



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2205

Introduced 2/14/2008, by Sen. Dan Cronin

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27A-5.5 new
105 ILCS 5/27A-12

Amends the Charter Schools Law of the School Code. Establishes the Illinois Charter Public School Commission as an independent, State-level, charter school authorizing entity working in collaboration with the State Board of Education. Includes provisions concerning membership, funding, staff, and powers and duties; Illinois Schools of Excellence charter school applications; limiting a school board's authority to authorize charter schools; the approval of cosponsors, a cosponsor agreement, the duties of a sponsor, and sponsor immunity; and an annual report to the General Assembly and the State Board. Provides that every 2 years (instead of annually), the State Board shall compile evaluations of charter schools received from school boards. Effective immediately.

LRB095 19516 NHT 45824 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 adding Section
5 27A-5.5 and by changing Section 27A-12 as follows:

6 (105 ILCS 5/27A-5.5 new)

7 Sec. 27A-5.5. Illinois Charter Public School Commission.

8 (a) The Illinois Charter Public School Commission is
9 established as an independent, State-level, charter school
10 authorizing entity working in collaboration with the State
11 Board. Startup funds necessary to establish and operate the
12 Commission may be received through private contributions and
13 federal and other institutional grants. The State Board shall
14 assist in securing federal and other institutional grant funds
15 to establish the Commission.

16 (b) The Commission shall be appointed by the State Board
17 and shall be composed of 2 appointees recommended by the
18 Governor, one appointee each recommended by the President and
19 Minority Leader of the Senate, one appointee each recommended
20 by the Speaker and Minority Leader of the House of
21 Representatives, and one appointee recommended by the Mayor of
22 the City of Chicago. The appointments shall be made as soon as
23 feasible, but no later than September 1, 2008. Each member

1 appointed shall serve a term of 3 years; however, for the
2 purpose of providing staggered terms, of the initial
3 appointments, members recommended by the Governor and Mayor
4 shall be appointed to 3-year terms, members recommended by the
5 President and Minority Leader of the Senate shall be appointed
6 to 2-year terms, and members appointed by the Speaker and
7 Minority Leader of the House of Representatives shall be
8 appointed to one-year terms. Thereafter, each appointee shall
9 serve a 3-year term. If a vacancy occurs on the Commission, the
10 State Board shall appoint a person who has been recommended by
11 the authority making the original recommendation to fill the
12 remainder of the term. The members shall on the first meeting
13 of each calendar year elect a chairperson who shall serve
14 during that calendar year.

15 The Commission is encouraged to convene its initial meeting
16 no later than October 1, 2008 and, thereafter, shall meet at
17 least quarterly at the call of the chairperson or upon the
18 request of 4 members of the Commission. Four members of the
19 Commission shall constitute a quorum.

20 Subject to appropriation, the Commission may employ such
21 staff as is necessary to perform the administrative duties and
22 responsibilities of the Commission. The members of the
23 Commission must not be compensated for their services on the
24 Commission, but may be reimbursed for per diem and travel
25 expenses.

26 (c) The Commission shall have all of the following powers:

1 (1) To authorize and act as a sponsor of up to 200
2 charter schools, including the approval or denial of
3 charter school applications and the nonrenewal or
4 termination of charter schools.

5 (2) To authorize municipalities, State universities,
6 public community colleges, and regional educational
7 consortia to act as cosponsors of charter schools,
8 including the approval or denial of a cosponsor and the
9 revocation of approval of cosponsors.

10 (3) To approve or deny Illinois Schools of Excellence
11 (ISE) charter school applications and renew or terminate
12 charters of ISE charter schools.

13 (4) To conduct facility and curriculum reviews of
14 charter schools approved by the Commission or one of its
15 cosponsors.

16 (d) The Commission shall have all of the following duties:

17 (1) To review charter school applications and assist in
18 the establishment of ISE charter schools throughout the
19 State. An ISE charter school shall exist as a public school
20 within the State as a component of the delivery of public
21 education within the State's kindergarten through grade 12
22 educational system.

