



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1357

Introduced 1/31/2023, by Rep. Terra Costa Howard

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.162a new
105 ILCS 5/10-27.1C new
105 ILCS 5/27A-5
105 ILCS 5/34-8.07 new

Amends the School Code. Each school year, beginning with the 2023-2024 school year, requires a school board and charter school to collect data on student referrals to law enforcement and school-related arrests of students and on the reason for referring students to law enforcement and school-related arrests of students and submit that data annually to the State Board of Education. Requires the State Board to prepare a report (to be posted on the State Board's website) on student referrals to law enforcement and school-related arrests of students in all school districts and charter schools in this State for each school year, beginning with the 2023-2024 school year. Sets forth what the report must include. Provides that, before July 1 following the posting of a report, the State Board of Education shall identify those public schools and charter schools that are within the top 20% of schools with respect to the number of student referrals to law enforcement and school-related arrests of students and require each of the identified schools to submit a referral and arrest improvement plan identifying the strategies the school will implement to reduce the use of student referrals to law enforcement and school-related arrests of students. Provides for a progress report to be submitted. Effective immediately.

LRB103 05329 RJT 50347 b

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

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 adding Sections
5 2-3.162a, 10-27.1C, and 34-8.07 and by changing Section 27A-5
6 as follows:

7 (105 ILCS 5/2-3.162a new)

8 Sec. 2-3.162a. Law enforcement referral and arrest report.

9 (a) The State Board of Education shall prepare a report on
10 student referrals to law enforcement and school-related
11 arrests of students in all school districts and charter
12 schools in this State for each school year, beginning with the
13 2023-2024 school year. The report shall include data on
14 referrals to law enforcement and school-related arrests
15 required to be submitted by all school districts and charter
16 schools under Sections 10-27.1C, 27A-5, and 34-8.07 of this
17 Code. The report shall include the number of school days and
18 semesters missed by students in each school district and
19 charter school as a result of student referrals to law
20 enforcement and school-related arrests of students.

21 The State Board of Education shall post the report on the
22 State Board's website.

23 (b) Before July 1 following the posting of a report under

1 subsection (a), the State Board of Education shall identify
2 those public schools and charter schools that are within the
3 top 20% of schools with respect to the number of student
4 referrals to law enforcement and school-related arrests of
5 students and require each of the identified schools to submit
6 a referral and arrest improvement plan identifying the
7 strategies the school will implement to reduce the use of
8 student referrals to law enforcement and school-related
9 arrests of students.

10 The referral and arrest improvement plan must be followed
11 by a progress report describing the outcome of the plan that
12 the school must submit to the State Board after the last day of
13 the school year following submission of the plan.

14 (105 ILCS 5/10-27.1C new)

15 Sec. 10-27.1C. Law enforcement referral and arrest data.

16 (a) Each school year, beginning with the 2023-2024 school
17 year, a school board must collect data on student referrals to
18 law enforcement and school-related arrests of students. The
19 school board must also collect data on the reason for
20 referring students to law enforcement and school-related
21 arrests of students.

22 (b) A school board must submit the data collected under
23 subsection (a) to the State Board of Education annually, by a
24 date to be determined by the State Board.

1 (105 ILCS 5/27A-5)

2 (Text of Section before amendment by P.A. 102-466 and
3 102-702)

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

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

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

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

25 From April 1, 2013 through December 31, 2016, there is a
26 moratorium on the establishment of charter schools with

1 virtual-schooling components in school districts other than a
2 school district organized under Article 34 of this Code. This
3 moratorium does not apply to a charter school with
4 virtual-schooling components existing or approved prior to
5 April 1, 2013 or to the renewal of the charter of a charter
6 school with virtual-schooling components already approved
7 prior to April 1, 2013.

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

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

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

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

26 A charter school shall comply with all non-curricular

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

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

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

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

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

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

26 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and

- 1 34-84a of this Code regarding discipline of students;
- 2 (3) the Local Governmental and Governmental Employees
3 Tort Immunity Act;
- 4 (4) Section 108.75 of the General Not For Profit
5 Corporation Act of 1986 regarding indemnification of
6 officers, directors, employees, and agents;
- 7 (5) the Abused and Neglected Child Reporting Act;
- 8 (5.5) subsection (b) of Section 10-23.12 and
9 subsection (b) of Section 34-18.6 of this Code;
- 10 (6) the Illinois School Student Records Act;
- 11 (7) Section 10-17a of this Code regarding school
12 report cards;
- 13 (8) the P-20 Longitudinal Education Data System Act;
- 14 (9) Section 27-23.7 of this Code regarding bullying
15 prevention;
- 16 (10) Section 2-3.162 of this Code regarding student
17 discipline reporting;
- 18 (11) Sections 22-80 and 27-8.1 of this Code;
- 19 (12) Sections 10-20.60 and 34-18.53 of this Code;
- 20 (13) Sections 10-20.63 and 34-18.56 of this Code;
- 21 (14) Sections 22-90 and 26-18 of this Code;
- 22 (15) Section 22-30 of this Code;
- 23 (16) Sections 24-12 and 34-85 of this Code;
- 24 (17) the Seizure Smart School Act;
- 25 (18) Section 2-3.64a-10 of this Code;
- 26 (19) Sections 10-20.73 and 34-21.9 of this Code;

