



Rep. Linda Chapa LaVia

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09800HB3754ham001

LRB098 14418 NHT 55827 a

1 AMENDMENT TO HOUSE BILL 3754

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3754 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by changing  
5 Section 5.796 as follows:

6 (30 ILCS 105/5.796)

7 Sec. 5.796. The State Charter School Commission Fund. This  
8 Section is repealed on July 31, 2014.

9 (Source: P.A. 97-152, eff. 7-20-11; 97-813, eff. 7-13-12.)

10 Section 10. The School Code is amended by changing Sections  
11 27A-3, 27A-5, 27A-7.5, 27A-7.10, 27A-8, 27A-9, and 27A-12 as  
12 follows:

13 (105 ILCS 5/27A-3)

14 Sec. 27A-3. Definitions. For purposes of this Article:

1 "At-risk pupil" means a pupil who, because of physical,  
2 emotional, socioeconomic, or cultural factors, is less likely  
3 to succeed in a conventional educational environment.

4 "Authorizer" means an entity authorized under this Article  
5 to review applications, decide whether to approve or reject  
6 applications, enter into charter contracts with applicants,  
7 oversee charter schools, and decide whether to renew, not  
8 renew, or revoke a charter.

9 ~~"Commission" means the State Charter School Commission~~  
10 ~~established under Section 27A-7.5 of this Code.~~

11 "Local school board" means the duly elected or appointed  
12 school board or board of education of a public school district,  
13 including special charter districts and school districts  
14 located in cities having a population of more than 500,000,  
15 organized under the laws of this State.

16 "State Board" means the State Board of Education.  
17 (Source: P.A. 97-152, eff. 7-20-11.)

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, in all new applications submitted to the  
5 State Board or a local school board to establish a charter  
6 school in a city having a population exceeding 500,000,  
7 operation of the charter school shall be limited to one campus.  
8 The changes made to this Section by this amendatory Act of the  
9 93rd General Assembly do not apply to charter schools existing  
10 or approved on or before the effective date of this amendatory  
11 Act.

12 (b-5) In this subsection (b-5), "virtual-schooling" means  
13 the teaching of courses through online methods with online  
14 instructors, rather than the instructor and student being at  
15 the same physical location. "Virtual-schooling" includes  
16 without limitation instruction provided by full-time, online  
17 virtual schools.

18 From April 1, 2013 through April 1, 2014, there is a  
19 moratorium on the establishment of charter schools with  
20 virtual-schooling components in school districts other than a  
21 school district organized under Article 34 of this Code. This  
22 moratorium does not apply to a charter school with  
23 virtual-schooling components existing or approved prior to  
24 April 1, 2013 or to the renewal of the charter of a charter  
25 school with virtual-schooling components already approved  
26 prior to April 1, 2013.

1           On or before March 1, 2014, the State Charter School  
2 Commission shall submit to the General Assembly a report on the  
3 effect of virtual-schooling, including without limitation the  
4 effect on student performance, the costs associated with  
5 virtual-schooling, and issues with oversight. The report shall  
6 include policy recommendations for virtual-schooling.

7           (c) A charter school shall be administered and governed by  
8 its board of directors or other governing body in the manner  
9 provided in its charter. The governing body of a charter school  
10 shall be subject to the Freedom of Information Act and the Open  
11 Meetings Act.

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

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

19           (f) A charter school shall be responsible for the  
20 management and operation of its fiscal affairs including, but  
21 not limited to, the preparation of its budget. An audit of each  
22 charter school's finances shall be conducted annually by an  
23 outside, independent contractor retained by the charter  
24 school. Annually, by December 1, every charter school must  
25 submit to the State Board a copy of its audit and a copy of the  
26 Form 990 the charter school filed that year with the federal

1 Internal Revenue Service.

2 (g) A charter school shall comply with all provisions of  
3 this Article, the Illinois Educational Labor Relations Act, and  
4 its charter. A charter school is exempt from all other State  
5 laws and regulations in the School Code governing public  
6 schools and local school board policies, except the following:

