



Rep. Joyce Mason

**Filed: 4/12/2024**

10300HB4577ham001

LRB103 38876 RJT 72228 a

1 AMENDMENT TO HOUSE BILL 4577

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4577 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing  
5 Sections 10-20.9a, 10-20.13, 27A-5, and 34-21.6 as follows:

6 (105 ILCS 5/10-20.9a) (from Ch. 122, par. 10-20.9a)

7 Sec. 10-20.9a. Final grade; promotion.

8 (a) Teachers shall administer the approved marking system  
9 or other approved means of evaluating pupil progress. The  
10 teacher shall maintain the responsibility and right to  
11 determine grades and other evaluations of students within the  
12 grading policies of the district based upon his or her  
13 professional judgment of available criteria pertinent to any  
14 given subject area or activity for which he or she is  
15 responsible. District policy shall provide the procedure and  
16 reasons by and for which a grade may be changed; provided that

1 no grade or evaluation shall be changed without notification  
2 to the teacher concerning the nature and reasons for such  
3 change. If such a change is made, the person making the change  
4 shall assume such responsibility for determining the grade or  
5 evaluation, and shall initial such change.

6 (b) School districts shall not promote students to the  
7 next higher grade level based upon age or any other social  
8 reasons not related to the academic performance of the  
9 students. On or before September 1, 1998, school boards shall  
10 adopt and enforce a policy on promotion as they deem necessary  
11 to ensure that students meet local goals and objectives and  
12 can perform at the expected grade level prior to promotion.  
13 Decisions to promote or retain students in any classes shall  
14 be based on successful completion of the curriculum,  
15 attendance, performance based on the assessments required  
16 under Section 2-3.64a-5 of this Code, the Iowa Test of Basic  
17 Skills, or other testing or any other criteria established by  
18 the school board. Students determined by the local district to  
19 not qualify for promotion to the next higher grade shall be  
20 provided remedial assistance, which may include, but shall not  
21 be limited to, a summer bridge program of no less than 90  
22 hours, tutorial sessions, increased or concentrated  
23 instructional time, modifications to instructional materials,  
24 and retention in grade.

25 (c) (Blank). ~~No public high school of a school district~~  
26 ~~shall withhold a student's grades, transcripts, or diploma~~

1 ~~because of an unpaid balance on the student's school account.~~

2 ~~At the end of each school year, the school district shall~~  
3 ~~catalogue and report to the State Board of Education the total~~  
4 ~~amount that remains unpaid by students due to the prohibition~~  
5 ~~under this subsection (c).~~

6 (d) (Blank). ~~On and after 3 years from the effective date~~  
7 ~~of this amendatory Act of the 102nd General Assembly,~~  
8 ~~subsection (c) is inoperative.~~

9 (Source: P.A. 102-727, eff. 5-6-22.)

10 (105 ILCS 5/10-20.13)

11 Sec. 10-20.13. Textbooks and instructional materials for  
12 children of parents unable to buy them; waiver of fees and  
13 finer; discrimination and punishment prohibited.

14 (a) To purchase, at the expense of the district, a  
15 sufficient number of textbooks and instructional materials for  
16 children whose parents are unable to buy them, including, but  
17 not limited to, children living in households that meet the  
18 free lunch or breakfast eligibility guidelines established by  
19 the federal government pursuant to Section 1758 of the federal  
20 Richard B. Russell National School Lunch Act (42 U.S.C. 1758;  
21 7 CFR 245 et seq.) and homeless children and youth as defined  
22 in Section 11434a of the federal McKinney-Vento Homeless  
23 Assistance Act (42 U.S.C. 11434a), subject to verification as  
24 set forth in subsection (c) of this Section. Such textbooks  
25 shall be loaned only, and the directors shall require the

1 teacher to see that they are properly cared for and returned at  
2 the end of each term of school.

