



Sen. Iris Y. Martinez

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09500SB2402sam001

LRB095 19509 NHT 47869 a

1 AMENDMENT TO SENATE BILL 2402

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2402 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 ~~The~~ General Assembly does not intend to alter or  
9 amend 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.

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

25 (c) No charter shall be granted under this Article that  
26 would convert any existing private, parochial, or non-public

1 school to a charter school.

2 (d) Enrollment in a charter school shall be open to any  
3 pupil who resides within the geographic boundaries of the area  
4 served by the local school board, provided that the board of  
5 education in a city having a population exceeding 500,000 may  
6 designate attendance boundaries for no more than one-third of  
7 the charter schools permitted in the city if the board of  
8 education determines that attendance boundaries are needed to  
9 relieve overcrowding or to better serve low-income and at-risk  
10 students. Students residing within an attendance boundary may  
11 be given priority for enrollment, but must not be required to  
12 attend the charter 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.)".