



Rep. Will Guzzardi

Filed: 3/24/2017

10000HB3567ham001

LRB100 08575 MLM 24141 a

1 AMENDMENT TO HOUSE BILL 3567

2 AMENDMENT NO. _____. Amend House Bill 3567 by replacing
3 everything after the enacting clause with the following:

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

6 (105 ILCS 5/27A-5)

7 (Text of Section before amendment by P.A. 99-927)

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

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

14 (b) A charter school may be established under this Article
15 by creating a new school or by converting an existing public
16 school or attendance center to charter school status. Beginning

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

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 (b-10) In this subsection (b-10), "financially distressed
3 school district" means a school district identified as on
4 either "financial early warning" or "financial watch" status in
5 the district's most recent assessment under the State Board of
6 Education's School District Financial Profile System.

7 There is a moratorium on the establishment of new charter
8 schools in financially distressed school districts, including
9 new campuses of existing charter schools, for such a time as
10 the school district meets the definition of a financially
11 distressed school district.

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

17 (d) For purposes of this subsection (d), "non-curricular
18 health and safety requirement" means any health and safety
19 requirement created by statute or rule to provide, maintain,
20 preserve, or safeguard safe or healthful conditions for
21 students and school personnel or to eliminate, reduce, or
22 prevent threats to the health and safety of students and school
23 personnel. "Non-curricular health and safety requirement" does
24 not include any course of study or specialized instructional
25 requirement for which the State Board has established goals and
26 learning standards or which is designed primarily to impart

1 knowledge and skills for students to master and apply as an
2 outcome of their education.

3 A charter school shall comply with all non-curricular
4 health and safety requirements applicable to public schools
5 under the laws of the State of Illinois. On or before September
6 1, 2015, the State Board shall promulgate and post on its
7 Internet website a list of non-curricular health and safety
8 requirements that a charter school must meet. The list shall be
9 updated annually no later than September 1. Any charter
10 contract between a charter school and its authorizer must
11 contain a provision that requires the charter school to follow
12 the list of all non-curricular health and safety requirements
13 promulgated by the State Board and any non-curricular health
14 and safety requirements added by the State Board to such list
15 during the term of the charter. Nothing in this subsection (d)
16 precludes an authorizer from including non-curricular health
17 and safety requirements in a charter school contract that are
18 not contained in the list promulgated by the State Board,
19 including non-curricular health and safety requirements of the
20 authorizing local school board.

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

25 (f) A charter school shall be responsible for the
26 management and operation of its fiscal affairs including, but

1 not limited to, the preparation of its budget. An audit of each
2 charter school's finances shall be conducted annually by an
3 outside, independent contractor retained by the charter
4 school. To ensure financial accountability for the use of
5 public funds, on or before December 1 of every year of
6 operation, each charter school shall submit to its authorizer
7 and the State Board a copy of its audit and a copy of the Form
8 990 the charter school filed that year with the federal
9 Internal Revenue Service. In addition, if deemed necessary for
10 proper financial oversight of the charter school, an authorizer
11 may require quarterly financial statements from each charter
12 school.

13 (g) A charter school shall comply with all provisions of
14 this Article, the Illinois Educational Labor Relations Act, all
15 federal and State laws and rules applicable to public schools
16 that pertain to special education and the instruction of
17 English learners, and its charter. A charter school is exempt
18 from all other State laws and regulations in this Code
19 governing public schools and local school board policies;
20 however, a charter school is not exempt from the following:

21 (1) Sections 10-21.9 and 34-18.5 of this Code regarding
22 criminal history records checks and checks of the Statewide
23 Sex Offender Database and Statewide Murderer and Violent
24 Offender Against Youth Database of applicants for
25 employment;