3 (b) To waive all fees and any fines for the loss of school  
4 property assessed by the district on children whose parents  
5 are unable to afford them, including, but not limited to:

6 (1) children living in households that meet the free  
7 lunch or breakfast eligibility guidelines established by  
8 the federal government pursuant to Section 1758 of the  
9 federal Richard B. Russell National School Lunch Act (42  
10 U.S.C. 1758; 7 CFR 245 et seq.) and students whose parents  
11 are veterans or active duty military personnel with income  
12 at or below 200% of the federal poverty line, subject to  
13 verification as set forth in subsection (c) of this  
14 Section, and

15 (2) homeless children and youth as defined in Section  
16 11434a of the federal McKinney-Vento Homeless Assistance  
17 Act (42 U.S.C. 11434a).

18 Notice of waiver availability shall be given to parents or  
19 guardians with every bill for fees or fines. The school board  
20 shall adopt written policies and procedures for such waiver of  
21 fees in accordance with regulations promulgated by the State  
22 Board of Education.

23 (c) Any school board that participates in a federally  
24 funded, school-based child nutrition program and uses a  
25 student's application for, eligibility for, or participation  
26 in the federally funded, school-based child nutrition program

1 (42 U.S.C. 1758; 7 CFR 245 et seq.) as the basis for waiving  
2 fees assessed by the school district must follow the  
3 verification requirements of the federally funded,  
4 school-based child nutrition program (42 U.S.C. 1758; 7 CFR  
5 245.6a).

6 A school board that establishes a process for the  
7 determination of eligibility for waiver of fees assessed by  
8 the school district that is completely independent of a  
9 student's application for, eligibility for, or participation  
10 in a federally funded, school-based child nutrition program  
11 may provide for fee waiver verification no more often than  
12 once per academic year. Information obtained during the  
13 independent, fee waiver verification process indicating that  
14 the student does not meet free lunch or breakfast eligibility  
15 guidelines may be used to deny the waiver of the student's fees  
16 or fines for the loss of school property, provided that any  
17 information obtained through this independent process for  
18 determining or verifying eligibility for fee waivers shall not  
19 be used to determine or verify eligibility for any federally  
20 funded, school-based child nutrition program. This subsection  
21 shall not preclude children from obtaining waivers at any  
22 point during the academic year.

23 (d) Regardless of whether the student has obtained a  
24 waiver pursuant to this Section, a school board may not  
25 discriminate against, punish, or penalize a student in any way  
26 because the student's parents or guardians are unable to pay

1 any required fees or fines for the loss of school property.  
2 This prohibition includes, but is not limited to, the lowering  
3 of grades, exclusion from any curricular or extracurricular  
4 program of the school district, or the withholding of student  
5 records, grades, transcripts, or diplomas. Any person who  
6 violates this subsection (d) commits a petty offense.

7 (e) At the end of each school year, each school district  
8 shall catalog and report to the State Board of Education the  
9 total amount of fees and fines that remain unpaid by  
10 graduating seniors or by high school students who left the  
11 school district during the school year.

12 (f) On or after 3 years from the effective date of this  
13 amendatory Act of the 103rd General Assembly, subsection (e)  
14 is inoperative.

15 (Source: P.A. 102-805, eff. 1-1-23; 102-1032, eff. 5-27-22;  
16 103-154, eff. 6-30-23.)

17 (105 ILCS 5/27A-5)

18 (Text of Section before amendment by P.A. 102-466 and  
19 103-472)

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

21 (a) A charter school shall be a public, nonsectarian,  
22 nonreligious, non-home based, and non-profit school. A charter  
23 school shall be organized and operated as a nonprofit  
24 corporation or other discrete, legal, nonprofit entity  
25 authorized under the laws of the State of Illinois.

1 (b) A charter school may be established under this Article  
2 by creating a new school or by converting an existing public  
3 school or attendance center to charter school status. In all  
4 new applications to establish a charter school in a city  
5 having a population exceeding 500,000, operation of the  
6 charter school shall be limited to one campus. This limitation  
7 does not apply to charter schools existing or approved on or  
8 before April 16, 2003.

