



Sen. Bill Cunningham

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LRB100 19233 AXK 39879 a

1 AMENDMENT TO HOUSE BILL 5175

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5175 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections  
5 27A-7.5, 27A-8, and 27A-9 as follows:

6 (105 ILCS 5/27A-7.5)

7 Sec. 27A-7.5. State Charter School Commission.

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

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

14 (b) The Commission is responsible for authorizing  
15 high-quality charter schools throughout this State,  
16 particularly schools designed to expand opportunities for

1 at-risk students, consistent with the purposes of this Article.

2 (c) The Commission shall consist of 9 members, appointed by  
3 the State Board. The State Board shall make these appointments  
4 from a slate of candidates proposed by the Governor, within 60  
5 days after the effective date of this amendatory Act of the  
6 97th General Assembly with respect to the initial Commission  
7 members. In making the appointments, the State Board shall  
8 ensure statewide geographic diversity among Commission  
9 members. The Governor shall propose a slate of candidates to  
10 the State Board within 60 days after the effective date of this  
11 amendatory Act of the 97th General Assembly and 60 days prior  
12 to the expiration of the term of a member thereafter. If the  
13 Governor fails to timely propose a slate of candidates  
14 according to the provisions of this subsection (c), then the  
15 State Board may appoint the member or members of the  
16 Commission.

17 (d) Members appointed to the Commission shall collectively  
18 possess strong experience and expertise in public and nonprofit  
19 governance, management and finance, public school leadership,  
20 higher education, assessments, curriculum and instruction, and  
21 public education law. All members of the Commission shall have  
22 demonstrated understanding of and a commitment to public  
23 education, including without limitation charter schooling. At  
24 least 3 members must have past experience with urban charter  
25 schools.

26 (e) To establish staggered terms of office, the initial

1 term of office for 3 Commission members shall be 4 years and  
2 thereafter shall be 4 years; the initial term of office for  
3 another 3 members shall be 3 years and thereafter shall be 4  
4 years; and the initial term of office for the remaining 3  
5 members shall be 2 years and thereafter shall be 4 years. The  
6 initial appointments must be made no later than October 1,  
7 2011.

8 (f) Whenever a vacancy on the Commission exists, the State  
9 Board shall appoint a member for the remaining portion of the  
10 term.

11 (g) Subject to the State Officials and Employees Ethics  
12 Act, the Commission is authorized to receive and expend gifts,  
13 grants, and donations of any kind from any public or private  
14 entity to carry out the purposes of this Article, subject to  
15 the terms and conditions under which they are given, provided  
16 that all such terms and conditions are permissible under law.  
17 Funds received under this subsection (g) must be deposited into  
18 the State Charter School Commission Fund.

19 The State Charter School Commission Fund is created as a  
20 special fund in the State treasury. All money in the Fund shall  
21 be used, subject to appropriation, by the State Board, acting  
22 on behalf and with the consent of the Commission, for  
23 operational and administrative costs of the Commission.

24 Subject to appropriation, any funds appropriated for use by  
25 the State Board, acting on behalf and with the consent of the  
26 Commission, may be used for the following purposes, without

1 limitation: personal services, contractual services, and other  
2 operational and administrative costs. The State Board is  
3 further authorized to make expenditures with respect to any  
4 other amounts deposited in accordance with law into the State  
5 Charter School Commission Fund.

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

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

24 (i) Every 2 years, the Commission shall provide to the  
25 State Board and local school boards a report on best practices  
26 in charter school authorizing, including without limitation

1 evaluating applications, oversight of charters, and renewal of  
2 charter schools.

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

9 (k) Any charter school authorized by the State Board prior  
10 to this amendatory Act of the 97th General Assembly shall have  
11 its authorization transferred to the Commission upon a vote of  
12 the State Board, which shall then become the school's  
13 authorizer for all purposes under this Article. However, in no  
14 case shall such transfer take place later than July 1, 2012. At  
15 this time, all of the powers, duties, assets, liabilities,  
16 contracts, property, records, and pending business of the State  
17 Board as the school's authorizer must be transferred to the  
18 Commission. Any charter school authorized by a local school  
19 board or boards may seek transfer of authorization to the  
20 Commission during its current term only with the approval of  
21 the local school board or boards. At the end of its charter  
22 term, a charter school authorized by a local school board or  
23 boards must reapply to the board or boards before it may apply  
24 for authorization to the Commission under the terms of this  
25 amendatory Act of the 97th General Assembly.

