



Rep. Jerry L. Mitchell

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LRB097 07704 NHT 53669 a

1 AMENDMENT TO HOUSE BILL 2401

2 AMENDMENT NO. _____. Amend House Bill 2401 by replacing
3 everything after the enacting clause with the following:

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

1 this Article at any one time shall not exceed 120. Not more
2 than 70 charter schools shall operate at any one time in any
3 city having a population exceeding 500,000 and not more than 45
4 charter schools shall operate at any one time in the remainder
5 of the State, with not more than one charter school that has
6 been initiated by a board of education, or by an
7 intergovernmental agreement between or among boards of
8 education, operating at any one time in the school district
9 where the charter school is located. In addition to these
10 charter schools, up to but no more than 5 charter schools
11 devoted exclusively to re-enrolled high school dropouts may
12 operate at any one time in any city having a population
13 exceeding 500,000. Notwithstanding any provision to the
14 contrary in subsection (b) of Section 27A-5 of this Code, each
15 such dropout charter may operate up to 15 campuses within the
16 city. Any of these dropout charters may have a maximum of 1,875
17 enrollment seats, any one of the campuses of the dropout
18 charter may have a maximum of 165 enrollment seats, and each
19 campus of the dropout charter must be operated, through a
20 contract or payroll, by the same legal entity as that for which
21 the charter is approved and certified.

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

1 when the maximum numbers of certified charter schools
2 authorized to operate have been reached.

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

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

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

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

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

26 (h) If there are more eligible applicants for enrollment in

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

18 (i) (Blank).

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

1 have the effect of negating, abrogating, replacing, reducing,
2 diminishing, or limiting in any way employee rights,
3 guarantees, or privileges granted in Sections 2, 3, 7, 8, 10,
4 14, and 15 of the Illinois Educational Labor Relations Act.
5 (Source: P.A. 96-105, eff. 7-30-09.)".