

HB3769



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3769

by Rep. Rita Mayfield

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27A-3
105 ILCS 5/27A-7.10
105 ILCS 5/27A-7.15 new

Amends the Charter Schools Law of the School Code. Allows institutions of higher education to apply to the State Board of Education to authorize one high-quality opportunity school that prioritizes re-enrolled high school dropouts, opportunity students, or students at risk of dropping out. Sets forth the approval process for university authorizers. Allows university authorizers to review applications and the performance of opportunity schools. Sets forth provisions for fees and funding.

LRB100 10477 MLM 20690 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-3 and 27A-7.10 and by adding Section 27A-7.15 as follows:

6 (105 ILCS 5/27A-3)

7 Sec. 27A-3. Definitions. For purposes of this Article:

8 "At-risk pupil" means a pupil who, because of physical,
9 emotional, socioeconomic, or cultural factors, is less likely
10 to succeed in a conventional educational environment.

11 "Authorizer" means an entity authorized under this Article
12 to review applications, decide whether to approve or reject
13 applications, enter into charter contracts with applicants,
14 oversee charter schools, and decide whether to renew, not
15 renew, or revoke a charter.

16 "Commission" means the State Charter School Commission
17 established under Section 27A-7.5 of this Code.

18 "Local school board" means the duly elected or appointed
19 school board or board of education of a public school district,
20 including special charter districts and school districts
21 located in cities having a population of more than 500,000,
22 organized under the laws of this State.

23 "Opportunity school" means a charter school created

1 specifically for opportunity students.

2 "Opportunity student" means a pupil who, because of
3 physical, emotional, socioeconomic, or cultural factors, is
4 less likely to succeed in a conventional educational
5 environment.

6 "State Board" means the State Board of Education.

7 "University authorizer" means an institution that grants 2
8 or 4-year degrees that is approved by the State Board as a
9 chartering authority, as established under Section 27A-7.15 of
10 this Code. A university authorizer shall be either:

11 (1) a public institution of higher education as defined
12 in Section 1 of the Board of Higher Education Act; or

13 (2) a university or college that is deemed a
14 post-secondary educational institution as defined in
15 Section 1 of the Private College Act.

16 (Source: P.A. 97-152, eff. 7-20-11.)

17 (105 ILCS 5/27A-7.10)

18 Sec. 27A-7.10. Authorizer powers and duties; immunity;
19 principles and standards.

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

23 (1) Soliciting and evaluating charter applications.

24 (2) Approving quality charter applications that meet
25 identified educational needs and promote a diversity of

1 educational choices.

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

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

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

9 (6) Determining whether each charter contract merits
10 renewal, nonrenewal, or revocation.

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

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

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

22 (e) The Commission, ~~and~~ all local school boards, and all
23 university authorizers that have a charter school operating are
24 required to develop and maintain chartering policies and
25 practices consistent with recognized principles and standards
26 for quality charter authorizing in all major areas of

1 authorizing responsibility, including all of the following:

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

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

11 (Source: P.A. 97-152, eff. 7-20-11.)

12 (105 ILCS 5/27A-7.15 new)

13 Sec. 27A-7.15. University authorizers; application to
14 State Board; opportunity school applications to university
15 authorizers.

16 (a) Any public institution of higher education, as defined
17 in Section 1 of the Board of Higher Education Act, or a
18 post-secondary educational institution, as defined in Section
19 1 of the Private College Act, that grants 2 or 4-year degrees
20 may apply to the State Board to authorize one high-quality
21 opportunity school that prioritizes re-enrolled high school
22 dropouts, opportunity students, or students at risk of dropping
23 out.

24 (b) An eligible university under this Section shall apply
25 to the State Board for approval as a university authorizer

1 before the university can authorize an opportunity school. An
2 applicant shall include in its application to the State Board,
3 at minimum, the following:

4 (1) how an opportunity school is a way for the
5 applicant to carry out its mission;

6 (2) a description of the capacity of the applicant to
7 serve as an authorizer, including the personnel who will
8 perform the authorizing duties, their qualifications, the
9 amount of time they will be assigned to this
10 responsibility, and the financial resources allocated by
11 the applicant to this responsibility;

12 (3) a description of the application and review process
13 the applicant will use to make decisions regarding the
14 granting of the opportunity school;

15 (4) the process to be used for providing ongoing
16 oversight of the opportunity school consistent with the
17 contract expectations that assures that the school will
18 comply with both the provisions of applicable law and the
19 contract;

20 (5) the process for making decisions regarding the
21 renewal or termination of the school's contract based on
22 evidence that demonstrates the academic, organizational,
23 and financial competency of the opportunity school,
24 including its success in increasing student achievement
25 and meeting the goals of the opportunity school agreement;
26 and

1 (6) an assurance specifying that the applicant is
2 committed to serving as an authorizer, including a written
3 statement from the applicant's chancellor, president, or
4 other official in a similar role supporting the application
5 for authorization.

6 The State Board shall approve a university authorizer
7 application if the applicant demonstrates its ability to
8 implement the procedures and satisfy the criteria for
9 authorizer responsibilities as set forth in subsection (a) of
10 Section 27A-7.10 of this Code.

11 (c) The State Board shall approve or deny a university
12 authorizer application within 45 days after receipt of an
13 application. The State Board shall notify a denied applicant in
14 writing of the specific deficiencies. If denied, the applicant
15 may submit a revised application within 30 business days. After
16 receipt of the revised application, the State Board has 30
17 business days to make a final decision to approve or deny the
18 application. A denied applicant under this Section may resubmit
19 an application in a future application period.

