



Rep. Emanuel Chris Welch

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1 AMENDMENT TO SENATE BILL 1226

2 AMENDMENT NO. _____. Amend Senate Bill 1226 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by changing
5 Section 5.796 as follows:

6 (30 ILCS 105/5.796)

7 Sec. 5.796. The State Charter School Commission Fund. This
8 Section is repealed on October 1, 2020.

9 (Source: P.A. 97-152, eff. 7-20-11; 97-813, eff. 7-13-12.)

10 Section 10. The School Code is amended by changing Sections
11 27A-5, 27A-6.5, 27A-7.5, 27A-7.10, 27A-8, 27A-9, and 27A-11.5
12 as follows:

13 (105 ILCS 5/27A-5)

14 Sec. 27A-5. Charter school; legal entity; requirements.

1 (a) A charter school shall be a public, nonsectarian,
2 nonreligious, non-home based, and non-profit school. A charter
3 school shall be organized and operated as a nonprofit
4 corporation or other discrete, legal, nonprofit entity
5 authorized under the laws of the State of Illinois.

6 (b) A charter school may be established under this Article
7 by creating a new school or by converting an existing public
8 school or attendance center to charter school status. Beginning
9 on April 16, 2003 (the effective date of Public Act 93-3), in
10 all new applications to establish a charter school in a city
11 having a population exceeding 500,000, operation of the charter
12 school shall be limited to one campus. The changes made to this
13 Section by Public Act 93-3 do not apply to charter schools
14 existing or approved on or before April 16, 2003 (the effective
15 date of Public Act 93-3).

16 (b-5) In this subsection (b-5), "virtual-schooling" means
17 a cyber school where students engage in online curriculum and
18 instruction via the Internet and electronic communication with
19 their teachers at remote locations and with students
20 participating at different times.

21 From April 1, 2013 through December 31, 2016, there is a
22 moratorium on the establishment of charter schools with
23 virtual-schooling components in school districts other than a
24 school district organized under Article 34 of this Code. This
25 moratorium does not apply to a charter school with
26 virtual-schooling components existing or approved prior to

1 April 1, 2013 or to the renewal of the charter of a charter
2 school with virtual-schooling components already approved
3 prior to April 1, 2013.

4 ~~On or before March 1, 2014, the Commission shall submit to~~
5 ~~the General Assembly a report on the effect of~~
6 ~~virtual schooling, including without limitation the effect on~~
7 ~~student performance, the costs associated with~~
8 ~~virtual schooling, and issues with oversight. The report shall~~
9 ~~include policy recommendations for virtual schooling.~~

10 (c) A charter school shall be administered and governed by
11 its board of directors or other governing body in the manner
12 provided in its charter. The governing body of a charter school
13 shall be subject to the Freedom of Information Act and the Open
14 Meetings Act.

15 (d) For purposes of this subsection (d), "non-curricular
16 health and safety requirement" means any health and safety
17 requirement created by statute or rule to provide, maintain,
18 preserve, or safeguard safe or healthful conditions for
19 students and school personnel or to eliminate, reduce, or
20 prevent threats to the health and safety of students and school
21 personnel. "Non-curricular health and safety requirement" does
22 not include any course of study or specialized instructional
23 requirement for which the State Board has established goals and
24 learning standards or which is designed primarily to impart
25 knowledge and skills for students to master and apply as an
26 outcome of their education.

1 A charter school shall comply with all non-curricular
2 health and safety requirements applicable to public schools
3 under the laws of the State of Illinois. On or before September
4 1, 2015, the State Board shall promulgate and post on its
5 Internet website a list of non-curricular health and safety
6 requirements that a charter school must meet. The list shall be
7 updated annually no later than September 1. Any charter
8 contract between a charter school and its authorizer must
9 contain a provision that requires the charter school to follow
10 the list of all non-curricular health and safety requirements
11 promulgated by the State Board and any non-curricular health
12 and safety requirements added by the State Board to such list
13 during the term of the charter. Nothing in this subsection (d)
14 precludes an authorizer from including non-curricular health
15 and safety requirements in a charter school contract that are
16 not contained in the list promulgated by the State Board,
17 including non-curricular health and safety requirements of the
18 authorizing local school board.

