



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB1226

Introduced 2/6/2019, by Sen. Linda Holmes

#### SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.796  
105 ILCS 5/27A-3  
105 ILCS 5/27A-5  
105 ILCS 5/27A-6.5  
105 ILCS 5/27A-7.5  
105 ILCS 5/27A-7.10  
105 ILCS 5/27A-8  
105 ILCS 5/27A-9  
105 ILCS 5/27A-10.10  
105 ILCS 5/27A-11  
105 ILCS 5/27A-11.5  
105 ILCS 5/27A-12

Amends the State Finance Act and the Charter Schools Law of the School Code. Provides that on July 1, 2020, the State Charter School Commission is abolished and the terms of all members end. Provides that all of the powers, duties, assets, liabilities, contracts, property, records, and pending business of the Commission are transferred to the State Board of Education on that date. Provides for transfer of authorization to a local school board or boards. Makes related changes. Removes the appeal process, and provides that final decisions of a local school board are subject to judicial review under the Administrative Review Law.

LRB101 05965 AXK 50986 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The 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8 Section is repealed on July 31, 2020.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-3, 27A-5, 27A-6.5, 27A-7.5, 27A-7.10, 27A-8, 27A-9,  
12 27A-10.10, 27A-11, 27A-11.5, and 27A-12 as follows:

13 (105 ILCS 5/27A-3)

14 Sec. 27A-3. Definitions. For purposes of this Article:

15 "At-risk pupil" means a pupil who, because of physical,  
16 emotional, socioeconomic, or cultural factors, is less likely  
17 to succeed in a conventional educational environment.

18 "Authorizer" means an entity authorized under this Article  
19 to review applications, decide whether to approve or reject  
20 applications, enter into charter contracts with applicants,  
21 oversee charter schools, and decide whether to renew, not

1 renew, or revoke a charter.

2 ~~"Commission" means the State Charter School Commission~~  
3 ~~established under Section 27A-7.5 of this Code.~~

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

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

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

11 (105 ILCS 5/27A-5)

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

13 (a) A charter school shall be a public, nonsectarian,  
14 nonreligious, non-home based, and non-profit school. A charter  
15 school shall be organized and operated as a nonprofit  
16 corporation or other discrete, legal, nonprofit entity  
17 authorized under the laws of the State of Illinois.

18 (b) A charter school may be established under this Article  
19 by creating a new school or by converting an existing public  
20 school or attendance center to charter school status. Beginning  
21 on April 16, 2003 (the effective date of Public Act 93-3), in  
22 all new applications to establish a charter school in a city  
23 having a population exceeding 500,000, operation of the charter  
24 school shall be limited to one campus. The changes made to this  
25 Section by Public Act 93-3 do not apply to charter schools

1 existing or approved on or before April 16, 2003 (the effective  
2 date of Public Act 93-3).

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

8 From April 1, 2013 through December 31, 2016, there is a  
9 moratorium on the establishment of charter schools with  
10 virtual-schooling components in school districts other than a  
11 school district organized under Article 34 of this Code. This  
12 moratorium does not apply to a charter school with  
13 virtual-schooling components existing or approved prior to  
14 April 1, 2013 or to the renewal of the charter of a charter  
15 school with virtual-schooling components already approved  
16 prior to April 1, 2013.

17 ~~On or before March 1, 2014, the Commission shall submit to~~  
18 ~~the General Assembly a report on the effect of~~  
19 ~~virtual schooling, including without limitation the effect on~~  
20 ~~student performance, the costs associated with~~  
21 ~~virtual schooling, and issues with oversight. The report shall~~  
22 ~~include policy recommendations for virtual schooling.~~

23 (c) A charter school shall be administered and governed by  
24 its board of directors or other governing body in the manner  
25 provided in its charter. The governing body of a charter school  
26 shall be subject to the Freedom of Information Act and the Open

1 Meetings Act.

2 (d) For purposes of this subsection (d), "non-curricular  
3 health and safety requirement" means any health and safety  
4 requirement created by statute or rule to provide, maintain,  
5 preserve, or safeguard safe or healthful conditions for  
6 students and school personnel or to eliminate, reduce, or  
7 prevent threats to the health and safety of students and school  
8 personnel. "Non-curricular health and safety requirement" does  
9 not include any course of study or specialized instructional  
10 requirement for which the State Board has established goals and  
11 learning standards or which is designed primarily to impart  
12 knowledge and skills for students to master and apply as an  
13 outcome of their education.

