



Rep. Margaret Croke

Filed: 3/8/2024

10300HB4175ham001

LRB103 34243 RJT 70141 a

1 AMENDMENT TO HOUSE BILL 4175

2 AMENDMENT NO. _____. Amend House Bill 4175 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing
5 Sections 24-24, 27A-5, and 34-84a and by adding Section 22-100
6 as follows:

7 (105 ILCS 5/22-100 new)

8 Sec. 22-100. Prohibition on physical discipline in
9 schools.

10 (a) In this Section:

11 "Corporal punishment" means a discipline method in which a
12 person deliberately inflicts pain upon a student in response
13 to the student's unacceptable behavior or inappropriate
14 language, with an aim to halt an offense, prevent its
15 recurrence, or set an example for others. "Corporal
16 punishment" does not include the use of physical restraint

1 under Sections 10-20.33 and 34-18.20.

2 "School personnel" means any person who is employed by,
3 who is on contract with, or who volunteers in a school
4 district, charter school, or nonpublic elementary or secondary
5 school, including, but not limited to, school and school
6 district administrators, teachers, school social workers,
7 school counselors, school psychologists, school nurses,
8 paraprofessionals, speech-language pathologists, cafeteria
9 workers, custodians, bus drivers, school resource officers, or
10 security guards.

11 (b) School personnel of any school district, charter
12 school, or nonpublic elementary or secondary school may not
13 engage in corporal punishment of a student, inflict corporal
14 punishment upon a student, or cause corporal punishment to be
15 inflicted upon a student.

16 (105 ILCS 5/24-24) (from Ch. 122, par. 24-24)

17 Sec. 24-24. Maintenance of discipline. Subject to the
18 limitations of all policies established or adopted under
19 Section 14-8.05, teachers, other licensed ~~certificated~~
20 educational employees, and any other person, whether or not a
21 licensed ~~certificated~~ employee, providing a related service
22 for or with respect to a student shall maintain discipline in
23 the schools, including school grounds which are owned or
24 leased by the board and used for school purposes and
25 activities. In all matters relating to the discipline in and

1 conduct of the schools and the school children, they stand in
2 the relation of parents and guardians to the pupils. This
3 relationship shall extend to all activities connected with the
4 school program, including all athletic and extracurricular
5 programs, and may be exercised at any time for the safety and
6 supervision of the pupils in the absence of their parents or
7 guardians.

8 Nothing in this Section affects the power of the board to
9 establish rules with respect to discipline; except that each
10 board shall establish a policy on discipline, and the policy
11 so established shall provide, subject to the limitations of
12 all policies established or adopted under Section 14-8.05,
13 that a teacher, any other licensed ~~certificated~~ employee, and
14 any other person, whether or not a licensed ~~certificated~~
15 employee, providing a related service for or with respect to a
16 student may only use reasonable force as permitted under
17 Sections 10-20.33 and 34-18.20 ~~needed to maintain safety for~~
18 ~~the other students, school personnel or persons or for the~~
19 ~~purpose of self defense or the defense of property,~~ shall
20 provide that a teacher may remove a student from the classroom
21 for disruptive behavior, and shall include provisions which
22 provide due process to students. The policy shall prohibit the
23 use of corporal punishment, as defined in Section 22-100, in
24 all circumstances ~~not include slapping, paddling or prolonged~~
25 ~~maintenance of students in physically painful positions nor~~
26 ~~shall it include the intentional infliction of bodily harm.~~

1 The board may make and enforce reasonable rules of conduct
2 and sportsmanship for athletic and extracurricular school
3 events. Any person who violates such rules may be denied
4 admission to school events for not more than one year,
5 provided that written 10 days notice of the violation is given
6 such person and a hearing had thereon by the board pursuant to
7 its rules and regulations. The administration of any school
8 may sign complaints as agents of the school against persons
9 committing any offense at school events.

10 (Source: P.A. 88-346; 88-670, eff. 12-2-94; 89-184, eff.
11 7-19-95.)

12 (105 ILCS 5/27A-5)

13 (Text of Section before amendment by P.A. 102-466 and
14 103-472)

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

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

21 (b) A charter school may be established under this Article
22 by creating a new school or by converting an existing public
23 school or attendance center to charter school status. In all
24 new applications to establish a charter school in a city
25 having a population exceeding 500,000, operation of the

1 charter school shall be limited to one campus. This limitation
2 does not apply to charter schools existing or approved on or
3 before April 16, 2003.