20 (d) The State Board shall annually review a university
21 authorizer's performance and, after completing the review,
22 shall transmit a report with findings to the university
23 authorizer. The State Board may at any time take corrective
24 action against a university authorizer, including terminating
25 a university authorizer's ability to authorize an opportunity
26 school for:

1 (1) failing to demonstrate the criteria under
2 subsection (b) of this Section under which the State Board
3 approved the university authorizer;

4 (2) unsatisfactory performance as an approved
5 university authorizer; or

6 (3) any good cause shown that provides the State Board
7 a legally sufficient reason to take corrective action
8 against an authorizer.

9 The State Board shall adopt rules to ensure that a
10 university authorizer is afforded due process protections
11 during a corrective action process. The rules shall include
12 providing a university authorizer with written notice of the
13 State Board's decision, an opportunity for the university
14 authorizer to be heard, and a timeline for final disposition of
15 the State Board's decision.

16 (e) In the event that a university authorizer loses its
17 authorizing authority, either voluntarily or through State
18 Board termination, the State Board shall assist any opportunity
19 school authorized by the university authorizer with securing a
20 new authorizer. Opportunity schools under a closing university
21 authorizer may transfer to a local school board with the
22 approval of that local school board. If the local school board
23 does not approve a transfer of an opportunity school as allowed
24 under this subsection (e), the opportunity school shall be
25 transferred to the Commission. The State Board shall approve
26 the transfer of an opportunity school authorized by a

1 university authorizer to a local school board or the Commission
2 under this subsection (e).

3 (f) A university authorizer may approve proposals from new
4 opportunity school applicants and existing alternative charter
5 schools that meet the definition of an opportunity school and
6 that are in the final year of their contract with their local
7 school board or boards and may authorize the transfer of an
8 existing alternative charter school that is currently
9 operating under a contract with a local school board or boards.

10 (1) An alternative charter school that meets the
11 definition of an opportunity school that is currently
12 authorized by a local school board or boards may seek
13 transfer of authorization to a university authorizer
14 during its current term only with the approval of the local
15 school board or boards.

16 (2) An alternative charter school that meets the
17 definition of an opportunity school that is authorized by a
18 local school board or boards may apply to not more than one
19 university authorizer during the final year of its contract
20 in lieu of applying for a renewal with its current local
21 school board authorizer. An alternative charter school
22 originally authorized by a local school board or boards
23 shall not simultaneously apply to both a university
24 authorizer for a new opportunity school contract and its
25 local school board or boards for a renewed charter
26 contract. If a university authorizer approves an

1 application from an existing alternative charter school,
2 the alternative charter school and its local school board
3 or boards shall terminate their charter contract on June 30
4 of that calendar year and shall engage in the closure
5 processes set forth in subsection (a) of Section 27A-10.10
6 of this Code, unless the alternative charter school and
7 local school board or boards mutually agree to other terms.
8 If an alternative charter school originally authorized by a
9 local school board or boards is denied approval from a
10 university authorizer, the alternative charter school may
11 appeal its local school board's or boards' decision not to
12 renew to the Commission. The Commission shall abide by the
13 requirements set forth in Section 27A-9 of this Code
14 regarding appeals of local school board's decisions not to
15 renew a charter.

16 (g) In evaluating any opportunity school proposal
17 submitted to it, a university authorizer shall give preference
18 to proposals that:

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

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

24 (3) are designed to enroll and serve a substantial
25 proportion of re-enrolled high school dropouts, students
26 at risk of dropping out, or opportunity students.

1 (h) An opportunity school approved by a university
2 authorizer shall be its own local education agency.

3 (i) A university authorizer shall grant an opportunity
4 school charter in accordance with the terms set forth in
5 subsection (a) of Section 27A-9 of this Code. A university
6 authorizer shall evaluate decisions to renew, not to renew, or
7 revoke an opportunity school in accordance with the
8 requirements set forth in subsection (b) of Section 27A-9 and
9 subsection (c) of Section 27A-9 of this Code. An opportunity
10 school authorized by university authorizers may appeal a
11 decision to revoke or not to renew its contract to the
12 Commission, as set forth by the procedures in Section 27A-9 of
13 this Code.

14 (j) A university authorizer may charge an opportunity
15 school that it authorizes a fee, not to exceed 3% of the
16 revenue provided to the school, to cover the cost of
17 undertaking the ongoing administrative responsibilities with
18 respect to the opportunity school. The revenues from the fees
19 shall be used for the following purposes: personal services,
20 contractual services, and other operational and administrative
21 costs related to the authorization and oversight of the
22 university authorizer's opportunity school.

23 (k) In no event shall the funding for university-authorized
24 opportunity schools be less than 100% of the host school
25 district's per capita student tuition multiplied by the number
26 of students residing in the host school district who are

1 enrolled in the university-authorized opportunity school. The
2 university authorizer shall report the aggregate number of
3 opportunity school pupils resident in a school district to the
4 State Board. The State Board shall report the enrollment
5 numbers to that district and shall notify the district of the
6 amount of funding to be paid to the university-authorized
7 opportunity school enrolling such students. The State Board
8 shall pay those amounts directly to the university-authorized
9 opportunity school.

10 (l) The State Board shall pay directly to a
11 university-authorized opportunity school any federal or State
12 aid attributable to a student with a disability attending the
13 school. The proportionate share of moneys generated under other
14 federal or State categorical aid programs shall be directed to
15 the opportunity schools serving students eligible for that aid.

16 (m) Enrollment in a university-authorized opportunity
17 school shall be open to any student who resides within 50 miles
18 of the university-authorized opportunity school.