



Sen. Jacqueline Y. Collins

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1 AMENDMENT TO HOUSE BILL 3232

2 AMENDMENT NO. _____. Amend House Bill 3232 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 and 27A-5 and by adding Sections 27A-10.5 and 27A-10.10
6 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. However, priority
7 shall be given to siblings of pupils enrolled in the charter
8 school and to pupils who were enrolled in the charter school
9 the previous school year, unless expelled for cause, and
10 priority may be given to pupils residing within the charter
11 school's attendance boundary, if a boundary has been designated
12 by the board of education in a city having a population
13 exceeding 500,000.

14 Beginning with student enrollment for the 2015-2016 school
15 year, any lottery required under this subsection (h) must be
16 administered and videotaped by the charter school. The
17 authorizer's representative must have an observer present
18 during the lottery proceedings. The charter school must
19 maintain a videotaped record of the lottery, including a
20 time/date stamp. The charter school shall transmit copies of
21 the videotape and all records relating to the lottery to the
22 authorizer on or before September 1 of each year.

23 Any lottery required under this subsection (h) must be
24 administered in a way that provides each student an equal
25 chance at admission. If an authorizer makes a determination
26 that a charter school's lottery is in violation of this

1 subsection (h), it may administer the lottery directly. After a
2 lottery, each student randomly selected for admission to the
3 charter school must be notified. Charter schools may not create
4 an admissions process subsequent to a lottery that may operate
5 as a barrier to registration or enrollment.

6 Charter schools may undertake additional intake
7 activities, including without limitation student essays,
8 school-parent compacts, or open houses, but in no event may a
9 charter school require participation in these activities as a
10 condition of enrollment. A charter school must submit an
11 updated waitlist to the authorizer on a quarterly basis. A
12 waitlist must be submitted to the authorizer at the same time
13 as quarterly financial statements, if quarterly financial
14 statements are required by the authorizer.

15 Dual enrollment at both a charter school and a public
16 school or non-public school shall not be allowed. A pupil who
17 is suspended or expelled from a charter school shall be deemed
18 to be suspended or expelled from the public schools of the
19 school district in which the pupil resides. Notwithstanding
20 anything to the contrary in this subsection (h):

21 (1) any charter school with a mission exclusive to
22 educating high school dropouts may grant priority
23 admission to students who are high school dropouts and/or
24 students 16 or 15 years old at risk of dropping out and any
25 charter school with a mission exclusive to educating
26 students from low-performing or overcrowded schools may

1 restrict admission to students who are from low-performing
2 or overcrowded schools; "priority admission" for charter
3 schools exclusively devoted to re-enrolled dropouts or
4 students at risk of dropping out means a minimum of 90% of
5 students enrolled shall be high school dropouts; and

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

18 (i) (Blank).

19 (j) Notwithstanding any other provision of law to the
20 contrary, a school district in a city having a population
21 exceeding 500,000 shall not have a duty to collectively bargain
22 with an exclusive representative of its employees over
23 decisions to grant or deny a charter school proposal under
24 Section 27A-8 of this Code, decisions to renew or revoke a
25 charter under Section 27A-9 of this Code, and the impact of
26 these decisions, provided that nothing in this Section shall

1 have the effect of negating, abrogating, replacing, reducing,
2 diminishing, or limiting in any way employee rights,
3 guarantees, or privileges granted in Sections 2, 3, 7, 8, 10,
4 14, and 15 of the Illinois Educational Labor Relations Act.

5 (k) In this Section:

6 "Low-performing school" means a public school in a school
7 district organized under Article 34 of this Code that enrolls
8 students in any of grades kindergarten through 8 and that is
9 ranked within the lowest 10% of schools in that district in
10 terms of the percentage of students meeting or exceeding
11 standards on the Illinois Standards Achievement Test.

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

1 days of the previous 180 school attendance days.

2 (1) For charter school advertisements created after the
3 effective date of this amendatory Act of the 98th General
4 Assembly, any advertisement, including a radio, television,
5 print, Internet, social media, or billboard advertisement,
6 purchased by a school district or public school, including a
7 charter school, with public funds must include a disclaimer
8 stating that the advertisement was paid for using public funds.

9 (Source: P.A. 97-151, eff. 1-1-12; 97-624, eff. 11-28-11;
10 97-813, eff. 7-13-12; 98-474, eff. 8-16-13.)