19 (e) Except as otherwise provided in the School Code, a
20 charter school shall not charge tuition; provided that a
21 charter school may charge reasonable fees for textbooks,
22 instructional materials, and student activities.

23 (f) A charter school shall be responsible for the
24 management and operation of its fiscal affairs including, but
25 not limited to, the preparation of its budget. An audit of each
26 charter school's finances shall be conducted annually by an

1 outside, independent contractor retained by the charter
2 school. To ensure financial accountability for the use of
3 public funds, on or before December 1 of every year of
4 operation, each charter school shall submit to its authorizer
5 and the State Board a copy of its audit and a copy of the Form
6 990 the charter school filed that year with the federal
7 Internal Revenue Service. In addition, if deemed necessary for
8 proper financial oversight of the charter school, an authorizer
9 may require quarterly financial statements from each charter
10 school.

11 (g) A charter school shall comply with all provisions of
12 this Article, the Illinois Educational Labor Relations Act, all
13 federal and State laws and rules applicable to public schools
14 that pertain to special education and the instruction of
15 English learners, and its charter. A charter school is exempt
16 from all other State laws and regulations in this Code
17 governing public schools and local school board policies;
18 however, a charter school is not exempt from the following:

19 (1) Sections 10-21.9 and 34-18.5 of this Code regarding
20 criminal history records checks and checks of the Statewide
21 Sex Offender Database and Statewide Murderer and Violent
22 Offender Against Youth Database of applicants for
23 employment;

24 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
25 34-84a of this Code regarding discipline of students;

26 (3) the Local Governmental and Governmental Employees

1 Tort Immunity Act;

2 (4) Section 108.75 of the General Not For Profit
3 Corporation Act of 1986 regarding indemnification of
4 officers, directors, employees, and agents;

5 (5) the Abused and Neglected Child Reporting Act;

6 (5.5) subsection (b) of Section 10-23.12 and
7 subsection (b) of Section 34-18.6 of this Code;

8 (6) the Illinois School Student Records Act;

9 (7) Section 10-17a of this Code regarding school report
10 cards;

11 (8) the P-20 Longitudinal Education Data System Act;

12 (9) Section 27-23.7 of this Code regarding bullying
13 prevention;

14 (10) Section 2-3.162 of this Code regarding student
15 discipline reporting;

16 (11) Sections 22-80 and 27-8.1 of this Code;

17 (12) Sections 10-20.60 and 34-18.53 of this Code;

18 (13) Sections 10-20.63 and 34-18.56 of this Code; ~~and~~

19 (14) Section 26-18 of this Code; and

20 (15) Section 22-30 of this Code.

21 The change made by Public Act 96-104 to this subsection (g)
22 is declaratory of existing law.

23 (h) A charter school may negotiate and contract with a
24 school district, the governing body of a State college or
25 university or public community college, or any other public or
26 for-profit or nonprofit private entity for: (i) the use of a

1 school building and grounds or any other real property or
2 facilities that the charter school desires to use or convert
3 for use as a charter school site, (ii) the operation and
4 maintenance thereof, and (iii) the provision of any service,
5 activity, or undertaking that the charter school is required to
6 perform in order to carry out the terms of its charter.
7 However, a charter school that is established on or after April
8 16, 2003 (the effective date of Public Act 93-3) and that
9 operates in a city having a population exceeding 500,000 may
10 not contract with a for-profit entity to manage or operate the
11 school during the period that commences on April 16, 2003 (the
12 effective date of Public Act 93-3) and concludes at the end of
13 the 2004-2005 school year. Except as provided in subsection (i)
14 of this Section, a school district may charge a charter school
15 reasonable rent for the use of the district's buildings,
16 grounds, and facilities. Any services for which a charter
17 school contracts with a school district shall be provided by
18 the district at cost. Any services for which a charter school
19 contracts with a local school board or with the governing body
20 of a State college or university or public community college
21 shall be provided by the public entity at cost.

