



Elementary Secondary Education Committee

Filed: 3/14/2007

09500HB0232ham003

LRB095 04634 NHT 33435 a

1 AMENDMENT TO HOUSE BILL 232

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 232 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by adding Sections  
5 2-3.142, 10-20.40, and 34-18.34 and by changing Section 27A-5  
6 as follows:

7 (105 ILCS 5/2-3.142 new)

8 Sec. 2-3.142. Virtual schools prohibited; Virtual  
9 Education Advisory Committee.

10 (a) The State Board of Education may not establish any  
11 virtual schools for elementary or secondary students in this  
12 State on or after the effective date of this amendatory Act of  
13 the 95th General Assembly.

14 (b) There is created the Virtual Education Advisory  
15 Committee to monitor curriculum and assess test results with  
16 respect to virtual schools during the 2008-2009 and 2009-1010

1 school years. The Committee shall consist of all of the  
2 following members, to be appointed by the Governor:

3 (1) Two members from the higher education community.

4 (2) Two members from a professional teachers'  
5 organization.

6 (3) Two members for the State Board of Education.

7 (4) One member from the higher education community who  
8 specializes in technology.

9 (5) One member from the Illinois Virtual High School  
10 program.

11 The Committee shall meet at the call of the Governor at  
12 least twice a year. The Committee shall report its findings to  
13 the Governor and the State Board of Education on or before  
14 December 31, 2010. Upon filing its report, the Committee is  
15 dissolved.

16 (105 ILCS 5/10-20.40 new)

17 Sec. 10-20.40. Virtual schools prohibited. A school board  
18 may not establish any virtual schools for elementary or  
19 secondary students in this State on or after the effective date  
20 of this amendatory Act of the 95th General Assembly.

21 (105 ILCS 5/27A-5)

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

23 (a) A charter school shall be a public, nonsectarian,  
24 nonreligious, non-home based, and non-profit school. A charter

1 school shall be organized and operated as a nonprofit  
2 corporation or other discrete, legal, nonprofit entity  
3 authorized under the laws of the State of Illinois.

4 (b) A charter school may be established under this Article  
5 by creating a new school or by converting an existing public  
6 school or attendance center to charter school status. Beginning  
7 on the effective date of this amendatory Act of the 93rd  
8 General Assembly, in all new applications submitted to the  
9 State Board or a local school board to establish a charter  
10 school in a city having a population exceeding 500,000,  
11 operation of the charter school shall be limited to one campus.  
12 The changes made to this Section by this amendatory Act of the  
13 93rd General Assembly do not apply to charter schools existing  
14 or approved on or before the effective date of this amendatory  
15 Act.

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

1 instructional materials, and student activities.

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

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

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

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

19 (3) The Local Governmental and Governmental Employees  
20 Tort Immunity Act;

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

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

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

26 (7) Section 10-17a of the School Code regarding school

1 report cards.

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

1 shall be provided by the public entity at cost.

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

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

13 (k) A charter school may not establish any virtual schools  
14 for elementary or secondary students in this State on or after  
15 the effective date of this amendatory Act of the 95th General  
16 Assembly, unless there are extenuating circumstances, such as  
17 for students with autism.

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

20 (105 ILCS 5/34-18.34 new)

21 Sec. 34-18.34. Virtual schools prohibited. The board may  
22 not establish any virtual schools for elementary or secondary  
23 students in this State on or after the effective date of this  
24 amendatory Act of the 95th General Assembly."