11 (105 ILCS 5/27A-5)

12 Sec. 27A-5. Charter school; legal entity; requirements.

13 (a) A charter school shall be a public, nonsectarian,
14 nonreligious, non-home based, and non-profit school. A charter
15 school shall be organized and operated as a nonprofit
16 corporation or other discrete, legal, nonprofit entity
17 authorized under the laws of the State of Illinois.

18 (b) A charter school may be established under this Article
19 by creating a new school or by converting an existing public
20 school or attendance center to charter school status. Beginning
21 on the effective date of this amendatory Act of the 93rd
22 General Assembly, in all new applications submitted to the
23 State Board or a local school board to establish a charter
24 school in a city having a population exceeding 500,000,
25 operation of the charter school shall be limited to one campus.

1 The changes made to this Section by this amendatory Act of the
2 93rd General Assembly do not apply to charter schools existing
3 or approved on or before the effective date of this amendatory
4 Act.

5 (b-5) In this subsection (b-5), "virtual-schooling" means
6 the teaching of courses through online methods with online
7 instructors, rather than the instructor and student being at
8 the same physical location. "Virtual-schooling" includes
9 without limitation instruction provided by full-time, online
10 virtual schools.

11 From April 1, 2013 through April 1, 2014, there is a
12 moratorium on the establishment of charter schools with
13 virtual-schooling components in school districts other than a
14 school district organized under Article 34 of this Code. This
15 moratorium does not apply to a charter school with
16 virtual-schooling components existing or approved prior to
17 April 1, 2013 or to the renewal of the charter of a charter
18 school with virtual-schooling components already approved
19 prior to April 1, 2013.

20 On or before March 1, 2014, the Commission shall submit to
21 the General Assembly a report on the effect of
22 virtual-schooling, including without limitation the effect on
23 student performance, the costs associated with
24 virtual-schooling, and issues with oversight. The report shall
25 include policy recommendations for virtual-schooling.

26 (c) A charter school shall be administered and governed by

1 its board of directors or other governing body in the manner
2 provided in its charter. The governing body of a charter school
3 shall be subject to the Freedom of Information Act and the Open
4 Meetings Act.

5 (d) A charter school shall comply with all applicable
6 health and safety requirements applicable to public schools
7 under the laws of the State of Illinois.

8 (e) Except as otherwise provided in the School Code, a
9 charter school shall not charge tuition; provided that a
10 charter school may charge reasonable fees for textbooks,
11 instructional materials, and student activities.

12 (f) A charter school shall be responsible for the
13 management and operation of its fiscal affairs including, but
14 not limited to, the preparation of its budget. An audit of each
15 charter school's finances shall be conducted annually by an
16 outside, independent contractor retained by the charter
17 school. To ensure financial accountability for the use of
18 public funds, on or before December 1 of every year of
19 operation, each charter school shall submit to its authorizer
20 and ~~Annually, by December 1, every charter school must submit~~
21 ~~to~~ the State Board a copy of its audit and a copy of the Form
22 990 the charter school filed that year with the federal
23 Internal Revenue Service. In addition, if deemed necessary for
24 proper financial oversight of the charter school, an authorizer
25 may require quarterly financial statements from each charter
26 school.

1 (g) A charter school shall comply with all provisions of
2 this Article, the Illinois Educational Labor Relations Act, and
3 its charter. A charter school is exempt from all other State
4 laws and regulations in the School Code governing public
5 schools and local school board policies, except the following:

6 (1) Sections 10-21.9 and 34-18.5 of the School Code
7 regarding criminal history records checks and checks of the
8 Statewide Sex Offender Database and Statewide Murderer and
9 Violent Offender Against Youth Database of applicants for
10 employment;

11 (2) Sections 24-24 and 34-84A of the School Code
12 regarding discipline of students;

13 (3) The Local Governmental and Governmental Employees
14 Tort Immunity Act;

15 (4) Section 108.75 of the General Not For Profit
16 Corporation Act of 1986 regarding indemnification of
17 officers, directors, employees, and agents;

18 (5) The Abused and Neglected Child Reporting Act;

19 (6) The Illinois School Student Records Act;

20 (7) Section 10-17a of the School Code regarding school
21 report cards; and

22 (8) The P-20 Longitudinal Education Data System Act.