7 (1) Sections 10-21.9 and 34-18.5 of the School Code  
8 regarding criminal history records checks and checks of the  
9 Statewide Sex Offender Database and Statewide Murderer and  
10 Violent Offender Against Youth Database of applicants for  
11 employment;

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

14 (3) The Local Governmental and Governmental Employees  
15 Tort Immunity Act;

16 (4) Section 108.75 of the General Not For Profit  
17 Corporation Act of 1986 regarding indemnification of  
18 officers, directors, employees, and agents;

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

20 (6) The Illinois School Student Records Act;

21 (7) Section 10-17a of the School Code regarding school  
22 report cards; and

23 (8) The P-20 Longitudinal Education Data System Act.

24 The change made by Public Act 96-104 to this subsection (g)  
25 is declaratory of existing law.

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 (k) If the charter school is approved by the State Board  
12 ~~Commission~~, then the State Board ~~Commission~~ charter school is  
13 its own local education agency.

14 (Source: P.A. 97-152, eff. 7-20-11; 97-154, eff. 1-1-12;  
15 97-813, eff. 7-13-12; 98-16, eff. 5-24-13.)

16 (105 ILCS 5/27A-7.5)

17 Sec. 27A-7.5. State Charter School Commission abolished;  
18 transfer to State Board; appeals.

19 (a) On the effective date of this amendatory Act of the  
20 98th General Assembly, the A State Charter School Commission is  
21 abolished and the terms of all members end. On that date, all  
22 of the powers, duties, assets, liabilities, contracts,  
23 property, records, and pending business of the Commission are  
24 transferred to the State Board. For purposes of the Successor  
25 Agency Act and Section 9b of the State Finance Act, the State

1 Board is declared to be the successor agency of the Commission.  
2 Beginning on the effective date of this amendatory Act of the  
3 98th General Assembly, references in statutes, rules, forms,  
4 and other documents to the Commission shall, in appropriate  
5 contexts, be deemed to refer to the State Board. Standards and  
6 procedures of the Commission in effect on the effective date of  
7 this amendatory Act of the 98th General Assembly shall be  
8 deemed standards and procedures of the State Board and shall  
9 remain in effect until amended or repealed by the State Board.  
10 ~~established as an independent commission with statewide~~  
11 ~~chartering jurisdiction and authority. The Commission shall be~~  
12 ~~under the State Board for administrative purposes only.~~

13 ~~(a-5) The State Board shall provide administrative support~~  
14 ~~to the Commission as needed.~~

15 ~~(b) The Commission is responsible for authorizing~~  
16 ~~high quality charter schools throughout this State,~~  
17 ~~particularly schools designed to expand opportunities for~~  
18 ~~at risk students, consistent with the purposes of this Article.~~

19 ~~(c) The Commission shall consist of 9 members, appointed by~~  
20 ~~the State Board. The State Board shall make these appointments~~  
21 ~~from a slate of candidates proposed by the Governor, within 60~~  
22 ~~days after the effective date of this amendatory Act of the~~  
23 ~~97th General Assembly with respect to the initial Commission~~  
24 ~~members. In making the appointments, the State Board shall~~  
25 ~~ensure statewide geographic diversity among Commission~~  
26 ~~members. The Governor shall propose a slate of candidates to~~

1 ~~the State Board within 60 days after the effective date of this~~  
2 ~~amendatory Act of the 97th General Assembly and 60 days prior~~  
3 ~~to the expiration of the term of a member thereafter. If the~~  
4 ~~Governor fails to timely propose a slate of candidates~~  
5 ~~according to the provisions of this subsection (c), then the~~  
6 ~~State Board may appoint the member or members of the~~  
7 ~~Commission.~~

