



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB3081

Introduced 2/7/2014, by Sen. Daniel Biss

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27A-6
105 ILCS 5/27A-7

Amends the Charter Schools Law of the School Code. Provides that (i) no renewal of a previously certified contract is effective unless and until the State Board certifies that the renewal is consistent with the Law and (ii) a material revision to a previously certified contract may go into effect immediately upon approval of both the local school board and the governing body of the charter school, unless either party requests certification by the State Board (instead of providing that no material revision to a previously certified contract or a renewal shall be effective unless and until certification is made by the State Board). Provides that the first day of the fiscal year of a charter school shall be July 1 (instead of no earlier than August 15 and no later than September 15 of a calendar year). Effective July 1, 2014.

LRB098 17510 NHT 52619 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

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 Sections
5 27A-6 and 27A-7 as follows:

6 (105 ILCS 5/27A-6)

7 Sec. 27A-6. Contract contents; applicability of laws and
8 regulations.

9 (a) A certified charter shall constitute a binding contract
10 and agreement between the charter school and a local school
11 board under the terms of which the local school board
12 authorizes the governing body of the charter school to operate
13 the charter school on the terms specified in the contract.

14 (b) Notwithstanding any other provision of this Article,
15 the certified charter may not waive or release the charter
16 school from the State goals, standards, and assessments
17 established pursuant to Section 2-3.64. Beginning with the
18 2003-2004 school year, the certified charter for a charter
19 school operating in a city having a population exceeding
20 500,000 shall require the charter school to administer any
21 other nationally recognized standardized tests to its students
22 that the chartering entity administers to other students, and
23 the results on such tests shall be included in the chartering

1 entity's assessment reports.

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

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

8 (d) The proposed contract between the governing body of a
9 proposed charter school and the local school board as described
10 in Section 27A-7 must be submitted to and certified by the
11 State Board before it can take effect. If the State Board
12 recommends that the proposed contract be modified for
13 consistency with this Article before it can be certified, the
14 modifications must be consented to by both the governing body
15 of the charter school and the local school board, and
16 resubmitted to the State Board for its certification. If the
17 proposed contract is resubmitted in a form that is not
18 consistent with this Article, the State Board may refuse to
19 certify the charter.

20 The State Board shall assign a number to each submission or
21 resubmission in chronological order of receipt, and shall
22 determine whether the proposed contract is consistent with the
23 provisions of this Article. If the proposed contract complies,
24 the State Board shall so certify.

25 (e) No renewal of a previously certified contract is
26 effective unless and until the State Board certifies that the

1 renewal is consistent with the provisions of this Article. A
2 material revision to a previously certified contract may go
3 into effect immediately upon approval of both the local school
4 board and the governing body of the charter school, unless
5 either party requests in writing that the State Board certify
6 that the material revision is consistent with the provisions of
7 this Article. If such a request is made, the proposed material
8 revision is not effective unless and until the State Board so
9 certifies. ~~No material revision to a previously certified~~
10 ~~contract or a renewal shall be effective unless and until the~~
11 ~~State Board certifies that the revision or renewal is~~
12 ~~consistent with the provisions of this Article.~~

13 (Source: P.A. 93-3, eff. 4-16-03.)

14 (105 ILCS 5/27A-7)

15 Sec. 27A-7. Charter submission.

16 (a) A proposal to establish a charter school shall be
17 submitted to the State Board and the local school board in the
18 form of a proposed contract entered into between the local
19 school board and the governing body of a proposed charter
20 school. The charter school proposal as submitted to the State
21 Board shall include:

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

24 (2) The age or grade range, areas of focus, minimum and
25 maximum numbers of pupils to be enrolled in the charter

1 school, and any other admission criteria that would be
2 legal if used by a school district.

