



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB1387

Introduced 1/28/2025, by Rep. Marcus C. Evans, Jr.

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27A-3
105 ILCS 5/27A-4
105 ILCS 5/27A-5
105 ILCS 5/27A-10.10
105 ILCS 5/34-18.69

Amends the School Code. Prohibits a charter from being granted to an organization that operates a private, parochial, or non-public school or child care facility. Provides that a charter school shall spend no less than 90% of its budget on direct-service costs for students. Removes provisions regarding the closure of charter schools, the use of unspent public funds, and the procedures for disposition of property and assets. Requires the governing body of a charter school that is the subject of a school action to work collaboratively with local school educators and families of students attending the charter school to ensure successful integration of affected students into new learning environments. Requires, for a charter school closure, the governing body of the charter school to ensure that all students of the charter school at the time of the closure will be guaranteed a seat at a receiving school and that all teachers of the charter school at the time of the closure will be guaranteed a job at a receiving school. Sets forth requirements for school transition plans. Requires the governing body of the charter school to designate at least 3 opportunities for public comment at a hearing or meeting on the proposed school action.

LRB104 05820 LNS 15851 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 changing Sections
5 27A-3, 27A-4, 27A-5, 27A-10.10, and 34-18.69 as follows:

6 (105 ILCS 5/27A-3)

7 Sec. 27A-3. Definitions. For purposes of this Article:

8 "At-risk pupil" means a pupil who, because of physical,
9 emotional, socioeconomic, or cultural factors, is less likely
10 to succeed in a conventional educational environment.

11 "Authorizer" means an entity authorized under this Article
12 to review applications, decide whether to approve or reject
13 applications, enter into charter contracts with applicants,
14 oversee charter schools, and decide whether to renew, not
15 renew, or revoke a charter.

16 "Governing body" means the appropriate local school
17 councils established under Section 34-2.1 of this Code.

18 "Local school board" means the duly elected or appointed
19 school board or board of education of a public school
20 district, including special charter districts and school
21 districts located in cities having a population of more than
22 500,000, organized under the laws of this State.

23 "School action" has the meaning given to that term in

1 Section 34-200 of this Code.

2 "State Board" means the State Board of Education.

3 "Union neutrality clause" means a provision whereby a
4 charter school agrees: (1) to be neutral regarding the
5 unionization of any of its employees, such that the charter
6 school will not at any time express a position on the matter of
7 whether its employees will be unionized and such that the
8 charter school will not threaten, intimidate, discriminate
9 against, retaliate against, or take any adverse action against
10 any employees based on their decision to support or oppose
11 union representation; (2) to provide any bona fide labor
12 organization access at reasonable times to areas in which the
13 charter school's employees work for the purpose of meeting
14 with employees to discuss their right to representation,
15 employment rights under the law, and terms and conditions of
16 employment; and (3) that union recognition shall be through a
17 majority card check verified by a neutral third-party
18 arbitrator mutually selected by the charter school and the
19 bona fide labor organization through alternate striking from a
20 panel of arbitrators provided by the Federal Mediation and
21 Conciliation Service. As used in this definition, "bona fide
22 labor organization" means a labor organization recognized
23 under the National Labor Relations Act or the Illinois
24 Educational Labor Relations Act. As used in this definition,
25 "employees" means non-represented, non-management, and
26 non-confidential employees of a charter school.

1 (Source: P.A. 103-175, eff. 6-30-23; 103-416, eff. 8-4-23;
2 103-605, eff. 7-1-24.)

3 (105 ILCS 5/27A-4)

4 Sec. 27A-4. General provisions.

5 (a) The General Assembly does not intend to alter or amend
6 the provisions of any court-ordered desegregation plan in
7 effect for any school district. A charter school shall be
8 subject to all federal and State laws and constitutional
9 provisions prohibiting discrimination on the basis of
10 disability, race, creed, color, gender, national origin,
11 religion, ancestry, marital status, or need for special
12 education services.

