

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 Sections  
5 27A-4 and 27A-5 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 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. The following provisions  
11 apply notwithstanding the other provisions of this subsection

12 (b) :

13 (1) If 14 charter schools are operating at any one time  
14 in the counties of DuPage, Kane, Lake, McHenry, Will, and  
15 that portion of Cook County that is located outside a city  
16 having a population exceeding 500,000, then one additional  
17 charter school, which must be exclusively for truants or  
18 dropouts and may contain up to 25 campuses, may operate in  
19 a city having a population exceeding 500,000, and the limit  
20 on the number of charter schools that may operate at any  
21 one time in the counties of DuPage, Kane, Lake, McHenry,  
22 Will, and that portion of Cook County that is located  
23 outside a city having a population exceeding 500,000 shall  
24 be reduced to 14 if an additional charter school is  
25 established in a city having a population exceeding 500,000  
26 under the authority of this paragraph (1).

1           (2) If 13 charter schools are operating at any one time  
2           in the counties of DuPage, Kane, Lake, McHenry, Will, and  
3           that portion of Cook County that is located outside a city  
4           having a population exceeding 500,000, then 2 additional  
5           charter schools, which must be exclusively for truants or  
6           dropouts and may each contain up to 25 campuses, may  
7           operate in a city having a population exceeding 500,000,  
8           and the limit on the number of charter schools that may  
9           operate at any one time in the counties of DuPage, Kane,  
10           Lake, McHenry, Will, and that portion of Cook County that  
11           is located outside a city having a population exceeding  
12           500,000 shall be reduced by the number of additional  
13           charter schools established in a city having a population  
14           exceeding 500,000 under the authority of this paragraph  
15           (2).

16           (3) If 12 or fewer charter schools are operating at any  
17           one time in the counties of DuPage, Kane, Lake, McHenry,  
18           Will, and that portion of Cook County that is located  
19           outside a city having a population exceeding 500,000, then  
20           3 additional charter schools, which must be exclusively for  
21           truants or dropouts and may each contain up to 25 campuses,  
22           may operate in a city having a population exceeding  
23           500,000, and the limit on the number of charter schools  
24           that may operate at any one time in the counties of DuPage,  
25           Kane, Lake, McHenry, Will, and that portion of Cook County  
26           that is located outside a city having a population

1 exceeding 500,000 shall be reduced by the number of  
2 additional charter schools established in a city having a  
3 population exceeding 500,000 under the authority of this  
4 paragraph (3).

5 (4) If 14 charter schools are operating at any one time  
6 in that part of the State outside of the counties of  
7 DuPage, Kane, Lake, McHenry, Will, and Cook County, then  
8 one additional charter school, which must be exclusively  
9 for truants or dropouts and may contain up to 25 campuses,  
10 may operate in a city having a population exceeding  
11 500,000, and the limit on the number of charter schools  
12 that may operate at any one time in that part of the State  
13 outside of the counties of DuPage, Kane, Lake, McHenry,  
14 Will, and Cook County shall be reduced to 14 if an  
15 additional charter school is established in a city having a  
16 population exceeding 500,000 under the authority of this  
17 paragraph (4).

18 (5) If 13 or fewer charter schools are operating at any  
19 one time in that part of the State outside of the counties  
20 of DuPage, Kane, Lake, McHenry, Will, and Cook County, then  
21 2 additional charter schools, which must be exclusively for  
22 truants or dropouts and may each contain up to 25 campuses,  
23 may operate in a city having a population exceeding  
24 500,000, and the limit on the number of charter schools  
25 that may operate at any one time in that part of the State  
26 outside of the counties of DuPage, Kane, Lake, McHenry,

1 Will, and Cook County shall be reduced by the number of  
2 additional charter schools established in a city having a  
3 population exceeding 500,000 under the authority of this  
4 paragraph (5).

5 If a charter school established under the authority of  
6 paragraph (1), (2), (3), (4), or (5) of this subsection (b) is  
7 not used exclusively for truants or dropouts, then the State  
8 Board shall withhold and the charter school shall forfeit all  
9 State funding designated for that school.

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

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

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

1 relieve overcrowding or to better serve low-income and at-risk  
2 students. Students residing within an attendance boundary may  
3 be given priority for enrollment, but must not be required to  
4 attend the charter school.

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

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

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

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

1 of the school district in which the pupil resides.

2 (i) (Blank).

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

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

17 (105 ILCS 5/27A-5)

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

19 (a) A charter school shall be a public, nonsectarian,  
20 nonreligious, non-home based, and non-profit school. A charter  
21 school shall be organized and operated as a nonprofit  
22 corporation or other discrete, legal, nonprofit entity  
23 authorized under the laws of the State of Illinois.

24 (b) A charter school may be established under this Article  
25 by creating a new school or by converting an existing public

1 school or attendance center to charter school status. Beginning  
2 on the effective date of this amendatory Act of the 93rd  
3 General Assembly, except as otherwise permitted under  
4 paragraphs (1), (2), (3), (4), and (5) of subsection (b) of  
5 Section 27A-4 of this Code, in all new applications submitted  
6 to the State Board or a local school board to establish a  
7 charter school in a city having a population exceeding 500,000,  
8 operation of the charter school shall be limited to one campus.  
9 The changes made to this Section by this amendatory Act of the  
10 93rd General Assembly do not apply to charter schools existing  
11 or approved on or before the effective date of this amendatory  
12 Act.

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

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

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

25 (f) A charter school shall be responsible for the  
26 management and operation of its fiscal affairs including, but

1 not limited to, the preparation of its budget. An audit of each  
2 charter school's finances shall be conducted annually by an  
3 outside, independent contractor retained by the charter  
4 school.

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

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

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

16 (3) The Local Governmental and Governmental Employees  
17 Tort Immunity Act;

18 (4) Section 108.75 of the General Not For Profit  
19 Corporation Act of 1986 regarding indemnification of  
20 officers, directors, employees, and agents;

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

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

23 (7) Section 10-17a of the School Code regarding school  
24 report cards.

25 (h) A charter school may negotiate and contract with a  
26 school district, the governing body of a State college or

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

25 (i) In no event shall a charter school that is established  
26 by converting an existing school or attendance center to

1 charter school status be required to pay rent for space that is  
2 deemed available, as negotiated and provided in the charter  
3 agreement, in school district facilities. However, all other  
4 costs for the operation and maintenance of school district  
5 facilities that are used by the charter school shall be subject  
6 to negotiation between the charter school and the local school  
7 board and shall be set forth in the charter.

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

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