



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB4575**

Introduced 1/11/2006, by Rep. Calvin L. Giles

**SYNOPSIS AS INTRODUCED:**

105 ILCS 5/27A-5

Amends the Charter Schools Law of the School Code. Provides that a charter school may not have more campuses than the number of campuses it has on the effective date of the amendatory Act, except that if a charter school has more than one campus and a campus closes on or after the effective date of the amendatory Act, then the number of campuses that the charter school may have shall be reduced by the number of campuses that have closed.

LRB094 16216 NHT 51460 b

FISCAL NOTE ACT  
MAY APPLY

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 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. Beginning  
16 on the effective date of this amendatory Act of the 93rd  
17 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. A charter school may not have more campuses than the  
25 number of campuses it has on the effective date of this  
26 amendatory Act of the 94th General Assembly, except that if a  
27 charter school has more than one campus and a campus closes on  
28 or after the effective date of this amendatory Act of the 94th  
29 General Assembly, then the number of campuses that the charter  
30 school may have shall be reduced by the number of campuses that  
31 have closed.

32 (c) A charter school shall be administered and governed by

1 its board of directors or other governing body in the manner  
2 provided in its charter. The governing body of a charter school  
3 shall be subject to the Freedom of Information Act and the Open  
4 Meetings Act.

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

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

12 (f) A charter school shall be responsible for the  
13 management and operation of its fiscal affairs including, but  
14 not limited to, the preparation of its budget. An audit of each  
15 charter school's finances shall be conducted annually by an  
16 outside, independent contractor retained by the charter  
17 school.

18 (g) A charter school shall comply with all provisions of  
19 this Article and its charter. A charter school is exempt from  
20 all other State laws and regulations in the School Code  
21 governing public schools and local school board policies,  
22 except the following:

23 (1) Sections 10-21.9 and 34-18.5 of the School Code  
24 regarding criminal history records checks and checks of the  
25 Statewide Sex Offender Database of applicants for  
26 employment;

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

29 (3) The Local Governmental and Governmental Employees  
30 Tort Immunity Act;

31 (4) Section 108.75 of the General Not For Profit  
32 Corporation Act of 1986 regarding indemnification of  
33 officers, directors, employees, and agents;

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

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

36 (7) Section 10-17a of the School Code regarding school

1 report cards.

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

28 (i) In no event shall a charter school that is established  
29 by converting an existing school or attendance center to  
30 charter school status be required to pay rent for space that is  
31 deemed available, as negotiated and provided in the charter  
32 agreement, in school district facilities. However, all other  
33 costs for the operation and maintenance of school district  
34 facilities that are used by the charter school shall be subject  
35 to negotiation between the charter school and the local school  
36 board and shall be set forth in the charter.

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

3           (Source: P.A. 93-3, eff. 4-16-03; 93-909, eff. 8-12-04; 94-219,  
4 eff. 7-14-05.)