13 (b) The total number of charter schools operating under
14 this Article at any one time shall not exceed 120. Not more
15 than 70 charter schools shall operate at any one time in any
16 city having a population exceeding 500,000, with at least 5
17 charter schools devoted exclusively to students from
18 low-performing or overcrowded schools operating at any one
19 time in that city; and not more than 45 charter schools shall
20 operate at any one time in the remainder of the State, with not
21 more than one charter school that has been initiated by a board
22 of education, or by an intergovernmental agreement between or
23 among boards of education, operating at any one time in the
24 school district where the charter school is located. In
25 addition to these charter schools, up to but no more than 5

1 charter schools devoted exclusively to re-enrolled high school
2 dropouts and/or students 16 or 15 years old at risk of dropping
3 out may operate at any one time in any city having a population
4 exceeding 500,000. Notwithstanding any provision to the
5 contrary in subsection (b) of Section 27A-5 of this Code, each
6 such dropout charter may operate up to 15 campuses within the
7 city. Any of these dropout charters may have a maximum of 1,875
8 enrollment seats, any one of the campuses of the dropout
9 charter may have a maximum of 165 enrollment seats, and each
10 campus of the dropout charter must be operated, through a
11 contract or payroll, by the same legal entity as that for which
12 the charter is approved and certified.

13 For purposes of implementing this Section, the State Board
14 shall assign a number to each charter submission it receives
15 under Section 27A-6 for its review and certification, based on
16 the chronological order in which the submission is received by
17 it. The State Board shall promptly notify local school boards
18 when the maximum numbers of certified charter schools
19 authorized to operate have been reached.

20 (c) No charter shall be granted under this Article that
21 would convert any existing private, parochial, or non-public
22 school to a charter school.

23 (c-5) No charter shall be granted under this Article to an
24 organization, or any of its subsidiaries, that operates a
25 private, parochial, or non-public school or child care
26 facility.

1 (d) Enrollment in a charter school shall be open to any
2 pupil who resides within the geographic boundaries of the area
3 served by the local school board, provided that the board of
4 education in a city having a population exceeding 500,000 may
5 designate attendance boundaries for no more than one-third of
6 the charter schools permitted in the city if the board of
7 education determines that attendance boundaries are needed to
8 relieve overcrowding or to better serve low-income and at-risk
9 students. Students residing within an attendance boundary may
10 be given priority for enrollment, but must not be required to
11 attend the charter school.

12 (e) Nothing in this Article shall prevent 2 or more local
13 school boards from jointly issuing a charter to a single
14 shared charter school, provided that all of the provisions of
15 this Article are met as to those local school boards.

16 (f) No local school board shall require any employee of
17 the school district to be employed in a charter school.

18 (g) No local school board shall require any pupil residing
19 within the geographic boundary of its district to enroll in a
20 charter school.

21 (h) If there are more eligible applicants for enrollment
22 in a charter school than there are spaces available,
23 successful applicants shall be selected by lottery. However,
24 priority shall be given to siblings of pupils enrolled in the
25 charter school and to pupils who were enrolled in the charter
26 school the previous school year, unless expelled for cause,

1 and priority may be given to pupils residing within the
2 charter school's attendance boundary, if a boundary has been
3 designated by the board of education in a city having a
4 population exceeding 500,000.

5 Any lottery required under this subsection (h) must be
6 administered and videotaped by the charter school. The
7 authorizer or its designee must be allowed to be present or
8 view the lottery in real time. The charter school must
9 maintain a videotaped record of the lottery, including a
10 time/date stamp. The charter school shall transmit copies of
11 the videotape and all records relating to the lottery to the
12 authorizer on or before September 1 of each year.

13 Subject to the requirements for priority applicant groups
14 set forth in paragraph (1) of this subsection (h), any lottery
15 required under this subsection (h) must be administered in a
16 way that provides each student an equal chance at admission.
17 If an authorizer makes a determination that a charter school's
18 lottery is in violation of this subsection (h), it may
19 administer the lottery directly. After a lottery, each student
20 randomly selected for admission to the charter school must be
21 notified. Charter schools may not create an admissions process
22 subsequent to a lottery that may operate as a barrier to
23 registration or enrollment.

24 Charter schools may undertake additional intake
25 activities, including without limitation student essays,
26 school-parent compacts, or open houses, but in no event may a

1 charter school require participation in these activities as a
2 condition of enrollment. A charter school must submit an
3 updated waitlist to the authorizer on a quarterly basis. A
4 waitlist must be submitted to the authorizer at the same time
5 as quarterly financial statements, if quarterly financial
6 statements are required by the authorizer.

