



Rep. Rita Mayfield

Filed: 4/12/2016

09900HB0822ham002

LRB099 04642 NHT 47405 a

1 AMENDMENT TO HOUSE BILL 822

2 AMENDMENT NO. _____. Amend House Bill 822 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections
5 10-23.12, 27A-5, and 34-18.6 as follows:

6 (105 ILCS 5/10-23.12) (from Ch. 122, par. 10-23.12)

7 Sec. 10-23.12. Child abuse and neglect; detection,
8 reporting, and prevention.

9 (a) To provide staff development for local school site
10 personnel who work with pupils in grades kindergarten through
11 ~~8~~ in the detection, reporting, and prevention of child abuse
12 and neglect.

13 (b) Using a format and language that is clear, simple, and
14 understandable to students, each public school and charter
15 school shall post, in English and Spanish:

16 (1) the current toll-free telephone number of the

1 Department of Children and Family Services' child abuse
2 hotline;

3 (2) instructions to call 9-1-1 for emergencies; and

4 (3) directions for accessing the Department of
5 Children and Family Services' website for more information
6 on reporting abuse, neglect, and exploitation.

7 Public schools and charter schools shall post the
8 information specified in this subsection (b) at each school
9 campus in at least one high-traffic, highly and clearly
10 visible, public area that is readily accessible to and widely
11 used by students.

12 (Source: P.A. 84-1308.)

13 (105 ILCS 5/27A-5)

14 (Text of Section before amendment by P.A. 99-456)

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

16 (a) A charter school shall be a public, nonsectarian,
17 nonreligious, non-home based, and non-profit school. A charter
18 school shall be organized and operated as a nonprofit
19 corporation or other discrete, legal, nonprofit entity
20 authorized under the laws of the State of Illinois.

21 (b) A charter school may be established under this Article
22 by creating a new school or by converting an existing public
23 school or attendance center to charter school status. Beginning
24 on April 16, 2003 (the effective date of Public Act 93-3) ~~this~~
25 ~~amendatory Act of the 93rd General Assembly,~~ in all new

1 applications to establish a charter school in a city having a
2 population exceeding 500,000, operation of the charter school
3 shall be limited to one campus. The changes made to this
4 Section by Public Act 93-3 ~~this amendatory Act of the 93rd~~
5 ~~General Assembly~~ do not apply to charter schools existing or
6 approved on or before April 16, 2003 (the effective date of
7 Public Act 93-3) ~~this amendatory Act~~.

8 (b-5) In this subsection (b-5), "virtual-schooling" means
9 a cyber school where students engage in online curriculum and
10 instruction via the Internet and electronic communication with
11 their teachers at remote locations and with students
12 participating at different times.

13 From April 1, 2013 through December 31, 2016, there is a
14 moratorium on the establishment of charter schools with
15 virtual-schooling components in school districts other than a
16 school district organized under Article 34 of this Code. This
17 moratorium does not apply to a charter school with
18 virtual-schooling components existing or approved prior to
19 April 1, 2013 or to the renewal of the charter of a charter
20 school with virtual-schooling components already approved
21 prior to April 1, 2013.

22 On or before March 1, 2014, the Commission shall submit to
23 the General Assembly a report on the effect of
24 virtual-schooling, including without limitation the effect on
25 student performance, the costs associated with
26 virtual-schooling, and issues with oversight. The report shall

1 include policy recommendations for virtual-schooling.

2 (c) A charter school shall be administered and governed by
3 its board of directors or other governing body in the manner
4 provided in its charter. The governing body of a charter school
5 shall be subject to the Freedom of Information Act and the Open
6 Meetings Act.

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

19 A charter school shall comply with all non-curricular
20 health and safety requirements applicable to public schools
21 under the laws of the State of Illinois. On or before September
22 1, 2015, the State Board shall promulgate and post on its
23 Internet website a list of non-curricular health and safety
24 requirements that a charter school must meet. The list shall be
25 updated annually no later than September 1. Any charter
26 contract between a charter school and its authorizer must

1 contain a provision that requires the charter school to follow
2 the list of all non-curricular health and safety requirements
3 promulgated by the State Board and any non-curricular health
4 and safety requirements added by the State Board to such list
5 during the term of the charter. Nothing in this subsection (d)
6 precludes an authorizer from including non-curricular health
7 and safety requirements in a charter school contract that are
8 not contained in the list promulgated by the State Board,
9 including non-curricular health and safety requirements of the
10 authorizing local school board.

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

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

1 may require quarterly financial statements from each charter
2 school.

