



Rep. Christian L. Mitchell

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LRB099 04621 SXM 34423 a

1 AMENDMENT TO HOUSE BILL 809

2 AMENDMENT NO. _____. Amend House Bill 809 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections
5 27A-5, 27A-6, 27A-7, 27A-7.10, and 27A-9 as follows:

6 (105 ILCS 5/27A-5)

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

8 (a) A charter school shall be a public, nonsectarian,
9 nonreligious, non-home based, and non-profit school. A charter
10 school shall be organized and operated as a nonprofit
11 corporation or other discrete, legal, nonprofit entity
12 authorized under the laws of the State of Illinois.

13 (b) A charter school may be established under this Article
14 by creating a new school or by converting an existing public
15 school or attendance center to charter school status. Beginning
16 on the effective date of this amendatory Act of the 93rd

1 General Assembly, in all new applications to establish a
2 charter school in a city having a population exceeding 500,000,
3 operation of the charter school shall be limited to one campus.
4 The changes made to this Section by this amendatory Act of the
5 93rd General Assembly do not apply to charter schools existing
6 or approved on or before the effective date of this amendatory
7 Act.

8 (b-5) In this subsection (b-5), "virtual-schooling" means
9 a cyber school where students engage in online curriculum and
10 instruction via the Internet and electronic communication with
11 their teachers at remote locations and with students
12 participating at different times.

13 From April 1, 2013 through December 31, 2016, there is a
14 moratorium on the establishment of charter schools with
15 virtual-schooling components in school districts other than a
16 school district organized under Article 34 of this Code. This
17 moratorium does not apply to a charter school with
18 virtual-schooling components existing or approved prior to
19 April 1, 2013 or to the renewal of the charter of a charter
20 school with virtual-schooling components already approved
21 prior to April 1, 2013.

22 On or before March 1, 2014, the Commission shall submit to
23 the General Assembly a report on the effect of
24 virtual-schooling, including without limitation the effect on
25 student performance, the costs associated with
26 virtual-schooling, and issues with oversight. The report shall

1 include policy recommendations for virtual-schooling.

2 (c) A charter school shall be administered and governed by
3 its board of directors or other governing body in the manner
4 provided in its charter. The governing body of a charter school
5 shall be subject to the Freedom of Information Act and the Open
6 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 procurement of goods and services and the
17 preparation of its budget. An audit of each charter school's
18 finances shall be conducted annually by an outside, independent
19 contractor retained by the charter school. To ensure financial
20 accountability for the use of public funds, on or before
21 December 1 of every year of operation, each charter school
22 shall submit to its authorizer and the State Board a copy of
23 its audit and a copy of the Form 990 the charter school filed
24 that year with the federal Internal Revenue Service. In
25 addition, if deemed necessary for proper financial oversight of
26 the charter school, an authorizer may require quarterly

1 financial statements from each charter school.

2 (g) A charter school shall comply with all provisions of
3 this Article; the Illinois Educational Labor Relations Act; all
4 federal and State laws and rules applicable to public schools
5 that pertain to special education and the instruction of
6 English language learners, referred to in this Code as
7 "children of limited English-speaking ability"; and its
8 charter. A charter school is exempt from all other State laws
9 and regulations in this Code governing public schools and local
10 school board policies, except the following:

11 (1) Sections 10-21.9 and 34-18.5 of this Code regarding
12 criminal history records checks and checks of the Statewide
13 Sex Offender Database and Statewide Murderer and Violent
14 Offender Against Youth Database of applicants for
15 employment;

16 (2) Sections 24-24 and 34-84A of this Code regarding
17 discipline of students;

18 (3) the Local Governmental and Governmental Employees
19 Tort Immunity Act;

20 (4) Section 108.75 of the General Not For Profit
21 Corporation Act of 1986 regarding indemnification of
22 officers, directors, employees, and agents;

23 (5) the Abused and Neglected Child Reporting Act;

24 (6) the Illinois School Student Records Act;

25 (7) Section 10-17a of this Code regarding school report
26 cards;

1 (8) the P-20 Longitudinal Education Data System Act;

2 ~~and~~

3 (9) Section 27-23.7 of this Code regarding bullying
4 prevention; ~~and~~.

5 (10) ~~(9)~~ Section 2-3.162 ~~2-3.160~~ of this ~~the School~~
6 Code regarding student discipline reporting.

