



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB0238

Introduced 2/4/2009, by Sen. Heather Steans

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27A-5.5 new
105 ILCS 5/27A-12

Amends the Charter Schools Law of the School Code. Establishes the Illinois Charter Public School Commission as an independent, State-level, charter school authorizing entity working in collaboration with the State Board of Education. Includes provisions concerning membership, funding, staff, powers and duties, Commission charter school applications, Commission immunity, an annual report to the General Assembly and the State Board, oversight fees, and total pupil enrollment. Provides that every 2 years (instead of annually), the State Board shall compile evaluations of charter schools received from school boards. Effective immediately.

LRB096 03211 NHT 13228 b

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 adding Section
5 27A-5.5 and by changing Section 27A-12 as follows:

6 (105 ILCS 5/27A-5.5 new)

7 Sec. 27A-5.5. Illinois Charter Public School Commission.

8 (a) The Illinois Charter Public School Commission is
9 established as an independent, State-level, charter school
10 authorizing entity working in collaboration with the State
11 Board. Startup funds necessary to establish and operate the
12 Commission may be received through private contributions and
13 federal and other institutional grants. The State Board shall
14 assist in securing federal and other institutional grant funds
15 to establish the Commission.

16 (b) The Commission members shall be appointed by the State
17 Board and shall be composed of one appointee recommended by the
18 Governor, one appointee each recommended by the President and
19 Minority Leader of the Senate, one appointee each recommended
20 by the Speaker and Minority Leader of the House of
21 Representatives, and 2 appointees recommended by the chief
22 executive officer of a school district in the City of Chicago.
23 The President and Minority Leader of the Senate, the Speaker

1 and Minority Leader of the House of Representatives, and the
2 chief executive officer of a school district in the City of
3 Chicago shall each recommend a list of no fewer than 2 nominees
4 for each appointment to the Commission. The appointments shall
5 be made as soon as feasible, but no later than September 1,
6 2009. Each member appointed shall serve a term of 3 years;
7 however, for the purpose of providing staggered terms, of the
8 initial appointments, members recommended by the Governor and
9 the chief executive officer of a school district in the City of
10 Chicago shall be appointed to 3-year terms, members recommended
11 by the President and Minority Leader of the Senate shall be
12 appointed to 2-year terms, and members appointed by the Speaker
13 and Minority Leader of the House of Representatives shall be
14 appointed to one-year terms. Thereafter, each appointee shall
15 serve a 3-year term. If a vacancy occurs on the Commission, the
16 State Board shall appoint a person who has been recommended by
17 the authority making the original recommendation to fill the
18 remainder of the term. The members shall on the first meeting
19 of each calendar year elect a chairperson who shall serve
20 during that calendar year.

21 The Commission is encouraged to convene its initial meeting
22 no later than October 1, 2009 and, thereafter, shall meet at
23 least quarterly at the call of the chairperson or upon the
24 request of 4 members of the Commission. Four members of the
25 Commission shall constitute a quorum.

26 Subject to appropriation, the Commission may employ such

1 staff as is necessary to perform the administrative duties and
2 responsibilities of the Commission. The members of the
3 Commission must not be compensated for their services on the
4 Commission, but may be reimbursed for per diem and travel
5 expenses.

6 (c) The Commission shall have all of the following powers:

7 (1) To authorize and act as a sponsor of Commission
8 charter schools, including the approval or denial of
9 Commission charter school applications and the nonrenewal
10 or termination of Commission charter schools.

11 (2) To authorize 2 or more school districts to combine
12 administrative functions and responsibilities and operate
13 under the provisions of this Section.

14 (3) To approve or deny Commission charter school
15 applications and renew or terminate charters of Commission
16 charter schools.

17 (4) To conduct facility and curriculum reviews of
18 charter schools approved by the Commission.

19 (d) The Commission shall have all of the following duties:

20 (1) To review Commission charter school applications
21 and assist in the establishment of Commission charter
22 schools throughout the State. A Commission charter school
23 shall exist as a public school within this State as a
24 component of the delivery of public education within this
25 State's kindergarten through grade 12 educational system.

26 (2) To develop, promote, and require high standards of

1 accountability for any school that applies for and is
2 granted a charter pursuant to this Section.

3 (3) To monitor and annually review and evaluate the
4 academic and financial performance of Commission charter
5 schools and hold the schools accountable for their
6 performance.

7 (4) To report the student enrollment in each Commission
8 charter school to the local school board where the school
9 is located.

10 (5) To monitor the financial management of each
11 Commission charter school.

12 (6) To actively seek, with the assistance of the State
13 Board, supplemental revenue from federal grant funds,
14 institutional grant funds, and philanthropic
15 organizations.

16 (7) To collaborate with municipalities, State
17 universities, public community colleges, and regional
18 educational consortia as partners in the development of
19 Commission charter schools for the purpose of providing the
20 highest level of public education to low-income,
21 low-performing, gifted, or underserved student
22 populations. Such collaborations shall do all of the
23 following:

24 (A) Allow State universities and public community
25 colleges that partner in the development of Commission
26 charter schools to enable students attending a

1 Commission charter school to take college courses and
2 receive high school and college credit for such
3 courses.

4 (B) Be used to determine the feasibility of opening
5 charter schools for students with disabilities,
6 including, but not limited to, charter schools for
7 children with autism that work with and utilize the
8 specialized expertise of the Centers for Autism and
9 Related Disabilities.