- 1 (20) Section 10-22.25b of this Code;
- 2 (21) Section 27-9.1a of this Code;
- 3 (22) Section 27-9.1b of this Code;
- 4 (23) Section 34-18.8 of this Code;
- 5 (25) Section 2-3.188 of this Code;
- 6 (26) Section 22-85.5 of this Code;
- 7 (27) subsections ~~Subsections~~ (d-10), (d-15), and
- 8 (d-20) of Section 10-20.56 of this Code; ~~and~~
- 9 (28) Sections 10-20.83 and 34-18.78 of this Code; ~~and~~
- 10 (29) ~~(27)~~ Section 10-20.13 of this Code;
- 11 (30) ~~(28)~~ Section 28-19.2 of this Code; ~~and~~
- 12 (31) ~~(29)~~ Section 34-21.6 of this Code; ~~and~~
- 13 (33) Sections 2-3.162a, 10-27.1C, and 34-8.07 of this
- 14 Code.

15 The change made by Public Act 96-104 to this subsection

16 (g) is declaratory of existing law.

17 (h) A charter school may negotiate and contract with a

18 school district, the governing body of a State college or

19 university or public community college, or any other public or

20 for-profit or nonprofit private entity for: (i) the use of a

21 school building and grounds or any other real property or

22 facilities that the charter school desires to use or convert

23 for use as a charter school site, (ii) the operation and

24 maintenance thereof, and (iii) the provision of any service,

25 activity, or undertaking that the charter school is required

26 to perform in order to carry out the terms of its charter.

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

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

26 (j) A charter school may limit student enrollment by age

1 or grade level.

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

5 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;
6 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.
7 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157,
8 eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21;
9 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676, eff.
10 12-3-21; 102-697, eff. 4-5-22; 102-805, eff. 1-1-23; 102-813,
11 eff. 5-13-22; revised 12-13-22.)

12 (Text of Section after amendment by P.A. 102-702 but
13 before amendment by P.A. 102-466)

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

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

20 (b) A charter school may be established under this Article
21 by creating a new school or by converting an existing public
22 school or attendance center to charter school status.
23 Beginning on April 16, 2003 (the effective date of Public Act
24 93-3), in all new applications to establish a charter school
25 in a city having a population exceeding 500,000, operation of

1 the charter school shall be limited to one campus. The changes
2 made to this Section by Public Act 93-3 do not apply to charter
3 schools existing or approved on or before April 16, 2003 (the
4 effective date of Public Act 93-3).

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

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

19 (c) A charter school shall be administered and governed by
20 its board of directors or other governing body in the manner
21 provided in its charter. The governing body of a charter
22 school shall be subject to the Freedom of Information Act and
23 the Open Meetings Act. No later than January 1, 2021 (one year
24 after the effective date of Public Act 101-291), a charter
25 school's board of directors or other governing body must
26 include at least one parent or guardian of a pupil currently

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

6 (c-5) No later than January 1, 2021 (one year after the
7 effective date of Public Act 101-291) or within the first year
8 of his or her first term, every voting member of a charter
9 school's board of directors or other governing body shall
10 complete a minimum of 4 hours of professional development
11 leadership training to ensure that each member has sufficient
12 familiarity with the board's or governing body's role and
13 responsibilities, including financial oversight and
14 accountability of the school, evaluating the principal's and
15 school's performance, adherence to the Freedom of Information
16 Act and the Open Meetings Act, and compliance with education
17 and labor law. In each subsequent year of his or her term, a
18 voting member of a charter school's board of directors or
19 other governing body shall complete a minimum of 2 hours of
20 professional development training in these same areas. The
21 training under this subsection may be provided or certified by
22 a statewide charter school membership association or may be
23 provided or certified by other qualified providers approved by
24 the State Board of Education.

25 (d) For purposes of this subsection (d), "non-curricular
26 health and safety requirement" means any health and safety

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

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

1 including non-curricular health and safety requirements of the
2 authorizing local school board.

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

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

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

1 schools that pertain to special education and the instruction
2 of English learners, and its charter. A charter school is
3 exempt from all other State laws and regulations in this Code
4 governing public schools and local school board policies;
5 however, a charter school is not exempt from the following:

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

11 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
12 34-84a of this Code regarding discipline of students;

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

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

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

19 (5.5) subsection (b) of Section 10-23.12 and
20 subsection (b) of Section 34-18.6 of this Code;

21 (6) the Illinois School Student Records Act;