22 (i) In no event shall a charter school that is established
23 by converting an existing school or attendance center to
24 charter school status be required to pay rent for space that is
25 deemed available, as negotiated and provided in the charter
26 agreement, in school district facilities. However, all other

1 costs for the operation and maintenance of school district
2 facilities that are used by the charter school shall be subject
3 to negotiation between the charter school and the local school
4 board and shall be set forth in the charter.

5 (j) A charter school may limit student enrollment by age or
6 grade level.

7 (k) If the charter school is approved by the State Board or
8 Commission, then the ~~Commission~~ charter school is its own local
9 education agency.

10 (Source: P.A. 99-30, eff. 7-10-15; 99-78, eff. 7-20-15; 99-245,
11 eff. 8-3-15; 99-325, eff. 8-10-15; 99-456, eff. 9-15-16;
12 99-642, eff. 7-28-16; 99-927, eff. 6-1-17; 100-29, eff. 1-1-18;
13 100-156, eff. 1-1-18; 100-163, eff. 1-1-18; 100-413, eff.
14 1-1-18; 100-468, eff. 6-1-18; 100-726, eff. 1-1-19; 100-863,
15 eff. 8-14-18; revised 10-5-18.)

16 (105 ILCS 5/27A-6.5)

17 Sec. 27A-6.5. Charter school referendum.

18 (a) No charter shall go into effect under this Section that
19 would convert any existing private, parochial, or non-public
20 school to a charter school or whose proposal has not been
21 certified by the State Board.

22 (b) A local school board shall, whenever petitioned to do
23 so by 5% or more of the voters of a school district or
24 districts identified in a charter school proposal, order
25 submitted to the voters thereof at a regularly scheduled

1 election the question of whether a new charter school shall be
2 established, which proposal has been found by the State Board
3 ~~Commission~~ to be in compliance with the provisions of this
4 Article, and the secretary shall certify the proposition to the
5 proper election authorities for submission in accordance with
6 the general election law. The proposition shall be in
7 substantially the following form:

8 "FOR the establishment of (name of proposed charter
9 school) under charter school proposal (charter school
10 proposal number).

11 AGAINST the establishment of (name of proposed charter
12 school) under charter school proposal (charter school
13 proposal number)".

14 (c) Before circulating a petition to submit the question of
15 whether to establish a charter school to the voters under
16 subsection (b) of this Section, the governing body of a
17 proposed charter school that desires to establish a new charter
18 school by referendum shall submit the charter school proposal
19 to the State Board ~~Commission~~ in the form of a proposed
20 contract to be entered into between the State Board ~~Commission~~
21 and the governing body of the proposed charter school, together
22 with written notice of the intent to have a new charter school
23 established by referendum. The contract shall comply with the
24 provisions of this Article.

25 If the State Board ~~Commission~~ finds that the proposed
26 contract complies with the provisions of this Article, it shall

1 immediately direct the local school board to notify the proper
2 election authorities that the question of whether to establish
3 a new charter school shall be submitted for referendum.

4 (d) If the State Board ~~Commission~~ finds that the proposal
5 fails to comply with the provisions of this Article, it shall
6 provide written explanation, detailing its reasons for
7 refusal, to the local school board and to the individuals or
8 organizations submitting the proposal. The State Board
9 ~~Commission~~ shall also notify the local school board and the
10 individuals or organizations submitting the proposal that the
11 proposal may be amended and resubmitted under the same
12 provisions required for an original submission.

