

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, through a  
16 contract or payroll, by the same legal entity as that for which  
17 the charter is approved and 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) ~~;~~

12 (1) any charter school with a mission exclusive to  
13 educating high school dropouts may grant priority  
14 admission to students who are high school dropouts and/or  
15 students 16 or 15 years old at risk of dropping out and any  
16 charter school with a mission exclusive to educating  
17 students from low-performing or overcrowded schools may  
18 restrict admission to students who are from low-performing  
19 or overcrowded schools; "priority admission" ~~."Priority~~  
20 admission" for charter schools exclusively devoted to  
21 re-enrolled dropouts or students at risk of dropping out  
22 means a minimum of 90% of students enrolled shall be high  
23 school dropouts; ~~and~~

24 (2) any charter school located in a school district  
25 that contains all or part of a federal military base may  
26 set aside up to 33% of its current charter enrollment to

1 students with parents assigned to the federal military  
2 base, with the remaining 67% subject to the general  
3 enrollment and lottery requirements of subsection (d) of  
4 this Section and this subsection (h); if a student with a  
5 parent assigned to the federal military base withdraws from  
6 the charter school during the course of a school year for  
7 reasons other than grade promotion, those students with  
8 parents assigned to the federal military base shall have  
9 preference in filling the vacancy.

10 (i) (Blank).

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

23 (k) In this Section:

24 "Low-performing school" means a public school in a school  
25 district organized under Article 34 of this Code that enrolls  
26 students in any of grades kindergarten through 8 and that is

1 ranked within the lowest 10% of schools in that district in  
2 terms of the percentage of students meeting or exceeding  
3 standards on the Illinois Standards Achievement Test.

4 "Overcrowded school" means a public school in a school  
5 district organized under Article 34 of this Code that (i)  
6 enrolls students in any of grades kindergarten through 8, (ii)  
7 has a percentage of low-income students of 70% or more, as  
8 identified in the most recently available School Report Card  
9 published by the State Board of Education, and (iii) is  
10 determined by the Chicago Board of Education to be in the most  
11 severely overcrowded 5% of schools in the district. On or  
12 before November 1 of each year, the Chicago Board of Education  
13 shall file a report with the State Board of Education on which  
14 schools in the district meet the definition of "overcrowded  
15 school". "Students at risk of dropping out" means students 16  
17 or 15 years old in a public school in a district organized  
18 under Article 34 of this Code that enrolls students in any  
19 grades 9-12 who have been absent at least 90 school attendance  
20 days of the previous 180 school attendance days.

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

22 Section 99. Effective date. This Act takes effect July 1,  
23 2013.