

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8 Section is repealed on October 1, 2020.

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

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

13 (105 ILCS 5/27A-5)

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

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

20 (b) A charter school may be established under this Article  
21 by creating a new school or by converting an existing public

1 school or attendance center to charter school status. Beginning  
2 on April 16, 2003 (the effective date of Public Act 93-3), in  
3 all new applications to establish a charter school in a city  
4 having a population exceeding 500,000, operation of the charter  
5 school shall be limited to one campus. The changes made to this  
6 Section by Public Act 93-3 do not apply to charter schools  
7 existing or approved on or before April 16, 2003 (the effective  
8 date of Public Act 93-3).

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

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

23 ~~On or before March 1, 2014, the Commission shall submit to~~  
24 ~~the General Assembly a report on the effect of~~  
25 ~~virtual-schooling, including without limitation the effect on~~  
26 ~~student performance, the costs associated with~~

1 ~~virtual schooling, and issues with oversight. The report shall~~  
2 ~~include policy recommendations for virtual schooling.~~

3 (c) A charter school shall be administered and governed by  
4 its board of directors or other governing body in the manner  
5 provided in its charter. The governing body of a charter school  
6 shall be subject to the Freedom of Information Act and the Open  
7 Meetings Act.

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

20 A charter school shall comply with all non-curricular  
21 health and safety requirements applicable to public schools  
22 under the laws of the State of Illinois. On or before September  
23 1, 2015, the State Board shall promulgate and post on its  
24 Internet website a list of non-curricular health and safety  
25 requirements that a charter school must meet. The list shall be  
26 updated annually no later than September 1. Any charter

1 contract between a charter school and its authorizer must  
2 contain a provision that requires the charter school to follow  
3 the list of all non-curricular health and safety requirements  
4 promulgated by the State Board and any non-curricular health  
5 and safety requirements added by the State Board to such list  
6 during the term of the charter. Nothing in this subsection (d)  
7 precludes an authorizer from including non-curricular health  
8 and safety requirements in a charter school contract that are  
9 not contained in the list promulgated by the State Board,  
10 including non-curricular health and safety requirements of the  
11 authorizing local school board.

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

16 (f) A charter school shall be responsible for the  
17 management and operation of its fiscal affairs including, but  
18 not limited to, the preparation of its budget. An audit of each  
19 charter school's finances shall be conducted annually by an  
20 outside, independent contractor retained by the charter  
21 school. To ensure financial accountability for the use of  
22 public funds, on or before December 1 of every year of  
23 operation, each charter school shall submit to its authorizer  
24 and the State Board a copy of its audit and a copy of the Form  
25 990 the charter school filed that year with the federal  
26 Internal Revenue Service. In addition, if deemed necessary for

1 proper financial oversight of the charter school, an authorizer  
2 may require quarterly financial statements from each charter  
3 school.

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

12 (1) Sections 10-21.9 and 34-18.5 of this Code regarding  
13 criminal history records checks and checks of the Statewide  
14 Sex Offender Database and Statewide Murderer and Violent  
15 Offender Against Youth Database of applicants for  
16 employment;

17 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and  
18 34-84a of this Code regarding discipline of students;

19 (3) the Local Governmental and Governmental Employees  
20 Tort Immunity Act;

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

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

25 (5.5) subsection (b) of Section 10-23.12 and  
26 subsection (b) of Section 34-18.6 of this Code;

- 1 (6) the Illinois School Student Records Act;
- 2 (7) Section 10-17a of this Code regarding school report
- 3 cards;
- 4 (8) the P-20 Longitudinal Education Data System Act;
- 5 (9) Section 27-23.7 of this Code regarding bullying
- 6 prevention;
- 7 (10) Section 2-3.162 of this Code regarding student
- 8 discipline reporting;
- 9 (11) Sections 22-80 and 27-8.1 of this Code;
- 10 (12) Sections 10-20.60 and 34-18.53 of this Code;
- 11 (13) Sections 10-20.63 and 34-18.56 of this Code; ~~and~~
- 12 (14) Section 26-18 of this Code; and
- 13 (15) Section 22-30 of this Code.