13 (e) If a majority of the votes cast upon the proposition in
14 each school district designated in the charter school proposal
15 is in favor of establishing a charter school, the local school
16 board shall notify the State Board ~~and the Commission~~ of the
17 passage of the proposition in favor of establishing a charter
18 school and the State Board ~~Commission~~ shall approve the charter
19 within 7 days after the State Board of Elections has certified
20 that a majority of the votes cast upon the proposition is in
21 favor of establishing a charter school. The State Board
22 ~~Commission~~ shall be the chartering entity for charter schools
23 established by referendum under this Section.

24 (f) (Blank). ~~The State Board shall determine whether the~~
25 ~~charter proposal approved by the Commission is consistent with~~
26 ~~the provisions of this Article and, if the approved proposal~~

1 ~~complies, certify the proposal pursuant to this Article.~~

2 (Source: P.A. 98-739, eff. 7-16-14.)

3 (105 ILCS 5/27A-7.5)

4 Sec. 27A-7.5. State Charter School Commission; abolition
5 and transfer to State Board.

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

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

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

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

1 to the expiration of the term of a member thereafter. If the
2 Governor fails to timely propose a slate of candidates
3 according to the provisions of this subsection (c), then the
4 State Board may appoint the member or members of the
5 Commission.

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

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

23 (f) Whenever a vacancy on the Commission exists, the State
24 Board shall appoint a member for the remaining portion of the
25 term.

26 (g) Subject to the State Officials and Employees Ethics

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

8 The State Charter School Commission Fund is created as a
9 special fund in the State treasury. Until July 1, 2020, all ~~All~~
10 money in the Fund shall be used, subject to appropriation, by
11 the State Board, acting on behalf and with the consent of the
12 Commission, for operational and administrative costs of the
13 Commission. Beginning on July 1, 2020 through August 31, 2020,
14 all money in the Fund shall be used, subject to appropriation,
15 by the State Board for operational and administrative costs. On
16 September 1, 2020, or as soon thereafter as practicable, in
17 consultation with the State Board, the State Comptroller shall
18 order transferred and the State Treasurer shall transfer all
19 money in the State Charter School Commission Fund to the State
20 Board of Education Special Purpose Trust Fund.

21 Subject to appropriation, any funds appropriated for use by
22 the State Board, acting on behalf and with the consent of the
23 Commission, may be used for the following purposes, without
24 limitation: personal services, contractual services, and other
25 operational and administrative costs. The State Board is
26 further authorized to make expenditures with respect to any

1 other amounts deposited in accordance with law into the State
2 Charter School Commission Fund.

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

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

21 (i) (Blank). ~~Every 2 years, the Commission shall provide to~~
22 ~~the State Board and local school boards a report on best~~
23 ~~practices in charter school authorizing, including without~~
24 ~~limitation evaluating applications, oversight of charters, and~~
25 ~~renewal of charter schools.~~

26 (j) Until July 1, 2020, the ~~The~~ Commission may charge a

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

7 Beginning on July 1, 2020, the State Board of Education may
8 charge a charter school that it authorizes a fee not to exceed
9 3% of the revenue provided to the school to be used exclusively
10 for covering the cost of authorizing activities. Authorizing
11 activities may include, but are not limited to: (i) soliciting,
12 reviewing, and taking action on charter school proposals; (ii)
13 hiring, training, and supervising staff engaged in authorizing
14 activities; (iii) developing and conducting oversight,
15 including regular monitoring, of authorized charter schools;
16 (iv) reporting on best practices and performances of charter
17 schools; (v) applying for, managing, and distributing grants
18 and funds appropriated for charter schools and authorizing
19 activities; (vi) training members of the State Board on their
20 authorizing roles; and (vii) training other employees of the
21 State Board on how to work with charter schools as their own
22 local education agencies.

