



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4851

by Rep. Jerry L. Mitchell

SYNOPSIS AS INTRODUCED:

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

Amends the Charter Schools Law of the School Code. Under specified circumstances, allows for a maximum of 5 additional charter schools exclusively for truants or dropouts in Chicago (which charter schools may each contain multi-site campuses) if the limit on the number of charter schools that may operate at any one time in the rest of the State has not been reached. Provides that if any of the additional charter schools are not used exclusively for truants or dropouts, then the State Board of Education shall withhold and the charter school shall forfeit all State funding designated for that school.

LRB095 18443 NHT 44529 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-5 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 and may contain multi-site campuses, may operate
19 in a city having a population exceeding 500,000, and the
20 limit on the number of charter schools that may operate at
21 any one time in the counties of DuPage, Kane, Lake,
22 McHenry, Will, and that portion of Cook County that is
23 located outside a city having a population exceeding
24 500,000 shall be reduced to 14 if an additional charter
25 school is established in a city having a population
26 exceeding 500,000 under the authority of this paragraph

1 (1).

2 (2) If 13 charter schools are operating at any one time
3 in the counties of DuPage, Kane, Lake, McHenry, Will, and
4 that portion of Cook County that is located outside a city
5 having a population exceeding 500,000, then 2 additional
6 charter schools, which must be exclusively for truants or
7 dropouts and may each contain multi-site campuses, may
8 operate in a city having a population exceeding 500,000,
9 and the limit on the number of charter schools that may
10 operate at any one time in the counties of DuPage, Kane,
11 Lake, McHenry, Will, and that portion of Cook County that
12 is located outside a city having a population exceeding
13 500,000 shall be reduced by the number of additional
14 charter schools established in a city having a population
15 exceeding 500,000 under the authority of this paragraph
16 (2).

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

1 County that is located outside a city having a population
2 exceeding 500,000 shall be reduced by the number of
3 additional charter schools established in a city having a
4 population exceeding 500,000 under the authority of this
5 paragraph (3).

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

19 (5) If 13 or fewer charter schools are operating at any
20 one time in that part of the State outside of the counties
21 of DuPage, Kane, Lake, McHenry, Will, and Cook County, then
22 2 additional charter schools, which must be exclusively for
23 truants or dropouts and may each contain multi-site
24 campuses, may operate in a city having a population
25 exceeding 500,000, and the limit on the number of charter
26 schools that may operate at any one time in that part of

1 the State outside of the counties of DuPage, Kane, Lake,
2 McHenry, Will, and Cook County shall be reduced by the
3 number of additional charter schools established in a city
4 having a population exceeding 500,000 under the authority
5 of this paragraph (5).

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

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

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

21 (d) Enrollment in a charter school shall be open to any
22 pupil who resides within the geographic boundaries of the area
23 served by the local school board, provided that the board of
24 education in a city having a population exceeding 500,000 may
25 designate attendance boundaries for no more than one-third of
26 the charter schools permitted in the city if the board of

1 education determines that attendance boundaries are needed to
2 relieve overcrowding or to better serve low-income and at-risk
3 students. Students residing within an attendance boundary may
4 be given priority for enrollment, but must not be required to
5 attend the charter school.

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

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

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

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

1 be deemed to be suspended or expelled from the public schools
2 of the school district in which the pupil resides.

3 (i) (Blank).

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

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

18 (105 ILCS 5/27A-5)

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

20 (a) A charter school shall be a public, nonsectarian,
21 nonreligious, non-home based, and non-profit school. A charter
22 school shall be organized and operated as a nonprofit
23 corporation or other discrete, legal, nonprofit entity
24 authorized under the laws of the State of Illinois.

25 (b) A charter school may be established under this Article

1 by creating a new school or by converting an existing public
2 school or attendance center to charter school status. Beginning
3 on the effective date of this amendatory Act of the 93rd
4 General Assembly, except as otherwise permitted under
5 paragraphs (1), (2), (3), (4), and (5) of subsection (b) of
6 Section 27A-4 of this Code, in all new applications submitted
7 to the State Board or a local school board to establish a
8 charter school in a city having a population exceeding 500,000,
9 operation of the charter school shall be limited to one campus.
10 The changes made to this Section by this amendatory Act of the
11 93rd General Assembly do not apply to charter schools existing
12 or approved on or before the effective date of this amendatory
13 Act.

14 (c) A charter school shall be administered and governed by
15 its board of directors or other governing body in the manner
16 provided in its charter. The governing body of a charter school
17 shall be subject to the Freedom of Information Act and the Open
18 Meetings Act.

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

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

26 (f) A charter school shall be responsible for the

1 management and operation of its fiscal affairs including, but
2 not limited to, the preparation of its budget. An audit of each
3 charter school's finances shall be conducted annually by an
4 outside, independent contractor retained by the charter
5 school.

6 (g) A charter school shall comply with all provisions of
7 this Article and its charter. A charter school is exempt from
8 all other State laws and regulations in the School Code
9 governing public schools and local school board policies,
10 except the following:

11 (1) Sections 10-21.9 and 34-18.5 of the School Code
12 regarding criminal history records checks and checks of the
13 Statewide Sex Offender Database of applicants for
14 employment;

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

17 (3) The Local Governmental and Governmental Employees
18 Tort Immunity Act;

19 (4) Section 108.75 of the General Not For Profit
20 Corporation Act of 1986 regarding indemnification of
21 officers, directors, employees, and agents;

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

23 (6) The Illinois School Student Records Act; and

24 (7) Section 10-17a of the School Code regarding school
25 report cards.

26 (h) A charter school may negotiate and contract with a

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

26 (i) In no event shall a charter school that is established

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

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

11 (Source: P.A. 93-3, eff. 4-16-03; 93-909, eff. 8-12-04; 94-219,
12 eff. 7-14-05.)