9 (b-5) (Blank).

10 (c) A charter school shall be administered and governed by  
11 its board of directors or other governing body in the manner  
12 provided in its charter. The governing body of a charter  
13 school shall be subject to the Freedom of Information Act and  
14 the Open Meetings Act. A charter school's board of directors  
15 or other governing body must include at least one parent or  
16 guardian of a pupil currently enrolled in the charter school  
17 who may be selected through the charter school or a charter  
18 network election, appointment by the charter school's board of  
19 directors or other governing body, or by the charter school's  
20 Parent Teacher Organization or its equivalent.

21 (c-5) No later than January 1, 2021 or within the first  
22 year of his or her first term, every voting member of a charter  
23 school's board of directors or other governing body shall  
24 complete a minimum of 4 hours of professional development  
25 leadership training to ensure that each member has sufficient  
26 familiarity with the board's or governing body's role and

1 responsibilities, including financial oversight and  
2 accountability of the school, evaluating the principal's and  
3 school's performance, adherence to the Freedom of Information  
4 Act and the Open Meetings Act, and compliance with education  
5 and labor law. In each subsequent year of his or her term, a  
6 voting member of a charter school's board of directors or  
7 other governing body shall complete a minimum of 2 hours of  
8 professional development training in these same areas. The  
9 training under this subsection may be provided or certified by  
10 a statewide charter school membership association or may be  
11 provided or certified by other qualified providers approved by  
12 the State Board.

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

25 A charter school shall comply with all non-curricular  
26 health and safety requirements applicable to public schools



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

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

21 (f) A charter school shall be responsible for the  
22 management and operation of its fiscal affairs, including, but  
23 not limited to, the preparation of its budget. An audit of each  
24 charter school's finances shall be conducted annually by an  
25 outside, independent contractor retained by the charter  
26 school. The contractor shall not be an employee of the charter

1 school or affiliated with the charter school or its authorizer  
2 in any way, other than to audit the charter school's finances.  
3 To ensure financial accountability for the use of public  
4 funds, on or before December 1 of every year of operation, each  
5 charter school shall submit to its authorizer and the State  
6 Board a copy of its audit and a copy of the Form 990 the  
7 charter school filed that year with the federal Internal  
8 Revenue Service. In addition, if deemed necessary for proper  
9 financial oversight of the charter school, an authorizer may  
10 require quarterly financial statements from each charter  
11 school.

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

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

25 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and  
26 34-84a of this Code regarding discipline of students;

1           (3) the Local Governmental and Governmental Employees  
2 Tort Immunity Act;

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

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

7           (5.5) subsection (b) of Section 10-23.12 and  
8 subsection (b) of Section 34-18.6 of this Code;

9           (6) the Illinois School Student Records Act;

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

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

13          (9) Section 27-23.7 of this Code regarding bullying  
14 prevention;

15          (10) Section 2-3.162 of this Code regarding student  
16 discipline reporting;

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

18          (12) Sections 10-20.60 and 34-18.53 of this Code;

19          (13) Sections 10-20.63 and 34-18.56 of this Code;

20          (14) Sections 22-90 and 26-18 of this Code;

21          (15) Section 22-30 of this Code;

22          (16) Sections 24-12 and 34-85 of this Code;

23          (17) the Seizure Smart School Act;

24          (18) Section 2-3.64a-10 of this Code;

25          (19) Sections 10-20.73 and 34-21.9 of this Code;

26          (20) Section 10-22.25b of this Code;

- 1 (21) Section 27-9.1a of this Code;
- 2 (22) Section 27-9.1b of this Code;
- 3 (23) Section 34-18.8 of this Code;
- 4 (25) Section 2-3.188 of this Code;
- 5 (26) Section 22-85.5 of this Code;
- 6 (27) subsections (d-10), (d-15), and (d-20) of Section
- 7 10-20.56 of this Code;
- 8 (28) Sections 10-20.83 and 34-18.78 of this Code;
- 9 (29) Section 10-20.13 of this Code;
- 10 (30) (blank); ~~Section 28-19.2 of this Code;~~
- 11 (31) Section 34-21.6 of this Code; and
- 12 (32) Section 22-85.10 of this Code.