14 A charter school shall comply with all non-curricular  
15 health and safety requirements applicable to public schools  
16 under the laws of the State of Illinois. On or before September  
17 1, 2015, the State Board shall promulgate and post on its  
18 Internet website a list of non-curricular health and safety  
19 requirements that a charter school must meet. The list shall be  
20 updated annually no later than September 1. Any charter  
21 contract between a charter school and its authorizer must  
22 contain a provision that requires the charter school to follow  
23 the list of all non-curricular health and safety requirements  
24 promulgated by the State Board and any non-curricular health  
25 and safety requirements added by the State Board to such list  
26 during the term of the charter. Nothing in this subsection (d)

1 precludes an authorizer from including non-curricular health  
2 and safety requirements in a charter school contract that are  
3 not contained in the list promulgated by the State Board,  
4 including non-curricular health and safety requirements of the  
5 authorizing local school board.

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

10 (f) A charter school shall be responsible for the  
11 management and operation of its fiscal affairs including, but  
12 not limited to, the preparation of its budget. An audit of each  
13 charter school's finances shall be conducted annually by an  
14 outside, independent contractor retained by the charter  
15 school. To ensure financial accountability for the use of  
16 public funds, on or before December 1 of every year of  
17 operation, each charter school shall submit to its authorizer  
18 and the State Board a copy of its audit and a copy of the Form  
19 990 the charter school filed that year with the federal  
20 Internal Revenue Service. In addition, if deemed necessary for  
21 proper financial oversight of the charter school, an authorizer  
22 may require quarterly financial statements from each charter  
23 school.

24 (g) A charter school shall comply with all provisions of  
25 this Article, the Illinois Educational Labor Relations Act, all  
26 federal and State laws and rules applicable to public schools

1 that pertain to special education and the instruction of  
2 English learners, and its charter. A charter school is exempt  
3 from all other State laws and regulations in this Code  
4 governing public schools and local school board policies;  
5 however, a charter school is not exempt from the following:

6 (1) Sections 10-21.9 and 34-18.5 of this Code regarding  
7 criminal history records checks and checks of the Statewide  
8 Sex Offender Database and Statewide Murderer and Violent  
9 Offender Against Youth Database of applicants for  
10 employment;

11 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and  
12 34-84a of this Code regarding discipline of students;

13 (3) the Local Governmental and Governmental Employees  
14 Tort Immunity Act;

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

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

19 (5.5) subsection (b) of Section 10-23.12 and  
20 subsection (b) of Section 34-18.6 of this Code;

21 (6) the Illinois School Student Records Act;

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

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

25 (9) Section 27-23.7 of this Code regarding bullying  
26 prevention;

- 1 (10) Section 2-3.162 of this Code regarding student  
2 discipline reporting;
- 3 (11) Sections 22-80 and 27-8.1 of this Code;
- 4 (12) Sections 10-20.60 and 34-18.53 of this Code;
- 5 (13) Sections 10-20.63 and 34-18.56 of this Code; ~~and~~
- 6 (14) Section 26-18 of this Code; and
- 7 (15) Section 22-30 of this Code.

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

10 (h) A charter school may negotiate and contract with a  
11 school district, the governing body of a State college or  
12 university or public community college, or any other public or  
13 for-profit or nonprofit private entity for: (i) the use of a  
14 school building and grounds or any other real property or  
15 facilities that the charter school desires to use or convert  
16 for use as a charter school site, (ii) the operation and  
17 maintenance thereof, and (iii) the provision of any service,  
18 activity, or undertaking that the charter school is required to  
19 perform in order to carry out the terms of its charter.  
20 However, a charter school that is established on or after April  
21 16, 2003 (the effective date of Public Act 93-3) and that  
22 operates in a city having a population exceeding 500,000 may  
23 not contract with a for-profit entity to manage or operate the  
24 school during the period that commences on April 16, 2003 (the  
25 effective date of Public Act 93-3) and concludes at the end of  
26 the 2004-2005 school year. Except as provided in subsection (i)



1 of this Section, a school district may charge a charter school  
2 reasonable rent for the use of the district's buildings,  
3 grounds, and facilities. Any services for which a charter  
4 school contracts with a school district shall be provided by  
5 the district at cost. Any services for which a charter school  
6 contracts with a local school board or with the governing body  
7 of a State college or university or public community college  
8 shall be provided by the public entity at cost.

9 (i) In no event shall a charter school that is established  
10 by converting an existing school or attendance center to  
11 charter school status be required to pay rent for space that is  
12 deemed available, as negotiated and provided in the charter  
13 agreement, in school district facilities. However, all other  
14 costs for the operation and maintenance of school district  
15 facilities that are used by the charter school shall be subject  
16 to negotiation between the charter school and the local school  
17 board and shall be set forth in the charter.

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

20 (k) If the charter school is approved by the State Board  
21 ~~Commission~~, then the State Board ~~Commission~~ charter school is  
22 its own local education agency.

23 (Source: P.A. 99-30, eff. 7-10-15; 99-78, eff. 7-20-15; 99-245,  
24 eff. 8-3-15; 99-325, eff. 8-10-15; 99-456, eff. 9-15-16;  
25 99-642, eff. 7-28-16; 99-927, eff. 6-1-17; 100-29, eff. 1-1-18;  
26 100-156, eff. 1-1-18; 100-163, eff. 1-1-18; 100-413, eff.

