



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2402

Introduced 2/14/2008, by Sen. Iris Y. Martinez

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27A-4
105 ILCS 5/27A-5
105 ILCS 5/27A-8

Amends the Charter Schools Law of the School Code. Provides that the total number of charter schools operating at any one time shall not exceed 200 (instead of 60). Removes the geographical and other limits on the number of charter schools that may operating at any one time. Makes changes concerning attendance boundaries in the City of Chicago. Provides that a charter school entity that can demonstrate to the authorizer that it has a proven track record of performance may be granted a renewal charter that authorizes the operator to open a new campus in accordance with its proposal to establish a charter school. Provides that nothing in certain provisions of the Law is intended to limit an entity from submitting an application to operate an additional charter school pursuant to a new or modified educational model. In the case of a proposal to establish a charter school by converting an existing public school or attendance center to charter school status, makes changes concerning certain evidence that needs to be provided. Effective immediately.

LRB095 19509 NHT 45811 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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, 27A-5, and 27A-8 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 200 ~~60~~. ~~Not more~~
18 ~~than 30 charter schools shall operate at any one time in any~~
19 ~~city having a population exceeding 500,000; not more than 15~~
20 ~~charter schools shall operate at any one time in the counties~~
21 ~~of 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. Such boundaries

1 shall give priority for enrollment to students residing within
2 the boundaries to relieve overcrowding or to better serve
3 low-income and at-risk students, but must not be a bar to
4 enrollment for students not residing within the boundaries, if
5 sufficient placements are available. A student residing within
6 an attendance boundary must not be required to attend a charter
7 school. ~~if the board of education determines that attendance~~
8 ~~boundaries are needed to relieve overcrowding or to better~~
9 ~~serve low income and at risk students. Students residing~~
10 ~~within an attendance boundary may be given priority for~~
11 ~~enrollment, but must not be required to attend the charter~~
12 ~~school.~~

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

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

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

22 (h) If there are more eligible applicants for enrollment in
23 a charter school than there are spaces available, successful
24 applicants shall be selected by lottery. However, priority
25 shall be given to siblings of pupils enrolled in the charter
26 school and to pupils who were enrolled in the charter school

1 the previous school year, unless expelled for cause, and
2 priority may be given to pupils residing within the charter
3 school's attendance boundary, if a boundary has been designated
4 by the board of education in a city having a population
5 exceeding 500,000. Dual enrollment at both a charter school and
6 a public school or non-public school shall not be allowed. A
7 pupil who is suspended or expelled from a charter school shall
8 be deemed to be suspended or expelled from the public schools
9 of the school district in which the pupil resides.

10 (i) (Blank).

11 (j) Notwithstanding any other provision of law to the
12 contrary, a school district in a city having a population
13 exceeding 500,000 shall not have a duty to collectively bargain
14 with an exclusive representative of its employees over
15 decisions to grant or deny a charter school proposal under
16 Section 27A-8 of this Code, decisions to renew or revoke a
17 charter under Section 27A-9 of this Code, and the impact of
18 these decisions, provided that nothing in this Section shall
19 have the effect of negating, abrogating, replacing, reducing,
20 diminishing, or limiting in any way employee rights,
21 guarantees, or privileges granted in Sections 2, 3, 7, 8, 10,
22 14, and 15 of the Illinois Educational Labor Relations Act.

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

25 (105 ILCS 5/27A-5)

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

2 (a) A charter school shall be a public, nonsectarian,
3 nonreligious, non-home based, and non-profit school. A charter
4 school shall be organized and operated as a nonprofit
5 corporation or other discrete, legal, nonprofit entity
6 authorized under the laws of the State of Illinois.

7 (b) A charter school may be established under this Article
8 by creating a new school or by converting an existing public
9 school or attendance center to charter school status. Beginning
10 on the effective date of this amendatory Act of the 93rd
11 General Assembly, in all new applications submitted to the
12 State Board or a local school board to establish a charter
13 school in a city having a population exceeding 500,000,
14 operation of the charter school shall be limited to one campus.
15 The changes made to this Section by this amendatory Act of the
16 93rd General Assembly do not apply to charter schools existing
17 or approved on or before the effective date of this amendatory
18 Act. Beginning on the effective date of this amendatory Act of
19 the 95th General Assembly, a charter school entity that can
20 demonstrate to the authorizer that it has a proven track record
21 of performance, as demonstrated by adequate measures of quality
22 teaching and student achievement outcomes, may be granted a
23 renewal charter that authorizes the operator to open a new
24 campus in accordance with its proposal to establish a charter
25 school. Nothing in this Section is intended to limit an entity
26 from submitting an application to operate an additional charter

1 school pursuant to a new or modified educational model.

2 (c) A charter school shall be administered and governed by
3 its board of directors or other governing body in the manner
4 provided in its charter. The governing body of a charter school
5 shall be subject to the Freedom of Information Act and the Open
6 Meetings Act.

