



Rep. Jaime M. Andrade, Jr.

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LRB099 04634 NHT 35872 a

1 AMENDMENT TO HOUSE BILL 814

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 814 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-6 as follows:

6 (105 ILCS 5/27A-4)

7 Sec. 27A-4. General provisions ~~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~~

1 ~~this Article at any one time shall not exceed 120. Not more~~  
2 ~~than 70 charter schools shall operate at any one time in any~~  
3 city having a population exceeding 500,000, ~~with~~ at least 5  
4 charter schools devoted exclusively to students from  
5 low-performing or overcrowded schools shall operate. At  
6 ~~operating at any one time in that city; and not more than 45~~  
7 ~~charter schools shall operate at any one time in the remainder~~  
8 of the State, ~~with~~ not more than one charter school may be that  
9 ~~has been~~ initiated by a board of education, or by an  
10 intergovernmental agreement between or among boards of  
11 education, operating ~~at any one time~~ in the school district  
12 where the charter school is located. In addition to these  
13 charter schools, up to but no more than 5 charter schools  
14 devoted exclusively to re-enrolled high school dropouts and/or  
15 students 16 or 15 years old at risk of dropping out may operate  
16 at any one time in any city having a population exceeding  
17 500,000. Notwithstanding any provision to the contrary in  
18 subsection (b) of Section 27A-5 of this Code, each such dropout  
19 charter may operate up to 15 campuses within the city. Any of  
20 these dropout charters may have a maximum of 1,875 enrollment  
21 seats, any one of the campuses of the dropout charter may have  
22 a maximum of 165 enrollment seats, and each campus of the  
23 dropout charter must be operated, through a contract or  
24 payroll, by the same legal entity as that for which the charter  
25 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 or its designee must be allowed to be present or  
18 view the lottery in real time. The charter school must maintain  
19 a videotaped record of the lottery, including a time/date  
20 stamp. The charter school shall transmit copies of the  
21 videotape and all records relating to the lottery to the  
22 authorizer on or before September 1 of each year.

23 Subject to the requirements for priority applicant groups  
24 set forth in paragraph (1) of this subsection (h), any lottery  
25 required under this subsection (h) must be administered in a  
26 way that provides each student an equal chance at admission. If

1 an authorizer makes a determination that a charter school's  
2 lottery is in violation of this subsection (h), it may  
3 administer the lottery directly. After a lottery, each student  
4 randomly selected for admission to the charter school must be  
5 notified. Charter schools may not create an admissions process  
6 subsequent to a lottery that may operate as a barrier to  
7 registration or enrollment.

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

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

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

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

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

20 (i) (Blank).

21 (j) Notwithstanding any other provision of law to the  
22 contrary, a school district in a city having a population  
23 exceeding 500,000 shall not have a duty to collectively bargain  
24 with an exclusive representative of its employees over  
25 decisions to grant or deny a charter school proposal under  
26 Section 27A-8 of this Code, decisions to renew or revoke a

1 charter under Section 27A-9 of this Code, and the impact of  
2 these decisions, provided that nothing in this Section shall  
3 have the effect of negating, abrogating, replacing, reducing,  
4 diminishing, or limiting in any way employee rights,  
5 guarantees, or privileges granted in Sections 2, 3, 7, 8, 10,  
6 14, and 15 of the Illinois Educational Labor Relations Act.

7 (k) In this Section:

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

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

1 or 15 years old in a public school in a district organized  
2 under Article 34 of this Code that enrolls students in any  
3 grades 9-12 who have been absent at least 90 school attendance  
4 days of the previous 180 school attendance days.

5 (1) For advertisements created after January 1, 2015 (the  
6 effective date of Public Act 98-783) ~~this amendatory Act of the~~  
7 ~~98th General Assembly~~, any advertisement, including a radio,  
8 television, print, Internet, social media, or billboard  
9 advertisement, purchased by a school district or public school,  
10 including a charter school, with public funds must include a  
11 disclaimer stating that the advertisement was paid for using  
12 public funds.

13 This disclaimer requirement does not extend to materials  
14 created by the charter school, including, but not limited to, a  
15 school website, informational pamphlets or leaflets, or  
16 clothing with affixed school logos.

17 (Source: P.A. 97-151, eff. 1-1-12; 97-624, eff. 11-28-11;  
18 97-813, eff. 7-13-12; 98-474, eff. 8-16-13; 98-783, eff.  
19 1-1-15; 98-972, eff. 8-15-14; revised 10-1-14.)

20 (105 ILCS 5/27A-6)

21 Sec. 27A-6. Contract contents; applicability of laws and  
22 regulations.

23 (a) A certified charter shall constitute a binding contract  
24 and agreement between the charter school and a local school  
25 board under the terms of which the local school board



1 authorizes the governing body of the charter school to operate  
2 the charter school on the terms specified in the contract.

3 (b) Notwithstanding any other provision of this Article,  
4 the certified charter may not waive or release the charter  
5 school from the State goals, standards, and assessments  
6 established pursuant to Section 2-3.64a-5 of this Code.  
7 Beginning with the 2003-2004 school year, the certified charter  
8 for a charter school operating in a city having a population  
9 exceeding 500,000 shall require the charter school to  
10 administer any other nationally recognized standardized tests  
11 to its students that the chartering entity administers to other  
12 students, and the results on such tests shall be included in  
13 the chartering entity's assessment reports.

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

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

20 (d) The proposed contract between the governing body of a  
21 proposed charter school and the local school board as described  
22 in Section 27A-7 must be submitted to and certified by the  
23 State Board before it can take effect. If the State Board  
24 recommends that the proposed contract be modified for  
25 consistency with this Article before it can be certified, the  
26 modifications must be consented to by both the governing body

1 of the charter school and the local school board, and  
2 resubmitted to the State Board for its certification. If the  
3 proposed contract is resubmitted in a form that is not  
4 consistent with this Article, the State Board may refuse to  
5 certify the charter.

6 With respect ~~The State Board shall assign a number~~ to each  
7 submission or resubmission, the State Board ~~in chronological~~  
8 ~~order of receipt,~~ and shall determine whether the proposed  
9 contract is consistent with the provisions of this Article. If  
10 the proposed contract complies, the State Board shall so  
11 certify.

12 (e) No renewal of a previously certified contract is  
13 effective unless and until the State Board certifies that the  
14 renewal is consistent with the provisions of this Article. A  
15 material revision to a previously certified contract may go  
16 into effect immediately upon approval of both the local school  
17 board and the governing body of the charter school, unless  
18 either party requests in writing that the State Board certify  
19 that the material revision is consistent with the provisions of  
20 this Article. If such a request is made, the proposed material  
21 revision is not effective unless and until the State Board so  
22 certifies.

23 (Source: P.A. 98-972, eff. 8-15-14; 98-1048, eff. 8-25-14;  
24 revised 10-1-14.)".