



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB3567

by Rep. Will Guzzardi

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/27A-4

Amends the Charter Schools Law of the School Code. Provides that no charter shall be granted that would locate a charter school or charter school campus in a zip code in which a public school was closed within 10 school years prior to the effective date of the amendatory Act or that would locate a charter school or charter school campus in a zip code that is contiguous to a zip code in which a public school was closed within 10 school years prior to the effective date of the amendatory Act. Provides that no charter shall be granted unless the General Assembly has appropriated transition impact aid for the school district where the charter school is to be located. Provides that, for charter schools established on or after the effective date of the amendatory Act, the board of education in a city having a population exceeding 500,000 shall designate attendance boundaries for those charter schools. Effective immediately.

LRB100 08575 MLM 18701 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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-4 as follows:

6 (105 ILCS 5/27A-4)

7 Sec. 27A-4. General provisions.

8 (a) The General Assembly does not intend to alter or amend  
9 the provisions of any court-ordered desegregation plan in  
10 effect for any school district. A charter school shall be  
11 subject to all federal and State laws and constitutional  
12 provisions prohibiting discrimination on the basis of  
13 disability, race, creed, color, gender, national origin,  
14 religion, ancestry, marital status, or need for special  
15 education services.

16 (b) The total number of charter schools operating under  
17 this Article at any one time shall not exceed 120. Not more  
18 than 70 charter schools shall operate at any one time in any  
19 city having a population exceeding 500,000, with at least 5  
20 charter schools devoted exclusively to students from  
21 low-performing or overcrowded schools operating at any one time  
22 in that city; and not more than 45 charter schools shall  
23 operate at any one time in the remainder of the State, with not

1 more than one charter school that has been initiated by a board  
2 of education, or by an intergovernmental agreement between or  
3 among boards of education, operating at any one time in the  
4 school district where the charter school is located. In  
5 addition to these charter schools, up to but no more than 5  
6 charter schools devoted exclusively to re-enrolled high school  
7 dropouts and/or students 16 or 15 years old at risk of dropping  
8 out may operate at any one time in any city having a population  
9 exceeding 500,000. Notwithstanding any provision to the  
10 contrary in subsection (b) of Section 27A-5 of this Code, each  
11 such dropout charter may operate up to 15 campuses within the  
12 city. Any of these dropout charters may have a maximum of 1,875  
13 enrollment seats, any one of the campuses of the dropout  
14 charter may have a maximum of 165 enrollment seats, and each  
15 campus of the dropout charter must be operated, through a  
16 contract or payroll, by the same legal entity as that for which  
17 the charter is approved and certified.

18 For purposes of implementing this Section, the State Board  
19 shall assign a number to each charter submission it receives  
20 under Section 27A-6 for its review and certification, based on  
21 the chronological order in which the submission is received by  
22 it. The State Board shall promptly notify local school boards  
23 when the maximum numbers of certified charter schools  
24 authorized to operate have been reached.

25 (c) No charter shall be granted under this Article that  
26 would convert any existing private, parochial, or non-public

1 school to a charter school.

2 No charter shall be granted under this Article that would  
3 locate a charter school or charter school campus in a zip code  
4 in which a public school was closed within 10 school years  
5 prior to the effective date of this amendatory Act of the 100th  
6 General Assembly or that would locate a charter school or  
7 charter school campus in a zip code that is contiguous to a zip  
8 code in which a public school was closed within 10 school years  
9 prior to the effective date of this amendatory Act of the 100th  
10 General Assembly.

11 No charter shall be granted under this Article unless the  
12 General Assembly has appropriated transition impact aid under  
13 Section 27A-11.5 of this Code for the school district where the  
14 charter school is to be located.

15 (d) Enrollment in a charter school shall be open to any  
16 pupil who resides within the geographic boundaries of the area  
17 served by the local school board, provided that (i) for charter  
18 schools established before the effective date of this  
19 amendatory Act of the 100th General Assembly, the board of  
20 education in a city having a population exceeding 500,000 may  
21 designate attendance boundaries for no more than one-third of  
22 the charter schools permitted in the city if the board of  
23 education determines that attendance boundaries are needed to  
24 relieve overcrowding or to better serve low-income and at-risk  
25 students and (ii) for charter schools established on or after  
26 the effective date of this amendatory Act of the 100th General

1 Assembly, the board of education in a city having a population  
2 exceeding 500,000 shall designate attendance boundaries for  
3 those charter schools. Students residing within an attendance  
4 boundary may be given priority for enrollment, but must not be  
5 required to attend the charter school.

6 (e) Nothing in this Article shall prevent 2 or more local  
7 school boards from jointly issuing a charter to a single shared  
8 charter school, provided that all of the provisions of this  
9 Article are met as to those local school boards.

10 (f) No local school board shall require any employee of the  
11 school district to be employed in a charter school.

12 (g) No local school board shall require any pupil residing  
13 within the geographic boundary of its district to enroll in a  
14 charter school.

15 (h) If there are more eligible applicants for enrollment in  
16 a charter school than there are spaces available, successful  
17 applicants shall be selected by lottery. However, priority  
18 shall be given to siblings of pupils enrolled in the charter  
19 school and to pupils who were enrolled in the charter school  
20 the previous school year, unless expelled for cause, and  
21 priority may be given to pupils residing within the charter  
22 school's attendance boundary, if a boundary has been designated  
23 by the board of education in a city having a population  
24 exceeding 500,000.

