



Sen. Jacqueline Y. Collins

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1 AMENDMENT TO SENATE BILL 588

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 588 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, 27A-11, and 27A-12 and by adding Sections 27A-10.5 and  
6 27A-11.10 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, which lottery must be  
7 administered by the authorizer. However, priority shall be  
8 given to siblings of pupils enrolled in the charter school and  
9 to pupils who were enrolled in the charter school the previous  
10 school year, unless expelled for cause, and priority may be  
11 given to pupils residing within the charter school's attendance  
12 boundary, if a boundary has been designated by the board of  
13 education in a city having a population exceeding 500,000. A  
14 charter school waiting list must be centrally administered by  
15 the authorizer. A charter school may not create any admissions  
16 process subsequent to a lottery. In the event that a student  
17 transfers from a charter school, the authorizer shall inform  
18 the next parent or guardian on the waiting list. Dual  
19 enrollment at both a charter school and a public school or  
20 non-public school shall not be allowed. A pupil who is  
21 suspended or expelled from a charter school shall be deemed to  
22 be suspended or expelled from the public schools of the school  
23 district in which the pupil resides. Notwithstanding anything  
24 to the contrary in this subsection (h):

25 (1) any charter school with a mission exclusive to  
26 educating high school dropouts may grant priority

1 admission to students who are high school dropouts and/or  
2 students 16 or 15 years old at risk of dropping out and any  
3 charter school with a mission exclusive to educating  
4 students from low-performing or overcrowded schools may  
5 restrict admission to students who are from low-performing  
6 or overcrowded schools; "priority admission" for charter  
7 schools exclusively devoted to re-enrolled dropouts or  
8 students at risk of dropping out means a minimum of 90% of  
9 students enrolled shall be high school dropouts; and

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

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. 97-151, eff. 1-1-12; 97-624, eff. 11-28-11;  
7 97-813, eff. 7-13-12; 98-474, eff. 8-16-13.)

8 (105 ILCS 5/27A-10.5 new)

9 Sec. 27A-10.5. Educational or charter management  
10 organization.

11 (a) In this Section:

12 "CMO" means a charter management organization.

13 "EMO" means an educational management organization.

14 (b) A charter school established on or after the effective  
15 date of this amendatory Act of the 98th General Assembly may  
16 not enter into a contract with a for-profit EMO or CMO.

17 (c) All equipment, furnishings, and physical plants that  
18 are purchased with public funds are the property of the charter  
19 school, not the EMO or CMO. In the event a charter school is  
20 dissolved, such property must be transferred to the authorizer.

21 (d) No charter school may employ a staff person who is  
22 simultaneously employed by an EMO or CMO.

23 (105 ILCS 5/27A-11)

24 Sec. 27A-11. Local financing.

1           (a) For purposes of the School Code, pupils enrolled in a  
2 charter school shall be included in the pupil enrollment of the  
3 school district within which the pupil resides. Each charter  
4 school (i) shall determine the school district in which each  
5 pupil who is enrolled in the charter school resides, (ii) shall  
6 report the aggregate number of pupils resident of a school  
7 district who are enrolled in the charter school to the school  
8 district in which those pupils reside, and (iii) shall maintain  
9 accurate records of daily attendance that shall be deemed  
10 sufficient to file claims under Section 18-8 notwithstanding  
11 any other requirements of that Section regarding hours of  
12 instruction and teacher certification.

13           (b) Except for a charter school established by referendum  
14 under Section 27A-6.5, as part of a charter school contract,  
15 the charter school and the local school board shall agree on  
16 funding and any services to be provided by the school district  
17 to the charter school. Agreed funding that a charter school is  
18 to receive from the local school board for a school year shall  
19 be paid in equal quarterly installments with the payment of the  
20 installment for the first quarter being made not later than  
21 July 1, unless the charter establishes a different payment  
22 schedule.

23           All services centrally or otherwise provided by the school  
24 district including, but not limited to, rent, food services,  
25 custodial services, maintenance, curriculum, media services,  
26 libraries, transportation, and warehousing shall be subject to



1 negotiation between a charter school and the local school board  
2 and paid for out of the revenues negotiated pursuant to this  
3 subsection (b); provided that the local school board shall not  
4 attempt, by negotiation or otherwise, to obligate a charter  
5 school to provide pupil transportation for pupils for whom a  
6 district is not required to provide transportation under the  
7 criteria set forth in subsection (a) (13) of Section 27A-7.

8 In no event shall the funding be less than 75% or more than  
9 125% of the school district's per capita student tuition  
10 multiplied by the number of students residing in the district  
11 who are enrolled in the charter school.

12 It is the intent of the General Assembly that funding and  
13 service agreements under this subsection (b) shall be neither a  
14 financial incentive nor a financial disincentive to the  
15 establishment of a charter school.

16 The charter school may set and collect reasonable fees.  
17 Fees collected from students enrolled at a charter school shall  
18 be retained by the charter school.

19 (c) Notwithstanding subsection (b) of this Section, the  
20 proportionate share of State and federal resources generated by  
21 students with disabilities or staff serving them shall be  
22 directed to charter schools enrolling those students by their  
23 school districts or administrative units. The proportionate  
24 share of moneys generated under other federal or State  
25 categorical aid programs shall be directed to charter schools  
26 serving students eligible for that aid.

1 (d) The governing body of a charter school is authorized to  
2 accept gifts, donations, or grants of any kind made to the  
3 charter school and to expend or use gifts, donations, or grants  
4 in accordance with the conditions prescribed by the donor;  
5 however, a gift, donation, or grant may not be accepted by the  
6 governing body if it is subject to any condition contrary to  
7 applicable law or contrary to the terms of the contract between  
8 the charter school and the local school board. Charter schools  
9 shall be encouraged to solicit and utilize community volunteer  
10 speakers and other instructional resources when providing  
11 instruction on the Holocaust and other historical events.

