

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 100 ~~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 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.)

18 (105 ILCS 5/27A-5)

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

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

25 (b) A charter school may be established under this Article

1 by creating a new school or by converting an existing public  
2 school or attendance center to charter school status. Beginning  
3 on the effective date of this amendatory Act of the 93rd  
4 General Assembly, in all new applications submitted to the  
5 State Board or a local school board to establish a charter  
6 school in a city having a population exceeding 500,000,  
7 operation of the charter school shall be limited to one campus.  
8 The changes made to this Section by this amendatory Act of the  
9 93rd General Assembly do not apply to charter schools existing  
10 or approved on or before the effective date of this amendatory  
11 Act. Operation of each of the 40 additional charter schools  
12 authorized by this amendatory Act of the 95th General Assembly  
13 under Section 27A-4 of this Code shall be limited to one  
14 campus.

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

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

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

1 (f) A charter school shall be responsible for the  
2 management and operation of its fiscal affairs including, but  
3 not limited to, the preparation of its budget. An audit of each  
4 charter school's finances shall be conducted annually by an  
5 outside, independent contractor retained by the charter  
6 school.

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

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

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

18 (3) The Local Governmental and Governmental Employees  
19 Tort Immunity Act;

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

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

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

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

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

1           (i) In no event shall a charter school that is established  
2 by converting an existing school or attendance center to  
3 charter school status be required to pay rent for space that is  
4 deemed available, as negotiated and provided in the charter  
5 agreement, in school district facilities. However, all other  
6 costs for the operation and maintenance of school district  
7 facilities that are used by the charter school shall be subject  
8 to negotiation between the charter school and the local school  
9 board and shall be set forth in the charter.

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

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

14           Section 99. Effective date. This Act takes effect upon  
15 becoming law.