



Sen. Jacqueline Y. Collins

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1 AMENDMENT TO HOUSE BILL 3232

2 AMENDMENT NO. _____. Amend House Bill 3232 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections
5 27A-4 and 27A-5 and by adding Sections 27A-10.5 and 27A-10.10
6 as follows:

7 (105 ILCS 5/27A-4)

8 Sec. 27A-4. General Provisions.

9 (a) The General Assembly does not intend to alter or amend
10 the provisions of any court-ordered desegregation plan in
11 effect for any school district. A charter school shall be
12 subject to all federal and State laws and constitutional
13 provisions prohibiting discrimination on the basis of
14 disability, race, creed, color, gender, national origin,
15 religion, ancestry, marital status, or need for special
16 education services.

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

26 For purposes of implementing this Section, the State Board

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

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

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

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

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

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

4 (h) If there are more eligible applicants for enrollment in
5 a charter school than there are spaces available, successful
6 applicants shall be selected by lottery. However, priority
7 shall be given to siblings of pupils enrolled in the charter
8 school and to pupils who were enrolled in the charter school
9 the previous school year, unless expelled for cause, and
10 priority may be given to pupils residing within the charter
11 school's attendance boundary, if a boundary has been designated
12 by the board of education in a city having a population
13 exceeding 500,000.

14 Beginning with student enrollment for the 2015-2016 school
15 year, any lottery required under this subsection (h) must be
16 administered and videotaped by the charter school. The
17 authorizer or its designee must be allowed to be present or
18 view the lottery in real time. The charter school must maintain
19 a videotaped record of the lottery, including a time/date
20 stamp. The charter school shall transmit copies of the
21 videotape and all records relating to the lottery to the
22 authorizer on or before September 1 of each year.

23 Subject to the requirements for priority applicant groups
24 set forth in paragraph (1) of this subsection (h), any lottery
25 required under this subsection (h) must be administered in a
26 way that provides each student an equal chance at admission. If

1 an authorizer makes a determination that a charter school's
2 lottery is in violation of this subsection (h), it may
3 administer the lottery directly. After a lottery, each student
4 randomly selected for admission to the charter school must be
5 notified. Charter schools may not create an admissions process
6 subsequent to a lottery that may operate as a barrier to
7 registration or enrollment.

8 Charter schools may undertake additional intake
9 activities, including without limitation student essays,
10 school-parent compacts, or open houses, but in no event may a
11 charter school require participation in these activities as a
12 condition of enrollment. A charter school must submit an
13 updated waitlist to the authorizer on a quarterly basis. A
14 waitlist must be submitted to the authorizer at the same time
15 as quarterly financial statements, if quarterly financial
16 statements are required by the authorizer.

17 Dual enrollment at both a charter school and a public
18 school or non-public school shall not be allowed. A pupil who
19 is suspended or expelled from a charter school shall be deemed
20 to be suspended or expelled from the public schools of the
21 school district in which the pupil resides. Notwithstanding
22 anything to the contrary in this subsection (h):

23 (1) any charter school with a mission exclusive to
24 educating high school dropouts may grant priority
25 admission to students who are high school dropouts and/or
26 students 16 or 15 years old at risk of dropping out and any

1 charter school with a mission exclusive to educating
2 students from low-performing or overcrowded schools may
3 restrict admission to students who are from low-performing
4 or overcrowded schools; "priority admission" for charter
5 schools exclusively devoted to re-enrolled dropouts or
6 students at risk of dropping out means a minimum of 90% of
7 students enrolled shall be high school dropouts; and

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

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". "Students at risk of dropping out" means students 16
26 or 15 years old in a public school in a district organized

1 under Article 34 of this Code that enrolls students in any
2 grades 9-12 who have been absent at least 90 school attendance
3 days of the previous 180 school attendance days.

4 (1) For advertisements created after the effective date of
5 this amendatory Act of the 98th General Assembly, any
6 advertisement, including a radio, television, print, Internet,
7 social media, or billboard advertisement, purchased by a school
8 district or public school, including a charter school, with
9 public funds must include a disclaimer stating that the
10 advertisement was paid for using public funds.

11 This disclaimer requirement does not extend to materials
12 created by the charter school, including, but not limited to, a
13 school website, informational pamphlets or leaflets, or
14 clothing with affixed school logos.

15 (Source: P.A. 97-151, eff. 1-1-12; 97-624, eff. 11-28-11;
16 97-813, eff. 7-13-12; 98-474, eff. 8-16-13.)

17 (105 ILCS 5/27A-5)

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

19 (a) A charter school shall be a public, nonsectarian,
20 nonreligious, non-home based, and non-profit school. A charter
21 school shall be organized and operated as a nonprofit
22 corporation or other discrete, legal, nonprofit entity
23 authorized under the laws of the State of Illinois.

24 (b) A charter school may be established under this Article
25 by creating a new school or by converting an existing public

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

11 (b-5) In this subsection (b-5), "virtual-schooling" means
12 the teaching of courses through online methods with online
13 instructors, rather than the instructor and student being at
14 the same physical location. "Virtual-schooling" includes
15 without limitation instruction provided by full-time, online
16 virtual schools.