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

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

16 (2) Sections 24-24 and 34-84A of this Code regarding
17 discipline of students;

18 (3) the Local Governmental and Governmental Employees
19 Tort Immunity Act;

20 (4) Section 108.75 of the General Not For Profit
21 Corporation Act of 1986 regarding indemnification of
22 officers, directors, employees, and agents;

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

24 (5.5) subsection (b) of Section 10-23.12 and
25 subsection (b) of Section 34-18.6 of this Code;

26 (6) the Illinois School Student Records Act;

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

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

4 (9) Section 27-23.7 of this Code regarding bullying
5 prevention; ~~and~~

6 (10) Section 2-3.162 of this Code regarding student
7 discipline reporting; and

8 (11) Section 22-80 of this Code.

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

11 (h) A charter school may negotiate and contract with a
12 school district, the governing body of a State college or
13 university or public community college, or any other public or
14 for-profit or nonprofit private entity for: (i) the use of a
15 school building and grounds or any other real property or
16 facilities that the charter school desires to use or convert
17 for use as a charter school site, (ii) the operation and
18 maintenance thereof, and (iii) the provision of any service,
19 activity, or undertaking that the charter school is required to
20 perform in order to carry out the terms of its charter.
21 However, a charter school that is established on or after April
22 16, 2003 (the effective date of Public Act 93-3) ~~this~~
23 ~~amendatory Act of the 93rd General Assembly~~ and that operates
24 in a city having a population exceeding 500,000 may not
25 contract with a for-profit entity to manage or operate the
26 school during the period that commences on April 16, 2003 (the

1 effective date of Public Act 93-3) ~~this amendatory Act of the~~
2 ~~93rd General Assembly~~ and concludes at the end of the 2004-2005
3 school year. Except as provided in subsection (i) of this
4 Section, a school district may charge a charter school
5 reasonable rent for the use of the district's buildings,
6 grounds, and facilities. Any services for which a charter
7 school contracts with a school district shall be provided by
8 the district at cost. Any services for which a charter school
9 contracts with a local school board or with the governing body
10 of a State college or university or public community college
11 shall be provided by the public entity at cost.

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

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

23 (k) If the charter school is approved by the Commission,
24 then the Commission charter school is its own local education
25 agency.

26 (Source: P.A. 98-16, eff. 5-24-13; 98-639, eff. 6-9-14; 98-669,

1 eff. 6-26-14; 98-739, eff. 7-16-14; 98-783, eff. 1-1-15;
2 98-1059, eff. 8-26-14; 98-1102, eff. 8-26-14; 99-30, eff.
3 7-10-15; 99-78, eff. 7-20-15; 99-245, eff. 8-3-15; 99-325, eff.
4 8-10-15; revised 10-19-15.)

5 (Text of Section after amendment by P.A. 99-456)

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

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

12 (b) A charter school may be established under this Article
13 by creating a new school or by converting an existing public
14 school or attendance center to charter school status. Beginning
15 on April 16, 2003 (the effective date of Public Act 93-3) ~~this~~
16 ~~amendatory Act of the 93rd General Assembly~~, in all new
17 applications to establish a charter school in a city having a
18 population exceeding 500,000, operation of the charter school
19 shall be limited to one campus. The changes made to this
20 Section by Public Act 93-3 ~~this amendatory Act of the 93rd~~
21 ~~General Assembly~~ do not apply to charter schools existing or
22 approved on or before April 16, 2003 (the effective date of
23 Public Act 93-3) ~~this amendatory Act~~.

24 (b-5) In this subsection (b-5), "virtual-schooling" means
25 a cyber school where students engage in online curriculum and

1 instruction via the Internet and electronic communication with
2 their teachers at remote locations and with students
3 participating at different times.

4 From April 1, 2013 through December 31, 2016, there is a
5 moratorium on the establishment of charter schools with
6 virtual-schooling components in school districts other than a
7 school district organized under Article 34 of this Code. This
8 moratorium does not apply to a charter school with
9 virtual-schooling components existing or approved prior to
10 April 1, 2013 or to the renewal of the charter of a charter
11 school with virtual-schooling components already approved
12 prior to April 1, 2013.

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

19 (c) A charter school shall be administered and governed by
20 its board of directors or other governing body in the manner
21 provided in its charter. The governing body of a charter school
22 shall be subject to the Freedom of Information Act and the Open
23 Meetings Act.

24 (d) For purposes of this subsection (d), "non-curricular
25 health and safety requirement" means any health and safety
26 requirement created by statute or rule to provide, maintain,

1 preserve, or safeguard safe or healthful conditions for
2 students and school personnel or to eliminate, reduce, or
3 prevent threats to the health and safety of students and school
4 personnel. "Non-curricular health and safety requirement" does
5 not include any course of study or specialized instructional
6 requirement for which the State Board has established goals and
7 learning standards or which is designed primarily to impart
8 knowledge and skills for students to master and apply as an
9 outcome of their education.

