

# HB0190



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB0190

Introduced 1/18/2011, by Rep. Roger L. Eddy

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/27A-4

Amends the Charter Schools Law of the School Code. Allows an additional 5 charter schools devoted exclusively to students from low-performing or overcrowded schools to operate at any one time in Chicago. Defines "low-performing school" and "overcrowded school". Effective immediately.

LRB097 02933 NHT 42957 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 Section  
5 27A-4 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 125 ~~120~~. Not more  
18 than 70 charter schools shall operate at any one time in any  
19 city having a population exceeding 500,000 and not more than 45  
20 charter schools shall operate at any one time in the remainder  
21 of the State, with not more than one charter school that has  
22 been initiated by a board of education, or by an  
23 intergovernmental agreement between or among boards of

1 education, operating at any one time in the school district  
2 where the charter school is located. In addition to these  
3 charter schools, the following charter schools may operate in  
4 any city having a population exceeding 500,000:

5 (1) Up ~~up~~ to but no more than 5 charter schools devoted  
6 exclusively to re-enrolled high school dropouts may  
7 operate at any one time in any city having a population  
8 exceeding 500,000. Notwithstanding any provision to the  
9 contrary in subsection (b) of Section 27A-5 of this Code,  
10 each such dropout charter may operate up to 15 campuses  
11 within the city. Any of these dropout charters may have a  
12 maximum of 1,875 enrollment seats, any one of the campuses  
13 of the dropout charter may have a maximum of 165 enrollment  
14 seats, and each campus of the dropout charter must be  
15 operated by the same legal entity as that for which the  
16 charter is approved and certified.

17 (2) Up to but no more than 5 charter schools devoted  
18 exclusively to students from low-performing or overcrowded  
19 schools may operate at any one time in any city having a  
20 population exceeding 500,000.

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

1 authorized to operate have been reached.

2 (c) No charter shall be granted under this Article that  
3 would convert any existing private, parochial, or non-public  
4 school to a charter school.

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

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

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

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

25 (h) If there are more eligible applicants for enrollment in  
26 a charter school than there are spaces available, successful

1 applicants shall be selected by lottery. However, priority  
2 shall be given to siblings of pupils enrolled in the charter  
3 school and to pupils who were enrolled in the charter school  
4 the previous school year, unless expelled for cause, and  
5 priority may be given to pupils residing within the charter  
6 school's attendance boundary, if a boundary has been designated  
7 by the board of education in a city having a population  
8 exceeding 500,000. Dual enrollment at both a charter school and  
9 a public school or non-public school shall not be allowed. A  
10 pupil who is suspended or expelled from a charter school shall  
11 be deemed to be suspended or expelled from the public schools  
12 of the school district in which the pupil resides.  
13 Notwithstanding anything to the contrary in this subsection  
14 (h), any charter school with a mission exclusive to educating  
15 high school dropouts may restrict admission to students who are  
16 high school dropouts and any charter school with a mission  
17 exclusive to educating students from low-performing or  
18 overcrowded schools may restrict admission to students who are  
19 from low-performing or overcrowded schools.

20 (i) (Blank).

21 (j) Notwithstanding any other provision of law to the  
22 contrary, a school district in a city having a population  
23 exceeding 500,000 shall not have a duty to collectively bargain  
24 with an exclusive representative of its employees over  
25 decisions to grant or deny a charter school proposal under  
26 Section 27A-8 of this Code, decisions to renew or revoke a

1 charter under Section 27A-9 of this Code, and the impact of  
2 these decisions, provided that nothing in this Section shall  
3 have the effect of negating, abrogating, replacing, reducing,  
4 diminishing, or limiting in any way employee rights,  
5 guarantees, or privileges granted in Sections 2, 3, 7, 8, 10,  
6 14, and 15 of the Illinois Educational Labor Relations Act.

7 (k) In this Section:

8 "Low-performing school" means a public school in a school  
9 district organized under Article 34 of this Code that enrolls  
10 students in any of grades kindergarten through 8 and that is  
11 ranked within the lowest 10% of schools in that district in  
12 terms of the percentage of students meeting or exceeding  
13 standards on the Illinois Standards Achievement Test.

14 "Overcrowded school" means a public school in a school  
15 district organized under Article 34 of this Code that (i)  
16 enrolls students in any of grades kindergarten through 8, (ii)  
17 has a percentage of low-income students of 70% or more, as  
18 identified in the most recently available School Report Card  
19 published by the State Board of Education, and (iii) is  
20 determined by the Chicago Board of Education to be in the most  
21 severely overcrowded 5% of schools in the district. On or  
22 before November 1 of each year, the Chicago Board of Education  
23 shall file a report with the State Board of Education on which  
24 schools in the district meet the definition of "overcrowded  
25 school".

26 (Source: P.A. 96-105, eff. 7-30-09.)

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