23 (k) On July 1, 2020, the State Charter School Commission is
24 abolished and the terms of all members end. On that date, all
25 of the powers, duties, assets, liabilities, contracts,
26 property, records, and pending business of the Commission are

1 transferred to the State Board. For purposes of the Successor
2 Agency Act and Section 9b of the State Finance Act, the State
3 Board is declared to be the successor agency of the Commission.
4 Beginning on July 1, 2020, references in statutes, rules,
5 forms, and other documents to the Commission shall, in
6 appropriate contexts, be deemed to refer to the State Board.
7 Standards and procedures of the Commission in effect on July 1,
8 2020 shall be deemed standards and procedures of the State
9 Board and shall remain in effect until amended or repealed by
10 the State Board.

11 Beginning on the effective date of this amendatory Act of
12 the 101st General Assembly, the Commission may not enter into
13 or renew a contract, other than a charter renewal, that expires
14 after July 1, 2020.

15 On July 1, 2020, any ~~(k) Any~~ charter school authorized by
16 the State Charter School Commission ~~State Board~~ prior to July
17 1, 2020 ~~this amendatory Act of the 97th General Assembly~~ shall
18 have its authorization transferred to ~~the Commission upon a~~
19 ~~vote of~~ the State Board, which shall then become the school's
20 authorizer for all purposes under this Article. On July 1, 2020
21 ~~However, in no case shall such transfer take place later than~~
22 ~~July 1, 2012. At this time, all of the powers, duties, assets,~~
23 liabilities, contracts, property, records, and pending
24 business of the State Charter School Commission ~~State Board~~ as
25 the school's authorizer must be transferred to the State Board
26 ~~Commission. Any charter school authorized by a local school~~

1 ~~board or boards may seek transfer of authorization to the~~
2 ~~Commission during its current term only with the approval of~~
3 ~~the local school board or boards.~~ At the end of its charter
4 term, a charter school may ~~authorized by a local school board~~
5 ~~or boards must~~ reapply to the board or boards for authorization
6 ~~before it may apply for authorization to the Commission under~~
7 ~~the terms of this amendatory Act of the 97th General Assembly.~~

8 On July 1, 2020 ~~the effective date of this amendatory Act~~
9 ~~of the 97th General Assembly,~~ all rules of the State Board
10 applicable to matters falling within the responsibility of the
11 State Charter School Commission shall be applicable to the
12 actions of the State Board Commission. ~~The Commission shall~~
13 ~~thereafter have the authority to propose to the State Board~~
14 ~~modifications to all rules applicable to matters falling within~~
15 ~~the responsibility of the Commission. The State Board shall~~
16 ~~retain rulemaking authority for the Commission, but shall work~~
17 ~~jointly with the Commission on any proposed modifications. Upon~~
18 ~~recommendation of proposed rule modifications by the~~
19 ~~Commission and pursuant to the Illinois Administrative~~
20 ~~Procedure Act, the State Board shall consider such changes~~
21 ~~within the intent of this amendatory Act of the 97th General~~
22 ~~Assembly and grant any and all changes consistent with that~~
23 ~~intent.~~

24 (1) ~~The Commission shall have the responsibility to~~
25 ~~consider appeals under this Article immediately upon~~
26 ~~appointment of the initial members of the Commission under~~

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

15 (Source: P.A. 97-152, eff. 7-20-11; 97-641, eff. 12-19-11;
16 97-1156, eff. 1-25-13.)

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 State Board, and the Commission, in their
18 official capacity, and employees of an authorizer are immune
19 from civil and criminal liability with respect to all
20 activities related to a charter school that they authorize,
21 except for willful or wanton misconduct.