1 1-1-18; 100-468, eff. 6-1-18; 100-726, eff. 1-1-19; 100-863,  
2 eff. 8-14-18; revised 10-5-18.)

3 (105 ILCS 5/27A-6.5)

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

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

9 (b) A local school board shall, whenever petitioned to do  
10 so by 5% or more of the voters of a school district or  
11 districts identified in a charter school proposal, order  
12 submitted to the voters thereof at a regularly scheduled  
13 election the question of whether a new charter school shall be  
14 established, which proposal has been found by the State Board  
15 ~~Commission~~ to be in compliance with the provisions of this  
16 Article, and the secretary shall certify the proposition to the  
17 proper election authorities for submission in accordance with  
18 the general election law. The proposition shall be in  
19 substantially the following form:

20 "FOR the establishment of (name of proposed charter  
21 school) under charter school proposal (charter school  
22 proposal number).

23 AGAINST the establishment of (name of proposed charter  
24 school) under charter school proposal (charter school  
25 proposal number)".

1 (c) Before circulating a petition to submit the question of  
2 whether to establish a charter school to the voters under  
3 subsection (b) of this Section, the governing body of a  
4 proposed charter school that desires to establish a new charter  
5 school by referendum shall submit the charter school proposal  
6 to the State Board ~~Commission~~ in the form of a proposed  
7 contract to be entered into between the State Board ~~Commission~~  
8 and the governing body of the proposed charter school, together  
9 with written notice of the intent to have a new charter school  
10 established by referendum. The contract shall comply with the  
11 provisions of this Article.

12 If the State Board ~~Commission~~ finds that the proposed  
13 contract complies with the provisions of this Article, it shall  
14 immediately direct the local school board to notify the proper  
15 election authorities that the question of whether to establish  
16 a new charter school shall be submitted for referendum.

17 (d) If the State Board ~~Commission~~ finds that the proposal  
18 fails to comply with the provisions of this Article, it shall  
19 provide written explanation, detailing its reasons for  
20 refusal, to the local school board and to the individuals or  
21 organizations submitting the proposal. The State Board  
22 ~~Commission~~ shall also notify the local school board and the  
23 individuals or organizations submitting the proposal that the  
24 proposal may be amended and resubmitted under the same  
25 provisions required for an original submission.

26 (e) If a majority of the votes cast upon the proposition in

1 each school district designated in the charter school proposal  
2 is in favor of establishing a charter school, the local school  
3 board shall notify the State Board ~~and the Commission~~ of the  
4 passage of the proposition in favor of establishing a charter  
5 school and the State Board ~~Commission~~ shall approve the charter  
6 within 7 days after the State Board of Elections has certified  
7 that a majority of the votes cast upon the proposition is in  
8 favor of establishing a charter school. The State Board  
9 ~~Commission~~ shall be the chartering entity for charter schools  
10 established by referendum under this Section.

11 (f) The State Board shall determine whether the charter  
12 proposal ~~approved by the Commission~~ is consistent with the  
13 provisions of this Article and, if the approved proposal  
14 complies, certify the proposal pursuant to this Article.

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

16 (105 ILCS 5/27A-7.5)

17 Sec. 27A-7.5. State Charter School Commission abolished;  
18 transfer to State Board; appeals.

19 (a) On July 1, 2020, the A State Charter School Commission  
20 is abolished and the terms of all members end. On that date,  
21 all of the powers, duties, assets, liabilities, contracts,  
22 property, records, and pending business of the Commission are  
23 transferred to the State Board. For purposes of the Successor  
24 Agency Act and Section 9b of the State Finance Act, the State  
25 Board is declared to be the successor agency of the Commission.

1 Beginning on July 1, 2020, references in statutes, rules,  
2 forms, and other documents to the Commission shall, in  
3 appropriate contexts, be deemed to refer to the State Board.  
4 Standards and procedures of the Commission in effect on July 1,  
5 2020 shall be deemed standards and procedures of the State  
6 Board and shall remain in effect until amended or repealed by  
7 the State Board. ~~established as an independent commission with~~  
8 ~~statewide chartering jurisdiction and authority. The~~  
9 ~~Commission shall be under the State Board for administrative~~  
10 ~~purposes only.~~

