



Elementary Secondary Education Committee

**Filed: 3/12/2008**

09500HB4913ham001

LRB095 15697 NHT 48225 a

1 AMENDMENT TO HOUSE BILL 4913

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4913 by replacing  
3 everything after the enacting clause with the following:

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

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 State Board, as the chartering entity, clearly  
10 demonstrates that the charter school did any of the following,  
11 or otherwise failed to comply with the requirements of this  
12 law:

13 (1) Committed a material violation of any of the  
14 conditions, standards, or procedures set forth in the  
15 charter, in which case the State Board shall notify the  
16 charter school of the reason why the charter is subject to  
17 revocation or nonrenewal, and the charter school shall  
18 submit a written plan to the State Board to rectify the  
19 problem and implement the plan within 60 days after  
20 notification.

21 (2) Failed to meet or make reasonable progress toward  
22 achievement of the content standards or pupil performance  
23 standards identified in the charter, in which case the  
24 charter school must be held to the terms as written in the  
25 charter.

26 (3) Failed to meet generally accepted standards of

1        fiscal management, in which case the State Board shall  
2        notify the charter school of the reason why the charter is  
3        subject to revocation or nonrenewal, and the charter school  
4        shall submit a written plan to the State Board to rectify  
5        the problem and implement the plan within 60 days after  
6        notification.

7            (4) Violated any provision of law from which the  
8        charter school was not exempted, in which case the State  
9        Board shall notify the charter school of the reason why the  
10       charter is subject to revocation or nonrenewal, and the  
11       charter school shall submit a written plan to the State  
12       Board to rectify the problem and implement the plan within  
13       60 days after notification.

14       If the State Board finds that the charter school has not  
15       rectified the problem, then the charter must be revoked or not  
16       renewed.

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

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

15 (d) (Blank).

16 (e) Notice of a local school board's decision to deny,  
17 revoke or not to renew a charter shall be provided to the State  
18 Board. The State Board may reverse a local board's decision if  
19 the State Board finds that the charter school or charter school  
20 proposal (i) is in compliance with this Article, and (ii) is in  
21 the best interests of the students it is designed to serve. The  
22 State Board may condition the granting of an appeal on the  
23 acceptance by the charter school of funding in an amount less  
24 than that requested in the proposal submitted to the local  
25 school board. Final decisions of the State Board shall be  
26 subject to judicial review under the Administrative Review Law.

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

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

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

24 (30 ILCS 805/8.32 new)

1           Sec. 8.32. Exempt mandate. Notwithstanding Sections 6 and 8  
2 of this Act, no reimbursement by the State is required for the  
3 implementation of any mandate created by this amendatory Act of  
4 the 95th General Assembly."