



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4237

by Rep. Linda Chapa LaVia

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27A-8
105 ILCS 5/27A-9

Amends the Charter Schools Law of the School Code. Provide that if the State Charter School Commission or any other State entity to which an appeal may be submitted under the Law reverses a local school board's decision to deny, revoke, or not renew a charter, the reversal may not be implemented unless the question of whether a charter school shall be established or continue operating has been submitted to the electors of the school district at a regular election and approved by a majority of the electors voting on the question. Sets forth requirements for the referendum.

LRB098 15111 NHT 51372 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Sections
5 27A-8 and 27A-9 as follows:

6 (105 ILCS 5/27A-8)

7 Sec. 27A-8. Evaluation of charter proposals.

8 (a) This Section does not apply to a charter school
9 established by referendum under Section 27A-6.5. In evaluating
10 any charter school proposal submitted to it, the local school
11 board and the Commission shall give preference to proposals
12 that:

13 (1) demonstrate a high level of local pupil, parental,
14 community, business, and school personnel support;

15 (2) set rigorous levels of expected pupil achievement
16 and demonstrate feasible plans for attaining those levels
17 of achievement; and

18 (3) are designed to enroll and serve a substantial
19 proportion of at-risk children; provided that nothing in
20 the Charter Schools Law shall be construed as intended to
21 limit the establishment of charter schools to those that
22 serve a substantial portion of at-risk children or to in
23 any manner restrict, limit, or discourage the

1 establishment of charter schools that enroll and serve
2 other pupil populations under a nonexclusive,
3 nondiscriminatory admissions policy.

4 (b) In the case of a proposal to establish a charter school
5 by converting an existing public school or attendance center to
6 charter school status, evidence that the proposed formation of
7 the charter school has received majority support from certified
8 teachers and from parents and guardians in the school or
9 attendance center affected by the proposed charter, and, if
10 applicable, from a local school council, shall be demonstrated
11 by a petition in support of the charter school signed by
12 certified teachers and a petition in support of the charter
13 school signed by parents and guardians and, if applicable, by a
14 vote of the local school council held at a public meeting. In
15 the case of all other proposals to establish a charter school,
16 evidence of sufficient support to fill the number of pupil
17 seats set forth in the proposal may be demonstrated by a
18 petition in support of the charter school signed by parents and
19 guardians of students eligible to attend the charter school. In
20 all cases, the individuals, organizations, or entities who
21 initiate the proposal to establish a charter school may elect,
22 in lieu of including any petition referred to in this
23 subsection as a part of the proposal submitted to the local
24 school board, to demonstrate that the charter school has
25 received the support referred to in this subsection by other
26 evidence and information presented at the public meeting that

1 the local school board is required to convene under this
2 Section.

3 (c) Within 45 days of receipt of a charter school proposal,
4 the local school board shall convene a public meeting to obtain
5 information to assist the board in its decision to grant or
6 deny the charter school proposal. A local school board may
7 develop its own process for receiving charter school proposals
8 on an annual basis that follows the same timeframes as set
9 forth in this Article. Only after the local school board
10 process is followed may a charter school applicant appeal to
11 the Commission.

12 (d) Notice of the public meeting required by this Section
13 shall be published in a community newspaper published in the
14 school district in which the proposed charter is located and,
15 if there is no such newspaper, then in a newspaper published in
16 the county and having circulation in the school district. The
17 notices shall be published not more than 10 days nor less than
18 5 days before the meeting and shall state that information
19 regarding a charter school proposal will be heard at the
20 meeting. Copies of the notice shall also be posted at
21 appropriate locations in the school or attendance center
22 proposed to be established as a charter school, the public
23 schools in the school district, and the local school board
24 office. If 45 days pass without the local school board holding
25 a public meeting, then the charter applicant may submit the
26 proposal to the Commission, where it must be addressed in

1 accordance with the provisions set forth in subsection (g) of
2 this Section.