23 (2) To develop, promote, and require high standards of
24 accountability for any school that applies for and is
25 granted a charter pursuant to this Section and hold the
26 cosponsors accountable for their performance. The

1 Commission shall annually review and evaluate the
2 performance of each cosponsor based upon the financial and
3 administrative support provided to the cosponsor's charter
4 schools and the quality of charter schools approved by the
5 cosponsor, including the academic performance of the
6 students that attend those schools.

7 (3) To monitor and annually review and evaluate the
8 academic and financial performance of the charter schools
9 it sponsors and hold the schools accountable for their
10 performance.

11 (4) To report the student enrollment in each of its
12 sponsored charter schools to the local school board where
13 the school is located.

14 (5) To work with its cosponsors to monitor the
15 financial management of each ISE charter school.

16 (6) To actively seek, with the assistance of the State
17 Board, supplemental revenue from federal grant funds,
18 institutional grant funds, and philanthropic
19 organizations.

20 (7) To collaborate with municipalities, State
21 universities, public community colleges, and regional
22 educational consortia as cosponsors for ISE charter
23 schools for the purpose of providing the highest level of
24 public education to low-income, low-performing, gifted, or
25 underserved student populations. Such collaborations shall
26 do all of the following:

1 (A) Allow State universities and public community
2 colleges that cosponsor ISE charter schools to enable
3 students attending a charter school to take college
4 courses and receive high school and college credit for
5 such courses.

6 (B) Be used to determine the feasibility of opening
7 charter schools for students with disabilities,
8 including, but not limited to, charter schools for
9 children with autism that work with and utilize the
10 specialized expertise of the Centers for Autism and
11 Related Disabilities.

12 (8) To support municipalities when the mayor or chief
13 executive, through resolution passed by the governing body
14 of the municipality, expresses an intent to cosponsor and
15 establish charter schools within the municipal boundaries.

16 (9) To assist ISE charter schools in negotiating and
17 contracting with local school boards that choose to provide
18 certain administrative or transportation services to the
19 charter schools on a contractual basis.

20 (e) A charter school applicant may submit an application to
21 the Commission only if the school district where the ISE
22 charter school is to be located has not retained exclusive
23 authority to authorize charter schools as provided in
24 subsection (i) of this Section. If a local school board has not
25 retained exclusive authority to authorize charter schools as
26 provided in subsection (i) of this Section, the local school

1 board and the Commission shall have concurrent authority to
2 authorize charter schools and ISE charter schools,
3 respectively, to be located within the geographic boundaries of
4 the school district. The local school board shall monitor and
5 oversee all charter schools authorized by the local school
6 board. The Commission shall monitor and oversee all ISE charter
7 schools sponsored by the Commission pursuant to its powers and
8 duties under this Section.

9 (f) Subsection (i) of this Section must not be construed to
10 eliminate the ability of a local school board to authorize
11 charter schools. A local school board shall retain the
12 authority to reauthorize and to oversee any charter school that
13 it has authorized, except with respect to any charter school
14 that is converted to an ISE charter school under this Section.

15 (g) Beginning on the effective date of this amendatory Act
16 of the 95th General Assembly, a local school board may seek to
17 retain exclusive authority to authorize charter schools within
18 the geographic boundaries of the school district by presenting
19 to the State Board a written resolution on or before a date 60
20 days after establishment of the Commission. The written
21 resolution shall be accompanied by a written description
22 addressing the elements described in subsection (i) of this
23 Section. The local school board shall provide a complete copy
24 of the resolution, including the description, to each charter
25 school authorized by the local school board on or before the
26 date it submits the resolution to the State Board.

1 (h) A party may challenge the grant of exclusive authority
2 made by the State Board pursuant to subsection (i) of this
3 Section by filing with the State Board a notice of challenge
4 within 30 days after the State Board grants exclusive
5 authority. The notice shall be accompanied by a specific
6 written description of the basis for the challenge. The
7 challenging party, at the time of filing notice with the State
8 Board, shall provide a copy of the notice of challenge to the
9 local school board that has been granted exclusive authority.
10 The State Board shall permit the local school board the
11 opportunity to appear and respond in writing to the challenge.
12 The State Board shall make a determination upon the challenge
13 within 60 days after receiving the notice of challenge.