10 A charter school shall comply with all non-curricular
11 health and safety requirements applicable to public schools
12 under the laws of the State of Illinois. On or before September
13 1, 2015, the State Board shall promulgate and post on its
14 Internet website a list of non-curricular health and safety
15 requirements that a charter school must meet. The list shall be
16 updated annually no later than September 1. Any charter
17 contract between a charter school and its authorizer must
18 contain a provision that requires the charter school to follow
19 the list of all non-curricular health and safety requirements
20 promulgated by the State Board and any non-curricular health
21 and safety requirements added by the State Board to such list
22 during the term of the charter. Nothing in this subsection (d)
23 precludes an authorizer from including non-curricular health
24 and safety requirements in a charter school contract that are
25 not contained in the list promulgated by the State Board,
26 including non-curricular health and safety requirements of the

1 authorizing local school board.

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

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

20 (g) A charter school shall comply with all provisions of
21 this Article, the Illinois Educational Labor Relations Act, all
22 federal and State laws and rules applicable to public schools
23 that pertain to special education and the instruction of
24 English learners, and its charter. A charter school is exempt
25 from all other State laws and regulations in this Code
26 governing public schools and local school board policies;

1 however, a charter school is not exempt from the following:

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

7 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
8 34-84a of this Code regarding discipline of students;

9 (3) the Local Governmental and Governmental Employees
10 Tort Immunity Act;

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

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

15 (5.5) subsection (b) of Section 10-23.12 and
16 subsection (b) of Section 34-18.6 of this Code;

17 (6) the Illinois School Student Records Act;

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

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

21 (9) Section 27-23.7 of this Code regarding bullying
22 prevention; ~~and~~

23 (10) Section 2-3.162 of this Code regarding student
24 discipline reporting; and

25 (11) Section 22-80 of this Code.

26 The change made by Public Act 96-104 to this subsection (g)

1 is declaratory of existing law.

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 April
13 16, 2003 (the effective date of Public Act 93-3) ~~this~~
14 ~~amendatory Act of the 93rd General Assembly~~ and that operates
15 in a city having a population exceeding 500,000 may not
16 contract with a for-profit entity to manage or operate the
17 school during the period that commences on April 16, 2003 (the
18 effective date of Public Act 93-3) ~~this amendatory Act of the~~
19 ~~93rd General Assembly~~ and concludes at the end of the 2004-2005
20 school year. Except as provided in subsection (i) of this
21 Section, a school district may charge a charter school
22 reasonable rent for the use of the district's buildings,
23 grounds, and facilities. Any services for which a charter
24 school contracts with a school district shall be provided by
25 the district at cost. Any services for which a charter school
26 contracts with a local school board or with the governing body

1 of a State college or university or public community college
2 shall be provided by the public entity at cost.

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

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

14 (k) If the charter school is approved by the Commission,
15 then the Commission charter school is its own local education
16 agency.

17 (Source: P.A. 98-16, eff. 5-24-13; 98-639, eff. 6-9-14; 98-669,
18 eff. 6-26-14; 98-739, eff. 7-16-14; 98-783, eff. 1-1-15;
19 98-1059, eff. 8-26-14; 98-1102, eff. 8-26-14; 99-30, eff.
20 7-10-15; 99-78, eff. 7-20-15; 99-245, eff. 8-3-15; 99-325, eff.
21 8-10-15; 99-456, eff. 9-15-16; revised 10-19-15.)

22 (105 ILCS 5/34-18.6) (from Ch. 122, par. 34-18.6)

23 Sec. 34-18.6. Child abuse and neglect; ~~i~~-detection,
24 reporting, l and prevention.

25 (a) The Board of Education may provide staff development

1 for local school site personnel who work with pupils in grades
2 kindergarten through 8~~7~~ in the detection, reporting, and
3 prevention of child abuse and neglect.

4 (b) Using a format and language that is clear, simple, and
5 understandable to students, each public school and charter
6 school shall post, in English and Spanish:

7 (1) the current toll-free telephone number of the
8 Department of Children and Family Services' child abuse
9 hotline;

10 (2) instructions to call 9-1-1 for emergencies; and

11 (3) directions for accessing the Department of
12 Children and Family Services' website for more information
13 on reporting abuse, neglect, and exploitation.

14 Public schools and charter schools shall post the
15 information specified in this subsection (b) at each school
16 campus in at least one high-traffic, highly and clearly
17 visible, public area that is readily accessible to and widely
18 used by students.

19 (Source: P.A. 84-1308.)

20 Section 95. No acceleration or delay. Where this Act makes
21 changes in a statute that is represented in this Act by text
22 that is not yet or no longer in effect (for example, a Section
23 represented by multiple versions), the use of that text does
24 not accelerate or delay the taking effect of (i) the changes
25 made by this Act or (ii) provisions derived from any other

1 Public Act."