

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) A charter may be granted for a period not less than 5  
9 and not more than 10 school years. A charter may be renewed in  
10 incremental periods not to exceed 5 school years.

11 (b) A charter school renewal proposal submitted to the  
12 local school board or State Board, as the chartering entity,  
13 shall contain:

14 (1) A report on the progress of the charter school in  
15 achieving the goals, objectives, pupil performance  
16 standards, content standards, and other terms of the  
17 initial approved charter proposal; and

18 (2) A financial statement that discloses the costs of  
19 administration, instruction, and other spending categories  
20 for the charter school that is understandable to the  
21 general public and that will allow comparison of those  
22 costs to other schools or other comparable organizations,  
23 in a format required by the State Board.

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

6 (1) Committed a material violation of any of the  
7 conditions, standards, or procedures set forth in the  
8 charter, in which case the local school board or State  
9 Board, as the chartering entity, shall notify the charter  
10 school in writing of the reason why the charter is subject  
11 to revocation or nonrenewal, and the charter school shall  
12 submit a written plan to the local school board or State  
13 Board, whichever is applicable, to rectify the problem and  
14 begin implementation of the plan within one calendar year  
15 after notification.

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, in which case the  
19 charter school must be held to the terms as written in the  
20 charter.

21 (3) Failed to meet generally accepted standards of  
22 fiscal management, in which case the local school board or  
23 State Board, as the chartering entity, shall notify the  
24 charter school in writing of the reason why the charter is  
25 subject to revocation or nonrenewal, and the charter school  
26 shall submit a written plan to the local school board or

1 State Board, whichever is applicable, to rectify the  
2 problem and begin implementation of the plan within one  
3 calendar year after notification.

4 (4) Violated any provision of law from which the  
5 charter school was not exempted, in which case the local  
6 school board or State Board, as the chartering entity,  
7 shall notify the charter school in writing of the reason  
8 why the charter is subject to revocation or nonrenewal, and  
9 the charter school shall submit a written plan to the local  
10 school board or State Board, whichever is applicable, to  
11 rectify the problem and begin implementation of the plan  
12 within one calendar year after notification.

13 If the local school board or State Board, as the chartering  
14 entity, finds that the charter school has not rectified the  
15 problem, then the charter must be revoked or not renewed.

16 Notwithstanding any other rulemaking authority that may  
17 exist, neither the Governor nor any agency or agency head under  
18 the jurisdiction of the Governor has any authority to make or  
19 promulgate rules to implement or enforce the provisions of this  
20 amendatory Act of the 95th General Assembly. If, however, the  
21 Governor believes that rules are necessary to implement or  
22 enforce the provisions of this amendatory Act of the 95th  
23 General Assembly, the Governor may suggest rules to the General  
24 Assembly by filing them with the Clerk of the House and the  
25 Secretary of the Senate and by requesting that the General  
26 Assembly authorize such rulemaking by law, enact those

1 suggested rules into law, or take any other appropriate action  
2 in the General Assembly's discretion. Nothing contained in this  
3 amendatory Act of the 95th General Assembly shall be  
4 interpreted to grant rulemaking authority under any other  
5 Illinois statute where such authority is not otherwise  
6 explicitly given. For the purposes of this amendatory Act of  
7 the 95th General Assembly, "rules" is given the meaning  
8 contained in Section 1-70 of the Illinois Administrative  
9 Procedure Act, and "agency" and "agency head" are given the  
10 meanings contained in Sections 1-20 and 1-25 of the Illinois  
11 Administrative Procedure Act to the extent that such  
12 definitions apply to agencies or agency heads under the  
13 jurisdiction of the Governor.

14 (d) (Blank).

15 (e) Notice of a local school board's decision to deny,  
16 revoke or not to renew a charter shall be provided to the State  
17 Board. The State Board may reverse a local board's decision if  
18 the State Board finds that the charter school or charter school  
19 proposal (i) is in compliance with this Article, and (ii) is in  
20 the best interests of the students it is designed to serve. The  
21 State Board may condition the granting of an appeal on the  
22 acceptance by the charter school of funding in an amount less  
23 than that requested in the proposal submitted to the local  
24 school board. Final decisions of the State Board shall be  
25 subject to judicial review under the 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. The State Board shall approve and certify the charter  
5 and shall perform all functions under this Article otherwise  
6 performed by the local school board. The State Board shall  
7 report the aggregate number of charter school pupils resident  
8 in a school district to that district and shall notify the  
9 district of the amount of funding to be paid by the State Board  
10 to the charter school enrolling such students. The State Board  
11 shall require the charter school to maintain accurate records  
12 of daily attendance that shall be deemed sufficient to file  
13 claims under Section 18-8.05 notwithstanding any other  
14 requirements of that Section regarding hours of instruction and  
15 teacher certification. The State Board shall withhold from  
16 funds otherwise due the district the funds authorized by this  
17 Article to be paid to the charter school and shall pay such  
18 amounts to the charter school.

19 (Source: P.A. 91-96, eff. 7-9-99; 91-407, eff. 8-3-99; 92-16,  
20 eff. 6-28-01.)

21 Section 90. The State Mandates Act is amended by adding  
22 Section 8.32 as follows:

23 (30 ILCS 805/8.32 new)

24 Sec. 8.32. Exempt mandate. Notwithstanding Sections 6 and 8

1 of this Act, no reimbursement by the State is required for the  
2 implementation of any mandate created by this amendatory Act of  
3 the 95th General Assembly.