



Sen. Iris Y. Martinez

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1 AMENDMENT TO SENATE BILL 315

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 315 by replacing  
3 everything after the enacting clause with the following:

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

1 this Article at any one time shall not exceed 120 ~~60~~. ~~Not more~~  
2 ~~than 30 charter schools shall operate at any one time in any~~  
3 ~~city having a population exceeding 500,000; not more than 15~~  
4 ~~charter schools shall operate at any one time in the counties~~  
5 ~~of 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.)

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. Operation of each of the 60 additional charter schools  
19 authorized by this amendatory Act of the 96th General Assembly  
20 under Section 27A-4 of this Code shall be limited to one  
21 campus.

22           (c) A charter school shall be administered and governed by  
23 its board of directors or other governing body in the manner  
24 provided in its charter. The governing body of a charter school  
25 shall be subject to the Freedom of Information Act and the Open  
26 Meetings Act.

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

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

8 (f) A charter school shall be responsible for the  
9 management and operation of its fiscal affairs including, but  
10 not limited to, the preparation of its budget. An audit of each  
11 charter school's finances shall be conducted annually by an  
12 outside, independent contractor retained by the charter  
13 school.

14 (g) A charter school shall comply with all provisions of  
15 this Article and its charter. A charter school is exempt from  
16 all other State laws and regulations in the School Code  
17 governing public schools and local school board policies,  
18 except the following:

19 (1) Sections 10-21.9 and 34-18.5 of the School Code  
20 regarding criminal history records checks and checks of the  
21 Statewide Sex Offender Database of applicants for  
22 employment;

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

25 (3) The Local Governmental and Governmental Employees  
26 Tort Immunity Act;

1           (4) Section 108.75 of the General Not For Profit  
2 Corporation Act of 1986 regarding indemnification of  
3 officers, directors, employees, and agents;

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

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

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

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

1 reasonable rent for the use of the district's buildings,  
2 grounds, and facilities. Any services for which a charter  
3 school contracts with a school district shall be provided by  
4 the district at cost. Any services for which a charter school  
5 contracts with a local school board or with the governing body  
6 of a State college or university or public community college  
7 shall be provided by the public entity at cost.

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

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

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

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law."