13 The change made by Public Act 96-104 to this subsection

14 (g) is declaratory of existing law.

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

16 school district, the governing body of a State college or

17 university or public community college, or any other public or

18 for-profit or nonprofit private entity for: (i) the use of a

19 school building and grounds or any other real property or

20 facilities that the charter school desires to use or convert

21 for use as a charter school site, (ii) the operation and

22 maintenance thereof, and (iii) the provision of any service,

23 activity, or undertaking that the charter school is required

24 to perform in order to carry out the terms of its charter.

25 Except as provided in subsection (i) of this Section, a school

26 district may charge a charter school reasonable rent for the

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

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

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

19 (k) If the charter school is authorized by the State  
20 Board, then the charter school is its own local education  
21 agency.

22 (Source: P.A. 102-51, eff. 7-9-21; 102-157, eff. 7-1-22;  
23 102-360, eff. 1-1-22; 102-445, eff. 8-20-21; 102-522, eff.  
24 8-20-21; 102-558, eff. 8-20-21; 102-676, eff. 12-3-21;  
25 102-697, eff. 4-5-22; 102-702, eff. 7-1-23; 102-805, eff.  
26 1-1-23; 102-813, eff. 5-13-22; 103-154, eff. 6-30-23; 103-175,

1 eff. 6-30-23.)

2 (Text of Section after amendment by P.A. 103-472 but  
3 before amendment by P.A. 102-466)

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

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11 by creating a new school or by converting an existing public  
12 school or attendance center to charter school status. In all  
13 new applications to establish a charter school in a city  
14 having a population exceeding 500,000, operation of the  
15 charter school shall be limited to one campus. This limitation  
16 does not apply to charter schools existing or approved on or  
17 before April 16, 2003.

18 (b-5) (Blank).

19 (c) A charter school shall be administered and governed by  
20 its board of directors or other governing body in the manner  
21 provided in its charter. The governing body of a charter  
22 school shall be subject to the Freedom of Information Act and  
23 the Open Meetings Act. A charter school's board of directors  
24 or other governing body must include at least one parent or  
25 guardian of a pupil currently enrolled in the charter school

1 who may be selected through the charter school or a charter  
2 network election, appointment by the charter school's board of  
3 directors or other governing body, or by the charter school's  
4 Parent Teacher Organization or its equivalent.

5 (c-5) No later than January 1, 2021 or within the first  
6 year of his or her first term, every voting member of a charter  
7 school's board of directors or other governing body shall  
8 complete a minimum of 4 hours of professional development  
9 leadership training to ensure that each member has sufficient  
10 familiarity with the board's or governing body's role and  
11 responsibilities, including financial oversight and  
12 accountability of the school, evaluating the principal's and  
13 school's performance, adherence to the Freedom of Information  
14 Act and the Open Meetings Act, and compliance with education  
15 and labor law. In each subsequent year of his or her term, a  
16 voting member of a charter school's board of directors or  
17 other governing body shall complete a minimum of 2 hours of  
18 professional development training in these same areas. The  
19 training under this subsection may be provided or certified by  
20 a statewide charter school membership association or may be  
21 provided or certified by other qualified providers approved by  
22 the State Board.

23 (d) For purposes of this subsection (d), "non-curricular  
24 health and safety requirement" means any health and safety  
25 requirement created by statute or rule to provide, maintain,  
26 preserve, or safeguard safe or healthful conditions for

1 students and school personnel or to eliminate, reduce, or  
2 prevent threats to the health and safety of students and  
3 school personnel. "Non-curricular health and safety  
4 requirement" does not include any course of study or  
5 specialized instructional requirement for which the State  
6 Board has established goals and learning standards or which is  
7 designed primarily to impart knowledge and skills for students  
8 to master and apply as an outcome of their education.