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

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

14 (f) A charter school shall be responsible for the
15 management and operation of its fiscal affairs including, but
16 not limited to, the preparation of its budget. An audit of each
17 charter school's finances shall be conducted annually by an
18 outside, independent contractor retained by the charter
19 school.

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

25 (1) Sections 10-21.9 and 34-18.5 of the School Code
26 regarding criminal history records checks and checks of the

1 Statewide Sex Offender Database of applicants for
2 employment;

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

5 (3) The Local Governmental and Governmental Employees
6 Tort Immunity Act;

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

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

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

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

14 (h) A charter school may negotiate and contract with a
15 school district, the governing body of a State college or
16 university or public community college, or any other public or
17 for-profit or nonprofit private entity for: (i) the use of a
18 school building and grounds or any other real property or
19 facilities that the charter school desires to use or convert
20 for use as a charter school site, (ii) the operation and
21 maintenance thereof, and (iii) the provision of any service,
22 activity, or undertaking that the charter school is required to
23 perform in order to carry out the terms of its charter.
24 However, a charter school that is established on or after the
25 effective date of this amendatory Act of the 93rd General
26 Assembly and that operates in a city having a population

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

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

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

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

1 (105 ILCS 5/27A-8)

2 Sec. 27A-8. Evaluation of charter proposals.

3 (a) This Section does not apply to a charter school
4 established by referendum under Section 27A-6.5. In evaluating
5 any charter school proposal submitted to it, the local school
6 board shall give preference to proposals that:

7 (1) demonstrate a high level of local pupil, parental,
8 community, business, and school personnel support;

9 (2) set rigorous levels of expected pupil achievement
10 and demonstrate feasible plans for attaining those levels
11 of achievement; and

12 (3) are designed to enroll and serve a substantial
13 proportion of at-risk children; provided that nothing in
14 the Charter Schools Law shall be construed as intended to
15 limit the establishment of charter schools to those that
16 serve a substantial portion of at-risk children or to in
17 any manner restrict, limit, or discourage the
18 establishment of charter schools that enroll and serve
19 other pupil populations under a nonexclusive,
20 nondiscriminatory admissions policy.

21 (b) In the case of a proposal to establish a charter school
22 by converting an existing public school or attendance center to
23 charter school status, ~~evidence that the proposed formation of~~
24 ~~the charter school has received majority support from certified~~
25 ~~teachers and from parents and guardians in the school or~~

1 ~~attendance center affected by the proposed charter, and, if~~
2 ~~applicable, from a local school council, shall be demonstrated~~
3 ~~by a petition in support of the charter school signed by~~
4 ~~certified teachers and a petition in support of the charter~~
5 ~~school signed by parents and guardians and, if applicable, by a~~
6 ~~vote of the local school council held at a public meeting. In~~
7 ~~the case of all other proposals to establish a charter school,~~
8 evidence of sufficient support to fill the number of pupil
9 seats set forth in the proposal may be demonstrated by a
10 petition in support of the charter school signed by parents and
11 guardians of students eligible to attend the charter school,
12 may also include a petition in support of the charter school
13 signed by certified teachers, and, if applicable, may also be
14 demonstrated by an affirmative vote of the local school council
15 held at a public meeting. In all cases, the individuals,
16 organizations, or entities who initiate the proposal to
17 establish a charter school may elect, in lieu of including any
18 petition referred to in this subsection as a part of the
19 proposal submitted to the local school board, to demonstrate
20 that the charter school has received the support referred to in
21 this subsection by other evidence and information presented at
22 the public meeting that the local school board is required to
23 convene under this Section.

24 (c) Within 45 days of receipt of a charter school proposal,
25 the local school board shall convene a public meeting to obtain
26 information to assist the board in its decision to grant or

1 deny the charter school proposal.

2 (d) Notice of the public meeting required by this Section
3 shall be published in a community newspaper published in the
4 school district in which the proposed charter is located and,
5 if there is no such newspaper, then in a newspaper published in
6 the county and having circulation in the school district. The
7 notices shall be published not more than 10 days nor less than
8 5 days before the meeting and shall state that information
9 regarding a charter school proposal will be heard at the
10 meeting. Copies of the notice shall also be posted at
11 appropriate locations in the school or attendance center
12 proposed to be established as a charter school, the public
13 schools in the school district, and the local school board
14 office.

15 (e) Within 30 days of the public meeting, the local school
16 board shall vote, in a public meeting, to either grant or deny
17 the charter school proposal.

18 (f) Within 7 days of the public meeting required under
19 subsection (e), the local school board shall file a report with
20 the State Board granting or denying the proposal. Within 14
21 days of receipt of the local school board's report, the State
22 Board shall determine whether the approved charter proposal is
23 consistent with the provisions of this Article and, if the
24 approved proposal complies, certify the proposal pursuant to
25 Section 27A-6.

26 (Source: P.A. 90-548, eff. 1-1-98; 91-407, eff. 8-3-99.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.