17 From April 1, 2013 through April 1, 2014, there is a
18 moratorium on the establishment of charter schools with
19 virtual-schooling components in school districts other than a
20 school district organized under Article 34 of this Code. This
21 moratorium does not apply to a charter school with
22 virtual-schooling components existing or approved prior to
23 April 1, 2013 or to the renewal of the charter of a charter
24 school with virtual-schooling components already approved
25 prior to April 1, 2013.

26 On or before March 1, 2014, the Commission shall submit to

1 the General Assembly a report on the effect of
2 virtual-schooling, including without limitation the effect on
3 student performance, the costs associated with
4 virtual-schooling, and issues with oversight. The report shall
5 include policy recommendations for virtual-schooling.

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

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

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

18 (f) A charter school shall be responsible for the
19 management and operation of its fiscal affairs including, but
20 not limited to, the preparation of its budget. An audit of each
21 charter school's finances shall be conducted annually by an
22 outside, independent contractor retained by the charter
23 school. To ensure financial accountability for the use of
24 public funds, on or before December 1 of every year of
25 operation, each charter school shall submit to its authorizer
26 and ~~Annually, by December 1, every charter school must submit~~

1 ~~to~~ the State Board a copy of its audit and a copy of the Form
2 990 the charter school filed that year with the federal
3 Internal Revenue Service. In addition, if deemed necessary for
4 proper financial oversight of the charter school, an authorizer
5 may require quarterly financial statements from each charter
6 school.

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

12 (1) Sections 10-21.9 and 34-18.5 of the School Code
13 regarding criminal history records checks and checks of the
14 Statewide Sex Offender Database and Statewide Murderer and
15 Violent Offender Against Youth Database of applicants for
16 employment;

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

19 (3) The Local Governmental and Governmental Employees
20 Tort Immunity Act;

21 (4) Section 108.75 of the General Not For Profit
22 Corporation Act of 1986 regarding indemnification of
23 officers, directors, employees, and agents;

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

25 (6) The Illinois School Student Records Act;

26 (7) Section 10-17a of the School Code regarding school

1 report cards; and

2 (8) The P-20 Longitudinal Education Data System Act.

3 The change made by Public Act 96-104 to this subsection (g)
4 is declaratory of existing law.

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

1 the district at cost. Any services for which a charter school
2 contracts with a local school board or with the governing body
3 of a State college or university or public community college
4 shall be provided by the public entity at cost.

5 (i) In no event shall a charter school that is established
6 by converting an existing school or attendance center to
7 charter school status be required to pay rent for space that is
8 deemed available, as negotiated and provided in the charter
9 agreement, in school district facilities. However, all other
10 costs for the operation and maintenance of school district
11 facilities that are used by the charter school shall be subject
12 to negotiation between the charter school and the local school
13 board and shall be set forth in the charter.

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

16 (k) If the charter school is approved by the Commission,
17 then the Commission charter school is its own local education
18 agency.

19 (Source: P.A. 97-152, eff. 7-20-11; 97-154, eff. 1-1-12;
20 97-813, eff. 7-13-12; 98-16, eff. 5-24-13.)

21 (105 ILCS 5/27A-10.5 new)

22 Sec. 27A-10.5. Educational or charter management
23 organization.

24 (a) In this Section:

25 "CMO" means a charter management organization.

1 "EMO" means an educational management organization.

2 (b) All authorizers shall ensure that any charter school
3 established on or after the effective date of this amendatory
4 Act of the 98th General Assembly has a governing body that is
5 separate and distinct from the governing body of any CMO or
6 EMO. In reviewing charter applications and charter renewal
7 applications, authorizers shall review the governance model
8 proposed by the applicant to ensure that there are no conflicts
9 of interest.

10 (c) No charter school may employ a staff person who is
11 simultaneously employed by an EMO or CMO.

12 (105 ILCS 5/27A-10.10 new)

13 Sec. 27A-10.10. Closure of charter school; unspent public
14 funds; procedures for the disposition of property and assets.

15 (a) Upon the closing of a charter school authorized by one
16 or more local school boards, the governing body of the charter
17 school or its designee shall refund to the chartering entity or
18 entities all unspent public funds. The charter school's other
19 property and assets shall be disposed of under the provisions
20 of the charter application and contract. If the application and
21 contract are silent or ambiguous as to the disposition of any
22 of the school's property or assets, any property or assets of
23 the charter school purchased with public funds shall be
24 returned to the school district or districts from which the
25 charter school draws enrollment, at no cost to the receiving

1 district or districts, subject to each district's acceptance of
2 the property or asset. Any unspent public funds or other
3 property or assets received by the charter school directly from
4 any State or federal agency shall be refunded to or revert back
5 to that State or federal agency, respectively.

6 (b) Upon the closing of a charter school authorized by the
7 Commission, the governing body of the charter school or its
8 designee shall refund all unspent public funds to the State
9 Board of Education. The charter school's other property and
10 assets shall be disposed of under the provisions of the charter
11 application and contract. If the application and contract are
12 silent or ambiguous as to the disposition of any of the
13 school's property or assets, any property or assets of the
14 charter school purchased with public funds shall be returned to
15 the school district or districts from which the charter school
16 draws its enrollment, at no cost to the receiving district or
17 districts, subject to each district's acceptance of the
18 property or asset. Any unspent public funds or other property
19 or assets provided by a State agency other than the State Board
20 of Education or by a federal agency shall be refunded to or
21 revert back to that State or federal agency, respectively."