



Sen. Cristina Castro

Filed: 4/16/2024

10300SB0466sam001

LRB103 02917 RJT 72466 a

1 AMENDMENT TO SENATE BILL 466

2 AMENDMENT NO. _____. Amend Senate Bill 466 by replacing
3 everything after the enacting clause with the following:

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

6 (105 ILCS 5/27A-7.5)

7 Sec. 27A-7.5. State Charter School Commission; abolition
8 and transfer to State Board; fee.

9 (a) (Blank).

10 (a-5) (Blank).

11 (b) (Blank).

12 (c) (Blank).

13 (d) (Blank).

14 (e) (Blank).

15 (f) (Blank).

16 (g) (Blank).

1 (g-5) (Blank).

2 (h) (Blank).

3 (i) (Blank).

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

20 (k) On July 1, 2020, the State Charter School Commission
21 or "Commission" (established by Public Act 97-152 as an
22 independent State agency with statewide chartering
23 jurisdiction and authority) is abolished and the terms of all
24 members end. On that date, all of the powers, duties, assets,
25 liabilities, contracts, property, records, and pending
26 business of the Commission are transferred to the State Board.

1 For purposes of the Successor Agency Act and Section 9b of the
2 State Finance Act, the State Board is declared to be the
3 successor agency of the Commission. Beginning on July 1, 2020,
4 references in statutes, rules, forms, and other documents to
5 the Commission shall, in appropriate contexts, be deemed to
6 refer to the State Board. Standards and procedures of the
7 Commission in effect on July 1, 2020 shall be deemed standards
8 and procedures of the State Board and shall remain in effect
9 until amended or repealed by the State Board.

10 On July 1, 2020, any charter school authorized by the
11 Commission prior to July 1, 2020 shall have its authorization
12 transferred to the State Board, which shall then become the
13 school's authorizer for all purposes under this Article. On
14 July 1, 2020, all of the powers, duties, assets, liabilities,
15 contracts, property, records, and pending business of the
16 Commission as the school's authorizer must be transferred to
17 the State Board. At the end of its charter term, a charter
18 school may reapply to the local school board or boards for
19 authorization. Any charter school authorized by the State
20 Board with a charter term expiring on or after July 1, 2025
21 must reapply to the local school board or boards for
22 authorization in the manner set forth in subsection (a-5) of
23 Section 27A-9 before seeking renewal of its charter by the
24 State Board.

25 On July 1, 2020, all rules of the State Board applicable to
26 matters falling within the responsibility of the Commission

1 shall be applicable to the actions of the State Board.

2 (1) In any appeal filed with the State Board under this
3 Article, both the applicant and the authorizing school
4 district of the charter school shall have the right to request
5 a hearing before the State Board. If more than one entity
6 requests a hearing, then the State Board may hold only one
7 hearing, wherein the applicant and the school district shall
8 have an equal opportunity to present their respective
9 positions.

10 (Source: P.A. 103-175, eff. 6-30-23.)

11 (105 ILCS 5/27A-9)

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

13 (a) An initial charter shall be granted for a period of 5
14 school years. A charter may be renewed in incremental periods
15 not to exceed 10 school years. Authorizers shall ensure that
16 every charter granted on or after January 1, 2017 includes
17 standards and goals for academic, organizational, and
18 financial performance. A charter must meet all standards and
19 goals for academic, organizational, and financial performance
20 set forth by the authorizer in order to be renewed for a term
21 in excess of 5 years but not more than 10 years. If an
22 authorizer fails to establish standards and goals, a charter
23 shall not be renewed for a term in excess of 5 years. Nothing
24 contained in this Section shall require an authorizer to grant
25 a full 10-year renewal term to any particular charter school,

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

4 (a-5) Any charter school authorized by the State Board
5 with a charter term expiring on or after July 1, 2025 must
6 reapply to the local school board or boards for authorization
7 before seeking renewal of its charter by the State Board. The
8 process for reapplication shall be as follows:

9 (1) The charter school must submit a reapplication
10 proposal to the local school board or boards by no later
11 than January 1 of the year prior to the year in which its
12 charter with the State Board is expiring. If a local
13 school board has failed to adopt an application for
14 authorization pursuant to this subsection (a-5), the
15 charter school shall submit the information set forth in
16 subsection (b) and any other information it seeks to have
17 the local school board consider.

18 (2) Within 45 days after receipt of a reapplication
19 proposal under this subsection (a-5), the local school
20 board shall convene a public meeting to obtain information
21 to assist the local school board in its decision to grant
22 or deny the reapplication proposal. If 45 days pass
23 without the local school board holding a public meeting,
24 then the charter school may proceed with application for
25 renewal to the State Board.

26 (3) Notice of the public meeting required by this

1 subsection (a-5) shall be published in a community
2 newspaper published in the school district or, if there is
3 no such newspaper, then in a newspaper published in the
4 county and having circulation in the school district. The
5 notices shall be published not more than 10 days nor less
6 than 5 days before the meeting and shall state that
7 information regarding a charter school reapplication
8 proposal will be heard at the meeting. Copies of the
9 notice shall also be posted at appropriate locations in
10 the charter school, the public schools in the school
11 district, and the local school board office.

12 (4) Within 30 days after the public meeting, the local
13 school board shall vote, in a public meeting, to either
14 grant or deny the reapplication proposal. If the local
15 school board has not voted in a public meeting within 30
16 days after the public meeting, then the charter school may
17 proceed with application for renewal to the State Board.