26 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and

- 1 34-84a of this Code regarding discipline of students;
- 2 (3) the Local Governmental and Governmental Employees
3 Tort Immunity Act;
- 4 (4) Section 108.75 of the General Not For Profit
5 Corporation Act of 1986 regarding indemnification of
6 officers, directors, employees, and agents;
- 7 (5) the Abused and Neglected Child Reporting Act;
- 8 (6) the Illinois School Student Records Act;
- 9 (7) Section 10-17a of this Code regarding school report
10 cards;
- 11 (8) the P-20 Longitudinal Education Data System Act;
- 12 (9) Section 27-23.7 of this Code regarding bullying
13 prevention;
- 14 (10) Section 2-3.162 of this Code regarding student
15 discipline reporting; and
- 16 (11) Section 22-80 of this Code.

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

19 (h) A charter school may negotiate and contract with a
20 school district, the governing body of a State college or
21 university or public community college, or any other public or
22 for-profit or nonprofit private entity for: (i) the use of a
23 school building and grounds or any other real property or
24 facilities that the charter school desires to use or convert
25 for use as a charter school site, (ii) the operation and
26 maintenance thereof, and (iii) the provision of any service,

1 activity, or undertaking that the charter school is required to
2 perform in order to carry out the terms of its charter.
3 However, a charter school that is established on or after April
4 16, 2003 (the effective date of Public Act 93-3) and that
5 operates in a city having a population exceeding 500,000 may
6 not contract with a for-profit entity to manage or operate the
7 school during the period that commences on April 16, 2003 (the
8 effective date of Public Act 93-3) and concludes at the end of
9 the 2004-2005 school year. Except as provided in subsection (i)
10 of this Section, a school district may charge a charter school
11 reasonable rent for the use of the district's buildings,
12 grounds, and facilities. Any services for which a charter
13 school contracts with a school district shall be provided by
14 the district at cost. Any services for which a charter school
15 contracts with a local school board or with the governing body
16 of a State college or university or public community college
17 shall be provided by the public entity at cost.

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

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

3 (k) If the charter school is approved by the Commission,
4 then the Commission charter school is its own local education
5 agency.

6 (Source: P.A. 98-16, eff. 5-24-13; 98-639, eff. 6-9-14; 98-669,
7 eff. 6-26-14; 98-739, eff. 7-16-14; 98-783, eff. 1-1-15;
8 98-1059, eff. 8-26-14; 98-1102, eff. 8-26-14; 99-30, eff.
9 7-10-15; 99-78, eff. 7-20-15; 99-245, eff. 8-3-15; 99-325, eff.
10 8-10-15; 99-456, eff. 9-15-16; 99-642, eff. 7-28-16.)

11 (Text of Section after amendment by P.A. 99-927)

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

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

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

1 existing or approved on or before April 16, 2003 (the effective
2 date of Public Act 93-3).

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

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

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

23 (b-10) In this subsection (b-10), "financially distressed
24 school district" means a school district identified as on
25 either "financial early warning" or "financial watch" status in
26 the district's most recent assessment under the State Board of

1 Education's School District Financial Profile System.

2 There is a moratorium on the establishment of new charter
3 schools in financially distressed school districts, including
4 new campuses of existing charter schools, for such a time as
5 the school district meets the definition of a financially
6 distressed school district.

7 (c) A charter school shall be administered and governed by
8 its board of directors or other governing body in the manner
9 provided in its charter. The governing body of a charter school
10 shall be subject to the Freedom of Information Act and the Open
11 Meetings Act.

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

24 A charter school shall comply with all non-curricular
25 health and safety requirements applicable to public schools
26 under the laws of the State of Illinois. On or before September

1 1, 2015, the State Board shall promulgate and post on its
2 Internet website a list of non-curricular health and safety
3 requirements that a charter school must meet. The list shall be
4 updated annually no later than September 1. Any charter
5 contract between a charter school and its authorizer must
6 contain a provision that requires the charter school to follow
7 the list of all non-curricular health and safety requirements
8 promulgated by the State Board and any non-curricular health
9 and safety requirements added by the State Board to such list
10 during the term of the charter. Nothing in this subsection (d)
11 precludes an authorizer from including non-curricular health
12 and safety requirements in a charter school contract that are
13 not contained in the list promulgated by the State Board,
14 including non-curricular health and safety requirements of the
15 authorizing local school board.

