



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB1954

Introduced 2/14/2005, by Rep. Michael J. Madigan - Barbara Flynn Currie - Kevin A. McCarthy

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27A-5

Amends the School Code. Makes a technical change in a Section concerning charter schools.

LRB094 03372 NHT 33373 b

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 Section
5 27A-5 as follows:

6 (105 ILCS 5/27A-5)

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

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

13 (b) A charter school may be established under this Article
14 by creating a new school or by converting an existing public
15 school or attendance center to charter school status.

16 Beginning on the effective date of this amendatory Act of the
17 93rd General Assembly, in all new applications submitted to the
18 State Board or a local school board to establish a charter
19 school in a city having a population exceeding 500,000,
20 operation of the charter school shall be limited to one campus.
21 The changes made to this Section by this amendatory Act of the
22 93rd General Assembly do not apply to charter schools existing
23 or approved on or before the effective date of this amendatory
24 Act.

25 (c) A charter school shall be administered and governed by
26 its board of directors or other governing body in the manner
27 provided in its charter. The governing body of a charter school
28 shall be subject to the Freedom of Information Act and the Open
29 Meetings Act.

30 (d) A charter school shall comply with all applicable
31 health and safety requirements applicable to public schools
32 under the laws of the State of Illinois.

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

5 (f) A charter school shall be responsible for the
6 management and operation of its fiscal affairs including, but
7 not limited to, the preparation of its budget. An audit of each
8 charter school's finances shall be conducted annually by an
9 outside, independent contractor retained by the charter
10 school.

11 (g) A charter school shall comply with all provisions of
12 this Article and its charter. A charter school is exempt from
13 all other State laws and regulations in the School Code
14 governing public schools and local school board policies,
15 except the following:

16 (1) Sections 10-21.9 and 34-18.5 of the School Code
17 regarding criminal history records checks of applicants
18 for employment;

19 (2) Sections 24-24 and 34-84A of the School Code
20 regarding discipline of students;

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

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

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

27 (6) The Illinois School Student Records Act; and

28 (7) Section 10-17a of the School Code regarding school
29 report cards.

30 (h) A charter school may negotiate and contract with a
31 school district, the governing body of a State college or
32 university or public community college, or any other public or
33 for-profit or nonprofit private entity for: (i) the use of a
34 school building and grounds or any other real property or
35 facilities that the charter school desires to use or convert
36 for use as a charter school site, (ii) the operation and

1 maintenance thereof, and (iii) the provision of any service,
2 activity, or undertaking that the charter school is required to
3 perform in order to carry out the terms of its charter.
4 However, a charter school that is established on or after the
5 effective date of this amendatory Act of the 93rd General
6 Assembly and that operates in a city having a population
7 exceeding 500,000 may not contract with a for-profit entity to
8 manage or operate the school during the period that commences
9 on the effective date of this amendatory Act of the 93rd
10 General Assembly and concludes at the end of the 2004-2005
11 school year. Except as provided in subsection (i) of this
12 Section, a school district may charge a charter school
13 reasonable rent for the use of the district's buildings,
14 grounds, and facilities. Any services for which a charter
15 school contracts with a school district shall be provided by
16 the district at cost. Any services for which a charter school
17 contracts with a local school board or with the governing body
18 of a State college or university or public community college
19 shall be provided by the public entity at cost.

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

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

31 (Source: P.A. 93-3, eff. 4-16-03; 93-909, eff. 8-12-04.)