

# SB3330



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3330

Introduced 2/7/2024, by Sen. Omar Aquino

### SYNOPSIS AS INTRODUCED:

105 ILCS 5/27A-9  
105 ILCS 5/34-18.69

Amends the Charter Schools Law of the School Code. Provides that an initial charter shall be granted for a period of no more than 3 school years (instead of for a period of 5 school years). Provides that a charter may be renewed in incremental periods not to exceed 3 (instead of 10) school years. Makes conforming changes. Amends the Chicago School District Article of the School Code. Specifies that nothing in the provisions concerning a moratorium on school closings, consolidations, and phase-outs affects the Chicago Board of Education's ability to not renew its authorization of a charter or contract school.

LRB103 38421 RJT 68556 b

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-9 and 34-18.69 as follows:

6 (105 ILCS 5/27A-9)

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

8 (a) An initial charter granted before the effective date  
9 of this amendatory Act of the 103rd General Assembly shall be  
10 granted for a period of 5 school years. An initial charter  
11 granted on or after the effective date of this amendatory Act  
12 of the 103rd General Assembly shall be granted for a period of  
13 no more than 3 school years. A charter may be renewed before  
14 the effective date of this amendatory Act of the 103rd General  
15 Assembly in incremental periods not to exceed 10 school years.  
16 A charter may be renewed on or after the effective date of this  
17 amendatory Act of the 103rd General Assembly in incremental  
18 periods not to exceed 3 school years. Authorizers shall ensure  
19 that every charter granted on or after January 1, 2017  
20 includes standards and goals for academic, organizational, and  
21 financial performance. A charter must meet all standards and  
22 goals for academic, organizational, and financial performance  
23 set forth by the authorizer in order to be renewed for a term

1 in excess of 5 years but not more than 10 years for a charter  
2 renewed before the effective date of this amendatory Act of  
3 the 103rd General Assembly or for a full 3-year term for a  
4 charter renewed on or after the effective date of this  
5 amendatory Act of the 103rd General Assembly. If an authorizer  
6 fails to establish standards and goals, a charter shall not be  
7 renewed for a term in excess of 5 years for a charter renewed  
8 before the effective date of this amendatory Act of the 103rd  
9 General Assembly or in excess of one year for a charter renewed  
10 on or after the effective date of this amendatory Act of the  
11 103rd General Assembly. Nothing contained in this Section  
12 shall require an authorizer to grant a full ~~10-year~~ renewal  
13 term to any particular charter school, but, for a charter  
14 renewed before the effective date of this amendatory Act of  
15 the 103rd General Assembly, an authorizer may award a full  
16 10-year renewal term to charter schools that have a  
17 demonstrated track record of improving student performance.

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

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

25 (2) a financial statement that discloses the costs of  
26 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 State Board, 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 State Board, as the chartering entity, shall notify the  
22 charter school in writing of the reason why the charter is  
23 subject to revocation. The charter school shall submit a  
24 written plan to the local school board or the State Board,  
25 whichever is applicable, to rectify the problem. The plan  
26 shall include a timeline for implementation, which shall not

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

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 State  
26 Board.

1           The State Board may reverse a local board's decision to  
2           revoke or not renew a charter if the State Board finds that the  
3           charter school or charter school proposal (i) is in compliance  
4           with this Article and (ii) is in the best interests of the  
5           students it is designed to serve. The State Board may  
6           condition the granting of an appeal on the acceptance by the  
7           charter school of funding in an amount less than that  
8           requested in the proposal submitted to the local school board.  
9           The State Board must appoint and utilize a hearing officer for  
10          any appeals conducted under this subsection. Final decisions  
11          of the State Board are subject to judicial review under the  
12          Administrative Review Law.

13          (f) Notwithstanding other provisions of this Article, if  
14          the State Board on appeal reverses a local board's decision or  
15          if a charter school is approved by referendum, the State Board  
16          shall act as the authorized chartering entity for the charter  
17          school and shall perform all functions under this Article  
18          otherwise performed by the local school board. The State Board  
19          shall report the aggregate number of charter school pupils  
20          resident in a school district to that district and shall  
21          notify the district of the amount of funding to be paid by the  
22          State Board to the charter school enrolling such students. The  
23          charter school shall maintain accurate records of daily  
24          attendance and student enrollment and shall enter data on the  
25          students served, their characteristics, their particular  
26          needs, the programs in which they participate, and their

1 academic achievement into the statewide student information  
2 system established by the State Board. The State Board shall  
3 withhold from funds otherwise due the district the funds  
4 authorized by this Article to be paid to the charter school and  
5 shall pay such amounts to the charter school in quarterly  
6 installments, calculated as follows:

7 (1) The amount of the first quarterly payment shall be  
8 based on the projected number of students who will be  
9 enrolled in the charter school in the upcoming school  
10 year, multiplied by one-fourth of the resident district's  
11 per capita tuition amount. Each charter school shall  
12 submit its projected enrollment by no later than August 1  
13 of each year on a form provided by the State Board for this  
14 purpose.

15 (2) The amount of the second quarterly payment shall  
16 be calculated such that the aggregate amount of the first  
17 and second quarterly installments is equal to the number  
18 of students reported as enrolled at the charter school on  
19 October 1 in the State Board's student information system,  
20 multiplied by one-half of the resident district's per  
21 capita tuition amount.

22 (3) The amount of the third quarterly payment shall be  
23 based on the number of students enrolled in the charter  
24 school on January 1, multiplied by one-fourth of the  
25 resident district's per capita tuition amount. Each  
26 charter school shall submit its January 1 enrollment by no

1 later than January 5 of each year on a form provided by the  
2 State Board for this purpose.

3 (4) The amount of the fourth quarterly payment shall  
4 be calculated such that the aggregate amount of the third  
5 and fourth installments is equal to the number of students  
6 reported as enrolled at the charter school on March 1 in  
7 the State Board's student information system, multiplied  
8 by one-half of the resident district's per capita tuition  
9 amount.

10 (g) (Blank).

11 (h) The State Board shall pay directly to a charter school  
12 it authorizes any federal or State funding attributable to a  
13 student with a disability attending the school.

14 (Source: P.A. 103-175, eff. 6-30-23.)

15 (105 ILCS 5/34-18.69)

16 Sec. 34-18.69. Moratorium on school closings,  
17 consolidations, and phase-outs. The Board shall not approve  
18 any school closings, consolidations, or phase-outs until the  
19 Board of Education is seated on January 15, 2025. Nothing in  
20 this Section affects the Board's ability to not renew its  
21 authorization of a charter or contract school.

22 (Source: P.A. 102-177, eff. 12-17-21 (See Section 15 of P.A.  
23 102-691 for the effective date of P.A. 102-177).)