8 ~~(d) Members appointed to the Commission shall collectively~~  
9 ~~possess strong experience and expertise in public and nonprofit~~  
10 ~~governance, management and finance, public school leadership,~~  
11 ~~higher education, assessments, curriculum and instruction, and~~  
12 ~~public education law. All members of the Commission shall have~~  
13 ~~demonstrated understanding of and a commitment to public~~  
14 ~~education, including without limitation charter schooling. At~~  
15 ~~least 3 members must have past experience with urban charter~~  
16 ~~schools.~~

17 ~~(e) To establish staggered terms of office, the initial~~  
18 ~~term of office for 3 Commission members shall be 4 years and~~  
19 ~~thereafter shall be 4 years; the initial term of office for~~  
20 ~~another 3 members shall be 3 years and thereafter shall be 4~~  
21 ~~years; and the initial term of office for the remaining 3~~  
22 ~~members shall be 2 years and thereafter shall be 4 years. The~~  
23 ~~initial appointments must be made no later than October 1,~~  
24 ~~2011.~~

25 ~~(f) Whenever a vacancy on the Commission exists, the State~~  
26 ~~Board shall appoint a member for the remaining portion of the~~

1 ~~term.~~

2 ~~(g) Subject to the State Officials and Employees Ethics~~  
3 ~~Act, the Commission is authorized to receive and expend gifts,~~  
4 ~~grants, and donations of any kind from any public or private~~  
5 ~~entity to carry out the purposes of this Article, subject to~~  
6 ~~the terms and conditions under which they are given, provided~~  
7 ~~that all such terms and conditions are permissible under law.~~  
8 ~~Funds received under this subsection (g) must be deposited into~~  
9 ~~the State Charter School Commission Fund.~~

10 (b) The State Charter School Commission Fund is created as  
11 a special fund in the State treasury. All money in the Fund  
12 shall be used, subject to appropriation, by the State Board,  
13 acting on behalf and with the consent of the Commission, for  
14 operational and administrative costs of the Commission. On July  
15 1, 2014, the State Comptroller shall order transferred and the  
16 State Treasurer shall transfer all money in the State Charter  
17 School Commission Fund to the State Board of Education Special  
18 Purpose Trust Fund.

19 ~~Subject to appropriation, any funds appropriated for use by~~  
20 ~~the State Board, acting on behalf and with the consent of the~~  
21 ~~Commission, may be used for the following purposes, without~~  
22 ~~limitation: personal services, contractual services, and other~~  
23 ~~operational and administrative costs. The State Board is~~  
24 ~~further authorized to make expenditures with respect to any~~  
25 ~~other amounts deposited in accordance with law into the State~~  
26 ~~Charter School Commission Fund.~~

1       ~~(g-5) Funds or spending authority for the operation and~~  
2       ~~administrative costs of the Commission shall be appropriated to~~  
3       ~~the State Board in a separate line item. The State~~  
4       ~~Superintendent of Education may not reduce or modify the budget~~  
5       ~~of the Commission or use funds appropriated to the Commission~~  
6       ~~without the approval of the Commission.~~

7       ~~(h) The Commission shall operate with dedicated resources~~  
8       ~~and staff qualified to execute the day to day responsibilities~~  
9       ~~of charter school authorizing in accordance with this Article.~~  
10       ~~The Commission may employ and fix the compensation of such~~  
11       ~~employees and technical assistants as it deems necessary to~~  
12       ~~carry out its powers and duties under this Article, without~~  
13       ~~regard to the requirements of any civil service or personnel~~  
14       ~~statute, and may establish and administer standards of~~  
15       ~~classification of all such persons with respect to their~~  
16       ~~compensation, duties, performance, and tenure and enter into~~  
17       ~~contracts of employment with such persons for such periods and~~  
18       ~~on such terms as the Commission deems desirable.~~

19       ~~(i) Every 2 years, the Commission shall provide to the~~  
20       ~~State Board and local school boards a report on best practices~~  
21       ~~in charter school authorizing, including without limitation~~  
22       ~~evaluating applications, oversight of charters, and renewal of~~  
23       ~~charter schools.~~

