



Sen. Iris Y. Martinez

Filed: 4/2/2008

09500SB2402sam002

LRB095 19509 NHT 48839 a

1 AMENDMENT TO SENATE BILL 2402

2 AMENDMENT NO. _____. Amend Senate Bill 2402, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The School Code is amended by changing Section
6 27A-4 as follows:

7 (105 ILCS 5/27A-4)

8 Sec. 27A-4. General Provisions.

9 (a) The General Assembly does not intend to alter or amend
10 the provisions of any court-ordered desegregation plan in
11 effect for any school district. A charter school shall be
12 subject to all federal and State laws and constitutional
13 provisions prohibiting discrimination on the basis of
14 disability, race, creed, color, gender, national origin,
15 religion, ancestry, marital status, or need for special
16 education services.

1 (b) The total number of charter schools operating under
2 this Article at any one time shall not exceed 100 ~~60~~. ~~Not more~~
3 ~~than 30 charter schools shall operate at any one time in any~~
4 ~~city having a population exceeding 500,000; not more than 15~~
5 ~~charter schools shall operate at any one time in the counties~~
6 ~~of DuPage, Kane, Lake, McHenry, Will, and that portion of Cook~~
7 ~~County that is located outside a city having a population~~
8 ~~exceeding 500,000, with not more than one charter school that~~
9 ~~has been initiated by a board of education, or by an~~
10 ~~intergovernmental agreement between or among boards of~~
11 ~~education, operating at any one time in the school district~~
12 ~~where the charter school is located; and not more than 15~~
13 ~~charter schools shall operate at any one time in the remainder~~
14 ~~of the State, with not more than one charter school that has~~
15 ~~been initiated by a board of education, or by an~~
16 ~~intergovernmental agreement between or among boards of~~
17 ~~education, operating at any one time in the school district~~
18 ~~where the charter school is located.~~

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

26 (c) No charter shall be granted under this Article that

1 would convert any existing private, parochial, or non-public
2 school to a charter school.

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

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

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

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

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

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

11 (i) (Blank).

12 (j) Notwithstanding any other provision of law to the
13 contrary, a school district in a city having a population
14 exceeding 500,000 shall not have a duty to collectively bargain
15 with an exclusive representative of its employees over
16 decisions to grant or deny a charter school proposal under
17 Section 27A-8 of this Code, decisions to renew or revoke a
18 charter under Section 27A-9 of this Code, and the impact of
19 these decisions, provided that nothing in this Section shall
20 have the effect of negating, abrogating, replacing, reducing,
21 diminishing, or limiting in any way employee rights,
22 guarantees, or privileges granted in Sections 2, 3, 7, 8, 10,
23 14, and 15 of the Illinois Educational Labor Relations Act.

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

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