



## 93RD GENERAL ASSEMBLY

### State of Illinois

### 2003 and 2004

Introduced 2/6/2004, by Barbara Flynn Currie

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/27A-5

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

LRB093 20139 NHT 45884 b

1 AN ACT regarding charter schools.

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 this ~~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.

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 background investigations 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.)