24       ~~(j) The Commission may charge a charter school that it~~  
25       ~~authorizes a fee, not to exceed 3% of the revenue provided to~~  
26       ~~the school, to cover the cost of undertaking the ongoing~~

1 ~~administrative responsibilities of the eligible chartering~~  
2 ~~authority with respect to the school. This fee must be~~  
3 ~~deposited into the State Charter School Commission Fund.~~

4 (c) On the effective date of this amendatory Act of the  
5 98th General Assembly, any ~~(k) Any~~ charter school authorized by  
6 the Commission State Board prior to this amendatory Act of the  
7 98th ~~97th~~ General Assembly shall have its authorization  
8 transferred to ~~the Commission upon a vote of~~ the State Board,  
9 which shall then become the school's authorizer for all  
10 purposes under this Article. ~~However, in no case shall such~~  
11 ~~transfer take place later than July 1, 2012.~~ At this time, all  
12 of the powers, duties, assets, liabilities, contracts,  
13 property, records, and pending business of the Commission State  
14 Board as the school's authorizer must be transferred to the  
15 State Board Commission. Any charter school authorized by a  
16 local school board or boards may seek transfer of authorization  
17 to the State Board Commission during its current term only with  
18 the approval of the local school board or boards. At the end of  
19 its charter term, a charter school authorized by a local school  
20 board or boards must reapply to the board or boards before it  
21 may apply for authorization to the State Board Commission under  
22 the terms of this Article ~~amendatory Act of the 97th General~~  
23 ~~Assembly.~~

24 (d) On the effective date of this amendatory Act of the  
25 98th ~~97th~~ General Assembly, all rules of the State Board  
26 applicable to matters falling within the responsibility of the

1 Commission shall be applicable to the actions of the State  
2 Board Commission. ~~The Commission shall thereafter have the~~  
3 ~~authority to propose to the State Board modifications to all~~  
4 ~~rules applicable to matters falling within the responsibility~~  
5 ~~of the Commission. The State Board shall retain rulemaking~~  
6 ~~authority for the Commission, but shall work jointly with the~~  
7 ~~Commission on any proposed modifications. Upon recommendation~~  
8 ~~of proposed rule modifications by the Commission and pursuant~~  
9 ~~to the Illinois Administrative Procedure Act, the State Board~~  
10 ~~shall consider such changes within the intent of this~~  
11 ~~amendatory Act of the 97th General Assembly and grant any and~~  
12 ~~all changes consistent with that intent.~~

13 (e) Beginning on the effective date of this amendatory Act  
14 of the 98th General Assembly, the State Board ~~(1) The~~  
15 ~~Commission~~ shall have the responsibility to consider appeals  
16 under this Article ~~immediately upon appointment of the initial~~  
17 ~~members of the Commission under subsection (c) of this Section.~~  
18 Appeals pending on the effective date of this amendatory Act of  
19 the 98th General Assembly ~~at the time of initial appointment~~  
20 shall be determined by the State Board Commission; the State  
21 Board Commission may extend the time for review as necessary  
22 for thorough review, but in no case shall the extension exceed  
23 the time that would have been available had the appeal been  
24 submitted to the State Board Commission on the effective date  
25 of this amendatory Act of the 98th General Assembly ~~appointment~~  
26 ~~of its initial members.~~ In any appeal filed with the State

1 ~~Board Commission~~ under this Article, both the applicant and the  
2 school district in which the charter school plans to locate  
3 shall have the right to request a hearing before the State  
4 Board Commission. If more than one entity requests a hearing,  
5 then the State Board Commission may hold only one hearing,  
6 wherein the applicant and the school district shall have an  
7 equal opportunity to present their respective positions.

8 (Source: P.A. 97-152, eff. 7-20-11; 97-641, eff. 12-19-11;  
9 97-1156, eff. 1-25-13.)