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



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. The contractor shall not be an employee of the charter  
11 school or affiliated with the charter school or its authorizer  
12 in any way, other than to audit the charter school's finances.  
13 To ensure financial accountability for the use of public  
14 funds, on or before December 1 of every year of operation, each  
15 charter school shall submit to its authorizer and the State  
16 Board a copy of its audit and a copy of the Form 990 the  
17 charter school filed that year with the federal Internal  
18 Revenue Service. In addition, if deemed necessary for proper  
19 financial oversight of the charter school, an authorizer may  
20 require quarterly financial statements from each charter  
21 school.

22           (g) A charter school shall comply with all provisions of  
23 this Article, the Illinois Educational Labor Relations Act,  
24 all federal and State laws and rules applicable to public  
25 schools that pertain to special education and the instruction  
26 of English learners, and its charter. A charter school is

1 exempt from all other State laws and regulations in this Code  
2 governing public schools and local school board policies;  
3 however, a charter school is not exempt from the following:

4 (1) Sections 10-21.9 and 34-18.5 of this Code  
5 regarding criminal history records checks and checks of  
6 the Statewide Sex Offender Database and Statewide Murderer  
7 and Violent Offender Against Youth Database of applicants  
8 for employment;

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

11 (3) the Local Governmental and Governmental Employees  
12 Tort Immunity Act;

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

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

17 (5.5) subsection (b) of Section 10-23.12 and  
18 subsection (b) of Section 34-18.6 of this Code;

19 (6) the Illinois School Student Records Act;

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

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

23 (9) Section 27-23.7 of this Code regarding bullying  
24 prevention;

25 (10) Section 2-3.162 of this Code regarding student  
26 discipline reporting;

- 1 (11) Sections 22-80 and 27-8.1 of this Code;
- 2 (12) Sections 10-20.60 and 34-18.53 of this Code;
- 3 (13) Sections 10-20.63 and 34-18.56 of this Code;
- 4 (14) Sections 22-90 and 26-18 of this Code;
- 5 (15) Section 22-30 of this Code;
- 6 (16) Sections 24-12 and 34-85 of this Code;
- 7 (17) the Seizure Smart School Act;
- 8 (18) Section 2-3.64a-10 of this Code;
- 9 (19) Sections 10-20.73 and 34-21.9 of this Code;
- 10 (20) Section 10-22.25b of this Code;
- 11 (21) Section 27-9.1a of this Code;
- 12 (22) Section 27-9.1b of this Code;
- 13 (23) Section 34-18.8 of this Code;
- 14 (25) Section 2-3.188 of this Code;
- 15 (26) Section 22-85.5 of this Code;
- 16 (27) subsections (d-10), (d-15), and (d-20) of Section  
17 10-20.56 of this Code;
- 18 (28) Sections 10-20.83 and 34-18.78 of this Code;
- 19 (29) Section 10-20.13 of this Code;
- 20 (30) (blank); ~~Section 28-19.2 of this Code;~~
- 21 (31) Section 34-21.6 of this Code; ~~and~~
- 22 (32) Section 22-85.10 of this Code;
- 23 (33) Section 2-3.196 of this Code;
- 24 (34) Section 22-95 of this Code;
- 25 (35) Section 34-18.62 of this Code; and
- 26 (36) the Illinois Human Rights Act.

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

3           (h) A charter school may negotiate and contract with a  
4 school district, the governing body of a State college or  
5 university or public community college, or any other public or  
6 for-profit or nonprofit private entity for: (i) the use of a  
7 school building and grounds or any other real property or  
8 facilities that the charter school desires to use or convert  
9 for use as a charter school site, (ii) the operation and  
10 maintenance thereof, and (iii) the provision of any service,  
11 activity, or undertaking that the charter school is required  
12 to perform in order to carry out the terms of its charter.  
13 Except as provided in subsection (i) of this Section, a school  
14 district may charge a charter school reasonable rent for the  
15 use of the district's buildings, grounds, and facilities. Any  
16 services for which a charter school contracts with a school  
17 district shall be provided by the district at cost. Any  
18 services for which a charter school contracts with a local  
19 school board or with the governing body of a State college or  
20 university or public community college shall be provided by  
21 the public entity at cost.

