

**HB4527**



**98TH GENERAL ASSEMBLY**

**State of Illinois**

**2013 and 2014**

**HB4527**

by Rep. Linda Chapa LaVia

**SYNOPSIS AS INTRODUCED:**

105 ILCS 5/27A-5

Amends the Charter Schools Law of the School Code. Requires a charter school to comply with all federal and State laws and rules applicable to public schools that pertain to special education and the instruction of English language learners. Effective immediately.

LRB098 13095 NHT 47609 b

FISCAL NOTE ACT  
MAY APPLY

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 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

1 Act.

2 (b-5) In this subsection (b-5), "virtual-schooling" means  
3 the teaching of courses through online methods with online  
4 instructors, rather than the instructor and student being at  
5 the same physical location. "Virtual-schooling" includes  
6 without limitation instruction provided by full-time, online  
7 virtual schools.

8 From April 1, 2013 through April 1, 2014, there is a  
9 moratorium on the establishment of charter schools with  
10 virtual-schooling components in school districts other than a  
11 school district organized under Article 34 of this Code. This  
12 moratorium does not apply to a charter school with  
13 virtual-schooling components existing or approved prior to  
14 April 1, 2013 or to the renewal of the charter of a charter  
15 school with virtual-schooling components already approved  
16 prior to April 1, 2013.

17 On or before March 1, 2014, the Commission shall submit to  
18 the General Assembly a report on the effect of  
19 virtual-schooling, including without limitation the effect on  
20 student performance, the costs associated with  
21 virtual-schooling, and issues with oversight. The report shall  
22 include policy recommendations for virtual-schooling.

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 school  
26 shall be subject to the Freedom of Information Act and the Open

1 Meetings Act.

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

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. Annually, by December 1, every charter school must  
15 submit to the State Board a copy of its audit and a copy of the  
16 Form 990 the charter school filed that year with the federal  
17 Internal Revenue Service.

18 (g) A charter school shall comply with all provisions of  
19 this Article;~~;~~ the Illinois Educational Labor Relations Act;  
20 all federal and State laws and rules applicable to public  
21 schools that pertain to special education and the instruction  
22 of English language learners, referred to in this Code as  
23 "children of limited English-speaking ability";~~;~~ and its  
24 charter. A charter school is exempt from all other State laws  
25 and regulations in the School Code governing public schools and  
26 local school board policies, except the following:

1           (1) Sections 10-21.9 and 34-18.5 of the School Code  
2           regarding criminal history records checks and checks of the  
3           Statewide Sex Offender Database and Statewide Murderer and  
4           Violent Offender Against Youth Database of applicants for  
5           employment;

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

8           (3) The Local Governmental and Governmental Employees  
9           Tort Immunity Act;

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

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

14          (6) The Illinois School Student Records Act;

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

17          (8) The P-20 Longitudinal Education Data System Act.

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

20          (h) A charter school may negotiate and contract with a  
21          school district, the governing body of a State college or  
22          university or public community college, or any other public or  
23          for-profit or nonprofit private entity for: (i) the use of a  
24          school building and grounds or any other real property or  
25          facilities that the charter school desires to use or convert  
26          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

1 to negotiation between the charter school and the local school  
2 board and shall be set forth in the charter.

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

5 (k) If the charter school is approved by the Commission,  
6 then the Commission charter school is its own local education  
7 agency.

8 (Source: P.A. 97-152, eff. 7-20-11; 97-154, eff. 1-1-12;  
9 97-813, eff. 7-13-12; 98-16, eff. 5-24-13.)

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.