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

9 (h) A charter school may negotiate and contract with a
10 school district, the governing body of a State college or
11 university or public community college, or any other public or
12 for-profit or nonprofit private entity for: (i) the use of a
13 school building and grounds or any other real property or
14 facilities that the charter school desires to use or convert
15 for use as a charter school site, (ii) the operation and
16 maintenance thereof, and (iii) the provision of any service,
17 activity, or undertaking that the charter school is required to
18 perform in order to carry out the terms of its charter.
19 However, a charter school that is established on or after the
20 effective date of this amendatory Act of the 93rd General
21 Assembly and that operates in a city having a population
22 exceeding 500,000 may not contract with a for-profit entity to
23 manage or operate the school during the period that commences
24 on the effective date of this amendatory Act of the 93rd
25 General Assembly and concludes at the end of the 2004-2005
26 school year. Except as provided in subsection (i) of this

1 Section, a school district may charge a charter school
2 reasonable rent for the use of the district's buildings,
3 grounds, and facilities. Any services for which a charter
4 school contracts with a school district shall be provided by
5 the district at cost. Any services for which a charter school
6 contracts with a local school board or with the governing body
7 of a State college or university or public community college
8 shall be provided by the public entity at cost.

9 Other goods and services procured by the charter school
10 must be executed pursuant to the terms of the procurement
11 policy stated in the charter contract. Charter procurement
12 policies must be reviewed by the authorizer during the
13 authorization process and shall reflect procedures consistent
14 with expending public funds in an efficient, transparent, and
15 cost-effective manner. Such policies shall include provisions
16 that prohibit conflicts of interest, self-dealing, and any
17 other practices that call into question the objectivity of the
18 charter school's governing body. Each charter school's
19 procurement policy must be posted on the charter school's
20 Internet website to ensure public transparency.

21 (i) In no event shall a charter school that is established
22 by converting an existing school or attendance center to
23 charter school status be required to pay rent for space that is
24 deemed available, as negotiated and provided in the charter
25 agreement, in school district facilities. However, all other
26 costs for the operation and maintenance of school district

1 facilities that are used by the charter school shall be subject
2 to negotiation between the charter school and the local school
3 board and shall be set forth in the charter.

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

6 (k) If the charter school is approved by the Commission,
7 then the Commission charter school is its own local education
8 agency.

9 (Source: P.A. 97-152, eff. 7-20-11; 97-154, eff. 1-1-12;
10 97-813, eff. 7-13-12; 98-16, eff. 5-24-13; 98-639, eff. 6-9-14;
11 98-669, eff. 6-26-14; 98-739, eff. 7-16-14; 98-783, eff.
12 1-1-15; 98-1059, eff. 8-26-14; 98-1102, eff. 8-26-14; revised
13 10-14-14.)

14 (105 ILCS 5/27A-6)

15 Sec. 27A-6. Contract contents; applicability of laws and
16 regulations.

17 (a) A certified charter shall constitute a binding contract
18 and agreement between the charter school and a local school
19 board under the terms of which the local school board
20 authorizes the governing body of the charter school to operate
21 the charter school on the terms specified in the contract.

22 (b) Notwithstanding any other provision of this Article,
23 the certified charter may not waive or release the charter
24 school from the State goals, standards, and assessments
25 established pursuant to Section 2-3.64a-5 of this Code.

1 Beginning with the 2003-2004 school year, the certified charter
2 for a charter school operating in a city having a population
3 exceeding 500,000 shall require the charter school to
4 administer any other nationally recognized standardized tests
5 to its students that the chartering entity administers to other
6 students, and the results on such tests shall be included in
7 the chartering entity's assessment reports.

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

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

14 (d) The proposed contract between the governing body of a
15 proposed charter school and the local school board as described
16 in Section 27A-7 must be submitted to and certified by the
17 State Board before it can take effect. The State Board's review
18 of the charter contract shall include a review of incorporated
19 performance frameworks. If the State Board determines that the
20 performance frameworks are not sufficiently rigorous or that
21 they establish unreasonable expectations for the charter
22 school, the State Board must send the proposed contract back to
23 the governing body and local school board. The governing body
24 and local school board must resubmit appropriate performance
25 frameworks before the contract may be certified. If the State
26 Board recommends that the proposed contract be modified for

1 consistency with this Article before it can be certified, the
2 modifications must be consented to by both the governing body
3 of the charter school and the local school board, and
4 resubmitted to the State Board for its certification. If the
5 proposed contract is resubmitted in a form that is not
6 consistent with this Article, the State Board may refuse to
7 certify the charter.