3 (e) Within 30 days of the public meeting, the local school
4 board shall vote, in a public meeting, to either grant or deny
5 the charter school proposal. If the local school board has not
6 voted in a public meeting within 30 days after the public
7 meeting, then the charter applicant may submit the proposal to
8 the Commission, where it must be addressed in accordance with
9 the provisions set forth in subsection (g) of this Section.

10 (f) Within 7 days of the public meeting required under
11 subsection (e) of this Section, the local school board shall
12 file a report with the State Board granting or denying the
13 proposal. If the local school board has approved the proposal,
14 within 30 days of receipt of the local school board's report,
15 the State Board shall determine whether the approved charter
16 proposal is consistent with the provisions of this Article and,
17 if the approved proposal complies, certify the proposal
18 pursuant to Section 27A-6.

19 (g) If the local school board votes to deny the proposal,
20 then the charter school applicant has 30 days from the date of
21 that vote to submit an appeal to the Commission. In such
22 instances or in those instances referenced in subsections (d)
23 and (e) of this Section, the Commission shall follow the same
24 process and be subject to the same timelines for review as the
25 local school board.

26 (h) The Commission may reverse a local school board's

1 decision to deny a charter school proposal if the Commission
2 finds that the proposal (i) is in compliance with this Article
3 and (ii) is in the best interests of the students the charter
4 school is designed to serve. If the Commission or any other
5 State entity to which an appeal may be submitted under this
6 Article reverses a local school board's decision to deny a
7 charter school proposal, the reversal may not be implemented
8 unless the establishment of a charter school has been approved
9 by referendum under subsection (e-5) of Section 27A-9 of this
10 Code. Final decisions of the Commission are subject to judicial
11 review under the Administrative Review Law.

12 (i) In the case of a charter school proposed to be jointly
13 authorized by 2 or more school districts, the local school
14 boards may unanimously deny the charter school proposal with a
15 statement that the local school boards are not opposed to the
16 charter school, but that they yield to the Commission in light
17 of the complexities of joint administration.

18 (Source: P.A. 96-105, eff. 7-30-09; 96-734, eff. 8-25-09;
19 96-1000, eff. 7-2-10; 97-152, eff. 7-20-11.)

20 (105 ILCS 5/27A-9)

21 Sec. 27A-9. Term of charter; renewal.

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

25 (b) A charter school renewal proposal submitted to the

1 local school board or the Commission, as the chartering entity,
2 shall contain:

3 (1) A report on the progress of the charter school in
4 achieving the goals, objectives, pupil performance
5 standards, content standards, and other terms of the
6 initial approved charter proposal; and

7 (2) A financial statement that discloses the costs of
8 administration, instruction, and other spending categories
9 for the charter school that is understandable to the
10 general public and that will allow comparison of those
11 costs to other schools or other comparable organizations,
12 in a format required by the State Board.

13 (c) A charter may be revoked or not renewed if the local
14 school board or the Commission, as the chartering entity,
15 clearly demonstrates that the charter school did any of the
16 following, or otherwise failed to comply with the requirements
17 of this law:

18 (1) Committed a material violation of any of the
19 conditions, standards, or procedures set forth in the
20 charter.

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.

24 (3) Failed to meet generally accepted standards of
25 fiscal management.

26 (4) Violated any provision of law from which the

1 charter school was not exempted.

2 In the case of revocation, the local school board or the
3 Commission, as the chartering entity, shall notify the charter
4 school in writing of the reason why the charter is subject to
5 revocation. The charter school shall submit a written plan to
6 the local school board or the Commission, whichever is
7 applicable, to rectify the problem. The plan shall include a
8 timeline for implementation, which shall not exceed 2 years or
9 the date of the charter's expiration, whichever is earlier. If
10 the local school board or the Commission, as the chartering
11 entity, finds that the charter school has failed to implement
12 the plan of remediation and adhere to the timeline, then the
13 chartering entity shall revoke the charter. Except in
14 situations of an emergency where the health, safety, or
15 education of the charter school's students is at risk, the
16 revocation shall take place at the end of a school year.
17 Nothing in this amendatory Act of the 96th General Assembly
18 shall be construed to prohibit an implementation timetable that
19 is less than 2 years in duration.

