



Sen. Heather A. Steans

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09700SB0079sam001

LRB097 05361 NHT 52839 a

1 AMENDMENT TO SENATE BILL 79

2 AMENDMENT NO. _____. Amend Senate Bill 79 as follows:

3 on page 1, line 1, after "education", by inserting ", which may
4 be referred to as the Charter School Quality Law"; and

5 on page 1, immediately below line 3, by inserting the
6 following:

7 "Section 3. The State Finance Act is amended by adding
8 Section 5.786 as follows:

9 (30 ILCS 105/5.786 new)

10 Sec. 5.786. The State Charter School Commission Fund."; and

11 on page 6, line 18, by replacing "on the recommendation of a"
12 with "from"; and

1 on page 6, line 19, after "Governor", by inserting ", within 60
2 days after the effective date of this amendatory Act of the
3 97th General Assembly with respect to the initial Commission
4 members"; and

5 on page 6, line 21, after the period, by inserting "The
6 Governor shall propose a slate of candidates to the State Board
7 within 60 days after the effective date of this amendatory Act
8 of the 97th General Assembly and 60 days prior to the
9 expiration of the term of a member thereafter. If the Governor
10 fails to timely propose a slate of candidates according to the
11 provisions of this subsection (c), then the State Board may
12 appoint the member or members of the Commission."; and

13 on page 7, by replacing lines 2 and 3 with the following:
14 "demonstrated understanding of and a commitment to public
15 education, including without limitation charter schooling.";
16 and

17 on page 7, line 15, by replacing "The" with "Subject to the
18 State Officials and Employees Ethics Act, the"; and

19 on page 7, line 20, after the period, by inserting "Funds
20 received under this subsection (g) must be deposited into the
21 State Charter School Commission Fund."; and

1 on page 7, immediately below line 20, by inserting the
2 following:

3 "The State Charter School Commission Fund is created as a
4 special fund in the State treasury. All money in the Fund shall
5 be used, subject to appropriation, by the Commission for
6 operational and administrative costs of the Commission."; and

7 on page 8, line 7, after the period, by inserting "This fee
8 must be deposited into the State Charter School Commission
9 Fund."; and

10 on page 8, by replacing line 10 with the following:

11 "its authorization transferred to the Commission upon a vote of
12 the State Board,"; and

13 on page 8, line 12, after "Article.", by inserting "However, in
14 no case shall such transfer take place later than July 1,
15 2012."; and

16 on page 8, by replacing line 16 with the following:

17 "authorized by a local school board or boards may seek transfer
18 of authorization to the"; and

19 on page 8, line 18, after "board", by inserting "or boards";
20 and

1 on page 8, line 19, after "board", by inserting "or boards";
2 and

3 on page 8, line 20, by replacing "that board" with "the board
4 or boards"; and

5 on page 8, immediately below line 22, by inserting the
6 following:

7 "On the effective date of this amendatory Act of the 97th
8 General Assembly, all rules of the State Board applicable to
9 matters falling within the responsibility of the Commission
10 shall be applicable to the actions of the Commission. The
11 Commission shall thereafter have the authority to propose to
12 the State Board modifications to all rules applicable to
13 matters falling within the responsibility of the Commission.
14 The State Board shall retain rulemaking authority for the
15 Commission, but shall work jointly with the Commission on any
16 proposed modifications. Upon recommendation of proposed rule
17 modifications by the Commission and pursuant to the Illinois
18 Administrative Procedure Act, the State Board shall consider
19 such changes within the intent of this amendatory Act of the
20 97th General Assembly and grant any and all changes consistent
21 with that intent.

22 (1) The Commission shall have the responsibility to
23 consider appeals under this Article immediately upon
24 appointment of the initial members of the Commission under

1 subsection (c) of this Section. Appeals pending at the time of
2 initial appointment shall be determined by the Commission; the
3 Commission may extend the time for review as necessary for
4 thorough review, but in no case shall the extension exceed the
5 time that would have been available had the appeal been
6 submitted to the Commission on the date of appointment of its
7 initial members. In any appeal filed with the Commission under
8 this Article, both the applicant and the school district in
9 which the charter school plans to locate shall have the right
10 to request a hearing before the Commission. If more than one
11 entity requests a hearing, then the Commission may hold only
12 one hearing, wherein the applicant and the school district
13 shall have an equal opportunity to present their respective
14 positions."; and

15 on page 9, line 26, after "authorize", by inserting ", except
16 for willful or wanton misconduct"; and

17 on page 14, immediately below line 6, by inserting the
18 following:

19 "(h) The Commission may reverse a local school board's
20 decision to deny a charter school proposal if the Commission
21 finds that the proposal (i) is in compliance with this Article
22 and (ii) is in the best interests of the students the charter
23 school is designed to serve. Final decisions of the Commission
24 are subject to judicial review under the Administrative Review

1 Law.

2 (i) In the case of a charter school proposed to be jointly
3 authorized by 2 or more school districts, the local school
4 boards may unanimously deny the charter school proposal with a
5 statement that the local school boards are not opposed to the
6 charter school, but that they yield to the Commission in light
7 of the complexities of joint administration."; and

8 on page 16, by replacing lines 16 through 19 with the
9 following:

10 "interests of the students it is designed to serve. The State
11 Board may condition the granting of an appeal on the acceptance
12 by the charter school of funding in an amount less than that
13 requested in the proposal submitted to the local school
14 board."; and

15 on page 17, by replacing lines 15 through 19 with the
16 following:

17 "regarding hours of instruction and teacher certification. The
18 State Board shall withhold from funds otherwise due the
19 district the funds authorized by this Article to be paid to the
20 charter school and shall pay such amounts to the charter
21 school."; and

22 on page 17, by deleting lines 23 through 26; and

- 1 on page 18, by deleting lines 1 through 12; and
- 2 on page 18, line 13, by replacing "(j)" with "(h)".