22           (i) In no event shall a charter school that is established  
23 by converting an existing school or attendance center to  
24 charter school status be required to pay rent for space that is  
25 deemed available, as negotiated and provided in the charter  
26 agreement, in school district facilities. However, all other

1 costs for the operation and maintenance of school district  
2 facilities that are used by the charter school shall be  
3 subject to negotiation between the charter school and the  
4 local school board and shall be set forth in the charter.

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

7 (k) If the charter school is authorized by the State  
8 Board, then the charter school is its own local education  
9 agency.

10 (Source: P.A. 102-51, eff. 7-9-21; 102-157, eff. 7-1-22;  
11 102-360, eff. 1-1-22; 102-445, eff. 8-20-21; 102-522, eff.  
12 8-20-21; 102-558, eff. 8-20-21; 102-676, eff. 12-3-21;  
13 102-697, eff. 4-5-22; 102-702, eff. 7-1-23; 102-805, eff.  
14 1-1-23; 102-813, eff. 5-13-22; 103-154, eff. 6-30-23; 103-175,  
15 eff. 6-30-23; 103-472, eff. 8-1-24; revised 8-31-23.)

16 (Text of Section after amendment by P.A. 102-466)

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

18 (a) A charter school shall be a public, nonsectarian,  
19 nonreligious, non-home based, and non-profit school. A charter  
20 school shall be organized and operated as a nonprofit  
21 corporation or other discrete, legal, nonprofit entity  
22 authorized under the laws of the State of Illinois.

23 (b) A charter school may be established under this Article  
24 by creating a new school or by converting an existing public  
25 school or attendance center to charter school status. In all

1 new applications to establish a charter school in a city  
2 having a population exceeding 500,000, operation of the  
3 charter school shall be limited to one campus. This limitation  
4 does not apply to charter schools existing or approved on or  
5 before April 16, 2003.

6 (b-5) (Blank).

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  
10 school shall be subject to the Freedom of Information Act and  
11 the Open Meetings Act. A charter school's board of directors  
12 or other governing body must include at least one parent or  
13 guardian of a pupil currently enrolled in the charter school  
14 who may be selected through the charter school or a charter  
15 network election, appointment by the charter school's board of  
16 directors or other governing body, or by the charter school's  
17 Parent Teacher Organization or its equivalent.

18 (c-5) No later than January 1, 2021 or within the first  
19 year of his or her first term, every voting member of a charter  
20 school's board of directors or other governing body shall  
21 complete a minimum of 4 hours of professional development  
22 leadership training to ensure that each member has sufficient  
23 familiarity with the board's or governing body's role and  
24 responsibilities, including financial oversight and  
25 accountability of the school, evaluating the principal's and  
26 school's performance, adherence to the Freedom of Information

1 Act and the Open Meetings Act, and compliance with education  
2 and labor law. In each subsequent year of his or her term, a  
3 voting member of a charter school's board of directors or  
4 other governing body shall complete a minimum of 2 hours of  
5 professional development training in these same areas. The  
6 training under this subsection may be provided or certified by  
7 a statewide charter school membership association or may be  
8 provided or certified by other qualified providers approved by  
9 the State Board.

