

1 AN ACT concerning education.

2 WHEREAS, The General Assembly recognizes the growing role
3 of charter schools in the educational infrastructure of this
4 State; and

5 WHEREAS, It is the intent of the General Assembly to
6 increase the maximum number of charter schools permitted
7 within this State based on current usage and need as of the
8 date of this amendatory Act of the 92nd General Assembly; and

9 WHEREAS, In so doing, the General Assembly is recognizing
10 current needs as of the date of this amendatory Act of the
11 92nd General Assembly and makes no determination regarding
12 those regions of the State that have not yet reached the
13 maximum number of charter schools allowed under State law;
14 and

15 WHEREAS, The General Assembly will address the allocation
16 of charter schools for the remaining regions of this State
17 when those regions reach or approach the maximum allocation
18 of charter schools under State law; therefore

19 Be it enacted by the People of the State of Illinois,
20 represented in the General Assembly:

21 Section 5. The School Code is amended by changing
22 Section 27A-4 as follows:

23 (105 ILCS 5/27A-4)

24 Sec. 27A-4. General Provisions.

25 (a) The General Assembly does not intend to alter or
26 amend the provisions of any court-ordered desegregation plan
27 in effect for any school district. A charter school shall be
28 subject to all federal and State laws and constitutional
29 provisions prohibiting discrimination on the basis of

1 disability, race, creed, color, gender, national origin,
2 religion, ancestry, marital status, or need for special
3 education services.

4 (b) The total number of charter schools operating under
5 this Article at any one time shall not exceed 60 45. Not
6 more than 30 15 charter schools shall operate at any one time
7 in any city having a population exceeding 500,000; not more
8 than 15 charter schools shall operate at any one time in the
9 counties of DuPage, Kane, Lake, McHenry, Will, and that
10 portion of Cook County that is located outside a city having
11 a population exceeding 500,000, with not more than one
12 charter school that has been initiated by a board of
13 education, or by an intergovernmental agreement between or
14 among boards of education, operating at any one time in the
15 school district where the charter school is located; and not
16 more than 15 charter schools shall operate at any one time in
17 the remainder of the State, with not more than one charter
18 school that has been initiated by a board of education, or by
19 an intergovernmental agreement between or among boards of
20 education, operating at any one time in the school district
21 where the charter school is located.

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

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

33 (d) Enrollment in a charter school shall be open to any
34 pupil who resides within the geographic boundaries of the

1 area served by the local school board.

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

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

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

12 (h) If there are more eligible applicants for enrollment
13 in a charter school than there are spaces available,
14 successful applicants shall be selected by lottery. However,
15 priority shall be given to siblings of pupils enrolled in the
16 charter school and to pupils who were enrolled in the charter
17 school the previous school year, unless expelled for cause.
18 A charter school that leases or purchases a building that was
19 used as a school during the immediately prior school year may
20 give priority to pupils who were enrolled in the school the
21 prior year. Dual enrollment at both a charter school and a
22 public school or non-public school shall not be allowed. A
23 pupil who is suspended or expelled from a charter school
24 shall be deemed to be suspended or expelled from the public
25 schools of the school district in which the pupil resides.

26 (i) (Blank).

27 (Source: P.A. 91-357, eff. 7-29-99; 91-405, eff. 8-3-99;
28 91-407, eff. 8-3-99; revised 8-27-99.)

29 Section 99. Effective date. This Act takes effect upon
30 becoming law.