14 (i) The State Board shall grant to a local school board
15 exclusive authority to authorize charter schools within the
16 geographic boundaries of the school district if the State Board
17 determines, after adequate notice, in a public hearing, and
18 after receiving input from any charter school authorized by the
19 local school board, that the local school board has provided
20 fair and equitable treatment to its charter schools during the
21 4 years prior to the local school board's submission of the
22 resolution described in subsection (g) of this Section. The
23 State Board's review of the resolution shall, at a minimum,
24 include consideration of all of the following:

25 (1) Compliance with full and accurate accounting
26 practices and charges for central administrative overhead

1 costs.

2 (2) Compliance with requirements allowing a charter
3 school, at its discretion, to purchase certain services or
4 a combination of services at actual cost to the district.

5 (3) The absence of a local school board moratorium
6 regarding charter schools or the absence of any
7 districtwide charter school enrollment limits.

8 (4) Compliance with valid orders of the State Board.

9 (5) The provision of assistance to charter schools to
10 meet their facility needs by including those needs in local
11 bond issuances or otherwise providing available land and
12 facilities that are comparable to those provided to other
13 public school students in the same grade levels within the
14 school district.

15 (6) The distribution to charter schools authorized by
16 the local school board of a pro rata share of federal and
17 State grants received by the local school board, except for
18 any grant received for a particular purpose that, by its
19 express terms, is intended to benefit a student population
20 not able to be served by or a program not able to be
21 offered at a charter school that did not receive a
22 proportionate share of such grant proceeds.

23 (7) The provision of adequate staff and other resources
24 to serve charter schools authorized by the local school
25 board, which services are provided by the local school
26 board at a cost to the charter schools that does not exceed

1 their actual cost to the local school board.

2 (8) The lack of a policy or practice of imposing
3 individual charter school enrollment limits, except as
4 otherwise provided by law.

5 (9) The provision of an adequate number of educational
6 choice programs to serve students exercising their rights
7 to transfer pursuant to the federal No Child Left Behind
8 Act of 2001 and a history of charter school approval that
9 encourages chartering.

10 The decision of the State Board of Education pursuant to
11 this subsection (i) shall be a final action subject to judicial
12 review as permitted by law.

13 For local school boards that have no discernible history of
14 authorizing charter schools, the State Board may not grant
15 exclusive authority unless the local school board demonstrates
16 that no approvable application has come before the local school
17 board.

18 A grant of exclusive authority by the State Board shall
19 continue so long as a local school board continues to comply
20 with this Section.

21 (j) Notwithstanding any other provision of this Section to
22 the contrary, a local school board may permit the establishment
23 of one or more ISE charter schools within the geographic
24 boundaries of the school district by adopting a favorable
25 resolution and submitting the resolution to the State Board.
26 The resolution shall be effective until it is rescinded by

1 resolution of the local school board.

2 (k) With respect to the approval of cosponsors, the
3 Commission shall begin accepting applications by
4 municipalities, State universities, public community colleges,
5 and regional educational consortia no later than January 31,
6 2009. The Commission shall review and evaluate all applications
7 for compliance with the provisions of subsection (m) of this
8 Section and shall have 90 days after receipt of an application
9 to approve or deny the application, unless the 90-day period is
10 waived by the applicant.

11 (l) The Commission shall limit the number of charter
12 schools that a cosponsor may approve pursuant to its review of
13 the cosponsor's application under subsection (m) of this
14 Section. Upon application by the cosponsor and review by the
15 Commission of the performance of a cosponsor's current charter
16 schools, the Commission may approve a cosponsor's application
17 to raise the limit previously set by the Commission.

18 (m) Any entity set forth in subsection (k) of this Section
19 that is interested in becoming a cosponsor pursuant to this
20 Section shall prepare and submit an application to the
21 Commission that provides evidence of all of the following:

22 (1) That the entity has the necessary staff and
23 infrastructure or has established the necessary
24 contractual or interagency relationships to ensure its
25 ability to handle all of the administrative
26 responsibilities required of a charter school sponsor.

