

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.