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

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

17 ~~(c) The Commission shall consist of 9 members, appointed by~~  
18 ~~the State Board. The State Board shall make these appointments~~  
19 ~~from a slate of candidates proposed by the Governor, within 60~~  
20 ~~days after the effective date of this amendatory Act of the~~  
21 ~~97th General Assembly with respect to the initial Commission~~  
22 ~~members. In making the appointments, the State Board shall~~  
23 ~~ensure statewide geographic diversity among Commission~~  
24 ~~members. The Governor shall propose a slate of candidates to~~  
25 ~~the State Board within 60 days after the effective date of this~~  
26 ~~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 (b) The State Charter School Commission Fund is created as  
9 a special fund in the State treasury. All money in the Fund  
10 shall be used, subject to appropriation, by the State Board,  
11 ~~acting on behalf and with the consent of the Commission,~~ for  
12 operational and administrative costs ~~of the Commission.~~ On July  
13 1, 2020, the State Comptroller shall order transferred and the  
14 State Treasurer shall transfer all money in the State Charter  
15 School Commission Fund to the State Board of Education Special  
16 Purpose Trust Fund.

17 ~~Subject to appropriation, any funds appropriated for use by~~  
18 ~~the State Board, acting on behalf and with the consent of the~~  
19 ~~Commission, may be used for the following purposes, without~~  
20 ~~limitation: personal services, contractual services, and other~~  
21 ~~operational and administrative costs. The State Board is~~  
22 ~~further authorized to make expenditures with respect to any~~  
23 ~~other amounts deposited in accordance with law into the State~~  
24 ~~Charter School Commission Fund.~~

25 ~~(g-5) Funds or spending authority for the operation and~~  
26 ~~administrative costs of the Commission shall be appropriated to~~

1 ~~the State Board in a separate line item. The State~~  
2 ~~Superintendent of Education may not reduce or modify the budget~~  
3 ~~of the Commission or use funds appropriated to the Commission~~  
4 ~~without the approval of the Commission.~~

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

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

22 ~~(j) The Commission may charge a charter school that it~~  
23 ~~authorizes a fee, not to exceed 3% of the revenue provided to~~  
24 ~~the school, to cover the cost of undertaking the ongoing~~  
25 ~~administrative responsibilities of the eligible chartering~~  
26 ~~authority with respect to the school. This fee must be~~



1 ~~deposited into the State Charter School Commission Fund.~~

2       (c) On July 1, 2020, any ~~(k) Any~~ charter school authorized  
3 by the State Charter School Commission ~~State Board~~ prior to  
4 July 1, 2020 ~~this amendatory Act of the 97th General Assembly~~  
5 shall have its authorization transferred to ~~the Commission upon~~  
6 ~~a vote of~~ the State Board, which shall then become the school's  
7 authorizer for all purposes under this Article. On July 1, 2020  
8 ~~However, in no case shall such transfer take place later than~~  
9 July 1, 2012. ~~At this time,~~ all of the powers, duties, assets,  
10 liabilities, contracts, property, records, and pending  
11 business of the State Charter School Commission ~~State Board~~ as  
12 the school's authorizer must be transferred to the State Board  
13 ~~Commission.~~ The Any charter school must, as soon as practicable  
14 after July 1, 2020, authorized by a local school board or  
15 ~~boards may~~ seek transfer of authorization to a local school  
16 board or boards for the remainder of the charter school's ~~the~~  
17 ~~Commission during its current term only with the approval of~~  
18 ~~the local school board or boards.~~ If approved by the local  
19 school board or boards, the State Board shall transfer  
20 authorization to the local school board or boards. At the end  
21 of its charter term, the ~~a~~ charter school ~~authorized by a local~~  
22 ~~school board or boards~~ must reapply to the board or boards  
23 before it may apply for authorization to the State Board as  
24 otherwise permitted ~~Commission~~ under the terms of this Article  
25 ~~amendatory Act of the 97th General Assembly.~~

26       (d) On July 1, 2020 ~~the effective date of this amendatory~~

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

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

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

7 (Source: P.A. 97-152, eff. 7-20-11; 97-641, eff. 12-19-11;  
8 97-1156, eff. 1-25-13.)

9 (105 ILCS 5/27A-7.10)

10 Sec. 27A-7.10. Authorizer powers and duties; immunity;  
11 principles and standards.

12 (a) Authorizers are responsible for executing, in  
13 accordance with this Article, all of the following powers and  
14 duties:

15 (1) Soliciting and evaluating charter applications.

16 (2) Approving quality charter applications that meet  
17 identified educational needs and promote a diversity of  
18 educational choices.

19 (3) Declining to approve weak or inadequate charter  
20 applications.

21 (4) Negotiating and executing sound charter contracts  
22 with each approved charter school.

23 (5) Monitoring, in accordance with charter contract  
24 terms, the performance and legal compliance of charter  
25 schools.

1           (6) Determining whether each charter contract merits  
2           renewal, nonrenewal, or revocation.

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

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

8           (d) An authorizing entity, members of the local school  
9           board, and ~~or~~ the State Board Commission, in their official  
10          capacity, and employees of an authorizer are immune from civil  
11          and criminal liability with respect to all activities related  
12          to a charter school that they authorize, except for willful or  
13          wanton misconduct.

