



Sen. Heather A. Steans

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09700HB5825sam002

LRB097 19935 NHT 69399 a

1 AMENDMENT TO HOUSE BILL 5825

2 AMENDMENT NO. _____. Amend House Bill 5825, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The School Code is amended by changing Section
6 27A-7.5 as follows:

7 (105 ILCS 5/27A-7.5)

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

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

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

15 (b) The Commission is responsible for authorizing
16 high-quality charter schools throughout this State,

1 particularly schools designed to expand opportunities for
2 at-risk students, consistent with the purposes of this Article.

3 (c) The Commission shall consist of 9 members, appointed by
4 the State Board. The State Board shall make these appointments
5 from a slate of candidates proposed by the Governor, within 60
6 days after the effective date of this amendatory Act of the
7 97th General Assembly with respect to the initial Commission
8 members. In making the appointments, the State Board shall
9 ensure statewide geographic diversity among Commission
10 members. The Governor shall propose a slate of candidates to
11 the State Board within 60 days after the effective date of this
12 amendatory Act of the 97th General Assembly and 60 days prior
13 to the expiration of the term of a member thereafter. If the
14 Governor fails to timely propose a slate of candidates
15 according to the provisions of this subsection (c), then the
16 State Board may appoint the member or members of the
17 Commission.

18 (d) Members appointed to the Commission shall collectively
19 possess strong experience and expertise in public and nonprofit
20 governance, management and finance, public school leadership,
21 higher education, assessments, curriculum and instruction, and
22 public education law. All members of the Commission shall have
23 demonstrated understanding of and a commitment to public
24 education, including without limitation charter schooling. At
25 least 3 members must have past experience with urban charter
26 schools.

1 (e) To establish staggered terms of office, the initial
2 term of office for 3 Commission members shall be 4 years and
3 thereafter shall be 4 years; the initial term of office for
4 another 3 members shall be 3 years and thereafter shall be 4
5 years; and the initial term of office for the remaining 3
6 members shall be 2 years and thereafter shall be 4 years. The
7 initial appointments must be made no later than October 1,
8 2011.

9 (f) Whenever a vacancy on the Commission exists, the State
10 Board shall appoint a member for the remaining portion of the
11 term.

12 (g) Subject to the State Officials and Employees Ethics
13 Act, the Commission is authorized to receive and expend gifts,
14 grants, and donations of any kind from any public or private
15 entity to carry out the purposes of this Article, subject to
16 the terms and conditions under which they are given, provided
17 that all such terms and conditions are permissible under law.
18 Funds received under this subsection (g) must be deposited into
19 the State Charter School Commission Fund.

20 The State Charter School Commission Fund is created as a
21 special fund in the State treasury. All money in the Fund shall
22 be used, subject to appropriation, by the State Board, acting
23 on behalf and with the consent of the Commission, ~~Commission~~
24 for operational and administrative costs of the Commission.

25 Subject to appropriation, any funds appropriated for use by
26 the State Board, acting on behalf and with the consent of the

1 ~~Charter School~~ Commission, may be used for the following
2 purposes, without limitation: personal services, contractual
3 services, and other operational and administrative costs. The
4 State Board Charter School Commission is further authorized to
5 make expenditures with respect to any other amounts deposited
6 in accordance with law into the State Charter School Commission
7 Fund.

8 (g-5) Funds or spending authority for the operation and
9 administrative costs of the Commission shall be appropriated to
10 the State Board in a separate line item. The State
11 Superintendent of Education may not reduce or modify the budget
12 of the Commission or use funds appropriated to the Commission
13 without the approval of the Commission.

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

26 (i) Every 2 years, the Commission shall provide to the

1 State Board and local school boards a report on best practices
2 in charter school authorizing, including without limitation
3 evaluating applications, oversight of charters, and renewal of
4 charter schools.

5 (j) The Commission may charge a charter school that it
6 authorizes a fee, not to exceed 3% of the revenue provided to
7 the school, to cover the cost of undertaking the ongoing
8 administrative responsibilities of the eligible chartering
9 authority with respect to the school. This fee must be
10 deposited into the State Charter School Commission Fund.

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

1 amendatory Act of the 97th General Assembly.

2 On the effective date of this amendatory Act of the 97th
3 General Assembly, all rules of the State Board applicable to
4 matters falling within the responsibility of the Commission
5 shall be applicable to the actions of the Commission. The
6 Commission shall thereafter have the authority to propose to
7 the State Board modifications to all rules applicable to
8 matters falling within the responsibility of the Commission.
9 The State Board shall retain rulemaking authority for the
10 Commission, but shall work jointly with the Commission on any
11 proposed modifications. Upon recommendation of proposed rule
12 modifications by the Commission and pursuant to the Illinois
13 Administrative Procedure Act, the State Board shall consider
14 such changes within the intent of this amendatory Act of the
15 97th General Assembly and grant any and all changes consistent
16 with that intent.

17 (1) The Commission shall have the responsibility to
18 consider appeals under this Article immediately upon
19 appointment of the initial members of the Commission under
20 subsection (c) of this Section. Appeals pending at the time of
21 initial appointment shall be determined by the Commission; the
22 Commission may extend the time for review as necessary for
23 thorough review, but in no case shall the extension exceed the
24 time that would have been available had the appeal been
25 submitted to the Commission on the date of appointment of its
26 initial members. In any appeal filed with the Commission under

1 this Article, both the applicant and the school district in
2 which the charter school plans to locate shall have the right
3 to request a hearing before the Commission. If more than one
4 entity requests a hearing, then the Commission may hold only
5 one hearing, wherein the applicant and the school district
6 shall have an equal opportunity to present their respective
7 positions.

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

9 Section 99. Effective date. This Act takes effect upon
10 becoming law."