8 The State Board shall assign a number to each submission or
9 resubmission in chronological order of receipt, and shall
10 determine whether the proposed contract is consistent with the
11 provisions of this Article. If the proposed contract complies,
12 the State Board shall so certify.

13 (e) No renewal of a previously certified contract is
14 effective unless and until the State Board certifies that the
15 renewal is consistent with the provisions of this Article. A
16 material revision to a previously certified contract may go
17 into effect immediately upon approval of both the local school
18 board and the governing body of the charter school, unless
19 either party requests in writing that the State Board certify
20 that the material revision is consistent with the provisions of
21 this Article. If such a request is made, the proposed material
22 revision is not effective unless and until the State Board so
23 certifies.

24 (Source: P.A. 98-972, eff. 8-15-14; 98-1048, eff. 8-25-14;
25 revised 10-1-14.)

1 (105 ILCS 5/27A-7)

2 Sec. 27A-7. Charter submission.

3 (a) A proposal to establish a charter school shall be
4 submitted to the local school board and the State Board for
5 certification under Section 27A-6 of this Code in the form of a
6 proposed contract entered into between the local school board
7 and the governing body of a proposed charter school. The
8 charter school proposal shall include:

9 (1) The name of the proposed charter school, which must
10 include the words "Charter School".

11 (2) The age or grade range, areas of focus, minimum and
12 maximum numbers of pupils to be enrolled in the charter
13 school, and any other admission criteria that would be
14 legal if used by a school district.

15 (3) A description of and address for the physical plant
16 in which the charter school will be located; provided that
17 nothing in the Article shall be deemed to justify delaying
18 or withholding favorable action on or approval of a charter
19 school proposal because the building or buildings in which
20 the charter school is to be located have not been acquired
21 or rented at the time a charter school proposal is
22 submitted or approved or a charter school contract is
23 entered into or submitted for certification or certified,
24 so long as the proposal or submission identifies and names
25 at least 2 sites that are potentially available as a
26 charter school facility by the time the charter school is

1 to open.

2 (4) The mission statement of the charter school, which
3 must be consistent with the General Assembly's declared
4 purposes; provided that nothing in this Article shall be
5 construed to require that, in order to receive favorable
6 consideration and approval, a charter school proposal
7 demonstrate unequivocally that the charter school will be
8 able to meet each of those declared purposes, it being the
9 intention of the Charter Schools Law that those purposes be
10 recognized as goals that charter schools must aspire to
11 attain.

12 (5) The goals, objectives, and pupil performance
13 standards to be achieved by the charter school.

14 (6) In the case of a proposal to establish a charter
15 school by converting an existing public school or
16 attendance center to charter school status, evidence that
17 the proposed formation of the charter school has received
18 the approval of certified teachers, parents and guardians,
19 and, if applicable, a local school council as provided in
20 subsection (b) of Section 27A-8.

21 (7) A description of the charter school's educational
22 program, pupil performance standards, curriculum, school
23 year, school days, and hours of operation.

24 (8) A description of the charter school's plan for
25 evaluating pupil performance, the types of assessments
26 that will be used to measure pupil progress towards

1 achievement of the school's pupil performance standards,
2 the timeline for achievement of those standards, and the
3 procedures for taking corrective action in the event that
4 pupil performance at the charter school falls below those
5 standards.

6 (9) Evidence that the terms of the charter as proposed
7 are economically sound for both the charter school and the
8 school district, a proposed budget for the term of the
9 charter, a description of the manner in which an annual
10 audit of the financial and administrative operations of the
11 charter school, including any services provided by the
12 school district, are to be conducted, and a plan for the
13 displacement of pupils, teachers, and other employees who
14 will not attend or be employed in the charter school.

15 (10) A description of the governance and operation of
16 the charter school, including the nature and extent of
17 parental, professional educator, and community involvement
18 in the governance and operation of the charter school.

19 (10.5) Beginning with charter contracts entered into
20 on or after January 1, 2017, a description of a procurement
21 policy for goods and services.

22 (11) An explanation of the relationship that will exist
23 between the charter school and its employees, including
24 evidence that the terms and conditions of employment have
25 been addressed with affected employees and their
26 recognized representative, if any. However, a bargaining

1 unit of charter school employees shall be separate and
2 distinct from any bargaining units formed from employees of
3 a school district in which the charter school is located.

4 (12) An agreement between the parties regarding their
5 respective legal liability and applicable insurance
6 coverage.

