



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB0397

by Rep. Emanuel Chris Welch

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27A-7.5
105 ILCS 5/27A-8
105 ILCS 5/27A-9

Amends the Charter Schools Law of the School Code. Removes provisions allowing the State Charter School Commission to reverse a school board's decision to deny, revoke, or not renew a charter; makes related changes. In a provision concerning a charter school proposed to be jointly authorized by 2 or more school districts and the school boards unanimously denying the charter school proposal with a statement that the school boards are not opposed to the charter school, but that they yield to the Commission in light of the complexities of joint administration, allows the charter applicant to submit the proposal to the Commission and requires the Commission to follow the same process and be subject to the same timelines for review as a school board.

LRB099 05952 NHT 26001 b

FISCAL NOTE ACT
MAY APPLY

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-7.5, 27A-8, and 27A-9 as follows:

6 (105 ILCS 5/27A-7.5)

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

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

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

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

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

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

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

19 (e) To establish staggered terms of office, the initial
20 term of office for 3 Commission members shall be 4 years and
21 thereafter shall be 4 years; the initial term of office for
22 another 3 members shall be 3 years and thereafter shall be 4
23 years; and the initial term of office for the remaining 3
24 members shall be 2 years and thereafter shall be 4 years. The
25 initial appointments must be made no later than October 1,
26 2011.

1 (f) Whenever a vacancy on the Commission exists, the State
2 Board shall appoint a member for the remaining portion of the
3 term.

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

12 The State Charter School Commission Fund is created as a
13 special fund in the State treasury. All money in the Fund shall
14 be used, subject to appropriation, by the State Board, acting
15 on behalf and with the consent of the Commission, for
16 operational and administrative costs of the Commission.

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

25 (g-5) Funds or spending authority for the operation and
26 administrative costs of the Commission shall be appropriated to

1 the State Board in a separate line item. The State
2 Superintendent of Education may not reduce or modify the budget
3 of the Commission or use funds appropriated to the Commission
4 without the approval of the Commission.

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

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

22 (j) The Commission may charge a charter school that it
23 authorizes a fee, not to exceed 3% of the revenue provided to
24 the school, to cover the cost of undertaking the ongoing
25 administrative responsibilities of the eligible chartering
26 authority with respect to the school. This fee must be

1 deposited into the State Charter School Commission Fund.

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

19 On the effective date of this amendatory Act of the 97th
20 General Assembly, all rules of the State Board applicable to
21 matters falling within the responsibility of the Commission
22 shall be applicable to the actions of the Commission. The
23 Commission shall thereafter have the authority to propose to
24 the State Board modifications to all rules applicable to
25 matters falling within the responsibility of the Commission.
26 The State Board shall retain rulemaking authority for the

1 Commission, but shall work jointly with the Commission on any
2 proposed modifications. Upon recommendation of proposed rule
3 modifications by the Commission and pursuant to the Illinois
4 Administrative Procedure Act, the State Board shall consider
5 such changes within the intent of this amendatory Act of the
6 97th General Assembly and grant any and all changes consistent
7 with that intent.

8 (1) (Blank). ~~The Commission shall have the responsibility~~
9 ~~to consider appeals under this Article immediately upon~~
10 ~~appointment of the initial members of the Commission under~~
11 ~~subsection (c) of this Section. Appeals pending at the time of~~
12 ~~initial appointment shall be determined by the Commission; the~~
13 ~~Commission may extend the time for review as necessary for~~
14 ~~thorough review, but in no case shall the extension exceed the~~
15 ~~time that would have been available had the appeal been~~
16 ~~submitted to the Commission on the date of appointment of its~~
17 ~~initial members. In any appeal filed with the Commission under~~
18 ~~this Article, both the applicant and the school district in~~
19 ~~which the charter school plans to locate shall have the right~~
20 ~~to request a hearing before the Commission. If more than one~~
21 ~~entity requests a hearing, then the Commission may hold only~~
22 ~~one hearing, wherein the applicant and the school district~~
23 ~~shall have an equal opportunity to present their respective~~
24 ~~positions.~~

25 (Source: P.A. 97-152, eff. 7-20-11; 97-641, eff. 12-19-11;
26 97-1156, eff. 1-25-13.)