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

22 A charter school shall comply with all non-curricular  
23 health and safety requirements applicable to public schools  
24 under the laws of the State of Illinois. The State Board shall  
25 promulgate and post on its Internet website a list of  
26 non-curricular health and safety requirements that a charter

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

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

18 (f) A charter school shall be responsible for the  
19 management and operation of its fiscal affairs, including, but  
20 not limited to, the preparation of its budget. An audit of each  
21 charter school's finances shall be conducted annually by an  
22 outside, independent contractor retained by the charter  
23 school. The contractor shall not be an employee of the charter  
24 school or affiliated with the charter school or its authorizer  
25 in any way, other than to audit the charter school's finances.  
26 To ensure financial accountability for the use of public



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

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

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

22 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and  
23 34-84a of this Code regarding discipline of students;

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

26 (4) Section 108.75 of the General Not For Profit

1 Corporation Act of 1986 regarding indemnification of  
2 officers, directors, employees, and agents;

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

4 (5.5) subsection (b) of Section 10-23.12 and  
5 subsection (b) of Section 34-18.6 of this Code;

6 (6) the Illinois School Student Records Act;

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

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

10 (9) Section 27-23.7 of this Code regarding bullying  
11 prevention;

12 (10) Section 2-3.162 of this Code regarding student  
13 discipline reporting;

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

15 (12) Sections 10-20.60 and 34-18.53 of this Code;

16 (13) Sections 10-20.63 and 34-18.56 of this Code;

17 (14) Sections 22-90 and 26-18 of this Code;

18 (15) Section 22-30 of this Code;

19 (16) Sections 24-12 and 34-85 of this Code;

20 (17) the Seizure Smart School Act;

21 (18) Section 2-3.64a-10 of this Code;

22 (19) Sections 10-20.73 and 34-21.9 of this Code;

23 (20) Section 10-22.25b of this Code;

24 (21) Section 27-9.1a of this Code;

25 (22) Section 27-9.1b of this Code;

26 (23) Section 34-18.8 of this Code;

- 1           (24) Article 26A of this Code;
- 2           (25) Section 2-3.188 of this Code;
- 3           (26) Section 22-85.5 of this Code;
- 4           (27) subsections (d-10), (d-15), and (d-20) of Section
- 5           10-20.56 of this Code;
- 6           (28) Sections 10-20.83 and 34-18.78 of this Code;
- 7           (29) Section 10-20.13 of this Code;
- 8           (30) (blank); ~~Section 28-19.2 of this Code;~~
- 9           (31) Section 34-21.6 of this Code; ~~and~~
- 10          (32) Section 22-85.10 of this Code;
- 11          (33) Section 2-3.196 of this Code;
- 12          (34) Section 22-95 of this Code;
- 13          (35) Section 34-18.62 of this Code; and
- 14          (36) the Illinois Human Rights Act.

15           The change made by Public Act 96-104 to this subsection

16           (g) is declaratory of existing law.

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

18           school district, the governing body of a State college or

19           university or public community college, or any other public or

20           for-profit or nonprofit private entity for: (i) the use of a

21           school building and grounds or any other real property or

22           facilities that the charter school desires to use or convert

23           for use as a charter school site, (ii) the operation and

24           maintenance thereof, and (iii) the provision of any service,

25           activity, or undertaking that the charter school is required

26           to perform in order to carry out the terms of its charter.

1 Except as provided in subsection (i) of this Section, a school  
2 district may charge a charter school reasonable rent for the  
3 use of the district's buildings, grounds, and facilities. Any  
4 services for which a charter school contracts with a school  
5 district shall be provided by the district at cost. Any  
6 services for which a charter school contracts with a local  
7 school board or with the governing body of a State college or  
8 university or public community college shall be provided by  
9 the public entity at cost.

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

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

21 (k) If the charter school is authorized by the State  
22 Board, then the charter school is its own local education  
23 agency.

24 (Source: P.A. 102-51, eff. 7-9-21; 102-157, eff. 7-1-22;  
25 102-360, eff. 1-1-22; 102-445, eff. 8-20-21; 102-466, eff.  
26 7-1-25; 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676,

1 eff. 12-3-21; 102-697, eff. 4-5-22; 102-702, eff. 7-1-23;  
2 102-805, eff. 1-1-23; 102-813, eff. 5-13-22; 103-154, eff.  
3 6-30-23; 103-175, eff. 6-30-23; 103-472, eff. 8-1-24; revised  
4 8-31-23.)