25 Beginning with student enrollment for the 2015-2016 school  
26 year, any lottery required under this subsection (h) must be

1 administered and videotaped by the charter school. The  
2 authorizer or its designee must be allowed to be present or  
3 view the lottery in real time. The charter school must maintain  
4 a videotaped record of the lottery, including a time/date  
5 stamp. The charter school shall transmit copies of the  
6 videotape and all records relating to the lottery to the  
7 authorizer on or before September 1 of each year.

8 Subject to the requirements for priority applicant groups  
9 set forth in paragraph (1) of this subsection (h), any lottery  
10 required under this subsection (h) must be administered in a  
11 way that provides each student an equal chance at admission. If  
12 an authorizer makes a determination that a charter school's  
13 lottery is in violation of this subsection (h), it may  
14 administer the lottery directly. After a lottery, each student  
15 randomly selected for admission to the charter school must be  
16 notified. Charter schools may not create an admissions process  
17 subsequent to a lottery that may operate as a barrier to  
18 registration or enrollment.

19 Charter schools may undertake additional intake  
20 activities, including without limitation student essays,  
21 school-parent compacts, or open houses, but in no event may a  
22 charter school require participation in these activities as a  
23 condition of enrollment. A charter school must submit an  
24 updated waitlist to the authorizer on a quarterly basis. A  
25 waitlist must be submitted to the authorizer at the same time  
26 as quarterly financial statements, if quarterly financial

1 statements are required by the authorizer.

2 Dual enrollment at both a charter school and a public  
3 school or non-public school shall not be allowed. A pupil who  
4 is suspended or expelled from a charter school shall be deemed  
5 to be suspended or expelled from the public schools of the  
6 school district in which the pupil resides. Notwithstanding  
7 anything to the contrary in this subsection (h):

8 (1) any charter school with a mission exclusive to  
9 educating high school dropouts may grant priority  
10 admission to students who are high school dropouts and/or  
11 students 16 or 15 years old at risk of dropping out and any  
12 charter school with a mission exclusive to educating  
13 students from low-performing or overcrowded schools may  
14 restrict admission to students who are from low-performing  
15 or overcrowded schools; "priority admission" for charter  
16 schools exclusively devoted to re-enrolled dropouts or  
17 students at risk of dropping out means a minimum of 90% of  
18 students enrolled shall be high school dropouts; and

19 (2) any charter school located in a school district  
20 that contains all or part of a federal military base may  
21 set aside up to 33% of its current charter enrollment to  
22 students with parents assigned to the federal military  
23 base, with the remaining 67% subject to the general  
24 enrollment and lottery requirements of subsection (d) of  
25 this Section and this subsection (h); if a student with a  
26 parent assigned to the federal military base withdraws from

1 the charter school during the course of a school year for  
2 reasons other than grade promotion, those students with  
3 parents assigned to the federal military base shall have  
4 preference in filling the vacancy.

5 (i) (Blank).

6 (j) Notwithstanding any other provision of law to the  
7 contrary, a school district in a city having a population  
8 exceeding 500,000 shall not have a duty to collectively bargain  
9 with an exclusive representative of its employees over  
10 decisions to grant or deny a charter school proposal under  
11 Section 27A-8 of this Code, decisions to renew or revoke a  
12 charter under Section 27A-9 of this Code, and the impact of  
13 these decisions, provided that nothing in this Section shall  
14 have the effect of negating, abrogating, replacing, reducing,  
15 diminishing, or limiting in any way employee rights,  
16 guarantees, or privileges granted in Sections 2, 3, 7, 8, 10,  
17 14, and 15 of the Illinois Educational Labor Relations Act.

18 (k) In this Section:

19 "Low-performing school" means a public school in a school  
20 district organized under Article 34 of this Code that enrolls  
21 students in any of grades kindergarten through 8 and that is  
22 ranked within the lowest 10% of schools in that district in  
23 terms of the percentage of students meeting or exceeding  
24 standards on the assessments required under Section 2-3.64a-5  
25 of this Code.

26 "Overcrowded school" means a public school in a school



1 district organized under Article 34 of this Code that (i)  
2 enrolls students in any of grades kindergarten through 8, (ii)  
3 has a percentage of low-income students of 70% or more, as  
4 identified in the most recently available School Report Card  
5 published by the State Board of Education, and (iii) is  
6 determined by the Chicago Board of Education to be in the most  
7 severely overcrowded 5% of schools in the district. On or  
8 before November 1 of each year, the Chicago Board of Education  
9 shall file a report with the State Board of Education on which  
10 schools in the district meet the definition of "overcrowded  
11 school". "Students at risk of dropping out" means students 16  
12 or 15 years old in a public school in a district organized  
13 under Article 34 of this Code that enrolls students in any  
14 grades 9-12 who have been absent at least 90 school attendance  
15 days of the previous 180 school attendance days.

16 (1) For advertisements created after January 1, 2015 (the  
17 effective date of Public Act 98-783), any advertisement,  
18 including a radio, television, print, Internet, social media,  
19 or billboard advertisement, purchased by a school district or  
20 public school, including a charter school, with public funds  
21 must include a disclaimer stating that the advertisement was  
22 paid for using public funds.

23 This disclaimer requirement does not extend to materials  
24 created by the charter school, including, but not limited to, a  
25 school website, informational pamphlets or leaflets, or  
26 clothing with affixed school logos.

1 (Source: P.A. 98-474, eff. 8-16-13; 98-783, eff. 1-1-15;  
2 98-972, eff. 8-15-14; 99-78, eff. 7-20-15.)

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.