7 Dual enrollment at both a charter school and a public
8 school or non-public school shall not be allowed. A pupil who
9 is suspended or expelled from a charter school shall be deemed
10 to be suspended or expelled from the public schools of the
11 school district in which the pupil resides. Notwithstanding
12 anything to the contrary in this subsection (h):

13 (1) any charter school with a mission exclusive to
14 educating high school dropouts may grant priority
15 admission to students who are high school dropouts and/or
16 students 16 or 15 years old at risk of dropping out and any
17 charter school with a mission exclusive to educating
18 students from low-performing or overcrowded schools may
19 restrict admission to students who are from low-performing
20 or overcrowded schools; "priority admission" for charter
21 schools exclusively devoted to re-enrolled dropouts or
22 students at risk of dropping out means a minimum of 90% of
23 students enrolled shall be high school dropouts; and

24 (2) any charter school located in a school district
25 that contains all or part of a federal military base may
26 set aside up to 33% of its current charter enrollment to

1 students with parents assigned to the federal military
2 base, with the remaining 67% subject to the general
3 enrollment and lottery requirements of subsection (d) of
4 this Section and this subsection (h); if a student with a
5 parent assigned to the federal military base withdraws
6 from the charter school during the course of a school year
7 for reasons other than grade promotion, those students
8 with parents assigned to the federal military base shall
9 have preference in filling the vacancy.

10 (i) (Blank).

11 (j) Notwithstanding any other provision of law to the
12 contrary, a school district in a city having a population
13 exceeding 500,000 shall not have a duty to collectively
14 bargain with an exclusive representative of its employees over
15 decisions to grant or deny a charter school proposal under
16 Section 27A-8 of this Code, decisions to renew or revoke a
17 charter under Section 27A-9 of this Code, and the impact of
18 these decisions, provided that nothing in this Section shall
19 have the effect of negating, abrogating, replacing, reducing,
20 diminishing, or limiting in any way employee rights,
21 guarantees, or privileges granted in Sections 2, 3, 7, 8, 10,
22 14, and 15 of the Illinois Educational Labor Relations Act.

23 (k) In this Section:

24 "Low-performing school" means a public school in a school
25 district organized under Article 34 of this Code that enrolls
26 students in any of grades kindergarten through 8 and that is

1 ranked within the lowest 10% of schools in that district in
2 terms of the percentage of students meeting or exceeding
3 standards on the assessments required under Section 2-3.64a-5
4 of this Code.

5 "Overcrowded school" means a public school in a school
6 district organized under Article 34 of this Code that (i)
7 enrolls students in any of grades kindergarten through 8, (ii)
8 has a percentage of low-income students of 70% or more, as
9 identified in the most recently available School Report Card
10 published by the State Board, and (iii) is determined by the
11 Chicago Board of Education to be in the most severely
12 overcrowded 5% of schools in the district. On or before
13 November 1 of each year, the Chicago Board of Education shall
14 file a report with the State Board on which schools in the
15 district meet the definition of "overcrowded school".

16 "Students at risk of dropping out" means students 16 or 15
17 years old in a public school in a district organized under
18 Article 34 of this Code that enrolls students in any grades
19 9-12 who have been absent at least 90 school attendance days of
20 the previous 180 school attendance days.

21 (1) For advertisements created after January 1, 2015, any
22 advertisement, including a radio, television, print, Internet,
23 social media, or billboard advertisement, purchased by a
24 school district or public school, including a charter school,
25 with public funds must include a disclaimer stating that the
26 advertisement was paid for using public funds.

1 This disclaimer requirement does not extend to materials
2 created by the charter school, including, but not limited to,
3 a school website, informational pamphlets or leaflets, or
4 clothing with affixed school logos.

5 (Source: P.A. 103-175, eff. 6-30-23.)

6 (105 ILCS 5/27A-5)

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

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

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

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

22 (b-5) (Blank).

23 (c) A charter school shall be administered and governed by
24 its board of directors or other governing body in the manner
25 provided in its charter. The governing body of a charter

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

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

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

13 A charter school shall comply with all non-curricular
14 health and safety requirements applicable to public schools
15 under the laws of the State of Illinois. The State Board shall
16 promulgate and post on its Internet website a list of
17 non-curricular health and safety requirements that a charter
18 school must meet. The list shall be updated annually no later
19 than September 1. Any charter contract between a charter
20 school and its authorizer must contain a provision that
21 requires the charter school to follow the list of all
22 non-curricular health and safety requirements promulgated by
23 the State Board and any non-curricular health and safety
24 requirements added by the State Board to such list during the
25 term of the charter. Nothing in this subsection (d) precludes
26 an authorizer from including non-curricular health and safety

1 requirements in a charter school contract that are not
2 contained in the list promulgated by the State Board,
3 including non-curricular health and safety requirements of the
4 authorizing local school board.