23 The change made by Public Act 96-104 to this subsection (g)
24 is declaratory of existing law.

25 (h) A charter school may negotiate and contract with a
26 school district, the governing body of a State college or

1 university or public community college, or any other public or
2 for-profit or nonprofit private entity for: (i) the use of a
3 school building and grounds or any other real property or
4 facilities that the charter school desires to use or convert
5 for use as a charter school site, (ii) the operation and
6 maintenance thereof, and (iii) the provision of any service,
7 activity, or undertaking that the charter school is required to
8 perform in order to carry out the terms of its charter.
9 However, a charter school that is established on or after the
10 effective date of this amendatory Act of the 93rd General
11 Assembly and that operates in a city having a population
12 exceeding 500,000 may not contract with a for-profit entity to
13 manage or operate the school during the period that commences
14 on the effective date of this amendatory Act of the 93rd
15 General Assembly and concludes at the end of the 2004-2005
16 school year. Except as provided in subsection (i) of this
17 Section, a school district may charge a charter school
18 reasonable rent for the use of the district's buildings,
19 grounds, and facilities. Any services for which a charter
20 school contracts with a school district shall be provided by
21 the district at cost. Any services for which a charter school
22 contracts with a local school board or with the governing body
23 of a State college or university or public community college
24 shall be provided by the public entity at cost.

25 (i) In no event shall a charter school that is established
26 by converting an existing school or attendance center to

1 charter school status be required to pay rent for space that is
2 deemed available, as negotiated and provided in the charter
3 agreement, in school district facilities. However, all other
4 costs for the operation and maintenance of school district
5 facilities that are used by the charter school shall be subject
6 to negotiation between the charter school and the local school
7 board and shall be set forth in the charter.

8 (j) A charter school may limit student enrollment by age or
9 grade level.

10 (k) If the charter school is approved by the Commission,
11 then the Commission charter school is its own local education
12 agency.

13 (Source: P.A. 97-152, eff. 7-20-11; 97-154, eff. 1-1-12;
14 97-813, eff. 7-13-12; 98-16, eff. 5-24-13.)

15 (105 ILCS 5/27A-10.5 new)

16 Sec. 27A-10.5. Educational or charter management
17 organization.

18 (a) In this Section:

19 "CMO" means a charter management organization.

20 "EMO" means an educational management organization.

21 (b) All authorizers shall ensure that any charter school
22 established on or after the effective date of this amendatory
23 Act of the 98th General Assembly has a governing body that is
24 separate and distinct from the governing body of any CMO or
25 EMO. In reviewing charter applications and charter renewal

1 applications, authorizers shall review the governance model
2 proposed by the applicant to ensure that there are no conflicts
3 of interest.

4 (c) No charter school may employ a staff person who is
5 simultaneously employed by an EMO or CMO.

6 (105 ILCS 5/27A-10.10 new)

7 Sec. 27A-10.10. Unspent public funds; disposition of
8 assets.

9 (a) When a charter school is authorized by one or more
10 local boards of education, the governing body of the charter
11 school or its designee shall refund to the chartering entity or
12 entities all unspent public funds. The charter school's other
13 assets shall be dissolved under the provisions of the charter
14 application and contract. If the contract is silent or
15 ambiguous as to the disposition of any of the school's assets,
16 all assets of the charter school purchased with public funds
17 shall be returned to the school district or districts from
18 which the charter school draws enrollment, at no cost to the
19 receiving district or districts, subject to each district's
20 acceptance of the asset. Any unspent public funds or other
21 assets received by the charter school directly from any State
22 or federal agency shall be refunded to or revert back to that
23 State or federal agency, respectively.

24 (b) When a charter school is authorized by the Commission,
25 the governing body of the charter school or its designee shall

1 refund all unspent public funds to the State Board of
2 Education. The charter school's other assets shall be dissolved
3 under the provisions of the charter application and contract.
4 If the contract is silent or ambiguous as to the disposition of
5 any of the school's assets, all assets of the charter school
6 purchased with public funds shall be returned to the school
7 district or districts from which the charter school draws its
8 enrollment, at no cost to the receiving district or districts,
9 subject to each district's acceptance of the asset. Any unspent
10 public funds or other assets provided by a State agency other
11 than the State Board of Education or by a federal agency shall
12 be refunded to or revert back to that State or federal agency,
13 respectively."