4 (b-5) (Blank).

5 (c) A charter school shall be administered and governed by
6 its board of directors or other governing body in the manner
7 provided in its charter. The governing body of a charter
8 school shall be subject to the Freedom of Information Act and
9 the Open Meetings Act. A charter school's board of directors
10 or other governing body must include at least one parent or
11 guardian of a pupil currently enrolled in the charter school
12 who may be selected through the charter school or a charter
13 network election, appointment by the charter school's board of
14 directors or other governing body, or by the charter school's
15 Parent Teacher Organization or its equivalent.

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

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

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

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

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

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

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

1 Board a copy of its audit and a copy of the Form 990 the
2 charter school filed that year with the federal Internal
3 Revenue Service. In addition, if deemed necessary for proper
4 financial oversight of the charter school, an authorizer may
5 require quarterly financial statements from each charter
6 school.

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

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

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

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

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

- 1 (5) the Abused and Neglected Child Reporting Act;
- 2 (5.5) subsection (b) of Section 10-23.12 and
- 3 subsection (b) of Section 34-18.6 of this Code;
- 4 (6) the Illinois School Student Records Act;
- 5 (7) Section 10-17a of this Code regarding school
- 6 report cards;
- 7 (8) the P-20 Longitudinal Education Data System Act;
- 8 (9) Section 27-23.7 of this Code regarding bullying
- 9 prevention;
- 10 (10) Section 2-3.162 of this Code regarding student
- 11 discipline reporting;
- 12 (11) Sections 22-80 and 27-8.1 of this Code;
- 13 (12) Sections 10-20.60 and 34-18.53 of this Code;
- 14 (13) Sections 10-20.63 and 34-18.56 of this Code;
- 15 (14) Sections 22-90 and 26-18 of this Code;
- 16 (15) Section 22-30 of this Code;
- 17 (16) Sections 24-12 and 34-85 of this Code;
- 18 (17) the Seizure Smart School Act;
- 19 (18) Section 2-3.64a-10 of this Code;
- 20 (19) Sections 10-20.73 and 34-21.9 of this Code;
- 21 (20) Section 10-22.25b of this Code;
- 22 (21) Section 27-9.1a of this Code;
- 23 (22) Section 27-9.1b of this Code;
- 24 (23) Section 34-18.8 of this Code;
- 25 (25) Section 2-3.188 of this Code;
- 26 (26) Section 22-85.5 of this Code;

1 (27) subsections (d-10), (d-15), and (d-20) of Section
2 10-20.56 of this Code;

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

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

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

6 (31) Section 34-21.6 of this Code; and

7 (32) Section 22-85.10 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 Except as provided in subsection (i) of this Section, a school
21 district may charge a charter school reasonable rent for the
22 use of the district's buildings, grounds, and facilities. Any
23 services for which a charter school contracts with a school
24 district shall be provided by the district at cost. Any
25 services for which a charter school contracts with a local
26 school board or with the governing body of a State college or

1 university or public community college shall be provided by
2 the public entity at 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 authorized by the State
15 Board, then the charter school is its own local education
16 agency.

17 (Source: P.A. 102-51, eff. 7-9-21; 102-157, eff. 7-1-22;
18 102-360, eff. 1-1-22; 102-445, eff. 8-20-21; 102-522, eff.
19 8-20-21; 102-558, eff. 8-20-21; 102-676, eff. 12-3-21;
20 102-697, eff. 4-5-22; 102-702, eff. 7-1-23; 102-805, eff.
21 1-1-23; 102-813, eff. 5-13-22; 103-154, eff. 6-30-23; 103-175,
22 eff. 6-30-23.)

23 (Text of Section after amendment by P.A. 103-472 but
24 before 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. In all
9 new applications to establish a charter school in a city
10 having a population exceeding 500,000, operation of the
11 charter school shall be limited to one campus. This limitation
12 does not apply to charter schools existing or approved on or
13 before April 16, 2003.

14 (b-5) (Blank).

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

26 (c-5) No later than January 1, 2021 or within the first

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

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

1 Board has established goals and learning standards or which is
2 designed primarily to impart knowledge and skills for students
3 to master and apply as an outcome of their education.