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

20 (f) A charter school shall be responsible for the
21 management and operation of its fiscal affairs including, but
22 not limited to, the preparation of its budget. An audit of each
23 charter school's finances shall be conducted annually by an
24 outside, independent contractor retained by the charter
25 school. To ensure financial accountability for the use of
26 public funds, on or before December 1 of every year of

1 operation, each charter school shall submit to its authorizer
2 and the State Board a copy of its audit and a copy of the Form
3 990 the charter school filed that year with the federal
4 Internal Revenue Service. In addition, if deemed necessary for
5 proper financial oversight of the charter school, an authorizer
6 may require quarterly financial statements from each charter
7 school.

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

16 (1) Sections 10-21.9 and 34-18.5 of this Code regarding
17 criminal history records checks and checks of the Statewide
18 Sex Offender Database and Statewide Murderer and Violent
19 Offender Against Youth Database of applicants for
20 employment;

21 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
22 34-84a of this Code regarding discipline of students;

23 (3) the Local Governmental and Governmental Employees
24 Tort Immunity Act;

25 (4) Section 108.75 of the General Not For Profit
26 Corporation Act of 1986 regarding indemnification of

1 officers, directors, employees, and agents;

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

3 (6) the Illinois School Student Records Act;

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

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

7 (9) Section 27-23.7 of this Code regarding bullying
8 prevention;

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

11 (11) Sections 22-80 and 27-8.1 of this Code.

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

14 (h) A charter school may negotiate and contract with a
15 school district, the governing body of a State college or
16 university or public community college, or any other public or
17 for-profit or nonprofit private entity for: (i) the use of a
18 school building and grounds or any other real property or
19 facilities that the charter school desires to use or convert
20 for use as a charter school site, (ii) the operation and
21 maintenance thereof, and (iii) the provision of any service,
22 activity, or undertaking that the charter school is required to
23 perform in order to carry out the terms of its charter.
24 However, a charter school that is established on or after April
25 16, 2003 (the effective date of Public Act 93-3) and that
26 operates in a city having a population exceeding 500,000 may

1 not contract with a for-profit entity to manage or operate the
2 school during the period that commences on April 16, 2003 (the
3 effective date of Public Act 93-3) and concludes at the end of
4 the 2004-2005 school year. Except as provided in subsection (i)
5 of this Section, a school district may charge a charter school
6 reasonable rent for the use of the district's buildings,
7 grounds, and facilities. Any services for which a charter
8 school contracts with a school district shall be provided by
9 the district at cost. Any services for which a charter school
10 contracts with a local school board or with the governing body
11 of a State college or university or public community college
12 shall be provided by the public entity at cost.

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

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

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

1 (Source: P.A. 98-16, eff. 5-24-13; 98-639, eff. 6-9-14; 98-669,
2 eff. 6-26-14; 98-739, eff. 7-16-14; 98-783, eff. 1-1-15;
3 98-1059, eff. 8-26-14; 98-1102, eff. 8-26-14; 99-30, eff.
4 7-10-15; 99-78, eff. 7-20-15; 99-245, eff. 8-3-15; 99-325, eff.
5 8-10-15; 99-456, eff. 9-15-16; 99-642, eff. 7-28-16; 99-927,
6 eff. 6-1-17.)

7 Section 95. No acceleration or delay. Where this Act makes
8 changes in a statute that is represented in this Act by text
9 that is not yet or no longer in effect (for example, a Section
10 represented by multiple versions), the use of that text does
11 not accelerate or delay the taking effect of (i) the changes
12 made by this Act or (ii) provisions derived from any other
13 Public Act."