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

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

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

- 1 (10) Section 2-3.162 of this Code regarding student
2 discipline reporting;
- 3 (11) Sections 22-80 and 27-8.1 of this Code;
- 4 (12) Sections 10-20.60 and 34-18.53 of this Code;
- 5 (13) Sections 10-20.63 and 34-18.56 of this Code;
- 6 (14) Sections 22-90 and 26-18 of this Code;
- 7 (15) Section 22-30 of this Code;
- 8 (16) Sections 24-12 and 34-85 of this Code;
- 9 (17) the Seizure Smart School Act;
- 10 (18) Section 2-3.64a-10 of this Code;
- 11 (19) Sections 10-20.73 and 34-21.9 of this Code;
- 12 (20) Section 10-22.25b of this Code;
- 13 (21) Section 27-9.1a of this Code;
- 14 (22) Section 27-9.1b of this Code;
- 15 (23) Section 34-18.8 of this Code; ~~and~~
- 16 (25) Section 2-3.188 of this Code;
- 17 (26) Section 22-85.5 of this Code;
- 18 (27) subsections ~~Subsections~~ (d-10), (d-15), and
19 (d-20) of Section 10-20.56 of this Code; ~~and~~
- 20 (28) Sections 10-20.83 and 34-18.78 of this Code; ~~and~~
- 21 (29) ~~(27)~~ Section 10-20.13 of this Code;
- 22 (30) ~~(28)~~ Section 28-19.2 of this Code; ~~and~~
- 23 (31) ~~(29)~~ Section 34-21.6 of this Code; ~~and~~
- 24 (32) ~~(25)~~ Section 22-85.10 of this Code; ~~and~~
- 25 (33) Sections 2-3.162a, 10-27.1C, and 34-8.07 of this
26 Code.

1 The change made by Public Act 96-104 to this subsection
2 (g) 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
12 to perform in order to carry out the terms of its charter.
13 However, a charter school that is established on or after
14 April 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
20 (i) of this Section, a school district may charge a charter
21 school reasonable rent for the use of the district's
22 buildings, grounds, and facilities. Any services for which a
23 charter school contracts with a school district shall be
24 provided by the district at cost. Any services for which a
25 charter school contracts with a local school board or with the
26 governing body of a State college or university or public

1 community college shall be provided by the public entity at
2 cost.

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

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

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

17 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;
18 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.
19 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157,
20 eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21;
21 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676, eff.
22 12-3-21; 102-697, eff. 4-5-22; 102-702, eff. 7-1-23; 102-805,
23 eff. 1-1-23; 102-813, eff. 5-13-22; revised 12-13-22.)

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

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

1 (a) A charter school shall be a public, nonsectarian,
2 nonreligious, non-home based, and non-profit school. A charter
3 school shall be organized and operated as a nonprofit
4 corporation or other discrete, legal, nonprofit entity
5 authorized under the laws of the State of Illinois.

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

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

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

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

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

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

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

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

22 A charter school shall comply with all non-curricular
23 health and safety requirements applicable to public schools
24 under the laws of the State of Illinois. On or before September
25 1, 2015, the State Board shall promulgate and post on its
26 Internet website a list of non-curricular health and safety

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

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

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

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

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

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

22 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
23 34-84a of this Code regarding discipline of students;

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

26 (4) Section 108.75 of the General Not For Profit

1 Corporation Act of 1986 regarding indemnification of
2 officers, directors, employees, and agents;

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

4 (5.5) subsection (b) of Section 10-23.12 and
5 subsection (b) of Section 34-18.6 of this Code;

6 (6) the Illinois School Student Records Act;

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

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

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

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

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

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

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

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

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

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

20 (17) the Seizure Smart School Act;

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

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

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

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

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

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

- 1 (24) Article 26A of this Code; ~~and~~
2 (25) Section 2-3.188 of this Code;
3 (26) Section 22-85.5 of this Code;
4 (27) subsections ~~Subsections~~ (d-10), (d-15), and
5 (d-20) of Section 10-20.56 of this Code; ~~and~~
6 (28) Sections 10-20.83 and 34-18.78 of this Code;~~i-~~
7 (29) ~~(27)~~ Section 10-20.13 of this Code;
8 (30) ~~(28)~~ Section 28-19.2 of this Code; ~~and~~
9 (31) ~~(29)~~ Section 34-21.6 of this Code;~~i-~~
10 (32) ~~(25)~~ Section 22-85.10 of this Code; ~~and-~~
11 (33) Sections 2-3.162a, 10-27.1C, and 34-8.07 of this
12 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; 102-697, eff. 4-5-22; 102-702,
9 eff. 7-1-23; 102-805, eff. 1-1-23; 102-813, eff. 5-13-22;
10 revised 12-13-22.)

11 (105 ILCS 5/34-8.07 new)

12 Sec. 34-8.07. Law enforcement referral and arrest data.

13 (a) Each school year, beginning with the 2023-2024 school
14 year, the board must collect data on student referrals to law
15 enforcement and school-related arrests of students. The board
16 must also collect data on the reason for referring students to
17 law enforcement and school-related arrests of students.

18 (b) The board must submit the data collected under
19 subsection (a) to the State Board of Education annually, by a
20 date to be determined by the State Board.

21 Section 95. No acceleration or delay. Where this Act makes
22 changes in a statute that is represented in this Act by text
23 that is not yet or no longer in effect (for example, a Section
24 represented by multiple versions), the use of that text does

1 not accelerate or delay the taking effect of (i) the changes
2 made by this Act or (ii) provisions derived from any other
3 Public Act.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.