



Rep. Monique D. Davis

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1 AMENDMENT TO SENATE BILL 1984

2 AMENDMENT NO. _____. Amend Senate Bill 1984, 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-5 as follows:

7 (105 ILCS 5/27A-5)

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

9 (a) A charter school shall be a public, nonsectarian,
10 nonreligious, non-home based, and non-profit school. A charter
11 school shall be organized and operated as a nonprofit
12 corporation or other discrete, legal, nonprofit entity
13 authorized under the laws of the State of Illinois.

14 (b) A charter school may be established under this Article
15 by creating a new school or by converting an existing public
16 school or attendance center to charter school status. Beginning

1 on the effective date of this amendatory Act of the 93rd
2 General Assembly, in all new applications submitted to the
3 State Board or a local school board to establish a charter
4 school in a city having a population exceeding 500,000,
5 operation of the charter school shall be limited to one campus.
6 The changes made to this Section by this amendatory Act of the
7 93rd General Assembly do not apply to charter schools existing
8 or approved on or before the effective date of this amendatory
9 Act.

10 (c) A charter school shall be administered and governed by
11 its board of directors or other governing body in the manner
12 provided in its charter. The governing body of a charter school
13 shall be subject to the Freedom of Information Act and the Open
14 Meetings Act.

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

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

22 (f) A charter school shall be responsible for the
23 management and operation of its fiscal affairs including, but
24 not limited to, the preparation of its budget. An audit of each
25 charter school's finances shall be conducted annually by an
26 outside, independent contractor retained by the charter

1 school.

2 (g) A charter school shall comply with all provisions of
3 this Article, the Illinois Educational Labor Relations Act, and
4 its charter. A charter school is exempt from all other State
5 laws and regulations in the School Code governing public
6 schools and local school board policies, except the following:

7 (1) Sections 10-21.9 and 34-18.5 of the School Code
8 regarding criminal history records checks and checks of the
9 Statewide Sex Offender Database of applicants for
10 employment;

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

13 (3) The Local Governmental and Governmental Employees
14 Tort Immunity Act;

15 (4) Section 108.75 of the General Not For Profit
16 Corporation Act of 1986 regarding indemnification of
17 officers, directors, employees, and agents;

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

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

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

22 The change made by this amendatory Act of the 96th General
23 Assembly to this subsection (g) is declaratory of existing law.

24 (h) A charter school may negotiate and contract with a
25 school district, the governing body of a State college or
26 university or public community college, or any other public or

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

24 (i) In no event shall a charter school that is established
25 by converting an existing school or attendance center to
26 charter school status be required to pay rent for space that is

1 deemed available, as negotiated and provided in the charter
2 agreement, in school district facilities. However, all other
3 costs for the operation and maintenance of school district
4 facilities that are used by the charter school shall be subject
5 to negotiation between the charter school and the local school
6 board and shall be set forth in the charter.

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

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

11 Section 10. The Illinois Educational Labor Relations Act is
12 amended by changing Section 2 as follows:

13 (115 ILCS 5/2) (from Ch. 48, par. 1702)

14 Sec. 2. Definitions. As used in this Act:

15 (a) "Educational employer" or "employer" means the
16 governing body of a public school district, including the
17 governing body of a charter school established under Article
18 27A of the School Code or of a contract school or contract
19 turnaround school established under paragraph 30 of Section
20 34-18 of the School Code, combination of public school
21 districts, including the governing body of joint agreements of
22 any type formed by 2 or more school districts, public community
23 college district or State college or university, a
24 subcontractor of instructional services of a school district

1 (other than a school district organized under Article 34 of the
2 School Code), combination of school districts, charter school
3 established under Article 27A of the School Code, or contract
4 school or contract turnaround school established under
5 paragraph 30 of Section 34-18 of the School Code, and any State
6 agency whose major function is providing educational services.
7 "Educational employer" or "employer" does not include (1) a
8 Financial Oversight Panel created pursuant to Section 1A-8 of
9 the School Code due to a district violating a financial plan or
10 (2) an approved nonpublic special education facility that
11 contracts with a school district or combination of school
12 districts to provide special education services pursuant to
13 Section 14-7.02 of the School Code, but does include a School
14 Finance Authority created under Article 1E or 1F of the School
15 Code. The change made by this amendatory Act of the 96th
16 General Assembly to this paragraph (a) to make clear that the
17 governing body of a charter school is an "educational employer"
18 is declaratory of existing law.

19 (b) "Educational employee" or "employee" means any
20 individual, excluding supervisors, managerial, confidential,
21 short term employees, student, and part-time academic
22 employees of community colleges employed full or part time by
23 an educational employer, but shall not include elected
24 officials and appointees of the Governor with the advice and
25 consent of the Senate, firefighters as defined by subsection
26 (g-1) of Section 3 of the Illinois Public Labor Relations Act,

1 and peace officers employed by a State university. For the
2 purposes of this Act, part-time academic employees of community
3 colleges shall be defined as those employees who provide less
4 than 3 credit hours of instruction per academic semester. In
5 this subsection (b), the term "student" includes graduate
6 students who are research assistants primarily performing
7 duties that involve research or graduate assistants primarily
8 performing duties that are pre-professional, but excludes
9 graduate students who are teaching assistants primarily
10 performing duties that involve the delivery and support of
11 instruction and all other graduate assistants.