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

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

26 (g) A charter school shall comply with all provisions of

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

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

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

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

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

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

21 (5.5) subsection (b) of Section 10-23.12 and
22 subsection (b) of Section 34-18.6 of this Code;

23 (6) the Illinois School Student Records Act;

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

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

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

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

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

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

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

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

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

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

11 (17) the Seizure Smart School Act;

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

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

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

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

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

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

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

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

20 (27) subsections (d-10), (d-15), and (d-20) of Section
21 10-20.56 of this Code;

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

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

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

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

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

- 1 (33) Section 2-3.196 of this Code;
- 2 (34) Section 22-95 of this Code;
- 3 (35) Section 34-18.62 of this Code;
- 4 (36) the Illinois Human Rights Act; and
- 5 (37) Section 2-3.204 of this Code.

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

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

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

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

12 (k) If the charter school is authorized by the State
13 Board, then the charter school is its own local education
14 agency.

15 (Source: P.A. 102-51, eff. 7-9-21; 102-157, eff. 7-1-22;
16 102-360, eff. 1-1-22; 102-445, eff. 8-20-21; 102-522, eff.
17 8-20-21; 102-558, eff. 8-20-21; 102-676, eff. 12-3-21;
18 102-697, eff. 4-5-22; 102-702, eff. 7-1-23; 102-805, eff.
19 1-1-23; 102-813, eff. 5-13-22; 103-154, eff. 6-30-23; 103-175,
20 eff. 6-30-23; 103-472, eff. 8-1-24; 103-605, eff. 7-1-24;
21 103-641, eff. 7-1-24; 103-806, eff. 1-1-25; revised 10-9-24.)

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

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

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

1 school shall be organized and operated as a nonprofit
2 corporation or other discrete, legal, nonprofit entity
3 authorized under the laws of the State of Illinois.

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

12 (b-5) (Blank).

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

24 (c-5) No later than January 1, 2021 or within the first
25 year 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.

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. The State Board shall
5 promulgate and post on its Internet website a list of
6 non-curricular health and safety requirements that a charter
7 school must meet. The list shall be updated annually no later
8 than September 1. Any charter contract between a charter
9 school and its authorizer must contain a provision that
10 requires the charter school to follow the list of all
11 non-curricular health and safety requirements promulgated by
12 the State Board and any non-curricular health and safety
13 requirements added by the State Board to such list during the
14 term of the charter. Nothing in this subsection (d) precludes
15 an authorizer from including non-curricular health and safety
16 requirements in a charter school contract that are not
17 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. A charter school shall spend no less than 90% of its
15 budget on direct-service costs for students.

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

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

1 and Violent Offender Against Youth Database of applicants
2 for employment;

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

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

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

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

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

13 (6) the Illinois School Student Records Act;

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

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

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

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

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

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

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

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

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

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

- 1 (17) the Seizure Smart School Act;
- 2 (18) Section 2-3.64a-10 of this Code;
- 3 (19) Sections 10-20.73 and 34-21.9 of this Code;
- 4 (20) Section 10-22.25b of this Code;
- 5 (21) Section 27-9.1a of this Code;
- 6 (22) Section 27-9.1b of this Code;
- 7 (23) Section 34-18.8 of this Code;
- 8 (24) Article 26A 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;
- 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;
- 21 (36) the Illinois Human Rights Act; and
- 22 (37) Section 2-3.204 of this Code.

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

25 (h) A charter school may negotiate and contract with a
26 school district, the governing body of a State college or

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

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

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

3 (k) If the charter school is authorized by the State
4 Board, then the charter school is its own local education
5 agency.

6 (Source: P.A. 102-51, eff. 7-9-21; 102-157, eff. 7-1-22;
7 102-360, eff. 1-1-22; 102-445, eff. 8-20-21; 102-466, eff.
8 7-1-25; 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676,
9 eff. 12-3-21; 102-697, eff. 4-5-22; 102-702, eff. 7-1-23;
10 102-805, eff. 1-1-23; 102-813, eff. 5-13-22; 103-154, eff.
11 6-30-23; 103-175, eff. 6-30-23; 103-472, eff. 8-1-24; 103-605,
12 eff. 7-1-24; 103-641, eff. 7-1-24; 103-806, eff. 1-1-25;
13 revised 11-26-24.)