10 (105 ILCS 5/27A-7.10)

11 Sec. 27A-7.10. Authorizer powers and duties; immunity;  
12 principles and standards.

13 (a) Authorizers are responsible for executing, in  
14 accordance with this Article, all of the following powers and  
15 duties:

16 (1) Soliciting and evaluating charter applications.

17 (2) Approving quality charter applications that meet  
18 identified educational needs and promote a diversity of  
19 educational choices.

20 (3) Declining to approve weak or inadequate charter  
21 applications.

22 (4) Negotiating and executing sound charter contracts  
23 with each approved charter school.

24 (5) Monitoring, in accordance with charter contract  
25 terms, the performance and legal compliance of charter

1 schools.

2 (6) Determining whether each charter contract merits  
3 renewal, nonrenewal, or revocation.

4 (b) An authorizing entity may delegate its duties to  
5 officers, employees, and contractors.

6 (c) Regulation by authorizers is limited to the powers and  
7 duties set forth in subsection (a) of this Section and must be  
8 consistent with the spirit and intent of this Article.

9 (d) An authorizing entity, members of the local school  
10 board, ~~or the State Board Commission~~, in their official  
11 capacity, and employees of an authorizer are immune from civil  
12 and criminal liability with respect to all activities related  
13 to a charter school that they authorize, except for willful or  
14 wanton misconduct.

15 (e) The State Board Commission and all local school boards  
16 that have a charter school operating are required to develop  
17 and maintain chartering policies and practices consistent with  
18 recognized principles and standards for quality charter  
19 authorizing in all major areas of authorizing responsibility,  
20 including all of the following:

- 21 (1) Organizational capacity and infrastructure.
- 22 (2) Soliciting and evaluating charter applications.
- 23 (3) Performance contracting.
- 24 (4) Ongoing charter school oversight and evaluation.
- 25 (5) Charter renewal decision-making.

26 Authorizers shall carry out all their duties under this

1 Article in a manner consistent with nationally recognized  
2 principles and standards and with the spirit and intent of this  
3 Article.

4 (Source: P.A. 97-152, eff. 7-20-11.)

5 (105 ILCS 5/27A-8)

6 Sec. 27A-8. Evaluation of charter proposals.

7 (a) This Section does not apply to a charter school  
8 established by referendum under Section 27A-6.5. In evaluating  
9 any charter school proposal submitted to it, the local school  
10 board or ~~and~~ the State Board Commission shall give preference  
11 to proposals that:

12 (1) demonstrate a high level of local pupil, parental,  
13 community, business, and school personnel support;

14 (2) set rigorous levels of expected pupil achievement  
15 and demonstrate feasible plans for attaining those levels  
16 of achievement; and

17 (3) are designed to enroll and serve a substantial  
18 proportion of at-risk children; provided that nothing in  
19 the Charter Schools Law shall be construed as intended to  
20 limit the establishment of charter schools to those that  
21 serve a substantial portion of at-risk children or to in  
22 any manner restrict, limit, or discourage the  
23 establishment of charter schools that enroll and serve  
24 other pupil populations under a nonexclusive,  
25 nondiscriminatory admissions policy.

1           (b) In the case of a proposal to establish a charter school  
2 by converting an existing public school or attendance center to  
3 charter school status, evidence that the proposed formation of  
4 the charter school has received majority support from certified  
5 teachers and from parents and guardians in the school or  
6 attendance center affected by the proposed charter, and, if  
7 applicable, from a local school council, shall be demonstrated  
8 by a petition in support of the charter school signed by  
9 certified teachers and a petition in support of the charter  
10 school signed by parents and guardians and, if applicable, by a  
11 vote of the local school council held at a public meeting. In  
12 the case of all other proposals to establish a charter school,  
13 evidence of sufficient support to fill the number of pupil  
14 seats set forth in the proposal may be demonstrated by a  
15 petition in support of the charter school signed by parents and  
16 guardians of students eligible to attend the charter school. In  
17 all cases, the individuals, organizations, or entities who  
18 initiate the proposal to establish a charter school may elect,  
19 in lieu of including any petition referred to in this  
20 subsection as a part of the proposal submitted to the local  
21 school board, to demonstrate that the charter school has  
22 received the support referred to in this subsection by other  
23 evidence and information presented at the public meeting that  
24 the local school board is required to convene under this  
25 Section.

