



Rep. Emanuel Chris Welch

Filed: 3/17/2015

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LRB099 05952 SXM 32472 a

1 AMENDMENT TO HOUSE BILL 397

2 AMENDMENT NO. _____. Amend House Bill 397, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The School Code is amended by changing Sections
6 27A-7.5, 27A-8, and 27A-9 as follows:

7 (105 ILCS 5/27A-7.5)

8 Sec. 27A-7.5. State Charter School Commission.

9 (a) A State Charter School Commission is established as an
10 independent commission with statewide chartering jurisdiction
11 and authority. The Commission shall be under the State Board
12 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,

1 particularly schools designed to expand opportunities for
2 at-risk students, consistent with the purposes of this Article.

3 (c) The Commission shall consist of 9 members, appointed by
4 the State Board. The State Board shall make these appointments
5 from a slate of candidates proposed by the Governor, within 60
6 days after the effective date of this amendatory Act of the
7 97th General Assembly with respect to the initial Commission
8 members. In making the appointments, the State Board shall
9 ensure statewide geographic diversity among Commission
10 members. The Governor shall propose a slate of candidates to
11 the State Board within 60 days after the effective date of this
12 amendatory Act of the 97th General Assembly and 60 days prior
13 to the expiration of the term of a member thereafter. If the
14 Governor fails to timely propose a slate of candidates
15 according to the provisions of this subsection (c), then the
16 State Board may appoint the member or members of the
17 Commission.

18 (d) Members appointed to the Commission shall collectively
19 possess strong experience and expertise in public and nonprofit
20 governance, management and finance, public school leadership,
21 higher education, assessments, curriculum and instruction, and
22 public education law. All members of the Commission shall have
23 demonstrated understanding of and a commitment to public
24 education, including without limitation charter schooling. At
25 least 3 members must have past experience with urban charter
26 schools.

1 (e) To establish staggered terms of office, the initial
2 term of office for 3 Commission members shall be 4 years and
3 thereafter shall be 4 years; the initial term of office for
4 another 3 members shall be 3 years and thereafter shall be 4
5 years; and the initial term of office for the remaining 3
6 members shall be 2 years and thereafter shall be 4 years. The
7 initial appointments must be made no later than October 1,
8 2011.

9 (f) Whenever a vacancy on the Commission exists, the State
10 Board shall appoint a member for the remaining portion of the
11 term.

12 (g) Subject to the State Officials and Employees Ethics
13 Act, the Commission is authorized to receive and expend gifts,
14 grants, and donations of any kind from any public or private
15 entity to carry out the purposes of this Article, subject to
16 the terms and conditions under which they are given, provided
17 that all such terms and conditions are permissible under law.
18 Funds received under this subsection (g) must be deposited into
19 the State Charter School Commission Fund.

20 The State Charter School Commission Fund is created as a
21 special fund in the State treasury. All money in the Fund shall
22 be used, subject to appropriation, by the State Board, acting
23 on behalf and with the consent of the Commission, for
24 operational and administrative costs of the Commission.

25 Subject to appropriation, any funds appropriated for use by
26 the State Board, acting on behalf and with the consent of the

1 Commission, may be used for the following purposes, without
2 limitation: personal services, contractual services, and other
3 operational and administrative costs. The State Board is
4 further authorized to make expenditures with respect to any
5 other amounts deposited in accordance with law into the State
6 Charter School Commission Fund.

7 (g-5) Funds or spending authority for the operation and
8 administrative costs of the Commission shall be appropriated to
9 the State Board in a separate line item. The State
10 Superintendent of Education may not reduce or modify the budget
11 of the Commission or use funds appropriated to the Commission
12 without the approval of the Commission.

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

25 (i) Every 2 years, the Commission shall provide to the
26 State Board and local school boards a report on best practices

1 in charter school authorizing, including without limitation
2 evaluating applications, oversight of charters, and renewal of
3 charter schools.

4 (j) The Commission may charge a charter school that it
5 authorizes a fee, not to exceed 3% of the revenue provided to
6 the school, to cover the cost of undertaking the ongoing
7 administrative responsibilities of the eligible chartering
8 authority with respect to the school. This fee must be
9 deposited into the State Charter School Commission Fund.

