



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB4153**

Introduced 10/26/2005, by Rep. Daniel J. Burke

**SYNOPSIS AS INTRODUCED:**

105 ILCS 5/27A-4

Amends the Charter Schools Law of the School Code. Raises the total number of charter schools that may operate at any one time from 60 to 65 and the total number of charter schools that may operate at any one time in Chicago from 30 to 35. Provides that the Chicago Board of Education must designate attendance boundaries to relieve overcrowding for these 5 additional charter schools. Effective immediately.

LRB094 14950 RAS 50038 b

FISCAL NOTE ACT  
MAY APPLY

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 65 ~~60~~. Not more  
18 than 35 ~~30~~ charter schools shall operate at any one time in any  
19 city having a population exceeding 500,000; not more than 15  
20 charter schools shall operate at any one time in the counties  
21 of 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 (i)  
16 may designate attendance boundaries for no more than one-third  
17 of the charter schools permitted in the city, excluding the 5  
18 additional charter schools authorized by this amendatory Act of  
19 the 94th General Assembly, if the board of education determines  
20 that attendance boundaries are needed to relieve overcrowding  
21 or to better serve low-income and at-risk students and (ii)  
22 must designate attendance boundaries to relieve overcrowding  
23 for the 5 additional charter schools authorized by this  
24 amendatory Act of the 94th General Assembly. Students residing  
25 within an attendance boundary may be given priority for  
26 enrollment, but must not be required to attend the charter  
27 school.

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

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

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

1 (h) If there are more eligible applicants for enrollment in  
2 a charter school than there are spaces available, successful  
3 applicants shall be selected by lottery. However, priority  
4 shall be given to siblings of pupils enrolled in the charter  
5 school and to pupils who were enrolled in the charter school  
6 the previous school year, unless expelled for cause, and  
7 priority may be given to pupils residing within the charter  
8 school's attendance boundary, if a boundary has been designated  
9 by the board of education in a city having a population  
10 exceeding 500,000. Dual enrollment at both a charter school and  
11 a public school or non-public school shall not be allowed. A  
12 pupil who is suspended or expelled from a charter school shall  
13 be deemed to be suspended or expelled from the public schools  
14 of the school district in which the pupil resides.

15 (i) (Blank).

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

28 (Source: P.A. 92-16, eff. 6-28-01; 93-3, eff. 4-16-03; 93-861,  
29 eff. 1-1-05.)

30 Section 99. Effective date. This Act takes effect upon  
31 becoming law.