

1 AN ACT in relation to 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 60. Not more than
18 30 charter schools shall operate at any one time in any city
19 having a population exceeding 500,000; not more than 15 charter
20 schools shall operate at any one time in the counties of
21 DuPage, Kane, Lake, McHenry, Will, and that portion of Cook
22 County that is located outside a city having a population
23 exceeding 500,000, with not more than one charter school that
24 has been initiated by a board of education, or by an
25 intergovernmental agreement between or among boards of
26 education, operating at any one time in the school district
27 where the charter school is located; and not more than 15
28 charter schools shall operate at any one time in the remainder
29 of the State, with not more than one charter school that has
30 been initiated by a board of education, or by an
31 intergovernmental agreement between or among boards of
32 education, operating at any one time in the school district

1 where the charter school is located.

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

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

12 (d) Enrollment in a charter school shall be open to any
13 pupil who resides within the geographic boundaries of the area
14 served by the local school board, provided that the board of
15 education in a city having a population exceeding 500,000 may
16 designate attendance boundaries for no more than one-third of
17 the charter schools permitted in the city if the board of
18 education determines that attendance boundaries are needed to
19 relieve overcrowding or to better serve low-income and at-risk
20 students. Students residing within an attendance boundary may
21 be given priority for enrollment, but must not be required to
22 attend the charter school.

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

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

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

32 (h) If there are more eligible applicants for enrollment in
33 a charter school than there are spaces available, successful
34 applicants shall be selected by lottery. However, priority
35 shall be given to siblings of pupils enrolled in the charter
36 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 (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 (Source: P.A. 92-16, eff. 6-28-01; 93-3, eff. 4-16-03.)