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

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

16 (1) (Blank). ~~The Commission shall have the responsibility~~
17 ~~to consider appeals under this Article immediately upon~~
18 ~~appointment of the initial members of the Commission under~~
19 ~~subsection (c) of this Section. Appeals pending at the time of~~
20 ~~initial appointment shall be determined by the Commission; the~~
21 ~~Commission may extend the time for review as necessary for~~
22 ~~thorough review, but in no case shall the extension exceed the~~
23 ~~time that would have been available had the appeal been~~
24 ~~submitted to the Commission on the date of appointment of its~~
25 ~~initial members. In any appeal filed with the Commission under~~
26 ~~this Article, both the applicant and the school district in~~

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

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

9 (105 ILCS 5/27A-8)

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

11 (a) This Section does not apply to a charter school
12 established by referendum under Section 27A-6.5. In evaluating
13 any charter school proposal submitted to it, the local school
14 board and the Commission shall give preference to proposals
15 that:

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

18 (2) set rigorous levels of expected pupil achievement
19 and demonstrate feasible plans for attaining those levels
20 of achievement; and

21 (3) are designed to enroll and serve a substantial
22 proportion of at-risk children; provided that nothing in
23 the Charter Schools Law shall be construed as intended to
24 limit the establishment of charter schools to those that
25 serve a substantial portion of at-risk children or to in

1 any manner restrict, limit, or discourage the
2 establishment of charter schools that enroll and serve
3 other pupil populations under a nonexclusive,
4 nondiscriminatory admissions policy.

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

1 evidence and information presented at the public meeting that
2 the local school board is required to convene under this
3 Section.

4 (c) Within 45 days of receipt of a charter school proposal,
5 the local school board shall convene a public meeting to obtain
6 information to assist the board in its decision to grant or
7 deny the charter school proposal. A local school board may
8 develop its own process for receiving charter school proposals
9 on an annual basis that follows the same timeframes as set
10 forth in this Article. Final decisions of a local school board
11 are subject to judicial review under the Administrative Review
12 Law. If a charter school applicant submits a proposal to a
13 local school board outside of the process adopted by that local
14 school board for receiving charter school proposals on an
15 annual basis, the applicant shall not have any right to submit
16 its proposal to the Commission as otherwise authorized in
17 subsections (d) and (e) of this Section. Only after the local
18 school board process is followed may a charter school applicant
19 appeal to the Commission.

20 (d) Notice of the public meeting required by this Section
21 shall be published in a community newspaper published in the
22 school district in which the proposed charter is located and,
23 if there is no such newspaper, then in a newspaper published in
24 the county and having circulation in the school district. The
25 notices shall be published not more than 10 days nor less than
26 5 days before the meeting and shall state that information

1 regarding a charter school proposal will be heard at the
2 meeting. Copies of the notice shall also be posted at
3 appropriate locations in the school or attendance center
4 proposed to be established as a charter school, the public
5 schools in the school district, and the local school board
6 office. If 45 days pass without the local school board holding
7 a public meeting, then the charter applicant may submit the
8 proposal to the Commission, where it must be addressed in
9 accordance with the provisions set forth in subsection (g) of
10 this Section.

11 (e) Within 30 days of the public meeting, the local school
12 board shall vote, in a public meeting, to either grant or deny
13 the charter school proposal. If the local school board has not
14 voted in a public meeting within 30 days after the public
15 meeting, then the charter applicant may submit the proposal to
16 the Commission, where it must be addressed in accordance with
17 the provisions set forth in subsection (g) of this Section.

18 (f) Within 7 days of the public meeting required under
19 subsection (e) of this Section, the local school board shall
20 file a report with the State Board granting or denying the
21 proposal. If the local school board has approved the proposal,
22 within 30 days of receipt of the local school board's report,
23 the State Board shall determine whether the approved charter
24 proposal is consistent with the provisions of this Article and,
25 if the approved proposal complies, certify the proposal
26 pursuant to Section 27A-6.

1 (g) If the charter applicant submits the proposal to the
2 Commission as authorized ~~the local school board votes to deny~~
3 ~~the proposal, then the charter school applicant has 30 days~~
4 ~~from the date of that vote to submit an appeal to the~~
5 ~~Commission. In such instances or in those instances referenced~~
6 in subsections (d), ~~and~~ (e), and (i) of this Section, the
7 Commission shall follow the same process and be subject to the
8 same timelines for review as the local school board.

9 (h) The Commission may approve a charter school proposal
10 submitted to it in accordance with subsection (d), (e), or (i)
11 of this Section ~~The Commission may reverse a local school~~
12 ~~board's decision to deny a charter school proposal~~ if the
13 Commission finds that the proposal (i) is in compliance with
14 this Article and (ii) is in the best interests of the students
15 the charter school is designed to serve. Final decisions of the
16 Commission are subject to judicial review under the
17 Administrative Review Law.

18 (i) In the case of a charter school proposed to be jointly
19 authorized by 2 or more school districts, the local school
20 boards may unanimously deny the charter school proposal with a
21 statement that the local school boards are not opposed to the
22 charter school, but that they yield to the Commission in light
23 of the complexities of joint administration, in which case the
24 charter applicant may submit the proposal to the Commission,
25 where it must be addressed in accordance with the provisions
26 set forth in subsection (g) of this Section.

