



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB6142

Introduced 2/11/2016, by Rep. Barbara Wheeler

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/27A-4  
105 ILCS 5/27A-6

Amends the Charter Schools Article of the School Code. Removes provisions providing that the total number of charter schools operating under this Article at any one time shall not exceed 120. Removes a provision limiting the number of charter schools to 70 in any city having a population exceeding 500,000. Removes a provision limiting the number of charter schools to 45 in the remainder of the State. Removes a provision providing that the State Board of Education shall assign a number to each charter submission it receives for its review and certification, based on the chronological order in which the submission is received by it.

LRB099 15985 NHT 40302 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 Sections  
5 27A-4 and 27A-6 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) ~~At 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 shall operate. At~~  
22 ~~operating at any one time in that city; and not more than 45~~  
23 ~~charter schools shall operate at any one time in the remainder~~

1 of the State, ~~with~~ not more than one charter school may be ~~that~~  
2 ~~has been~~ initiated by a board of education, or by an  
3 intergovernmental agreement between or among boards of  
4 education, operating ~~at any one time~~ in the school district  
5 where the charter school is located. In addition to these  
6 charter schools, up to but no more than 5 charter schools  
7 devoted exclusively to re-enrolled high school dropouts and/or  
8 students 16 or 15 years old at risk of dropping out may operate  
9 at any one time in any city having a population exceeding  
10 500,000. Notwithstanding any provision to the contrary in  
11 subsection (b) of Section 27A-5 of this Code, each such dropout  
12 charter may operate up to 15 campuses within the city. Any of  
13 these dropout charters may have a maximum of 1,875 enrollment  
14 seats, any one of the campuses of the dropout charter may have  
15 a maximum of 165 enrollment seats, and each campus of the  
16 dropout charter must be operated, through a contract or  
17 payroll, by the same legal entity as that for which the charter  
18 is approved and certified.

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

26 (c) No charter shall be granted under this Article that

1 would convert any existing private, parochial, or non-public  
2 school to a charter school.

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

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

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

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

23 (h) If there are more eligible applicants for enrollment in  
24 a charter school than there are spaces available, successful  
25 applicants shall be selected by lottery. However, priority  
26 shall be given to siblings of pupils enrolled in the charter

1 school and to pupils who were enrolled in the charter school  
2 the previous school year, unless expelled for cause, and  
3 priority may be given to pupils residing within the charter  
4 school's attendance boundary, if a boundary has been designated  
5 by the board of education in a city having a population  
6 exceeding 500,000.

7 Beginning with student enrollment for the 2015-2016 school  
8 year, any lottery required under this subsection (h) must be  
9 administered and videotaped by the charter school. The  
10 authorizer or its designee must be allowed to be present or  
11 view the lottery in real time. The charter school must maintain  
12 a videotaped record of the lottery, including a time/date  
13 stamp. The charter school shall transmit copies of the  
14 videotape and all records relating to the lottery to the  
15 authorizer on or before September 1 of each year.

16 Subject to the requirements for priority applicant groups  
17 set forth in paragraph (1) of this subsection (h), any lottery  
18 required under this subsection (h) must be administered in a  
19 way that provides each student an equal chance at admission. If  
20 an authorizer makes a determination that a charter school's  
21 lottery is in violation of this subsection (h), it may  
22 administer the lottery directly. After a lottery, each student  
23 randomly selected for admission to the charter school must be  
24 notified. Charter schools may not create an admissions process  
25 subsequent to a lottery that may operate as a barrier to  
26 registration or enrollment.

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

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

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

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

13          (i) (Blank).

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

26          (k) In this Section:

1 "Low-performing school" means a public school in a school  
2 district organized under Article 34 of this Code that enrolls  
3 students in any of grades kindergarten through 8 and that is  
4 ranked within the lowest 10% of schools in that district in  
5 terms of the percentage of students meeting or exceeding  
6 standards on the assessments required under Section 2-3.64a-5  
7 of this Code.

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

24 (1) For advertisements created after January 1, 2015 (the  
25 effective date of Public Act 98-783), any advertisement,  
26 including a radio, television, print, Internet, social media,



1 or billboard advertisement, purchased by a school district or  
2 public school, including a charter school, with public funds  
3 must include a disclaimer stating that the advertisement was  
4 paid for using public funds.

5 This disclaimer requirement does not extend to materials  
6 created by the charter school, including, but not limited to, a  
7 school website, informational pamphlets or leaflets, or  
8 clothing with affixed school logos.

9 (Source: P.A. 98-474, eff. 8-16-13; 98-783, eff. 1-1-15;  
10 98-972, eff. 8-15-14; 99-78, eff. 7-20-15.)

11 (105 ILCS 5/27A-6)

12 Sec. 27A-6. Contract contents; applicability of laws and  
13 regulations.

14 (a) A certified charter shall constitute a binding contract  
15 and agreement between the charter school and a local school  
16 board under the terms of which the local school board  
17 authorizes the governing body of the charter school to operate  
18 the charter school on the terms specified in the contract.

19 (b) Notwithstanding any other provision of this Article,  
20 the certified charter may not waive or release the charter  
21 school from the State goals, standards, and assessments  
22 established pursuant to Section 2-3.64a-5 of this Code.  
23 Beginning with the 2003-2004 school year, the certified charter  
24 for a charter school operating in a city having a population  
25 exceeding 500,000 shall require the charter school to

1 administer any other nationally recognized standardized tests  
2 to its students that the chartering entity administers to other  
3 students, and the results on such tests shall be included in  
4 the chartering entity's assessment reports.

5 (c) Subject to the provisions of subsection (e), a material  
6 revision to a previously certified contract or a renewal shall  
7 be made with the approval of both the local school board and  
8 the governing body of the charter school.

9 (c-5) The proposed contract shall include a provision on  
10 how both parties will address minor violations of the contract.

11 (d) The proposed contract between the governing body of a  
12 proposed charter school and the local school board as described  
13 in Section 27A-7 must be submitted to and certified by the  
14 State Board before it can take effect. If the State Board  
15 recommends that the proposed contract be modified for  
16 consistency with this Article before it can be certified, the  
17 modifications must be consented to by both the governing body  
18 of the charter school and the local school board, and  
19 resubmitted to the State Board for its certification. If the  
20 proposed contract is resubmitted in a form that is not  
21 consistent with this Article, the State Board may refuse to  
22 certify the charter.

23 With respect ~~The State Board shall assign a number~~ to each  
24 submission or resubmission, the State Board ~~in chronological~~  
25 ~~order of receipt,~~ and shall determine whether the proposed  
26 contract is consistent with the provisions of this Article. If

1 the proposed contract complies, the State Board shall so  
2 certify.

3 (e) No renewal of a previously certified contract is  
4 effective unless and until the State Board certifies that the  
5 renewal is consistent with the provisions of this Article. A  
6 material revision to a previously certified contract may go  
7 into effect immediately upon approval of both the local school  
8 board and the governing body of the charter school, unless  
9 either party requests in writing that the State Board certify  
10 that the material revision is consistent with the provisions of  
11 this Article. If such a request is made, the proposed material  
12 revision is not effective unless and until the State Board so  
13 certifies.

14 (Source: P.A. 98-972, eff. 8-15-14; 98-1048, eff. 8-25-14;  
15 99-78, eff. 7-20-15.)