

1 AMENDMENT TO SENATE BILL 1983

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1983, AS AMENDED,  
 3 in Section 5, in the introductory clause, by replacing "and  
 4 14C-4" with "14C-4, 27A-4, 27A-5, 27A-6, and 27A-10"; and  
 5 in Section 5, immediately below Sec. 14C-4, by inserting the  
 6 following:

7 "(105 ILCS 5/27A-4)

8 Sec. 27A-4. General Provisions.

9 (a) The General Assembly does not intend to alter or  
 10 amend the provisions of any court-ordered desegregation plan  
 11 in effect for any school district. A charter school shall be  
 12 subject to all federal and State laws and constitutional  
 13 provisions prohibiting discrimination on the basis of  
 14 disability, race, creed, color, gender, national origin,  
 15 religion, ancestry, marital status, or need for special  
 16 education services.

17 (b) The total number of charter schools operating under  
 18 this Article at any one time shall not exceed 60 45. Not  
 19 more than 30 15 charter schools shall operate at any one time  
 20 in any city having a population exceeding 500,000; not more  
 21 than 15 charter schools shall operate at any one time in the  
 22 counties of DuPage, Kane, Lake, McHenry, Will, and that

1 portion of Cook County that is located outside a city having  
2 a population exceeding 500,000, with not more than one  
3 charter school that has been initiated by a board of  
4 education, or by an intergovernmental agreement between or  
5 among boards of education, operating at any one time in the  
6 school district where the charter school is located; and not  
7 more than 15 charter schools shall operate at any one time in  
8 the remainder of the State, with not more than one charter  
9 school that has been initiated by a board of education, or by  
10 an 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.

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

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

24 (d) Enrollment in a charter school shall be open to any  
25 pupil who resides within the geographic boundaries of the  
26 area served by the local school board.

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

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

34 (g) No local school board shall require any pupil

1 residing within the geographic boundary of its district to  
2 enroll in a charter school.

3 (h) If there are more eligible applicants for enrollment  
4 in a charter school than there are spaces available,  
5 successful applicants shall be selected by lottery. However,  
6 priority shall be given to siblings of pupils enrolled in the  
7 charter school and to pupils who were enrolled in the charter  
8 school the previous school year, unless expelled for cause.  
9 Dual enrollment at both a charter school and a public school  
10 or non-public school shall not be allowed. A pupil who is  
11 suspended or expelled from a charter school shall be deemed  
12 to be suspended or expelled from the public schools of the  
13 school district in which the pupil resides.

14 (i) (Blank).

15 (Source: P.A. 91-357, eff. 7-29-99; 91-405, eff. 8-3-99;  
16 91-407, eff. 8-3-99; 92-16, eff. 6-28-01.)

17 (105 ILCS 5/27A-5)

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

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

24 (b) A charter school may be established under this  
25 Article by creating a new school or by converting an existing  
26 public school or attendance center to charter school status.

27 Beginning on the effective date of this amendatory Act of  
28 the 92nd General Assembly, in all new applications submitted  
29 to the State Board or a local school board to establish a  
30 charter school, operation of a charter school shall be  
31 limited to one campus. The changes made to this Section by  
32 this amendatory Act of the 92nd General Assembly do not apply  
33 to charter schools existing or approved on or before the

1 effective date of this amendatory Act.

2 (c) A charter school shall be administered and governed  
3 by its board of directors or other governing body in the  
4 manner provided in its charter. The governing body of a  
5 charter school shall be subject to the Freedom of Information  
6 Act and the Open Meetings Act.

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

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

14 (f) A charter school shall be responsible for the  
15 management and operation of its fiscal affairs including, but  
16 not limited to, the preparation of its budget. An audit of  
17 each charter school's finances shall be conducted annually by  
18 an outside, independent contractor retained by the charter  
19 school.

20 (g) A charter school shall comply with all provisions of  
21 this Article and its charter. A charter school is exempt  
22 from all other State laws and regulations in the School Code  
23 governing public schools and local school board policies,  
24 except the following:

25 (1) Sections 10-21.9 and 34-18.5 of the School Code  
26 regarding criminal background investigations of  
27 applicants for employment;

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

30 (3) The Local Governmental and Governmental  
31 Employees Tort Immunity Act;

32 (4) Section 108.75 of the General Not For Profit  
33 Corporation Act of 1986 regarding indemnification of  
34 officers, directors, employees, and agents;

- 1 (5) The Abused and Neglected Child Reporting Act;
- 2 (6) The Illinois School Student Records Act; and
- 3 (7) Section 10-17a of the School Code regarding
- 4 school report cards.

5 (h) A charter school may negotiate and contract with a  
6 school district, the governing body of a State college or  
7 university or public community college, or any other public  
8 or for-profit or nonprofit private entity for: (i) the use of  
9 a school building and grounds or any other real property or  
10 facilities that the charter school desires to use or convert  
11 for use as a charter school site, (ii) the operation and  
12 maintenance thereof, and (iii) the provision of any service,  
13 activity, or undertaking that the charter school is required  
14 to perform in order to carry out the terms of its charter.  
15 However, a charter school may not contract with a for-profit  
16 entity to manage or operate the school during the period that  
17 commences on the effective date of this amendatory Act of the  
18 92nd General Assembly and concludes at the end of the  
19 2003-2004 school year. The changes made to this Section by  
20 this amendatory Act of the 92nd General Assembly do not apply  
21 to charter schools existing or approved on or before the  
22 effective date of this amendatory Act. Except as provided in  
23 subsection (i) of this Section, a school district may charge  
24 a charter school reasonable rent for the use of the  
25 district's buildings, grounds, and facilities. Any services  
26 for which a charter school contracts with a school district  
27 shall be provided by the district at cost. Any services for  
28 which a charter school contracts with a local school board or  
29 with the governing body of a State college or university or  
30 public community college shall be provided by the public  
31 entity at cost.

