

1 AN ACT concerning schools.

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
5 Sections 27A-4, 27A-5, 27A-6, and 27A-10 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
9 amend the provisions of any court-ordered desegregation plan
10 in 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 60 45. Not
18 more than 30 15 charter schools shall operate at any one time
19 in any city having a population exceeding 500,000; not more
20 than 15 charter schools shall operate at any one time in the
21 counties of DuPage, Kane, Lake, McHenry, Will, and that
22 portion of Cook County that is located outside a city having
23 a population exceeding 500,000, with not more than one
24 charter school that has been initiated by a board of
25 education, or by an intergovernmental agreement between or
26 among boards of education, operating at any one time in the
27 school district where the charter school is located; and not
28 more than 15 charter schools shall operate at any one time in
29 the remainder of the State, with not more than one charter
30 school that has been initiated by a board of education, or by
31 an 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.

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

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

14 (d) Enrollment in a charter school shall be open to any
15 pupil who resides within the geographic boundaries of the
16 area served by the local school board.

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

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

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

27 (h) If there are more eligible applicants for enrollment
28 in a charter school than there are spaces available,
29 successful applicants shall be selected by lottery. However,
30 priority shall be given to siblings of pupils enrolled in the
31 charter school and to pupils who were enrolled in the charter
32 school the previous school year, unless expelled for cause. A
33 charter school that leases or purchases a building that was
34 used as a school during the immediately prior school year may

1 give priority to pupils who were enrolled in the school the
 2 prior year. Dual enrollment at both a charter school and a
 3 public school or non-public school shall not be allowed. A
 4 pupil who is suspended or expelled from a charter school
 5 shall be deemed to be suspended or expelled from the public
 6 schools of the school district in which the pupil resides.

7 (i) (Blank).

8 (Source: P.A. 91-357, eff. 7-29-99; 91-405, eff. 8-3-99;
 9 91-407, eff. 8-3-99; 92-16, eff. 6-28-01.)

10 (105 ILCS 5/27A-5)

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

12 (a) A charter school shall be a public, nonsectarian,
 13 nonreligious, non-home based, and non-profit school. A
 14 charter school shall be organized and operated as a nonprofit
 15 corporation or other discrete, legal, nonprofit entity
 16 authorized under the laws of the State of Illinois.

17 (b) A charter school may be established under this
 18 Article by creating a new school or by converting an existing
 19 public school or attendance center to charter school status.

20 Beginning on the effective date of this amendatory Act of
 21 the 92nd General Assembly, in all new applications to the
 22 State Board or a local school board to establish a charter
 23 school, operation of a charter school shall be limited to one
 24 campus. The changes made by this amendatory Act of the 92nd
 25 General Assembly do not apply to charter schools existing or
 26 approved on or before the effective date of this amendatory
 27 Act.

28 (c) A charter school shall be administered and governed
 29 by its board of directors or other governing body in the
 30 manner provided in its charter. The governing body of a
 31 charter school shall be subject to the Freedom of Information
 32 Act and the Open Meetings Act.

33 (d) A charter school shall comply with all applicable

1 health and safety requirements applicable to public schools
2 under the laws of the State of Illinois.

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

7 (f) A charter school shall be responsible for the
8 management and operation of its fiscal affairs including, but
9 not limited to, the preparation of its budget. An audit of
10 each charter school's finances shall be conducted annually by
11 an outside, independent contractor retained by the charter
12 school.

13 (g) A charter school shall comply with all provisions of
14 this Article and its charter. A charter school is exempt
15 from all other State laws and regulations in the School Code
16 governing public schools and local school board policies,
17 except the following:

18 (1) Sections 10-21.9 and 34-18.5 of the School Code
19 regarding criminal background investigations of
20 applicants for employment;

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

23 (3) The Local Governmental and Governmental
24 Employees Tort Immunity Act;

25 (4) Section 108.75 of the General Not For Profit
26 Corporation Act of 1986 regarding indemnification of
27 officers, directors, employees, and agents;

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

29 (6) The Illinois School Student Records Act; and

30 (7) Section 10-17a of the School Code regarding
31 school report cards.

32 (h) A charter school may negotiate and contract with a
33 school district, the governing body of a State college or
34 university or public community college, or any other public

1 or for-profit or nonprofit private entity for: (i) the use of
2 a school building and grounds or any other real property or
3 facilities that the charter school desires to use or convert
4 for use as a charter school site, (ii) the operation and
5 maintenance thereof, and (iii) the provision of any service,
6 activity, or undertaking that the charter school is required
7 to perform in order to carry out the terms of its charter.
8 Except as provided in subsection (i) of this Section, a
9 school district may charge a charter school reasonable rent
10 for the use of the district's buildings, grounds, and
11 facilities. Any services for which a charter school
12 contracts with a school district shall be provided by the
13 district at cost. Any services for which a charter school
14 contracts with a local school board or with the governing
15 body of a State college or university or public community
16 college shall be provided by the public entity at cost.

17 Beginning on the effective date of this amendatory Act of
18 the 92nd General Assembly, a for-profit entity may not apply
19 to the State Board, a local school board, or the governing
20 body of a charter school to operate or manage a charter
21 school. The changes made by this amendatory Act of the 92nd
22 General Assembly do not apply to a for-profit entity
23 operating or managing an existing or approved charter school
24 on or before the effective date of this amendatory Act.

25 (i) In no event shall a charter school that is
26 established by converting an existing school or attendance
27 center to charter school status be required to pay rent for
28 space that is deemed available, as negotiated and provided in
29 the charter agreement, in school district facilities.
30 However, all other costs for the operation and maintenance of
31 school district facilities that are used by the charter
32 school shall be subject to negotiation between the charter
33 school and the local school board and shall be set forth in
34 the charter.