3 (3) A description of and address for the physical plant
4 in which the charter school will be located; provided that
5 nothing in the Article shall be deemed to justify delaying
6 or withholding favorable action on or approval of a charter
7 school proposal because the building or buildings in which
8 the charter school is to be located have not been acquired
9 or rented at the time a charter school proposal is
10 submitted or approved or a charter school contract is
11 entered into or submitted for certification or certified,
12 so long as the proposal or submission identifies and names
13 at least 2 sites that are potentially available as a
14 charter school facility by the time the charter school is
15 to open.

16 (4) The mission statement of the charter school, which
17 must be consistent with the General Assembly's declared
18 purposes; provided that nothing in this Article shall be
19 construed to require that, in order to receive favorable
20 consideration and approval, a charter school proposal
21 demonstrate unequivocally that the charter school will be
22 able to meet each of those declared purposes, it being the
23 intention of the Charter Schools Law that those purposes be
24 recognized as goals that charter schools must aspire to
25 attain.

26 (5) The goals, objectives, and pupil performance

1 standards to be achieved by the charter school.

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

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

12 (8) A description of the charter school's plan for
13 evaluating pupil performance, the types of assessments
14 that will be used to measure pupil progress towards
15 achievement of the school's pupil performance standards,
16 the timeline for achievement of those standards, and the
17 procedures for taking corrective action in the event that
18 pupil performance at the charter school falls below those
19 standards.

20 (9) Evidence that the terms of the charter as proposed
21 are economically sound for both the charter school and the
22 school district, a proposed budget for the term of the
23 charter, a description of the manner in which an annual
24 audit of the financial and administrative operations of the
25 charter school, including any services provided by the
26 school district, are to be conducted, and a plan for the

1 displacement of pupils, teachers, and other employees who
2 will not attend or be employed in the charter school.

3 (10) A description of the governance and operation of
4 the charter school, including the nature and extent of
5 parental, professional educator, and community involvement
6 in the governance and operation of the charter school.

7 (11) An explanation of the relationship that will exist
8 between the charter school and its employees, including
9 evidence that the terms and conditions of employment have
10 been addressed with affected employees and their
11 recognized representative, if any. However, a bargaining
12 unit of charter school employees shall be separate and
13 distinct from any bargaining units formed from employees of
14 a school district in which the charter school is located.

15 (12) An agreement between the parties regarding their
16 respective legal liability and applicable insurance
17 coverage.

18 (13) A description of how the charter school plans to
19 meet the transportation needs of its pupils, and a plan for
20 addressing the transportation needs of low-income and
21 at-risk pupils.

22 (14) The proposed effective date and term of the
23 charter; provided that the first day of the first academic
24 year ~~and the first day of the fiscal year~~ shall be no
25 earlier than August 15 and no later than September 15 of a
26 calendar year, and the first day of the fiscal year shall

1 be July 1.

2 (15) Any other information reasonably required by the
3 State Board of Education.

4 (b) A proposal to establish a charter school may be
5 initiated by individuals or organizations that will have
6 majority representation on the board of directors or other
7 governing body of the corporation or other discrete legal
8 entity that is to be established to operate the proposed
9 charter school, by a board of education or an intergovernmental
10 agreement between or among boards of education, or by the board
11 of directors or other governing body of a discrete legal entity
12 already existing or established to operate the proposed charter
13 school. The individuals or organizations referred to in this
14 subsection may be school teachers, school administrators,
15 local school councils, colleges or universities or their
16 faculty members, public community colleges or their
17 instructors or other representatives, corporations, or other
18 entities or their representatives. The proposal shall be
19 submitted to the local school board for consideration and, if
20 appropriate, for development of a proposed contract to be
21 submitted to the State Board for certification under Section
22 27A-6.

23 (c) The local school board may not without the consent of
24 the governing body of the charter school condition its approval
25 of a charter school proposal on acceptance of an agreement to
26 operate under State laws and regulations and local school board

1 policies from which the charter school is otherwise exempted
2 under this Article.

3 (Source: P.A. 90-548, eff. 1-1-98; 91-405, eff. 8-3-99.)

4 Section 99. Effective date. This Act takes effect July 1,
5 2014.