



Rep. Rita Mayfield

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1 AMENDMENT TO HOUSE BILL 3769

2 AMENDMENT NO. _____. Amend House Bill 3769 by replacing
3 everything after the enacting clause with the following:

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

1 established under Section 27A-7.5 of this Code.

2 "Local school board" means the duly elected or appointed
3 school board or board of education of a public school district,
4 including special charter districts and school districts
5 located in cities having a population of more than 500,000,
6 organized under the laws of this State.

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

8 "University authorizer" means an institution that grants
9 4-year degrees that is approved by the State Board for
10 chartering authority, as established under Section 27A-7.15 of
11 this Code. Such institutions must be either:

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

14 or

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

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

19 (105 ILCS 5/27A-7.10)

20 Sec. 27A-7.10. Authorizer powers and duties; immunity;
21 principles and standards.

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

25 (1) Soliciting and evaluating charter applications.

1 (2) Approving quality charter applications that meet
2 identified educational needs and promote a diversity of
3 educational choices.

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

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

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

11 (6) Determining whether each charter contract merits
12 renewal, nonrenewal, or revocation.

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

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

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

24 (e) The Commission, ~~and~~ all local school boards, and
25 university authorizers that have a charter school operating are
26 required to develop and maintain chartering policies and

1 practices consistent with recognized principles and standards
2 for quality charter authorizing in all major areas of
3 authorizing responsibility, including all of the following:

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

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

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

14 (105 ILCS 5/27A-7.15 new)

15 Sec. 27A-7.15. University authorizers; application to
16 State Board; applications to university authorizers.

17 (a) In any city having a population exceeding 500,000
18 inhabitants, a public institution of higher education, as
19 defined by Section 1 of the Board of Higher Education Act, or a
20 post-secondary educational institution, as defined in Section
21 1 of the Private College Act, that grants 4-year degrees may
22 apply to the State Board to authorize high-quality charter
23 schools that prioritize re-enrolled high school dropouts,
24 at-risk students, or students at risk of dropping out.

25 (b) An eligible university under this Section shall apply

1 to the State Board for approval as an authorizer before the
2 university can authorize a charter school. An applicant must
3 include in its application to the State Board at least the
4 following:

5 (1) how chartering schools is a way for the applicant
6 to carry out its mission;

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

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

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

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

11 (c) The State Board shall approve or deny a university
12 authorizer application within 45 days of 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 charter a school for:

26 (1) failing to demonstrate the criteria under

1 subsection (b) of this Section under which the State Board
2 approved the university authorizer;

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

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

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

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

1 subsection (e).

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

8 (1) A charter school currently authorized by a local
9 school board or boards may seek transfer of authorization
10 to a university authorizer during its current term only
11 with the approval of the local school board or boards.

12 (2) A charter school authorized by a local school board
13 may apply to not more than one university authorizer during
14 its final year of its contract in lieu of applying for a
15 renewal with its current local school board authorizer. A
16 charter school originally authorized by a local school
17 board shall not simultaneously apply to both a university
18 authorizer for a new charter contract and its local school
19 board for a renewed contract. If a university authorizer
20 approves an application from an existing charter school,
21 the charter school and its local school board or boards
22 shall terminate their charter contract on June 30 of that
23 calendar year and shall engage in the closure processes set
24 forth in subsection (a) of Section 27A-10.10, unless the
25 charter school and local school board or boards mutually
26 agree to other terms. If a charter school originally

1 authorized by a local school board or boards is denied
2 approval from a university authorizer, the charter school
3 may appeal its local school board's or boards' decision not
4 to renew to the Commission. The Commission shall abide by
5 the requirements set forth in Section 27A-9 regarding
6 appeals of local school board's decisions not to renew a
7 charter.

8 (g) A charter school deemed a replicating charter before
9 the effective date of this amendatory Act of the 100th General
10 Assembly that is approved by a university authorizer shall
11 maintain replication status.

12 (h) In evaluating any charter school proposal submitted to
13 it, a university authorizer shall give preference to proposals
14 that:

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

17 (2) set rigorous levels of expected pupil achievement
18 and demonstrate feasible plans for attaining those levels
19 of achievement; and

20 (3) are designed to enroll and serve a substantial
21 proportion of re-enrolled high school dropouts, students
22 at risk of dropping out, or at-risk students.

23 (i) A charter school approved by a university authorizer
24 shall be its own local education agency.

25 (j) A university authorizer shall grant charters in
26 accordance with the charter terms set forth in subsection (a)

1 of Section 27A-9. A university authorizer shall evaluate
2 decisions to renew, not to renew, or a revoke a charter in
3 accordance with the requirements set forth in subsections (b)
4 and (c) of Section 27A-9. A charter school authorized by
5 university authorizers may appeal a decision to revoke or not
6 to renew its charter to the Commission, as set forth by the
7 procedures in Section 27A-9.

8 (k) A university authorizer may charge a charter school
9 that it authorizes a fee, not to exceed 3% of the revenue
10 provided to the school, to cover the cost of undertaking the
11 ongoing administrative responsibilities of the eligible
12 chartering authority with respect to the school. The revenues
13 from those fees shall be used for the following purposes:
14 personal services, contractual services, and other operational
15 and administrative costs related to the authorization and
16 oversight of the university authorizer's charter schools.

17 (l) In no event shall the funding for university-authorized
18 charter schools be less than 75% or more than 125% of the host
19 school district's per capita student tuition multiplied by the
20 number of students residing in the host school district who are
21 enrolled in the university-authorized charter school. The
22 university authorizer shall report the aggregate number of
23 charter school pupils resident in a school district to the
24 State Board. The State Board shall report the enrollment
25 numbers to that district and shall notify the district of the
26 amount of funding to be paid to the university-authorized

1 charter school enrolling such students. The State Board shall
2 withhold from funds otherwise due the district the funds
3 authorized by this Article to be paid to the
4 university-authorized charter school and shall pay those
5 amounts to the university-authorized charter school.

6 (m) The State Board shall pay directly to a
7 university-authorized charter school any federal or State aid
8 attributable to a student with a disability attending the
9 school. The proportionate share of moneys generated under other
10 federal or State categorical aid programs shall be directed to
11 those charter schools serving students eligible for that aid.

12 (n) Enrollment in a university-authorized charter school shall
13 be open to any student who resides within 50 miles of the
14 university-authorized charter school."