7 (13) A description of how the charter school plans to
8 meet the transportation needs of its pupils, and a plan for
9 addressing the transportation needs of low-income and
10 at-risk pupils.

11 (14) The proposed effective date and term of the
12 charter; provided that the first day of the first academic
13 year shall be no earlier than August 15 and no later than
14 September 15 of a calendar year, and the first day of the
15 fiscal year shall be July 1.

16 (15) Any other information reasonably required by the
17 State Board of Education.

18 (b) A proposal to establish a charter school may be
19 initiated by individuals or organizations that will have
20 majority representation on the board of directors or other
21 governing body of the corporation or other discrete legal
22 entity that is to be established to operate the proposed
23 charter school, by a board of education or an intergovernmental
24 agreement between or among boards of education, or by the board
25 of directors or other governing body of a discrete legal entity
26 already existing or established to operate the proposed charter

1 school. The individuals or organizations referred to in this
2 subsection may be school teachers, school administrators,
3 local school councils, colleges or universities or their
4 faculty members, public community colleges or their
5 instructors or other representatives, corporations, or other
6 entities or their representatives. The proposal shall be
7 submitted to the local school board for consideration and, if
8 appropriate, for development of a proposed contract to be
9 submitted to the State Board for certification under Section
10 27A-6.

11 (c) The local school board may not without the consent of
12 the governing body of the charter school condition its approval
13 of a charter school proposal on acceptance of an agreement to
14 operate under State laws and regulations and local school board
15 policies from which the charter school is otherwise exempted
16 under this Article.

17 (Source: P.A. 98-739, eff. 7-16-14; 98-1048, eff. 8-25-14;
18 revised 10-1-14.)

19 (105 ILCS 5/27A-7.10)

20 Sec. 27A-7.10. Authorizer powers and duties; immunity;
21 principles and standards.

22 (a) Authorizers are responsible for executing, in
23 accordance with this Article, all of the following powers and
24 duties:

25 (1) Soliciting and evaluating charter applications.

1 (2) Approving quality charter applications that meet
2 identified educational needs and promote a diversity of
3 educational choices.

4 (3) Declining to approve weak or inadequate charter
5 applications.

6 (4) Negotiating and executing sound charter contracts
7 with each approved charter school.

8 (5) Monitoring, in accordance with charter contract
9 terms, the performance and legal compliance of charter
10 schools.

11 (6) Determining whether each charter contract merits
12 renewal, nonrenewal, or revocation.

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

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

18 (d) An authorizing entity, members of the local school
19 board, or the Commission, in their official capacity, and
20 employees of an authorizer are immune from civil and criminal
21 liability with respect to all activities related to a charter
22 school that they authorize, except for willful or wanton
23 misconduct.

24 (e) The Commission and all local school boards that have a
25 charter school operating are required to develop and maintain
26 chartering policies and practices consistent with recognized

1 principles and standards for quality charter authorizing in all
2 major areas of authorizing responsibility, including all of the
3 following:

- 4 (1) Organizational capacity and infrastructure.
- 5 (2) Soliciting and evaluating charter applications.
- 6 (3) Performance contracting.
- 7 (4) Ongoing charter school oversight and evaluation.
- 8 (5) Charter renewal decision-making.

9 Authorizers shall carry out all their duties under this
10 Article in a manner consistent with nationally recognized
11 principles and standards and with the spirit and intent of this
12 Article.

13 (Source: P.A. 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 of not less than
17 5 and not more than 10 school years. A charter may be renewed
18 in incremental periods not to exceed 5 school years, except
19 that charters deemed high-quality shall be renewed for a period
20 of not less than 5 and not more than 10 school years. Each
21 authorizer shall create criteria for determining which charter
22 schools meet the high-quality definition. In the absence of
23 such criteria, a high-quality charter school means a charter
24 school that has, in the last available ranking, either (i) been
25 recognized by the State Board as a reward school, as defined in

1 this State's approved waiver of the federal Elementary and
2 Secondary Education Act of 1965, or received the State Board's
3 honor roll designation as a spotlight school, academic
4 excellence award recipient, or academic improvement recipient
5 or (ii) received a rating in the top 40% of schools in a school
6 district under a rating system developed by the charter
7 school's home district that is based on multiple indicators of
8 success and used by that district to rate schools in the
9 district.