14          (e) The State Board Commission and all local school boards  
15          that have a charter school operating are required to develop  
16          and maintain chartering policies and practices consistent with  
17          recognized principles and standards for quality charter  
18          authorizing in all major areas of authorizing responsibility,  
19          including all of the following:

- 20               (1) Organizational capacity and infrastructure.  
21               (2) Soliciting and evaluating charter applications.  
22               (3) Performance contracting.  
23               (4) Ongoing charter school oversight and evaluation.  
24               (5) Charter renewal decision-making.

25          Authorizers shall carry out all their duties under this  
26          Article in a manner consistent with nationally recognized

1 principles and standards and with the spirit and intent of this  
2 Article.

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

4 (105 ILCS 5/27A-8)

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

6 (a) This Section does not apply to a charter school  
7 established by referendum under Section 27A-6.5. In evaluating  
8 any charter school proposal submitted to it, the local school  
9 board or ~~and~~ the State Board ~~Commission~~ shall give preference  
10 to proposals that:

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

13 (2) set rigorous levels of expected pupil achievement  
14 and demonstrate feasible plans for attaining those levels  
15 of achievement; and

16 (3) are designed to enroll and serve a substantial  
17 proportion of at-risk children; provided that nothing in  
18 the Charter Schools Law shall be construed as intended to  
19 limit the establishment of charter schools to those that  
20 serve a substantial portion of at-risk children or to in  
21 any manner restrict, limit, or discourage the  
22 establishment of charter schools that enroll and serve  
23 other pupil populations under a nonexclusive,  
24 nondiscriminatory admissions policy.

25 (b) In the case of a proposal to establish a charter school

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

25 (c) Within 45 days of receipt of a charter school proposal,  
26 the local school board shall convene a public meeting to obtain

1 information to assist the board in its decision to grant or  
2 deny the charter school proposal. A local school board may  
3 develop its own process for receiving charter school proposals  
4 on an annual basis that follows the same timeframes as set  
5 forth in this Article. Final decisions of a local school board  
6 are subject to judicial review under the Administrative Review  
7 Law. ~~Only after the local school board process is followed may~~  
8 ~~a charter school applicant appeal to the Commission.~~

9 (d) Notice of the public meeting required by this Section  
10 shall be published in a community newspaper published in the  
11 school district in which the proposed charter is located and,  
12 if there is no such newspaper, then in a newspaper published in  
13 the county and having circulation in the school district. The  
14 notices shall be published not more than 10 days nor less than  
15 5 days before the meeting and shall state that information  
16 regarding a charter school proposal will be heard at the  
17 meeting. Copies of the notice shall also be posted at  
18 appropriate locations in the school or attendance center  
19 proposed to be established as a charter school, the public  
20 schools in the school district, and the local school board  
21 office. If 45 days pass without the local school board holding  
22 a public meeting, then the charter applicant may submit the  
23 proposal to the State Board Commission, where it must be  
24 addressed in accordance with the provisions set forth in  
25 subsection (g) of this Section.

26 (e) Within 30 days of the public meeting, the local school

1 board shall vote, in a public meeting, to either grant or deny  
2 the charter school proposal. If the local school board has not  
3 voted in a public meeting within 30 days after the public  
4 meeting, then the charter applicant may submit the proposal to  
5 the State Board Commission, where it must be addressed in  
6 accordance with the provisions set forth in subsection (g) of  
7 this Section.

8 (f) Within 7 days of the public meeting required under  
9 subsection (e) of this Section, the local school board shall  
10 file a report with the State Board granting or denying the  
11 proposal. If the local school board has approved the proposal,  
12 within 30 days of receipt of the local school board's report,  
13 the State Board shall determine whether the approved charter  
14 proposal is consistent with the provisions of this Article and,  
15 if the approved proposal complies, certify the proposal  
16 pursuant to Section 27A-6.

17 (g) If the charter applicant submits the proposal to the  
18 State Board as authorized ~~the local school board votes to deny~~  
19 ~~the proposal, then the charter school applicant has 30 days~~  
20 ~~from the date of that vote to submit an appeal to the~~  
21 ~~Commission. In such instances or in those instances referenced~~  
22 ~~in subsections (d), and (e), or (i) of this Section,~~  
23 the State Board Commission shall follow the same process and be  
24 subject to the same timelines for review as the local school  
25 board.

26 (h) The State Board Commission may approve a charter school



1 proposal submitted to it in accordance with subsection (d),  
2 (e), or (i) of this Section ~~reverse a local school board's~~  
3 ~~decision to deny a charter school proposal~~ if the State Board  
4 ~~Commission~~ finds that the proposal (i) is in compliance with  
5 this Article and (ii) is in the best interests of the students  
6 the charter school is designed to serve. Final decisions of the  
7 State Board ~~Commission~~ are subject to judicial review under the  
8 Administrative Review Law.