26 On the effective date of this amendatory Act of the 97th

1 General Assembly, all rules of the State Board applicable to  
2 matters falling within the responsibility of the Commission  
3 shall be applicable to the actions of the Commission. The  
4 Commission shall thereafter have the authority to propose to  
5 the State Board modifications to all rules applicable to  
6 matters falling within the responsibility of the Commission.  
7 The State Board shall retain rulemaking authority for the  
8 Commission, but shall work jointly with the Commission on any  
9 proposed modifications. Upon recommendation of proposed rule  
10 modifications by the Commission and pursuant to the Illinois  
11 Administrative Procedure Act, the State Board shall consider  
12 such changes within the intent of this amendatory Act of the  
13 97th General Assembly and grant any and all changes consistent  
14 with that intent.

15 (1) (Blank). ~~The Commission shall have the responsibility~~  
16 ~~to consider appeals under this Article immediately upon~~  
17 ~~appointment of the initial members of the Commission under~~  
18 ~~subsection (c) of this Section. Appeals pending at the time of~~  
19 ~~initial appointment shall be determined by the Commission; the~~  
20 ~~Commission may extend the time for review as necessary for~~  
21 ~~thorough review, but in no case shall the extension exceed the~~  
22 ~~time that would have been available had the appeal been~~  
23 ~~submitted to the Commission on the date of appointment of its~~  
24 ~~initial members. In any appeal filed with the Commission under~~  
25 ~~this Article, both the applicant and the school district in~~  
26 ~~which the charter school plans to locate shall have the right~~

1 ~~to request a hearing before the Commission. If more than one~~  
2 ~~entity requests a hearing, then the Commission may hold only~~  
3 ~~one hearing, wherein the applicant and the school district~~  
4 ~~shall have an equal opportunity to present their respective~~  
5 ~~positions.~~

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

8 (105 ILCS 5/27A-8)

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

10 (a) This Section does not apply to a charter school  
11 established by referendum under Section 27A-6.5. In evaluating  
12 any charter school proposal submitted to it, the local school  
13 board and the Commission 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 at-risk children; provided that nothing in  
22 the Charter Schools Law shall be construed as intended to  
23 limit the establishment of charter schools to those that  
24 serve a substantial portion of at-risk children or to in  
25 any manner restrict, limit, or discourage the

1 establishment of charter schools that enroll and serve  
2 other pupil populations under a nonexclusive,  
3 nondiscriminatory admissions policy.

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



1 the local school board is required to convene under this  
2 Section.

3 (c) Within 45 days of receipt of a charter school proposal,  
4 the local school board shall convene a public meeting to obtain  
5 information to assist the board in its decision to grant or  
6 deny the charter school proposal. A local school board may  
7 develop its own process for receiving charter school proposals  
8 on an annual basis that follows the same timeframes as set  
9 forth in this Article. Final decisions of a local school board  
10 are subject to judicial review under the Administrative Review  
11 Law. If a charter school applicant submits a proposal to a  
12 local school board outside of the process adopted by that local  
13 school board for receiving charter school proposals on an  
14 annual basis, the applicant shall not have any right to submit  
15 its proposal to the Commission as otherwise authorized in  
16 subsections (d) and (e) of this Section. Only after the local  
17 school board process is followed may a charter school applicant  
18 appeal to the Commission.

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

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

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

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

26 (g) If the charter applicant submits the proposal to the

1 ~~Commission as authorized the local school board votes to deny~~  
2 ~~the proposal, then the charter school applicant has 30 days~~  
3 ~~from the date of that vote to submit an appeal to the~~  
4 ~~Commission. In such instances or in those instances referenced~~  
5 ~~in subsections (d), and (e), and (i) of this Section, the~~  
6 ~~Commission shall follow the same process and be subject to the~~  
7 ~~same timelines for review as the local school board.~~

8 (h) The Commission may approve a charter school proposal  
9 submitted to it in accordance with subsection (d), (e), or (i)  
10 of this Section ~~The Commission may reverse a local school~~  
11 ~~board's decision to deny a charter school proposal if the~~  
12 ~~Commission finds that the proposal (i) is in compliance with~~  
13 ~~this Article and (ii) is in the best interests of the students~~  
14 ~~the charter school is designed to serve. Final decisions of the~~  
15 ~~Commission are subject to judicial review under the~~  
16 ~~Administrative Review Law.~~

17 (i) In the case of a charter school proposed to be jointly  
18 authorized by 2 or more school districts, the local school  
19 boards may unanimously deny the charter school proposal with a  
20 statement that the local school boards are not opposed to the  
21 charter school, but that they yield to the Commission in light  
22 of the complexities of joint administration, in which case the  
23 charter applicant may submit the proposal to the Commission,  
24 where it must be addressed in accordance with the provisions  
25 set forth in subsection (g) of this Section.