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

3 (105 ILCS 5/27A-9)

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

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

8 (b) A charter school renewal proposal submitted to the
9 local school board or the Commission, as the chartering entity,
10 shall contain:

11 (1) A report on the progress of the charter school in
12 achieving the goals, objectives, pupil performance
13 standards, content standards, and other terms of the
14 initial approved charter proposal; and

15 (2) A financial statement that discloses the costs of
16 administration, instruction, and other spending categories
17 for the charter school that is understandable to the
18 general public and that will allow comparison of those
19 costs to other schools or other comparable organizations,
20 in a format required by the State Board.

21 (c) A charter may be revoked or not renewed if the local
22 school board or the Commission, as the chartering entity,
23 clearly demonstrates that the charter school did any of the
24 following, or otherwise failed to comply with the requirements
25 of this law:

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

4 (2) Failed to meet or make reasonable progress toward
5 achievement of the content standards or pupil performance
6 standards identified in the charter.

7 (3) Failed to meet generally accepted standards of
8 fiscal management.

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

11 In the case of revocation, the local school board or the
12 Commission, as the chartering entity, shall notify the charter
13 school in writing of the reason why the charter is subject to
14 revocation. The charter school shall submit a written plan to
15 the local school board or the Commission, whichever is
16 applicable, to rectify the problem. The plan shall include a
17 timeline for implementation, which shall not exceed 2 years or
18 the date of the charter's expiration, whichever is earlier. If
19 the local school board or the Commission, as the chartering
20 entity, finds that the charter school has failed to implement
21 the plan of remediation and adhere to the timeline, then the
22 chartering entity shall revoke the charter. Except in
23 situations of an emergency where the health, safety, or
24 education of the charter school's students is at risk, the
25 revocation shall take place at the end of a school year.
26 Nothing in this amendatory Act of the 96th General Assembly

1 shall be construed to prohibit an implementation timetable that
2 is less than 2 years in duration.

3 (d) (Blank).

4 (e) The Commission may approve an application for a charter
5 submitted to it in accordance with this Article ~~Notice of a~~
6 ~~local school board's decision to deny, revoke or not to renew a~~
7 ~~charter shall be provided to the Commission and the State~~
8 ~~Board. The Commission may reverse a local board's decision if~~
9 the Commission finds that the charter school or charter school
10 proposal (i) is in compliance with this Article, and (ii) is in
11 the best interests of the students it is designed to serve. The
12 Commission may condition approval of a charter school
13 application ~~The Commission may condition the granting of an~~
14 ~~appeal~~ on the acceptance by the charter school of funding in an
15 amount less than that requested in the proposal submitted to
16 the local school board. Final decisions of the Commission are
17 ~~shall be~~ subject to judicial review under the Administrative
18 Review Law.

19 (f) Notwithstanding other provisions of this Article, if
20 the Commission approves an application for a charter submitted
21 to it in accordance with this Article or ~~on appeal reverses a~~
22 ~~local board's decision or~~ if a charter school is approved by
23 referendum under Section 27A-6.5 of this Code, the Commission
24 shall act as the authorized chartering entity for the charter
25 school. The Commission shall execute a ~~approve the~~ charter
26 agreement and shall perform all functions under this Article

1 otherwise performed by the local school board. The State Board
2 shall determine whether the charter proposal approved by the
3 Commission is consistent with the provisions of this Article
4 and, if the approved proposal complies, certify the proposal
5 pursuant to this Article. The State Board shall report the
6 aggregate number of charter school pupils resident in a school
7 district to that district and shall notify the district of the
8 amount of funding to be paid by the State Board to the charter
9 school enrolling such students. The Commission shall require
10 the charter school to maintain accurate records of daily
11 attendance that shall be deemed sufficient to file claims under
12 Section 18-8.05 notwithstanding any other requirements of that
13 Section regarding hours of instruction and teacher
14 certification. The State Board shall withhold from funds
15 otherwise due the district the funds authorized by this Article
16 to be paid to the charter school and shall pay such amounts to
17 the charter school.

18 (g) For charter schools authorized by the Commission, the
19 Commission shall quarterly certify to the State Board the
20 student enrollment for each of its charter schools.

21 (h) For charter schools authorized by the Commission, the
22 State Board shall pay directly to a charter school any federal
23 or State aid attributable to a student with a disability
24 attending the school.

25 (i) The Commission has no authority under subsection (e) of
26 this Section to approve a charter school proposal that has been

1 denied by the local school board.

2 (Source: P.A. 97-152, eff. 7-20-11; 98-739, eff. 7-16-14.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.".