

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

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

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

25 (d) Enrollment in a charter school shall be open to any  
26 pupil who resides within the geographic boundaries of the area

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

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

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

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

19 (h) If there are more eligible applicants for enrollment in  
20 a charter school than there are spaces available, successful  
21 applicants shall be selected by lottery. However, priority  
22 shall be given to siblings of pupils enrolled in the charter  
23 school and to pupils who were enrolled in the charter school  
24 the previous school year, unless expelled for cause, and  
25 priority may be given to pupils residing within the charter  
26 school's attendance boundary, if a boundary has been designated

1 by the board of education in a city having a population  
2 exceeding 500,000. Dual enrollment at both a charter school and  
3 a public school or non-public school shall not be allowed. A  
4 pupil who is suspended or expelled from a charter school shall  
5 be deemed to be suspended or expelled from the public schools  
6 of the school district in which the pupil resides.  
7 Notwithstanding anything to the contrary in this subsection  
8 (h), any charter school with a mission exclusive to educating  
9 high school dropouts may restrict admission to students who are  
10 high school dropouts.

11 (i) (Blank).

12 (j) Notwithstanding any other provision of law to the  
13 contrary, a school district in a city having a population  
14 exceeding 500,000 shall not have a duty to collectively bargain  
15 with an exclusive representative of its employees over  
16 decisions to grant or deny a charter school proposal under  
17 Section 27A-8 of this Code, decisions to renew or revoke a  
18 charter under Section 27A-9 of this Code, and the impact of  
19 these decisions, provided that nothing in this Section shall  
20 have the effect of negating, abrogating, replacing, reducing,  
21 diminishing, or limiting in any way employee rights,  
22 guarantees, or privileges granted in Sections 2, 3, 7, 8, 10,  
23 14, and 15 of the Illinois Educational Labor Relations Act.

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