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

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

26 (f) A charter school shall be responsible for the

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

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

25 (1) Sections 10-21.9 and 34-18.5 of this Code
26 regarding criminal history records checks and checks of

1 the Statewide Sex Offender Database and Statewide Murderer
2 and Violent Offender Against Youth Database of applicants
3 for employment;

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

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

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

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

12 (5.5) subsection (b) of Section 10-23.12 and
13 subsection (b) of Section 34-18.6 of this Code;

14 (6) the Illinois School Student Records Act;

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

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

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

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

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

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

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

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

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

- 1 (16) Sections 24-12 and 34-85 of this Code;
- 2 (17) the Seizure Smart School Act;
- 3 (18) Section 2-3.64a-10 of this Code;
- 4 (19) Sections 10-20.73 and 34-21.9 of this Code;
- 5 (20) Section 10-22.25b of this Code;
- 6 (21) Section 27-9.1a of this Code;
- 7 (22) Section 27-9.1b of this Code;
- 8 (23) Section 34-18.8 of this Code;
- 9 (25) Section 2-3.188 of this Code;
- 10 (26) Section 22-85.5 of this Code;
- 11 (27) subsections (d-10), (d-15), and (d-20) of Section
- 12 10-20.56 of this Code;
- 13 (28) Sections 10-20.83 and 34-18.78 of this Code;
- 14 (29) Section 10-20.13 of this Code;
- 15 (30) Section 28-19.2 of this Code;
- 16 (31) Section 34-21.6 of this Code; ~~and~~
- 17 (32) Section 22-85.10 of this Code;
- 18 (33) Section 2-3.196 of this Code;
- 19 (34) Section 22-95 of this Code;
- 20 (35) Section 34-18.62 of this Code; and
- 21 (36) the Illinois Human Rights Act.

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

24 (h) A charter school may negotiate and contract with a
25 school district, the governing body of a State college or
26 university or public community college, or any other public or

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

5 (Source: P.A. 102-51, eff. 7-9-21; 102-157, eff. 7-1-22;
6 102-360, eff. 1-1-22; 102-445, eff. 8-20-21; 102-522, eff.
7 8-20-21; 102-558, eff. 8-20-21; 102-676, eff. 12-3-21;
8 102-697, eff. 4-5-22; 102-702, eff. 7-1-23; 102-805, eff.
9 1-1-23; 102-813, eff. 5-13-22; 103-154, eff. 6-30-23; 103-175,
10 eff. 6-30-23; 103-472, eff. 8-1-24; revised 8-31-23.)

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

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

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

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

1 (b-5) (Blank).

2 (c) A charter school shall be administered and governed by
3 its board of directors or other governing body in the manner
4 provided in its charter. The governing body of a charter
5 school shall be subject to the Freedom of Information Act and
6 the Open Meetings Act. A charter school's board of directors
7 or other governing body must include at least one parent or
8 guardian of a pupil currently enrolled in the charter school
9 who may be selected through the charter school or a charter
10 network election, appointment by the charter school's board of
11 directors or other governing body, or by the charter school's
12 Parent Teacher Organization or its equivalent.

13 (c-5) No later than January 1, 2021 or within the first
14 year of his or her first term, every voting member of a charter
15 school's board of directors or other governing body shall
16 complete a minimum of 4 hours of professional development
17 leadership training to ensure that each member has sufficient
18 familiarity with the board's or governing body's role and
19 responsibilities, including financial oversight and
20 accountability of the school, evaluating the principal's and
21 school's performance, adherence to the Freedom of Information
22 Act and the Open Meetings Act, and compliance with education
23 and labor law. In each subsequent year of his or her term, a
24 voting member of a charter school's board of directors or
25 other governing body shall complete a minimum of 2 hours of
26 professional development training in these same areas. The

1 training under this subsection may be provided or certified by
2 a statewide charter school membership association or may be
3 provided or certified by other qualified providers approved by
4 the State Board.

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

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

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

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

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

1 financial oversight of the charter school, an authorizer may
2 require quarterly financial statements from each charter
3 school.