18 (5) Within 7 days after the public meeting required
19 under paragraph (4) of this subsection (a-5), the local
20 school board shall file with the State Board a report
21 granting or denying the reapplication proposal that
22 contains all material terms for authorization offered by
23 the local school board, including, but not limited to, the
24 term length, which must be equal to the length of an
25 initial charter term as set forth in subsection (a), the
26 funding to be paid by the local school board to the charter

1 school, and the maximum number of pupils to be enrolled in
2 the charter school. If the local school board has approved
3 the reapplication proposal, within 30 days after receipt
4 of the local school board's report, the State Board shall
5 determine whether the terms of authorization offered by
6 the local school board are consistent with the provisions
7 of this Article and, if the terms are consistent, shall
8 approve the transfer of authorization of the charter
9 school to the local school board at the expiration of the
10 charter term.

11 (6) If the State Board recommends that the terms of
12 authorization be modified for consistency with this
13 Article, the modifications must be consented to by both
14 the governing body of the charter school and the local
15 school board and resubmitted to the State Board for
16 consideration. If the resubmitted terms of authorization
17 are not consistent with this Article, the State Board may
18 refuse to transfer authorization of the charter school to
19 the local school board and the charter school may proceed
20 with application for renewal to the State Board.

21 (7) If the local school board denies the reapplication
22 proposal, the charter school may proceed with application
23 for renewal to the State Board.

24 A charter school that has been authorized by a local
25 school board or boards pursuant to this subsection (a-5) shall
26 retain all rights to appeal to the State Board under

1 subsection (e) following a decision by the local school board
2 to revoke or not renew the school's charter.

3 The State Board may adopt such rules as may be necessary to
4 implement this subsection (a-5).

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

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

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

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

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

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

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

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

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

7 In the case of revocation, the local school board or the
8 State Board, as the chartering entity, shall notify the
9 charter school in writing of the reason why the charter is
10 subject to revocation. The charter school shall submit a
11 written plan to the local school board or the State Board,
12 whichever is applicable, to rectify the problem. The plan
13 shall include a timeline for implementation, which shall not
14 exceed 2 years or the date of the charter's expiration,
15 whichever is earlier. If the local school board or the State
16 Board, as the chartering entity, finds that the charter school
17 has failed to implement the plan of remediation and adhere to
18 the timeline, then the chartering entity shall revoke the
19 charter. Except in situations of an emergency where the
20 health, safety, or education of the charter school's students
21 is at risk, the revocation shall take place at the end of a
22 school year. Nothing in this Section shall be construed to
23 prohibit an implementation timetable that is less than 2 years
24 in duration. No local school board may arbitrarily or
25 capriciously revoke or not renew a charter. Except for
26 extenuating circumstances outlined in this Section, if a local

1 school board revokes or does not renew a charter, it must
2 ensure that all students currently enrolled in the charter
3 school are placed in schools that are higher performing than
4 that charter school, as defined in the State's federal Every
5 Student Succeeds Act accountability plan. In determining
6 whether extenuating circumstances exist, a local school board
7 must detail, by clear and convincing evidence, that factors
8 unrelated to the charter school's accountability designation
9 outweigh the charter school's academic performance.

10 (d) (Blank).

11 (e) Notice of a local school board's decision to deny,
12 revoke, or not renew a charter shall be provided to the State
13 Board.

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

26 (f) Notwithstanding other provisions of this Article, if

1 the State Board on appeal reverses a local board's decision or
2 if a charter school is approved by referendum, the State Board
3 shall act as the authorized chartering entity for the charter
4 school and shall perform all functions under this Article
5 otherwise performed by the local school board. The State Board
6 shall report the aggregate number of charter school pupils
7 resident in a school district to that district and shall
8 notify the district of the amount of funding to be paid by the
9 State Board to the charter school enrolling such students. The
10 charter school shall maintain accurate records of daily
11 attendance and student enrollment and shall enter data on the
12 students served, their characteristics, their particular
13 needs, the programs in which they participate, and their
14 academic achievement into the statewide student information
15 system established by the State Board. The State Board shall
16 withhold from funds otherwise due the district the funds
17 authorized by this Article to be paid to the charter school and
18 shall pay such amounts to the charter school in quarterly
19 installments, calculated as follows:

20 (1) The amount of the first quarterly payment shall be
21 based on the projected number of students who will be
22 enrolled in the charter school in the upcoming school
23 year, multiplied by one-fourth of the resident district's
24 per capita tuition amount. Each charter school shall
25 submit its projected enrollment by no later than August 1
26 of each year on a form provided by the State Board for this

1 purpose.

2 (2) The amount of the second quarterly payment shall
3 be calculated such that the aggregate amount of the first
4 and second quarterly installments is equal to the number
5 of students reported as enrolled at the charter school on
6 October 1 in the State Board's student information system,
7 multiplied by one-half of the resident district's per
8 capita tuition amount.

9 (3) The amount of the third quarterly payment shall be
10 based on the number of students enrolled in the charter
11 school on January 1, multiplied by one-fourth of the
12 resident district's per capita tuition amount. Each
13 charter school shall submit its January 1 enrollment by no
14 later than January 5 of each year on a form provided by the
15 State Board for this purpose.

16 (4) The amount of the fourth quarterly payment shall
17 be calculated such that the aggregate amount of the third
18 and fourth installments is equal to the number of students
19 reported as enrolled at the charter school on March 1 in
20 the State Board's student information system, multiplied
21 by one-half of the resident district's per capita tuition
22 amount.

23 (g) (Blank).

24 (h) The State Board shall pay directly to a charter school
25 it authorizes any federal or State funding attributable to a
26 student with a disability attending the school.

1 (Source: P.A. 103-175, eff. 6-30-23.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.".