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

1 responsibility, including all of the following:

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

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

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

13 (105 ILCS 5/27A-8)

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

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

- 20 (1) demonstrate a high level of local pupil, parental,
21 community, business, and school personnel support;
- 22 (2) set rigorous levels of expected pupil achievement
23 and demonstrate feasible plans for attaining those levels
24 of achievement; and
- 25 (3) are designed to enroll and serve a substantial

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

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

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

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

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

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

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

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

25 (g) (Blank). ~~If the local school board votes to deny the~~
26 ~~proposal, then the charter school applicant has 30 days from~~

1 ~~the date of that vote to submit an appeal to the Commission. In~~
2 ~~such instances or in those instances referenced in subsections~~
3 ~~(d) and (e) of this Section, the Commission shall follow the~~
4 ~~same process and be subject to the same timelines for review as~~
5 ~~the local school board.~~

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

13 (i) (Blank). ~~In the case of a charter school proposed to be~~
14 ~~jointly authorized by 2 or more school districts, the local~~
15 ~~school boards may unanimously deny the charter school proposal~~
16 ~~with a statement that the local school boards are not opposed~~
17 ~~to the charter school, but that they yield to the Commission in~~
18 ~~light of the complexities of joint administration.~~

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

21 (105 ILCS 5/27A-9)

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

23 (a) For charters granted before January 1, 2017 (the
24 effective date of Public Act 99-840), a charter may be granted
25 for a period not less than 5 and not more than 10 school years.

1 For charters granted on or after January 1, 2017 (the effective
2 date of Public Act 99-840), a charter shall be granted for a
3 period of 5 school years. For charters renewed before January
4 1, 2017 (the effective date of Public Act 99-840), a charter
5 may be renewed in incremental periods not to exceed 5 school
6 years. For charters renewed on or after January 1, 2017 (the
7 effective date of Public Act 99-840), a charter may be renewed
8 in incremental periods not to exceed 10 school years; however,
9 the State Board or Commission may renew a charter only in
10 incremental periods not to exceed 5 years. Authorizers shall
11 ensure that every charter granted on or after January 1, 2017
12 (the effective date of Public Act 99-840) includes standards
13 and goals for academic, organizational, and financial
14 performance. A charter must meet all standards and goals for
15 academic, organizational, and financial performance set forth
16 by the authorizer in order to be renewed for a term in excess
17 of 5 years but not more than 10 years. If an authorizer fails
18 to establish standards and goals, a charter shall not be
19 renewed for a term in excess of 5 years. Nothing contained in
20 this Section shall require an authorizer to grant a full
21 10-year renewal term to any particular charter school, but an
22 authorizer may award a full 10-year renewal term to charter
23 schools that have a demonstrated track record of improving
24 student performance.

25 (b) A charter school renewal proposal submitted to the
26 local school board or the State Board or Commission, as the

1 chartering entity, shall contain:

2 (1) A report on the progress of the charter school in
3 achieving the goals, objectives, pupil performance
4 standards, content standards, and other terms of the
5 initial approved charter proposal; and

6 (2) A financial statement that discloses the costs of
7 administration, instruction, and other spending categories
8 for the charter school that is understandable to the
9 general public and that will allow comparison of those
10 costs to other schools or other comparable organizations,
11 in a format required by the State Board.

12 (c) A charter may be revoked or not renewed if the local
13 school board or the State Board or Commission, as the
14 chartering entity, clearly demonstrates that the charter
15 school did any of the following, or otherwise failed to comply
16 with the requirements of this law:

17 (1) Committed a material violation of any of the
18 conditions, standards, or procedures set forth in the
19 charter.

20 (2) Failed to meet or make reasonable progress toward
21 achievement of the content standards or pupil performance
22 standards identified in the charter.

23 (3) Failed to meet generally accepted standards of
24 fiscal management.

