



Sen. Kimberly A. Lightford

Filed: 4/11/2008

09500SB2402sam003

LRB095 19509 NHT 49377 a

1 AMENDMENT TO SENATE BILL 2402

2 AMENDMENT NO. _____. Amend Senate Bill 2402, AS AMENDED,
3 with reference to page and line numbers of Senate Amendment No.
4 2, on page 1, lines 5 and 6, by replacing "Section 27A-4" with
5 "Sections 27A-4 and 27A-5"; and

6 on page 4, immediately below line 25, by inserting the
7 following:

8 "(105 ILCS 5/27A-5)

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

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

15 (b) A charter school may be established under this Article
16 by creating a new school or by converting an existing public

1 school or attendance center to charter school status. Beginning
2 on the effective date of this amendatory Act of the 93rd
3 General Assembly, in all new applications submitted to the
4 State Board or a local school board to establish a charter
5 school in a city having a population exceeding 500,000,
6 operation of the charter school shall be limited to one campus.
7 The changes made to this Section by this amendatory Act of the
8 93rd General Assembly do not apply to charter schools existing
9 or approved on or before the effective date of this amendatory
10 Act. Operation of each of the 40 additional charter schools
11 authorized by this amendatory Act of the 95th General Assembly
12 under Section 27A-4 of this Code shall be limited to one
13 campus.

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

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

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

26 (f) A charter school shall be responsible for the

1 management and operation of its fiscal affairs including, but
2 not limited to, the preparation of its budget. An audit of each
3 charter school's finances shall be conducted annually by an
4 outside, independent contractor retained by the charter
5 school.

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

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

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

17 (3) The Local Governmental and Governmental Employees
18 Tort Immunity Act;

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

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

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

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

26 (h) A charter school may negotiate and contract with a

1 school district, the governing body of a State college or
2 university or public community college, or any other public or
3 for-profit or nonprofit private entity for: (i) the use of a
4 school building and grounds or any other real property or
5 facilities that the charter school desires to use or convert
6 for use as a charter school site, (ii) the operation and
7 maintenance thereof, and (iii) the provision of any service,
8 activity, or undertaking that the charter school is required to
9 perform in order to carry out the terms of its charter.
10 However, a charter school that is established on or after the
11 effective date of this amendatory Act of the 93rd General
12 Assembly and that operates in a city having a population
13 exceeding 500,000 may not contract with a for-profit entity to
14 manage or operate the school during the period that commences
15 on the effective date of this amendatory Act of the 93rd
16 General Assembly and concludes at the end of the 2004-2005
17 school year. Except as provided in subsection (i) of this
18 Section, a school district may charge a charter school
19 reasonable rent for the use of the district's buildings,
20 grounds, and facilities. Any services for which a charter
21 school contracts with a school district shall be provided by
22 the district at cost. Any services for which a charter school
23 contracts with a local school board or with the governing body
24 of a State college or university or public community college
25 shall be provided by the public entity at cost.

26 (i) In no event shall a charter school that is established

1 by converting an existing school or attendance center to
2 charter school status be required to pay rent for space that is
3 deemed available, as negotiated and provided in the charter
4 agreement, in school district facilities. However, all other
5 costs for the operation and maintenance of school district
6 facilities that are used by the charter school shall be subject
7 to negotiation between the charter school and the local school
8 board and shall be set forth in the charter.

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

11 (Source: P.A. 93-3, eff. 4-16-03; 93-909, eff. 8-12-04; 94-219,
12 eff. 7-14-05.)".