (26) ~~(20)~~ Section 22-85.5 of this Code; ~~;~~
10 (27) Section 10-20.13 of this Code;
11 (28) Section 28-19.2 of this Code; ~~and~~
12 (29) Section 34-21.6 of this Code.

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

15 (h) A charter school may negotiate and contract with a
16 school district, the governing body of a State college or
17 university or public community college, or any other public or
18 for-profit or nonprofit private entity for: (i) the use of a
19 school building and grounds or any other real property or
20 facilities that the charter school desires to use or convert
21 for use as a charter school site, (ii) the operation and
22 maintenance thereof, and (iii) the provision of any service,
23 activity, or undertaking that the charter school is required
24 to perform in order to carry out the terms of its charter.
25 However, a charter school that is established on or after
26 April 16, 2003 (the effective date of Public Act 93-3) and that

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

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

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

26 (k) If the charter school is approved by the State Board or

1 Commission, then the charter school is its own local education
2 agency.

3 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;
4 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.
5 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157,
6 eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21;
7 102-466, eff. 7-1-25; 102-522, eff. 8-20-21; 102-558, eff.
8 8-20-21; 102-676, eff. 12-3-21; revised 12-21-21.)

9 (105 ILCS 5/28-19.2) (from Ch. 122, par. 28-19.2)

10 Sec. 28-19.2. (a) No discrimination or punishment of any
11 kind, including, but not limited to: the lowering of grades,
12 or exclusion from classes, or withholding of student records,
13 transcripts or diplomas may be exercised against a student
14 because the student's ~~whose~~ parents or guardians are unable to
15 purchase required textbooks or instructional materials or to
16 pay required fees.

17 (b) Any person who violates this Section is guilty of a
18 petty offense.

19 (Source: P.A. 83-573.)

20 (105 ILCS 5/34-21.6) (from Ch. 122, par. 34-21.6)

21 Sec. 34-21.6. Waiver of fees and fines.

22 (a) The board shall waive all fees and any fines for the
23 loss of school property assessed by the district on children
24 whose parents are unable to afford them, including but not

1 limited to:

2 (1) children living in households that meet the free
3 lunch or breakfast eligibility guidelines established by
4 the federal government pursuant to Section 1758 of the
5 federal Richard B. Russell National School Lunch Act (42
6 U.S.C. 1758; 7 C.F.R. 245 et seq.), subject to
7 verification as set forth in subsection (b) of this
8 Section, and

9 (2) homeless children and youth as defined in Section
10 11434a of the federal McKinney-Vento Homeless Assistance
11 Act (42 U.S.C. 11434a).

12 Notice of waiver availability shall be given to parents or
13 guardians with every bill for fees or fines. The board shall
14 develop written policies and procedures implementing this
15 Section in accordance with regulations promulgated by the
16 State Board of Education.

17 (b) If the board participates in a federally funded,
18 school-based child nutrition program and uses a student's
19 application for, eligibility for, or participation in the
20 federally funded, school-based child nutrition program (42
21 U.S.C. 1758; 7 C.F.R. 245 et seq.) as the basis for waiving
22 fees assessed by the district, then the board must follow the
23 verification requirements of the federally funded,
24 school-based child nutrition program (42 U.S.C. 1758; 7 C.F.R.
25 245.6a).

26 If the board establishes a process for the determination

1 of eligibility for waiver of all fees assessed by the district
2 that is completely independent of the criteria listed in
3 subsection (b) a student's application for, eligibility for,
4 or participation in a federally funded, school-based child
5 nutrition program, the board may provide for ~~fee~~ waiver
6 verification no more often once every academic year ~~than every~~
7 ~~60 calendar days~~. Information obtained during the independent,
8 ~~fee~~ waiver verification process indicating that the student
9 does not meet free lunch or breakfast eligibility guidelines
10 may be used to deny the waiver of the student's fees or fines
11 for the loss of school property, provided that any information
12 obtained through this independent process for determining or
13 verifying eligibility for fee waivers shall not be used to
14 determine or verify eligibility for any federally funded,
15 school-based child nutrition program.

16 This subsection shall not preclude children from obtaining
17 wavers at any point during the academic year.

18 (Source: P.A. 96-360, eff. 9-1-09.)

19 Section 95. No acceleration or delay. Where this Act makes
20 changes in a statute that is represented in this Act by text
21 that is not yet or no longer in effect (for example, a Section
22 represented by multiple versions), the use of that text does
23 not accelerate or delay the taking effect of (i) the changes
24 made by this Act or (ii) provisions derived from any other
25 Public Act.