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

16 (h) A charter school may negotiate and contract with a  
17 school district, the governing body of a State college or  
18 university or public community college, or any other public or  
19 for-profit or nonprofit private entity for: (i) the use of a  
20 school building and grounds or any other real property or  
21 facilities that the charter school desires to use or convert  
22 for use as a charter school site, (ii) the operation and  
23 maintenance thereof, and (iii) the provision of any service,  
24 activity, or undertaking that the charter school is required to  
25 perform in order to carry out the terms of its charter.  
26 However, a charter school that is established on or after April

1 16, 2003 (the effective date of Public Act 93-3) and that  
2 operates in a city having a population exceeding 500,000 may  
3 not contract with a for-profit entity to manage or operate the  
4 school during the period that commences on April 16, 2003 (the  
5 effective date of Public Act 93-3) and concludes at the end of  
6 the 2004-2005 school year. Except as provided in subsection (i)  
7 of this Section, a school district may charge a charter school  
8 reasonable rent for the use of the district's buildings,  
9 grounds, and facilities. Any services for which a charter  
10 school contracts with a school district shall be provided by  
11 the district at cost. Any services for which a charter school  
12 contracts with a local school board or with the governing body  
13 of a State college or university or public community college  
14 shall be provided by the public entity at cost.

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

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

26 (k) If the charter school is approved by the State Board or

1 Commission, then the ~~Commission~~ charter school is its own local  
2 education agency.

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

9 (105 ILCS 5/27A-6.5)

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

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

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

1           "FOR the establishment of (name of proposed charter  
2           school) under charter school proposal (charter school  
3           proposal number).

4           AGAINST the establishment of (name of proposed charter  
5           school) under charter school proposal (charter school  
6           proposal number)".

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

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

23          (d) If the State Board ~~Commission~~ finds that the proposal  
24          fails to comply with the provisions of this Article, it shall  
25          provide written explanation, detailing its reasons for  
26          refusal, to the local school board and to the individuals or

1 organizations submitting the proposal. The State Board  
2 ~~Commission~~ shall also notify the local school board and the  
3 individuals or organizations submitting the proposal that the  
4 proposal may be amended and resubmitted under the same  
5 provisions required for an original submission.

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

17 (f) (Blank). ~~The State Board shall determine whether the~~  
18 ~~charter proposal approved by the Commission is consistent with~~  
19 ~~the provisions of this Article and, if the approved proposal~~  
20 ~~complies, certify the proposal pursuant to this Article.~~

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

22 (105 ILCS 5/27A-7.5)

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

25 (a) A State Charter School Commission is established as an

1 independent commission with statewide chartering jurisdiction  
2 and authority. The Commission shall be under the State Board  
3 for administrative purposes only.

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

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

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

25 (d) Members appointed to the Commission shall collectively  
26 possess strong experience and expertise in public and nonprofit

1 governance, management and finance, public school leadership,  
2 higher education, assessments, curriculum and instruction, and  
3 public education law. All members of the Commission shall have  
4 demonstrated understanding of and a commitment to public  
5 education, including without limitation charter schooling. At  
6 least 3 members must have past experience with urban charter  
7 schools.

8 (e) To establish staggered terms of office, the initial  
9 term of office for 3 Commission members shall be 4 years and  
10 thereafter shall be 4 years; the initial term of office for  
11 another 3 members shall be 3 years and thereafter shall be 4  
12 years; and the initial term of office for the remaining 3  
13 members shall be 2 years and thereafter shall be 4 years. The  
14 initial appointments must be made no later than October 1,  
15 2011.

16 (f) Whenever a vacancy on the Commission exists, the State  
17 Board shall appoint a member for the remaining portion of the  
18 term.

19 (g) Subject to the State Officials and Employees Ethics  
20 Act, the Commission is authorized to receive and expend gifts,  
21 grants, and donations of any kind from any public or private  
22 entity to carry out the purposes of this Article, subject to  
23 the terms and conditions under which they are given, provided  
24 that all such terms and conditions are permissible under law.  
25 Funds received under this subsection (g) must be deposited into  
26 the State Charter School Commission Fund.

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

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

22           (g-5) Funds or spending authority for the operation and  
23 administrative costs of the Commission shall be appropriated to  
24 the State Board in a separate line item. The State  
25 Superintendent of Education may not reduce or modify the budget  
26 of the Commission or use funds appropriated to the Commission

1 without the approval of the Commission.

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

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

19 (j) Until July 1, 2020, the ~~The~~ Commission may charge a  
20 charter school that it authorizes a fee, not to exceed 3% of  
21 the revenue provided to the school, to cover the cost of  
22 undertaking the ongoing administrative responsibilities of the  
23 eligible chartering authority with respect to the school. This  
24 fee must be deposited into the State Charter School Commission  
25 Fund.