20 (d) (Blank).

21 (e) Notice of a local school board's decision to deny,
22 revoke, or not ~~to~~ renew a charter shall be provided to the
23 Commission and the State Board. The Commission may reverse a
24 local school board's decision if the Commission finds that the
25 charter school or charter school proposal (i) is in compliance
26 with this Article~~7~~ and (ii) is in the best interests of the

1 students it is designed to serve. If the Commission or any
2 other State entity to which an appeal may be submitted under
3 this Article reverses a local school board's decision, the
4 reversal may not be implemented unless the establishment or
5 continued operation of a charter school has been approved by
6 referendum under subsection (e-5) of this Section. The State
7 Board may condition the granting of an appeal on the acceptance
8 by the charter school of funding in an amount less than that
9 requested in the proposal submitted to the local school board.
10 Final decisions of the Commission shall be subject to judicial
11 review under the Administrative Review Law.

12 (e-5) If the Commission or any other State entity to which
13 an appeal may be submitted under this Article reverses a local
14 school board's decision to deny, revoke, or not renew a
15 charter, the reversal may not be implemented unless the
16 question of whether a charter school shall be established or
17 continue operating has been submitted to the electors of the
18 school district at a regular election and approved by a
19 majority of the electors voting on the question. The Commission
20 or other State entity must certify the question to the proper
21 election authority. The election authority must submit the
22 question at an election in accordance with the Election Code,
23 which election must be at least 6 months after notice of the
24 local school board's decision is provided to the State entity.

25 The election authority must submit the question in
26 substantially the following form for the establishment of a

1 charter school:

2 Shall (name of proposed charter school) under charter
3 school proposal (charter school proposal number) be
4 established?

5 The election authority must submit the question in
6 substantially the following form for the continued operation of
7 a charter school:

8 Shall (name of charter school) continue operating?

9 The election authority must record the votes as "Yes" or "No".

10 If a majority of the electors voting on the question vote
11 in the affirmative, the Commission or other State entity may
12 implement its reversal of the local school board's decision to
13 deny, revoke, or not renew a charter, subject to the other
14 requirements of this Article.

15 (f) Notwithstanding other provisions of this Article, if
16 the Commission on appeal reverses a local school board's
17 decision or if a charter school is approved by referendum under
18 Section 27A-6.5 of this Code, the Commission shall act as the
19 authorized chartering entity for the charter school. The
20 Commission shall approve the charter and shall perform all
21 functions under this Article otherwise performed by the local
22 school board. The State Board shall determine whether the

1 charter proposal approved by the Commission is consistent with
2 the provisions of this Article and, if the approved proposal
3 complies, certify the proposal pursuant to this Article. The
4 State Board shall report the aggregate number of charter school
5 pupils resident in a school district to that district and shall
6 notify the district of the amount of funding to be paid by the
7 Commission to the charter school enrolling such students. The
8 Commission shall require the charter school to maintain
9 accurate records of daily attendance that shall be deemed
10 sufficient to file claims under Section 18-8.05
11 notwithstanding any other requirements of that Section
12 regarding hours of instruction and teacher certification. The
13 State Board shall withhold from funds otherwise due the
14 district the funds authorized by this Article to be paid to the
15 charter school and shall pay such amounts to the charter
16 school.

17 (g) For charter schools authorized by the Commission, the
18 Commission shall quarterly certify to the State Board the
19 student enrollment for each of its charter schools.

20 (h) For charter schools authorized by the Commission, the
21 State Board shall pay directly to a charter school any federal
22 or State aid attributable to a student with a disability
23 attending the school.

24 (Source: P.A. 96-105, eff. 7-30-09; 97-152, eff. 7-20-11.)