

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 120. Not more
18 than 70 charter schools shall operate at any one time in any
19 city having a population exceeding 500,000, with at least 5
20 charter schools devoted exclusively to students from
21 low-performing or overcrowded schools operating at any one time
22 in that city; and not more than 45 charter schools shall
23 operate at any one time in the remainder of the State, with not

1 more than one charter school that has been initiated by a board
2 of education, or by an intergovernmental agreement between or
3 among boards of education, operating at any one time in the
4 school district where the charter school is located. In
5 addition to these charter schools, up to but no more than 5
6 charter schools devoted exclusively to re-enrolled high school
7 dropouts or students at risk of dropping out may operate at any
8 one time in any city having a population exceeding 500,000.
9 Notwithstanding any provision to the contrary in subsection (b)
10 of Section 27A-5 of this Code, each such dropout charter may
11 operate up to 15 campuses within the city. Any of these dropout
12 charters may have a maximum of 1,875 enrollment seats, any one
13 of the campuses of the dropout charter may have a maximum of
14 165 enrollment seats, and each campus of the dropout charter
15 must be operated by the same legal entity as that for which the
16 charter is approved and certified.

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

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

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

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

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

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

21 (h) If there are more eligible applicants for enrollment in
22 a charter school than there are spaces available, successful
23 applicants shall be selected by lottery. However, priority
24 shall be given to siblings of pupils enrolled in the charter
25 school and to pupils who were enrolled in the charter school
26 the previous school year, unless expelled for cause, and

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

17 (i) (Blank).

18 (j) Notwithstanding any other provision of law to the
19 contrary, a school district in a city having a population
20 exceeding 500,000 shall not have a duty to collectively bargain
21 with an exclusive representative of its employees over
22 decisions to grant or deny a charter school proposal under
23 Section 27A-8 of this Code, decisions to renew or revoke a
24 charter under Section 27A-9 of this Code, and the impact of
25 these decisions, provided that nothing in this Section shall
26 have the effect of negating, abrogating, replacing, reducing,

1 diminishing, or limiting in any way employee rights,
2 guarantees, or privileges granted in Sections 2, 3, 7, 8, 10,
3 14, and 15 of the Illinois Educational Labor Relations Act.

4 (k) In this Section:

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

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

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

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.