9 (i) In the case of a charter school proposed to be jointly  
10 authorized by 2 or more school districts, the local school  
11 boards may unanimously deny the charter school proposal with a  
12 statement that the local school boards are not opposed to the  
13 charter school, but that they yield to the State Board  
14 ~~Commission~~ in light of the complexities of joint  
15 administration, in which case the charter applicant may submit  
16 the proposal to the State Board, where it must be addressed in  
17 accordance with the provisions set forth in subsection (g) of  
18 this Section.

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

19           (d) (Blank).

20           (e) Notice of a local school board's decision to deny,  
21 revoke, or not renew a charter shall be provided to the  
22 ~~Commission and the State Board. The Commission may reverse a~~  
23 ~~local board's decision if the Commission finds that the charter~~  
24 ~~school or charter school proposal (i) is in compliance with~~  
25 ~~this Article, and (ii) is in the best interests of the students~~  
26 ~~it is designed to serve. The Commission may condition the~~

1 ~~granting of an appeal on the acceptance by the charter school~~  
2 ~~of funding in an amount less than that requested in the~~  
3 ~~proposal submitted to the local school board. Final decisions~~  
4 ~~of the Commission shall be subject to judicial review under the~~  
5 ~~Administrative Review Law.~~

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

1 instruction and teacher certification. The State Board shall  
2 withhold from funds otherwise due the district the funds  
3 authorized by this Article to be paid to the charter school and  
4 shall pay such amounts to the charter school.

5 (g) (Blank). ~~For charter schools authorized by the~~  
6 ~~Commission, the Commission shall quarterly certify to the State~~  
7 ~~Board the student enrollment for each of its charter schools.~~

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

12 (Source: P.A. 99-840, eff. 1-1-17; 100-201, eff. 8-18-17;  
13 100-465, eff. 8-31-17.)

14 (105 ILCS 5/27A-10.10)

15 Sec. 27A-10.10. Closure of charter school; unspent public  
16 funds; procedures for the disposition of property and assets.

17 (a) Upon the closing of a charter school authorized by one  
18 or more local school boards, the governing body of the charter  
19 school or its designee shall refund to the chartering entity or  
20 entities all unspent public funds. The charter school's other  
21 property and assets shall be disposed of under the provisions  
22 of the charter application and contract. If the application and  
23 contract are silent or ambiguous as to the disposition of any  
24 of the school's property or assets, any property or assets of  
25 the charter school purchased with public funds shall be

1 returned to the school district or districts from which the  
2 charter school draws enrollment, at no cost to the receiving  
3 district or districts, subject to each district's acceptance of  
4 the property or asset. Any unspent public funds or other  
5 property or assets received by the charter school directly from  
6 any State or federal agency shall be refunded to or revert back  
7 to that State or federal agency, respectively.

8 (b) Upon the closing of a charter school authorized by the  
9 State Board Commission, the governing body of the charter  
10 school or its designee shall refund all unspent public funds to  
11 the State Board ~~of Education~~. The charter school's other  
12 property and assets shall be disposed of under the provisions  
13 of the charter application and contract. If the application and  
14 contract are silent or ambiguous as to the disposition of any  
15 of the school's property or assets, any property or assets of  
16 the charter school purchased with public funds shall be  
17 returned to the school district or districts from which the  
18 charter school draws its enrollment, at no cost to the  
19 receiving district or districts, subject to each district's  
20 acceptance of the property or asset. Any unspent public funds  
21 or other property or assets provided by a State agency other  
22 than the State Board of Education or by a federal agency shall  
23 be refunded to or revert back to that State or federal agency,  
24 respectively.

25 (c) If a determination is made to close a charter school  
26 located within the boundaries of a school district organized

1 under Article 34 of this Code for at least one school year, the  
2 charter school shall give at least 60 days' notice of the  
3 closure to all affected students and parents or legal  
4 guardians.

5 (Source: P.A. 100-179, eff. 8-18-17.)

6 (105 ILCS 5/27A-11)

7 Sec. 27A-11. Local financing.

8 (a) For purposes of the School Code, pupils enrolled in a  
9 charter school shall be included in the pupil enrollment of the  
10 school district within which the pupil resides. Each charter  
11 school (i) shall determine the school district in which each  
12 pupil who is enrolled in the charter school resides, (ii) shall  
13 report the aggregate number of pupils resident of a school  
14 district who are enrolled in the charter school to the school  
15 district in which those pupils reside, and (iii) shall maintain  
16 accurate records of daily attendance that shall be deemed  
17 sufficient to file claims under Section 18-8 or 18-8.15  
18 notwithstanding any other requirements of that Section  
19 regarding hours of instruction and teacher certification.