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

3 (Source: P.A. 91-407, eff. 8-3-99.)

4 (105 ILCS 5/27A-6)

5 Sec. 27A-6. Contract contents; applicability of laws and
6 regulations.

7 (a) A certified charter shall constitute a binding
8 contract and agreement between the charter school and a local
9 school board under the terms of which the local school board
10 authorizes the governing body of the charter school to
11 operate the charter school on the terms specified in the
12 contract.

13 (b) Notwithstanding any other provision of this Article,
14 the certified charter may not waive or release the charter
15 school from the State goals, standards, and assessments
16 established pursuant to Section 2-3.64. In addition to any
17 State-mandated assessments, beginning with the 2003-2004
18 school year, charter school students must take the same
19 nationally recognized standardized tests as the other public
20 school students in the school district. The results of the
21 assessments shall be included in all district-wide assessment
22 reports.

23 (c) Subject to the provisions of subsection (e), a
24 material revision to a previously certified contract or a
25 renewal shall be made with the approval of both the local
26 school board and the governing body of the charter school.

27 (c-5) The proposed contract shall include a provision on
28 how both parties will address minor violations of the
29 contract.

30 (d) The proposed contract between the governing body of
31 a proposed charter school and the local school board as
32 described in Section 27A-7 must be submitted to and certified
33 by the State Board before it can take effect. If the State

1 Board recommends that the proposed contract be modified for
2 consistency with this Article before it can be certified, the
3 modifications must be consented to by both the governing body
4 of the charter school and the local school board, and
5 resubmitted to the State Board for its certification. If the
6 proposed contract is resubmitted in a form that is not
7 consistent with this Article, the State Board may refuse to
8 certify the charter.

9 The State Board shall assign a number to each submission
10 or resubmission in chronological order of receipt, and shall
11 determine whether the proposed contract is consistent with
12 the provisions of this Article. If the proposed contract
13 complies, the State Board shall so certify.

14 (e) No material revision to a previously certified
15 contract or a renewal shall be effective unless and until the
16 State Board certifies that the revision or renewal is
17 consistent with the provisions of this Article.

18 (Source: P.A. 91-407, eff. 8-3-99.)

19 (105 ILCS 5/27A-10)

20 Sec. 27A-10. Employees.

21 (a) A person shall be deemed to be employed by a charter
22 school unless a collective bargaining agreement or the
23 charter school contract otherwise provides.

24 (b) In all school districts, including special charter
25 districts and districts located in cities having a population
26 exceeding 500,000, the local school board shall determine by
27 policy or by negotiated agreement, if one exists, the
28 employment status of any school district employees who are
29 employed by a charter school and who seek to return to
30 employment in the public schools of the district. Each local
31 school board shall grant, for a period of up to 5 years, a
32 leave of absence to those of its teachers who accept
33 employment with a charter school. At the end of the

1 authorized leave of absence, the teacher must return to the
2 school district or resign; provided, however, that if the
3 teacher chooses to return to the school district, the teacher
4 must be assigned to a position which requires the teacher's
5 certification and legal qualifications. The contractual
6 continued service status and retirement benefits of a teacher
7 of the district who is granted a leave of absence to accept
8 employment with a charter school shall not be affected by
9 that leave of absence.

10 (c) Charter schools shall employ in instructional
11 positions, as defined in the charter, individuals who are
12 certificated under Article 21 of the School Code or who
13 possess the following qualifications:

14 (i) graduated with a bachelor's degree from an
15 accredited institution of higher learning;

16 (ii) been employed for a period of at least 5 years
17 in an area requiring application of the individual's
18 education;

19 (iii) passed the tests of basic skills and subject
20 matter knowledge required by Section 21-1a of the School
21 Code; and

22 (iv) demonstrate continuing evidence of
23 professional growth which shall include, but not be
24 limited to, successful teaching experience, attendance at
25 professional meetings, membership in professional
26 organizations, additional credits earned at institutions
27 of higher learning, travel specifically for educational
28 purposes, and reading of professional books and
29 periodicals.

30 Charter schools employing individuals without
31 certification in instructional positions shall provide such
32 mentoring, training, and staff development for those
33 individuals as the charter schools determine necessary for
34 satisfactory performance in the classroom.

1 Notwithstanding any other provisions of the School Code,
2 charter schools may employ non-certificated staff in all
3 other positions.

4 Beginning on the effective date of this amendatory Act of
5 the 92nd General Assembly, a charter school existing on the
6 effective date of this amendatory Act must have, at the end
7 of 3 school years and thereafter, 75% of its educational
8 staff certificated under Article 21 of this Code. Such
9 charter schools are exempt from any annual cap on new
10 participants in an alternative certification program. The
11 second and third phases of an alternative certification
12 program may be conducted and completed at the charter school,
13 and the alternative teacher certificate is valid for the
14 length of the charter or 4 years, whichever is longer.

15 A charter school established during or after the
16 2002-2003 school year must have, at the end of 3 school years
17 and thereafter, 50% of its educational staff certificated
18 under Article 21 of this Code. Such charter schools are
19 exempt from any annual cap on new participants in an
20 alternative certification program. The second and third
21 phases of an alternative certification program may be
22 conducted and completed at the charter school, and the
23 alternative teacher certificate is valid for the length of
24 the charter or 4 years, whichever is longer.

25 (d) A teacher at a charter school may resign his or her
26 position only if the teacher gives notice of resignation to
27 the charter school's governing body at least 60 days before
28 the end of the school term, and the resignation must take
29 effect immediately upon the end of the school term.

30 (Source: P.A. 89-450, eff. 4-10-96.)

31 Section 99. Effective date. This Act takes effect upon
32 becoming law.