



Sen. Terry Link

Filed: 5/8/2013

09800HB3112sam001

LRB098 07762 NHT 45647 a

1 AMENDMENT TO HOUSE BILL 3112

2 AMENDMENT NO. _____. Amend House Bill 3112 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, with at least 5
4 charter schools devoted exclusively to students from
5 low-performing or overcrowded schools operating at any one time
6 in that city; and not more than 45 charter schools shall
7 operate at any one time in the remainder of the State, with not
8 more than one charter school that has been initiated by a board
9 of education, or by an intergovernmental agreement between or
10 among boards of education, operating at any one time in the
11 school district where the charter school is located. In
12 addition to these charter schools, up to but no more than 5
13 charter schools devoted exclusively to re-enrolled high school
14 dropouts and/or students 16 or 15 years old at risk of dropping
15 out may operate at any one time in any city having a population
16 exceeding 500,000. Notwithstanding any provision to the
17 contrary in subsection (b) of Section 27A-5 of this Code, each
18 such dropout charter may operate up to 15 campuses within the
19 city. Any of these dropout charters may have a maximum of 1,875
20 enrollment seats, any one of the campuses of the dropout
21 charter may have a maximum of 165 enrollment seats, and each
22 campus of the dropout charter must be operated, through a
23 contract or payroll, by the same legal entity as that for which
24 the charter is approved and certified.

25 For purposes of implementing this Section, the State Board
26 shall assign a number to each charter submission it receives

1 under Section 27A-6 for its review and certification, based on
2 the chronological order in which the submission is received by
3 it. The State Board shall promptly notify local school boards
4 when the maximum numbers of certified charter schools
5 authorized to operate have been reached.

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

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

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

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

26 (g) No local school board shall require any pupil residing

1 within the geographic boundary of its district to enroll in a
2 charter school.

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

18 (h) ~~;~~

19 (1) any charter school with a mission exclusive to
20 educating high school dropouts may grant priority
21 admission to students who are high school dropouts and/or
22 students 16 or 15 years old at risk of dropping out and any
23 charter school with a mission exclusive to educating
24 students from low-performing or overcrowded schools may
25 restrict admission to students who are from low-performing
26 or overcrowded schools; "priority admission" . ~~"Priority~~

1 ~~admission~~ for charter schools exclusively devoted to
2 re-enrolled dropouts or students at risk of dropping out
3 means a minimum of 90% of students enrolled shall be high
4 school dropouts; ~~and.~~

5 (2) any charter school located in a school district
6 that contains all or part of a federal military base may
7 set aside up to 33% of its current charter enrollment to
8 students with parents assigned to the federal military
9 base, with the remaining 67% subject to the general
10 enrollment and lottery requirements of subsection (d) of
11 this Section and this subsection (h); if a student with a
12 parent assigned to the federal military base withdraws from
13 the charter school during the course of a school year for
14 reasons other than grade promotion, those students with
15 parents assigned to the federal military base shall have
16 preference in filling the vacancy.

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". "Students at risk of dropping out" means students 16
23 or 15 years old in a public school in a district organized
24 under Article 34 of this Code that enrolls students in any
25 grades 9-12 who have been absent at least 90 school attendance
26 days of the previous 180 school attendance days.

1 (Source: P.A. 96-105, eff. 7-30-09; 97-151, eff. 1-1-12;
2 97-624, eff. 11-28-11; 97-813, eff. 7-13-12.)

3 Section 99. Effective date. This Act takes effect July 1,
4 2013.".