1 (2) That the entity has the necessary staff expertise
2 and infrastructure or has established the necessary
3 contractual or interagency relationships to ensure that it
4 will approve and is able to develop and maintain charter
5 schools of the highest academic quality.

6 (3) That the entity is able to provide the necessary
7 public and private financial resources and staff to ensure
8 that it can monitor and support charter schools that are
9 economically efficient and fiscally sound.

10 (4) That the entity is committed to providing equal
11 access to all students and to maintaining a diverse student
12 population within its charter schools, including
13 compliance with all applicable requirements of federal
14 law.

15 (5) That the entity is committed to serving low-income,
16 low-performing, gifted, or underserved student
17 populations.

18 (6) That the entity has articulated annual academic and
19 financial goals and expected outcomes for its charter
20 schools as well as the methods and plans by which it will
21 measure and achieve those goals and outcomes.

22 (7) That the entity has policies in place to protect
23 its cosponsoring practices from conflicts of interest.

24 (n) The Commission's decision to deny an application or to
25 revoke approval of a cosponsor pursuant to subsection (p) of
26 this Section is not subject to judicial review.

1 (o) Upon approval of a cosponsor, the Commission and the
2 cosponsor shall enter into an agreement that defines the
3 cosponsor's rights and obligations and includes all of the
4 following:

5 (1) An explanation of the personnel, contractual, and
6 interagency relationships and potential revenue sources
7 referenced in the application as required in subsection (m)
8 of this Section.

9 (2) Incorporation of the requirements of equal access
10 for all students, including any plans to provide food
11 service or transportation reasonably necessary to provide
12 access to as many students as possible.

13 (3) Incorporation of the requirement to serve
14 low-income, low-performing, gifted, or underserved student
15 populations.

16 (4) An explanation of the academic and financial goals
17 and expected outcomes for the cosponsor's charter schools
18 and the method and plans by which they will be measured and
19 achieved as referenced in the application.

20 (5) The conflict-of-interest policies referenced in
21 the application.

22 (6) An explanation of the disposition of facilities and
23 assets upon termination and dissolution of a charter school
24 approved by the cosponsor.

25 (7) A provision requiring the cosponsor to annually
26 appear before the Commission and provide a report as to the

1 information for each of its charter schools.

2 (8) A provision requiring that the cosponsor report the
3 student enrollment in each of its sponsored charter schools
4 to the local school board of the district where the charter
5 school is located.

6 (9) A provision requiring that the cosponsor work with
7 the Commission to provide the necessary reports to the
8 State Board.

9 (10) Any other reasonable terms deemed appropriate by
10 the Commission given the unique characteristics of the
11 cosponsor.

12 No cosponsor may receive applications for charter schools
13 until a cosponsor agreement with the Commission has been
14 approved and signed by the Commission and the appropriate
15 individuals or governing bodies of the cosponsor.

16 The cosponsor agreement shall be proposed and negotiated
17 pursuant to the timeframes set forth by rule of the State
18 Board.

19 The cosponsor agreement must be attached to and shall
20 govern all charter school contracts entered into by the
21 cosponsor.

22 (p) If at any time the Commission finds that a cosponsor is
23 not in compliance or is no longer willing to comply with its
24 contract with a charter school or with its cosponsor agreement
25 with the Commission, the Commission shall provide notice and a
26 hearing in accordance with State Board rule. If after a hearing

1 the Commission confirms its initial finding, the Commission
2 shall revoke the cosponsor's approval. The Commission shall
3 assume temporary sponsorship over any charter school sponsored
4 by the cosponsor at the time of revocation. Thereafter, the
5 Commission may assume permanent sponsorship over such school or
6 allow the school's governing body to apply to another sponsor
7 or cosponsor.

8 (q) Charter school applications submitted to the
9 Commission or to a cosponsor approved by the Commission
10 pursuant to this Section shall be subject to the same
11 requirements as other charter school applications under this
12 Article.

