



Sen. Linda Holmes

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1 AMENDMENT TO HOUSE BILL 397

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

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) (Blank). ~~The Commission is responsible for authorizing~~
15 ~~high quality charter schools throughout this State,~~
16 ~~particularly schools designed to expand opportunities for~~

1 ~~at risk students, consistent with the purposes of this Article.~~

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

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

26 (e) To establish staggered terms of office, the initial

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

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

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

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

24 Subject to appropriation, any funds appropriated for use by
25 the State Board, acting on behalf and with the consent of the
26 Commission, may be used for the following purposes, without

1 limitation: personal services, contractual services, and other
2 operational and administrative costs. The State Board is
3 further authorized to make expenditures with respect to any
4 other amounts deposited in accordance with law into the State
5 Charter School Commission Fund.

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

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

24 (i) Every 2 years, the Commission shall provide to the
25 State Board and local school boards a report on best practices
26 in charter school authorizing, including without limitation

1 evaluating applications, oversight of charters, and renewal of
2 charter schools.

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

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

26 On the effective date of this amendatory Act of the 97th

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

15 (1) Any charter school operating as a
16 Commission-authorized school for the first time during the
17 2016-2017 school year, upon the effective date of this
18 amendatory Act of the 99th General Assembly, shall revert to
19 the oversight and control of the local school board as
20 authorizer. The local school board shall enter into a new
21 charter agreement with the charter school. The Commission shall
22 have the responsibility to consider appeals under this Article
23 immediately upon appointment of the initial members of the
24 Commission under subsection (c) of this Section. Appeals
25 pending at the time of initial appointment shall be determined
26 by the Commission; the Commission may extend the time for

1 ~~review as necessary for thorough review, but in no case shall~~
2 ~~the extension exceed the time that would have been available~~
3 ~~had the appeal been submitted to the Commission on the date of~~
4 ~~appointment of its initial members. In any appeal filed with~~
5 ~~the Commission under this Article, both the applicant and the~~
6 ~~school district in which the charter school plans to locate~~
7 ~~shall have the right to request a hearing before the~~
8 ~~Commission. If more than one entity requests a hearing, then~~
9 ~~the Commission may hold only one hearing, wherein the applicant~~
10 ~~and the school district shall have an equal opportunity to~~
11 ~~present their respective positions.~~

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

14 (105 ILCS 5/27A-8)

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

16 (a) This Section does not apply to a charter school
17 established by referendum under Section 27A-6.5. In evaluating
18 any charter school proposal submitted to it, the local school
19 board ~~and the Commission~~ shall give preference to proposals
20 that:

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

23 (2) set rigorous levels of expected pupil achievement
24 and demonstrate feasible plans for attaining those levels
25 of achievement; and

1 (3) are designed to enroll and serve a substantial
2 proportion of at-risk children; provided that nothing in
3 the Charter Schools Law shall be construed as intended to
4 limit the establishment of charter schools to those that
5 serve a substantial portion of at-risk children or to in
6 any manner restrict, limit, or discourage the
7 establishment of charter schools that enroll and serve
8 other pupil populations under a nonexclusive,
9 nondiscriminatory admissions policy.

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

1 initiate the proposal to establish a charter school may elect,
2 in lieu of including any petition referred to in this
3 subsection as a part of the proposal submitted to the local
4 school board, to demonstrate that the charter school has
5 received the support referred to in this subsection by other
6 evidence and information presented at the public meeting that
7 the local school board is required to convene under this
8 Section.

9 (c) Within 45 days of receipt of a charter school proposal,
10 the local school board shall convene a public meeting to obtain
11 information to assist the board in its decision to grant or
12 deny the charter school proposal. A local school board may
13 develop its own process for receiving charter school proposals
14 on an annual basis that follows the same timeframes as set
15 forth in this Article. Final decisions of a local school board
16 are subject to judicial review under the Administrative Review
17 Law. ~~Only after the local school board process is followed may~~
18 ~~a charter school applicant appeal to the Commission.~~

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

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

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

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

26 (g) If the charter applicant submits the proposal to the

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

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

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

26 (Source: P.A. 96-105, eff. 7-30-09; 96-734, eff. 8-25-09;

1 96-1000, eff. 7-2-10; 97-152, eff. 7-20-11.)

2 (105 ILCS 5/27A-9)

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

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

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

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

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

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

25 (1) Committed a material violation of any of the

1 conditions, standards, or procedures set forth in the
2 charter.

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

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) (Blank). ~~Notice of a local school board's decision to~~
4 ~~deny, 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 approves an application for a charter school
17 submitted to it in accordance with this Article or on appeal
18 ~~reverses a local board's decision or~~ if a charter school is
19 approved by referendum under Section 27A-6.5 of this Code, the
20 Commission shall act as the authorized chartering entity for
21 the charter school. The Commission shall execute a ~~approve the~~
22 charter and shall perform all functions under this Article
23 otherwise performed by the local school board. The State Board
24 shall determine whether the charter proposal approved by the
25 Commission is consistent with the provisions of this Article
26 and, if the approved proposal complies, certify the proposal

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

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

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

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