

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-7.5 as follows:

6 (105 ILCS 5/27A-7.5)

7 Sec. 27A-7.5. State Charter School Commission.

8 (a) A State Charter School Commission is established as an
9 independent commission ~~State agency~~ with statewide chartering
10 jurisdiction and authority. The Commission shall be under the
11 State Board for administrative purposes only.

12 (a-5) The State Board shall provide administrative support
13 to the Commission as needed.

14 (b) The Commission is responsible for authorizing
15 high-quality charter schools throughout this State,
16 particularly schools designed to expand opportunities for
17 at-risk students, consistent with the purposes of this Article.

18 (c) The Commission shall consist of 9 members, appointed by
19 the State Board. The State Board shall make these appointments
20 from a slate of candidates proposed by the Governor, within 60
21 days after the effective date of this amendatory Act of the
22 97th General Assembly with respect to the initial Commission
23 members. In making the appointments, the State Board shall

1 ensure statewide geographic diversity among Commission
2 members. The Governor shall propose a slate of candidates to
3 the State Board within 60 days after the effective date of this
4 amendatory Act of the 97th General Assembly and 60 days prior
5 to the expiration of the term of a member thereafter. If the
6 Governor fails to timely propose a slate of candidates
7 according to the provisions of this subsection (c), then the
8 State Board may appoint the member or members of the
9 Commission.

10 (d) Members appointed to the Commission shall collectively
11 possess strong experience and expertise in public and nonprofit
12 governance, management and finance, public school leadership,
13 higher education, assessments, curriculum and instruction, and
14 public education law. All members of the Commission shall have
15 demonstrated understanding of and a commitment to public
16 education, including without limitation charter schooling. At
17 least 3 members must have past experience with urban charter
18 schools.

19 (e) To establish staggered terms of office, the initial
20 term of office for 3 Commission members shall be 4 years and
21 thereafter shall be 4 years; the initial term of office for
22 another 3 members shall be 3 years and thereafter shall be 4
23 years; and the initial term of office for the remaining 3
24 members shall be 2 years and thereafter shall be 4 years. The
25 initial appointments must be made no later than October 1,
26 2011.

1 (f) Whenever a vacancy on the Commission exists, the State
2 Board shall appoint a member for the remaining portion of the
3 term.

4 (g) Subject to the State Officials and Employees Ethics
5 Act, the Commission is authorized to receive and expend gifts,
6 grants, and donations of any kind from any public or private
7 entity to carry out the purposes of this Article, subject to
8 the terms and conditions under which they are given, provided
9 that all such terms and conditions are permissible under law.
10 Funds received under this subsection (g) must be deposited into
11 the State Charter School Commission Fund.

12 The State Charter School Commission Fund is created as a
13 special fund in the State treasury. All money in the Fund shall
14 be used, subject to appropriation, by the State Board, acting
15 on behalf and with the consent of the Commission, ~~Commission~~
16 for operational and administrative costs of the Commission.

17 Subject to appropriation, any funds appropriated for use by
18 the State Board, acting on behalf and with the consent of the
19 ~~Charter School~~ Commission, may be used for the following
20 purposes, without limitation: personal services, contractual
21 services, and other operational and administrative costs. The
22 State Board ~~Charter School Commission~~ is further authorized to
23 make expenditures with respect to any other amounts deposited
24 in accordance with law into the State Charter School Commission
25 Fund.

26 (g-5) Funds or spending authority for the operation and

1 administrative costs of the Commission shall be appropriated to
2 the State Board in a separate line item. The State
3 Superintendent of Education may not reduce or modify the budget
4 of the Commission or use funds appropriated to the Commission
5 without the approval of the Commission.

6 (h) The Commission shall operate with dedicated resources
7 and staff qualified to execute the day-to-day responsibilities
8 of charter school authorizing in accordance with this Article.
9 The Commission may employ and fix the compensation of such
10 employees and technical assistants as it deems necessary to
11 carry out its powers and duties under this Article, without
12 regard to the requirements of any civil service or personnel
13 statute; and may establish and administer standards of
14 classification of all such persons with respect to their
15 compensation, duties, performance, and tenure and enter into
16 contracts of employment with such persons for such periods and
17 on such terms as the Commission deems desirable.

18 (i) Every 2 years, the Commission shall provide to the
19 State Board and local school boards a report on best practices
20 in charter school authorizing, including without limitation
21 evaluating applications, oversight of charters, and renewal of
22 charter schools.

23 (j) The Commission may charge a charter school that it
24 authorizes a fee, not to exceed 3% of the revenue provided to
25 the school, to cover the cost of undertaking the ongoing
26 administrative responsibilities of the eligible chartering

1 authority with respect to the school. This fee must be
2 deposited into the State Charter School Commission Fund.

3 (k) Any charter school authorized by the State Board prior
4 to this amendatory Act of the 97th General Assembly shall have
5 its authorization transferred to the Commission upon a vote of
6 the State Board, which shall then become the school's
7 authorizer for all purposes under this Article. However, in no
8 case shall such transfer take place later than July 1, 2012. At
9 this time, all of the powers, duties, assets, liabilities,
10 contracts, property, records, and pending business of the State
11 Board as the school's authorizer must be transferred to the
12 Commission. Any charter school authorized by a local school
13 board or boards may seek transfer of authorization to the
14 Commission during its current term only with the approval of
15 the local school board or boards. At the end of its charter
16 term, a charter school authorized by a local school board or
17 boards must reapply to the board or boards before it may apply
18 for authorization to the Commission under the terms of this
19 amendatory Act of the 97th General Assembly.

20 On the effective date of this amendatory Act of the 97th
21 General Assembly, all rules of the State Board applicable to
22 matters falling within the responsibility of the Commission
23 shall be applicable to the actions of the Commission. The
24 Commission shall thereafter have the authority to propose to
25 the State Board modifications to all rules applicable to
26 matters falling within the responsibility of the Commission.

1 The State Board shall retain rulemaking authority for the
2 Commission, but shall work jointly with the Commission on any
3 proposed modifications. Upon recommendation of proposed rule
4 modifications by the Commission and pursuant to the Illinois
5 Administrative Procedure Act, the State Board shall consider
6 such changes within the intent of this amendatory Act of the
7 97th General Assembly and grant any and all changes consistent
8 with that intent.

9 (1) The Commission shall have the responsibility to
10 consider appeals under this Article immediately upon
11 appointment of the initial members of the Commission under
12 subsection (c) of this Section. Appeals pending at the time of
13 initial appointment shall be determined by the Commission; the
14 Commission may extend the time for review as necessary for
15 thorough review, but in no case shall the extension exceed the
16 time that would have been available had the appeal been
17 submitted to the Commission on the date of appointment of its
18 initial members. In any appeal filed with the Commission under
19 this Article, both the applicant and the school district in
20 which the charter school plans to locate shall have the right
21 to request a hearing before the Commission. If more than one
22 entity requests a hearing, then the Commission may hold only
23 one hearing, wherein the applicant and the school district
24 shall have an equal opportunity to present their respective
25 positions.

26 (Source: P.A. 97-152, eff. 7-20-11; 97-641, eff. 12-19-11.)

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