



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3768

Introduced 1/21/2022, by Sen. Cristina Castro

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27A-9

Amends the School Code. Removes provisions preventing a charter from not being renewed for a term if an authorizer fails to establish standards and goals. Provides that prior to submitting a renewal proposal a charter school must submit its renewal proposal via certified mail or electronic mail to the local school board, which may, no later than 30 days following the receipt of the renewal proposal, choose to either: (i) take no action on the renewal, which can thereafter be submitted to the State Board as the chartering entity, or (ii) renew the charter school as the chartering entity. Removes provisions requiring that when a charter school is revoked or not renewed, a school board must place all enrolled students in schools that are higher performing than the charter school. Provides that when a State Board reverses a local board's decision to revoke or not renew a charter based on the State Board approving a lesser amount of funding, then the State Board must remand the appeal to allow the local school board to determine if they will renew the charter at the lesser amount. Provides that the State Board shall biannually (currently, no listed reporting timetable) report the number of charter school participants in a school district which shall be disaggregated by race and ethnicity, household income, students who are English learners, students who have an individualized education program, gender, and students who are homeless. Makes other changes. Effective immediately.

LRB102 24656 RJT 33895 b

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 School Code is amended by changing Section
5 27A-9 as follows:

6 (105 ILCS 5/27A-9)

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

8 (a) For charters granted before January 1, 2017 (the
9 effective date of Public Act 99-840), a charter may be granted
10 for a period not less than 5 and not more than 10 school years.
11 For charters granted on or after January 1, 2017 (the
12 effective date of Public Act 99-840), a charter shall be
13 granted for a period of 5 school years. For charters renewed
14 before January 1, 2017 (the effective date of Public Act
15 99-840), a charter may be renewed in incremental periods not
16 to exceed 5 school years. For charters renewed on or after
17 January 1, 2017 (the effective date of Public Act 99-840), a
18 charter may be renewed in incremental periods not to exceed 10
19 school years; however, the State Board or Commission may renew
20 a charter only in incremental periods not to exceed 5 years.
21 Authorizers shall ensure that every charter granted on or
22 after January 1, 2017 (the effective date of Public Act
23 99-840) includes standards and goals for academic,

1 organizational, and financial performance. A charter must meet
2 all standards and goals for academic, organizational, and
3 financial performance set forth by the authorizer in order to
4 be renewed for a term in excess of 5 years but not more than 10
5 years. ~~If an authorizer fails to establish standards and~~
6 ~~goals, a charter shall not be renewed for a term in excess of 5~~
7 ~~years.~~ Nothing contained in this Section shall require an
8 authorizer to grant a full 10-year renewal term to any
9 particular charter school, but an authorizer may award a full
10 10-year renewal term to charter schools that have a
11 demonstrated track record of improving student performance.

12 (b) Prior to submitting a renewal proposal to the State
13 Board for any charter school established through judicial
14 review under the Administrative Review Law, the charter school
15 must submit its renewal proposal via certified mail or
16 electronic mail to the local school board, which may, no later
17 than 30 days following the receipt of the renewal proposal,
18 choose to either: (i) take no action on the renewal, which can
19 thereafter be submitted to the State Board as the chartering
20 entity, or (ii) renew the charter school as the chartering
21 entity. A charter school renewal proposal submitted to the
22 local school board or the State Board or Commission, as the
23 chartering entity, shall contain:

24 (1) a report on the progress of the charter school in
25 achieving the goals, objectives, pupil performance
26 standards, content standards, and other terms of the

1 initial approved charter proposal; and

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

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

13 (1) Committed a material violation of any of the
14 conditions, standards, or procedures set forth in the
15 charter.

16 (2) Failed to meet or make reasonable progress toward
17 achievement of the content standards or pupil performance
18 standards identified in the charter.

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

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

23 In the case of revocation, the local school board or the
24 State Board or Commission, as the chartering entity, shall
25 notify the charter school in writing of the reason why the
26 charter is subject to revocation. The charter school shall

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

1 (d) (Blank).

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

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

1 hearing officer for any appeals conducted under this
2 subsection. Final decisions of the State Board are subject to
3 judicial review under the Administrative Review Law.

4 (f) Notwithstanding other provisions of this Article, if
5 the Commission on appeal reverses a local board's decision or
6 if a charter school is approved by referendum, the Commission
7 shall act as the authorized chartering entity for the charter
8 school. The Commission shall approve the charter and shall
9 perform all functions under this Article otherwise performed
10 by the local school board. The State Board shall determine
11 whether the charter proposal approved by the Commission is
12 consistent with the provisions of this Article and, if the
13 approved proposal complies, certify the proposal pursuant to
14 this Article. The State Board shall bi-annually report the
15 ~~aggregate~~ number of charter school pupils resident in a school
16 district to that district and shall notify the district of the
17 amount of funding to be paid by the State Board to the charter
18 school enrolling such students, which shall be disaggregated
19 by race and ethnicity, household income, students who are
20 English learners, students who have an individualized
21 education program, gender, and students who are homeless. The
22 Commission shall require the charter school to maintain
23 accurate records of daily attendance for all children residing
24 within the local school district, and those records ~~that~~ shall
25 be made available to the local school board quarterly, and
26 shall be deemed sufficient to file claims under Section

1 18-8.15 notwithstanding any other requirements of that
2 Section. The State Board shall withhold from funds otherwise
3 due the district the funds authorized by this Article to be
4 paid to the charter school and shall pay such amounts to the
5 charter school.

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

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

13 (Source: P.A. 100-201, eff. 8-18-17; 100-465, eff. 8-31-17;
14 101-543, eff. 8-23-19.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.