10 (8) To support municipalities when the mayor or chief
11 executive, through resolution passed by the governing body
12 of the municipality, expresses an intent to partner in the
13 development of Commission charter schools within municipal
14 boundaries.

15 (9) To assist Commission charter schools in
16 negotiating and contracting with local school boards that
17 choose to provide certain administrative or transportation
18 services to the charter schools on a contractual basis.

19 (e) Charter school applications submitted to the
20 Commission pursuant to this Section are subject to the same
21 requirements as other charter school applications under this
22 Article.

23 (f) No application may be submitted pursuant to this
24 Section by an existing charter school approved by a local
25 school board; however, this is not a limitation on a charter
26 operator submitting an application for an addition charter to

1 the Commission, subject to the provisions of this Article. A
2 local school board may agree to rescind or waive the
3 obligations of a current charter contract to allow an
4 application to be submitted by an existing charter school
5 pursuant to this Section. A charter school that changes
6 sponsors pursuant to this subsection (f) must be allowed to
7 continue the use of all facilities, equipment, and other assets
8 it owned or leased prior to the expiration or rescission of its
9 contract with a local school board sponsor.

10 An application to the Commission by a conversion charter
11 school may be submitted only upon consent of the local school
12 board. In such instance, the local school board may retain the
13 facilities, equipment, and other assets of the conversion
14 charter school for its own use or agree to reasonable terms for
15 their continued use by the conversion charter school.

16 (g) Each year, the chairperson of the Commission shall
17 submit a report to the General Assembly and the State Board
18 regarding the academic performance and fiscal responsibility
19 of all Commission charter schools.

20 (h) The Commission has the following duties with respect to
21 Commission charter schools:

22 (1) The Commission shall monitor and review the charter
23 school in its progress toward the goals established in the
24 charter.

25 (2) The Commission shall monitor the revenues and
26 expenditures of the charter school.

1 (3) The Commission may approve a charter for a charter
2 school before the applicant has secured space, equipment,
3 or personnel if the applicant indicates approval is
4 necessary for it to raise working capital.

5 (4) The Commission's internal policies shall not apply
6 to the charter school.

7 (5) The Commission shall ensure that the charter is
8 innovative and consistent with State educational goals.

9 (6) The Commission shall ensure that the charter school
10 participates in the State's educational accountability
11 system. If a charter school falls short of performance
12 measures included in the approved charter, the Commission
13 shall report such shortcomings to the State Board.

14 (i) The Commission is not liable for civil damages under
15 State law for personal injury, property damage, or death
16 resulting from an act or omission of an officer, employee,
17 agent, or governing body of a Commission charter school. The
18 Commission is not liable for civil damages under State law for
19 any employment actions taken by an officer, employee, agent, or
20 governing body of a Commission charter school. The Commission's
21 duties to monitor a Commission charter school shall not
22 constitute the basis for a private cause of action.

23 Immunity for the Commission under this subsection (i)
24 applies only with respect to acts or omissions not under the
25 Commission's direct authority as described in this Section.
26 Nothing contained in this subsection (i) shall be considered a

1 waiver of sovereign immunity by a local school board.

2 (j) The Commission is authorized to retain an oversight fee
3 to cover its costs in overseeing Commission charter schools.
4 The oversight fee shall not exceed 2% of the per pupil tuition
5 funding applicable to each Commission charter school. The
6 Commission shall use funding collected from charter school
7 oversight fees exclusively for the purpose of fulfilling
8 authorizing and oversight obligations. The Commission shall
9 annually provide to the State Board an audited accounting of
10 its expenditures funded by the oversight fees.

11 (k) In a school district in the City of Chicago, the
12 Commission may not authorize Commission charter schools to
13 enroll more than 2% of the total pupil enrollment of the school
14 district. The provisions of this subsection (k) other than this
15 sentence, are inoperative after June 30, 2016.

16 (l) A school district with a Commission charter school
17 operating within its boundaries is eligible to receive payment
18 from the State Board under Section 27A-11.5 of this Code.

19 (105 ILCS 5/27A-12)

20 Sec. 27A-12. Evaluation; annual report. The State Board
21 shall compile, every 2 years, ~~annual~~ evaluations of charter
22 schools received from local school boards and shall prepare an
23 annual report on charter schools.

24 On or before the second Wednesday of January, 1998, and on
25 or before the second Wednesday of January of each subsequent

1 calendar year, the State Board shall issue a report to the
2 General Assembly and the Governor on its findings for the
3 school year ending in the preceding calendar year.

4 In the annual report required by this Section, the State
5 Board (i) shall compare the performance of charter school
6 pupils with the performance of ethnically and economically
7 comparable groups of pupils in other public schools who are
8 enrolled in academically comparable courses, (ii) shall review
9 information regarding the regulations and policies from which
10 charter schools were released to determine if the exemptions
11 assisted or impeded the charter schools in meeting their stated
12 goals and objectives, and (iii) shall include suggested changes
13 in State law necessary to strengthen charter schools.

14 In addition, the State Board shall undertake and report on
15 periodic evaluations of charter schools that include
16 evaluations of student academic achievement, the extent to
17 which charter schools are accomplishing their missions and
18 goals, the sufficiency of funding for charter schools, and the
19 need for changes in the approval process for charter schools.

20 (Source: P.A. 91-407, eff. 8-3-99.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.