20 (b) Except for a charter school established by referendum  
21 under Section 27A-6.5, as part of a charter school contract,  
22 the charter school and the local school board shall agree on  
23 funding and any services to be provided by the school district  
24 to the charter school. Agreed funding that a charter school is  
25 to receive from the local school board for a school year shall



1 be paid in equal quarterly installments with the payment of the  
2 installment for the first quarter being made not later than  
3 July 1, unless the charter establishes a different payment  
4 schedule. However, if a charter school dismisses a pupil from  
5 the charter school after receiving a quarterly payment, the  
6 charter school shall return to the school district, on a  
7 quarterly basis, the prorated portion of public funding  
8 provided for the education of that pupil for the time the  
9 student is not enrolled at the charter school. Likewise, if a  
10 pupil transfers to a charter school between quarterly payments,  
11 the school district shall provide, on a quarterly basis, a  
12 prorated portion of the public funding to the charter school to  
13 provide for the education of that pupil.

14 All services centrally or otherwise provided by the school  
15 district including, but not limited to, rent, food services,  
16 custodial services, maintenance, curriculum, media services,  
17 libraries, transportation, and warehousing shall be subject to  
18 negotiation between a charter school and the local school board  
19 and paid for out of the revenues negotiated pursuant to this  
20 subsection (b); provided that the local school board shall not  
21 attempt, by negotiation or otherwise, to obligate a charter  
22 school to provide pupil transportation for pupils for whom a  
23 district is not required to provide transportation under the  
24 criteria set forth in subsection (a) (13) of Section 27A-7.

25 In no event shall the funding be less than 97% or more than  
26 103% of the school district's per capita student tuition

1 multiplied by the number of students residing in the district  
2 who are enrolled in the charter school.

3 It is the intent of the General Assembly that funding and  
4 service agreements under this subsection (b) shall be neither a  
5 financial incentive nor a financial disincentive to the  
6 establishment of a charter school.

7 The charter school may set and collect reasonable fees.  
8 Fees collected from students enrolled at a charter school shall  
9 be retained by the charter school.

10 (c) Notwithstanding subsection (b) of this Section, the  
11 proportionate share of State and federal resources generated by  
12 students with disabilities or staff serving them shall be  
13 directed to charter schools enrolling those students by their  
14 school districts or administrative units. The proportionate  
15 share of moneys generated under other federal or State  
16 categorical aid programs shall be directed to charter schools  
17 serving students eligible for that aid.

18 (d) The governing body of a charter school is authorized to  
19 accept gifts, donations, or grants of any kind made to the  
20 charter school and to expend or use gifts, donations, or grants  
21 in accordance with the conditions prescribed by the donor;  
22 however, a gift, donation, or grant may not be accepted by the  
23 governing body if it is subject to any condition contrary to  
24 applicable law or contrary to the terms of the contract between  
25 the charter school and the local school board. Charter schools  
26 shall be encouraged to solicit and utilize community volunteer

1 speakers and other instructional resources when providing  
2 instruction on the Holocaust and other historical events.

3 (e) (Blank).

4 (f) The State Board ~~Commission~~ shall provide technical  
5 assistance to persons and groups preparing or revising charter  
6 applications.

7 (g) At the non-renewal or revocation of its charter, each  
8 charter school shall refund to the local board of education all  
9 unspent funds.

10 (h) A charter school is authorized to incur temporary,  
11 short term debt to pay operating expenses in anticipation of  
12 receipt of funds from the local school board.

13 (Source: P.A. 99-78, eff. 7-20-15; 100-465, eff. 8-31-17.)

14 (105 ILCS 5/27A-11.5)

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

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

1 initial charter term, 65% of the per capita funding paid to  
2 the charter school during the second year of its initial  
3 term, and 35% of the per capita funding paid to the charter  
4 school during the third year of its initial term. This  
5 transition impact aid shall be paid to the local school  
6 board in equal quarterly installments, with the payment of  
7 the installment for the first quarter being made by August  
8 1st immediately preceding the first, second, and third  
9 years of the initial term. The district shall file an  
10 application for this aid with the State Board in a format  
11 designated by the State Board. If the appropriation is  
12 insufficient in any year to pay all approved claims, the  
13 impact aid shall be prorated. However, for fiscal year  
14 2004, the State Board of Education shall pay approved  
15 claims only for charter schools with a valid charter  
16 granted prior to June 1, 2003. If any funds remain after  
17 these claims have been paid, then the State Board of  
18 Education may pay all other approved claims on a pro rata  
19 basis. Transition impact aid shall be paid beginning in the  
20 1999-2000 school year for charter schools that are in the  
21 first, second, or third year of their initial term.  
22 Transition impact aid shall not be paid for any charter  
23 school that is proposed and created by one or more boards  
24 of education, as authorized under the provisions of Public  
25 Act 91-405.

