



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5322

Introduced 1/31/2022, by Rep. Joyce Mason

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27A-9

Amends the School Code. Provides that a charter school failing to adequately address racial, socioeconomic, or educational disparities between the local school district and the charter school or failing to align charter mission and vision to the local school board's mission and vision are both causes for the local school board, State Board of Education, or State Charter School Commission to revoke or not renew a charter. Effective immediately.

LRB102 25474 RJT 34761 b

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section
5 27A-9 as follows:

6 (105 ILCS 5/27A-9)

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

8 (a) For charters granted before January 1, 2017 (the
9 effective date of Public Act 99-840), a charter may be granted
10 for a period not less than 5 and not more than 10 school years.
11 For charters granted on or after January 1, 2017 (the
12 effective date of Public Act 99-840), a charter shall be
13 granted for a period of 5 school years. For charters renewed
14 before January 1, 2017 (the effective date of Public Act
15 99-840), a charter may be renewed in incremental periods not
16 to exceed 5 school years. For charters renewed on or after
17 January 1, 2017 (the effective date of Public Act 99-840), a
18 charter may be renewed in incremental periods not to exceed 10
19 school years; however, the State Board or Commission may renew
20 a charter only in incremental periods not to exceed 5 years.
21 Authorizers shall ensure that every charter granted on or
22 after January 1, 2017 (the effective date of Public Act
23 99-840) includes standards and goals for academic,

1 organizational, and financial performance. A charter must meet
2 all standards and goals for academic, organizational, and
3 financial performance set forth by the authorizer in order to
4 be renewed for a term in excess of 5 years but not more than 10
5 years. If an authorizer fails to establish standards and
6 goals, a charter shall not be renewed for a term in excess of 5
7 years. Nothing contained in this Section shall require an
8 authorizer to grant a full 10-year renewal term to any
9 particular charter school, but an authorizer may award a full
10 10-year renewal term to charter schools that have a
11 demonstrated track record of improving student performance.

12 (b) A charter school renewal proposal submitted to the
13 local school board or the State Board or Commission, as the
14 chartering entity, shall contain:

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

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

25 (c) A charter may be revoked or not renewed if the local
26 school board or the State Board or Commission, as the

1 chartering entity, clearly demonstrates that the charter
2 school did any of the following, or otherwise failed to comply
3 with the requirements of this law:

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

7 (2) Failed to meet or make reasonable progress toward
8 achievement of the content standards or pupil performance
9 standards identified in the charter.

10 (3) Failed to meet generally accepted standards of
11 fiscal management.

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

14 In the case of revocation, the local school board or the
15 State Board or Commission, as the chartering entity, shall
16 notify the charter school in writing of the reason why the
17 charter is subject to revocation. The charter school shall
18 submit a written plan to the local school board, the State
19 Board, or the Commission, whichever is applicable, to rectify
20 the problem. The plan shall include a timeline for
21 implementation, which shall not exceed 2 years or the date of
22 the charter's expiration, whichever is earlier. If the local
23 school board or the State Board or Commission, as the
24 chartering entity, finds that the charter school has failed to
25 implement the plan of remediation and adhere to the timeline,
26 then the chartering entity shall revoke the charter. Except in

1 situations of an emergency where the health, safety, or
2 education of the charter school's students is at risk, the
3 revocation shall take place at the end of a school year.
4 Nothing in Public Act 96-105 shall be construed to prohibit an
5 implementation timetable that is less than 2 years in
6 duration. No local school board may arbitrarily or
7 capriciously revoke or not renew a charter. Except for
8 extenuating circumstances outlined in this Section, if a local
9 school board revokes or does not renew a charter, it must
10 ensure that all students currently enrolled in the charter
11 school are placed in schools that are higher performing than
12 that charter school, as defined in the State's federal Every
13 Student Succeeds Act accountability plan. In determining
14 whether extenuating circumstances exist, a local school board
15 must detail, by clear and convincing evidence, that factors
16 unrelated to the charter school's accountability designation
17 outweigh the charter school's academic performance.

18 (5) Failed to adequately address racial,
19 socioeconomic, or educational disparities between the
20 local school district and the charter school.

21 (6) Failed to align charter mission and vision to the
22 local school board's mission and vision.

23 (d) (Blank).

24 (e) Notice of a local school board's decision to deny,
25 revoke, or not renew a charter shall be provided to the
26 Commission and the State Board. Until July 1, 2020, the

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

11 The State Board may reverse a local board's decision to
12 revoke or, beginning on July 1, 2020, not renew a charter if
13 the State Board finds that the charter school or charter
14 school proposal (i) is in compliance with this Article and
15 (ii) is in the best interests of the students it is designed to
16 serve. The State Board may condition the granting of an appeal
17 on the acceptance by the charter school of funding in an amount
18 less than that requested in the proposal submitted to the
19 local school board. The State Board must appoint and utilize a
20 hearing officer for any appeals conducted under this
21 subsection. Final decisions of the State Board are subject to
22 judicial review under the Administrative Review Law.

23 (f) Notwithstanding other provisions of this Article, if
24 the Commission on appeal reverses a local board's decision or
25 if a charter school is approved by referendum, the Commission
26 shall act as the authorized chartering entity for the charter

1 school. The Commission shall approve the charter and shall
2 perform all functions under this Article otherwise performed
3 by the local school board. The State Board shall determine
4 whether the charter proposal approved by the Commission is
5 consistent with the provisions of this Article and, if the
6 approved proposal complies, certify the proposal pursuant to
7 this Article. The State Board shall report the aggregate
8 number of charter school pupils resident in a school district
9 to that district and shall notify the district of the amount of
10 funding to be paid by the State Board to the charter school
11 enrolling such students. The Commission shall require the
12 charter school to maintain accurate records of daily
13 attendance that shall be deemed sufficient to file claims
14 under Section 18-8.15 notwithstanding any other requirements
15 of that Section. The State Board shall withhold from funds
16 otherwise due the district the funds authorized by this
17 Article to be paid to the charter school and shall pay such
18 amounts to the charter school.

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

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

26 (Source: P.A. 100-201, eff. 8-18-17; 100-465, eff. 8-31-17;

1 101-543, eff. 8-23-19.)

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