26           (c) Within 45 days of receipt of a charter school proposal,

1 the local school board shall convene a public meeting to obtain  
2 information to assist the board in its decision to grant or  
3 deny the charter school proposal. A local school board may  
4 develop its own process for receiving charter school proposals  
5 on an annual basis that follows the same timeframes as set  
6 forth in this Article. Only after the local school board  
7 process is followed may a charter school applicant appeal to  
8 the State Board ~~Commission~~.

9 (d) Notice of the public meeting required by this Section  
10 shall be published in a community newspaper published in the  
11 school district in which the proposed charter is located and,  
12 if there is no such newspaper, then in a newspaper published in  
13 the county and having circulation in the school district. The  
14 notices shall be published not more than 10 days nor less than  
15 5 days before the meeting and shall state that information  
16 regarding a charter school proposal will be heard at the  
17 meeting. Copies of the notice shall also be posted at  
18 appropriate locations in the school or attendance center  
19 proposed to be established as a charter school, the public  
20 schools in the school district, and the local school board  
21 office. If 45 days pass without the local school board holding  
22 a public meeting, then the charter applicant may submit the  
23 proposal to the State Board ~~Commission~~, where it must be  
24 addressed in accordance with the provisions set forth in  
25 subsection (g) of this Section.

26 (e) Within 30 days of the public meeting, the local school

1 board shall vote, in a public meeting, to either grant or deny  
2 the charter school proposal. If the local school board has not  
3 voted in a public meeting within 30 days after the public  
4 meeting, then the charter applicant may submit the proposal to  
5 the State Board ~~Commission~~, where it must be addressed in  
6 accordance with the provisions set forth in subsection (g) of  
7 this Section.

8 (f) Within 7 days of the public meeting required under  
9 subsection (e) of this Section, the local school board shall  
10 file a report with the State Board granting or denying the  
11 proposal. If the local school board has approved the proposal,  
12 within 30 days of receipt of the local school board's report,  
13 the State Board shall determine whether the approved charter  
14 proposal is consistent with the provisions of this Article and,  
15 if the approved proposal complies, certify the proposal  
16 pursuant to Section 27A-6.

17 (g) If the local school board votes to deny the proposal,  
18 then the charter school applicant has 30 days from the date of  
19 that vote to submit an appeal to the State Board ~~Commission~~. In  
20 such instances or in those instances referenced in subsections  
21 (d) and (e) of this Section, the State Board ~~Commission~~ shall  
22 follow the same process and be subject to the same timelines  
23 for review as the local school board.

24 (h) The State Board ~~Commission~~ may reverse a local school  
25 board's decision to deny a charter school proposal if the State  
26 Board ~~Commission~~ finds that the proposal (i) is in compliance

1 with this Article and (ii) is in the best interests of the  
2 students the charter school is designed to serve. Final  
3 decisions of the State Board ~~Commission~~ are subject to judicial  
4 review under the Administrative Review Law.

5 (i) In the case of a charter school proposed to be jointly  
6 authorized by 2 or more school districts, the local school  
7 boards may unanimously deny the charter school proposal with a  
8 statement that the local school boards are not opposed to the  
9 charter school, but that they yield to the State Board  
10 ~~Commission~~ in light of the complexities of joint  
11 administration.

12 (Source: P.A. 96-105, eff. 7-30-09; 96-734, eff. 8-25-09;  
13 96-1000, eff. 7-2-10; 97-152, eff. 7-20-11.)