26 Beginning on July 1, 2020, the State Board of Education may

1 charge a charter school that it authorizes a fee not to exceed  
2 3% of the revenue provided to the school to be used exclusively  
3 for covering the cost of authorizing activities. Authorizing  
4 activities may include, but are not limited to: (i) soliciting,  
5 reviewing, and taking action on charter school proposals; (ii)  
6 hiring, training, and supervising staff engaged in authorizing  
7 activities; (iii) developing and conducting oversight,  
8 including regular monitoring, of authorized charter schools;  
9 (iv) reporting on best practices and performances of charter  
10 schools; (v) applying for, managing, and distributing grants  
11 and funds appropriated for charter schools and authorizing  
12 activities; (vi) training members of the State Board on their  
13 authorizing roles; and (vii) training other employees of the  
14 State Board on how to work with charter schools as their own  
15 local education agencies.

16 (k) On July 1, 2020, the State Charter School Commission is  
17 abolished and the terms of all members end. On that date, all  
18 of the powers, duties, assets, liabilities, contracts,  
19 property, records, and pending business of the Commission are  
20 transferred to the State Board. For purposes of the Successor  
21 Agency Act and Section 9b of the State Finance Act, the State  
22 Board is declared to be the successor agency of the Commission.  
23 Beginning on July 1, 2020, references in statutes, rules,  
24 forms, and other documents to the Commission shall, in  
25 appropriate contexts, be deemed to refer to the State Board.  
26 Standards and procedures of the Commission in effect on July 1,

1 2020 shall be deemed standards and procedures of the State  
2 Board and shall remain in effect until amended or repealed by  
3 the State Board.

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

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

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

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

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

8 (Source: P.A. 97-152, eff. 7-20-11; 97-641, eff. 12-19-11;  
9 97-1156, eff. 1-25-13.)

10 (105 ILCS 5/27A-7.10)

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

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

16 (1) Soliciting and evaluating charter applications.

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

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

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

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

1 schools.

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

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

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

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

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

21 (1) Organizational capacity and infrastructure.

22 (2) Soliciting and evaluating charter applications if  
23 applicable.

24 (3) Performance contracting.

25 (4) Ongoing charter school oversight and evaluation.

26 (5) Charter renewal decision-making.

1 Authorizers shall carry out all their duties under this  
2 Article in a manner consistent with nationally recognized  
3 principles and standards and with the spirit and intent of this  
4 Article.

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

6 (105 ILCS 5/27A-8)

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

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

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

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

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

1 nondiscriminatory admissions policy.

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

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

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

1 ~~this Section.~~

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

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

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

25 (h) (Blank). ~~The Commission may reverse a local school~~  
26 ~~board's decision to deny a charter school proposal if the~~

1 ~~Commission finds that the proposal (i) is in compliance with~~  
2 ~~this Article and (ii) is in the best interests of the students~~  
3 ~~the charter school is designed to serve. Final decisions of the~~  
4 ~~Commission are subject to judicial review under the~~  
5 ~~Administrative Review Law.~~

6 (i) (Blank). ~~In the case of a charter school proposed to be~~  
7 ~~jointly authorized by 2 or more school districts, the local~~  
8 ~~school boards may unanimously deny the charter school proposal~~  
9 ~~with a statement that the local school boards are not opposed~~  
10 ~~to the charter school, but that they yield to the Commission in~~  
11 ~~light of the complexities of joint administration.~~

12 (Source: P.A. 96-105, eff. 7-30-09; 96-734, eff. 8-25-09;  
13 96-1000, eff. 7-2-10; 97-152, eff. 7-20-11.)

14 (105 ILCS 5/27A-9)

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

16 (a) For charters granted before January 1, 2017 (the  
17 effective date of Public Act 99-840), a charter may be granted  
18 for a period not less than 5 and not more than 10 school years.  
19 For charters granted on or after January 1, 2017 (the effective  
20 date of Public Act 99-840), a charter shall be granted for a  
21 period of 5 school years. For charters renewed before January  
22 1, 2017 (the effective date of Public Act 99-840), a charter  
23 may be renewed in incremental periods not to exceed 5 school  
24 years. For charters renewed on or after January 1, 2017 (the  
25 effective date of Public Act 99-840), a charter may be renewed

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

18 (b) A charter school renewal proposal submitted to the  
19 local school board or the State Board or Commission, as the  
20 chartering entity, shall contain:

21 (1) A report on the progress of the charter school in  
22 achieving the goals, objectives, pupil performance  
23 standards, content standards, and other terms of the  
24 initial approved charter proposal; and

25 (2) A financial statement that discloses the costs of  
26 administration, instruction, and other spending categories

1 for the charter school that is understandable to the  
2 general public and that will allow comparison of those  
3 costs to other schools or other comparable organizations,  
4 in a format required by the State Board.