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

1 In the case of revocation, the local school board or the
2 State Board or Commission, as the chartering entity, shall
3 notify the charter school in writing of the reason why the
4 charter is subject to revocation. The charter school shall
5 submit a written plan to the local school board, the State
6 Board, or the Commission, whichever is applicable, to rectify
7 the problem. The plan shall include a timeline for
8 implementation, which shall not exceed 2 years or the date of
9 the charter's expiration, whichever is earlier. If the local
10 school board or the State Board or Commission, as the
11 chartering entity, finds that the charter school has failed to
12 implement the plan of remediation and adhere to the timeline,
13 then the chartering entity shall revoke the charter. Except in
14 situations of an emergency where the health, safety, or
15 education of the charter school's students is at risk, the
16 revocation shall take place at the end of a school year.
17 Nothing in Public Act 96-105 shall be construed to prohibit an
18 implementation timetable that is less than 2 years in duration.
19 No local school board may arbitrarily or capriciously revoke or
20 not renew a charter. Except for extenuating circumstances
21 outlined in this Section, if a local school board revokes or
22 does not renew a charter, it must ensure that all students
23 currently enrolled in the charter school are placed in schools
24 that are higher performing than that charter school, as defined
25 in the State's federal Every Student Succeeds Act
26 accountability plan. In determining whether extenuating

1 circumstances exist, a local school board must detail, by clear
2 and convincing evidence, that factors unrelated to the charter
3 school's accountability designation outweigh the charter
4 school's academic performance.

5 (d) (Blank).

6 (e) Notice of a local school board's decision to deny,
7 revoke, or not renew a charter shall be provided to the
8 Commission and the State Board. Until July 1, 2020, the ~~The~~
9 Commission may reverse a local board's decision to not renew a
10 charter if the Commission finds that the charter school or
11 charter school proposal (i) is in compliance with this Article,
12 and (ii) is in the best interests of the students it is
13 designed to serve. The Commission may condition the granting of
14 an appeal on the acceptance by the charter school of funding in
15 an amount less than that requested in the proposal submitted to
16 the local school board. Final decisions of the Commission shall
17 be subject to judicial review under the Administrative Review
18 Law.

19 The State Board may reverse a local board's decision to
20 revoke or, beginning on July 1, 2020, not renew a charter if
21 the State Board finds that the charter school or charter school
22 proposal (i) is in compliance with this Article and (ii) is in
23 the best interests of the students it is designed to serve. The
24 State Board may condition the granting of an appeal on the
25 acceptance by the charter school of funding in an amount less
26 than that requested in the proposal submitted to the local

1 school board. The State Board must appoint and utilize a
2 hearing officer for any appeals conducted under this
3 subsection. Final decisions of the State Board are subject to
4 judicial review under the Administrative Review Law.

5 (f) Notwithstanding other provisions of this Article, if
6 the Commission on appeal reverses a local board's decision or
7 if a charter school is approved by referendum, the Commission
8 shall act as the authorized chartering entity for the charter
9 school. The Commission shall approve the charter and shall
10 perform all functions under this Article otherwise performed by
11 the local school board. The State Board shall determine whether
12 the charter proposal approved by the Commission is consistent
13 with the provisions of this Article and, if the approved
14 proposal complies, certify the proposal pursuant to this
15 Article. The State Board shall report the aggregate number of
16 charter school pupils resident in a school district to that
17 district and shall notify the district of the amount of funding
18 to be paid by the State Board to the charter school enrolling
19 such students. The Commission shall require the charter school
20 to maintain accurate records of daily attendance that shall be
21 deemed sufficient to file claims under Section ~~18-8.05~~ or
22 18-8.15 notwithstanding any other requirements of that Section
23 ~~regarding hours of instruction and teacher certification~~. The
24 State Board shall withhold from funds otherwise due the
25 district the funds authorized by this Article to be paid to the
26 charter school and shall pay such amounts to the charter

1 school.

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

5 (h) For charter schools authorized by the Commission, the
6 State Board shall pay directly to a charter school any federal
7 or State aid attributable to a student with a disability
8 attending the school.

9 (Source: P.A. 99-840, eff. 1-1-17; 100-201, eff. 8-18-17;
10 100-465, eff. 8-31-17.)