14 (105 ILCS 5/27A-9)

15 Sec. 27A-9. Term of charter; renewal.

16 (a) A charter may be granted for a period not less than 5  
17 and not more than 10 school years. A charter may be renewed in  
18 incremental periods not to exceed 5 school years.

19 (b) A charter school renewal proposal submitted to the  
20 local school board or State Board ~~the Commission~~, as the  
21 chartering entity, shall contain:

22 (1) A report on the progress of the charter school in  
23 achieving the goals, objectives, pupil performance  
24 standards, content standards, and other terms of the  
25 initial approved charter proposal; and

1           (2) A financial statement that discloses the costs of  
2           administration, instruction, and other spending categories  
3           for the charter school that is understandable to the  
4           general public and that will allow comparison of those  
5           costs to other schools or other comparable organizations,  
6           in a format required by the State Board.

7           (c) A charter may be revoked or not renewed if the local  
8           school board or State Board ~~the Commission~~, as the chartering  
9           entity, clearly demonstrates that the charter school did any of  
10          the following, or otherwise failed to comply with the  
11          requirements of this law:

12           (1) Committed a material violation of any of the  
13           conditions, standards, or procedures set forth in the  
14           charter.

15           (2) Failed to meet or make reasonable progress toward  
16           achievement of the content standards or pupil performance  
17           standards identified in the charter.

18           (3) Failed to meet generally accepted standards of  
19           fiscal management.

20           (4) Violated any provision of law from which the  
21           charter school was not exempted.

22          In the case of revocation, the local school board or State  
23          Board ~~the Commission~~, as the chartering entity, shall notify  
24          the charter school in writing of the reason why the charter is  
25          subject to revocation. The charter school shall submit a  
26          written plan to the local school board or State Board ~~the~~

1 ~~Commission~~, whichever is applicable, to rectify the problem.  
2 The plan shall include a timeline for implementation, which  
3 shall not exceed 2 years or the date of the charter's  
4 expiration, whichever is earlier. If the local school board or  
5 State Board ~~the Commission~~, as the chartering entity, finds  
6 that the charter school has failed to implement the plan of  
7 remediation and adhere to the timeline, then the chartering  
8 entity shall revoke the charter. Except in situations of an  
9 emergency where the health, safety, or education of the charter  
10 school's students is at risk, the revocation shall take place  
11 at the end of a school year. Nothing in this amendatory Act of  
12 the 96th General Assembly shall be construed to prohibit an  
13 implementation timetable that is less than 2 years in duration.

14 (d) (Blank).

15 (e) Notice of a local school board's decision to deny,  
16 revoke or not to renew a charter shall be provided to the  
17 ~~Commission and the~~ State Board. The State Board ~~Commission~~ may  
18 reverse a local board's decision if the State Board ~~Commission~~  
19 finds that the charter school or charter school proposal (i) is  
20 in compliance with this Article, and (ii) is in the best  
21 interests of the students it is designed to serve. The State  
22 Board may condition the granting of an appeal on the acceptance  
23 by the charter school of funding in an amount less than that  
24 requested in the proposal submitted to the local school board.  
25 Final decisions of the State Board ~~Commission~~ shall be subject  
26 to judicial review under the Administrative Review Law.

1 (f) Notwithstanding other provisions of this Article, if  
2 the State Board Commission on appeal reverses a local board's  
3 decision or if a charter school is approved by referendum, the  
4 State Board Commission shall act as the authorized chartering  
5 entity for the charter school. The State Board Commission shall  
6 approve and certify the charter and shall perform all functions  
7 under this Article otherwise performed by the local school  
8 board. ~~The State Board shall determine whether the charter~~  
9 ~~proposal approved by the Commission is consistent with the~~  
10 ~~provisions of this Article and, if the approved proposal~~  
11 ~~complies, certify the proposal pursuant to this Article.~~ The  
12 State Board shall report the aggregate number of charter school  
13 pupils resident in a school district to that district and shall  
14 notify the district of the amount of funding to be paid by the  
15 State Board Commission to the charter school enrolling such  
16 students. The State Board Commission shall require the charter  
17 school to maintain accurate records of daily attendance that  
18 shall be deemed sufficient to file claims under Section 18-8.05  
19 notwithstanding any other requirements of that Section  
20 regarding hours of instruction and teacher certification. The  
21 State Board shall withhold from funds otherwise due the  
22 district the funds authorized by this Article to be paid to the  
23 charter school and shall pay such amounts to the charter  
24 school.