26 (Source: P.A. 96-105, eff. 7-30-09; 96-734, eff. 8-25-09;

1 96-1000, eff. 7-2-10; 97-152, eff. 7-20-11.)

2 (105 ILCS 5/27A-9)

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

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

1 authorizer to grant a full 10-year renewal term to any  
2 particular charter school, but an authorizer may award a full  
3 10-year renewal term to charter schools that have a  
4 demonstrated track record of improving student performance.

5 (b) A charter school renewal proposal submitted to the  
6 local school board or the Commission, as the chartering entity,  
7 shall contain:

8 (1) A report on the progress of the charter school in  
9 achieving the goals, objectives, pupil performance  
10 standards, content standards, and other terms of the  
11 initial approved charter proposal; and

12 (2) A financial statement that discloses the costs of  
13 administration, instruction, and other spending categories  
14 for the charter school that is understandable to the  
15 general public and that will allow comparison of those  
16 costs to other schools or other comparable organizations,  
17 in a format required by the State Board.

18 (c) A charter may be revoked or not renewed if the local  
19 school board or the Commission, as the chartering entity,  
20 clearly demonstrates that the charter school did any of the  
21 following, or otherwise failed to comply with the requirements  
22 of this law:

23 (1) Committed a material violation of any of the  
24 conditions, standards, or procedures set forth in the  
25 charter.

26 (2) Failed to meet or make reasonable progress toward

1 achievement of the content standards or pupil performance  
2 standards identified in the charter.

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

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

7 In the case of revocation, the local school board or the  
8 Commission, as the chartering entity, shall notify the charter  
9 school in writing of the reason why the charter is subject to  
10 revocation. The charter school shall submit a written plan to  
11 the local school board or the Commission, whichever is  
12 applicable, to rectify the problem. The plan shall include a  
13 timeline for implementation, which shall not exceed 2 years or  
14 the date of the charter's expiration, whichever is earlier. If  
15 the local school board or the Commission, as the chartering  
16 entity, finds that the charter school has failed to implement  
17 the plan of remediation and adhere to the timeline, then the  
18 chartering entity shall revoke the charter. Except in  
19 situations of an emergency where the health, safety, or  
20 education of the charter school's students is at risk, the  
21 revocation shall take place at the end of a school year.  
22 Nothing in Public Act 96-105 shall be construed to prohibit an  
23 implementation timetable that is less than 2 years in duration.

24 (d) (Blank).

25 (e) The Commission may approve an application for a charter  
26 submitted to it in accordance with this Article ~~Notice of a~~

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

14 (f) Notwithstanding other provisions of this Article, if  
15 the Commission approves an application for a charter school  
16 submitted to it in accordance with this Article or on appeal  
17 ~~reverses a local board's decision or~~ if a charter school is  
18 approved by referendum under Section 27A-6.5 of this Code, the  
19 Commission shall act as the authorized chartering entity for  
20 the charter school. The Commission shall execute a ~~approve the~~  
21 charter agreement and shall perform all functions under this  
22 Article otherwise performed by the local school board. The  
23 State Board shall determine whether the charter proposal  
24 approved by the Commission is consistent with the provisions of  
25 this Article and, if the approved proposal complies, certify  
26 the proposal pursuant to this Article. The State Board shall

1 report the aggregate number of charter school pupils resident  
2 in a school district to that district and shall notify the  
3 district of the amount of funding to be paid by the State Board  
4 to the charter school enrolling such students. The Commission  
5 shall require the charter school to maintain accurate records  
6 of daily attendance that shall be deemed sufficient to file  
7 claims under Section 18-8.05 or 18-8.15 notwithstanding any  
8 other requirements of that Section regarding hours of  
9 instruction and teacher certification. The State Board shall  
10 withhold from funds otherwise due the district the funds  
11 authorized by this Article to be paid to the charter school and  
12 shall pay such amounts to the charter school.

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

16 (h) For charter schools authorized by the Commission, the  
17 State Board shall pay directly to a charter school any federal  
18 or State aid attributable to a student with a disability  
19 attending the school.

20 (i) The Commission has no authority under subsection (e) of  
21 this Section to approve a charter school proposal that has been  
22 denied by the local school board.

23 (Source: P.A. 99-840, eff. 1-1-17; 100-201, eff. 8-18-17;  
24 100-465, eff. 8-31-17.)

25 Section 99. Effective date. This Act takes effect upon



1 becoming law.".