10 (a-5) Before January 1, 2016, authorizers shall develop
11 performance frameworks that allow authorizers to measure the
12 performance of the charter school they authorize and that allow
13 authorizers of multiple charter schools to compare performance
14 across similarly situated schools using common measures. Such
15 performance frameworks shall use comprehensive academic,
16 financial, and operational performance data to make
17 merit-based renewal decisions. Such performance frameworks may
18 vary depending on the type of charter school authorized and the
19 mission of such a school. To guide authorizers in ensuring
20 their performance frameworks are designed to measure charter
21 school quality across similarly situated schools using common
22 measures, on or before June 30, 2016, the State Board shall
23 develop model performance frameworks that authorizers may
24 elect to use instead of developing their own performance
25 frameworks. Authorizers shall incorporate into charter
26 agreements entered into on or after January 1, 2017 either the

1 applicable performance frameworks developed by the State Board
2 or those they have developed. Authorizers may work with charter
3 schools to incorporate such performance frameworks into
4 contracts entered into before January 1, 2017, provided that
5 the authorizer and charter school mutually agree to the
6 contract amendment. All renewal decisions after September 1,
7 2017 must be based on the charter contract and, to the extent
8 applicable, the performance framework. The performance
9 framework must be made available for public viewing on the
10 authorizer's Internet website.

11 Using the renewal criteria set forth in the performance
12 framework, the authorizer shall report annually to the charter
13 school on the progress and performance of that charter school.

14 (b) A charter school renewal proposal submitted to the
15 local school board or the Commission, as the chartering entity,
16 shall contain:

17 (1) A report on the progress of the charter school in
18 achieving the goals, objectives, pupil performance
19 standards, content standards, and other terms of the
20 initial approved charter proposal; and

21 (2) A procurement policy for goods and services and a A
22 financial statement that discloses the costs of
23 administration, instruction, and other spending categories
24 for the charter school that is understandable to the
25 general public and that will allow comparison of those
26 costs to other schools or other comparable organizations,

1 in a format required by the State Board.

2 (b-5) In making decisions about charter renewals, an
3 authorizer shall oversee the implementation of a transition
4 plan for each student attending a charter school that will not
5 to be renewed. The plan must include information concerning
6 transfer options available to the student, with the goal of
7 providing a smooth transition following a non-renewal. To the
8 extent practicable, the timing of renewal decisions shall align
9 with the enrollment process the authorizer uses for other
10 schools within the relevant school district. The authorizer
11 shall communicate the plan to each student's parent or
12 guardian.

13 (c) A charter may be revoked or not renewed if the local
14 school board or the Commission, as the chartering entity,
15 clearly demonstrates that the charter school did any of the
16 following, or otherwise failed to comply with the requirements
17 of this law:

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

21 (2) Failed to meet or make reasonable progress toward
22 achievement of the content standards or pupil performance
23 standards identified in the charter or instead, if
24 applicable, failed to (i) meet academic performance
25 standards, (ii) meet or make reasonable progress toward
26 organizational standards, or (iii) meet or make reasonable

1 progress toward financial standards. For purposes of this
2 subdivision (2), academic, organizational, and financial
3 standards mean those established in the performance
4 framework set forth in the charter under subsection (a-5)
5 of this Section.

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

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

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

1 is less than 2 years in duration.

2 (d) (Blank).

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

15 (f) Notwithstanding other provisions of this Article, if
16 the Commission on appeal reverses a local board's decision or
17 if a charter school is approved by referendum, the Commission
18 shall act as the authorized chartering entity for the charter
19 school. The Commission shall approve the charter and shall
20 perform all functions under this Article otherwise performed by
21 the local school board. The State Board shall determine whether
22 the charter proposal approved by the Commission is consistent
23 with the provisions of this Article and, if the approved
24 proposal complies, certify the proposal pursuant to this
25 Article. The State Board shall report the aggregate number of
26 charter school pupils resident in a school district to that

1 district and shall notify the district of the amount of funding
2 to be paid by the State Board to the charter school enrolling
3 such students. The Commission shall require the charter school
4 to maintain accurate records of daily attendance that shall be
5 deemed sufficient to file claims under Section 18-8.05
6 notwithstanding any other requirements of that Section
7 regarding hours of instruction and teacher certification. The
8 State Board shall withhold from funds otherwise due the
9 district the funds authorized by this Article to be paid to the
10 charter school and shall pay such amounts to the charter
11 school.

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

15 (h) For charter schools authorized by the Commission, the
16 State Board shall pay directly to a charter school any federal
17 or State aid attributable to a student with a disability
18 attending the school.

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

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."