14 (105 ILCS 5/27A-10.10)

15 Sec. 27A-10.10. School transition plans; school action
16 public meetings and hearings. ~~Closure of charter school;~~
17 ~~unspent public funds; procedures for the disposition of~~
18 ~~property and assets.~~

19 (a) If a local school board approves a school action, the
20 governing body of the charter school shall work
21 collaboratively with local school educators and families of
22 students attending a charter school that is the subject of a
23 school action to ensure successful integration of affected
24 students into new learning environments. For a charter school
25 closure, the governing body of charter school shall ensure

1 that all students of the charter school at the time of the
2 closure will be guaranteed a seat at a receiving school, and
3 shall ensure that all teachers of the charter school at the
4 time of the closure will be guaranteed a job at a receiving
5 school. ~~Upon the closing of a charter school authorized by one~~
6 ~~or more local school boards, the governing body of the charter~~
7 ~~school or its designee shall refund to the chartering entity~~
8 ~~or entities all unspent public funds. The charter school's~~
9 ~~other property and assets shall be disposed of under the~~
10 ~~provisions of the charter application and contract. If the~~
11 ~~application and contract are silent or ambiguous as to the~~
12 ~~disposition of any of the school's property or assets, any~~
13 ~~property or assets of the charter school purchased with public~~
14 ~~funds shall be returned to the school district or districts~~
15 ~~from which the charter school draws enrollment, at no cost to~~
16 ~~the receiving district or districts, subject to each~~
17 ~~district's acceptance of the property or asset. Any unspent~~
18 ~~public funds or other property or assets received by the~~
19 ~~charter school directly from any State or federal agency shall~~
20 ~~be refunded to or revert back to that State or federal agency,~~
21 ~~respectively.~~

22 (b) The governing body of the charter school shall prepare
23 and implement a school transition plan to support students
24 attending a charter school that is the subject of a school
25 action that accomplishes the goals of this Section. The
26 governing body must identify and commit specific resources for

1 implementation of the school transition plan for a minimum of
2 the full first academic year after the local school board
3 approves a school action. ~~Upon the closing of a charter school~~
4 ~~authorized by the State Board, the governing body of the~~
5 ~~charter school or its designee shall refund all unspent public~~
6 ~~funds to the State Board. The charter school's other property~~
7 ~~and assets shall be disposed of under the provisions of the~~
8 ~~charter application and contract. If the application and~~
9 ~~contract are silent or ambiguous as to the disposition of any~~
10 ~~of the school's property or assets, any property or assets of~~
11 ~~the charter school purchased with public funds shall be~~
12 ~~returned to the school district or districts from which the~~
13 ~~charter school draws its enrollment, at no cost to the~~
14 ~~receiving district or districts, subject to each district's~~
15 ~~acceptance of the property or asset. Any unspent public funds~~
16 ~~or other property or assets provided by a State agency other~~
17 ~~than the State Board or by a federal agency shall be refunded~~
18 ~~to or revert back to that State or federal agency,~~
19 ~~respectively.~~

20 (c) The school transition plan shall include the
21 following: ~~If a determination is made to close a charter~~
22 ~~school located within the boundaries of a school district~~
23 ~~organized under Article 34 of this Code for at least one school~~
24 ~~year, the charter school shall give at least 60 days' notice of~~
25 ~~the closure to all affected students and parents or legal~~
26 ~~guardians.~~

1 (1) services to support the academic, social, and
2 emotional needs of students; services to support students
3 with disabilities, homeless students, and English language
4 learners; and services to address security and safety
5 issues;

6 (2) options to enroll in higher performing schools;

7 (3) informational briefings regarding the choice of
8 schools which include all pertinent information to enable
9 the parent or guardian and child to make an informed
10 choice, including the option to visit the schools of
11 choice prior to making a decision;

12 (4) the provision of appropriate transportation if
13 practicable;

14 (5) the departments that are responsible for the
15 oversight;

16 (6) specific programs to be offered; and

17 (7) support to implement plans at receiving schools,
18 specifying the funding source.

19 (d) When implementing a school action, the local school
20 board must make reasonable and demonstrated efforts to ensure
21 that:

22 (1) affected students receive a level of social
23 support service that is comparable to the level of social
24 support service available at the previous school, as long
25 as the need for social support service continues to exist;
26 and

1 (2) class sizes of any receiving school do not exceed
2 those established under the class size policy of the
3 charter school that is the subject of a school action,
4 subject to principal discretion.