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

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

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

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

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

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

25 (5.5) subsection (b) of Section 10-23.12 and
26 subsection (b) of Section 34-18.6 of this Code;

- 1 (6) the Illinois School Student Records Act;
- 2 (7) Section 10-17a of this Code regarding school
- 3 report cards;
- 4 (8) the P-20 Longitudinal Education Data System Act;
- 5 (9) Section 27-23.7 of this Code regarding bullying
- 6 prevention;
- 7 (10) Section 2-3.162 of this Code regarding student
- 8 discipline reporting;
- 9 (11) Sections 22-80 and 27-8.1 of this Code;
- 10 (12) Sections 10-20.60 and 34-18.53 of this Code;
- 11 (13) Sections 10-20.63 and 34-18.56 of this Code;
- 12 (14) Sections 22-90 and 26-18 of this Code;
- 13 (15) Section 22-30 of this Code;
- 14 (16) Sections 24-12 and 34-85 of this Code;
- 15 (17) the Seizure Smart School Act;
- 16 (18) Section 2-3.64a-10 of this Code;
- 17 (19) Sections 10-20.73 and 34-21.9 of this Code;
- 18 (20) Section 10-22.25b of this Code;
- 19 (21) Section 27-9.1a of this Code;
- 20 (22) Section 27-9.1b of this Code;
- 21 (23) Section 34-18.8 of this Code;
- 22 (24) Article 26A of this Code;
- 23 (25) Section 2-3.188 of this Code;
- 24 (26) Section 22-85.5 of this Code;
- 25 (27) subsections (d-10), (d-15), and (d-20) of Section
- 26 10-20.56 of this Code;

- 1 (28) Sections 10-20.83 and 34-18.78 of this Code;
- 2 (29) Section 10-20.13 of this Code;
- 3 (30) Section 28-19.2 of this Code;
- 4 (31) Section 34-21.6 of this Code; ~~and~~
- 5 (32) Section 22-85.10 of this Code;
- 6 (33) Section 2-3.196 of this Code;
- 7 (34) Section 22-95 of this Code;
- 8 (35) Section 34-18.62 of this Code; and
- 9 (36) the Illinois Human Rights Act.

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

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

1 services for which a charter school contracts with a local
2 school board or with the governing body of a State college or
3 university or public community college shall be provided by
4 the public entity at 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 authorized by the State
17 Board, then the charter school is its own local education
18 agency.

19 (Source: P.A. 102-51, eff. 7-9-21; 102-157, eff. 7-1-22;
20 102-360, eff. 1-1-22; 102-445, eff. 8-20-21; 102-466, eff.
21 7-1-25; 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676,
22 eff. 12-3-21; 102-697, eff. 4-5-22; 102-702, eff. 7-1-23;
23 102-805, eff. 1-1-23; 102-813, eff. 5-13-22; 103-154, eff.
24 6-30-23; 103-175, eff. 6-30-23; 103-472, eff. 8-1-24; revised
25 8-31-23.)

1 (105 ILCS 5/34-84a) (from Ch. 122, par. 34-84a)

2 Sec. 34-84a. Maintenance of discipline. Subject to the
3 limitations of all policies established or adopted under
4 Section 14-8.05, teachers, other licensed ~~certificated~~
5 educational employees, and any other person, whether or not a
6 licensed ~~certificated~~ employee, providing a related service
7 for or with respect to a student shall maintain discipline in
8 the schools, including school grounds which are owned or
9 leased by the board and used for school purposes and
10 activities. In all matters relating to the discipline in and
11 conduct of the schools and the school children, they stand in
12 the relation of parents and guardians to the pupils. This
13 relationship shall extend to all activities connected with the
14 school program, including all athletic and extracurricular
15 programs, and may be exercised at any time for the safety and
16 supervision of the pupils in the absence of their parents or
17 guardians.

18 Nothing in this Section affects the power of the board to
19 establish rules with respect to discipline, except that the
20 rules of the board must provide, subject to the limitations of
21 all policies established or adopted under Section 14-8.05,
22 that a teacher, any other licensed ~~certificated~~ employee, and
23 any other person, whether or not a licensed ~~certificated~~
24 employee, providing a related service for or with respect to a
25 student may only use reasonable force as permitted under
26 Section 34-18.20 ~~needed to maintain safety for the other~~

1 ~~students~~, shall provide that a teacher may remove a student
2 from the classroom for disruptive behavior, and must include
3 provisions which provide due process to students. The policy
4 shall prohibit the use of corporal punishment, as defined in
5 Section 22-100, in all circumstances.

6 (Source: P.A. 89-184, eff. 7-19-95.)

7 Section 95. No acceleration or delay. Where this Act makes
8 changes in a statute that is represented in this Act by text
9 that is not yet or no longer in effect (for example, a Section
10 represented by multiple versions), the use of that text does
11 not accelerate or delay the taking effect of (i) the changes
12 made by this Act or (ii) provisions derived from any other
13 Public Act.".