11 (105 ILCS 5/27A-11.5)

12 Sec. 27A-11.5. State financing. The State Board of
13 Education shall make the following funds available to school
14 districts and charter schools:

15 (1) From a separate appropriation made to the State
16 Board for purposes of this subdivision (1), the State Board
17 shall make transition impact aid available to school
18 districts that approve a new charter school or that have
19 funds withheld by the State Board to fund a new charter
20 school that is chartered by the Commission. The amount of
21 the aid shall equal 90% of the per capita funding paid to
22 the charter school during the first year of its initial
23 charter term, 65% of the per capita funding paid to the
24 charter school during the second year of its initial term,
25 and 35% of the per capita funding paid to the charter

1 school during the third year of its initial term. This
2 transition impact aid shall be paid to the local school
3 board in equal quarterly installments, with the payment of
4 the installment for the first quarter being made by August
5 1st immediately preceding the first, second, and third
6 years of the initial term. The district shall file an
7 application for this aid with the State Board in a format
8 designated by the State Board. If the appropriation is
9 insufficient in any year to pay all approved claims, the
10 impact aid shall be prorated. However, for fiscal year
11 2004, the State Board of Education shall pay approved
12 claims only for charter schools with a valid charter
13 granted prior to June 1, 2003. If any funds remain after
14 these claims have been paid, then the State Board of
15 Education may pay all other approved claims on a pro rata
16 basis. Transition impact aid shall be paid beginning in the
17 1999-2000 school year for charter schools that are in the
18 first, second, or third year of their initial term.
19 Transition impact aid shall not be paid for any charter
20 school that is proposed and created by one or more boards
21 of education, as authorized under the provisions of Public
22 Act 91-405.

23 (2) From a separate appropriation made for the purpose
24 of this subdivision (2), the State Board shall make grants
25 to charter schools to pay their start-up costs of acquiring
26 educational materials and supplies, textbooks, electronic

1 textbooks and the technological equipment necessary to
2 gain access to and use electronic textbooks, furniture, and
3 other equipment or materials needed during their initial
4 term. The State Board shall annually establish the time and
5 manner of application for these grants, which shall not
6 exceed \$250 per student enrolled in the charter school.

7 (3) The Charter Schools Revolving Loan Fund is created
8 as a special fund in the State treasury. Federal funds,
9 such other funds as may be made available for costs
10 associated with the establishment of charter schools in
11 Illinois, and amounts repaid by charter schools that have
12 received a loan from the Charter Schools Revolving Loan
13 Fund shall be deposited into the Charter Schools Revolving
14 Loan Fund, and the moneys in the Charter Schools Revolving
15 Loan Fund shall be appropriated to the State Board and used
16 to provide interest-free loans to charter schools. These
17 funds shall be used to pay start-up costs of acquiring
18 educational materials and supplies, textbooks, electronic
19 textbooks and the technological equipment necessary to
20 gain access to and use electronic textbooks, furniture, and
21 other equipment or materials needed in the initial term of
22 the charter school and for acquiring and remodeling a
23 suitable physical plant, within the initial term of the
24 charter school. Loans shall be limited to one loan per
25 charter school and shall not exceed \$750 per student
26 enrolled in the charter school. A loan shall be repaid by

1 the end of the initial term of the charter school. The
2 State Board may deduct amounts necessary to repay the loan
3 from funds due to the charter school or may require that
4 the local school board that authorized the charter school
5 deduct such amounts from funds due the charter school and
6 remit these amounts to the State Board, provided that the
7 local school board shall not be responsible for repayment
8 of the loan. The State Board may use up to 3% of the
9 appropriation to contract with a non-profit entity to
10 administer the loan program.

11 (4) A charter school may apply for and receive, subject
12 to the same restrictions applicable to school districts,
13 any grant administered by the State Board that is available
14 for school districts.

15 If a charter school fails to make payments toward
16 administrative costs, the State Board may withhold State funds
17 from that school until it has made all payments for those
18 costs.

19 (Source: P.A. 98-739, eff. 7-16-14; 99-840, eff. 1-1-17.)

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