32 (i) In no event shall a charter school that is  
33 established by converting an existing school or attendance  
34 center to charter school status be required to pay rent for

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

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

10 (Source: P.A. 91-407, eff. 8-3-99.)

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  
15 contract and agreement between the charter school and a local  
16 school board under the terms of which the local school board  
17 authorizes the governing body of the charter school to  
18 operate the charter school on the terms specified in the  
19 contract.

20 (b) Notwithstanding any other provision of this Article,  
21 the certified charter may not waive or release the charter  
22 school from the State goals, standards, and assessments  
23 established pursuant to Section 2-3.64. Beginning with the  
24 2002-2003 school year, the certified charter shall require  
25 the charter school to administer any other nationally  
26 recognized standardized tests to its students that the  
27 chartering entity administers to other students, and the  
28 results on such tests shall be included in the chartering  
29 entity's assessment reports.

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

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

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

16 The State Board shall assign a number to each submission  
17 or resubmission in chronological order of receipt, and shall  
18 determine whether the proposed contract is consistent with  
19 the provisions of this Article. If the proposed contract  
20 complies, the State Board shall so certify.

21 (e) No material revision to a previously certified  
22 contract or a renewal shall be effective unless and until the  
23 State Board certifies that the revision or renewal is  
24 consistent with the provisions of this Article.

25 (Source: P.A. 91-407, eff. 8-3-99.)

26 (105 ILCS 5/27A-10)

27 Sec. 27A-10. Employees.

28 (a) A person shall be deemed to be employed by a charter  
29 school unless a collective bargaining agreement or the  
30 charter school contract otherwise provides.

31 (b) In all school districts, including special charter  
32 districts and districts located in cities having a population  
33 exceeding 500,000, the local school board shall determine by

1 policy or by negotiated agreement, if one exists, the  
2 employment status of any school district employees who are  
3 employed by a charter school and who seek to return to  
4 employment in the public schools of the district. Each local  
5 school board shall grant, for a period of up to 5 years, a  
6 leave of absence to those of its teachers who accept  
7 employment with a charter school. At the end of the  
8 authorized leave of absence, the teacher must return to the  
9 school district or resign; provided, however, that if the  
10 teacher chooses to return to the school district, the teacher  
11 must be assigned to a position which requires the teacher's  
12 certification and legal qualifications. The contractual  
13 continued service status and retirement benefits of a teacher  
14 of the district who is granted a leave of absence to accept  
15 employment with a charter school shall not be affected by  
16 that leave of absence.

17 (c) Charter schools shall employ in instructional  
18 positions, as defined in the charter, individuals who are  
19 certificated under Article 21 of this the-School Code or who  
20 possess the following qualifications:

21 (i) graduated with a bachelor's degree from an  
22 accredited institution of higher learning;

23 (ii) been employed for a period of at least 5 years  
24 in an area requiring application of the individual's  
25 education;

26 (iii) passed the tests of basic skills and subject  
27 matter knowledge required by Section 21-1a of the School  
28 Code; and

29 (iv) demonstrate continuing evidence of  
30 professional growth which shall include, but not be  
31 limited to, successful teaching experience, attendance at  
32 professional meetings, membership in professional  
33 organizations, additional credits earned at institutions  
34 of higher learning, travel specifically for educational



1 purposes, and reading of professional books and  
2 periodicals.

3 Charter schools employing individuals without  
4 certification in instructional positions shall provide such  
5 mentoring, training, and staff development for those  
6 individuals as the charter schools determine necessary for  
7 satisfactory performance in the classroom.

8 Beginning with the 2005-2006 school year, at least 50% of  
9 the individuals employed in instructional positions by a  
10 charter school established on or after the effective date of  
11 this amendatory Act of the 92nd General Assembly shall hold  
12 teaching certificates issued under Article 21 of this Code.

13 Beginning with the 2005-2006 school year, at least 75% of  
14 the individuals employed in instructional positions by a  
15 charter school established before the effective date of this  
16 amendatory Act of the 92nd General Assembly shall hold  
17 teaching certificates issued under Article 21 of this Code.

18 Charter schools are exempt from any annual cap on new  
19 participants in an alternative certification program. The  
20 second and third phases of the alternative certification  
21 program may be conducted and completed at the charter school,  
22 and the alternative teaching certificate is valid for 4 years  
23 or the length of the charter (or any extension of the  
24 charter), whichever is longer.

25 Notwithstanding any other provisions of the School Code,  
26 charter schools may employ non-certificated staff in all  
27 other positions.

28 (d) A teacher at a charter school may resign his or her  
29 position only if the teacher gives notice of resignation to  
30 the charter school's governing body at least 60 days before  
31 the end of the school term, and the resignation must take  
32 effect immediately upon the end of the school term.

33 (Source: P.A. 89-450, eff. 4-10-96.)".