

**SB0367**



**95TH GENERAL ASSEMBLY**

**State of Illinois**

**2007 and 2008**

**SB0367**

Introduced 2/7/2007, by Sen. Kwame Raoul

**SYNOPSIS AS INTRODUCED:**

105 ILCS 5/27A-4

Amends the School Code. Makes a technical change in a Section concerning charter schools.

LRB095 10787 NHT 31030 b

**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 ~~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 60. Not more than  
18 30 charter schools shall operate at any one time in any city  
19 having a population exceeding 500,000; not more than 15 charter  
20 schools shall operate at any one time in the counties of  
21 DuPage, Kane, Lake, McHenry, Will, and that portion of Cook  
22 County that is located outside a city having a population  
23 exceeding 500,000, with not more than one charter school that

1 has been initiated by a board of education, or by an  
2 intergovernmental agreement between or among boards of  
3 education, operating at any one time in the school district  
4 where the charter school is located; and not more than 15  
5 charter schools shall operate at any one time in the remainder  
6 of the State, with not more than one charter school that has  
7 been initiated by a board of education, or by an  
8 intergovernmental agreement between or among boards of  
9 education, operating at any one time in the school district  
10 where the charter school is located.

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

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

21 (d) Enrollment in a charter school shall be open to any  
22 pupil who resides within the geographic boundaries of the area  
23 served by the local school board, provided that the board of  
24 education in a city having a population exceeding 500,000 may  
25 designate attendance boundaries for no more than one-third of  
26 the charter schools permitted in the city if the board of

1 education determines that attendance boundaries are needed to  
2 relieve overcrowding or to better serve low-income and at-risk  
3 students. Students residing within an attendance boundary may  
4 be given priority for enrollment, but must not be required to  
5 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. Dual enrollment at both a charter school and  
25 a public school or non-public school shall not be allowed. A  
26 pupil who is suspended or expelled from a charter school shall

1 be deemed to be suspended or expelled from the public schools  
2 of the school district in which the pupil resides.

3 (i) (Blank).

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

16 (Source: P.A. 92-16, eff. 6-28-01; 93-3, eff. 4-16-03; 93-861,  
17 eff. 1-1-05.)