

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 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

1 has been initiated by a board of education, or by an
2 intergovernmental agreement between or among boards of
3 education, operating at any one time in the school district
4 where the charter school is located; and not more than 15
5 charter schools shall operate at any one time in the remainder
6 of the State, with not more than one charter school that has
7 been initiated by a board of education, or by an
8 intergovernmental agreement between or among boards of
9 education, operating at any one time in the school district
10 where the charter school is located. The following provisions
11 apply notwithstanding the other provisions of this subsection

12 (b) :

13 (1) If 14 charter schools are operating at any one time
14 in the counties of DuPage, Kane, Lake, McHenry, Will, and
15 that portion of Cook County that is located outside a city
16 having a population exceeding 500,000, then one additional
17 charter school, which must be exclusively for truants or
18 dropouts, may operate in a city having a population
19 exceeding 500,000, and the limit on the number of charter
20 schools that may 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 shall be reduced to 14 if an additional
24 charter school is established in a city having a population
25 exceeding 500,000 under the authority of this paragraph
26 (1).

1 (2) If 13 charter schools are operating at any one time
2 in the counties of DuPage, Kane, Lake, McHenry, Will, and
3 that portion of Cook County that is located outside a city
4 having a population exceeding 500,000, then 2 additional
5 charter schools, which must be exclusively for truants or
6 dropouts, may operate in a city having a population
7 exceeding 500,000, and the limit on the number of charter
8 schools that may operate at any one time in the counties of
9 DuPage, Kane, Lake, McHenry, Will, and that portion of Cook
10 County that is located outside a city having a population
11 exceeding 500,000 shall be reduced by the number of
12 additional charter schools established in a city having a
13 population exceeding 500,000 under the authority of this
14 paragraph (2).

15 (3) If 12 or fewer charter schools are operating at any
16 one time in the counties of DuPage, Kane, Lake, McHenry,
17 Will, and that portion of Cook County that is located
18 outside a city having a population exceeding 500,000, then
19 3 additional charter schools, which must be exclusively for
20 truants or dropouts, may operate in a city having a
21 population exceeding 500,000, and the limit on the number
22 of charter schools that may operate at any one time in the
23 counties of DuPage, Kane, Lake, McHenry, Will, and that
24 portion of Cook County that is located outside a city
25 having a population exceeding 500,000 shall be reduced by
26 the number of additional charter schools established in a

1 city having a population exceeding 500,000 under the
2 authority of this paragraph (3).

3 (4) If 14 charter schools are operating at any one time
4 in that part of the State outside of the counties of
5 DuPage, Kane, Lake, McHenry, Will, and Cook County, then
6 one additional charter school, which must be exclusively
7 for truants or dropouts, may operate in a city having a
8 population exceeding 500,000, and the limit on the number
9 of charter schools that may operate at any one time in that
10 part of the State outside of the counties of DuPage, Kane,
11 Lake, McHenry, Will, and Cook County shall be reduced to 14
12 if an additional charter school is established in a city
13 having a population exceeding 500,000 under the authority
14 of this paragraph (4).

15 (5) If 13 or fewer charter schools are operating at any
16 one time in that part of the State outside of the counties
17 of DuPage, Kane, Lake, McHenry, Will, and Cook County, then
18 2 additional charter schools, which must be exclusively for
19 truants or dropouts, may operate in a city having a
20 population exceeding 500,000, and the limit on the number
21 of charter schools that may operate at any one time in that
22 part of the State outside of the counties of DuPage, Kane,
23 Lake, McHenry, Will, and Cook County shall be reduced by
24 the number of additional charter schools established in a
25 city having a population exceeding 500,000 under the
26 authority of this paragraph (5).

1 If a charter school established under the authority of
2 paragraph (1), (2), (3), (4), or (5) of this subsection (b) is
3 not used exclusively for truants or dropouts, then the State
4 Board shall withhold and the charter school shall forfeit all
5 State funding designated for that school.

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

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

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

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

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

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

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

24 (i) (Blank).

25 (j) Notwithstanding any other provision of law to the
26 contrary, a school district in a city having a population

1 exceeding 500,000 shall not have a duty to collectively bargain
2 with an exclusive representative of its employees over
3 decisions to grant or deny a charter school proposal under
4 Section 27A-8 of this Code, decisions to renew or revoke a
5 charter under Section 27A-9 of this Code, and the impact of
6 these decisions, provided that nothing in this Section shall
7 have the effect of negating, abrogating, replacing, reducing,
8 diminishing, or limiting in any way employee rights,
9 guarantees, or privileges granted in Sections 2, 3, 7, 8, 10,
10 14, and 15 of the Illinois Educational Labor Relations Act.
11 (Source: P.A. 92-16, eff. 6-28-01; 93-3, eff. 4-16-03; 93-861,
12 eff. 1-1-05.)