5 (c) A charter may be revoked or not renewed if the local  
6 school board or the State Board or Commission, as the  
7 chartering entity, clearly demonstrates that the charter  
8 school did any of the following, or otherwise failed to comply  
9 with the requirements of this law:

10 (1) Committed a material violation of any of the  
11 conditions, standards, or procedures set forth in the  
12 charter.

13 (2) Failed to meet or make reasonable progress toward  
14 achievement of the content standards or pupil performance  
15 standards identified in the charter.

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

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

20 In the case of revocation, the local school board or the  
21 State Board or Commission, as the chartering entity, shall  
22 notify the charter school in writing of the reason why the  
23 charter is subject to revocation. The charter school shall  
24 submit a written plan to the local school board, the State  
25 Board, or the Commission, whichever is applicable, to rectify  
26 the problem. The plan shall include a timeline for

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

24 (d) (Blank).

25 (e) Notice of a local school board's decision to deny,  
26 revoke, or not renew a charter shall be provided to the

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

12 The State Board may reverse a local board's decision to  
13 revoke or, beginning on July 1, 2020, not renew a charter if  
14 the State Board finds that the charter school or charter school  
15 proposal (i) is in compliance with this Article and (ii) is in  
16 the best interests of the students it is designed to serve. The  
17 State Board may condition the granting of an appeal on the  
18 acceptance by the charter school of funding in an amount less  
19 than that requested in the proposal submitted to the local  
20 school board. The State Board must appoint and utilize a  
21 hearing officer for any appeals conducted under this  
22 subsection. Final decisions of the State Board are subject to  
23 judicial review under the Administrative Review Law.

24 (f) Notwithstanding other provisions of this Article, if  
25 the Commission on appeal reverses a local board's decision or  
26 if a charter school is approved by referendum, the Commission

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

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

24 (h) For charter schools authorized by the Commission, the  
25 State Board shall pay directly to a charter school any federal  
26 or State aid attributable to a student with a disability

1 attending the school.

2 (Source: P.A. 99-840, eff. 1-1-17; 100-201, eff. 8-18-17;  
3 100-465, eff. 8-31-17.)

4 (105 ILCS 5/27A-11.5)

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

8 (1) From a separate appropriation made to the State  
9 Board for purposes of this subdivision (1), the State Board  
10 shall make transition impact aid available to school  
11 districts that approve a new charter school or that have  
12 funds withheld by the State Board to fund a new charter  
13 school that is chartered by the Commission. The amount of  
14 the aid shall equal 90% of the per capita funding paid to  
15 the charter school during the first year of its initial  
16 charter term, 65% of the per capita funding paid to the  
17 charter school during the second year of its initial term,  
18 and 35% of the per capita funding paid to the charter  
19 school during the third year of its initial term. This  
20 transition impact aid shall be paid to the local school  
21 board in equal quarterly installments, with the payment of  
22 the installment for the first quarter being made by August  
23 1st immediately preceding the first, second, and third  
24 years of the initial term. The district shall file an  
25 application for this aid with the State Board in a format

1 designated by the State Board. If the appropriation is  
2 insufficient in any year to pay all approved claims, the  
3 impact aid shall be prorated. However, for fiscal year  
4 2004, the State Board of Education shall pay approved  
5 claims only for charter schools with a valid charter  
6 granted prior to June 1, 2003. If any funds remain after  
7 these claims have been paid, then the State Board of  
8 Education may pay all other approved claims on a pro rata  
9 basis. Transition impact aid shall be paid beginning in the  
10 1999-2000 school year for charter schools that are in the  
11 first, second, or third year of their initial term.  
12 Transition impact aid shall not be paid for any charter  
13 school that is proposed and created by one or more boards  
14 of education, as authorized under the provisions of Public  
15 Act 91-405.

16 (2) From a separate appropriation made for the purpose  
17 of this subdivision (2), the State Board shall make grants  
18 to charter schools to pay their start-up costs of acquiring  
19 educational materials and supplies, textbooks, electronic  
20 textbooks and the technological equipment necessary to  
21 gain access to and use electronic textbooks, furniture, and  
22 other equipment or materials needed during their initial  
23 term. The State Board shall annually establish the time and  
24 manner of application for these grants, which shall not  
25 exceed \$250 per student enrolled in the charter school.

26 (3) The Charter Schools Revolving Loan Fund is created

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

1 of the loan. The State Board may use up to 3% of the  
2 appropriation to contract with a non-profit entity to  
3 administer the loan program.

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

8 If a charter school fails to make payments toward  
9 administrative costs, the State Board may withhold State funds  
10 from that school until it has made all payments for those  
11 costs.

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

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.