1 (105 ILCS 5/27A-8)

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

3 (a) This Section does not apply to a charter school
4 established by referendum under Section 27A-6.5. In evaluating
5 any charter school proposal submitted to it, the local school
6 board and the Commission shall give preference to proposals
7 that:

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

10 (2) set rigorous levels of expected pupil achievement
11 and demonstrate feasible plans for attaining those levels
12 of achievement; and

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

22 (b) In the case of a proposal to establish a charter school
23 by converting an existing public school or attendance center to
24 charter school status, evidence that the proposed formation of
25 the charter school has received majority support from certified

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

22 (c) Within 45 days of receipt of a charter school proposal,
23 the local school board shall convene a public meeting to obtain
24 information to assist the board in its decision to grant or
25 deny the charter school proposal. A local school board may
26 develop its own process for receiving charter school proposals

1 on an annual basis that follows the same timeframes as set
2 forth in this Article. ~~Only after the local school board~~
3 ~~process is followed may a charter school applicant appeal to~~
4 ~~the Commission.~~

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

22 (e) Within 30 days of the public meeting, the local school
23 board shall vote, in a public meeting, to either grant or deny
24 the charter school proposal. If the local school board has not
25 voted in a public meeting within 30 days after the public
26 meeting, then the charter applicant may submit the proposal to

1 the Commission, where it must be addressed in accordance with
2 the provisions set forth in subsection (g) of this Section.

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

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

20 (h) (Blank). ~~The Commission may reverse a local school~~
21 ~~board's decision to deny a charter school proposal if the~~
22 ~~Commission finds that the proposal (i) is in compliance with~~
23 ~~this Article and (ii) is in the best interests of the students~~
24 ~~the charter school is designed to serve. Final decisions of the~~
25 ~~Commission are subject to judicial review under the~~
26 ~~Administrative Review Law.~~

1 (i) In the case of a charter school proposed to be jointly
2 authorized by 2 or more school districts, the local school
3 boards may unanimously deny the charter school proposal with a
4 statement that the local school boards are not opposed to the
5 charter school, but that they yield to the Commission in light
6 of the complexities of joint administration, in which case the
7 charter applicant may submit the proposal to the Commission,
8 where it must be addressed in accordance with the provisions
9 set forth in subsection (g) of this Section.

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

12 (105 ILCS 5/27A-9)

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

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

17 (b) A charter school renewal proposal submitted to the
18 local school board or the Commission, as the chartering entity,
19 shall contain:

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

24 (2) A financial statement that discloses the costs of
25 administration, instruction, and other spending categories

1 for the charter school that is understandable to the
2 general public and that will allow comparison of those
3 costs to other schools or other comparable organizations,
4 in a format required by the State Board.

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

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

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

16 (3) Failed to meet generally accepted standards of
17 fiscal management.

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

20 In the case of revocation, the local school board or the
21 Commission, as the chartering entity, shall notify the charter
22 school in writing of the reason why the charter is subject to
23 revocation. The charter school shall submit a written plan to
24 the local school board or the Commission, whichever is
25 applicable, to rectify the problem. The plan shall include a
26 timeline for implementation, which shall not exceed 2 years or

1 the date of the charter's expiration, whichever is earlier. If
2 the local school board or the Commission, as the chartering
3 entity, finds that the charter school has failed to implement
4 the plan of remediation and adhere to the timeline, then the
5 chartering entity shall revoke the charter. Except in
6 situations of an emergency where the health, safety, or
7 education of the charter school's students is at risk, the
8 revocation shall take place at the end of a school year.
9 Nothing in this amendatory Act of the 96th General Assembly
10 shall be construed to prohibit an implementation timetable that
11 is less than 2 years in duration.

12 (d) (Blank).

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

25 (f) Notwithstanding other provisions of this Article, ~~if~~
26 ~~the Commission on appeal reverses a local board's decision or~~

1 if a charter school is approved by referendum under Section
2 27A-6.5 of this Code, the Commission shall act as the
3 authorized chartering entity for the charter school. The
4 Commission shall approve the charter and shall perform all
5 functions under this Article otherwise performed by the local
6 school board. The State Board shall determine whether the
7 charter proposal approved by the Commission is consistent with
8 the provisions of this Article and, if the approved proposal
9 complies, certify the proposal pursuant to this Article. The
10 State Board shall report the aggregate number of charter school
11 pupils resident in a school district to that district and shall
12 notify the district of the amount of funding to be paid by the
13 State Board to the charter school enrolling such students. The
14 Commission shall require the charter school to maintain
15 accurate records of daily attendance that shall be deemed
16 sufficient to file claims under Section 18-8.05
17 notwithstanding any other requirements of that Section
18 regarding hours of instruction and teacher certification. The
19 State Board shall withhold from funds otherwise due the
20 district the funds authorized by this Article to be paid to the
21 charter school and shall pay such amounts to the charter
22 school.

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

26 (h) For charter schools authorized by the Commission, the

1 State Board shall pay directly to a charter school any federal
2 or State aid attributable to a student with a disability
3 attending the school.

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