5 (105 ILCS 5/34-21.6) (from Ch. 122, par. 34-21.6)  
6 Sec. 34-21.6. Waiver of fees and fines.

7 (a) The board shall waive all fees and any fines for the  
8 loss of school property assessed by the district on children  
9 whose parents are unable to afford them, including but not  
10 limited to:

11 (1) children living in households that meet the free  
12 lunch or breakfast eligibility guidelines established by  
13 the federal government pursuant to Section 1758 of the  
14 federal Richard B. Russell National School Lunch Act (42  
15 U.S.C. 1758; 7 CFR 245 et seq.) and students whose parents  
16 are veterans or active duty military personnel with income  
17 at or below 200% of the federal poverty level, subject to  
18 verification as set forth in subsection (b) of this  
19 Section; and

20 (2) homeless children and youths as defined in Section  
21 11434a of the federal McKinney-Vento Homeless Assistance  
22 Act (42 U.S.C. 11434a).

23 Notice of waiver availability shall be given to parents or  
24 guardians with every bill for fees or fines. The board shall  
25 develop written policies and procedures implementing this

1 Section in accordance with regulations promulgated by the  
2 State Board of Education.

3 (b) If the board participates in a federally funded,  
4 school-based child nutrition program and uses a student's  
5 application for, eligibility for, or participation in the  
6 federally funded, school-based child nutrition program (42  
7 U.S.C. 1758; 7 245 et seq.) as the basis for waiving fees  
8 assessed by the district, then the board must follow the  
9 verification requirements of the federally funded,  
10 school-based child nutrition program (42 U.S.C. 1758; 7 CFR  
11 245.6a).

12 If the board establishes a process for the determination  
13 of eligibility for waiver of all fees assessed by the district  
14 that is completely independent of the criteria listed in  
15 subsection (b), the board may provide for waiver verification  
16 no more often than once every academic year. Information  
17 obtained during the independent waiver verification process  
18 indicating that the student does not meet free lunch or  
19 breakfast eligibility guidelines may be used to deny the  
20 waiver of the student's fees or fines for the loss of school  
21 property, provided that any information obtained through this  
22 independent process for determining or verifying eligibility  
23 for fee waivers shall not be used to determine or verify  
24 eligibility for any federally funded, school-based child  
25 nutrition program.

26 This subsection shall not preclude children from obtaining

1       waivers at any point during the academic year.

2       (c) The board may not discriminate against, punish, or  
3 penalize a student in any way because the student's parents or  
4 guardians are unable to pay any required fees or fines for the  
5 loss of school property. This prohibition includes, but is not  
6 limited to, the lowering of grades, exclusion from any  
7 curricular or extracurricular program of the school district,  
8 or the withholding of student records, grades, transcripts, or  
9 diplomas. Any person who violates this subsection (c) commits  
10 a petty offense.

11       (d) At the end of each school year, the school district  
12 shall catalog and report to the State Board of Education the  
13 total amount of fees and fines that remain unpaid by  
14 graduating seniors or by high school students who left the  
15 school district during the school year.

16       (e) On or after 3 years from the effective date of this  
17 amendatory Act of the 103rd General Assembly, subsection (d)  
18 is inoperative.

19       (Source: P.A. 102-805, eff. 1-1-23; 102-1032, eff. 5-27-22;  
20 103-154, eff. 6-30-23.)

21       (105 ILCS 5/28-19.2 rep.)

22       Section 10. The School Code is amended by repealing  
23 Section 28-19.2.

24       Section 95. No acceleration or delay. Where this Act makes

1 changes in a statute that is represented in this Act by text  
2 that is not yet or no longer in effect (for example, a Section  
3 represented by multiple versions), the use of that text does  
4 not accelerate or delay the taking effect of (i) the changes  
5 made by this Act or (ii) provisions derived from any other  
6 Public Act.

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.".