26 (2) From a separate appropriation made for the purpose

1 of this subdivision (2), the State Board shall make grants  
2 to charter schools to pay their start-up costs of acquiring  
3 educational materials and supplies, textbooks, electronic  
4 textbooks and the technological equipment necessary to  
5 gain access to and use electronic textbooks, furniture, and  
6 other equipment or materials needed during their initial  
7 term. The State Board shall annually establish the time and  
8 manner of application for these grants, which shall not  
9 exceed \$250 per student enrolled in the charter school.

10 (3) The Charter Schools Revolving Loan Fund is created  
11 as a special fund in the State treasury. Federal funds,  
12 such other funds as may be made available for costs  
13 associated with the establishment of charter schools in  
14 Illinois, and amounts repaid by charter schools that have  
15 received a loan from the Charter Schools Revolving Loan  
16 Fund shall be deposited into the Charter Schools Revolving  
17 Loan Fund, and the moneys in the Charter Schools Revolving  
18 Loan Fund shall be appropriated to the State Board and used  
19 to provide interest-free loans to charter schools. These  
20 funds shall be used to pay start-up costs of acquiring  
21 educational materials and supplies, textbooks, electronic  
22 textbooks and the technological equipment necessary to  
23 gain access to and use electronic textbooks, furniture, and  
24 other equipment or materials needed in the initial term of  
25 the charter school and for acquiring and remodeling a  
26 suitable physical plant, within the initial term of the

1 charter school. Loans shall be limited to one loan per  
2 charter school and shall not exceed \$750 per student  
3 enrolled in the charter school. A loan shall be repaid by  
4 the end of the initial term of the charter school. The  
5 State Board may deduct amounts necessary to repay the loan  
6 from funds due to the charter school or may require that  
7 the local school board that authorized the charter school  
8 deduct such amounts from funds due the charter school and  
9 remit these amounts to the State Board, provided that the  
10 local school board shall not be responsible for repayment  
11 of the loan. The State Board may use up to 3% of the  
12 appropriation to contract with a non-profit entity to  
13 administer the loan program.

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

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

19 (105 ILCS 5/27A-12)

20 Sec. 27A-12. Evaluation; report. On or before September 30  
21 of every odd-numbered year, all local school boards with at  
22 least one charter school, ~~as well as the Commission,~~ shall  
23 submit to the State Board any information required by the State  
24 Board pursuant to applicable rule. On or before the second  
25 Wednesday in January of every even-numbered year, the State

1 Board shall issue a report to the General Assembly and the  
2 Governor on its findings for the previous 2 school years. The  
3 State Board's report shall summarize all of the following:

4 (1) The authorizer's strategic vision for chartering  
5 and progress toward achieving that vision.

6 (2) The academic and financial performance of all  
7 operating charter schools overseen by the authorizer,  
8 according to the performance expectations for charter  
9 schools set forth in this Article.

10 (3) The status of the authorizer's charter school  
11 portfolio, identifying all charter schools in each of the  
12 following categories: approved (but not yet open),  
13 operating, renewed, transferred, revoked, not renewed,  
14 voluntarily closed, or never opened.

15 (4) The authorizing functions provided by the  
16 authorizer to the charter schools under its purview,  
17 including the authorizer's operating costs and expenses  
18 detailed in annual audited financial statements, which  
19 must conform with generally accepted accounting  
20 principles.

21 Further, in the report required by this Section, the State  
22 Board (i) shall compare the performance of charter school  
23 pupils with the performance of ethnically and economically  
24 comparable groups of pupils in other public schools who are  
25 enrolled in academically comparable courses, (ii) shall review  
26 information regarding the regulations and policies from which

1 charter schools were released to determine if the exemptions  
2 assisted or impeded the charter schools in meeting their stated  
3 goals and objectives, and (iii) shall include suggested changes  
4 in State law necessary to strengthen charter schools.

5 In addition, the State Board shall undertake and report on  
6 periodic evaluations of charter schools that include  
7 evaluations of student academic achievement, the extent to  
8 which charter schools are accomplishing their missions and  
9 goals, the sufficiency of funding for charter schools, and the  
10 need for changes in the approval process for charter schools.

11 Based on the information that the State Board receives from  
12 authorizers and the State Board's ongoing monitoring of both  
13 charter schools and authorizers, the State Board has the power  
14 to remove the power to authorize from any authorizer in this  
15 State if the authorizer does not demonstrate a commitment to  
16 high-quality authorization practices and, if necessary, revoke  
17 the chronically low-performing charters authorized by the  
18 authorizer at the time of the removal. The State Board shall  
19 adopt rules as needed to carry out this power, including  
20 provisions to determine the status of schools authorized by an  
21 authorizer whose authorizing power is revoked.

22 (Source: P.A. 96-105, eff. 7-30-09; 97-152, eff. 7-20-11.)