25 (g) (Blank). ~~For charter schools authorized by the~~  
26 ~~Commission, the Commission shall quarterly certify to the State~~

1 ~~Board the student enrollment for each of its charter schools.~~

2 (h) For charter schools authorized by the State Board  
3 ~~Commission~~, the State Board shall pay directly to a charter  
4 school any federal or State aid attributable to a student with  
5 a disability attending the school.

6 (Source: P.A. 96-105, eff. 7-30-09; 97-152, eff. 7-20-11.)

7 (105 ILCS 5/27A-12)

8 Sec. 27A-12. Evaluation; report. On or before September 30  
9 of every odd-numbered year, all local school boards with at  
10 least one charter school, ~~as well as the Commission,~~ shall  
11 submit to the State Board any information required by the State  
12 Board pursuant to applicable rule. On or before the second  
13 Wednesday in January of every even-numbered year, the State  
14 Board shall issue a report to the General Assembly and the  
15 Governor on its findings for the previous 2 school years. The  
16 State Board's report shall summarize all of the following:

17 (1) The authorizer's strategic vision for chartering  
18 and progress toward achieving that vision.

19 (2) The academic and financial performance of all  
20 operating charter schools overseen by the authorizer,  
21 according to the performance expectations for charter  
22 schools set forth in this Article.

23 (3) The status of the authorizer's charter school  
24 portfolio, identifying all charter schools in each of the  
25 following categories: approved (but not yet open),

1 operating, renewed, transferred, revoked, not renewed,  
2 voluntarily closed, or never opened.

3 (4) The authorizing functions provided by the  
4 authorizer to the charter schools under its purview,  
5 including the authorizer's operating costs and expenses  
6 detailed in annual audited financial statements, which  
7 must conform with generally accepted accounting  
8 principles.

9 Further, in the report required by this Section, the State  
10 Board (i) shall compare the performance of charter school  
11 pupils with the performance of ethnically and economically  
12 comparable groups of pupils in other public schools who are  
13 enrolled in academically comparable courses, (ii) shall review  
14 information regarding the regulations and policies from which  
15 charter schools were released to determine if the exemptions  
16 assisted or impeded the charter schools in meeting their stated  
17 goals and objectives, and (iii) shall include suggested changes  
18 in State law necessary to strengthen charter schools.

19 In addition, the State Board shall undertake and report on  
20 periodic evaluations of charter schools that include  
21 evaluations of student academic achievement, the extent to  
22 which charter schools are accomplishing their missions and  
23 goals, the sufficiency of funding for charter schools, and the  
24 need for changes in the approval process for charter schools.

25 Based on the information that the State Board receives from  
26 authorizers and the State Board's ongoing monitoring of both

1 charter schools and authorizers, the State Board has the power  
2 to remove the power to authorize from any authorizer in this  
3 State if the authorizer does not demonstrate a commitment to  
4 high-quality authorization practices and, if necessary, revoke  
5 the chronically low-performing charters authorized by the  
6 authorizer at the time of the removal. The State Board shall  
7 adopt rules as needed to carry out this power, including  
8 provisions to determine the status of schools authorized by an  
9 authorizer whose authorizing power is revoked.

10 (Source: P.A. 96-105, eff. 7-30-09; 97-152, eff. 7-20-11.)

11 Section 99. Effective date. This Act takes effect July 1,  
12 2014."