

1 AN ACT regarding 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  
5 Section 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  
10 charter 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  
14 Article by creating a new school or by converting an existing  
15 public school or attendance center to charter school status.

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

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

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

28 (f) A charter school shall be responsible for the  
29 management and operation of its fiscal affairs including, but  
30 not limited to, the preparation of its budget. An audit of  
31 each charter school's finances shall be conducted annually by

1 an outside, independent contractor retained by the charter  
2 school.

3 (g) A charter school shall comply with all provisions of  
4 this Article and its charter. A charter school is exempt  
5 from all other State laws and regulations in the School Code  
6 governing public schools and local school board policies,  
7 except the following:

8 (1) Sections 10-21.9 and 34-18.5 of the School Code  
9 regarding criminal background investigations of  
10 applicants for employment;

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

13 (3) The Local Governmental and Governmental  
14 Employees Tort Immunity Act;

15 (4) Section 108.75 of the General Not For Profit  
16 Corporation Act of 1986 regarding indemnification of  
17 officers, directors, employees, and agents;

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

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

20 (7) Section 10-17a of the School Code regarding  
21 school report cards.

22 (h) A charter school may negotiate and contract with a  
23 school district, the governing body of a State college or  
24 university or public community college, or any other public  
25 or for-profit or nonprofit private entity for: (i) the use of  
26 a school building and grounds or any other real property or  
27 facilities that the charter school desires to use or convert  
28 for use as a charter school site, (ii) the operation and  
29 maintenance thereof, and (iii) the provision of any service,  
30 activity, or undertaking that the charter school is required  
31 to perform in order to carry out the terms of its charter.  
32 Except as provided in subsection (i) of this Section, a  
33 school district may charge a charter school reasonable rent  
34 for the use of the district's buildings, grounds, and

1 facilities. Any services for which a charter school  
2 contracts with a school district shall be provided by the  
3 district at cost. Any services for which a charter school  
4 contracts with a local school board or with the governing  
5 body of a State college or university or public community  
6 college shall be provided by the public entity at cost.

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

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

19 (Source: P.A. 91-407, eff. 8-3-99.)