

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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

6 (105 ILCS 5/27A-5)

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

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

13 (b) A charter school may be established under this Article
14 by creating a new school or by converting an existing public
15 school or attendance center to charter school status. Beginning
16 on the effective date of this amendatory Act of the 93rd
17 General Assembly, in all new applications submitted to the
18 State Board or a local school board to establish a charter
19 school in a city having a population exceeding 500,000,
20 operation of the charter school shall be limited to one campus.
21 The changes made to this Section by this amendatory Act of the
22 93rd General Assembly do not apply to charter schools existing
23 or approved on or before the effective date of this amendatory

1 Act.

2 (b-5) In this subsection (b-5), "virtual-schooling" means
3 a cyber school where students engage in online curriculum and
4 instruction via the Internet and electronic communication with
5 their teachers at remote locations and with students
6 participating at different times. ~~the teaching of courses~~
7 ~~through online methods with online instructors, rather than the~~
8 ~~instructor and student being at the same physical location.~~
9 ~~"Virtual schooling" includes without limitation instruction~~
10 ~~provided by full time, online virtual schools.~~

11 From April 1, 2013 through December 31, 2016 ~~April 1, 2014,~~
12 there is a moratorium on the establishment of charter schools
13 with virtual-schooling components in school districts other
14 than a school district organized under Article 34 of this Code.
15 This moratorium does not apply to a charter school with
16 virtual-schooling components existing or approved prior to
17 April 1, 2013 or to the renewal of the charter of a charter
18 school with virtual-schooling components already approved
19 prior to April 1, 2013.

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

26 (c) A charter school shall be administered and governed by

1 its board of directors or other governing body in the manner
2 provided in its charter. The governing body of a charter school
3 shall be subject to the Freedom of Information Act and the Open
4 Meetings Act.

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

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

12 (f) A charter school shall be responsible for the
13 management and operation of its fiscal affairs including, but
14 not limited to, the preparation of its budget. An audit of each
15 charter school's finances shall be conducted annually by an
16 outside, independent contractor retained by the charter
17 school. Annually, by December 1, every charter school must
18 submit to the State Board a copy of its audit and a copy of the
19 Form 990 the charter school filed that year with the federal
20 Internal Revenue Service.

21 (g) A charter school shall comply with all provisions of
22 this Article, the Illinois Educational Labor Relations Act, and
23 its charter. A charter school is exempt from all other State
24 laws and regulations in the School Code governing public
25 schools and local school board policies, except the following:

26 (1) Sections 10-21.9 and 34-18.5 of the School Code

1 regarding criminal history records checks and checks of the
2 Statewide Sex Offender Database and Statewide Murderer and
3 Violent Offender Against Youth Database of applicants for
4 employment;

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

7 (3) The Local Governmental and Governmental Employees
8 Tort Immunity Act;

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

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

13 (6) The Illinois School Student Records Act;

14 (7) Section 10-17a of the School Code regarding school
15 report cards; and

16 (8) The P-20 Longitudinal Education Data System Act.

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 the
4 effective date of this amendatory Act of the 93rd General
5 Assembly and that operates in a city having a population
6 exceeding 500,000 may not contract with a for-profit entity to
7 manage or operate the school during the period that commences
8 on the effective date of this amendatory Act of the 93rd
9 General Assembly and concludes at the end of the 2004-2005
10 school year. Except as provided in subsection (i) of this
11 Section, a school district may charge a charter school
12 reasonable rent for the use of the district's buildings,
13 grounds, and facilities. Any services for which a charter
14 school contracts with a school district shall be provided by
15 the district at cost. Any services for which a charter school
16 contracts with a local school board or with the governing body
17 of a State college or university or public community college
18 shall be provided by the public entity at cost.

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

1 board and shall be set forth in the charter.

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

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

7 (Source: P.A. 97-152, eff. 7-20-11; 97-154, eff. 1-1-12;
8 97-813, eff. 7-13-12; 98-16, eff. 5-24-13.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.