5 (e) By October 1 of each year, the governing body of the
6 charter school shall prepare and publish school action
7 guidelines, which shall outline the academic and non-academic
8 criteria for school action and shall be created with the
9 involvement of local school councils, parents, educators, and
10 community organizations. The guidelines, and each subsequent
11 revision to the guidelines, shall be subject to a public
12 comment period of at least 21 days before their approval.

13 (f) By December 1 of each year, the governing body of the
14 charter school shall announce all proposed school actions to
15 be taken at the close of the current academic year consistent
16 with the guidelines.

17 (g) By December 1 of each year, the governing body of the
18 charter school shall publish notice of the proposed school
19 actions.

20 (1) Notice of the proposal for a school action shall
21 include a written statement of the basis for the school
22 action, an explanation of how the school action meets the
23 criteria set forth in the guidelines, and a draft School
24 Transition Plan identifying the items required in this
25 Section for all charter schools affected by the school
26 action. The notice shall state the date, time, and place

1 of the hearing or meeting. For a charter school closure
2 only, 8 months after notice is given, the governing body
3 of the charter school must publish on the district's
4 website a full financial report on the closure, which
5 includes an analysis of the closure's costs and benefits
6 to the district.

7 (2) The governing body of the charter school shall
8 provide notice to the principal, staff, local school
9 council, and parents or guardians of any charter school
10 student that is subject to the proposed school action.

11 (3) The governing body of the charter school shall
12 provide written notice of any proposed school action to
13 the State Senator, State Representative, and alderperson
14 for the charter school or charter schools that are subject
15 to the proposed school action.

16 (4) The governing body of the charter school shall
17 publish notice of proposed school actions on the
18 district's Internet website.

19 (5) The governing body of the charter school shall
20 provide notice of proposed school actions at least 30
21 calendar days in advance of a public hearing or meeting.
22 The notice shall state the date, time, and place of the
23 hearing or meeting. No local school board decision
24 regarding a proposed school action may take place less
25 than 60 days after the announcement of the proposed school
26 action.

1 (h) The governing body of the charter school shall publish
2 a brief summary of the proposed school actions and the date,
3 time, and place of the hearings or meetings in a newspaper of
4 general circulation.

5 (i) The governing body of the charter school shall
6 designate at least 3 opportunities to elicit public comment at
7 a hearing or meeting on a proposed school action and shall
8 convene:

9 (1) at least one public hearing at the centrally
10 located office of the local school board; and

11 (2) at least 2 additional public hearings or meetings
12 at a location convenient to the school community subject
13 to the proposed school action.

14 (j) Public hearings shall be conducted by a qualified
15 independent hearing officer chosen from a list of independent
16 hearing officers. The general counsel of the charter school
17 shall compile and publish a list of independent hearing
18 officers by November 1 of each school year. The independent
19 hearing officer:

20 (1) must be a licensed attorney eligible to practice
21 law in Illinois;

22 (2) must not be an employee of the local school board;
23 and

24 (3) must not have, within the last year, represented
25 in any capacity the local school board, its employees or
26 any labor organization representing its employees; any

1 local school council; or any charter or contract school.

2 The independent hearing officer shall issue a written
3 report that summarizes the hearing and determines whether the
4 governing body of the charter school complied with the
5 requirements of this Section and the guidelines developed
6 under this Section.

7 The governing body of the charter school shall publish the
8 report on the district's Internet website within 5 calendar
9 days after receiving the report and at least 15 days before any
10 local school board action being taken.

11 (k) Public meetings shall be conducted by a representative
12 of the governing body of the charter school. A summary of the
13 public meeting shall be published on the district's Internet
14 website within 5 calendar days after the meeting.

15 (l) If the governing body of the charter school proposes a
16 school action without following the mandates set forth in this
17 Section, the proposed school action shall not be approved by
18 the local school board during the school year in which the
19 school action was proposed.

20 (Source: P.A. 103-175, eff. 6-30-23.)

21 (105 ILCS 5/34-18.69)

22 Sec. 34-18.69. Moratorium on school closings,
23 consolidations, and phase-outs. The Board shall not approve
24 any school closings, consolidations, or phase-outs, including
25 charter school campuses or networks during the term of a

1 contract, until the Board of Education is seated on January
2 15, 2025. Nothing in this Section shall prevent a school
3 district from not renewing a charter school's contract upon
4 its expiration.

5 (Source: P.A. 102-177, eff. 12-17-21 (See Section 15 of P.A.
6 102-691 for the effective date of P.A. 102-177).)

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.