12 (c) "Employee organization" or "labor organization" means
13 an organization of any kind in which membership includes
14 educational employees, and which exists for the purpose, in
15 whole or in part, of dealing with employers concerning
16 grievances, employee-employer disputes, wages, rates of pay,
17 hours of employment, or conditions of work, but shall not
18 include any organization which practices discrimination in
19 membership because of race, color, creed, age, gender, national
20 origin or political affiliation.

21 (d) "Exclusive representative" means the labor
22 organization which has been designated by the Illinois
23 Educational Labor Relations Board as the representative of the
24 majority of educational employees in an appropriate unit, or
25 recognized by an educational employer prior to January 1, 1984
26 as the exclusive representative of the employees in an

1 appropriate unit or, after January 1, 1984, recognized by an
2 employer upon evidence that the employee organization has been
3 designated as the exclusive representative by a majority of the
4 employees in an appropriate unit.

5 (e) "Board" means the Illinois Educational Labor Relations
6 Board.

7 (f) "Regional Superintendent" means the regional
8 superintendent of schools provided for in Articles 3 and 3A of
9 The School Code.

10 (g) "Supervisor" means any individual having authority in
11 the interests of the employer to hire, transfer, suspend, lay
12 off, recall, promote, discharge, reward or discipline other
13 employees within the appropriate bargaining unit and adjust
14 their grievances, or to effectively recommend such action if
15 the exercise of such authority is not of a merely routine or
16 clerical nature but requires the use of independent judgment.
17 The term "supervisor" includes only those individuals who
18 devote a preponderance of their employment time to such
19 exercising authority.

20 (h) "Unfair labor practice" or "unfair practice" means any
21 practice prohibited by Section 14 of this Act.

22 (i) "Person" includes an individual, educational employee,
23 educational employer, legal representative, or employee
24 organization.

25 (j) "Wages" means salaries or other forms of compensation
26 for services rendered.

1 (k) "Professional employee" means, in the case of a public
2 community college, State college or university, State agency
3 whose major function is providing educational services, the
4 Illinois School for the Deaf, and the Illinois School for the
5 Visually Impaired, (1) any employee engaged in work (i)
6 predominantly intellectual and varied in character as opposed
7 to routine mental, manual, mechanical, or physical work; (ii)
8 involving the consistent exercise of discretion and judgment in
9 its performance; (iii) of such character that the output
10 produced or the result accomplished cannot be standardized in
11 relation to a given period of time; and (iv) requiring
12 knowledge of an advanced type in a field of science or learning
13 customarily acquired by a prolonged course of specialized
14 intellectual instruction and study in an institution of higher
15 learning or a hospital, as distinguished from a general
16 academic education or from an apprenticeship or from training
17 in the performance of routine mental, manual, or physical
18 processes; or (2) any employee, who (i) has completed the
19 courses of specialized intellectual instruction and study
20 described in clause (iv) of paragraph (1) of this subsection,
21 and (ii) is performing related work under the supervision of a
22 professional person to qualify himself or herself to become a
23 professional as defined in paragraph (1).

24 (1) "Professional employee" means, in the case of any
25 public school district, or combination of school districts
26 pursuant to joint agreement, any employee who has a certificate

1 issued under Article 21 or Section 34-83 of the School Code, as
2 now or hereafter amended.

3 (m) "Unit" or "bargaining unit" means any group of
4 employees for which an exclusive representative is selected.

5 (n) "Confidential employee" means an employee, who (i) in
6 the regular course of his or her duties, assists and acts in a
7 confidential capacity to persons who formulate, determine and
8 effectuate management policies with regard to labor relations
9 or who (ii) in the regular course of his or her duties has
10 access to information relating to the effectuation or review of
11 the employer's collective bargaining policies.

12 (o) "Managerial employee" means an individual who is
13 engaged predominantly in executive and management functions
14 and is charged with the responsibility of directing the
15 effectuation of such management policies and practices.

16 (p) "Craft employee" means a skilled journeyman, craft
17 person, and his or her apprentice or helper.

18 (q) "Short-term employee" is an employee who is employed
19 for less than 2 consecutive calendar quarters during a calendar
20 year and who does not have a reasonable expectation that he or
21 she will be rehired by the same employer for the same service
22 in a subsequent calendar year. Nothing in this subsection shall
23 affect the employee status of individuals who were covered by a
24 collective bargaining agreement on the effective date of this
25 amendatory Act of 1991.

26 (Source: P.A. 95-331, eff. 8-21-07.)".