



Rep. Jerry L. Mitchell

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LRB095 06886 NHT 35234 a

1 AMENDMENT TO HOUSE BILL 3361

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3361 by replacing  
3 everything after the enacting clause with the following:

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

1 this Article at any one time shall not exceed 60. Not more than  
2 30 charter schools shall operate at any one time in any city  
3 having a population exceeding 500,000; not more than 15 charter  
4 schools shall operate at any one time in the counties of  
5 DuPage, Kane, Lake, McHenry, Will, and that portion of Cook  
6 County that is located outside a city having a population  
7 exceeding 500,000, with not more than one charter school that  
8 has been initiated by a board of education, or by an  
9 intergovernmental agreement between or among boards of  
10 education, operating at any one time in the school district  
11 where the charter school is located; and not more than 15  
12 charter schools shall operate at any one time in the remainder  
13 of the State, with not more than one charter school that has  
14 been initiated by a board of education, or by an  
15 intergovernmental agreement between or among boards of  
16 education, operating at any one time in the school district  
17 where the charter school is located. The following provisions  
18 apply notwithstanding the other provisions of this subsection

19 (b):

20 (1) If 14 charter schools are operating at any one time  
21 in the counties of DuPage, Kane, Lake, McHenry, Will, and  
22 that portion of Cook County that is located outside a city  
23 having a population exceeding 500,000, then one additional  
24 charter school, which must be exclusively for truants or  
25 dropouts, may operate in a city having a population  
26 exceeding 500,000, and the limit on the number of charter

1 schools that may operate at any one time in the counties of  
2 DuPage, Kane, Lake, McHenry, Will, and that portion of Cook  
3 County that is located outside a city having a population  
4 exceeding 500,000 shall be reduced to 14 if an additional  
5 charter school is established in a city having a population  
6 exceeding 500,000 under the authority of this paragraph  
7 (1).

8 (2) If 13 charter schools are operating at any one time  
9 in the counties of DuPage, Kane, Lake, McHenry, Will, and  
10 that portion of Cook County that is located outside a city  
11 having a population exceeding 500,000, then 2 additional  
12 charter schools, which must be exclusively for truants or  
13 dropouts, may operate in a city having a population  
14 exceeding 500,000, and the limit on the number of charter  
15 schools that may operate at any one time in the counties of  
16 DuPage, Kane, Lake, McHenry, Will, and that portion of Cook  
17 County that is located outside a city having a population  
18 exceeding 500,000 shall be reduced by the number of  
19 additional charter schools established in a city having a  
20 population exceeding 500,000 under the authority of this  
21 paragraph (2).

22 (3) If 12 or fewer charter schools are operating at any  
23 one time in the counties of DuPage, Kane, Lake, McHenry,  
24 Will, and that portion of Cook County that is located  
25 outside a city having a population exceeding 500,000, then  
26 3 additional charter schools, which must be exclusively for

1 truants or dropouts, may operate in a city having a  
2 population exceeding 500,000, and the limit on the number  
3 of charter schools that may operate at any one time in the  
4 counties of DuPage, Kane, Lake, McHenry, Will, and that  
5 portion of Cook County that is located outside a city  
6 having a population exceeding 500,000 shall be reduced by  
7 the number of additional charter schools established in a  
8 city having a population exceeding 500,000 under the  
9 authority of this paragraph (3).

10 (4) If 14 charter schools are operating at any one time  
11 in that part of the State outside of the counties of  
12 DuPage, Kane, Lake, McHenry, Will, and Cook County, then  
13 one additional charter school, which must be exclusively  
14 for truants or dropouts, may operate in a city having a  
15 population exceeding 500,000, and the limit on the number  
16 of charter schools that may operate at any one time in that  
17 part of the State outside of the counties of DuPage, Kane,  
18 Lake, McHenry, Will, and Cook County shall be reduced to 14  
19 if an additional charter school is established in a city  
20 having a population exceeding 500,000 under the authority  
21 of this paragraph (4).

22 (5) If 13 or fewer charter schools are operating at any  
23 one time in that part of the State outside of the counties  
24 of DuPage, Kane, Lake, McHenry, Will, and Cook County, then  
25 2 additional charter schools, which must be exclusively for  
26 truants or dropouts, may operate in a city having a

1       population exceeding 500,000, and the limit on the number  
2       of charter schools that may operate at any one time in that  
3       part of the State outside of the counties of DuPage, Kane,  
4       Lake, McHenry, Will, and Cook County shall be reduced by  
5       the number of additional charter schools established in a  
6       city having a population exceeding 500,000 under the  
7       authority of this paragraph (5).

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

15      (c) No charter shall be granted under this Article that  
16      would convert any existing private, parochial, or non-public  
17      school to a charter school.

18      (d) Enrollment in a charter school shall be open to any  
19      pupil who resides within the geographic boundaries of the area  
20      served by the local school board, provided that the board of  
21      education in a city having a population exceeding 500,000 may  
22      designate attendance boundaries for no more than one-third of  
23      the charter schools permitted in the city if the board of  
24      education determines that attendance boundaries are needed to  
25      relieve overcrowding or to better serve low-income and at-risk  
26      students. Students residing within an attendance boundary may

1 be given priority for enrollment, but must not be required to  
2 attend the charter school.

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

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

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

12 (h) If there are more eligible applicants for enrollment in  
13 a charter school than there are spaces available, successful  
14 applicants shall be selected by lottery. However, priority  
15 shall be given to siblings of pupils enrolled in the charter  
16 school and to pupils who were enrolled in the charter school  
17 the previous school year, unless expelled for cause, and  
18 priority may be given to pupils residing within the charter  
19 school's attendance boundary, if a boundary has been designated  
20 by the board of education in a city having a population  
21 exceeding 500,000. Dual enrollment at both a charter school and  
22 a public school or non-public school shall not be allowed. A  
23 pupil who is suspended or expelled from a charter school shall  
24 be deemed to be suspended or expelled from the public schools  
25 of the school district in which the pupil resides.

26 (i) (Blank).

1           (j) Notwithstanding any other provision of law to the  
2 contrary, a school district in a city having a population  
3 exceeding 500,000 shall not have a duty to collectively bargain  
4 with an exclusive representative of its employees over  
5 decisions to grant or deny a charter school proposal under  
6 Section 27A-8 of this Code, decisions to renew or revoke a  
7 charter under Section 27A-9 of this Code, and the impact of  
8 these decisions, provided that nothing in this Section shall  
9 have the effect of negating, abrogating, replacing, reducing,  
10 diminishing, or limiting in any way employee rights,  
11 guarantees, or privileges granted in Sections 2, 3, 7, 8, 10,  
12 14, and 15 of the Illinois Educational Labor Relations Act.  
13 (Source: P.A. 92-16, eff. 6-28-01; 93-3, eff. 4-16-03; 93-861,  
14 eff. 1-1-05.)".