



Rep. Angelica Guerrero-Cuellar

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10400HB5097ham001

LRB104 17494 LNS 35758 a

1 AMENDMENT TO HOUSE BILL 5097

2 AMENDMENT NO. _____. Amend House Bill 5097 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Section
5 27A-11 as follows:

6 (105 ILCS 5/27A-11)

7 Sec. 27A-11. Local financing.

8 (a) For purposes of the School Code, pupils enrolled in a
9 charter school shall be included in the pupil enrollment of
10 the school district within which the pupil resides. Each
11 charter school (i) shall determine the school district in
12 which each pupil who is enrolled in the charter school
13 resides, (ii) shall report the aggregate number of pupils
14 resident of a school district who are enrolled in the charter
15 school to the school district in which those pupils reside,
16 and (iii) shall maintain accurate records of daily attendance

1 that shall be deemed sufficient to file claims under Section
2 18-8.15 notwithstanding any other requirements of that Section
3 regarding hours of instruction and teacher licensure.

4 (b) Except for a charter school established by referendum
5 under Section 27A-6.5, as part of a charter school contract,
6 the charter school and the local school board shall agree on
7 funding and any services to be provided by the school district
8 to the charter school. Agreed funding that a charter school is
9 to receive from the local school board for a school year shall
10 be paid in equal quarterly installments with the payment of
11 the installment for the first quarter being made not later
12 than July 1, unless the charter establishes a different
13 payment schedule. However, if a charter school dismisses a
14 pupil from the charter school after receiving a quarterly
15 payment, the charter school shall return to the school
16 district, on a quarterly basis, the prorated portion of public
17 funding provided for the education of that pupil for the time
18 the student is not enrolled at the charter school. Likewise,
19 if a pupil transfers to a charter school between quarterly
20 payments, the school district shall provide, on a quarterly
21 basis, a prorated portion of the public funding to the charter
22 school to provide for the education of that pupil.

23 For a charter school authorized by a local school board,
24 the amount of per capita tuition charge funding withheld by
25 the local school board as an administrative fee for the
26 purpose of conducting administrative duties related to the

1 administration of the charter school contract, oversight, or
2 authorizing services may not exceed 3% of the agreed funding,
3 and the amount withheld may not result in the charter school
4 receiving less than the minimum funding level required under
5 this subsection (b). Allowable uses for the administrative fee
6 are limited to direct authorizing functions, including,
7 charter application review, contract negotiation, performance
8 monitoring, compliance oversight, site visits, financial and
9 governance review, renewal determinations, and required
10 reporting to the State Board. The administrative fee may not
11 be used for general district operations unrelated to charter
12 authorizing. Any portion of the administrative fee that is not
13 expended on allowable uses during the fiscal year shall be
14 returned to the charter school. The local school board shall
15 provide an annual public accounting to the charter school and
16 to the State Board detailing the amount collected as an
17 administrative fee, the allowable uses funded from the fee,
18 and the amount returned to the charter school from any
19 unexpended fee funds.

20 All services centrally or otherwise provided by the school
21 district including, but not limited to, rent, food services,
22 custodial services, maintenance, curriculum, media services,
23 libraries, transportation, and warehousing shall be subject to
24 negotiation between a charter school and the local school
25 board and paid for out of the revenues negotiated pursuant to
26 this subsection (b); provided that the local school board

1 shall not attempt, by negotiation or otherwise, to obligate a
2 charter school to provide pupil transportation for pupils for
3 whom a district is not required to provide transportation
4 under the criteria set forth in subsection (a)(13) of Section
5 27A-7.

6 In no event shall the funding be less than 97% or more than
7 103% of the school district's per capita student tuition
8 multiplied by the number of students residing in the district
9 who are enrolled in the charter school.

10 It is the intent of the General Assembly that funding and
11 service agreements under this subsection (b) shall be neither
12 a financial incentive nor a financial disincentive to the
13 establishment of a charter school.

14 The charter school may set and collect reasonable fees.
15 Fees collected from students enrolled at a charter school
16 shall be retained by the charter school.

17 (c) Notwithstanding subsection (b) of this Section, the
18 proportionate share of State and federal resources generated
19 by students with disabilities or staff serving them shall be
20 directed to charter schools enrolling those students by their
21 school districts or administrative units. The proportionate
22 share of moneys generated under other federal or State
23 categorical aid programs shall be directed to charter schools
24 serving students eligible for that aid.

25 (d) The governing body of a charter school is authorized
26 to accept gifts, donations, or grants of any kind made to the

1 charter school and to expend or use gifts, donations, or
2 grants in accordance with the conditions prescribed by the
3 donor; however, a gift, donation, or grant may not be accepted
4 by the governing body if it is subject to any condition
5 contrary to applicable law or contrary to the terms of the
6 contract between the charter school and the local school
7 board. Charter schools shall be encouraged to solicit and
8 utilize community volunteer speakers and other instructional
9 resources when providing instruction on the Holocaust and
10 other historical events.

11 (e) (Blank).

12 (f) (Blank).

13 (g) At the non-renewal or revocation of its charter, each
14 charter school shall refund to the local board of education
15 all unspent funds.

16 (h) A charter school is authorized to incur temporary,
17 short term debt to pay operating expenses in anticipation of
18 receipt of funds from the local school board.

19 (Source: P.A. 103-175, eff. 6-30-23.)".