

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 and/or students 16 or 15 years old at risk of dropping
8 out may operate at any one time in any city having a population
9 exceeding 500,000. Notwithstanding any provision to the
10 contrary in subsection (b) of Section 27A-5 of this Code, each
11 such dropout charter may operate up to 15 campuses within the
12 city. Any of these dropout charters may have a maximum of 1,875
13 enrollment seats, any one of the campuses of the dropout
14 charter may have a maximum of 165 enrollment seats, and each
15 campus of the dropout charter must be operated by the same
16 legal entity as that for which the charter is approved and
17 certified.

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

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

1 school to a charter school.

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

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

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

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

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

1 the previous school year, unless expelled for cause, and
2 priority may be given to pupils residing within the charter
3 school's attendance boundary, if a boundary has been designated
4 by the board of education in a city having a population
5 exceeding 500,000. Dual enrollment at both a charter school and
6 a public school or non-public school shall not be allowed. A
7 pupil who is suspended or expelled from a charter school shall
8 be deemed to be suspended or expelled from the public schools
9 of the school district in which the pupil resides.
10 Notwithstanding anything to the contrary in this subsection
11 (h), any charter school with a mission exclusive to educating
12 high school dropouts may grant priority ~~restrict~~ admission to
13 students who are high school dropouts and/or students 16 or 15
14 years old at risk of dropping out and any charter school with a
15 mission exclusive to educating students from low-performing or
16 overcrowded schools may restrict admission to students who are
17 from low-performing or overcrowded schools. "Priority
18 admission" for charter schools exclusively devoted to
19 re-enrolled dropouts or students at risk of dropping out means
20 a minimum of 90% of students enrolled shall be high school
21 dropouts.

22 (i) (Blank).

23 (j) Notwithstanding any other provision of law to the
24 contrary, a school district in a city having a population
25 exceeding 500,000 shall not have a duty to collectively bargain
26 with an exclusive representative of its employees over

1 decisions to grant or deny a charter school proposal under
2 Section 27A-8 of this Code, decisions to renew or revoke a
3 charter under Section 27A-9 of this Code, and the impact of
4 these decisions, provided that nothing in this Section shall
5 have the effect of negating, abrogating, replacing, reducing,
6 diminishing, or limiting in any way employee rights,
7 guarantees, or privileges granted in Sections 2, 3, 7, 8, 10,
8 14, and 15 of the Illinois Educational Labor Relations Act.

9 (k) In this Section:

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

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

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

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

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.