13 (r) No application may be submitted pursuant to this
14 Section by an existing charter school approved by a local
15 school board; however, this is not a limitation on a charter
16 operator submitting an application for an addition charter,
17 subject to the provisions of this Article. A local school board
18 may agree to rescind or waive the obligations of a current
19 charter contract to allow an application to be submitted by an
20 existing charter school pursuant to this Section. A charter
21 school that changes sponsors pursuant to this subsection (r)
22 must be allowed to continue the use of all facilities,
23 equipment, and other assets it owned or leased prior to the
24 expiration or rescission of its contract with a local school
25 board sponsor.

26 An application to the Commission or one of its cosponsors

1 by a conversion charter school may only be submitted upon
2 consent of the local school board. In such instance, the local
3 school board may retain the facilities, equipment, and other
4 assets of the conversion charter school for its own use or
5 agree to reasonable terms for their continued use by the
6 conversion charter school.

7 (s) Each year, the chair of the Commission shall submit a
8 report to the General Assembly and the State Board regarding
9 the academic performance and fiscal responsibility of all
10 charter schools and cosponsors approved under this Section.

11 (t) The sponsor has the following duties:

12 (1) The sponsor shall monitor and review the charter
13 school in its progress toward the goals established in the
14 charter.

15 (2) The sponsor shall monitor the revenues and
16 expenditures of the charter school.

17 (3) The sponsor may approve a charter for a charter
18 school before the applicant has secured space, equipment,
19 or personnel if the applicant indicates approval is
20 necessary for it to raise working capital.

21 (4) The sponsor's policies shall not apply to a charter
22 school.

23 (5) The sponsor shall ensure that the charter is
24 innovative and consistent with State educational goals.

25 (6) The sponsor shall ensure that the charter school
26 participates in the State's education accountability

1 system. If a charter school falls short of performance
2 measures included in the approved charter, the sponsor
3 shall report such shortcomings to the State Board.

4 (u) The sponsor is not liable for civil damages under State
5 law for personal injury, property damage, or death resulting
6 from an act or omission of an officer, employee, agent, or
7 governing body of the charter school. The sponsor is not liable
8 for civil damages under State law for any employment actions
9 taken by an officer, employee, agent, or governing body of the
10 charter school. The sponsor's duties to monitor the charter
11 school shall not constitute the basis for a private cause of
12 action.

13 Immunity for the sponsor of a charter school under this
14 subsection (u) applies only with respect to acts or omissions
15 not under the sponsor's direct authority as described in this
16 Section. Nothing contained in this subsection (u) shall be
17 considered a waiver of sovereign immunity by a local school
18 board.

19 (105 ILCS 5/27A-12)

20 Sec. 27A-12. Evaluation; annual report. The State Board
21 shall compile, every 2 years, ~~annual~~ evaluations of charter
22 schools received from local school boards and shall prepare an
23 annual report on charter schools.

24 On or before the second Wednesday of January, 1998, and on
25 or before the second Wednesday of January of each subsequent

1 calendar year, the State Board shall issue a report to the
2 General Assembly and the Governor on its findings for the
3 school year ending in the preceding calendar year.

4 In the annual report required by this Section, the State
5 Board (i) shall compare the performance of charter school
6 pupils with the performance of ethnically and economically
7 comparable groups of pupils in other public schools who are
8 enrolled in academically comparable courses, (ii) shall review
9 information regarding the regulations and policies from which
10 charter schools were released to determine if the exemptions
11 assisted or impeded the charter schools in meeting their stated
12 goals and objectives, and (iii) shall include suggested changes
13 in State law necessary to strengthen charter schools.

14 In addition, the State Board shall undertake and report on
15 periodic evaluations of charter schools that include
16 evaluations of student academic achievement, the extent to
17 which charter schools are accomplishing their missions and
18 goals, the sufficiency of funding for charter schools, and the
19 need for changes in the approval process for charter schools.

20 (Source: P.A. 91-407, eff. 8-3-99.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.