12 (e) (Blank).

13 (f) The State Board shall provide technical assistance to  
14 persons and groups preparing or revising charter applications.

15 (g) At the non-renewal or revocation of its charter, each  
16 charter school shall refund to the local board of education all  
17 unspent funds.

18 If a charter school student transfers from the charter  
19 school to another school in the same school district or to a  
20 school in a different school district, the charter school shall  
21 pay to the school district where the charter school is located  
22 the prorated portion of public funding provided for the  
23 education of that student. The charter school shall make this  
24 payment on or before June 30.

25 (h) A charter school is authorized to incur temporary,  
26 short term debt to pay operating expenses in anticipation of

1 receipt of funds from the local school board.

2 (Source: P.A. 90-548, eff. 1-1-98; 90-757, eff. 8-14-98;  
3 91-407, eff. 8-3-99.)

4 (105 ILCS 5/27A-11.10 new)

5 Sec. 27A-11.10. Proper use of funds.

6 (a) Any and all marketing and advertising to the public for  
7 charter school enrollment and recruitment made by a charter  
8 school or school district is prohibited. Any third party  
9 conducting such advertising may not use funds from any public  
10 entity of this State, including a charter school, to do so.

11 (b) No school district may promote one set of schools over  
12 other sets of schools, and information about public school  
13 choice options provided by the school district shall include  
14 information on all public schools.

15 (c) No chief executive officer of a charter school shall  
16 receive compensation greater than 80% of the compensation of  
17 the superintendent of schools of the school district where the  
18 charter school is located. No charter school principal may  
19 receive compensation greater than 10% more than the average  
20 compensation for principals in the school district where the  
21 charter school is located. A charter school shall include these  
22 prohibitions in any contract with an educational or charter  
23 management organization.

24 (d) Charters schools that have a one-fifth greater share of  
25 their spending on administration than the share that the school

1 district where the charter school is located devotes to central  
2 and school administration are subject to audit by the Auditor  
3 General. Such an audit shall examine without limitation  
4 contracts with educational or charter management  
5 organizations, vendor contracts, and the use of shared  
6 administration with school districts. The audit report shall  
7 make recommendations lowering the share of spending going  
8 toward administration.

9 (105 ILCS 5/27A-12)

10 Sec. 27A-12. Evaluation and assessment; reporting ~~report~~.

11 (a) On or before September 30 of every odd-numbered year,  
12 all local school boards with at least one charter school, as  
13 well as the Commission, shall submit to the State Board any  
14 information required by the State Board pursuant to applicable  
15 rule. On or before the second Wednesday in January of every  
16 even-numbered year, the State Board shall issue a report to the  
17 General Assembly and the Governor on its findings for the  
18 previous 2 school years. The State Board's report shall  
19 summarize all of the following:

20 (1) The authorizer's strategic vision for chartering  
21 and progress toward achieving that vision.

22 (2) The academic and financial performance of all  
23 operating charter schools overseen by the authorizer,  
24 according to the performance expectations for charter  
25 schools set forth in this Article.

1           (3) The status of the authorizer's charter school  
2 portfolio, identifying all charter schools in each of the  
3 following categories: approved (but not yet open),  
4 operating, renewed, transferred, revoked, not renewed,  
5 voluntarily closed, or never opened.

6           (4) The authorizing functions provided by the  
7 authorizer to the charter schools under its purview,  
8 including the authorizer's operating costs and expenses  
9 detailed in annual audited financial statements, which  
10 must conform with generally accepted accounting  
11 principles.

12           Further, in the report required by this Section, the State  
13 Board (i) shall compare the performance of charter school  
14 pupils with the performance of ethnically and economically  
15 comparable groups of pupils in other public schools who are  
16 enrolled in academically comparable courses, (ii) shall review  
17 information regarding the regulations and policies from which  
18 charter schools were released to determine if the exemptions  
19 assisted or impeded the charter schools in meeting their stated  
20 goals and objectives, and (iii) shall include suggested changes  
21 in State law necessary to strengthen charter schools.

22           (b) In addition, the State Board shall undertake and report  
23 on periodic evaluations of charter schools that include  
24 evaluations of student academic achievement, the extent to  
25 which charter schools are accomplishing their missions and  
26 goals, the sufficiency of funding for charter schools, and the

1 need for changes in the approval process for charter schools.

2 The State Board, at 5-year intervals, shall complete an  
3 assessment of the impact of charter schools on the school  
4 system, including the flow of funding between sectors, student  
5 enrollment impacts, charter graduation rates, and student  
6 attrition rates, and an assessment of whether different  
7 categories of students are being equitably and fully served.

8 (c) Based on the information that the State Board receives  
9 from authorizers and the State Board's ongoing monitoring of  
10 both charter schools and authorizers, the State Board has the  
11 power to remove the power to authorize from any authorizer in  
12 this State if the authorizer does not demonstrate a commitment  
13 to high-quality authorization practices and, if necessary,  
14 revoke the chronically low-performing charters authorized by  
15 the authorizer at the time of the removal. The State Board  
16 shall adopt rules as needed to carry out this power, including  
17 provisions to determine the status of schools authorized by an  
18 authorizer whose authorizing power is revoked.

19 (d) Charter schools found out of compliance with any  
20 reporting required under this Article shall have their share of  
21 general State aid under Section 18-8.05 of this Code withheld  
22 and prorated until the reporting is completed.

23 (Source: P.A. 96-105, eff. 7-30-09; 97-152, eff. 7-20-11.)".